

**In The Matter Of:**  
*MCGEE v.*  
*MACON COUNTY SHERIFF'S DEPARTMENT, et al.*

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*HOWARD GRAHAM BUFFETT*  
*December 6, 2018*

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Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF ILLINOIS  
3 URBANA DIVISION  
4  
5 FELITA MCGEE, as Independent )  
6 Administrator of the Estate of )  
7 MICHAEL CARTER, SR., deceased )  
8 and as next-of-kin, )  
9  
10 Plaintiff, )  
11  
12 vs. ) No. 2:16-cv-02221  
13 )  
14 MACON COUNTY SHERIFF'S )  
15 DEPARTMENT; DECATUR MEMORIAL )  
16 HOSPITAL; DMH CORPORATE HEALTH )  
17 SERVICES; ROBERT BRACO, M.D., JO )  
18 BATES, LPN; RANDELL WEST; LARRY )  
19 PARSANO; TERRY COLLINS; MICHAEL )  
20 PATTON; and JOSHUA PAGE, )  
21  
22 Defendants. )  
23  
24  
25  
  
26 DEPOSITION OF HOWARD GRAHAM BUFFETT  
27 KEHART, WISE, TOT & LEWIS  
28 132 SOUTH WATER, SUITE 200  
29 DECATUR, ILLINOIS  
30 DECEMBER 6, 2018  
31 11:00 A.M.  
32  
33  
34  
35  
  
36 Reported and Transcribed by:  
37 Rhonda Rhodes Bentley, CSR #084-002706

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1 INDEX - CONTINUED  
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10  
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27 (None marked)  
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1 STIPULATION  
2  
3 IT IS HEREBY EXPRESSLY STIPULATED AND  
4 AGREED by and between the parties that the  
5 deposition of HOWARD GRAHAM BUFFETT may be taken  
6 on DECEMBER 6, 2018, at the Law Offices of  
7 Kehart, Wise, Toth & Lewis, 132 South Water,  
8 Suite 200, Decatur, Illinois, pursuant to the  
9 applicable Supreme Court rules, local rules, and  
10 the Code of Civil Procedure governing said  
11 depositions.  
12  
13 IT IS FURTHER STIPULATED that the  
14 necessity for calling the Court Reporter for  
15 impeachment purposes is waived.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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1 11:09 a.m.  
2 HOWARD GRAHAM BUFFETT,  
3 having first been duly sworn, testifies as  
4 follows:  
5 **EXAMINATION**  
6 **BY MR. GORDON:**  
7 Q. Can you please state your full name  
8 for the record.  
9 Also, Paula, if you have any  
10 difficulty hearing, then by all means just jump  
11 in and say something.  
12 **MS. GOEDERT:** Good. Thank you.  
13 **BY MS. GORDON:**  
14 Q. Please state your full name for the  
15 record.  
16 **A. Howard Graham Buffett.**  
17 Q. Okay. Can you spell your middle  
18 name, please.  
19 **A. Probably.**  
20 Q. Okay.  
21 **A. G-r-a-h-a-m.**  
22 Q. Okay. All right. Have you ever  
23 given a discovery deposition before?  
24 **A. Well, I've given depositions before.**  
25 **I don't know what the difference is between**

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1 **discovery.**  
2 Q. Sure. In a civil context. Are you  
3 familiar with a civil proceeding in law?  
4 **A. Not really.**  
5 Q. Okay. On approximately how many  
6 occasions have you given a discovery deposition?  
7 **A. Well, I've given a deposition**  
8 **probably four or five times 20 some years ago.**  
9 Q. Okay. So I'll stop saying discovery,  
10 but your last recollection of giving a deposition  
11 was approximately 20 years ago or more; is that  
12 fair to say?  
13 **A. Yeah. Yeah, that's correct.**  
14 Q. The approximate five depositions that  
15 you've given in the past, were they all related  
16 to the same matter or --  
17 **A. Yes.**  
18 Q. -- various matters?  
19 **A. Same matter.**  
20 Q. Can you tell us what that matter  
21 related to?  
22 **A. Archer Daniels Midland.**  
23 Q. Just a couple ground rules. I know  
24 it's been a long time since you've given a  
25 deposition. Most folks probably never will give

