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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN
METROPOLITAN DIVISION
HON. DAVID LAMPE, JUDGE, DEPARTMENT 11

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**CERTIFIED
TRANSCRIPT**

BOWE CLEVELAND,)
)
)
 Plaintiff,) Pages 1 - 181
)
) Case No. S-1500-CV-279256
 vs.)
)
) Bakersfield, California
 TAFT UNION HIGH SCHOOL)
 DISTRICT, ET AL.,) June 20, 2019
)
 Defendant.)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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SCHOOL DISTRICT, Alex Thompson, ESQ.
ET AL.: 100 Willow Plaza, Suite 300
Visalia, California 93291

Reported By: Virginia A. Greene, CSR 12270
Official Court Reporter

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BAKERSFIELD, CA; THURSDAY, JUNE 20, 2019

MORNING SESSION

DEPARTMENT 11 HON. DAVID LAMPE, JUDGE

--o0o--

THE COURT: We're in session. We're on the record in Cleveland versus Taft Union High School District, et al. Counsel are present. I don't see any of the parties or party representatives this morning. Perhaps they'll be in later.

MR. RODRIGUEZ: Your Honor, Mr. Cleveland is not here. He won't be here today.

MR. HERR: And Ms. Angelo is sitting in the back so she can see the opening statements.

THE COURT: Okay. So I note Ms. Angelo is present. We're ready to proceed.

I just discovered that I have a motion in limine that was filed that perhaps need to be taken up before opening statements. Plaintiff has filed a motion in limine. It was addressed yesterday on the record, this issue of standard of predictability or prediction. I should probably hear that before we turn to opening statement.

MR. TRUJILLO: Yes, Your Honor. Just briefly --

THE COURT: Make sure you're speaking into the microphone.

MR. TRUJILLO: I apologize. All right. Just briefly, Your Honor. It's our position based on the

1 case law that this is a matter of -- as properly taken
2 up by the Court as a matter of law. And the
3 longstanding rulings by the California Supreme Court
4 have said that there is a special duty between school
5 districts and their students. And because of that
6 special duty the -- I'm sorry, special relationship,
7 Your Honor, thank you. Because of that special
8 relationship --

9 THE COURT: You don't have to be that close to
10 the mic. I don't want you to be uncomfortable.

11 MR. TRUJILLO: So because of that special
12 relationship the school district has a responsibility to
13 take the reasonable steps to protect their students from
14 foreseeable harm. And I think the word foreseeable
15 there is the operative word. That's well settled under
16 MW and also CA versus William Hart. And that was a 2012
17 California Supreme Court decision.

18 And here what we're afraid of based on the
19 questions that have been posed in the depositions and
20 even yesterday is that defense counsel is going to try
21 and impose a standard of predictability that we each
22 have to show that the school district was required to
23 prove -- or was required to predict that Bryan Oliver
24 was going to bring a shotgun on January 10th, go up two
25 flights of stairs and shoot Bowe Cleveland.

26 And I think that is improper based on the
27 longstanding case law in the California Supreme Court
28 decision.

1 THE COURT: Okay. As is my practice in the
2 interest of time, again, not argument for one side or
3 the other, but just to tell you what my state of mind is
4 so that -- and allowing you to create whatever record
5 you wish to create.

6 I agree with you that you are correctly
7 legally stating the standard. But I'm concerned that
8 your motion conflicts duty with the other issues that
9 are here in the Court. I'm not here to parse the
10 English language. Foreseeability, predictability, those
11 are interchange words. And predictability is the whole
12 -- from what I know of this case is the whole essence of
13 the case is how predictable was Mr. Oliver's behavior,
14 how foreseeable was his behavior. There is an issue
15 that comes into play as the jury as to decide was the
16 district's conduct a substantial factor or was it merely
17 incidental or trivial. That's causation. That's
18 foreseeability. I doubt it will take place, but I
19 haven't heard the evidence, so I suppose there could
20 still be a duty question put to me in the form of a
21 motion for a court ruling such as nonsuit or directed
22 verdict on a legal question of duty once I've heard the
23 evidence. I don't expect that necessarily in this case.

24 And also the standard of care is -- I
25 disagreed with what Mr. -- and I've already expressed my
26 disagreement with the defense and I said this isn't a
27 malpractice case. Yes, it is. It's an educational
28 malpractice case. It's not a mental, psychological

1 mental case. But it's all about what standards were
2 required of school administrators given the information
3 they had about Mr. Oliver and what were they supposed to
4 do with that information and how predictable was his
5 behavior. I agree with you.

6 I doubt any expert -- if they are, I can't
7 imagine any expert is going to say that it was
8 predictable that on that date with that particular
9 mechanism that Mr. Oliver was going to go at a
10 particular hour and engage in shooting another student.
11 No expert is going to say that.

12 MR. TRUJILLO: And we agree with the Court.
13 And that is exactly our fear, that that standard would
14 essentially be imposed on us that we provide expert
15 testimony to show that it was predictable at that time
16 based on the way that the questions have been framed.

17 I think that the California Supreme Court in
18 the Regents of the University of California case
19 specifically addressed this issue. They wrote -- or in
20 that case the Supreme Court held phrased at the
21 appropriate level of generality the question here is not
22 whether UCLA could predict that Damon Thompson would
23 stab the plaintiff. Instead it is whether a reasonable
24 university would foresee that its negligent failure to
25 control a potentially violent student.

26 So it's again I think -- I understand the
27 Court's statements in connection that the words could
28 potentially mean the same thing. However, I think it's

1 being used as to impose a different legal duty here.

2 THE COURT: Well, first of all, in Regents
3 that was a duty case. So they're talking about that the
4 foreseeability of conduct in the context of duties.

5 Mr. Herr?

6 MR. HERR: First, I haven't had a chance to
7 respond to the motion, but I have some general comments.

8 THE COURT: Well, I want to deal with it
9 before we have opening statement. Because otherwise I'm
10 going to get -- we'll have to excuse the jury and we'll
11 have issues.

12 MR. HERR: Two things. One, I got it late
13 yesterday. And as an aside we also filed a motion in
14 limine either early yesterday or the day before.

15 But for purposes of opening statement I do not
16 intend to tell the jury a legal issue which is duty
17 which is what I think the Court is going to determine.
18 I do think it's fair to comment on, you know, what is
19 foreseeable, and I think we are parsing words. You may
20 have what I'll call experts sit there and say an
21 educator, an administrator, cannot be expected to be
22 able to foretell this, that or the other thing. I'm not
23 going to say that the standard in this case is such that
24 you have to be able -- that standard for a duty is such
25 that you have to be able to predict the date, time and
26 location of the shooting. So I intend to tell them what
27 I think the evidence will show, but I do not intend to
28 argue the law to the jury in opening statements.

1 MR. TRUJILLO: Your Honor, again, I just think
2 even in the sense that with the expert opinion saying
3 that an administrator couldn't foretell gives the wrong
4 impression of what we, the plaintiff, is required to
5 prove.

6 Again, it should be whether or not a school
7 district, a reasonable school district, could foresee
8 this kind of harm happening. I think that's the proper
9 verbiage to be used here.

10 THE COURT: Well, I disagree. I think that if
11 Bryan Oliver had walked into the office with a shotgun
12 that morning, displayed it to the principal and said I'm
13 going to go into my science class and I'm going to shoot
14 the students in my science class, that is -- has some
15 predictability or foreseeability. And if the principal
16 said, okay, have a nice day, that would probably violate
17 a standard of reasonable care. I use that absurd
18 example to say that there is a range.

19 I'm sure that what's going to happen is that
20 the plaintiff's experts are going to say that the facts
21 known to the school administrators were such that they
22 were required to take certain steps that they did not
23 take and their failure to take those steps was a
24 substantial factor leading to Mr. Cleveland's injury.
25 The defense experts are probably going to say based on
26 that information they took all reasonable steps that
27 could be expected. They are not insurers. They cannot
28 predict exact behaviors. And so given what they knew at

1 the time, they did what was reasonable. And that's
2 going to be what the jury is going to decide. I don't
3 see any problem in asking -- for the defense to ask an
4 expert, for instance, you're not saying, are you,
5 plaintiff's expert that they should have predicted this
6 behavior on that date. No, I'm not saying that.

7 That's fair questioning just like say in a
8 medical malpractice case a question is posed to an
9 expert you're not saying that the doctor should have
10 known that there was going to be this absolutely bad
11 outcome. It's -- we're trying to parse -- you're trying
12 to have me parse out what I think is going to be the
13 exact debate to be held in front of the jury.

14 MR. TRUJILLO: Okay. Thank you, Your Honor.

15 THE COURT: I'm satisfied. I'm going to deny
16 that motion.

17 MR. HERR: And, Your Honor, our motion doesn't
18 need to be heard at this time.

19 THE COURT: What is it? I haven't seen it.

20 MR. HERR: We filed it earlier yesterday. I
21 can give the exact time. It's basically based on the
22 Court's in limine rulings with regard to Defense Motions
23 2 and 3. And what I'm asking the Court is that the
24 plaintiff's experts not change the opinions that they
25 have given in the case to date. I believe the Court's
26 rulings on MIL's 2 and 3 were significant.

27 THE COURT: Well, okay. I'll deal -- I'll
28 read that.

1 MR. HERR: I don't think it needs to be heard
2 at this point. But I wanted to alert the Court that we
3 did file it.

4 THE COURT: All right. Is there anything
5 further?

6 MR. HERR: Just during Mr. Rodriguez's opening
7 I assume I can sit at a location where I can better
8 observe. It's hard for me to see what he might be
9 projecting behind me.

10 THE COURT: Yes. Let's have the jury in.

11 Court is in session. We've been briefly in
12 session and I took roll and now I'll state that the jury
13 is in the courtroom properly seated in the jury box.

14 All right. Ladies and gentlemen, I want to
15 explain a few things to you, go into some greater detail
16 regarding my orders with respect to your conduct. You
17 have been sworn as jurors in this case so there are some
18 basic rules. As I've already said, do not allow
19 anything that happens outside the courtroom to affect
20 your decision. During the trial I remind you you must
21 not communicate about the case or the people involved in
22 it with anyone. This means people living in your
23 household, family, friends, co-workers, employers. You
24 just can't communicate with anyone. Sometimes -- it's
25 rare but sometimes it happens that we need to advise
26 jurors not to consult any counselors or therapists,
27 advisers, spiritual leaders regarding your jury service.
28 We have to ask that you not do that because they are not

1 jurors and so they can't talk to you about your jury
2 service. They can't be a matter that influences your
3 decision making in the case.

4 Remember not to communicate in any form.
5 Don't post any information about the trial or your jury
6 service on the Internet in any form. Do not send or
7 accept any messages, including e-mail or text messages,
8 to or from anyone concerning the trial or our services.
9 Obviously you may tell people you're on a jury, how long
10 the trial will take as I explained, but that is all.
11 You must not communicate with one another about the case
12 until after I tell you it is time to decide the case.
13 And then you may discuss the case only in the jury room
14 during your deliberations and only when all 12 jurors
15 and only the 12 jurors are present in the jury room.

16 During the trial you must not listen to anyone
17 else who might be talking about the case or the people
18 involved in the case, you know, in the hallway or
19 elevate or other locations in the courthouse. Somebody
20 might be saying something that you shouldn't hear. You
21 need to be bold. You need to tell them that you can't
22 hear what they're saying because you are a juror. If
23 that person keeps speaking about the case in your
24 presence, take yourself away from hearing that. As soon
25 as you can report the incident to the bailiff. Do not
26 discuss it with any other juror.

27 Please avoid contact with any of the parties,
28 the lawyers, people you identify as witnesses and anyone

1 else who you think may have a connection to the case.
2 These people are also instructed to have no contact with
3 you. It's a little awkward because, again, the hallway
4 is close quarters so the lawyers, people involved in the
5 case may be passing by you while you're in the hallway.
6 And to follow my instructions they may be averting their
7 eyes. Frankly saying good morning or hello, those sorts
8 of things are not really a problem, but typically the
9 lawyers and the people involved will avoid doing that
10 with you just so that no question is raised. So if they
11 do that, they're not being rude, they're following my
12 orders. So don't hold that against them or their
13 clients.

14 After the trial is over and I've released you
15 from jury duty you may discuss the case with anyone but
16 you are not required to do so. During the trial do not
17 read, listen to or watch any news reports about this
18 case. We've discussed that before. In this particular
19 case there is some public interest in the case. There
20 is a camera in the courtroom. We went over all that
21 during jury selection. You will not be filmed.
22 Everyone is under an order not to communicate with you,
23 not to film you, not to have any contact with you. And
24 that includes members of the media. They're
25 professionals. They know that they can't talk to jurors
26 or involve jurors in anything having to do with the
27 media. So -- there could be printed matter. Again, I
28 remind you if you see a blurb on the TV or you see

1 something in writing that -- be quick to identify that
2 and just ignore it. Don't pay attention to it. Don't
3 read it. Don't listen to it. Don't watch it.

4 After the trial is over as I said you're
5 released from jury duty. But I believe it applies in
6 civil cases as well as criminal cases, I'll make sure of
7 that. Under -- after the trial is over you may talk to
8 anybody you want about the case. You don't have to talk
9 to anyone if you don't want to. But under California
10 law the law requires you to wait at least 90 days before
11 you may accept any payment for information about the
12 case.

13 You must decide the case based only on the
14 evidence presented in this trial and the instructions
15 and law that I will provide. Again, nothing that you
16 see or hear or learn outside the courtroom is evidence
17 unless I tell you that it is. Nothing that you see or
18 hear when we're not in session for the presentation of
19 evidence is evidence in the case. And you should not
20 base your decision on anything you see or hear when
21 we're not in session, even something done by one of the
22 parties or witnesses.

23 Please do not do any research on your own or
24 as a group. Do not use any dictionaries, the Internet
25 or other reference materials. Do not investigate the
26 case or conduct any experiments. And do not contact
27 anyone to assist you such as a family doctor or lawyer.
28 Do not visit or view the scene of any event you hear

1 about in the evidence in this case. If you happen to
2 find yourself at the scene or you happen to pass by a
3 scene, do not stop or investigate. All jurors must see
4 or hear the same evidence at the same time.

5 As I've said before and I'll remind you it's
6 important that you keep an open mind throughout the
7 trial. Evidence can only be presented one piece at a
8 time. Do not form or express an opinion about the case
9 while the trying is going on. You must not decide on a
10 verdict until after you have heard all the evidence and
11 have it discussed it thoroughly with your fellow jurors
12 in your deliberations.

13 Do not concern yourself with the reasons for
14 any rulings I may make during the course of the trial.
15 Do not guess what I may think your verdict should be
16 from something I might say or do. I have no such
17 intention, so don't interpret anything I say or do for
18 that purpose. You must not let bias, sympathy, passion,
19 prejudice or public opinion influence your verdict.

20 At the end of the trial I will explain the law
21 that you must follow to reach your verdict and you must
22 follow the law as I explain it to you even if you do not
23 agree with the law. Sworn testimony, documents,
24 anything else may be admitted into evidence. You may
25 not consider as evidence -- well, let me explain it this
26 way. Exhibits are usually given a number or a letter so
27 that they're identified. Sometimes an exhibit is
28 referred to by its number. But the -- for reference to

1 the Court or to the witness, but the exhibit itself is
2 not admitted evidence. So you may hear about some
3 exhibit numbers that themselves are not evidence. It's
4 the testimony that becomes the evidence in the Court.
5 And then if I admit the exhibit, then the exhibit itself
6 is also evidence. And you will have all admitted
7 exhibits with you in the jury room during your
8 deliberations.

9 Remember that what the attorneys say during
10 the trial is not evidence. In their opening statements
11 and closing arguments the attorneys will talk to you
12 about the law and the evidence. What the lawyers say
13 may help you to understand the law and the evidence, but
14 their statements and arguments are not evidence. The
15 attorney's questions are not evidence. Only the
16 witness' answers are evidence. You should not think
17 that something is true just because an attorney's
18 questions suggests that it might be true.

19 Each side has the right to object to evidence
20 offered by the other side. If I do not agree with the
21 objection, I will say it is overruled. If I overrule
22 an objection, the witness will answer and you may
23 consider the evidence. If I agree with the objection, I
24 will say it is sustained. If I sustain an objection,
25 you must ignore the question. If the witness did not
26 answer, you must not guess what he or she might have
27 said or why I sustained the objection. If the witness
28 has already answered you must ignore the answer.

1 Now, there will be times when I need to talk
2 to the attorneys privately. It's a common complaint of
3 jurors that we ask you to come here and then you sit in
4 the hallway and you wait. We ask you for your time, but
5 there are occasions when we do have to have you wait and
6 I have to discuss things outside your presence with the
7 attorneys. Typically I will say that most of that
8 involves decisions that I need to make that probably end
9 up shortening the period of time that you need to hear
10 evidence so that you need to sit in the courtroom. So
11 we are doing something productive even if you're in the
12 hallway and not witnessing it. But do not be concerned
13 about our discussions or try to guess what is being
14 said. That's one of the reasons that I ask for your
15 patience and ask for your patience during the selection
16 process and now ask for your patience as jurors.

17 An attorney may make a motion to strike
18 testimony or evidence that you have seen or heard. And
19 if I grant the motion, you must totally disregard that
20 evidence. You must treat it as though it did not exist.

21 The case proceeds in the following way.
22 First, each side may make an opening statement. Neither
23 side is required to do so but I expect both attorneys
24 will make an opening statement in this case. An opening
25 statement is not evidence. It is simply an outline to
26 help you understand what that party or lawyer expects
27 the evidence will showed. And also because it's
28 difficult to give you the evidence in the exact order

1 that you might prefer the opening statement allows you
2 to keep an overview of the case in mind during the
3 presentation of the evidence. Then you will hear the
4 evidence. The plaintiff presents his evidence first.
5 When the plaintiff is finished, the defendants have an
6 opportunity to present their evidence. Each witness
7 will first be questioned by the side that asked the
8 witness to testify. This is called direct examination.
9 Then the other side is permitted to question the
10 witness. This is called cross-examination. Again,
11 documents or objects referred to during the trial are
12 called exhibits. There are many rules that govern
13 whether something will be considered evidence in the
14 trial. As I said, as one side presents evidence the
15 other side has the right to object and ask me to decide.
16 And, again, I try to do so immediately but sometimes I
17 have to listen to the lawyers outside your presence.

18 After the evidence has been presented the
19 attorneys will make closing arguments and I will then
20 instruct you on the law that applies to the case.

21 There are a couple of other things I like to
22 point out to jurors in this department. First of all,
23 you will note that the clerk of the Court in this
24 department has two work stations. She has a traditional
25 work station in front of the bench and on the other side
26 of what we call the well of the courtroom. That's where
27 the clerk usually sits to assist the lawyers in the
28 Court with the trial of the case, with witnesses, with

1 exhibits. The clerk takes minutes. Veronica takes
2 minutes of the proceedings. But in this modern age this
3 department manages 850 other cases directly in this
4 department. So the clerk maintains a separate work
5 station and from time to time she may go from one work
6 station to the other in order to briefly deal with the
7 other issues that are -- and those other cases that are
8 going to come before the Court. So if she moves one
9 from work station to the other, please understand she's
10 not being rude to the attorneys or to the witness, to
11 you, to me, she's just following my instructions and
12 going about the ordinary business of the Court. So
13 don't allow that to be a distraction.

14 We have a telephone in the courtroom. It
15 rarely rings because people know when we're in session
16 and when we're not in session. But sometimes it will
17 ring. Don't allow that to be a distraction.

18 The bailiff has a radio, typical law
19 enforcement radio, on his shoulder. He also has a
20 telephone. He may have to communicate from time to
21 time. There may be reasons why deputies, bailiffs, may
22 need to exchange their work. One deputy may need to
23 leave, another come in. They're just going about the
24 ordinary course of the court security. So don't allow
25 that to be a distraction. If anything does distract
26 you, then -- I think it was mentioned yesterday --
27 please speak up and say you didn't hear something,
28 didn't see something. If something is being displayed,

1 we have audio visual equipment and so typically written
2 matter once it's admitted into evidence will be
3 displayed on the screen to my left, the screen that you
4 face. And it's a small courtroom. So if someone is
5 blocking your view, just speak up and say I can't see
6 what's being shown. Let us know and we'll make sure
7 that you hear and see everything.

8 One other thing, I have a computer at my
9 bench. I keep my computer open. I keep my e-mail open.
10 I do that for a couple of reasons. I may receive
11 communication from other judges, in particular
12 Department 1, the department that manages the entire
13 court system. So I may get information that I need to
14 know. And frankly I might get information that you need
15 to know, too, that I can communicate to you regarding
16 traffic or some other issue that is a general matter
17 that we're alerted to. Also, there are two clerks that
18 work on those 850 other cases that are not in the
19 courtroom. They're in another location in the building.
20 And so from time to time they'll send me e-mails and
21 they need a brief response from me and brief
22 instructions from me so that they can keep up with their
23 work flow on their cases.

24 The main reason I have it open is because
25 Virginia's machine is connected through some software
26 that magically translates the key strokes that she's
27 making on her machine into written words on my screen.
28 It's what we call a rough transcript or a realtime

1 transcript, and I follow along with that. In fact, as
2 I'm speaking right now, I can read the words that I'm
3 saying to you on my screen. And if I read that, it
4 helps me to make my rulings because not only have I
5 listened or seen what's happening in court, I've been
6 able to read the words and that helps me make a
7 decision.

8 All right. That's all I have for you this
9 morning. I think we're ready to proceed.

10 Mr. Rodriguez, your opening statement.

11 MR. RODRIGUEZ: Thank you, Your Honor. Good
12 morning. Before we get into the details of what
13 happened on this case, let me first tell you what we
14 except the evidence is going to show us. And that is
15 that schools are a place where our children go to learn
16 to read and write. But there is a known danger when it
17 comes to schools, and that danger is school shootings.
18 And school districts, they know that school shootings
19 have been around forever. The first recorded school
20 shooting was back in the early 1800s. And school
21 districts, they know that the way to prevent school
22 shootings is by way of doing a threat assessment.

23 And so let me tell you three things about
24 threat assessment. First, a threat assessment is a
25 system. It's a protocol. It's an approach that school
26 districts have in place to use when they receive a
27 report of a threat of violence for one of their
28 students. And threat assessments are nothing new.

1 School districts have had them in place for decades.

2 Second, this threat assessment is run by a
3 team. And there are at least four people on the team.
4 First one is the school administrator or administrators.
5 And by that it is superintendent, principal, assistant
6 principal, that -- and they're the ones that quarterback
7 it. They're the ones that call the shots on the team,
8 on the threat assessment team. The second member of the
9 threat assessment team is law enforcement. I'm not
10 talking about outside law enforcement. I'm talking
11 about internal law enforcement. Typically it's an SRO
12 officer, school resource officer, uniform, gun. The
13 only job he has is to work at the school campus. That
14 is the second member of the threat assessment team. The
15 third is the school psychologist. And the fourth is the
16 guidance counselor, the guidance counselor for the
17 student making the threats. And so those are the
18 members of the threat assessment team. You can have
19 more, but you've got to have at least those four.

20 And this -- third, this threat assessment
21 team, their job is what, is to investigate the threats
22 and investigate the student who made the threats, and
23 then to come up with a plan, to come up with an
24 intervention tactic, and a plan that will prevent the
25 threat from becoming reality.

26 And so let me also tell you something else
27 that school districts know that the evidence is going to
28 show you, and that is that there are at least three

1 things that the school districts have to do in order to
2 have their threat assessment plan work once they come up
3 with it. And school districts, they all know that their
4 job isn't done once they do the threat assessment plan.
5 Why? Because they all know through their training that
6 if they continue to receive threats, oncoming threats,
7 new threats, new information, that -- threats of
8 violence from the same student what do they do? Their
9 own training tells them that their threat assessment
10 plan maybe needs to be modified, needs to be revised,
11 needs to be beefed up.

12 And here's the other thing that school
13 districts all know through their own training, their own
14 policies and procedures, that almost 100 percent of all
15 school shooters they leak their plans. They tell about
16 their plans to other students. They give off warning
17 signs. And because school shooters leak their
18 intentions, the threat assessment team must continue to
19 monitor the student even after they come up with a
20 threat assessment plan. And then they act on that new
21 information, those new threats, those new reports.

22 And the second thing that school districts all
23 know, it has to be done in order for the threat
24 assessment plan to work is that they have to communicate
25 among themselves, between and among themselves, the
26 members, especially with the law enforcement member of
27 the team. Because if the law enforcement member doesn't
28 receive information, isn't communicated with, he or she

1 can't do their job if information is kept from them or
2 hidden from them.

3 And the third thing the school districts, they
4 all know, that they have to do in order for the threat
5 assessment plans to work is that they have to involve
6 the parents of the student who made the threats. Why?
7 That way they have another set of eyes and another set
8 of ears on that individual, okay. They can receive more
9 information of this person's behavior, this student's
10 behavior. So that means that when the school
11 administrators when they involve the parent, they sit
12 down and talk to the parent of the student making the
13 threats. They can't sugarcoat it. They can't minimize
14 the threats, the behavior of the student. They can't
15 keep information from the parent because they need to
16 involve them.

