

1 THE COURT: You may proceed.

2 UZZIAH HARDEN

3 Having first been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BERNARD.

6 Q. Would you introduce yourself briefly to the  
7 jury.

8 A. My name is Uzziah Harden.

9 Q. And what do you do for a living presently?

10 A. Presently, I -- actually, I have two roles. I  
11 work as a local installer for AT&T, but I'm also a  
12 deputy for Precinct 4 Patrol.

13 Q. Deputy Harden, could you move your mike up just  
14 a like bit closer.

15 A. Yeah.

16 Q. And when did you start working for AT&T?

17 A. I started working for AT&T September of this  
18 year.

19 Q. And where did you work before that?

20 A. Previously I spent four years with the Harris  
21 County Sheriff's Office.

22 Q. And were you a peace officer?

23 A. Yes, sir. I was a peace officer and a full  
24 time detention officer at 1200 Baker Street.

25 Q. And were you a Sheriff's Deputy?

1 A. Yes.

2 Q. And where were you posted?

3 A. Where was I?

4 Q. Where were you posted in May of 2012?

5 A. May of 2012, I was at 1200 Baker Street in the  
6 jail.

7 Q. And is that in Harris County, Texas?

8 A. Yes, Harris County, Texas.

9 Q. And on May 4, 2012, what were your duties at  
10 the jail?

11 A. That day my duties were as floor rover on the  
12 second floor of the detention facility.

13 Q. And could you describe briefly what is entailed  
14 with the duties of a floor rover?

15 A. Basically a floor rover, we are not assigned to  
16 a particular cell block to work that day. We are  
17 support for the employees, helping deputies that need  
18 help. We supervise the floor workers with their duties  
19 throughout the day. We also -- we just help everywhere  
20 we can. We are not assigned to any specific location.

21 Q. How are the cell blocks on the second floor  
22 organized?

23 A. The cell blocks face off of -- we have two  
24 hallways on the floors. There was also a north hallway  
25 and a south hallway. And the cell blocks are actually

1 off of those hallways. I could actually name the cell  
2 blocks on each side, if you would like.

3 Q. Yes, sir.

4 A. All right. On the -- on the second floor at  
5 1200 Baker on the north side hallway, we have one end of  
6 the hallway that's strictly a mental health unit.  
7 That's not an area that we work. I wasn't a mental  
8 health deputy. But the general population on that side,  
9 we have an A cell block, we have an N cell block, and on  
10 the south side hallway, we have an F cell block, an A  
11 cell block, and then we also have J, K, L, and M. Those  
12 are the locked down cell blocks. They're not general  
13 population. Those are higher security. But F cell  
14 block and A cell block, those were general population.

15 Q. Deputy Harden, here on the projector is State's  
16 Exhibit 1. Does this accurate -- does this accurately  
17 and fairly reflect the layout of the F cell block?

18 A. Yes, it does.

19 Q. Is the F cell block also called F pod  
20 sometimes?

21 A. Yes, it is. That's also a general term we use  
22 for it.

23 Q. Have you ever been inside of F pod?

24 A. Yes, sir. I've worked that pod before.

25 Q. And what is this area called?

1       A.    That area is referred to normally as the day  
2 room.  It's the common area for the inmates.  If they're  
3 not bunked or inside the individual cell blocks, then  
4 they usually congregate in the day room.

5       Q.    What is this?

6       A.    That is actually the bunking area.

7       Q.    And what is this particular area here?

8       A.    I'm sorry.  Could you point to it again.

9       Q.    This one here.

10      A.    That area -- that's the area actually literally  
11 in between the bunks of each individual cell block, each  
12 individual cell rather.

13      Q.    This is A Cell.

14      A.    That is A Cell.

15      Q.    And are the cells labeled in any way?

16      A.    Yes, they are labeled.

17      Q.    And which letter is this?

18      A.    That would be A Cell.

19      Q.    Which letter does this one have?

20      A.    That would be B Cell.

21      Q.    Which letter does this one have?

22      A.    That would be C Cell.

23      Q.    Have you ever been inside of C Cell?

24      A.    Yes, sir.

25      Q.    And is it possible from inside of C Cell to see

1 the control center of the pod?