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1 a deposition in life. So some of this stuff is  
2 foreign to people who don't participate in the  
3 process. In everyday language it is possible my  
4 question -- for example, how you did with the  
5 last question, you know exactly where I'm going  
6 and you feel the desire to answer my question,  
7 but since we have the court reporter who is  
8 seated to your right and to my left, she's taking  
9 down everything that I say and everything that  
10 you say. It's important to allow my full  
11 question to be recorded by her and as well  
12 equally as important to have your full answer --  
13 **A. Uh-huh.**  
14 Q. -- taken down. Fair enough?  
15 **A. Uh-huh.**  
16 Q. Yes?  
17 **A. Yes.**  
18 Q. Okay. Also, in everyday language  
19 when there are not lawyers involved and a court  
20 reporter, a nod of the head or uh-huh and so  
21 forth are understood in everyday language but she  
22 can't take that down accurately.  
23 **A. I understand.**  
24 Q. So it's important that all of your  
25 answers be out loud. Fair enough?

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1 **A. Uh-huh. Correct.**  
2 Q. Similar to what I told your attorney  
3 who's on the phone, if you don't hear me because  
4 I didn't speak loud enough or you don't  
5 understand the question, by all means just stop  
6 me and say, hey, look, I didn't understand that  
7 question, can you ask it again or ask it in a  
8 different way. Fair enough?  
9 **A. I understand, yeah.**  
10 Q. Okay. Okay. So you said the last  
11 depositions that you gave more than approximately  
12 20 years ago were in relationship, did you say,  
13 to Archer --  
14 **A. Yes, Archer Daniels Midland, ADM.**  
15 **They're a food processing company here in town.**  
16 Q. Can you tell us how you came to --  
17 from your understanding how you came to give  
18 depositions in this case involving ADM?  
19 **A. I was a senior vice president at ADM,**  
20 **and they were being prosecuted by the Department**  
21 **of Justice for price fixing.**  
22 Q. And how did that case resolve from  
23 your understanding?  
24 **A. Honestly I have no idea how it got**  
25 **resolved because I resigned from the company.**

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1 Q. Have you reviewed any materials to  
2 date in preparation for this deposition?  
3 A. No.  
4 Q. Have you looked at any videos in  
5 relationship to this incident that we're here for  
6 today?  
7 A. No.  
8 Q. Okay. Can you tell us what your  
9 current job title is?  
10 A. I'm chairman and CEO of the Howard G.  
11 Buffett Foundation.  
12 Q. How long have you held that position?  
13 A. Well, I've had the foundation since  
14 1999, and I'm not sure what titles remain exactly  
15 the same. So I couldn't tell you exactly.  
16 Q. Do you have an approximation on how  
17 long you've been chairman and CEO of the Howard  
18 Buffett --  
19 A. I'd say five years.  
20 Q. Please allow me to just finish the  
21 question and feel free to respond only because --  
22 so she can get the full question out and get your  
23 full answer. Okay. Can you tell us how long  
24 approximately you've been chairman and CEO of the  
25 Howard Buffet Foundation?

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1 A. Five years.  
2 Q. Okay. From when to when?  
3 A. Well, I'd say that would be 2013 to  
4 2018.  
5 Q. Would you consider that to be a  
6 full-time position?  
7 A. Yes.  
8 Q. And by full-time how many hours would  
9 you approximate that you've spent in your role as  
10 chairman and CEO of Howard Buffett Foundation  
11 from 2013 to 2018?  
12 A. Well, I should say -- I should say  
13 until September 2017. So I would say up until  
14 that point I would have spent probably 50 to 60  
15 hours a week.  
16 Q. Prior to 2013 did you hold any  
17 positions or any jobs?  
18 A. My title then would have been  
19 president of the Howard G. Buffett Foundation.  
20 Q. And when to when were you president  
21 of the Howard G. Buffett Foundation?  
22 A. I would say 1999 to 2013.  
23 Q. Prior to that you were with ADM --  
24 strike that. Did you have any job or occupation  
25 or employment prior to 1999 and after your time

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1 at ADM?  
2 A. Ask that again.  
3 Q. Okay. You had testified early on  
4 that you had given depositions as part of your  
5 role with ADM --  
6 A. Yeah.  
7 Q. -- correct?  
8 A. Correct.  
9 Q. You also indicated that your position  
10 prior to being chairman and CEO of the Howard G.  
11 Buffett Foundation was president of that same  
12 foundation starting in approximately 1999,  
13 correct?  
14 A. Correct.  
15 Q. So my question is in between your  
16 time at ADM and your role as president of your  
17 foundation did you hold any other position  
18 anywhere?  
19 A. After I resigned from ADM I would  
20 have been chairman of the GSI Group.  
21 Q. From when to when?  
22 A. Probably 1995 to 1999.  
23 Q. And what is the GSI Group?  
24 A. It stands for Grain Systems, Inc.  
25 It's an agricultural manufacturer.

