



The National Trial Competition 50th Anniversary

2025 National Case Problem

(Revised 3/25/25)

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

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
30. Photo of Damaged Pen Door

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. IAs 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.

22. The Court has received and accepted certifications under rule 902(11) for the following exhibits: 10-15, 19-21, 24, and 27-29. The court will not consider requests for reconsideration.

23. All notice requirements under the Federal Rules of Evidence have been satisfied.

24. If the defendant does not wish to pursue the affirmative defense, they must sign the election form and provide it to opposing counsel during the meet and confer.

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. At 1:02 p.m. 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. Harley Judson was released from custody for his 2006 Armed Robbery conviction in January of 2010.
10. Reese Bannerly and Jordan Emerson have reviewed each other's most recent report prior to trial.

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<i>Plaintiff,</i>	§	
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Lone Star Department of Corrections,	§	
	§	
<i>Defendant.</i>	§	STATE OF LONE STAR

Pretrial Election Form

Round # _____ Plaintiff Team # _____ Defense Team # _____

Defendant elects to DISMISS the affirmative defense of unreasonable refusal of alternative conditions.

Attorney for Defendant

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Case No. CV-24-0967

COMPLAINT

JURY DEMAND

IN AND FOR HARRIS COUNTY

STATE OF LONE STAR

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 closed the door to the yard, she left the keys in the door, and SHAW and PERCY were able to retrieve the keys to the exercise pens.
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

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v.

**LONE STAR DEPARTMENT OF
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Case No. CV-24-0967

ANSWER

JURY DEMAND

IN AND FOR HARRIS COUNTY

STATE OF LONE STAR

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—these are the first two
- 17 pens on the right side when you come out of the door. Exhibit 3 is a more up-close view of the
- 18 pen Shawn was in when he was killed. But that's not Shawn.
- 19 **Q:** Is this what the pens looked like on March 3, 2023?
- 20 **A:** Yeah.
- 21 **Q:** How are inmates escorted to the yard?
- 22 **A:** We're taken out of our cells by two officers. They strip search us first, and then we're
- 23 walked to the yard one-at-a-time and locked in one of the pens.

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 **Q:** How do you get locked in the pens?

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

4 **Q:** How many pens are there?

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

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

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

10 **Q:** What do the boxes with white Xs represent?

11 **A:** Those are pens, but they rarely use them for yard time. They weren't in use on March 3,
12 2023.

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

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

15 **Q:** Can you describe what happened that day?

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

20 **Q:** What pen was Percy in?

21 **A:** Percy was in 22.

22 **Q:** What pen was Shaw in?

23 **A:** Shaw was in 19.

DEPOSITION TESTIMONY OF HARLEY JUDSON

- 1 **Q:** Did you see Shaw leave his pen?
- 2 **A:** No. I just saw him join Percy after Percy got out.
- 3 **Q:** Did you see if they had weapons?
- 4 **A:** Yeah, both had shivs. Looked like something sharpened out of metal scraps or plastic.
- 5 **Q:** I'm showing you Exhibit 5. Does this look like one of the shivs that they had?
- 6 **A:** Yeah.
- 7 **Q:** Do you remember who was holding this shiv?
- 8 **A:** I'm not positive, but I think that is the one that Shaw was holding.
- 9 **Q:** What did Shaw and Percy do after they got out?
- 10 **A:** They ran straight toward Officer Trumble, who was the officer on duty in the yard.
- 11 **Q:** Where was Officer Trumble?
- 12 **A:** She was in the normal spot about 10 feet from the door to go back into the unit.
- 13 **Q:** What did Officer Trumble do?
- 14 **A:** At first, she pointed the block gun at them, and they stopped for a moment. But then, she
- 15 must've realized the gun wasn't loaded or something because she looked down and panicked.
- 16 Then she turned and started running back toward the building.
- 17 **Q:** Did Shaw and Percy follow her?
- 18 **A:** Yes, sir. They ran after her and grabbed her, but she got inside and slammed the door
- 19 shut. Then they saw that she left the keys in the door and took them.
- 20 **Q:** What did they do with the keys?
- 21 **A:** Someone yelled out, "Judson and Bedford first." Then they started unlocking pens,
- 22 letting other inmates out—mostly their gang members from the Cold Steel Clique.
- 23 **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:** I'm showing you what has been marked as Exhibit 30. Do you recognize this?

15 **A:** Yes. This is a photo of one of the pens after that they busted out. Both Shaw and Percy's
16 pens had this same part of the pen cut or kicked out.

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

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

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

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

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

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

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

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

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

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

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

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

17 **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
18 for show. I've gotten tagged with it before. It hurts real bad.

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

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

21 **Q:** What happened?

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 **Q:** Did it stop you?

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

5 **Q:** Was Officer Trumble present for that?

6 **A:** Yeah, I think so.

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

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

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

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

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

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

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

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

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

21 **A:** They chased after her and grabbed at her, but she got into the building and closed the
22 door.

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

2 **A:** It was everything. If she had fired, I think she wouldn't have had to run, and Shaw and
3 Percy would've stayed stopped after she pointed it at them. Instead, they realized they could
4 overpower her.

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

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

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

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

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

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

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

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

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

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

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

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

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

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

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

13 **Q:** What do you mean?

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

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

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

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

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

2 **A:** I don't think so. The other inmates were mostly minding their own business, and the
3 officers didn't seem to notice. At one point, I told Trumble she should go back there and tell
4 them to cut it out. But she never listens to me. She just said, "stop snitching."

