

Randolph Walters 08/08/2025

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COURT OF COMMON PLEAS

ADAMS COUNTY, OHIO

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SHAWN D. COOLEY, et :  
al., :  
: Judge Jerry McBride  
:   
Plaintiffs, : CASE NO. 2023-0069  
:   
vs. :   
:   
JOSEPH EDGAR :   
FOREMAN a/k/a :   
AFROMAN, et al., :   
:   
Defendants. :

The video deposition of RANDOLPH WALTERS,  
a plaintiff herein, taken by the defendants  
as upon cross-examination, pursuant to the  
Ohio Rules of Civil Procedure and pursuant to  
Agreement of counsel as to the time and place  
and stipulations hereinafter set forth, at  
the Law Offices of Dr. David Osborne, Jr.,  
LLC, 115 West Main Street, West Union, Ohio,  
at 10:00 a.m., Friday, August 8, 2025, before  
Julie Patrick, a Notary Public within and for  
the State of Ohio.

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<p>2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFFS: ROBERT A. KLINGLER, ESQ. Robert A. Klinger Co., LPA 525 Vine Street Suite 2320 Cincinnati, OH 45202</p> <p>6 FOR THE PLAINTIFFS SARA MCELROY, ESQ. 7 AS TO COUNTERCLAIM: Fishel Downey Albrecht &amp; Riepenhoff 7775 Walton Parkway Suite 200 New Albany, OH 43054</p> <p>10 FOR THE DEFENDANTS: DAVID OSBORNE, JR., ESQ. Osborne Law Office 115 W. Main Street West Union, OH 45693</p> <p>14 ALSO PRESENT: 15 Laken Schafer - videographer Joseph Foreman 16 Shawn Grooms Lisa Phillips 17 Brian Newland Shawn Cooley</p> <p>18 19 20 21 22 23 24 25</p>	<p>4</p> <p>1 INDEX</p> <p>2 WITNESS DIRECT CROSS RE- RE- DIRECT CROSS</p> <p>3</p> <p>4 RANDOLPH WALTERS</p> <p>5 By Mr. Osborne: 5</p> <p>6 EXHIBIT IDENTIFIED PAGE</p> <p>7 Plaintiffs' Exhibit 8 search warrant 27</p> <p>8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>3</p> <p>1 STIPULATIONS</p> <p>2 It is stipulated by counsel for the</p> <p>3 respective parties that the video deposition</p> <p>4 of RANDOLPH WALTERS, a plaintiff herein, may</p> <p>5 be taken at this time by the defendants as</p> <p>6 upon cross-examination and pursuant to the</p> <p>7 Ohio Rules of Civil Procedure and Agreement</p> <p>8 of counsel to take deposition, all other</p> <p>9 legal formalities being waived by agreement;</p> <p>10 that the deposition may be taken in stenotype</p> <p>11 by the Notary Public Reporter and transcribed</p> <p>12 by her out of the presence of the witness;</p> <p>13 that the transcribed deposition was made</p> <p>14 available to the witness for examination and</p> <p>15 signature and that signature may be affixed</p> <p>16 out of the presence of the Notary</p> <p>17 Public-Court Reporter.</p> <p>18 19 20 21 22 23 24 25</p>	<p>5</p> <p>1 RANDOLPH WALTERS,</p> <p>2 a plaintiff herein, of lawful age, having</p> <p>3 been first duly sworn as hereinafter</p> <p>4 certified, was examined and testified as</p> <p>5 follows:</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MR. OSBORNE:</p> <p>8 Q. Could you please state your full</p> <p>9 name for the record.</p> <p>10 A. Randolph Lee Walters, Jr. I go</p> <p>11 by Randy.</p> <p>12 Q. Okay. Do you mind if I call you</p> <p>13 Randy during this?</p> <p>14 A. That's perfectly fine.</p> <p>15 Q. Randy, have you ever had your</p> <p>16 deposition taken before?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. How long ago was that?</p> <p>19 A. Several years.</p> <p>20 Q. Okay. Do you remember the rules</p> <p>21 that you were told at the beginning of that</p> <p>22 deposition?</p> <p>23 A. Vaguely. I think I'm pretty</p> <p>24 well --</p> <p>25 Q. Would you like me to go through</p>

<p>6</p> <p>1 them again?</p> <p>2 A. Sure.</p> <p>3 Q. So with a deposition we're</p> <p>4 recording this, so we ask that you answer</p> <p>5 everything verbally. A lot of people tend to</p> <p>6 nod their head or shake their head.</p> <p>7 Unfortunately, this nice young lady cannot</p> <p>8 record that. She has to have a verbal</p> <p>9 answer. So I'll ask that you answer</p> <p>10 everything verbally. If I ask a question and</p> <p>11 you answer we're going to assume you fully</p> <p>12 understood it. So if there's something you</p> <p>13 don't understand or I use a word you don't</p> <p>14 understand, you need clarification, please</p> <p>15 feel free to ask it for. We can take a break</p> <p>16 at any time. We just ask that you finish the</p> <p>17 question, unless it's a question that you</p> <p>18 need to talk to your attorney about before</p> <p>19 answering before we break.</p> <p>20 A. Sure.</p> <p>21 Q. Now, it's my understanding you</p> <p>22 are on duty right now?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And so your cellphone may</p> <p>25 go off during this and we may have to</p>	<p>8</p> <p>1 Q. So in 2022 you were a sergeant?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So you were promoted some</p> <p>4 time prior to August of '22?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Maybe I should answer</p> <p>7 also -- that's also another thing. She can't</p> <p>8 type when we both talk at the same time.</p> <p>9 A. I apologize.</p> <p>10 Q. So if -- I'll wait until you're</p> <p>11 done, if you could wait until I'm done.</p> <p>12 Thank you. How long have you been a police</p> <p>13 officer?</p> <p>14 A. I started the police academy in</p> <p>15 1997. I graduated early in 1998.</p> <p>16 Q. Okay. Was your job with the</p> <p>17 Adams County Sheriff's Office?</p> <p>18 A. No, it was not.</p> <p>19 Q. Where was it?</p> <p>20 A. My commission was through</p> <p>21 Higginsport Police Department. I was there</p> <p>22 briefly just as a beginning job. Advanced</p> <p>23 just -- you know, when you first start out,</p> <p>24 especially back then, it's lot different than</p> <p>25 it is now. There was a lot of police</p>
<p>7</p> <p>1 terminate this early?</p> <p>2 A. Yes. We'll try to avoid that at</p> <p>3 all costs, but --</p> <p>4 Q. Well, we hope to, but I just</p> <p>5 want to get it on the record. So this may</p> <p>6 sound stupid, Randy, but how are you</p> <p>7 employed?</p> <p>8 A. With the Adams County Sheriff's</p> <p>9 Office as a police officer.</p> <p>10 Q. Okay. What's your duties as a</p> <p>11 police officer?</p> <p>12 A. So I am assigned primarily to</p> <p>13 road patrol as a supervisor. Although I take</p> <p>14 a lot of roles in the sheriff's office</p> <p>15 between investigations, maintenance concerns,</p> <p>16 staffing concerns. The sergeants take a very</p> <p>17 administrative role in the sheriff's office</p> <p>18 so mine's everything you can imagine at the</p> <p>19 sheriff's office.</p> <p>20 Q. So you're currently a sergeant?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. When were you promoted to</p> <p>23 sergeant?</p> <p>24 A. That I couldn't tell you. The</p> <p>25 date of this incident I was a sergeant.</p>	<p>9</p> <p>1 officers. I went from there to, I think,</p> <p>2 Peebles Police Department part-time. Didn't</p> <p>3 really go full-time until I landed at</p> <p>4 Manchester.</p> <p>5 Q. Okay. And when did you land at</p> <p>6 Manchester?</p> <p>7 A. Early 2001. 2000 or 2001.</p> <p>8 Q. Was that before or after they</p> <p>9 disbanded and --</p> <p>10 A. It was after.</p> <p>11 Q. Okay. And it was the same for</p> <p>12 Higginsport, when they disbanded their police</p> <p>13 department --</p> <p>14 A. I wasn't there then. I was only</p> <p>15 there as a -- commissioned through the</p> <p>16 academy. And I worked there afterwards for a</p> <p>17 brief period of time. That was a way from</p> <p>18 home so --</p> <p>19 Q. It is a little ways from here.</p> <p>20 Okay. So how long were you with Manchester?</p> <p>21 A. Manchester until probably 2009</p> <p>22 or '10.</p> <p>23 Q. Did you leave Manchester to come</p> <p>24 to Adams County?</p> <p>25 A. I actually went to Peebles</p>

<p style="text-align: right;">10</p> <p>1 Police Department. The same thing, looking  2 for a full-time, you know, job. I took a  3 very small break between Manchester and  4 Peebles and then was hired full-time for the  5 sheriff's office.  6 <b>Q. Okay. Do you remember about</b>  7 <b>when that was?</b>  8 A. Somewhere in 2010, 2011.  9 <b>Q. So you've been with the Adams</b>  10 <b>County Sheriff's Office for roughly 15 years?</b>  11 A. Yes.  12 <b>Q. And you've been a sergeant with</b>  13 <b>them for at least three years?</b>  14 A. Oh, yes.  15 <b>Q. So you say sergeants are kind of</b>  16 <b>like the people that do all of the</b>  17 <b>administrative and kind of keep it running?</b>  18 A. Yes.  19 <b>Q. So you mentioned being</b>  20 <b>commissioned through the academy. What</b>  21 <b>academy did you attend?</b>  22 A. Brown County Police Academy.  23 <b>Q. This may sound like a stupid</b>  24 <b>question, but did you graduate there?</b>  25 A. Yes.</p>	<p style="text-align: right;">12</p> <p>1 <b>you attended for that?</b>  2 A. No, I went to Hocking Hills this  3 year to further that.  4 <b>Q. So we've learned previously that</b>  5 <b>an officer must keep up with continuing</b>  6 <b>education. Is there special continuing</b>  7 <b>education to be a firearms instructor?</b>  8 A. You have to do courses.  9 Basically, you have to qualify your agency  10 and keep up your agency. You have to do so  11 many in your training cycle. As of yet, they  12 haven't done continuing ed for the  13 instructors on that.  14 <b>Q. Are you up to date on your CLEs?</b>  15 A. Yes.  16 <b>Q. And when I say CLEs, do you know</b>  17 <b>what I'm referring to?</b>  18 A. The credit hours. We call it  19 CPT.  20 <b>Q. Oh, CPT?</b>  21 A. Yeah.  22 <b>Q. What does --</b>  23 A. Continuing Professional  24 Training.  25 <b>Q. And that's set by the Ohio AG's</b></p>
<p style="text-align: right;">11</p> <p>1 <b>Q. Are you a fully licensed</b>  2 <b>certified peace officer in the State of Ohio?</b>  3 A. Yes, and instructor.  4 <b>Q. And instructor. When did you</b>  5 <b>become an instructor?</b>  6 A. I started two years ago formally  7 doing instruction. Mine is based in  8 firearms.  9 <b>Q. How does one become an</b>  10 <b>instructor in firearms?</b>  11 A. Be selected by your agency to go  12 to instructor's school.  13 <b>Q. So about two years ago you were</b>  14 <b>selected and you went to school for that?</b>  15 A. Yep.  16 <b>Q. And what school did you attend</b>  17 <b>for that?</b>  18 A. The first one Great Oaks. It's  19 all OPOTA, through their course study.  20 <b>Q. Is there a physical location for</b>  21 <b>that?</b>  22 A. That one was Great Oaks in  23 Cincinnati. I think it actually might be  24 West Chester.  25 <b>Q. Okay. Is that the only place</b></p>	<p style="text-align: right;">13</p> <p>1 <b>office?</b>  2 A. It is set by the Attorney  3 General and the steering committee for law  4 enforcement.  5 <b>Q. And you're up to date on those</b>  6 <b>hours?</b>  7 A. Yes.  8 <b>Q. Okay. If I wanted to see a list</b>  9 <b>of all of the CPTs that you have completed,</b>  10 <b>where would I go to find that?</b>  11 A. You can get that through the  12 AG's website.  13 <b>Q. So they keep a list of what</b>  14 <b>everybody took?</b>  15 A. Yep. They have a public portal.  16 Now, to clarify, they're -- I'm trying to  17 think. There are some classes that we take  18 that aren't through OPOTA, just special  19 instruction. We took a leadership school  20 that wasn't put on OPOTA, so that's something  21 that would be within the agency. Because not  22 everything that we take is a straight from  23 the AG's office. There's a lot of training  24 that you take that is something the agency  25 wants you to take and comes from another</p>