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1 Q. And ADM, what type of work was ADM?  
2 A. ADM is a food processing company.  
3 Q. Okay. And how long were you at ADM?  
4 A. I would have been there from 1992 to  
5 1995.  
6 Q. And where did you work prior to ADM?  
7 A. I was an elected official on Douglas  
8 County Board of Commissioners.  
9 Q. Which state is that?  
10 A. Nebraska -- Omaha, Nebraska.  
11 Q. How long did you hold that position?  
12 A. A little over three years.  
13 Q. Any jobs prior to holding that  
14 elected position?  
15 A. Man, I'd have to go and look at a  
16 piece of paper. I can't tell you.  
17 Q. Okay. So this elected position that  
18 you spoke about in Nebraska, this was from when  
19 to when? You had said approximately three years,  
20 but starting when?  
21 A. I would have been elected in '88,  
22 sworn in in '89, and left in '92.  
23 Q. And what was your job description in  
24 this position or job duties, I should say?  
25 A. To oversee the business of the

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1 **county.**  
2 Q. Okay. This is the same county  
3 that --  
4 **A. Omaha, Nebraska.**  
5 Q. -- Omaha, Nebraska, sits in? Okay.  
6 Can you tell us your date of birth, please?  
7 **A. 12/16/54.**  
8 Q. Okay. So you were recently the  
9 sheriff of Macon County; is that correct?  
10 **A. Correct.**  
11 Q. How long have you been out of that  
12 position as sheriff of Macon County?  
13 **A. My last day was November 30 at**  
14 **midnight.**  
15 Q. Who is the current sheriff?  
16 **A. Antonio Brown.**  
17 Q. You became sheriff of Macon County in  
18 2017; is that correct?  
19 **A. Correct.**  
20 Q. Do you recall the exact date that you  
21 became sheriff?  
22 **A. September 15.**  
23 Q. And prior to that you were  
24 undersheriff of Macon County; is that correct?  
25 **A. Part-time undersheriff as a**

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1 **volunteer.**  
2 Q. So the question I asked you is  
3 correct? Prior to you becoming sheriff of Macon  
4 County you were undersheriff of Macon County,  
5 correct?  
6 **A. Correct.**  
7 Q. Okay. Now, you added in that it was  
8 unpaid position, correct?  
9 **A. It was volunteer unpaid position.**  
10 Q. Okay. You still had job duties in  
11 relationship to your position as undersheriff,  
12 correct?  
13 **A. Yes.**  
14 Q. Okay. Prior to you becoming  
15 undersheriff, you understood what the general job  
16 description or job duties of undersheriff would  
17 entail, correct?  
18 **A. I had very limited job duties as an**  
19 **undersheriff because we didn't have any**  
20 **undersheriffs before.**  
21 Q. Can you read back the question, and  
22 if for whatever reason you don't understand the  
23 question as asked, I'll --  
24 **A. Okay.**  
25 Q. -- do my best to ask a different way.

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1 Fair enough?  
2 **A. Yeah.**  
3 Q. Thank you.  
4 (Whereupon the requested portion of  
5 the record was read by the court reporter.)  
6 **A. No.**  
7 **BY MR. GORDON:**  
8 Q. Okay. Prior to you becoming  
9 undersheriff had you ever heard of the job title  
10 undersheriff?  
11 **A. Yes.**  
12 Q. How did you first come to learn of or  
13 hear of the term undersheriff?  
14 **A. I have no idea.**  
15 Q. How did you come to become  
16 undersheriff?  
17 **A. Sheriff Thomas Schneider appointed**  
18 **me.**  
19 Q. Do you know how he came to appoint  
20 you as undersheriff?  
21 **A. He made the decision to do it.**  
22 Q. Prior to that had you had any type of  
23 relationship, business, social friendship with  
24 Sheriff Tom Schneider prior to his decision to  
25 appoint you as an undersheriff?