2 MR. JOSH HILL: Objection, calls for  
3 speculation.

4 THE COURT: Sustained.

5 THE WITNESS: Rephrase.

6 Q. (By Mr. Bernard) Deputy Harden, when you were  
7 inside of C Cell, were you ever able to see inside the  
8 interior of the control center?

9 A. Certainly.

10 MR. JOSH HILL: Objection. Calls for  
11 relevance.

12 THE COURT: Overruled.

13 Q. (By Mr. Bernard) Deputy Harden, whenever you  
14 were inside C Cell were you able to see the interior of  
15 the control pod of the center?

16 A. Yes.

17 Q. Are there windows on the control pod?

18 A. Yes, there are.

19 Q. Are they tinted in any way?

20 A. No, they're not.

21 Q. Do the inmates in the jail have -- I want to  
22 call your attention to what the inmates are supplied  
23 with in the jail? Are they supplied with clothing?

24 A. Yes, they are.

25 MR. JOSH HILL: Objection to relevance.

1 This line of questioning.

2 THE COURT: Next question.

3 Q. (By Mr. Bernard) Are they supplied with  
4 clothing?

5 A. Yes, they are.

6 Q. What clothing are they supplied with?

7 A. We refer to it as a jump suit, similar to  
8 medical scrub in the color of orange. For general  
9 population they're the color of orange and they're  
10 supplied with one pair of pants and one top.

11 Q. Are they supplied with any underwear?

12 A. Yes, they are, two pairs.

13 Q. And are those boxer shorts or --

14 A. Those are boxer shorts.

15 Q. Can you describe the front of the boxer shorts?

16 A. They're plain fronts, but with an opening in  
17 the front. No kind of snap or anything. It's just a  
18 regular opening, you know, that lays over itself.

19 Q. Do you recall anything unusual happening on the  
20 morning of May 4, 2012?

21 A. Yes. That morning, while we were on the floor,  
22 we received a call over the speaker system or the PA  
23 system on the floor, that rovers were needed.

24 MR. JOSH HILL: Objection, calls for  
25 hearsay.

1 THE COURT: Sustained.

2 Q. (By Mr. Bernard) Did you respond to any kind of  
3 call for assistance on the morning of May 4, 2012?

4 A. Yes, I did.

5 Q. Where did that call for assistance come from?

6 A. It came from F Pod.

7 Q. What did you do?

8 A. I went to F Pod.

9 Q. Was anyone with you?

10 A. Yes.

11 Q. Who?

12 A. Another rover on the floor.

13 Q. Do you remember that rover's name?

14 A. Yes, I do.

15 Q. What was his name?

16 A. Deputy Jones.

17 Q. Could you show us here, using the screen, could  
18 you show us how you approached F Pod as you went there?

19 A. Okay. The main hallway was approximately right  
20 here. I was at that junction of the main hallway. And  
21 that is the south side hallway. So I was here and to  
22 approach F pod, I simply walked along the south side  
23 hallway until I got to about there.

24 Q. What happened next?

25 A. I stopped there to ask what assistance was

1 needed.

2 Q. Were you given some answers to that question?

3 MR. JOSH HILL: Objection, calls for  
4 hearsay.

5 THE COURT: Sustained.

6 Q. (By Mr. Bernard) Did you learn what assistance  
7 was needed?

8 MR. JOSH HILL: Objection, calls for  
9 hearsay.

10 THE COURT: Sustained.

11 Q. (By Mr. Bernard) What did you do after  
12 stopping to find out what assistance was needed?

13 A. Well after stopping here, the officer that was  
14 working that pod told me to go on --

15 MR. JOSH HILL: Objection, calls for  
16 hearsay.

17 THE COURT: Sustained. You cannot testify  
18 about what somebody else told you.

19 THE WITNESS: Okay.

20 THE COURT: That is called hearsay. It's  
21 an out of court statement that somebody makes. It's  
22 unsworn. All right.

23 THE WITNESS: Okay.

24 Q. (By Mr. Bernard) Without telling us what you  
25 were told, did you speak with the person in the F pod at



1 that point?

2 A. Yes, I spoke with the officer at F pod.

3 Q. What did you do after you spoke with the  
4 officer?

5 A. I continued down the hallway until I got to  
6 this outside door here.

7 Q. What happened next?

8 A. That door opened.

9 Q. And how did it sound when that door opened?

10 A. It's a loud motorized sound is the best way to  
11 describe it.

12 Q. And were you still with Deputy Jones?

13 A. By the time I reached the outside door, Deputy  
14 Jones had caught up with me and we were standing there  
15 together.