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

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

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

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

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

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

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

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

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

19 **A:** Folks get creative. They might hide a weapon in a body cavity or somewhere the officers
20 don't check thoroughly. It's risky, but it happens. And the COs have rules about when they can
21 do a cavity search. Sometimes inmates will hide things in the pens ahead of time. There are
22 inmates with more privileges because of good behavior. They don't have to get searched as

DEPOSITION TESTIMONY OF HARLEY JUDSON

1 thoroughly. I've never been one of those inmates, but I've seen them get searched before going
2 out once or twice and they don't get fully stripped to the skin like the rest of us.

3 **Q:** Are inmates put in the same pen repeatedly?

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPOSITION TESTIMONY OF HARLEY JUDSON

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

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

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

4

5 I, Harley Judson, 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.

[illegible]

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:

1 I was asked to review the conditions and conduct of the staff at Lone Star Correctional
2 Institute – Harris (LSCI) in relation to the death of Shawn Bedford. Specifically, I was asked to
3 assess whether the conditions and conduct were consistent with minimum correctional
4 standards and whether they demonstrated a deliberate indifference toward the health and safety
5 of Mr. Bedford. As discussed, my rate for review of materials and preparation of my report is
6 \$600 an hour. Should trial testimony be required, my rate is \$800 an hour. The preparation and
7 revision of my report has taken 18 hours.

Materials Reviewed:

8 I reviewed the depositions of Harley Judson and Linden Trumble, as well as all of the
9 exhibits (1-30). I formed my opinions by examining these materials in light of general
10 correctional standards and my own extensive experience in the field. Additionally, I analyzed
11 whether the facility was in compliance with the relevant American Correctional Association
12 (ACA) standards.

Assessment and Conclusion:

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

EXPERT REPORT OF REESE BANNERLY

Failure to Properly Inspect and Repair Exercise Pens

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

Failure to Control Contraband Inside the Facility

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

EXPERT REPORT OF REESE BANNERLY

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

Failure to Comply with Block Gun Readiness Protocol

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

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

Failure to Adequately Monitor Yard Time

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

EXPERT REPORT OF REESE BANNERLY

1 criticized (and successfully sued) for the minimal amount of exercise time allotted to inmates
2 and the use of exercise pens. However, the failure to follow their own schedule of an hour of
3 exercise time allowed the inmates the time to effectuate their escape from the pens.

Failure to Respond to Indication that Assault was Likely

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

Failure to Comply with Security Threat Policy

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

EXPERT REPORT OF REESE BANNERLY

1 on the yard. Even if this were initially characterized as an Active Disturbance, prompt
2 notification was required.

Lack of Reasonable Alternatives

3 I am aware that LSDOC contends that Shawn Bedford was offered a reasonable
4 alternative to his conditions of confinement. While CO Trumble claims to have offered
5 Bedford the option of going into administrative segregations, this was nowhere close to a
6 reasonable alternative. There is no significant difference between administrative segregation
7 and solitary confinement. They share the same space and suffer most of the same restrictions.
8 And solitary confinement is considered the most severe forms of punishment in prison.
9 Moreover, there is no documentation of this offer being made or rejected.

Conclusion

10 Prisons are dangerous places that house dangerous inmates. And, I understand that
11 many inmate-on-inmate attacks cannot be prevented. The inmates are there because they have
12 committed very serious crimes. And the fact that they go through the same routines day after
13 day presents them many opportunities to learn how to avoid detection. That said, facilities that
14 follow the ACA and COs that remain vigilant can reduce these risks and substantially increase
15 inmate safety. Ultimately, in this case, LSCI fell short, their conduct fell below accepted
16 standards and went so far as to demonstrate a deliberate indifference to the safety of Shawn
17 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 11:45 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 4. 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 pens six and seven conversing with inmates. These are the pens to your
2 right when you exit the door to the yard. And Exhibit 3 shows an inmate in a pen. Exhibit 4 is a
3 diagram of the yard, including the pen numbers. The Xs indicate pens that are rarely used for
4 yard time and were not in use on March 3, 2023. These show how things looked on March 3,
5 2023.

6 **Q:** There is some fencing behind the pens in Exhibit 2. What is that?

7 **A:** There is a small fenced-in area there. Like you can see in the diagram, the fencing does
8 not extend all the way across the yard and does not separate the pens from the door to Unit 15.

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

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

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

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

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

22 **A:** Yes. These are images of the block gun we use to keep order in the yard. These images
23 are from the training we have regarding block gun usage. Exhibit 7 shows the block gun lying

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 flat on the table with two of the bullets laying out. The bullet with the black writing is the kind
2 we use in the yard. Exhibit 8 shows the block gun while it is being loaded. You essentially break
3 the gun in the middle to replace the bullet. Exhibit 9 shows an officer holding the block gun in
4 the ready position.

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

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

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

9 **A:** Yes. That is the LSCI-Harris Yard Officer Policy that was in effect on March 3, 2023.

10 **Q:** Are you generally familiar with the LSCI-Harris policies?

11 **A:** Yes. I know our policies but not necessarily all the ACA standards that they implement.

12 **Q:** Did you follow the LSCI Yard Officer Policy that day?

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

18 **Q:** What was the issue?