<p>14</p> <p>1 source that's not necessarily regulated by 2 the Attorney General's office, but it's still 3 training that is for the advancement. 4 <b>Q. So just for me to clarify that.</b> 5 <b>So would the AG's website still have those</b> 6 <b>classes?</b> 7 A. No. 8 <b>Q. Okay. So the AG's website would</b> 9 <b>only have OPOTA classes?</b> 10 A. Yes. 11 <b>Q. Okay. So if, for example, the</b> 12 <b>police department wanted to go to a team</b> 13 <b>building exercise, would that considered</b> 14 <b>CPTs?</b> 15 A. No. 16 <b>Q. So you would be referring to</b> 17 <b>things that's not considered CPTs but is</b> 18 <b>still training?</b> 19 A. Yes. 20 <b>Q. Okay. Does the Adams County</b> 21 <b>Sheriff's Office have a written policy on</b> 22 <b>confidential informants?</b> 23 A. As far as that, I am not aware 24 if they do. That's not something that I 25 utilize in my job very often, to be very</p>	<p>16</p> <p>1 A. He did that part. 2 <b>Q. He did the paperwork part?</b> 3 A. Yeah. 4 <b>Q. So it's fair to say you don't do</b> 5 <b>a lot of work with CIs?</b> 6 A. Not really, no. 7 <b>Q. How does one become a</b> 8 <b>confidential informant? Can you explain that</b> 9 <b>process for us?</b> 10 A. Yeah, my understanding is it's a 11 person that's sourced that has information to 12 a particular situation, incident or something 13 that's going on, and their information is 14 utilized to further the investigation. 15 <b>Q. What do you mean sourced; what</b> 16 <b>does that mean?</b> 17 A. Either somebody that comes 18 forward or somebody that is sourced from 19 interactions with the sheriff's office. 20 <b>Q. So like if you ran into someone</b> 21 <b>at a scene and they said they had more, that</b> 22 <b>would be an example of sourcing?</b> 23 A. It could be, yes. 24 <b>Q. Would sourcing also cover</b> 25 <b>something like, let's say, you stop me for a</b></p>
<p>15</p> <p>1 honest with you. I don't know what the 2 policy is on it. 3 <b>Q. When you say it's not something</b> 4 <b>you utilize a lot, what do you mean?</b> 5 A. I don't do narcotics 6 investigations generally. I mean, I have 7 done them, but usually I'm support staff in 8 those and I'm not the narcotics guys. 9 <b>Q. So you don't deal with</b> 10 <b>confidential informants a lot?</b> 11 A. Not very often. 12 <b>Q. When do you think the last time</b> 13 <b>you dealt with a CI was?</b> 14 A. Last year. 15 <b>Q. So was this -- did you have to</b> 16 <b>complete a confidential informant packet?</b> 17 A. I was assisted in it. It was a 18 CI that I sourced out of an incident and was 19 assisted by Deputy Cooley in it. 20 <b>Q. For sake of our argument, we</b> 21 <b>have two deputy Cooleys, which one were you</b> 22 <b>referring to?</b> 23 A. Justin. 24 <b>Q. Okay. He helped you complete</b> 25 <b>the packet and do everything?</b></p>	<p>17</p> <p>1 <b>speeding ticket and I ask, hey, can I get out</b> 2 <b>of the speeding ticket? Oh, yeah, tell me</b> 3 <b>about this drug dealer?</b> 4 A. That's not really how I perform 5 the duties, but that could be one way. It 6 also can be somebody that calls in with 7 information and doesn't want to -- 8 <b>Q. Sort of like a civilian?</b> 9 A. Yes. 10 <b>Q. Is there a policy on how to deal</b> 11 <b>with a CI who might be facing criminal</b> 12 <b>charges?</b> 13 A. It's not something that I deal 14 with, so I couldn't tell you. I haven't 15 myself personally seen a written policy on 16 that. 17 <b>Q. Is there a written policy on how</b> 18 <b>to complete a search warrant and return on a</b> 19 <b>search warrant with the sheriff's department?</b> 20 A. Not that I'm aware of. 21 <b>Q. Okay. How does one learn about</b> 22 <b>how to do a search warrant?</b> 23 A. The way I learned and which is 24 with other investigators and also contacting 25 the court and asking them what they want on a</p>

<p>18</p> <p>1 return, how they want to handle it, because 2 they're the ones, obviously, filing the 3 warrant and categorizing it when you bring it 4 back. So my use of search warrants and 5 returns has been coordinated with the courts 6 and through the prosecutor's office, how they 7 want to handle it. 8 <b>Q. But there was no additional</b> 9 <b>training in reference to how to survive a</b> 10 <b>Frank's hearing or anything?</b> 11 A. Not that I'm aware of. 12 <b>Q. Do you recall taking any</b> 13 <b>continuing education classes in the last four</b> 14 <b>years in relation to search warrants?</b> 15 A. Yes. 16 <b>Q. Tell me about some of those</b> 17 <b>classes.</b> 18 A. This year I took a T3 class at 19 OPOTA pertaining to search warrants and the 20 use of them. Obviously the T3 is a little 21 bit more advanced. It's probably the most 22 advanced course that OPOTA has for search 23 warrants. And then, prior to that, I took a 24 class in Hamilton Township, I think it was in 25 Clermont County, I'm not -- yeah, it was</p>	<p>20</p> <p>1 the wording on it, obviously, is pretty 2 precise, but it's a brief overview of what 3 you've got. You know, on this date and this 4 time we responded to a scene, found this and 5 we believe there may be evidence contained or 6 information to further the investigation in 7 this location. We would like to have a 8 search of this location, do further 9 investigation, have probable cause to believe 10 there's items located there in relationship 11 to the crime that we're investigating. 12 <b>Q. Okay. So that's the info on the</b> 13 <b>crime charged and the place in which you</b> 14 <b>would search for it?</b> 15 A. Yes. 16 <b>Q. And when you say scope, that's</b> 17 <b>what you're looking for?</b> 18 A. Well, scope would be, if I am 19 asking to look for a body, it's hard to look 20 in a dresser drawer, you know, or a small 21 container for a body, unless you're looking 22 for parts. You know, that's indicated in the 23 warrant what you're looking for. And the 24 scope of your search is determined by the 25 items in which you're looking for, the size</p>
<p>19</p> <p>1 Clermont, I think, Hamilton and Clermont, for 2 a search and seizer class. 3 <b>Q. So in your understanding, what</b> 4 <b>should be in a search warrant?</b> 5 A. Detailed information as to the 6 crime that is alleged or thought to be 7 committed, the persons involved, and the area 8 and the scope in which the search will be 9 conducted. 10 <b>Q. So I want to break that down.</b> 11 <b>When you say the crimes alleged, tell me more</b> 12 <b>about that.</b> 13 A. When we -- because this is what 14 I use search warrants for the most probably. 15 Doing a homicide investigation, obviously you 16 have your charge. If you have a person 17 that's dead, your initial charge is going to 18 be murder or some type of homicide crime. So 19 anything -- you're looking for any evidence 20 in relation to that crime and where they may 21 be located. 22 <b>Q. Okay. And so you would detail</b> 23 <b>the crime. In that case, it would be</b> 24 <b>something like a homicide?</b> 25 A. You would give a brief but --</p>	<p>21</p> <p>1 of them and where they would reasonably be 2 located. 3 <b>Q. Okay. So the scope would be</b> 4 <b>tailored to depending on whether you thought</b> 5 <b>the homicide -- the person had tried to</b> 6 <b>dispose of the body by --</b> 7 A. Yes. 8 <b>Q. -- cutting it or had buried it</b> 9 <b>in the backyard?</b> 10 A. Also for just clarity on that. 11 You know, if I'm looking for a suspect in a 12 homicide of a shooting I would indicate in 13 the warrant also that we're looking for 14 firearms, ammunition, shell casings, 15 projectiles. So that expands the area of 16 search immensely because those items can be 17 concealed in very small places. 18 <b>Q. So the scope tells where you can</b> 19 <b>search and what you can look for?</b> 20 A. Yes. 21 <b>Q. Okay. And that's you've been</b> 22 <b>trained on and there's no policy dictating to</b> 23 <b>the officer how to write that up?</b> 24 A. Not to write warrants, no. Not 25 that I'm aware of.</p>

