

In the Matter Of:

HOLCOMBE vs UNITED STATES

5:18-CV-00555-XR

RANDALL TAYLOR

February 25, 2020



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IN THE UNITED STATES DISTRICT FOR
THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

JOE HOLCOMBE, et. al,)
)
Plaintiffs,)
)
 vs.) No. 5:18-CV-00555-XR
)
UNITED STATES OF AMERICA,)
)
Defendant.)
)
)

VIDEOTAPED DEPOSITION

OF

RANDALL DEAN TAYLOR

Tuesday, February 25, 2020

Rosamond, California

Reported by: Janie E. Wilkins, CSR No. 12497

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1 Edwards Air Force Base, California

2 Tuesday, February 25, 2020; 9:36 a.m.

3 1 South Rosamond Boulevard

4

5 THE VIDEOGRAPHER: Good morning. This is
6 Tape No. 1 to the videotaped deposition of Randall
7 Taylor in the matter of Joe Holcombe, et al., versus
8 United States of America being heard before the
9 United States District Court for the Western District
10 of Texas, San Antonio Division, Case
11 Number 5:18-CV-00555-XR.

12 This deposition is being held at 1 South
13 Rosamond Boulevard, Edwards Air Force Base,
14 California 93524 on February 25, 2020, at 9:36 a.m.

15 My name is Rafael Puno and I am the
16 videographer. The court reporter is Janie Wilkins.

17 Counsel, will you please introduce yourself
18 and affiliations and the witness will be sworn.

19 MR. WEBSTER: Jason Webster for the
20 plaintiffs.

21 MR. FURMAN: Austin Furman, Department of
22 Justice, for the United States.

23 MS. SANDERS: Christin Sanders for the
24 United States Air Force for the United States.

25 MR. FURMAN: On the phone?

1 MR. SCHREIBER: Joseph Schreiber for the
2 plaintiffs.

3 MS. GARZA: Chelsie Garza for the
4 plaintiffs.

5 THE VIDEOGRAPHER: The court reporter may
6 now swear in the witness.

7 RANDALL DEAN TAYLOR,
8 called as a witness by counsel for Plaintiffs, being
9 first duly sworn, testified as follows:

10 EXAMINATION BY MR. WEBSTER

11 Q. Will you please state your full name for the
12 record, sir.

13 A. Randall Dean Taylor.

14 Q. Mr. Taylor, my name is Jason Webster, and
15 I'm a lawyer that represents some of the families
16 that have filed a lawsuit against the United States
17 Air Force as a result of the shootings on
18 November 5th, 2017, by a man by the name of Devin
19 Kelley.

20 Do you understand that?

21 A. Yes, sir.

22 Q. And you understand that we are deposing you
23 here today because at the time of -- before -- while
24 Mr. Kelley was in the Air Force, you were
25 responsible, at least at some point in time, for

1 investigating the crimes that he committed while in
2 the Air Force; is that true?

3 A. Yes, sir.

4 Q. And can you tell the jury -- I'm sorry. Can
5 you tell the judge what was your actual job title at
6 the time you were in the Air Force and dealing with
7 the Devin Kelley matter?

8 A. I was a special agent in charge of
9 AFOSI, Det 225.

10 Q. Now, you don't do that today; correct?

11 A. No, sir.

12 Q. In fact, you've retired from the Air Force?

13 A. Yes, sir. Yes.

14 Q. Well, on behalf of the families and the
15 plaintiffs, I would like to thank you for your
16 service in the Air Force. And I hope you understand
17 that they -- that they appreciate that; okay?

18 A. Thank you, sir.

19 Q. Now, have you ever given a deposition
20 before?

21 A. No, sir.

22 Q. Well, I'm going to be able to ask you
23 questions today, and I may ask you for a verbal
24 response. This nice lady is taking down everything
25 that we're saying. And if sometimes folks nod their

1 head or say "uh-huh" or "huh-uh," if I ask you "yes"
2 or "no," I'm not trying to be rude. I'm simply
3 asking for a verbal answer for the record; okay?

4 A. Yes, sir.

5 Q. And if at the same time the lawyer that's
6 representing you over here, Travis, he may -- I'm
7 sorry, Austin.

8 MR. FURMAN: Yes.

9 BY MR. WEBSTER:

10 Q. Austin may object from time to time. As
11 long as he does not instruct you to answer (sic), I
12 would ask that you answer my question; okay?

13 A. Yes, sir.

14 Q. And, likewise, if you don't understand what
15 I'm asking you, sometimes I talk pretty fast or I
16 jumble up the words if I do, you don't understand my
17 question, will you let me know and I'll be happy to
18 rephrase it?

19 A. Yes, sir.

20 Q. Also, the same thing. This is not a
21 marathon. So if you feel the need to take a break or
22 go to the restroom, let me know. I'll be happy to
23 take one. The only thing professionally I would ask
24 you is that if I have a question pending, you give me
25 an answer and then we take a break; is that fair?

1 A. Yes, sir.

2 Q. All right. Now, what is your current job
3 title, sir?

4 A. I'm currently the security director for
5 multi aircraft systems at Northrop Grumman
6 Corporation.

7 Q. Now, that's a private group; is that
8 correct?

9 A. Yes, sir.

10 Q. So you -- you -- what day did you retire
11 from the Air Force?

12 A. My effective retirement date would have
13 been 1 June, 2014, but that permissive TDY, I was no
14 longer, essentially, working in the capacity of the
15 Air Force from February 2014.

16 Q. So basically you were -- you were done with
17 the Air Force and retired but you had to finish your
18 paperwork and that kind of thing?

19 A. Yes, sir.

20 Q. Now -- and I believe that you served in the
21 Air Force, from what I see, for over 20 years;
22 correct?

23 A. Twenty years, yes, sir.

24 Q. And tell me, when you first -- when you
25 first joined the Air Force, why did you join the

1 Air Force?

2 A. My father was a Vietnam vet in the
3 Army, 25 -- 25th ID. And I was raised in a patriotic
4 family. I wanted to serve my country.

5 Q. And when you -- when you joined the
6 Air Force, when did you join the Air Force?

7 A. That was May 2014, sir. 1994, my apologies.

8 Q. So May of -- so how old were you when you
9 joined the Air Force?

10 A. I was 19 years old.

11 Q. And how old are you as you sit here today?

12 A. Forty-four.

13 Q. We're roughly the same age.

14 Now, on -- when you joined the Air Force
15 in 1994, what did you -- what was your -- what did
16 you do? Tell us about -- about what training you
17 had, what was your job responsibilities?

18 A. I joined the Air Force with the Air Force
19 security police security specialists at the time, and
20 my responsibility was primarily to protect aircraft
21 and Air Force assets, you know, with armed responses.

22 Q. I noticed that the -- in your production, we
23 had -- that's what happens when you -- I have a copy
24 of your curriculum vitae that I believe you produced
25 in this matter; is that correct?

1 A. Yes, sir.

2 Q. Kind of goes through your -- here we go.

3 Can you hand me a stack of exhibit stickers, please.

4 MR. WEBSTER: I don't have a copy for you at
5 this point.

6 MR. FURMAN: That's fine.

7 BY MR. WEBSTER:

8 Q. I'll show you what we'll mark as
9 Exhibit No. 1 to your deposition.

10 (Plaintiffs' Exhibit Number 1
11 marked for identification.)

12 BY MR. WEBSTER:

13 Q. Can you take a look at that for me,
14 Mr. Taylor.

15 A. Yes, sir.

16 Q. And this is kind of a -- for the judge this
17 is kind of a history of -- kind of your job
18 responsibilities and such as you went through your
19 career in the military; correct?

20 A. Yes, sir.

21 Q. All the way up through to -- to the present
22 when you went to work for Northrop Grumman
23 Corporation; is that correct?

24 A. Yes, sir.

25 Q. Now, if we turn back here at the beginning

1 from December, the United States Air Force Security
2 Forces from January 1994 through December 2004, can
3 you tell us basically what your job responsibilities
4 were during that time?

5 A. From January '94 to December 2004, so they
6 varied. This is a condensed --

7 THE REPORTER: I'm sorry, can you slow down
8 just a bit.

9 THE WITNESS: So my responsibilities varied
10 in that ten-year period. This a very condensed
11 period of time where -- it's a targeted resume is
12 what this was written as.

13 So from the time in 1994 when I joined the
14 Air Force, I was a -- what they referred to as the
15 security specialist, and that's where we protect Air
16 Force assets through armed responses.

17 And as I continued my career and had
18 permanent change in stations, you know, I had grown
19 into different roles from when I was at Ellsworth Air
20 Force Base in South Dakota, I was the
21 non-commissioned officer in charge of information
22 industrial personnel security. And during that time
23 I was responsible for overseeing the information
24 security programs of the military units on the
25 installation and validating that they followed the

1 rules that were set out in the DOD regulations and
2 Air Force regulations. That's it in a nutshell.

3 BY MR. WEBSTER:

4 Q. And that's fair. During that time you
5 weren't -- you weren't doing criminal investigations,
6 were you?

7 A. No, sir.

8 Q. You weren't -- you weren't arresting folks
9 or detaining people and doing investigations like
10 they had you doing when you moved to Detachment 225;
11 correct?

12 A. No, sir.

13 Q. In fact, your training up to -- you had no
14 training in -- in that type of work before you went
15 to work in Detachment 225; correct?

16 A. Sir, I think the only training that I had in
17 comparative would be that of taking initial
18 statements, right, from witnesses and victims of
19 crimes.

20 Q. Okay.

21 A. That was the extent of it, though.

22 Q. Maybe if something had happened, you would
23 show up and do some investigation where it would be
24 just taking statements of a witness or arrest;
25 correct?

1 A. Yes, sir. And it would be passed along.

2 Q. You didn't do criminal interrogations?

3 A. No, sir.

4 Q. You didn't do fingerprints?

5 A. I did fingerprints, sir.

6 Q. Okay. When would you do fingerprints during
7 that period of time?

8 A. It was as the personnel security role.
9 Whenever Air Force members were being submitted for
10 security clearances, I would take fingerprints as
11 part of that package.

12 Q. Fair enough.

13 But that didn't have anything to do with
14 submitting them to, like, an NCIC database or
15 anything like that, like we're going to be talking
16 about today; correct?

17 A. Correct.

18 Q. And during -- during those times, I see --
19 and I've read through your statement and the rest,
20 you were a very procedure-oriented individual;
21 correct?

22 A. Yes, sir.

23 Q. Meaning you followed the rules; correct?

24 A. Yes, sir.

25 Q. And when -- and would you agree with me as

1 you sit here today, Mr. -- Mr. Taylor, that -- that
2 you had to rely upon the Air Force to properly train
3 you in order to comply with those regulations?

4 A. Yes, sir.

5 Q. Meaning, it was not fair for them just to
6 turn you loose into a new job and expect you to know
7 every single regulation without the proper training,
8 is it?

9 MR. FURMAN: Object to the form.

10 You can answer.

11 THE WITNESS: Yes, sir.

12 BY MR. WEBSTER:

13 Q. And, in fact, that's the way you felt when
14 you went to work for Detachment 225 around December
15 of 2011?

16 A. Yes, sir.

17 Q. In fact, you felt like you'd been kind of
18 dropped into the grease, would you agree with that?

19 A. Yes, sir.

20 Q. And you would agree with me, as you sit here
21 today, when you came -- when you showed up, you
22 actually complained to superiors that, hey, I don't
23 know what I'm doing?

24 MR. FURMAN: Objection to form.

25 You can answer.

1 THE WITNESS: I had the conversation with
2 some superiors prior to my departure, sir.

3 BY MR. WEBSTER:

4 Q. Who -- what -- who -- what superiors did you
5 have that you -- that you explained to them that you
6 felt like you were inadequately trained for your job
7 as a special agent there and at Detachment 225?

8 A. So before my departure from Region 4, sir,
9 those orders I had aired out that complaint with a
10 Major Glenn Taylor. It was in San Antonio, Texas,
11 along with other members of Region 4.

12 Q. And can you tell us the basis of those
13 complaints? What did you tell them?

14 A. I shared I had my concerns about being
15 capable of running a detachment.

16 Q. And that's because you're a procedure guy,
17 and you had done -- you were -- you were a career
18 Air Force individual?

19 A. Yes, sir.

20 Q. And you wanted to do your job right, didn't
21 you?

22 A. Yes, sir.

23 Q. And you relied upon the Air Force to
24 properly train you; correct?

25 A. Yes, sir.

1 Q. And part of that proper training would be to
2 make sure that you knew, as the detachment command
3 at 250, how to properly submit fingerprints to the
4 NCIC database; correct?

5 A. Yes, sir.

6 Q. Because one of your job responsibilities is
7 not only -- would not only be through law enforcement
8 at that time, protecting those folks on the base, the
9 other soldiers, but would also be protecting the
10 public of the United States; correct?

11 A. Yes, sir.

12 Q. And if the Air Force doesn't properly train
13 you to do that and follow those jobs, then you can --
14 you can create a risk for the public to be harmed;
15 correct?

16 MR. FURMAN: Objection to the form;
17 speculation.

18 You can answer.

19 THE WITNESS: Referring to the big Air
20 Force; sir?

21 BY MR. WEBSTER:

22 Q. Yes, sir.

23 A. Yes, sir.

24 Q. And would you agree with me when Air Force
25 agents are not properly trained, that can lead to

1 operational failures and criminal background -- or
2 criminal investigations?

3 A. Yes, sir.

4 Q. Would you agree with me that the government,
5 the United States Air Force, should not make it
6 easier for dangerous people to do bad things?

7 A. Yes, sir.

8 Q. Would you agree with me that the failure to
9 collect fingerprints, store fingerprints, and provide
10 conviction information to the FBI can put citizens of
11 our country in danger?

12 A. Yes, sir.

13 Q. And when the Air Force does not properly
14 train you, Mr. Taylor, as the individual -- as --
15 does not properly train you on how to submit those
16 fingerprints to the NCIC database, that that then
17 causes a danger to the public based upon those
18 individuals that could then get a weapon?

19 MR. FURMAN: Objection; speculation.

20 You can answer.

21 THE WITNESS: I agree it could, sir.

22 BY MR. WEBSTER:

23 Q. And would you agree with me that when
24 government agencies such as the United States Air
25 Force fail to share data on dangerous felons, they

1 unnecessarily expose the public to an increased risk
2 of gun violence?

3 MR. FURMAN: Objection; speculation.

4 You can answer.

5 THE WITNESS: Why -- I don't know if it's --
6 you know, I -- I disagree with that statement the way
7 it was made, sir.

8 BY MR. WEBSTER:

9 Q. No problem.

10 Let me ask you this: It's safe to say that
11 guys that are convicted of assault of beating up a
12 baby and of -- of hitting their wife, should not be
13 able to purchase a gun, should they?

14 A. Correct, sir.

15 Q. And that's whether or not they're serving in
16 the military or whether they're just a free citizen
17 roaming around here in the public; correct?

18 A. I agree, sir.

19 Q. And would you agree with me that if you
20 don't report those -- when the military, such as the
21 United States Air Force, does not report those
22 fingerprints and that conviction to NCIC database,
23 that the -- that the public -- the general public in
24 general, including those that -- that legally sell
25 firearms, would have no way of knowing that he would

1 be convicted of a crime?

2 MR. FURMAN: Objection to form.

3 THE WITNESS: (Inaudible).

4 THE REPORTER: I'm sorry?

5 THE WITNESS: Yes, sir.

6 BY MR. WEBSTER:

7 Q. And so at the end of the day, if you're
8 having -- unfortunately, in the Air Force and in
9 every other branch of the military, you have people
10 that commit felonies, don't you?

11 A. Yes, sir.

12 Q. When I say felonies, I'm talking -- and I
13 know it's a little different in the military, but I'm
14 talking about violent crimes that hurt people that
15 would -- that would render them not able to purchase
16 a firearm under the regular laws of our country; do
17 you understand that?

18 A. Yes, sir.

19 Q. So any time I'm -- any time I start talking
20 about a felony, I'm talking about those things that
21 are listed in the book -- in the DOT regs as -- as an
22 offense that would trigger reporting to the NCIC
23 database; is that fair?

24 MR. FURMAN: You said DOT. Do you mean DOD
25 regs?

1 MR. WEBSTER: I thought I said DOD.

2 THE WITNESS: You said -T.

3 MR. WEBSTER: Okay. Sorry, DOD. Sorry --

4 THE REPORTER: I'm sorry, I didn't hear you.

5 MR. WEBSTER: I said I'm a trucking lawyer
6 sometimes.

7 BY MR. WEBSTER:

8 Q. Anyway, pursuant to those DOD regs, when I
9 say felony, is it okay that we mean one of those
10 offenses that triggers reporting to the NCIC
11 database; is that fair?

12 A. Yes, sir.

13 Q. All right. Now, going back for just a
14 minute, I want to talk about when you first came
15 to -- how did you first come to be involved with
16 Detachment 225 and the Office of Special
17 Investigations?

18 A. Sir, I was -- I became the OSI agent in June
19 of 2005 and -- that my career had eventually taken me
20 to Region 4 out of San Antonio, Texas. Nearby
21 San Antonio, Texas in 2009.

22 While I was in there in 2009, I was deployed
23 and returned from my deployment where I tested for a
24 promotion out of cycle, and I had made the grade of
25 E-8, senior master sergeant. The position I filled

1 at Region 4 was not for a senior master sergeant. It
2 was for a master sergeant in E-7. So I had received
3 orders to go to Detachment 225 at Holloman Air Force
4 Base, New Mexico, in October of 2011.

5 Q. Okay. Now, was that a surprise to you that
6 you were transferred in October of 2011 as the senior
7 master sergeant and head of Detachment 225?

8 A. A surprise, sir?

9 Q. Yes. Meaning was that a position that you
10 were looking for that you wanted to go to?

11 A. No, sir. I had specifically requested other
12 assignments.

13 Q. And why -- why do you think that you were
14 sent there, if you know?

15 A. You know, I was the right grade and I had
16 the proper leadership attributes they needed for that
17 detachment.

18 Q. Gotcha.

19 Now, explain to the -- explain to the judge
20 what happened when you got there in December
21 of 2011. What happened to -- can you describe what
22 you walked into?

23 A. So in December 2011, being assigned to
24 Det 225, I remember walking into the facility and
25 quickly realizing that there were a number of

1 investigations that were not progressing or they
2 weren't -- they were stagnant.

3 Prior to my arrival at Det 225, I did some
4 research in the database called I2MS. And I2MS
5 identified the number of cases that were open at
6 Det 225, trying to get my head wrapped around the
7 condition that the detachment was in.

8 And it was -- the reality was a little worse
9 than, you know, the database, you know, indicated.
10 Going into that detachment, I remember seeing that
11 there wasn't a -- we weren't following proper agent
12 protocols in terms of dress and appearance.

13 There were some issues in the detachment
14 prior to my arrival that were cause for removal of an
15 individual from a leadership position. You know, and
16 to top it off, we were preparing for a unit
17 compliance inspection, as well, that was to take
18 place in the month of February of 2012. So it was a
19 very -- as to put it lightly, it was -- it was an
20 administrative nightmare.

21 Q. And I think that I saw through the documents
22 that we may take -- talk about; but, in general,
23 there were files strewn all over the conference
24 rooms; correct?

25 A. Yes, sir.

1 Q. There was agents not wearing the proper
2 attire; correct?

3 A. Yes, sir.

4 Q. The fingerprint machine did not work;
5 correct?

6 A. Yes.

7 Q. Meaning the one that you scanned in that you
8 can --

9 A. Electronic --

10 Q. Electronic ones?

11 A. Yes, sir.

12 Q. So all the fingerprints, at least up to that
13 point as you were aware of until you fixed the
14 machine, were all being hand rolled and done by hard
15 copy; correct?

16 A. Yes, sir.

17 Q. When you came on as Detachment 225, did the
18 Air Force provide you any training at that point in
19 time with regards to your job duties?

20 A. Not specifically, sir.

21 Q. And during that -- so how did you learn how
22 to start doing criminal investigations there at
23 Detachment 25?

24 A. Oh, thank you.

25 So in June of 2000 -- or January of 2005, I

1 guess, I was a -- I attended the -- excuse me -- the
2 Federal Law Enforcement Training Center in Glynco,
3 Georgia, where they taught you both the basic special
4 investigators course, and you also learned the -- you
5 know, what was -- I forget the name of the course.
6 But there were two courses. The amount of time was
7 like four and a half to six months of training. That
8 was in 2005. That taught you how to do criminal
9 investigation -- investigations. With both the
10 Title 18 and Uniform Code of Military Justice.

11 Going forward, you know, it was just a --
12 the training provided then was scholastic training.
13 In addition to that, and sometime in 2007 I attended
14 an advanced criminal investigations course.

15 And then the Air Force Office of Special
16 Investigations also had a -- what they referred to as
17 a Leadership Challenge Forum where I attended that
18 in 2007 as well. And that, in itself, just taught
19 you how to be a leader in the organization and
20 increase retention rates, et cetera, for enlisted
21 agents and our agents in general.

22 Q. Okay. Did anybody when you got to
23 Detachment 225, did the Air Force at any given time
24 give you any type of specific training as to the
25 process and procedures, pursuant to DOT -- DOT -- DOD

1 regulations to submit fingerprints to the NCIC
2 database?

3 A. No, sir.

4 Q. And so when you got there, it's safe to say,
5 as I've read through the documents that we're going
6 to talk about, Mr. Taylor, you did not even under --
7 you had no training by the Air Force that even showed
8 you when you were supposed to submit fingerprints to
9 NCIC; correct?

10 A. Correct, sir.

11 Q. In fact, when you got there and kind of
12 started trying to get your arms around
13 Detachment 225, it was your understanding you waited
14 until all the criminal procedures and everything had
15 been done, and then when you administratively closed
16 the file, the fingerprints were supposed to be sent;
17 correct?

18 MR. FURMAN: Objection to form; vague.

19 You can answer.

20 THE WITNESS: I believed it was after the
21 appellate review process had been completed.

22 BY MR. WEBSTER:

23 Q. Right. And that's -- how did you come about
24 that understanding?

25 A. It's difficult to say whether that was in,

1 like, on-the-job training or a misinterpretation or
2 an interpretation, rather, of the AFOSI handbook or
3 instruction.

4 Q. But it's safe to say, as you sit here today,
5 that the United States Air Force when you went to
6 work as a detachment commander in 225 in December
7 of 2011, all the way up until the time you retired
8 in February 2014, you never had any specific training
9 by the United States Air Force as to specifically
10 when you should submit fingerprints on behalf of
11 those convicted of a felony?

12 A. Not that I recall, sir.

13 Q. In fact, as you sit here today, it was news
14 to you later on that you're supposed to submit those
15 fingerprints as soon as there is actual -- probable
16 cause is determined; right?

17 A. Yes, sir. I learned that from the IG.

18 Q. And that was during the time that you done
19 those basic interviews that you did here in the
20 investigation of the criminal matter with the arrest
21 of Devin Kelley; correct?

22 A. Yes, sir.

23 Q. Now, can you tell me, what did you do to
24 prepare for your deposition today?

25 A. Yesterday I sat with Austin and Christin,

1 and that's -- that's my preparation.

2 Q. And did you review any documents?

3 A. There were some documents we reviewed, yes,
4 sir.

5 Q. Can you tell me what you reviewed without
6 getting into specific conversations with your
7 lawyers?

8 A. I was provided a review of excerpts, you
9 know, one being the Air Force Office of Special
10 Investigation Handbook, another policy too. I don't
11 recall. Another OSI policy, and I believe I was
12 provided an opportunity to see my review notes from
13 the case when I was active duty.

14 Q. Okay. How long did you meet with your
15 lawyers?

16 A. It would have been three, four hours.

17 Q. And y'all went over -- did you go over the
18 specific policies and procedures as it relates to
19 submitting fingerprints?

20 A. We did review those.

21 Q. So is it safe to say, as you sit here today,
22 the meeting with your lawyers yesterday, Mr. Taylor,
23 was more training on what those DOD regulations were
24 than at any other time you got when you were actually
25 in the Air Force?

1 MR. FURMAN: Objection to form. You can
2 answer.

3 THE WITNESS: I -- I did feel that way, sir.

4 BY MR. WEBSTER:

5 Q. And they kind of enlightened you as to what
6 process and procedure was supposed to be; correct?

7 MR. FURMAN: Same objection. You can
8 answer.

9 THE WITNESS: Yes, sir.

10 BY MR. WEBSTER:

11 Q. And that's not your fault, Mr. Taylor.
12 That's the United States Air Force's, isn't it?

13 MR. FURMAN: Same objection.

14 You can answer.

15 THE WITNESS: It -- I -- I would agree that
16 it is -- it is the responsibility of the employer.

17 BY MR. WEBSTER:

18 Q. And would you agree with me too,
19 Mr. Taylor, that had you been trained with those --
20 with what your lawyers went over with you yesterday,
21 those DOD regulations, and you would have known that
22 when you were in command at
23 Detachment 225; that would have been on your
24 priority, and you would have made sure it happened?

25 A. I agree, sir.

1 Q. And you would have made sure that Devin
2 Kelley's fingerprints were properly submitted along
3 with every other felon that was there; correct?

4 A. Yes, sir.

5 Q. Because you've also stated in your documents
6 and the rest that at certain times, Mr. Taylor, you
7 don't even believe that this was being done on a
8 regular basis; correct?

