



# The National Trial Competition

## 50th Anniversary

### **2025 National Case Problem**

NO. CV-24-0967

**SHARON BEDFORD on behalf of the  
Estate of SHAWN BEDFORD**

*Plaintiff,*

**v.**

**LONE START DEPARTMENT OF  
CORRECTIONS,**

*Defendant.*

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**IN THE 37TH DISTRICT COURT**

**IN AND FOR HARRIS COUNTY**

**STATE OF LONE STAR**

Prepared by:

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IN THE 37TH DISTRICT COURT  
IN AND FOR HARRIS COUNTY

SHARON BEDFORD on behalf of the	§	Case No. CV-24-0967
Estate of SHAWN BEDFORD	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	IN AND FOR HARRIS COUNTY
	§	
Lone Star Department of Corrections,	§	
	§	
<i>Defendant.</i>	§	STATE OF LONE STAR

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Witness List, Exhibits, and Stipulations

## **WITNESSES**

### **Plaintiff**

1. Harley Judson
2. Reese Bannerly

### **Defense**

3. Linden Trumble
  4. Jordan Emerson
- 

## **EXHIBITS**

1. Photo of Exercise Pens - Aerial View
2. Photo of Exercise Pens - Side-By-Side
3. Photo of Single Exercise Pen
4. Diagram of Yard
5. Photo of Shiv with Traces of Bedford's Blood
6. Photo of Judson - Arm Wound
7. Photo of Block Gun and Bullets
8. Photo of Block Gun Being Loaded
9. Photo of Block Gun Being Held
10. Inmate File Judson
11. LSCI Yard Officer Policy
12. Inmate File Bedford
13. Inmate File Shaw
14. Inmate File Percy
15. Inmate Complaint Form - Yard Pen Condition (2023)
16. Photo of Mallet
17. Photo of Deceased Shawn Bedford – Chest Wound
18. Photo of Deceased Shawn Bedford – Head Wound
19. CO Trumble Assault Report
20. CO Trumble Disciplinary Action
21. Security Threat Policy
22. Reese Bannerly CV
23. ACA Standards
24. Employment Action – CO Termination (2022)
25. Materials Expert Report
26. Jordan Emerson CV
27. LSCI Logbook
28. CID Report
29. Internal Memo Regarding In-facility Assaults (2022)
  - 29a. Assaults Data
  - 29b. Assaults Chart

## **Procedural Stipulations**

1. Federal Rules of Civil Procedure and Federal Rules of Evidence apply.
2. The trial is limited to the issue of liability. If Defendant is found liable, damages will be determined at a separate trial.
3. The Defense is not required to pursue the affirmative defense at trial.
4. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence in depositions or prior testimony will, if asked, identify the same at trial.
5. Each witness who gave a deposition agreed under oath at the outset of his or her deposition to give a full and complete description of all material events that occurred and to correct the deposition for inaccuracies and completeness before signing the deposition.
6. All depositions were reviewed by the deponent and signed under oath.
7. For this competition, no team is permitted to attempt to impeach a witness by arguing to the jury that a signature appearing on a document or deposition does not comport with signatures or initials located on an exhibit.
8. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any witnesses that would bolster or detract from their credibility.
9. This competition does not permit a testifying witness to “invent” an individual not mentioned in this problem.
10. “Beyond the record” shall not be entertained as an objection. Rather, teams shall use cross examination as to necessary inferences from material facts pursuant to National Rules. Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in Rule VIII(4).
11. The Plaintiff and the Defendant must call the two witnesses listed as that party’s witnesses on the witness list.
12. All exhibits in the file are authentic. The parties agree that the exhibits are what they purport to be. In addition, each exhibit contained in the file is the original of that document unless otherwise noted

on the exhibit or as established by the evidence.

13. It is stipulated that no one shall attempt to contact the problem drafters about this problem before the conclusion of the 2025 NTC National Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

14. The problem may or may not be based on actual events. No one shall attempt to search for any actual events, persons, lawsuits or other materials that might relate to an actual event or case.

15. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the Plaintiff shall have four minutes to present any pretrial motions; (2) the Defendant shall have four minutes to respond to the Plaintiff's motion(s); (3) the Defendant shall have four minutes to present any pretrial motions; and (4) the Plaintiff shall have four minutes to respond to the Defendant's motion(s).

16. This competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues.

17. No new jury instructions or modifications to existing jury instructions will be permitted.

18. The person playing Harley Judson may be of any gender but must testify consistently with the case file, which indicates that Harley Judson is a man.

19. The person playing Linden Trumble may be of any gender but must testify consistently with the case file, which indicates that Linden Trumble is a woman.

20. As this case has been brought under a "Deliberate Indifference" standard, there is no defense of contributory or comparative negligence.

21. The Court heard and denied the Defendant's Motion for Summary Judgement on the issue of Defendant's Qualified Immunity. The Court will entertain no further argument on the issue of Qualified Immunity at trial.

### **Substantive Factual Stipulations**

**The following factual stipulations are agreements between the parties regarding the existence of a fact. Either party may still object to the admissibility of a stipulated fact on grounds of Relevance pursuant to FRE 401 or Undue Prejudice, Confusion, Waste of Time or Other Reasons pursuant to FRE 403. No other evidentiary or constitutional objections to stipulated facts will be entertained at trial.**

1. On November 10, 2022, the American Civil Liberties Union (ACLU) brought a civil action against the Defendant, Lone Star Department of Corrections, for violations of the Eighth Amendment of the United States Constitution based on its practice of placing inmates in pens in the exercise yard in the Harris County facility rather than allowing them freedom of movement. The ACLU alleged that the Eighth Amendment, which prohibits cruel and unusual punishment, requires that conditions of confinement be humane, and subjecting an inmate to isolation in a cage for exercise was unconstitutional. The ACLU further alleged that the cages restrict the inmate's ability to move freely, exercise, or interact with others in a meaningful way, therefore, inflicting unnecessary pain or suffering. The ACLU case is currently pending in the United States District Court for the Eastern District of Lone Star.

2. On March 3, 2023, Shawn Bedford was pronounced dead in the medical unit of the Lone Star Correctional Institute – Harris County. The cause of his death was from puncture of the heart and brain leading to exsanguination, also referred to as fatal loss of blood. The cause of the punctures were multiple stab wounds to the upper torso and head. Postmortem photos of the wounds are contained in Exhibits 17 and 18.

3. Exhibit 5 is a photo of a handmade weapon called a shiv that was found in the yard after the March 3, 2023, incident. Exhibit 5 was tested for blood and prints. Test results concluded that the shiv had traces of Shawn Bedford's blood and multiple fingerprints on the shiv were matched to Michael Shaw. No other prints or blood were found on the shiv.

4. On March 3, 2023, Michael Shaw was a 5'11", 190 pound, 38-year-old male. After the incident, Michael Shaw repeatedly refused to provide a statement. On May 20, 2023, Shaw was choked to death by another inmate who was classified as a member of the Free 109s during mealtime in the dining area.
5. On March 3, 2023, Thomas Percy was a 6'1", 200 pound, 40-year-old male. He has indicated his intention to exercise his Fifth Amendment Right to remain silent if called to testify in this civil case. He was charged and pleaded guilty to threatening a correctional officer for his actions during the March 3, 2023, incident at the LSCI-Harris. The government did not charge him with other crimes but is still considering other charges. The parties have agreed not to waste resources to transport him to court for trial and that neither party will ask the court to take an adverse inference from his exercise of his Fifth Amendment right.
6. On March 3, 2023, Linden Trumble was a 5'9, 180 pound, 29-year-old female.
7. The pens from which Michael Shaw and Thomas Percy escaped on March 3, 2023, were investigated and the damage to the pen doors was analyzed by structural engineers. Both parties were offered the opportunity to retain their own expert but neither found an expert with different findings. The parties have waived all objections and agree that Exhibit 25 is admissible and may properly be relied on by either party's expert.
8. Surveillance footage from the yard at the time of the incident is unavailable due to a technical issue. Both the Plaintiff and the Defense expert have agreed that the technical issue was unavoidable and unforeseeable. For this reason, the court has precluded either party from discussing or arguing the absence of video footage.
9. The Court has received and excepted certifications under rule 902(11) for the following exhibits: 10-15, 19-21, 24, and 27-29.

**IN THE 37TH DISTRICT COURT  
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Estate of SHAWN BEDFORD**

*Plaintiff,*

**v.**

**LONE STAR DEPARTMENT OF  
CORRECTIONS,**

*Defendant.*

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**Case No. CV-24-0967**

**COMPLAINT**

**JURY DEMAND**

**IN AND FOR HARRIS COUNTY**

**STATE OF LONE STAR**

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Plaintiff, ESTATE OF SHAWN BEDFORD, by way of counsel, hereby brings this action under Lone Star Code § 11-401, and alleges as follows:

**PRELIMINARY STATEMENT**

1. This is a legal action in which Plaintiff, SHARON BEDFORD, on behalf of the ESTATE OF SHAWN BEDFORD, seeks relief for Defendant, LONE STAR DEPARTMENT OF CORRECTION's, violations of Lone Star Code § 11-401 (hereafter LSC § 11-401). Plaintiff seeks compensatory damages, an award of costs, interest, and such other and further relief as this Court deems just and proper.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over all the causes of action asserted as violations of Lone Star Civil Code.
3. Venue is proper in this Court, as the events giving rise to the claims occurred within this judicial district.



### **JURY TRIAL DEMAND**

4. Plaintiff demands a trial by jury on each and every claim as pleaded herein.

### **PARTIES**

5. At all times relevant to this action SHAWN BEDFORD (hereinafter BEDFORD) was a resident at the Lone Star Corrections Institute – Harris County.
6. Plaintiff SHARON BEDFORD is an individual residing in Harris County, Lone Star; SHARON BEDFORD is the parent and duly authorized representative of the ESTATE OF SHAWN BEDFORD (hereinafter PLAINTIFF).
7. Defendant, LONE STAR DEPARTMENT OF CORRECTIONS is the agency in charge of administration of the LONE STAR CORRECTIONAL INSITUTE – HARRIS COUNTY (hereinafter LSCI), which was at all times relevant to this action located in and running its operations in Harris County, Lone Star.

### **STATEMENT OF FACTS**

8. In January 2012, BEDFORD was convicted of First-Degree Murder and was sentenced to 35 years in prison.
9. At all times relevant to this case, BEDFORD was incarcerated for his crime in the LSCI.
10. The LSCI is a corrections facility as defined by LSC § 11-401.
11. On March 3, 2023, inmates, MICHAEL SHAW and THOMAS PERCY, escaped from their pens in the exercise yard and armed themselves with homemade weapons.
12. The exercise yard pens from which SHAW and PERCY escaped were not properly inspected and maintained.

13. After escaping, SHAW and PERCY approached Corrections Officer Linden Trumble (hereinafter CO Trumble) in the yard.
14. While on guard in the yard, CO Trumble was armed with a block gun with only one bullet, against facility policy.
15. CO Trumble did not fire her block gun to stop SHAW and PERCY, instead she ran for the yard door and the safety within.
16. While CO Trumble tried to escape the yard, SHAW and PERCY were able to remove the keys to the exercise pens from CO Trumble's belt.
17. After obtaining the keys, SHAW and PERCY unlocked BEDFORD's yard pen and entered his pen.
18. SHAW and PERCY assaulted BEDFORD with their homemade weapons resulting in severe injuries to BEDFORD.
19. On that same day, BEDFORD died from the injuries sustained during the attack by SHAW and PERCY.

### **CAUSE OF ACTION**

#### **FIRST CLAIM: FAILURE TO PROTECT**

20. PLAINTIFF incorporates by reference all preceding paragraphs.
21. The acts or failure to act of DEFENDANT violated LSC § 11-40, specifically, DEFENDANT failed to keep BEDFORD safe from violence inflicted on him by other inmates.
22. DEFENDANT made a deliberate choice regarding the conditions under which BEDFORD was held.
23. The conditions under which BEDFORD was held created a substantial risk of serious harm to BEDFORD.

24. DEFENDANT was aware of facts from which they could infer that the risk of serious harm to BEDFORD existed and actually drew that inference, but did not take reasonable available measures to abate that risk to BEDFORD.
25. DEFENDANT acted with deliberate indifference toward the safety of BEDFORD while he was held in the LSCI.
26. BEDFORD's death at the hands of another inmate or inmates on March 3, 2023, would not have occurred if defendant had taken reasonable measures to abate the risk.
- 27.

### **REQUEST FOR RELIEF**

Wherefore PLAINTIFF demands judgment against DEFENDANT, ordering DEFENDANT to provide full compensation for PLAINTIFF's medical and funeral expenses, loss of potential earning, loss of companionship, and all other damages as the Court sees fit.

Date: November 2, 2023

/s/ Roman J. Israel

Attorney for Plaintiff

### **VERIFICATION**

I, Sharon Bedford, am the duly appointed Administrator of the Estate of Shawn Bedford and Plaintiff in the above captioned action. I have read the Verified Complaint and Jury Demand and verify the allegations contained herein are true and accurate to the best of my knowledge.

Date: November 2, 2023

/s/ Sharon Bedford

Plaintiff

**IN THE 37TH DISTRICT COURT  
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**Case No. CV-24-0967**

**ANSWER**

**JURY DEMAND**

**IN AND FOR HARRIS COUNTY**

**STATE OF LONE STAR**

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**ANSWER, AFFIRMATIVE DEFENSE, AND JURY DEMAND**

**PRELIMINARY STATEMENT**

1. Defendant admits that this civil action is brought by Plaintiff, SHARON BEDFORD on behalf of the ESTATE OF SHAWN BEDFORD, against Defendant, LONE STAR CORRECTIONAL INSTITUTE – HARRIS COUNTY, but denies the factual allegations and legal conclusions that form the basis of this action.

**JURISDICTION AND VENUE**

2. Defendant admits the allegations in paragraph 2 for jurisdictional purposes only.
3. Defendant admits the allegations in paragraph 3 for venue purposes only.

**JURY TRIAL DEMANDED**

4. Defendant requests that this action be tried before a jury.

**PARTIES**

5. Defendant admits the allegations in paragraph 5.
6. Defendant admits the allegations in paragraph 6.
7. Defendant admits the allegations in paragraph 7.

### **STATEMENT OF FACTS**

8. Defendant admits the allegations in paragraph 8.
9. Defendant admits the allegations in paragraph 9.
10. Defendant admits the allegations in paragraph 10.
11. Defendant has insufficient facts to either admit or deny the allegations in paragraph 11.
12. Defendant denies the allegations in paragraph 12.
13. Defendant admits the allegations in paragraph 13.
14. Defendant admits the allegations in paragraph 14.
15. Defendant has insufficient facts to either admit or deny the allegations in paragraph 15.
16. Defendant has insufficient facts to either admit or deny the allegations in paragraph 16.
17. Defendant has insufficient facts to either admit or deny the allegations in paragraph 17.
18. Defendant has insufficient facts to either admit or deny the allegations in paragraph 18.
19. Defendant has insufficient facts to either admit or deny the allegations in paragraph 19.

### **FIRST CLAIM: FAILURE TO PROTECT**

20. Defendant denies the allegations in paragraphs 20 to 26.

### **AFFIRMATIVE DEFENSE: FAILURE TO AVOID HARM**

21. Defendant incorporates by reference all preceding paragraphs.
22. On or about July of 2022, LSCI offered BEDFORD an alternative to exercising in the yard pens. BEDFORD had the option of being moved from his unit to administrative segregation.
23. Once in administrative segregation, BEDFORD would not have access to the exercise yard, therefore, he would not have been in the yard on March 3, 2023.

24. When offered the administrative segregation alternative to exercise in the exercise pens, BEDFORD refused that reasonable alternative.

25. As provided by LSC § 11-401, BEDFORD failed to avail himself of reasonable alternatives to the conditions that are alleged to have caused his death.

### **REQUEST FOR RELIEF**

Wherefore Defendant demands that Plaintiff's Complaint be dismissed and judgment against Plaintiff be ordered to provide full compensation for Defendant's attorney's fees and legal expenses in defending this action.

/s/ Frank Miller

Attorney for Defendant

### **VERIFICATION**

I, George Davidson, am the representative of Defendant in the above captioned action. I have read this Answer and Jury Demand and verify the responses provided herein are true and accurate to the best of my knowledge.

DATE: November 7, 2023

/s/ George Davidson

Defendant Representative

## **Lone Star Code § 11-401. Civil Cause of Action for Failure to Protect Inmates**

### **(a) Legislative Intent.**

The Legislature finds that correctional facilities have a duty to provide a safe environment for all inmates, including the duty to take reasonable measures to prevent harm caused by violence from other inmates. This section establishes a civil cause of action for injuries resulting from the failure to fulfill this duty. A corrections facility that is found to have violated the provision of this section may not assert a defense claim of sovereign immunity, qualified or otherwise.

### **(b) Civil Liability.**

A correctional facility may be held liable in a civil action for injuries sustained by an inmate at the hands of another inmate if:

1. the corrections facility made a deliberate choice regarding the conditions under which the inmate was held;
2. those conditions put the inmate at substantial risk of suffering serious harm;
3. the corrections facility was aware of facts from which they could infer that the risk of serious harm to the inmate existed and actually drew that inference, but did not take reasonable available measures to abate that risk; and
4. by not taking such measures, the correctional facility was a substantial factor in causing the inmate's physical, emotional, or psychological harm as a result of violence inflicted by one or more other inmates.