<p style="text-align: right;">22</p> <p>1     <b>Q. This may sound stupid, but you</b>  2     <b>would be aware if there is one because you're</b>  3     <b>a sergeant dealing with the paperwork?</b>  4     A. So I think it's been previously  5     discussed, the policy and procedures are in  6     the process of updating, partially because  7     previous policy and procedures that was given  8     to us, there's no reasonably way, when you're  9     given a policy and procedure -- it's like the  10    RC, you know, there's a lot of sections of  11    the RC you don't use and there's sections  12    that you do. We don't -- you know. So there  13    was just so much that needed to be simplified  14    and that's what they're in the process of  15    doing now.  16        If there is a policy on it, I  17    have not personally seen it. Even though I  18    may have been given a list of policies that  19    was hundreds and hundreds and hundreds of  20    things, some of which is not relevant to my  21    duties. So that's why they're trying to  22    simplify it.  23     <b>Q. So when you would say simplify,</b>  24     <b>are they taking things out of like the</b>  25     <b>employees handbook that talks about terrorism</b></p>	<p style="text-align: right;">24</p> <p>1 to go through each of these to make sure  2 they're relevant working with our legal teams  3 and the prosecutors and making sure  4 everything is relevant and current to case  5 law and as things change. And that's the  6 other reason for updating these, the company  7 which we're using, Lexipol, that's what they  8 do is policies and procedures for law  9 enforcement agencies for others. So if a new  10 case law comes out, we get that updated in  11 our policies as it comes out, not just  12 somebody saying, oh, I just read this new  13 case law and we probably need to check our  14 policies. This is something that we're doing  15 to make sure everything is in line with the  16 law and the current case law.  17     <b>Q. Let me ask a question on that.</b>  18     <b>So you're not getting feedback from the</b>  19     <b>prosecutor's office asking you guys to change</b>  20     <b>policies as they win and lose cases in court?</b>  21     A. Oh, yes.  22     <b>Q. Tell me about that.</b>  23     A. As far as?  24     <b>Q. Well, so what kind of feedback</b>  25     <b>do you guys get from them?</b></p>
<p style="text-align: right;">23</p> <p>1 <b>and stuff like that?</b>  2     A. Not that I'm aware of. I think  3     simplification of it is more of, it is a  4     digital platform that is more user friendly  5     for the end user, and anybody else for that  6     matter. Before in the policy and procedure,  7     it's just like going in the ORC, the ORC, if  8     you're looking for traffic you go to the 45  9     section, you know that. This is I think is  10    going to be more digital to where, if you're  11    wanting to look up something on search and  12    seizures, you can enter that into the system  13    and find all of the policies relevant to the  14    topic in which you're dealing with.  15     <b>Q. So they're simplifying it more</b>  16     <b>into a search database?</b>  17     A. Yes, and upgrading all of the  18     policies.  19     <b>Q. Okay. Was this something</b>  20     <b>started by the new sheriff?</b>  21     A. It was something that was  22     started by the old sheriff. It's just  23     getting implemented. And, again, the same  24     issue. You're going from a big category and  25     you may still have quite a bit, but you have</p>	<p style="text-align: right;">25</p> <p>1     A. We have a working -- a daily  2     working relationship with the prosecutor's  3     office.  4     <b>Q. So there's a meeting every day</b>  5     <b>with at least one of the staff?</b>  6     A. I would say every day that I  7     work between Monday and Friday I have a  8     meeting with somebody from the prosecutor's  9     office, in some form or another, whether it  10    be cases or in general investigative.  11     <b>Q. Have you ever had any meetings</b>  12     <b>with the prosecutor's office in relation to</b>  13     <b>this case?</b>  14     A. It's not my case, nope.  15     <b>Q. What do you mean it's not your</b>  16     <b>case?</b>  17     A. I was an assistant on that case.  18     I did no investigations into that case.  19     <b>Q. Okay. And when I say that case,</b>  20     <b>you're referring to the search of Mr.</b>  21     <b>Foreman's house?</b>  22     A. Yes, sir.  23     <b>Q. So you may have already</b>  24     <b>explained this, but just to recap for me.</b>  25     <b>What is the standard procedure on how to get</b></p>

<p style="text-align: right;">26</p> <p>1 a search warrant?</p> <p>2 A. A standard procedure is, if</p> <p>3 you're investigating a crime where you</p> <p>4 believe that a search warrant is needed, you</p> <p>5 run it through your supervisor of what you</p> <p>6 have and what you're looking for. And then,</p> <p>7 with a supervisor generally -- with me, if</p> <p>8 one of my people come to me and say, hey,</p> <p>9 here's what I got. Do you think we should</p> <p>10 get a search warrant to complete the task at</p> <p>11 hand? I'll review the case with them. We'll</p> <p>12 go over it. We may have conversations with</p> <p>13 the prosecutor or one of his people on our</p> <p>14 situation and then we start drafting a search</p> <p>15 warrant and -- if we feel like that's needed</p> <p>16 or not and go through the process.</p> <p>17 Once it's drafted, the</p> <p>18 prosecutor -- one of the attorneys will look</p> <p>19 at the search warrant and then we take it to</p> <p>20 the court and file it.</p> <p>21 Q. So a prosecutor reviews the</p> <p>22 search warrant prior --</p> <p>23 A. I take mine to the prosecutor</p> <p>24 for review and I'm pretty sure that's pretty</p> <p>25 standard. I don't think it's necessary, but</p>	<p style="text-align: right;">28</p> <p>1 Q. So would this be the first time</p> <p>2 you're truly reviewing it today?</p> <p>3 A. If you want me to thoroughly</p> <p>4 read through it I can. I don't know that I</p> <p>5 ever have in the past.</p> <p>6 Q. Well, let's -- were you on duty</p> <p>7 on October 21st, 2022?</p> <p>8 A. I was called in.</p> <p>9 Q. You were called in. Were you</p> <p>10 off duty that day?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember when you were</p> <p>13 called in?</p> <p>14 A. I'm sorry, I do not.</p> <p>15 Q. After lunch?</p> <p>16 A. Oh, yes.</p> <p>17 Q. Was it dark out?</p> <p>18 A. No.</p> <p>19 Q. So some time between dusk and</p> <p>20 after lunch?</p> <p>21 A. Yeah.</p> <p>22 Q. Was it your regularly scheduled</p> <p>23 time off?</p> <p>24 A. I believe so, yes. Which that's</p> <p>25 really not easy to say at the sheriff's</p>
<p style="text-align: right;">27</p> <p>1 that's something that I do.</p> <p>2 Q. Best practices idea?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Although, in that, sometimes</p> <p>6 that's not available. As police officers we</p> <p>7 can write our own search warrants and apply</p> <p>8 for it through the court.</p> <p>9 Q. Okay. So the best practice</p> <p>10 would be to run it past the prosecutor's</p> <p>11 office and everything and have the supervisor</p> <p>12 look at it, everybody make sure it's good?</p> <p>13 A. Yes.</p> <p>14 Q. And then present it to the</p> <p>15 court. However, that's not necessary, that's</p> <p>16 us just the best practice?</p> <p>17 A. It's my best practice.</p> <p>18 (Plaintiffs' Exhibit 8 was referenced.)</p> <p>19 Q. I would like you to take a look</p> <p>20 at what's been marked Plaintiffs' Exhibit 8.</p> <p>21 Have you seen that document before?</p> <p>22 A. If I have -- I'm sure I have</p> <p>23 seen it. I don't know that I've ever</p> <p>24 reviewed it. Again, like I said, it's not my</p> <p>25 case.</p>	<p style="text-align: right;">29</p> <p>1 office because your time off is most likely</p> <p>2 going to be spent dealing with something from</p> <p>3 the sheriff's office so --</p> <p>4 Q. It's common to get called in?</p> <p>5 A. Very.</p> <p>6 Q. So you were called in. Do you</p> <p>7 remember that phone call?</p> <p>8 A. Not really.</p> <p>9 Q. So when they call you in, do</p> <p>10 they tell you why they're calling you in or</p> <p>11 just say, we need you?</p> <p>12 A. As I recall, I was contacted, I</p> <p>13 believe, by Sergeant Newland saying that they</p> <p>14 had a search warrant that they needed</p> <p>15 assistance with and to see if I was going to</p> <p>16 be available.</p> <p>17 Q. Okay. So you arrived at the</p> <p>18 police station. What happened next?</p> <p>19 A. I was kind informally briefed</p> <p>20 that we would be doing a search warrant for a</p> <p>21 marijuana/possibly some type of human</p> <p>22 trafficking and the location in which it was</p> <p>23 going to be to try to come up with an</p> <p>24 operational game plan.</p> <p>25 Q. What operational game plan was</p>



<p>30</p> <p>1 developed?</p> <p>2 A. With the resources that we had,</p> <p>3 trying to sort out a way in which to make</p> <p>4 access to the property and secure the</p> <p>5 property for preservation of evidence and</p> <p>6 safety.</p> <p>7 Q. Okay. Do you remember how many</p> <p>8 officers you guys had?</p> <p>9 A. I don't remember the exact</p> <p>10 number, but it was ten or less.</p> <p>11 Q. But definitely over six?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. What was your role at the scene?</p> <p>14 A. Just one of the people securing</p> <p>15 the scene. When we get to a search warrant</p> <p>16 one of the things that needs to be</p> <p>17 accomplished is security and safety. And</p> <p>18 security means everything from the security</p> <p>19 of the people involved, the people at the</p> <p>20 residence or the location and preservation of</p> <p>21 evidence and people absconding or hindering</p> <p>22 us in finding evidence.</p> <p>23 Q. So were you part of the</p> <p>24 breaching team?</p> <p>25 A. Yes.</p>	<p>32</p> <p>1 plan of a house and say, we're going to do</p> <p>2 this, and when we get in there things happen.</p> <p>3 Q. So when you were developing</p> <p>4 this, where did you review the floor plan of</p> <p>5 the Foreman residence?</p> <p>6 A. I did not have a floor plan of</p> <p>7 the residence.</p> <p>8 Q. Why not?</p> <p>9 A. That was not available.</p> <p>10 Q. Well, you said you usually</p> <p>11 review that and plan. How do you normally</p> <p>12 find the floor plan?</p> <p>13 A. If you have it.</p> <p>14 Q. So that's only if you have it?</p> <p>15 A. Yes. And that does not happen</p> <p>16 on a regular basis.</p> <p>17 Q. Okay. So when you say shield,</p> <p>18 you were on the shield, what does that mean?</p> <p>19 A. It's a ballistic shield.</p> <p>20 Q. Could you describe what that</p> <p>21 means.</p> <p>22 A. It's a shield that is made of</p> <p>23 bullet proof materials that is designed to</p> <p>24 help protect people in situations where</p> <p>25 there's possibly going to be -- it's just a</p>
<p>31</p> <p>1 Q. Okay. Who all was on the</p> <p>2 breaching team?</p> <p>3 A. I couldn't tell you. I was on</p> <p>4 the shield. I believe David Russell was also</p> <p>5 on it. Deputy Shawn Cooley, as I remember.</p> <p>6 But after that I don't know.</p> <p>7 Q. How many people were on the</p> <p>8 team?</p> <p>9 A. That, I couldn't tell you.</p> <p>10 Q. How many people are usually on</p> <p>11 the breaching team?</p> <p>12 A. That never happens, but you</p> <p>13 would like to have enough people to</p> <p>14 successfully secure the location. It depends</p> <p>15 on the size. If we're needing to secure this</p> <p>16 the room, two people can do it effectively.</p> <p>17 If we need to secure this whole building, the</p> <p>18 way that you work an entry, sometimes people</p> <p>19 have to hold a location while you clear</p> <p>20 another location and then that can happen</p> <p>21 multiple times. So it's very dependent upon</p> <p>22 the size of the structure. And that's one of</p> <p>23 things that I do is develop games plans,</p> <p>24 which never go as planned. That's Murphy's</p> <p>25 Law that, you know, you can see the floor</p>	<p>33</p> <p>1 thing. It's just like wearing a bulletproof</p> <p>2 vest. It's made with the same materials, but</p> <p>3 it's something that, when you're doing</p> <p>4 entries or if you're dealing with a</p> <p>5 situation, that it provides an extra level of</p> <p>6 safety.</p> <p>7 Q. So I imagine then you're the</p> <p>8 first one going through with the shield in</p> <p>9 case someone shot, it would deflect the</p> <p>10 blast?</p> <p>11 A. Yes.</p> <p>12 Q. I'm going to try to go through</p> <p>13 detail on how this door is breached. Which</p> <p>14 door did you guys start to breach?</p> <p>15 A. There were two doors. There was</p> <p>16 like an outer door and then an inner</p> <p>17 residential door.</p> <p>18 Q. Why did you choice the side door</p> <p>19 versus the back door which is glass?</p> <p>20 A. I don't recall why that decision</p> <p>21 was made.</p> <p>22 Q. Did you make that decision?</p> <p>23 A. I don't recall if I did or not.</p> <p>24 Q. Okay. Do you recall knowing</p> <p>25 even the composition of the back door?</p>