19 **A:** One of the inmates who was scheduled to be removed from the yard because his exercise
20 time was up, Harley Judson, was throwing a fit. He was saying how his counselor was supposed
21 to give him a money transfer slip and never did it. He was really angry and irate. He was
22 screaming that he would refuse to come off the yard until someone got him that slip. I thought it
23 would just be easier to get him the slip instead of having to do an extraction, which would just

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 put everything even more behind schedule. We were already about ten minutes behind in getting
2 the inmates from the pens to their cells. Not unusual, but still behind. So, I decided since Jenkins
3 was still there, I would have Jenkins run inside and get the slip to move things along.

4 **Q:** What is a cell extraction?

5 **A:** When an inmate refuses to comply with orders and there is a concern that they may react
6 violently, we have to assemble a cell extraction team. It requires four to six officers, they have to
7 wear special equipment like helmets and gloves and face shields. It takes forever and really isn't
8 in anyone's interest unless there is a real threat of violence. The inmates know this so some of
9 them use it as a threat, like Judson did that day.

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

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

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

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

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

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

20 **Q:** What are the inmates from Bravo Building like?

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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

2 A: Yes, I knew some of them by name. I knew Judson because he's always causing trouble.

3 He's the inmate who refused to come off the yard over the money transfer slip. Knowing inmates
4 by name happens naturally over time in this job.

5 Q: Did you know Inmates Shaw and Percy?

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

7 Q: What about Bedford?

8 A: I dealt with Bedford pretty regularly.

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

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

17 Q: What is administrative segregation?

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

20 Q: Is that solitary confinement?

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

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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

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

5 **A:** About two months after that, he asked if there was any process to be reclassified and
6 removed from Unit 15. I told him that he could go through the gang renunciation process. I told
7 him that if the request was based on safety, he could file a formal grievance and be granted
8 protective custody in ad seg. He just said something like, "Forget about it. I can handle Percy." I
9 know how it can be, so I always tell inmates in that situation that if there is a true threat and they
10 don't want to file a grievance that they should let me know and I'll get them into ad seg. He
11 never filed a formal grievance or let me know.

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

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

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

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

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

17 **A:** These look like inmate central files. Specifically, Exhibit 10 is Harley Judson's file.
18 Exhibit 12 is Shawn Bedford's file. Exhibit 13 is Michael Shaw's file. And Exhibit 14 is Thomas
19 Percy's file. It looks like each of these copies were run shortly after the March 3, 2023, incident.

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

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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

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

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

8 **A:** No. He made some complaints that they were back there making a lot of noise. But I
9 know that Judson is a leader in the Free 109s and those guys were Cold Steel Clique. They are
10 always trying to get each other in trouble. So, you can't really take them at their word. I moved
11 to a position a few feet further from the door so that I could see the cells in the back just to be
12 sure. But there was nothing out of the ordinary.

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

15 **A:** Maybe five minutes.

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

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

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

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

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

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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

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

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

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

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

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

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

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

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

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

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

18 **A:** I don't believe so.

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

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

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

23 **A:** At that time, no.

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 **Q:** What did you do?

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

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

5 **A:** No. I was trying to figure out what was going on and was hopeful that it wouldn't be a
6 big issue. But as they got closer, I saw they didn't have any restraints on and saw they had shivs.
7 So, I put the block gun up against my shoulder and pointed it at them in the ready position.

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

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

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

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

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

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

18 **Q:** What did you do next?

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

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

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

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1 **Q:** How long does it take to reload the block gun after firing?

2 **A:** It depends on the circumstances. But probably like seven to ten seconds. You have to pull
3 out the ammunition, crack the gun, feed the ammunition in and close it up.

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

5 **A:** About 15 feet.

6 **Q:** Did they follow you?

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

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

9 **A:** As soon as I got back inside, I realized I didn't remove my keys from the door after
10 opening it. So, the keys were just in the lock, and they took them. But I couldn't go back out at
11 that point.

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

13 **A:** Not immediately. I thought the most important thing was to try to get back out on the
14 yard. So, I yelled for other officers to help me. Jenkins and another staff member came to help.
15 But Shaw and Percy had already opened some of the pens and had someone holding the door
16 back out to the yard closed. At some point Jenkins said we should put a call out on the radio. But
17 I thought we could handle it and avoid a code red if we just able to push through, but we
18 couldn't. So, I put a call out over the radio.

19 **Q:** How long did all that take?

20 **A:** Maybe two minutes.

21 **Q:** Are there any other entrances to the yard aside from the one that was blocked?

22 **A:** No. There are windows, but they are all barred up.

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 **A:** I heard one of them say something like, “Bedford and Judson first.”

2 **Q:** Let’s talk about the pens. Aside from the spot inspection that you did, are they inspected
3 regularly?

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

9 **Q:** Where are you while this is happening?

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

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

14 **A:** Yes, they’re strip searched by the escort officers before they’re taken to the yard.

15 **Q:** Are all inmates subject to the same type of search?

16 **A:** No. Some inmates who have exhibited good behavior for more than a year and have the
17 approval of the Unit supervisor are subject to less invasive searches. But there are no inmates
18 like that in Unit 15.

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

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

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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 Exhibits 5, 17, 18, and 30. Do you recognize
22 these?

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

1 **A:** Yes. Exhibit 5 is the shiv recovered from the yard. And exhibits 17 and 18 are photos of
2 Bedford's head and chest showing the stab wounds. Exhibit 30 is a photo of the portion of one of
3 the pens that they escaped from. It is partially open here, but it was damaged enough for a person
4 to pull or push out and slide through. Both pens had similar damage.