The conduct represented in the third element above is referred to in the law as "deliberate indifference." With respect to the third element, the correctional facility's conduct must be both objectively unreasonable and done with a subjective awareness of the risk of harm.

**(d) Defenses.**

A corrections facility may not be held liable under this section if the inmate unreasonably refused protective measures offered by the facility, provided that such measures were appropriate under the circumstances.

**(e) Damages.**

An inmate who prevails in a civil action under this section may recover:

- (1) Compensatory damages for physical, emotional, and psychological harm; and
- (2) Reasonable attorney's fees and costs.

**(f) Definitions.**

For the purposes of this section:

- (1) "Correctional facility" means any jail, prison, detention center, or similar institution operated by a public or private entity for the confinement of individuals.
- (2) "Inmate" means any individual lawfully confined within a corrections facility.



DEPOSITION TESTIMONY OF HARLEY JUDSON

- 1   **Q:**   Please state your name.
- 2   **A:**   Harley Judson.
- 3   **Q:**   Where do you currently reside?
- 4   **A:**   Lone Star Correctional Institution in Harris.
- 5   **Q:**   How long have you been an inmate?
- 6   **A:**   About fourteen years.
- 7   **Q:**   What sentence are you serving?
- 8   **A:**   I'm serving 40 years for Aggravated Assault with a Firearm and Attempted Murder.
- 9   **Q:**   Were you housed at LSCI-Harris on March 3, 2023?
- 10  **A:**   Yes, sir.
- 11  **Q:**   Can you describe what the exercise yard at LSCI-Harris looks like?
- 12  **A:**   The yard is basically a big, open space with rows of pens—kind of like metal cages. Each
- 13  pen is about 10 feet by 10 feet, with metal bars or wiring all around and a locked door in front.
- 14  **Q:**   I'm showing you Exhibits 1, 2, and 3. Do you recognize these?
- 15  **A:**   These are photos of the exercise pens. Exhibit 1 is the overhead view showing the tops of
- 16  the pens. Exhibit 2 shows some officer standing at the doors of the pens. Exhibit 3 is a more up-
- 17  close view of the pen Shawn was in when he was killed. But that's not Shawn.
- 18  **Q:**   Is this what the pens looked like on March 3, 2023?
- 19  **A:**   Yeah.
- 20  **Q:**   How are inmates escorted to the yard?
- 21  **A:**   We're taken out of our cells by two officers. They strip search us first, and then we're
- 22  walked to the yard one-at-a-time and locked in one of the pens.
- 23  **Q:**   How do you get locked in the pens?

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 A: We enter the pen. They lock it. Then there is a slot right below the lock that the CO opens  
2 where we stick our hands through so they can uncuff us.

3 Q: How many pens are there?

4 A: About 32, I think. They are lined up in kind of a U shape. They're separated a bit, but you  
5 can see a few pens over through the bars if you're looking.

6 Q: Take a look at Exhibit 4. Does that look like the layout of the yard as of March 3, 2023?

7 A: Yeah. That shows the layout, and the initials show what pens we were in that day. SB is  
8 Shawn Bedford. HJ is me. TP is Thomas Percy and MS is Michael Shaw.

9 Q: What do the boxes with white Xs represent?

10 A: Those are pens, but they don't use them usually.

11 Q: Were you in the yard on March 3, 2023?

12 A: Yes, sir, I was brought out for yard time that afternoon.

13 Q: Can you describe what happened that day?

14 A: It started off like any other yard time. I was in my pen next to Shawn. Looking at the  
15 diagram, I was in pen 24. Shawn was in pen 23. Then, all of a sudden, I saw Percy—an inmate a  
16 few pens down—kicking at the bottom of his gate. He managed to kick the square piece of  
17 wiring off the bottom of the doors and break out of his pen.

18 Q: What pen was Percy in?

19 A: Percy was in 22.

20 Q: What pen was Shaw in?

21 A: Shaw was in 19.

22 Q: Did you see Shaw leave his pen?

23 A: No. I just saw him join Percy after Percy got out.

DEPOSITION TESTIMONY OF HARLEY JUDSON

- 1    **Q:**    Did you see if they had weapons?
- 2    **A:**    Yeah, both had shivs. Looked like something sharpened out of metal scraps or plastic.
- 3    **Q:**    I'm showing you Exhibit 5. Does this look like one of the shivs that they had?
- 4    **A:**    Yeah.
- 5    **Q:**    Do you remember who was holding this shiv?
- 6    **A:**    I'm not positive, but I think that is the one that Shaw was holding.
- 7    **Q:**    What did Shaw and Percy do after they got out?
- 8    **A:**    They ran straight toward Officer Trumble, who was the officer on duty in the yard.
- 9    **Q:**    Where was Officer Trumble?
- 10   **A:**    She was in the normal spot about 10 feet from the door to go back into the unit.
- 11   **Q:**    What did Officer Trumble do?
- 12   **A:**    At first, she pointed the block gun at them, and they stopped for a moment. But then, she
- 13   must've realized the gun wasn't loaded or something because she looked down and panicked.
- 14   Then she turned and started running back toward the building.
- 15   **Q:**    Did Shaw and Percy follow her?
- 16   **A:**    Yes, sir. They ran after her and grabbed the keys off her belt right before she got inside
- 17   and slammed the door shut.
- 18   **Q:**    What did they do with the keys?
- 19   **A:**    Someone yelled out, "Judson and Bedford first." Then they started unlocking pens,
- 20   letting other inmates out—mostly their gang members from the Cold Steel Clique.
- 21   **Q:**    What happened next?

DEPOSITION TESTIMONY OF HARLEY JUDSON

1    **A:**     I saw them heading toward my cell. I knew if I stayed in the pen, they'd surround me,  
2    and it would be over. So, when they unlocked my door, I pushed my way out and started running  
3    around the yard, trying to find help.

4    **Q:**     Did anyone respond to your calls for help?

5    **A:**     Not at first. I ran all over the yard yelling, but it felt like no one was coming.

6    **Q:**     Were you injured during this incident?

7    **A:**     I got a cut on my arm from a shiv and knocked upside the head several times. But I'm  
8    quick. So, I got lucky they didn't feel like wasting time chasing me down.

9    **Q:**     I'm showing you Exhibit 6. Do you recognize this?

10   **A:**     Yes. This is a photo of the cut I got on my arm. As you can see, it was pretty deep. But  
11   once they stitched it up, it healed up pretty good.

12   **Q:**     Did they eventually unlock Shawn Bedford's pen?

13   **A:**     Yes, sir. After they let out a few other guys, they unlocked Shawn's pen and went inside.

14   **Q:**     What happened next?

15   **A:**     They attacked Shawn. They beat him to the ground and stabbed him over and over with  
16   their shivs. There was blood everywhere.

17   **Q:**     Did anyone intervene?

18   **A:**     No, sir. The yard was empty except for us inmates. There were no officers around. I  
19   wanted to help Shawn, but I knew they would kill me. There were two guys holding the door to  
20   the unit closed, so I didn't know when help would come.

21   **Q:**     What was going on in the rest of the yard at that time?

22   **A:**     It was chaos. Inmates were yelling, some trying to stay quiet in their pens, others looking  
23   for ways to protect themselves. But it felt like no one was coming to stop what was happening.

DEPOSITION TESTIMONY OF HARLEY JUDSON

1    **Q:**     How long did all of this take?

2    **A:**     It felt like forever. But, I don't know. Maybe five minutes.

3    **Q:**     Did Shaw and Percy ever leave Mr. Bedford's pen?

4    **A:**     Yeah. It only took them a minute or two to take him out. I saw Shawn lying in his pen.

5    He wasn't moving. Shaw and Percy had already gone to another pen by then.

6    **Q:**     I'm showing you what has been marked as Exhibit 17 and 18. Do you recognize these?

7    **A:**     Yes. These are photos of where they stabbed Shawn in his head and chest. When the  
8    officers came out, I told them to help Shawn first, and I saw them trying to help him. But he was  
9    already gone.

10   **Q:**     Is this how he looked when you saw him after the incident on March 3, 2023?

11   **A:**     The picture of his head is pretty much how it looked. The chest picture is after they  
12   cleaned up his body. The wounds look the same. You can see how deep they are and how many  
13   times they stabbed him. But there was blood everywhere at the time when I observed him.

14   **Q:**     Any other details we are missing about what you witnessed that day?

15   **A:**     Just that it didn't have to happen. If Officer Trumble had been prepared—if she had used  
16   the block gun or if she had just not run inside or backup had come—maybe none of this  
17   would've happened.

18   **Q:**     Mr. Judson, had you encountered Officer Trumble prior to that day?

19   **A:**     Yes, sir. She's worked the yard shift a few times while I've been out there. She's also in  
20   Unit 15 with us pretty often.

21   **Q:**     Based on your prior experience, how would you describe Officer Trumble's behavior  
22   while on duty?

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 A: She was usually quiet, didn't interact much with us. She did her job, but I wouldn't say  
2 she was particularly attentive or assertive.

3 Q: Have you ever seen her use the block gun before?

4 A: No, sir. I'd seen her carry it, but I've never seen her fire it.

5 Q: Can you explain what a block gun is and what it's used for?

6 A: It's like a big rubber-bullet gun. They're supposed to use it to stop fights or control  
7 inmates if things get out of hand in the yard.

8 Q: I'm showing you what have been marked as Exhibits 7 through 9. Do you recognize  
9 these?

10 A: I haven't seen these pictures before, but this is the kind of block gun the officers have.  
11 Exhibit 7 shows it lying on a table with some bullets. Exhibit 8 shows it being loaded. And  
12 Exhibit 9 shows a person with their face blurred out aiming the gun. That's basically how  
13 Trumble was holding it before she spooked out and ran.

14 Q: In your opinion, is the block gun an effective deterrent?

15 A: It can be—if it's loaded and the officer is ready to use it. But if it's not loaded, it's just  
16 for show. I've gotten tagged with it before. It hurts real bad.

17 Q: When have you been hit with the block gun?

18 A: I had an incident where I got into it with some other inmates.

19 Q: What happened?

20 A: Basically, there was a fight. It was kind of intense. I didn't stop when the officers tried to  
21 break it up. So, someone tagged me with the block gun.

22 Q: Did it stop you?

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 A: For a little bit. I fell down off the guy I was choking. I mean, we were choking each  
2 other. But I was on top. I fell off the guy after I got hit, but I was eventually able to get back up  
3 and continue fighting, after maybe ten or twenty seconds. But I was in some of the worst pain.

4 Q: Was Officer Trumble present for that?

5 A: Yeah, I think so.

6 Q: On March 3, 2023, when Shaw and Percy approached Officer Trumble, what did you  
7 notice about how she handled the block gun?

8 A: Like I said, she pointed it at them like she was ready to fire, and they stopped for a  
9 second. But then she hesitated, and it was like she panicked. It seemed like it wasn't loaded.

10 Q: What made you think the block gun wasn't loaded?

11 A: When she hesitated, she didn't fire. She looked down at the top of the block gun and then  
12 she turned and ran.

13 Q: Have you ever seen an officer hesitate to fire their block gun before?

14 A: No, sir. This was the first time I've seen something like that. Usually, the officers have it  
15 ready to go. And they don't really hesitate to use it. Honestly seems like some of them are just  
16 looking for an excuse.

17 Q: Did Officer Trumble say anything to Shaw or Percy before running?

18 A: No, sir. She didn't say a word—just ran.

19 Q: What did Shaw and Percy do when Trumble ran?

20 A: They chased after her and grabbed her keys off her belt before she got inside the building.

21 Q: From your perspective, how significant was the fact that Officer Trumble didn't fire?

22 A: It was everything. If she had fired, I think she wouldn't have had to run, and Shaw and

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 Percy would've stayed stopped after she pointed it at them. Instead, they realized they could  
2 overpower her.

3 **Q:** Based on your time at LCSI, how often do officers rely on the block gun to maintain  
4 control in the yard?

5 **A:** Pretty often. It's their main tool if things get out of hand. The inmates know what it can  
6 do, so just having it is usually enough to keep order. I've seen them use it maybe ten times. I've  
7 never seen an officer be overpowered after using the block gun.

8 **Q:** Mr. Judson, have you ever heard anything about Officer Trumble's relationship with any  
9 of the inmates at Lone Star Correctional Facility?

10 **A:** Yes, sir. I've heard people say she might have ties to the Cold Steel Clique.

11 **Q:** When you say you've "heard people say," can you explain who mentioned this to you  
12 and under what circumstances?

13 **A:** A few inmates I've talked to over the years. I don't remember specifically who, but they  
14 said she seemed close to some of the Cold Steel guys and that she might be helping them out in  
15 some way.

16 **Q:** Have you ever seen anything yourself that made you question Officer Trumble's  
17 relationship with the Cold Steel Clique?

18 **A:** Yes, sir. On two or three occasions over the last couple of years, I've seen her huddled up  
19 with members of the gang, talking quietly.

20 **Q:** Can you describe these interactions in more detail?

21 **A:** Sure. It was always out in the yard or near the pens. She'd stand close to them, leaning in,  
22 and they'd be talking low, like they didn't want anyone else to hear.



DEPOSITION TESTIMONY OF HARLEY JUDSON

1    **Q:**     Do you recall which inmates she was talking to on those occasions?

2    **A:**     Yes, sir. It was Shaw and Percy a couple of times, and one or two other Cold Steel guys.

3    **Q:**     Did you ever hear what they were saying during these conversations?

4    **A:**     No, sir. They were too far away for me to hear, but it definitely didn't look like regular  
5    officer-inmate stuff.

6    **Q:**     Based on your observations and what you've heard, do you think Officer Trumble's  
7    actions affected how the Cold Steel Clique operated in the yard?

8    **A:**     I don't know for sure, but it seemed like they had more confidence when she was  
9    around—like they weren't worried about getting in trouble.

10   **Q:**     Mr. Judson, have you ever been affiliated with a gang?

11   **A:**     Yes, sir. Almost everyone in prison has been affiliated at one time or another. It's the  
12   only way to stay safe. I used to be affiliated with the Free 109s.

13   **Q:**     Are you still affiliated with that gang?

14   **A:**     No, sir. I was smashed out back in 2019.

15   **Q:**     Can you explain what you mean by "smashed out"?

16   **A:**     It's a process where the gang beats you up to let you leave. It's their way of saying you're  
17   out, but it's not a light thing—it's painful and dangerous, but it's the only way to leave without  
18   disrespecting them.

19   **Q:**     After being smashed out, were you still classified as a gang member by the prison?

20   **A:**     Yes, sir. LSCI still has me listed as an active member of the Free 109s.

21   **Q:**     Why do you think the prison continues to classify you as a gang member?

22   **A:**     Because they won't take you off the list unless you cooperate with them, and by  
23   cooperate, I mean snitch on other gang members.

DEPOSITION TESTIMONY OF HARLEY JUDSON

1    **Q:**     Did anyone at the prison ask you to provide information about the Free 109s?

2    **A:**     Yes, sir. At classification hearings, they've asked me to give up names, details about  
3    activities, and who's running things now.

4    **Q:**     Have you provided any of that information?

5    **A:**     No, sir. I can't do that. It's not just about loyalty—it's about safety. If I were labeled a  
6    snitch, I wouldn't last long in here.

7    **Q:**     Going back to the pens. How secure are they?

8    **A:**     Normally, they're pretty secure, I've never seen anyone break out of one before. But that  
9    doesn't mean people haven't tried.

10   **Q:**     What do you mean?

11   **A:**     Maybe two months before Shawn was killed, around the beginning of the year, I heard  
12   another inmate, Larkin, talking to Trumble about submitting a slip because he saw someone  
13   trying to get out. Supposedly, he had like a little makeshift hacksaw and was trying to break  
14   different parts of the pen.

15   **Q:**     Did Larkin say who it was?

16   **A:**     He wouldn't name anyone.

17   **Q:**     On March 3, 2023, you mentioned that Shaw and Percy broke out of their pens. Did you  
18   hear anything while they were doing that?

19   **A:**     Yes, sir. I heard banging and scraping noises coming from their direction. At first, I  
20   didn't think much of it, but it got louder, like they were hitting something hard.

21   **Q:**     Did anyone else react to the noise?

22   **A:**     I don't think so. The other inmates were mostly minding their own business, and the

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 officers didn't seem to notice. At one point, I told Trumble she should go back there and tell  
2 them to cut it out. But she never listens to me. She just said, "stop snitching."

3 Q: How long did the banging go on before they broke free?

4 A: It felt like a couple of minutes, maybe a little longer. It wasn't quick.

5 Q: Did you see what tools or items they used to break out?

6 A: No, sir. I couldn't see clearly from where I was. I was like at least three pens over but it  
7 sounded like they were kicking or using something hard to bang it loose. It was only right at the  
8 end that I could actually see Percy kicking.

9 Q: Did you alert the yard officer to what was going on?

10 A: Other than complaining about the noise, no. I didn't realize what they were doing. It's  
11 only in retrospect that I realized.