<p style="text-align: right;">34</p> <p>1 A. I'm really not for sure what 2 knowledge I had at the time. It doesn't 3 stick in my mind, exact details, but, again, 4 I've done entries into hundreds of locations 5 throughout my career. 6 <b>Q. How many entries have you made</b> 7 <b>since 2022?</b> 8 A. With my job, what I'm assigned 9 to? 10 <b>Q. Uh-huh.</b> 11 A. A lot. I'm a part of a fugitive 12 team and that's what we do. 13 <b>Q. So it's very common to breach</b> 14 <b>residence?</b> 15 A. Very. Not just here though. 16 I'm not saying in Adams County. That's not 17 extremely common in Adams County. But in my 18 other job task it is. 19 <b>Q. In the fugitive team?</b> 20 A. Yes. 21 <b>Q. So I guess I need clarification.</b> 22 <b>Is the fugitive team just Adams County or is</b> 23 <b>that a larger area?</b> 24 A. It's the Southern Ohio Fugitive 25 Apprehensive Strike Team through the United</p>	<p style="text-align: right;">36</p> <p>1 <b>Q. Who had the battering ram?</b> 2 A. I think Deputy Russell, but 3 again, I'm not a hundred percent sure. 4 <b>Q. So what happened after Deputy</b> 5 <b>Russell started to bash the door?</b> 6 A. Once the door was breached, we 7 made entry into the location and secured it. 8 <b>Q. So you went through only one</b> 9 <b>door?</b> 10 A. No, there was two doors. And 11 I'm not for sure if the first door was 12 secured or not. Again, I know the interior 13 door was breached. 14 <b>Q. So when we're talking about</b> 15 <b>breaching, you're just referring to the</b> 16 <b>interior door that went into the kitchen?</b> 17 A. Yeah, that's the one I know for 18 sure. The outer door I can't honestly sit 19 here and tell you how that was gained, if it 20 was unlocked or how it was -- 21 <b>Q. Okay. After you make entrance</b> 22 <b>into the kitchen, what happened next?</b> 23 A. We conducted a search for 24 persons, a safety search. It's called a 25 primary search of the residence and area.</p>
<p style="text-align: right;">35</p> <p>1 States Marshal Service. 2 <b>Q. So it would cover multiple</b> 3 <b>counties in Ohio?</b> 4 A. Everything from the Southern 5 District of Ohio. So Franklin County south. 6 <b>Q. Okay.</b> 7 A. Or just above Franklin County 8 south. 9 <b>Q. Yeah, you're right, the line is</b> 10 <b>just above Franklin.</b> 11 A. (Affirmative head shake.) 12 <b>Q. Basically, anything in the</b> 13 <b>Southern District?</b> 14 A. Yes. 15 <b>Q. Okay. So we're back to</b> 16 <b>August 21st, 2022. You're looking at the</b> 17 <b>door. Obviously, if you're holding the</b> 18 <b>shield, you're not the one with the battering</b> 19 <b>ram?</b> 20 A. Yes. 21 <b>Q. I would imagine that you had an</b> 22 <b>officer with the battering ram. They would</b> 23 <b>step out once the door was down and you went</b> 24 <b>in?</b> 25 A. Yes.</p>	<p style="text-align: right;">37</p> <p>1 <b>Q. So basically sweeping the rooms,</b> 2 <b>looking behind doors, making sure no one is</b> 3 <b>hiding?</b> 4 A. Yes. 5 <b>Q. Was anybody found?</b> 6 A. No. 7 <b>Q. What did the house look like</b> 8 <b>when you made entry?</b> 9 A. A typical structure. The one 10 thing that I note that heightened our senses 11 a little bit and it's been made light of 12 numerous times, that nobody gets the full 13 story of is, we come into our primary breach 14 point into the kitchen/dining room area, 15 immediately observe next to the lemon pound 16 cake was an empty gun holster. As police 17 officers and as common people you understand 18 that, when you see an empty gun holster 19 there's generally a firearm present, which 20 wasn't. So that was something that caught 21 everybody in the stacks attention that there 22 was an empty holster, not just the deputy 23 wanting some pound cake. 24 <b>Q. And when you're saying, deputy</b> 25 <b>wanting pound cake, who are you referring to?</b></p>



<p style="text-align: right;">38</p> <p>1 A. Shawn Cooley.</p> <p>2 <b>Q. So when you came in you noticed</b></p> <p>3 <b>this empty gun holster in the kitchen. Where</b></p> <p>4 <b>was it in reference to the door as you came</b></p> <p>5 <b>in?</b></p> <p>6 A. Directly in front of the door</p> <p>7 that we came in. There is a small island</p> <p>8 between -- or countertop. The holster was</p> <p>9 sitting under a glass pedestal holding, I</p> <p>10 guess a lemon pound cake. I don't know. I</p> <p>11 didn't try it. I don't like them. But the</p> <p>12 holster was directly underneath of that.</p> <p>13 Which would have been approximately 12 foot</p> <p>14 from the door that we made entry. It was the</p> <p>15 first area we came into.</p> <p>16 <b>Q. So you would have made entry,</b></p> <p>17 <b>went past the kitchen table, the back door,</b></p> <p>18 <b>to the island?</b></p> <p>19 A. As you come in the front -- or,</p> <p>20 no, I'm sorry, the breach point, there is a</p> <p>21 counter that comes off from our right and it</p> <p>22 goes out to probably half, three-quarters of</p> <p>23 the room. There was a table, as I remember,</p> <p>24 to the left and there was an island that's in</p> <p>25 the kitchen area itself that's where that</p>	<p style="text-align: right;">40</p> <p>1 A. Yes.</p> <p>2 <b>Q. And what's that policy?</b></p> <p>3 A. Without being verbatim of -- the</p> <p>4 gist is that, whenever possible, body cam</p> <p>5 must be used. Anytime a body cam is not</p> <p>6 available or not used it needs to be notated</p> <p>7 in CAD or some form, notated that there's</p> <p>8 times that when you'll be docking your body</p> <p>9 cam and something will occur that you have to</p> <p>10 run out or, you know, whatever and when an</p> <p>11 officer doesn't have their body cam they</p> <p>12 generally notify dispatch, negative on body</p> <p>13 cam, it's either in download or whatever the</p> <p>14 situation. Or sometimes, if you get called</p> <p>15 out, that may be the last thing on your mind.</p> <p>16 I got called the other night for a hostage</p> <p>17 situation. You know, getting dressed at 1:00</p> <p>18 in the morning the last thing on your mind</p> <p>19 is, I better make sure I have my body cam.</p> <p>20 Because that, ever though important -- so</p> <p>21 that does occur sometimes.</p> <p>22 <b>Q. There was some reference to a</b></p> <p>23 <b>CAD log. Would that be in a CAD log?</b></p> <p>24 A. If somebody called it out, yes,</p> <p>25 they would log that.</p>
<p style="text-align: right;">39</p> <p>1 holster would have been located.</p> <p>2 <b>Q. So everybody sees this item --</b></p> <p>3 A. It's called out.</p> <p>4 <b>Q. Called out?</b></p> <p>5 A. It's -- when you see something</p> <p>6 like that you call it out.</p> <p>7 <b>Q. What do you mean by call out?</b></p> <p>8 A. You make sure the rest of your</p> <p>9 team understands what's going on.</p> <p>10 <b>Q. So you would have yelled out,</b></p> <p>11 <b>watch out --</b></p> <p>12 A. Verbalized there's an empty</p> <p>13 holster on the counter.</p> <p>14 <b>Q. Okay. So you tell them what you</b></p> <p>15 <b>found?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Okay. Did you wear a body cam</b></p> <p>18 <b>when you breached?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. So that would be on your body</b></p> <p>21 <b>cam?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Is there a written policy with</b></p> <p>24 <b>the Adams County Sheriff's Office in relation</b></p> <p>25 <b>to body cams?</b></p>	<p style="text-align: right;">41</p> <p>1 <b>Q. Okay. So if you arrived at the</b></p> <p>2 <b>scene and forgot your body cam you would tell</b></p> <p>3 <b>dispatch through the radio say, hey, I forgot</b></p> <p>4 <b>my body cam, and they would log it in the</b></p> <p>5 <b>system?</b></p> <p>6 A. If they weren't aware, yes.</p> <p>7 <b>Q. Okay. If they were aware?</b></p> <p>8 A. If they weren't aware already.</p> <p>9 <b>Q. Who wouldn't be aware?</b></p> <p>10 A. If dispatch or your direct</p> <p>11 supervisor wasn't aware. I still make it a</p> <p>12 purpose, even if one of my people tell me</p> <p>13 they don't have their body cam, I make it</p> <p>14 a -- my rule, it's not written down, that I</p> <p>15 notify dispatch and say, hey, you know,</p> <p>16 whatever doesn't have their body cam, in some</p> <p>17 doc or whatever.</p> <p>18 <b>Q. So after moving from the</b></p> <p>19 <b>kitchen, where did you go next to secure it?</b></p> <p>20 A. So as I remember, our team,</p> <p>21 somewhere along the line, you know, when you</p> <p>22 have different areas of coverage, a group of</p> <p>23 people I believe went to the left that would</p> <p>24 have pertained to going upstairs and securing</p> <p>25 that. I remember mainly controlling the</p>