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

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

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

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

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

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

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

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

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

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

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

21 **A:** I guess that's true. They are rival gangs. But I wasn't really thinking about that. And
22 there are a bunch of gangs in prison. If you're not around one gang, you're around another. There
23 isn't any unit in LSCI that doesn't have at least a couple different gang-affiliated inmates.

DEPOSITION TESTIMONY OF LINDEN TRUMBLE

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

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

4 Q: How did the suspension you received after the March 3rd incident impact your view of
5 your responsibilities?

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

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

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

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

12 A: For the most part, I do. But, I don't think my violation is what allowed them to take over
13 the yard. Even with all of the bullets, I wouldn't have been able to take down both of them in
14 time.

15

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

20 DATE: January 8, 2024

s/ Linden Trumble
Linden Trumble, Deponent

21
22

JORDAN EMERSON

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

April 18, 2024

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

Dear Ms. Menninger:

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

5 My opinion is that what caused the death of Mr. Bedford was gang violence and that the
6 LSCI staff acted in accordance with the generally accepted correctional standards, and LSCI was
7 not deliberately indifferent to the safety of Mr. Bedford. My analysis is set forth herein and
8 based on the following materials provided to me, which I have reviewed: The depositions of
9 Harley Judson, Linden Trumble, and all of the exhibits (1-30); as well as my knowledge,
10 training, and experience.

Unit 15

11 Based on my review of public records regarding LSCI Harris, I have learned the history
12 of Unit 15, as well as the single unit exercise pens. Unit 15 opened on September 5, 1990. It
13 was built for 1,000 inmates with 1,000 cells and had 17 officers on staff at all times throughout
14 the day. This number of staff allowed prison administrators to establish a high level of control
15 over Unit 15’s max security residents, which are the most dangerous inmates in the prison
16 system. Max security inmates have a history of violent crimes and require the highest level of
17 security measure to maintain control. By 2008, the number of inmates in Lone Star that needed
18 to be in a max security unit increased by 372%, so the decision was made to house more inmates
19 in Unit 15, which was fine in theory, but the State did not have the money to do it in practice. In
20 2008, Unit 15 housed 2,000 inmates but the State did not budget for additional guards and staff,

EXPERT REPORT OF JORDAN EMERSON

1 so the unit had an increase in the number of more dangerous inmates, without an increase in
2 staff. While 15 correctional staff can supervise this number of inmates adequately, it requires
3 extra vigilance by staff to comply with internal procedures and the American Correctional
4 Association (“ACA”).

Assaults

5 From the moment that Unit 15’s population doubled, they experienced an alarmingly
6 high number of serious reported inmate-on-inmate and inmate-on-guard assaults. (Exhibits 29,
7 29a and 29b). Because LSCI Harris was short staffed and because these inmates still somehow
8 have a constitutional right to daily exercise, the assaults in the exercise yard became problematic.
9 In February 2020, LSCI Harris used their discretionary budget to install single unit exercise pens,
10 where inmates could get their exercise, but not harm each other. While the single unit exercise
11 pens may have constitutional implications, the exercise pens perfectly achieved the objective, as
12 there were zero inmate-on-inmate assaults in the exercise yard after they were installed. (Exhibit
13 29).

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

Gang Related Murder

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

25 The victim, Inmate Bedford, was a violent criminal and a drug dealer who had tattoos
26 indicating his membership in the Free 109’s gang. Additionally, Inmate Bedford threatened
27 Inmate Percy with bodily harm in May of 2019. Inmate Percy was not someone who would
28 brush off threats by a rival gang member. Percy was a member of the Cold Steel Clique gang
29 with an extensive and violent criminal history with one documented incident of a gang related

EXPERT REPORT OF JORDAN EMERSON

1 assault against members of Bedford's gang in 2023, where he was observed screaming "F --- the
2 Free 109's".

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

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

Inspection of Pens

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

ACA 4-4186

22 ACA Standard 4-4186 does not apply to the exercise pens as they are not "security
23 devices." The generally accepted definition of "security device" is a cell, solitary unit, etc. Here,
24 the exercise pens were not "security devices" as inmates were put inside of them for purposes of
25 exercise, not security. The purpose of the exercise pen is important in understanding how it is
26 not a security device, as the pens allow the inmate to get their exercise, not to secure an inmate in
27 the same theoretical sense as a cell, solitary unit, etc. Additionally, ACA 4-4186 has been in
28 effect for over 50 years, and LSCI Harris was the only prison facility in the country to have
29 single unit exercise pens. Thus, ACA 4-4186 can't apply to the exercise pens.

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

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

Search for Contraband

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

19 ACA 4-4192 arguably does not even apply to exercise yards. As the comments make
20 clear, this section applies only to “searches of cells, inmates, and inmate work areas.” The
21 unannounced and irregular searches required under the ACA also demonstrate how this standard
22 does not apply to the pens. The purpose of these types of searches is to keep inmates on their
23 toes when it comes to their possession of prohibited contraband in their cells. If these types of
24 searches were regular, it would provide inmates with the opportunity to hide contraband from the
25 staff. Exercise pens are a totally different situation. First, the pens were not designated for
26 specific inmates, and the inmates had no clue what pens they were going to be secured in on any
27 given day. Second, even if there was contraband in the pen, it wouldn’t pose a threat to other
28 inmates, or staff, once the inmate was secured in their pen. Even if an inmate had a weapon with
29 them inside their pen, what are they going to do, stab themselves?

