

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JACKIE TOWNSEND  
Mother and next of kin of  
GERALD RANDALL TOWNSEND,  
Deceased,  
Plaintiff,  
VS.  
CORRECTIONS CORPORATION OF  
AMERICA,  
Defendant.

Case No. 3:08-697  
JURY DEMAND

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DEPOSITION OF PATRICK D. PERRY  
TAKEN ON OCTOBER 22, 2008

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Prepared by:  
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APPEARANCES:

FOR THE PLAINTIFF:

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BEN WINTERS, ESQUIRE  
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FOR THE DEFENDANT:

JOSEPH F. WELBORN, ESQUIRE  
ERIN PALMER POLLY, ESQUIRE  
2300 One Nashville Place  
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Nashville, Tennessee 37219

ALSO PRESENT:

COLIN PLANK, VIDEOGRAPHER  
VCE Digital  
2604 Foster Avenue  
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S T I P U L A T I O N

The deposition of Patrick D. Perry, taken on behalf of the plaintiff, at the offices of Durham & Dread, 1709 19th Avenue, South, Nashville, Tennessee, on October 22, 2008, for all purposes allowed under the Federal Rules of Civil Procedure.

It is agreed that Carole K. Briggs, court reporter and notary public for the State of Tennessee at Large, may swear the witness, take his deposition, and afterwards reduce same to typewritten form, and that the reading and signing of the completed deposition by the witness is waived.

All formalities as to notice, caption, certificate, et cetera, are expressly waived. All objections, except as to the form of the question, are reserved to the hearing.

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1 (Whereupon, the foregoing deposition began at  
2 9:41 a.m.)  
3  
4 THE VIDEOGRAPHER: We are on the record at  
5 9:41. And this the video-taped deposition of Patrick  
6 Perry taken in the matter of Townsend versus Corrections  
7 Corporation of America in the United States District  
8 Court, Middle District of Tennessee, Nashville Division,  
9 Case No. 3:08-697, Jury Demand. Held in the offices of  
10 Durham and Blair (sic) on October 22nd, 2008, at the  
11 time indicated on the video screen. The court reporter  
12 is Carole Briggs from the firm of Briggs and Associates.  
13 My name is Colin Plank from the firm of VCE, Inc. will  
14 counsel please introduce themselves.  
15 MR. DAVIDSON: My name is Phil Davidson, and  
16 I represent the plaintiff in this case, Mr. Townsend's  
17 estate.  
18 MR. DURHAM: Blair Durham, also representing  
19 the plaintiff, Mr. Townsend's estate.  
20 MR. WELBORN: Joe Welborn and Erin Palmer  
21 Polly. We represent CCA.  
22 THE VIDEOGRAPHER: Please swear in the  
23 witness.  
24 /////  
25 /////

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1 Whereupon,  
2 PATRICK D. PERRY,  
3 having been first duly sworn, was examined and deposed  
4 as follows:  
5 DIRECT EXAMINATION BY MR. DAVIDSON:  
6 Q. Would you state your name for the record,  
7 please.  
8 A. Patrick Dewayne Perry.  
9 Q. Mr. Perry, I understand at one point you had  
10 worked for Corrections Corporation of America; is that  
11 correct?  
12 A. That's correct.  
13 Q. Through this deposition I'm going to just use  
14 the words CCA when I talk about Corrections Corporation.  
15 Okay?  
16 A. Yes, sir.  
17 Q. When did you leave CCA?  
18 A. I left CCA officially on April the 9th of  
19 2008.  
20 Q. And did you have a severance agreement with  
21 them when you left?  
22 A. Yes, sir.  
23 Q. And was there a provision that involved  
24 confidentiality?  
25 A. Yes, sir, there was.

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1 Q. Okay. Now, I assume that you informed people  
2 that you had this deposition today. Did you ever talk  
3 to anyone from CCA about this deposition?  
4 A. Yes, sir, I did.  
5 Q. And who was that?  
6 A. I sent an e-mail to the lawyer that had  
7 negotiated my severance package which is Aaron C.  
8 Martin. And Mr. Martin notified CCA's deputy general  
9 counsel who is Steve Grooms. And I was contacted by Mr.  
10 Welborn last night.  
11 Q. And you came in with Mr. Welborn today. Did  
12 you come in with him or --  
13 A. No, I came in on my own.  
14 Q. All right, I want to ask you some questions  
15 about some procedures at CCA that you are familiar with,  
16 and to do that, I need to kind of find out what your  
17 position was. You are aware that this case involves the  
18 death of Mr. Townsend; is that correct?  
19 A. That's correct.  
20 Q. At the time Mr. Townsend died, I think the  
21 complaint alleges that he died on January the 14th of  
22 2008. What was your position with CCA?  
23 A. I was a captain, equal to a shift supervisor.  
24 Q. Explain to me a little bit about what your  
25 responsibilities were as shift supervisor.

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1 A. Basically, what the title says, supervising  
2 the shift. I was the primary captain on third shift. I  
3 supervised every facet of running the facility. I  
4 maintained employee time, made all of the major  
5 decisions that was in my scope made on the third shift,  
6 and I notified the administrative duty officer if we had  
7 any unusual occurrences.  
8 Q. Third shift was what time?  
9 A. The third shift was from 22:00 to 06:00.  
10 Q. Twenty-two hundred being ten o'clock?  
11 A. Ten o'clock, 10:00 p.m.  
12 Q. And who did you report to?  
13 A. I reported -- in a normal situation, I  
14 reported to the assistant chief of security, Edward  
15 Huffines.  
16 Q. You say in a normal situation?  
17 A. In an unnormal situation, I reported to the  
18 administrative duty officer which is the rank of chief  
19 of security and above and up to the warden.  
20 Q. In your position, I'm sure you were familiar  
21 with the policies and procedures that CCA had at that  
22 time to run its institutions; is that correct?  
23 A. That's correct.  
24 Q. I want to talk to you about one of the  
25 procedures, a grievance procedure. What type of

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1 grievance procedure did CCA have at the time that we  
2 have discussed in January of 2007 -- excuse me. Yeah,  
3 January of 2008. I apologize. What was the grievance  
4 procedure for inmates?  
5 A. An inmate would fill out an inmate request  
6 form, turn it in to the officer or correctional  
7 counselor, whoever came past the door when they had a  
8 grievance. At that point, the information, they made a  
9 request form. It would be forwarded to the unit  
10 manager. The unit manager would deem it necessary or  
11 unnecessary to get in and make a grievance, and then the  
12 inmate would be given the grievance, and then the  
13 grievance would go from the inmate to the grievance box,  
14 from the grievance box, to the grievance coordinator,  
15 and then it would be adjudicated.  
16 Q. Did this grievance procedure, was it a  
17 process that aided CCA's discovery of a grievance or, in  
18 your opinion, did it do something else?  
19 MR. WELBORN: Object to the form.  
20 THE WITNESS: In my opinion -- well, separate  
21 from the policy, the part of putting -- making the  
22 inmate fill out an information request form was to cut  
23 down on the number of grievances that we had at the  
24 facility. That number figured into bonuses and the  
25 institutional budget and things like that.

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1 BY MR. DAVIDSON:  
2 Q. When you say that, if there were a large  
3 number of inmate grievances reported, did that have an  
4 effect on the budget that that facility received?  
5 MR. WELBORN: Object to the form.  
6 THE WITNESS: Yes.  
7 BY MR. DAVIDSON:  
8 Q. How do you know that?  
9 A. It was stated in meetings.  
10 Q. Do you remember who stated these things at  
11 these meetings?  
12 A. The warden at the time, Brian Gardner, and  
13 different ones. Just, you know, it was more or less  
14 just, you know, a briefing coming down from the top to  
15 the bottom. And prior to -- I do believe it was August  
16 of '07, inmates wasn't required to fill out an inmate  
17 request form. They were just given the grievances that  
18 they needed.  
19 Q. What would happen to these grievances after  
20 they were turned in and finally got into the -- I guess  
21 the best way to say it is the flow of command there?  
22 A. Right. The grievance coordinator would  
23 receive the grievances. And by policy, they would  
24 investigate them and see the validity of the grievances.  
25 And they were -- just dealt with on a case-by-case

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1 basis, and things were handled if needed to be handled.  
2 If it wasn't frivolous, we would take action.  
3 Q. Where is the location of this facility where  
4 you worked?  
5 A. 5115 Harding Place.  
6 Q. Here in Nashville?  
7 A. Yes, sir.  
8 Q. And was it given a specific name, any type of  
9 designated name?  
10 A. CCA Metro Davidson County Detention Facility.  
11 Q. You say that you departed CCA. Was your  
12 departure from CCA voluntary?  
13 A. Yes.  
14 Q. In other words, you resigned?  
15 A. I resigned in lieu of a severance package,  
16 yes, sir, I did.  
17 Q. If you would, explain the circumstances of  
18 your resignation from CCA.  
19 A. On January 31st, I took some documents from  
20 an inmate's record and also from the segregation unit  
21 and turned them over to Metro Health Department. Those  
22 documents were in relation to an inmate named Frank  
23 Horton on what I felt to be a mistreatment of Inmate  
24 Horton. On January 31st, I came in to work to report  
25 for my shift at 21:00 hours, and I was questioned by

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1 Assistant Warden Corlew and sent home on administrative  
2 leave where I stayed on administrative leave from  
3 January 31st until April, I believe, 9th or 10th. While  
4 I was on administrative leave, I was paid. Several, you  
5 know, conversations, negotiations or whatever, took  
6 place, and then I was paid a severance and I resigned my  
7 employment.  
8 Q. Did CCA -- was CCA going to reassign you  
9 anywhere?  
10 A. At one point they wanted to reassign me to  
11 Whiteville, Tennessee, and I declined to go there. My  
12 wife was working here in Nashville and my son, my  
13 stepson, was in school here. And they gave me -- they  
14 initially gave me a period of five days to report down  
15 there. And it just wasn't feasible for me. Plus, I did  
16 not want to move back to that area.  
17 Q. And have you had any trouble finding a job  
18 since you left CCA?  
19 A. In my field, no one will hire me. I've  
20 passed the test for the sheriff's department and I've  
21 made some calls with TDOC. I haven't had any luck, no,  
22 sir.  
23 Q. These records that you had, these medical  
24 records, what did they concern?  
25 A. I did not get Inmate Horton's medical

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1 records. What I got was called a segregation unit 13  
2 activity form. And that activity form, along with some  
3 of his segregation notes and segregation review, showed  
4 that in a fifteen-month period, Frank Horton had been  
5 removed from his cell three times. After the first  
6 three months of that fifteen-month period, nine months  
7 remaining, Frank Horton had not been out of his cell for  
8 a shower, for a haircut, for recreation, or to come to  
9 the mental health board. He was allowed to refuse that.  
10 Frank Horton was pretty much put in his cell and other  
11 than being fed three times a day, was pretty much  
12 forgotten.  
13 Q. And why did you take it upon yourself to go  
14 to the Metropolitan Government about this?  
15 A. There were many things wrong at CCA. Don't  
16 get me wrong, there was a lot of things right. We had  
17 lost an assistant warden on or about July of '07, and we  
18 had a new warden, assistant warden, brought in by the  
19 name of Corlew. At the time that Mr. Corlew came in, I  
20 think that we were number one in our division in uses of  
21 force, which means that we were actually doing the job  
22 or reporting that we had used force. And from all of  
23 the ones that I was involved with, 99 percent of the  
24 ones that I heard of were necessary and reasonable uses  
25 of force.

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1 when Mr. Corlew came on the scene, there was 14  
2 a directive given to us that we would stop using force.  
3 And force that was reasonable and necessary was still  
4 frowned on greatly. Now, we wasn't told that a  
5 spontaneous use of force couldn't occur, but when the  
6 spontaneous use of force did occur, it was frowned on  
7 and we were scrutinized.  
8 Because we were not able to go into Mr.  
9 Horton's cell and remove him from his cell, and the  
10 policy gives us the power, the directives, to force the  
11 inmate to shower, to force the inmate to go into  
12 recreation, to force the inmate to come from segregation  
13 to a mental health review, all of that was pretty much  
14 prohibited and Frank was allowed to just sit there.  
15 Q. Now, this use of force in the institution  
16 there, let's say you had a large number of incidents of  
17 use of force at the Nashville facility, would that have  
18 any effect on how that facility received funding?  
19 MR. WELBORN: Object to the form.  
20 THE WITNESS: It had an effect on bonuses  
21 that we were issued.  
22 BY MR. DAVIDSON:  
23 Q. On what?  
24 A. Bonuses.  
25 Q. Bonuses. Explain that, if you would.

