

1 P R O C E E D I N G S

2 February 23, 2015

3 THE BAILIFF: All rise for the  
4 jury.

5 *(Jury seated.)*

6 THE COURT: All right. Y'all may  
7 be seated.

8 Welcome back, folks.

9 All right. State, call your next  
10 witness.

11 MR. GILLIAM: State calls Jeremy  
12 Ringle.

13 THE COURT: All right.

14 THE BAILIFF: This witness was  
15 previously sworn, Judge.

16 THE COURT: All right. Come up,  
17 sir. Have a seat, please.

18 You may proceed.

19 MR. GILLIAM: Thank you, Judge.

20 **JEREMY RINGLE,**

21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. GILLIAM:**

24 Q. Mr. Ringle, will you please introduce  
25 yourself to us?

1 A. I'm Detention Officer Jeremy Ringle.

2 Q. How are you currently employed?

3 A. Detention officer.

4 Q. What do you do -- where are you a  
5 detention officer?

6 A. Second floor of 1200 Baker.

7 Q. What job responsibilities do you do as a  
8 detention officer over there at 1200 Baker?

9 A. We're in charge of security of the  
10 inmates of the second floor mainly. That's a  
11 lockdown floor. It varies.

12 Q. Is 1200 Baker in Harris County, Texas?

13 A. Yes, sir.

14 Q. You mentioned that the second floor is a  
15 lockdown floor. What does it mean when you say a  
16 lockdown floor?

17 MR. SCOTT: May it please the  
18 Court, I would object unless it's shown to be  
19 material to some issue in this case, Your Honor.

20 THE COURT: Sustained.

21 Q. (By Mr. Gilliam) So you mentioned a  
22 little bit about your job over there as a detention  
23 officer. Will you explain more about what  
24 responsibilities you have day to day?

25 A. Day to day, I work the second shift. So

1 we're in charge of feeding, providing medication,  
2 making sure that the inmates are in their cell and  
3 are well taken care of.

4 Q. How long have you been a detention  
5 officer with Harris County?

6 A. Seven years and four months.

7 Q. I'm going to take you back to December  
8 8th of 2014 around 2:00 p.m. Did you have certain  
9 job responsibilities that you were to conduct around  
10 that time?

11 A. I was a floor rover that day, meaning I  
12 go around and handle the extra duties that the pods  
13 themselves can't. The pod officers stay in the pod  
14 and maintain rounds. I go around and handle the  
15 extra duties for them.

16 Q. And were you given a specific task to do  
17 that day on December the 8th?

18 A. Yes, I was.

19 Q. What task was that?

20 A. We were informed --

21 MR. SCOTT: May it please the  
22 Court, I would object to any conversation as hearsay  
23 that might be communicated to this witness.

24 THE COURT: Sustained.

25 Q. (By Mr. Gilliam) What were you assigned

1 to do?

2 A. We were instructed to --

3 MR. SCOTT: May it please the  
4 Court, I would renew my objection previously ruled  
5 on.

6 THE COURT: Overruled. Overruled.

7 A. We were instructed to go and clean the  
8 lockdowns to make sure everything was in compliance  
9 for policy.

10 Q. (By Mr. Gilliam) Were you told to clean  
11 certain cells or all the cells there on the second  
12 floor?

13 A. All the cells, mainly starting with the  
14 lockdowns.

15 Q. And did you have an opportunity or did  
16 you have an incident concerning an inmate named  
17 Weylin Allford?

18 A. Yes, we did.

19 Q. And do you see Mr. Allford in the  
20 courtroom today?

21 A. Yes, sir, I do.

22 Q. And will you identify him by an article  
23 of clothing he's wearing and where he's sitting in  
24 this courtroom?

25 A. Striped shirt, sitting at that desk

1 (indicating).

2 MR. GILLIAM: Your Honor, may the  
3 record reflect the witness identified the defendant?

4 THE COURT: It will so reflect.

5 Q. (By Mr. Gilliam) And how did you come  
6 in contact with Mr. Allford, the defendant?

7 A. When we approached Inmate Allford's cell  
8 door, he had --

9 MR. SCOTT: May it please the  
10 Court, as opposed to the narrative, I would  
11 appreciate a question and answer, Your Honor.

12 THE COURT: Overruled.

13 A. We approached his door and he had his  
14 cell window completely covered and the light on the  
15 cell had been covered to completely blacken out the  
16 room.

17 Q. (By Mr. Gilliam) You said, "We  
18 approached his door." Who was with you?

19 A. Several other detention officers were  
20 with me. We were going cell by cell cleaning out  
21 each individual cell, making sure it was in  
22 compliance.

23 Q. How many -- approximately how many other  
24 detention officers were with you?

25 A. Approximately five.

1           Q.    I'm going to show you what's already  
2    been marked and entered into evidence as State's  
3    Exhibit No. 1.  What are we seeing in State's  
4    Exhibit No. 1?