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

Contraband Used in Incident

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

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

Block Gun Readiness

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

28 Unfortunately, at some point during their shift, an inmate caused a major issue by
29 refusing to leave the yard until he received a type of documentation called a "slip." At that point,

EXPERT REPORT OF JORDAN EMERSON

1 CO Trumble made the appropriate decision to ask CO Jenkins to go inside to retrieve the “slip”
2 for the complaining inmate. While the better practice would have been for CO Trumble to
3 retrieve the ammo from the other officer before he went inside, we cannot be critical of CO
4 Trumble’s split second decision, especially when she understandably thought that CO Jenkins
5 would be back quickly. Additionally, CO Trumble running to CO Jenkins to retrieve the bullets
6 would have been dangerous as well, because it would have left the yard unmonitored, which
7 would have been a violation of LSCI protocol.

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

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

Yard Call

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

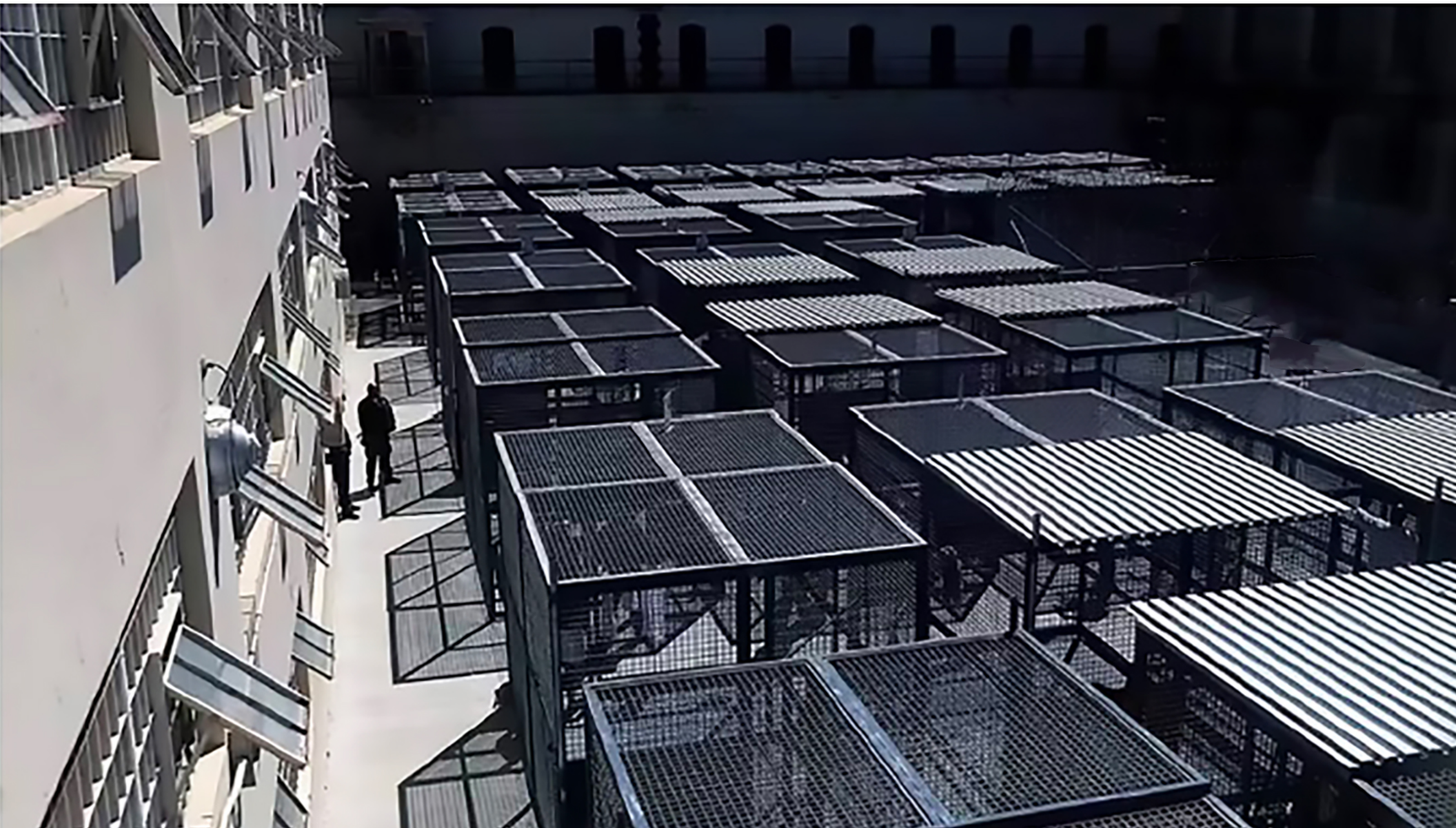
Response to Active Disturbance

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

Reasonable Alternatives

8 The record reflects that Inmate Bedford was offered a reasonable opportunity to avoid
9 being in the yard that day. Specifically, CO Trumble gave him the option of transferring into
10 administrative segregation. If Bedford had accepted this offer, he would not have been the victim
11 of this assault. While administrative segregation is not a desirable placement and shares housing
12 space with inmates receiving the punishment of solitary confinement, it does provide the most
13 important thing in these situations: safety.