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1 A. We take every aspect of running a facility, 15  
2 i.e. food cost, electricity, uses of force --  
3 MR. WELBORN: Same objection to form here.  
4 BY MR. DAVIDSON:  
5 Q. Go ahead.  
6 A. Grievances, certain inmate programs, medical,  
7 just everything. And it's averaging in numbers of what  
8 the budget was at the beginning of the year, did you  
9 exceed the budget, did you meet the budget on things  
10 that cost.  
11 Now, as far as uses of force go, anyone knows  
12 in corrections if you have a number of uses of force,  
13 then you'll have a number of grievances and a number of  
14 lawsuits and things likes that. And if you fell under  
15 those numbers at a certain point in the year, then you  
16 got a decent bonus. If you had what CCA calls zero  
17 tolerances, which to define zero tolerance is where  
18 escape, disturbances, unnatural death, rape, a hostage  
19 situation, if you had any of those occurrences in the  
20 time frame that they set for bonuses, then it would be  
21 the difference between receiving a forty-dollar bonus  
22 and receiving a three- or four-hundred-dollar bonus for  
23 a person that was in my position as a captain.  
24 Q. How were you aware that this was an actual  
25 policy of CCA regarding these bonuses?

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1 A. Through meetings. 16  
2 Q. Meetings?  
3 A. We would have weekly security. Well, I don't  
4 know whether they were weekly. Maybe bi-weekly security  
5 meetings. We would have department head meetings, and  
6 those were pretty much held on a monthly basis unless we  
7 were getting ready for an audit or we had some kind of  
8 special event going on at the facility.  
9 Q. So at these meetings which were held by  
10 management?  
11 A. Yes, sir.  
12 Q. At the CCA facility in Nashville?  
13 A. Yes, sir.  
14 Q. At these meetings they told you that the less  
15 use of force incidents that were reported, the more you  
16 would get in bonuses; is that correct?  
17 MR. WELBORN: Object to form.  
18 THE WITNESS: well, it wasn't stated like  
19 that. That would be an dishonest way of stating it.  
20 They never said less reported. They said that less  
21 occurred.  
22 BY MR. DAVIDSON:  
23 Q. And if an incident occurred, you were  
24 supposed to report it, weren't you?  
25 A. Oh, you definitely had to report it.

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1 Q. In Mr. Horton's case, if you had to go into  
 2 his cell and forcibly take him out to shower, that would  
 3 be considered a use of force?  
 4 A. That would be considered a use of force.  
 5 Q. I want to ask you about the segregated cells  
 6 there. Can you explain what a segregated cell is?  
 7 A. A segregated cell is pretty much the same  
 8 standard size as every other cell in the facility. It  
 9 has a window that provides light. Has a door. The only  
 10 difference being that most of the unit doors did not  
 11 have what is called a -- the proper term for it, I don't  
 12 remember what, but a full flap which means it is  
 13 controlled by a key, the door is opened and the inmate  
 14 is given his medication, his food or any kind of  
 15 paperwork that he needs.  
 16 Q. Concerning segregation cells, what criteria  
 17 was used to place an inmate in segregation cells?  
 18 A. Inmate -- segregation is a mechanism used to  
 19 restrict the inmate's movement. An inmate could be  
 20 placed in segregation for several reasons. Those  
 21 reasons are for protective custody investigation and  
 22 then for protective custody; pre-hearing detention for  
 23 disciplinary issues; pre-hearing detention for maximum  
 24 custody; pre-hearing custody for administrative maximum  
 25 custody; and also, precautions for medical situations.

1 Q. Now, let's talk about one of these cells. Do  
 2 you have any idea about the size of them, how big they  
 3 were?  
 4 A. I'm not real good with measurements. That's  
 5 something you will have to check into. But each cell in  
 6 segregation was equipped with a box, a call box for  
 7 inmates to push to speak with an officer, push the  
 8 button for help, distress, whatever. And about 90  
 9 percent of those boxes were inoperable in the  
 10 segregation unit. I do believe that the call box in Mr.  
 11 Townsend's cell was inoperable.  
 12 MR. WELBORN: Object to form because his  
 13 answer is not responsive to what you asked him.  
 14 MR. DAVIDSON: I'm going to get back to that  
 15 in just a moment.  
 16 BY MR. DAVIDSON:  
 17 Q. Let's talk specifically about Mr. Townsend  
 18 being placed in a segregation cell. Do you remember  
 19 what criteria -- first of all, who placed him in the  
 20 segregation cell?  
 21 A. If I am not mistaken, I was the shift  
 22 supervisor on duty when Mr. Townsend was placed in the  
 23 segregation. Mr. Townsend was placed in segregation  
 24 pre-hearing for administrative maximum custody because  
 25 he had high points.

1 Q. He had what?  
 2 A. High points.  
 3 Q. What does that mean?  
 4 A. An inmate's classification is done on a point  
 5 system. Classification ranges from institutional  
 6 behavior to institutional violence to severity of the  
 7 charges, the number of charges, how many times the  
 8 inmate has been locked up. And if my memory serves me  
 9 correctly, Mr. Townsend had high points because of the  
 10 times that he had been admitted to a Metro detention  
 11 facility or into the county government, one way or the  
 12 other.  
 13 Q. So in his case, I want to talk to you just a  
 14 little bit more about him. You said there were call  
 15 boxes in these segregation units; is that correct?  
 16 A. That's correct.  
 17 Q. Is this where you could listen in? I say  
 18 you, whoever was monitoring the facility could listen  
 19 into the cell?  
 20 A. That's correct. Even without the inmate  
 21 knowing, you could listen in. But they had a button on  
 22 the call box to page you if they wanted to speak with  
 23 you.  
 24 Q. Now, in the cell that Mr. Townsend was in,  
 25 was the call box there working or not?

1 MR. WELBORN: Object to the form.  
 2 THE WITNESS: No.  
 3 BY MR. DAVIDSON:  
 4 Q. How do you know it wasn't working?  
 5 A. Because most of them weren't working. There  
 6 was only like two or three in the whole unit that  
 7 worked.  
 8 Q. Was there some type of record kept at CCA  
 9 that would tell you what call boxes in what cells were  
 10 not working?  
 11 A. There should be some maintenance records,  
 12 maintenance requests in the different offices put in.  
 13 Q. Did the inmates that were in these cells,  
 14 were they aware that these call boxes were not working,  
 15 to your knowledge?  
 16 A. Yes, they were.  
 17 MR. WELBORN: Object to the form.  
 18 BY MR. DAVIDSON:  
 19 Q. How do you know that they were aware that --  
 20 A. Because the inmates complained about not  
 21 being able to get in touch with an officer when they  
 22 needed them.  
 23 Q. When they were in these segregation cells,  
 24 the inmates, was there any other method of security  
 25 there other than the call boxes?

1 A. Segregation unit policy states that you must  
 2 complete a security check no less than 30 minutes, no  
 3 greater time limit than 30 minutes between the two  
 4 checks. So we would -- my officers were given an order,  
 5 a standing order, to go through and make sure they do  
 6 their security checks and document their security checks  
 7 every 30 minutes.

8 Q. Did you ever make any complaints to your  
 9 superiors regarding the call boxes being inoperable in  
 10 the segregation units?

11 A. No, because the segregation unit was not my  
 12 scope of responsibility in the big picture.

13 Q. Do you know if anyone, to your personal  
 14 knowledge, made any complaints about the call boxes  
 15 situation?

16 A. I know an inmate, Brian Falk, was seriously  
 17 assaulted around March 2007 by Inmate Charles Williams.  
 18 And the nature of our business is we serve pretty much  
 19 on a need-to-know basis, but it was a serious assault.  
 20 It was an assault serious enough for Brian Falk to leave  
 21 in an ambulance and come back with his mouth wired shut  
 22 because his jaw had been broke. And he screamed and  
 23 hollered about pushing on the button and not getting  
 24 help.

25 Q. Now, the purpose of having these call buttons

1 in these cells was this was one of CCA's ways of trying  
 2 to protect the inmates that were in those cells,  
 3 correct?

4 MR. WELBORN: Object to the form.

5 THE WITNESS: Yes.

6 BY MR. DAVIDSON:

7 Q. I want to talk to you a little bit more about  
 8 Mr. Townsend now. Can you tell the jury and the court  
 9 what actually happened to Mr. Townsend, to your  
 10 knowledge. Who put him in this special needs cell and  
 11 how did another inmate get in there with him?

12 MR. WELBORN: Object to the form.

13 MR. DAVIDSON: I'm sorry, excuse me,  
 14 segregation cell.

15 MR. WELBORN: Object to the form.

16 BY MR. DAVIDSON:

17 Q. Go ahead.

18 A. Mr. Townsend was originally placed in  
 19 segregation because of his status as a pending  
 20 administrative maximum custody. In the segregation cell  
 21 an inmate can receive a cellmate. I don't have the  
 22 knowledge of when or which cellmate he received when he  
 23 initially went into segregation. That's pretty much all  
 24 I have to say about that question.

25 Q. Well, you knew what kind of -- you had some

1 knowledge of Mr. Townsend, himself, what kind of person  
 2 he was?

3 A. No, sir. Prior to putting Mr. Townsend in  
 4 segregation, I had never met him. I had never talked to  
 5 him. I receive a list from the classification  
 6 coordinator of which inmates need to go in segregation  
 7 for high points or high bond and things like that. He  
 8 was inside a group of maybe 10 or 11 inmates that had to  
 9 be put in segregation either for high points or high  
 10 bond. Anything exceeding a hundred thousand dollars, we  
 11 put them in segregation because they were deemed an  
 12 escape risk.

13 Q. Are you familiar with an inmate named Randy  
 14 Sullivan?

15 A. Randy Sullivan, no, sir.

16 Q. Ronnie Sullivan?

17 A. Yes, sir, I am.

18 Q. Can you tell me what you knew about Ronnie  
 19 Sullivan prior to Mr. Townsend being assaulted by him.

20 A. I also was a captain on duty that night that  
 21 segregated Ronnie Sullivan the night that he went to  
 22 segregation. He went to segregation because he was  
 23 assigned to Unit Juliet with two other inmates. Some of  
 24 the cells in Juliet had three bunks, some of them had  
 25 two. He had two cellmates that he was making threats to

1 that felt that their safety was in danger, felt that the  
 2 inmate was acting erratic and had no, you know, no kind  
 3 of good will toward being a cellmate.

4 Sergeant Douglass brought the situation of  
 5 Inmate Sullivan to my attention. At that time, I told  
 6 Sergeant Douglass to go down and have a talk with the  
 7 inmate, all three of them, and explain to them that it  
 8 was third shift and we do not usually make moves on  
 9 third shift, and if they could live through the night  
 10 together, then they would be afforded the opportunity to  
 11 speak with the unit management team and get a cell  
 12 transfer that way.

13 At that point, Sergeant Douglass came back to  
 14 me and told me that he thought that I should go down  
 15 there and see what the situation was. Once going down  
 16 there, I realized through actually looking at Ronnie  
 17 Sullivan, that he was one of our problem inmates. The  
 18 name didn't really ring a bell to me, but once I looked  
 19 at him, because of the time that he had been put in our  
 20 medical observation unit for suicide watch, that he  
 21 needed to come out of that cell because it was a serious  
 22 problem. At that point, I segregated the inmate,  
 23 Sullivan.