17 Now, here's what the evidence we expect is
18 going to show. That the threat assessment plan in order
19 to work it takes time. It takes work. It takes
20 diligence. But most of all it takes administrators to
21 care. And in this case the evidence will show that the
22 school administrators stopped communicating, they
23 stopped doing their job, the job they were supposed to
24 do. And we don't know exactly why. But what we do know
25 through the evidence that we expect to put on is that
26 they hid information from law enforcement. They hid the
27 threats from law enforcement. They hid the threats from
28 the parents, and they hid the threats from the teachers

1 and the staff. And they didn't -- and why didn't they
2 tell law enforcement, parents, teachers, staff? Because
3 they were more concerned about their image than they
4 were the safety of the kids.

5 And the other thing we know for certain
6 through the evidence we expect to show is that the
7 school district, the administrators, knew it was
8 dangerous to ignore oncoming and new threats and
9 information, and they did it anyway.

10 So now we're finished talking about the
11 general overview. Let's get into details. So let me
12 start off with Taft Union High School District. Taft
13 Union High School District. It's a school district,
14 high school district, that consists of two high school,
15 Taft Union High School and Buena Vista High School.
16 Together I think it's about 900 students at Taft High
17 School and 50 more or so at the continuation school.
18 And the school district is run by school administrators,
19 superintendent, principal, there is a principal at each
20 high school, and an assistant principal. In some
21 schools they're called vice principals, and at each high
22 school, okay. And the assistant principal is the person
23 who is in charge of dealing with the students, dealing
24 with student discipline and as a practical matter
25 dealing with the threat assessments.

26 And in this case the assistant principal at
27 Taft High School was a lady by the name of Rona Angelo,
28 Ms. Angelo. And Ms. Angelo at the time --

1 MR. HERR: I'm sorry, Your Honor, I object to
2 displaying paragraphs in opening statement that have not
3 been admitted into evidence.

4 THE COURT: I would sustain that.

5 MR. RODRIGUEZ: Okay. Thank you. Ms. Angelo
6 at the time that this happened was -- had been the
7 assistant principal out at Taft for 12 years. Before
8 then she had been the dean of students, which is about
9 the same kind of job, student discipline, students, that
10 kind of thing, at Foothill High School. And before then
11 she had taught at Bakersfield High School and Stockdale
12 High School.

13 And now let me tell you a little bit about a
14 student by the name of Bryan Oliver. At the time he was
15 16 years old. And he had an older brother and a younger
16 brother. His older brother's name is Tyler. At the
17 time he was 19 years old and about three years older.
18 And back then Tyler had already graduated from a high
19 school in Tennessee. He went through the junior ROTC
20 program and he was planning on joining the Marines. And
21 he had a younger brother. The younger brother's name
22 was Jared Tyler, about two years younger, 14 years old.
23 At the time Jared was in AP classes and he was in
24 sports, football, and he was involved in Bible -- after
25 school Bible studies. And they were being raised, these
26 three boys, by their mom, Sheryl Oliver. Ms. Oliver had
27 grown up here in Bakersfield, gone to West High School,
28 a graduate from West High. And then she got married and

1 she got a job. And the job she had was with a national
2 company and it took her out to the East Coast. She got
3 married, moved out to Florida. At Florida -- Bryan
4 Oliver was born in Florida. And then the family moved
5 to Tennessee. And the husband, the boy's father, was
6 abusive, verbally and physically abusive with Bryan
7 Oliver. And then he walked out the family in Tennessee.
8 Bryan Oliver started school in Tennessee. The school
9 records will show that he was in special education
10 classes and some general education classes. And the
11 school records will show he was bullied.

12 After his father, after the husband walked out
13 on the family, Ms. Oliver decided to move back to Kern
14 County where she had family and friends and -- single
15 mom. And through her job she was able to get a position
16 at Rosewood Assistant Living Center right across from
17 West High School where she is a director of food
18 services. She worked 80 to 90 hours a week, lived in
19 Taft, and she would commute to Bakersfield. And so
20 Bryan Oliver finished the last one and a half months of
21 his eighth grade year in Taft when they moved back. So
22 that's Bryan Oliver.

23 Now let me tell you a little bit about a young
24 man, a 16 year old student at the time, Bowe Cleveland.
25 And you'll notice he's not here today as I mentioned
26 earlier. But you got a glimpse of him. So let me tell
27 you at the time he was 16 years old. His dad, Rob
28 Cleveland, was born in Bakersfield, grew up in

1 Bakersfield. He works as a supervisor, superintendent,
2 for an oil field company contract. Key Energy I think
3 it is. His mom at the time had just retired as a dental
4 assistant working for many years as a dental assistant.
5 Bowe had a younger sister named Aubrey. She was three
6 years younger. And Bowe he was born in Bakersfield.
7 And at the time we talked to Bowe and asked him so what
8 do you want to do. What do you enjoy doing? He'll tell
9 you well, I'm going to be -- I played football. Or at
10 least he was playing because he got hurt. And I'd like
11 to go to college. And I already know what college I'm
12 going to go to, Washington State University. Okay. And
13 what are you going to do there? Well, I'm going to get
14 a degree, and I'm going to play football. At the time
15 16 years old he was a big kid, about six three or so.
16 Not necessarily muscular but kind of a rollie-pollie
17 kind of kid. And he -- but when you dig a little bit
18 deeper with him and ask him football, you would talk to
19 him and so forth. And then is that really what you want
20 to do, Bowe. Well, not really. What do you really want
21 to do? I like to write. I like to draw. So if that's
22 what you like to do, why do you say you want to play
23 football? He said I don't want to disappoint my dad.
24 My dad when he graduated from high school he was one of
25 the best ball players in the county and he got a
26 scholarship to Washington State. And, you know, I don't
27 want to disappoint him. So that was Bowe Cleveland.
28 Now, let's talk a little bit about a timeline.

1 What did the administrators at Taft High School know?
2 The date of the shooting was January 10th, 2013, about
3 six and a half years ago. What did they know? What
4 information did they receive up until the date of the
5 shooting?

6 So we're going to start off with March 15th,
7 2011, about two years before the shooting. And it's
8 March 15th, 2011. Bryan Oliver is a freshman in high
9 school and he's in his P.E. class. And he gets attacked
10 by two boys and he gets T-bagged. T-bagged means it's a
11 male who puts his genitals in the face of the other boy.
12 The other boy is held down. Bryan Oliver fights back
13 and he's suspended along with the boys that attacked
14 him. By the way, Bowe Cleveland wasn't in that class,
15 didn't have anything to do with it. And T-bagging is
16 sexual assault. And we're going to hear about whether
17 there was a reporting, all right. And Ms. Angelo was
18 asked if she knew about the T-bagging because we wanted
19 to know if it was reported. And she said -- the reason
20 we say she said something is there is something called a
21 deposition. Some of you might be familiar with it. A
22 deposition is a proceeding that takes place. There is a
23 court reporter present. The court reporter has the
24 power under the state of law, authority, to put somebody
25 under oath as if they were testifying in court. And you
26 get asked questions and everything is written down. And
27 Ms. Angelo said I didn't know anything about a T-bagging
28 at that time. But you'll see it once we get started in

1 the trial, Bryan Oliver was required to write a little
2 incident report. And in the incident report he wrote
3 down I was T-bagged, okay.

4 Now we go to about a year later. It's now
5 February 25th, 2012. Bryan Oliver is now a sophomore in
6 school. And he is on a trip along with other students,
7 a field trip, to Universal Studios, a record for reading
8 books okay. On the way back the staff -- there is three
9 staff people there on the bus. They hear him saying
10 things like I'm going to shoot people and making
11 threats. That's on a Saturday, February 25th. Monday
12 reports were asked to be filed by the school of the
13 students. And one staff member on February 25th dates
14 the report says I am very concerned for the safety of
15 the students and staff as well as Bryan. On
16 February 27th, that Monday, there is a report dated from
17 a teacher that says Bryan was telling how he could shoot
18 and take out more than 50 students before anyone could
19 stop him. Bryan said don't you just have those days
20 when it gets so bad you just can't take it anymore and
21 you want to start shooting people. February 27th,
22 another report from a student, says on the bus Bryan
23 Oliver was talking about killing everyone at school
24 except the people he liked. He talked about getting
25 guns and bombs and killing people at the school. 28,
26 29, Wednesday, there is a report dated that time from a
27 student who says I went to Mr. Greer's period five, a
28 student was talking about a hit list and I was second on

1 it. Today the same thing happened. The situation got
2 brought up in Mrs. White's class. Another student on
3 that same date, February 29th, says I saw Bryan Oliver's
4 drawing in a blue notebook with many killings in it.
5 Bryan has also told me he will kill so-and-so student
6 because he is black. He has told me he is not scared to
7 kill the people that have been mean to him.
8 February 29th, another written report, Bryan Oliver was
9 drawing big people killing, shooting, little kids, stick
10 figures, on a school playground with red blood splats on
11 their heads and the big people had guns.

12 Now, let's talk a little bit about that last
13 one, about the drawing. It happened on Wednesday. They
14 suspended Bryan Oliver for five days on that Monday,
15 February 27th. And by the way, that year had 29 days in
16 February. So March 2nd, those five days. That student,
17 the one about the drawing, her name is Jasmine Sanchez.
18 Listen to what she said. She said on Monday that Bryan
19 Oliver wasn't suspended right away. He had some classes
20 before he was told he was suspended. She said on that
21 day she was picking up papers and she saw a drawing on
22 his desk and it scared her. It showed all of this
23 killing of little kids. So she got it to give it to the
24 teacher. And Bryan kind of got a little aggressive with
25 her, but a male student protected her. She walked up to
26 the teacher and handed the drawing. She opened it up
27 and she could see on his face a look of shock. She was
28 called to Mrs. Angelo's office. She had two meetings,

1 two conversations at least, with Mrs. Angelo. First and
2 second time Ms. Angelo asked her what had happened. And
3 she -- by the way she wrote that report and she
4 explained. And she was asked how do you feel about
5 that, what are your feelings. She said it made me
6 scared. It's not normal for people to draw things like
7 that. Ms. Angelo asked Jasmine if she felt threatened
8 for her life. Ms. Jasmine said yeah. Ms. Angelo told
9 her don't worry, Bryan is being seen by the school
10 counselor. We got it covered. You can leave now.

11 Later when we took the deposition of -- they
12 have no counselor on campus. They have a school
13 psychologist. His name is Mark Shoffner. Later we took
14 his deposition and he asked him under oath did you or
15 anyone from the school counsel Bryan Oliver any of the
16 time up until the date of the shooting. And he said I
17 never counseled him. I never counseled him. No one
18 ever counseled him.

19 So by March the 2nd during that week a threat
20 assessment plan, they come up with one. Threat
21 assessment plan, this is what -- and remember a threat
22 assessment plan includes intervention tactics, what to
23 do with the violence, the threat of violence. And they
24 said you can come back to school on Monday, five days
25 suspension. No counseling. We want you to just check
26 in with Mr. Shoffner like you see him in the hallway,
27 hey, how are you doing. I'm okay. But no counseling.
28 And they made him sign a contract called a student

1 behavior contract that if you don't behave yourself
2 you'll get expelled.

3 So now we're up to here. Now it's about ten
4 months up until the date of the shooting. What happens
5 in these ten months? By the way, the threat assessment
6 plan doesn't have a date on it. But everybody says they
7 finished it by Friday, March 2nd. But it does not have
8 a date on. Everybody agrees it was finished by that
9 date. Okay. March 12th, ten days later, a student
10 reports to the administrator that Bryan Oliver is making
11 stabbing gestures with a pencil toward another student.
12 Then in the spring we don't have exact dates but it's
13 still the spring of 2012 a student reports to Ms. Angelo
14 that Bryan Oliver talked about bringing a gun to an
15 assembly and shooting randomly. Another report, a
16 student reports to Ms. Angelo that Bryan Oliver has a
17 hit list and that she is worried because of the story he
18 had written and posted on the Internet about violently
19 killing people. Still in the spring Ms. Angelo calls in
20 a student and asks him why are you on Bryan Oliver's hit
21 list. That's in the spring. Then there's a summer.
22 And now we go to the fall. So now we're talking about
23 months before the shooting.

24 In the fall -- and we say fall because we
25 don't have a precise date but everybody agrees it's in
26 the fall. A student reports to Ms. Angelo that Bryan
27 Oliver is getting worse. In the fall another student
28 reports to the school district that Bryan Oliver made a

1 threatening statement to another female student. Now we
2 have a precise date. November 9th -- I'm sorry,
3 November 8th, Bryan himself self reports he walks in --
4 he walks out of his class because he's angry. And he
5 goes over to Ms. Angelo's office and he tells her that
6 he wants to punch another student in the face because
7 other students talk too much and speak in other
8 languages and whistle. Then on November 9th a librarian
9 reports -- by the way, the librarian that was on the
10 field trip, she reports to the school district that
11 Bryan threatened, quote, something drastic would happen,
12 unquote, with a look on his face that scared her. We're
13 still within that ten months between the time of that
14 threat assessment and the date of the shooting.

15 Let's go to December. In December a high
16 school district employee comes up with an escape plan
17 along with her students for what to do if Bryan Oliver
18 decides to attack. December 15th, now we're three and a
19 half weeks before the shooting. It's a Saturday. It's
20 December 15th. And there is a student by the name of
21 Allison Biagioni, and she's Tweeting can everybody
22 please start kissing Bryan Oliver's ass, because I'm
23 afraid he might come shoot up the school. I have four
24 classes with him. Another student responds, Tweets
25 back, why are you saying this. You're scaring me. And
26 they go back and forth with Tweets. And then Allison
27 Biagioni says why is he still in school. He always
28 talks about murder like he's obsessed with it. She also

1 says yeah, he told Bowe that he would -- he had watched
2 five serial killer movies during the weekend and thought
3 of Bowe the whole time. That's on a Saturday the 15th,
4 three and a half weeks before the shooting.

5 On that Monday, December 17th, Mariah Doty,
6 one of the two people in that Tweet, she's pulled out of
7 class and she's taken to Ms. Angelo's office. And
8 before she was interviewed she was asked to fill out an
9 incident report like some of the other students have.
10 And she lists all the things that Bryan Oliver has said
11 and done that scared her. We asked the school district
12 for that report. They said they don't have it.
13 Ms. Angelo asked her why are you Tweeting about this.
14 And she says because I'm scared. What are you scared
15 of? And then Ms. Doty, the student, tells her the
16 things that she wrote. Well, Bryan Oliver had pulled a
17 knife on my friend. Bryan Oliver told me to punch Bowe.
18 And then about the movie, the serial killer movie. But
19 Ms. Angelo Mariah Doty tells me it's been resolved. You
20 have nothing to worry about. You can go back to class.
21 We wanted to know if Ms. Angelo after she had talked to
22 Ms. Doty, the student -- she never called Bowe, never
23 tells him about what Ms. Doty had told her, never called
24 Bowe's parents to warn them about anything of what
25 Mariah Doty had said to her, never talks to Allison
26 Biagioni, the other student in the Tweet, doesn't ever
27 talk to her about it. And she never talks to Bryan
28 Oliver about the stuff that was being Tweeted.

1 So now we get to the date of the shooting. On
2 that day it's January 10th, 2013. It's a Thursday and
3 it's about 8:55, 8:50 A.M. School started late. School
4 usually started at 8:00 in the morning. But that
5 morning the school district had had a staff meeting with
6 teachers on what to do with an active shooter and so
7 they started at 8:30.

8 And we see Bryan Oliver doing the following.
9 And when we say we see, there is a video. You'll
10 probably see it, okay. And this is what we see. There
11 is a fence, a gate, a fence around the school. And
12 there is a gate. And you can see him with a .12 gauge
13 shotgun holding it. And the gate is open and unlocked.
14 And you can see him and he's walking around the science
15 building because he has a class in the science building
16 on the second floor. He walks over, goes in through the
17 door. He walks in, then we don't see him for a moment
18 because there is not a camera on that. By the way,
19 there is 43 cameras. And we'll talk about whether
20 they're being monitored or not later on. He walks in
21 and you can see him in the hallway. He's walking with a
22 shotgun. And the hallway is -- if you were to say
23 that's north, that's south, that's east and that's west,
24 the hallway runs east/west generally. Not true
25 direction, just generally. And you can see there is a
26 hallway and there is a door to the classroom. And it's
27 locked. He goes to the other door, it's unlocked.
28 Inside -- the classroom is set up like this, that door

1 and that door. And then there is the front of the
2 classroom and there is the teacher's desk and then there
3 is rows of students, student desks, about six rows, and
4 the back are four circular tables. It's a science lab.
5 And the students are taking a pop quiz. So they're
6 sitting. And we know from the time that we saw -- we
7 see in the video when he walks through that gate to the
8 time that's here this door is unlocked.

9 In the second row Bowe Cleveland is sitting
10 there taking his test. Bryan Oliver walks in. Bowe
11 Cleveland steps up to stand up to turn in his test. And
12 when he stands up, psshh, psshh. Everything goes quiet,
13 silent. And he thinks he can see from lint floating
14 into the air in slow motion, and he feels a pressure on
15 his chest. Then he falls and he hits the desk and falls
16 to the floor. And then he starts to crawl where the
17 windows are at to the other side of the room.

18 In the meantime, Bryan Oliver -- the students
19 all run to the other side of the room and there is
20 another shot. This time it misses everything. It's up
21 into the ceiling and windows. Bowe gets over to the
22 side where the wall is with the windows and he kind of
23 props himself. And he's sitting there and he can feel
24 this pressure, feels like he's got an 18-wheeler parked
25 on him. He's thinking Jesus, just let me die. I want
26 to die. I can't take this pain anymore. And then he
27 can smell and taste a copper in his mouth. And it's
28 blood. And then he looks down and he can see blood

1 spurting out. And there is a pool of blood that starts
2 to form. And then he says -- and the pain won't go
3 away. And he says I change my mind, God, please,
4 please, please don't let me die, don't let me die.

5 Bryan Oliver in the meantime -- there is two
6 campus supervisors. They're security guards, but
7 they're called campus supervisors, in addition to the
8 SRO officers. You can see them in the video. They run
9 -- and by the way, the reason they got there is a
10 teacher in the other classroom heard the gunshot and
11 called. Within 90 seconds they were there, okay. And
12 this door is locked. You go over here and this security
13 officer looks in and he sees Bryan Oliver. And he says
14 put the gun down, Bryan, put the gun down. Bryan Oliver
15 picks up a couple of shells, throws them in the trash
16 can. He said put the gun down. He puts the gun and the
17 security officer walks in and says get down. They
18 handcuff him. I take that back. I don't remember if
19 they handcuffed him. But they put him to the side. So
20 we'll talk a little bit about the evidence about the
21 timing of all of this.

22 Here's what happened that day, that morning.
23 And because remember the way the case is set up, we're
24 not going to talk about the damages part in this part
25 just to let you know.

26 So we brought a lawsuit because the school
27 district is refusing to except any responsibility. And,
28 number two, because they didn't follow their own

1 training, their own process, their own policies and
2 procedures. So before we can bring this case to trial,
3 there were five things we had to look into, like
4 depositions and do all of that.

5 And here's the first thing we had to look
6 into. Did the school district keep information about
7 threats away from law enforcement? First thing. So you
8 have to know that during this time frame there were
9 three SRO officers. The first one was Deputy Greg
10 Collins. He had been the SRO officer out there for
11 seven years and he retired just after that field trip.
12 When I say just, about a month later or so.

13 So we asked Ms. Angelo first did you tell
14 Officer Collins -- well, first of all, what did Officer
15 Collins do? He said what I did was I got a call from
16 Mark Shoffner back in March or late February of 2012 to
17 go to Bryan Oliver's house and search for a hit list.
18 So I went out -- first I called Ms. Oliver and said I'm
19 coming over. I got there. She met me there. Bryan
20 Oliver wasn't there. And I went through the bedroom.
21 Okay, did you do anything else? Yes. What else did you
22 do? I looked for weapons. Okay. Were you asked to
23 look for weapons? No. So why did you look for weapons?
24 I was there, I thought it would be a good idea to do it.
25 Okay. We asked Ms. Angelo did you ask him to look for
26 weapons. Yes. He said no, I didn't even talk to her
27 about it, it was Mr. Shoffner that talked to me about
28 it. Okay. Did you know about the threats on the field

1 trip? No. Did you know about that Bryan Oliver had
2 threatened to blow up the auditorium? No. Threatened
3 to shoot students? No. Were you in a meeting
4 regarding, you know, like a threat assessment team
5 regarding Bryan Oliver? No. Have you ever had any
6 personal contact with Bryan Oliver? No, never have.
7 The only thing I ever knew about him was the hit list,
8 you know.

9 And he retired and then the next two or three
10 months he was replaced by Kevin George who is the
11 sergeant with the sheriff's department. And he became
12 the SRO officer for about two or three months. And we
13 asked Ms. Angelo did you tell the new SRO officer about
14 any of the threats that Bryan Oliver had made. I can't
15 remember. How about the other SRO officer who replaced
16 him, Officer Hallmark? I don't remember. During her
17 deposition, Ms. Angelo said I can't remember, I don't
18 know, or I can't recall 201 times. She said that every
19 1.6 minutes. We talked to Sergeant George. I was never
20 told about any threats. He didn't know anything about
21 it until after the shooting I heard about it, not
22 before. Officer Hallmark who was the third SRO officer,
23 were you ever told about any of these threats? No. The
24 three SRO officers during this relevant time line, Chief
25 Whiting, he's from the Taft Police Department -- or he's
26 retired now. He was with -- you know, because of the
27 mandated reporting from the T-bagging. We asked him.
28 He said I've never even heard of Bryan Oliver until

1 after the shooting. So that's all of the evidence we
2 expect on that issue of whether or not the threats, all
3 that, was given to the SRO officers in law enforcement.

4 Second thing we had to look into was did the
5 school district keep information about threats away from
6 the parents, the teachers and the staff. And here's the
7 evidence that we expect based on their deposition
8 testimony. First, the parents. There is a parent by
9 the name of Mr. Romo. Mr. Romo, his son was at school.
10 And his son told him about being on a hit list, Bryan
11 Oliver. So he took it upon himself to go to the school
12 and ask. And he met with Ms. Angelo. And he said to
13 Ms. Angelo, told him about it, and he said should I
14 report it to the police. And she said no, no, no, we'll
15 take care of it, we've got it covered. He said well, I
16 can talk -- it's no problem. I can go talk to Bryan
17 Oliver's parents. The younger brother, Jared, I coached
18 him in baseball, little league. I don't have any
19 problem going and talking to them. Oh, no, no, we'll
20 take care of it. The police were never called. So
21 Triston White, he's a student there. He was called in
22 by Rona Angelo. And he was asked why are you on the hit
23 list. And Ms. Angelo told him that the hit list was
24 written by Bryan Oliver. Now, later on they say there
25 is no such hit list. But he will tell me she told me,
26 asked me why am I on the hit list lit. They claim there
27 is no hit list. They didn't find one, that's true. So
28 we asked him did anybody from the school district tell

1 your parents, your parents know about it. Yeah. How
2 did they know about? Because I told them.

3 Another parent, Sheryl Oliver, Bryan Oliver's
4 mom, T-bagging incident. The first time she heard about
5 it was at the criminal trial. She never had heard about
6 T-bagging. In fact, remember I told you the threat
7 assessment was over by -- the threat assessment plan was
8 over by March 2nd, 2012. On March 7th, five days later,
9 there is a meeting with Ms. Oliver. Because Bryan
10 Oliver is an IEP student you have to do a -- I can't
11 remember if it's a yearly meeting or not, you know. And
12 here's the relevant part. In that meeting -- this is
13 after all the threats and so forth. This is the week
14 before. Here's the information. By the way,
15 Mr. Shoffner wrote this along with somebody else. There
16 is a part that talks about social emotional status.
17 Bryan engages in age appropriate social interaction and
18 gets along well with peers and adults. This is just a
19 week after. His behavior is appropriate in class. This
20 is not an area of concern. That's what she was told.
21 There is a part about adaptive behavior, self help.
22 Bryan appears to have age appropriate self-help skills.
23 Bryan is capable of communicating with adults and peers
24 in an age appropriate manner. He can demonstrate
25 responsibility and sensitivity to others as well. This
26 is not an area of concern. Ms. Oliver is asked did you
27 know about these threats. She goes no. And this
28 matches up with what she was told. Teachers. What

1 information -- were teachers given information up until
2 the date of the shooting? And they will tell you that
3 teachers, they have an understanding that it's required
4 that teachers of students who make threats that they
5 should be told about that student and the threats that
6 the student is making. That's required. And so there
7 were depositions of four students -- of four teachers of
8 Bryan Oliver. Mr. Hughes. Mr. Hughes, did you know
9 about these threats? No. Mr. Heber, did you know about
10 these threats? No. Mr. Hickman, did you know about
11 these threats? No. Ms. Rasmussen, did you know about
12 any of these threats? No. We asked Ms. Angelo did you
13 notify the teachers as you're required to about these
14 threats. And she said you know how many students I
15 have. I have 900 students. That's a lot of work to do
16 that. And besides, the teachers, if you put their name
17 on a computer screen, if there is an asterisk, they can
18 click on the asterisk and the asterisk will take you to
19 the discipline screen and they can then read about it.
20 But that wasn't the question. The question is did you
21 tell them. No, there is a screen. Staff. Mary Miller,
22 Dianne Kazycki, Kelly Federoff, Kathy McLaughlin. We
23 asked Mary Miller was a security guard who rushed into
24 the room afterwards in the shooting -- and she's the one
25 that held put pressure on Bowe before the first
26 responders got there. And she's the campus supervisor,
27 so that means like a security guard. She said I didn't
28 know anything about the threats, never heard of them.