9 A. Yes, sir.

10 Q. Meaning that those fingerprints were not
11 being submitted on behalf of a lot of different
12 people that would fall under the felon category were
13 not being submitted pursuant to DOD regulations in
14 Detachment 225; correct?

15 A. Yes, sir.

16 MR. FURMAN: Objection to form.

17 You can answer.

18 THE WITNESS: Yes, sir.

19 BY MR. WEBSTER:

20 Q. Did you do anything outside of -- did you go
21 back and do any of your own investigation?

22 A. No, sir.

23 Q. Okay. You didn't go back and try to find
24 anything or read anything other than the text
25 messages you may have given me?

1 A. Thank you for highlighting those. That was
2 it, sir.

3 Q. Okay. No problem.

4 Now, had you -- when you -- prior to taking
5 your role at Holloman Air Force Base, during --
6 in 2005 when you moved over to, say, 2011 when you
7 transferred, what was your investigative
8 responsibilities during that time?

9 A. Sir, in 2005 I was actually assigned to
10 Detachment 111 here at Edwards Air Force Base. I was
11 assigned here as a probationary agent.

12 Q. Okay.

13 A. The caseload here at Edwards is
14 substantially less than when you would find at
15 Det 225. As an example, I think in the -- 2000, I
16 remember writing awards packages. And there was
17 probably 15 cases annually here in -- in Det 111 with
18 the same amount of agent -- same amount of workforce,
19 personnel.

20 And at Det 225 there were -- the average
21 of 25 to 40 a year, right. So substantially
22 different. Here is where I -- I essentially learned
23 how to -- it was on-the-job training. I conducted my
24 probationary agent period under a superintendent
25 where I had to qualify in certain roles and

1 responsibilities to be a full agent.

2 I was once -- as soon as I was off
3 probation, I was deployed for Kirkuk Air Base, Iraq,
4 where I spent six months, and that was from 2006 --
5 August 2006 to March 2007. I returned to the United
6 States where, again, I tested for promotion or --
7 then I was actually -- I had a line number for
8 promotion when I was deployed to E-7.

9 And when I returned, my superintendent had
10 received orders to Guam, and I was identified as her
11 replacement within a very short period of time. At
12 that point my focus area was just essential
13 compliance items of what we call the big three:
14 guns, funds, and evidence; right? And that's what we
15 had to take care of, make sure we had -- our
16 proficiency firing was on time, make sure the
17 evidence locker was squared away, that everything
18 matched. The T's were crossed, the I's were dotted
19 and that the emergency essential funds were accounted
20 for properly; coupled with just personnel issues,
21 and, you know, writing evaluations, awards, and
22 declarations.

23 Q. It sounds like here at Edwards Air Force
24 Base, where we're at today, when you were working
25 here during your military career, this was a much

1 more organized, easier place to work than
2 Detachment 225; would you agree with that?

3 A. Yes, sir.

4 Q. And, in fact, there was much more of a
5 direct relationship with your supervisors and the
6 rest and the job training; would you agree with that?

7 A. Yes, sir.

8 Q. Now, when you -- when you moved to
9 Detachment 225, who were your direct supervisors in
10 that role?

11 A. When I was first assigned to
12 Detachment 225, Colonel Morales was my -- he was my
13 supervisor. And Colonel Morales -- and he was at
14 Langley Air Force Base. Colonel Morales became the
15 Vice Commander of OSI. So he had a permanent change
16 of station. And Colonel Jim Hudson became my
17 commander and my supervisor.

18 Q. And those guys weren't on the same base with
19 you; correct?

20 A. Correct, sir.

21 Q. Where was Colonel Hudson?

22 A. He was at Langley Air Force Base too, sir.

23 Q. How often would they -- would they come from
24 Langley Air Force Base to actually be hands-on and be
25 in the room with when you commander for Detachment

1 225?

2 A. I think Colonel -- I hosted Colonel Hudson
3 and Chief Anthony Johnson one time in my period
4 there.

5 Q. And you were there from December of 2011
6 until February of 2014; is that fair?

7 A. Yes, sir.

8 Q. Okay. Did you retire from the Air Force
9 because of your assignment at Detachment 225?

10 A. No, I actually -- it was a challenging
11 assignment, and I do attribute my decision to seek
12 other employment opportunities to the challenge that
13 I had at Det 225, but it was a job opportunity that
14 really led me to retirement.

15 Q. Sure. You're in the private sector now
16 working for Northrop Grumman Corporation; correct?

17 A. Yes, sir.

18 Q. And I'm sure that you probably make a lot
19 more money, do a lot better working outside of the
20 United States Air Force; correct?

21 A. Yes, sir.

22 Q. Okay. But part of it was because of your
23 current station working there and the difficulties
24 you were having; correct?

25 A. Yes, sir. I had -- my wife and I

1 experienced some marital challenges when I was at
2 Det 225 because I was essentially an absentee husband
3 and father, right. And I had a very young family.
4 So it all led me to seeking opportunities outside.

5 Q. I understand.

6 When you took over -- when you took over
7 Detachment 225, how many -- how many criminal cases
8 do you -- investigations were you -- were you running
9 at that point in time?

10 A. At the detachment -- upon my arrival at the
11 detachment, it -- it's difficult to say. Like, I
12 shared that it -- we had on average of 35 to 40
13 criminal investigations opened annually and maybe 35
14 to 45, it depends.

15 There was a spike -- there was an increase
16 in opening criminal investigations as the Department
17 of Defense changed their Uniform Code of Military
18 Justice Article 120 policy, which is the sexual
19 assault policy. That increased the workload
20 significantly, as I recall.

21 Q. When you came to Detachment 225, would you
22 agree that it was understaffed?

23 A. Yes, sir.

24 Q. Okay. How many -- what in your -- when you
25 came there, how many criminal cases would you like to

1 see per investigator underneath you?

2 A. Thank you. So the command had made a
3 decision years prior, and I wasn't part of the
4 decision, but it was essentially five cases per agent
5 per year. That was the ratio, one to five per year.
6 That would be a manageable amount of investigations.

7 Q. So if I'm doing my -- my -- my Texas math
8 right, y'all had approximately -- if you -- is it
9 fair to say that each agent would have how many -- at
10 least when you came to Detachment 225, how many cases
11 would be assigned per agent usually?

12 A. We were double that because we had cases
13 that were just kind of stagnant, so I would say 10 or
14 so.

15 Q. Meaning -- meaning there had been no
16 movement criminally to close the file and finish the
17 investigation, get these people tried and an outcome;
18 is that what you're saying?

19 A. As I recall, sir.

20 Q. Okay. Now, how many -- when you came there
21 and there was, you know, somewhere between 35 and 45
22 criminal cases that were open, let me ask you this:
23 You said there is 35 to 45 annually; right?

24 A. Yes, sir.

25 Q. Would there be some from the years prior

1 that were still open?

2 A. Yes, sir.

3 Q. How many -- how many total cases do you
4 think that were -- that were still open at
5 Detachment 225 when you went there in December
6 of 2011?

7 A. I don't specifically recall a number, but I
8 remember it being substantial. It was in the
9 neighborhood of maybe 40 or 50.

10 Q. Okay. And while you were there, say, in
11 December of 2012, would you add to that 40 and 50?

12 A. Yes, sir.

13 Q. Okay. Some would close out of -- some would
14 close out of 40, 50; right?

15 A. Yes, sir.

16 Q. But others you would continue to open new
17 files as criminal activity occurred on the base;
18 correct?

19 A. Yes, sir.

20 Q. Now, how many -- how many people did you
21 actually manage there when you went to Detachment 225
22 in December of 2011?

23 A. So -- I had a -- not counting the knowledge
24 operations manager because they were not
25 investigating any work. I believe there were a total

1 of six individuals. Six, I believe, was what the
2 number was.

3 Q. And can you explain to the judge what was,
4 kind of, the hierarchy within the Detachment 225?

5 A. All right. So the -- I was the special
6 agent in charge, and I had -- reported to me was at
7 the time a noncommissioned officer in charge. When I
8 first arrived it was James Hoy, later became Lyle
9 Bankhead. And James Hoy and/or Lyle Bankhead had
10 managed the day-to-day operations of the detachment
11 in terms of criminal investigations and operations.

12 Q. So would they then -- would this person
13 underneath you -- then they would have five agents
14 underneath them?

15 A. Yes, sir.

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. All right. So -- and y'all were the special
19 investigative unit or specialty -- the -- what are
20 they called, SAIC? S-A-I-C.

21 A. I was --

22 Q. Sorry.

23 A. Yes, sir. I was the special agent in charge
24 of the west side detachment.

25 Q. Did you provide any type of training for

1 those individuals when you got there?

2 A. We did a lot of training, and most of it, as
3 I recall, was about case management because that was
4 a void, appeared to be a fairly significant void
5 about case management.

6 Q. And when you say case management, that did
7 not entail submitting fingerprints to the FBI;
8 correct?

9 A. No, sir.

10 Q. That entailed basically trying to make sure
11 that you were complying with the regulations that you
12 work on the file every four days; right?

13 A. Yes, sir.

14 Q. Is that a safe way -- is that kind of a
15 civilian way to put it? You were responsible for
16 making sure there was work done every four days on
17 that investigative file; is that true?

18 A. That is a true statement, sir.

19 Q. Okay. And that is difficult to do, isn't
20 it?

21 A. Very challenging.

22 Q. And that's because you have open
23 investigations, you get called out on other
24 investigations, and it's hard to keep up at that
25 point; right?

1 A. Yes, sir.

2 Q. And is it safe to say, Mr. Taylor, also,
3 that you're -- that the upper echelons of the United
4 States Air Force, the other commanding officers,
5 really rode your department hard as it related to
6 making sure you did work every four days?

7 A. From the OSI perspective, it was a point --
8 compliance point that they would identify if they
9 conducted review, and they would hold against you if
10 you did not accomplish it, yes, sir.

11 Q. Okay. And that -- that review would be
12 based upon this I2MS database; correct?

13 A. Yes, sir.

14 Q. And that's the -- and so the judge
15 understands, that's not the actual physical file
16 laying in front of you, that's the electronic file on
17 the computer systems that you were in charge of
18 making sure something was done in that file; correct?

19 A. Yes, sir.

20 Q. Now, I think I've read in here -- can you
21 tell us, did y'all have -- did y'all have weekly
22 meetings on case files?

23 A. Yes, sir.

24 Q. Would you be part of those?

25 A. Yes, sir.

1 Q. And can you tell us between December of 2011
2 and when you retired in February of 2014 what did
3 y'all do in these -- in these weekly meetings?

4 MR. FURMAN: Objection; vague.

5 What meetings?

6 BY MR. WEBSTER:

7 Q. I'm talking about you had case review
8 meetings; correct?

9 A. I had staff meetings, sir, where we reviewed
10 cases.

11 Q. I want to make sure I use your terms so we
12 don't draw an objection, but you would have weekly
13 staff meetings; is that correct?

14 A. Yes, sir.

15 Q. And what day would those staff meetings be
16 on?

17 A. I want to remember them being on Mondays,
18 possibly even a Tuesday.

19 Q. And during those times on Mondays or
20 Tuesdays when you would conduct these staff meetings,
21 can you explain what y'all would do in those, please.

22 A. Yes, sir. Aside from the typical pass-downs
23 from my Air Force perspective, you know, about
24 changes in policies, their -- fitness tests, upcoming
25 fitness tests or those day-to-day, you know,

1 requirements, I -- we would meet with the chief
2 military justice for a period of time during these
3 meetings where we would look at a spreadsheet that
4 identified open investigations. And -- and the steps
5 that, you know, we were taking on those open
6 investigations.

7 Q. Okay. And so you would -- in that -- would
8 that include reviewing older cases that have been
9 become stagnant, I believe is the word; is that
10 correct?

11 A. If they were still investigatively open,
12 yes, sir.

13 Q. Okay. And -- and -- have you -- I didn't
14 ask you this, but I want to ask you before we start
15 asking new questions, did you read any depositions of
16 anybody else?

17 A. For -- no, sir.

18 Q. In this matter.

19 Like, have you read James -- I took James
20 Hoy's deposition a few weeks ago. Have you read his
21 deposition?

22 A. No, sir.

23 Q. Have you had any contact with Mr. Hoy about
24 this case?

25 A. No, sir.

1 Q. How about anybody else? Have you talked to
2 any other guys that worked in here? I saw you
3 produced text messages with Mr. Bankhead; correct?

4 A. Yes, sir.

5 Q. And there -- I saw another set of text
6 messages.

7 Who else have you talked to?

8 A. Jayson Huinker.

9 Q. And who is Jayson Huinker?

10 A. Jayson Huinker was an agent at the
11 detachment, at 225.

12 Q. Now, when was the first time, Mr. Taylor,
13 that you -- that you put two and two together that
14 there was a -- a -- that you put two and two together
15 that Mr. -- that you had investigated Devin Kelley or
16 that you were part of that investigation?

17 A. I think it might have been Jayson Huinker
18 alerting me to that fact in a text message.

19 Q. I'm going to ask you some questions about
20 this. We'll mark this as Exhibit No. 2 to your
21 deposition.

22 (Plaintiffs' Exhibit Number 2
23 marked for identification.)

24 MS. SANDERS: Thank you.

25 MR. WEBSTER: You're welcome.

1 BY MR. WEBSTER:

2 Q. Now, if you don't mind, would you thumb
3 through there and tell me are these true and correct
4 copies of the text messages and conversations that
5 you had with Mr. -- is did Huinker?

6 A. Yes, Huinker, sir.

7 Q. Huinker.

8 MR. FURMAN: A text with Mr. Bankhead as
9 well.

10 MR. WEBSTER: Okay. I may have combined
11 them both.

12 BY MR. WEBSTER:

13 Q. But are those true and correct copies that
14 you gave them?

15 A. Yes.

16 Q. And they're -- they haven't deviated, you
17 haven't changed them in any way; correct?

18 A. I have not, sir.

19 Q. And --

20 MR. FURMAN: Conversations of redactions --

21 BY MR. WEBSTER:

22 Q. I just want to make sure that this is a
23 record that you kept -- that you kind of kept of your
24 conversations with these guys; correct?

25 A. Yes, sir.

1 Q. And did you turn those over to the
2 Air Force?

3 A. Yes, sir.

4 Q. Okay. Now, when you look at the very first
5 page -- page, it says "The Dets." What does that
6 mean?

7 A. Detachments -- detachment.

8 Q. It says, "They're saying that the Air Force
9 failed to update the FBI. Whose part of the process
10 was that? Legal, HQ, or the detachment."

11 And you responded to Jayson that that was
12 your -- your understanding; correct?

13 A. Yes, sir.

14 Q. And then it says after the trial; right? Do
15 you see that?

16 A. Yes, sir.

17 Q. And what you're specifically talking about
18 is updating the FBI with the fingerprints and the --
19 and the fact that this man had been convicted of a
20 felony that would make it where he couldn't purchase
21 a handgun, correct, or any type gun?

22 A. Yes, sir, that is Jayson's statement after
23 the trial.

24 Q. It says -- and that's -- that's incorrect as
25 you sit here today; right?

1 A. Yes.

2 Q. And, in fact, they didn't -- when -- when
3 did Jayson work with you?

4 A. He was there when I arrived, and he left
5 after I departed.

6 Q. Okay. So he was there the entire time you
7 were head of the detachment?

8 A. Yes, sir.

9 Q. So he -- it was even his understanding that
10 that misunderstanding --

11 A. Yes, sir.

12 Q. -- that at the time that -- that you -- that
13 he was supposed to submit those fingerprints after
14 the trial; correct?

15 A. Yes, sir.

16 Q. And, as you sit here today, you can tell the
17 judge that it is now your understanding based upon
18 the DOT regs that the Air Force lawyers showed you --

19 MR. FURMAN: DOD, not DOT.

20 THE WITNESS: Yeah, DOD.

21 MR. WEBSTER: DOD.

22 BY MR. WEBSTER:

23 Q. So based upon the DOD regulations that
24 the -- that the lawyers showed you yesterday, that
25 you're supposed to do it as soon as you have some

1 type of probable cause; correct?

2 A. Yes, sir.

3 Q. And probable cause, we know you would have
4 had probable cause when the Detachment 225 received
5 the confession on tape with Mr. Kelley; correct?

6 MR. FURMAN: Object to form.

7 You can answer.

8 THE WITNESS: Yes, sir, if there was a
9 confession on the tape. Again, today, I never
10 reviewed the tape from my recollection.

11 BY MR. WEBSTER:

12 Q. Fair enough.

13 A. But if it was a confession on the tape,
14 absolutely, yes.

15 Q. And -- and if there was -- you also swore
16 out an affidavit for probable cause in this matter;
17 correct?

18 A. Yes, sir.

19 Q. And you believe, at least at that point in
20 time, that Mr. Kelley had committed a crime?

21 A. Yes, sir.

22 THE REPORTER: I'm sorry? I'm not hearing
23 it.

24 MR. FURMAN: Objection to form.

25 ///

1 BY MR. WEBSTER:

2 Q. And if you had been properly trained on the
3 form DOD regulations on when to submit fingerprints,
4 at the time you swore out that affidavit, sir, you
5 would have made sure those fingerprints went to the
6 FBI, wouldn't you?

7 A. Yes, sir.

8 MR. FURMAN: Objection.

9 BY MR. WEBSTER:

10 Q. Now, if we go back to the text messages, it
11 says, "Believe after the appeal process. The appeal
12 process expired March 2014. You were on your way out
13 and I had already departed."

14 Do you see that?

15 A. Yes, sir.

16 Q. And it's safe to say that that was your --
17 your assumption based upon your training that you
18 had from the -- what little training you had from the
19 Air Force at that time; correct?

20 A. That was my belief.

21 Q. In November of 2017; is that correct?

22 A. Yes, sir.

23 Q. All right. If we go to the next page. And
24 then Jayson says, "Yeah. Sucks just thinking about
25 it"; correct?

1 A. Yes, sir.

2 Q. And that's because both you and Jayson,
3 Mr. Taylor, want to do your job correctly?

4 A. Yes, sir.

5 Q. But you can't do your job correctly if they
6 don't teach you how to do it correctly, can you?

7 A. Yes, sir.

8 Q. And then we go -- it says, "Yes. I'm
9 feeling it too." When you say "feeling it," you
10 were -- you were upset about the situation?

11 A. Absolutely, sir.

12 Q. And was it safe to say that you felt at
13 least partially responsible for kind of what had
14 happened, at least him being able to buy a gun
15 legally?

16 A. I felt responsible for him owning a firearm,
17 yes, sir.

18 Q. And it says, "Did you make the
19 connection --" on the next page it says, "Did you
20 make the connection of the Texas shooter yet? That
21 was --"

22 MR. FURMAN: Just to be clear, it says
23 "Kyle" at the top.

24 MR. WEBSTER: Oh, we switched over.

25 ///

1 BY MR. WEBSTER:

2 Q. Is that all -- is that the only thing you
3 had with Jayson?

4 A. That's everything I've communicated with
5 Huinker about, yes, sir.

6 Q. No problem.

7 All right. Now we move to --

8 MR. WEBSTER: Fair enough. Thank you for
9 pointing that out.

10 MR. FURMAN: Sure.

11 BY MR. WEBSTER:

12 Q. And now we move Mr. Bankhead; correct?

13 A. Yes, sir.

14 Q. And he said, "Did you make the connection of
15 the Texas shooter yet? That was our investigation.

16 We were the ones that put him in jail."

17 Do you see that? Did I read that correctly?

18 A. Yes, sir.

19 Q. And did you remember putting Devin Kelley in
20 jail when he sent you this?

21 A. Yes, sir.

22 Q. It says, "Yes. I'm concerned though that we
23 somehow jacked the IAFIS submission up. He bought
24 firearms. He should not have been able to do that."

25 Do you see that?

1 A. Yes, sir.

2 Q. So you knew, at least, that the
3 Detachment 225 commander at that point that if
4 Devin Kelley was on the street out of the military --
5 which you knew he was -- he should not have been able
6 to walk in legally to any -- to any -- into an
7 academy and purchase an AR-15; correct?

8 A. Yes, sir.

9 Q. And that would be because he would have been
10 convicted of a felony under military code that would
11 not allow a -- a civilian or a military person to
12 purchase firearms; correct?

13 A. Yes, sir.

14 Q. Now, did you actually talk to Kyle? On the
15 next part it says, "Kyle missed your call."

16 Did you actually speak to him on the phone?

17 A. I don't know that we ever made a connection
18 on the phone.

19 Q. I understand.

20 It says -- it says -- down at the bottom it
21 says, "I hope not." And then you wrote back, "Me
22 either. It's been too long. His appeal concluded
23 three days before my requirement. When are
24 fingerprints submitted? After appeal or immediately
25 following conviction?"

1 It's safe to say that at least three years
2 after you had retired, you didn't remember either one
3 exactly.

4 A. Yes.

5 Q. You weren't working there anymore; that's
6 fair, correct?

7 A. Yes, sir.

8 Q. But you knew at least at this point in time
9 that the fingerprints had not been submitted
10 properly; correct?

11 A. Yes, sir.

12 Q. And that's based upon the fact that the
13 United States Air Force never emphasized that type of
14 training to you that this needed to be done -- that
15 this needed to be done at the time of probable cause.
16 And this was a number -- this is a priority in an
17 investigation?

18 MR. FURMAN: Objection to form.

19 You can answer.

20 THE WITNESS: Yes, and the reason I had that
21 little knowledge is because I had another former OSI
22 agent, Corey Chrisman, who reached out to me and he
23 offered his support indicating that he knew I was the
24 detachment SAIC at the time. And his comment was
25 something about, "I hope you guys, you know,

1 submitted the fingerprint cards" is what his
2 statement was.

3 And, you know, I just responded "thank
4 you --" you know, "-- for your support." I
5 didn't -- I didn't entertain any additional
6 conversation with him about it. That's how I became
7 familiar with the IAFIS submission, you know,
8 terminology in 2017.

9 Q. Okay. So you actually talked to somebody
10 who he understood what the process actually was,
11 Corey did?

12 A. Yes. Yes, sir.

13 Q. Okay. And he kind of explained to you, hey,
14 this is the way it should have gone?

15 A. In one text message, yes, sir.

16 Q. Okay. And if -- if we get down here, the
17 next part, Kyle -- Kyle responds to you; Mr. Bankhead
18 responds to you. "Now they are submitted
19 electronically right after the fact, then disposition
20 is updated on case closure. I honestly can't recall
21 what the process was at that time."

22 And that's fair enough because Mr. Bankhead
23 did not have the proper training neither as it
24 related to properly submitting NCIC database
25 fingerprints to the FBI; correct?

1 MR. FURMAN: Objection to form.

2 You can answer.

3 THE WITNESS: I believe so.

4 BY MR. WEBSTER:

5 Q. "Yeah, I'm thinking he -- he had to have
6 been flagged in the system." What does he mean by
7 "flagged in the system" there?

8 A. I -- I would just assume he's inferring
9 to NCIC --

10 Q. Right.

11 A. -- gun background stuff.

12 Q. Right, because if it had been done properly,
13 there -- he would have been flagged in the system and
14 they wouldn't have been able to buy a gun legally;
15 correct?

16 THE REPORTER: I'm sorry?

17 THE WITNESS: From Academy Sports.

18 BY MR. WEBSTER:

19 Q. It says, "I'm thinking he must have bought
20 the guns privately or the seller didn't run a
21 background check." And it says, "News is reporting
22 the AF failed to report his criminal history."

23 That's what you said; correct?

24 A. Yes, sir.

25 Q. Because you were doing your own -- you were

1 reading the news reports about what was going on;
2 right?

3 A. I was -- I couldn't help but to see them --

4 Q. Well, sure --

5 A. -- at the time.

6 Q. And you were, quote, head of the ship?

7 A. Yes, sir.

8 Q. And at the time that this falls on your
9 watch is -- is very disturbing for you, wasn't it,
10 Mr. Taylor?

11 A. Yes, sir.

12 Q. It's not something that you would ever want
13 to happen, and I'm sure you're very regretful that it
14 did; correct?

15 A. Yes, sir.

16 Q. And then it says that, "I read that. I feel
17 pretty shitty right now."

18 Kyle -- Kyle Bankhead is telling you he
19 feels responsible for this; correct?

20 A. Yes, sir.

21 Q. And it says -- and then you said, "Don't."
22 "You were gone and I had left before they were to be
23 submitted in 2014."

24 A. Still not understanding.

25 Q. Right, still not understanding that at the

1 time that's not correct; right?

2 A. Correct, sir.

3 Q. But that's -- Mr. Taylor, you understand,
4 I'm not -- I'm not faulting you here and neither are
5 the plaintiffs that I represent. What we're trying
6 to say is that you just weren't properly trained by
7 the Air Force to prevent this from happening, were
8 you?

9 MR. FURMAN: Objection to form.

10 You can answer.

11 THE WITNESS: Correct, sir.

12 BY MR. WEBSTER:

13 Q. In fact, I can tell by talking with you --
14 and I think the judge would see that also, that you
15 would have -- you would have followed the exact
16 procedure to submit those -- those fingerprints if
17 you would have known that; correct?

18 A. Yes, sir.

19 Q. And at least at that point in time, that
20 would be something that you would want to do to
21 protect the public; correct?

22 A. Yes, sir.

23 Q. Because you knew Devin Kelley, at least --
24 at least in 2014 had already been bounced out of the
25 military?

1 A. Yes, sir.

2 Q. And, in fact, you knew even when you were
3 there, that he wasn't even allowed to come on base by
4 himself; correct?