5           A.    That is Inmate Allford's previous cell,  
6    the cell at the time.

7           Q.    So you mentioned that there was some  
8    newspaper covering the window.  Which window that we  
9    see here in State's Exhibit No. 1?

10          A.    1E, the door window itself was  
11    completely covered.

12          Q.    And are inmates allowed to cover their  
13    windows with newspaper?

14          A.    No, they are not.

15          Q.    What is your protocol when you see a  
16    defendant -- or an inmate's window covered with  
17    newspaper?

18          A.    We first order them to take it down.

19          Q.    Did you order Mr. Allford to take the  
20    newspaper down or did someone else?

21          A.    Detention Officer Lee approached him and  
22    gave him that order.

23          Q.    And after Detention Officer Lee  
24    instructed the defendant to remove the newspaper,  
25    what did you see happen next?

1           A.    I observed no response from Inmate  
2 Allford.  Detention Officer Lee called out to him  
3 and there was no response again.  So Detention  
4 Officer Lee signaled to the pod officer to open the  
5 door.

6           Q.    And I'm showing you State's Exhibit  
7 No. 2.  Is that a photo of the same cell door with  
8 it opened at that time?

9           A.    Yes, sir, it is.

10          Q.    What did you observe when the cell door  
11 to the defendant's cell was opened?

12          A.    Again, the cell light had been covered  
13 with newspaper so that the room was almost  
14 completely dark.  Inmate Allford had applied soapy  
15 water to the floor in front of the cell door.

16          Q.    And did you actually go in that cell at  
17 that point in time?

18          A.    No, we -- we gave him some orders to --  
19 we informed him that we were conducting a cell  
20 search and ordered him to turn around and approach  
21 us so we can handcuff him.

22          Q.    Did the defendant comply with those  
23 orders?

24          A.    He did not.

25          Q.    After he failed to comply with those

1 orders, what happened next?

2 A. We gave him several more orders telling  
3 him to turn around so we can place him in handcuffs.

4 Q. And did he comply with those other  
5 orders?

6 A. He never did.

7 Q. So what happened after he failed to  
8 comply that second time?

9 A. Detention -- Inmate Allford began  
10 reaching into his waistband, became belligerent  
11 stating we're not going to come in there; and  
12 Detention Officer Lee removed his OC canister from  
13 his waistband and ordered Inmate Allford to remove  
14 his hands from his waistband and again turn around  
15 so we can handcuff him.

16 This went on a couple times. Detention  
17 Officer Lee actually stated, "Keep your hands out of  
18 your waistband. I don't know if you have a weapon."  
19 Inmate Allford said he didn't have a weapon. We  
20 weren't going to come in there, just go away.  
21 Detention Officer Lee then entered the cell, stepped  
22 on top of the bunk and attempted to take the  
23 newspaper off the light.

24 Q. I'll show you what's already been  
25 entered into evidence as State's Exhibit No. 3. Is



1 this a picture of the inside of the defendant's  
2 cell?

3 A. This was.

4 Q. So where did Detention Officer Lee step  
5 up to remove the newspaper off from that light?

6 A. He stepped on the cell bunk on the  
7 right-hand side.

8 Q. Where was the defendant during this  
9 time?

10 A. The defendant had backed into the  
11 shower. When he saw Detention Officer Lee's OC  
12 spray, he picked up his mat over his head in order  
13 to deter it or defer it.

14 Q. Did Detention Officer Lee ever actually  
15 deploy his OC spray?

16 A. I'm unsure.

17 Q. And after the defendant has put himself  
18 in the shower with the mattress covering him, what  
19 happens next in that cell?

20 A. When Detention Officer Lee steps up,  
21 Inmate Allford drops his mat and charges Detention  
22 Officer Lee pinning him against the wall on top of  
23 the bunk.

24 Q. And then after he pins Detention Officer  
25 Lee on the wall against the bunk, what is Defendant

1 Allford doing?

2 A. He -- Detention Officer Lee leans onto  
3 him to keep from falling. We all enter the cell and  
4 push the two of them back against the far wall.  
5 Inmate Allford then pulls out a shank from his  
6 waistband and begins attacking Detention Officer  
7 Lee.

8 Q. Did you actually see the shank that the  
9 defendant pulled out that day?

10 A. I did.

11 Q. And did you see it after this incident  
12 occurred or during this incident?

13 A. I did, yes.

14 Q. Were you able to recognize what that  
15 shank was made of?

16 A. It was a hairbrush that had been filed  
17 down.

18 Q. Which side of the hairbrush was filed  
19 down?

20 A. The handle, the handle of the hairbrush.

21 Q. What are those hairbrushes made out of?

22 A. I believe it was a hard plastic.

23 Q. After you see the defendant produce the  
24 shank and start stabbing Detention Officer Lee, what  
25 do you do next?

1           A.    I immediately jump on top of the shank,  
2 pinning it between my arm and my chest; and after a  
3 struggle, we removed it from his hand.