1 And then another staff member, the guidance counselor
2 for Bowe Cleveland, who they claim -- the school
3 district claims was part of the threat assessment team,
4 remember that's one of the four required members.
5 Ms. Durkan was asked did you know about these threats.
6 No. They say you were on involved in the meetings.
7 There were no meetings. That's her sworn testimony. So
8 that was the evidence that we expect to present in that
9 regard.

10 Third thing.

11 THE COURT: Mr. Rodriguez, since you're moving
12 to a different subject matter, we'll take a 15-minute
13 recess. Ladies and gentlemen, we'll be in recess for
14 15 minutes. You are excused to the hallway. Don't
15 discuss the case or form or express any opinions.

16 (A recess was taken.)

17 THE COURT: We're in session. We're on the
18 record in Cleveland versus Taft Union High School
19 District. And appearances are as previously noted. I
20 think we're ready for the jury. We'll have the jury in.

21 Court is in session. I took roll. The jury
22 is now in the courtroom properly seated in the jury box.

23 Mr. Rodriguez, the balance of your opening
24 statement.

25 MR. RODRIGUEZ: Thank you, Your Honor. Thank
26 you for coming back. Let me clear up something I was
27 told that I said wrong. Jana Durkan, I said she was a
28 guidance counselor for Bowe Cleveland. No, she's the

1 guidance counselor for Bryan Oliver. And she should
2 have been a member of the threat assessment team. So I
3 just wanted to make sure I didn't confuse anybody by
4 that.

5 Okay. Third thing we have to look into was
6 did Bowe Cleveland bully Bryan Oliver. And here's the
7 evidence we expect will be. First of all, from Bryan
8 Oliver himself. And Bryan Oliver after the shooting
9 within two hours he was interviewed by the sheriff's
10 department detectives, and it was recorded, their
11 conversation, the interview. And he was asked about
12 that. And here's what he said. Okay. What was -- what
13 were you trying to do when you started pulling the
14 trigger? What was your intent? Do you know what intent
15 means? Answer: Yeah, I know what intent means.
16 Question: Okay. Answer: It's just trying to get back
17 at the people that have just messed up with my high
18 school life. Question: Okay. Answer: Then the one
19 was just -- question: You're just talking -- answer:
20 There. In other words, Bowe Cleveland was just there.
21 He just happened to be there. Question: This, this
22 person that messed up your high school life, who is
23 that? Answer: Jacob Nichols. Question: His name is
24 Jacob Nichols? Answer: Yeah. Question: Is he in the
25 same grade as you? Answer: Yes. Question: How old is
26 he. Answer: I don't know. Question: When you say he
27 messed up your high school life, was he like a bully to
28 you? Answer: Yes. Question: Okay. Answer: Him and

1 his friends would not leave me alone. Question: Okay.
2 What would they do to you? Answer: Trip, insult, steal
3 pictures that I drew. Okay -- question -- I'm sorry.
4 Question: Okay. How long had this been going on?
5 Answer: It's basically most of my school life. Answer
6 -- question: Okay. Who is the other kid you said, the
7 other kid that was just there, what? Answer: Bowe,
8 he's the one that got hurt. Question: His name is
9 Bowe? Answer: Yeah. Question: How old is he?
10 Answer: Don't know. Question: Is he the same age or
11 same grade as you? Answer: Yes. Question: Okay. So
12 Jacob and Bowe -- do you know Bowe's last name? Answer:
13 Cleveland, I believe. Question: Is he friends with
14 Jacob? Answer: Bowe is friends with everyone.
15 Question: Okay. Is Bowe one of the people that also
16 picked on you with Jacob? Answer: No. He was just --
17 the best word I can explain was annoying. Like he made
18 jokes and stuff like that. You know, that phrase that
19 everybody keeps saying how they mispronounce America on
20 purpose.

21 Now, later on at the criminal trial Bryan
22 Oliver came in and said on the witness stand, he said
23 oh, yeah, Bowe Cleveland, he did he called me ginger and
24 he called me fag. But that was different than what he
25 said when he was interviewed, okay.

26 Okay. What's the other evidence we expect on
27 this issue, on this question? Jared Oliver, the younger
28 brother. He and his mom, Sheryl Oliver, the younger

1 brother and the mom, were interviewed by the sheriff's
2 department. They were at the sheriff's department in
3 the interview room. And they were being interviewed and
4 it was recorded. And then the detective walked out and
5 they didn't know that the recorder was still on. And
6 this is what Ms. Oliver and her son Jared were talking
7 about. And Ms. Oliver is saying this Bowe, what kind of
8 is he, Jared, I mean. And Jared says mom, he's a nice
9 guy. Bowe is the one that got me in Bible study. Bowe
10 is the one that's involved in Campus Life and things
11 like that.

12 Another person that we expect to -- Mary
13 Miller. She's the security guard, the one that was
14 holding down pressure. She was asked do you have any
15 dealings with Bowe Cleveland, and if so what kind of an
16 impression do you have. Is he a bully or anything like
17 that? And she said he's just a big teddy bear. He's
18 respectful.

19 All right. Here's what the school records
20 show about bullying of Bryan Oliver. The notes -- the
21 school records show that Jacob Nichols and Billy Wolf
22 bullied Bryan Oliver. How do we know that? Bryan
23 Oliver himself wrote a report on that, his notes. Where
24 Jacob Nichols, remember he's the other kid in the room,
25 and Billy Wolf were they ever disciplined when Bryan
26 Oliver came forward and said they're bullying me. The
27 answer is no.

28 And Allison Biagioni, she's the one with the

1 Tweets, she said -- she appeared on the front page of
2 Seventeen magazine. That's a national teenage magazine.
3 And of course she gave an interview. And she said Bowe
4 Cleveland bullied him. And in the interview she's asked
5 well, can you be more specific. Can you give an
6 example? And she said -- or did you ever see him
7 bullied. Well, no, not exactly. Did you ever hear?
8 Well, not exactly. Then what do you mean? She said
9 well, there was a time when Bowe Cleveland comes in and
10 he says to Bryan Oliver over the weekend I saw the movie
11 The Notebook and I thought about you, Bryan. And Bryan
12 said oh, yeah, well, I saw five serial killer movies
13 this weekend and I thought of you. Was there anything
14 else besides that that forms the basis of you saying you
15 know that he was a bully? No, that was it.

16 And last but not least the defense has hired
17 experts, we have hired experts. And the defense expert
18 when he was asked do you have an opinion as to whether
19 or not Bowe Cleveland bullied Bryan Oliver -- this is
20 the expert they paid and brought in. And he said Bowe
21 did not bully Bryan Oliver. Their own expert admits to
22 that. So that's all the evidence we expect on that
23 thing that we looked into.

24 The fourth thing, fourth of the fifth thing,
25 of the five things we had to look into. And here's what
26 we had to look into. Was the gate supposed to be
27 closed, locked and monitored? We asked the school
28 district representatives, and they denied that the gates

1 had to be locked or closed. They said it was an open
2 campus. But we went to their website, and I think it's
3 off there, but there was a page on their website at the
4 time. And their website, Taft High School website, said
5 Taft Union High School is a safe and secure campus. The
6 open campus is surrounded by an exterior fence which is
7 locked at all times except during lunch when students
8 are allowed to leave campus for lunch break. That's
9 what it says.

10 Now, we asked Deputy Collins -- remember
11 Deputy Collins is the SRO officer, those seven years and
12 he retired just like a month after the reports from the
13 field trip. And we asked him about it, whether he had
14 had any input. And he said the school had too many
15 access points. And we said did you mention that or
16 bring that to anybody at the school district's
17 attention. He said yes, my recommendation was that it
18 be locked. There is too many access points. There was
19 even an incident where a homeless person had entered the
20 campus with a knife. And we asked him so what was the
21 response. He said never got a response.

22 Officer Hallmark, he was the SRO officer --
23 remember there was three of them. He was -- Officer
24 Hallmark, he was asked. He said the gates should have
25 all been locked so there would only be one access point.
26 The monitoring. In addition a digital I.P.
27 video surveillance system consisting of 43 security
28 cameras have been installed in common areas such as the

1 cafeteria, hallways and at entryways to several
2 structures on the grounds in an effort to monitor campus
3 activity. We asked Deputy Collins when you were there
4 the seven years did you know about this surveillance
5 cameras. He said yeah. I think he said they got
6 installed like a year or two after he became an SRO
7 officer. And did you have access to them? No. Did you
8 ever get to see them? Yeah, but I had to ask somebody
9 to look on the computer screen. And the only time they
10 were used was if there was a fight and they'd go back to
11 look and see who started it. Now -- so they didn't
12 monitor the 43 cameras.

13 And the reason you're going to hear from the
14 experts and from witnesses saying because if you're
15 monitoring and you can see the gate -- first off, it's
16 supposed to be locked. But even if you see somebody
17 trying to climb over it, six feet tall, you know, if
18 you're monitoring that, loud speaker, lock down.
19 Remember, it was three minutes and 12 seconds from the
20 time we see entering through the gate to the time he
21 enters the room. And it took 90 seconds -- now, you
22 wouldn't need 90 seconds for the lock down. The doors
23 have locks. So that was the fourth thing.

24 The fifth thing you had to look into what did
25 the school district do with all of the information they
26 received, the reports, new threats they received, in the
27 ten months between the time they came up with a threat
28 assessment plan and the shooting, those ten months. So

1 this is what the evidence that we expect to present to
2 you.

3 First, the school district, do they have
4 policies and procedures on this. They call it process.
5 That's what they call it, policies and procedures. And
6 they have the book and it's called guidelines for
7 responding to student threats of violence. So what does
8 this say about whether you make a threat assessment
9 plan, you just walk away from it and you don't monitor
10 the student who made the threats. So here's what it
11 says. Revise the plan as needed. The team should
12 continue to monitor the situation after the student
13 returns to school and make any changes in the plan that
14 seems reasonable to maintain safety. Safety plans
15 should include a provision for a follow-up review of the
16 student's behavior and attitude toward the intended
17 victim of the threat. Well, here all the students, he
18 threatened to blow up the auditorium, so it wasn't just
19 one student. If there is an indication that the student
20 is still at risk to carry out the threat, the plan
21 should be revised accordingly. So that's what their own
22 policies and procedures say, that you have to continue
23 -- even after you come up with a threat assessment plan,
24 you continue to monitor it. And if you receive new
25 information, new threats, you make changes. What did
26 they have at their disposal? They're called
27 intervention tactics. One intervention tactic technique
28 was counseling. The threat assessment plan didn't

1 include counseling. And we heard, and you will hear
2 from Mr. Shoffner, he said no counseling. That was the
3 initial plan. After those reports did they change that.
4 No. That's what the evidence is going to be.

5 We asked Ms. Angelo when you were -- those
6 people came in to talk to you and Bryan Oliver came in
7 to talk to you, did you consider that to be a cry for
8 help. And she said I don't care for that word.

9 Here's the other evidence you're going to
10 receive in this regard. If the school district had a
11 contract with the Kern County Mental Health Department
12 to make referrals, which they did with other students.
13 Now, Mr. Shoffner didn't do any counseling. But about
14 in June of 2012, which would have about three months
15 after the threat assessment plan they came up with, June
16 of 2012, he recommended to Bryan Oliver to read two
17 books because he knew Bryan Oliver liked to read. And
18 the books he recommended to him was Mind Hunter and
19 Anatomy of Motive. They're both about serial killers
20 and how to plan them and how to avoid detection.

21 So what other information did they receive?
22 December 14th, that's the day before the Saturday of the
23 Tweeting -- December 14th has two important parts to it.
24 First part is December 14th, 2012 is the date that the
25 Sandy Hook shooting took place. Okay. And the experts
26 say that was a wake-up call for all school districts to
27 take threat assessment seriously. And the other thing
28 that happened on December 14th, that's a Friday before

1 the Tweeting of December 15th, Bryan Oliver's backpack
2 and books were stolen. Bowe Cleveland had nothing to do
3 with it, somebody else. Bryan Oliver himself goes in
4 and talks to Ms. Angelo. And Ms. Angelo later says,
5 describes to the detective who interviews her that Bryan
6 Oliver was super angry. He was pissed. He eventually
7 got his books back the next days. What happened to the
8 students who took his backpack that got him angry? Were
9 they reprimanded, disciplined? The evidence is no.

10 So one day before the date of the shooting --
11 the shooting is January 10th. On January 9th the day
12 before a student by the name of Rebecca Jackson, Bryan
13 Oliver tells another student before her don't come to
14 school tomorrow because I have a bad feeling about
15 tomorrow. Bryan Oliver tells Rebecca Jackson on
16 January 9th the day before the shooting I'm going to
17 shoot Bowe. We asked Rebecca Jackson why didn't you say
18 something, or did you say something? She goes no. She
19 says why not. She said because I went four times before
20 in the ten months and I told Ms. Angelo I'm scared. I'm
21 concerned. I'm worried about Bryan Oliver. He might do
22 something. Different occasions I went in and talked to
23 her. What was her response? He's just blowing smoke.
24 We've got it under control. And she dismissed me. The
25 four previous times I went in and said he was going to
26 do something.

27 In that regard here's the other intervention
28 tactics that you're going to hear about. And that is

1 that it's the culture that you create. They being that
2 you the school district can do. And that is you can
3 either create a culture of silence if people don't speak
4 up because they're more concerned about the image of the
5 school. Or you create an environment of see something,
6 say something. And we're going to see and we're going
7 to hear evidence from the other administrators who after
8 the March field trip sent out an e-mail to the teachers
9 and staff and said we've interviewed everybody and it's
10 blown over proportion, it's no big deal. Try to not
11 talk too much about it. And you'll see the exact
12 wording. I forgot to read it. So that's another
13 intervention tactic that will be described to you to
14 foster an environment that invites people to not be --
15 not feel dismissed or brushed off, that if you have a
16 concern about safety that you will be listened to. And
17 that's the evidence in that regard.

18 You've been very patient. That's the evidence
19 we expect to put on in this case. Thank you for
20 listening.

21 THE COURT: Thank you, Mr. Rodriguez.
22 Mr. Herr, your defense opening statement.

23 MR. HERR: Thank you, Your Honor. Yes, I'd
24 like to. Thank you, ladies and gentlemen, for being
25 here and giving me this opportunity to tell you what I
26 think the evidence is going to show. As Judge Lampe has
27 already indicated what Mr. Rodriguez and I tell you we
28 think the evidence is going to show is not evidence.

1 It's important for you to keep that in mind as you
2 listen to our presentations. You only decide the case
3 on what you hear from the witness stand. The reason we
4 do this is because we've lived with this case for seven
5 years. We've taken statements from people. We have a
6 pretty good idea of what people are going to say when
7 they testify. But as Judge Lampe said people don't
8 always say the same thing in the courtroom that they
9 said before they get to the courtroom. And you should
10 decide this based on what you hear in the courtroom.
11 But we do this so that you get an overall picture of
12 what is going to happen in this case. And I think it's
13 very important in this case because of the many, many
14 different perspectives and versions of events.

15 And one important thing you're going to hear
16 throughout the presentation of evidence in this case is
17 this concept of hindsight bias. Hindsight bias --
18 hindsight bias is also known as Monday morning
19 quarterbacking. In other words, what we know today in
20 2019 or even what we knew on January the 10th, 2013 or
21 2014 is different than what we knew in 2012 or 2011 or
22 that sort of thing. As you listen to the evidence, I
23 would ask that you please keep in mind your oath, the
24 oath that I went over in jury voir dire. And that is
25 how you're going to listen to all the evidence and keep
26 an open mind until the case is presented to you.

27 We're going to present evidence that shows a
28 lot of different things. We're going -- you're going to

1 here evidence about teenagers and what it's like to run
2 a school, what it's like to raise teenagers, the
3 difficulties of communicating with teenagers. In this
4 case you're going to hear the people who ran Taft High
5 School who dealt with 900 teenagers over the course of
6 four years dealing with students who were going through
7 puberty, who are going through a breakup of
8 relationships, who are trying to get into college, who
9 are trying to get out of high school, teenage
10 pregnancies. This is all that's going on during the
11 course of student's lives at Taft High School. You're
12 going to hear how the teenagers are influenced by a
13 number of different factors as they're going through
14 high school. They're influenced by what their friends
15 say. They're influenced by what they're reading and
16 hearing on social media. You're going to hear that the
17 way they act in high school is sometimes different than
18 what they -- how they act at home. And even when
19 they're in high school sometimes they act differently
20 with different groups of friends.

21 So you're going to hear throughout the course
22 of this case the tremendous influence that a lot of
23 external things have on teenagers and you're going to
24 hear about how schools deal with these different issues.
25 You're going to hear evidence on what schools do, what
26 the school -- what Taft High School, Taft Union High
27 School, considered its primary obligation. And that is
28 to provide a quality education in a safe environment,

1 not the exclusion of one over the other. But keep in
2 mind that the role of schools, and you'll here ample
3 testimony of this, is to educate or try to educate,
4 because there are some students who are in high school
5 who don't want to get educated. There are some students
6 there who don't know why they want to be there. There
7 are some students who are happy to be there. And the
8 high school is dealing with all of those issues.

9 You're going to hear that the high school and
10 its staff is not there for law enforcement. The high
11 school and its staff is not there as a criminal
12 profiler. And you're going to also just as an aside
13 listen to what the state of knowledge was back in 2012
14 concerning criminal profiling and those types of issues.

15 But the high school is there not to parent,
16 not to police, not to be a peer to the other students.
17 With regard to Taft High School in particular you're
18 going to hear evidence about the history of the high
19 school. And the history of the high school in many ways
20 influenced the action of the high school during the
21 period of time that Bowe Cleveland and Bryan Oliver went
22 there. You'll hear evidence that Taft High School has
23 been around for a long time. It is literally the center
24 of the community for the City of Taft both in terms of
25 location, it's in the middle of the city, but in terms
26 of the community activities. There are a number of
27 businesses around the high school that exist in large
28 part because of the commercial activities of the

1 students. They go off campus to buy lunch, for example.
2 They buy things when they come on to campus. You're
3 going to hear how the school worked very hard to
4 struggle with its mandates that are imposed on it by
5 outside forces. And by that I mean the State of
6 California requirements concerning providing an
7 education, providing testing, that sort of thing.

8 You're going to hear evidence about how the
9 people at the school, including Rona Angelo, do not have
10 absolute discretion in what it's going to do with
11 students. For example, you're going to hear evidence
12 that the school can't just wake up one day and decide to
13 expel a student. And that even if a student is
14 expelled, he or she is only expelled for one year. It's
15 not a lifetime expulsion. These are rules that are
16 imposed upon Taft High School.

17 You're also going to hear that the rules for
18 expelling special needs students or students who are in
19 an IEP -- IEP is an individual education program. The
20 normal rules for expelling a student don't apply to
21 students who have an IEP. As Mr. Rodriguez pointed out
22 Bryan Oliver had an IEP. So I point this out just so
23 you know some of the limitations, some of the
24 restraints, with which people like Rona Angelo and Mark
25 Shoffner had to deal every day in their existence at the
26 school.

27 We're also going to present evidence about
28 what it's like to run a high school, particularly what

1 it was like to run Taft Union High School District. The
2 school worked very closely with the City of Taft. They
3 interact on what was best for the school, for the campus
4 and for the community. You're going to hear evidence
5 how the Taft Union High School District cared very much
6 about student safety, school safety, so much so that in
7 2012 the city entered into a contract -- or, excuse me,
8 the school entered a contract with the City of Taft to
9 provide extra police services. In other words, over and
10 above the normal police services that would be provided
11 the school district entered into a contract where they
12 paid the City of Taft about \$100,000 a year to have a
13 uniformed, armed police officer on campus. And
14 Mr. Rodriguez referred generally to that term as an SRO.
15 That's simply stands for a school resource officer.

16 Now, you'll hear before the contract was
17 entered into Deputy Greg Collins provided those services
18 through the Kern County Sheriff's Offices. He was a
19 deputy sheriff. After the contract was entered into
20 those services were provided primarily by Officer Doug
21 Hallmark. Doug Hallmark is a police officer. You're
22 also going to hear how the school relied upon Chief Ed
23 Whiting for his services as the chief of police. Chief
24 Whiting surveyed the campus. Chief Whiting spoke to
25 Rona and Mark Shoffner, and at the time the principal
26 superintendent was Mark Richardson.

27 So the school administrators went to law
28 enforcement and asked them what are we doing here,

1 should we be doing something else. The chief of police
2 thought the campus was safe, and it was safe as an open
3 campus according to Chief Whiting. School
4 administrators relied upon what Chief Whiting told them
5 concerning their campus.

6 And it's going to be important to note the
7 reason why the campus was open is because this issue was
8 very heavily discussed and debated with the school board
9 and the city counsel about the pros and cons of having
10 the campus open or closed. And it's important to keep
11 in mind that in 2012 when these decisions were being
12 made there was no history of violence. There was no
13 history of gangsters coming on campus. Mr. Rodriguez is
14 right, at some point in the distant past some homeless
15 person came on to campus and they had a butter knife or
16 some sort of utensil in that regard. But that's the
17 extent of it. So it's within that context that people
18 in 2012 relying on communications with the law
19 enforcement that they made the decisions they made.

20 I also just want to pause and give you an
21 example of how the school dealt with discipline. And it
22 will come up in a lot of different comments that I have
23 later on. Mr. Rodriguez is correct that there was an
24 occasion in November of 2012 when Bryan Oliver got
25 frustrated in geometry class and walked out and walked
26 into Rona Angelo's office. And Rona spoke to him. She
27 commented on the fact that Bryan, you know, I'm proud
28 that you felt frustrated and you came and talked to me

1 that this class, you don't like being in it. I am happy
2 to move you to another class if you would like. I'm
3 happy to do something that, you know, doesn't happen all
4 the time, but I'm very aware of your situation since,
5 you know, we've been working together over the last
6 couple of years. Would you like to go to do a different
7 class? But keep in mind if you do to a different class
8 at this point in the semester, you're going to get a
9 different teacher and it might be more difficult for you
10 to accomplish what you want to accomplish in the month
11 or so until the end of the semester. After talking to
12 Rona Angelo, Bryan Oliver said no, I want to stay in the
13 geometry class that I'm staying in.

14 And I give you that example because it tells
15 you a couple of things. One, how Rona Angelo interacted
16 with Bryan Oliver in particular. But also it reflects
17 the way all the staff at Taft High School dealt with
18 students.

19 For example, you're going to hear about Kim
20 Fields. Kim Fields is the gentleman, the school campus
21 supervisor, who on January the 10th, 2013 heard the
22 phone call -- took the phone call about a shooting. As
23 Mr. Rodriguez said within 90 seconds, within 90 seconds
24 Kim Fields was at the classroom. Kim Fields opened the
25 door, looked at Bryan and basically talked Bryan down.
26 Because of Kim Fields' actions he was able to get Bryan
27 to lay on the ground. He disarmed him. Law enforcement
28 was immediately able to gain access to the facility.

1 They were able to care for Bowe who lived. They were
2 able to take Bryan into custody without further ado
3 without anyone else being hurt. This is all because of
4 Kim Fields. You're going to hear testimony that Kim
5 Fields literally knew every one of the 900 students that
6 attended Taft High School. Kim Fields knew these
7 students by name. Kim Fields was the type of person who
8 every day when a student would come onto campus would
9 greet them by name. He would know about who's having
10 this problem or that problem. Kim cared very deeply
11 about every one of those students.

12 And this also gives you insight into the
13 resources that Rona Angelo and Mark Shoffner relied upon
14 to do their job. And by that I mean if Rona had a
15 question about a student, she would ask Kim about it.
16 If Mark Shoffner, the school psychologist, had a
17 question about a student, he may ask Rona Angelo or he
18 may ask Kim Fields. There was this exchange of
19 information that these people frequently relied upon in
20 providing services to the students.

21 Let me just pause and talk about Mark Shoffner
22 for a moment. Mark Shoffner was the school
23 psychologist. Mark Shoffner was in many ways pretty
24 innovative in 2012. In 2012 Mark Shoffner as the school
25 psychologist had developed a threat assessment plan.
26 Mark Shoffner came up with that threat assessment plan
27 after he attended three seminars put on people who he
28 considered to be very knowledgeable about how to do

1 threat assessments.

2 So here you've got Taft High School that, one,
3 had a school psychologist, and you're going to hear most
4 high schools that size don't have a school psychologist.
5 Two, this school psychologist went out on his own and
6 developed a threat assessment plan for the high school
7 that he put in place to deal with situations where there
8 were problems with the students.

9 And let me just talk about Taft's focus on
10 safety. They had entered into the contract with the
11 City of Taft as I told you about. The school had
12 trainings. In fact, as Mr. Rodriguez noted, on the day
13 of the shooting they had planned a drill for a school
14 shooter. So they had a drill planned that very day to
15 deal with those sorts of issues. The policies and
16 procedures that the school followed to maintain the
17 campus safe were well recognized. They relied heavily
18 on the police department.