5 A. I don't recall that.

6 Q. Okay.

7 A. Yeah.

8 Q. We'll talk about it in a minute.

9 A. Certainly.

10 Q. And so -- and so at least at this point, you
11 did not understand that his fingerprints, at least in
12 November of 2017, that his fingerprints should have
13 already been submitted; correct?

14 A. Yes, sir.

15 Q. And then it says, "Well, that makes me feel
16 better." That's Kyle Bankhead on the next page on
17 Taylor-0001008.

18 And then it says, "I'm sure he would have
19 found a way to get them anyway." Do you see that?

20 A. Yes, sir.

21 Q. And it says, "I feel like we did everything
22 we could. The fact that we had this dude locked up
23 and then he goes out and does this."

24 You say, "I agree."

25 And then he actually sent you a -- a picture

1 of the actual DOD regulations; correct?

2 A. Yes, sir.

3 Q. And this talks about when -- when the
4 fingerprints should have actually been submitted
5 to -- submitted to the DOD. I mean, I'm sorry, to
6 the FBI; correct?

7 A. Yes, sir.

8 Q. And then it says -- you look at it and you
9 read it based upon what he's sending you because
10 y'all are trying to figure out if you all had made a
11 mistake; right?

12 A. Yes, sir.

13 Q. And it says, "What is the date on that?"
14 And it says, "This came out in 2015. I don't think
15 it was spelled out like this in 2012/2013."

16 Do you see that?

17 A. Yes, sir.

18 Q. Well, it was spelled out like that, wasn't
19 it, in 2012/2013? You just didn't know it because
20 the Air Force never trained you on it; right?

21 MR. FURMAN: Objection to form.

22 THE WITNESS: I don't specifically remember.
23 I don't -- yeah, I reviewed the documents yesterday
24 that indicated that it was, in fact, should have been
25 submitted.

1 BY MR. WEBSTER:

2 Q. Okay. Right.

3 And so this was -- this was actually -- in
4 November of 2015 -- sorry, let me rephrase the
5 question.

6 In November of 2017 at the time that you
7 reviewed this disposition and the collection protocol
8 that's contained in 5.7.6 of Military Subject
9 Fingerprint Submission, you had -- and you -- you
10 figured out yesterday when you reviewed it with your
11 lawyers for the first time that this was actually in
12 effect in 2012/2013, and it should have been
13 submitted; correct?

14 A. Yes, sir.

15 Q. Then it says "Rog." That means Roger;
16 right?

17 A. Yes, sir.

18 Q. In the text message on page 10. And then it
19 says, "There is too much that I do not recall. I
20 remember he had been interviewed prior to me arriving
21 at the set, but something happened and when we
22 interviewed him again while I was -- after he escaped
23 the Peak."

24 Now, at some point -- it says, "again while
25 I was there after he escaped the Peak." Do you see

1 that?

2 A. Yes, sir.

3 Q. At some point in time, at least according to
4 this text message, you recall that Devin Kelley was
5 in a mental behavioral institute; right?

6 A. Yes.

7 Q. And he was confined in that institute;
8 right?

9 MR. FURMAN: Objection to form.

10 THE WITNESS: Hospital -- hospitalized, sir?

11 BY MR. WEBSTER:

12 Q. Yeah, hospitalized.

13 A. Yeah.

14 Q. Was he allowed to leave?

15 A. I don't know the circumstances of his -- I
16 don't recall the circumstances of his stay at the
17 Peak.

18 Q. Well, I'm just asking because you said he
19 escaped the Peak. That, to me, implies that he can't
20 leave the Peak; doesn't it to you?

21 A. It does. Again, I remember that it was a --
22 a fairly significant concern whenever he departed the
23 Peak.

24 Q. Then it says, "Harper did the interview."
25 Who is Harper?

1 A. It was a retired -- Master Sergeant Gregory
2 Harper. He was an agent at the detachment at the
3 time of these -- this event.

4 Q. Okay. And then -- and then you ask when he
5 was convicted; correct?

6 A. Yes.

7 Q. It says, "He was convicted in 2012." Does
8 that -- does that refresh your recollection as to
9 when he was convicted?

10 A. Yes, sir.

11 Q. Okay. Then it says, "He was originally
12 interviewed by Hoy and Bustillo." Who Bustillo --
13 you replaced Bustillo when he retired; correct?

14 A. Yes, sir, essentially. He wasn't there when
15 I arrived, but he had been gone for some time.

16 Q. Right.

17 And I think they had put in a temporary
18 replacement that you replaced; right?

19 A. A couple of them, yes.

20 Q. And then it says, "I think Greg interviewed
21 Lightner." Who is Lightner?

22 A. That was another investigation on an
23 individual named Kyle Lightner; a domestic violence
24 situation, as I recall.

25 Q. Didn't have anything to do with this case?

1 A. No, sir.

2 Q. All right. It says, "Cool, you're right.
3 He would have carried out the deed one way or
4 another." Do you see that?

5 A. Yes, sir.

6 Q. It was foreseeable to you at least in
7 November of 2017 that Devin Kelley could commit a
8 mass shooting, wasn't it?

9 MR. FURMAN: Objection; speculation.

10 THE WITNESS: Yes, sir.

11 BY MR. WEBSTER:

12 Q. And it was based upon what you knew about --
13 what you recalled about him in the -- in the events
14 and things that he did while he was -- while he was
15 still in the military; correct?

16 MR. FURMAN: Same objection.

17 BY MR. WEBSTER:

18 Q. You can answer.

19 A. Yes, sir.

20 Q. And so, as you sit here today, as a member
21 of the United States Air Force, you -- you believe it
22 was foreseeable, at least in your text message to
23 Kyle Bankhead and as you sit here today, that once
24 Devin Kelley got out of the military that it was
25 foreseeable that he could commit some type of

1 mass shooting; correct?

2 MR. FURMAN: Same objection.

3 THE WITNESS: He was mentally unstable. It
4 would be a possibility, yes, sir.

5 MR. WEBSTER: Can we take a quick break,
6 please.

7 THE WITNESS: Yes, sir.

8 MR. WEBSTER: Thank you.

9 THE VIDEOGRAPHER: We are going off the
10 record. The time is 10:31 a.m.

11 (Recess taken.)

12 THE VIDEOGRAPHER: This marks the beginning
13 of Media No. 2. We are back on the record
14 at 10:38 a.m.

15 BY MR. WEBSTER:

16 Q. Mr. Taylor, we took a quick break. Do you
17 understand you're still under oath?

18 A. Yes, sir.

19 Q. All right. And going back to the exhibit we
20 were looking for, will you go down to Taylor,
21 page 14, please, sir.

22 It says here -- it says at the top "Talking
23 to OSI IG tomorrow morning." Do you see that?

24 A. Yes, sir.

25 Q. And that was -- that was -- they were

1 come -- they were coming in to -- tell us who
2 is OSI IG?

3 A. The -- the Office of Special Investigations
4 Inspector General.

5 Q. And are they -- they were investigating the
6 Devin Kelley matter as a result of my clients'
7 deaths; right?

8 A. Yes. Yes, sir.

9 Q. Okay. And it says, "Yep." "They'll be here
10 tomorrow." Do you see that?

11 A. Yes, sir.

12 Q. And they came here to California to see you?

13 A. Yes, sir.

14 Q. And they interviewed you during that time?

15 A. Yes, sir.

16 Q. And have you read a copy of the transcript
17 of your interview?

18 A. I don't recall reading -- I remember reading
19 a transcript of an interview, but I don't remember
20 which one it was.

21 Q. No problem, I'll show you one in just a
22 minute.

23 A. Sure.

24 Q. But what we do know is -- is that -- that
25 when you see at the bottom of -- or the top of

1 page 16, it says, "Wow, I'm going to simply tell them
2 the truth and how I recall the events." Do you see
3 that?

4 A. Yes, sir.

5 Q. And, Mr. Taylor, you're doing that here
6 today, aren't you?

7 A. Yes, sir.

8 Q. Even though it -- and because there's
9 absolutely -- you're in the private sector. You have
10 no reason to be untruthful about the events as they
11 happened; correct?

12 A. Correct, sir.

13 Q. And I can tell that you're kind of a
14 principle-type guy that wouldn't do that either;
15 correct?

16 A. Yes, sir.

17 Q. Now, if we go to the next page on page 17,
18 it says "it's --" It says up here, "It's been how
19 many years? "Five years." And then you respond
20 with, "My memory is terrible"; is that correct?

21 A. Yes, sir.

22 Q. Do you believe your memory is terrible?

23 A. I have a poor memory, yes, sir.

24 Q. Okay. It says something like that, plus we
25 all moved into other careers and locations. Not sure

1 what these interviews will yield.

2 And so you -- you were wondering how much
3 you would actually be able to recall about the
4 process; right?

5 A. Yes, sir.

6 Q. But you were able to recall that you dealt
7 with Devin Kelley?

8 A. Yes, sir.

9 Q. And then it says, "Not --" And then it
10 says, "Hope they are not looking for a scapegoat."
11 Do you see that?

12 A. Yes, sir.

13 Q. You didn't want to be blamed for this;
14 correct?

15 A. No, sir.

16 Q. And then it says, "How could they when
17 the DOD IG claims that 30 percent of the cases are
18 never indexed." Do you see that?

19 A. Yes, sir.

20 Q. Can you explain to the judge what you mean
21 by that, Mr. Taylor?

22 A. I -- I -- I think that might have come from
23 a news article indicating that there was a fairly
24 significant issue with indexing -- NCIC indexing of
25 military felons.

1 Q. Right. Meaning that this was a systemic
2 problem over every branch of the military; not just
3 the United States Air Force; correct?

4 MR. FURMAN: Objection to form.

5 You can answer.

6 THE WITNESS: Yes, sir.

7 BY MR. WEBSTER:

8 Q. And meaning that -- meaning that this was
9 something that you trying to do the best job you can
10 weren't trained upon to -- to submit those NCIC
11 claims. It just wasn't your detachment. It was all
12 across the military, at least from what you learned;
13 correct?

14 MR. FURMAN: Objection to form.

15 You can answer.

16 THE WITNESS: Yes, sir.

17 BY MR. WEBSTER:

18 Q. And so what you're -- what you're telling
19 him here is that, listen, this might have happened on
20 our watch, but we were not properly trained, and this
21 was a problem across the entire military?

22 MR. FURMAN: Objection to form.

23 You can answer.

24 THE WITNESS: Yes, sir. I was indicating
25 that there was a problem across the entire military.

1 BY MR. WEBSTER:

2 Q. And, in fact, you knew in your unit as you
3 sat there in November of 2017 after this had
4 happened, that the -- there were -- you could
5 probably think in your own head -- or reviewing of
6 your own cases of the work you did there, some of
7 them that you knew that those fingerprints on other
8 felons had not been submitted; correct?

9 MR. FURMAN: Objection to form.

10 You can answer.

11 THE WITNESS: Yes, sir.

12 BY MR. WEBSTER:

13 Q. Meaning there were case files that you knew
14 of convicted felons who have been kicked out of the
15 military that you knew to see -- that did not have
16 NCIC fingerprints that were submitted to the FBI?

17 A. That I knew?

18 MR. FURMAN: Objection.

19 THE WITNESS: I never recalled submitting
20 them, yes.

21 BY MR. WEBSTER:

22 Q. That's fair enough. You might have, but you
23 didn't recall--

24 A. Correct, sir.

25 Q. -- correct?

1 And you knew that when they -- that when the
2 IG came in and did a review of Detachment 225 case
3 files, that there were going to be cases in there
4 that -- where the fingerprints should have been --
5 should have been submitted but were not?

6 MR. FURMAN: Object to form.

7 BY MR. WEBSTER:

8 Q. Correct?

9 A. Yes, sir.

10 Q. Do you know -- did you know in November
11 of 2017 that if the fingerprints were in the I2MS
12 system whether or not they got submitted through that
13 to the FBI?

14 A. Can you repeat your question, sir?

15 Q. Back in November of 2017, when you were
16 having these text messages, did you know,
17 Mr. Taylor -- do you know whether or not you knew
18 that when you used the machine, input the
19 fingerprints and I2MS, whether or not they would have
20 been submitted to NCIC?

21 A. I -- I guess. I'm not completely -- if --
22 if the fingerprints were electronically scanned, is
23 that what you're referring to?

24 Q. Yes. Were they sync'd -- was the NCIC
25 database sync'd to I2MS so that those fingerprints

1 went automatically there?

2 A. I want to say it was sync'd. I don't
3 specifically recall. I think that was the intent. I
4 don't remember specifically, though.

5 Q. Would it surprise you that it was not?

6 A. I -- I -- not at this point.

7 Q. Okay. And it's safe to say that nobody from
8 the Air Force ever came and trained you on I2MS on
9 whether or not those fingerprints sync'd; correct?

10 A. Yes, sir.

11 Q. And so -- and you still don't know that as
12 you sit here today even after reviewing the
13 information with your lawyers yesterday; right?

14 A. That's correct, sir.

15 MR. FURMAN: Object to form.

16 BY MR. WEBSTER:

17 Q. If we go to the next page on page 18, it
18 says, "I was wondering the same thing. Follow I2MS.
19 If you can't make a determination from that, I don't
20 know how I'm supposed to remember things that will
21 help."

22 "I think the number is higher than 30
23 percent."

24 Then you responded, "You're probably right.
25 That was based on a sampling of 1,000 cases in one

1 report." Do you see that?

2 A. Yes, sir.

3 Q. And you were agreeing with them that there
4 is at least 30 percent of the felons out there had
5 not been reported to NCIC database through the
6 military; correct?

7 MR. FURMAN: Objection to form.

8 THE WITNESS: Based on the article that I
9 would have reviewed to have provided that, yes, sir.

10 BY MR. WEBSTER:

11 Q. But that being said, even though you read an
12 article about it, in your own personal experience as
13 the Detachment 225 special agent in charge from
14 December 2011 through February of 2014, on your own
15 experience, in your own personal knowledge, that you
16 believe it was actually higher than 30 percent;
17 correct?

18 MR. FURMAN: Objection; speculation.

19 THE WITNESS: Yes, sir.

20 BY MR. WEBSTER:

21 Q. Then it says you talked to OSI today. "All
22 went well." Do you see that?

23 A. Yes, sir.

24 Q. And is that when you came in and did your
25 interview at that point in time?

1 A. Yes, sir.

2 Q. And you did that on your own accord because
3 you were already in private practice or working in
4 the private sector at that point; correct?

5 A. Yes, sir.

6 Q. And that's because you felt a duty to your
7 country?

8 A. Yes, sir.

9 Q. And that you wanted to come back and try to
10 make things right so this problem didn't happen
11 again; correct?

12 A. Yes, sir.

13 Q. And then we go to the next page. Kyle says,
14 "That's good. They're just trying to figure out how
15 it didn't get submitted to ensure we fix it."

16 So was Kyle at this point in time still in
17 the military?

18 A. Still today, sir.

19 Q. Still today. Mr. Bankhead is still in the
20 military?

21 A. Yes, sir.

22 Q. Okay. So he was -- he figured out that they
23 were trying to ensure that the NCIC submissions were
24 being done properly by the -- at least the United
25 States Air Force; correct?

1 A. Yes.

2 Q. It says, "I haven't heard if they're going
3 to talk to me or not, but I expect they will.
4 Apparently they're talking to Yoni and James Hoy
5 tomorrow." Do you see that?

6 A. Yes, sir.

7 Q. Did you ever find out whether or not
8 Mr. Bankhead had gave an interview?

9 A. I don't recall. If it's not in the text, I
10 don't specifically remember him indicating he gave an
11 interview. I want to say he did.

12 Q. Okay. You haven't read it or anything;
13 correct?

14 A. No, sir.

15 Q. No problem.

16 Now, if we go to "Taylor 20," the next page,
17 it says, "I'm sure you can imagine, but the whole
18 NCIC indexing thing hasn't stopped since Devin
19 Kelley. It's right next to North Korea as far as
20 command priority goes."

21 What does that mean?

22 A. It's an exceptionally high priority, sir.

23 Q. So at this point now the Air Force has now
24 instructed, at least, Mr. Bankhead that they're going
25 to fix this process and properly train on it. And

1 when they say "next to North Korea," he means -- he
2 means that this is way up there in priorities; you
3 better make sure this happens; is that correct?

4 MR. FURMAN: Object to form.

5 THE WITNESS: Yes, sir.

6 BY MR. WEBSTER:

7 Q. And he's saying -- he's using the term
8 "North Korea" simply because North Korea is
9 dangerous; right?

10 A. Yes, sir.

11 Q. And when you don't report criminal felon --
12 a felon to the NCIC database when they've been
13 convicted in the military, that creates a dangerous
14 situation; doesn't it?

15 MR. FURMAN: Objection to form.

16 THE WITNESS: It could, sir.

17 BY MR. WEBSTER:

18 Q. In your criminal -- in your criminal -- I
19 see in here that you've done -- you have a career
20 kind of based in -- in some sort of law enforcement
21 fashion; right?

22 A. Yes, sir.

23 Q. In your experience, sir, based upon your
24 personal knowledge and your over 20 years in the
25 field of security-type work, do felons often repeat

1 felonies?

2 A. There is a high rate, yes, sir.

3 Q. Because if they'll commit -- do it once,
4 they'll usually do it again if they get the chance;
5 correct?

6 A. Yes, sir.

7 Q. And so it's very important when -- as far as
8 being able to protect the public from a safety aspect
9 that the Air Force report those NCIC felonies to
10 the FBI so that those people cannot, at least,
11 purchase weapons legally to protect the public;
12 correct?

13 A. Yes, sir.

14 Q. And then it says on the next page -- you
15 respond to Mr. Bankhead, and you say, "Yes, I see how
16 important NCIC indexing is. Still don't know how we
17 wound up where we did. Not even sure we got any of
18 them right, for that matter. Not having access to
19 I2MS eliminates my ability to look. Stay well."

20 Correct?

21 A. Yes, sir.

22 Q. And that was based upon the fact that you --
23 you started looking at the NCIC data -- or you
24 started looking at the regs and the rest and you
25 understood at least from -- there was a lack of

1 training with respect to the United States Air Force
2 as it related to NCIC indexing; correct?

3 MR. FURMAN: Objection to form.

4 THE WITNESS: Yes, sir.

5 BY MR. WEBSTER:

6 Q. And you -- to the point where you say, "I'm
7 not even sure we got any of them right, for that
8 matter"; is that correct?

9 A. Yes, sir.

10 Q. And at least that is showing that at least
11 based upon your experience in the military from
12 December 2011 to 2014 prior to the shooting
13 happening, you felt, at least the United States
14 Air Force, was partially responsible for what
15 happened to those people in the church, don't you?

16 MR. FURMAN: Objection to form.

17 THE WITNESS: Yes, sir.

18 B MR. WEBSTER: We're going to move on from
19 those. I'll show you what we'll mark as Exhibit 3 to
20 your deposition.

21 (Plaintiffs' Exhibit Number 3
22 marked for identification.)

23 BY MR. WEBSTER:

24 Q. To kind of give the judge a little bit of
25 history on Devin Kelley, when you came there in

1 December 2011, he had already been charged with the
2 crime; correct?

3 A. Yes, sir.

4 Q. Now -- so he had already been charged with a
5 crime, and you were aware -- you had actually had a
6 chance to review with your case agent and Mr. Hoy --
7 or Special Agent Hoy -- actually to kind of review
8 the case because it had been stagnant and work had
9 not been done on it; correct?

10 MR. FURMAN: Objection; facts not in
11 evidence.

12 You can answer.

13 THE WITNESS: Yes.

14 BY MR. WEBSTER:

15 Q. Is that -- is that -- what is your
16 recollection about the status of the Devin Kelley
17 file when you showed up in December of 2011 as the --
18 as the SAIC commander, 225?

19 A. So I remember, as I shared with counsel,
20 that I -- I still believe the case was
21 investigatively closed at the time of my arrival. I
22 do not remember it being open.

23 Even at one point in time since
24 November 2017 I was -- I believe that I actually had
25 to request the file to be returned from the Air Force

1 Office of Special Investigations file room because it
2 had previously been archived to receive it because
3 there were additional investigative sufficiency steps
4 that needed to take place prior to closing the case
5 out.

6 Q. Okay. So I want to make sure I understand
7 what you just said, Mr. Taylor, from a -- from a --
8 from a layman's standpoint.

9 You're stating that the case had actually
10 been administratively closed before he was even
11 convicted?

12 A. Yes, sir.

13 Q. Okay. So when you showed up, how did you
14 figure out, then, Mr. Taylor, that Mr. Kelley had not
15 been properly -- that -- that -- how did you figure
16 out the case had been admin- -- administratively
17 closed and why?

18 A. So I -- so I want -- I believe it was
19 an I2MS review where there was an assault that took
20 place and no one was actually identified as being the
21 primary subject or -- you know, primary person having
22 committed that offense.

23 And, you know, I think in 2011 when the
24 event occurred, they actually initially identified
25 both Tessa Kelley and Devin Kelley as suspects for

1 child abuse, if I'm not mistaken.

2 So at some point in time, additional
3 information was made -- you know, we became aware of
4 additional information. And we would open the
5 investigation again and to -- in further pursuit of
6 justice.

7 Q. Okay. So somehow prior to you -- you
8 showing up, the case had been, like, administratively
9 closed?

10 A. I -- I believe that was the case. I'm not
11 positive without looking at a history of I2MS or
12 other databases.

13 Q. Okay. But were you surprised when you found
14 out that the case had been administratively closed?

15 A. Yes, sir.

16 Q. I mean, because -- because if you go back
17 and you look, and I'll show you what we'll mark as --
18 we may have to go back and forth for a minute.

19 I'll show you what we'll mark as Exhibit 4.
20 (Plaintiffs' Exhibit Number 4
21 marked for identification.)

22 MR. WEBSTER: And, counsel, instead of
23 attaching this again --

24 MR. FURMAN: Uh-huh.

25 MR. WEBSTER: -- I pulled out specific pages

1 I want to ask him about; fair enough?

2 MR. FURMAN: Sure. I guess you mean the
3 whole criminal file?

4 MR. WEBSTER: Yes, the entire criminal file.
5 So I'll just refer to them by Bates label if that's
6 okay. That way we won't have to attach it and
7 require additional expense of copying that, and this
8 nice lady having to carry it all over the Air Force
9 base and that kind of thing.

10 MR. FURMAN: Okay.

11 BY MR. WEBSTER:

12 Q. Now, I'll represent to you, what I'm showing
13 you, sir, is straight out of the United -- United
14 States Air Force Office of Special Investigations.
15 This is the file on Devin Kelley. Is that fair
16 enough?

17 A. Yes, sir.

18 Q. Did you actually review this whole file?

19 A. I would have.

20 Q. In preparation for your deposition here
21 today?

22 A. No, sir.

23 Q. Okay. But you did while you were working
24 there; correct?

25 A. Yes, sir.

1 Q. And so when you look at this, on June 9th
2 of 2011, this is the very first page on page --
3 USA-13411. This would have been the actual first
4 page of -- of -- or one of the investigative
5 activities and reports that was being conducted by a
6 Lenora Madison. Do you see that down at the bottom?

7 A. Yes, sir.

8 Q. And can you explain to the judge, what is
9 this?

10 A. So this looks like it could be -- it's an
11 interview documenting a narrative of an interview
12 with Captain Jeremy Harwood that was conducted by
13 Lenora Madison, AFOSI Form 40.

14 Q. And this would have been -- do you see here,
15 when you would have reviewed this file, you would
16 have reviewed this also; correct?

17 A. Yes, sir.

18 Q. And I understand you may not remember this
19 as you sit here today, you know, or maybe you do. Do
20 you remember this?

21 A. No, sir.

22 Q. Okay. If you look down and you drop down to
23 where it says about in the middle of the page. It
24 says, "Dr. Harwood was contacted by the emergency
25 room physician at Gerald Champion Regional Medical

1 Center Alamogordo, New Mexico." Do you see that?

2 A. Yes, sir.

3 Q. "And responded to the exam victims." Do you
4 see that?

5 A. Yes, sir.

6 Q. It says, "Doctor Harwood noticed bruising on
7 the left side of victim's face. According to
8 Dr. Harwood, both subject T. Kelley and subject
9 D. Kelley --" that would have been Devin Kelley --
10 "-- stated the marks just popped up."

11 Do you see that?

12 A. Yes, sir.

13 Q. And then it says, "Dr. Harwood opined the
14 mark appeared to be a handprint." Do you see that?

15 A. Yes, sir.

16 Q. So, Dr. Harwood, at least according to your
17 review of the SAIC, would have known, at least
18 according to this interview, that somebody hit that
19 kid, didn't they?

20 MR. FURMAN: Objection; speculation.

21 THE WITNESS: Yes, sir.

22 BY MR. WEBSTER:

23 Q. I mean, that -- that's a -- that's a -- is
24 there any speculation about that when you have a
25 medical doctor examine a child and telling you there

1 is a handprint to the face?

2 MR. FURMAN: Same objection.

3 THE WITNESS: See a handprint, it's a
4 handprint.

5 BY MR. WEBSTER:

6 Q. Right. And the only -- and the only -- and
7 based upon the investigation of which you remember,
8 the only people that had access to the child would
9 have been Tessa Kelley and Devin Kelley; correct?