<p style="text-align: right;">42</p> <p>1 downstairs area of the residence.</p> <p>2 <b>Q. So you would have searched the</b></p> <p>3 <b>rooms off the kitchen, the living room?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. Bedroom, basement?</b></p> <p>6 A. Yes. I don't believe I was ever</p> <p>7 in the basement. Actually I know. I don't</p> <p>8 remember doing anything with a basement.</p> <p>9 <b>Q. Do you ever remember seeing a</b></p> <p>10 <b>basement?</b></p> <p>11 A. Not that I recall.</p> <p>12 <b>Q. Do you ever remember seeing any</b></p> <p>13 <b>cages?</b></p> <p>14 A. Not that I recall.</p> <p>15 <b>Q. So just to clarify, you had</b></p> <p>16 <b>nothing to do with the preparation of the</b></p> <p>17 <b>search warrant for that residence?</b></p> <p>18 A. Nothing.</p> <p>19 <b>Q. You never interacted with the</b></p> <p>20 <b>confidential informant?</b></p> <p>21 A. Never.</p> <p>22 <b>Q. So you secured the downstairs.</b></p> <p>23 <b>Did you secure it by yourself or did you have</b></p> <p>24 <b>an individual help you?</b></p> <p>25 A. There would have been a couple</p>	<p style="text-align: right;">44</p> <p>1 <b>crime. You're wanting to preserve it as</b></p> <p>2 <b>evidence. What's the next step for you?</b></p> <p>3 A. Whenever practical you would</p> <p>4 photograph it as it is, whenever practical.</p> <p>5 And that's not always the case. You would</p> <p>6 notate serial numbers, description, things</p> <p>7 like that. And then for a firearm, you would</p> <p>8 secure it and make sure that it's safe, clear</p> <p>9 it of ammunition, and categorize it into the</p> <p>10 evidence found.</p> <p>11 <b>Q. Okay. So if you had cash that</b></p> <p>12 <b>was found as evidence, how would that be</b></p> <p>13 <b>cataloged and logged?</b></p> <p>14 A. It would be logged in which and</p> <p>15 where it was found, photographed and then</p> <p>16 counted and secured.</p> <p>17 <b>Q. And when you say secured, do you</b></p> <p>18 <b>mean put in evidence bags with them sealed?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. And then those evidence bags</b></p> <p>21 <b>would be monitored until they're turned over</b></p> <p>22 <b>to the evidence locker?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And when I say the evidence</b></p> <p>25 <b>locker, would that be fair to say that's</b></p>
<p style="text-align: right;">43</p> <p>1 of us. And to be very clear about it, I</p> <p>2 couldn't tell you exactly who was with me.</p> <p>3 <b>Q. So you secured the downstairs.</b></p> <p>4 <b>The secondary team did the upstairs?</b></p> <p>5 A. Yes, sir.</p> <p>6 <b>Q. How long did it take to secure</b></p> <p>7 <b>the residence?</b></p> <p>8 A. In the ten minute mark. It</p> <p>9 could be more.</p> <p>10 <b>Q. So ten minutes plus or minus?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. Where was this handgun found?</b></p> <p>13 A. I didn't find a handgun.</p> <p>14 <b>Q. So there never was a handgun</b></p> <p>15 <b>found in relation to the empty holster?</b></p> <p>16 A. If someone found a handgun -- I</p> <p>17 did not find a handgun.</p> <p>18 <b>Q. If you find evidence like a</b></p> <p>19 <b>handgun, how would you deal with that?</b></p> <p>20 A. I'm not trying to be difficult,</p> <p>21 but that's a very, very broad question.</p> <p>22 <b>Q. Okay. So let's go back to the</b></p> <p>23 <b>hypothetical of the homicide case we talked</b></p> <p>24 <b>about. You're searching the residence. You</b></p> <p>25 <b>find a firearm. You believe it's part of the</b></p>	<p style="text-align: right;">45</p> <p>1 <b>turning it over to Dee?</b></p> <p>2 A. Yes.</p> <p>3 (Mr. Foreman joined the</p> <p>4 deposition.)</p> <p>5 <b>Q. And she would monitor it from</b></p> <p>6 <b>there?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. So after the house is secured,</b></p> <p>9 <b>what did you do next?</b></p> <p>10 A. Just assisted. Everybody had an</p> <p>11 area of coverage of -- you know, during the</p> <p>12 search of where to go. My area and the</p> <p>13 people that I was with was off the kitchen on</p> <p>14 the first floor.</p> <p>15 <b>Q. Did you find anything that you</b></p> <p>16 <b>cataloged as evidence off the kitchen?</b></p> <p>17 A. I believe in one of the rooms</p> <p>18 down the hallway there was some -- a vape</p> <p>19 found, something of that nature. I don't</p> <p>20 remember it being very fruitful in locating</p> <p>21 anything that was of evidentiary value.</p> <p>22 There was a jar, like a cookie jar, a glass</p> <p>23 jar full of what looked to be marijuana that</p> <p>24 was found in a room just off the kitchen. If</p> <p>25 I remember right, it had a bunch of ball caps</p>

<p style="text-align: right;">46</p> <p>1 or something like that in it. And then there  2 was a jar of marijuana found in there.  3 <b>Q. A bunch of what?</b>  4 A. Ball caps. Jerseys, ball caps,  5 as I remember, like you wear on your head.  6 <b>Q. Oh, like you wear on your head?</b>  7 A. Yeah. Yeah.  8 <b>Q. Okay. I'm sorry, I was thinking</b>  9 <b>bottle caps.</b>  10 A. No, no, no. I mean, there may  11 have been, I don't know.  12 <b>Q. Okay. And you cataloged that as</b>  13 <b>evidence?</b>  14 A. So anything that was found,  15 anything that was found in our area, was  16 placed in a certain area and then it would be  17 the investigator's responsibility to --  18 anything that was taken, they would apply  19 that through the search warrant return and  20 seize it.  21 <b>Q. The investigator's</b>  22 <b>responsibility. So who was the sole</b>  23 <b>investigator for this case?</b>  24 A. In this operation I believe  25 Sergeant Newland.</p>	<p style="text-align: right;">48</p> <p>1 talked to her and was explaining to her also  2 what was going on.  3 At one point during the  4 investigation -- or during the search it was  5 brought up that her residence is just next  6 door and that her kids were there and there  7 was somebody in the driveway, which is kind  8 of concerning because, you know, it was  9 alleged that we were scaring the kids. As  10 far as I know, I'm the person that had  11 contact or was even in close proximity with  12 the kids and that was because Ms. Foreman was  13 scared because somebody pulled in the  14 driveway. And I dropped everything I was  15 doing and went next door and checked on the  16 kids and talked to another family member to  17 make sure that they were okay. And as far as  18 I know, that's the only interaction that  19 night. And I didn't see the children. I  20 just went to the residence where they were to  21 made sure they were okay, because that was  22 very much a priority.  23 <b>Q. Okay. So was that after you</b>  24 <b>finished searching and everything?</b>  25 A. I think it was the after the</p>
<p style="text-align: right;">47</p> <p>1 <b>Q. You refer him to Sergeant</b>  2 <b>Newland. Is he a sergeant or a detective in</b>  3 <b>this case?</b>  4 A. Both.  5 <b>Q. Explain that to me.</b>  6 A. You can be a sergeant and be a  7 detective. Generally every division has  8 supervisors in it and --  9 <b>Q. So he would have been a</b>  10 <b>supervisor then of detectives as a sergeant?</b>  11 A. Yes. Some agencies you can't be  12 a detective unless you're a supervisor. By  13 default they're already a supervisor.  14 <b>Q. So -- well, strike that. That</b>  15 <b>seems like college course. So after</b>  16 <b>everything is put in the area for the</b>  17 <b>investigator to tag and pull together, what</b>  18 <b>happened next?</b>  19 A. Continued to search the  20 property, including outbuildings. And at  21 some point in the search Mr. Foreman's wife  22 or ex-wife, I don't know, I know at one point  23 it was his wife, was on scene and was talking  24 to Sergeant Newland. I know Angie and I've  25 talked to her many times in the past. I</p>	<p style="text-align: right;">49</p> <p>1 primary search was done, yes.  2 <b>Q. Was things wrapping up by the</b>  3 <b>time you came back?</b>  4 A. Yeah, I think it was.  5 <b>Q. Okay. Now, there's been some</b>  6 <b>mention of a security system. Do you know if</b>  7 <b>there was a security system at the residence?</b>  8 A. A security camera system?  9 <b>Q. Yes.</b>  10 A. Yes.  11 <b>Q. Tell me about that system.</b>  12 A. So it is not uncommon in an  13 investigation of this nature that, if you  14 come across a security -- if your thought  15 process and you have cause to believe that  16 something is going on and there is a security  17 camera system, there's a good chance that  18 that may be captured in that system. So it  19 was determined that that system needed to be  20 taken as evidence. And then later, if we  21 would get a security camera system, that  22 would be in the scope of your warrant, you  23 can take that. And then later you would  24 apply for a search warrant for the contents  25 of it. That system was unhooked for</p>

<p>50</p> <p>1 evidential purposes and I was not aware until  2 a couple of days later that it was not  3 actually seized under the search warrant, it  4 was left on the property. But the intent,  5 when it was unhooked, it was because that  6 would have evidential value and it would be  7 taken and then a search warrant later to  8 search it.</p> <p>9 <b>Q. So you were -- how did you guys</b>  10 <b>determine it would have evidentiary value?</b></p> <p>11 A. Through conversations at the  12 scene. I couldn't tell you exactly when or  13 where those took place, but it's not -- it's  14 kind of a standard thing. If you're looking  15 for activity that occurred at a location and  16 it's under surveillance, obviously, that  17 surveillance system could be of evidential  18 value.</p> <p>19 <b>Q. So you didn't know that the</b>  20 <b>search warrant noted that it had been a month</b>  21 <b>since the CI had been there?</b></p> <p>22 A. I know nothing -- I did not  23 review the search warrant. It was not my  24 investigation.</p> <p>25 <b>Q. Okay. So the security system</b></p>	<p>52</p> <p>1 nothing was cut, as far as I know.</p> <p>2 <b>Q. And so it was to be unhooked to</b>  3 <b>be taken as evidence?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. Okay. Did you take any photos</b>  6 <b>of the scene?</b></p> <p>7 A. There was numerous photos taken  8 of the scene. What I took I -- it's been  9 awhile. Like I said, this was not my  10 investigation. It would be standard if  11 pictures need to be taken. Usually when we  12 search a room pictures are taken of the room  13 as it's found and then you start doing the  14 work.</p> <p>15 <b>Q. Do you ever recall photographing</b>  16 <b>any papers taped to the wall?</b></p> <p>17 A. Probably. I don't recall  18 specifics.</p> <p>19 <b>Q. Okay. So where would these</b>  20 <b>photos be found now?</b></p> <p>21 A. I'm assuming in the case file.</p> <p>22 <b>Q. If I was to do a public records</b>  23 <b>request for this case file, what would I ask</b>  24 <b>for specifically that the prosecutor's</b>  25 <b>office, when reviewing, would know what I'm</b></p>
<p>51</p> <p>1 <b>was unhooked for evidentiary purposes?</b></p> <p>2 A. To seize, was my understanding.</p> <p>3 <b>Q. Was there any other evidence</b>  4 <b>seized at the scene?</b></p> <p>5 A. I believe there was.</p> <p>6 <b>Q. Do you recall any of it?</b></p> <p>7 A. I didn't do that, so I couldn't  8 tell you honestly what was seized and what  9 wasn't seized.</p> <p>10 <b>Q. Okay.</b></p> <p>11 A. My role was limited.</p> <p>12 <b>Q. How was the security -- I want</b>  13 <b>to go back to the security system. How was</b>  14 <b>the security system taken to be as evidence?</b>  15 <b>I mean, it was mounted to the wall, had wires</b>  16 <b>coming out. Who cut the wires?</b></p> <p>17 A. I don't know that anybody cut  18 the wires. I believe they were unhooked. I  19 do know that at one point Sergeant Phillips  20 obtained a Leatherman tool from me to unscrew  21 something, a bracket or something, so it  22 wouldn't cause damage.</p> <p>23 <b>Q. Okay. So the bracket that was</b>  24 <b>holding it to the wall was unscrewed?</b></p> <p>25 A. Something was. But I know that</p>	<p>53</p> <p>1 <b>looking for?</b></p> <p>2 A. I don't do public records  3 requests. I don't know -- it depends on what  4 you're looking for.</p> <p>5 <b>Q. Okay.</b></p> <p>6 A. I fulfill them when we get --  7 you know, people above us say, hey, this  8 request has come in. You know, we'll provide  9 body cam when we can. But a lot of that is  10 determined if it's a -- it's something that  11 can be released. It depends on where you're  12 at in an investigation and how it serves an  13 investigation.</p> <p>14 <b>Q. Is this search warrant still</b>  15 <b>under investigation?</b></p> <p>16 A. I don't know. Again, it's not  17 my investigation.</p> <p>18 <b>Q. So it would be Brian Newland's</b>  19 <b>investigation?</b></p> <p>20 A. I don't know. He's not with us  21 any longer. I have not been hands on in this  22 investigation and have no clue.</p> <p>23 <b>Q. When they create case files, do</b>  24 <b>they create them for the event or for the</b>  25 <b>person?</b></p>