12 Q: You also mentioned that Shaw and Percy had shivs. How do you think the shivs got into  
13 the yard?

14 A: I don't know for sure, but there are ways. Some inmates hide them on their bodies, even  
15 during strip searches, or stash them in the yard before they come out.

16 Q: Can you explain how an inmate might hide a weapon during a strip search?

17 A: Folks get creative. They might hide a weapon in a body cavity or somewhere the officers  
18 don't check thoroughly. It's risky, but it happens. And the COs have rules about when they can  
19 do a cavity search. Sometimes inmates will hide things in the pens ahead of time. There are  
20 inmates with more privileges because of good behavior. They don't have to get searched as  
21 thoroughly. I've never been one of those inmates, but I've seen them get searched before going  
22 out once or twice and they don't get fully stripped to the skin like the rest of us.

23 Q: Are inmates put in the same pen repeatedly?

DEPOSITION TESTIMONY OF HARLEY JUDSON

1    **A:**     It's supposed to be random in whatever order you come out. But if you throw a little bit  
2    of a fit, most of the guards will put you where you want to avoid a hassle.

3    **Q:**     Have you ever smuggled a shiv into the yard?

4    **A:**     Yeah. I had an infraction for possession of a shiv on the yard. But it was just for  
5    protection and that was before the pens were installed and the yard was more dangerous.

6    **Q:**     You mentioned throwing a fit, didn't you throw something of a fit in the yard on the day  
7    when Shawn Bedford was killed?

8    **A:**     I wouldn't call it a fit. I was supposed to get a money transfer slip and my counselor  
9    never gave it to me. I really needed that money transferred to my commissary so I could get  
10   snacks and supplies. So, I let Trumble know about it.

11   **Q:**     Is it true that you said you would refuse to leave your pen until you got the slip?

12   **A:**     Yeah. That's the only way to get anything done at LSCI. No one wants to help you out.

13   **Q:**     I'm showing you what has been marked as Exhibit 10. Do you recognize this?

14   **A:**     This looks like my Central File. I haven't seen it before, but I know what they look like.

15   **Q:**     Looking at the prior convictions and disciplinary actions. Are those accurate?

16   **A:**     Yeah. That's my record. I don't remember every detail and sometimes they make stuff  
17   up, but I remember getting these writeups.

18   **Q:**     Did Shawn ever express any concerns about his safety?

19   **A:**     Yeah. He was the kind of guy who always wants to sit with his back to the wall and face  
20   to the door. He said he knew the Cold Steel Clique hated him. So, he was always careful.

21   **Q:**     Do you know if he ever reported his concerns?

22   **A:**     Not while I was around. I mean, it is not a big secret that Free 109s and CSC are rivals.

23   So, they wouldn't do anything except offer you solitary if you complained and no one wants that.

DEPOSITION TESTIMONY OF HARLEY JUDSON

1

2 I, Harley Judson, being first duly sworn on oath say that I am the deponent in the aforesaid  
3 deposition; that I have read the foregoing transcript of my deposition, and affix my signature to  
4 the same. I have been offered the opportunity to make any corrections and have declined to make  
5 any.

6 DATE: February 14, 2024 s/ *Harley Judson*  
7 Harley Judson, Deponent

## Bannerly Consulting, LLC - Expert Witness Report

Prepared By: Reese Bannerly

March 12, 2024 (Updated April 25, 2024)

Re: Bedford v. Lone Star Correctional Institute – Harris County

### **Case Request:**

I was asked to review the conditions and conduct of the staff at Lone Star Correctional Institute – Harris (LSCI) in relation to the death of Shawn Bedford. Specifically, I was asked to assess whether the conditions and conduct were consistent with minimum correctional standards and whether they demonstrated a deliberate indifference toward the health and safety of Mr. Bedford. As discussed, my rate for review of materials and preparation of my report is \$600 an hour. Should trial testimony be required, my rate is \$800 an hour.

### **Materials Reviewed:**

I reviewed the depositions of Harley Judson and Linden Trumble, photographs of the facilities, and records of the inmates and correctional officers involved. I formed my opinions by examining these materials in light of general correctional standards and my own extensive experience in the field. Additionally, I analyzed whether the facility was in compliance with the relevant American Correctional Association (ACA) standards. I also reviewed the available video surveillance and found no issues with the nature or quality of the surveillance system.

### **Assessment and Conclusion:**

It is my professional opinion that the conduct of the staff at LSCI leading up to and on March 3, 2023, demonstrated a deliberate indifference to the safety of Shawn Bedford and fell well below the minimum standards in the field of corrections. LSCI's conduct was problematic in numerous ways.

## EXPERT REPORT OF REESE BANNERLY

### *Failure to Properly Inspect and Repair Exercise Pens*

The facility failed to properly inspect the exercise pens and document their findings. Despite receiving notice from an inmate about tampering with the pens, the facility failed to properly inspect the pens. (Exhibit 15 - Inmate Complaint). The ACA (4-4186) requires that a qualified designee conduct inspections of security devices needing repair or maintenance and report the results in writing. (Exhibit 23 – ACA Excerpts). LSCI was put on notice through the inmate complaint that the exercise pens needed repair. While Officer Trumble claims to have performed this inspection, the inspection was not documented and did not uncover the inmates' ongoing attempts to compromise the pens. I'm aware that there is a maintenance log. But the guideline requires reporting the results of the inspections. The log just indicates that the inspection was completed. (Exhibit 27 – Logbook). This lack of documentation and regular inspection allowed security issues to go unnoticed, which ultimately led to two inmates breaking out of their pens. As noted in the report of the materials expert, there was wear and tear on the steel mesh and the pens may have been compromised over the course of weeks or even months. (Exhibit 25 – Materials Expert Report). I am aware of Mr. Emerson's opinion that the pens did not constitute "security devices" within the meaning of Standard 4-4186 and so weekly inspections are not required. But the comments to that standard indicate that "doors" are included in the definition of "security device." Thus, the door of the pen that was broken here constituted a security device, requiring weekly inspections, which would have uncovered the escape attempt.

### *Failure to Control Contraband Inside the Facility*

Beyond the failed inspections, LSCI failed to prevent several pieces of contraband—specifically, shivs and whatever was used to compromise the pens—from getting into the pens. The ACA (4-4192) requires unannounced and irregularly timed searches of cells, inmates, and inmate work areas. Here, the record demonstrates that inspections for contraband in the exercise pens only occurred when the inmates were initially brought onto the yard. These are not the kind of unannounced and irregularly timed searches contemplated by the ACA. The failure to conduct these inspections created an extraordinary danger for the inmates, as demonstrated by the ability of multiple inmates to gain access to shivs on March 3, 2023. This general inability or

## EXPERT REPORT OF REESE BANNERLY

unwillingness to control contraband is further evidenced by another incident in which a CO was able to introduce a firearm into the facility. (Exhibit 24 – CO Termination Action).

### Failure to Comply with Block Gun Readiness Protocol

Correctional Officer (CO) Trumble failed to comply with the facility's standards regarding block gun readiness. Specifically, CO Trumble did not take control of the extra ammunition, which compromised her ability to maintain control over the yard. (Exhibit 11 – Yard Officer Policy). In fact, CO Trumble took the deliberate action of sending CO Jenkins off the yard, knowing that CO Jenkins was in possession of the additional block gun ammunition. This failure is critical, as having additional ammunition would have allowed CO Trumble to stop the inmates from advancing or, at least, to prevent them from gaining access to the keys. Even given the lack of ammunition, CO Trumble's decision to flee from the yard demonstrated a deliberate indifference to inmate safety. Testimony from Harley Judson shows that inmates Shaw and Percy initially stopped when CO Trumble confronted them with the block gun. However, instead of attempting to call for back up or order the inmates to return to their pens, she decided to flee.

I am aware that CO Trumble contends that the inmates were steadily advancing despite her orders. This account is not particularly plausible based on my experience with block guns. Block guns are among the best tools available for inmate control because, despite being non-lethal, they are quite painful. I have never seen or heard of an inmate in possession of their faculties that was not deterred by the threat of a block gun. Even crediting CO Trumble's account, there was still no reason for her to not at least attempt to fire the block gun. At a minimum, it would have given her the opportunity to escape the yard with her keys.

### Failure to Adequately Monitor Yard Time

On the day in question, inmates were allowed to remain on Yard Call well beyond the allotted hour. CO Trumble made no attempt to end Yard Call on time, and CO Trumble did not alert anyone to the fact that Yard Call should have ended. It is true that exercise time is important and required for ACA compliance. And it is also true that LSCI had previously been criticized (and successfully sued) for the minimal amount of exercise time allotted to inmates and the use



## EXPERT REPORT OF REESE BANNERLY

of exercise pens. However, the failure to follow their own schedule of an hour of exercise time allowed the inmates the time to effectuate their escape from the pens.

### Failure to Respond to Indication that Assault was Likely

Sixth, LSCI failed to respond to indications that an assault was likely. Internal memorandums show an increase in assaults and contraband issues in Unit 15. In fact, there had been a 30% increase in inmate assaults between 2019 and 2022. (Exhibit 29 – Internal Report). There are also facility-wide issues with staff gang affiliations, including a recent incident where a CO was terminated for attempting to smuggle a gun into the facility to assist a gang. (Exhibit 24 – CO Termination Action). Furthermore, CO Trumble admits that the victim had expressed concerns about the Cold Steel Clique (CSC) gang. And there was evidence of prior verbal threats between the victim and one of his assailants. (Exhibit 12 – Bedford Inmate Central File). The tensions between the CSC and the Free 109s was well known. One of the assailants had recently received a disciplinary action for yelling “F--- the Free 109s.” (Exhibit 14 – Percy Inmate Central File). And the evidence shows that this was a targeted attack. Witnesses heard the assailants specifically announce the victim as one of the targets. These factors indicate a heightened risk of violence, which the facility did not adequately address.

### Failure to Comply with Security Threat Policy

Finally, CO Trumble failed to comply with the facility’s own security threat policy. (Exhibit 21 – Security Threat Policy). The ACA (4-4224) requires facilities to develop a written policy specifying the procedures to be followed in situations that threaten institutional security. The LSCI policy sets three levels of event: (1) Disturbance, (2) Active Disturbance, and (3) Riot. If a staff person discovers a Riot, the policy indicates that they should immediately radio to stop all movement and advise the Shift Supervisor of the incident and location. The March 3<sup>rd</sup> incident was a riot because it involved three or more inmates and involved the destruction of property – the pens. Despite this, CO Trumble did not radio for help when she initially encountered the two escaped inmates. She also did not immediately radio for help once back inside. Instead, she wasted time unsuccessfully attempting to get back on the yard. Even if this were initially characterized as an Active Disturbance, prompt notification was required.

## EXPERT REPORT OF REESE BANNERLY

### Conclusion

Prisons are dangerous places that house dangerous inmates. And, I understand that many inmate-on-inmate attacks cannot be prevented. The inmates are there because they have committed very serious crimes. And the fact that they go through the same routines day after day presents them many opportunities to learn how to avoid detection. That said, facilities that follow the ACA and COs that remain vigilant can reduce these risks and substantially increase inmate safety. Ultimately, in this case, LSCI fell short, their conduct fell below accepted standards and went so far as to demonstrate a deliberate indifference to the safety of Shawn Bedford. This conduct directly led to the inmate-on-inmate assault that killed Mr. Bedford.

DEPOSITION TESTIMONY OF REESE BANNERLY

1    **Q:**    Please state your name.

2    **A:**    Reese Bannerly

3    **Q:**    Where do you currently reside?

4    **A:**    I reside in Boulder, Colorado.

5    **Q:**    What is your current occupation?

6    **A:**    I am the Internal Services Manager for the Denver County Criminal Justice Division.

7    **Q:**    Looking at your CV, you indicated that you have testified for plaintiffs and defendants.

8    How often do you testify on behalf of correctional institutions?

9    **A:**    It's rare. The vast majority of my work—all but one case—has been for the plaintiff.

10   Correctional institutions tend to have their own built-in experts.

11   **Q:**    Who hired you to review the materials in this case?

12   **A:**    The Estate of Shawn Bedford.

13   **Q:**    Your opinions in this case concern the actions of correctional officers. Have you ever  
14   been a correctional officer?

15   **A:**    No. But, I have interacted with them and supervised them at various times throughout my  
16   career.

17   **Q:**    So, then, is it fair to say that you've never been directly in charge of the security of an  
18   inmate?

19   **A:**    I'm not sure what you mean. I have not been the person who takes them in and out of  
20   their cells. But, I have worked in prisons and observed those things happening. Additionally,  
21   there were times when I worked as a probation officer that I had to take a probationer into my  
22   physical custody. And I do have basic training on how to physically interact with inmates in an  
23   institutional setting.

DEPOSITION TESTIMONY OF REESE BANNERLY

1    **Q:**    Have you ever actually used a block gun?

2    **A:**    Not personally, no.

3    **Q:**    Have you ever broken up a fight in a correctional setting.

4    **A:**    Again, not personally.

5    **Q:**    Isn't true that inmates at LSCI-Harris are walked out to the yard one-by-one and that the  
6    pens are searched before putting them in?

7    **A:**    That's right. And there is no problem with that protocol, presuming that it's followed.  
8    But there were other problems here.

9    **Q:**    How many inmate-on-inmate assaults occurred on the yard after the installation of the  
10   pens?

11   **A:**    I presume you're getting at the fact that there were none. But that misses the point.  
12   Assaults overall were going up. Tensions were rising and the only thing standing between the  
13   facility and a serious incident was the integrity of those pens.

14   **Q:**    In your report, you indicate that CO Trumble should have fired the block gun or not run  
15   away. Isn't it true that getting hit with a block gun isn't guaranteed to stop an inmate?

16   **A:**    If you don't hit the person center mass, I suppose. But I've never seen anyone be  
17   unphased by it.

18   **Q:**    Didn't Harley Judson report being struck by a block gun and continuing to fight?

19   **A:**    I think he indicated that he was at least temporarily incapacitated. And, in my experience,  
20   inmates' retelling of incidents tends to exaggerate their strength and resilience.

21   **Q:**    Are COs required to risk their own safety in a situation like this?

DEPOSITION TESTIMONY OF REESE BANNERLY

1    A:     No. While there is risk inherent in the job. No officer is required to risk their own safety.  
2    But in this case, firing the block gung or standing firm would not have placed CO Trumble at  
3    greater risk.

4

5    I, Reese Bannerly, being first duly sworn on oath say that I am the deponent in the aforesaid  
6    deposition; that I have read the foregoing transcript of my deposition, and affix my signature to  
7    the same. I have been offered the opportunity to make any corrections and have declined to make  
8    any.

9    DATE: May 20, 2024

10

s/     Reese Bannerly  
Reese Bannerly, Deponent

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1    **Q:**     Please state your name.

2    **A:**     Linden Trumble

3    **Q:**     What do you do for work?

4    **A:**     I'm currently employed with the Lone Star Department of Corrections at the Lone Star  
5    State Correctional Institute at Harris.

6    **Q:**     What is your current position at LSCI?

7    **A:**     As of six months ago, I was promoted to lieutenant at the facility. Before that my title  
8    was Corrections Officer.

9    **Q:**     How long had you been a corrections officer on March 3, 2023?

10   **A:**     About five years. The first year I spent at LSCI-Austin. Since then, I've been in Harris.

11   **Q:**     What did you do before becoming a correctional officer?

12   **A:**     After I graduated high school, I spent a few years in Armadillo as a security guard at this  
13   little strip mall with a store called Fox and Kat Vintage. I was working on studying up for the test  
14   to become a police officer when I saw I could make almost as good of money with LSDC. At  
15   first, I was worried about spending all day in a prison around criminals. But it's honestly not so  
16   bad. Most of the people in there, even if they did something terrible, you could establish a  
17   rapport with them. So, eventually I grew to love it. And it's a great way to support my family.  
18   My partner and I have three kids.

19   **Q:**     Were you disciplined in any way after the events of March 3, 2023?

20   **A:**     Yes, sir. I was suspended for 10 days without pay.

21   **Q:**     Why were you suspended?

22   **A:**     For failing to follow block gun handoff procedures.

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1    **Q:**     Is it standard procedure to check the block gun at the start of a shift?

2    **A:**     Yes, sir. It's part of the handoff protocol along with transfer of the extra ammunition.

3    **Q:**     Who handed the block gun off to you that day?

4    **A:**     Officer Jenkins.

5    **Q:**     We'll get back to that. What time did you arrive at work on the day of the assault?

6    **A:**     I arrived at work on March 3, 2023, at 7:45 a.m. for muster, we have to be there for  
7    inspection by the lieutenant and the watch commander.

8    **Q:**     What was your assignment that day?

9    **A:**     My initial assignment was to the yard. Specifically, I was assigned as the yard officer.

10   **Q:**     What does that mean?

11   **A:**     Basically, it involves overseeing the yard pens, ensuring security, and making rounds to  
12   ensure no issues occurred. I was also responsible for securing the keys and block gun to prevent  
13   any unauthorized access or incidents involving the inmates.

14   **Q:**     What did you do after muster?

15   **A:**     I proceeded out to the yard, where yard time was already in progress. I was relieving  
16   Officer Jenkins, who had been on yard duty.

17   **Q:**     Can you describe the yard?