16 Q. And what happened next?

17 A. Once that outer door opened, we entered the  
18 vestibule area here.

19 Q. And after you entered the vestibule area -- I  
20 want to call your attention to the exact order of events  
21 here. After you -- the door opened and then you entered  
22 the vestibule area, what happened next?

23 A. The outer door closed.

24 Q. And what happened after that?

25 A. Once the outer door closed, the inner door

1 opened.

2 Q. And what did you do next?

3 A. Once the inner door opened, we entered into the  
4 day room area.

5 Q. And without telling us what you were told or  
6 what information you were given, did you have any  
7 exchange of gestures or words with the person in the F  
8 Pod center?

9 THE COURT: Yes or no?

10 THE WITNESS: Yes.

11 Q. (By Mr. Bernard) And what did you do after  
12 that?

13 A. I immediately went to C Cell.

14 Q. And what did you see then?

15 A. I saw the inside of C Cell. There were a  
16 couple of inmates in their bunks sleeping. One inmate  
17 standing.

18 Q. Is the inmate who was standing in the courtroom  
19 today?

20 A. Yes, sir.

21 Q. And could you point him out by simply  
22 describing some article of clothing that he's wearing?

23 A. Yes, sir. White button down shirt, suit coat.

24 Q. And could you describe and point him out by  
25 describing his facial hair?

1           A.    Yes.  Goatee.

2                   MR. BERNARD:  Your Honor, the State would  
3 ask the record reflect that the witness has identified  
4 the defendant?

5                   THE COURT:  Yes.

6           Q.    (By Mr. Bernard) Deputy Harden, what was --  
7 what was the defendant doing when you saw him standing  
8 in the cell?

9           A.    He was standing at the back of the cell and he  
10 was -- his back was to me at first.  And as I entered  
11 the cell, he turned.

12          Q.    And how was he dressed?

13          A.    He was wearing tennis shoes and he had his jump  
14 suit pants on.

15          Q.    Was he wearing a shirt?

16          A.    No, he wasn't.

17          Q.    When those exterior doors opened, are they  
18 obvious --

19                   MR. JOSH HILL:  Objection, speculation.

20                   THE COURT REPORTER:  Actually Judge, I  
21 didn't hear that question.

22                   THE COURT:  Let's hear the question again.  
23 Don't give an answer until I rule on the objection.

24                   MR. BERNARD:  When you were inside of F  
25 pod, were you able to hear the exterior doors open and

1 close?

2 MR. JOSH HILL: Judge, I'm going to object  
3 to speculation as to what my client might have heard and  
4 relevance as to what this officer may have heard.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 Q. (By Mr. Bernard) How long did it take from when  
8 the outer door opens and when the -- and then closes and  
9 then the inner door opens?

10 A. Approximately 20 seconds.

11 Q. What happens after you saw Inmate Graves  
12 standing in the cell?

13 A. After I saw him, I told Graves to put his shirt  
14 on. He put his shirt on.

15 Q. And what happened next?

16 A. At that point, I left out of the cell, stood  
17 back in the day room, and told Graves to come with me.

18 Q. And was Deputy Jones with you at that time?

19 A. Yes, he was standing in the day room  
20 approximately right here.

21 Q. Could you clear the screen for us.

22 A. (Complies.)

23 Q. Deputy, I want to call your attention to the  
24 facilities in the cell. Are there -- are there bunks in  
25 the facilities in the cells?

1 A. In the cells, yes.

2 Q. And is that where the inmates sleep?

3 A. That is where the inmates sleep.

4 Q. And what were -- what were the other inmates in  
5 Cell C doing when you arrived?

6 A. They were laying down in their bunks.

7 Q. And was anybody using the toilet when you  
8 arrived?

9 A. No.

10 Q. Where is the toilet in Cell C?

11 A. The toilet in Cell C, the toilets are located  
12 in the front. The toilets should be here. I'm not sure  
13 if you can see it clearly. It's on this side.

14 (Indicating.)

15 Q. Can you just make a line there? Can you just  
16 make a mark where along that line where the toilet is?

17 A. (Indicating.)

18 Q. Clear the screen for us. I want to call your  
19 attention to the exact position of the toilet. The back  
20 of the toilet, where is the back of the toilet? Which  
21 wall is it against?