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1 **A. I served as an auxiliary deputy**  
2 **sheriff.**  
3 Q. From when to when?  
4 **A. August 2012, I'd say, until September**  
5 **15, 2017.**  
6 Q. Is it your understanding that your  
7 role as an auxiliary deputy sheriff overlapped  
8 with your role as undersheriff?  
9 **A. Correct.**  
10 Q. Okay. Was the auxiliary deputy  
11 sheriff position a non -- a non-paid position as  
12 well?  
13 **A. Yes.**  
14 Q. Okay. Approximately how many hours  
15 per week did you work as an auxiliary deputy  
16 sheriff?  
17 **A. I couldn't answer that per week.**  
18 Q. Okay. Do you have an estimate?  
19 **A. I could give an estimate.**  
20 Q. Okay.  
21 **A. Per year?**  
22 Q. Per year is fine.  
23 **A. I would say about some years probably**  
24 **about 300 hours, some years probably about 600**  
25 **hours.**

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1 Q. Fair to say between 300 to 600 hours  
2 per year between 2012 and September 2017?  
3 A. Yes.  
4 Q. And how did you come to become an  
5 auxiliary deputy sheriff?  
6 A. I went through the established Macon  
7 County sheriff's program.  
8 Q. I'm sorry. Say that last part.  
9 A. I went through the established Macon  
10 County sheriff's office program.  
11 Q. And I'm sorry. I'm not familiar with  
12 that program.  
13 A. Right.  
14 Q. Please tell us what that program is.  
15 A. They have a program for auxiliary  
16 deputy sheriffs, and I went through that program.  
17 Q. Was there an application process?  
18 A. Yes.  
19 Q. Okay. So you filled out a written  
20 application; is that correct?  
21 A. I can't tell you for sure if I did  
22 that or not.  
23 Q. Did you have to go through any type  
24 of training program to become an auxiliary deputy  
25 sheriff?

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1 A. Yes.  
2 Q. Tell us about the training program  
3 that you had to go through.  
4 A. It's an established program by the  
5 Illinois State Training and Standards Board, and  
6 it's a 40-hour course that they -- that they've  
7 established. So the sheriff's office follows  
8 that course.  
9 Q. So where did this training take  
10 place, this -- the training that you said was  
11 established by the Illinois State Training  
12 program?  
13 A. At the sheriff's office.  
14 Q. At the Macon County Sheriff's Office?  
15 A. Yes.  
16 Q. Okay. And approximately how long did  
17 it take you? I understand you said it's  
18 approximately 40 hours, but I'm assuming that's  
19 spread out over time approximately. How long did  
20 it take you to complete the program?  
21 A. I probably completed it over -- oh, I  
22 would say a two-month period.  
23 Q. Can you tell us generally some of the  
24 things that were covered in the training program?  
25 A. Use of force, legal liability. A

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1 large part of it was spent at the range, had to  
2 complete a firearms training course as part of  
3 it.  
4 Q. How did you come to become interested  
5 in becoming an auxiliary deputy sheriff with the  
6 Macon County Sheriff's Department?  
7 A. I got stopped by a Deputy Mendez in  
8 Cochise County, Arizona, and I felt that he  
9 stopped me improperly. So I went to Sheriff  
10 Schneider at the time and asked him how I could  
11 learn more about the sheriff's office.  
12 Q. So prior to this traffic encounter  
13 where you felt that you were unfairly stopped or  
14 inappropriately stopped and you having this  
15 conversation with Sheriff Schneider, had you  
16 known Sheriff Schneider in any capacity prior to  
17 that time?  
18 A. I probably would have met him, but I  
19 can't tell you how I knew him.  
20 Q. Okay. So when you spoke to Sheriff  
21 Schneider he explained to you this established  
22 program or process to become a deputy auxiliary  
23 sheriff; is that correct?  
24 A. Correct.  
25 Q. Okay. During that 40 hours of

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1 training that was provided by the Illinois State  
2 Police, correct?  
3 A. It was provided by the lieutenant in  
4 the sheriff's office. It's established criteria  
5 by the state.  
6 Q. Gotcha. Okay. Do you recall the  
7 name of the lieutenant who provided the training  
8 from the Macon County Sheriff's Department?  
9 A. Lieutenant Auton, A-u-t-o-n.  
10 Q. Did any of the training involve any  
11 operational or policy or procedures as relates to  
12 the jail?  
13 A. No.  
14 Q. Okay. Any of the other training in  
15 the 40 hours deal with how to respond to any type  
16 of emergency or medical crisis that may be  
17 experienced by somebody who was in custody of the  
18 Sheriff's Department?  
19 A. No.  
20 Q. Have you ever received any type of  
21 training from anywhere as it relates to jail  
22 operation, jail procedure or jail policy?  
23 A. No.  
24 Q. Even after you became sheriff?  
25 A. Correct.