10 A. Yes, sir.

11 Q. And so when you read that type of
12 information in December of 2011 when you show up,
13 it's -- that -- that's surprises you and concerns you
14 as the head SAIC that a case like this is closed;
15 right?

16 A. Yes, sir.

17 Q. I would assume that you, just like me, would
18 take hitting a child in the face, like, pretty
19 seriously?

20 A. Yes, sir.

21 Q. And did you ever seek out any -- ask anybody
22 in your command or the people underneath you, "Why is
23 this case closed?"

24 A. I don't recall.

25 Q. Okay. Would that have been something you

1 would want to ask them?

2 A. Or I would have just reopened it without
3 asking the question.

4 Q. But that's what you did anyway; right?

5 A. I believe so.

6 Q. Okay. Because you -- you just said -- you
7 testified earlier you actually had to call somebody
8 in a different department and have the case brought
9 back from archive; right?

10 A. If -- if I'm remembering correctly, that's
11 what I would have done.

12 Q. All right. Now, when you would have -- when
13 you -- would that have been -- so when you brought it
14 back out of archive, it wouldn't have been when you
15 got there in December of 2011; right?

16 A. Not immediately, sir.

17 Q. Right. And that goes back to the next
18 exhibit we had which is No. 3 over here, which is
19 your affidavit; correct?

20 A. Yes. Yes, sir.

21 Q. All right. And so this is around June
22 of 2012; so you've been there roughly six months;
23 correct?

24 A. Yes, sir.

25 Q. And so this -- at the top here, this is an

1 authority to search and seize. And you -- this is
2 for -- "See attached, probable cause memorandum, list
3 of items to be seized from A1C Kelley and searched,
4 including three cell phones, paperwork with telephone
5 numbers for buses and cabs, a receipt from Walmart,
6 phone charges, a list of items to aid his flight, an
7 ATM receipt, cash, and other list of items."

8 Did I read that correctly?

9 A. Yes, sir.

10 Q. So why -- why do -- if you reviewed this,
11 why do you remember requesting those items?

12 A. I have to flip the page and read the rest of
13 it to understand why I asked for those items.

14 Q. And that's fine. Let's go to the next page,
15 which would be 13977.

16 Do you see where it says, "Background of
17 investigation"?

18 A. Yes, sir.

19 Q. The top just kind of sets forth the language
20 that you have to have in the affidavit; correct? --

21 A. Yes, sir.

22 Q. -- that you were trained upon to do in order
23 to reach probable cause; right?

24 A. Yes, sir.

25 Q. And then it states here under -- read --

1 read Paragraph 4 and then I'm going to ask you some
2 questions about it. Let me know when you've read it.

3 A. "On 3 May '12, Tessa Kelley, parentheses,
4 (VICTIM 1) informed AFOSI Det 225, Holloman AFB,
5 New Mexico, that on 23 April, 2012, while driving
6 between El Paso, Texas, and Alamogordo, New Mexico,
7 SUBJECT held a gun to her temple stating, 'Do you
8 want to die?' Following which, SUBJECT placed the
9 barrel of the gun in his mouth causing VICTIM 1 to
10 cry. Additionally, VICTIM 1 alleged SUBJECT had
11 choked, kicked, shoved, slapped and pinched her.

12 VICTIM 1 alleged that subject has threatened
13 to kill her and her Aunt Tracy Picazzo, (VICTIM 2)."
14 And threatened to?

15 "VICTIM 1 claimed SUBJECT added to this
16 threat regarding VICTIM 2 by stating he knew how to
17 get into VICTIM 2's house through the garage to kill
18 'them.'" In quotations to "them."

19 "VICTIM 1 also alleged that SUBJECT
20 stated --" in quotations. "If the cops show up at my
21 door, I will shoot them," end quote. "In addition to
22 stating, 'My work is so lucky I do not have a shotgun
23 because I would go in there and shoot everyone,'" end
24 quotations.

25 Q. That's pretty alarming; isn't it,

1 Mr. Taylor?

2 A. Yes, sir.

3 Q. In fact, even the second part where he talks
4 about "My work is so lucky I do not have a shotgun
5 because I would go in there and shoot everyone."

6 That's -- that's a guy threatening a member of the
7 United States Air Force who is now threatening to
8 kill everyone on the Air Force base; correct?

9 MR. FURMAN: Objection to form; misstates.

10 THE WITNESS: Shoot everyone in the -- in
11 his shop, yes, sir.

12 BY MR. WEBSTER:

13 Q. Well, let me ask you this. Let's -- let's
14 fix the -- let's fix the objection. What he was
15 saying was he works -- Devin Kelley at this point was
16 still a member of the United States Air Force;
17 correct?

18 A. Yes, sir.

19 Q. And his work would have been where he was
20 working there at Holloman Air Force Base; correct?

21 A. Yes, sir.

22 Q. And what he's threatening there, at least
23 according to your investigation and your affidavit
24 that you swore out on June 8th, 2012, is that he was
25 threatening to commit a mass shooting with a shotgun;

1 correct?

2 A. Yes, sir.

3 Q. And that caused -- I would assume -- would
4 this have been one of those things that would have
5 triggered you opening the old investigation?

6 A. Yes, sir.

7 Q. Okay. And then -- so if you're going to --
8 as a -- as a good special -- as a good special agent
9 in charge, you would want to go back and try to get
10 all the charges possible you can and try to put this
11 individual in jail; correct?

12 A. Yes, sir.

13 Q. So when you administratively closed it, did
14 that mean the JAG Corps, the people -- the
15 prosecutor, what is the term on Holloman Air Force
16 Base for the person -- the lawyer that's in charge
17 much of prosecuting?

18 A. Military justice.

19 Q. Okay. Did military justice also close the
20 file?

21 A. I -- under normal circumstances, they would
22 have been closed in -- in -- in agreement with one
23 another.

24 Q. Okay. So when you requested -- would this
25 type of report -- would have -- looking back on this,

1 would this have been the reason you think you went
2 back and opened the file?

3 A. From the Paragraph 4 --

4 Q. Yes.

5 A. -- Tessa Kelley's statement.

6 Yes, sir.

7 Q. So when Tessa Kelley, his wife, comes in and
8 starts complaining of these things, you would then
9 look up the file in I -- I2MS; right?

10 A. Yes, sir.

11 Q. And you would have figured out that, hey,
12 why was this closed -- why was this case closed, what
13 happened that it was administratively closed, and you
14 would have reopened it at that point; correct?

15 A. Yes, sir.

16 Q. All right. And then let me ask you this:
17 If the case was administratively closed prior to
18 June 8th of 2012, would Devin Kelley still be able to
19 buy a handgun on the base?

20 A. If -- yes, sir, he would have been.

21 Q. And let me ask you this -- here's what I
22 don't understand. The charges were never -- I don't
23 see anything in the documentation -- and maybe you've
24 reviewed it -- that shows the case was ever even
25 dismissed against him? Do you understand what I'm

1 saying?

2 A. Yes.

3 Q. Meaning the charges, if you go back to when
4 we look at -- what I'll mark as Exhibit No. 5.

5 (Plaintiffs' Exhibit Number 5
6 marked for identification.)

7 MR. WEBSTER: Sorry, I only have one copy of
8 this right now. If you want to look at it real
9 quick.

10 MR. FURMAN: Sure.

11 BY MR. WEBSTER:

12 Q. This is Bates labeled USA00 -- -00012947
13 and -12948. Can you take a look at that, Mr. Taylor.

14 And so what I'm asking you, I guess, is that
15 he was still charged under Specification 1 for the
16 June 2011 and April 2012 unlawfully striking Tessa
17 Kelley on her body with his hands; unlawfully choked
18 the said Tessa Kelley on the neck with his hands;
19 unlawfully pulled the hair of said Tessa Kelley with
20 his hands; unlawfully kicked the said Tessa Kelley on
21 her body with his foot."

22 And then it talks about how he struck --
23 then the next charge was specifically Charge No. 2,
24 it talks about how he struck the baby, an underage
25 minor; right? Do you see that?

1 A. Yes, sir.

2 Q. What I'm asking you is is that -- if they
3 would -- is there a paper trail that we should be
4 looking for that somehow between June of 2011 when
5 this -- when these charges were first brought and
6 these things were made, and the -- and the affidavit
7 we saw -- or, at least, the investigative report that
8 we saw from before you got there, would there have
9 been a written document somewhere that would have
10 actually dismissed the charges?

11 A. I don't specifically recall. I don't
12 believe there would have been. I don't --

13 Q. But, I mean, normally if you charge somebody
14 with a crime --

15 MR. FURMAN: You've got to let him finish.

16 MR. WEBSTER: I'm sorry.

17 THE WITNESS: I was just referring that I
18 don't specifically recall. I think it was -- I
19 don't -- I don't remember any official documentation
20 coming from military justice indicating that they're
21 not going to pursue; they just had documentation when
22 they were pursuing charges.

23 BY MR. WEBSTER:

24 Q. Okay. And so if they administratively
25 closed it, how would they -- how would they document

1 that? Do you understand my question?

2 A. From -- from a JA perspective -- from a
3 military justice perspective, I do not know.

4 Q. From your perspective how would -- from your
5 perspective, Mr. Taylor, how would you document a
6 closed investigation?

7 A. As I recall, there was an option, and it
8 dropped down in I2MS that called for administrative
9 closure.

10 Q. From what you remember sitting here today,
11 in 2020, you remember that the case was
12 administratively closed, at least on your end;
13 correct?

14 A. Yes, sir.

15 Q. All right. And so you have no -- these were
16 the charges that he eventually pled to on -- a date
17 on here. Here we go. On 11/7 of 2012; correct?

18 Do you see at the top, November 7th, 2012;
19 correct?

20 MR. FURMAN: Objection; misstates.

21 MR. WEBSTER: I've rephrased.

22 MR. FURMAN: Referring --

23 MR. WEBSTER: Let me ask the question.

24 BY MR. WEBSTER:

25 Q. When was the result of the report of the

1 trial. What is the date that he was actually
2 convicted of these two felonies?

3 A. According to this document, the sentence was
4 adjudged on November 7th, 2012.

5 Q. Okay. Thank you.

6 Okay. Going back for just a minute, the --
7 if you go back to the -- the affidavit we were
8 talking about that you have --

9 A. Yes, sir.

10 Q. -- it says, "On June 7th, 2012, the Holloman
11 Air Force Base, New Mexico, base exchange notified
12 AFOSI, Detachment 225 that subject called and placed
13 an order around 14 hours on June 7th, 2012, for a
14 Diamondback DB9 semiautomatic 9 millimeter handgun."
15 Do you see that?

16 A. Yes, sir.

17 Q. Have you ever purchased guns from the base
18 exchange on -- at Holloman Air Force Base?

19 A. Yes, sir.

20 Q. And I would assume they probably give you
21 pretty good prices as you're in the military; right?

22 A. They have discounts.

23 Q. Okay. Do they do -- and I would assume you
24 have to fill out the same paperwork any other
25 civilian does in order to purchase a firearm;

1 correct?

2 A. Yes, sir.

3 Q. So you would have to fill out a Form 4473,
4 the one that asks you all the questions, and you sign
5 off and they look at it and they run a database check
6 on you; right?

7 A. Yes. You would have to fill out the
8 appropriate paperwork, sir.

9 Q. Does it make sense to you, as you sit here
10 today, that somebody that's charged with a felony
11 should not be able to purchase a firearm?

12 MR. FURMAN: Objection.

13 MR. WEBSTER: I'm saying they're just
14 charged; not convicted.

15 MR. FURMAN: Objection; facts not in
16 evidence.

17 BY MR. WEBSTER:

18 Q. You can answer.

19 A. Yes, sir.

20 Q. And why -- can you explain to the judge why
21 it makes sense to you that someone who is charged
22 with a felony but not yet convicted should not be
23 able to purchase a firearm?

24 MR. FURMAN: Same objection.

25 THE WITNESS: Because they're -- they're

1 potentially a violent risk to others.

2 BY MR. WEBSTER:

3 Q. And if -- in all fairness, if they are found
4 not guilty, and they're not convicted of a crime,
5 then their right to be able to purchase a firearm
6 should be reinstated. You would agree with me there;
7 correct?

8 A. Yes, sir.

9 Q. But this prevents somebody who has already
10 committed or is under the investigation for
11 committing a felony-type crime from purchasing a
12 firearm; correct?

13 A. Yes, sir.

14 Q. Now, when you were the -- when you were
15 the SA -- the special agent in charge there at
16 Detachment 225, were there any type of -- of training
17 or submission to where if they were just charged with
18 a crime -- this goes back to probable cause; right?

19 If there was probable cause in the military
20 to charge them with a crime, then the NCIC database,
21 at least according to your review yesterday with the
22 lawyers of the DOT -- DOD regulations, would have
23 been that -- at least at point this time -- on
24 June 7th, 2012, Devin Kelley should have been listed,
25 his fingerprints should have been submitted; correct?

1 A. In hindsight, yes, sir.

2 Q. Yes, sir.

3 And so on June 7th, 2012, when he attempted
4 to -- when he would have attempted to purchase a
5 firearm, he would not have cleared the NCIC database;
6 correct? If the -- if the -- if the fingerprints had
7 been submitted; right?

8 A. Correct.

9 Q. Okay.

10 MR. FURMAN: Calls for speculation.

11 BY MR. WEBSTER:

12 Q. Let me ask you this: Why, if you recall --
13 this is your affidavit. Do you know why the base
14 exchange called and informed y'all that he was --
15 that he was going to pick up a weapon?

16 A. I -- I don't specifically recall. I know
17 that we had a -- you know, the -- we were gun
18 enthusiasts --

19 THE REPORTER: I'm sorry?

20 THE WITNESS: Gun enthusiasts.

21 Myself and other members of the detachment
22 were -- or are gun enthusiasts. And, if I recall,
23 you know, having to spend some time at that gun
24 counter and developing a relationship with the
25 primary salesperson on the gun counter. And I don't

1 recall -- I -- I don't remember if it was us reaching
2 out to them to obtain the information or they reached
3 out to us to give us the information.

4 BY MR. WEBSTER:

5 Q. Okay.

6 A. But it's -- it's entirely likely either one
7 would have happened.

8 Q. Okay. Meaning -- meaning -- I understand
9 exactly what you're saying. I'm actually -- I'm --
10 I'm a gun enthusiast also and I hang out and I talk
11 to guys at Collectors Firearms all the time. We're
12 friends.

13 A. Yes, sir.

14 Q. And probably the same that you knew those
15 guys; you would go in there and check out the guns
16 and talk; and whether or not you bought something,
17 you became friends; right?

18 A. Yes, sir.

19 Q. And I would assume that sometimes during
20 those things if you had somebody that you saw as a
21 potential threat, you might bring that up to those
22 people that -- if you see that guy in here, get him
23 out of here; right?

24 A. Yes, sir.

25 Q. Okay. And did that happen on more than one

1 occasion that you can recall that you would actually
2 specifically say, "Hey, if Devin Kelley walks in here
3 and tries to buy a gun, you need to let me know
4 immediately"?

5 A. No, not that I recall, sir.

6 Q. Okay. Do you ever remember specifically
7 telling those guys at the base exchange, "If you see
8 Devin Kelley in here, you need to get him out"?

9 A. I don't remember making the statement. I
10 remember us -- I believe it might have been Agent
11 Greg Harper that may have made a statement to them.

12 My -- my memory is fuzzy on whether or not
13 it was them informing us or us informing them about
14 the matter.

15 Q. That's fair enough.

16 But -- but anyway, Greg Harper at least knew
17 of his potential of how -- of all the threats and the
18 things he had been doing; correct?

19 MR. FURMAN: Objection; speculation.

20 THE WITNESS: I believe so, sir.

21 BY MR. WEBSTER:

22 Q. I mean, that's based upon your own -- your
23 recollection of being -- your personal knowledge of
24 being there at the air force base; right?

25 A. Yes, sir.

1 Q. Okay. And then it says -- it says, "Subject
2 informed the BX employee he would pick up the weapon
3 on June 14th, 2012."

4 I would assume on June 8th, 2012, this --
5 this caused you some major concern; right?

6 A. Yes, sir.

7 Q. All right. And then it says, "The telephone
8 number on the order form matches the number of the
9 Samsung smartphone received from subject and that
10 likely contains evidence indicating it was used to
11 facilitate the order."

12 Were you doing the investigation on part of
13 that, trying to figure out if he actually did, in
14 fact, order the gun because he would be committing a
15 crime at that point?

16 A. I believe I was doing it to -- as just part
17 of an investigative step to ensure that he wasn't
18 provided an opportunity to purchase a firearm.

19 Q. Okay. Did anybody at that point in time
20 that you're aware, Mr. Taylor, be it Mr. Harper or
21 Mr. Hoy or the rest, go back and check at that point
22 in time whether or not the fingerprints had been
23 submitted to NCIC database?

24 A. I do not believe he did, sir; otherwise, we
25 probably wouldn't be here today.

1 Q. Correct.

2 And then it says, "That same night subject
3 fled from Peak Behavioral Services, El Paso, Texas,
4 where he was undergoing treatment"; do you see that?

5 A. Yes.

6 Q. On page 13977. When you say "Fled from Peak
7 Behavioral Health Services," when you're in the
8 military if you get -- if you get -- was he there --
9 what is the word I'm looking for?

10 Was he held there against his will, is what
11 I'm looking for. Detained --

12 MR. FURMAN: Objection.

13 BY MR. WEBSTER:

14 Q. -- if you know?

15 A. I don't remember. I don't remember he was
16 there or what -- what the conditions of his stay at
17 Peak was at the time.

18 Q. During the time that you were the special
19 agent in charge, did you ever have any other members
20 of the Air Force -- and I'm not looking for names --
21 I'm just asking if there were other members of the
22 Air Force that were ever confined to Peak Behavioral
23 Services that you're aware of?

24 MR. FURMAN: Objection.

25 THE WITNESS: There were other individuals

1 who were sent to the Peak. Whether or not it was
2 confined, detained, or voluntarily, I do not know the
3 specifics to their -- the conditions.

4 BY MR. WEBSTER:

5 Q. Had -- do you know whether or not after
6 reviewing this, while he was in -- while he was a
7 patient, on inpatient status at Peak, how long he was
8 there? Do you know?

9 A. It's not written in here. I do not know.

10 Q. Do you believe, as you sit here today, was
11 it more than 72 hours?

12 A. I do not know, sir.

13 Q. Probably most likely, so -- would you agree
14 with me?

15 MR. FURMAN: Objection; asked and answered.

16 THE WITNESS: It's a possibility, sir.

17 BY MR. WEBSTER:

18 Q. Let me ask you -- and here's what I'm
19 getting at. Those individuals that you transferred
20 to Peak Behavioral Services, was the special agent --
21 was the Detachment 225 under the DOD regulations ever
22 responsible for reporting mental incapacity to the
23 NCIC database with a set of fingerprints?

24 A. Not to my knowledge, sir.

25 Q. So there was no -- as far as you know

1 in your -- based upon your -- your training at the --
2 at the Air Force, or lack thereof, you did not
3 have -- you were not aware of whether or not your
4 division who was responsible for submitting
5 fingerprints to the NCIC database was responsible for
6 also reporting those people who had been put into
7 confinement?

8 A. There is another law enforcement entity on
9 Air Force installation, the Air Force Security
10 Forces. And I do not know for certain, but I believe
11 that would fall under their purview, sir.

12 Q. Okay. No problem.

13 Do you know whether or not they had any
14 responsibility for reporting individuals who had
15 been -- who had been put into mental confinement?

16 A. I do not know, sir, for certain.

17 Q. Because you stated earlier you're a gun
18 enthusiast like I am; right?

19 A. Yes, sir.

20 Q. Well, I'm telling you that. But you don't
21 know whether I am or not.

22 A. I'm saying I am one.

23 Q. And you know when you fill out the 4473
24 form -- let me show you.

25 Mark this as Exhibit 6. This is the one

1 Devin Kelley filled out.

2 (Plaintiffs' Exhibit Number 6

3 marked for identification.)

4 BY MR. WEBSTER:

5 Q. But I'll make a representation to you,
6 they're all pretty much the same. And these are the
7 types, as a gun enthusiast, you filled out; right?

8 A. Yes, sir.

9 Q. Do you see where it says -- do you see under
10 "f" where it says, "Have you ever been adjudicated
11 mentally defective (which includes a determination by
12 court, board, commission, or other lawful authority
13 that you are a danger to yourself, or to others, or
14 are incompetent to manage your own affairs) or have
15 you ever been committed to a mental institution?"

16 Do you see that?

17 A. Yes, sir.

18 Q. That question there -- what I'm asking is
19 that -- if you have Air Force members who are being
20 committed to a mental institution, such as Peak
21 Behavioral, are you aware, as you sit here today,
22 Mr. Taylor, of anybody that was responsible for
23 reporting those -- reporting that those folks had
24 been actually confined to a -- committed to a mental
25 institution so that you could report that to the NCIC

1 database?

2 A. No, sir.

3 Q. That's probably something that should have
4 happened; correct?

5 MR. FURMAN: Objection; vague.

6 BY MR. WEBSTER:

7 Q. Well, reporting that -- reporting military
8 members, including United States Air Force members,
9 who have been -- who have been either adjudicated
10 mentally defective or committed to a mental
11 institution, those are the types of things that would
12 have -- at least in your opinion as you sit here
13 today, Mr. Taylor, should have been reported to the
14 NCIC database; correct?

15 A. I agree there should have been a process of
16 reporting it.

17 Q. But, as you sit here today, you're not aware
18 of any type of United States Air Force training or
19 program that would have done that; correct?

20 A. I'm not aware, sir.

21 Q. All right. Do you see where it says, "Have
22 you been discharged from the Armed Forces under
23 dishonorable conditions?"

24 A. Yes, sir.

25 Q. Is bad conduct considered dishonorable

1 conditions?

2 A. I don't remember if it qualifies. It could.

3 Q. Okay.

4 A. I don't specifically. I think dishonorable
5 is a specific discharge type.

6 Q. When you had someone convicted of a crime in
7 the military and they were discharged as
8 dishonorable discharge --

9 A. Uh-huh.

10 Q. -- do you know whether or not at that point
11 in time under the NC- -- NCIC database you were
12 supposed to report those fingerprints, and the rest,
13 at least for Detachment 225?

14 A. In hindsight, yes, sir, it would have been a
15 requirement.

16 Q. So what we have, at least according to
17 what -- what you're telling me about, is that we have
18 at least three different -- would you agree with me
19 that the Air Force would have had -- if they would
20 have properly trained you, you would have had at least
21 three different opportunities with respect to Devin
22 Kelley to report to the NCIC database to prevent him
23 from being able to purchase a firearm and pass a
24 background check if they would have had a process for
25 any of these areas we just covered; correct?

1 MR. FURMAN: Objection; facts not in
2 evidence.

3 BY MR. WEBSTER:

4 Q. You can answer.

5 A. I believe there should have been a process
6 for reporting all those, yes, sir.

7 Q. And that would have, in turn, kept him from
8 purchasing a firearm legally; correct?

9 A. Yes, sir.

10 MR. FURMAN: Objection.

11 THE WITNESS: Yes, sir.

12 BY MR. WEBSTER:

13 Q. So when he filled out this form on -- on
14 April 7th, 2016, and they went back and ran his --
15 ran his information, they would have seen, no matter
16 what driver's license he used and the rest, that he
17 would not have been able to purchase a firearm, at
18 least on that date, had the Air Force properly
19 trained you and you would have been able to report
20 those different conditions we talked earlier;
21 correct?

22 MR. FURMAN: Same objection.

23 THE WITNESS: Yes, sir.

24 BY MR. WEBSTER:

25 Q. If we go back to the affidavit there that

1 you have in front of you, it says, "While --"
2 "While in inpatient status at the Peak, subject was
3 categorized in the maximum risk range for violence
4 control issues and stress coping."

5 Do you see that?

6 A. Yes, sir.

7 Q. Where would you have gotten that
8 information?

9 A. It would have come from our mental health or
10 family advocacy office on Holloman Air Force Base.

11 Q. Okay. That's pretty concerning; right?
12 "Maximum risk range," it doesn't get anymore
13 dangerous than that characterization; right?

14 A. Correct, sir.

15 Q. Then it says, "Subject also indicated that
16 he had thoughts of killing himself while at the
17 Peak."

18 And that's -- would you have interviewed him
19 yourself at that point or would this come from the
20 people at Peak?

21 A. The personnel at Peak, sir.

22 Q. And then it says, "Subject was found and
23 apprehended by the Sunland Police Department at a
24 Greyhound Bus Station in El Paso, Texas, on
25 June 7th, 2012." Did I read that correctly?

1 A. Yes, sir.

2 Q. So he -- was he was -- he was running from
3 the -- he was trying to run from the Peak Behavioral
4 Services unit; right?

5 A. It does appear that way, yes, sir.

6 Q. Then it says, "On June 8th, 2012, subject
7 was transported from the Peak to --" to Holloman Air
8 Force Base, New Mexico, by 49th Security Forces
9 members.

10 "Sergeant Joe Sapikowski, 49th Security
11 Forces Squadron, Holloman Air Force Base, New Mexico
12 obtained envelopes containing subject's belongings
13 from Xavier Alvarez, director of military affairs,
14 Peak Behavioral Services, PBHS."

15 When it says, "Xavier Alvarez, director of
16 military affairs," is Peak part of the federal
17 government?

18 A. No, sir.

19 Q. Okay. But they -- but they were the
20 institute that the military would send folks to if
21 they had -- if they were having mental problems?