14 This concludes my final report on this matter. As a reminder, my rate for review of
15 materials and preparation of my report is \$350 an hour. To this point, I have spent a total of 22
16 hours on this case. Should trial testimony be required, my rate is \$500 an hour.







Unit 15

Door



Yard
Officer



6

23
(SB)



7

24
(HJ)



8

11

14

17

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25



9

12

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21

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10

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16

19
(MS)

22
(TP)

27













**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

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 reduction in commissary privileges for six months.

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**

From: James Burrs, Director Correctional Recreation Division
Date: January 15, 2018
Subject: Correctional Officer Yard Duty Policy

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

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

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, 1st 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

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**

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: 5/12/19
Conviction Date: 7/5/19
Offense of Conviction: DWI Resulting in Death (3rd or greater
DUI)
Sentence Imposed: 30 years
Projected Release Date:

Prior Convictions

Jurisdiction: Dallas County, Lone Star
Offense Date: 6/20/2015
Conviction Date: 8/15/2015
Offense of Conviction: DWI Resulting in Injury (3rd or greater
DUI)
Sentence Imposed: 5 years

Jurisdiction: Dallas County, Lone Star
Offense Date: 2/20/2013
Conviction Date: 5/25/2013
Offense of Conviction: DWI (3rd 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

Disciplinary History

None

LSDOC
INMATE CENTRAL FILE

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)

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

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

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

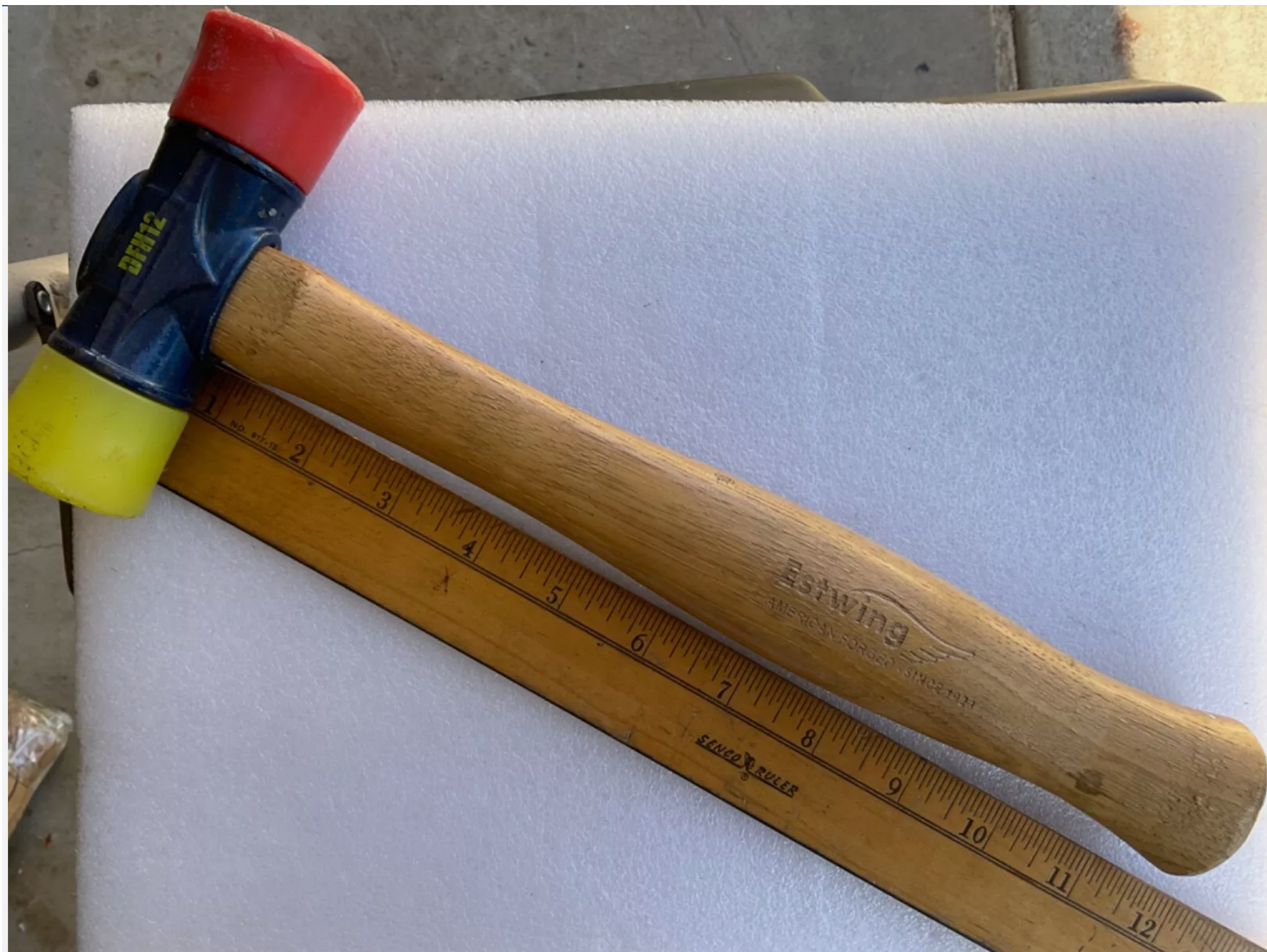
Describe Issue:

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

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.

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.