22 A. In this one. (Indicating.)

23 Q. Could you clear the screen for us. After you  
24 and Deputy Jones -- after you made Graves come out of  
25 the cell, where -- what did you do and Deputy Jones and

1 Graves do?

2 A. At that point, I said come on. And he walked  
3 in front of me and we went towards the inner door of the  
4 cell block.

5 Q. What happened next?

6 A. After we approached the inner door, it started  
7 opening.

8 Q. And what happened next?

9 A. All three of us entered the vestibule area.

10 Q. And what happened next?

11 A. The inner door closed.

12 Q. And next?

13 A. And the outer door opened.

14 Q. And after that?

15 A. And after the outer door opened, we exited into  
16 the south side hallway and we escorted Graves to  
17 approximately there.

18 Q. Deputy Harden, could you show us on Exhibit 1  
19 there where you, Deputy Jones, and Inmate Graves went  
20 right after you exited the vestibule area.

21 A. Yes. We exited, came down the south hallway,  
22 and stopped approximately here.

23 Q. And I want to call your attention to the events  
24 right at that point, the juncture of the two hallways.  
25 Did you do anything to determine who that inmate -- the

1 inmate was?

2 A. Yes, I did.

3 Q. What did you do?

4 A. At that point, I looked at his wrist band.

5 Q. And without telling us what the wrist band he  
6 was wearing said, could you tell us what that -- what  
7 that wrist band was? What kind of wrist band that was?

8 A. It's a wrist band that all inmates wear to  
9 identify them.

10 Q. And without telling us again what the wrist  
11 band said on this occasion, could you tell us what kind  
12 of information is on the wrist band?

13 MR. JOSH HILL: Objection, calls for  
14 hearsay and relevance.

15 THE COURT: He can say generically. I'll  
16 allow it.

17 THE WITNESS: It has information on it  
18 such as their name, their housing location, what cell  
19 block they're housed in, date of birth, and what we  
20 refer to as a spn number, a unique number to each  
21 inmate.

22 Q. (By Mr. Bernard) And again, without telling us  
23 what the wrist band on this occasion said, did you look  
24 at the wrist band on this occasion?

25 A. Yes, I did.

1 Q. At any point from when you walked in to F pod  
2 to when you were -- when you were outside there, to when  
3 you were at the juncture in the hallway, from when you  
4 first walked in and you were at the juncture of the  
5 hallway --

6 A. Yes.

7 Q. -- did Officer McClain ever tell you that the  
8 person that you took out was not the person who was  
9 masturbating?

10 MR. JOSH HILL: Objection. Calls for  
11 hearsay.

12 THE COURT: Sustained.

13 MR. BERNARD: Pass the witness.

14 MR. JOSH HILL: Your Honor, may I approach  
15 the witness?

16 THE COURT: You may.

17 CROSS EXAMINATION

18 BY MR. JOSH HILL:

19 Q. Deputy Harden, are you still employed with the  
20 Harris County Sheriff's Office?

21 A. Not full time, no.

22 Q. Under what capacity are you still employed with  
23 the Sheriff's Department?

24 A. I'm still the reserve deputy in District 4.

25 Q. And what does that mean?



1           A.    On my own time I volunteer to patrol out in  
2 that particular district.

3           Q.    And as a volunteer deputy, do you have all the  
4 same powers that a full time deputy would have?

5           A.    Yes, sir.

6           Q.    And I assume that requires a T-CLEOSE  
7 certification or something else?

8           A.    Yes.

9           Q.    You're a licensed peace officer.  You just  
10 choose to do it on a part time basis?

11          A.    Yes.

12          Q.    Now, as a police officer, both in your current  
13 position and previous, have you had an opportunity to  
14 conduct investigations when an incident occurs?

15          A.    Yes, sir.

16          Q.    Okay.  Like for instance a fight in the jail?

17          A.    Yes, sir.

18          Q.    Okay.  When something like that happens, you  
19 interview witnesses?

20          A.    Yes, sir.

21          Q.    And when you interview them, you separate them  
22 before interviewing them; correct?

23          A.    Yes, sir.

24          Q.    And that's because to do otherwise would  
25 possibly cut against the credibility of your

1 investigation; right?