24 Q. In other words, you took him out of Mr.  
 25 Townsend's cell?

1 A. No, no, no, no, no, he wasn't in the cell  
 2 with Mr. Townsend at that point. He was Unit Juliet  
 3 with two other inmates that I don't remember their  
 4 names. He was moved from Unit Juliet by me, brought to  
 5 medical, given a pre-segregation detention physical and  
 6 then placed into a segregation cell, not with Inmate  
 7 Sullivan. I don't remember who the inmate was I put him  
 8 in with, but I put him in there with an inmate who  
 9 physically, in my opinion, who could physically take  
 10 care of himself with the threatening of the inmate. An  
 11 inmate in general population, they don't really have a  
 12 choice of who they cell with, but if they don't -- if  
 13 they can't make it, you know, if the two are  
 14 incompatible, you have two choices - you can either move  
 15 the inmate or you can segregate the inmate. And in my  
 16 opinion, Ronnie Sullivan was an antagonist in the  
 17 situation, so I put him into segregation. Like I said,  
 18 I put him in a cell with someone that could physically  
 19 deal with him, in my opinion.  
 20 MR. DURHAM: Just as a matter of  
 21 clarification, I believe you said that initially when  
 22 you put him in segregation, that you didn't put him in  
 23 with Sullivan. But --  
 24 THE WITNESS: I meant with Townsend. I did  
 25 not put him in the cell with Mr. Townsend. That's

1 correct.  
 2 MR. WELBORN: Let me object to the form here,  
 3 again, because you asked a question, and he gave an  
 4 answer that wasn't responsive. And I wouldn't know to  
 5 object to it until then. So that's my objection.  
 6 BY MR. DAVIDSON:  
 7 Q. Do you know how Mr. Sullivan got in the cell  
 8 with Mr. Townsend?  
 9 A. I know that Mr. Sullivan was moved at some  
 10 point after I segregated him. He was placed into  
 11 medical observation for suicide watch. During the day  
 12 that he was in medical observation, he had stated, you  
 13 know, that he was schizophrenic to me and several other  
 14 staff members, that he was feeling suicidal or homicidal  
 15 or just giving a myriad of threats. That was just his  
 16 nature.  
 17 I guess, you know, through the medical  
 18 process, he was -- his status was lowered from suicide  
 19 watch back to a segregation status. And he was moved by  
 20 the unit team into the cell with Mr. Townsend.  
 21 Q. Now, what type of -- did you ever have any  
 22 feelings about Mr. Townsend being -- having this  
 23 gentleman put in there with him?  
 24 A. No, because I wasn't aware of it.  
 25 Q. If you had been aware of it, what would you

1 have done?  
 2 MR. WELBORN: Object to the form.  
 3 THE WITNESS: I would have talked to Mr.  
 4 Townsend. Well, no, actually, if I had been aware that  
 5 he was in the cell with Mr. Townsend, I mean, there's  
 6 nothing that I could do unless Mr. Townsend complained  
 7 or Mr. Sullivan complained. Because in segregation, the  
 8 inmate does not have a choice of who they cell with.  
 9 The staff has the choice.  
 10 BY MR. DAVIDSON:  
 11 Q. Prior to Mr. Townsend being beaten by Mr.  
 12 Sullivan, did you ever have any interaction with him to  
 13 determine what his mental capabilities were?  
 14 A. With who?  
 15 Q. Mr. Townsend.  
 16 A. No, no more than he asked me a couple of  
 17 questions about why he was being segregated. And all 10  
 18 or 11 inmates at that point were asking why.  
 19 Q. Mr. Sullivan, are you aware of any  
 20 medications he was receiving or mental health treatment  
 21 prior to this?  
 22 A. I'm aware that my medical observation  
 23 officer, as well as my segregation officers, accompanied  
 24 a nurse every time Mr. Sullivan was given medication.  
 25 And I am aware, like I said, I don't know whether it's

1 true or not, but Mr. Sullivan claimed to be  
 2 schizophrenic. He claimed on several occasions to be  
 3 homicidal or suicidal.  
 4 Q. Let me ask you now what your reactions were  
 5 and your actions were when you learned that Mr. Sullivan  
 6 had assaulted Mr. Townsend?  
 7 A. The night in question, I was out performing  
 8 one of my duties as a shift captain, and that's to check  
 9 the perimeter of the fence. I received a call by radio  
 10 that an inmate was having a medical emergency. And at  
 11 that point, I stopped my fence check and went inside the  
 12 facility. When I arrived on the scene, Inmate Sullivan  
 13 had been placed into the recreation module inside of the  
 14 housing area, inside of the segregation area, and Nurse  
 15 Tiffany Corter and another nurse that I don't remember  
 16 her name had starting giving Mr. Townsend medical  
 17 attention.  
 18 Q. Did you -- after you learned this, did you  
 19 have any meetings with anyone from CCA to talk about  
 20 sort of an after-accident report about what had  
 21 happened?  
 22 A. I mean, several hours between the time that I  
 23 walked into the cell, realized that Mr. Townsend was in  
 24 distress, got him to the hospital, yes, sir, I was a  
 25 part of several meetings.

1 Q. Now, the call button that you said was  
 2 inoperative in the cell that Mr. Sullivan and Mr.  
 3 Townsend shared, had the call button been pushed, how  
 4 long would it have taken for CCA personnel to get to  
 5 that cell?  
 6 MR. WELBORN: Object to the form.  
 7 THE WITNESS: Minutes, seconds; just  
 8 depending on where they were.  
 9 BY MR. DAVIDSON:  
 10 Q. And did you have people, did you have  
 11 officers, who were walking that floor on that same area  
 12 at all times? Maybe not that exact cell, but the same  
 13 area?  
 14 A. Segregation was a housing unit that was  
 15 divided into three sections. Three pods are what  
 16 they're called. You had -- at the time we had one  
 17 officer that was assigned to a control booth which  
 18 received all of the calls from the inmates, received all  
 19 of the radio calls, did the security logs and was an  
 20 access control point for each one of the housing units  
 21 -- I mean each one of the pod doors. There were two  
 22 officers on all shifts at all times. These two officers  
 23 are patrolling one of these three pods. So what they do  
 24 is just, you know, a routine sweep of the area every 30  
 25 minutes.

1 Q. Let's say that this button was pushed. This  
 2 would indicate to the control tower that someone there  
 3 was needing assistance. How would he get in touch with  
 4 the other officers? The officer in the control tower,  
 5 how would he get in touch with the other officers to  
 6 respond to that cell?  
 7 A. By radio.  
 8 Q. It could have been in a short amount of time,  
 9 correct?  
 10 MR. WELBORN: Object to the form.  
 11 THE WITNESS: Yes.  
 12 BY MR. DAVIDSON:  
 13 Q. Now, if the monitoring system had been  
 14 working in that cell where you could hear what was going  
 15 on, could the shift supervisor, whoever is in that  
 16 booth, could he have also gotten in touch with the  
 17 officers to respond to that cell?  
 18 MR. WELBORN: Object to the form.  
 19 THE WITNESS: Ask that question again.  
 20 BY MR. DAVIDSON:  
 21 Q. Just suppose he could hear a fight going on  
 22 in there, what would he have done?  
 23 A. Well, the control officer is not going to  
 24 hear a fight going on. What you have to understand is  
 25 there is a cell wall with a door, and there is a pod

1 wall.  
 2 Q. I didn't make myself clear. Suppose the  
 3 system had been working where you could monitor and hear  
 4 what was going on inside the cell, could the control  
 5 officer have heard a fight being conducted at that time?  
 6 MR. WELBORN: Object to form.  
 7 THE WITNESS: Yes.  
 8 BY MR. DAVIDSON:  
 9 Q. What would he have done when he heard this  
 10 fight taking place? What was he supposed to do?  
 11 MR. WELBORN: Object to form.  
 12 THE WITNESS: Get on the radio and call what  
 13 is called a code red -- no, code blue, which is an  
 14 inmate-on-inmate fight.  
 15 BY MR. DAVIDSON:  
 16 Q. Did you have any information that Mr.  
 17 Sullivan was making threats toward other inmates prior  
 18 to this incident happening?  
 19 A. I've documented that Mr. Sullivan had been  
 20 involved in fights. Mr. Sullivan had a, albeit brief,  
 21 but a very troubled time in the Metro Detention  
 22 Facility.  
 23 Q. And your knowledge of these threats that he  
 24 was making against himself and other inmates was one of  
 25 the reasons you wanted him segregated from the general

1 population, correct?  
 2 MR. WELBORN: Object to the form.  
 3 THE WITNESS: Yes.  
 4 BY MR. DAVIDSON:  
 5 Q. And that's one of the reasons you were trying  
 6 to find a suitable cellmate for him, correct?  
 7 MR. WELBORN: Object to the form.  
 8 THE WITNESS: Correct.  
 9 BY MR. DAVIDSON:  
 10 Q. Do you know how long or did you ever find out  
 11 how long this meeting took place inside the cell?  
 12 A. No, I -- no, sir.  
 13 Q. Did CCA have any specific training prior to  
 14 the date of this homicide regarding dealing with how to  
 15 segregate inmates or how to deal with mental health  
 16 issues with inmates?  
 17 A. Yes, sir.  
 18 Q. And were those given with classes where you  
 19 would have lesson plans?  
 20 A. That's correct, yes, sir.  
 21 Q. I want to get back to when you first learned  
 22 about this incident. Did -- who was it -- did you ever  
 23 find out who made the decision to put Mr. Sullivan in  
 24 the cell with Mr. Townsend?  
 25 A. Like I said, it had to be a member of the

1 unit team. At the time, the unit manager of segregation  
 2 was Darrell Jones.  
 3 Q. Darrell Jones?  
 4 A. Yes. And it would have had to have been him  
 5 or one of his correctional counselors which would have  
 6 been a female by the last name of Pierce. I don't  
 7 remember who the other correctional counselor was at the  
 8 time, but it would have had to be someone from the  
 9 segregation unit management team.  
 10 Q. How long a time period was it from the time  
 11 that you placed Mr. Sullivan or determined where he was  
 12 going to be placed and when you learned about this  
 13 incident?  
 14 A. If I had to guess, it would be about ten  
 15 days.  
 16 Q. About ten days?  
 17 A. Yes.  
 18 Q. You weren't aware that he was in the cell  
 19 with Mr. Townsend for about ten days?  
 20 A. No, I'm not saying that. What I'm saying is,  
 21 is that I placed him into segregation. He went from  
 22 segregation to medical observation on to suicide watch.  
 23 He came from suicide watch back to segregation. And,  
 24 no, sir, I was not aware that he was put in the cell  
 25 with Inmate Townsend.

1 Q. All right. Are you aware of anyone from the  
 2 Metropolitan Sheriff's Department or any other outside  
 3 agency that would come in and give inspections at CCA?  
 4 A. The sheriff's department did an audit of the  
 5 facility annually. CCA did an audit, had an audit team,  
 6 and they did audit the facility annually. HCA did an  
 7 audit of the facility. American Corrections Association  
 8 did an audit of the facility. I believe it was every  
 9 three to four years.  
 10 Q. What is the control board?  
 11 A. Control board is a mechanism that is out of  
 12 the control booth that allows the control officer to  
 13 access the cell doors and also allows the control  
 14 officer to access the call buttons.  
 15 Q. At the time of this incident, where Mr.  
 16 Townsend was beaten, was the control board working or  
 17 broken?  
 18 A. No, sir.  
 19 Q. It was not working?  
 20 A. No, sir.  
 21 Q. How long had it not been working?  
 22 A. Those control boards in the entire facility,  
 23 including the one in segregation, have been  
 24 dysfunctional since I came to Metro Detention Facility.  
 25 Q. And, again, just for the record, when did you

1 come to that facility?  
 2 A. I came to that facility in July of 2006.  
 3 Q. Was there ever an incident where lightning  
 4 struck?  
 5 A. Lightning struck the facility and a large  
 6 portion of the electronics in the facility were  
 7 inoperable for several months.  
 8 Q. Did the management at CCA attempt to do  
 9 anything to repair this control board?  
 10 MR. WELBORN: Object to form.  
 11 BY MR. DAVIDSON:  
 12 Q. To your knowledge?  
 13 A. Yes.  
 14 Q. What did they do?  
 15 A. They went through a lengthy process of doing  
 16 bids and coming up with the contracts and a whole myriad  
 17 of things. But I mean -- and I'm not -- I wasn't a part  
 18 of any of that. So the only thing that I could tell you  
 19 was that they put in place some operational procedures  
 20 to try to counterman the electronics being messed up,  
 21 and they also made preparations to overhaul the system.  
 22 MR. DAVIDSON: Can we go off the record for a  
 23 minute?  
 24 THE VIDEOGRAPHER: We are off the record at  
 25 10:26.