18   **A:**     Sure. The yard has several fenced-in pens for inmates, designed for controlled movement  
19   and visibility. I monitor the area from a safe distance, holding the block gun and keys, while the  
20   escort team handles inmate movement.

21   **Q:**     I'm showing you Exhibits 1 through 3. Do you recognize these?

22   **A:**     Yes. These are images of the yard at LSCI-Harris. Exhibit 1 shows an aerial view where  
23   you can see many of the pens lined up and the surrounding walls of the housing units. Exhibit 2

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 shows COs standing at a couple of pens conversing with inmates. And Exhibit 3 shows an  
2 inmate in a pen. These show how things looked on March 3, 2023.

3 **Q:** How does the escort team work?

4 **A:** Inmates are brought out to the yard by the escort team. That team is in charge of moving  
5 them from their cells to the pens in the yard. Before they start, the pens are supposed to be  
6 checked to make sure there's nothing dangerous or out of place. Then the team escorts the  
7 inmates, usually one at a time, and locks them into the assigned pens. At the end of exercise  
8 time, the same thing happens in reverse. My job as the yard officer wasn't to escort the inmates.  
9 I'm just there to keep an eye on things in the yard, make sure the area is secure, and to hold onto  
10 the block gun and keys so no one could get to them.

11 **Q:** What is a block gun?

12 **A:** A block gun is basically a non-lethal weapon used in correctional facilities. It fires rubber  
13 projectiles designed to incapacitate or deter inmates without causing fatal injuries. We use it to  
14 maintain order, control disturbances, and ensure the safety of officers and inmates.

15 **Q:** I'm showing you Exhibits 7 through 9. Do you recognize these photos?

16 **A:** Yes. These are images of the block gun we use to keep order in the yard. These images  
17 are from the training we have regarding block gun usage. Exhibit 7 shows the block gun lying  
18 flat on the table with two of the bullets laying out. The bullet with the black writing is the kind  
19 we use in the yard. Exhibit 8 shows the block gun while it is being loaded. You essentially break  
20 the gun in the middle to replace the bullet. Exhibit 9 shows an officer holding the block gun in  
21 the ready position.

22 **Q:** What are the procedures for taking possession of the block gun?



DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 A: When you assume yard duty, you take the block gun, the keys, and the ammunition. Then  
2 you check the block gun to ensure that it's loaded.

3 Q: I'm showing you what I've marked as Exhibit 11. Do you recognize this?

4 A: Yes. That is the LSCI-Harris yard officer policy that was in effect on March 3, 2023.

5 Q: Did you follow that procedure that day?

6 A: I didn't really have a chance to. I arrived on the yard and did my initial walk through. I  
7 did not notice anything out of the ordinary. After that, I relieved Jenkins and took possession of  
8 the block gun. I checked to make sure it was loaded. The block gun only holds one bullet at a  
9 time. But I didn't get the extra ammunition from Jenkins because Jenkins initially remained on  
10 the yard with me while we dealt with the inmate issue.

11 Q: What was the issue?

12 A: One of the inmates who was scheduled to be removed from the yard because his exercise  
13 time was up, Harley Judson, was throwing a fit. He was saying how his counselor was supposed  
14 to give him a money transfer slip and never did it. He was really angry and irate. He was  
15 screaming that he would refuse to come off the yard until someone got him that slip. I thought it  
16 would just be easier to get him the slip instead of having to do an extraction, which would just  
17 put everything even more behind schedule. We were already about ten minutes behind in getting  
18 the inmates from the pens to their cells. Not unusual, but still behind. So, I decided since Jenkins  
19 was still there, I would have Jenkins run inside and get the slip to move things along.

20 Q: What is a cell extraction?

21 A: When an inmate refuses to comply with orders and there is a concern that they may react  
22 violently, we have to assemble a cell extraction team. It requires four to six officers, they have to  
23 wear special equipment like helmets and gloves and face shields. It takes forever and really isn't

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1 in anyone's interest unless there is a real threat of violence. The inmates know this so some of  
2 them use it as a threat, like Judson did that day.

3 Q: Did you know that Jenkins had the extra ammunition when you asked him to leave?

4 A: I wasn't thinking about it at that moment. I knew Jenkins had the extra ammunition but  
5 didn't think about it when I asked him to leave temporarily. I wouldn't have let him leave for  
6 good without getting the ammunition.

7 Q: Where were the inmates on the yard that day from?

8 A: Bravo Building of Unit 15, also referred to as B Building.

9 Q: Do you have experience with the inmates from Bravo Building?

10 A: Yes, as part of my duties, I worked in various areas, including Bravo Building, over the  
11 years. I'm familiar with the protocols for managing the inmates there and understand the  
12 importance of maintaining strict security and order.

13 Q: What are the inmates from Bravo Building like?

14 A: Bravo Building inmates are higher-security, often with serious priors or bad disciplinary  
15 histories, requiring extra vigilance. That said, each day can vary—some days things run  
16 smoothly, and other days you might deal with resistance.

17 Q: Did you know any of the inmates on the yard that day by name?

18 A: Yes, I knew some of them by name. I knew Judson because he's always causing trouble.  
19 He's the inmate who refused to come off the yard over the money transfer slip. Knowing inmates  
20 by name happens naturally over time in this job.

21 Q: Did you know Inmates Shaw and Percy?

22 A: Yes. I was pretty familiar with Shaw and Percy at that point.

23 Q: What about Bedford?

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1    **A:**     I dealt with Bedford pretty regularly.

2    **Q:**     Did Bedford ever express any concerns for his safety?

3    **A:**     Not really. Maybe nine months before this incident, he asked if he could not be  
4    transported with anyone from the Cold Steel Clique. That is already the general policy—we  
5    don't transport identified members of different gangs together. That's a known security risk. I  
6    informed him that that shouldn't be happening and that if it did, he should file a formal  
7    grievance. He responded, saying something like, "okay, I just wanted to be sure." Even though it  
8    wasn't a formal request, I brought the issue to the lieutenant. In an abundance of caution, we  
9    decided to offer him administrative segregation. He declined.

10   **Q:**     What is administrative segregation?

11   **A:**     It's an area where we put people with serious behavioral problems or who are in  
12   protective custody. They're alone in a cell.

13   **Q:**     Is that solitary confinement?

14   **A:**     That is what they used to call it. But that is only when it is used for punishment.

15   **Q:**     When an inmate is on administrative segregation, do they still get time in the yard?

16   **A:**     No. But they do get to eat in the dining room just not with the other inmates. They still  
17   have privileges if they're in administrative segregation—they could get phone time or visits, but  
18   definitely less than if they were in general population.

19   **Q:**     Did you ever hear anything else from Bedford about the issue?

20   **A:**     About two months after that, he asked if there was any process to be reclassified and  
21   removed from Unit 15. He was told that he could go through the gang renunciation process. He  
22   was also told that if the request was based on safety, he could file a formal grievance and be  
23   granted protective custody in ad seg. I know how it can be, so I always tell inmates in that

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1 situation that if there is a true threat and they don't want to file a grievance that they should let  
2 me know and I'll get them into ad seg. He never filed a formal grievance or let me know.

3 **Q:** Does anyone ever voluntarily go to administrative segregation?

4 **A:** On occasion. No one likes it. But if there is a real threat, it's the safest place to be.

5 **Q:** Do you have access to inmate files at LSCI-Harris?

6 **A:** Yes. Though, I don't review them regularly, unless I need to in order to perform a task.

7 **Q:** I'm showing you Exhibits 10, 12, 13, and 14. Do you recognize these?

8 **A:** These look like inmate central files. Specifically, Exhibit 10 is Harley Judson's file.

9 Exhibit 12 is Shawn Bedford's file. Exhibit 13 is Michael Shaw's file. And Exhibit 14 is Thomas  
10 Percy's file. It looks like each of these copies were run shortly after the March 3, 2023, incident.

11 **Q:** Were you familiar with the contents of these files?

12 **A:** I've reviewed them all before. I can't possibly keep everything in each inmate's file in  
13 my mind at all times. But I generally know what an inmate is in for, their gang affiliation, and  
14 then I'll usually know their disciplinary history because I have to update that as things happen.

15 **Q:** Let's discuss the events leading up to the incident. Did you hear any noises before the  
16 inmates broke free of their pens?

17 **A:** There is always a lot of noise out there. People are exercising and talking. And the yard is  
18 surrounded by housing units and there is noise from there too. Thinking back, I did hear some  
19 loud metal clanking. But these inmates are always banging on their pens and their cells trying to  
20 get people's attention. I did not hear anything that I thought was out of the ordinary at the time.

21 **Q:** Did inmate Judson warn you about the escape?

22 **A:** No. He made some complaints that they were back there making a lot of noise. But I  
23 know that Judson is a leader in the Free 109s and those guys were Cold Steel Clique. They are

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1 always trying to get each other in trouble. So, you can't really take them at their word. I moved  
2 to a position a feet further from the door so that I could see the cells in the back just to be sure.  
3 But there was nothing out of the ordinary.

4 **Q:** When you heard that loud metal clanking, how long was it before you realized the  
5 inmates had escaped their pens?

6 **A:** Maybe five minutes.

7 **Q:** Were you asked to inspect the pens in the beginning of February?

8 **A:** Yes. There was a complaint that someone might have been tampering with the pens.

9 **Q:** I'm showing you what has been marked as Exhibit 15. Do you recognize this?

10 **A:** Yes. This is the inmate complaint. I was provided this before I conducted my inspection.

11 **Q:** Did you receive any additional information from the inmate orally?

12 **A:** No. I followed up, but the inmate no longer wanted to be involved.

13 **Q:** What did you find during your inspection?

14 **A:** I didn't find anything unusual. The metal fencing, angle irons, and locks all appeared to  
15 be secure.

16 **Q:** What did your inspection involve?

17 **A:** It was largely a visual inspection. But I also took a large rubber mallet out there to test  
18 the integrity of the pens and locks.

19 **Q:** I'm showing you what has been marked for identification as Exhibit 16. Do you  
20 recognize it?

21 **A:** Yes, it is a photo of the mallet that I used to test the integrity of the pens. I hit the pens at  
22 the hinges and joints to ensure that it was secure.

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1   **Q:**     Did you document your inspection?

2   **A:**     I documented that the inspection was completed, and I reported my findings verbally to  
3   my supervisor.

4   **Q:**     I'm showing you what has been marked as Exhibit 27. Do you recognize this?

5   **A:**     Yes. That's a copy of the inspection log with my entry on it. The remainder of the entries  
6   are redacted for security purposes.

7   **Q:**     After you reported your findings, do you know if any further action was taken?

8   **A:**     I don't believe so.

9   **Q:**     On March 3, 2023, after Shaw and Percy broke out, what did they do?

10  **A:**     They were moving quickly toward me. Not running exactly but they were still moving  
11  quickly. They came straight at me without hesitation.

12  **Q:**     Did you see anything in their hands?

13  **A:**     At that time, no.

14  **Q:**     What did you do?

15  **A:**     I hadn't personally had any problems with Shaw or Percy before this. In fact, I generally  
16  get along with that group of inmates. So, at first, I was hopeful it wasn't going to be a big issue.

17  **Q:**     Did you radio for assistance at that point?

18  **A:**     No. I was trying to figure out what was going on and was hopeful that it wouldn't be a  
19  big issue. But as they got closer, I saw they didn't have any restraints on and saw they had shivs.

20  So, I put the block gun up against my shoulder and pointed it at them in the ready position.

21  **Q:**     Doesn't the facility emergency response plan require you to immediately terminate all  
22  movement and alert the shift supervisor.

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1    **A:**     No, that is in case of a riot. I was still assessing the situation. It seemed like just a  
2    disturbance to me, which just means we try to quell it as quickly as possible.

3    **Q:**     I'm showing you what has been marked as Exhibit 21. Do you recognize this?

4    **A:**     That's the LSCI-Harris Security Threat Policy. But, like I said, it wasn't implicated at  
5    that time.

6    **Q:**     When you pointed the block gun at them, what happened?

7    **A:**     They stopped for a moment, but then I realized I just had the one bullet because Jenkins  
8    was still inside.

9    **Q:**     What did you do next?

10   **A:**     They kept advancing despite my warning, so I ran toward the building to secure myself.

11   **Q:**     Why didn't you fire the block gun?

12   **A:**     I only had one bullet. And, like I mentioned, they are non-lethal. I thought even if I hit  
13   one of them, which isn't a guarantee—and even if it puts one of them down, which isn't a  
14   guarantee—I still have to deal with the other one. So, I ran.

15   **Q:**     How far away from you were they when you ran?

16   **A:**     About 15 feet.

17   **Q:**     Did they follow you?

18   **A:**     Yes, sir. But I managed to get inside and shut the door.

19   **Q:**     When did you realize they had gotten your keys?

20   **A:**     I don't remember exactly. At some point shortly after I got back inside.

21   **Q:**     Did you call for help after securing yourself?

22   **A:**     Not immediately. I thought the most important thing was to try to get back out on the  
23   yard. So, I called for other officers to help me. But Shaw and Percy had already opened some of

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 the pens and had someone holding the door back out to the yard closed. When we couldn't get  
2 back out, I put a call out over the radio.

3 Q: How long did all that take?

4 A: Maybe two or three minutes.

5 Q: Did you hear Shaw or Percy say anything after they got your keys?

6 A: I heard one of them say something like, "Bedford and Judson first."

7 Q: Let's talk about the pens. Aside from the spot inspection that you did, are they inspected  
8 regularly?

9 A: There is a brief inspection of the pen every time an inmate is placed inside. The escort  
10 team is two people. They bring the inmate to the pen. One team member goes in and checks the  
11 pen while the other keeps the inmate secured. After the inspection, the inmate is placed in the  
12 cell, the cell is locked, and then they slide their hands back out through a slot to have their  
13 restraints removed.

14 Q: Where are you while this is happening?

15 A: The yard officer has to stay away from the inmates. I've got the keys and the block gun  
16 and the last thing we want is for an inmate to get ahold of those. So, I stand where I can observe  
17 the inmate enter the cell but at a significant distance.

18 Q: Are inmates searched before being placed in the pens?

19 A: Yes, they're strip searched by the escort officers before they're taken to the yard.

20 Q: In your experience, how effective are these searches in preventing contraband like shivs  
21 from reaching the yard?

22 A: They're usually effective, but inmates can be very creative. They sometimes hide things  
23 in body cavities and there are policies that discourage cavity searches.



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1    **Q:**     Were the pens inspected on March 3, 2023, before inmates were placed in them?

2    **A:**     I did not see Shaw and Percy enter their pens. But I've never seen an escort team not  
3    inspect a pen.

4    **Q:**     Let's talk about the radio call you made after securing yourself. How long did it take for  
5    backup to arrive?

6    **A:**     It felt like a few minutes, but I can't say exactly how long it was.

7    **Q:**     While waiting for backup, did you observe what Shaw and Percy were doing?

8    **A:**     I saw them through a window unlocking other pens and letting out members of the Cold  
9    Steel Clique.

10   **Q:**     Did you see what happened in Shawn Bedford's pen?

11   **A:**     I saw the beginning of it. They had just opened the pen and Bedford already had what  
12   looked like a shiv or a stick in his hand and was ready to fight. Then they started going at it. I  
13   saw Bedford get stabbed and fall to the ground.

14   **Q:**     What happened when backup arrived?

15   **A:**     It all ended quickly once we had enough officers to force the door open. We, about 8  
16   officers total, entered the yard with a few block guns, and everyone just got on the ground.

17   **Q:**     What did you see when you got out there?

18   **A:**     It was a mess. We went first to Bedford's pen to check on him. He was in bad shape. We  
19   checked his pulse and peeled down his jumpsuit to see his injuries. He was clearly dead already.  
20   We carried him inside with the medics.

21   **Q:**     I'm showing you what has been marked as Exhibit 17 and 18. Do you recognize these?

22   **A:**     Yes. These are photos of Bedford's head and chest showing the stab wounds.

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1    **Q:**     Have you ever had issues with the Cold Steel Clique in the past?

2    **A:**     Yes, they've caused problems before, like fights and contraband smuggling.

3    **Q:**     What about the Free 109s?

4    **A:**     Same thing. They cause problems, like all gangs do.

5    **Q:**     I'm showing you Exhibit 19. Do you recognize this?

6    **A:**     Yeah. This is a report relating to an incident I was involved in about five months before  
7    the incident on the yard.

8    **Q:**     In this incident, you were assaulted by a couple members of the Free 109s, right?

9    **A:**     I don't know if I would say I was assaulted. I got caught up trying to break up one of  
10   their fights. One of the guys knocked me against the wall pretty hard.

11   **Q:**     Isn't it true that you specifically requested not to work where members of the Free 109s  
12   were housed?

13   **A:**     That is just standard practice. If you get involved in an incident, you take some space. As  
14   you can see, I pretty quickly let them know that I was good to go back.

15   **Q:**     If you weren't around the Free 109s, did that mean you spent more time around the Cold  
16   Steel Clique?

17   **A:**     I guess that's true. They are rival gangs. But I wasn't really thinking about that.

18   **Q:**     After the incident on March 3, 2023, were any changes made to yard protocols?