End of Report

Submitted by: Sgt. Daniel Morales

Reviewed by: Lt. Marcus Holloway

Date: August 1, 2022

**Lone Star Correctional Institute
Harris County**

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

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

Boulder, Colorado • (303) 555-0100 • bannerboy@hotmail.com

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

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.**
- 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 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 bottom of the door to the 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

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

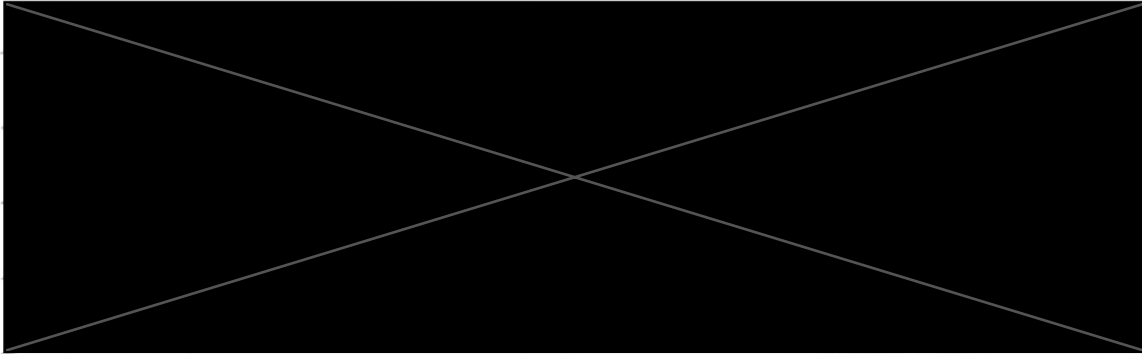
Member of the American Correctional Association (ACA).

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

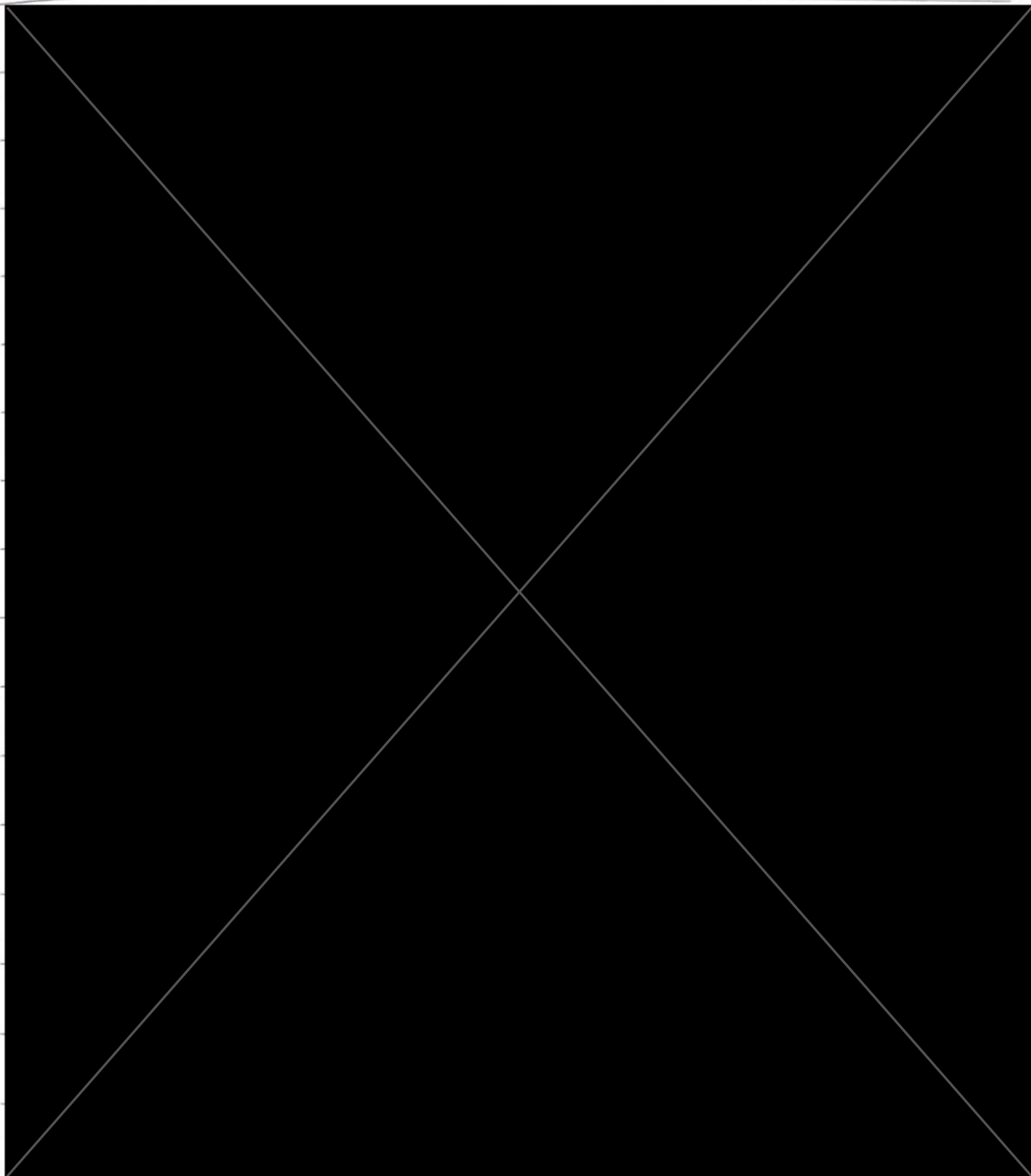
Active participant in professional networks and forums related to corrections and criminal justice.