22 A. One of two. There were two of them.

23 Q. Okay. What was the second one?

24 A. The other one was in Las Cruces, New Mexico.
25 I don't remember -- Las Cruces, New Mexico. I do not

1 recall the name of it.

2 Q. Fair enough.

3 Would you agree with me, at least according
4 to your affidavit, that he was involuntarily
5 committed -- involuntarily committed to Peak
6 Behavioral Services --

7 MR. FURMAN: Objection; speculation.

8 BY MR. WEBSTER:

9 Q. -- by the military?

10 MR. FURMAN: Objection; speculation.

11 THE WITNESS: I think he was encouraged to
12 attend. I don't know that he was -- I don't know.
13 Absent an order, I don't know what his conditions
14 were.

15 BY MR. WEBSTER:

16 Q. Okay.

17 A. Because I -- I have personal experience with
18 Peak Behavioral Health Services with my son --

19 Q. Uh-huh.

20 A. -- who I voluntarily took there when he was
21 suicidal while I was there in New Mexico.

22 And, you know, it's -- it's a -- if my son,
23 who I voluntarily took there, decided to leave, you
24 know, they would have reported to me the same way
25 that -- as a minor child, right, they would have

1 reported it to me.

2 It was -- you know, as -- as -- as admitting
3 him there, you know, bringing him there, was -- is
4 very much -- for lack of a better term, a gel-type of
5 environment, my son when he was there. And I would
6 have visitation hours that I could visit him,
7 et cetera, so.

8 Q. Right.

9 A. So I remember it was very much a controlled
10 environment.

11 Q. Because most of the time when you're
12 confined into a space, if you escape, they may call
13 and alert somebody, but they don't go after you with
14 the police and arrest and apprehend you; right?

15 MR. FURMAN: Objection; speculation.

16 THE WITNESS: I think, sir, that that
17 was -- I guess, I don't know. I don't know -- if I
18 look in the -- where it talks about the -- ordering a
19 gun on 7 June --

20 BY MR. WEBSTER:

21 Q. Uh-huh?

22 A. -- and our knowledge of that, coupled with
23 his maximum risk range, would have alerted the local
24 police department to look for him.

25 Q. Okay.

1 A. You know, I'm not sure what the conditions
2 were.

3 Q. Okay. But it's safe to say the United
4 States Air Force did not want him out of Peak
5 Behavioral Unit, at least at that time; correct? He
6 was not free to leave on his own recognizance?

7 MR. FURMAN: Objection to form.

8 THE WITNESS: I would agree that the
9 Air Force probably wanted to keep him in the Peak.

10 BY MR. WEBSTER:

11 Q. Especially if he has a maximum risk range
12 for violent control issues and stress coping; right?

13 A. Yes, sir.

14 Q. So we talked about the -- the investigation
15 goes on. You understand that at some point in time
16 Tessa Kelley came up with a -- a video or a video was
17 taken. Some type of evidence -- although I know you
18 haven't seen it -- of Devin Kelley confessing to
19 beating -- beating her, beating the child. And that
20 was turned over to you guys; correct?

21 A. Yes.

22 Q. Do you recall that?

23 A. Yes, sir.

24 Q. And during -- during the pendency of this --

25 MR. FURMAN: Objection; misstates testimony.

1 You can answer.

2 BY MR. WEBSTER:

3 Q. Okay. And during the pendency of this case,
4 you would have looked at it -- you know, you looked
5 at this case several times; right?

6 A. Yes, sir.

7 Q. And we looked at it on June, and he was
8 convicted in -- on November 7th of 2012; is that
9 correct?

10 A. According to this document, yes, sir.

11 Q. And you would have administratively closed
12 the case soon thereafter; right?

13 A. Yes, sir.

14 Q. I'll show you what we'll mark as
15 Exhibit No. 7 to your deposition, Mr. Taylor.

16 (Plaintiffs' Exhibit Number 7
17 marked for identification.)

18 BY MR. WEBSTER:

19 Q. Have you seen that document before?
20 It's Bates labeled USA00012913 and -12914.

21 A. Yes, sir.

22 Q. And you seen this --

23 MR. FURMAN: Do you have a copy of that?

24 MR. WEBSTER: I'm sorry?

25 MR. FURMAN: Do you have a copy of that?

1 MR. WEBSTER: One right here.

2 BY MR. WEBSTER:

3 Q. So if you take a look at that, this is
4 for -- this would have been a printout, I believe,
5 from the I2- -- I2MS database; is that correct?

6 A. Yes, sir.

7 Q. All right. And it shows -- and it shows
8 your name up there. There was a submission for
9 approval. "Submit for approval" on the top. And
10 this is just basically where you would have submitted
11 things for close -- closure; correct?

12 A. Yes, sir.

13 Q. Before that, there -- if we go back and
14 look, there would have been times that you would have
15 actually -- where it tracks every time you open and
16 actually look at the case; correct?

17 A. Yes, sir.

18 Q. And that's important because you're supposed
19 to do work every four days, like we talked about
20 earlier; right?

21 A. Yes, sir.

22 Q. And so on 12/14 of 2012 you submitted this
23 case for closure; correct?

24 A. Yes, sir.

25 Q. And then on the backside of this document,

1 if you go -- one, two, three, four -- four places
2 down to 12/14 of 2012 -- do you see that?

3 A. Yes, sir.

4 Q. It asks "Has the Fingerprint Card FD-249
5 been sent to the FBI?" Do you see that?

6 A. Yes, sir.

7 Q. At least according to your testimony and
8 according to evidence that we've seen and you've
9 reviewed, that was not -- that was not done; correct?

10 A. Yes, sir.

11 Q. Now, if you would have put "no" in that,
12 would the I2MS database allow the case to have been
13 closed?

14 A. I don't believe so, sir.

15 Q. Okay. Meaning, it would still remain open;
16 right?

17 A. Yes, sir.

18 Q. Then it says -- if you drop down two more
19 spaces, it says, "12/14 of 2012." "Has the
20 disposition R-84 been sent to the FBI?" Do you see
21 that?

22 A. Yes.

23 Q. What is the Disposition R-84?

24 A. I don't recall, sir.

25 Q. That would have been more documentation that

1 would have gone to the NCIC database; correct?

2 A. Possibly, sir. I actually think it was
3 going to the FBI, yes.

4 Q. Is it safe to say that a Disposition R-84
5 would have been the crimes that he had been convicted
6 of --

7 MR. FURMAN: Objection.

8 BY MR. WEBSTER:

9 Q. -- if you know?

10 A. It would have had his convictions on it, I
11 believe, sir.

12 Q. Okay.

13 A. If I -- if I saw the R-84, I can give a
14 better response, but I don't remember exactly what
15 was on there.

16 Q. Fair enough. I don't want to dig it out
17 right now.

18 But it's fair to say that the R-84 was not
19 sent to the FBI; correct?

20 A. Yes, sir.

21 Q. All right. Do you know why -- why,
22 Mr. Taylor, you decided to close that case that day
23 without that information?

24 MR. FURMAN: Objection.

25 THE WITNESS: I can't specifically recall

1 what took place on that day; right? But as the
2 standard of process and practice, a case agent would
3 have provided me with a confirmation that these items
4 were done through either a checklist or a verbal
5 confirmation.

6 BY MR. WEBSTER:

7 Q. Okay. So let's -- I want to talk about that
8 for a second.

9 Okay. So paint the picture for us, is what
10 I like to say. What did your office look like? How
11 big was it? Your office at the time on
12 December 12th -- or December 14th, 2012, what did
13 your office look like?

14 A. It was probably half the size of this room
15 here, my office -- personal office.

16 Q. Right.

17 A. Less than half the size of this room.

18 Q. Okay. So it's just like a regular size,
19 what we call office; right?

20 A. Yes, sir.

21 Q. Did you have two chairs in front of you?

22 A. Yes, sir. Couches.

23 Q. And would there be -- and a couch?

24 A. Yes, sir.

25 Q. All right. What else was in the room?

1 A. I had a monitor to view interviews.

2 Q. Okay.

3 A. Desk, computer, a -- a bookshelf. That's --

4 Q. Okay. And so you would -- and where --
5 would you actually have hard case files in your
6 office?

7 A. From time to time, yes, sir.

8 Q. Okay. But normally I think you -- you've
9 said -- would you agree with me that you testified
10 you normally didn't review the paper files; correct?

11 A. Correct, sir.

12 Q. What you would normally do is review what
13 had been done in I2MS as their supervisor; right?

14 A. Yes, sir.

15 Q. And the people that were responsible for the
16 hard -- the hard portion of the file, would have been
17 the actual special agent in charge -- or the special
18 agent over that file; correct?

19 A. Yes, sir.

20 Q. And they would be the one responsible for
21 keeping up the actual paper, the physical evidence,
22 things of that nature; correct?

23 A. Yes, sir.

24 Q. All right. And so where in relationship in
25 your office -- you're sitting there, and it's

1 December 14th, 2012. Where was everybody else
2 located, your special agents that you would have
3 followed up with?

4 A. They all had -- for the most part, everyone
5 had their individual offices along the hallway and
6 the conference room, as well. I don't -- they would
7 be in their offices.

8 Q. Okay. So -- so -- so there would be a
9 conference -- there was a conference room, your
10 office, and then a hallway in front of you?

11 A. Yes, sir.

12 Q. The hallway in front of you, were there
13 offices across?

14 A. They were down the hallway. I didn't have
15 any offices immediately across from me, but yeah.

16 Q. Where was Mr. Bankhead's office?

17 A. It was on the opposite end of the hallway,
18 very end of the hallway.

19 Q. If you hollered, could he hear you?

20 A. Maybe.

21 Q. Did you ever holler at him?

22 A. I don't recall doing that.

23 Q. Did you ever holler at any of the other
24 special agents?

25 A. Yes, sir.

1 Q. I'm asking you this because in my office
2 I'll go -- I'll go, "Hey, Vanessa, come here a
3 minute."

4 A. Yeah.

5 Q. And she'll come walking in, right, if I need
6 her. Or she may say, "Hey, Jason, can you come look
7 at this?" And I'll get up and walk in there. What
8 I'm asking is would you do that on a normal occasion?

9 A. I would -- I would snag people in the
10 office, yes, sir, by hollering at them, yes.

11 Q. I'm not -- I'm not intentioning that that
12 you were doing anything wrong.

13 A. Right.

14 Q. I'm saying it was a friendly going -- you
15 would say something like, "Hey, Jason, come here a
16 minute; I want to ask you something;" right?

17 A. Yes, sir.

18 Q. Because I'm trying to figure out what the --
19 what the process would have been here. Because when
20 you -- when you have to close it -- I know you as a
21 policy-and-procedures guy, if you didn't believe that
22 would have done it, I don't think you would have done
23 it; right? I mean, if you would have believed -- if
24 you believed that the fingerprint card, FD-249, had
25 not been sent to the FBI, that is something that you

1 wouldn't have closed if that were the case; right?

2 A. Yes, sir.

3 Q. Okay. And so what I'm wanting to know is
4 who told you that they had done that?

5 A. I don't specifically recall, sir. I
6 remember -- you know, it would have been like an
7 investigatively closed checklist that would have been
8 provided to me or an e-mail indicating or a
9 conversation suggesting that it -- not suggesting,
10 but telling me that it was accomplished.

11 Q. Okay.

12 A. There was some mechanism that would inform
13 me that it was accomplished.

14 Q. Okay. So -- but you don't -- as you sit
15 here today, you don't know -- the Air Force didn't
16 have any type of policy and procedures that for --
17 for properly administrating closing, other than
18 what's on this piece of paper right here in front of
19 us; right? Or at least they didn't train you on
20 anything other than what's in front of us on this
21 piece of paper; correct?

22 MR. FURMAN: Objection to form.

23 THE WITNESS: Yes, sir.

24 BY MR. WEBSTER:

25 Q. Meaning, nobody ever came down from command

1 or anybody else and said, "Hey, Mr. Taylor, this is
2 very important that you make sure these fingerprint
3 cards are sent to the NCIC database"; right?

4 A. Correct, sir.

5 Q. And so as part of your training there and
6 your job, there wasn't much emphasis, like North
7 Korea, with respect to those fingerprint cards on
8 December -- or December 14th, 2012; right?

9 MR. FURMAN: Objection to form.

10 You can answer.

11 THE WITNESS: Sir, there was nothing more
12 important than four-day investigative gaps at the
13 time.

14 BY MR. WEBSTER:

15 Q. Okay. And so what you were trying to do was
16 to close cases so you could stop four-day
17 investigative gaps; right?

18 A. Yes, sir.

19 Q. Meaning -- meaning, there was probably a lot
20 of other ones that you -- you did not understand the
21 gravity of the situation because you hadn't been
22 trained on it; that these things should have been
23 done properly before cases closed; is that correct?

24 A. Correct.

25 THE REPORTER: I'm sorry. Answer?

1 THE WITNESS: I do not recall any training.
2 (Plaintiffs' Exhibit Number 8
3 marked for identification.)

4 BY MR. WEBSTER:

5 Q. And if we go to what I'll show you as
6 Exhibit 8. Can you hand that to him? And this is
7 USA-13395. This would have been the actual AFOSI
8 Closed Investigation File Checklist for Devin
9 Kelley's case; correct?

10 A. Yes, sir.

11 Q. And -- and this would have been the --
12 whatever agent -- I believe it was Yoni; correct?

13 A. He was the case agent, sir.

14 Q. Okay. So if Yoni told you -- if you called
15 him into your office from the exhibit that we had as
16 No. 7 earlier, your closer list, he would have been
17 the one that would have gave you the A-okay to click
18 off on that day as the fingerprint card FD-249 was
19 sent to the FBI; right?

20 A. Yeah, I don't remember if Yoni was actually
21 present at the time. It would have been whoever --
22 Yoni or whoever was taking his case in his absence.

23 Q. Okay. Who would that have been?

24 A. I do not recall, sir.

25 Q. Is it -- is it -- is it -- could the judge

1 also infer, Mr. Taylor, that maybe you just closed
2 the case to get it administratively closed, and you
3 didn't understand the gravity of the situation at the
4 time?

5 MR. FURMAN: Objection; speculation.

6 BY MR. WEBSTER:

7 Q. Meaning, you didn't check with anybody; you
8 just did it because you knew the case was over?

9 MR. FURMAN: Same objection.

10 THE WITNESS: Yeah, I don't have any
11 evidence indicating I spoke with anyone, no, sir.

12 BY MR. WEBSTER:

13 Q. So it's safe to say, one way or the other,
14 you don't remember --

15 A. Yes, sir.

16 Q. -- is that fair?

17 Okay. And what -- but what we do know is
18 that Exhibit No. 8, that you have in your hand there,
19 the attachment that we have, that -- you didn't look
20 at this at all because you never filled these out;
21 right?

22 A. No, sir.

23 Q. This would have been the case -- this was
24 the responsibility of the actual case agent who was
25 responsible for the file; right?

1 A. Right, sir.

2 Q. Okay.

3 A. This would have been brought to me for a
4 closure. I would see this, form of this, a checklist
5 indicating all the steps were completed prior to
6 going into I2MS to complete the task.

7 Q. Okay. And so at this point in time do
8 you -- do you recall whether or not -- would they
9 bring this to your physical office?

10 A. It would have been e-mailed probably or
11 in -- in a shared file.

12 Q. Okay. It would -- and would you have
13 reviewed it before you agreed to close the case?

14 A. Yes, sir. I don't recall specifically in
15 this -- in this -- in this particular case if I
16 reviewed it or not or if it was a conversation.

17 Q. Okay. And if you look on the backside,
18 obviously they -- at least according to this
19 indication, whomever filled this out, be it Yoni or
20 James Hoy, or whomever, No. 17 and 18, which is the
21 FD-249, the hardcopy, or I2MS generated fingerprint
22 and the R-84 would be the one -- are considered being
23 sent to the proper authorities; correct?

24 A. Yes, sir.

25 Q. And part of that is because you had not been

1 trained up like North Korea; correct?

2 MR. FURMAN: Object to form.

3 BY MR. WEBSTER:

4 Q. Like this is North Korea; right?

5 A. Yes.

6 MR. FURMAN: Same objection.

7 THE WITNESS: Yes.

8 MR. WEBSTER: What is the objection?

9 MR. FURMAN: The comparison to North Korea,
10 I'm not sure what that means.

11 MR. WEBSTER: You don't remember the
12 testimony earlier when I asked him what North Korea
13 meant; that this was top priority?

14 MR. FURMAN: Yeah, I think you
15 mischaracterized. He said had to do with violence in
16 North Korea and I don't -- mischaracterization.

17 BY MR. WEBSTER:

18 Q. Do you -- Mr. Taylor, do you believe that
19 North Korea is a dangerous country?

20 A. Yes, sir.

21 Q. And what -- what your friend was indicating
22 was this is -- that now, today -- as we sit here
23 today, everybody has been properly trained at the
24 Air Force and that this is a priority to make sure
25 that No. 17 and 18, the FD-249 and the R-84 are

1 properly submitted to the NCIC database; correct?

2 A. Yes, sir.

3 MR. FURMAN: Objection.

4 MR. WEBSTER: All right. Let's take a
5 break.

6 THE VIDEOGRAPHER: We are going off the
7 record. The time is 11:38 a.m.

8 (Recess taken.)

9 THE VIDEOGRAPHER: This marks the beginning
10 of Media No. 3. We are back on the record
11 at 12:03 p.m.

12 BY MR. WEBSTER:

13 Q. Mr. Taylor, we're back on the record from a
14 break where I got things together. I have a few more
15 minutes worth of questions for you.

16 A. Yes, sir.

17 Q. Have you understood all my testimony -- I
18 mean, have you understood all of my questions so far?

19 A. Yes, sir.

20 Q. And is there anything you would like to
21 change, as you sit here today, from your testimony
22 you're given me today?

23 A. Not that I can think of, no, sir.

24 Q. All right. I want to make sure we -- that
25 the judge understands something. The reporting of

1 the fingerprints, as you understand it, as you sit
2 here today, was mandatory; is that correct?

3 A. As I sit here today, yes, sir.

4 Q. Yes, sir.

5 Meaning -- meaning, it was mandatory under
6 the DOD regulations that these -- that these
7 fingerprints be reported to the NCIC database for the
8 FBI; correct?

9 A. Yes, sir.

10 Q. And would you agree with me, sir, that there
11 was not a top-down or downstream effect of training
12 from the United States Air Force from command that
13 made that apparent to you so that you could do your
14 job as the special agent in charge of Detachment 225?

15 A. Yes, sir.

16 (Plaintiffs' Exhibit Number 9
17 marked for identification.)

18 BY MR. WEBSTER:

19 Q. Okay. I want to ask you real quickly -- and
20 I'm going to mark as Exhibit No. 9 to your
21 deposition, which is a transcribed copy of your --
22 of your actual statement that you gave to -- to folks
23 in the -- in the -- in the investigative unit of the
24 Attorney General's Office; is that correct?

25 A. Yes, sir.

1 Q. And what I want to first ask you -- there's
2 a few pages I want to ask you about. On page -15154,
3 page 7 at the top --

4 A. Yes, sir.

5 Q. -- he asks you -- he says, "Do you know --"
6 he said, "Before I --" he asks, she or whomever asks
7 you a question. "Before I think we got to that
8 point, he was discovered I think it was at
9 Las Cruces Police Department or Sheriff's
10 Department."

11 "Okay."

12 And your answer was, "They had found him at
13 a bus station, made an apprehension, and he was
14 escorted into our detachment."

15 "Okay."

16 "You know, when he was at our detachment --
17 and I do not remember the date or even roundabout
18 date when this occurred."

19 Question, "Right."

20 It says then, "When he was at our
21 detachment -- prior to his arrival at our detachment,
22 it's about a 45-minute drive to Las Cruces -- we had
23 made contact with the command psychologist to discuss
24 the -- you know, Devin Kelley's characters and the
25 issues that he had, and I had made knowledge

1 operations manager, TSG Nicole Laws, work to set up
2 our cameras inside the interview room so that we
3 (sic) could -- so that they could interview -- could
4 be viewed by the command psychologist so he could
5 provide recommendation on advice on what to do
6 during -- if Devin Kelley chooses to speak with us."

7 Why were you trying to line up a
8 psychologist?

9 A. As I understood he had -- my understanding
10 is that he had some severe mental health issues. And
11 I was concerned that any admissions or confessions
12 that he provided me had been, you know, rejected by
13 the court because he was -- he was not mentally well.

14 Q. Okay. And so your concern was then you were
15 trying to get him -- you were trying to get him --
16 get a psychologist to look at him so you could use
17 those admissions in court in the --

18 A. Yes, sir.

19 Q. In the -- in military tribune?

20 A. Yes, sir.

21 Q. And then it says here -- you all put him in
22 confinement after this; is that right?

23 A. He was taken to confinement -- pretrial
24 confinement after this.

25 Q. What is pretrial confinement? Is that just

1 like -- is that like jail?

2 A. Yes, sir.

3 Q. Okay. And then if we go to page 60, she was
4 asking you some different questions. And it's a
5 little broke up, hard to understand. But if you look
6 on -- on page 60, line 14, it says, "-- they're
7 reviewing death investigations and fraud
8 investigations. I feel competent that had been part
9 of my process and my mentorship and development, that
10 I would have been better prepared for the assignment
11 as a special agent in charge," which is when you were
12 at Detachment 225; right?

13 A. Yes, sir.

14 Q. It says, "I felt completely overwhelmed at
15 that selection"; is that correct?

16 A. Yes, sir.

17 Q. And you felt overwhelmed; right?

18 A. Yes, sir.

19 Q. And it says, "It wasn't something -- an
20 assignment that I was oh, oh, okay, pick me; right?"

21 A. Yes, sir.

22 Q. And then it says, "It was, like, shit, are
23 you serious?"

24 And the reason you're saying that is because
25 you did not feel prepared and properly trained for

1 your job; correct?

2 A. Yes, sir.

3 Q. And, in fact, you even told her on page 61,
4 line 9 that so -- that you were even fearful and
5 scared to leave the detachment at this time; is that
6 correct?

7 A. Yes, sir.

8 Q. And then on page 62, you actually told them
9 that you had done Security Forces prior to that.

10 So -- and you took fingerprints for
11 background investigations; correct?

12 A. Yes, sir.

13 Q. But when they threw you in, you -- you had
14 never done -- your answer on page 62, line 8 was "I
15 never did an investigation in my life, and now --
16 yeah, I'm telling people how to run them."

17 A. That was as a mis -- as a superintendent at
18 Det 111, I believe.

19 Q. Sure. And that's fair enough. But what
20 you're saying that was not the type of investigations
21 you had done in the past; right?

22 A. Yes, sir.

23 Q. And they threw you in a position that made
24 it very hard for you without the proper training that
25 the United States Air Force should have provided you

1 in order to properly do your job; correct?

2 MR. FURMAN: (Inaudible.)

3 THE REPORTER: I'm sorry, I didn't quite get
4 that.

5 MR. FURMAN: Objection to form.

6 THE WITNESS: Yes, sir.

7 BY MR. WEBSTER:

8 Q. All right. We can -- and -- had you -- did
9 you get a chance to read this transcript before?

10 A. No, sir, I don't believe this --

11 Q. Do you remember giving these answers?

12 A. Yes, sir, I do remember the interview.

13 Q. If you go to page 68, at the top on the
14 right. It's Bates labeled 15215. And it -- it kind
15 of starts on there, on the page before, on page 67.

16 It says, "And then what was your process for
17 reviewing cases -- like, monthly, reviews?"

18 A. Uh-huh.

19 Q. And so you start giving an answer there, and
20 it says, "So that varied, and I'll share with you
21 because -- I walked into an enormous amount of cases
22 when I got into the detachment and I had boxes of
23 these things all over the place and I remember the
24 conference table was covered in, you know, cases,
25 hardcopy cases for review and then we had to go

1 through, and this is when we were making sure that,
2 by golly, don't like the DOD-OIG catch us without a
3 cover sheet on one of those things, the 396, or
4 that's -- there's going to be hell to pay from that
5 region, right --"

6 So what you were catching was flack if
7 things were not done -- whatever -- what you
8 eventually call the flavor of the month was, that
9 they wanted it in whatever there file investigation
10 review was; is that correct?

11 A. Yes, sir.

12 Q. So you would get down -- when we go to
13 page 68, line 6, "-- or ensure that your stuff's
14 investigatively sufficient. Now, for sufficiency, I
15 would always review I2MS. I would never look at the
16 case that -- you know, hardcopy case to identify
17 investigative sufficiency."

18 That's what we talked about earlier is the
19 fact that you weren't responsible nor did you ever
20 take a look at any of the actual hard file; right?

21 MR. FURMAN: Objection; misstates testimony.

22 THE WITNESS: I initially reviewed the
23 hardcopy file; but after my initial review, I moved
24 on to I2MS, solely. So, like, in December of 2011 I
25 may have reviewed a hardcopy. I would never have

1 touched that hardcopy again.

2 BY MR. WEBSTER:

3 Q. But -- so in December of 2012, to clear up
4 the objection, when you did -- when you closed out
5 the file for Devin Kelley, you would not have looked
6 at the hard file; correct?

7 A. Correct, sir.

8 Q. All right. Then it says, "I would never --"
9 it says, "So you didn't want that hell to come on
10 you, so you would go through and you'd focus on those
11 things, and it was the flavor of the month. That's
12 why I said it varied, right?"