2 A. It could, yes.

3 Q. Because you don't want everybody getting on the  
4 same page, so to speak? Or to say it another way, you  
5 want everybody to have their own independent  
6 recollection not tainted by the recollection of others?

7 A. Yes.

8 Q. And on that same line, you were here in the  
9 courtroom yesterday around 1:45 p.m.; correct?

10 A. Yes, sir.

11 Q. And you were talking with the prosecutor?

12 A. I did speak with them.

13 Q. And the complainant in this case, she was  
14 present, McClain was present as well?

15 A. She was -- she was here at the time. But at  
16 the time that I spoke with the prosecutor, she wasn't  
17 right there in our conversation, but she was also here.

18 Q. But there was a period of time when you, her,  
19 and Jones were all huddle around Ms. Buese all talking  
20 at the same time?

21 A. Oh, yes.

22 Q. Now standing around in the control tower, did  
23 you spend any time in that control tower in the look out  
24 pod yourself?

25 A. Inside the pod itself, yes, sir.

1 Q. And you've indicated the diamond shapes,  
2 central object in the photograph, that's in State's  
3 Exhibit 1?

4 A. Yes.

5 Q. And from that particular pod, is it possible to  
6 see any of the toilets in any of the cells or otherwise?

7 A. Yes.

8 Q. So, if you're able to see the toilets clearly,  
9 you could also see someone using the toilet?

10 A. Yes, sir.

11 Q. And in regard to -- I'm going to show you on  
12 the screen, I'm going to show you on the screen State's  
13 Exhibit No. 2, and I believe this is the C Pod.

14 A. Yes, sir.

15 Q. In the C Pod, we see a wall to the left hand  
16 side, a white wall in this photograph, is that correct?

17 A. That's actually a column.

18 Q. That's a column?

19 A. Yes, sir.

20 Q. Okay. So as we come in, what is this that I'm  
21 looking at, it looks like a green door with a handle  
22 right above my finger.

23 A. Yes, it's a release handle.

24 Q. And the bunks are over here on the right hand  
25 side of this picture?

1 A. Yes, one set of bunks.

2 Q. Where would the restroom be in regards to this  
3 picture? Where would the toilet be?

4 A. The toilet --

5 Q. It's obscured by something, but where would it  
6 be?

7 A. In this cell, the toilet, it would be, okay, it  
8 would be over there.

9 Q. So generally behind where the white column is  
10 on the left side of the window?

11 A. Right.

12 Q. And the bunks, what's the distance between the  
13 bunks and that column, would you say it's fair to say?

14 A. The bunk to the column.

15 Q. The bunks to where that toilet would be from  
16 that cell, approximately two feet, three feet?

17 A. Well, it depends. If you're talking about --  
18 are you talking about the other set of bunks that are  
19 over here?

20 Q. No, I'm talking if someone were --

21 A. Are you talking about --

22 Q. I'm sorry.

23 A. Because there's two sets of bunks.

24 Q. If somebody is standing in front of the bunks  
25 that you first indicated -- the bunks that are visible

1 in this picture.

2 A. Yes.

3 Q. And if somebody is standing on the floor  
4 immediately in front of those bunks, how far would that  
5 person be from the toilet?

6 A. Probably about five feet.

7 Q. And from the control tower to those bunks, if  
8 somebody was standing in front of those bunks, how far  
9 of a distance is that?

10 A. Roughly 15 to 20.

11 Q. Okay. 15 to 20.

12 A. 15 to 20 feet.

13 Q. And in this picture we see, between the window  
14 and the control panel, you can see a silver opaque  
15 table?

16 A. Yes.

17 Q. That's approximately waist high?

18 A. Approximately.

19 Q. And we see there are green bars on the door of  
20 the cells?

21 A. Yes.

22 Q. And there are bunks in there that have some  
23 sort of shadow?

24 A. With the position of the interior light up  
25 here, it's almost like the sun at high noon that caste

1 shadows straight down.