<p>54</p> <p>1 A. It depends.</p> <p>2 <b>Q. Okay. On what?</b></p> <p>3 A. I don't know if there's a right</p> <p>4 or a wrong way, but if I'm working on a</p> <p>5 burglary from like three houses, that could</p> <p>6 be three separate reports or it can be</p> <p>7 combined as one report with three victims and</p> <p>8 three locations. It just really depends.</p> <p>9 <b>Q. Okay.</b></p> <p>10 A. And I don't know that there's</p> <p>11 really a standard. It's just the feel of</p> <p>12 each investigation, what would be the best</p> <p>13 practice in doing that.</p> <p>14 <b>Q. Did you take place in any of the</b></p> <p>15 <b>search of any of the suits or anything?</b></p> <p>16 A. My time upstairs was very</p> <p>17 limited. I do know that I went upstairs, but</p> <p>18 it was very limited. I don't recall</p> <p>19 searching any of the suits.</p> <p>20 <b>Q. Was your time upstairs before or</b></p> <p>21 <b>after you talked to Ms. Foreman and went and</b></p> <p>22 <b>checked on the children?</b></p> <p>23 A. I couldn't tell you.</p> <p>24 <b>Q. Do you remember how long</b></p> <p>25 <b>everybody was at the scene?</b></p>	<p>56</p> <p>1 done, everybody has a voice in this, you</p> <p>2 know, when you're talking about entries and</p> <p>3 stuff like that. So ultimately, whoever is</p> <p>4 in charge of the operation would make this</p> <p>5 final say. But everybody that's involved has</p> <p>6 a say in, you know, trying to determine the</p> <p>7 best way to do something.</p> <p>8 <b>Q. So it's kind of like a</b></p> <p>9 <b>collective, one person is in charge, that</b></p> <p>10 <b>makes the decision, but he poles everybody</b></p> <p>11 <b>first?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Who was in charge of this?</b></p> <p>14 A. My understanding, Sergeant</p> <p>15 Newland.</p> <p>16 <b>Q. So Brian Newland was the person</b></p> <p>17 <b>over everything, he briefed everybody, and</b></p> <p>18 <b>you guys then gave your input and a plan was</b></p> <p>19 <b>developed?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. So after the search was</b></p> <p>22 <b>completed, what did you do next?</b></p> <p>23 A. Spoke with Ms. Foreman. I spoke</p> <p>24 to Mr. Foreman on the phone. He had some</p> <p>25 concerns of what was going on and I tried to</p>
<p>55</p> <p>1 A. A couple of hours, as I</p> <p>2 remember, give or take. It wasn't an extreme</p> <p>3 amount of time, but it wasn't really, really</p> <p>4 quick either.</p> <p>5 <b>Q. Did you take any -- or were you</b></p> <p>6 <b>involved in the attempt to breach the front</b></p> <p>7 <b>door?</b></p> <p>8 A. Not as I recall.</p> <p>9 <b>Q. Being the shield man wouldn't</b></p> <p>10 <b>you have been involved in that if they were</b></p> <p>11 <b>attempting to breach it?</b></p> <p>12 A. I don't recall the front door</p> <p>13 being the primary point of entry for us.</p> <p>14 <b>Q. Do you guys ever breach more</b></p> <p>15 <b>than one location at a time?</b></p> <p>16 A. It depends on the situation and</p> <p>17 the residence, and the information that you</p> <p>18 have.</p> <p>19 <b>Q. Okay. Do you recall in planning</b></p> <p>20 <b>for this, was there any plan to breach at two</b></p> <p>21 <b>points?</b></p> <p>22 A. I don't recall.</p> <p>23 <b>Q. Who would have made that</b></p> <p>24 <b>decision?</b></p> <p>25 A. The way generally things are</p>	<p>57</p> <p>1 assure him on a phone call that, you know, my</p> <p>2 understanding is they needed to talk to him.</p> <p>3 I think there was some concerns about, you</p> <p>4 know, us coming and looking for him. I told</p> <p>5 him that's not the case at this point. Make</p> <p>6 contact with us. I know Sergeant Newland</p> <p>7 would like to speak to you. And honestly, at</p> <p>8 that point, my job was, you know, as far as</p> <p>9 searching, was over. So it's not my</p> <p>10 investigation. I honestly was trying to calm</p> <p>11 some of the fears of what's going on and</p> <p>12 what's next, because there was no arrest</p> <p>13 warrant for Mr. Foreman. There was, to my</p> <p>14 understanding, no intentions at that moment</p> <p>15 to get an arrest warrant for him. Obviously</p> <p>16 they did want to talk to him, so I explained</p> <p>17 to him, like, you don't have to fear of</p> <p>18 looking over your shoulder. Like, we know</p> <p>19 how to get a hold of you now, so that's what</p> <p>20 will occur. And that was -- you know, I</p> <p>21 don't want somebody -- I don't care who it</p> <p>22 is, the suspect of a crime or a general</p> <p>23 person, there's no reason to, you know, bull</p> <p>24 crap somebody or have them have a fear that</p> <p>25 they don't need to have.</p>

<p>58</p> <p>1 Q. So after concluding the</p> <p>2 conversations with Ms. Foreman and Mr.</p> <p>3 Foreman, did you go back to the station or</p> <p>4 did you go home?</p> <p>5 A. I don't know if I went back to</p> <p>6 the station or not, to be honest. I really</p> <p>7 didn't have an investigative role, so I could</p> <p>8 see going straight home from that, because</p> <p>9 it's not something that I needed to -- you</p> <p>10 know, when you get called in in a small</p> <p>11 agency, especially when you get called in to</p> <p>12 help with something, or like, hey, this is</p> <p>13 what we need from you -- and honestly</p> <p>14 sometimes that's a good role to have because,</p> <p>15 okay, this is what you need me to do, I'm</p> <p>16 out. Good to go. And you can move on to the</p> <p>17 next thing or deal with your own stuff.</p> <p>18 Q. So after the search, you had</p> <p>19 really no interaction in the investigation?</p> <p>20 A. No.</p> <p>21 Q. So when did you first become</p> <p>22 aware that there was posts?</p> <p>23 A. I'm not for sure exactly when,</p> <p>24 but it didn't take long.</p> <p>25 Q. When you say not long, can you</p>	<p>60</p> <p>1 A. And what causes a lot of</p> <p>2 distress in that is, that little girl has</p> <p>3 been with me since she was couple of months</p> <p>4 old. She's came from a home, her and her</p> <p>5 sisters, that was very abusive to a loving</p> <p>6 home, to a family that has cared for them.</p> <p>7 And obviously we're not in a very diverse</p> <p>8 community. One of the first experiences</p> <p>9 she's had with that and it's devastating.</p> <p>10 Q. Has she had ever had any</p> <p>11 experiences from the Ku Klux Klan before?</p> <p>12 A. Is that a real question?</p> <p>13 Q. Yes.</p> <p>14 A. I don't know.</p> <p>15 Q. Do you know where the nearest</p> <p>16 lodge is for the Ku Klux Klan?</p> <p>17 A. No, because it's not something</p> <p>18 I'd really like to deal with. The same as,</p> <p>19 I'm not a racist. And it's pretty hard that</p> <p>20 now that, when you deal with people, that's a</p> <p>21 common thought.</p> <p>22 Q. So you have claimed damages in</p> <p>23 relation to your reputation. Can you please</p> <p>24 elaborate on how your reputation has been</p> <p>25 harmed.</p>
<p>59</p> <p>1 put a timeframe on that?</p> <p>2 A. No, it just wasn't an extreme</p> <p>3 amount of time.</p> <p>4 Q. So when you say extreme, you</p> <p>5 mean weeks?</p> <p>6 A. I would say it was within a week</p> <p>7 or two weeks something -- as my recollection</p> <p>8 on it is, yes.</p> <p>9 Q. And tell me about what you</p> <p>10 learned at that time.</p> <p>11 A. The way I found out about the</p> <p>12 post?</p> <p>13 Q. Uh-huh.</p> <p>14 A. Is when my daughter came home</p> <p>15 telling me about it, because apparently it</p> <p>16 was posted that Mr. Foreman had had sex with</p> <p>17 my wife. And all fine and dandy except for</p> <p>18 the fact of my daughter is biracial. I</p> <p>19 adopted her and her two sisters. She was</p> <p>20 pretty the upset because all of her friends</p> <p>21 at school were making fun of her because her</p> <p>22 dad's a racist and apparently she's Mr.</p> <p>23 Foreman's child because he's saying he had</p> <p>24 sex with my wife.</p> <p>25 Q. So the kids were --</p>	<p>61</p> <p>1 A. Multiple events of where you're</p> <p>2 dealing with the public and it's</p> <p>3 automatically assumed you're going to steal</p> <p>4 their money, chase them into the woods to</p> <p>5 kill them. You're a racist. All of this</p> <p>6 stuff that's been alleged or fabricated in an</p> <p>7 attempt to do what?</p> <p>8 Q. Can you give me a specific</p> <p>9 example?</p> <p>10 A. When you're arresting somebody</p> <p>11 or even when you're going on a call -- I tell</p> <p>12 people all of the time we're not out here</p> <p>13 selling ice cream. A lot of times when you</p> <p>14 go to a call you do the best you can with the</p> <p>15 facts that's present and you're not always</p> <p>16 going to make people happy. And when you</p> <p>17 don't tell somebody what they want to hear</p> <p>18 it's automatically, and it was for a while,</p> <p>19 what are you going to do me like you did Mr.</p> <p>20 Foreman or Afroman? And then you have to</p> <p>21 either do your best to look past that and</p> <p>22 like, listen, we're dealing with this. Oh,</p> <p>23 no, and then it goes further. So it's</p> <p>24 non-stop. Plus the fear that's been</p> <p>25 generated from this.</p>