1 (Recess observed.)  
 2 THE VIDEOGRAPHER: We're back on the record  
 3 at 10:36.  
 4 BY MR. DAVIDSON:  
 5 Q. Mr. Perry, I just have a few questions left  
 6 to ask you. How long had you -- you had spent some time  
 7 there at this facility in Nashville. Have you ever had  
 8 incidents before where inmates got upset and banged on  
 9 doors about anything?  
 10 A. All the time.  
 11 Q. All the time. How long does it take, based  
 12 on your experience, for the officers in charge to  
 13 respond to a place where inmates are screaming and  
 14 banging on doors?  
 15 A. Usually, it's pretty immediate, but I say  
 16 usually in the sense of the segregation unit, nothing is  
 17 really usual. And it just depends on the number of  
 18 inmates that have been admitted to the segregation  
 19 facility, the state in which the prior shift had left  
 20 the segregation unit. You know, if there was trash  
 21 everywhere, we had to have inmate workers to come in and  
 22 clean the trash up and officers would have to supervise  
 23 the inmates. The inmates that worked were not allowed  
 24 to be inside of the segregation unit without  
 25 supervision. Whether they were gathering uniforms up to

1 wash them, you know, officers doing -- had to escort the 37  
2 laundry officer around the unit to pick up laundry. A  
3 million things could go wrong or right, and an inmate  
4 kicking on the door might not get answered for five  
5 minutes, might not get answered for five hours,  
6 depending on what you got going on.  
7 Q. Well, this incident is alleged to have  
8 happened around 2:30 in the morning a.m.  
9 A. Uh-huh.  
10 Q. And there is evidence that the inmates were  
11 beating on the door that somebody was being beaten at  
12 that time of the morning. Normally, based on your  
13 experience, how long should it have taken the officers  
14 there to respond to that?  
15 MR. WELBORN: Object to the form.  
16 THE WITNESS: Should have been an instant  
17 reaction.  
18 BY MR. DAVIDSON:  
19 Q. Can you think of anything based on your  
20 experience at that time of the morning that would have  
21 prohibited the people in the control tower or any other  
22 officers to not respond properly to something like that?  
23 A. If I do recall, Officers Boles and Cunningham  
24 were the floor officers, and I do believe that there was  
25 an Officer Lewis present in the control room. And they

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1 had had I think a couple of inmates that were admitted 38  
2 into the segregation unit that night. And so I would  
3 venture to say that from -- in my recollection of  
4 talking with them, they were pretty busy that night, but  
5 they say, you know, they said that when they heard the  
6 calls for distress, they answered.  
7 Q. Now, how long after were you notified of the  
8 medical need of Mr. Townsend, how long after you learned  
9 of that did he actually leave the facility to go to the  
10 hospital?  
11 A. When I was called down to the cell, it was  
12 around that time frame, 2:30, 2:35, somewhere in there.  
13 I proceeded to go down to the cell, and the nurses had  
14 just began to tend to Mr. Townsend. And I asked them --  
15 you know, initially, Ronnie Sullivan had reported to the  
16 officer that Mr. Townsend was having a seizure. When  
17 Mr. Townsend I guess, you know, when he deemed it safe  
18 enough for him to tell what happened, he stated that the  
19 inmate, that his cellmate, Mr. Sullivan, had been  
20 beating on him. They stood Mr. Townsend up off of his  
21 bed to put him in a wheelchair and he started to seize.  
22 He was placed back onto his bed. And at that point, the  
23 Nurse Corter stated that she thought that he was  
24 bleeding internally and that he would not be able to  
25 stand.

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1 At that point, we had a -- I instructed my 39  
2 officer in the central control booth, which is the nerve  
3 center for the whole facility, to get on the phone, dial  
4 911 and get an ambulance en route to the facility. At  
5 that point, Mr. Townsend was left on his bed and the  
6 nurse just attended to him as best she could until the  
7 paramedics arrived.  
8 The paramedics arrived approximately 10  
9 minutes after we made the call, and he was taken from  
10 the facility to Meharry General Hospital. So I would  
11 venture to say probably about maybe 20 minutes.  
12 Q. Did you ever learn afterwards how long it was  
13 from the time that the control board knew there was a  
14 fight until they responded to the cell?  
15 MR. WELBORN: Object to the form.  
16 THE WITNESS: No.  
17 BY MR. DAVIDSON:  
18 Q. I want to talk about what you did after this  
19 incident happened. What actions did you take after this  
20 incident happened in terms of your reporting to CCA and  
21 dealing with this incident?  
22 A. By CCA policy, incidents fall into three  
23 categories. Mr. Townsend would have fallen under the  
24 category of a Priority 1 which was a serious incident  
25 involving an inmate that had to be transported out to a

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1 hospital. And in that Priority 1, by the procedures 40  
2 that we go by, certain notifications are needed to be  
3 made.  
4 The first call I made was to the  
5 administrative duty officer which was Mr. Corlew. I  
6 called him while the paramedics were -- had began  
7 working on Mr. Townsend to inform him. At the time that  
8 I called him, which naturally a person that works from  
9 9:00 to 5:00 would be asleep, at first he didn't give me  
10 a lot of support. He was quite belligerent with me.  
11 Quite irritated with the fact that I had called him. At  
12 the same -- between talking to Mr. Corlew, I had a  
13 problem that night. I did not have a weapons certified  
14 officer on the facility grounds with the exception of my  
15 perimeter officer. So I had to call in an officer by  
16 the name of Bobby Simons to come in. Because when we  
17 transport an inmate outside of the secure confines of  
18 the facility, at least one of your officers has to have  
19 a weapon on him, which we use a .38 revolver.  
20 I got Officer Simons there before the  
21 ambulance was to leave. And as -- when they left, I  
22 kept calling Mr. Corlew, informing him, you know,  
23 updating him of the situation with Mr. Townsend. And  
24 like I said, it was a, you know, a total -- it was very  
25 awkward because we're told to report, report, report,

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1 report. And it felt bad being on the other end dealing <sup>41</sup>  
2 with that ego.  
3 Q. Did you ever make any reports to the  
4 assistant warden regarding what the nature of this  
5 incident was?  
6 A. The assistant warden was the administrative  
7 duty officer. Yes, sir, I did.  
8 Q. Did you ever make a report to him and tell  
9 him that you thought this was a homicide?  
10 A. Not at that point, no, sir. It didn't -- no,  
11 sir, not at that point. I did later on, but not at that  
12 point.  
13 Q. How did you do that, through e-mail?  
14 A. No. I'm flying this without reading my  
15 statements and any incident reports or anything. At  
16 about 0:16, Mr. Townsend was pronounced dead at  
17 Vanderbilt Hospital. At that point, I called the  
18 assistant warden, Corlew, and told him that the inmate  
19 had expired. And at that point, his whole demeanor  
20 changed, and then it became a situation of, oh, shit.  
21 The last time, you know, it was just, for the most part,  
22 covering our ass.  
23 And I was instructed to do several things  
24 which I had already done, to keep the inmate isolated,  
25 Inmate Sullivan isolated. I was told to secure the cell

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1 door that Mr. Townsend and Inmate Sullivan had shared. <sup>42</sup>  
2 Place an officer, which this is by policy, place an  
3 officer at the door with a log, logging people in and  
4 out of the cell, which no one was authorized to go into  
5 that cell unless authorized by the assistant warden,  
6 Corlew.  
7 At the time, the head warden, Warden Gardner,  
8 was scheduled to be at a warden's conference. He  
9 briefly -- he called me around, I probably would say  
10 about 6:45, and instructed me to -- gave me a list of  
11 people to e-mail. And at that time told me to e-mail  
12 them the specifics of what happened. And in the subject  
13 heading of the e-mail, I put on the e-mail, possible  
14 homicide inmate-on-inmate, yes, sir.  
15 Q. What was their response at CCA when you  
16 mentioned this was a possible homicide?  
17 A. Well, around about eight o'clock, maybe --  
18 no, around about maybe eight o'clock to maybe 8:25,  
19 there was a teleconference. Me, Warden Corlew, and one  
20 -- two other people were present in the warden's office.  
21 And I think on the other end was the vice president of  
22 operations for our unit which was Mr. Conroy. I think  
23 Mr. Grooms was on the line and a couple of other people.  
24 And the first thing that they wanted to state was --  
25 MR. WELBORN: I'm going to object to this

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1 because it involved counsel for CCA. It's <sup>43</sup>  
2 attorney/client privilege, and I don't believe it's  
3 appropriate to go into.  
4 BY MR. DAVIDSON:  
5 Q. Was there an attorney from CCA there at that  
6 time during this conversation?  
7 A. No, I didn't meet with the attorney until  
8 around about nine o'clock. I don't remember the  
9 gentleman's name, but he came in and he took a statement  
10 from each one of us.  
11 Q. What I meant, during this conversation you  
12 had, this conference you just were talking about, was  
13 there a lawyer present at that time?  
14 A. I never saw anybody, but I am sure that Mr.  
15 Grooms was on the phone and involved in that  
16 conversation.  
17 Q. And he's an attorney?  
18 A. He's CCA deputy general counsel.  
19 Q. All right. Let me go back, then, to your  
20 conversations with the assistant warden. Did he ever  
21 question your assessment that this was a homicide?  
22 A. No.  
23 Q. Did he ever --  
24 A. I mean --  
25 Q. Did you ever get the feeling from talking to

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1 any CCA personnel that they were concerned about this <sup>44</sup>  
2 being classified as a homicide and wanted to maybe  
3 classify it as something else?  
4 A. The higher-up people did.  
5 Q. Who was that?  
6 A. The people that were on the other end of that  
7 phone.  
8 Q. Did anyone ever tell you to reclassify this  
9 into something else?  
10 A. No, I was never told to reclassify it. I was  
11 just told in around about 11 o'clock, we were told to  
12 stop.  
13 Q. Who told you to stop?  
14 A. The order came down from CCA corporate for me  
15 and everyone else at the facility to stop taking notes,  
16 stop writing things down, stop investigating, stop --  
17 everything was a stop right then, and we were told that  
18 it would be handled by someone else.  
19 Q. Did anyone ever tell you why you were to do  
20 that?  
21 A. In that business, you don't ask why.  
22 Q. Have you seen this type of behavior take  
23 place before when an incident happened by CCA?  
24 A. No.  
25 Q. A couple of questions on -- did you ever --

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1 can you go into detail and tell me about any complaints  
 2 you had made prior to this incident happening about  
 3 safety conditions there in the Nashville facility.  
 4 A. Never went on record as making any  
 5 complaints. There again, in that business, you don't  
 6 complain. You go along, get along or you get moved  
 7 along.  
 8 Q. Tell me, if you can remember, you named some  
 9 names, but if you can remember who the guards were that  
 10 were on duty at the time of this incident?  
 11 A. Had Officer Boles, Officer Cunningham, and I  
 12 do believe the lady that was in the booth, her name was  
 13 Officer Lewis.  
 14 Q. And the nurses that were on the medical --  
 15 A. Nurse Tiffany Corter, and there was another  
 16 nurse, but she was new. It was like her first night on  
 17 duty. So I don't remember her name.  
 18 Q. Then I want to go back and ask you about,  
 19 again, did you send an e-mail out after this incident to  
 20 CCA regarding --  
 21 A. I sent an e-mail out to several of the vice  
 22 presidents and lead counsel, making them aware that --  
 23 of the situation, yes, sir.  
 24 Q. When you say aware of the situation, what did  
 25 you make them aware of?

1 A. I made them aware that at approximately 0:16,  
 2 that Inmate Townsend had expired. I made them aware  
 3 that it was a possible homicide. And I used the word  
 4 possible because I'm not a medical examiner.  
 5 Q. Did you get any e-mails back regarding your  
 6 e-mail?  
 7 A. I never received an e-mail back.  
 8 Q. I want to make sure before I get through that  
 9 I understand the basis of your testimony. If I repeat a  
 10 question, I apologize. Prior to this incident  
 11 happening, you had placed Mr. Sullivan in segregation?  
 12 A. That's correct.  
 13 Q. And the reasons that you did that were what,  
 14 again?  
 15 A. Because he was having verbal altercations and  
 16 problems with the two cellmates that he had had in Unit  
 17 Juliet.  
 18 Q. When you say -- and I apologize. When you  
 19 say problems with two cellmates, can you be a little  
 20 more specific?  
 21 A. He was threatening them, saying that they  
 22 couldn't move around in the cell, saying that the light  
 23 couldn't be cut off in the cell, saying that, you know,  
 24 that -- telling them that he would beat them up and that  
 25 he was bad and dangerous and all kinds of things. He

1 was making all kinds of threats toward them.  
 2 MR. WELBORN: Object to the form. There is  
 3 no foundation.  
 4 BY MR. DAVIDSON:  
 5 Q. Well, did you ever document any of these  
 6 things that Mr. Sullivan was supposed to have said or  
 7 done?  
 8 A. No. I do believe that I wrote Mr. Sullivan  
 9 up for refusing a cell assignment which was the easiest  
 10 and the laziest way to do what I did and placed him into  
 11 segregation.  
 12 Q. Who else at CCA was aware of Mr. Sullivan's  
 13 propensities for violence you've testified to?  
 14 A. Anybody that --  
 15 MR. WELBORN: Object to the form.  
 16 BY MR. DAVIDSON:  
 17 Q. Say again?  
 18 A. Anybody that dealt with him.  
 19 Q. Was he given a psychological evaluation when  
 20 he was placed into the CCA?  
 21 A. I do not know. I know that he visited with  
 22 the psychiatrist there because he had been on suicide  
 23 watch several times.  
 24 Q. Was there any particular document in CCA that  
 25 governs how inmates are placed in segregation, what the

1 criteria is?  
 2 A. Policy No. 10 covers special -- Policy No. 10  
 3 covers segregation. Special management of inmates, is  
 4 what it's called.  
 5 Q. And based on this policy and your experience  
 6 in CCA, do you feel like that this was a man that needed  
 7 to be in segregation?  
 8 A. Which man?  
 9 Q. Sullivan.  
 10 A. Definitely.  
 11 Q. Now, also I want to make sure I understand  
 12 your testimony about Mr. Townsend. Again, what  
 13 interaction did you have with Mr. Townsend prior to his  
 14 homicide, prior to him being killed?  
 15 A. He was one of the inmates that I had  
 16 segregated. I do believe I segregated him for pending a  
 17 hearing for administrative maximum custody for high  
 18 points.  
 19 Q. Can you describe what Mr. Townsend looked  
 20 like?  
 21 A. He was a small man. Dark eyes, white man, of  
 22 course. Just -- I'd venture to say a normal person.  
 23 Q. Was he frail looking?  
 24 A. Yes.  
 25 Q. Describe Mr. Sullivan.