13 Then it says -- your answer was, 68 page,
14 page 14. "There was a lot of flavors of the month at
15 that time. I was an OSI."

16 What does that mean?

17 A. There were a lot of concerns in OSI from a
18 compliance perspective on things that we had to
19 ensure our focus was on; investigative sufficiency
20 being one of them; four-day gaps being another;
21 monthly review notes and monthly reviews of case
22 files. I2MS was another, you know.

23 There was always something else that -- it's
24 like playing whack-a-mole, right. There was
25 something else that would pop up that you would have

1 to -- like, "Oh, crap, I've got to do this now."

2 Q. There was never any kind of consistency on a
3 file review on what you should be doing on a case
4 specifically -- but also including submitting
5 fingerprints to NCIC along with criminal records;
6 correct?

7 MR. FURMAN: Objection; misstates testimony.

8 BY MR. WEBSTER:

9 Q. That was never a focus of one of the flavors
10 of month, was it?

11 A. No, sir, it was not.

12 (Plaintiffs' Exhibit Number 10
13 marked for identification.)

14 BY MR. WEBSTER:

15 Q. Okay. Now let me show you what we've marked
16 as Exhibit 10 to your deposition.

17 And what I want to show you is on -- is on
18 page -13324 at the bottom right-hand corner.

19 A. Yes, sir.

20 Q. And -- and what I want to talk about here
21 is -- is -- these are -- this is a letter written on
22 March 22nd, 2013, from "Robert Bearden Lieutenant
23 Colonel, United States Air Force Commander, 49th
24 Logistics Readiness Squad."

25 Do you see that?

1 A. Yes, sir.

2 Q. Do you know who Robert Bearden is?

3 A. Aside from the signature block, no, sir.

4 Q. Okay. You didn't meet him while you were
5 working at Holloman Air Force Base?

6 A. Not to my knowledge.

7 Q. Do you see on paragraphs 2 where he's
8 asking -- No. 1, he says, "I'm requesting a
9 conditional barment of AB Devin Kelley."

10 Do you see that?

11 A. Yes, sir.

12 Q. What is a conditional barment?

13 A. I -- I -- I do not know. My office was not
14 fully involved in the barment process. It was a
15 Security Forces matter and wing -- wing commander
16 matter.

17 Q. Okay.

18 A. I'm not familiar with it.

19 Q. All right. And do you see where it says
20 "AB" on Paragraph 2? It says, "AB Kelley has
21 repeatedly threatened to kill his leadership."

22 A. Yes, sir.

23 Q. Was that your part of his experience dealing
24 with Devin Kelley, as you recall?

25 A. I don't recall -- there were threaten -- he

1 threaten to kill people, yes, sir.

2 Q. Okay.

3 A. But I don't remember.

4 Q. Do you recall ever talking with anybody
5 around the time that he was -- around the time that
6 he was admitted to Peak, and with that -- with a guy
7 by the name of Bizzack, B-i-z-z-a-c-k?

8 A. No, sir.

9 Q. It says, "Bizzack stated on one occasion he
10 went to Kelley's house on base and removed Kelley's
11 handgun. The first -- first sergeant asked Bizzack
12 to take Kelley home and remove his weapons along with
13 Security Forces."

14 Do you recall any of that going on during
15 your time of your investigation?

16 MR. FURMAN: Is that from this document?

17 MR. WEBSTER: No, it's not in that document.
18 I was reading it from a text of one I don't have copy
19 of.

20 THE WITNESS: No, sir. I do not recall.

21 BY MR. WEBSTER:

22 Q. Actually, it's USA-00021823. Don't mean to
23 be rude but my friend sent it to me and -- "I don't
24 mean to be rude," I didn't have a copy of it.

25 THE WITNESS: I understand.

1 BY MR. WEBSTER:

2 Q. "I just wanted -- it says, "Bizzack recalls
3 that they could not detain Kelley, but he was still a
4 threat. There was another incident when Kelley
5 arrived to work with a handgun in the trunk of his
6 car. Kelley had been talking about it to other
7 airmen and leadership about it, so Security Forces
8 was called to have it removed."

9 Do you ever recall any incidences where he
10 was bringing handguns on base?

11 A. I do not remember that.

12 Q. That's a big no-no; right?

13 A. Yes, sir. There are provisions to bringing
14 handguns on base; but, you know, you would have them,
15 you know, separated from the ammunition, locked in
16 the trunk, et cetera. It depends on the base.

17 Q. Okay. It says, "Security Forces after
18 that -- after Kelley was admitted to Peak Behavioral
19 Health Services, the first sergeant contacted Bizzack
20 at approximately 2:00 a.m. to tell him Kelley escaped
21 from Peak. Bizzack got up, loaded his weapon, waited
22 in his living room in the event Kelley came to his
23 home. The first sergeant called Bizzack a few
24 later -- a few hours later to tell him Kelley had
25 been located."

1 Were you ever aware that there was a guy,
2 Mr. Bizzack, at least from the Air Force Base, was so
3 scared that he got up and loaded his gun in case
4 Kelley came to his house to kill him?

5 A. I do not remember that.

6 Q. You wouldn't think -- if Mr. Bizzack did, in
7 fact, do that as a result of the document that I just
8 read to you, would you agree with me that this guy
9 meets the maximum -- the maximum threat range that we
10 talked about earlier?

11 MR. FURMAN: Objection to form.

12 THE WITNESS: Yes, sir.

13 BY MR. WEBSTER:

14 Q. I mean, people took him seriously, didn't
15 they?

16 A. Yes, sir.

17 Q. Did you ever get into it with Devin Kelley?

18 A. No, sir.

19 Q. When I say "get into it," like, did you ever
20 have any arguments with him or even speak with him?

21 A. No, I think I only saw him once.

22 Q. Okay. All right. It says, "While assigned
23 to the military ward, he created a diversion and
24 jumped the outside recreational fence."

25 What does it mean according -- according to

1 the military where it says -- I'm back on --

2 A. I see it.

3 Q. Yeah. What does it mean to be assigned to
4 the military ward?

5 A. I don't know, sir. I don't know the -- I
6 can -- I can suggest that maybe it was an area that
7 they had specifically where Army and Air Force
8 individuals were kept.

9 Q. Okay. Well, if you're assigned somewhere,
10 does that mean you've got to stay there; that's where
11 you're supposed to be in the military or in the
12 United States Air Force?

13 A. Yes, typically, yes, sir.

14 Q. Okay. He was later apprehended by the Peak
15 staff at a local bus station. After the event, the
16 staff viewed the computer searches from AB Kelley
17 there at Peak -- at the Peak." Do you see that?

18 A. Yes, sir.

19 Q. It says, "What they found was an alarming."
20 Do you see that?

21 A. Yes, sir.

22 Q. Did you find -- as part of your -- the other
23 exhibit we had with your affidavit, I believe,
24 Exhibit 9 --

25 A. Yes, sir.

1 Q. Maybe not.

2 A. Right here.

3 Q. Yes, sir. What exhibit is that one?

4 A. That is 3.

5 Q. Okay. Would that -- when they say he was
6 searching the Internet for body armor and guerilla
7 tactics, it was documented he had been training his
8 cardio vascular system by extending his workout runs
9 from 20 to 60 minutes. Do you see that in that?

10 A. I don't see that in the affidavit, no.

11 Q. What I'm asking is would you have knowledge
12 of that when you were writing your affidavit?

13 MR. FURMAN: Objection to form; speculation.

14 THE WITNESS: I do not recall having
15 knowledge of this when I wrote my affidavit.

16 BY MR. WEBSTER:

17 Q. Okay. Did anybody -- do you recall, as you
18 sit here today that he was searching the Internet for
19 body armor and guerilla tactics?

20 A. No, sir. I think this is the first time I
21 remember seeing that.

22 Q. Okay. I mean, you understand, as you sit
23 here today, Mr. Taylor, is that -- that he donned
24 body armor when he shot up the church in Sutherland
25 Spring?

1 A. I was unaware of that, sir.

2 Q. Had a face mask on, body armor. All the
3 things that he did that the Air Force knew about, he
4 did in the church.

5 MR. FURMAN: Objection to form.

6 BY MR. WEBSTER:

7 Q. Pretty disturbing, isn't it?

8 MR. FURMAN: Objection.

9 THE WITNESS: Yes, sir. I was unaware of
10 that.

11 BY MR. WEBSTER:

12 Q. It says on No. 3, "I view this airman as a
13 threat to not only myself, but my staff and other
14 airmen in the squadron. I have communicated my
15 concerns to the SFS/CC, Lieutenant Colonel Boyd. And
16 he will be providing the unit an armed escort during
17 his out-processing."

18 So they were so scared of this guy that when
19 they came -- when he came back on the base to process
20 out, they assigned armed guards to follow him around
21 until he got off the base; is that correct? At least
22 according to what he's requesting, anyway.

23 A. That's exactly what I'm reading. I don't --
24 this is the first I recall ever hearing this.

25 Q. All right. Does this surprise you?

1 A. That this took place?

2 Q. Yes, sir.

3 A. Yes, sir.

4 Q. This is something that you would have liked
5 to have known as the -- as the special agent in
6 charge of Detachment 225; correct?

7 A. Yes, sir.

8 Q. But nobody else from the Air Force ever
9 communicated any of this knowledge to you or your
10 department, as far as you know; correct?

11 A. If it -- I -- I do not recall ever seeing
12 this before; correct, sir.

13 Q. And you don't recall anybody ever
14 specifically speaking to you about that; right?

15 A. No, sir. We had -- on Holloman at the time,
16 there was another issue and we had a person -- a
17 potential active shooter situation.

18 I don't remember what squadron was involved
19 or even the individual's name, but I do remember
20 dealing with other matters similar to this. But it
21 wasn't Devin Kelley, you know.

22 Q. Okay. Do you know whether or not they
23 reported that to NCIC database or the FBI?

24 A. I couldn't tell you one way or the other. I
25 would assume that it has been today, if it wasn't

1 accomplished previously.

2 MR. WEBSTER: I believe I'll pass the
3 witness.

4 MR. FURMAN: As I figure, I'll ask my
5 questions, take a five-minute break, finish up,
6 redirect. Does that work?

7 MR. WEBSTER: Sure.

8 MR. FURMAN: Okay. Thank you.

9 EXAMINATION BY MR. FURMAN

10 Q. Good afternoon, Mr. Taylor. I'm going to
11 ask you a few questions this afternoon. If you don't
12 mind turning -- this was the last exhibit you looked
13 at.

14 A. Yes, sir.

15 Q. Pull this up while it's fresh. If you turn
16 back to that page, USA-13324.

17 A. Yes, sir.

18 Q. And what's the date of this document?

19 A. March 22nd, 2013.

20 Q. And I'd like you to turn back to the
21 exhibit, the Report as a Result of Trial, if you
22 don't mind leaving this one open.

23 A. Yeah. Yes, sir.

24 Q. What is the date of this document?

25 A. The date on this one is November 7th, 2012.

1 Q. So, the date of this letter here, this is
2 after -- well after your OSI investigation had
3 concluded?

4 A. Yes, sir.

5 Q. And you said you would have liked to have
6 known about the facts presented in this letter, your
7 answer to Mr. Webster?

8 A. Yes, sir.

9 Q. And is there anything that OSI could have
10 done with respect to Devin Kelley at this point in
11 time?

12 MR. WEBSTER: Objection to form.

13 THE WITNESS: It's -- I don't believe so,
14 sir.

15 BY MR. FURMAN:

16 Q. And why would you have liked to have known?

17 A. It would have been part of -- looks like
18 this is all surrounding his time at the Peak.

19 The time that I had wrote -- wrote the
20 search affidavit, and that information is not in my
21 affidavit to indicate that either -- I guess that his
22 body armor and guerilla tactics, just more
23 concerning. It wouldn't have done too much for the
24 investigation.

25 Q. So if I understand it correctly, at the time

1 you wrote your affidavit in June of 2012, you would
2 have liked to have known the information about the
3 guerilla tactics?

4 A. Yes, sir.

5 Q. You can set this aside.

6 Going to back up for a minute and talk a
7 little bit just about your background. And
8 Mr. Webster already asked you some questions about
9 why you started to join the Air Force.

10 And why specifically did you join the Air
11 Force Office of Special Investigations?

12 A. It was -- I was Lajes Field, Azores --

13 THE REPORTER: I'm sorry?

14 THE WITNESS: I was in the Lajes Field,
15 Azores. And I had been promoted to E-6, which is
16 tech sergeant in the Air Force. The same day I was
17 promoted, I was handed an application to join the
18 Air Force Office of Special Investigations. I was
19 being recruited into OSI, and I was asked to provide
20 them -- to complete a form the following day, and I
21 slept several nights on it before making the
22 decision, and I decided to go ahead and submit my
23 application to join the OSI.

24 Q. And you were in OSI for approximately ten
25 years?

1 A. Yes, sir.

2 Q. Did you find the work rewarding?

3 A. Yes, sir.

4 Q. Why is that?

5 A. I -- I -- it felt good to -- you know, I
6 guess, to ensure justice; right. Good -- good order
7 and discipline on military installations. What I
8 found more rewarding was the certain facets of their
9 counterintelligence, counterthreat environment in the
10 deployed environment.

11 I felt the -- that I was doing very well in
12 the command, especially during my time when I was at
13 Region 4; AFOIS, Region 4, Randolph Air Force Base,
14 Texas. During that time it was a -- I think I had a
15 pretty lousy job, but I felt really confident in
16 completing that job; right.

17 I was reading death investigations and
18 sexual assault investigations. As I shared
19 previously, I had one -- one time where I was
20 reviewing a death investigation of an international
21 guard member or Air Force reserve member, E-7.

22 As I was reviewing the death investigation,
23 which is just for investigative sufficiency purposes,
24 I recall looking at the investigation, the crime
25 scene photos and observing that they were trying --

1 they were submitting it to me for case closure. And
2 I remember following through and reviewing it, and
3 the cause and manner of death was accident overdose
4 of heroin, is what the cause and manner of death was
5 at the time.

6 I remember when I was reviewing this I
7 looked at the photographs of the death scene and, you
8 know, observed that it was missing, like, the heroin
9 gear. You know, the typical things you would find
10 in -- in a drug user's possession, you know.

11 And I sent it back to the detachment to
12 follow up, where we later discovered that the
13 deceased was killed by his stepson by injecting
14 heroin into his bloodstream.

15 Q. So in that instance you recall you were able
16 to -- your role at Region 4, review a case that the
17 detachment level had, for lack of better words, came
18 to a dead end, and find the missing link in that case
19 that led to an ultimate conviction?

20 A. Yes, sir.

21 Q. Felt good about that?

22 A. I felt very successful, very happy with
23 that.

24 Q. And during your time with the Air Force,
25 have you served abroad?

1 A. Yes, sir.

2 Q. Have you served in combat zones?

3 A. Yes, sir.

4 Q. Have you received accolades during your time
5 in the Air Force?

6 A. Yes, sir.

7 Q. Any specific awards or accolades of known?

8 A. I -- you know, for instance, at OSI, Det 225
9 at Holloman Air Force Base, I was identified as
10 special agent of the quarter. It was a quarterly
11 award where you competed against the other
12 detachments that fell under the Field Investigative
13 Region 2. So that actually happened in 2012 at the
14 same time this was taking place.

15 Beyond that, I had other awards and
16 decorations that I had received during my time in the
17 Air Force.

18 Q. Certainly.

19 And I -- I'm aware of the -- whether you
20 recently received Colonel Stableletter (phonetic), a
21 letter of censure, but during your time with the Air
22 Force were you ever disciplined?

23 A. No, sir, never had any disciplinary action.

24 Q. I'd like to turn to your training. And you
25 answered some questions for Mr. Webster on that

1 topic. And he talked about training at Flood See
2 (phonetic)?

3 A. Yes, sir.

4 Q. And while at Flood See were you trained on
5 how to make probable cause determinations?

6 A. I would -- I believe we had been trained. I
7 don't -- I don't recall it today, but I'm sure it was
8 part of the curriculum.

9 Q. And with respect to the investigation --
10 investigative aspects of your work, did you feel that
11 you were properly trained at Flood See?

12 A. Investigative aspects, I felt I was, yes,
13 sir. I was ready to conquer the world.

14 Q. Turning to a minute towards the workload at
15 Detachment 225. And you talked about this in your
16 testimony earlier.

17 Could you just give us an indication of the
18 types of criminal matters that your office there
19 at Det 225 investigated?

20 A. Yeah. So it was anything that met the
21 threshold of felony investigation and some drug
22 crimes too.

23 Primarily, you know, there was a significant
24 amount of death investigations at Det 225 when I
25 arrived. Those were primarily suicide. Cause and

1 manner was suicide, hanging, or, you know, overdose.

2 And there were several sexual assault
3 investigations that took place at that detachment as
4 well. Not at the detachment base but Holloman Air
5 Force Base to be investigated by the detachment.

6 Q. Were many of these investigations complex?

7 A. I would say, yes, sir.

8 Q. Were many of these investigations time
9 intensive?

10 A. Yes, sir.

11 Q. You mentioned the sexual assault cases. And
12 earlier in your testimony you referred to a change, I
13 believe, to Article 120.

14 A. Yes, sir.

15 Q. Do you recall that?

16 And if I'm summarizing your testimony
17 correctly, essentially that required the detachments
18 to investigate more allegations of sexual assault?

19 A. Yes, sir. It was -- we still -- there was a
20 much, I guess, smaller litmus test for an allegation,
21 drug testing allegation, prior to opening up the
22 investigation at the time.

23 Essentially, as I want to recall, that
24 today, right, different than what we spoke
25 previously. But I want to recall that we had to open

1 up every allegation of a sexual assault
2 investigation, whether we were able to test it or
3 not, you know. That's what I recall, which -- which
4 at that time it also included unwanted touching, you
5 know, as a -- categorized in a sports mentality, you
6 give someone, "good game," you know, that was now an
7 investigation too.

8 Q. I think earlier you testified that the
9 change in the requirements regarding investigation of
10 sexual assault investigations, did that increase your
11 work load at the detachment?

12 A. Yes, sir.

13 Q. When your workload increased, were you
14 provided any additional manpower to deal with the
15 additional caseload?

16 A. No, sir.

17 Q. During a typical day at the Detachment 225
18 during the time you were there, what was the average
19 time, just for a typical agent, how many hours a day
20 do they work?

21 A. I believe definitely at least 12 hours a
22 day.

23 Q. Did the detachment do 24-hour surveillance?

24 A. Numerous times, numerous occasions. We
25 had -- sometimes some agents would bring sleeping

1 bags in to work because we didn't know when we would
2 have an ability to go home.

3 Q. And did the agents have sufficient time
4 during the day to accomplish all the tasks that they
5 needed to?

6 A. No, sir.

7 Q. And would the agents indicate that to you?

8 A. I think generally there was a -- there was a
9 general complaint that we were overtasked.

10 Q. Did you have -- did you, yourself, have a
11 specific time to accomplish all the tasks to you in a
12 given day?

13 A. No, sir.

14 Like I shared previously, when I first
15 arrived at the detachment, I was working on --

16 THE REPORTER: I'm sorry, "Working on --"?

17 THE WITNESS: When I first arrived at the
18 detachment in December 2011, I was involved in
19 grad -- involved in grad school, working on my MBA.
20 And at some point throughout that first year I made a
21 decision to stop working on it because the workload
22 at the detachment was too much.

23 As I shared previously, too, it created a
24 strain in my marriage and with my family as well. I
25 was very absentee in the sense of home life. It was

1 very little balance.

2 BY MR. FURMAN:

3 Q. And were other agents also dealing with
4 significant personal difficulties created by the
5 workload?

6 A. Yes, sir. Lyle Bankhead, he was going
7 through a divorce. Greg Harper's wife had attempted
8 suicide, you know. Yoni Holms' wife left him. I
9 mean, we were all struggling. There was a lot of
10 personal issues that were taking place during that
11 time frame.

12 And just to share with you, as I alluded to
13 earlier, my -- my son was suffering from psychosis
14 there in 2012, and I had -- in October 31st, 2012, he
15 had --

16 Q. Okay.

17 MR. FURMAN: Do you want a break? Let's
18 take a break. Off the record.

19 THE VIDEOGRAPHER: Off the record. The time
20 is 12:34 p.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We are back on the
23 record. The time is 12:38 p.m.

24 BY MR. FURMAN:

25 Q. Thank you. And before the break -- and I

1 apologize for having asked these questions, and I --
2 we're dealing with a difficult case here.

3 A. Absolutely.

4 Q. And I know stuff has happened to you and
5 your family, the victim's family. So we're dealing
6 with a lot of emotion. And I think it's important
7 for the judge to have a sense of everything that was
8 going on --

9 A. Absolutely.

10 Q. -- in your life and the nontrivial personal
11 difficulties you were dealing with. You were talking
12 about it.

13 A. Yeah, I found a suicide note written by my
14 son. And he also ran away from home. We -- I found
15 him; right? He was suffering from psychosis where he
16 was -- you know, he was experiencing both visual and
17 auditory psychosis. And I, you know, clearly had a
18 lot of concerns about him.

19 And that's when I made a decision to take
20 him to the Peak, as I had referred to earlier. I
21 took him to the Peak so that he can seek the mental
22 health -- the health that he needed.

23 And, you know, there was a period of time
24 where I had a -- someone come out to support the
25 detachment while I was trying to take care of my

1 family, and it was only a matter of a couple of
2 weeks, you know. Maybe up to a month.

3 And, you know, that all took place from --
4 basically November 2012, and then I -- I went and
5 pulled him out of the Peak, against the doctor's
6 recommendations, on Thanksgiving -- right before
7 Thanksgiving in 2012 because it was clear to me that
8 he was not getting any support or care that he needed
9 to recover from his events, unfortunately.

10 Like I said, I had -- I don't remember when
11 it was, but I had access to the library and I
12 conducted my own research and found that he was
13 prescribed Adderall, which can cause psychosis in,
14 like, you know, 20 percent of adolescence -- 10 or 20
15 percent of the adolescence that take it. And that's
16 what we discovered that's where his psychosis was
17 coming from.

18 But it was a long road from therapy and
19 medication, trial and error with them. So then that
20 was around the same time frame or shortly thereafter
21 is when my mom was diagnosed with cancer, as well.
22 And so there was -- that is just me, you know.

23 Q. So that was a tough period of time?

24 A. Yeah. Yeah, absolutely.

25 Q. Was your daughter also --

1 THE REPORTER: I'm sorry?

2 BY MR. FURMAN:

3 Q. Was your daughter also born around that
4 time?

5 A. Yeah, I had a newborn in the house. A
6 newborn and a two-year-old son, as well.

7 Q. So there were several events that -- at the
8 time that emotionally, as well as, you know, the --
9 had a toll on you as well as taking you away from
10 your responsibilities of the detachment?

11 A. Yes, sir.

12 Q. Thank you.

13 I'd like to turn to some of the
14 administrative tasks. And we talked about the
15 backlog of cases, Mr. Webster. Do you recall that?

16 A. Yes, sir.

17 Q. Other than -- we talked about case closings.
18 Were there other administrative flaws that you found
19 for the cases that you inherited?

20 A. Yeah. I think generally they weren't --
21 generally they weren't managed properly upon my
22 arrival.

23 You know, there were -- I don't -- I don't
24 specifically recall a -- from a case perspective, you
25 know, I do remember that, you know, some of the

1 cases -- we had a responsibility as OSI to -- to
2 index Security Forces investigations into I2MS, which
3 thereby fed right into the Defense Central
4 Investigations Index, referred to as DCII. And
5 that -- from what -- my recollection would be, the
6 detachment, that never occurred at OSI, Det 225.

7 So when I discovered that, you know, I
8 imposed the requirement for us to do that, which
9 generated more work; right? Substantial amount of
10 more work that we had to accomplish to get those case
11 files indexed as well.

12 Q. At the time you arrived at Detachment 225,
13 did you feel that the agents were devoting adequate
14 attention to the administrative tasks?

15 A. No, sir.

16 Q. And what did you do as a result of that?

17 A. We had a requirement -- we did -- I don't
18 remember specifically a stand-down, but we did
19 training, you know, where we pulled all of the
20 hardcopy case files into a conference room.

21 Again, where we went through the 3986 to
22 identify -- you know, that was one of the flavors of
23 the month, as I referred to it earlier, too, is that
24 we had to make sure the case file numbers were on
25 each exhibit and 3986 each entry or attachment

1 in 3986 with case file numbers, cover sheets, and
2 marked "for official use only," et cetera, had the
3 proper markings on them.

4 So we did go through that training. We
5 talked about investigative sufficiency, and, you
6 know, turning over every leaf possible to ensure that
7 that case file would be -- well, sufficient.

8 Q. Certainly.

9 And before you were the SAIC at
10 Detachment 225, who was the previous full-time
11 regular SAIC?

12 A. That would be Vince Bustillo.

13 Q. Did you have any concerns about the way in
14 which he had left the detachment?

15 A. Yeah. I think generally he was well liked
16 among the detachment members, but it was -- it was
17 clear to me that it wasn't managed properly, right,
18 in terms of case files and investigative activities.
19 There was a lot of -- a lot of things left to be
20 desired.

21 You know, like I think we brought up
22 earlier, indicating that they weren't following agent
23 attire rules; right. You know, there was a lot of
24 things that that detachment needed fixed. And
25 that's -- you know.