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1 Q. The jail is under the Sheriff's  
2 Department, correct?  
3 A. **Correct.**  
4 Q. What would be your day-to-day job  
5 duties as undersheriff?  
6 A. **I didn't have day-to-day duties as**  
7 **undersheriff.**  
8 Q. Okay. You said prior to you becoming  
9 undersheriff there was no undersheriff, correct?  
10 A. **Correct.**  
11 Q. Did you ever have a conversation with  
12 Tom Schneider as to why he extended the offer to  
13 you to become undersheriff in a position that had  
14 never been present?  
15 A. **Yes.**  
16 Q. Okay. Please tell us.  
17 A. **There were a number of projects that**  
18 **I had suggested to Sheriff Schneider, and he**  
19 **determined that they would be beneficial to the**  
20 **sheriff's office, and for me to oversee those**  
21 **projects he felt it would be helpful to have a**  
22 **title within the sheriff's office for some kind**  
23 **of authority to exercise those programs.**  
24 Q. Okay. Tell us what those programs  
25 were.

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1 A. **I implemented what we called the At**  
2 **Risk Program, which is a program to help drug**  
3 **addiction. I expanded our K9 program. I**  
4 **expanded our DUI DRE program. I expanded some of**  
5 **our training in terms of both those specific**  
6 **areas and some other areas, and I would say**  
7 **that's the majority of it.**  
8 Q. Okay. So the areas that you've just  
9 mentioned, you said that these were things that  
10 you were able to do. So I'm assuming prior to  
11 you doing them that you had the conversation with  
12 Sheriff Schneider about these areas that you were  
13 interested in, correct?  
14 A. **Yes.**  
15 Q. Okay. And are you able to say on an  
16 average per week how much time you devoted in  
17 your role as undersheriff?  
18 A. **I would not be able to say that.**  
19 Q. Okay. Did you have an office at any  
20 Macon County building?  
21 A. **I had an office not in the beginning,**  
22 **but ultimately I had an office for my**  
23 **undersheriff position. You're talking about a**  
24 **physical office?**  
25 Q. A physical office, yes.

Page 23

1 A. **Yes. Yeah.**  
2 Q. You said not in the beginning. Not  
3 in the beginning of what?  
4 A. **Well, when he first appointed me as**  
5 **undersheriff, there was no office, and over some**  
6 **period of time it would be hard to estimate, but**  
7 **eventually I got an office.**  
8 Q. Okay. And where was your office at?  
9 A. **Well, it would be -- it would have**  
10 **been in the southeast corner of the sheriff's**  
11 **office. Not specifically the corner but in that**  
12 **general area.**  
13 Q. Sure. And where -- and the sheriff's  
14 office is housed where at?  
15 A. **I'm sorry, what?**  
16 Q. The sheriff's office is housed where  
17 at? Where is the building?  
18 A. **333 Franklin Street.**  
19 Q. Okay. And where is that in  
20 relationship to the Macon County Jail?  
21 A. **The jail is primarily above the**  
22 **office building.**  
23 Q. Fair to say it's all the same  
24 physical structure; is that correct?  
25 A. **Not really. You might call it**

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1 **physical structure, but you don't have access to**  
2 **it. There's a lot of restricted access to**  
3 **different parts of that building.**  
4 Q. Sure. It's tough to just walk into a  
5 jail. I understand that.  
6 A. **Yeah.**  
7 Q. But in terms of the actual building,  
8 it's the same building, correct?  
9 A. **Yes, it's the same physical building,**  
10 **yes.**  
11 Q. That was my question. So it is the  
12 same physical structure, correct?  
13 A. **Yes.**  
14 Q. All right. You understand that --  
15 well, strike that. I understand that you said  
16 that prior to you becoming undersheriff that you  
17 didn't really have a concept of what the term  
18 meant. After you became undersheriff did you  
19 come to gain a greater understanding from any  
20 source as to what the conventional role is of an  
21 undersheriff?  
22 A. **No, because I did not play a**  
23 **conventional role.**  
24 Q. And that was not my question. So my  
25 question is --