<p style="text-align: right;">62</p> <p>1     <b>Q. What fear?</b>  2     A. That causes -- the hundreds, if  3 not thousands, I'm sure it's thousands, but I  4 don't want to misspeak, of messages that  5 we've received through our agency and online.  6         We can't post a missing child  7 without the harassment from the lies. It is  8 bad that you can't look for a missing kid or  9 get the public's help because of this.  10        Plus the death threats. That is  11 a problem.  12     <b>Q. Death threats for the agency?</b>  13     A. Yes. You know, I worked  14 nightshift for a long time and we are a rural  15 community. You can't see everything coming  16 and going. And there's different issues in  17 urban communities. But when you can't sit to  18 do paperwork because you're getting active  19 threats from people from misinformation, it  20 taxing. We're already a target.  21        The one thing I know, and I say  22 this all of the time, I will never, ever do  23 anything to violate somebody's rights because  24 the second I do it gives somebody permission  25 to do it to me. I may lose a case because</p>	<p style="text-align: right;">64</p> <p>1     <b>Q. Have you seen a doctor in</b>  2 <b>relation to this taxing?</b>  3     A. No. Get a cop to a doctor,  4 that's --  5     <b>Q. Pardon?</b>  6     A. I said, get a cop to a doctor,  7 it's hard sometimes. We're supposed to be  8 the people out there helping people. But  9 it's taxing.  10    <b>Q. So when you say taxing,</b>  11 <b>stressful is what you mean by taxing?</b>  12    A. Yes. Being in a sense of  13 alert -- I've said this to people before, you  14 can go to work and have a day where not much  15 is going on, but at the end of the day you're  16 still wore out because, when you come to this  17 job there's a level you need to be at. And  18 then to have that even heightened because  19 you're getting active messages over  20 falsehoods and it's like -- it's very, very  21 taxing on you.  22    <b>Q. Were you ever involved in any of</b>  23 <b>the discussions at the police department on</b>  24 <b>how to deal with these calls?</b>  25    A. Nothing extremely formal, no.</p>
<p style="text-align: right;">63</p> <p>1 I'm not going to violate somebody. But then  2 to have things said about you to smear you,  3 to get people so enraged over misinformation  4 that they're sending messages to a police  5 agency of how pigs should die and then let  6 alone the other things that this has sparked.  7        You know, I had a dispatcher  8 say, there's something that came in you need  9 to see. It was a picture of what was  10 supposed to be depicted of two police  11 officers having anal sex and the dispatch was  12 so embarrassed to even say, hey, you need to  13 look at this. And this was all fueled from  14 lies. And it's very taxing. It's very  15 mentally taxing. We have enough. And that's  16 my problem.  17    <b>Q. Okay. So out of these thousands</b>  18 <b>of messages was anybody prosecuted?</b>  19    A. I didn't handle that.  20    <b>Q. To your knowledge, was anybody</b>  21 <b>prosecuted?</b>  22    A. I didn't ask.  23    <b>Q. Okay.</b>  24    A. It's very emotional. It's very  25 taxing.</p>	<p style="text-align: right;">65</p> <p>1     <b>Q. Anything informal?</b>  2     A. Just that they're coming in and  3 they're going to try their best to document  4 this and figure out the way to do it.  5        Now, I can say that, since then,  6 a very taxing thing for us is trying to get  7 the public information without turning it  8 into a spectacle. You know, there's a lot of  9 things that's a spectacle. But when your  10 child is in danger missing and we're trying  11 to get the information out there, but all we  12 get is, try looking at the pound cake store,  13 try doing this, or you guys are nothing but  14 racists. Okay. This is somebody's kid. And  15 that's a problem. That's a problem.  16        And I can tell you from -- and I  17 won't do anything different or allow any of  18 my people. I don't care who it is. How many  19 times I've dealt with them. We treat -- and  20 I will make sure people are treated the same.  21 If Mr. Foreman today came in here and needed  22 anything I would do everything I can to help  23 him. Anybody.  24        Just this, inflating the  25 situation for whatever gain, it is causing</p>

<p>66</p> <p>1 harm, emotional and otherwise. And then to  2 get my kids, which causes me more stress.  3 They've already been through enough. They've  4 been throwed out by one family and now  5 they're in my family and they're mine and to  6 have them come home because of this, it  7 causes a lot of harm.</p> <p>8 <b>Q. So you mentioned emotional</b>  9 <b>distress. Tell me more about what emotional</b>  10 <b>distress means you to.</b></p> <p>11 A. It's hard to explain. There's  12 just regular work stress and then there's  13 added stress that's unnecessary. And this is  14 added stress that's unnecessary and  15 unnecessary because of the reasons behind it.  16 I don't know what the motives are, but I can  17 tell you the result. It's pretty damning to  18 your reputation. I'm not a racist. I beg  19 somebody to show me something I've done to be  20 biased or against anybody. But to throw that  21 out there to me is very damning.</p> <p>22 <b>Q. Is to be called a racist?</b></p> <p>23 A. Yes. The same as I wouldn't put  24 up with it to anybody that did it towards my  25 children. I despise it. It's something I've</p>	<p>68</p> <p>1 guy doing anything any other way. And  2 learning that experience has helped me  3 further as a person understand that you deal  4 with somebody because of their actions and  5 what they're doing. It's not about what they  6 look like. That has no play into my daily  7 operation. And to be told that it has or  8 been implied that it has is very damning to  9 my reputation. It's very damning to how I do  10 things.</p> <p>11 (Shawn Cooley joined the  12 deposition.)</p> <p>13 <b>Q. So when we talk about emotional</b>  14 <b>distress then we're talking about added</b>  15 <b>unnecessary stress?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. In addition to normal work</b>  18 <b>stress?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. Okay. How do you put a dollar</b>  21 <b>amount on that?</b></p> <p>22 A. I don't know how you do, because  23 I don't think you can pay this problem away.</p> <p>24 <b>Q. Well, you have asked for</b>  25 <b>damages. How would you figure your damages</b></p>
<p>67</p> <p>1 learned firsthand in experiences I've had.  2 I know it's a real thing. I guarantee it's a  3 real thing. It's something I've felt before.  4 And now to see it -- it was never a factor  5 and now it is and that is damning.</p> <p>6 I've experience it. I'm a white  7 guy. I have experienced it, I guarantee you.  8 It's something that I didn't understand until  9 I experienced it.</p> <p>10 <b>Q. How was that?</b></p> <p>11 A. What was the experience?</p> <p>12 <b>Q. Uh-huh.</b></p> <p>13 A. When I was on a mission trip to  14 South Dakota to an Indian reservation and I  15 went in a store to get a soda and felt like  16 everybody in there was watching me. And at  17 that moment I understood a little bit more  18 what people of color and other people feel  19 sometimes and it sucked, because I was  20 getting a soda. But everybody in there I  21 felt like was watching me because they were  22 different than me. And I had to get in my  23 mind like, is this real. So I get it. I do  24 get it. But in my mind I had to process,  25 you're a guy getting a soda. You're not a</p>	<p>69</p> <p>1 <b>on this?</b></p> <p>2 A. There's no way to really figure  3 the total of the damages.</p> <p>4 <b>Q. How would one go about it, do</b>  5 <b>you think?</b></p> <p>6 A. I don't know. How do you forget  7 something away?</p> <p>8 <b>Q. So I guess this needs a</b>  9 <b>clarification then. Are you seeking damages</b>  10 <b>only to yourself or are you seeking damages</b>  11 <b>to you and your family?</b></p> <p>12 A. I am not going to put my family  13 through further unnecessary trouble and  14 displacement and harm by putting them in the  15 middle of this. But it has caused me harm.  16 And just -- yeah, they should be involved in  17 it. They're involved enough. They don't  18 need more harm than what's already been  19 caused.</p> <p>20 <b>Q. But they should be involved?</b></p> <p>21 A. I'm not putting my kids and my  22 wife through that.</p> <p>23 <b>Q. Do you plan on calling them as</b>  24 <b>witnesses at trial?</b></p> <p>25 A. No. My wife and my family are</p>

<p>70</p> <p>1 the most priority in my life and to see them 2 harmed is devastating in this manner. 3 Because the same respect I gave 4 Mr. Foreman's children, and I would do it 5 tomorrow, was not forwarded to my kids and 6 that's devastating to me. And I, with the 7 stopping of the post, that's -- that helps a 8 lot, but they still get it. And it sucks. 9 <b>Q. This may sound stupid, but</b> 10 <b>you've been a police officer for how many</b> 11 <b>years?</b> 12 A. Twenty-seven. 13 <b>Q. Out of 27 years have you ever</b> 14 <b>had a death threat before?</b> 15 A. My house was caught on fire when 16 my daughter was three months old over a 17 disorderly ticket, so it's real to me when 18 people make threats towards me. While I was 19 finishing the case file somebody caught my 20 house on fire at Third and Snelling Street, 21 Manchester, Ohio, with my wife and infant 22 daughter sleeping inside. I rolled up to the 23 scene watching my wife throw pitchers of 24 water on the side of my house over a \$100 25 ticket. So, yeah, death threats are real to</p>	<p>72</p> <p>1 A. No. 2 <b>Q. No idea how to put an emotional</b> 3 <b>value on the emotional distress?</b> 4 A. No. To be honest, one of the 5 mechanisms that's used in law enforcement is, 6 hide your emotional damage and try to move 7 on. It's a very unfortunate fact of public 8 safety that people do that and it's very 9 unsafe, but we're creatures that, you know, 10 deal with a lot of bad stuff. And that's 11 fine when you're trying to save somebody, but 12 it's not -- the next little rock on the PTSD 13 pile is not good when it's based upon 14 somebody's ploy to direct attention away from 15 them or to make a spectacle out of you 16 through lies. 17 <b>Q. You said PTSD pile, what is</b> 18 <b>that?</b> 19 A. It's a references to the amount 20 of situations that officers and first 21 responders have to deal with. It's a joke. 22 And I apologize for using it, but we used to 23 always say, you know, you go to the next 24 major thing, that there's another rock on the 25 old PTSD pile. Because the average person</p>
<p>71</p> <p>1 me. 2 <b>Q. I take it you've been slandered</b> 3 <b>in the line of duty?</b> 4 A. Nothing to the level that we've 5 got now. Because usually your reputation is 6 from how you treat people. I believe in 7 treating people the way I'd want in my family 8 and me to be treated and that's how I try to 9 do things. And as you progress in your 10 career you learn that more, that how you 11 treat people, that's what you're known for. 12 I have more people walk up to me that I've 13 sent to prison that come back and say thank 14 you than the people that I've cut their 15 family out of a car crash or saved them or 16 did CPR and saved them, I have more people 17 that I've arrested come up to me and say, 18 thank you for how you handled the situation, 19 the integrity, the compassion that you gave 20 to that situation. 21 <b>Q. Do you need a minute?</b> 22 A. Sorry. 23 <b>Q. So would it be fair to say you</b> 24 <b>have no idea how to put an economic value on</b> 25 <b>your reputation harm?</b></p>	<p>73</p> <p>1 builds I think it's 2.3 traumatic experiences 2 in their life and the average public safety 3 professionals deals with hundreds in a 4 career. And more added stress to it is not 5 necessary. 6 <b>Q. How do you measure your stress?</b> 7 A. I don't. I don't know that I 8 can define that or explain the question. Or 9 an answer to the question. 10 <b>Q. When you say added stress, I'm</b> 11 <b>just wondering if we were to quantify how</b> 12 <b>much added stress, how we would do that?</b> 13 A. I went from having some 14 instances of acts towards us, as far as like 15 I explained to you before this event and 16 after, it is -- has been multiple events. 17 Before you'd occasionally get a loud-mouthed 18 drunk, I'm going to kick your butt. And then 19 it turns into people literally sending 20 messages how they want to see you dead. And 21 it wasn't necessarily the norm. You expect 22 it could happen, but then when the frequency 23 upticks because of a situation, it's pretty 24 stressful. 25 <b>Q. Well, this may sound like a</b></p>