19   **A:**     Yes, sir. The inspections of the pens became more frequent, and everyone had to be  
20   retrained on block gun protocol.

21   **Q:**     How did the suspension you received after the March 3<sup>rd</sup> incident impact your view of  
22   your responsibilities?

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1 A: It made me realize how critical every part of the protocol is. I should have gotten all of  
2 that ammunition, and I take full responsibility for that failure.

3 Q: I'm showing you what has been marked as Exhibit 20. Do you recognize this?

4 A: Yes. This is the notice of my suspension as a result of failing to follow the yard officer  
5 hand-off policy.

6 Q: And do you agree with the statements in this notice?

7 A: For the most part, I do. But, I don't think my violation is what allowed them to take over  
8 the yard. Even with a loaded block gun, I would not have been able to take down both of them in  
9 time.

10

11 I, Linden Trumble, being first duly sworn on oath say that I am the deponent in the aforesaid  
12 deposition; that I have read the foregoing transcript of my deposition, and affix my signature to  
13 the same. I have been offered the opportunity to make any corrections and have declined to make  
14 any.

15 DATE: January 8, 2024

s/ Linden Trumble  
Linden Trumble, Deponent

16  
17

## JORDAN EMERSON

Austin, Lone Star 45987 • (210) 850-1980 • [jmersonLoneStarExpert@gmail.com](mailto:jmersonLoneStarExpert@gmail.com)

April 18, 2024

Re: The Estate of Shawn Bedford v. Lone Star Department of Corrections

Dear Ms. Menninger:

You have asked me to review the materials in this case to determine whether the conduct of the staff of the Lone Star Correctional Institute – Harris (“LSCI”) demonstrated deliberate indifference to the safety of Shawn Bedford and whether LSCI’s actions or inactions led to the death of Mr. Bedford.

My opinion is that what caused the death of Mr. Bedford was gang violence and that the LSCI staff acted in accordance with the generally accepted correctional standards, and LSCI was not deliberately indifferent to the safety of Mr. Bedford. My analysis is set forth herein and based on the following materials provided to me, which I have reviewed: The depositions of Harley Judson, Linden Trumble, the CID report, photographs, records of the parties involved and the report of Reese Bannerly; as well as my knowledge, training, and experience.

In addition to the above, I reviewed surveillance footage of the yard from the day in question.

### **Unit 15**

Based on my review of public records regarding LSCI Harris, I have learned the history of Unit 15, as well as the single unit exercise pens. Unit 15 opened on September 5, 1990. It was built for 1,000 inmates with 1,000 cells and had 17 officers on staff at all times throughout the day. This number of staff allowed prison administrators to establish a high level of control over Unit 15’s max security residents, which are the most dangerous inmates in the prison system. Max security inmates have a history of violent crimes and require the highest level of security measure to maintain control. In 2008, the number of inmates in Lone Star that needed to be in a max security unit increased by 372%, so the decision was made to house more inmates in

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Unit 15, which was fine in theory, but the State did not have the money to do it in practice. In 2008, Unit 15 housed 2,000 inmates but the State did not budget for additional guards and staff, so the unit had an increase in the number of more dangerous inmates, without an increase in staff. While 15 correctional staff can supervise this number of inmates adequately, it requires extra vigilance by staff to comply with internal procedures and the American Correctional Association (“ACA”).

### **Assaults**

From the moment that Unit 15’s population doubled, they experienced an alarmingly high number of serious reported inmate-on-inmate and inmate-on-guard assaults. (Exhibits 29, 29a and 29b). Because LSCI Harris was short staffed and because these inmates still somehow have a constitutional right to daily exercise, the assaults in the exercise yard became problematic. In February 2020, LSCI Harris used their discretionary budget to install single unit exercise pens, where inmates could get their exercise, but not harm each other. While the single unit exercise pens may have constitutional implications, the exercise pens perfectly achieved the objective, as there were zero inmate-on-inmate assaults in the exercise yard after they were installed. (Exhibit 29).

I am aware that there was a marked increase in the number of assaults in other areas of the prison from 2019-2022, but I did not take that data into account when forming my opinions in the case because the subject assault occurred in the exercise yard. The fact that LSCI installed the single pens, and the fact that the pens were successful in eliminating the number of assaults in the yard shows both that LSCI cared deeply about inmate safety and that the gang related murder on March 3<sup>rd</sup> was not foreseeable, let alone probable.

### **Gang Related Murder**

This was an unforeseeable and unpreventable gang-related murder. Inmates Shaw and Percy were members of the Cold Steel Clique gang, and the victims were members of a rival gang, the Free 109’s. Gangs attack other gangs. Indeed, based on the inmate records, there were incidents where the animosity between these two gangs, as well as the violent nature of everyone involved, is well documented.

The victim, Inmate Bedford, was a violent criminal and a drug dealer who had tattoos indicating his membership in the Free 109’s gang. Additionally, Inmate Bedford threatened Inmate Percy with bodily harm in May of 2019. Inmate Percy was not someone who would

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brush off threats by a rival gang member. Percy was a member of the Cold Steel Clique gang with an extensive and violent criminal history with one documented incident of a gang related assault against members of Bedford's gang in 2023, where he was observed screaming "F --- the Free 109's".

Bedford was a clear target of Percy and Shaw as he was attacked first. The subsequent assault on Judson, who was also a member of the Free 109s was an opportunity to quickly attack another rival gang member who was in the pen right next to their primary target. Even though there are no documented issues between Judson and the two assailants, Judson was a member of a rival gang who had a history of possessing dangerous weapons and assaulting other inmates. There is no rhyme or reason to gangs attacking other gang members, they just do.

The unfortunate reality is that the assault on Bedford would have happened eventually as gang members are very determined and there would have been many opportunities for this attack to have occurred inside the prison at a later date.

### **Inspection of Pens**

In response to a note from an inmate claiming that there were issues with the structural integrity of the pen that he was in, CO Trumble conducted a thorough inspection of the pens. CO Trumble went out and conducted a visual and physical inspection of each and every pen by using a mallet, which was the appropriate tool. The results of the mallet inspection were that the pens were structurally sound and that there was no risk that anyone could break out of them. CO Trumble's inspection of the pens was thorough and adequate, which is further demonstrated by the fact that there was not a single complaint by any inmates regarding the integrity of the pen post-Trumble's inspection. Furthermore, the report of the materials expert demonstrates that the pens could have been compromised in as little as 45 minutes. (Exhibit 25). Thus, there is no reason to believe that the inspection weeks earlier would have revealed anything.

### **ACA 4-4186**

ACA Standard 4-4186 does not apply to the exercise pens as they are not "security devices." The generally accepted definition of "security device" is a cell, solitary unit, etc. Here, the exercise pens were not "security devices" as inmates were put inside of them for purposes of exercise, not security. The purpose of the exercise pen is important in understanding how it is not a security device, as the pens allow the inmate to get their exercise, not to secure an inmate in the same theoretical sense as a cell, solitary unit, etc. Additionally, ACA 4-4186 has been in

## EXPERT REPORT OF JORDAN EMERSON

effect for over 50 years, and LSCI Harris was the only prison facility in the country to have single unit exercise pens. Thus, ACA 4-4186 can't apply to the exercise pens.

Even if ACA 4-4186 applied to the exercise pens, LSCI complied with the standard. ACA 4-4186 states that "weekly inspections of all security devices needing repair or maintenance and report the results of the inspections in writing." These pens were recently installed, there were zero issues noted by staff, an inspection revealed that they were secure, and there were zero inmates who escaped the pens prior to the incident. Therefore, the need for an inspection pursuant to this standard was not triggered.

LSCI also complied with this standard by the documentation of the inspection. The standard required LSCI to "report the results of the inspections in writing". They did precisely that. CO Trumble reported the results of the inspection to her supervisor, and her supervisor documented that an inspection was done. 4-4186 doesn't require a novella, just documentation that it was done. While best practices would have been for CO Trumble to have created a detailed report of her inspection given the prolific litigiousness of inmates, the failure to do so was not a violation of the ACA.

### **Search for Contraband**

LSCI complied with industry standards pertaining to searching inmates for prohibited contraband. The inmates were strip searched by LSCI staff prior to being escorted into the yard. Additionally, the escorting staff were also required to do a visual inspection of the pen prior to placing the inmate in the pen. All of LSCI's protocols were in accordance with industry standards.

ACA 4-4192 arguably does not even apply to exercise yards. As the comments make clear, this section applies only to "searches of cells, inmates, and inmate work areas." The unannounced and irregular searches required under the ACA also demonstrate how this standard does not apply to the pens. The purpose of these types of searches is to keep inmates on their toes when it comes to their possession of prohibited contraband in their cells. If these types of searches were regular, it would provide inmates with the opportunity to hide contraband from the staff. Exercise pens are a totally different situation. First, the pens were not designated for specific inmates, and the inmates had no clue what pens they were going to be secured in on any given day. Second, even if there was contraband in the pen, it wouldn't pose a threat to other

## EXPERT REPORT OF JORDAN EMERSON

inmates, or staff, once the inmate was secured in their pen. Even if an inmate had a weapon with them inside their pen, what are they going to do, stab themselves?

It is important to note that the ACA does not require cavity searches on inmates, absent reason to do so and/or a reasonable belief that the inmate is carrying contraband or other prohibited material. (ACA 4-4192 and 4-4193). Here, there was no reason for LSCI to perform any additional searches on inmates Shaw and Percy, other than the strip search before entering the yard. There was nothing in their inmate files to indicate they would be smuggling weapons into the yard. And there was no notice to LSCI that would warrant them to conduct a more invasive search of these inmates. In fact, it would have been a violation of the ACA to do anything other than the strip searches that were performed prior to them entering the yard.

### **Contraband Used in Incident**

Inmates are very crafty when it comes to hiding and transporting weapons. In this case, the inmates were strip searched prior to entering the yard, which means that the only way they got the weapons were from someone placing them in the pen before inmates Shaw and Percy ever got into their exercise pens.

LSCI Harris created their own ad hoc classification system as an incentive for good behavior. Inmates who had exhibited good behavior for 12 months straight – no assaults, compliant with instructions, etc. - would be exempt from strip searches prior to entering the yard and would not be in the yard at the same time as the rest of the inmates. It's highly likely that one of those inmates smuggled the weapon into the yard and planted them into Shaw and Percy's exercise pens before March 3<sup>rd</sup>, and there is nothing that LSCI Harris could have or should have done about that.

### **Block Gun Readiness**

Prior to this incident, CO Trumble was assigned yard duty, which meant that she was responsible for complying with LSCI's standards regarding block gun readiness. She fully complied with those standards. CO Trumble, upon starting her shift, retrieved the block gun from the person she was relieving, checked to see if it was loaded, and became aware that CO Jenkins had the other two bullets. While CO Trumble should have retrieved the additional ammo from CO Jenkins at that time, her decision not to was not overly problematic because CO Jenkins was still on the yard with her, so she had access to the ammo should something have occurred where it was necessary to fire the block gun.



## EXPERT REPORT OF JORDAN EMERSON

Unfortunately, at some point during their shift, an inmate caused a major issue by refusing to leave the yard until he received a type of documentation called a “slip.” At that point, CO Trumble made the appropriate decision to ask CO Jenkins to go inside to retrieve the “slip” for the complaining inmate. While the better practice would have been for CO Trumble to retrieve the ammo from the other officer before he went inside, we cannot be critical of CO Trumble’s split second decision, especially when she understandably thought that CO Jenkins would be back quickly. Additionally, CO Trumble running to CO Jenkins to retrieve the bullets would have been dangerous as well, because it would have left the yard unmonitored, which would have been a violation of LSCI protocol.

The standard is deliberate indifference and here the chances that two inmates would figure out how to break out of their pens - for the first time in LSCI history – and at the exact moment that CO Jenkins left the yard were extraordinarily low and not something that would be foreseen or contemplated by a reasonable correctional officer.

Regardless, even if CO Trumble had a fully loaded block gun, the result would have been exactly the same. The block gun is loaded with one bullet at a time and ultimately there were two inmates charging at CO Trumble. Meaning that if she shot one of the inmates – and hit them – she would have had to load the other bullet before the other inmate reached her. Moreover, all a block gun does is stun the person who gets shot with it. Depending on where you hit with them, they may only pause for a few seconds before shaking it off. It is important to note that Harley Judson’s testimony regarding his experience getting shot by a block gun, supported by the inmate files, further demonstrate that CO Trumble firing the block gun would have had no effect. Simply put, there is no scenario in which having the two other bullets would have prevented this unforeseeable attack.

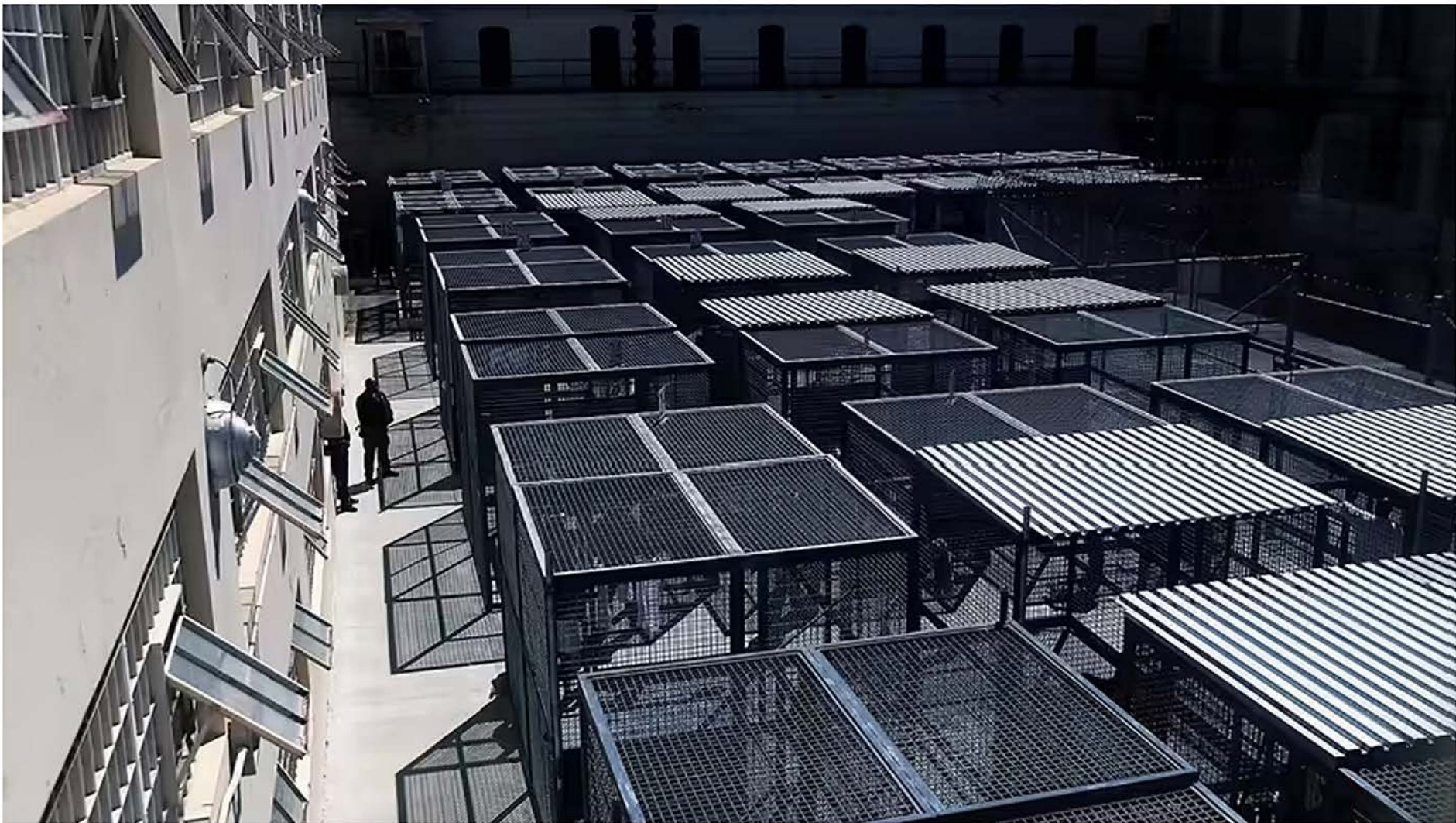
### **Yard Call**

The inmates who escaped should not have been in the exercise yard pursuant to industry standards, as they were in the yard longer than they were supposed to be. But it is important to note that they were only in the yard 10 minutes over time. Also, being in the yard longer and exercising longer doesn’t mean that what happened on the 3<sup>rd</sup> was going to happen. If anything, according to studies, the more time an inmate spends exercising, it leads to less violence inside the prison, not more. Also, given the trend regarding assaults in the yard, the yard was one of the safest places for inmates to be in all of LSCI Harris.

**Response to Active Disturbance**

This was an active disturbance according to 4-4224 as it initially involved only two inmates prior to CO Trumble appropriately running for her life into the prison. It was not a riot until Shaw and Percy opened up one of the other pens and another inmate exited the pen. At that point, however, CO Trumble had reported the incident to her superiors pursuant to the ACA. Plaintiff's expert is overly critical of CO Trumble's actions, and their criticisms are unrealistic given that something like this NEVER happened in the exercise yard before.