4           Q.    How is the defendant stabbing Officer  
5 Lee -- Detention Officer Lee?

6           A.    I stated he and Detention Officer Lee  
7 had leaned forward to keep from falling.  Inmate  
8 Allford took his left hand, reached up behind his  
9 neck -- Detention Officer Lee's neck and with his  
10 right hand began an upward stabbing motion to his  
11 face.

12                   MR. GILLIAM:  Your Honor, may the  
13 witness step down from the box?

14                   THE COURT:  He may.

15                           *(Witness complied.)*

16           Q.    (By Mr. Gilliam)  If I'm Detention  
17 Officer Lee and you're going to be the defendant,  
18 can you show the jury and show us exactly how the  
19 defendant was stabbing Detention Officer Lee?

20           A.    He was -- he was higher up, so kneeling  
21 down.  This is Inmate Allford.  He pulls his head  
22 down and was stabbing with an upward motion  
23 (demonstrating).

24           Q.    And how long did he stab Detention  
25 Officer Lee?

1           A.    It seemed like no more than two seconds,  
2 but he got five or six or seven strikes in.

3           Q.    And what part of Detention Officer Lee's  
4 body was he stabbing?

5           A.    It was his face and head.

6           Q.    And was it the front of his face, the  
7 back of his head?  Where?

8           A.    It was anywhere he could get his hand on  
9 him.

10          Q.    Okay.  You can have a seat again.  Thank  
11 you.

12          A.    (Witness complied.)

13          Q.    After you saw the defendant stab  
14 Detention Officer Lee, were you able to restrain the  
15 defendant?

16          A.    Not immediately.

17          Q.    What did you do to try to stop that  
18 stabbing from happening?

19          A.    Initially I latched onto his arm; and  
20 once we removed the shank after a brief struggle,  
21 Detention Officer Garza and I were able to pry it  
22 away from his hand.  He continued fighting.  I was  
23 able to force him down to the ground.  Once on the  
24 ground, we gave him repeated commands to stop  
25 resisting, put your hands behind your back so we can

1 handcuff you. Inmate Allford ignored these commands  
2 and, in fact, locked his hands together under his  
3 chest.

4 Q. And while you're trying to restrain him,  
5 how are you restraining him? What are you doing  
6 physically?

7 A. It -- it was a very limited space. We  
8 had put pressure on his back, trying to remove his  
9 hands from underneath his chest. We were in a  
10 struggle to pry his hands free.

11 Q. Were you throwing -- were y'all throwing  
12 punches while you were trying to restrain the  
13 defendant?

14 A. Yes, several punches.

15 Q. I'm showing you what I've marked as  
16 State's Exhibit No. 9. Is this a fair and accurate  
17 depiction of what this picture purports to show?

18 A. Yes.

19 MR. GILLIAM: Your Honor, I would  
20 ask that State's Exhibit No. 9 be admitted into  
21 evidence and I'm tendering to Defense counsel.

22 MR. SCOTT: We have no objection,  
23 Your Honor.

24 THE COURT: No objection, 9 is  
25 admitted.

1                   *(State's Exhibit No. 9, Photograph,*  
2                   *offered and admitted.)*

3                   MR. GILLIAM: May I publish to the  
4 jury, Your Honor?

5                   THE COURT: You may.

6                   Q. (By Mr. Gilliam) I'm showing you  
7 State's Exhibit No. 9. What is this showing us?

8                   A. This is the aftermath. After we had  
9 secured him, we brought him down to the clinic.

10                  Q. How long did it take y'all to restrain  
11 the defendant?

12                  A. From the time we entered the cell,  
13 approximately three minutes.

14                  Q. And when you saw the shank, did the  
15 defendant immediately drop the shank?

16                  A. He did not.

17                  Q. And how were you able to actually get  
18 the shank away from the defendant?

19                  A. I was able to immobilize his arm and  
20 isolate it away from his body; and Detention Officer  
21 Garza and I, after 15 to 20 seconds, were able to  
22 pry it away from his hand.

23                  Q. Where are y'all struggling with the  
24 defendant in the cell?

25                  A. The back right corner of the cell.

1           Q. I'm going to show you, again, State's  
2 Exhibit No. 3. If you look to the screen on the  
3 right-hand side of you on the witness stand, look to  
4 the right, you can actually press that screen and an  
5 arrow will pop up; and will you show us where you  
6 were showing us?

7           A. This general region (indicating). It  
8 had started up against the wall in this corner, and  
9 Inmate Allford was standing on the ground.  
10 Detention Officer Lee was standing on the bunk.  
11 Once I was able to pin Allford, Inmate Allford's  
12 hand and pry the shank away, I then forced him to  
13 the ground down here (indicating); and after a  
14 struggle down there, he attempted to crawl  
15 underneath the bunk. And I had to wrap up his upper  
16 and lower torso to immobilize him and basically drag  
17 him out of the cell.