2 Q. Okay. Now, as a deputy that was assigned to  
3 the jail, how long were you assigned to the jail for?

4 A. Four years.

5 Q. Any overlap with Deputy Burnaby (phn)?

6 A. I'm sorry.

7 Q. Did you ever have any overlap with Deputy  
8 Burnaby (phn) over there?

9 MR. BERNARD: Objection, relevance.

10 THE COURT: Overruled.

11 Q. (By Mr. Josh Hill) While you were there, how  
12 long did you say you were a deputy in the jail, four  
13 years?

14 A. Four years, yes.

15 Q. During that time, did you regularly see the  
16 genitals of inmates?

17 A. Yes, sir.

18 Q. And in what capacity did you see the genitals  
19 of inmates?

20 A. As they showered, during laundry change.

21 Q. Okay. Was there ever an occasion to have to  
22 strip search an inmate?

23 A. Yes, sir.

24 Q. And during that process, how did that work?  
25 What do you do?

1           A.    With me, there's a couple of different  
2 procedures.  The most commonly used one was with an  
3 individual inmate, we took them out of the cell block.  
4 We took them to an isolated cell or a holdover location  
5 usually located in front of the floor way away from the  
6 cell block.  And we had them take off all of their  
7 clothes, shirt, pants, underwear, shoes and socks.

8           Q.    And I don't mean to get too graphic, but you  
9 have them lift their testicles.

10          A.    Yes.

11          Q.    And you have them bend over?

12          A.    Yes, sir.

13          Q.    And spread their cheeks?

14          A.    Right.

15          Q.    And you're well within a foot of them while  
16 they're doing this?

17          A.    Very close, yes.

18          Q.    And you want to make sure that you're thorough  
19 to make sure not only for the safety of the jail, you  
20 want to make sure there's nothing inappropriate being  
21 smuggled?

22          A.    Yes.

23          Q.    And is it fair to say most of the jailers go  
24 through things like this, by seeing somebody in the  
25 showers, seeing somebody in the toilets, being involved

1 in a strip search?

2 A. Yes, we do.

3 Q. And it's not offensive to you to go through  
4 this?

5 A. No, it doesn't offend me.

6 Q. Okay. And reasonably so if you're a deputy  
7 assigned to the jail, you expect that that is going to  
8 be a part of your duties; is that correct?

9 A. Yes.

10 Q. Have you been involved in few or many times  
11 where an inmate was alleged to have been masturbating in  
12 the jail?

13 A. Many times.

14 Q. Isn't it true that a lot of the times it's just  
15 handled administratively, no criminal charges filed?

16 A. Yes, that's true.

17 Q. Okay. And you know, a loss of commissary, a  
18 loss of their money or something, a loss of their  
19 freedoms.

20 MR. BERNARD: Objection, Your Honor,  
21 relevance.

22 THE COURT: Overruled.

23 Q. (By Mr. Josh Hill) Now as a part of your  
24 investigation in this case, you interviewed McClain;  
25 right?



1 A. Yes.

2 Q. And y'all spoke only after the fact about what  
3 had happened; right?

4 A. Yes, sir.

5 Q. She told you that she witnessed him standing at  
6 the toilet located in his cell?

7 A. (Nods head.)

8 Q. Is that a yes?

9 A. Yes. Yes. I'm sorry.

10 Q. And if somebody is standing at the toilet --

11 MR. BERNARD: Objection, Your Honor.

12 Counsel is reading from a document not in evidence.

13 THE COURT: Sustained.

14 Q. (By Mr. Josh Hill) So when you spoke to her,  
15 she also informed you that when she called him out over  
16 the intercom, he ran to the back of his cell; correct?

17 A. Yes.

18 Q. Because I guess she caught him in the act of  
19 something and he immediately reacted?

20 A. Yes.

21 Q. And when you went into the cell, he was still  
22 in the back of that cell?

23 A. Yes.

24 Q. With his pants on?

25 A. Yes, sir.

1 Q. At any point in time, did you, in this  
2 investigation, did you see any semen on his shorts?

3 A. Honestly, I didn't see his shorts.

4 Q. Okay. None on the floor or the bed?

5 A. Nothing that I saw.

6 Q. Okay. So it's safe to say that nobody located  
7 any semen, if it existed?

8 A. True, yes.

9 MR. BERNARD: Objection, Your Honor,  
10 speculation.

11 THE COURT: Sustained.

12 Q. (By Mr. Josh Hill) Did you have an opportunity  
13 to interact with Mr. Graves during the detention period?

14 A. Yes.

15 Q. And was it pretty clear to you that he suffered  
16 from some sort of mental deficiency?

17 MR. BERNARD: Objection, Your Honor,  
18 speculation.

19 THE COURT: Overruled.

20 Q. (By Mr. Josh Hill) And that could be as much  
21 as a little bit slow?

22 A. Not that I could tell.

23 Q. Did you have any conversation with him or was  
24 it --

25 A. No, no conversations.

1 Q. So you would not have had the opportunity to  
2 interact in such a way that that information would be  
3 developed; is that safe to say?