1 A. Mr. Sullivan was approximately six feet,  
 2 muscular, but with a small frame, a real wiry  
 3 individual.  
 4 Q. And based on your experience at CCA, your  
 5 experience with dealing with inmates in the past, would  
 6 you have placed Mr. Sullivan in the same cell as Mr.  
 7 Townsend?  
 8 A. No.  
 9 Q. Why?  
 10 A. Being that Mr. Townsend was in segregation  
 11 for pending a hearing for high points, that he wasn't a  
 12 problematic inmate, that it didn't appear that he would  
 13 have been able to handle himself should Mr. Sullivan  
 14 start back, you know, acting out with his violence  
 15 toward his cellmates in the past, I wouldn't have done  
 16 it. Mr. Sullivan was pending a hearing for maximum  
 17 custody segregation for too many disciplinary. And I  
 18 would have found someone that was in disciplinary, doing  
 19 time for a disciplinary problem, or someone who was  
 20 pending max with disciplinary problem, and I would have  
 21 put Mr. Sullivan in the cell with them.  
 22 Q. What forms were used, and I'm talking about  
 23 written forms, were used in terms of documentation to  
 24 determine where an inmate was to be placed within inside  
 25 CCA?

1 A. There wasn't no forms to be used to do that.  
 2 What you did was you would find a cell that was suitable  
 3 for the situation, be it out of the general pop or  
 4 segregation. You would place that inmate in that cell  
 5 and you would add him onto your inmate roster. Those  
 6 rosters in segregation were kept by paper and they were  
 7 also maintained electronically through the jail  
 8 management system.  
 9 Q. But was there a -- I assume that when an  
 10 inmate is brought into CCA, they are given an  
 11 assessment?  
 12 A. Yes, they are immediately assessed by  
 13 medical. And then if there is an immediate alert, it  
 14 will come -- our inmates did not come directly from the  
 15 street. They came from the CJC which is the Criminal  
 16 Justice Complex. If they had a special instruction that  
 17 the inmate needed to be segregated or that the inmate  
 18 was sick or the inmate was whatever, we would do things  
 19 according to that. Now, initially, the Unit Hotel is  
 20 where you put -- where we will put all of our intakes.  
 21 And through a period of about ten days, the  
 22 classification coordinator will go through their files,  
 23 go through whatever information she had on them, and  
 24 then she or he or whatever is in the position will  
 25 determine then whether the inmate went to a different

1 general population housing unit, whether he went to  
 2 segregation because he had a high bond. Any bond in  
 3 excess of a hundred thousand dollars, we'll put an  
 4 inmate in segregation under administrative maximum  
 5 custody. If the inmate had high points, he would go to  
 6 segregation under administrative maximum custody until  
 7 his points went down.  
 8 And, you know, if they had any special needs,  
 9 they would be sent to a special needs housing unit which  
 10 was either Foxtrot or sent to segregation.  
 11 Q. Is there a policy in CCA that covers when an  
 12 inmate is to be placed in special needs?  
 13 A. Yes, sir, there is.  
 14 Q. Are there guidelines in that policy?  
 15 A. Yes, sir, there are.  
 16 Q. Do you know the number of that policy?  
 17 A. That would also be Chapter 10. Chapter 10  
 18 covers all special needs.  
 19 Q. Was Mr. Townsend a special needs prisoner?  
 20 A. He had high points, so he was considered an  
 21 inmate that was to be admitted into a segregation unit.  
 22 Q. Well, would a special needs prisoner be --  
 23 let's say a special needs prisoner, there are many  
 24 different definitions of special needs, correct?  
 25 A. That's correct.

1 Q. Was Mr. Townsend's definition, was it for  
 2 mental problems or physical problems, to your knowledge?  
 3 MR. WELBORN: Object to the form.  
 4 THE WITNESS: No.  
 5 BY MR. DAVIDSON:  
 6 Q. It was just based on what?  
 7 A. He had high points.  
 8 Q. Just one other question -- I've got to make  
 9 sure I understand what you've testified to -- is that  
 10 based upon your experience as captain and command of  
 11 this unit here at this time, again, what was the purpose  
 12 of having the control boxes inside one of these cells?  
 13 A. It was twofold: One was for surveillance, if  
 14 you wanted to listen to an inmate; and the other was for  
 15 an inmate to call you if he was in distress or needed  
 16 toilet paper or anything. You know, they can't talk  
 17 through walls and doors, so that was the way they talked  
 18 to us.  
 19 Q. Were these in every cell in CCA?  
 20 A. No, they were in every cell in segregation.  
 21 They were in every housing unit that was set up with a  
 22 block situation. Which means if there was a cell with a  
 23 cell door, there was a control box in that cell. Now,  
 24 there are other units inside of CCA, inside of the Metro  
 25 Detention Facility, that are open-bay-door type. And

1 those inmates were able to, you know, have pretty easy  
2 access to an officer.

3 MR. DAVIDSON: Okay. I have no further  
4 questions.

5 MR. WELBORN: Mr. Perry, I've got some  
6 questions for you.

7 MR. DURHAM: Can we go off the record?

8 THE VIDEOGRAPHER: We're off the record at  
9 11:04.

10 (Recess observed.)

11 THE VIDEOGRAPHER: Back on the record at  
12 11:10.

13 BY MR. DAVIDSON:

14 Q. Mr. Perry, can you describe what you observed  
15 when you first came to the cell where Mr. Townsend was?

16 A. When I got there, Mr. Townsend was laying on  
17 his bunk. He -- as a rule, when you're dealing with an  
18 inmate in segregation, any time you go into the cell,  
19 any time the cell door is open, they are placed in  
20 restraints. The first thing I thought was there was a  
21 security breach because Mr. Townsend was not restrained.  
22 His cellmate was secured in the recreation module, but  
23 Mr. Townsend had blood coming from his mouth where it  
24 appeared to me it was coming from one of his lips. The  
25 inmate appeared to be hurt, but he did not appear to be

1 hurt beyond what, you know, would expect to be a life-  
2 threatening situation. I asked my officers why he  
3 wasn't restrained, and they told me that he wasn't able  
4 to get up. They had tried to call him to the door  
5 several times and he wasn't able to.

6 Beyond that, the inmate stated, you know, he  
7 had been beaten and that he didn't feel so well. So at  
8 that point, we -- when I say we, the staff there that  
9 was present at that time made every effort to get him in  
10 time to help that need.

11 Q. I want to talk just briefly about the -- what  
12 computer do you use to send your e-mail that you've  
13 already talked about?

14 A. It was the computer that was there at CCA.  
15 CCA's internal network.

16 Q. But where was the computer located?

17 A. I do believe that I used the computer that  
18 was in the administrative area to send the e-mail.

19 MR. DAVIDSON: Counsel, I want to make sure  
20 that computer is preserved so we can examine it.

21 BY MR. DAVIDSON:

22 Q. Do you know who was on the e-mail list that  
23 you sent that e-mail to?

24 A. No, but I did not delete the e-mail that was  
25 sent. But, however, I was locked out, you know, as an

1 employee that is put out on administrative leave and in  
2 pending, you know, my resignation. Prior to that, when  
3 I was in good standing with the company, I could access  
4 that e-mail system from home or L & N Cafe or wherever,  
5 and I could also access it in the facility. I was  
6 locked out of that.

7 Q. Do you know who made the decision to send Mr.  
8 Townsend to Meharry instead of Vanderbilt?

9 A. The ambulance service.

10 Q. Was he handcuffed when he left the CCA?

11 A. Any time an inmate leaves the secure facility  
12 going out on any kind of transport, they are restrained.  
13 Mr. Townsend was restrained with leg irons. He was  
14 restrained with handcuffs, a black box which connects  
15 the handcuffs and the belly chain.

16 Q. And you've talked earlier about high points.  
17 What does that mean?

18 A. In the classification system, which is pretty  
19 much federally mandated, an inmate's institutional  
20 history, his number of arrests, severity of his crime.  
21 I think I covered institutional behavior. All of that  
22 is taken into account, the number of times that they've  
23 been inside of a correctional facility or arrested. All  
24 of that is taken into account and a number comes out.  
25 And based on the way that CCA did it, I do believe the

1 points went from a one being the -- well, zero --  
2 actually, it could go negative. It could go from a  
3 negative to ten being the highest. And if an inmate had  
4 over -- I believe over six points, he went directly to  
5 segregation as soon as he was able to be classified.

6 Q. You mentioned earlier about what you observed  
7 in the cell. Was there anything else you saw or heard  
8 or observed in the cell that was unusual at that time?

9 A. At the time I didn't think that, you know,  
10 that the situation was as serious as it was, but -- I  
11 don't mean to get nostalgic or anything, but this  
12 inmate, Townsend, spoke to me and everybody else that  
13 was present. I do believe Officer Cunningham, Officer  
14 Boles and Nurse Corter was there, and the other nurse,  
15 too, and he said to us that Townsend had beat him.

16 Q. You mean that Sullivan did?

17 A. I mean that Sullivan had beat him. And I've  
18 been around death several times. And I've never  
19 encountered a situation where roughly three hours later  
20 a person would be dead. But he did get a chance to say  
21 that, you know, he wasn't -- it wasn't natural. You  
22 know, it was a situation where he was beaten to death.

23 Q. Within segregation itself, I'm talking about  
24 the area of the designated segregation cells, was there  
25 a cell that was designated highest class of segregation

1 where this guy really had to be kept away from the  
2 population?

3 A. It was actually -- I want to say it was  
4 anywhere between five to six cells that had been  
5 retrofitted with an alternative lock because the lock  
6 systems inside of CCA Metro Detention Facility were not  
7 of the highest quality. And an inmate could manipulate  
8 those locks for those doors to come open. And they  
9 retrofitted several of the doors where they could not be  
10 manipulated to be opened. And inside of those cells  
11 were maximum custody inmates that had already been  
12 classified, that there was no -- it wasn't even open to  
13 interpretation that they were dangerous. One of those  
14 cells housed Frank Horton. Another one of those cells  
15 housed the inmate that had escaped in March by tunneling  
16 out of the walls. Another inmate was housed in -- there  
17 were several inmates that were housed in there that were  
18 absolutely, positively that you did not want a door to  
19 pop open on you. You did not want an inmate to be able  
20 to manipulate that door in any kind of way or you knew  
21 you were going to have trouble.

22 Q. Were they by themselves?

23 A. Those inmates were housed by themselves.

24 Q. Should Mr. Sullivan have been housed by  
25 himself.

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1 A. That's correct.

2 Q. And Mr. Townsend, as we know, died?

3 A. Yes, sir.

4 Q. And would you agree that if Mr. Sullivan did,  
5 in fact, do that to Mr. Townsend, beat him and that Mr.  
6 Townsend died as a result, that would be a criminal act?

7 A. Without a doubt, yes, sir.

8 Q. Now, as I understand it, you started working  
9 at the CCA Metro Detention Facility in July or August of  
10 2006?

11 A. That's correct.

12 Q. And at the time of this incident, you were  
13 the shift captain?

14 A. That's correct.

15 Q. Which meant, basically, you were the  
16 supervisor of that shift?

17 A. The third shift; it's not the status of  
18 warden.

19 Q. But you were the shift supervisor for third  
20 shift?

21 A. That's correct.

22 Q. How long had you been in the position of  
23 shift supervisor for third shift?

24 A. Designated on third shift, about three  
25 months. The time before that, I was a floater between

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1 MR. WELBORN: Objection.

2 THE WITNESS: I can't make that  
3 determination.

4 BY MR. DAVIDSON:

5 Q. Well, is there some form or some document,  
6 some guideline that CCA used to make that determination,  
7 a matrix of any type?

8 A. Yeah, classification.

9 Q. Okay. And you may or may not know this, but  
10 do you know why the repairs were not done to the call  
11 system or the control board there prior to this incident  
12 happening?

13 A. I can't answer that, either.

14 MR. DAVIDSON: No further questions.

15 CROSS EXAMINATION BY MR. WELBORN:

16 Q. Mr. Perry, I've got a few questions for you,  
17 starting off with something that you were just asked  
18 about. Mr. Davidson asked you several times or referred  
19 several times in questioning you to Mr. Sullivan beating  
20 Mr. Townsend.

21 A. Uh-huh.

22 Q. Did he not?

23 A. Yes, he did.

24 Q. And you just referred to Mr. Townsend saying  
25 there that Mr. Sullivan had beat him?

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1 second and third.