1 Q. And you referred earlier to Agent Harper.
2 Was he there when you arrived?

3 A. Yes, sir.

4 Q. And at the time you arrived, was he a
5 superintendent?

6 A. No, he had been removed from that position
7 shortly before my arrival. I don't know exactly when
8 he was removed. I just know that it was a -- hard
9 burn for him. He would always bring it up. And
10 other detachment members would bring it up, and no
11 one would ever give me an answer as to why he was
12 removed.

13 Q. What was the experience level of the agents,
14 in general, when you arrived there?

15 A. Minimal. Most -- the majority were
16 probationary agents. I think the exceptions were
17 Harper and Denise Madison.

18 Q. Was the lack of experience a concern for
19 you?

20 A. It certainly was, yes, sir.

21 Q. And why was it a concern?

22 A. We had a significant -- we had a pile of
23 work, and, you know, the experience level wasn't --
24 that I had a detachment, could have been; right? It
25 could not accomplish what needed to be accomplished

1 at the experience level.

2 Q. And did you ever ask anyone for more
3 experienced agents?

4 A. Yes, sir. I requested -- it was Colonel
5 Morales. He was a commander for a period of time.
6 And then Chief -- Ken Salenger and Chief Anthony
7 Johnson or Andrew Johnson and Colonel Hudson.

8 I -- I made my -- my needs known. I refer
9 to it as slapping a flare; right, I would do that,
10 and on the manpower to support all the requirements
11 that are needed; right?

12 Q. Do you recall how often you might ask for
13 more experienced agents or more manpower?

14 A. It was on a regular basis. I don't
15 specifically remember.

16 Q. And what was -- what were the responses you
17 received from those individuals?

18 A. You know, I -- before my arrival, they had
19 what they called surge support, so they would send
20 inexperienced agents detachments to the detachment
21 for a two-week period.

22 And then, you know, by an experienced agent
23 I'm referring to specific probationary agents they
24 would send there for like a two-week period.

25 In a case file, two weeks doesn't buy you a

1 whole lot of time, right, doesn't do a whole lot for
2 you.

3 So as I moved forward and -- and I don't
4 specifically remember what caused it, but I stopped
5 receiving that support at some time during my time as
6 a SAIC.

7 And I had -- you know, I remember being
8 offered additional surge support, and I -- I refused
9 the surge support. I didn't need surge support. I
10 needed somebody that was going to be there to --

11 THE REPORTER: I'm sorry. "I was --"

12 THE WITNESS: I did not need someone that
13 was going to be there for a two-week period. I
14 needed someone that was going to be there to take a
15 case or an activity from cradle to grave.

16 A two-week surge support just generated
17 additional work for myself and the superintendent
18 because those agents that were being sent to surge
19 manpower, the detachment required training too.

20 BY MR. FURMAN:

21 Q. When you arrived as the SAIC at Det 225, did
22 you reopen any cases?

23 A. Yes, sir, I did.

24 Q. Why did you do that?

25 A. Because it was clear that there was a -- one

1 instance was a cold case. The subject's name was
2 Donnie Burl Lemons. There was a young 12, 13 year
3 old female, military dependent who was found killed
4 along the side of the road between Holloman Air Force
5 base and Las Cruces, New Mexico.

6 And she was a military dependent of a tech
7 sergeant. You know, I was working with Detective
8 Sergeant Roger Schoolcraft in Alamogordo Police
9 Department. And Roger Schoolcraft is the one that
10 pointed me in the direction of this.

11 We identified that that crime had never been
12 solved. But we had numerous indications that we knew
13 exactly who killed her. And that was through news
14 articles and other, like, court proceedings.

15 Because he was initially -- I don't remember
16 if he was indicted. But the case was dismissed with
17 prejudice in Alamogordo, New Mexico or Las Cruces,
18 New Mexico.

19 Since the individual, Donnie Burl Lemons was
20 an active-duty member at the time, there was a
21 possibility to go to the secretary of the Air Force
22 and have him recalled to active duty to so he could
23 face the trial for his crimes.

24 Ultimately, we ended up not going that
25 route. Actually trying to arrange a deposition for a

1 sheriff's deputy who was involved in the initial
2 apprehension of Donnie Burl Lemons.

3 And -- and -- all -- I think the secretary
4 of the Air Force had made a determination not to
5 pursue that because he was already serving life in
6 prison in the state of Arkansas for similar crimes
7 where he had raped and killed other females.

8 Q. Is it fair to say that reviewing these
9 additional cases created more work for detachments?

10 A. Yes, sir. Yes, sir.

11 Q. I'd like to turn to the indexing of criminal
12 history. I'm going to mark an exhibit.

13 MR. WEBSTER: Be No. 11.

14 MR. FURMAN: Okay, 11.

15 (Defendant's Exhibit Number 11
16 marked for identification.)

17 BY MR. FURMAN:

18 Q. Have you seen this document before?

19 A. Yes, sir.

20 Q. Did I show it to you yesterday?

21 A. Yes, sir.

22 Q. I'd like you to turn -- I guess, first -- on
23 the first page of that document, if you could look in
24 the upper right-hand corner and you see this is a
25 AFOSI handbook 71-105; do you see that?

1 A. Yes, sir.

2 Q. Below that you see a date, "9 March, 2009."

3 A. Yes, sir.

4 Q. And below that, it says, "Certified
5 Current 11 April, 2012." Do you see that?

6 A. Yes, sir.

7 Q. I'm going to turn to page 20 in the upper
8 left-hand corner. Now turn to Step 19, "Fingerprints
9 and Photographs." Do you see that?

10 A. Yes, sir.

11 Q. And do you see that the paragraph there at
12 the bottom discussing fingerprinting procedures and
13 submission of final disposition report?

14 A. Yes, sir.

15 Q. In Detachment 225, who was generally
16 responsible for taking fingerprints?

17 A. The case agent, the person conducting the
18 interview.

19 Q. And was that individual also responsible for
20 submitting the prints to the FBI?

21 A. Yes, sir.

22 Q. Turn to the top of the next page. We're
23 under "Step 20."

24 A. Yes.

25 Q. I'd like you to turn to -- it appears to be

1 the last noncredit -- nonparenthetical sentence.

2 Says, "Do not-- " do you see that?

3 A. Yes, sir.

4 Q. And could you read that sentence for me.

5 A. "Do not submit the fingerprints to the FBI
6 at Step 19 or 20. Other factors beyond the subject
7 interview determine when to submit fingerprints to
8 the FBI."

9 Q. Okay. And if you could turn to Page 28,
10 upper left-hand corner.

11 A. Yes, sir.

12 Q. And I'm looking to the second-to-last
13 paragraph. Do you see where I am?

14 A. Yes, sir.

15 Q. It says, "If final disposition." Do you see
16 that?

17 A. Yes, sir.

18 Q. Can you read that first sentence?

19 A. "The final disposition of the military
20 judicial proceedings will be accomplished within 60
21 days of referral and charges. Hold the criminal
22 fingerprint activity electronic form FD-249 or
23 hardcopy form FD-249 until after the military
24 judicial proceedings are complete."

25 Q. Also, I would look to the last paragraph and

1 read that first sentence there.

2 A. "If the final disposition of the military
3 judicial proceedings will not be accomplished
4 within 60 days of referral of charges, submit the
5 criminal fingerprint activity electronic Form FD-249
6 or validated copy, Hardcopy Form FD-249."

7 Q. Sir, it appears here in the instructions
8 that according to the front certified current as of
9 April 2012, that the fingerprints should not be
10 submitted when there is probable cause; is that
11 correct?

12 MR. WEBSTER: Objection to the form.

13 THE WITNESS: Yes, sir.

14 BY MR. FURMAN:

15 Q. Rather, would you say that the instructions
16 here on Page 28 were consistent with your
17 understanding of the requirements when you were the
18 SAIC at Detachment 225?

19 A. Yes, sir.

20 Q. You can set that aside.

21 In general what would you do as the SAIC to
22 ensure that requirements such as the submission of
23 fingerprints were submitted to the FBI?

24 A. Generally speaking, it would have been, I
25 guess, through confirmation that they had been

1 submitted, you know, in that case or discussions.
2 Or really just having a conversation, most of the
3 time, whether that was an e-mail notification or an
4 actual verbal conversation indicating that these
5 things have taken place.

6 Q. So you would require the agent to make a
7 representation to you that the requirements had been
8 complied with?

9 A. Overall, yes, sir.

10 Q. Would you ever review the physical case file
11 to determine whether the fingerprints were submitted?

12 A. I don't recall actually doing that.

13 Q. Would that have been helpful?

14 A. It would he have been, sir, to an extent.
15 The case -- this case, Devin Kelley, he -- the
16 hardcopy prints, and I still stand by there is
17 electronic prints, too, but there were hardcopy
18 prints. And the validating that whether they were
19 sent in, would have been the absence of prints inside
20 the 3986 indicating it would have been submitted.

21 Q. And how would you determine the absence of
22 prints?

23 A. You would -- you know, the minimum copy you
24 would have just one copy of prints inside the
25 envelope.

1 Q. Did agents ever take more than two copies of
2 prints?

3 A. They had, sir.

4 Q. So was there a chance that even if there
5 were two copies of prints in the file, that they
6 still may have been submitted to the FBI?

7 A. Yes, sir, unless you validate it with the --
8 had a conversation.

9 Q. You're saying, ultimately, you have to
10 validate with the agent?

11 A. Yes, sir.

12 Q. During the time with Detachment 225, did you
13 and/or the superintendent perform monthly case
14 reviews?

15 A. Yes, sir.

16 Q. And was that required by Air Force
17 instructions or regulations?

18 A. It was.

19 Q. And did you follow certain procedures in
20 doing these reviews?

21 A. Yes, sir.

22 Q. What types of procedures?

23 A. The initial -- the initial review was
24 conducting a hardcopy case file review in what we
25 refer to as six parts, right, folder and we would

1 conduct a review of that six-part folder to make sure
2 that all the elements that were required to be there
3 were present.

4 But the six-part folder was essentially
5 useless to me at that point because every other
6 investigative step that you took would take place and
7 be recorded in I2MS. And that is what I utilized on
8 a monthly basis to validate, you know, if the case
9 was progressing, if we're missing investigative
10 steps, if it was sufficient.

11 You know, if we're -- just to kind of give
12 generally an idea to the agent on what the next
13 investigative steps should be.

14 Q. So was the purpose of these reviews to
15 ensure investigative sufficiency?

16 A. Yes, sir.

17 Q. Was there any requirement during these
18 monthly reviews to review for submission of
19 fingerprints to the FBI?

20 A. No, sir.

21 Q. So during those monthly reviews that is not
22 something you're looking for; is that right?

23 A. No, I was not looking for that during the
24 monthly reviews, sir.

25 Q. And after the monthly reviews, would you

1 provide feedback to the agent?

2 A. I would, sir.

3 Q. And how would you provide the feedback?

4 A. Initially, I provided the feedback as a --
5 internal data page entry notes in I2MS where I
6 identified basically what I referred to as the
7 weaknesses of the investigation. And I was, at some
8 point, counseled to no longer do that due to the
9 ability for those notes to be discovered from trial
10 counsel. So I stopped adding those notes in and just
11 took up a new method where I would put a note
12 indicating I conducted the monthly review.

13 Within a Share file there was a -- the cases
14 were loaded in a Share file, as well. And it was
15 either that Share file that I would record notes of
16 the investigation or I would e-mail it directly to
17 the agent indicating what needed to take place on
18 that investigation to move forward.

19 Q. So, again, that feedback is concerning
20 investigative sufficiency?

21 A. Yes, sir.

22 Q. Turning to "Case closing." We talked about
23 earlier I2MS and how that differs -- closings in
24 I2MS, how it differs from closings with hardcopy
25 files; do you recall that?

1 A. Yes, sir.

2 Q. And were they different -- were there
3 different procedures for closing cases in I2MS versus
4 the hardcopy?

5 A. Yes, sir.

6 Q. And who was responsible between you and the
7 superintendent or the NCIC for closing the various
8 files?

9 A. So typically I would close the I2MS file,
10 and I would have the superintendent close the
11 hardcopy file and send it in to archive our file
12 then.

13 Q. And earlier you talked about closing I2MS
14 case files with reference to the Devin Kelley
15 investigation. Do you recall that?

16 A. Yes, sir.

17 Q. And am I correct your testimony is that you
18 have no specific recollection of closing a case file?

19 A. No, I do not. I mean, I've provided
20 information that I have, you know, what's involved in
21 the process but I don't recall it.

22 Q. Am I correct that your testimony was that
23 although you have no specific recollection, your
24 procedure was to verify with the agent that the
25 various steps for case closure had been accomplished

1 including the submission of the 249 R-84?

2 A. Yeah, all matters were taken care of, yes,
3 sir.

4 Q. Turning to exhibit -- the checklist. I
5 think it is Exhibit 8.

6 A. Yes, sir.

7 Q. Do you recall seeing this earlier?

8 A. Yes, I do.

9 Q. Do you recall -- did you personally fill
10 this out?

11 A. No, sir.

12 Q. Do you know who did?

13 A. No, sir.

14 Q. And you indicated the case agent was
15 responsible for filling this out?

16 A. Yes, sir.

17 Q. Is this form completely filled out?

18 A. No, sir. It is missing a lot of --

19 Q. If you as SAIC had submitted a form or if an
20 agent had submitted a form looking like this to you,
21 what -- what would you have done?

22 MR. WEBSTER: Objection; speculation;
23 objection to form.

24 THE WITNESS: I would have talked to the
25 agent about sufficiency and incomplete forms, too.

1 And it would not -- it would have been an
2 opportunity, a good counseling session with the
3 agent.

4 BY MR. FURMAN:

5 Q. So you require the agent to check all the
6 boxes in this form?

7 A. Yes, sir.

8 Q. That would be either "yes," "no," or "NA"
9 for nonapplicable?

10 A. Yes, sir.

11 Q. Because they were, in fact, verifying to you
12 that that step was done, not done, or not applicable;
13 correct?

14 A. Yes, sir.

15 MR. WEBSTER: What exhibit is on that one?

16 THE WITNESS: 8.

17 BY MR. FURMAN:

18 Q. I'd like you to turn for a little to the
19 specific investigation of Devin Kelley and that
20 investigation had already begun before you got there;
21 correct?

22 A. Yes, sir.

23 Q. And with respect to Devin Kelley, you
24 indicated -- did you ever personally interact with
25 him?

1 A. No, sir.

2 Q. Other than viewing him in the, I guess,
3 detention room that June 8th, 2012, interview, did
4 you ever see him other than that?

5 A. No, sir. Him being escorted out, I believe,
6 is the last time I ever saw him.

7 Q. Earlier you talked about a confession video
8 of Mr. Webster. Have you ever personally viewed that
9 video?

10 A. No, sir.

11 Q. So it's fair to say you don't know what's on
12 the content of that video?

13 A. Correct, sir.

14 Q. So at the time you were at the
15 Detachment 225, did you ever personally make a
16 determination of whether there was probable cause
17 that Devin Kelley had himself as an individual?

18 A. I did not, sir.

19 Q. Is it fair to say that any instances where
20 you state in your testimony today or to the Inspector
21 General's agents that there was probable cause those
22 determinations are made after the fact?

23 A. Yes, sir.

24 Q. That's obviously knowing that Devin Kelley
25 was capable of and did commute -- commit a mass

1 shooting on November 5th, 2017; right?

2 A. Yes, sir.

3 Q. If you wouldn't mind turning to the
4 affidavit. I think it's Exhibit 3. I'm looking at
5 the first page under -- talks about seizure of the
6 following specified property. Do you see that?

7 A. Yes, sir.

8 Q. And it says, "See attached probable cause
9 memorandum listing items," and it lists certain
10 items.

11 A. Yes, sir.

12 Q. Is this -- this is an affidavit to search
13 and seize property; is that right?

14 A. Yes, sir.

15 Q. And is an affidavit to search and seize
16 property -- or strike that.

17 In this memorandum you are indicating that
18 there is probable cause to, in fact, search and seize
19 the items listed?

20 A. Yes, sir.

21 Q. And is there a difference between probable
22 cause to search and seize items and probable cause to
23 look if an individual committed a crime?

24 A. Yes, sir.

25 Q. And in this affidavit are you indicating

1 that there's probable cause that Devin Kelley
2 committed a specific crime?

3 A. No, sir. Yeah, I think -- up at the top
4 where I say -- well, he is being investigated for
5 these offenses, and I had probable cause to believe
6 that these items in his possession would be able to
7 give us an ability to prove or disprove these
8 allegations.

9 Q. I'm going to turn to -- I think it's
10 USA-13977 -- or sorry -- same document. Just flip to
11 the prior page. Correct.

12 A. Yes.

13 Q. I'm looking at "Background Investigation,"
14 paragraph 4.

15 A. Yes, sir.

16 Q. Tessa Kelley and allegations she made
17 concerning threats that Devin Kelley made against her
18 and threats made against certain members of the
19 Air Force. Do you see that?

20 A. Yes, sir.

21 Q. At the time you wrote this affidavit, were
22 you concerned about Devin Kelley being violent?

23 A. Yes, sir.

24 Q. And were you concerned about him being
25 violent towards his wife, Tessa Kelley?

1 A. Yes, sir.

2 Q. And you were concerned about him being
3 violent towards certain members of the Air Force?

4 A. Generally, yes. Yes, sir.

5 Q. And other than the -- those members of the
6 Air Force and Tessa Kelley, did you have any specific
7 information believing that he would be violent
8 against anyone else?

9 A. His aunt, Tracy Picazzo.

10 Q. Thank you.

11 And anyone else other than her?

12 A. No, sir.

13 Q. And in making this affidavit, you weren't
14 predicting that Devin Kelley would be violent some
15 years in the future, were you?

16 A. No, sir.

17 Q. At a certain point in time was Tessa Kelley
18 also a subject of the investigation of the assault on
19 the child?

20 A. Yes, sir.

21 Q. And what -- do you recall at what time she
22 was ruled out as a -- as a suspect?

23 A. I do not remember specifically when it ruled
24 her out as being a suspect.

25 Q. Do you recall any concerns about the

1 authenticity of the Kelley confession?

2 A. Yes, I did, sir.

3 Q. What were those concerns?

4 A. You know, it seemed, you know, maybe Tessa
5 had coerced Devin to -- had made statements, you
6 know, and to protect her.

7 I had a similar circumstance on Holloman
8 Air Force base with an active-duty husband and a
9 civilian spouse where they -- their infant child was
10 killed, and it -- it was open, I think, pretty much
11 from the time I arrived to the time I left.

12 The FBI was finally able to get an
13 indictment on the couple to charge them -- I believe
14 it was murder -- and they both were charged and
15 convicted of that.

16 So in -- there was a lot of conversation
17 between those two parties that, you know, tried to
18 convince the other party to confess to it. And so at
19 the time, in my head, that was a possibility.

20 Q. So is it fair to say that even at the time
21 of the confession there was still credible doubts
22 about the circumstances of the injury to the child?

23 A. Yes, sir.

24 Q. And around the time of the June 8th, 2012 --
25 or at that time, did -- did Devin Kelley speak

1 with OSI agents?

2 A. He chose not to, sir.

3 Q. At that time were fingerprints of Mr. Kelley
4 taken?

5 A. That's -- that's a question I've had since
6 this thing came up. I was certain it was the
7 direction -- it was common practice to photograph --
8 photograph and fingerprint subjects whenever they
9 were in our office, irrespective of if it had been
10 accomplished previously. So, yes, I was under the
11 impression it had been done.

12 Q. Who were you under the impression had done
13 it?

14 A. Greg Harper.

15 Q. Do you recall discussion with Mr. Harper
16 about processing Mr. Kelley?

17 A. I do. I -- I specifically remember on the
18 way outside of the detachment. And, you know, it's
19 hard to -- it's -- it's difficult to say if it was
20 this case or another, but I -- I remember having a
21 conversation -- I believe it was this one where I
22 asked Harper if he had taken the photographs, and
23 I -- I want -- he indicated he had not and that he
24 would get them when he was over in confinement.

25 In that same conversation, you know, I

1 believe today, that I asked him about the
2 fingerprints, as well.

3 Q. Turning briefly to Exhibit 9.

4 A. Got it.

5 Q. I think Mr. Webster asked you the question
6 earlier, but at -- have you had a chance prior to
7 today to review any portion of the testimony?

8 A. I -- I don't remember reviewing this one
9 particularly. It might have been this one. There is
10 portions of it. Wasn't the whole thing.

11 Q. Do you know if there were any inaccuracies
12 in this document?

13 A. There were inaccuracies in -- in one of the
14 transcripts that I reviewed yesterday.

15 Q. Do you recall what the inaccuracies were?

16 A. I don't specifically remember. I do not
17 remember.

18 Q. Why don't I show them to you.

19 MR. WEBSTER: Objection to form. Objection;
20 leading. He can't remember them, but I'll show them
21 to you.

22 MR. FURMAN: Well, to refresh his --

23 MR. WEBSTER: So he can refresh his
24 recollection on what you told him to say.

25 MR. FURMAN: That's not fair.

1 THE WITNESS: Can I have something to
2 remember it by?

3 MR. FURMAN: We can mark this.

4 THE REPORTER: Is it 12?

5 MR. WEBSTER: Well, hang on a minute. This
6 isn't a statement.

7 MR. FURMAN: It's a memoranda of interview.

8 MR. WEBSTER: No, this is not what we're
9 talking about. It's completely different than the
10 transcript I showed him.

11 MR. FURMAN: Right. Yeah, no. He --

12 MR. WEBSTER: That's -- that's a misleading
13 question you asked earlier. You asked him if there
14 was any inaccuracies in the transcript that he had
15 and now you're handing a statement, a interview work
16 paper that --

17 MR. FURMAN: If you let me explain.

18 MR. WEBSTER: -- that he hasn't even signed.

19 MR. FURMAN: Right. So that's not a
20 statement. That's a complete misrepresentation to
21 the court.

22 MR. FURMAN: It's not a misrepresentation.

23 MR. WEBSTER: You said, were there any
24 inaccuracies --

25 MR. FURMAN: If you let me speak. Thank

1 you.

2 So he indicated he wasn't sure if he
3 reviewed this transcript. I didn't show him the
4 transcript, but I didn't think he had an opportunity
5 to review it, but I don't know. I didn't --

6 MR. WEBSTER: Is that because you all didn't
7 produce it until yesterday?

8 MR. FURMAN: Huh?

9 MR. WEBSTER: Is that because you didn't
10 produced it until yesterday that I didn't have a
11 chance to review?

12 MR. FURMAN: You've had this for some time.
13 Yesterday Mr. Taylor indicated there were

14 inaccuracies in the -- these two documents, so he --

15 MR. WEBSTER: Hold on a minute. Which two
16 documents?

17 MR. FURMAN: I'm referring to -- which has
18 been marked as an exhibit and the one I'm about to
19 mark as --

20 MR. WEBSTER: You're talking about the
21 certified transcript --

22 MR. FURMAN: No.

23 MR. WEBSTER: -- of his interview?

24 MR. FURMAN: No.

25 MR. WEBSTER: Okay. Then what are you

1 talking about are the differences?

2 MR. FURMAN: So these are the memoranda
3 interviews that the Inspector General of the -- AFOSI
4 Inspector General, the DOD Inspector General -- so
5 they made a memoranda of the interview. I'm going to
6 ask Mr. Taylor if there is any inaccuracies in --

7 MR. WEBSTER: So if you stated that there
8 was an inaccuracy -- that he forgot about it in his
9 transcript --

10 MR. FURMAN: I'm not --

11 MR. WEBSTER: -- you're withdrawing that?

12 MR. FURMAN: I don't know whether there is
13 an inaccuracy in the transcript.

14 MR. WEBSTER: Okay. No problem.

15 Will we be marking this as an exhibit?

16 Should be Exhibit No. 12.

17 (Defendant's Exhibit Number 12
18 marked for identification.)

19 MR. FURMAN: This is going to be it 13.

20 MR. WEBSTER: 12.

21 MR. FURMAN: I'm going to do 13 too.

22 MR. WEBSTER: Oh, okay.

23 (Defendant's Exhibit Number 13
24 marked for identification.)

25 ///

1 BY MR. FURMAN:

2 Q. So if you could just review 12 first and let
3 me know if there is any inaccuracies, and then we can
4 move on to 13.

5 A. I don't -- 15 and 877 in the narrative, it
6 indicates that when the detachment --

7 THE REPORTER: I'm sorry, a little bit
8 louder.

9 THE WITNESS: Yes, sorry about that.

10 BY MR. FURMAN:

11 Q. The paragraph --

12 A. Yes, so it's the third paragraph down, last
13 sentence. "When the detachment received the
14 conviction notice from the SJA, they would submit the
15 fingerprints."

16 I don't remember making that statement or
17 making that indication.

18 Q. If you quickly review to see if there are
19 any other inaccuracies.

20 A. Certainly.

21 Q. Thank you.

22 A. So the -- one, two -- sixth paragraph, last
23 sentence, "Taylor said --"

24 Q. That's where, USA --

25 A. -15877. "Taylor said he was aware that

1 Kelley's fingerprints were not collected after the
2 June 2012 interview."

3 And I only knew this because of his
4 interview of OSI IG. I still -- you know, I still
5 hold out belief these things were taken via
6 Live Scan, possibly, electronically stored
7 fingerprints so that they --

8 Q. Okay.

9 A. Feel that statement is accurate.

10 THE REPORTER: I'm sorry, "Don't feel"?

11 THE WITNESS: I do not feel is accurate.

12 BY MR. FURMAN:

13 Q. Let me know if there is any other
14 inaccuracies.

15 A. You know, in 15878, third paragraph, it says
16 that -- "Taylor said if Kelley confessed in the audio
17 file, Taylor viewed the confession and the video, and
18 it was a valid recording. He would have thought
19 there was probable cause that Kelley committed a
20 violation of Article 128."