This concludes my final report on this matter. As a reminder, my rate for review of materials and preparation of my report is \$350 an hour. Should trial testimony be required, my rate is \$500 an hour.











Unit 15

Door

Yard  
Officer



6



7



8

11

14

17

20

25



9

12

15

18

21

26



10

13

16

19(MS)

22(TP)

27



23(SB)



24(HJ)



28

29

30

31

32















LSDOC  
INMATE CENTRAL FILE

---

**Biographical Information**

Name: Harley Judson  
Date of Birth: 10/15/1980  
Inmate ID: 289348912  
Physical Description:  
    Height: 5'8  
    Weight: 150  
    Hair Color: Brown  
    Eye Color: Brown

Emergency Contact: Mary Grace Larsen (Friend)

---

**Criminal History**

**Current Judgment**

Jurisdiction: Lone Star County, Lone Star  
Offense Date: 2/10/2010  
Conviction Date: 1/7/2011  
Offense of Conviction: Aggravated Assault with a Firearm  
Sentence Imposed: 40 years  
Projected Release Date: September 4, 2050

Jurisdiction: Lone Star County, Lone Star  
Offense Date: 2/10/2010  
Conviction Date: 1/7/2011  
Offense of Conviction: Attempted Murder  
Sentence Imposed: 40 years  
Projected Release Date: September 4, 2050

**Prior Convictions**

Jurisdiction: Lone Star County, Lone Star  
Offense Date: 03/15/2002  
Conviction Date: 08/01/2002  
Offense of Conviction: Poss w/ Intent (Cocaine)  
Sentence Imposed: 3 Years Probation

Jurisdiction: Lone Star County, Lone Star  
Offense Date: 11/01/2003  
Conviction Date: 04/12/2004  
Offense of Conviction: Grand Theft  
Sentence Imposed: 2 Years

Jurisdiction: Lone Star County, Lone Star  
Offense Date: 07/20/2005  
Conviction Date: 02/14/2006  
Offense of Conviction: Armed Robbery  
Sentence Imposed: 6 Years

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### **Disciplinary History**

Institution: LSCI - Harris  
Date of Incident: 10/9/2022  
Place of Incident: Workshop  
Unit: 15

#### Description of Incident:

Judson was discovered tampering with machinery, which created a safety hazard. Upon questioning, he admitted to attempting to sabotage the equipment to disrupt operations.

Reporting Employee: Lieutenant K. Hendricks

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: 15 days in solitary confinement and permanent removal from workshop assignments.

---

Institution: LSCI - Harris  
Date of Incident: 1/27/21  
Place of Incident: Library  
Unit: 15

Description of Incident:

Judson was caught attempting to pass an unauthorized note to another inmate. The note contained coded language suspected to be related to gang activity.

Reporting Employee: CO Perry Thornton

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: Loss of library access for 45 days and placement on restricted communication status for 90 days.

---

Institution: LSCI - Harris  
Date of Incident: 8/14/2020  
Place of Incident: Cafeteria  
Unit: 15

Description of Incident:

Judson was involved in a fight with another inmate during the lunch hour. After repeated commands to stop, a block gun was used to subdue Judson. Despite being struck with the nonlethal round, Judson continued to resist, requiring physical restraint by multiple officers.

Reporting Employee: CO L. Trumble

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: 60 days in solitary confinement and removal from general population for six months.

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Institution: LSCI - Harris  
Date of Incident: 11/23/2019  
Place of Incident: Inmate Housing Unit  
Unit: 15

Description of Incident:

During a routine cell inspection, Judson was found in possession of contraband, including a homemade knife (shank). Judson claimed the weapon was for self-defense.

Reporting Employee: Sergeant L. Ramirez

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: 30 days in solitary confinement and loss of commissary privileges for 60 days.

---

Institution: LSCI - Harris  
Date of Incident: 5/12/2018  
Place of Incident: Recreation Yard  
Unit: 15

Description of Incident:

Judson was observed engaging in a heated verbal altercation with another inmate, which escalated into shoving. Despite multiple verbal warnings from staff, Judson refused to de-escalate and continued to provoke the other inmate. Upon search, Judson was found to be in possession of a small shiv

Reporting Employee: CO P. Barr

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: Loss of recreation privileges for 60 days; Loss of good time credit 4 weeks.

**Lone Star Correctional Institute  
Harris County**

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**From: James Burrs, Director Correctional Recreation Division**

**Date: January 15, 2018**

**Subject: Correctional Officer Yard Duty Policy**

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When assuming yard duty, a correctional officer should contact the current yard duty officer and inform them of their intention to relieve the current officer. After making contact, the officer should walk through and inspect the yard to ensure there are no issues or abnormalities with the inmates. After completing this walk-through, the officer should obtain from the current on-duty officer the following items: (1) yard keys, (2) loaded block gun, (3) at least two rounds block gun ammunition. These items should remain on the yard at all times. At no point, should the yard officer leave the yard, unless relieved pursuant to this policy.



**LSDOC  
INMATE CENTRAL FILE**

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**Biographical Information**

Name: Shawn Bedford  
Date of Birth: 7/16/1993  
Inmate ID: 2897653  
Physical Description:  
    Height: 6'2  
    Weight: 220  
    Hair Color: Brown  
    Eye Color: Brown  
    Tattoos: "FREE 109" (left leg), "Ctrl + Z" (right shoulder)  
    Scars: Three small, circular healed bullet entry wounds  
          - abdomen

Emergency Contact: Sharon Bedford - Mother

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**Criminal History**

**Current Judgment**

Jurisdiction: Lone Star, Armadillo County  
Offense Date: 5/8/2011  
Conviction Date: 1/6/2012  
Offense of Conviction: 8:111 - Homicide (Murder, 1<sup>st</sup> Degree)  
Sentence Imposed: 35 Years  
Projected Release Date: March 30, 2042

**Prior Convictions**

Jurisdiction: Lone Star, Armadillo County  
Offense Date: 8/15/2005  
Conviction Date: 10/12/2005  
Offense of Conviction: Domestic Violence  
Sentence Imposed: 1 year

Jurisdiction: Lone Star, Armadillo County  
Offense Date: 6/3/2008  
Conviction Date: 10/20/2008  
Offense of Conviction: Possession w/ Intent (Heroin)  
Sentence Imposed: 5 Years

Jurisdiction: Lone Star, Armadillo County  
Offense Date: 4/25/2010  
Conviction Date: 6/18/2010  
Offense of Conviction: False ID to Officer  
Sentence Imposed: 90 Days

Jurisdiction: Lone Star, Armadillo County  
Offense Date: 11/12/2010  
Conviction Date: 02/08/2011  
Offense of Conviction: Forgery  
Sentence Imposed: 6 Months

---

### **Disciplinary History**

Institution: LSCI - Harris  
Date of Incident: 1/14/23  
Place of Incident: In Transport  
Unit: 15  
Type of Incident: Fighting (Moderate Severity)

#### **Description of Incident:**

Inmate Bedford was observed initiating a physical altercation with another inmate (Jordan Belfort). Inmate Belfort suffered abrasions to the left side of his face. Inmate Bedford suffered no visible injury

Reporting Employee: CO Charles Thomas

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: Loss of Commissary (2 weeks)

---

Institution: LSCI - Harris  
Date of Incident: 6/12/22  
Place of Incident: Unit 15 Day Room  
Unit: 15  
Type of Incident: Giving money to, or receiving money from,  
any person for the purpose of introducing  
contraband or any other illegal or  
prohibited purpose.

Description of Incident:

Inmate Bedford was observed passing US Currency to Inmate Pete Mitchell in exchange for controlled substance, suspect heroin.

Reporting Employee: CO Charles Thomas

Comments of Inmate Regarding Incident: Inmate denied allegations and appealed discipline. Appeal denied 6/19/22.

Disciplinary Action: 1 Week Administrative Segregation

---

Institution: LSCI - Harris  
Date of Incident: 3/27/20  
Place of Incident: Cell 15-39  
Unit: 15  
Type of Incident: Attempted Escape

Description of Incident: Inmate Bedford was found with multiple digging and cutting tools in his cell. There were tampering marks found on the cell bars as well as on the window.

Reporting Employee: CO Frank Jenkins

Comments of Inmate Regarding Incident: Inmate denied allegations and appealed discipline. Appeal denied 4/13/20.

Disciplinary Action: 3 Months Administrative Segregation

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Institution: LSCI - Harris  
Date of Incident: 5/11/19  
Place of Incident: Unit 15 Day Room  
Unit: 15  
Type of Incident: Threatening another with bodily harm or any other offense.

Description of Incident: Inmate Bedford was overheard making verbal threats to Inmate Thomas Percy.

Reporting Employee: CO Aaron Israelite

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: 1 Week Loss of Phone Privileges

**LSDOC  
INMATE CENTRAL FILE**

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**Biographical Information**

Name: Michael Shaw  
Date of Birth: 7/15/1985  
Inmate ID: 289348912  
Physical Description:  
    Height: 5'11  
    Weight: 190  
    Hair Color: Brown  
    Eye Color: Brown

Emergency Contact: Terry Shaw (Daughter)

---

**Criminal History**

Current Judgment  
Jurisdiction: Dallas County, Lone Star  
Offense Date: 10/12/17  
Conviction Date: 7/5/18  
Offense of Conviction: DWI Resulting in Death (3<sup>rd</sup> or greater  
DUI)  
Sentence Imposed: 30 years  
Projected Release Date:

**Prior Convictions**

Jurisdiction: Dallas County, Lone Star  
Offense Date: 6/20/2017  
Conviction Date: 8/15/2017  
Offense of Conviction: DWI Resulting in Injury (3<sup>rd</sup> or greater  
DUI)  
Sentence Imposed: 5 years

Jurisdiction: Dallas County, Lone Star  
Offense Date: 2/20/2014  
Conviction Date: 5/25/2014  
Offense of Conviction: DWI (3<sup>rd</sup> or greater DWI)  
Sentence Imposed: 3 years

Jurisdiction: Dallas County, Lone Star  
Offense Date: 9/1/2010  
Conviction Date: 12/15/2010  
Offense of Conviction: DWI  
Sentence Imposed: 2 years

Jurisdiction: Dallas County, Lone Star  
Offense Date: 1/15/2005  
Conviction Date: 4/10/2005  
Offense of Conviction: DWI  
Sentence Imposed: 1 year

Jurisdiction: Dallas County, Lone Star  
Offense Date: 3/1/2003  
Conviction Date: 6/1/2003  
Offense of Conviction: Assault w/ Deadly Weapon  
Sentence Imposed: 18 months

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**Disciplinary History**

None

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**LSDOC  
INMATE CENTRAL FILE**

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**Biographical Information**

Name: Thomas Percy  
 Date of Birth: 7/15/1983  
 Inmate ID: 289348912  
 Physical Description:  
     Height: 6'1  
     Weight: 200  
     Hair Color: Brown  
     Eye Color: Green  
     Tattoos: "CSC" (Chest)  
     Scars: None

Emergency Contact: Rebecca Mitchell (Daughter)

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**Criminal History**

**Current Judgment**

Jurisdiction:	Harris County, Lone Star
Offense Date:	04/15/2010
Conviction Date:	10/18/2011
Offense of Conviction:	Aggravated Armed Robbery
Sentence Imposed:	25 Years
Projected Release Date:	3/22/2032

**Prior Convictions**

Jurisdiction:	Harris County, Lone Star
Offense Date:	7/9/2005
Conviction Date:	2/20/2006
Offense of Conviction:	Possession /w Intent (Methamphetamine)
Sentence Imposed:	5 Years (2 Suspended)

Jurisdiction:	Harris County, Lone Star
Offense Date:	11/23/2002
Conviction Date:	6/30/2003
Offense of Conviction:	Aggravated Assault
Sentence Imposed:	3 Years

Jurisdiction: Harris County, Lone Star  
Offense Date: 05/12/2001  
Conviction Date: 09/10/2001  
Offense of Conviction: Burglary  
Sentence Imposed: 18 Months

Jurisdiction: Harris County, Lone Star  
Offense Date: 02/05/2001  
Conviction Date: 02/20/2001  
Offense of Conviction: Possess Stolen Prop  
Sentence Imposed: 1 Year Probation

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### **Disciplinary History**

Institution: LSCI - Harris  
Date of Incident: 2/15/2023  
Place of Incident: Inmate Housing Unit  
Unit: 15

#### Description of Incident:

Inmate created "Pruno" (homemade alcoholic beverage) utilizing items purchased from commissary and smuggled out of the cafeteria.

Reporting Employee: CO P. Ferrell

Comments of Inmate Regarding Incident: "How else are we supposed to survive in these conditions?" Inmate did not appeal disciplinary action.

Disciplinary Action: Loss of commissary - 30 days

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Institution: LSCI - Harris  
Date of Incident: 1/15/2023  
Place of Incident: Transport  
Unit: 15

Description of Incident:

Inmate initiated a physical altercation in the day room. Several inmates involved. Inmate Percy was heard screaming "F--- the Free 109s," as a result the fight is deemed gang related. No serious injuries.

Reporting Employee: Lieutenant K. Hendricks

Comments of Inmate Regarding Incident: Declined comment. Inmate did not appeal disciplinary action.

Disciplinary Action: Loss of good-time credits (5 day).

---

Institution: LSCI - Harris  
Date of Incident: 9/8/2022  
Place of Incident: Inmate Housing Unit  
Unit: 15

Description of Incident:

Inmate was found in possession of a shiv in cell. Shiv was created from hard plastic kitchenware stolen while on kitchen duty.

Reporting Employee: CO L. Trumble

Comments of Inmate Regarding Incident: Inmate accepted discipline and elected not to file administrative appeal.

Disciplinary Action: 30 Days solitary confinement; loss of commissary - 30 days.

Lone Star Correctional Institute  
Essex County  
Inmate Complaint Form

Inmate: Miles Larkin

Date: Feb 1 2023

Describe Issue:

I didn't do it. There is a piece of loose metal at the bottom of the pen I have been in twice. It is the pen on the front row by the entrance to the yard from inside. It rattles when the pen door closes.

You should fix it before someone breaks it off.

Received by: C.O. Mark Lansing

Date: 2/1/23









**Lone Star Correctional Institute  
Harris County  
Incident Report**

Incident Number: 2022-0716

Date of Incident: July 16, 2022 – 19:45

Involved Staff: CO Linden Trumble

Involved Inmates: Jordan Linehan, identified member of the "Free 109s" gang

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Incident Summary

On July 16, 2022, at approximately 19:45 hours, Correctional Officer (CO) Linden Trumble was responding to an inmate altercation in Housing Unit C-2 involving two inmates, one of whom was identified as a known member of the "Free 109s" gang. While attempting to intervene and de-escalate the situation, CO Trumble was forcefully knocked backward against the wall when one of the inmates shoved another in her direction. She struck the back of her head against the concrete wall and briefly appeared disoriented.

Responding officers secured the involved inmates without further incident. CO Trumble was assisted by Officer James Hanley and escorted to the medical unit for evaluation. Medical personnel cleared her for duty but advised her to monitor for any signs of concussion. She reported feeling sore but declined additional medical intervention.

CO Trumble requested to be reassigned away from housing units containing "Free 109s" gang members due to safety concerns. Her request was approved by shift supervisors.

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Follow-Up Actions

- July 30, 2022: CO Trumble formally requested to return to unrestricted duty, stating she was ready to resume all previous assignments. After administrative review, her request was approved, and she was reinstated to full duty effective immediately.

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End of Report

Submitted by: Sgt. Daniel Morales

Reviewed by: Lt. Marcus Holloway

Date: August 1, 2022

**Lone Star Correctional Institute  
Harris County**

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**From:** Charles Rabinowitz, Warden LSCI-Harris  
**To:** Linden Trumble  
**Date:** March 10, 2023  
**Subject:** Notice of 10-Day Suspension

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Officer Trumble,

On March 3, 2023, on the 7x3 shift, you were assigned as the yard officer for Unit 15. Upon assuming your duties, you failed to obtain the block gun ammunition from the previous yard officer in violation of LSCI-Harris policy. You then proceeded to send the previous yard officer into the unit building without first obtaining the block gun ammunition, also in violation of the policy. As a result, you were left unprepared and two inmates escaped from their cells and were able to achieve a takeover of the yard. As a result of these violations, you are hereby suspended for 10 days, without pay. Future violations will result in further disciplinary action.

## **Lone Star Correctional Institute Harris County**

### **Security Threat Policy**

ACA Standard

#### **4-4224**

There are written plans that specify the procedures to be followed in situations that threaten institutional security. Such situations include but are not limited to riots, hunger strikes, disturbances, taking of hostages, and natural or man-made disasters. These plans are made available to all applicable personnel and are reviewed annually and updated, as needed.

#### **Lone Star Correctional Institute – Harris Section 6: Emergencies Response Plan**

**Policy:** Corrections Staff response to situations that threaten institutional security shall be proportionate to the magnitude of the security threat.

- Upon discovery of an institutional Disturbance, staff shall attempt to quell the inmate disturbances as quickly as possible and with minimum amount of force necessary to bring the situation under control.
- Upon discovery of an Active Disturbance, staff shall promptly alert the Shift Supervisor via radio transmission to the nature of the Active Disturbance while taking action to quell the Active Disturbance.
- Upon the discovery of an institutional Riot, staff shall immediately issue via radio transmission an order to terminate all movement and advise the Shift Supervisor or Office in Charge via radio transmission of the incident and its location.