19 And that includes the question of what to do
20 with these cameras that they had around campus. And it
21 was determined in conjunction with law enforcement that
22 the best use of those cameras was to use them after
23 something happened. Because it's a better use of the
24 school resource officer's time to have him or her seen
25 on campus as the students come and go. It's better for
26 them to see the police officer and have the police
27 officer see them. In fact, after the contract was
28 entered with the City of Taft the school put a marked

1 parking spot right in front of the school for Deputy
2 Doug Hallmark to park. And just as an aside, Bryan
3 Oliver on the day of the shooting walked right by that
4 location before he came to the school. So had the
5 police car been there, Bryan Oliver would have seen it.
6 And I'll get to that in a minute.

7 You're going to find that the Taft Union High
8 School was very proactive and worked very hard, but
9 there were so many different moving parts. They did not
10 know what happened at student's homes unless the parents
11 told them. They didn't know about what student broke up
12 with another student and whether that would cause them
13 problems. You've got to realize in the high school
14 environment there was so much going on. But the high
15 school personnel did everything that they could to deal
16 with the issues they had to deal with.

17 You're also going to hear evidence about the
18 Oliver family. And I think that's an important piece of
19 information because you're going to hear about Bryan
20 Oliver's time in Tennessee. Sheryl Oliver was married
21 to a man who did abuse her, spent time in prison. Bryan
22 Oliver while he was in school, in middle school in
23 Tennessee, did have problems. In fact, he said he was
24 bullied so that when they came to Taft and Bryan spent a
25 short period of time in middle school before he went to
26 high school. But because of the problems he had he was
27 in an IEP. So before Bryan Oliver even came to Taft
28 High School, Mark Shoffner, the school psychologist, sat

1 down with Sheryl Oliver and Bryan Oliver and talked
2 about what they could do to help Bryan out. The school
3 and the school psychologist from the very first day
4 worked on helping Bryan out.

5 Mark spent a lot of time with them. He
6 appreciated that they had had problems and the move and
7 the fact that Sheryl was raising three boys. He
8 understood that Sheryl did work a lot and raising three
9 boys was an issue.

10 But what's important is Mark noted where Bryan
11 was when he started at Taft High School. And that was
12 in 2011. During that period of time Bryan improved
13 dramatically. Bryan was not a problem in the classroom.
14 No teachers reported any problems with Bryan in the
15 classroom. Bryan's grades improved. Bryan's grades
16 improved so much that he was no longer in an IEP.
17 Bryan's academic improvement was so good, he was
18 rewarded for his reading accomplishments with a trip to
19 Southern California. Bryan even told Rona and Mark and
20 others how he was doing well and helping out his mom and
21 others. So throughout this case you're going to hear
22 evidence about Bryan's improvements while he was at Taft
23 Union High School District all the accomplishments he
24 was making and how Taft employees monitored Bryan's
25 improvement.

26 You're going to hear testimony from one of
27 Bryan's good friends, Rebecca Jackson. Rebecca Jackson
28 was a friend of Bryan's. Bryan was in a particular

1 group of students which was a little quirky. They sort
2 of liked to write scary stories. They liked to dress in
3 dark clothes. Rebecca Jackson, for example, in their
4 group she would say I could hear voices and I could see
5 angels and that sort of thing, which was just sort of
6 the way these kids interacted with one another. Rebecca
7 Jackson is someone who they interviewed after the school
8 shooting. And what she said after the school shooting
9 is important because when she was deposed years later
10 it's differed significantly.

11 But the important point to note is Bryan was
12 doing well with people. Rona Angelo would see him every
13 day when he would leave campus. In fact, Rona will
14 testify that she saw Bryan interacting with Rebecca.
15 Frequently at the end of the day Bryan would be waiting
16 there until Rebecca's mom picked her up. Rona will
17 testify that this was a very positive sign to me, that
18 Bryan is interacting with a young lady and they seem to
19 be getting along and that they're doing a good job.

20 Rona will testify that she discussed with this
21 Mark. And this was consistent with the information that
22 they were getting from Bryan in terms of his classroom
23 performance and his interaction with other students.

24 Now, I do want to pause and talk a little bit
25 about the day of the shooting. As Mr. Rodriguez pointed
26 out it happened on January the 10th, 2013. And it was
27 the first week of school after the winter break. And on
28 that day the evidence is going to show that a couple of

1 weeks earlier Bryan Oliver's brother, Tyler, brought a
2 shotgun into the home. Prior to December of 2012 there
3 were no weapons in their home. There was not a shotgun.
4 There was not a handgun. There were no weapons in the
5 home. So in December Tyler Oliver brought a shotgun
6 into the home. Tyler taught Bryan how to use the
7 shotgun. They went out and shot clay pigeons. Tyler
8 Oliver stockpiled a number of boxes of shotgun shells in
9 the garage. They kept the shotgun in the bedroom
10 unsecured. Bryan's mother knew the shotgun was in the
11 bedroom unsecured because Tyler had told her I have the
12 shotgun in the bedroom on the shelf so that if you ever
13 need it.

14 On the day of the shooting Sheryl Oliver took
15 her young son, Jared, to school. She left early. She
16 talked to Bryan. Bryan said, you know, I'm okay, mom,
17 I'm going to stay home and watch a movie and then I'm
18 going to go to school. Bryan watched a movie. And it's
19 kind of an interesting movie. It's called Boondock
20 Saints II. And I'm told Boondock Saints II is sort of a
21 gory, shoot-em-up type of movie. And you're going to
22 hear that Bryan liked those types of stories, movies,
23 that sort of thing.

24 He watched the movie. And in the criminal
25 trial Bryan testified after I watched the movie I
26 blacked out. And the next thing I knew I was in the
27 classroom and I shot Bowe Cleveland. I took Bryan's
28 deposition and I asked him questions. In his deposition

1 he clearly testified as to how he went into the garage.
2 He put shells in his pockets. He took the shotgun. He
3 walked up his street which is about two blocks. He made
4 a right turn on what's known as Wildcat Way. Wildcat
5 Way is the street that goes right in front of Taft Union
6 High School District. He walked past where Officer Doug
7 Hallmark's car should have been parked. He walked up.
8 He walked into a gate.

9 And you will see video where he's got -- you
10 can't really see if he has a shotgun because he has it
11 by his side. He walks up to the second floor, tries to
12 open the one door of the classroom. It's locked. He
13 walked into the front door and this just is reflecting
14 his thought process. He sees Bowe, but there is a girl
15 sitting next to Bowe. So he has to aim around the girl
16 to shoot Bowe. Bryan then says he took a shot at Jacob
17 Nichols but missed. And then Bryan says Kim Fields came
18 into the room and basically talked him out of it.

19 This is going to be important for you to keep
20 in mind in terms of the school's response to the school
21 shooting. The response was immediate, and it was also
22 very effective. It's also important to note that when
23 Bryan Oliver went into the classroom he didn't go there
24 to shoot a lot of people. It's what they will call a
25 targeted shooting. He intended to shoot Bowe Cleveland.
26 He intended to shoot Jacob Nichols, and he was not able
27 to shoot Jacob.

28 You're going to hear a lot of testimony about

1 school shooters. And you're going to hear testimony as
2 to why there is no profile for a school shooter. In
3 other words, there aren't these lists of qualifications
4 or characteristics so that you know who a school shooter
5 is. You're going to hear testimony that after Sandy
6 Hook took place there have been hundreds and hundreds of
7 school shootings in our country. You're going to hear
8 that after Sandy Hook more students were killed in
9 school shootings than all of the soldiers who have died
10 in armed conflict after 911.

11 And so tell you this because this notion that
12 it's easy to look at a person and see what they're doing
13 and predict what they will do is not something that
14 we've been able to do or any of the experts are going to
15 say they will be able to do.

16 You're going to hear about Bryan Oliver. And
17 you're going to hear a lot of different things about
18 him. And what is important to keep in mind is the many
19 different views of Bryan Oliver. And you're going to
20 see that that's not uncommon for a teenager, a teenager
21 in high school. You're going to see Taft's view of
22 Bryan Oliver, that he was performing well in school. He
23 had some incidents, for example, the pencil incident.
24 And Mr. Rodriguez is correct, a girl after the bus
25 incident said Bryan Oliver walked by me and made a
26 stabbing motion with a pencil. Bryan went to the
27 office. He had to explain it. She filled out an
28 incident report. The school investigated it. Mark

1 Shoffner, the school psychologist spoke to Bryan.
2 Bryan's explanation was I was just twirling a pencil.
3 So Mark Shoffner said okay, Bryan, you need to realize
4 that you have to be careful and be sensitive to what
5 you're saying and doing. Because this pencil incident
6 occurred after the bus incident.

7 And let me just pause and talk to you a little
8 bit about that bus incident and how the school dealt
9 with it. Because it reflects how proactive Taft High
10 School is. There was a trip that down to Universal
11 Studios. And Bryan received that as part of a reward
12 for his performance in reading. As the students were
13 driving back students are trying to come up with
14 something to do for two or three hours on the bus ride.
15 And the discussion started with have you ever had any
16 scary dreams. What are your scary dreams? In that
17 conversation Bryan said when I was in middle school in
18 Tennessee I had a scary dream about a student shooting
19 up a high school.

20 The conversation apparently continued on and
21 somebody said well, would you shoot me, would you shoot
22 somebody else. And he would say yes or no or that sort
23 of thing. As part of the conversation two of the adults
24 on the bus heard about it. They reported it Monday when
25 they got back to school. There was an immediate threat
26 assessment. Mark Shoffner, Rona Angelo who are
27 primarily responsible for this, conducted a threat
28 assessment. It included an interview of Bryan Oliver.

1 It included Rona Angelo calling in every one who was on
2 that bus and getting statements from them. And the
3 evidence is going to show no two people heard or reacted
4 the same way. You're going to have some people on the
5 bus who said gosh, I thought that was scary. Other
6 people on the bus would say no, it was kids talking
7 about scary dreams trying to one up each other.

8 So Rona Angelo had all of these incident
9 reports to consider. She discussed them with Mark
10 Shoffner, Mark Shoffner, the school psychologist. Mark
11 spoke to Bryan. And as a result of all of that they've
12 concluded that Bryan was just trying to tell these
13 outrageous stories and he had caused people to be upset
14 about it, that he was not specifically saying he's going
15 to shoot someone in particular. This was a general
16 discussion about a dream that Bryan had when he was in
17 middle school.

18 After they had that discussion Mark
19 Richardson, who is the principal superintendent, not
20 Mark Shoffner, received a phone call from another
21 school. And they said we're hearing all those stories
22 on the Internet about a hit list, there is a hit list.
23 So Mark Richardson contacted Greg Collins and said go
24 search Bryan Oliver's home to see if there is a hit
25 list. So Greg Collins went to Bryan Oliver's home with
26 Sheryl Oliver, with Bryan's mom. And they searched the
27 house for a hit list. Greg Collins who is a trained
28 professional law enforcement officer, deputy sheriff

1 with years of experience, also looked for weapons. He
2 came back and he concluded there was no hit list.

3 Now, after the school shooting there was all
4 this discussion well, there was a hit list. I was on
5 the hit list. I heard she was on the hit list, all that
6 discussions. After that we had the FBI, Kern County
7 Sheriff's Office all looked for everything to see if
8 there was a hit list. I asked Bryan Oliver if there was
9 a hit list. Bryan Oliver said there was no hit list.
10 There is not a hit list. So you're going to hear some
11 people say I thought I was on the hit list. Some people
12 say I thought she was the on hit list. You're going to
13 have people say well, Bryan told me there was a hit
14 list. But you're not to get one consistent answer as to
15 whether there was a hit list or what effect it had.

16 It's interesting because after the school
17 shooting -- and, again, keep in mind hindsight bias.
18 After the school shooting people's recollection and
19 perceptions are obviously affected by what occurred
20 during the school shooting. Now, you're also going to
21 hear Sheryl Oliver's view of Bryan, and that's important
22 to keep in mind. Because Sheryl Oliver has testified
23 that Bryan was a sensitive, caring student. He had some
24 issues with his brother, Jared. In fact, you're going
25 to hear that one thing that came up on the bus trip is
26 someone said before they got on the bus and had the
27 discussion that Bryan said he was going to kill his
28 brother, Jared. Well, Jared has testified that Bryan

1 was never a threat to him. But Sheryl was aware of
2 that. Sheryl was aware of what Bryan read and what he
3 did. Sheryl was aware there was a shotgun in the house.
4 But Sheryl did not ever think that Bryan was a danger to
5 himself or others. You're going to hear from Tyler
6 Oliver. Tyler is Bryan's older brother. Tyler brought
7 the shotgun into the home. Tyler will say sure, Bryan
8 was weird, he was a quirky. But I never would have
9 thought he was a danger to himself or others. I would
10 not have left the shotgun in the room if I thought Bryan
11 was a danger to himself or others.

12 You're also going to hear from Bryan's
13 friends. And, again, I mentioned Rebecca Jackson. And
14 let me just point out one thing that Rebecca supposedly
15 heard the day before the shooting. And Mr. Rodriguez is
16 correct that she has testified that she thought Bryan
17 Oliver said he was going to shoot Bowe Cleveland and she
18 was concerned. And she told her mother. But neither
19 her mother nor Rebecca told law enforcement. Because
20 they -- for whatever reason they didn't tell law
21 enforcement and they didn't report it to the school.
22 Bryan had friends. And there was a close knit group of
23 friends, and they never thought that Bryan was a danger
24 to himself or others.

25 Now, let me just pause, and I wanted to
26 comment on a couple of comments that plaintiff's counsel
27 raised. Because he did talk about this March 11th --
28 March 2011 gym incident. And this is a good example of

1 what the school district was dealing with. You had an
2 incident in the gym. Some of the students reported that
3 Bryan punched another student and then they got in a
4 fight. Bryan was on top of the other student beating
5 him up. And Jake Morton supposedly came over and pulled
6 Bryan off the student who was getting beaten up. You're
7 not supposed to fight in high school. You're not
8 supposed to fight in gym class. All these students got
9 sent to the office. They were told to fill out an
10 incident report because they got in a fight. They all
11 wrote down what the incident was. You know, Bryan hit
12 this person, Jake did this and that. In Bryan's
13 incident report he used the word T-bagging. It has been
14 referred to you here today as a sexual assault. Bryan
15 Oliver did not refer to it as a sexual assault. The
16 boys in the gym did not refer to it as a sexual assault.
17 No one, no one, has ever said anyone put their genitalia
18 on Bryan Oliver. T-bagging according to those boys at
19 that time referred to a gesture in video games when a
20 character who vanquishes another character will gyrate
21 over the vanquished foe.

22 So you have Rona Angelo who is listening to
23 all these students give their explanations as to what
24 happened. No one said it was a sexual assault. And
25 because the boys got in a fight they got disciplined.
26 And it's only after the fact in light of hindsight bias
27 that you hear these discussions about some sort of
28 sexual assault.

1 Let me also pause about this comment in the
2 library that counsel made. When Bryan was in the
3 library in November of 2012 he could not get on to a
4 website he wanted to and this library technician
5 supposedly overheard him say, you know, if I don't get
6 out of geometry class there are going to be
7 consequences. And she will say he made a scary face.
8 Rona Angelo received an incident report from this
9 person. She investigated it. She spoke to Mark
10 Shoffner. They concluded that Bryan said this. And
11 that's why when Bryan walked out of the geometry class a
12 day or two later Rona was there to help Bryan Oliver and
13 ask him what it is that we can do to help you. Do you
14 want to get out of this class?

15 Finally, ladies and gentlemen, I think the
16 evidence is going to show that there are some critical,
17 important uncontested facts that I think at the end of
18 the case will be important in your deliberations. The
19 first of which is that Bryan Oliver targeted Bowe
20 Cleveland and Jacob Nichols. He did not go into the
21 classroom to kill a bunch of persons. So these stories
22 and these worries about Bryan engaging in this mass
23 shooting was not what occurred. The threat assessment
24 occurred in March of 2012. And since March of 2012
25 there were incidents with Bryan that resulted in action
26 with the school. But overall he was doing very well.
27 That's what the school thinks, that's what Sheryl Oliver
28 thinks, that's what Bryan Oliver's friends thinks.

1 The shooting did occur at Taft Union High
2 School District. But the school worked very hard to
3 provide a safe environment to educate students. The
4 school did not act as law enforcement officers, did not
5 act as parents, and certainly did not act as pals for
6 the students.

7 Bryan used his brother, Tyler's, shotgun and
8 shells which were not securely stored in their room.
9 And both Tyler and his mom will say they would not have
10 allowed that to occur if they thought Bryan Oliver was a
11 danger to himself or others.

12 Bryan Oliver in the criminal case pled no
13 contest to attempted murder and is now prison. The City
14 of Taft police officer, SRO Hallmark, did not report for
15 duty on the day of the shooting. And I just want to
16 pause and comment on that. Officer Hallmark who
17 according to the contract that the city had entered into
18 with the school district was supposed to be on campus at
19 the time Bryan walked onto campus. Officer Hallmark was
20 supposed to have his car parked there. He didn't show
21 up for work that day.

22 So at the end of the case your going to see --

23 MR. RODRIGUEZ: Excuse me, let me just mark an
24 objection on that. If the Court pleases, later we can
25 have a discussion on that. But I don't want to waive my
26 right to object to the last few comments.

27 THE COURT: I'll note that. I'm not going to
28 rule on it now based on the context of the remark.

1 MR. RODRIGUEZ: Okay. Thank you.

2 MR. HERR: Officer Hallmark's absence is
3 significant with regard to the school because no one
4 told him he was not coming in. Officer Hallmark
5 reported that he was not coming in to the people at the
6 police department. However, the people at the police
7 department did not tell anyone at the school district.
8 Chief Whiting will testify that he was in charge of the
9 use of the officer and a decision was made that they
10 weren't going to tell the school officials. So they did
11 not know that Officer Hallmark was not there on the day
12 of the shooting.

13 You're going to see that the evidence shows
14 that a lot of people had different bits and pieces of
15 information about Bryan Oliver in 2012 and 2013, seven
16 and a half or six and a half years ago, and that they
17 all were doing the best that they can.

18 You'll find that at the conclusion of this
19 case that there are probably two questions that remain
20 unanswered. The first of which is why did Bryan Oliver
21 shoot Bowe Cleveland. I asked him that question. He
22 doesn't know. You're also to going to find that what
23 caused him to shoot Bowe Cleveland is unknown. And I
24 will suggest to you that when you listen to all of the
25 evidence you're going to conclude that based on this
26 information, based on the lack of a decision as to why
27 Bryan Oliver shot Bowe Cleveland or what caused him to
28 do so, that in hindsight you can sure say the school

1 should have done things differently, could have done
2 things differently, perhaps Sheryl Oliver could have
3 done things differently, perhaps any number of different
4 people could have done things differently. But at the
5 end of the day no one knows why Bryan Oliver shot Bowe
6 Cleveland. And Bryan Oliver is the only one who could
7 tell us, and he can't tell us.

8 Thank you, ladies and gentlemen, those are my
9 thoughts on opening statement.

10 THE COURT: Thank you, Mr. Herr. All right,
11 ladies and gentlemen, that concludes the opening
12 statements. Given the time we'll take our noon recess.
13 We'll be in recess until 1:30. You're excused until
14 then. Don't discuss the case or form or express any
15 opinions. You're ordered back at 1:30. We're in
16 recess.

17 (Whereupon the noon recess was taken.)

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1 BAKERSFIELD, CA; THURSDAY, JUNE 20, 2019

2 AFTERNOON SESSION

3 DEPARTMENT 11 HON. DAVID LAMPE, JUDGE

4 --o0o--

5 THE COURT: We're in session. We're on the
6 record in Cleveland versus Taft Union High School
7 District. Appearances are as previously noted. I don't
8 see oh -- yes, there she is. Appearances are as
9 previously noted.

10 Mr. Rodriguez, you made an objection during
11 the opening statement. Did you want to say anything
12 further about that?

13 MR. RODRIGUEZ: Yes. I believe there was a
14 motion in limine and the issue was whether or not
15 evidence or argument or comments about whether or not
16 the SRO officer, specifically Officer Doug Hallmark, was
17 at the school on the date of the shooting. And since
18 the immunity applies and the City of Taft is not going
19 to be on the special verdict we presented to the Court
20 saying that it was irrelevant and shouldn't have any
21 place. And the Court said well, the defense is entitled
22 to say that these are the provisions they made for it,
23 and that's it. And in the opening statement it went way
24 beyond that.

25 THE COURT: I would overrule the objection. I
26 tried to distinguish -- the Taft Police Department is
27 not going on the special verdict form. They're not. I
28 agree with that. But I go back to the basic principal.

1 Taft Union High School District is not liable as an
2 entity, only individuals can be liable for negligence
3 under -- as public employees. So what the individuals
4 knew or didn't know -- in other words, if there was a
5 provision for the police officer to be present and he
6 wasn't and that wasn't communicated, that's part of the
7 state of knowledge of the school administrators who are
8 subject to potential liability here, among a whole of
9 other factors of what were they aware of, what did they
10 know and how did they behave.

11 Now, that's different. There's an entity
12 liability for a dangerous condition of public property
13 such as a unlocked school gate if that's a theory of
14 liability. But what I did say is I specifically said
15 where the chief of police was that morning was excluded.
16 And they won't be -- and the police department won't be
17 on the verdict form, and no argument will be made that
18 they bear liability.

19 That said, the whole universe of facts as to
20 what people were aware of and the relationship of what
21 provision that was made with the Taft Police Department
22 to have someone there that they weren't there, that does
23 -- that can come into the evidence for the reasons I
24 just stated. Okay. Let's have the jury in.

25 Court is in session. I took roll. The jury
26 is now in the courtroom properly seated in the jury box.

27 Ladies and gentlemen, at this time we're going
28 to hand out notebooks. I'll give the bailiff an

1 opportunity to do that.

2 MR. HERR: Your Honor, while he's doing that,
3 may we have a quick sidebar?

4 THE COURT: Well, I need to instruct the jury.

5 MR. HERR: I'll wait.

6 THE COURT: We can take a sidebar while Ron is
7 getting that ready, and then I'll instruct the jury once
8 they've received it.

9 (A sidebar was held and not reported herein.)

10 THE COURT: You've all been given notebooks
11 they're actually notepads on a clipboard. The clipboard
12 has a number on it on the back. Double check that, make
13 sure it corresponds to your seat in the jury box because
14 that is how we keep track of them. Do not take your
15 notes, that is the notepads, out of the courtroom. When
16 we have recesses or at the end of the day just leave
17 them on your seat and they'll be picked up and then
18 returned to you. They'll be waiting for you when you
19 return to the courtroom. You will be allowed to take
20 your notes into the jury room with you when you
21 deliberate. But once you take them into the jury room,
22 I ask that you keep them in the jury room. They will
23 remain in the jury room and not be taken out of the jury
24 room.

25 There are a couple of things that I want to
26 bring to your attention about note taking. First of
27 all, you should use your notes only to remind yourself
28 of what happened during the trial. You should not let

1 your note taking interfere with your ability or distract
2 you from listening carefully to the witnesses while they
3 testify and to watch the witnesses while they testify.
4 And please remember that your notes -- well, and you
5 should also your impression of a witness or any evidence
6 to be influenced by whether other jurors are taking
7 notes or not. It is your independent recollection of
8 the evidence that should govern your verdict. And you
9 should not allow yourself to be influenced by the notes
10 of other jurors if those notes differ from what you
11 remember.

12 As I said, the court reporter is taking down
13 what is said in court. And if during deliberations you
14 have a question about what a witness said, you should
15 ask that the court reporter's record be read to you.
16 And then everyone must accept the court reporter's
17 record as accurate even if it differs from someone's
18 notes. And at the end of the trial your notes will be
19 collected and destroyed. They're not read by anyone
20 else. Thank you.

21 All right. Mr. Rodriguez, you may call your
22 first witness or proffer your first evidence.

23 MR. RODRIGUEZ: Yes, Your Honor. Thank you.
24 With the Court's permission we'd like to call former
25 Deputy Greg Collins.

26 THE COURT: Sir, would you please come into
27 the courtroom, walk through that wooden gate in front of
28 you and then to your left all the way around the

1 podiums, walk up here toward the witness stand where
2 you'll be seated. But stop for a minute and take your
3 oath from the clerk of the Court.

4 THE CLERK: Raise your right hand, please.

5 You do solemnly swear that the testimony you
6 shall give in this matter now pending before this court
7 shall be the truth, the whole truth and nothing but the
8 truth, so help you God?

9 THE WITNESS: I do.

10 THE COURT: Be seated, please. All right.

11 Sit forward and give your testimony toward that
12 microphone. You don't need to be too close to it, there
13 is a happy medium. If you're too close, it will make
14 noises. If you're too far away, we might not be able to
15 hear you. So we may have to adjust that as you give
16 your testimony.