<p style="text-align: right;">74</p> <p>1 <b>stupid question, Randy, but is making a death</b>  2 <b>threat to an officer a crime?</b>  3 A. It can be.  4 <b>Q. What makes it a crime?</b>  5 A. If I made a death threat towards  6 you, if I caused fear, that's aggravated  7 menacing of bodily harm. But, again, it's  8 not my call to determine what gets charged or  9 not. In my mind any threats toward public  10 safety, law enforcement, who are doing their  11 job should be handled swiftly. But, again,  12 not so.  13 <b>Q. So if someone makes a death</b>  14 <b>threat -- so if somebody made a death threat</b>  15 <b>to you and you felt harmed, that is the</b>  16 <b>definition of aggravated menacing?</b>  17 A. Well, I mean, I would want to  18 read it before I said, hey, this is  19 absolutely it. And which we do all of the  20 time. My understanding of aggravated  21 menacing would go be, to create a thought of  22 substantial harm to another through a direct  23 threat.  24 <b>Q. So other than the other officers</b>  25 <b>in this case, do you plan to call any</b></p>	<p style="text-align: right;">76</p> <p>1 to this is. I'm also a very remorseful  2 person. And there seems to be none in this  3 for the things that has occurred. So I don't  4 know the answer to that.  5 <b>Q. You also asked for damages and</b>  6 <b>attorney fees. Do you know how much you've</b>  7 <b>spent in attorney fees to date?</b>  8 A. I do not.  9 <b>Q. Would that be something I would</b>  10 <b>talk to your attorney about?</b>  11 A. If that's something that's  12 within the bounds -- any correspondence  13 between me and my attorney, including  14 financial, I do not want discussed unless  15 it's something ordered by the court and it's  16 within reason. Not to be a jerk about it,  17 but obviously your interactions between you  18 and your client, I don't want to intrude on,  19 and would rather the same be true for me.  20 <b>Q. Okay. You're suing for</b>  21 <b>publicity given to private life. Can you</b>  22 <b>explain that to me, how your -- what you've</b>  23 <b>described in damages to your reputation is</b>  24 <b>publicity given to private life?</b>  25 A. I think the publication of this</p>
<p style="text-align: right;">75</p> <p>1 <b>witnesses at trial?</b>  2 A. That's something I would have to  3 discuss with my attorney. And as of right  4 now I don't have anybody else.  5 <b>Q. Would that also include expert</b>  6 <b>witnesses?</b>  7 A. That would be a strategy between  8 myself and my defense counsel and that  9 something that I'm sure we will do.  10 <b>Q. But as of today's date, you have</b>  11 <b>no idea how to figure the damage that's</b>  12 <b>you're claiming?</b>  13 A. No. I don't know that --  14 <b>Q. Is that an affirmative answer to</b>  15 <b>the question or a negative answer?</b>  16 A. An answer would be, I don't know  17 how to effectively resolve, if ever, the  18 damage that's been caused.  19 <b>Q. What would you have -- what</b>  20 <b>resolution would you like to see for this</b>  21 <b>case?</b>  22 A. I'm by nature not a spiteful  23 person. I'm not a vindictive person. I'm  24 not a person that holds grudges, or attempt  25 not to be. I don't know what the resolution</p>	<p style="text-align: right;">77</p> <p>1 case has rejuvenated Mr. Foreman's career and  2 without it would have not been so. Although  3 very talented and has his own business, this  4 was used, in my belief, to further something.  5 I don't know why it was done the way it was  6 done. But to allege having sexual relations  7 with my wife, for what? That causes harm and  8 damage to my children that they have to deal  9 with it at school, which also puts stress on  10 me. Do I have to take my kids out of school?  11 Do I have -- you know, what -- this is my  12 problem. My family should not be affected by  13 this. And over what? What? My existence  14 should not be used to further somebody's  15 career. And to publish merchandise and songs  16 with my likeness for your advancement --  17 because I don't know what other advancement  18 it would be if you're charging for this.  19 <b>Q. When you say likeness, have you</b>  20 <b>ever had your picture taken before?</b>  21 A. Yes.  22 <b>Q. Have you ever had it in the</b>  23 <b>newspaper?</b>  24 A. Yes.  25 <b>Q. Did you ever sue the newspaper?</b></p>



<p style="text-align: right;">78</p> <p>1 A. Huh?</p> <p>2 <b>Q. Did you ever sue the newspaper?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Is your profile on Facebook</b></p> <p>5 <b>public or private?</b></p> <p>6 A. Private I believe. I don't</p> <p>7 know. I'm not a big social media guy.</p> <p>8 <b>Q. Okay. Do you ever post pictures</b></p> <p>9 <b>on social media?</b></p> <p>10 A. I've never allowed my images to</p> <p>11 be used for public gain over lies.</p> <p>12 <b>Q. Are you aware that, when you</b></p> <p>13 <b>post a photograph on Facebook, it becomes the</b></p> <p>14 <b>property of Facebook?</b></p> <p>15 A. Okay.</p> <p>16 <b>Q. Would that make you the proper</b></p> <p>17 <b>party then to sue over your photo if it was</b></p> <p>18 <b>on Facebook?</b></p> <p>19 A. I believe if my photo was being</p> <p>20 used for inappropriate purposes or purposes</p> <p>21 not that I deem acceptable, as in the same</p> <p>22 process with Facebook, if somebody posts an</p> <p>23 image of you and you send a strike to it,</p> <p>24 that they will identify it and take it down.</p> <p>25 <b>Q. Is that a Federal legal thing</b></p>	<p style="text-align: right;">80</p> <p>1 individual?</p> <p>2 A. An individual.</p> <p>3 <b>Q. Okay. So if I do a public</b></p> <p>4 <b>records request for information on this and</b></p> <p>5 <b>obviously body cam footage, the confidential</b></p> <p>6 <b>informant, Mr. Foreman, is there any ongoing</b></p> <p>7 <b>investigations that would interfere with</b></p> <p>8 <b>that?</b></p> <p>9 A. I have no clue on that. It's</p> <p>10 never been my investigation. I don't know</p> <p>11 the inner workings of it to be honest with</p> <p>12 you.</p> <p>13 <b>Q. Have you ever reviewed any</b></p> <p>14 <b>documents in relation to this prior to today?</b></p> <p>15 A. I thought about that this</p> <p>16 morning. No. I never reviewed the body cam.</p> <p>17 I never reviewed anything. It's not</p> <p>18 something that I've investigated.</p> <p>19 <b>Q. So I guess that begs the</b></p> <p>20 <b>follow-up question. Is there documents that</b></p> <p>21 <b>could have been reviewed?</b></p> <p>22 A. I don't know. I've never</p> <p>23 attempted to.</p> <p>24 MR. OSBORNE: I don't have any</p> <p>25 further questions for you, Randy.</p>
<p style="text-align: right;">79</p> <p>1 <b>they must do or a policy that they do as a</b></p> <p>2 <b>company?</b></p> <p>3 A. I think it's called being human.</p> <p>4 <b>Q. What does false light mean to</b></p> <p>5 <b>you?</b></p> <p>6 A. I have no definition of --</p> <p>7 MR. OSBORNE: If we can take a</p> <p>8 break?</p> <p>9 (Off the record.)</p> <p>10 <b>Q. So we're back on here. Randy,</b></p> <p>11 <b>just have a couple of questions to clear up.</b></p> <p>12 <b>One of the things you asked about for damages</b></p> <p>13 <b>in the Complaint was due to humiliation. Can</b></p> <p>14 <b>you tell me more about that, please. Or</b></p> <p>15 <b>would that be just duplicative of what you've</b></p> <p>16 <b>already told us?</b></p> <p>17 A. What I've already told you, the</p> <p>18 damage that I'm some sort of racist and I'm</p> <p>19 out violating people's rights and that's</p> <p>20 furthest from the truth.</p> <p>21 <b>Q. Okay. How would you put a</b></p> <p>22 <b>dollar value on that?</b></p> <p>23 A. I don't know.</p> <p>24 <b>Q. Okay. Are you suing in the</b></p> <p>25 <b>capacity as a police officer or as an</b></p>	<p style="text-align: right;">81</p> <p>1 THE WITNESS: Thank you, sir.</p> <p>2 MS. MCELROY: I don't have any</p> <p>3 questions.</p> <p>4 MR. KLINGLER: Your free to go</p> <p>5 or stay, whatever you want.</p> <p>6 MR. OSBORNE: A question on</p> <p>7 waive or read?</p> <p>8 MR. KLINGLER: Sorry, yeah.</p> <p>9 We'll read and sign.</p> <p>10</p> <p>11 _____</p> <p>12 RANDOLPH WALTERS</p> <p>13</p> <p>14</p> <p>15 ***</p> <p>16 (DEPOSITION CONCLUDED AT 11:39 A.M.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 CERTIFICATE

2 STATE OF OHIO  
3 : SS  
4 COUNTY OF HAMILTON

5 I, Julie Patrick, the undersigned, a  
6 duly qualified notary public within and for  
7 the State of Ohio, do hereby certify that  
8 RANDOLPH WALTERS was by me first duly sworn  
9 to depose the truth and nothing but the  
10 truth; foregoing is the deposition given at  
11 said time and place by said witness;  
12 deposition was taken pursuant to stipulations  
13 hereinbefore set forth; deposition was taken  
14 by me in stenotype and transcribed by me by  
15 means of computer; that the transcribed  
16 deposition was made available to the witness  
17 for examination and signature and that  
18 signature may be affixed out of the presence  
19 of the Notary Public-Court Reporter. I am  
20 neither a relative of any of the parties or  
21 any of their counsel; I am not, nor is the  
22 court reporting firm with which I am  
23 affiliated, under a contract as defined in  
24 Civil Rule 28(D) and have no financial  
25 interest in the result of this action.

IN WITNESS WHEREOF, I have hereunto set my  
hand and official seal of office at  
Cincinnati, Ohio this 25th day of August,  
2025.

17  
18  
19  
20 My commission expires: March 13, 2029  
21  
22  
23  
24  
25





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**Angela Darden**

*I am so glad to have been able to work with Angi another year. Angi's positive attitude and work focus are among the very most reliable, consistent aspects of my life here at FDAR. Over the past few years assigned together, we have really got to know each other's work styles and needs well. Angi is a rock-star legal assistant to me. She is now constantly on top of my calendar and related deadlines, usually reaches out to me if I need something before I even ask her, and frequently anticipates my project management and work priority needs. She does not bat an eye with large filing needs, is an excellent proofreader, and takes over my document drafts leaving me assured that they will be filed in perfect shape. Angi's attitude and sunny disposition are unmatched in the office. Through what I know has been a difficult year personally with family issues and a car accident, she never once let it sour her demeanor at work. I admire her outlook and persistent work ethic. I support any and all available raises and bonuses for Ms. Darden as she is a treasure to work with.*

**Lucinda Miller**

*Lucinda is unmatched in our office with handling medical records, drafting medical records summaries, and dealing with medical providers. I work with her occasionally and I am glad she has become more involved with CORSA cases this year. Her expertise will no doubt be useful in public-sector litigation matters moving forward. I do think that attitude represents an enormous area of improvement for Lucinda to work on. She often demands workplace benefits and treatment that do not necessarily reflect on her workload, output, and/or attitude. I think some effort can be made on her part in channeling some negativity into more productive areas - i.e., billable hours, expanding her scope of services to attorneys in the firm, etc.*