#### **Definitions:**

1. **Disturbance:** Any incident involving any number of inmates, but limited to acts of passive resistance without engaging in property destruction, assault, and/or attempts to escape (hunger strike, refusal to work, sit down strike, refusal to obey orders, etc.)
2. **Active Disturbance:** Any incident that involves resistance, property damage, or otherwise exceeds the level of a Disturbance but does not meet the criteria of a Riot.
3. **Riot:** A violent disturbance involving three or more inmates accompanied by the commission of acts of property destruction, arson, assault, civil disobedience, escape, etc.
4. **Discovery:** An officer discovers a threat upon receiving reliable information that a particular type of institutional threat has developed.



# REESE BANNERLY

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## Professional Summary:

Experienced Corrections Expert with a robust background in criminal justice and correctional services. Proven track record in overseeing rehabilitative programs, conducting internal audits, and ensuring compliance with state and federal standards. Skilled in expert witness testimony and consulting on correctional standards and practices.

---

## Professional Experience:

### Internal Services Manager

*Denver County Criminal Justice Division*

*2013 – Present*

- Oversee various programs within the division, including mental health court and other rehabilitative services for approximately 7,000 clients.

### Assistant Director of Corrections

*Colorado Department of Corrections*

*2009 – 2013*

- Oversaw all inmate programming, including educational and rehabilitative programs.
- Managed the Bureau of Quality Assurance and Inspections, ensuring adherence to the highest standards including ACA standards.

### Inmate Reentry Supervisor & Internal Standards Compliance Liaison

*Colorado Department of Corrections*

*1998 – 2009*

- Conducted internal audits and inspections for correctional institutions.
- Managed quality control for probation and parole services.

### Probation Officer

*Colorado Department of Corrections*

*1990 – 1998*

- Managed caseloads of individuals on probation, ensuring compliance with court orders and providing guidance for reintegration into society.

**Probation Officer**

*Illinois Department of Corrections*

*1985 – 1990*

- Managed caseloads of individuals on probation, ensuring compliance with court orders and providing guidance for reintegration into society.
- 

**Education:****Master's Degree in Counseling and Guidance**

*University of Colorado*

*1985*

**Bachelor's Degree in Criminal Justice**

*University of Illinois*

*1981*

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**Consulting and Expert Witness Work:**

- Expert witness and consultant since 2012, working on approximately 20 cases.
  - Provided expertise on correctional standards and practices for both plaintiffs and defendants.
- 

**Publications:**

- **Reducing Risks in Correctional Institutions and Field Services**  
Funded by a grant from the National Institute of Corrections.

## Administration of Correctional Association (ACA) Standards

**4-4184**      **Written policy, procedure, and practice provide that supervisory staff conduct a daily patrol, including holidays and weekends, of all areas occupied by inmates and submit a daily written report to their supervisor. Unoccupied areas are to be inspected weekly. Comment: Matters requiring further attention (for example, staff and inmate concerns; faulty, unsafe, or dirty conditions) should be reported in writing for review and further action.**

**4-4186**      **Written policy, procedure, and practice require that the chief security officer or qualified designee conduct at least weekly inspections of all security devices needing repair or maintenance and report the results of the inspections in writing.**

COMMENT: There should be a scheduled maintenance procedure to ensure that all bars, locks, windows, doors, and other security devices are fully operational. Emergency keys should be checked at least quarterly to ensure they are in working order. The results of all inspections should be submitted in writing to the warden/superintendent and/or the officer in charge of security.

**4-4192**      **Written policy, procedure, and practice provide for searches of facilities and inmates to control contraband and provide for its disposition. These policies are made available to staff and inmates; policies and procedures are reviewed at least annually and updated if necessary.**

COMMENT: The institution's search plans and procedures should include the following:

- unannounced and irregularly timed searches of cells, inmates, and inmate work areas
- inspection of all vehicular traffic and supplies coming into the institution
- use of metal detectors at compound gates
- complete search and inspections of each cell prior to occupancy by a new inmate
- avoidance of unnecessary force, embarrassment, or indignity to the inmate
- staff training in effective search techniques that protect both inmates and staff from bodily harm
- use of nonintensive sensors and other techniques instead of body searches whenever feasible
- conduct of searches only as necessary to control contraband or to recover missing or stolen property
- respect of inmates' rights to authorized personal property
- use of only those mechanical devices absolutely necessary for security purposes



**4-4193**

**Written policy, procedure, and practice provide that manual or instrument inspection of body cavities is conducted only when there is reason to do so and when authorized by the warden/superintendent or designee. The inspection is conducted in private by health care personnel or correctional personnel trained by health care personnel.**

**Lone Star Correctional Institute  
Harris County  
Employment Action**

**Employee: Richmond Simon**

**Date: September 4, 2022**

**Action: Employment Termination (effective June 18, 2022)**

On June 10, 2022, CO Mark Lansing reported seeing a firearm in CO Richmond Simon's locker during the shift change. Lt. Mary Lockett approached CO Simon immediately and requested a search of CO Simon's locker. CO Simon volunteered that he had a firearm (Sig Sauer P365) in his locker. CO Simon opened his locker and gave the firearm to Lt. Lockett.

Lt. Lockett placed CO Simon on administrative leave with pay - effective immediately.

On June 17, 2022, CO Simon voluntarily came to the facility with his union representative for an interview. The interview was conducted by Lt. Lockett and lasted only five minutes. During the five-minute interview, CO Simon admitted that in 2020 during his hiring process he did not disclose to the LSCI-Harris Administration that he was a past affiliate of the Cold Steel Clique. He claimed that he was never a full member and had not been affiliated with the gang for more than ten years. He claimed he brought the firearm into the LSCI-Harris because his family was being threatened with physical harm if he did not provide the gun to gang leadership in the facility. He apologized for his conduct then invoked his Fifth Amendment right to remain silent. The interview ended at that time, and he was not questioned further.

As a result of CO Simon's admission to non-disclosure of past gang affiliation and admission to bringing a firearm into the LSCI-Harris, his employment was terminated effective June 18, 2022.

As of the date of this Employment Action Report, no appeal from this employment action was taken by CO Simon. This matter was referred to local law enforcement on June 11, 2022. Local law enforcement elected not to pursue criminal charges for undisclosed reasons.

**EXPERT REPORT IN RELATION TO COMPROMISED PRISON EXERCISE PEN**

Client: Lone Star Inspector General's Office

Date: March 18, 2023

**Introduction**

At the request of the Lone Star Inspector General's Office, an analysis was conducted on a recovered section of wire mesh from exercise pens numbered 19 and 22 following the escape of two inmates on March 3, 2023. The purpose of this report is to determine the cause and timing of the structural failure. The examined pieces were very similar 1.5-foot-square sections of steel mesh that were forcibly detached, at least in part, from the original enclosures.

**Observations and Analysis**

The steel mesh sections exhibit significant structural deformation, including bent and fractured wires consistent with mechanical stress. Several wire strands have signs of sharp-force application, as indicated by localized, precise incisions. Other strands show extensive fatigue fractures, suggesting prolonged exposure to cyclical impact forces. The presence of micro-fractures along certain stress points suggests the material was subjected to repeated force over time.

Spectrographic analysis confirms the wire mesh is composed of standard-grade galvanized steel, commonly used in correctional facilities for security enclosures. Hardness testing indicates a very slight reduction in tensile strength, which could be attributed to environmental wear and possible corrosion.

**Cause of Failure**

The failure of the wire mesh to both pens was most likely due to a combination of:

1. **Sharp Tool Application:** Certain cut marks suggest the use of an unidentified sharp instrument (or multiple instruments), such as a makeshift blade or wire cutter, to weaken specific sections of the mesh.

2. **Repeated Impact Forces:** The deformation and fracture of multiple strands indicate a sustained application of blunt force trauma, likely from repetitive kicking or striking.
3. **Possible Pre-Existing Weaknesses:** Given the findings of material fatigue, it is possible that prior wear and tear contributed to the ease of compromise.

### **Estimated Timeline for Compromise**

The estimated time required to fully breach the exercise pen mesh would depend on several factors, including the original condition of the steel mesh, the tool(s) used, and the force applied. Based on testing and modeling the estimated time to complete failure was likely between 45 minutes and 3 hours. Due to the nature of the damage, it is not possible to determine definitively whether the breach occurred in one continuous session or was the result of multiple, shorter efforts over several days.

s/ Charlie Jameson  
Chief Materials Expert  
Lone Star Expert Services, Inc.

# Curriculum Vitae

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## Personal Information

Name: Jordan Emerson

Current Position: Director of the Department of Corrections State of Mississippi

## Professional Experience

Director of the Department of Corrections State of Mississippi

Years of Service: 37 years in the corrections field

Career Progression:

- Started as a correction officer and was promoted to sergeant, lieutenant, captain, assistant warden, and warden at several facilities.
  - Served as a warden in both California and Florida.
  - Worked as a correctional counselor running a rehab program for substance abuse.
  - Promoted to major, chief of security at a Lone Star facility.
  - Held positions as assistant director for institutions, deputy director for institutions, and chief deputy director for institutions.
  - Managed large-scale correctional facilities, overseeing daily operations, staff management, and inmate rehabilitation programs.
- Implemented policies to improve security and reduce recidivism rates.

## Education

High School: Graduated from high school in Austin, Lone Star

Bachelor's Degree: B.A. in Social Science from the University of Lone Star at Austin

Master's Degree: Master of Arts in Criminal Justice from Florida State University

Law School: Attended law school for two years at the University of California, Berkeley

## Additional Training and Roles

- Completed specialized training in correctional management, crisis intervention, and inmate behavior management.
- Attended numerous workshops and seminars on the latest correctional practices and technologies.
- Served as a training consultant for the National Institute of Correction (NIC) and the American Correction Association (ACA).



- ACA auditor for approximately 35 states over 12 to 15 years.
- Qualified as an expert witness in several civil matters related to corrections, including wrongful death cases and conditions of confinement.
- Participated in leadership programs and advanced correctional management courses.
- Regularly attended national and international conferences on corrections and criminal justice.
- Consulted on various documentary films regarding various correctional facilities.

## **Workshops and Seminars**

- Conducted several seminars for the National Institute of Correction on gang activities and security threats.
- Led training sessions on inmate classification, use of force, and correctional facility standards.

## **Accreditation Experience**

Participated in the initial accreditation of San Quentin State Prison in 2003 and subsequent reaccreditations in 2006 and 2009.

Developed and implemented accreditation standards for correctional facilities.

Served on committees to revise and update correctional policies and procedures.

## **Publications and Research**

Authored articles and research papers on correctional management, inmate rehabilitation, and prison reform.

Contributed to textbooks and training manuals used in correctional officer training programs.

Selected Publications:

- "Effective Inmate Classification Systems" - Journal of Correctional Management
- "Managing Riots and Disturbances in Correctional Settings" - International Journal of Prison Safety
- "Strategies for Reducing Recidivism through Rehabilitation Programs" - Corrections Today
- "The Role of Technology in Modern Correctional Facilities" - Journal of Criminal Justice Innovations

## **Professional Affiliations**

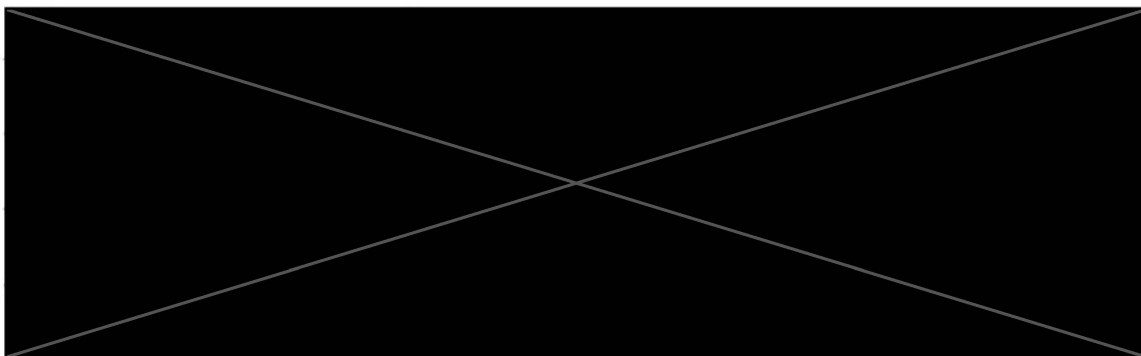
Member of the American Correctional Association (ACA).

Member of the National Association of Correctional Officers (NACO).

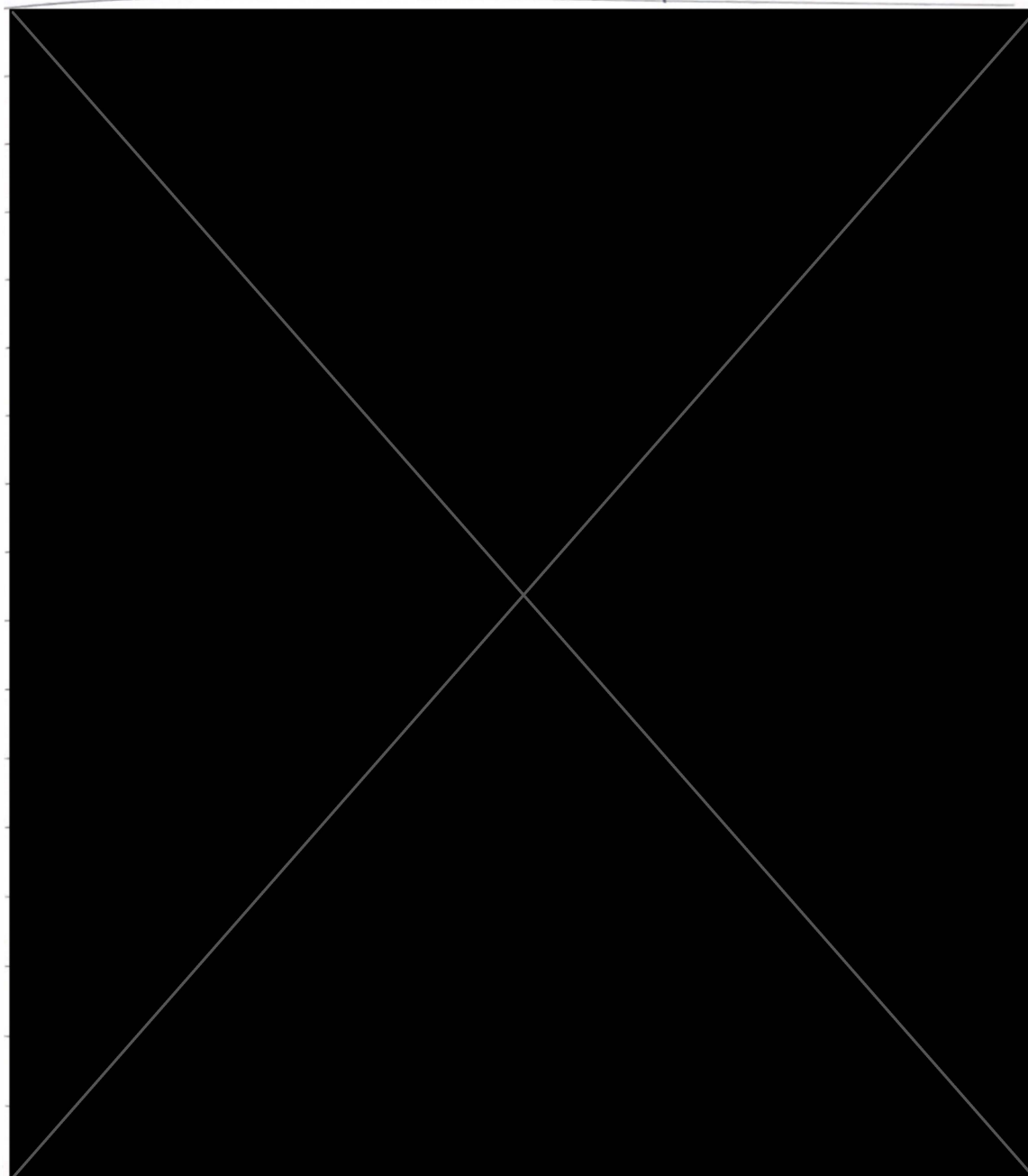
Active participant in professional networks and forums related to corrections and criminal justice.

Date

2/18/23



- 15:20 CO Mumble Inspected Pens



LONE STAR DEPARTMENT OF CORRECTIONS  
CRIMINAL INVESTIGATIONS  
CRIMINAL INVESTIGATIVE REPORT

3/28/2023

Case Number: 2023-CID-1976

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Type:	Criminal	Status:	Closed
Investigator:	Cooper, Adrian		
Reviewed By:	Dahl, Erik		
Complex:	Lone State Correctional Institution – Harris County		
Location:	Unit 32, Exercise Yard		
Date of Incident:	3/3/2023		

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**Synopsis:**

On 3/3/2023 I was contacted at approximately 1245 hours by Supervisor Erik Dahl to respond to an inmate death at LSCI - Harris. I arrived on scene at approximately 1427. Upon arrival I was informed by Correctional staff that multiple inmates assaulted one another in the exercise yard after several inmates escaped from their pens. Staff stated that Corrections Nurse Sheppard was on site and pronounced inmate Shawn Bedford deceased at 1317 hours.