Page 25

1     **A. No.**  
2     Q. Okay. So you didn't do any training  
3 programs as far as what the role of undersheriff  
4 is, what the protocol that conventionally an  
5 undersheriff would follow?  
6     **A. No.**  
7     Q. Okay. Did you ever come to  
8 understand that typically, conventionally  
9 speaking, an undersheriff is said to be or  
10 thought to be second -- second in command of a  
11 Sheriff's Department?  
12    **A. No.**  
13    Q. Okay. You've never come to gain that  
14 understanding?  
15    **A. Yeah, I would disagree with that**  
16 **understanding.**  
17    Q. Based upon what?  
18    **A. You can have a chief deputy, you can**  
19 **have commanders, you can have several**  
20 **undersheriffs. So I believe that's an incorrect**  
21 **statement.**  
22    Q. When you say you can have several  
23 undersheriffs, where did you come to gain that  
24 understanding?  
25    **A. Other sheriff's offices that had more**

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1 **than one undersheriff.**  
2    Q. Okay. During your time as  
3 undersheriff who was -- if you know, who was, I  
4 guess, second in command of the Macon County  
5 Sheriff's Department second to, I'm presuming,  
6 Sheriff Schneider?  
7    **A. I'll think of it. Max Austin was the**  
8 **commander.**  
9    Q. He was a commander or you say the?  
10   **A. He was the commander. There was only**  
11 **one commander, and it was Max Austin.**  
12    Q. When you and Sheriff Schneider first  
13 discussed, I guess, his invite to you to become  
14 his undersheriff, did you have a conversation  
15 about maybe making you a deputy instead or, you  
16 know, some other position -- these other  
17 positions that you talked about as opposed to an  
18 undersheriff?  
19    **A. He couldn't do that by law.**  
20    Q. Okay. He had told you that, or that  
21 was something that you already knew?  
22    **A. I know it now. I didn't necessarily**  
23 **know it then but --**  
24    Q. How did you come to learn that he  
25 couldn't do it by law?

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1     **A. Over time I understood what the law**  
2 **was that required for someone to qualify or**  
3 **certify as a deputy.**  
4     Q. Okay.  
5     **A. I don't have those qualifications at**  
6 **that time.**  
7     Q. Okay. Have you come to learn of any  
8 qualifications that are needed to become an  
9 undersheriff?  
10    **A. No.**  
11    Q. So it's your understanding he was  
12 authorized by law to make you an undersheriff but  
13 not a deputy so he chose to make you an  
14 undersheriff so that you could help to implement  
15 these programs; is that a fair statement?  
16    **A. Can you state that again because I'm**  
17 **not sure about the first part of it.**  
18       **MR. GORDON:** Sure. Can you read it  
19 back, and if it's confusing I'll ask it a  
20 different way.  
21       (Whereupon the requested portion of  
22 the record was read by the court reporter.)  
23    **A. I understand now. I'm not aware of**  
24 **any law that applies to making somebody**  
25 **undersheriff.**

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1 **BY MR. GORDON:**  
2    Q. Okay. Did you go through any type of  
3 additional training process? I understand you  
4 had the 40 hours to be the auxiliary officer,  
5 deputy. Did you go through any additional  
6 training in your new role as undersheriff?  
7    **A. Not specific to undersheriff, but I**  
8 **would have had continual ongoing training.**  
9    Q. Okay. On-the-job training basically?  
10   **A. Yeah. Well on-the-job training and**  
11 **then specific things that I did to train in**  
12 **certain areas.**  
13    Q. Such as what?  
14    **A. Felony stops, clearing buildings,**  
15 **things that you would typically do on patrol.**  
16    Q. That was trainings as it related to  
17 your role as you understood it to be  
18 undersheriff?  
19    **A. I served as an auxiliary deputy at**  
20 **the same time I served as undersheriff. They're**  
21 **pretty much -- I didn't sit there and determine**  
22 **which was which at the time. I just served the**  
23 **sheriff's office in the way that I was asked to**  
24 **serve. So I went through training for the**  
25 **general purpose of being at the sheriff's office.**

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1 Q. Okay. So employees of the Sheriff's  
2 Department have different titles, correct?  
3 A. Yes.  
4 Q. Okay. They have different job  
5 descriptions, correct?  
6 A. Yes.  
7 Q. Okay. Serve different functions to  
8 help carry out the overall purpose of the  
9 Sheriff's Department, correct?  
10 A. Yes.  
11 Q. Everybody who works for the Sheriff's  
12 Department is not trained in the same capacity,  
13 correct?  
14 A. Correct.  
15 Q. Okay. So my question is separate  
16 from your training that would help to serve the  
17 Sheriff's Department as an auxiliary deputy  
18 officer. Did you have separate training to help  
19 serve in your new capacity as undersheriff?  
20 A. No.  
21 Q. Okay. In either your role as deputy  
22 auxiliary -- excuse me -- as an auxiliary deputy  
23 officer and/or as an undersheriff did you spend  
24 any time inside of the Macon County Jail?  
25 A. Yes.