Date

2/18/23



- 15:20 CO Mumble Inspected Rens



**LONE STAR DEPARTMENT OF CORRECTIONS
CRIMINAL INVESTIGATIONS
CRIMINAL INVESTIGATIVE REPORT**



3/28/2023

Case Number: 2023-CID-1976

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

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 1302 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 realized she had left the yard keys in the door to Unit 15. Trumble attempted to assemble a group of staff in the area 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 retrieved the keys from the door and 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.

It appears that inmates Shaw and Percy escaped their pens by some combination of using a sharp tool and kicking the square steel mesh at 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.

Witness Acknowledgement:

I have read the foregoing summary of my statements and agree that it is accurate.

/s/ Linden Trumble

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.

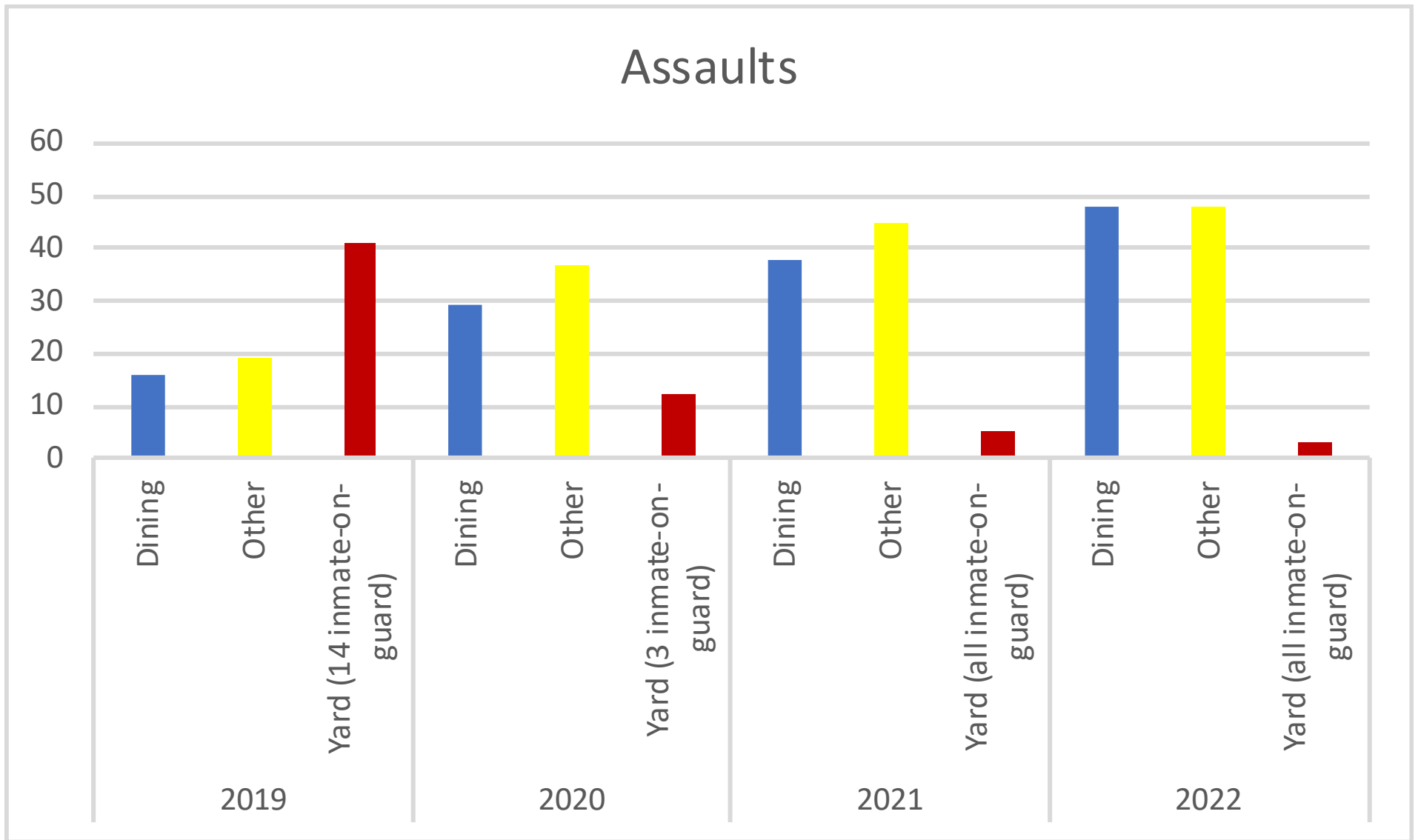
Prepared by:

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 #
2019	76
Dining	16
Other	19
Yard (14 inmate-on-guard)	41
2020	78
Dining	29
Other	37
Yard (3 inmate-on-guard)	12
2021	88
Dining	38
Other	45
Yard (all inmate-on-guard)	5
2022	99
Dining	48
Other	48
Yard (all inmate-on-guard)	3
Grand Total	341





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

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 ____

If you answered YES to Question 1, proceed to Question 2.

If you answered NO to Question 1, do not answer Question 2.

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 ____