18           Q. If you'll hit the bottom left corner,  
19 you can clear that screen.

20           A. (Witness complied.)

21           Q. Thank you.

22                   After you were able to detain the  
23 defendant and get him under control, what did you do  
24 next?

25           A. At some point OC spray had been

1 deployed. The cell was completely contaminated. It  
2 was hard to breathe, so we pulled him out of the  
3 cell and escorted him into the hallway outside of J  
4 Pod.

5 Q. Do you know who deployed the OC spray in  
6 that cell?

7 A. I do not.

8 Q. Did you deploy OC spray?

9 A. I did not.

10 Q. And what is -- you talked about the cell  
11 was contaminated. What did the cell look like once  
12 that OC spray was deployed?

13 A. It's mainly a fume that the spray gives  
14 off. So it was completely trashed from the scuffle;  
15 but as far as the spray itself, I couldn't really  
16 see it.

17 Q. Was there blood and other liquid in that  
18 cell?

19 A. There was. There was the soapy residue  
20 that he had put on the floor previous to us coming  
21 in, and there was blood from Detention Officer Lee  
22 and Inmate Allford on the floor.

23 Q. And I'm showing you what I've marked as  
24 State's Exhibit No. 10. Do you recognize State's  
25 Exhibit No. 10?





1                   MR. SCOTT: I would also object to  
2 hearsay that's contained on the exhibit.

3                   THE COURT: Overruled.

4                   MR. GILLIAM: Your Honor, may I  
5 publish it to the jury?

6                   THE COURT: You may.

7                   Q. (By Mr. Gilliam) I'm going to give you  
8 a glove, have you put that on.

9                   A. (Witness complied.)

10                  Q. Would you go ahead and take State's  
11 Exhibit No. 10 -- and I'll have you actually step  
12 down from the box -- and if you could show the jury  
13 State's Exhibit No. 10.

14                  A. (Witness complied.)

15                  Q. Go ahead and put it back in the --

16                                In your experience working there as a  
17 detention officer, have you dealt with shanks that  
18 have been made in the jail before?

19                  A. I have seldom over the years that I've  
20 worked there. It does happen.

21                  Q. Based on your personal experience and  
22 your knowledge working there, how are shanks  
23 generally made?

24                  A. Any hard object that they can come  
25 across, they whittle it down, rub it on the concrete

1 and sharpen it.

2 Q. And in your experience, is that a short  
3 process to sharpen that point?

4 A. No, that takes quite a while.

5 Q. And are these shanks capable of causing  
6 serious bodily injury?

7 A. They -- they very well are.

8 Q. And when you were there -- when you were  
9 there with Detention Officer Lee and the other  
10 detention officers, what were y'all wearing?

11 A. We were wearing our county-issued  
12 uniform like I have on today.

13 Q. Similar to what you have on today?

14 A. That's exactly, yes.

15 Q. And in your experience, working as a  
16 detention officer, is a shank a deadly weapon?

17 A. Yes, it can cause death.

18 MR. GILLIAM: Pass the witness,  
19 Your Honor.

20 THE COURT: Defense?

21 MR. SCOTT: May I proceed, Your  
22 Honor?

23 THE COURT: Yes, sir.

24 MR. SCOTT: Thank you, Judge.  
25

**CROSS-EXAMINATION**

**BY MR. SCOTT:**

Q. Mr. Ringle, in relation to your duties at that location, how long had you been assigned to that location prior to December the 8th?

A. I had been on the second floor of the Harris County Jail for -- since, I think, February of 2012.

Q. All right. With the same duties, same responsibilities basically; is that correct?

A. Yes, sir.

Q. You talked about being a rover. Is that what the designation is for everyone other than those that are in the pod --

A. Yes, sir.

Q. -- basically?

A. Yes, sir.

Q. The floor walker and people basically, correct?

A. Yes, sir.

Q. All right, sir.

Now, when was the -- you go to work at, what, 2:00 in the afternoon, correct, sir?

A. Yes, sir.

Q. And you had been doing that since, I

1 guess, basically that time shift all the time,  
2 correct?

3 A. Yes, sir.

4 Q. All right. You were aware -- you were  
5 aware, then, of the fact that Inmate Allford had  
6 paper on his window before you came back over there  
7 for that inspection, weren't you?

8 A. No, sir, I wasn't.

9 Q. The person before you then would have  
10 been possibly -- it was visual from the outside,  
11 correct?

12 A. Yes, sir.

13 Q. All right. So however long it had been  
14 there -- how often do you check those cells?

15 A. The pod officers actually conduct  
16 rounds, I believe, every 25 minutes.

17 Q. So for that paper to be in that window,  
18 it would have had to have been within less than 25  
19 minutes or theoretically the person before that  
20 would have seen it, correct?

21 A. Correct, sir.

22 Q. All right, sir. And, likewise, if the  
23 lamp -- if the light was covered on the inside it  
24 would have been the same time frame basically,  
25 correct?