2 Q. How long had you been a floater between  
3 second and third shift?

4 A. Another maybe three or four months prior to  
5 that.

6 Q. And what position did you hold prior to being  
7 a shift supervisor?

8 A. I was a lieutenant and the security threat  
9 group coordinator.

10 Q. When you were the lieutenant in the security  
11 threat group -- a security threat group, can you explain  
12 what that is?

13 A. Prison gangs.

14 Q. And that's primarily keeping up with who's in  
15 what gang?

16 A. Yes, sir.

17 Q. Is that primarily -- are you in an office  
18 when you're doing most of that work or where are you?

19 A. Actually, it varies between being in the  
20 office and being intricately involved in the intake  
21 process.

22 Q. So in that position, you were in the office  
23 reviewing files on inmates to see if they were parts of  
24 gangs; that's one thing you were involved in?

25 A. Well, no, what -- the main part of being a

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1 security threat group coordinator is interviewing the  
 2 inmate and looking at their bodies for tattoos.  
 3 Q. So that would happen in intake?  
 4 A. That would happen in the intake process or  
 5 shortly thereafter.  
 6 Q. So you would interview various inmates at  
 7 various times either when they came in the facility or  
 8 after, shortly after, to look for tattoos, to ask some  
 9 questions about whether they were in a gang and those  
 10 type of things?  
 11 A. Yes, sir, and then I would refer to the  
 12 institutional file to see if, you know, a -- I mean a  
 13 past -- I'm searching for what I'm trying to say. If  
 14 they had any past problems or looking at our filing  
 15 system of the security threat group files and looking in  
 16 the security threat group archive, and also I had a  
 17 matrix of the inmates that were active in the system and  
 18 inactive that had been released to make sure that they  
 19 didn't -- it was actually a triple situation. Triple,  
 20 we did go back to see if I could dig anything up on  
 21 them.  
 22 Q. So the position of security threat group, how  
 23 long did you hold that position?  
 24 A. I held that position for about four months.  
 25 I also was the transportation -- I was in charge of the

1 transportation, worked with the -- I was the supervisor  
 2 of the transportation coordinator and I had the intake.  
 3 I was in charge of the intake as well.  
 4 Q. Okay. When you say transportation, that  
 5 means taking inmates to court, to the doctor, wherever  
 6 they needed to go outside of the facility?  
 7 A. That's correct.  
 8 Q. So during that time when you were in that  
 9 position both as the lieutenant of the security threat  
 10 group as well as the transportation officer --  
 11 A. Transportation supervisor.  
 12 Q. Transportation supervisor, you were involved  
 13 in transportation, taking inmates out, or going through  
 14 paperwork or interviewing inmates and trying to  
 15 determine whether they were in a gang?  
 16 A. Right.  
 17 Q. And the reason it's important in a prison to  
 18 keep up with who is in a gang is just to keep control of  
 19 the situation?  
 20 A. To keep control, yes, sir.  
 21 Q. And then so for the six or seven months prior  
 22 to this incident, that's when you were a shift captain?  
 23 A. That's correct?  
 24 Q. And with respect to Mr. Townsend, as I  
 25 understood your testimony, you spoke to him as part of a

1 group that came in or that was going into seg?  
 2 A. Right, they had been at the facility maybe  
 3 seven to ten days. And after, you know, checking their  
 4 histories and looking at their classification and things  
 5 like that, they were put on a list to be segregated  
 6 pending a hearing for administrative maximum custody.  
 7 Q. Okay. And so you were involved in a  
 8 conversation with him as well as others at that point?  
 9 A. As to why they were going into segregation  
 10 and how long it would be before they had their hearing,  
 11 how long it would be before they were released, you  
 12 know, just a myriad of questions.  
 13 Q. And other than that instance and then when  
 14 you saw him the morning of the incident on January 14th,  
 15 2008, you had no other conversations with Mr. Townsend?  
 16 A. No.  
 17 Q. When inmates at the facility needed medical  
 18 care or mental health care, you weren't the person to  
 19 provide that care?  
 20 A. No.  
 21 Q. You weren't involved in that care?  
 22 A. No, it was covered under HIPAA.  
 23 Q. You don't know, for example, any medical  
 24 conditions of Mr. Sullivan or Mr. Townsend?  
 25 A. I heard Mr. Sullivan state that he was

1 schizophrenic.  
 2 Q. Other than that, you don't know any medical  
 3 conditions of either one of those individuals?  
 4 A. After Mr. Townsend was killed, to my  
 5 understanding, I found out through a conversation that  
 6 he had had some medical problems.  
 7 Q. Let me tie it back to the time frame then.  
 8 During the time that you were -- prior to January 14th,  
 9 you didn't -- you weren't aware of any medical  
 10 conditions --  
 11 A. No.  
 12 Q. -- of either inmate, either Mr. Sullivan or  
 13 Mr. Townsend?  
 14 A. Mr. Sullivan said that he was schizophrenic.  
 15 Q. Other than him saying --  
 16 A. No.  
 17 Q. You weren't involved in their medical or  
 18 health care?  
 19 A. No, no more than being in charge of a shift  
 20 where Mr. Sullivan was housed in medical observation for  
 21 suicide watch.  
 22 Q. Right. And when an inmate was sent to  
 23 medical, to either medical observation or the medical  
 24 unit, those are two different units?  
 25 A. Right.

1 Q. They were under the care and supervision of  
 2 doctors or nurses when they were there?  
 3 A. Nurses and correctional officers.  
 4 Q. So there would actually be a corrections  
 5 officer in those areas?  
 6 A. There should be no time in the correctional  
 7 facility that an inmate is not supervised by a  
 8 correctional officer at some point.  
 9 Q. And those people, those correctional  
 10 officers, that were in those units, that wasn't your  
 11 job? You weren't a correctional officer for the medical  
 12 observation or the medical unit?  
 13 A. No, but they worked for me.  
 14 Q. When you were shift captain, shift  
 15 supervisor, I take it you were pretty busy during your  
 16 shift?  
 17 A. Very.  
 18 Q. Tell me what you would do, typically, on a  
 19 shift.  
 20 A. You would -- a captain was responsible for  
 21 getting to the facility 15 to 30 minutes prior to taking  
 22 on that shift so as to make any -- so to be briefed by  
 23 the person that you relieved and make any adjustments to  
 24 your roster for where you're going to assign  
 25 correctional officers to go. So I would do that on a

1 nightly basis. I would conduct roll call, brief my  
 2 officers as to anything that was going on in the  
 3 facility. I always stressed to them that safety,  
 4 safety, safety was the way to go, and to please, you  
 5 know, make sure that we all left the shift the way we  
 6 came to the shift or better. After that, you know,  
 7 given the assignments to go to their respective places  
 8 where they were going to be assigned that night, and the  
 9 number one priority under normal circumstances would  
 10 have been to immediately start doing rounds, visiting  
 11 the housing units. The policy for Metro was that we  
 12 visited every post on every shift.  
 13 After the lightening strike happened, the  
 14 shift captains were restricted in where they could go  
 15 inside the facility. And that was that we couldn't  
 16 visit any other units, that we had to stay in between  
 17 our area where master control could have a visual on us  
 18 at all times. So the lieutenants and the sergeants were  
 19 given the task of visiting the units. I did shift  
 20 paperwork, supervised counts. Most of what you do is  
 21 just to react to the situation.  
 22 Q. Where -- were you located somewhere centrally  
 23 within the facility?  
 24 A. I was located right outside of master control  
 25 in what we called the captain's desk. The captain's

1 desk is right there in the middle where you can see down  
 2 both main hallways of the facility.  
 3 Q. You can see down what they call the long hall  
 4 and the short hall?  
 5 A. Exactly.  
 6 Q. So let me go back through this. Until the  
 7 lightening strike, you would do rounds --  
 8 A. Inside the facility.  
 9 Q. In every unit?  
 10 A. Uh-huh.  
 11 Q. After the lightening strike, you didn't do  
 12 the rounds; the sergeants and the lieutenants did that?  
 13 A. I was not supposed to do the rounds. I broke  
 14 protocol several times and went down there, especially  
 15 where I had a new officer, just to let them know that  
 16 they had my support and they could see me, and in the  
 17 situations where we had extreme circumstance. When my  
 18 officer called for me -- in which the chain of command  
 19 works in a facility the same way it works in the  
 20 military. When an officer has a situation, they call  
 21 their sergeant. When the sergeant can't handle the  
 22 situation, they call the lieutenant. When the  
 23 lieutenant can't handle the situation, they call the  
 24 captain.  
 25 Now, me being a former military person, I

1 demanded that people follow the chain of command. When  
 2 an officer called me directly on the radio, over the  
 3 sergeant and the lieutenant, I responded to that  
 4 situation because I always knew that it was necessary  
 5 for me to be there.  
 6 Q. Is it fair to say that after the lightening  
 7 strike, that other than occasionally breaking protocol,  
 8 you didn't do rounds like you had done before?  
 9 A. That's correct.  
 10 Q. And that your sergeants and lieutenants would  
 11 be the ones going to the various units?  
 12 A. That's correct.  
 13 Q. And how often would they make rounds into the  
 14 units?  
 15 A. They were required to go in there at least  
 16 once.  
 17 Q. Once per shift?  
 18 A. Once per shift. But as a sergeant, you had  
 19 to verify counts. So you went into each shift -- I mean  
 20 into each unit at least three times -- no, at least four  
 21 times - once for rounds and three other times to verify  
 22 counts and for any business that, you know, that a  
 23 sergeant will have to go into a unit as well as a  
 24 lieutenant. A lot of times we'd only have but one  
 25 sergeant on the shift, so the lieutenant served as a

1 sergeant on the long hall, and the only other sergeant  
 2 that you had served as a sergeant on the short hall.  
 3 Q. When you mentioned -- you talked about  
 4 counts. You said you supervised counts. During this  
 5 time when the sergeants and lieutenant would do it, is  
 6 that actually receiving the information from them?  
 7 A. No, the information was given to us -- the  
 8 count was called in by the officer by phone.  
 9 Q. And that would be called in to you?  
 10 A. No, it would be called in to the count  
 11 officer. Now, if I was short, I would be the count  
 12 officer.  
 13 Q. And then the other thing you said you did,  
 14 you said you do paperwork, shift paperwork?  
 15 A. Shift paperwork, evaluations, a myriad of  
 16 things.  
 17 Q. When was the lightening strike?  
 18 A. I'm going to say that that happened around  
 19 November, around the time frame of November. And I also  
 20 did a perimeter walk every night as well.  
 21 Q. What is that?  
 22 A. A perimeter walk. Walk the fence.  
 23 Q. You would do that?  
 24 A. Yes, sir.  
 25 Q. Inside or outside the fence?

1 A. Inside and out.  
 2 Q. That's a pretty long walk?  
 3 A. Yes, sir, it is.  
 4 Q. How long would it take you to do that?  
 5 A. If we weren't messing around, probably about  
 6 maybe 15 minutes.  
 7 Q. So when you say November, are you talking  
 8 November of '07?  
 9 A. November of '07.  
 10 Q. Was when the lightening strike occurred?  
 11 A. Yes.  
 12 Q. And then am I understanding you correctly,  
 13 before that lightening strike, you actually did rounds?  
 14 A. I sure did.  
 15 Q. Which means you would go into the units on  
 16 the long and short hall once per round?  
 17 A. Once per night unless I was called to that  
 18 unit to take care of a situation.  
 19 Q. And when you would go, for example, to Unit  
 20 Juliet -- and you're working third shift most of this  
 21 time from 10:00 p.m. to 6:00 a.m. What would you do  
 22 when you would go into that unit?  
 23 A. I would go to the unit and the first thing I  
 24 would do was review the log book, ask the officer if  
 25 they needed any paperwork, ask them if they needed

1 anything of me. And at that point, I would tell them  
 2 what I needed of them. If I saw something that needed  
 3 to be corrected, I would have it corrected. I was a  
 4 stickler on having a unit clean. If the inmate wasn't  
 5 out working, I demand that they get them out and start  
 6 working.  
 7 Then I would perform a security check. I  
 8 would go around to each door. If an inmate was laying  
 9 in there asleep, I left them along, as long as I saw  
 10 them breathing, flesh. That's CCA's policy, to count  
 11 living, breathing bodies. As long as I saw them living  
 12 and breathing and under no distress, I can go to the  
 13 next cell. If the inmate wanted to have a conversation  
 14 with me, how are you doing tonight, or so and so didn't  
 15 do this for me or, you know, whatever, what the  
 16 situation was, I would address it. I would talk to  
 17 them.  
 18 Q. So you would do that in each unit once a  
 19 night?  
 20 A. Once a night.  
 21 Q. And the units, we said the long and short  
 22 hall. What units are on those, the long and short hall?  
 23 A. The short hall I had Unit Bravo, Charlie  
 24 Delta and Echo. The long hall had segregation and Fox-  
 25 trot, but they weren't a part of the unit team of the

1 long hall. Segregation and Foxtrot was its unit team.  
 2 Then you had Hotel, Juliet, Lima and Kilo.  
 3 Q. Which were the ones on the short hall, did  
 4 you say?  
 5 A. Bravo, Charlie, Delta, Echo.  
 6 Q. And then when you weren't making the rounds,  
 7 you were attending to the things that you had to at your  
 8 post?  
 9 A. Right.  
 10 Q. At the desk, paperwork, the supervised  
 11 counts, those type of things?  
 12 A. Those type of things, yes.  
 13 Q. All right. Let's go to the night of January  
 14 the 14th or the morning of January 14th. As I  
 15 understand from your testimony, there were two nurses  
 16 present when you got to the scene?  
 17 A. That's correct.  
 18 Q. And that one was Nurse Corter, and there was  
 19 another nurse you don't remember?  
 20 A. Right, she had just started that night.  
 21 Q. Officer Boles, he was there?  
 22 A. Officer Boles.  
 23 Q. Officer Cunningham?  
 24 A. Yes, sir.  
 25 Q. Any other officers that you remember?