21 That was specifically because they had
22 taught me that during the interview.

23 Q. When you say "they," who are you referring
24 to?

25 A. The IG, sir.

1 That's the only issues I've identified in
2 that statement.

3 Q. Thank you. Set that aside. If you can do
4 the same with Exhibit 13.

5 A. On USA-15540, the first paragraph, last
6 sentence. "However, Taylor did too recall," "too"
7 should be "not recall."

8 "And he discussed regarding probable cause
9 determinations or indexing with JA."

10 I don't believe -- I cannot find anything
11 else wrong with these documents.

12 Q. Thank you.

13 A. You're welcome, sir.

14 Q. And just to turn back to Exhibit 9, the
15 transcript.

16 A. Yes, sir.

17 Q. Just to make sure we're clear. Did the DOD
18 IG, did they provide a copy of this transcript to you
19 with the opportunity to note any inaccuracies?

20 A. No, sir.

21 Q. I would like you to turn in the transcript
22 to -- what's Page 14, the upper right-hand corner.

23 A. Yes, sir.

24 Q. We're turning to the middle of the page.
25 And your answer ends on line 14. And on line 16 do

1 you see where the transcript indicates that your
2 answers, confine -- "Confinement also had a
3 responsibility for fingerprinting too." Do you see
4 that?

5 A. Yes, sir.

6 Q. What was the basis of your knowledge for
7 that statement?

8 A. During my first ten years in the Air Force
9 as a Security Forces member, I had worked nearby our
10 base confinement facility, and I would occasionally
11 assist the confinement in NCIC in taking fingerprints
12 for personnel being held in that facility.

13 Q. And when you -- when you were with Security
14 Forces your first ten years in the Air Force, were
15 you ever required to submit fingerprints?

16 A. Yes, I was for personnel security clearances
17 only, though.

18 Q. For any criminals?

19 A. No, sir.

20 Q. For any confined persons?

21 A. No, sir.

22 Q. Now -- so the statement on line 16 of the
23 transcript, that's not based on any knowledge of
24 yours on the Security Forces regulations; is that
25 right?

1 A. No, sir. I'm not aware of the Security
2 Forces regulations that would mandate fingerprinting.

3 Q. You can set that aside.

4 I'd like you to turn back to Exhibit 2.
5 It's the Facebook Messenger.

6 A. Yes, sir.

7 Q. If you could turn to what's been marked as
8 "Taylor 18," lower right-hand corner.

9 A. Yes, sir.

10 Q. And it looks like Mr. Bankhead in the second
11 bubble there, it says, "I think the number is higher
12 than 30 percent." And your response is in blue.

13 Do you see that?

14 A. Yes, sir.

15 Q. Are you aware of any data on the percentage
16 of criminal history data that was submitted to the
17 FBI from Detachment 225 during the period of time you
18 were there?

19 A. No, sir.

20 Q. And what was -- with respect to the 30
21 percent, what was the basis of your knowledge for
22 that number?

23 A. It was --

24 THE REPORTER: I'm sorry. I didn't quite
25 get that.

1 THE WITNESS: I'm sorry, it would have been
2 from a news article or from a news broadcast.

3 BY MR. FURMAN:

4 Q. Did you read any DOD IG Inspector General
5 reports?

6 A. No, sir.

7 Q. And earlier you testified that the case
8 agent at Detachment 225 was the individual
9 responsible for submitting crim -- criminal history
10 data; is that right?

11 A. Yes, sir. To clarify, the case agent was
12 responsible for the file from cradle to grave,
13 indicating from the time it opened until the time it
14 closes and everything that fell in between, sir.

15 Q. Thank you.

16 And so your basis of knowledge for whether
17 fingerprints had been submitted was the agent making
18 that representation to you; is that fair?

19 A. It would have been on numerous cases. I
20 don't specifically remember this one.

21 Q. So when you're agreeing with Bankhead's
22 assertion that it's probably right that the number is
23 higher than 30 percent, is it fair to say that that
24 statement was speculation?

25 MR. WEBSTER: Objection to form.

1 THE WITNESS: Yes, sir.

2 BY MR. FURMAN:

3 Q. Because you don't have any personal basis of
4 knowledge of the numbers, do you?

5 MR. WEBSTER: Objection; leading.

6 THE WITNESS: No. No, sir.

7 BY MR. FURMAN:

8 Q. And these Facebook Messenger messages, these
9 were right after you learned the shooting occurred?

10 A. Yeah, a day or two later, I think.

11 Q. Were you emotional at the time?

12 A. Yes, sir.

13 Q. And you were emotional when you were writing
14 these messages?

15 MR. WEBSTER: Objection; leading.

16 THE WITNESS: Yes, sir.

17 BY MR. FURMAN:

18 Q. Turn to Exhibit 7. You've got it right in
19 front of you.

20 Do you recall looking at this earlier?

21 A. Yes, sir.

22 Q. And earlier you testified you believe that
23 the Devin Kelley case had at some point been
24 administratively closed; do you recall that?

25 A. Yes, sir.

1 Q. And on this sheet here, do you see any --
2 other than the instances of closure that were created
3 by yourself or -- do you see any instances where the
4 case file was closed?

5 A. No, sir.

6 Q. Is -- if the case was administratively
7 closed, would that information have been reflected
8 on I2MS?

9 A. It would have been, sir.

10 Q. Would that information have been reflected
11 in the physical case file?

12 A. Yes, sir.

13 Q. So is it fair to say that if an
14 administrative closure prior to your being at
15 Detachment 225 would have happened, it would have
16 been documented in either the physical case file
17 or I2MS; is that fair?

18 A. Yes, sir.

19 Q. If you if you turn to Exhibit 6, this is the
20 Form 4473?

21 A. Yes, sir.

22 Q. And earlier you talked about some of the
23 categories, A through L, answer 11. And I'm -- take
24 a look at -- first Letter G, do you see that? "Have
25 you been discharged from the armed forces on

1 dishonorable conditions?"

2 A. Yes, sir.

3 Q. Sitting here today, are you aware of what
4 dishonorable conditions are?

5 A. Well, generally, yes. I don't know specific
6 definitions, but yes.

7 Q. Do you know specifically the conditions
8 under which Devin Kelley was discharged?

9 A. I believe it was a bad conduct --

10 THE REPORTER: "A bad conduct --"?

11 THE WITNESS: -- discharge.

12 BY MR. FURMAN:

13 Q. And is bad conduct discharge, the same as
14 dishonorable discharge?

15 A. No, sir, not to my recollection it is not.

16 Q. So sitting here today, was Devin Kelley
17 discharged from the armed forces under dishonorable
18 conditions?

19 A. I don't believe so. I don't know.

20 Q. That's fair.

21 And looking at F, above -- do you see that?

22 A. Yes, sir.

23 Q. And I understand you've been involved with
24 the mental health system with your son, but are you
25 an expert at mental health issues?

1 A. No, sir.

2 Q. So is it fair to say that you're not a good
3 person to answer whether Devin Kelley was, in fact,
4 adjudicated mental defective or committed to a mental
5 institution?

6 MR. WEBSTER: Objection to form.

7 MR. FURMAN: Correct, I'm not a qualified
8 mental health professional.

9 THE REPORTER: I'm sorry, counsel. I'm
10 going to need a break at a convenient time.

11 MR. FURMAN: We can take a break now.

12 THE VIDEOGRAPHER: We are going off the
13 record. The time is 1:41 p.m.

14 (Recess taken.)

15 THE VIDEOGRAPHER: This marks the beginning
16 of Media No. 4. We are back on the record
17 at 1:48 p.m.

18 MR. FURMAN: No further questions for the
19 witness at this time.

20 EXAMINATION BY MR. WEBSTER (Further)

21 Q. I have a few more follow-up questions based
22 upon -- first off, is -- is -- is Austin your lawyer?

23 MR. FURMAN: Objection.

24 BY MR. WEBSTER:

25 Q. Does he represent you here today?

1 A. Yes.

2 Q. Okay. That being said, I want to ask you a
3 few questions. He showed you this document. What
4 number is this exhibit there? I didn't write it
5 down. I'm sorry.

6 A. This one?

7 Q. Yeah. No. 11?

8 A. Yes, sir.

9 Q. Okay. And he -- he asked you certain
10 questions about No. 11; correct?

11 A. Yes, sir.

12 Q. Can you look at No. 11 and tell me where it
13 says in compliance with that publication is
14 mandatory.

15 A. I don't see that written on there, sir.

16 Q. I don't either. Don't you think that's kind
17 of important? Does that mean something to you in
18 your job as a special agent in charge whether
19 something is delineated in the military as being
20 compliant with this publication is mandatory?

21 A. Yes, sir.

22 (Plaintiffs' Exhibit Number 14
23 marked for identification.)

24 BY MR. FURMAN:

25 Q. And so what I'm handing you, Exhibit 14,

1 that was in effect and certified current as of
2 October 12th, 2012. That's a month before Devin
3 Kelley pled guilty to a felony; correct?

4 A. Yes, sir.

5 Q. And if we look at -- and if you look at the
6 very top page of that document, what does it say
7 right there in the middle? Does it -- does the --
8 what does the very first heading right underneath the
9 top say?

10 A. "Compliance with this publication is
11 mandatory."

12 Q. Now, that means something to you, doesn't
13 it? Because that means that as a
14 policy-and-procedures guy, we talked about,
15 Mr. Taylor, you're the man that's responsible for
16 enforcing and making sure that these mandatory
17 instructions are followed to the T; correct?

18 A. Yes, sir.

19 Q. And it's fair to say, though, Mr. Taylor, at
20 the end of the day Exhibit No. 14, that you have
21 there, being mandatory use, nobody from the Air Force
22 ever came in there and explained any of that to you,
23 did they?

24 A. No, sir.

25 Q. And you talked about earlier when he was

1 asking you questions -- Austin was asking you
2 questions about -- about your work life there and --
3 and how bad things were. You say -- you told me that
4 agents were sleeping in their sleeping bags up there;
5 is that true?

6 A. It is a true statement, sir.

7 Q. Wow. And did you ever spend the night up
8 there at the office?

9 A. I spent the night, but I didn't sleep.

10 Q. Got you. You stayed up working all night
11 long?

12 A. Yes, sir.

13 Q. And so -- so it's safe to say that not only
14 did the Air Force not properly train you to protect
15 the public, but they overworked you, they
16 understaffed you, they undertrained you, and you had
17 no family life; is that true?

18 A. Yes, sir.

19 Q. Pretty bad situation to be put it, isn't it,
20 Mr. Taylor?

21 A. Yes, sir.

22 Q. And that doesn't affect your ability to do
23 it, but if they would come in and actually provide
24 the amount of support that you need, meaning other
25 agents with experience, that would be really helpful,

1 wouldn't it?

2 A. It would have been.

3 Q. Would you agree with me that if you had a
4 more experienced agent, maybe somebody who had been
5 doing this 10, 15 years, he might have known about
6 these mandatory publications that you were supposed
7 to comply with?

8 MR. FURMAN: Objection; speculation.

9 THE WITNESS: Yes, sir.

10 BY MR. WEBSTER:

11 Q. That would have been helpful for you too,
12 wouldn't it?

13 A. Yes, sir.

14 Q. I think you said there was not a single
15 individual in that entire department that had -- that
16 had anymore than maybe a year and a half experience;
17 correct?

18 A. Yes, sir.

19 Q. And that's -- that's kind of alarming when
20 you're investigating people who murder, rape, and
21 beat women and children, isn't it?

22 A. Yes, sir.

23 Q. And so when he -- when he shows you this --
24 this other one that's noncompliance, that's
25 Exhibit No. 11 and then I show you Number 14, and

1 under -- if you go to page -- USA-113 --

2 A. Yes, sir.

3 Q. And then if you -- if you go to the top, it
4 says "Military Subject Fingerprint Submission." Do
5 you see that? "5.14.2.1."

6 A. 5.14 --

7 Q. It's on page 113, Bates labeled --

8 A. Okay, got it.

9 Q. All right. That very first sentence that
10 says, "For military members, submit the electronic
11 FD-249 through the criminal fingerprint activity to
12 FBI upon determination. Following coordination with
13 the servicing SJA and the appropriate, civilian
14 prosecutorial authority that probable cause exist
15 believe the subject has committed offense listed in
16 Attachment 8. The legal coordination would be
17 documented in I2MS." Do you see that?

18 A. Yes, sir.

19 Q. Not one time is there any documentation in
20 I2MS that you -- there was any -- what I just read to
21 you, done; correct?

22 A. Yes, sir.

23 Q. And, also, none of this was ever trained at
24 any given time by the FBI -- I'm sorry, by the
25 Air Force that you needed to comply with this;

1 correct?

2 A. Correct, sir. And that bar indicates that
3 it's a new policy too. The bar off to the left of
4 that paragraph.

5 Q. And that would have been in October 2012
6 when this came into effect?

7 A. Yes.

8 Q. And it sure would have been helpful if those
9 boys from the upper echelons of the United States Air
10 Force would have showed up and taught you guys that,
11 hey, this is the way you have to do it now; correct?

12 A. Yes, sir.

13 Q. Do you even know -- did Detachment 225 in
14 October of 2012 or any time after that even receive a
15 copy of this document?

16 A. Sir, these documents were kept on
17 an E-publishing website that you can access. And
18 this manual is a common manual that we would utilize.

19 You know, until somebody caught on that it
20 was being used -- you know, updated, we would have
21 continued using the updated version.

22 Q. But we're telling the judge, though, nobody
23 from the United States Air Force notified your office
24 or your Detachment 225 in October of 2012 that this
25 needed to be -- hey, you need to be aware that there

1 has been a major update here of policies and
2 procedures that's mandatory you comply with; right?

3 A. I do not recall that, but I do remember
4 receiving e-mails indicating that policies have been
5 updated.

6 Q. Okay.

7 A. Yeah.

8 Q. Fair enough. So they -- they sent out
9 something saying that, hey, there is a new policy;
10 correct?

11 A. Yes, sir.

12 Q. But nobody showed up to train you on what
13 that new policy was, did they?

14 A. Correct, sir.

15 Q. And that, in turn, was a proximate cause as
16 to the reason why those fingerprints were not
17 submitted to the FBI, wasn't it?

18 MR. FURMAN: Objection --

19 THE REPORTER: I'm sorry?

20 MR. FURMAN: Objection; speculation.

21 You can answer.

22 THE WITNESS: Can you repeat the question.

23 BY MR. WEBSTER:

24 Q. Sure. I was asking you that since -- when
25 they did not show up in October of 2012 with this new

1 policy and procedures to train you or your office,
2 the Detachment 225, on what these new policies and
3 procedures were, that was a direct and proximate
4 cause of why those FBI fingerprints were not
5 submitted, especially when Devin Kelley was convicted
6 a month later; right?

7 MR. FURMAN: Same objections.

8 You can answer.

9 THE WITNESS: Yeah, I feel that if I was
10 made aware of this; correct, that it would have
11 been -- fingerprints would have been --

12 BY MR. WEBSTER:

13 Q. You would have done it; right?

14 A. Yes, sir.

15 Q. Because in December of 2012 when you closed
16 the file --

17 A. Uh-huh.

18 Q. -- on that other document that we had, the
19 printout, you would have known that, hey, it's
20 mandatory; I do this or I can get in trouble; right?

21 A. Yes, sir.

22 Q. And that would have, in turn, made sure that
23 those fingerprints went to the NCIC database and
24 Devin Kelley couldn't have purchased the AR-15 that
25 killed 26 people, could it?

1 MR. FURMAN: Objection; speculation.

2 You can answer.

3 THE WITNESS: Yes, sir.

4 BY MR. WEBSTER:

5 Q. All right. He asked you a few more
6 questions about -- about these documents here. The
7 ones that you changed or -- you didn't really change.
8 You just said there was a little bit of discrepancy
9 between them; right?

10 A. Yes, sir.

11 Q. And would you agree with me that the
12 judge -- if he's reviewing Exhibit Nos. 12 and 13,
13 that you've now had a chance to read them and -- but
14 for the changes that you made to them, you stand by
15 what's in these two pieces of work as to what you
16 recall?

17 A. Yes, sir.

18 Q. Is that fair?

19 A. Yes, sir.

20 Q. All right. So if I show these to the judge,
21 it's okay for me to tell him that except for the
22 changes that he made in here, these are -- these are
23 true and accurate facts as Mr. Taylor best recalled
24 them; is that correct?

25 A. Yes, sir.

1 Q. And the same question kind of goes here with
2 the transcript of your -- of your testimony. What we
3 read through earlier, do you have any reasons to
4 believe that it was in an inaccurate transcript here
5 that they -- from Diversified Reporting Services --
6 of your interview with the Department of Defense
7 Inspector General?

8 A. No, sir.

9 Q. Okay. Last couple of questions; all right?
10 Go back to this document right here.

11 A. Yes, sir.

12 Q. Mr. Austin, over there, asked you about
13 this -- this document which is exhibit -- you're
14 going to have to tell me the exhibit number.

15 A. 8.

16 Q. 8. This is Exhibit 8 to your deposition.
17 And he asked you if you would have had something to
18 say about this document if the -- if the special
19 agent had brought it to you; right?

20 A. Yes, sir.

21 Q. That's complete speculation; isn't it?

22 MR. FURMAN: Objection to form.

23 You can answer.

24 THE WITNESS: No, if this was brought to me
25 in this form and the agent was requesting case

1 closure --

2 BY MR. WEBSTER:

3 Q. Right.

4 A. -- I would absolutely have given it back to
5 the agent for --

6 Q. But his question, according to the facts of
7 what we know and what you testified today, is a
8 little deceptive, isn't it?

9 MR. FURMAN: Objection; misleading.

10 THE WITNESS: Please clarify.

11 BY MR. WEBSTER:

12 Q. Sure. Because the question is deceptive on
13 what -- on what Mr. Austin asked you because this
14 form right here, you never looked at it past
15 December 2011, did you?

16 A. Past December 2011? Well, no, you're
17 correct, sir.

18 Q. Not one single time. So when the judge
19 looks at that and says, oh, he would have made
20 changes to that, that's not true because your policy
21 and procedure -- the way that you were taught and the
22 way you were working for United States Air Force at
23 that time, you didn't review -- ever review a
24 hardcopy of a file once you did that on your
25 initial -- initial case acquisition when you went to

1 work in December 2011; correct?

2 A. Correct. In terms of hardcopy case files,
3 but as -- as a matter of practice, there would have
4 been a communication of items on this checklist or
5 this checklist, and that would have been provided to
6 me --

7 Q. Right.

8 A. -- you know.

9 Q. Well, we know -- well, we know this wasn't
10 provided to you --

11 A. Correct.

12 Q. -- because you would have fixed it; correct?

13 A. Yes, sir.

14 Q. And we -- we can't -- we don't recall on the
15 date that you closed the file in exhibit -- in the
16 previous exhibit we talked about with -- what number
17 is that? The piece of action from --

18 A. 7? This one?

19 Q. Yes, sir.

20 On that one, we know that, at least, you
21 don't recall anybody telling you to close the case
22 and the rest. And you don't remember speaking with
23 anyone; correct?

24 A. No, sir.

25 Q. And we know you did not review the hardcopy

1 file because if you would have reviewed the hardcopy
2 file, you would have seen the fingerprints that were
3 contained in it; correct?

4 A. I would have, sir.

5 Q. And you would have also seen that there was
6 an envelope in there, also, that would go to the FBI
7 that needed to be mailed off; correct?

8 A. Yes, sir.

9 Q. But we -- we know -- as we know, as we sit
10 here today, the fingerprints were never submitted;
11 correct?

12 A. Yes, sir.

13 MR. WEBSTER: Pass the witness.

14 MR. FURMAN: Real quickly.

15 EXAMINATION BY MR. FURMAN (Further)

16 Q. Looking at this Exhibit 8 --

17 A. Yes, sir.

18 Q. -- who would have reviewed this document?

19 A. This document was reviewed by the case
20 agent -- filed by the case agent, reviewed by special
21 agent, in this case, Bankhead or Hoy or myself.

22 Q. And did you make clear to agents and
23 superintendents or NCIC as to your expectations
24 regarding this checklist?

25 A. Yes, sir. And that was to --

1 THE REPORTER: I'm sorry?

2 THE WITNESS: That was not to bring a case
3 file to me for closure without it having been
4 completed.

5 BY MR. FURMAN:

6 Q. In turning quickly to -- Mr. Webster asked
7 you about regulations and you indicated in response
8 about e-mail updates. Were regulations changed?

9 A. Yes, sir.

10 Q. Once you received an e-mail update, whose
11 responsibility was it to determine the change in the
12 regulations?

13 A. Everyone that received it, sir.

14 Q. And who would have received it?

15 A. Everyone in the command should have received
16 it in OSI.

17 Q. So everyone in OSI?

18 A. Uh-huh.

19 MR. FURMAN: No further questions.

20 MR. WEBSTER: I believe we will -- no
21 further questions. Thank you.

22 MR. FURMAN: Read and sign, please.

23 MR. WEBSTER: Thank you, Mr. Taylor.

24 THE VIDEOGRAPHER: This concludes today's
25 deposition of Randall Taylor. The number of media

1 used was four. We are going off the record
2 at 2:01 p.m.
3 (2:01 p.m.)

4 --ooOoo--

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF KERN)

4 I, RANDALL DEAN TAYLOR, do hereby certify:

5 That I have read the foregoing
6 deposition;

7 That I have made such changes in form and/or
8 substance to the within deposition as might be necessary
9 to render the same true and correct;

10 That having made such changes thereon, I hereby
11 subscribe my name to the deposition.

12 I declare, under penalty of perjury, that the
13 foregoing is true and correct.

14 Executed this _____ day of _____, 2020,
15 at _____, California.

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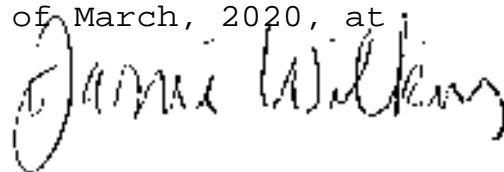
1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF KERN)

4 I, Janie E. Wilkins, a Certified Shorthand
5 Reporter in the State of California, holding Certificate
6 No. 12497, do hereby certify that RANDALL DEAN TAYLOR,
7 the witness named in the foregoing deposition, was by me
8 duly sworn; that said deposition was taken
9 February 25, 2020, at the time and place set forth on
10 the first page hereof.

11 That upon the taking of the deposition, the
12 words of the witness were written down by me in
13 stenotypy and thereafter transcribed by computer under
14 my supervision; that the foregoing is a true and correct
15 transcript of the testimony given by the witness.

16 Pursuant to Federal Rule 30(e), transcript
17 review was requested. I further certify that I am
18 neither counsel for nor in any way related to any party
19 to said action, nor in any way interested in the result
20 or outcome thereof.

21 Dated this 6th day of March, 2020, at
22 Bakersfield, California.



23
24 _____
25 Janie E. Wilkins, CSR No. 12497

1 Reference No.: 5087116

2

3 Case: HOLCOMBE vs UNITED STATES

4

DECLARATION UNDER PENALTY OF PERJURY

5

I declare under penalty of perjury that
6 I have read the entire transcript of my Depo-
7 sition taken in the captioned matter or the
8 same has been read to me, and the same is
9 true and accurate, save and except for
10 changes and/or corrections, if any, as indi-
11 cated by me on the DEPOSITION ERRATA SHEET
12 hereof, with the understanding that I offer
13 these changes as if still under oath.

10

11

12

Randall Taylor

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14

NOTARIZATION OF CHANGES

15

(If Required)

16

17 Subscribed and sworn to on the _____ day of

18

19 _____, 20____ before me,

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21 (Notary Sign)_____

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23 (Print Name) _____ Notary Public,

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25 in and for the State of _____

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Reference No.: 5087116
Case: HOLCOMBE vs UNITED STATES

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Randall Taylor

	5087116 Ran	185:16,17	87:4,9,	12/14
Exhibits	dall.		10,12,15,	114:22
	Taylor.	5087116 Ran	19 91:15	115:2,19
	EXHIBIT7	dall.	137:8	
5087116 Ran	4:21	Taylor.		120
dall.	113:15,16	EXHIBIT13	1,000	36:18
Taylor.	192:18	5:13	71:25	152:13
EXHIBIT1		185:23		
4:10	5087116 Ran	188:4	10	128
12:9,10	dall.		37:13	187:20
	Taylor.	5087116 Ran	60:18	12:03
5087116 Ran	EXHIBIT8	dall.	136:12,16	127:11
dall.	4:23	Taylor.	157:14	
Taylor.	123:2,6	EXHIBIT14	199:5	12:34
EXHIBIT2	124:18	5:5		155:20
4:11	174:5	196:22,25	10:31	12:38
44:20,22	205:16	197:20	64:10	155:23
190:4	208:16		10:38	
			64:14	12th
5087116 Ran	5087116 Ran	-		117:12
dall.	dall.		11	197:2
Taylor.	Taylor.	--00000--	165:13,	
EXHIBIT3	EXHIBIT9	210:4	14,15	13
4:13	4:25	-00012947	166:5	164:2
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