1           A.    Yes, sir.

2           Q.    And all these things that you're talking  
3 about are visual things that you can see from  
4 outside without even having to enter that cell,  
5 correct?

6           A.    The way the cell is set up, there's 24  
7 individual cells inside a larger housing cell. The  
8 individual cells are not seen from outside of the  
9 actual pod.

10          Q.    Well, when you're roving around and  
11 looking and checking them every 25 minutes  
12 approximately, if you walk by one you could see that  
13 the paper was in the window, correct?

14          A.    Correct, sir.

15          Q.    And, likewise, if you walked by one, you  
16 could see that no light was coming out from under  
17 the door if it was -- the lights were supposed to be  
18 on so you would know that something had been put up  
19 to obstruct the light from getting out of the light  
20 fixture, correct?

21          A.    Yes, sir.

22          Q.    All right, sir. Now, when you were  
23 doing this, were you -- was there a designation as  
24 to who was to be the lead rover or was there any  
25 discussion about that? You were a rover. You said

1 there were how many more? Four or five others with  
2 you?

3 A. Approximately, yes, sir.

4 Q. They were rovers as well; is that  
5 correct?

6 A. Yes, sir.

7 Q. Was Mr. Lee -- was he a rover?

8 A. I believe so, sir.

9 Q. I guess he would be, what, head rover or  
10 not?

11 A. It's -- it's broken up. There's no  
12 specifics.

13 Q. So everybody just kind of walks along  
14 and everybody's looking at the -- are y'all in just  
15 a little bundle going around and looking in all the  
16 windows and everything or --

17 A. Roughly, yes.

18 Q. -- is it split up?

19 A. There was two or three of us going to  
20 each individual door as -- you know, broke it up  
21 into two -- basically two different squads.

22 Q. All right. And that group of people  
23 would have contained Lee, Perry, Davis, Ringle,  
24 Harmon, Garza, and Henderson, Palmer, McDuffy,  
25 Abbott, and Hayman in some capacity; is that

1 correct?

2 A. No, sir. They showed up -- a good  
3 amount of them showed up after the page was made.

4 Q. After what?

5 A. There was a floor page for deputy/inmate  
6 fight after the incident had started. So some of  
7 those responded to that actual page.

8 Q. So -- but they were all out there at  
9 some point in time around the cell that we've seen,  
10 correct?

11 A. After the page was made, yes.

12 Q. All right. So the -- I gather what  
13 you're telling us is that you were actually with Lee  
14 when it started, correct?

15 A. Yes, sir.

16 Q. All right. Now, who else was with you  
17 physically there at that time?

18 A. I believe it started off as five or six  
19 of us. Detention Officer Lee, myself, Detention  
20 Officer Garza, Detention Officer Davis, and I  
21 believe Detention Officer Harmon.

22 Q. All right. Just a second. Let me do  
23 this. You say Lee was there, of course?

24 A. Yes, sir.

25 Q. Davis was there; is that right?



1           A.    Yes, sir.

2           Q.    You were there.  Did you say Harmon was  
3 there?

4           A.    I believe Harmon and Garza were the  
5 other two.

6           Q.    All right.  That's Napoleon Harmon and  
7 Ruben Garza, correct?

8           A.    Correct, sir.

9           Q.    And then the people that would have  
10 shown up, I assume later at some point in time,  
11 however much later, Perry, Henderson, Palmer,  
12 McDuffy, Abbott and Hayman, right?

13          A.    Correct, sir.

14          Q.    All right, sir.  Were they -- were they  
15 also rovers just going in a different direction when  
16 y'all started the inspection?

17          A.    No, each cell -- each lockdown cell is  
18 assigned three pod officers.  It takes one to  
19 operate the door and two to go in and conduct  
20 rounds.  So those were the actual -- those were from  
21 the other lockdown cells.

22          Q.    All right.  Now, when you go -- and I  
23 assume just from what you're telling us that Mr. Lee  
24 would have been the first one in the door; is that  
25 accurate?

1           A.    Correct, sir.

2           Q.    And would you have been the second one  
3 in the door, then?

4           A.    I was actually the third behind  
5 Detention Officer Davis.

6           Q.    Behind Davis?

7           A.    Uh-huh.

8           Q.    And from what you're telling us, I guess  
9 that once the difficulty actually started, when Lee  
10 goes in --

11          A.    Correct.

12          Q.    -- Davis and you basically were still  
13 standing outside the cell. Is that accurate or not?

14          A.    As Detention Officer Lee entered, we  
15 followed immediately behind him into the cell.

16          Q.    So all three of you are actually in the  
17 cell prior to the defendant attacking Lee, correct?

18          A.    As Detention Officer Lee entered the  
19 cell, Inmate Allford came out of the shower area of  
20 the cell and rushed Detention Officer Lee. So we  
21 were all entering as he was approaching.