1 A. No. Well, actually, I had a Sergeant  
2 Gardner. He was there intermittently. He wasn't there  
3 throughout the whole process. And I want to say  
4 Sergeant Douglass was there throughout the whole process  
5 from beginning to end.  
6 Q. Sergeant Douglass?  
7 A. Yes. And I do believe that Sergeant -- no,  
8 they were the only two there. And my lieutenant that  
9 night would have been Barnett. And I pretty much left  
10 Barnett to do all of the rest of the operating of the  
11 facility and all of that and I handled this situation  
12 myself.  
13 Q. So when you got there, as I understand it,  
14 the people you just mentioned, including the officers  
15 and nurses, were on the scene?  
16 A. And the sergeant, Sergeant Douglass.  
17 Q. And the sergeant. And Mr. Sullivan was in  
18 one of the rec cages outside the cell?  
19 A. Yes, the module. We don't say cage.  
20 Q. All right, in the rec module outside the  
21 cell, and Mr. Townsend was still in the cell?  
22 A. That's correct.  
23 Q. And he was being attended to by the nurses?  
24 A. Yes, he -- yes.  
25 Q. And you didn't have any conversations with

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1 Mr. Sullivan at that time?  
2 A. No, no, I didn't.  
3 Q. In fact, you never had any conversations with  
4 Mr. Sullivan about Mr. Townsend at all, correct?  
5 A. Mr. Sullivan made a -- said to me that he  
6 wanted to go back into his cell. As Mr. Townsend was  
7 exiting, he wanted to go back in the cell because at the  
8 time, he only had pants on. He didn't have a shirt on.  
9 He stated that he was cold. He said, I'm cold as a  
10 mother-fucker and I want to go back there and lay down.  
11 And I stated to him that due to the severity of the  
12 situation that was going on, I couldn't allow him to go  
13 back into the cell, and that -- I might, you know, I  
14 might suffer from this later. I told him, I said, you  
15 fucked up.  
16 Q. You told Mr. Sullivan that?  
17 A. Yes. That's all -- that's the only thing  
18 that was said between him and me at that time.  
19 Q. And other than what you just described, you  
20 had no conversations with Mr. Sullivan about Mr.  
21 Townsend at all at that time or before this incident?  
22 A. No.  
23 Q. Mr. Perry, I want to differentiate when I ask  
24 you these questions here about what you may have  
25 overheard from somebody about someone or some thing and

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1 what you actually saw.  
2 A. Okay.  
3 Q. Okay? And I want to ask you what you  
4 actually have observed or saw. Did you ever observe or  
5 see Mr. Sullivan get in a fight with another inmate?  
6 A. No.  
7 Q. Did you ever observe Mr. Sullivan making  
8 threats directed toward another inmate?  
9 A. Yes.  
10 Q. Who was that inmate?  
11 A. Donnell Cunningham.  
12 Q. Besides Mr. Cunningham, did you ever hear Mr.  
13 Sullivan make any threats to any other inmate?  
14 A. Not directly, no.  
15 Q. And you said Donnell Cunningham. Where did  
16 that occur?  
17 A. This was in medical observation. And Donnell  
18 Cunningham is another inmate, another special needs  
19 problematic inmate, that frequently goes in medical  
20 observation on suicide watch as a means of an extra  
21 precaution of controlling him, that I am aware.  
22 Q. Were they in separate cells?  
23 A. Yes, they were.  
24 Q. Did you -- do you remember what they said to  
25 each other?

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1 A. Just back and forth about you weak, fuck you,  
2 I'm going to kill you. Just, you know, these two were  
3 very volatile. And, I mean, for me to be able to say  
4 exactly what words were passed, I don't know. I heard,  
5 you know, the two of them saying fuck you, you know,  
6 just meet me at such and such a place once you get out,  
7 things of that nature.  
8 Q. But you don't remember exactly what they  
9 said?  
10 A. I remember both of them saying fuck you and I  
11 remember both of them saying, you know, I'll kill you,  
12 and blah, blah.  
13 Q. Other than Mr. Cunningham, do you remember  
14 Mr. Sullivan making any threats to anyone else?  
15 A. Not that I saw, no, sir.  
16 Q. Earlier in your testimony in questions from  
17 Mr. Davidson, you said something that if complaints were  
18 made by an inmate during your shift, you could move the  
19 inmates from cells. You had the authority to do that?  
20 A. Around the general population, I could around  
21 inside of segregation, I could. Now, the only authority  
22 that I did not have was to release an inmate from the  
23 medical observation unit out into general population or  
24 release an inmate from segregation out into the general  
25 population. Those orders came directly from the unit

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1 team of segregation.

2 Q. So within segregation, if an inmate has a

3 complaint and they voice it to you, you can move them

4 within segregation if you think it's appropriate to do

5 that?

6 A. Yes, sir, I could.

7 Q. And as I understand it, you weren't aware of

8 Mr. Townsend or Mr. Sullivan being in the same cell?

9 A. No, I wasn't.

10 Q. And they made no complaints, either one of

11 them, about who they were in the cell with?

12 A. They didn't make any to me, because at that

13 time, I wasn't doing the rounds.

14 Q. Now, we talked -- you were asked some

15 questions by Mr. Davidson about this call button that

16 you said is in each cell. You didn't test every call

17 button in every cell, correct?

18 A. No, I did not.

19 Q. You didn't test this call button in the cell

20 where Mr. Sullivan and Mr. Townsend were?

21 A. No, sir, I did not.

22 Q. Now, as far as the questions that Mr.

23 Davidson asked you about listening in, listening in only

24 occurs if the officer in the control unit wants to

25 listen in, correct? It's not a -- he doesn't have a

1 speaker in there listening in on every cell all the

2 time?

3 A. That's correct.

4 Q. It's just if I want to want to listen in to

5 that cell, he could punch a button and go listen to that

6 cell?

7 A. The officer or maybe the internal -- I mean

8 the STG coordinator will want to come down and surveil

9 an inmate for many different reasons.

10 Q. When you would make rounds, you or your

11 officers or the officers under you would be in the

12 units, whether it's you making rounds, they were in

13 there because that was their job to be in there?

14 A. Right.

15 Q. Inmates talked to you through the door,

16 through the window, correct?

17 A. That's correct.

18 Q. There is a window in each door?

19 A. A very small window in each cell door.

20 Q. But they routinely talked to you when you

21 would make your rounds?

22 A. They wouldn't actually talk to you. I'm hard

23 of hearing because I've had so many rounds go off around

24 me. They would not talk to you through the window or

25 through the door. I would always have an inmate to come

1 over to the crack of the door and speak to me to where I

2 could understand what he was saying. Some people had

3 good enough hearing to stand there straight at the

4 window and speak to them, but I always spoke to them

5 through the crack.

6 Q. So whether it was through the crack or

7 through the window with somebody else, they were able to

8 communicate with either you or whoever else was working

9 in the unit?

10 A. Right, that's correct.

11 Q. Again, I want to get back to what you

12 actually observed or were involved in when I'm asking

13 these questions.

14 A. Right.

15 Q. The decision to put Mr. Townsend and Mr.

16 Sullivan together in a cell, you were not involved in

17 that decision?

18 A. No.

19 Q. You testified about who you think would have

20 been involved in that, but you weren't actually involved

21 in any discussions with those folks, correct?

22 A. I was not.

23 Q. Okay. After this incident on January the

24 14th, were reports, the 5-1 reports prepared?

25 A. Correct, yes, sir.

1 Q. would you --

2 A. Well, actually, the 5-1B was done by me. I

3 had started on the 5-1A. Of course, the 5-1C is the

4 witness statement. That naturally comes from everybody

5 involved. When Corlew took over doing the 5-1A,

6 Assistant Warden Corlew, and around about the time of 11

7 o'clock, he had to stop as well because we were all

8 ordered to stop.

9 Q. And in the 5-1B, you said that those are the

10 witness statements?

11 A. No, the 5-1C is the witness statement. The

12 5-1B is a notification form. It's like a blurb of

13 things to come from the 5-1A which is the incident, the

14 main sheet of the incident take.

15 Q. 5-1A is kind of a summary of the witness

16 statements and the 5-1B, is that what it is?

17 A. The 5-1A is the incident statement -- I mean

18 the incident report. It gives all of the demographics

19 of the inmates and the officers and nurses and

20 everything that's involved. The 5-1A is the document

21 that paints the whole picture. It tells you any and

22 everything you want to know down to what an inmate was

23 -- the inmates involved, what they were incarcerated

24 for. A 5-1B was just a quick summary to -- a form that

25 you could fax the different individuals right then and

1 let them know, hey, here is the problem and I'm going to  
 2 have a complete 5-1 packet to follow this.

3 Now, in a priority situation, a Priority 1  
 4 situation, you had immediate telephone notification,  
 5 which I did to the ATO, and you would have 24 hours to  
 6 get the whole entire packet complete all the way from a  
 7 5-1A which is the incident report down to I believe it  
 8 went to a 5-1G. I don't remember what each one of those  
 9 were.

10 Q. The 5-1C are the witness statements?  
 11 A. Witness statements, that's correct.  
 12 Q. What you gathered from the witnesses?  
 13 A. Yes, all of the witnesses, including even if  
 14 you're the person that does the 5-1A, in your own words,  
 15 you still have to file a 5-1C as well.

16 Q. Okay. Now, you mentioned one situation with  
 17 Mr. Sullivan where he was in Unit Juliet. And I believe  
 18 you said the officers in that unit called you down  
 19 because of problems he was having with two cellmates?  
 20 A. The officer called the sergeant and the  
 21 sergeant came to me, spoke with me. I gave him what I  
 22 thought would be a remedy for the situation. It didn't  
 23 work, so I went down there myself.

24 Q. And did you actually observe --  
 25 MR. WELBORN: Let's take a break here.

1 THE VIDEOGRAPHER: We're off the record at  
 2 11:54.  
 3 (Recess observed.)  
 4 THE VIDEOGRAPHER: We are back on the record  
 5 at 12:07. This is the beginning of Tape 2 of the  
 6 video-taped deposition of Patrick Perry.  
 7 BY MR. WELBORN:  
 8 Q. Mr. Perry, before we took a quick break, we  
 9 were talking about the situation in Unit Juliet which is  
 10 a general population unit, by the way, isn't it?  
 11 A. Juliet was a general population unit, but it  
 12 was a semi-special unit as well.  
 13 Q. And we were talking about the situation where  
 14 Mr. Sullivan was in a cell with two cellmates, and you  
 15 were called or contacted by Sergeant Douglass about them  
 16 not getting along, basically?  
 17 A. Right.  
 18 Q. You weren't down there before being contacted  
 19 by Sergeant Douglass and actually observed what went on  
 20 between Mr. Sullivan and his two cellmates?  
 21 A. No.  
 22 Q. You were just told by Sergeant Douglass what  
 23 had been related to him by the officers in the unit?  
 24 A. That's correct.  
 25 Q. So after that, you go down and you assess the

1 situation?  
 2 A. Yes.  
 3 Q. And you make the determination that you need  
 4 to separate these inmates?  
 5 A. That's correct.  
 6 Q. And you did that?  
 7 A. Yes, sir.  
 8 Q. So at that time, you moved Mr. Sullivan to  
 9 another cell?  
 10 A. I moved Mr. Sullivan to segregation.  
 11 Q. Did the other two inmates stay in the same --  
 12 stay there or did you separate those two as well?  
 13 A. They stayed in their cell.  
 14 Q. So at that time, just to go back over this,  
 15 you, as an officer and a captain at this facility, made  
 16 a determination that it would be in these inmates' best  
 17 interest to separate Mr. Sullivan from them?  
 18 A. That's correct.  
 19 Q. You made that decision and did that?  
 20 A. Yes, sir.  
 21 Q. Assistant Warden Corlew, when did he start at  
 22 the facility? Do you remember?  
 23 A. He came to the facility around about  
 24 September.  
 25 Q. of '07?