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1 Q. For what purpose or purposes did you  
2 spend time in the Macon County Jail as related to  
3 your working for the Macon County Sheriff's  
4 Department?  
5 A. I would have entered the booking area  
6 a few times.  
7 Q. Any other times that you would have  
8 been inside the Macon County Jail?  
9 A. Not -- no.  
10 Q. Okay. So when you say entered the  
11 booking area, that was to bring individuals in  
12 who had been taken into custody; is that correct?  
13 A. Correct.  
14 Q. Okay. Had you ever -- strike that.  
15 Prior to you becoming being named sheriff of the  
16 Macon County Sheriff's Department had you gone  
17 into the inner part of the jail other than the  
18 booking area that you've just spoken about?  
19 A. No.  
20 Q. So you understand we're here today  
21 stemming from an incident that involves an  
22 individual by the name of Michael Carter, Sr.,  
23 who died while in the custody of the Macon County  
24 Sheriff's Department; is that correct?  
25 A. Yes.

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1 Q. Okay. How did you first come to  
2 learn that an individual had died while in the  
3 custody of the Macon County Sheriff's Department  
4 -- strike that. How did you first come to learn  
5 that Michael Carter, Sr., had died while in the  
6 custody of the Macon County Sheriff's Department?  
7 A. Boy, my recollection is this  
8 deposition.  
9 Q. Can you explain that? I don't know  
10 if I'm following that response.  
11 A. I didn't know the name Michael Carter  
12 until I was told I was going to give a deposition  
13 related to Michael Carter.  
14 Q. Oh, okay. Very good. Okay. But  
15 prior to you learning Michael Carter's actual  
16 name as you prepared for this deposition, you  
17 understood that someone died while in custody of  
18 the Macon County Sheriff's Department in July of  
19 2015, correct?  
20 A. No idea if it was July of 2015. I'm  
21 aware that probably several people have died in  
22 custody over the years. I have no idea who died  
23 that day.  
24 Q. Okay. Do you recall ever having any  
25 conversation with anybody from Macon County

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1 Sheriff's Department, anybody in about 2015 that  
2 someone had died in custody at the jail?  
3 A. No.  
4 Q. Okay. You at some point came to  
5 learn that a lawsuit had been filed against Macon  
6 County Sheriff's Department in relationship to at  
7 least one person who had died while in custody of  
8 the Macon County Sheriff's Department in the last  
9 three years, correct?  
10 A. Yes.  
11 Q. Okay. And how did you come to learn  
12 that for the first time?  
13 A. A conversation with Bill.  
14 Q. So it is your testimony that you  
15 never talked to Sheriff Schneider at all about an  
16 in-custody death of anyone at the Macon County  
17 Sheriff's Department ever, correct?  
18 A. Yeah, because I wouldn't have known  
19 about it.  
20 MR. JENNETTEN: Just to be clear on  
21 your earlier answer, the Bill you're referring to  
22 is your attorney Bill Kurnik?  
23 A. Yeah, correct. Sorry.  
24 MR. GORDON: Can you do me a favor?  
25 Can you read back the last question for me,

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1 please.  
2 (Whereupon the requested portion of  
3 the record was read by the court reporter.)  
4 **BY MR. GORDON:**  
5 Q. Your answer.  
6 **A. I don't remember talking to anybody**  
7 **about it. I wouldn't have known about it.**  
8 Q. And it's your -- so I'm assuming it's  
9 also your testimony that even as you became --  
10 strike that. The corrections division of Macon  
11 County falls under the Macon County Sheriff,  
12 correct?  
13 **A. Absolutely, yes.**  
14 Q. So it is your testimony that even as  
15 you became sheriff of Macon County that you never  
16 had any conversation with Sheriff Schneider or  
17 anybody from Macon County about any in-custody  
18 deaths that may have happened in any --  
19 **A. No.**  
20 Q. Okay -- in its corrections department  
21 within the last two to three years; is that true?  
22 **A. I already stated I had a conversation**  
23 **with Bill about it.**  
24 **MR. KURNIK:** Again referring to his  
25 attorney.