22          Q.    So officer -- or Detention Officer Lee  
23 had not gotten on the bunk yet then; is that  
24 correct, when y'all came in there?

25          A.    He was -- as you saw, the bunk is

1 immediately in front of the door. So as he steps  
2 in, he actually steps up onto the bunk as Detention  
3 Officer Davis and I enter.

4 Q. The picture that they've shown you of  
5 the cell that Mr. Allford -- Inmate Allford was in  
6 at that time, it had other things in it other than  
7 just those depicted in that photograph; is that  
8 correct?

9 A. Correct, sir.

10 Q. And what other items might have been in  
11 there?

12 A. He had his mattress, sheet and blanket  
13 and I believe there was a commissary bag underneath  
14 the bunk.

15 Q. Was there a TV in that room?

16 A. There was.

17 Q. And where would the TV have been?

18 A. There was a desk located next to the  
19 bed.

20 Q. The little desk with the little  
21 swing-out seat under it?

22 A. Yes, sir.

23 Q. And it would be on top of that in the  
24 very back corner, correct?

25 A. Yes.

1           Q.    That is the back left-hand corner by the  
2 shower, right?

3           A.    Yes, sir.

4           Q.    All right.  Now, you say when -- when  
5 the inmate came out of the shower, how far away were  
6 you from him?

7           A.    2 to 3 feet.

8           Q.    And his, that is the inmate's attention  
9 at that particular time would have been on Mr. Lee?

10          A.    Correct, sir.

11          Q.    Is that correct, sir?

12          A.    Yes, sir.

13          Q.    So he wheels out of the shower area and  
14 Lee is right there, would have been to your  
15 immediate right, but in front of you; is that  
16 correct?

17          A.    Correct, sir.

18          Q.    And that's when he either grabs or tries  
19 to tackle or in some way comes in contact with  
20 Mr. Lee, right?

21          A.    Yes, sir.

22          Q.    All right, sir.  And you talked about  
23 Mr. Lee, to catch his balance, had gone down  
24 physically on the top of the defendant, right?

25          A.    At arm's length, yes, sir.

1 Q. I'm sorry?

2 A. At an arm's length, he had placed his  
3 hands basically on top of his shoulders or head.

4 Q. Pushes him down or steadies himself  
5 basically, correct?

6 A. Correct, sir.

7 Q. Had Inmate Allford wrapped his arms  
8 around his ankles -- or his legs yet at that point  
9 in time?

10 A. As -- immediately upon making contact,  
11 he bear-hugged Detention Officer Lee's knees  
12 basically.

13 Q. So the man's -- the inmate's arms are  
14 locked in some way around Mr. Lee's two legs,  
15 correct?

16 A. He had wrapped them up, yes.

17 Q. Yes, sir. And Lee pushes down on him to  
18 either try to restrain him or keep his own balance,  
19 correct?

20 A. Correct, sir.

21 Q. All right, sir. Then once his hands are  
22 locked around him, you're some 2 feet away and you  
23 join into the fray, correct?

24 A. Yes, sir.

25 Q. All right, sir. And let's see. Let me

1 make sure. Where was Davis? If he was in front of  
2 you, where did he go?

3 A. As soon as Detention Officer -- or as  
4 soon as Inmate Allford came out of the cell and  
5 approached Detention Officer Lee, Davis and I both  
6 started pushing Inmate Allford to the rear of the  
7 cell.

8 Q. And he still had ahold of Mr. Lee,  
9 correct?

10 A. Yes, sir, he dragged him to the back in  
11 the process.

12 Q. Now, you said that you grabbed -- and  
13 I'm just trying to configure in my mind. You would  
14 have grabbed the inmate's right arm, then; is that  
15 accurate?

16 A. Correct, sir.

17 Q. All right, sir. So you grabbed -- you  
18 grabbed his right arm that had been locked around  
19 Lee's legs, right?

20 A. (Nodding head.)

21 Q. And what -- is that a yes?

22 A. That's -- when we got to the rear of the  
23 cell is when we first observed the shank. It was in  
24 his right hand, and that's when he had pulled  
25 Detention Officer Lee's head down and began the

1       stabbing motion.

2               Q.    So in that length of time he had let  
3       loose of his legs, he had pulled out his shank and  
4       he started trying to stab Lee, correct?

5               A.    Correct, sir.

6               Q.    And you were some 2 feet away from him  
7       when he did that, correct?

8               A.    No.   When he pulled out the shank,  
9       Detention Officer Davis and I were immediately --  
10       immediately upon him in contact.

11              Q.    So instantaneously you saw the shank and  
12       you were on top of him basically, correct?

13              A.    Yes, sir.

14              Q.    All right, sir.   Now, you talked about  
15       driving him back into the corner of that cell just  
16       because of your weight and your inertia; is that  
17       right?

18              A.    Yes, sir.

19              Q.    All right.   You would have been, then,  
20       behind the inmate basically, correct?

21              A.    We were to his immediate right.   He was  
22       facing the right-hand wall.   We were facing the back  
23       wall.