17 And would you state your first and last name.

18 THE WITNESS: First name Gregory, last name
19 Collins.

20 THE COURT: C-o-l-l-i-n-s?

21 THE WITNESS: I-n-s.

22 THE COURT: Thank you. Go ahead,
23 Mr. Rodriguez.

24 MR. RODRIGUEZ: Thank you, Your Honor.

25 GREGORY COLLINS (for the Plaintiff)
26 called as a witness, being first duly sworn,
27 testified as follows:
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DIRECT EXAMINATION

BY MR. RODRIGUEZ:

Q. Good afternoon, sir.

A. Good afternoon.

Q. May we start with a few background questions so that our jurors have an idea of who you are, sir?

A. Yes.

Q. Where do you live? We don't need an address, just where do you live?

A. I live in Bakersfield, California.

Q. And how long have you lived here in Kern County?

A. The majority of my life. I spent a few years in Santa Barbara and maybe one or two years in Oakland, but primarily Bakersfield.

Q. May I ask your age, sir?

A. My age is 67. 66. I'll be 67 next month.

Q. And what do you do for a living?

A. I'm retired.

Q. And you're retired from what kind of work, sir?

A. I'm retired from the Kern County Sheriff's Department.

Q. Let's talk a little bit about that. From when to when did you work for the Kern County Sheriff's Department, sir?

A. I was sworn in August 17, 1986 until I retired March 12th -- March 29th, 2012.

1 Q. Okay. And that's approximately how many years
2 you worked with the sheriff's department?

3 A. 26 years.

4 Q. Congratulations.

5 A. Thank you.

6 Q. And during the time that you were with the
7 sheriff's department was there ever a time that you
8 worked as a school resource officer, sir?

9 A. Yes, I did.

10 Q. And could you tell us what an SRO or a school
11 resource officer is?

12 A. Basically a school resource officer is
13 assigned to a school district or a school location as
14 their resource officer regarding any law enforcement,
15 truancy, that sort of thing, matters.

16 Q. And as an SRO officer on a school campus does
17 that officer wear plain clothes or wear a uniform?

18 A. We wear a uniform for the most part.

19 Q. And does the officer have a gun, a firearm?

20 A. Yes, we're fully authorized to carry weapons.

21 Q. And in your career you served as an SRO
22 officer, sir?

23 A. Yes.

24 Q. And where in your 26-year career did you serve
25 as an SRO officer?

26 A. The last I believe nine years I served in
27 Taft. And of those I believe the last four years I was
28 the Taft High School school resource officer.

1 Q. Okay. And there at the -- at Taft Union High
2 School?

3 A. Yes.

4 Q. As an SRO officer, did you ever come to hear
5 of a student by the name of Bryan Oliver, sir?

6 A. I did.

7 Q. Okay. And how was it that you came to hear
8 about Bryan Oliver?

9 A. I was asked to visit Bryan's home and look for
10 a hit list.

11 Q. Okay. And who asked you to do that, sir?

12 A. I was asked by the school psychologist, Mark
13 Shoffner.

14 Q. And when you -- did you go out there, sir?

15 A. Yes, I did.

16 Q. And before you went out there did you make any
17 kind of arrangements for this search?

18 A. I spoke with Bryan's mother and she met me
19 there at the residence and escorted me in.

20 Q. And when you were there, sir, at the house,
21 was Bryan Oliver there?

22 A. No.

23 Q. And did you search the house for a hit list?

24 A. I searched his room.

25 Q. Okay. And was Ms. Oliver present?

26 A. Yes.

27 Q. While you were out there at the house
28 searching for the hit list did it dawn on you to search

1 for anything else on your own?

2 A. Because I was there and I saw some paint gun
3 balls I looked around for weapons.

4 Q. Okay. Now, the assignment that you were given
5 to search the house, did that include also a weapons
6 search or just limited to the hit list?

7 A. I was asked to look for a hit list.

8 Q. Okay. Now, did you find a hit list?

9 A. No, I didn't find any hit list of any kind.

10 Q. Okay. And even though you took it upon
11 yourself while you were out there, did you find any kind
12 of weapons?

13 A. Yes. No, I didn't. I'm sorry. I'm sorry,
14 I'm nervous.

15 Q. And that's okay. You mentioned something
16 about paintball, but that's --

17 A. Paintball. I didn't find a paintball gun. I
18 found paintballs.

19 Q. Thank you, sir.

20 A. Okay.

21 Q. Now, before you went out there to the house,
22 had you ever been given any information about Bryan
23 Oliver?

24 A. No.

25 Q. Up until the time you went out to the house to
26 search for this hit list, had you ever spoken or had any
27 personal contact with Bryan Oliver?

28 A. I don't believe I had any personal contact

1 with Bryan Oliver.

2 Q. Now, my next question is going to be a little
3 different. After you went to the house, did you have
4 any personal contact or spoke to or speak to Bryan
5 Oliver, sir?

6 A. I never spoke to Bryan Oliver after I visited
7 the home, I'm sure of that.

8 Q. So you've never had any kind of personal
9 contact with Bryan Oliver up until today's date?

10 A. To my recollection, I didn't have any contact
11 with Bryan Oliver after I visited the home. And before
12 there may have been some conversations that I was privy
13 to, but I did not have any personal contact with Bryan
14 Oliver.

15 Q. Now, before you went out there to the house,
16 did you participate in any kind of risk evaluation of
17 Bryan Oliver?

18 A. No.

19 Q. Okay. Now, setting aside Bryan Oliver, were
20 there ever any times that you sat down or sat through an
21 interview conducted by a school administrator of
22 students or witnesses or anything like that?

23 A. I would participate in threat assessments on
24 occasion, yes.

25 Q. Okay. And do you have an approximate number
26 of how many threat assessments you participated in?

27 A. As I can recall now, it would have been three,
28 maybe four, but three I can recall.

1 Q. Okay. And did you participate in any threat
2 assessment that had to do with Bryan Oliver, sir?

3 A. No.

4 Q. Let me change the topic a little bit here.
5 Let me ask you some questions about cameras.

6 A. Okay.

7 Q. Did Taft High School while you were out there
8 working as an SRO officer, did it have surveillance
9 cameras?

10 A. Yes, they did. We did.

11 Q. About 43 of them?

12 A. I don't know the number. There were several.

13 Q. Does it sound about right?

14 A. That sounds about right.

15 Q. And those cameras, were you granted direct
16 access to monitoring those cameras?

17 A. I didn't have access. I didn't have the code
18 access to access those cameras. But if I needed to see
19 the cameras, all I had it do was ask someone.

20 Q. So you had indirect access?

21 A. Indirect.

22 Q. And if you know, while you were there working
23 as an SR officer, was anyone assigned to monitor the
24 surveillance cameras?

25 A. To my knowledge, there wasn't anyone
26 monitoring them.

27 Q. Did you ever suggest to any administrator that
28 you might be available to monitor the surveillance

1 camera system?

2 A. I don't believe I suggested. I offered my
3 services.

4 Q. Okay. Did anybody get back to you on your
5 offer?

6 A. I never heard from anyone on it.

7 Q. Let me change the topic now, please. Gates,
8 fences at the campus. Taft High School, when you were
9 there, sir, did it have a perimeter fence around the
10 campus?

11 A. A perimeter fence, yes.

12 Q. Okay. And did the -- this fence had gates?

13 A. Yes.

14 Q. At certain points?

15 A. Yes.

16 Q. Now, did you ever -- let me ask you this. Let
17 me back up a little bit, sir, and ask you a few
18 questions about your educational background. Would that
19 be okay?

20 A. Yes.

21 Q. Can you just tell us a little bit, share with
22 us, your educational background?

23 A. In the sense of my training?

24 Q. I'll be more specific. High school, college,
25 that kind of thing, major.

26 A. I attended elementary middle school and high
27 school here in Bakersfield. I attended a few years in
28 Santa Barbara. I did not graduate from UC Santa

1 Barbara. I was there for five years, and then -- I went
2 to school three years. And then from there I came --
3 well, no, from there I went to Oakland, California,
4 spent a couple of years, came home, became a carpenter,
5 worked for six years as a carpenter, and then became a
6 deputy and worked for 26 years as a deputy.

7 Q. And as part -- when you were with the
8 sheriff's department did you receive a variety, an
9 assortment, of different training?

10 A. Yes.

11 Q. Did any of that training involve safe schools?

12 A. I was part of the original safe schools unit
13 that we started at the sheriff's department. And as we
14 developed that unit, because it did not exist at that
15 time, we went through crime prevention training. We
16 went to the Los Angeles County Sheriff's Department,
17 their crime prevention training, suicide prevention
18 training, threat assessment, whatever was needed that as
19 we learned in doing the job we found there were things
20 that we needed to know more about.

21 Q. As part of your training and part of your
22 experience as a deputy sheriff for 26 years, during that
23 course of time did you come to learn about access points
24 in terms of security access points?

25 A. Yes.

26 Q. And could you explain a little bit to us what
27 that means in that context?

28 MR. HERR: Your Honor, I object on

1 foundational grounds. He was not designated an expert.

2 THE COURT: Sustained.

3 MR. RODRIGUEZ: Nondesignated expert he was,
4 if I may say that.

5 THE COURT: Let me see counsel.

6 (Outside the presence of the jury.)

7 Maybe I'm over thinking this. The objection
8 was lacks foundation. I always -- when I hear lacks
9 foundation, I always consider -- I always consider the
10 issue of relevance as well because what is foundation is
11 a subset or related to relevance foundation to be
12 relevant for what. My concern is we're not here with
13 the standards of a peace officer. We're here for
14 standards of school administrators. If it's -- if this
15 is leading to background information as to what he may
16 have said to an administrator or did he ever say or
17 advise anything, then that's what I -- I would probably
18 permit that. But setting him up as a standard for
19 school safety is not -- would not be relevant.

20 MR. RODRIGUEZ: He testified in his deposition
21 that he did -- I don't remember the word he used --
22 suggested, recommended to the school that there only be
23 one entry point and not several because there were too
24 many access points.

25 THE COURT: I remember that from your opening
26 statement. I'll permit it for that purpose.

27 MR. HERR: And I'm fine with that.

28 (In the presence of the jury.)

1 THE COURT: Thank you, counsel. I think I've
2 clarified with counsel the scope of these questions. So
3 go ahead, Mr. Rodriguez.

4 BY MR. RODRIGUEZ:

5 Q. We were talking about access points. And I
6 want to ask you was there ever a suggestion, a
7 recommendation, on your part to the school district
8 about limiting the access to the school campus?

9 A. That was my opinion, yes, that there should
10 only be one entrance.

11 Q. And that was because?

12 MR. HERR: Well, excuse me, Your Honor, I'm
13 going to object. I don't think the answer was
14 responsive to the question.

15 THE COURT: It probably was intended to be
16 responsive but literally it probably was not responsive.
17 I would sustain that.

18 BY MR. RODRIGUEZ:

19 Q. Let me try again.

20 THE COURT: To explain, the question was was
21 it communicated, and the answer was it was his opinion.
22 But he didn't say whether it had been communicated or
23 not.

24 BY MR. RODRIGUEZ:

25 Q. Sir, I'm going to back up a couple of
26 questions and -- did you ever recommend, suggest, to the
27 school district that the access points to the campus be
28 limited?

1 A. Yes, I did.

2 Q. Okay. And did you get a response to your
3 suggestion or recommendation to the school district,
4 sir?

5 A. I was told that they were going to start
6 working on that and because of limited funds they
7 weren't able to shut down two of the gates that I was
8 concerned about.

9 Q. Okay. And which gates were you concerned
10 about?

11 A. It would have been 7th Street, I think it's
12 called Wildcat Way now, and San Emedio next to the
13 cafeteria football stadium, those two main entrances.

14 Q. And -- if I may, Your Honor?

15 THE COURT: You may.

16 MR. RODRIGUEZ: Thank you.

17 BY MR. RODRIGUEZ:

18 Q. Sir, during your time at Taft High School as
19 an SRO officer was there ever a time where you monitored
20 a specific student, any specific student?

21 A. Yes.

22 Q. And what were the circumstances of that?

23 A. One was there was threat of a fight and one of
24 the students threatened to hit the other one with a golf
25 club. And the other one I don't remember, but that was
26 the one that I remember. But there was at least three
27 or four that I monitored. Because I had not only Taft
28 High I had Buena Vista High School which is part of the

1 Taft Union High School District. And there was one from
2 Buena Vista that I monitored.

3 Q. So whatever number it was in your career where
4 you monitored a specific student, was it generally
5 because of a threat of violence made by that student
6 that was reported to you?

7 A. Yes.

8 Q. At any point in time while you were at Taft
9 High School were you ever told that staff members had
10 written a report that they were very concerned for the
11 safety of a student and staff as well as Bryan?

12 A. No.

13 Q. While you were there as an SR officer were you
14 ever given the information that a teacher had filed a
15 report that Bryan was telling how he could shoot and
16 take out more than 50 students before anyone could stop
17 him?

18 A. No.

19 Q. While you there as an SRO officer were you
20 ever made aware of a student reporting that Bryan Oliver
21 was talking about killing everyone at the school except
22 the people he liked and he talked about getting guns and
23 bombs and killing people at the school?

24 A. No.

25 Q. Were you ever given information while you were
26 an SRO officer out there that Bryan Oliver was drawing
27 in a notebook with many killings and Bryan had also told
28 that student that he would kill a student because that

1 student was black?

2 A. No.

3 Q. Were you ever told while you were there as an
4 SRO officer that a student had reported that Bryan
5 Oliver had also told him that he was not scared to kill
6 the people that had been mean to him?

7 A. No.

8 MR. RODRIGUEZ: Sir, I have no further
9 questions. Thank you, sir.

10 THE COURT: Cross-examination.

11 MR. HERR: Thank you.

12 CROSS-EXAMINATION

13 BY MR. HERR:

14 Q. Good afternoon, Deputy Collins.

15 A. Good afternoon.

16 Q. How are you doing?

17 A. Excellent.

18 Q. May I ask, you gave a deposition in this case,
19 did you not?

20 A. Yes, I did.

21 Q. Have you given depositions in any other cases?

22 A. No.

23 Q. Okay. You've testified in court on occasion,
24 is that correct, as a law enforcement?

25 A. As a law enforcement officer once before, yes.

26 Q. In this case you met with Mr. Rodriguez before
27 you gave your deposition, correct?

28 A. Yes.

1 Q. And was that because Mr. Rodriguez asked you
2 to come into his office and discuss the case with him
3 before your deposition?

4 A. My recollection is he subpoenaed me to his
5 office to speak to him.

6 Q. Well, you realized you were subpoenaed to give
7 the deposition which was not at his office, correct?

8 A. Correct.

9 Q. Okay. In addition to that occasion you think
10 he subpoenaed you, and you understand a subpoena means
11 you're required to appear. You believe he subpoenaed
12 you to his office to talk to him?

13 A. It was my understanding that's what happened,
14 yes.

15 Q. Sure. Okay. And being an officer of the law
16 you complied with the subpoena and showed up at his
17 office as you understood you were required to do,
18 correct?

19 A. Correct.

20 Q. And then you spent some time talking to him?

21 A. Yes.

22 Q. About how much time did you spend talking to
23 him?

24 A. I would have to say no more than an hour and a
25 half.

26 Q. And then after that you gave a deposition; is
27 that correct?

28 A. That is correct.

1 Q. When you spent an hour and a half with
2 Mr. Rodriguez talking about this matter before your
3 deposition, was anyone else present?

4 A. I can only recall two other people.

5 Q. In addition to you and he?

6 A. Yes.

7 Q. Okay. So there were some other people
8 present?

9 A. Yes.

10 Q. Do you remember who they were?

11 A. One was J.R. Rodriguez, whom I knew because he
12 was a deputy before I was a deputy.

13 Q. Okay.

14 A. And the other person I don't recall. I think
15 it was from Mr. Rodriguez's office.

16 Q. Do you recall if they appeared to be male or
17 female?

18 A. Female.

19 Q. Okay. Now J.R. Rodriguez who is a former
20 deputy sheriff you understood was an investigatory for
21 Mr. Rodriguez, correct?

22 A. That's correct.

23 Q. And basically did you discuss your time at
24 Taft High School as an SRO?

25 A. I was questioned about that, yes.

26 Q. Okay. And then later you gave a deposition,
27 correct?

28 A. That is correct.

1 Q. And how much time do you recall spending in
2 the deposition?

3 A. I want to say four hours.

4 Q. Okay. Now, during the period of time that you
5 were at Taft High School did you have occasion to
6 interact with Rona Angelo?

7 A. Yes.

8 Q. And give us an idea as to how frequently you
9 interacted with Rona Angelo?

10 A. Every day I was there and she was there.

11 Q. And what was the nature of your interaction in
12 general?

13 A. Rona was in charge of me.

14 Q. Okay. Well, she didn't tell you how to
15 perform your duties as a law enforcement officer, did
16 she?

17 A. No.

18 Q. Okay. So when you say she was in charge of
19 you, did you understand that she was the assistant
20 principal at the high school in charge of discipline?

21 A. Yes.

22 Q. So as such there would be occasions when she
23 would ask you to do things?

24 A. Yes.

25 Q. She didn't tell you, for example, how to
26 perform your duties as law enforcement, did she?

27 A. No.

28 Q. At all times you acted in conformity with the

1 standards of say POST and other certified trainings that
2 you received as a law enforcement officer?

3 A. Correct.

4 Q. And in terms of the things she would ask you
5 to do, can you give us an idea of generally what they
6 included?

7 A. My priority focus was truancy. And she would
8 tell me who needed to be either escorted to class or
9 escorted to school or checked on or whose parents needed
10 to be contacted regarding their truancy.

11 Q. In terms of your work at Taft and your work
12 with Rona Angelo -- and I'm distinguishing that from
13 Buena Vista.

14 A. Okay.

15 Q. And Buena Vista you understood was the
16 continuation high school?

17 A. Yes.

18 Q. It was on the same campus as Taft Union High
19 School District but it was a different school?

20 A. It's a separate location, yes.

21 Q. In terms of the work you did at Taft Union
22 High School, how much of it was for truancy type issues?

23 A. Probably 80 percent.

24 Q. Okay. And the remaining 20 percent, can you
25 give us an idea of what that included?

26 A. If -- God, I don't know. Rona would ask me
27 about certain things or Rona would ask me to sit in on a
28 student that may be a little agitated or whatever and --

1 I don't know, just whatever was needed to be done.

2 Q. In addition to working with Rona on the
3 matters you just told us about did you take it upon
4 yourself to just be a presence at the high school at
5 certain times of the day so that students could see you?

6 A. I tried to make myself visible at certain
7 times but not the same time.

8 Q. Okay. And why is it that you thought it was
9 important to make yourself visible to students at the
10 high school at certain times?

11 A. Some students felt safer seeing me around.
12 Some students felt more inclined not to do certain
13 things if I was around.

14 Q. Okay. Now, with regard to other people at the
15 school, did you know Kim Fields?

16 A. True.

17 Q. And how would you describe your relationship
18 with Kim Fields?

19 A. Very close.

20 Q. And when you say very close, what did you
21 understand to be Kim Fields role at Taft High School?

22 A. My understanding was his duties were the
23 security officer. But my belief with Kim was he was the
24 all around ambassador to that school.

25 Q. When you say ambassador, what do you mean?

26 A. The students -- I don't think there was a
27 student on that campus that didn't know him and love
28 him.

1 Q. Okay. And did you know Mark Shoffner?

2 A. Yes.

3 Q. Did you interact with Mark Shoffner in
4 performing your duties?

5 A. On occasion.

6 Q. What were the occasions that you interacted
7 with Mark Shoffner?

8 A. We may have had a conversation or two
9 regarding a student that was applying to return to the
10 school after being suspended.

11 Q. Okay. In terms of your dealing with Rona
12 Angelo, did you find her to be a credible professional
13 source of information?

14 MR. RODRIGUEZ: Excuse me. The objection is
15 improper character evidence.

16 THE COURT: Overruled.

17 BY MR. HERR:

18 Q. Do you want me reask it the question?

19 A. Yes.

20 Q. May I either reask it or have the court
21 reporter read it back?

22 THE COURT: You may reask.

23 BY MR. HERR:

24 Q. In terms of your dealing with Rona Angelo did
25 you find your interaction with her to be professional in
26 that she was a credible source of information?

27 A. I found Rona to be the best person there.

28 Q. What do you mean by that?

1 A. She took care of the students. The students
2 knew if they did something inappropriate that Rona was
3 going to deal with them. And if they didn't do it, then
4 she was going to give them a break and not discipline
5 them. Rona was fair to all.

6 Q. Okay. What about Kim Fields? Did you find
7 him to be a credible source of information?

8 A. Kim was very especially helpful to me, yes.

9 Q. I'd like to ask you a couple of these
10 incidents that Mr. Rodriguez brought up. First of all,
11 you indicated that there was an occasion when you
12 monitored a student who you understood was going to hit
13 another student with a golf club I think you said?

14 A. They had made the threat, yes.

15 Q. And a golf club, you mean --

16 A. Yes.

17 Q. Do you know who told you about that incident?

18 A. I can't say I know who told me, but I was
19 there when the discipline was being administered.

20 Q. Can you tell me when you were asked to monitor
21 the student with the golf club incident?

22 A. After the discipline had been decided upon,
23 yes.

24 Q. Okay. Do you know before or after or do you
25 know what year it was?

26 A. Oh, no, I couldn't tell you that.

27 Q. You recall the occasion when you searched
28 Bryan Oliver's home?

1 A. I do.

2 Q. Do you know if the golf club incident with
3 this other student was before or after the occasion you
4 searched Bryan Oliver's home?

5 A. It would have been at least three or four
6 years prior.

7 Q. Okay. Now, you also told us that there was a
8 situation where you made a recommendation about closing
9 gates. Do you recall that conversation?

10 A. Yes.

11 Q. When did you have the conversation about the
12 gates?

13 A. That was something that on a continual basis
14 that I stressed I didn't like.

15 Q. You did not like the number of gates being
16 open?

17 A. Yes.

18 Q. And with regard to Taft High School when you
19 were there, did they have the maintenance and operations
20 of the school vehicles on campus?

21 A. No.

22 Q. Was it adjacent to the campus?

23 A. No.

24 Q. Did they have a road that accessed the campus?

25 A. The maintenance people?

26 Q. Yes.

27 A. It was public road. The maintenance room is
28 on the south side of San Emedio, the school is on the

1 north side of San Emedio.

2 Q. Okay. And with regard to the campus did you
3 have an understanding as to whether it was open or
4 closed?

5 A. Open.

6 Q. And did you have an understanding as to why it
7 was open?

8 A. No.

9 Q. The conversation that you had about closing
10 the gates, who did you have that with?

11 A. I can't recall. It would have been several
12 people.

13 Q. Okay. Do you recall several people or are you
14 assuming it would have been several people?

15 A. I'm assuming it would have been several
16 people.

17 Q. Okay. Who are the people you believe it might
18 have been?

19 A. I'm sure I told Rona. I'm sure I told Kim.
20 I'm sure I told Mary. I'm sure I told the school board.
21 I'm sure I told anybody that would listen to me.

22 Q. Okay. And anybody who you thought was in a
23 position to know what you're talking about? In other
24 words, you didn't tell students that or that sort of
25 thing, correct?

26 A. I didn't tell students. I told adults, yes.

27 Q. I'm sorry, what?

28 A. I told adults, yes.

1 Q. Did you address the school board on this
2 issue?

3 A. I did not address the school board. I
4 addressed the -- I believe it was a safety plan meeting.
5 And I was in attendance at that safety plan meeting.

6 Q. And you were told that there were some
7 economic issues associated with the school taking its
8 issue?

9 A. I was told the reason the gates had not been
10 secured, that they were planning to card lock those
11 gates, but the reason they had not yet been secured was
12 because the money issue, yes.

13 Q. That's what I meant by that. So I think you
14 used the term funding issues?

15 A. Funding, yes.

16 Q. And in terms of the size of Taft, how large
17 was the high school, how many students, for example?

18 A. I don't recall.

19 Q. Would you consider it a large high school, a
20 small high school?

21 A. Small.

22 Q. Okay. In terms of its role in the community
23 of Taft, the City of Taft, based on your time there, did
24 you learn anything as to how large a role the high
25 school played with you?

26 MR. RODRIGUEZ: Objection. Relevancy.

27 THE COURT: From this witness I would sustain.

28 MR. HERR: Thank you, Your Honor.

1 BY MR. HERR:

2 Q. Let me ask you about the surveillance cameras
3 on campus. You mentioned to Mr. Rodriguez that you had
4 at one point in time offered your services to monitor
5 the cameras or monitor the monitor I guess?

6 A. Yes.

7 Q. When did you make that offer?

8 A. I'd have to say it was about a year before I
9 retired.

10 Q. And I apologize, when did you leave Taft High
11 School?

12 A. March 29th, 2012.

13 Q. Okay. I'm going to impress you with my
14 deductive reasoning. Would it have been in probably
15 2011?

16 A. Yes, sir.

17 Q. Okay. And to whom did you make that offer?

18 A. I can't recall. I can make a guess.

19 Q. Well, we don't want you to guess. In terms of
20 your offer, can you give me an idea of the gist of it?
21 Did you offer to sit in front of the monitor and monitor
22 the surveillance camera or what was the gist of what
23 your offer was?

24 A. If you ever wanted me to sit and watch the
25 monitors, I'd be glad to for an hour or two.

26 Q. Was there ever an occasion when an incident
27 happened at the high school and people had to look at
28 what was recorded on the monitors?

1 A. Was there an occasion?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. And what -- were the monitors used for
5 some purpose after these incidents?

6 A. The cameras can be accessed by any computer on
7 campus or as far as I know any computer that has the
8 code to get into the system.