1 A. Of '07, yes. Around about the same time --  
 2 right about the same time that I made captain.  
 3 Q. So when you became a shift captain, that was  
 4 kind of correlated when Mr. Corlew came in?  
 5 A. That's correct.  
 6 Q. Time-wise?  
 7 A. Time-wise, yes, sir.  
 8 Q. Again, I want to go back to some things that  
 9 Mr. Davidson asked you about. And he asked you about  
 10 bonuses, and you talked about bonuses and budgets in  
 11 response to some questions that Mr. Davidson asked you?  
 12 A. Yes, sir.  
 13 Q. And it had to do with the performance of the  
 14 facility?  
 15 A. That's correct.  
 16 Q. Now, as an employee at that facility, you  
 17 were not involved in the budget process, correct?  
 18 A. Incorrect. Things that had to do with  
 19 security and operations, yes, sir, I was.  
 20 Q. Tell me specifically what you were involved  
 21 in with respect to budgeting at that facility.  
 22 A. Well, overtime was a very, very intricate  
 23 part of what I did. As a shift captain, I oversaw the  
 24 laundry. At one point in time, laundry was done during  
 25 the day, and they changed it to night because of certain

1 power. They used either water or electricity was  
 2 cheaper to run during the night than it was during the  
 3 day. Security equipment, radios, handcuffs,  
 4 accountability, all of that counted toward the budget.  
 5 Q. Okay. I guess my question is more specific  
 6 than that. You weren't involved in setting the budget  
 7 for the facility? What you're --  
 8 A. No, no.  
 9 Q. What you're describing for me is if you had  
 10 people working overtime, you had to report that to  
 11 somebody?  
 12 A. Actually report it and manage it. If someone  
 13 got an hour overtime, I would have to get them an hour  
 14 off the clock to compensate for their time so they  
 15 wouldn't be paid overtime.  
 16 Q. With respect to bonuses, you weren't involved  
 17 in setting bonuses for anyone?  
 18 A. No, sir, I wasn't involved in setting  
 19 bonuses. No, sir, I wasn't.  
 20 Q. And you can't -- your knowledge with respect  
 21 to any statements or anything about bonuses was  
 22 statements that were made in some meetings by, you know,  
 23 various people? You weren't actually -- you weren't  
 24 involved or have never seen any policy or anything like  
 25 that with respect to bonuses?

1 A. There is no policy with respect to bonuses.  
 2 Q. You weren't involved in the calculation of  
 3 any bonuses?  
 4 A. Well, a person's evaluation and performance  
 5 evaluation was taken into consideration of their  
 6 bonuses, and I did evaluation.  
 7 Q. So you had people that worked under you that  
 8 you evaluated?  
 9 A. That's correct.  
 10 Q. That evaluation may go off to somebody who's  
 11 going to decide whether this person gets a bonus as well  
 12 as various other factors?  
 13 A. Raises and promotions and all of that.  
 14 Q. You weren't actually involved in calculating  
 15 bonuses?  
 16 A. No.  
 17 Q. And you don't know exactly how bonuses are  
 18 calculated if there is one received?  
 19 A. I know the certain criteria that us, as  
 20 correctional professionals, were instructed to keep in  
 21 mind that affected our bonuses and affected everybody's  
 22 bonus in the facility. And that was the zero tolerance  
 23 system and certain other things.  
 24 Q. What is the zero tolerance?  
 25 A. The five zero tolerances that I talked about

1 before: Escapes; hostage situation; rape, because there  
 2 is no sex in the correctional facility; disturbances;  
 3 and, deaths other than natural causes.  
 4 Q. So you are aware of some things that may be  
 5 considered in whether there would be a bonus; if there  
 6 was, how much?  
 7 A. That's correct.  
 8 Q. But you weren't involved in how that's  
 9 actually calculated?  
 10 A. No.  
 11 Q. You mentioned an inmate named Brian Falk?  
 12 A. Yes.  
 13 Q. And an incident he had with a Charles -- and  
 14 I don't have his last name.  
 15 A. Williams.  
 16 Q. Charles Williams. Did you actually observe  
 17 that incident or is that something that someone told you  
 18 about?  
 19 A. I observed the aftermath of it. I saw Inmate  
 20 Falk leave in an ambulance. And I was the -- one of the  
 21 officers that transported Inmate Charles Williams to  
 22 Meharry to have a rape kit drawn on him. And, yeah, I  
 23 was involved in parts of the investigation and the  
 24 aftermath of it.  
 25 Q. But you didn't actually observe what went on

1 between the two?  
 2 A. Nobody actually observed it.  
 3 MR. WELBORN: Okay. That's my only question.  
 4 That's all of the questions that I have. Thank you.  
 5 MR. DAVIDSON: I have just some follow-up  
 6 questions.  
 7 REDIRECT EXAMINATION BY MR. DAVIDSON:  
 8 Q. What staff member, to your knowledge, decided  
 9 on when an inmate should be -- let me back up. Who  
 10 decides when an inmate should be taken off of suicide or  
 11 homicide watch?  
 12 A. The psychiatrist.  
 13 Q. Do you know who made that decision in Mr.  
 14 Sullivan's case?  
 15 A. I don't remember the psychiatrist's name.  
 16 Q. Did you ever observe or hear Mr. Sullivan  
 17 make threats to himself?  
 18 A. No.  
 19 Q. Was Mr. Sullivan, to your knowledge, in some  
 20 type of a gang there?  
 21 A. No, sir, not to my knowledge. That doesn't  
 22 mean it wasn't so, but not to my knowledge.  
 23 Q. Have you ever, while you've been at CCA, has  
 24 any other inmate been killed?  
 25 A. In 1997, I was a correctional officer at

1 Hardeman County Correctional Facility, and inside of our  
 2 protective custody unit there was an inmate named  
 3 William Christianson. He was an inmate that was on  
 4 protective custody, and he was mostly confined to a  
 5 wheelchair and he used a walking cane as well. His  
 6 cellmate, I think his last name was Townsend as well, he  
 7 became upset with him and beat his brains out with a  
 8 typewriter, broke his walking stick, cut his throat,  
 9 punched holes in the back of his neck. It was pretty  
 10 bad; ugly, ugly situation. I do remember that one.  
 11 It's been a couple of others, but they were  
 12 situations where, you know, people were stabbed on the  
 13 rec yard and stuff. There is a main difference between  
 14 -- CCA Metro Detention Facility is an extension of the  
 15 county jail system. CCA, Hardeman County Correctional  
 16 Facility, where I worked prior, and Whiteville  
 17 Correctional Facility were an extension of a state  
 18 facility. You had more dangerous inmates. You had  
 19 inmates that actually, you know, were there for two or  
 20 three life sentences, and they had a lot more freedom to  
 21 roam the facility and to go out in bigger numbers on the  
 22 rec yard because they were doing life sentences and  
 23 stuff like that. So there was a whole lot more.  
 24 Q. Let me ask you, we talked about what you  
 25 could see or how you communicate with inmates inside

1 these segregation cells. You really couldn't see in any  
 2 of those windows, could you?  
 3 MR. WELBORN: Object to the form.  
 4 BY MR. DAVIDSON:  
 5 Q. You couldn't?  
 6 A. No.  
 7 Q. Why couldn't you?  
 8 A. The type of glass that they use in those  
 9 windows, after so long, they become foggy. And I think  
 10 there is a space in between them. And it's very, very  
 11 hard to see in those cells, especially at night. You  
 12 know, you will have to shine a flashlight in there to  
 13 see what was really going on unless the inmate had his  
 14 own light on. Now, the lights were controlled from both  
 15 sides of the doors. You could cut an inmate's light on  
 16 involuntarily or an inmate could cut on his light  
 17 voluntarily.  
 18 Now, the other side of that is, the inmates  
 19 knew how to trick the lights out. They would bring the  
 20 light switch up halfway where the circuit couldn't  
 21 connect, and you could sit there all night long and flip  
 22 that light on the outside and you could never see inside  
 23 the cell.  
 24 Q. So they had some control there?  
 25 A. Yeah.

1 Q. When the 11:00 a.m. stop order came in this  
 2 case, you talked about, had the 5-1 packet been  
 3 completed?  
 4 A. No.  
 5 Q. Was it ever?  
 6 A. I don't know.  
 7 Q. Let's talk a little bit about your training  
 8 just for the record here. Tell us about your training  
 9 in the area of corrections.  
 10 A. Basically, officer courses, in-classroom four  
 11 weeks. Well, most people spent a week to two weeks on  
 12 OJT. Now, when I started at Hardeman, we didn't have  
 13 inmates, so there wasn't no such thing at OJT. I  
 14 learned by greeting inmates, the first inmates to that  
 15 facility off the bus. Then after, you know, you go  
 16 through OJT. You have yearly classes that they call  
 17 in-service that you're required to re-certify in CPR and  
 18 PREA updates, which is the Prison Rape Elimination Act,  
 19 and just things that you legally need to stay in  
 20 corrections.  
 21 Now, as you specialize in certain areas, you  
 22 get training in those certain areas. Anything new to  
 23 come down the pipe or anything such as an update in  
 24 confidentiality or updating information technology,  
 25 policies, stuff like that, they will bring you in, give

1 you a class or have you sign a roster. I did weapons  
 2 training with Buford Tune. Also chemical agents and  
 3 chemical irritants, training was given to me at the  
 4 facility for that as well.  
 5 Q. Would it be fair to say that you had a form  
 6 of in-service training every year?  
 7 A. Yes, sir.  
 8 Q. And how many years prior to your leaving CCA  
 9 had you been a correctional officer?  
 10 A. I served three different stints with CCA  
 11 cumulative to, I would say, probably eight years.  
 12 Q. And you were in the military?  
 13 A. Yes, sir, I was.  
 14 Q. What branch?  
 15 A. Army.  
 16 Q. What branch in the army?  
 17 A. Military police.  
 18 Q. How long were you in the military police?  
 19 A. Two-and-a-half years.  
 20 Q. A couple of last questions. Could either Mr.  
 21 Townsend's or Mr. Sullivan's medical condition have put  
 22 them in another form of segregation such as medical  
 23 observation? In other words, could either one of them's  
 24 mental condition, to your knowledge, put them in by  
 25 themselves or in another type of --

1 MR. WELBORN: Object to the form.  
 2 THE WITNESS: Mr. Sullivan had just come off  
 3 of suicidal watch. At the present time, Mr. Sullivan  
 4 had not communicated to me or my staff that he was  
 5 feeling suicidal or homicidal. So the answer to that  
 6 question is no.  
 7 BY MR. DAVIDSON:  
 8 Q. Are you personally aware of anyone else at  
 9 the CCA facility being aware of Mr. Sullivan's threats  
 10 to himself or other inmates?  
 11 A. The psychiatrist --  
 12 MR. WELBORN: Object to the form.  
 13 THE WITNESS: -- the nurses, any other  
 14 captains that were there when I worked there. Pretty  
 15 much all three shifts of correctional officers that  
 16 worked segregation. Anybody that came in contact with  
 17 Ronnie Sullivan knew he was a problem.  
 18 MR. DAVIDSON: I have no further questions.  
 19 THE VIDEOGRAPHER: This concludes the  
 20 deposition at 12:25.  
 21 FURTHER DEPONENT SAITH NOT.  
 22  
 23  
 24  
 25

1 CERTIFICATE  
 2  
 3 STATE OF TENNESSEE )  
 4 COUNTY OF DAVIDSON ) SS.  
 5  
 6 I, CAROLE K. BRIGGS, Shorthand Reporter and  
 7 Notary Public within and for the State of Tennessee at  
 8 Large, duly commissioned and qualified, do hereby  
 9 certify that PATRICK D. PERRY, the deponent herein, was  
 10 by me first and duly sworn to testify to the truth, the  
 11 whole truth and nothing but the truth touching upon and  
 12 concerning the matters in controversy in this cause; and  
 13 his examination was reduced to typewriting under my  
 14 supervision; that the deposition is a true record of my  
 15 stenographic notes; and that said witness waived reading  
 16 and signing the deposition.  
 17 I further certify that I am not a relative,  
 18 counsel or attorney of either party nor employed by any  
 19 of the parties in this case or otherwise interested in  
 20 the event of this action.  
 21 IN WITNESS WHEREOF, I have hereunto affixed my  
 22 hand and official seal on this 4th day of November 2008.  
 23  
 24 CAROLE K. BRIGGS, Shorthand  
 25 Reporter and Notary Public,  
 State of Tennessee at Large  
 My Commission Expires: 11/26/11