24              Q.    All right.   So the TV and that little  
25       desk, then, would have been to his left, either

1 behind him or just right there to the immediate  
2 left, correct?

3 A. Yes, sir.

4 Q. All right. You and Davis both get on  
5 him or start to struggle with the inmate, correct?

6 A. Correct, sir.

7 Q. And what is Lee doing while you're doing  
8 this?

9 A. Lee had his OC spray in his hand. He  
10 was trying to maintain balance, and I believe he  
11 started striking him either with his hand or with  
12 the can itself.

13 Q. But you're not -- you're not aware as to  
14 whether or not he actually fired his canister; is  
15 that right?

16 A. No, sir, I'm not.

17 Q. It's the kind of thing, though, that if  
18 he might have, with you in that close proximity, you  
19 probably would have known it right then, wouldn't  
20 you?

21 A. There was definitely OC sprayed in the  
22 air, but I can't say for sure whether he sprayed it  
23 or not.

24 Q. Or you probably can't remember exactly  
25 when it was actually in the air; is that correct,



1 sir?

2 A. Correct, sir.

3 Q. All right, sir. Now, once you had his  
4 right hand and you say you take -- took the Exhibit  
5 No. 10 away from the defendant, through necessity it  
6 sounds like you must have moved him enough so that  
7 he was actually physically on the -- on the floor;  
8 is that right or not?

9 A. Immediately after removing the shank  
10 from Inmate Allford's hand, I was able to force his  
11 head and following his body down to the floor.

12 Q. Okay. That would have been that -- that  
13 little section that sounds like -- there's a -- just  
14 so we make sure, the green area here is the bunk on  
15 the right, correct?

16 A. Correct, sir.

17 Q. The little desk, then, with the stool on  
18 it is in the back corner?

19 A. Yes, sir.

20 Q. And that's where the TV would have been.  
21 Then the vertical wall there would have been a  
22 separator between the shower and the cell itself,  
23 correct?

24 A. Correct, sir.

25 Q. All right. So once you have the inmate,

1 you and -- I guess you and Davis both had him,  
2 correct, or not -- just you?

3 A. Correct. Correct, sir. Davis and I  
4 both had him pinned against the rear wall.

5 Q. All right. So you both had him and then  
6 at some point in time he's either moved backwards  
7 but right in conjunction with your actions he was  
8 right there on the floor facedown in front of the --  
9 the little desk and beside the bunk, right?

10 A. Correct, sir.

11 Q. All right, sir. And you and Davis were  
12 both still struggling with him; is that accurate?

13 A. Correct, sir.

14 Q. Now, when that was going on, did you  
15 have any recollection about where all these other  
16 officers were at that time?

17 A. No, sir. Everybody else was behind me.

18 Q. So you said that he also tried -- and  
19 I'm sorry. I should have stayed over there.

20 You also said that he, that is, the  
21 inmate, tried to crawl underneath the bunk, which is  
22 still the same bunk. There's only one bunk in  
23 there, right?

24 A. Yes, sir.

25 Q. So anytime we talk about the bunk,

1 that's what we're doing, right?

2 A. Yes, sir.

3 Q. All right. So he tries to crawl or  
4 slither or however you want to describe it, to place  
5 his body underneath that -- to get under that bunk,  
6 correct?

7 A. Correct, sir.

8 Q. And basically to get away from you and  
9 at least Davis at that point, correct?

10 A. Correct, sir.

11 Q. All right. And he also still would have  
12 been on his stomach --

13 A. Correct, sir.

14 Q. -- correct?

15 Then you tell us that you wrapped your  
16 legs around him in some way and totally tried to  
17 restrain him and you did and then you pulled him out  
18 from underneath the bunk, right?

19 A. Correct, sir.

20 Q. All right, sir. Was Davis also  
21 assisting you pulling him out from underneath the  
22 bunk?

23 A. Correct, sir.

24 Q. All right. Then I think you told us  
25 that additional commands were given about -- I'm

1       sure something to the effect about put your hands  
2       behind your back or some instruction like that --  
3       intent to cuff his hands behind his back and not in  
4       front of him, correct?

5               A.    Correct, sir.

6               Q.    All right, sir.  You also told us that  
7       the weight was on top -- or you applied weight to  
8       his back, correct?

9               A.    Correct, sir.

10              Q.    So he was still facedown then on the  
11       floor when you and Davis were putting the weight on  
12       him and trying, I assume, to -- some way he locked  
13       his hands underneath his stomach, right?

14              A.    Correct.  Underneath his chest.

15              Q.    Like a little kid, he locked his hands  
16       in there but you're pulling on him and eventually  
17       you get him out and you put them behind his back; is  
18       that correct?

19              A.    Correct, sir.

20              Q.    All right.  And so he was cuffed, right?

21              A.    Yes, sir.

22              Q.    Okay.  Do you remember whose cuffs were  
23       used?  Were they your cuffs or Davis' cuffs or Lee's  
24       cuffs?