9 Q. Sure. I asked you a bad question. I
10 apologize. I'm trying to find out what was it that
11 occurred that resulted in people going back and looking
12 at what was recorded?

13 A. Okay. There may have been a fight. There may
14 have been some contraband stashed in a locker. Those
15 are the only two I can think of that would cause me to
16 be involved with looking at the monitor or the computer.

17 Q. Okay. Was there ever an occasion when someone
18 suggested to you that they thought your time on campus
19 would be better spent out on the campus where students
20 could see you and you could see them?

21 MR. RODRIGUEZ: Excuse me. Objection. Calls
22 for hearsay.

23 THE COURT: No, overruled. But not for the
24 truth of the matter stated but for the evidence that the
25 statement was made. You may answer.

26 A. I'm sure I was told it would be better for me
27 to be out and about than sitting there looking at
28 cameras.

1 BY MR. HERR:

2 Q. And you didn't disagree with that concept, did
3 you?

4 A. Not verbally.

5 Q. Okay. Now I'd like to turn to the search of
6 Bryan Oliver's home or Sheryl Oliver's home. Do you
7 recall when that occurred?

8 A. No.

9 Q. Do you recall what year it occurred in?

10 A. I'd have to say in 2011.

11 Q. Okay. That's your best answer?

12 A. That's my best answer.

13 Q. Okay. Now, you said Bryan -- excuse me --
14 Mark Shoffner, the school psychologist, asked you to do
15 that. Do you remember that testimony?

16 A. Yes.

17 Q. Do you recall if it was in fact Mark
18 Richardson who was the principal superintendent at the
19 time who asked you?

20 A. No, it was Mark Shoffner.

21 Q. When you say Mark Shoffner asked you, did he
22 communicate that to you in person or in writing or some
23 other way?

24 A. Telephone.

25 Q. I'm sorry?

26 A. By telephone.

27 Q. Telephone. And by telephone did you have like
28 a special school walkie-talkie phone or was it your --

1 some other phone?

2 A. It was my cell phone. I had an issued cell
3 phone that he could call, anybody could call.

4 Q. So school officials had what I'll call your
5 work cell phone number?

6 A. Yes.

7 Q. And he asked you to search Sheryl Oliver's
8 home?

9 A. Yes.

10 Q. What do you recall him saying?

11 A. Would you check and see if there is a hit
12 list? We're considering him coming back to school and
13 just need to confirm there is no hit list.

14 Q. Okay. So what -- and that's the important
15 part of the conversation that you remember?

16 A. That's my recollection.

17 Q. Okay. And did he tell you whose house he
18 wanted you to search?

19 A. Bryan's house.

20 Q. He said Bryan Oliver. Did he give you an
21 address?

22 A. Yes.

23 Q. Okay. And then the day you received the phone
24 call saying we want you to search for a hit list because
25 we're considering allowing Bryan to come back to school,
26 was that the day you did the search?

27 A. Yes.

28 Q. Okay. And you went to the address that you

1 received?

2 A. Yes.

3 Q. Was Sheryl Oliver there?

4 A. I telephoned her and spoke to her and met her
5 at the house.

6 Q. So I assume when Mark Shoffner called you, he
7 gave you her contact information?

8 A. Yes.

9 Q. Did you have access to the contact information
10 of parents of students on your own?

11 A. Yes.

12 Q. Okay. So you were there, Sheryl was there.
13 Did you speak to her when you arrived?

14 A. Yes.

15 Q. You told her the purpose of your visit?

16 A. Yes.

17 Q. You wanted to make sure she was informed that
18 you were there to look for a hit list?

19 A. Yes.

20 Q. You wanted to do that in part to make sure she
21 didn't have any objections or complaints to your
22 searching?

23 A. Correct.

24 Q. Because based on your law enforcement
25 background you didn't have a warrant to do the search,
26 correct?

27 A. That's correct.

28 Q. So absent a warrant you need some other

1 circumstances to allow you to go into someone's home?

2 A. Her permission.

3 Q. Okay. Which is what you got in this case?

4 A. Correct.

5 Q. And you wanted to make sure she was fully
6 informed and understood what was going on before she
7 allowed you into the house?

8 A. Yes.

9 Q. What do you remember about her response for --
10 in telling her that you were looking to see if her son
11 had a hit list, or that there was a hit list that her
12 son had prepared at her home?

13 A. She was very friendly and obliging.

14 Q. I guess I asked you a bad question. Did she
15 appear to you to be surprised, taken aback, a little
16 considered, that a uniformed deputy sheriff is showing
17 up at her house asking to search for a hit list that her
18 son may have prepared?

19 A. She was prepared for me to call her.

20 Q. Why do you think she was prepared for your
21 call?

22 A. Mark told her that I would be calling.

23 Q. So Mark told you that he had told her. And
24 when you arrived there it appeared to you that she had
25 been briefed on the situation?

26 A. Yes. I wanted to confirm that she knew why I
27 was there.

28 Q. So was there nothing about her response that

1 caused you to believe that she was unaware of the
2 purpose of your search?

3 A. No, there was nothing.

4 Q. Okay. Now, before the search of the Oliver
5 home for a hit list, had you ever searched another
6 student's home?

7 A. Yes.

8 Q. I'm sorry?

9 A. Yes.

10 Q. How many times?

11 A. I don't know, 20, 30 times. Several times.

12 Q. What were the circumstances that you would
13 search another student's home?

14 A. Looking for them.

15 Q. Looking for what?

16 A. Them.

17 Q. For truants?

18 A. For truants.

19 Q. Absent truancy where a student may have not
20 gone to school on time, had there ever been an occasion
21 when you searched a student's home for contraband or
22 that sort of thing?

23 A. When I monitor the students, I search the
24 students for access to weapons.

25 Q. How often did that occur?

26 A. Twice.

27 Q. Twice at Taft?

28 A. Yes.

1 Q. How many times after the Bryan Oliver search
2 did you search student's homes for weapons?

3 A. Never.

4 Q. So it was all before?

5 A. It would have been before.

6 Q. Okay. The search of Bryan Oliver's home, how
7 long did it take?

8 A. 30 minutes, 45 minutes.

9 Q. Okay. Did you inquire of Ms. Oliver when you
10 conducted the search or during the search whether she
11 was aware of a hit list?

12 A. We talked about it, yes.

13 Q. Okay. So one way or the other you concluded
14 based on what she said or her response that she was not
15 aware of a hit list?

16 A. Correct.

17 Q. And then you searched and you didn't find a
18 hit list?

19 A. Correct.

20 Q. And as an incident to the search for the hit
21 list you just kind of surveyed the scene for firearms
22 and that sort of thing?

23 A. Sitting on the counter was paintballs.

24 Q. Okay.

25 A. In his room. The dresser in his room there
26 was paintballs sitting on the dresser. I searched the
27 dresser for the hit list and there were paintballs
28 sitting there.

1 Q. When you were searching for the hit list, did
2 you look in drawers, what was the extent of your search?

3 A. Drawers, under the bed. I think I checked
4 under his mattress and closet.

5 Q. So would it be fair to say that based on your
6 training as a police officer you conducted what you
7 thought was a reasonable search?

8 A. Yes.

9 Q. Okay. Now, after the search, at any time
10 after the search, even up to today, have you learned
11 from any source that there was in fact a hit list?

12 A. No.

13 Q. And has anyone -- or strike that. After you
14 conducted the search of the Oliver home and didn't find
15 a hit list, did you report that back to anyone?

16 A. After I didn't find the hit list?

17 Q. Yes, sir.

18 A. I called Mark and told him I didn't find it,
19 yes.

20 Q. And do you recall what his response was?

21 A. Thank you.

22 Q. Okay. That's about the extent of it?

23 A. Yes.

24 Q. And after you did that search, how much longer
25 did you work at Taft?

26 A. I think it would have been six or eight months
27 maybe.

28 Q. Did there come a point in time when you

1 learned that Taft Union High School District had
2 switched services to have an SRO on its campus?

3 A. When I notified them I was retiring they made
4 arrangements for someone to replace me.

5 Q. Okay. Did you learn that there came a point
6 in time when they entered into a contract with the City
7 of Taft?

8 A. Yes.

9 Q. And did you know Doug Hallmark?

10 A. I knew Doug from when he worked for the
11 sheriff's department.

12 Q. Did you understand that Doug Hallmark was the
13 Taft officer who took over your duties as the SRO?

14 A. Yes.

15 Q. Did you ever communicate with him as sort of
16 one law enforcement officer handing over the reins to
17 another?

18 A. We talked for a few minutes.

19 Q. Okay. What was the gist of the conversation,
20 just sort of an overview of your thoughts?

21 A. Pretty much how I ran things as far as coming
22 to work, what time in the morning I would get to work,
23 where I would usually monitor the students at lunchtime,
24 since it was an open campus, if there were any students
25 at that time that were -- that I was concerned about, I
26 told him about those. And I pretty much told him that I
27 spent all of my time either at one or the other high
28 schools, either Taft High or Buena Vista High.

1 Q. Now, with regard going back to the golf club
2 threat, that was a specific threat by a specific student
3 against another student, correct?

4 A. Correct.

5 Q. At any time did you understand that Bryan
6 Oliver had made a specific threat against a specific
7 student while you were the SRO at Taft High School?

8 A. Never.

9 Q. Okay. Thank you very much. Those are my
10 questions.

11 THE COURT: Redirect.

12 MR. RODRIGUEZ: Yes, Your Honor, thank you.

13 REDIRECT EXAMINATION

14 BY MR. RODRIGUEZ:

15 Q. Sir, you're here because you were served with
16 a subpoena?

17 A. That's correct.

18 Q. During the time that you were the SRO officer
19 at Taft High School were you ever told about a T-bagging
20 incident involving Bryan Oliver?

21 MR. HERR: Your Honor, objection. Exceeds the
22 scope.

23 THE COURT: I'll give it -- I'm not sure that
24 it does exceed. Overruled.

25 A. No.

26 BY MR. RODRIGUEZ:

27 Q. T-bagging, do you understand that to be a
28 sexual assault, sir?

1 A. I didn't know what T-bagging was until I heard
2 about it.

3 Q. Now that you've heard about it, is it
4 something that would be considered a sexual assault?

5 A. Yes.

6 MR. HERR: Your Honor, excuse me, I object.
7 Foundation.

8 THE COURT: Sustained. And the answer is
9 stricken. The jury will disregard.

10 BY MR. RODRIGUEZ:

11 Q. As far as you're concerned, sexual assaults
12 are mandated reporting, require mandated reporting, sir?

13 MR. HERR: Objection. Foundation.

14 THE COURT: Sustained.

15 BY MR. RODRIGUEZ:

16 Q. Sir, as part of your training as a law
17 enforcement officer, are you aware of mandated
18 reporting?

19 A. Yes.

20 Q. And is sexual assault one of the things in
21 your training as a law enforcement officer that require
22 reporting?

23 MR. HERR: Your Honor, I'm sorry. I object
24 again. Foundation.

25 THE COURT: Sustained. I'll say the reason is
26 2034, that's why I sustained that it. Lacks foundation.

27 MR. RODRIGUEZ: I would advise the Court he is
28 a nondesignated expert.

1 THE COURT: Right, that's why I sustained the
2 objection.

3 BY MR. RODRIGUEZ:

4 Q. Okay. Let me change the topic. During the
5 time that you were at Taft High School you told us about
6 some of the incidents that prompted you to monitor, you
7 were asked to monitor students. Do you remember that?

8 A. Yes.

9 Q. Okay. While you were there was there ever an
10 incident where a student was arrested there at Taft High
11 School because he had said that he could sit on a hill
12 and shoot down to the campus and pick off people? Were
13 you there when that happened?

14 A. No.

15 Q. Let me change the topic now to a hit list.
16 Were you ever told by anyone that Ms. Angelo asked
17 students, specific particular students, why they were on
18 Bryan Oliver's hit list? Do you want the question back?

19 A. Yeah, would you?

20 Q. Yes. During the time that you were an SRO
21 officer at Taft High School were you ever told by anyone
22 that Ms. Angelo had interviewed specific students and
23 asked them why they were on Bryan Oliver's hit list?

24 A. No.

25 Q. Were you ever told that Ms. Angelo interviewed
26 Triston White and asked him why he was on Bryan Oliver's
27 hit list?

28 A. No.

1 Q. Thank you, sir, I have no further questions.

2 THE COURT: Excused as a witness?

3 MR. HERR: Yes, Your Honor, thank you.

4 MR. RODRIGUEZ: Yes, Your Honor.

5 THE COURT: You're excused as a witness,
6 released from the jurisdiction of the Court. You may
7 step down and you're free to go.

8 A. Thank you, sir.

9 THE COURT: You're welcome. Next witness.

10 MR. RODRIGUEZ: Your Honor, we would like to
11 present testimony by way of a video deposition.

12 THE COURT: All right. Counsel have met and
13 conferred on this?

14 MR. HERR: We have some people waiting
15 outside. I'd ask --

16 THE COURT: Well, let me -- it's a little
17 early for a recess. Let me see counsel.

18 (A sidebar was held and not reported herein.)

19 THE COURT: Okay. Ladies and gentlemen, this
20 is one of those times where I have to spend some time
21 for counsel. So I'm going to excuse you for our
22 afternoon recess, but the staff will still be in
23 session. So when I finish with counsel, I'll be
24 probably taking a recess for the staff. So it may be a
25 little bit longer recess than we typically have. You're
26 excused to the hallway. You'll be asked back in I would
27 estimate about three o'clock or so. So 20 minutes or
28 so. Keep that in mind. Don't discuss the case or form

1 or express any opinions. You're excused to the hallway.

2 All right. Well, we have the proposed video
3 deposition of Triston White to be played, which is fine.
4 Apparently that was part of the notice. And apparently
5 the provisions to be excerpted from the depo have been
6 exchanged and defense counsel has some objections.

7 MR. HERR: Yes, Your Honor.

8 MR. THOMPSON: Your Honor, in Exhibit 1 to
9 Triston White's deposition, which we assume that counsel
10 is going to try to get in front of the jury, it mentions
11 this threat or this comment about DeAnthony Bobbitt.
12 And if you read the deposition of Triston White, Triston
13 White talks about how he heard about this particular
14 issue with DeAnthony Bobbitt. It's a rumor from his
15 friend Jake or from somebody who heard it. I mean,
16 there is multiple layers of rumor that Triston testified
17 about.

18 So our objection to that is I don't think they
19 should present any issue to the specific issue about
20 DeAnthony Bobbitt. And if they do, they ought to
21 present the fact that it's all rumor upon rumor upon
22 rumor. And I can point you to the page and line where
23 it starts and you can see where it says -- and they're
24 talking about this rumor. And you can see on page 24
25 line 18 it says when you say rumor, do you mean that
26 somebody said something to you. And the answer is like
27 it goes like by somebody and I hear it from somebody
28 else, yes, sir. And then if you go down to page 24 line

1 24 the question is okay, as you sit here today do you
2 know who you heard this rumor from. Answer: I think my
3 friend Jake who is the one that fought Bryan. Okay.
4 What's Jake's last name? Morton. Okay. So you think
5 Jake Morton told you that Bryan Oliver wanted to kill
6 DeAnthony Bobbitt. Yeah, there is like a group of
7 friends, yeah. So he goes on and talks about the group
8 of his friends. And then he goes further on line 17
9 page 25. It says he's talking about the names of his
10 friend. And the question is as you sit here today do
11 you think that Jake Morton was probably the source of
12 the rumor about DeAnthony Bobbitt, correct. Answer: He
13 said he heard it from somebody. Question: Okay. Do
14 you know when Jake Morton told you this rumor? Answer:
15 No. And so --

16 THE COURT: What's the objection?

17 MR. THOMPSON: The objection here is it lacks
18 foundation, Your Honor. And so presenting this
19 potential threat based upon rumor upon rumor upon rumor
20 because it lacks foundation it's also highly prejudicial
21 to the district and it is also hearsay.

22 THE COURT: I'll let you be heard briefly.

23 MR. TRUJILLO: First, I've would say and offer
24 for the Court's consideration that I think the case West
25 versus Johnson & Johnson speaks directly to this issue.
26 And it would be offered for purposes of notice.

27 But second and most importantly those aren't
28 even pages that we're trying to introduce, those

1 citations.

2 THE COURT: Okay. Well, I will overrule the
3 objection. But it is subject to a limiting instruction
4 to the extent that the testimony or the evidence
5 submitted from the deposition is for purposes that the
6 statements were made or communicated for purposes of
7 notice, not for the truth of the matter stated as a
8 hearsay objection.

9 MR. TRUJILLO: Your Honor, if I may clarify,
10 the actual pieces of testimony that we're intending to
11 offer have to do with this student Triston White being
12 called in by Ms. Angelo. And I would ask for the Court
13 to consider that those would be party admissions,
14 because Ms. Angelo is a party.

15 THE COURT: Well, what Mr. White says isn't a
16 party admission.

17 MR. TRUJILLO: I understand that. But what
18 I'm saying is Ms. Angelo called Mr. White and asked him
19 why are you on this hit list written by Bryan Oliver.

20 THE COURT: What Triston White says she's
21 said, yeah. Yeah, that's a recorded testimony of a
22 witness testifying in court what a party said. It is
23 not hearsay.

24 MR. TRUJILLO: Agreed.

25 THE COURT: Right. The objection is
26 overruled.

27 MR. THOMPSON: Thank you, Your Honor.

28 THE COURT: I also wanted to make a record to

1 explain something. I overruled Mr. Rodriguez's
2 objection to a question posed to Deputy Collins where he
3 was asked essentially his opinion of Rona Angelo,
4 whether she was an honest professional. And I overruled
5 that. And my thinking was that I have heard opening
6 statements and there is some challenge to her potential
7 credibility. And rather than -- I usually when I'm
8 anticipating that questions are being asked of witnesses
9 who are in the court that they be allowed to testify
10 rather than be called back as rebuttal witnesses.

11 That may have been a presumption I shouldn't
12 have made. Because as I think about it there was no
13 statement that there was going to be evidence of her
14 character for honesty or truthfulness in which case I
15 probably should have sustained the objection. So that
16 was a long-winded way of saying I made a mistake. But
17 counsel can keep it in mind for future witnesses.

18 MR. RODRIGUEZ: Real quick, Your Honor. I'm a
19 little confused on a separate matter.

20 THE COURT: On the 20234 issue?

21 MR. RODRIGUEZ: Yes.

22 THE COURT: You're asking him an opinion from
23 the witness stand, that he can't do as a nonretained
24 expert. He can give opinion testimony but it has to be
25 opinion testimony, there has to be foundation that he
26 formed those opinions during his percipient -- you can't
27 pose -- a percipient expert you can't pose a
28 hypothetical to them of would something be a sexual

1 assault and would that be a reportable incident. It has
2 to relate to their actual percipience.

3 MR. RODRIGUEZ: That's what I understood it to
4 be also, but thank you for the explanation.

5 THE COURT: So I was reading that as he was
6 being asked his opinion from the witness chair not to
7 relate an opinion that he had previously developed.

8 Okay. We're in recess for 15 minutes.

9 (A recess was taken.)

10 THE COURT: We're back on the record. We're
11 in session on Cleveland versus Taft Union High School
12 District as previously noted. We're going to play the
13 proposed videotape deposition excerpts from Triston
14 White. The court reporter will not be reporting the
15 audio from the video. That has already been
16 transcribed. But as I indicated, counsel will have to
17 keep a record of what's played to the jury so you can
18 have it.

19 MR. RODRIGUEZ: Yes, Your Honor. Usually
20 after we play a videotape deposition excerpts the
21 following day we file with the Court that excerpt that
22 was played.

23 THE COURT: You can do it that way or you can
24 accumulate it and file it. It's up to you.

25 MR. RODRIGUEZ: That's probably the better way
26 to go.

27 MR. HERR: Your Honor, will we be allowed to
28 read portions of the transcript after they play their

1 part?

2 THE COURT: It depends. If you're going to do
3 that, I need to know because I need to know if there is
4 going to be an objection. If you're offering it as you
5 would in cross-examination of the witness, that is in
6 the interest of completeness. Or if it's being
7 proffered for your case in chief, then it's your case in
8 chief. It's a different proffer.

9 MR. HERR: No, it's in terms of completeness.
10 I'll represent to the Court it's generally where Triston
11 White got the information, hearsay on hearsay on
12 hearsay, that he reported -- supposedly reported to the
13 school.

14 THE COURT: Okay. Well, let's wait and see
15 what's played. Because I'm told they're not even going
16 to play that part.

17 MR. TRUJILLO: Your Honor, for transparency
18 when Mr. Thompson cited I think pages 24 and 25 I had
19 looked at the list and that wasn't on there. But I do
20 note that on page 16 which is included on our list there
21 is some discussion on it. So just for transparency to
22 the Court.

23 THE COURT: So are you proffering the exhibit
24 itself?

25 MR. TRUJILLO: No, Your Honor.

26 THE COURT: Okay. Well, then the defense will
27 be able to propose readings. And then if there is an
28 objection, I'll take it up. But certainly Mr. Herr to

1 answer your question, yes, you can propose readings by
2 page and line. And if you later want to supplemental
3 that with video, I don't have a problem with that.

4 MR. HERR: Thank you, Your Honor.

5 THE COURT: Let's bring the jury in.

6 Court is in session. I took roll. The jury
7 is now in the courtroom properly seated in the jury box.

8 Mr. Rodriguez, your next proffer.

9 MR. RODRIGUEZ: Your Honor, we're going to
10 offer the video deposition excerpts of Triston White.

11 THE COURT: All right. Noted. You may
12 proceed.

13 MR. RODRIGUEZ: Do we need to do anything
14 about the lights, Your Honor?

15 THE COURT: It's difficult to do that. But as
16 I've told you, members of the jury, if you have any
17 difficulty seeing the screen because of the glare of the
18 lights or otherwise, let me know.

19 (Playing of the videotaped deposition of
20 Triston White.)

21 MR. RODRIGUEZ: That's it, Your Honor.

22 THE COURT: Does the defense wish to proffer
23 any excerpts for reading or in the nature of
24 cross-examination?

25 MR. HERR: Yes, Your Honor. Page 24 lines
26 four of the deposition through line nine.

27 Question: --

28 THE COURT: Just a moment.

1 MR. RODRIGUEZ: Hold on. I'm sorry. Page 24?

2 THE COURT: Page 24 lines four through nine.

3 MR. HERR: That's correct, Your Honor.

4 THE COURT: Any objection? Do you wish me to
5 rule on the objection made?

6 MR. RODRIGUEZ: And, I'm sorry, page 25 what
7 was the line?

8 MR. HERR: 24 line four through line nine.

9 MR. RODRIGUEZ: That's fine, Your Honor, thank
10 you.

11 THE COURT: The objection is overruled. You
12 may read.

13 MR. HERR: Question: Okay. As you sit here
14 today is it correct to say you have no recollection of
15 speaking to Ms. Angelo about DeAnthony Bobbitt?

16 Answer: Yes.

17 Then, Your Honor, I would like to read from 26
18 line 13 through 27 line four. That's 26, 13 through
19 27-4.

20 MR. RODRIGUEZ: Your Honor, no objection.

21 THE COURT: Okay. The objections are
22 withdrawn. And no objection to the reading. You may
23 read.

24 MR. HERR: Thank you, Your Honor. 26 line 13.

25 Question: Okay. When you say, uh, Jake told
26 you this rumor, uh, did you think that Bryan Oliver was
27 really going to kill DeAnthony Bobbitt?

28 Answer: No.

1 Question: Uh, did you go report it to a
2 teacher or anyone?

3 Answer: No.

4 Was the reason you didn't report it to anyone
5 because you didn't think he was going to really do it?

6 Answer: Yeah.

7 And then, Your Honor, 27 -- or excuse me
8 that's all that I wish to read, Your Honor, thank you.

9 THE COURT: All right. You may call your next
10 witness.

11 MR. RODRIGUEZ: Yes, Your Honor. We would
12 like to call Fernando Romo to the stand, please.

13 THE COURT: Sir, would you please step
14 forward, walk through that wooden gate and then walk to
15 your left, walk all the way around those podiums and
16 toward me. Keep walking. Stand right there and take
17 your oath from the clerk.

18 THE CLERK: Raise your right hand, please.

19 You do solemnly swear that the testimony you
20 shall give in this matter now pending before this court
21 shall be the truth, the whole truth and nothing but the
22 truth, so help you God?

23 THE WITNESS: Yes, I do.

24 THE COURT: Be seated, please, right up here.
25 Would you please sit forward, give your testimony toward
26 the microphone, and would you state your first and last
27 name?

28 THE WITNESS: Fernando Romo.

1 THE COURT: All right. F-e-r-n-a-n-d-o,
2 R-o-m-o?

3 THE WITNESS: Yes.

4 THE COURT: Thank you. Go ahead,
5 Mr. Rodriguez.

6 MR. RODRIGUEZ: Thank you, Your Honor.

7 FERNANDO ROMO (for the Plaintiff)
8 called as a witness, being first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. RODRIGUEZ:

12 Q. Good afternoon, sir.

13 A. How are you doing?

14 Q. I'm going to start off with asking you a few
15 background questions so our jurors have an idea who you
16 are. So let me start off with where do you live, sir?