**Incident Description:**

On 3/3/2023, at approximately 1230, a gang-related murder occurred in the exercise yard of Unit 15 at the LSCI - Harris. The victim, identified as inmate Shawn Bedford (ID #2897653), was fatally assaulted by a group of inmates identified as affiliates of the Cold Steel Clique gang. Deceased was an identified member of the Free 109s gang. All the assailants were either a core member or leaders of Cold Steel Clique.

Interview with CO Trumble, the officer on duty at the yard at the time of the incident, revealed that two inmates (Shaw and Percy) escaped their pens and chased Trumble with shivs. Trumble then pointed the block gun at the escaped gang members, but immediately realized that she had failed to obtain the additional ammunition for the block gun from the prior yard officer. Trumble, fearing for her life, ran into the prison for safety. The gang members reached Trumble before she made it inside, but Trumble was able to break free without injury and ran into the prison, closing and securing the prison door behind her. At that point, Trumble discovered that the inmates had grabbed the keys to the pens. Trumble attempted to assemble a group of staff to force their way back onto the yard. But the group was unsuccessful. Trumble called a "Code Red" on the radio approximately three minutes after entering the prison. Trumble did not know when or how the inmates escaped their pens. Trumble received the block gun from CO Jenkins.

While Trumble was inside, Shaw and Percy opened multiple pens of members of affiliated gangs who then began to engage in what appeared to be premeditated attacks on other inmates. Upon being released, several of the escaped inmates ran to the prison door, and leaned against it, which prevented the CO's from responding promptly to the situation. The escaped gang members entered the pens of

inmates Bedford and Harley Judson. CO's responded promptly, under the circumstances, and despite immediate intervention, inmate Bedford succumbed to his injuries.

Based on witness accounts, inmates Shaw and Percy escaped their pens by some combination of using a sharp tool and kicking the bottom of the doors. Investigation revealed that Shaw and Percy were in the exercise yard for at least 75 minutes prior to the incident.

Upon clearing the yard, only one shiv was recovered, even though witnesses described several inmates with weapons. Follow up sweeps of the cells of all inmates on the yard at the time of the incident also did not turn up the additional weapons.

**Findings:**

CO's Trumble and Jenkins violated policy and procedure in failing to transfer all necessary ammunition when Trumble assumed yard duty. Allowing inmates Shaw and Percy to remain in the yard beyond their allowable time was a violation of standing orders that only apply to LSCI – Harris.

Cause of death was gang violence.

## Lone Star Correctional Institute Harris County

December 1, 2022

### Internal Report: Increase in Serious Inmate-on-Inmate and Inmate-on-Guard Assaults

This report provides an overview of the increase in serious inmate-on-inmate and inmate-on-guard assaults at Lone Star Correctional Institute from 2020 to 2022. For purposes of this report, serious assaults are defined as those that required any participant to receive medical assistance after the incident. A thorough review of the institution's security and incident reports reveals a concerning 27% increase in these types of assaults over the past two years.

- **Areas of Increase:**
  - During the analysis period, the increase in the assaults has occurred in the **dining areas** and **showers**. These locations have been identified as high-risk zones where tensions are more likely to escalate into physical confrontations. Factors contributing to this increase include overcrowding during mealtimes and a lack of sufficient staff in the shower areas during peak usage times. See attached chart.
- **Areas of Decrease:**
  - Notably, there have been no inmate-on-inmate assaults reported in the **exercise yard** since the installation of the yard pens. Also, the number of inmate-on-guard assaults in the exercise yard has decreased by 21% since the installation of the yard pens. The introduction of these individual exercise pens occurred in February 2020 and has helped to mitigate the risk of violence by limiting inmate interaction and preventing gangs the opportunity to congregate, which previously contributed to altercations. Prior to the yard pens, the majority of assaults occurred in the exercise yard. See attached chart.

## **Analysis and Recommendations:**

- **Dining Areas and Showers:** Given the concentration of assaults in these areas, it is recommended that additional staff patrols and surveillance be implemented during mealtimes and in the shower facilities. Increased supervision and the potential for staggered scheduling in these high-risk zones could reduce incidents significantly.
- **Yard Pens:** The success of the yard pens in reducing violence within the yard indicates that similar structural adjustments may be beneficial in other areas of the facility. We recommend further exploration of the implementation of additional controlled spaces in the dining and shower areas.

## **Conclusion:**

While Lone Star Correctional Institute has seen a concerning rise in serious inmate-on-inmate and inmate-on-guard assaults, particularly in the dining and shower areas, the introduction of yard pens has proven effective in reducing violence in the yard. Further targeted interventions in high-risk areas, along with increased staff presence and training, are recommended to address this ongoing issue and improve the safety and security of the facility.

## **Prepared by:**

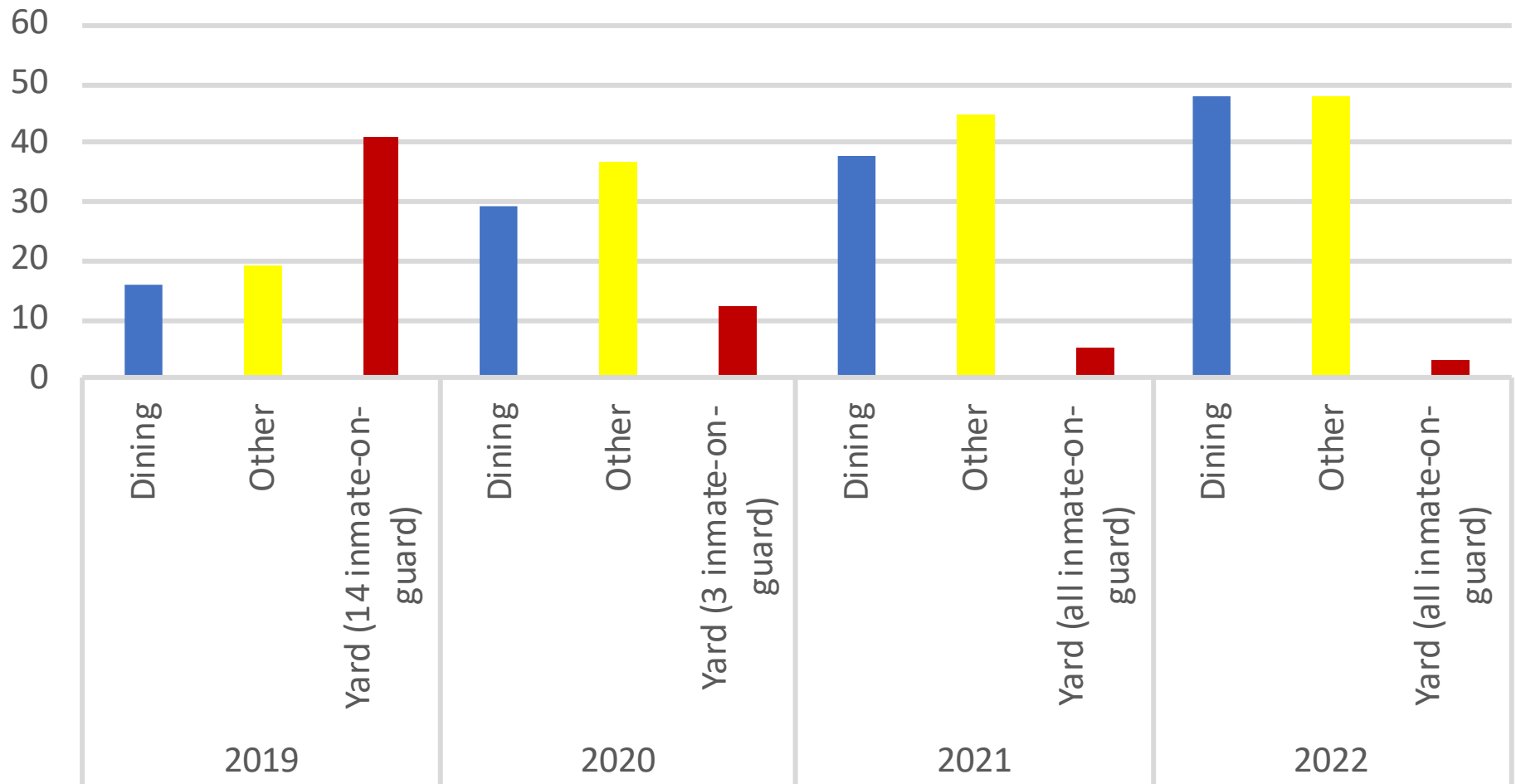
Lt. Mary Lockett  
Unit 15 Supervising Correctional Officer  
Lone Star Correctional Institute  
Harris County

LSCI-Harris Serious Assault Data

Year	# of Assaults	Location
2019	41	Yard (14 inmate-on-guard)
2019	16	Dining
2019	19	Other
2020	12	Yard (3 inmate-on-guard)
2020	29	Dining
2020	37	Other
2021	5	Yard (all inmate-on-guard)
2021	38	Dining
2021	45	Other
2022	3	Yard (all inmate-on-guard)
2022	48	Dining
2022	48	Other

Assaults By Location	Sum of #
<b>2019</b>	<b>76</b>
Dining	16
Other	19
Yard (14 inmate-on-guard)	41
<b>2020</b>	<b>78</b>
Dining	29
Other	37
Yard (3 inmate-on-guard)	12
<b>2021</b>	<b>88</b>
Dining	38
Other	45
Yard (all inmate-on-guard)	5
<b>2022</b>	<b>99</b>
Dining	48
Other	48
Yard (all inmate-on-guard)	3
<b>Grand Total</b>	<b>341</b>

## Assaults





## **FINAL JURY INSTRUCTIONS**

### **Instruction 1: General Instruction**

Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence, but you should not speculate on any matters outside the evidence.

### **Instruction 2: Credibility of Witnesses**

In determining the believability of any witness and the weight to be given the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in light of your own experience and common sense.

### **Instruction 3: Direct and Circumstantial Evidence**

Evidence may be direct or circumstantial. “Direct evidence” is evidence which tends directly to prove or disprove a fact in issue. If a fact in issue was whether it rained during the evening, testimony by a witness that he/she saw it rain would be direct evidence that it rained. On the other hand, “circumstantial evidence” is evidence that tends to prove some other fact from which, either alone or together with some other facts or circumstances, you may reasonably infer the existence or nonexistence of a fact in issue. If there was evidence the street was wet in the morning, that would be circumstantial evidence from which you might reasonably infer it rained during the night. There is no general rule for determining or comparing the weight to be given to direct or circumstantial evidence. You should give all the evidence the weight and value you believe it deserves.

### **Instruction 4: Elements of Claim for Violation**

The issue for your determination is whether Defendant violated Lone Star Code § 11-401 and as a result of that violation, Shawn Bedford lost his life. Plaintiff has the burden of proving that the acts or failure to act of Defendant deprived Shawn Bedford of the rights provided by § 11-401. In this case, Plaintiff alleges Defendant deprived Shawn Bedford of his rights pursuant to § 11-401 when Defendant failed to keep him safe from violence inflicted on him by another inmate or inmates.

The Court instructs the jury that prison officials have a duty to protect inmates from violence at the hands of other inmates. However, given the inherently dangerous nature of the prison environment, not every injury suffered by one inmate at the hands of another inmate translates to prison officials being responsible for the victim’s injury. To prove Defendant liable

under the provisions of § 11-401, Plaintiff must prove the following elements of the claim by a preponderance of the evidence:

1. Defendant made a deliberate choice regarding the conditions under which Shawn Bedford was held;
2. Those conditions put Shawn Bedford at substantial risk of suffering serious harm;
3. Defendant was aware of facts from which they could infer that the risk of serious harm to Shawn Bedford existed and actually drew that inference, but did not take reasonable available measures to abate that risk; and
4. Shawn Bedford would not have been harmed if Defendant had taken reasonable measures and Defendant's deliberate indifference was a substantial factor in causing Shawn Bedford's death.

The conduct represented in the third element is referred to in the law as "deliberate indifference." With respect to the third element, Defendant's conduct must be both objectively unreasonable and done with a subjective awareness of the risk of harm. This disregard of the risk must be more than negligence; it involves a purposeful decision to ignore the risk. Evidence that Defendant's conduct fell below the standard of care in the industry for securing the safety of inmates is not alone sufficient to find a violation of § 11-401, as the third element requires proof of deliberate indifference by Defendant to the risk of harm to Bedford.

If you find that Plaintiff has proved each of the above elements, your verdict should be for Plaintiff. If, on the other hand, Plaintiff has failed to prove any one or more of these elements, your verdict should be for Defendant.

### **Instruction 5: Explanation of Causation Requirement**

To satisfy the requirements of the fourth element of the claim, the acts or omissions by Defendant must be the proximate cause of Shawn Bedford's injuries or death. "Proximate cause" means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. Generally, in order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event, or some similar event, might reasonably result therefrom.

A superseding cause is a new and independent cause that breaks the chain of proximate causation between a defendant's acts or omissions and an injury. If you find that Defendant was deliberately indifferent but that the sole proximate cause of the injury was a later independent intervening cause that the defendant could not reasonably have anticipated, then the defendant's conduct was not a proximate cause of the injury. If, however, you find that the defendant should reasonably have anticipated the later independent intervening cause, then the defendant's conduct remains a proximate cause of the injury.

An intervening act is not a superseding cause if:

1. the defendant should have realized that the third person might act in the way they did;
2. a reasonable person knowing the situation existing when the act of the third person was done would not regard it as highly extraordinary that the third person had so acted; or
3. the intervening act is a normal consequence of a situation created by the defendant's conduct.

There may be more than one proximate cause of an event. A cause is a proximate cause if it is a “substantial factor” in bringing about the outcome at issue.

**Instruction 6: Reasonable Measures to Protect Inmates**

When determining whether Defendant took reasonable measures to protect inmates you may consider if Defendant:

1. Followed facility safety and security policies.
2. Properly assessed the risk of violence within the facility;
3. Timely responded to threats, reports, or known risks of violence;
4. Adequately supervised inmates; and
5. Appropriately separated or classified inmates to reduce the risk of harm.

**Instruction 7: Respondeat Superior**

This case also raises the question of something called *respondeat superior*. This Latin phrase means “let the master answer,” and it stands for the concept that a business or entity may be responsible for the act or omission of its employees so long as the behavior occurs within the scope of their employment. Here, Plaintiff claims that Plaintiff died as a result of Defendant’s violation of § 11-401 through the acts and omissions of the corrections officers and administrators at the Lone Star Corrections Institute – Harris County. If you find that the acts and omissions that caused Shawn Bedford's injuries or death occurred within the scope of their employment you can hold Defendant responsible for their acts and omissions.

**Instruction 8: Affirmative Defense of Refusal to Avoid Harm**

Defendant has asserted an Affirmative Defense of “Refusal to Avoid Harm.” In so doing, Defendant bears the burden of proving by preponderance of the evidence that Shawn Bedford

was offered and refused a reasonable alternative to the danger presented by the alleged dangerous conditions. An alternative is considered reasonable when it is one that does not materially diminish the living conditions or quality of life of the inmate when considered in light of the threatened harm.

**Verdict Charge:**

Answer “Yes” or “No” to all questions unless otherwise instructed. A “Yes” answer must be based on a preponderance of the evidence unless you are otherwise instructed. If you do not find that a preponderance of the evidence supports a “Yes” answer, then answer “No.” The term “preponderance of the evidence” means the greater weight and degree of credible evidence admitted in this case.

At this point in the trial, you, as jurors, are deciding if the death of Shawn Bedford was proximately caused, in whole or in part, by Defendant’s violation of § 11-401. If you find Defendant was at fault in whole or in part, you will hear additional arguments from the attorneys and you will hear additional witnesses testify concerning damages. Until that time, you are not to concern yourselves with any question of damages. Your verdict must be based on the evidence that has been received and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice, sympathy, or any other sentiment for or against any party. When you retire to the jury room, you should select one of your members to act as foreperson, to preside over your deliberations, and to sign your verdict. You will be given a verdict form, which I shall now read and explain to you.

**(READ VERDICT FORM)**

When you have agreed on your verdict, the foreperson, acting for the jury, should date and sign the verdict form and return it to the courtroom. You may now retire to consider your verdict.

IN THE 37TH DISTRICT COURT  
IN AND FOR HARRIS COUNTY

SHARON BEDFORD on behalf of the  
Estate of SHAWN BEDFORD

*Plaintiff,*

v.

LONE STAR DEPARTMENT OF  
CORRECTIONS,

*Defendant.*

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Case No. CV-24-0967

Verdict Form

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1. Did Plaintiff prove, by a preponderance of evidence, each element of their claim that the defendant violated Lone Star Code § 11-401?

YES \_\_\_\_ NO \_\_\_\_

2. Did Defendant prove, by a preponderance of evidence, that Shawn Bedford unreasonably refused a reasonable alternative to the danger presented by the alleged dangerous conditions?

YES \_\_\_\_ NO \_\_\_\_