25              A.    I'm not sure, sir.

1           Q.   Well, did you -- did you have cuffs with  
2 you? Do you have those?

3           A.   Yes, sir.

4           Q.   So it could have been anybody's cuffs.  
5 You just don't remember, right?

6           A.   It could have been, yes.

7           Q.   All right. So then after he was cuffed,  
8 during that process at some point in time then  
9 Harmon, Garza, Henderson, Palmer, McDuffy, Abbott  
10 and Hayman, they were all in the cell, correct, or  
11 not?

12          A.   No. With the size of the cell, we  
13 couldn't fit everybody in there. So we actually had  
14 slid him out in front of the cell. I'm -- I'm  
15 thinking that's where we applied the shackles, the  
16 leg shackles.

17          Q.   Okay. So he would have been pulled all  
18 the way then back out of the cell, away from the  
19 bunk and out to -- basically to that front door?

20          A.   Correct, sir.

21          Q.   Okay. So he's pulled out -- oh, I  
22 remember you said that was because of the spray and  
23 also had more room, right?

24          A.   Yes.

25          Q.   Okay. So you pull him out. He's

1 cuffed, hands behind his back, and then you say this  
2 is out in the big area?

3 A. The day room area.

4 Q. It's not in this photograph, but we've  
5 seen the photographs of the cell. Anyway, that's  
6 when you say you put leg shackles on him?

7 A. I believe that's when it was, yes.

8 Q. All right. And who would have done  
9 that? Did you do that, Davis do that or who did  
10 that, do you remember?

11 A. I think -- I believe it was Detention  
12 Officer Garza. It's stated in the report.

13 Q. Once he had those, the shackles put on  
14 him, then what happened, do you remember?

15 A. We escorted him out into the south  
16 hallway of the floor, and I believe we waited on the  
17 stretcher.

18 Q. Okay. You told me something I'm not  
19 familiar with. On the photographs of the cell, it  
20 shows -- it shows a hallway, correct, or at least a  
21 concrete walking area?

22 A. No, that's the day room of the cell  
23 block.

24 Q. That's -- oh, okay. This concrete area  
25 in front of that is called what?

1           A.    It's the day room.  That is actually an  
2 enclosure inside of the pod.

3           Q.    Okay.  All right.  Then you say now that  
4 you escorted him out of that day room area into a  
5 hallway or somewhere?

6           A.    Yes, sir.

7           Q.    All right.  And that's where you waited  
8 on the stretcher to take him down to the infirmary  
9 or whatever you want to call the location?

10          A.    Correct, sir.

11          Q.    All right, sir.  Were you responsible  
12 for carrying the stretcher, or do you remember who  
13 actually carried that stretcher with my client on  
14 it?

15          A.    I don't recall, sir.

16          Q.    Okay.  The picture that we've seen of  
17 him when he's obviously beaten up, was that taken at  
18 the infirmary?

19          A.    I believe it was, sir.

20          Q.    So after you get him downstairs, after  
21 this happens, that's the condition he's in in the  
22 infirmary, right?

23          A.    Correct, sir.

24          Q.    All right, sir.  And from that  
25 infirmary, then, and in that condition, then, that's

1 when he was sent to Ben Taub, correct?

2 A. Correct, sir.

3 Q. All right, sir.

4 MR. SCOTT: I'll pass the witness,  
5 Your Honor.

6 THE COURT: State?

7 MR. GILLIAM: Nothing further, Your  
8 Honor.

9 THE COURT: May this witness be  
10 excused?

11 MR. GILLIAM: Yes, sir.

12 MR. SCOTT: I'd like to place him  
13 on call, Judge.

14 THE COURT: Make sure we have a  
15 number where we can find you.

16 Why don't we go ahead and take a  
17 short morning break, folks.

18 THE BAILIFF: All rise for the  
19 jury.

20 *(Jury retired.)*

21 *(Brief recess.)*

22 THE BAILIFF: All rise for the  
23 jury.

24 *(Jury seated.)*

25 THE COURT: Y'all may be seated.



1 All right. State, call your next  
2 witness, please.

3 MR. GILLIAM: State calls Deputy  
4 Jameson.

5 THE BAILIFF: This witness was  
6 previously sworn, Judge.

7 THE COURT: Come up, please.

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. You may  
10 proceed.

11 MR. GILLIAM: Thank you, Judge.

12 **JOSEPH JAMESON,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MR. GILLIAM:**

16 Q. Would please introduce yourself to us?

17 A. I'm Deputy Joseph Jameson.

18 Q. How are you employed, Deputy Jameson?

19 A. A full-time deputy with the Harris  
20 County Sheriff's Office.

21 Q. How long have you been a deputy with the  
22 Harris County Sheriff's Office?

23 A. Eighteen years.

24 Q. And where are you currently stationed  
25 right now or assigned?