17 A. I live at 119 East Woodrow, Taft, California.

18 Q. In Taft, sir?

19 A. Yes.

20 Q. And how long have you lived there in Taft?

21 A. Around 30 years.

22 Q. And by the way, how old are you, sir?

23 A. I'm 51.

24 Q. And what do you do for a living, sir?

25 A. Right now I'm a heavy equipment operator.

26 Q. Who do you work for?

27 A. Sturgeon & Sons.

28 Q. Sturgeon & Sons?

1 A. Yes.

2 Q. What kind of company is that, what kind of
3 work does it do?

4 A. It's oil field construction, demo work. They
5 have different divisions.

6 Q. And are you married, sir?

7 A. Yes.

8 Q. Do you have any kids?

9 A. Yes, I do.

10 Q. How many kids do you have?

11 A. Three boys.

12 Q. And your boys, your three boys, how old are
13 they?

14 A. They're 30, 27 and 23.

15 Q. Did your boys attend Taft High School?

16 A. Yes, they did.

17 Q. Was there ever a time when you went to Taft
18 High School to talk to someone about a hit list?

19 A. Yes. I spoke to the principal, Ms. Angelo,
20 when I -- when my son told me that there was a hit list
21 that his name was on it. And I felt, you know, as a
22 parent I needed to go to talk to Ms. Angelo and see what
23 was going on.

24 Q. And what son was that?

25 A. My youngest, Danny Romo.

26 Q. Danny Romo?

27 A. Yes.

28 Q. And you found out about this hit list from

1 whom?

2 A. My son told me about it and then -- taking my
3 son to practice and games and all of that stuff.

4 MR. HERR: I'm sorry to interrupt, sir. After
5 my son told me I would object as nonresponsive.

6 THE COURT: I'll sustain. It's a narrative.
7 Sir, you're not a professional witness, so you've got to
8 understand that this is not a conversation. It's
9 question and answer, so just listen to the question.

10 A. Okay.

11 THE COURT: And let the attorney finish the
12 question and then give your answer to the question and
13 then wait for the next question.

14 A. Okay.

15 THE COURT: Counsel will take it you through
16 it question by question. Go ahead.

17 MR. RODRIGUEZ: Thank you.

18 BY MR. RODRIGUEZ:

19 Q. A little nervous?

20 A. A little bit.

21 Q. Calm down and we'll just go slowly, okay?

22 A. Okay.

23 Q. After your son, Danny Romo, told you about the
24 hit list and that he was on it, did you go to the high
25 school?

26 A. Yes, I did.

27 Q. Okay. Did you speak to someone at the high
28 school?

1 A. Ms. Angelo.

2 Q. Ms. Angelo. And where did this conversation
3 between you and her take place, where?

4 A. In her office.

5 Q. And when you were in her office, you talked to
6 her about this hit list?

7 A. Yes, I did.

8 Q. Did you tell her why you were wanting to talk
9 to her about this hit list?

10 A. Yes, I did.

11 Q. And what did you tell her?

12 A. I told her I was concerned for my son, I was
13 scared.

14 Q. And what did she say when you told her I'm
15 scared for my son, I'm concerned?

16 A. She said not to worry, that the cops would
17 handle it, they take care of it.

18 Q. Let me back up. In this conversation that you
19 had with Ms. Angelo, did you ever say to her do you want
20 me to call the cops, I can call the cops?

21 A. Yes. I told her I've got no problem talking
22 to the kids or the kid's parents, you know, and see
23 what's going on, or I can go to the police station. She
24 says not to worry, that she's got it handled and
25 everything is okay.

26 Q. Can we break that in two parts? Let's first
27 talk about the police and then about talking to the
28 kid's parents. Is that okay with you?

1 A. Sure.

2 Q. The police. When you told her can I -- I have
3 no problem going and talking to the police and reporting
4 it, what did she tell you when you said that to her?

5 A. Not to worry about him, they'll take care of
6 it.

7 Q. That she would take care of it?

8 A. Yes.

9 Q. Did she tell you we'll call the police, we'll
10 take care of calling the police?

11 A. She told me that she'll take care of it.

12 MR. HERR: Excuse me for interrupting, Your
13 Honor, Mr. Rodriguez is leading and suggesting the
14 answer to the witness.

15 THE COURT: I'll sustain that question as
16 leading.

17 BY MR. RODRIGUEZ:

18 Q. Did she ever -- did she tell you that she
19 would take care of it?

20 A. Yes, she did.

21 Q. Okay. Now, the other part. Did you have some
22 information as to who had put this hit list together?

23 A. Not at the time. I just heard about the list,
24 but I mean, I didn't know -- they wouldn't give me no
25 information or whatever. But I told Ms. Angelo that I
26 would talk to the kids, you know, whoever the kids was.

27 Q. Okay. And talk to the kid's parents or talk
28 to the kids themselves?

1 A. Either or or both.

2 Q. Did you have any idea of who the kid was?

3 A. I had an idea.

4 Q. And what idea did you have?

5 A. The kid by the name last name Oliver.

6 Q. And did you know that kid Oliver or any
7 relative of his?

8 A. I know his hunger brother. Through little
9 league. I used to call him Little Tank Tank because he
10 was a catcher.

11 Q. And what did you have to do with little
12 league?

13 A. I coached my son. I would coach baseball.

14 Q. Okay. And is that how you knew the -- who you
15 believed the person who had written the hit list, his
16 younger brother?

17 A. Yes.

18 Q. And when you told Ms. Angelo that you had no
19 problem going and talking to the kid's parents or
20 family, what did she say to you?

21 A. Not to worry, that she'll take care of it.

22 Q. Thank you, sir, I have no further questions.
23 This other lawyer may have questions for you.

24 A. Okay.

25 THE COURT: Mr. Herr, any questions?

26 MR. HERR: Thank you.

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CROSS-EXAMINATION

BY MR. HERR:

Q. Mr. Romo, how are you doing?

A. Good.

Q. Excellent. When was it that you had this conversation with Rona Angelo that we've been talking about?

A. I don't remember the specific date.

Q. Okay. Do you remember the year?

A. Well, my son graduated -- he's 23, so he graduated when he was 18, so three years back or four years back.

Q. Okay.

A. Before he graduated.

Q. Give us your best recollection if you can of the year when this conversation took place?

A. 2015.

Q. 2015, that's your best estimate? Is that a yes?

A. Yes.

Q. And we just do that for the benefit of our court reporter. So you had this conversation with Rona Angelo in 2015; is that correct?

A. That's what I'm -- a rough estimate.

Q. That's your best estimate?

A. Yes.

Q. Okay. Was it during the school or during the work week?

1 A. During the school year, yes.

2 Q. During the work week?

3 A. Yes.

4 Q. Like Monday through Friday?

5 A. Yes.

6 Q. Was it during the workday, like 8:00 to 5:00?

7 A. Yes, I believe so. I'm not exactly -- I don't
8 remember.

9 Q. Sure. Well, you were there?

10 A. Yes, I was.

11 Q. Do you remember, were you working at the time,
12 did you have a job?

13 A. Yes, I did.

14 Q. Did you have to take time off from the job to
15 go talk to her?

16 A. I work four tens so I don't know if maybe that
17 was taken on a Friday, on my day off Friday. I don't
18 remember.

19 Q. Okay. Were you upset when you went in to talk
20 to her?

21 A. I wasn't happy. I was nervous and scared for
22 my son.

23 Q. Okay. I'm sorry, you said you were what?

24 A. Nervous and scared for my son.

25 Q. Okay. And did you learn about this hit list
26 from your son?

27 A. Yes.

28 Q. Did you learn about the hit list from your son

1 the day you went and saw Rona Angelo?

2 A. I learned from it before.

3 Q. What?

4 A. Before, days before.

5 Q. So there were a number of days --

6 A. Before I talked to Ms. Angelo.

7 Q. Okay. So two or three days before?

8 A. Roughly.

9 Q. Okay. Why did you wait two or three days to
10 go see Ms. Angelo?

11 A. Possibly because I was working and I waited
12 for Friday on my day off for whenever I went to go to
13 talk to her.

14 Q. So that's probably your best explanation?

15 A. Yes.

16 Q. Can you think of any other reason why you may
17 have waited?

18 A. That's -- no, I can't.

19 Q. So when you went in there, you went to the
20 high school, correct?

21 A. Yes.

22 Q. You went to her office, correct?

23 A. Yes.

24 Q. Was anyone else in her office?

25 A. I believe it was her and possibly Kim Fields.

26 Q. Do you know Kim Fields?

27 A. Yeah, I know him from Taft, yeah.

28 Q. Okay. So Kim Fields is someone you knew

1 before you went to see Rona Angelo?

2 A. He's the one that took us into the office. I
3 don't recall if he was in the office for the meeting,
4 but I remember he greeted us and told us come this way.

5 Q. Sure. I just wanted to find out did you know
6 who Kim Fields was before you went to see Rona Angelo?

7 A. Yes.

8 Q. So you knew who he was and you saw him the day
9 you spoke to Rona Angelo. You don't recall if he was at
10 the meeting when you spoke to her, correct?

11 A. Yes.

12 Q. And when you're in there, you were scared, you
13 were somewhat upset about your son, correct?

14 A. Yes.

15 MR. RODRIGUEZ: Excuse me, Your Honor,
16 misstates the evidence, the upset part.

17 THE COURT: Overruled.

18 BY MR. HERR:

19 Q. And did -- the way you expressed yourself, do
20 you believe that you expressed the emotions you were
21 feeling, in other words, that you were scared and upset?

22 A. Well, probably like any other father would.

23 Q. Sure. No, no, I'm just trying to get a feel
24 for what occurred. And part of the conversation was you
25 were willing to go talk to Bryan Oliver about this hit
26 list, correct?

27 A. Yes.

28 Q. And Ms. Angelo said something to the effect

1 that she would take care of that --

2 A. Yes.

3 Q. -- correct? Did you think that perhaps you
4 might have been scary or intimidating if you had
5 confronted a 16 year old about a hit list and that it
6 was probably better that Ms. Angelo dealt with it?

7 A. Not at all.

8 Q. So you thought that you were happy to go find
9 Bryan Oliver or his mother and confront them about this
10 hit list, correct?

11 A. Yes.

12 Q. And Ms. Angelo said she would take care of it,
13 correct?

14 A. Yes.

15 Q. Do you know if you had this conversation with
16 Ms. Angelo before or after Deputy Collins searched Bryan
17 Oliver's home for a hit list?

18 MR. RODRIGUEZ: Objection. Lacks foundation.

19 A. I don't know.

20 THE COURT: Sustained.

21 BY MR. HERR:

22 Q. Did you have an understanding that the school
23 searched for the hit list?

24 A. No.

25 Q. Did you ever learn that?

26 A. No.

27 Q. Did you learn after the school shooting that
28 the FBI and Kern County Sheriff's Office searched for a

1 hit list?

2 A. Well, after the shooting there was a big ol
3 circus in town, you know, FBI and all kinds of people
4 running around.

5 Q. Sure. My question is have you ever learned
6 that anyone at any time ever found a hit list?

7 A. No.

8 Q. Okay. Thank you. Sir, I have no further
9 questions.

10 THE COURT: Anything further?

11 MR. RODRIGUEZ: Yes, Your Honor. May I
12 approach, Your Honor, the witness?

13 THE COURT: Sure.

14 REDIRECT EXAMINATION

15 BY MR. RODRIGUEZ:

16 Q. Sir, I'm going to show you a deposition
17 transcript about the timing to see if it refreshes your
18 memory as to when you went to go see Ms. Angelo.

19 A. Okay.

20 Q. And what we do is we show it to you to see if
21 that refreshes your memory by reading what you said back
22 then.

23 MR. HERR: Your Honor, could I learn what
24 we're showing the witness?

25 THE COURT: You may.

26 MR. RODRIGUEZ: Sure. It's page 11 lines one
27 through three.

28 A. Okay. Do I need to read that?

1 BY MR. RODRIGUEZ:

2 Q. No, just hold on a second.

3 A. I'm sorry.

4 Q. That's okay. Do you need my reading glasses?
5 Just that part, just those lines.

6 A. Yeah.

7 Q. Okay. So does this refresh your memory as to
8 when you went to go see Ms. Angelo?

9 A. Yes.

10 Q. And when was that, sir?

11 A. It was in the spring of 2012.

12 Q. Okay. Thank you. I have no further
13 questions.

14 THE COURT: Excused as a witness?

15 MR. HERR: No, Your Honor. May I ask a
16 question?

17 THE COURT: Sure.

18 RECCROSS-EXAMINATION

19 BY MR. HERR:

20 Q. Sir, you just read a portion of the transcript
21 that you said refreshed your recollection, correct?

22 A. Yes.

23 Q. The portion that you read is line 11 -- or
24 excuse me, page 11 lines one through three, correct?

25 A. Yes.

26 MR. HERR: And may I read that portion of the
27 transcript, Your Honor?

28 THE COURT: Yes.

1 BY MR. HERR:

2 Q. Okay. So at that portion of the transcript
3 the question that was asked you by the attorney was
4 okay, that's fine. Would it -- would it be fair to say
5 that it was in the spring of 2012? And then you said
6 yes. Do you remember that?

7 A. Yes.

8 Q. So it was the attorney who suggested to you it
9 was the spring of 2012, correct?

10 A. Yes.

11 Q. Okay. No further questions.

12 THE COURT: All right. You're released as a
13 witness, excused from the jurisdiction of the Court.
14 You may step down. You're free to go. You're excused
15 as a witness.

16 A. Thank you.

17 THE COURT: Next witness.

18 MR. RODRIGUEZ: Your Honor, with the Court's
19 permission, jasmine Sanchez.

20 THE COURT: Would you walk through that gate?
21 I think the bailiff has explained it to you but then you
22 have to walk -- you're ultimately going to be seated up
23 here. But before you get there, would you stand right
24 there and take your oath from the clerk of the Court.

25 THE CLERK: Raise your right hand.

26 You do solemnly swear that the testimony you
27 shall give in this matter now pending before this court
28 shall be the truth, the whole truth and nothing but the

1 truth, so help you God?

2 THE WITNESS: I do.

3 THE COURT: All right. Now, be seated up
4 here. Would you please sit all the way forward and give
5 your testimony toward that microphone? It doesn't have
6 to be right up next to your mouth but just direct your
7 testimony toward the microphone. And state your first
8 and last name.

9 THE WITNESS: Jasmine Sanchez.

10 THE COURT: J-a-s-m-i-n-e, and S-a-n-c-h-e-z;
11 is that correct?

12 THE WITNESS: Correct. Yes.

13 THE COURT: Thank you. Go ahead,
14 Mr. Rodriguez.

15 MR. RODRIGUEZ: Thank you, Your Honor.

16 JASMINE SANCHEZ (for the Plaintiff)
17 called as a witness, being first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. RODRIGUEZ:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. Ms. Sanchez, I want to start off with a few
24 questions just about your background so that our jurors
25 have an idea of who you are.

26 A. Okay.

27 Q. First of all, how old are you?

28 A. I'm 23 years old.

1 Q. And where do you live?
2 A. In Taft, California.
3 Q. How long have you lived in Taft?
4 A. Since I was eight.
5 Q. Since you were?
6 A. Eight.
7 Q. Eight years old. And are you married, single?
8 A. I'm single.
9 Q. And who do you live in Taft with?
10 A. My mom and my siblings.
11 Q. Did you go to school in Taft?
12 A. Yes, I did.
13 Q. Did you go to high school in Taft?
14 A. Yes.
15 Q. Before I go any further, what do you do for a
16 living?
17 A. Right now I work at Snow White.
18 Q. You work at Snow White?
19 A. Yes.
20 Q. And what is Snow White?
21 A. It's a fast food restaurant.
22 Q. And where is it?
23 A. In Taft.
24 Q. And besides -- is that a full-time job for you
25 now?
26 A. Yes.
27 Q. Besides working at fast food place --
28 A. Snow White.

1 Q. -- do you do anything else?

2 A. Yes. I just graduated from Taft College with
3 my associates in psychology and I'm planning to go to
4 CSUB within the next year.

5 Q. So in the next year or so you're going to go
6 to Cal State Bakersfield?

7 A. Yes.

8 Q. And major, what kind of major do you think
9 you're going to have?

10 A. My bachelor's in psychology.

11 Q. What years did you go to school at Taft High
12 School?

13 A. 2010 through 2014.

14 Q. And during that time was there ever a time
15 when you heard or got to know a student by the name of
16 Bryan Oliver?

17 A. Yes.

18 Q. Did you have him in any of your classes?

19 A. Yes.

20 Q. Was there ever a time in a classroom that you
21 were in with Bryan Oliver that something out of the
22 ordinary happened?

23 A. Yes. My sophomore year.

24 Q. Your sophomore year. And what class was that
25 in?

26 A. History.

27 Q. And the name of the teacher for that history
28 class was who?

1 A. Mr. Greer.

2 Q. G-r-e-e-r?

3 A. I believe so.

4 Q. And what was the thing that happened out of
5 the ordinary in your history class in Mr. Greer's class
6 that had something to do with Bryan Oliver?

7 A. I was passing out papers. When I went to put
8 the paper on his desk, there was a drawing on his desk
9 that I had took away from him.

10 Q. And this drawing, what did it have on it?

11 A. It had like --

12 MR. HERR: Your Honor, objection. Hearsay.

13 A. Big --

14 THE COURT: Well, I'm going to permit it
15 subject to a potential motion to strike. You may
16 answer.

17 A. Big stick figures with machine guns shooting
18 baby stick figures laying around a playground.

19 BY MR. RODRIGUEZ:

20 Q. How did you react when you saw that picture?

21 A. I snatched it off his desk.

22 Q. You snatched it off whose desk?

23 A. Bryan Oliver's desk.

24 Q. And did Bryan Oliver react when you snatched
25 that drawing off his desk?

26 A. Yeah. He growled at me and stood up.

27 Q. What did you do next?

28 A. I had stepped away and another student stepped

1 in between us and I had walked to the front of the
2 classroom to give the paper to the teacher.

3 Q. To Mr. Greer?

4 A. Yeah.

5 Q. And did you hand it to Mr. Greer, this
6 drawing?

7 A. Yes, I did.

8 Q. And could you see whether or not Mr. Greer
9 looked at himself?

10 A. Yes.

11 Q. Could you see the reaction on Mr. Greer's
12 face?

13 A. Yes.

14 Q. What was the reaction on his face that you
15 could see?

16 A. Shock, stunned.

17 Q. And as a result of that drawing were you ever
18 -- did you ever speak to the assistant principal at Taft
19 High School?

20 A. Yes, I did.

21 Q. And was that Ms. Angelo?

22 A. Yes.

23 Q. How many times did you talk to Ms. Angelo
24 about this drawing?

25 A. Twice.

26 Q. Now, when you spoke to Ms. Angelo, where did
27 the conversation take place?

28 A. In her office.

1 Q. And was it the same day that you saw the
2 drawing or a couple of days later or when?

3 A. The first time was the same day. And the
4 second time was a few weeks later because of a different
5 incident.

6 Q. Because of a what?

7 A. A different incident.

8 Q. Okay. So the first time you talked to
9 Ms. Angelo about this, did she -- did you prepare a
10 written report?

11 A. Yes, I did.

12 Q. And you signed that report?

13 A. Yes, I did.

14 MR. RODRIGUEZ: Your Honor, I would move into
15 evidence Plaintiff's Exhibit Number 47-13.

16 (Whereupon Plaintiff's Exhibit No. 47-13 was
17 marked for identification.)

18 MR. HERR: Objection. Hearsay. Foundation.

19 THE COURT: Which one would that be in? No,
20 no, if you can look up here. Is it this set of binders
21 or the white set of binders?

22 MS. GONZALEZ: The white.

23 MR. TRUJILLO: The white, Your Honor. Your
24 Honor, it's set three. I'm sorry, I just wanted to make
25 sure.

26 THE COURT: Why don't I deal with the
27 foundation first.

28 MR. RODRIGUEZ: Okay. That will be fine, Your

1 Honor. May I approach?

2 THE COURT: You may.

3 BY MR. RODRIGUEZ:

4 Q. Ms. Sanchez, I'm going to show you a copy of
5 what we marked as Plaintiff's Exhibit 47-13. Do you see
6 that there is a signature down at the bottom of this
7 incident report?

8 A. Yes.

9 Q. Do you recognize that signature?

10 A. Yes, it's mine.

11 Q. I'm sorry, could you say that --

12 A. It's mine.

13 Q. Okay. And did you date this incident report?

14 A. Yes, I did.

15 Q. And what is the date?

16 A. February 29th of 2012.

17 Q. And the handwriting, all of the handwriting
18 that appears on this incident report, whose handwriting
19 is it?

20 A. That's also mine.

21 MR. RODRIGUEZ: Okay. I would move
22 Plaintiff's Exhibit 47-13 into evidence, Your Honor.

23 MR. HERR: Objection. Hearsay. Foundation.

24 THE COURT: Overruled. But it's admitted for
25 a limited purpose for -- and the limited purpose is
26 this, it's limited for the fact that this incident
27 report was written and made, not for the truth of the
28 matter stated in the report. So it's admitted for that

1 purpose with that limiting instruction. And you may
2 publish if you wish or just -- that's up to you.

3 (Whereupon People's Exhibit No. 47-13 was
4 received in evidence.)

5 MR. RODRIGUEZ: Thank you, Your Honor. May we
6 put it up?

7 BY MR. RODRIGUEZ:

8 Q. So this report -- I'm sorry the other way.
9 Sorry about that. So this incident report, did you
10 write this report when you went in to see Ms. Angelo?

11 A. Yes.

12 Q. And after you wrote out the -- oh, when you
13 wrote down when I was passing out papers in history, saw
14 his paper and he was drawing big people killing,
15 shooting little kids, stick figures, on the school
16 playground with red blood splats on their -- is that
17 word their?

18 A. Yeah.

19 Q. Head, and the big people had guns. Also one
20 day in class I asked him to sit down so I can walk by
21 and he shoved me. Did I read that correctly?

22 A. Yes.

23 Q. Okay. When you spoke to Ms. Angelo in her
24 office, did she ask you how you felt when you saw this
25 drawing that you turned in to Mr. Greer?

26 A. Yes.

27 Q. And what did you tell her?

28 A. Scared, disturbed.

1 Q. And what about the drawing made you scared and
2 feel disturbed?

3 A. It was very detailed. And it was -- even
4 though it was stick figures, it was bigger people
5 shooting little kids on a playground. There was blood,
6 and it just didn't sit right with me.

7 Q. Okay. And did Ms. Angelo ask you if you felt
8 threatened for your life?

9 A. Yes.

10 Q. And what did you say to her when she asked you
11 that?

12 A. Yes.

13 Q. And did Ms. Angelo tell you anything about
14 what they may have been doing, they being the school,
15 with Bryan Oliver?

16 A. That he was getting help from the counselor at
17 school.

18 Q. And did she say anything about they had it
19 covered?

20 A. Yes. Not to worry about it, it was getting
21 taken care of.

22 Q. Did you ever -- did you talk or see Ms. Angelo
23 a second time some time?

24 A. Yes.

25 Q. Was it in connection with this drawing again?

26 A. I would have to assume only because he had got
27 in trouble for a different incident and because of that
28 me and a group of other students got called into the

1 office to have to speak to her again about Bryan.

2 Q. If it's okay with you, may I just go back to
3 the drawing, I forgot to ask you something?

4 A. Yes.

5 Q. Did the drawing have a title to it?

6 A. The Playground.

7 Q. Thank you. Now, let's go back to the time
8 that you and other students were called to Ms. Angelo's
9 office. Did Ms. Angelo ask you questions about a
10 certain incident at that time?

11 A. She had asked how we felt about Bryan being at
12 school because he had been suspended for a threat, that
13 a teacher had overheard him saying about killing other
14 students. So we were informed that police and the
15 school officials were searching his house for weapons
16 and other stuff regarding his threat.

17 Q. Okay. At that time did Ms. Angelo ask you how
18 you were feeling?

19 A. Yes.

20 Q. And what did you tell her?

21 A. That I didn't feel safe with him around and
22 that he needed help.

23 Q. That who needed help?

24 A. Bryan.

25 Q. And when you said that he needed help, Bryan
26 needed help, did Ms. Angelo say anything to you?

27 A. Yes, that he was getting help from the
28 counselor.

1 Q. Were you at school the day of the shooting,
2 January 10th, 2013?

3 A. Yes.

4 Q. Did you see Ms. Angelo on that date?

5 A. Yes, I did.

6 Q. Before or after the shooting?

7 A. After.

8 Q. And where is it that you saw her?

9 A. In the auditorium.

10 Q. Did you say anything to her at that time?

11 A. Yes, I did.

12 Q. What is it that you said to her?

13 A. I told you something was going to happen.

14 Q. What did you mean by that?

15 A. When we were sitting in the office --

16 MR. HERR: I'm sorry, Your Honor. Excuse me,
17 ma'am, for interrupting. Objection her subjective
18 intent is not relevant.

19 THE COURT: Sustained.

20 BY MR. RODRIGUEZ:

21 Q. When you said to Ms. Angelo -- and, I'm sorry,
22 what is that you said to her again, I'm sorry?

23 A. I told you something was going to happen.

24 Q. I told you something was going to happen. Did
25 Mr. Angelo say anything in response when you said that
26 to her?

27 A. No, she turned around and walked away from me.

28 Q. Now, when you were in school, in high school,

1 did you get suspended at some time?