4 A. Right. No prolonged conversation, anything of  
5 that nature.

6 Q. And this pod, this part of the floor, these  
7 people are housed in there because of mental health or  
8 physical health issues?

9 A. No. That's actually one of two, what we deem  
10 as just regular general population cell blocks.

11 Q. Okay. And just to be clear, you did not  
12 witness nor were you present during any alleged  
13 masturbation; is that correct?

14 A. No, I wasn't.

15 Q. You just came after the fact and extracted  
16 somebody from a cell?

17 A. Yes, sir.

18 Q. And when you went into the common area, after  
19 you went through the outer door, the inner door, I guess  
20 the rec area where that table is on State's 2?

21 A. Right out here is the day room area.

22 Q. When you're in that area, the only indication  
23 where to go is someone pointing at a cell; correct?

24 A. Yes.

25 Q. Not pointing at any specific individual, you

1 decide on your own who was to be extracted; correct?

2 A. At that point, yes.

3 MR. JOSH HILL: Pass the witness.

4 THE COURT: Redirect.

5 REDIRECT EXAMINATION

6 BY MR. BERNARD:

7 Q. Deputy Harden, yesterday, when -- I want to  
8 call your attention to yesterday when we were up there  
9 before, the Jury was here and the Judge and so forth,  
10 what did we talk about?

11 MR. JOSH HILL: I'm going to object. This  
12 calls for hearsay.

13 THE COURT: Sustained.

14 Q. (By Mr. Bernard) Deputy Harden, you -- what --  
15 when a person is standing -- have you ever been in the  
16 pod, in the center of this F pod here?

17 A. Yes, sir, I have.

18 Q. And when you're in the center of that pod, can  
19 you see any -- can you see any toilets in the pod from  
20 there?

21 A. You can see a few, yes.

22 Q. What toilets can you see?

23 A. Standing in the center, just using one side as  
24 an example, you can -- you can see -- you can actually  
25 see the toilet. You can see the toilet in a -- are you

1 talking using either window?

2 Q. Using either window.

3 A. Yeah. You can see the toilet in A. You can  
4 see the toilet in B. And you -- while standing in the  
5 center, you can, you can actually see this toilet in D  
6 as well. That column we mentioned in the other picture  
7 is kind of towards the, I'm sorry, is like approximately  
8 right here, may be a little bit further back.

9 Q. When you say it's a little further back, can  
10 you show us what you mean?

11 A. Yeah. The door -- the column back here would  
12 be pretty much lined up about there, where the lowest  
13 dip is.

14 Q. Could you cross that line perpendicularly?

15 A. Yes.

16 Q. Can you put an X for the column, where you  
17 think the column is?

18 A. Yes, right about there.

19 Q. Could you clear the screen.

20 A. (Complies.)

21 Q. Does the column obstruct the view -- Deputy  
22 Harden, in working as a Sheriff's Deputy in the jail,  
23 why is it necessary for you to see inmates shower  
24 sometime?

25 A. Well, I mean, it's just part of the job of

1 observing the inmates in the cell block making sure  
2 they're not doing things that go against the rules.  
3 Basically there's all types of things that could happen  
4 inside the cell block if you're not paying attention,  
5 from fights, if you're not aware, to tattooing. I mean,  
6 there's all kind of infractions that happen if you're  
7 not being vigilant and paying attention to what's going  
8 on in the cell block.

9 Q. And is part of your duties as a Sheriff's  
10 deputy to observe inmates masturbating their exposed  
11 penis?

12 MR. JOSH HILL: I'm going to object to the  
13 relevance.

14 THE COURT: Overruled.

15 THE WITNESS: No, not at all.

16 Q. (By Mr. Bernard) And are inmates in any way  
17 encouraged to expose their penis and masturbate in front  
18 of the staff at the jail?

19 A. No.

20 MR. BERNARD: Your Honor, I pass the  
21 witness.

22 THE COURT: You may inquire.

23 MR. JOSH HILL: Nothing further, Judge.

24 THE COURT: You may stand down.

25 Members of the jury, the bailiff informed