2 A. Yes, I did.

3 Q. And why was it that you got suspended?

4 MR. HERR: Objection. Relevancy. 352.

5 MR. RODRIGUEZ: I'll withdraw the question,
6 Your Honor.

7 THE COURT: It may be a timing question.
8 Sustained.

9 BY MR. RODRIGUEZ:

10 Q. Thank you, Ms. Sanchez, I have no further
11 questions.

12 A. Thank you.

13 MR. HERR: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HERR:

16 Q. Ms. Sanchez, may I ask you some questions?

17 A. Of course.

18 Q. This incident that occurred in the classroom,
19 do you recall when it occurred?

20 A. As far as like day, month and year?

21 Q. Yes.

22 A. Just my sophomore year.

23 Q. Okay. Do you recall -- could you redisplay
24 Exhibit 47-13 again?

25 THE COURT: Do you mind doing that?

26 BY MR. HERR:

27 Q. Okay. Do you see this document on the screen?

28 A. Yes.

1 Q. At the top it says 2-29-12?

2 A. Yes.

3 Q. Was that the date you prepared the document?

4 A. Yes.

5 Q. And you prepared the document after the
6 classroom incident?

7 A. The same day, yes.

8 Q. Okay. The same day?

9 A. Yeah.

10 Q. So would it be fair to say that the classroom
11 incident where you grabbed Bryan Oliver's paper was on
12 February the 29th, 2012?

13 A. Correct.

14 Q. Okay. People pay me a lot of money for this.
15 Okay. So you remember getting called in to the office
16 and filling this out the same day?

17 A. Yes.

18 Q. Okay. And when you filled this out did you
19 intend it to be an accurate reflection of what happened?

20 A. Yes.

21 Q. You wanted to make sure that you wrote down
22 what you thought were the important facts as to what
23 occurred?

24 A. Yes.

25 Q. Okay. Had you ever filled out an incident
26 report at school before this?

27 A. Yes, I have.

28 Q. Okay. So you were familiar with the process?

1 A. Yes.

2 Q. Okay. And as you look at this now, do you
3 believe it accurately reflects what you thought was
4 important on the day the incident happened?

5 A. Yes.

6 Q. Okay. I don't see here where you say he
7 growled at you. Did you leave that out?

8 A. I must have, yes.

9 Q. I'm sorry?

10 A. Yes.

11 Q. Okay. At the bottom of this you say also one
12 day in class I asked him to sit down so I can walk by
13 and he shoved me. Do you see that?

14 A. Yes, I do.

15 Q. Did that occur the same day that you took his
16 paper?

17 A. No.

18 Q. Did that occur after you took his paper?

19 A. No, before.

20 Q. Okay. Do you know how long before the paper
21 incident was the shoving incident?

22 A. No.

23 Q. Was it within a week, a month, was it that
24 same school year?

25 A. That same school year.

26 Q. Do you know what class it was?

27 A. I only had him in Mr. Greer's class.

28 Q. So would it be fair to say it was in

1 Mr. Greer's class?

2 A. Yes.

3 Q. Did you report it to anyone at the time?

4 A. No.

5 Q. As far as you know, did anyone witness it?

6 A. Anyone in the classroom.

7 Q. Are you saying everyone in the classroom
8 witnessed it?

9 A. Anyone that would have looked, but no one in
10 particular.

11 Q. When you say he shoved you, did he push you
12 down or how would you describe the shove?

13 A. A shoulder shove.

14 Q. A what?

15 A. A shoulder shove.

16 Q. Shoulder. He walked by and kind of threw his
17 shoulder?

18 A. Yeah, as I walked.

19 Q. You were walking by and he threw his shoulder
20 into you?

21 A. Correct.

22 Q. Now, when you were walking by you were picking
23 up papers at the time?

24 A. I was handing out papers.

25 Q. Okay. Why were you handing out papers?

26 A. I was directed to hand out papers by
27 Mr. Greer.

28 Q. Was it like a test or were you returning

1 papers?

2 A. It was like a worksheet.

3 Q. Okay. And you saw something on Bryan's desk
4 and you picked it up?

5 A. Correct.

6 Q. And then you say Bryan kind of growled at you?

7 A. Yeah, as he stood up.

8 Q. He was getting out of his chair and then some
9 other student shoved him?

10 A. Yes.

11 Q. And that other student was Danny Romo?

12 A. Correct.

13 Q. And did they exchange words?

14 A. As I recall, Danny told him he needed to sit
15 down, and I was walking to the front of the classroom.

16 Q. To Mr. Greer?

17 A. Yes.

18 Q. And did you say something to Mr. Greer when
19 you gave him the paper?

20 A. This was on Bryan's desk.

21 Q. This was on Bryan's desk?

22 A. Correct.

23 Q. Did Mr. Greer say anything?

24 A. No.

25 Q. But he looked at it, took the paper?

26 A. Yes.

27 Q. And then what happened? Did you --

28 A. I returned to my seat.

1 Q. Where was your seat in relationship to
2 Bryan's?

3 A. A row to the left and a few seats forward.

4 Q. Okay. So you two weren't in proximity -- in
5 other words, your desk wasn't next to his?

6 A. No.

7 Q. And did you have any further problems with
8 Bryan that day?

9 A. No.

10 Q. How much time passed from when the paper
11 grabbing incident occurred until you went to the office?

12 A. A few hours.

13 Q. Okay. How did you learn to go to the office?

14 A. I was called to the office.

15 Q. Through the --

16 A. Through my next teacher.

17 Q. So the next teacher said something like
18 Jasmine, you have to go to the office?

19 A. Correct.

20 Q. Did you know why?

21 A. I would assume, yes.

22 Q. You assumed so and then you went and spoke to
23 Ms. Angelo?

24 A. Correct.

25 Q. And told her basically what's on this incident
26 report?

27 A. Exactly.

28 Q. Do you remember telling her any information

1 beyond what's on the incident report?

2 A. That he needed help, and it wasn't a situation
3 that anyone should have to be in.

4 Q. You told her he needed help on February
5 the 29th, 2012?

6 A. Correct.

7 Q. And that's when she told you what was going on
8 with Bryan?

9 A. Yes.

10 Q. Okay. Great. Those are my questions. Thank
11 you, ma'am.

12 A. Thank you.

13 MR. RODRIGUEZ: May I proceed, Your Honor?
14 Thank you.

15 REDIRECT EXAMINATION

16 BY MR. RODRIGUEZ:

17 Q. Ms. Sanchez, are you trying your best to
18 remember all these dates?

19 A. Yeah. It's been quite a few years.

20 Q. Let me represent to you that February 29th of
21 2012 was a Wednesday.

22 A. Okay.

23 Q. Okay. And did you know by that time that
24 Bryan Oliver was suspended and not in school on that
25 Wednesday?

26 A. No.

27 Q. Okay. Now, you saw Ms. Angelo twice, right?

28 A. I did.

1 Q. Once when you wrote that report at
2 February 29th?

3 A. Correct.

4 Q. Did you see her on Monday, the Monday before,
5 February 27th?

6 A. I'm not sure.

7 Q. Okay. You're trying your best to remember --

8 A. Yes.

9 Q. -- all these details? Okay. Another topic
10 I'd like to ask you about. Did anyone from the school
11 notify your mom or your parents --

12 A. No.

13 Q. -- about any of these conversations or
14 discussions that you had with Ms. Angelo about you being
15 scared and feeling threatened for your life by Bryan
16 Oliver?

17 A. No school officials, no.

18 Q. Thank you. I have no further questions.

19 A. No problem.

20 MR. HERR: Nothing further.

21 THE COURT: You're excused as a witness,
22 released from the jurisdiction of the Court. You may
23 step down. You're free to go.

24 A. Thank you.

25 THE COURT: Next witness.

26 MR. RODRIGUEZ: Yes, Your Honor. A videotaped
27 deposition testimony of Ms. Jana Durkan, D-u-r-k-a-n.

28 MR. HERR: Your Honor, could we have a

1 sidebar?

2 THE COURT: Sure.

3 (Outside the presence of the jury.)

4 THE COURT: Yes, Mr. Herr.

5 MR. HERR: Your Honor, I understand we just
6 learned that they were going to read these excerpts of
7 Jana Durkan's deposition at lunch when they did the
8 notice in lieu of. We told them of her availability.
9 She's available next week. We told them that she was
10 not available this week. There are two employees who
11 are here prepared to testify. And I object to
12 Ms. Durkan's deposition being read at this time.

13 THE COURT: So she's available as a witness?

14 MR. HERR: On Monday.

15 MR. RODRIGUEZ: We wanted to -- it's important
16 to our theory of the case and the way we're sequencing
17 the witnesses. And she was under CCP Section 1987
18 notice to appear and we were told that she was available
19 initially. We advised counsel as we were instructed by
20 the Court, and it wasn't until lunchtime that we were
21 told that she wasn't going to be here. So we decided,
22 okay, we'll put on the videotaped deposition testimony
23 today.

24 MR. TRUJILLO: And that didn't seem to be a
25 problem this morning when we got to court and said well
26 I can do the videotape deposition testimony.

27 MR. HERR: We notified them of her schedule in
28 an objection to your notice in lieu of. We gave you a

1 written notice of her schedule.

2 THE COURT: Well, what do you plan to read?
3 Let's just go to the heart of the matter. What are you
4 going to play?

5 MR. RODRIGUEZ: Just generally speaking, I
6 mean, we've advised counsel what we're going to play.
7 But the general gist of it is that she's a guidance
8 counselor at Taft High School, she was a guidance
9 counselor for Bryan Oliver. Ms. Angelo had said that
10 she was on the threat assessment team. When she was
11 deposed and she was asked, she said no, she was never
12 part of the threat assessment team.

13 THE COURT: Is she currently an employee of
14 Taft? Well, I don't want her deposition read. If she's
15 reasonably available and not otherwise unreasonably
16 thwarting the case, I want her testimony in person. I
17 don't want her deposition read if she's currently an
18 employee. I thought she was a student or something like
19 that, third party.

20 MR. RODRIGUEZ: Even though the our view is
21 that the statute is pretty clear she's an employee and
22 we properly noticed her to be here, and she's not.

23 THE COURT: I understand that. But there has
24 to be some reasonable back and forth in terms of witness
25 availability. You've made an opening statement. So I
26 think that whole purpose is for the jury to keep that in
27 mind. I think you said in opening statement that the
28 guidance counselor was supposed to be a member of the

1 team and wasn't a member of the team. So I think the
2 jury may have that in mind. You can establish that when
3 she testifies. I don't want her to be unduly delayed.
4 If she's going to be here Monday, then let's do it that
5 way.

6 MR. RODRIGUEZ: Upon further reflection, I
7 agree with the Court. We get carried away and I'm
8 guilty of --

9 THE COURT: No, that's fine. She will be here
10 Monday morning and you guys can confer on that.

11 MR. RODRIGUEZ: Now, we've got to confer -- I
12 mean --

13 THE COURT: I'll let you do that.

14 (In the presence of the jury.)

15 THE COURT: Thank you, counsel, for conferring
16 regarding the schedule. I think we're going to call a
17 different witness.

18 MR. TRUJILLO: Yes, Your Honor. The plaintiff
19 would call in Bryan Hickman under Evidence Code 776.

20 THE COURT: All right. Sir, would you please
21 step forward, walk through that wooden gate and then
22 walk to your left, walk toward me, around those podiums,
23 the podiums are for the lawyers, and then stand right
24 there and take your oath from the clerk.

25 THE CLERK: You do solemnly swear that the
26 testimony you shall give in this matter now pending
27 before this court shall be the truth, the whole truth
28 and nothing but the truth, so help you God?

1 THE WITNESS: I do.

2 THE COURT: Go ahead and have a seat up here.
3 Would you sit forward and give your testimony toward the
4 microphone and state your first and last name?

5 THE WITNESS: Ryan Hickman.

6 THE COURT: That's why -- I'm going to ask you
7 to spell both names.

8 THE WITNESS: R-y-a-n, H-i-c-k-m-a-n.

9 THE COURT: All right. Let me -- I typically
10 explain the number 776 was used, ladies and gentlemen.
11 That's just for me, it's not for you. But essentially I
12 explained to you the first person calls a witness does
13 direct examination and then cross-examination by the
14 other lawyer. Under certain code sections there are
15 different rules for direct examination and
16 cross-examination for me to think about and for the
17 lawyers to think about, and those rules are reversed
18 under that code section. So just so you're not confused
19 by the use of the Evidence Code 776.

20 Go ahead, counsel.

21 MR. TRUJILLO: Thank you, Your Honor.

22 RYAN HICKMAN (for the Plaintiff)
23 called as a witness, being first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

26 BY MS. TRUJILLO:

27 Q. Good afternoon, sir.

28 A. Good afternoon.

1 Q. I just want to ask you a few background
2 questions first, okay?

3 A. Sure.

4 Q. You are 41 years old?

5 A. Today, actually.

6 Q. I noticed that. Happy birthday.

7 A. Thank you.

8 Q. Sorry that you're here.

9 A. That's okay.

10 Q. Sir, you are a teacher at Taft High?

11 A. I am.

12 Q. And you started as a teacher there in about
13 2003; is that right?

14 A. Correct, August 2003.

15 Q. And you teach science; is that correct?

16 A. I do.

17 Q. Before you started working at Taft High School
18 you worked at Foothill for about a year, is that
19 correct, sir?

20 A. Correct.

21 Q. And you also taught science there; is that
22 right?

23 A. Yes.

24 Q. I want to kind of talk to you a little bit
25 about a particular student. And did you have a student
26 named Bryan Oliver?

27 A. I did.

28 Q. Okay. And was that during the school year of

1 2011 through 2012?

2 A. I can't remember the year.

3 Q. Okay.

4 A. It's been a while.

5 Q. Well, the school shooting happened

6 January 10th, 2013.

7 A. I believe so, yes.

8 Q. And Bryan Oliver was not a student of yours at
9 that time, correct?

10 A. No, that's correct.

11 Q. And he was a student of yours the year before;
12 is that right?

13 A. Correct.

14 Q. And Bryan was a sophomore; is that right?

15 A. I believe so.

16 Q. And you taught him life science; is that
17 right?

18 A. Biology, yes.

19 Q. Okay. When Bryan was your student, you
20 described him, Bryan, as quiet, correct?

21 A. Correct.

22 Q. And Bryan appeared to you to be on the
23 reserved side; is that right?

24 A. Yes.

25 Q. Bryan appeared to you not to be very social,
26 correct?

27 A. Correct.

28 Q. And other students in your life science class,

1 they would make fun of Bryan; is that right?

2 A. Not that I observed.

3 Q. Okay. Let me ask you when -- at the time that
4 you were Bryan Oliver's life science teacher, you wrote
5 a report for him in connection to the IEP status; isn't
6 that right?

7 A. I can't recall that, no.

8 Q. And let me -- if I may approach, Your Honor?

9 THE COURT: You may.

10 MS. TRUJILLO: For purposes -- Plaintiff's
11 Exhibit 47 -- excuse me, 37-413.

12 (Whereupon Plaintiff's Exhibit No. 37-413 was
13 marked for identification.)

14 BY MS. TRUJILLO:

15 Q. I don't want you to read this out loud, but if
16 you can just take a look at it. Have you had a chance
17 to look at plaintiff's exhibit?

18 MR. HERR: Your Honor, could I catch up just a
19 second?

20 MR. TRUJILLO: Sure.

21 MR. HERR: Thank you, counsel.

22 MR. TRUJILLO: You're welcome.

23 THE COURT: I'm not sure myself exactly what
24 was shown to the witness. I don't need to know unless
25 it becomes an issue. Go ahead, counsel.

26 MR. TRUJILLO: I apologize.

27 BY MS. TRUJILLO:

28 Q. Mr. Hickman, do you recognize the document I

1 placed in front of you?

2 A. Yes.

3 Q. Okay. And you wrote this document, isn't that
4 correct?

5 A. I believe so.

6 MS. TRUJILLO: And, Your Honor, at this time I
7 would like to admit Plaintiff's Exhibit 37-413.

8 MR. HERR: Hearsay. Lacks foundation.

9 THE COURT: If what you're talking about is
10 the exhibit to the deposition --

11 MS. TRUJILLO: No.

12 THE COURT: Oh. So now I do need to know what
13 was shown to the witness.

14 MR. TRUJILLO: I apologize, Your Honor.

15 THE COURT: It's Exhibit 37-413. I've got it
16 now. Thank you.

17 MR. TRUJILLO: Thank you, Your Honor.

18 THE COURT: Overruled. It's admitted. And,
19 again, for the fact that the report was made, not
20 necessarily for the truth of the matter stated.

21 MR. TRUJILLO: May I publish, Your Honor?

22 THE COURT: You may.

23 (Whereupon Plaintiff's Exhibit No. 37-413 was
24 received in evidence.)

25 BY MS. TRUJILLO:

26 Q. Mr. Hickman, this is titled Special Education
27 Department Teacher Assessment?

28 A. Correct.

1 Q. And this is a report that was written by you;
2 isn't that right?

3 A. Correct.

4 Q. And you were requested to write this report in
5 connection with Bryan Oliver; isn't that right?

6 A. Correct.

7 Q. And this -- the date that this was written was
8 on March 2nd, 2012; isn't that right?

9 A. It appears so, yes.

10 Q. Okay. Now, if we go down there is an area
11 that reads comments or observations. Do you see that?

12 A. Yeah.

13 Q. And you filled out this area, correct?

14 A. Yes.

15 Q. All right. And if we look at the last full
16 line, second sentence in, it reads he will be less
17 susceptible to ridicule from his classmates. Do you see
18 that?

19 A. I do.

20 Q. And that is --- this is written in connection
21 with Bryan Oliver and a reason why you felt he should
22 move to college prep classes?

23 A. Correct.

24 Q. So is it fair to say that Bryan Oliver would
25 be ridiculed by his classmates in your life science
26 class?

27 MR. HERR: I'm sorry, I didn't hear the
28 question.

1 THE COURT: We can read it back. So is it
2 fair to say that Bryan Oliver would be ridiculed by his
3 classmates in your life science class?

4 A. Not specifically, nothing that I can remember
5 specific, no specific comments that I can remember.

6 BY MS. TRUJILLO:

7 Q. Okay. Well, but do you have any reason to
8 doubt what you wrote in this report?

9 A. No. I think I was speaking generally. If I
10 was asked to recall specific comments that were made
11 toward him, I wouldn't be able to, no.

12 Q. I'll switch to a different topic now if that's
13 okay with you, Mr. Hickman?

14 A. Sure.

15 Q. Before the school shooting occurred, no one
16 from the Taft High School administration told you that a
17 student reported that Bryan Oliver was drawing pictures
18 of shooting little kids; is that right?

19 A. I had no knowledge of that, no.

20 Q. Again, before the school shooting occurred, no
21 one from the Taft High School administration told you
22 that a student reported that Bryan Oliver wanted to
23 shoot another student because he was black; is that
24 right?

25 A. That's correct, I had no knowledge.

26 Q. And, again, before the school shooting
27 occurred no one from the Taft Union High School
28 administration told you that Bryan Oliver made threats

1 to blow up the school auditorium; is that right?

2 A. Correct, I had no knowledge of that.

3 Q. And at no point before the school shooting did
4 anyone from the Taft High School administration tell you
5 that Bryan Oliver made stabbing gestures towards another
6 student with his pencil; is that right?

7 A. Correct, I had no knowledge of that, either.

8 Q. I have no further questions. Thank you.

9 THE COURT: Cross-examination.

10 MR. HERR: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HERR:

13 Q. Mr. Hickman, how are you doing?

14 A. I'm good, thanks.

15 Q. I'm going to speak somewhat quickly so we all
16 get out of here at 4:30. How many students were there
17 at Taft High School back in 2012, 2013?

18 A. Between 900 and a thousand probably.

19 Q. Of those 900 to a thousand students, how often
20 did you receive reports on those students if they
21 engaged in conduct which the administration looked into?

22 A. Rarely, if ever.

23 Q. Rarely, if ever. So the fact that -- let's
24 assume just for pretend purposes that there are all of
25 these things that may have occurred, a pencil gesture to
26 another student that resulted in the office taking
27 discipline against the student, with regard to all of
28 the students at Taft High School, would you hear about

1 each and every one of those occasions when a student had
2 to go in and see Ms. Angelo?

3 A. No.

4 Q. Okay. With regard to -- may we display
5 Exhibit 37-413 again?

6 THE COURT: As a courtesy, if you would,
7 please.

8 MR. TRUJILLO: Yes, Your Honor. I apologize.

9 BY MR. HERR:

10 Q. Okay. What is the purpose of this form you
11 filled out?

12 A. From time to time we get these documents from
13 education case managers. Basically we would fill this
14 out to let them know since they're not the classroom
15 teacher, per se, how that student is performing based on
16 the criteria listed one through eight. So that's my
17 rating scale based on his performance in the class and
18 how he was doing compared to his peers, and then any
19 comments that might help them better offer services to
20 those services or placements in classes.

21 Q. So this was filled out on the March the 2nd,
22 2012 concerning Bryan Oliver when he was in an IEP, an
23 individual education plan, correct?

24 A. Correct, as it pertained to my biology class.

25 Q. And based on his performance, on a scale of
26 one to five, you were giving him grades of four and
27 five, correct?

28 A. Correct.

1 Q. And as a result of that, what grade did he get
2 in your biology class?

3 A. I can't recall what grade he ended up with.
4 We'd have to check transcripts. But at that point he
5 had an 80 percent in my class.

6 Q. So based on his performance in the class both
7 academically and in terms of his interaction with other
8 students, did you conclude and make a recommendation as
9 to what should happen?

10 A. I did.

11 Q. And what was that?

12 A. It appears that I suggested that he be moved
13 from probably a general level class up to college prep,
14 which is a level higher than a general level class.

15 Q. And the, quote, unquote, ridiculed that's
16 referenced on this form, did you believe it was
17 significant enough to intervene or discipline students
18 for it?

19 A. I did not. No, I just thought in general,
20 generally speaking, as far as I can recall, just the
21 overall environment would be more conducive, on par with
22 his level of intellect and education.

23 Q. Sure. You say more mature students?

24 A. Correct.

25 Q. It's hard for me to remember back to high
26 school. But with regard to the high school students
27 that you dealt with, did you find that there was a fair
28 amount of interaction with the students where they would

1 mess with each other, ridicule each other, that sort of
2 thing?

3 MR. TRUJILLO: Your Honor, objection.
4 Relevance.

5 THE COURT: Overruled. You may answer.

6 A. Yeah. From time to time, generally speaking,
7 yeah, that happens with kids.

8 BY MR. HERR:

9 Q. Okay. So there is a certain amount that you
10 tolerate, correct?

11 A. Sure.

12 Q. And if it goes beyond that amount you
13 intervene?

14 A. Correct.

15 Q. And do you recall ever having to intervene
16 with Bryan?

17 A. I can't recall a specific time, no.

18 Q. Thank you, Your Honor, those are the questions
19 I have. Thank you.

20 MR. TRUJILLO: No further questions, Your
21 Honor, thank you.

22 THE COURT: You're excused a witness, released
23 from the jurisdiction of the Court. You may step down.
24 You're free to go. Thank you.

25 Ladies and gentlemen, we've reached the
26 practical end of our trial day. So we're -- we will be
27 in recess. You are excused until Monday morning. We're
28 not in session for this trial tomorrow. Let me check

1 something. Mondays sometimes are busy days here in the
2 morning. I better ask you -- so I'm not making you
3 wait, I better ask you to come in at 9:30, that will
4 give me time to deal with the busy Monday calendar which
5 starts at 8:30. 9:30, Monday. In the meantime you're
6 excused, ordered back Monday at 9:30. Don't discuss the
7 case or form or express any opinions. Thank you. We're
8 in recess.

9 (Whereupon no further proceedings were heard
10 in this matter on this date.)

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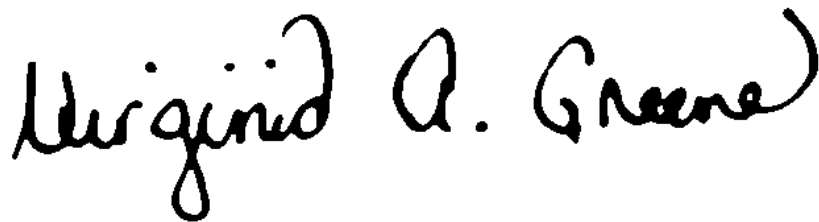
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1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF KERN)

4
5
6 I, Virginia A. Greene, CSR No. 12270, Official
7 Certified Shorthand Reporter of the State of California,
8 Kern County Superior Court, do hereby certify that the
9 foregoing transcript in the matter of BOWE CLEVELAND vs.
10 TAFT UNION HIGH SCHOOL DISTRICT, ET AL., Case No.
11 S-1500-CV-279256, June 20, 2019, consisting of pages
12 numbered 1 through 181, inclusive, is a complete, true,
13 and correct transcription of the stenographic notes as
14 taken by me in the above-entitled matter.

15 Dated this 23rd day of June, 2019.

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22 Virginia A. Greene, CSR
23 Certified Shorthand Reporter No. 12270
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