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1 **BY MR. GORDON:**  
2 Q. Sure. Sure. I don't want to know  
3 any conversations that you had with any of the  
4 attorneys who are representing you. The question  
5 I asked you relates to people from Macon County  
6 Sheriff's Department, any employees including  
7 Sheriff Schneider. It is your testimony that you  
8 have spoken to no one from the Macon County  
9 Sheriff's Department?  
10 **A. My testimony is I do not remember**  
11 **talking to anyone about any death in the jail.**  
12 Q. Okay. How did you come to prepare to  
13 become sheriff of the -- sheriff of the Macon  
14 County Sheriff's Department?  
15 **A. 40 years of life experience.**  
16 Q. Anything else?  
17 **A. Being an auxiliary deputy.**  
18 Q. Anything else?  
19 **A. Not that I can think of.**  
20 Q. When you were asked to become  
21 sheriff, did you feel like you were qualified to  
22 become sheriff of Macon County Sheriff's  
23 Department?  
24 **A. Yes, sir.**  
25 Q. And that's based upon your 40 years

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1 of life experience and your time as an auxiliary  
2 deputy?  
3 **A. Yes.**  
4 Q. And your time as the auxiliary deputy  
5 was roughly three to 600 hours per year?  
6 **A. Yes.**  
7 Q. Over that span of time we talked  
8 about, correct?  
9 **A. Yes.**  
10 Q. When did you first -- strike that.  
11 At any point did you ever go beyond this booking  
12 area of the jail after you became sheriff?  
13 **A. Yes, sir.**  
14 Q. Okay. And when did you first go  
15 beyond this booking area of the Macon County  
16 Jail?  
17 **A. I couldn't tell you a time.**  
18 Q. Can you give us an estimate as to how  
19 long you had been in your position as to when you  
20 first went beyond this booking area of the Macon  
21 County Jail?  
22 **A. Probably about sometime within two**  
23 **months after I became sheriff.**  
24 Q. So what prompted you to then go  
25 into -- go into the area beyond the booking area

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1 of the jail?  
2 **A. I went to meet the COs as the new**  
3 **sheriff.**  
4 Q. Did you do anything else while you  
5 were at the jail this first time other than meet  
6 the correctional officers in your role as a new  
7 sheriff?  
8 **A. Not at that time.**  
9 Q. Okay. When is the next time that you  
10 went to the jail?  
11 **A. I don't know how -- I don't know the**  
12 **timing -- well, I would say -- again it was**  
13 **probably -- it was probably within that time**  
14 **period, the first two to three months. I went up**  
15 **to talk to an inmate.**  
16 Q. And this is within two to three  
17 months of becoming sheriff; is that correct?  
18 **A. I'd say so, yes.**  
19 Q. How did you come to go to the jail to  
20 speak to someone who was in custody?  
21 **A. They had put a request in to be put**  
22 **into our at-risk program.**  
23 Q. Okay. Any other -- any other time  
24 that you visited the jail or went to the jail in  
25 your role as sheriff?

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1     **A. I went to the jail, I'm going to say,**  
2     **sometime around September, but that's a guess.**  
3     Q. I don't want you to guess. Is  
4     that --  
5     **A. Well, I don't know then. I don't**  
6     **know.**  
7     Q. Okay. Your estimate or your best  
8     estimate, is that fair to say is that you went  
9     sometime this fall maybe to the jail?  
10    **A. But it would be a guess.**  
11    Q. Okay. Well, yeah, I don't want you  
12    to guess. So based upon what you know, you've  
13    been to the jail twice?  
14    **A. No.**  
15    Q. How many times -- excuse me. Strike  
16    that. Based upon your best estimate you've been  
17    to the area of the jail beyond the booking area  
18    twice; is that correct?  
19    **A. No, that's not correct.**  
20    Q. Okay. Approximately how many times  
21    have you been?  
22    **A. Six.**  
23    Q. Six times. Okay. So you told us  
24    about two times you went to meet the correctional  
25    officers, you went to meet the person who had

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1    asked to be put on the at-risk list or something  
2    to that effect?  
3    **A. Uh-huh.**  
4    Q. There was a third time but you don't  
5    know when it was?  
6    **A. No, I don't.**  
7    Q. It would only be a guess?  
8    **A. Correct.**  
9    Q. Tell us about the other three times.  
10   **A. I went once to interview a woman who**  
11   **had been arrested for prostitution at a massage**  
12   **parlor. I went once to watch our K9 handler run**  
13   **the K9 in the jail, and I went once again to**  
14   **interview someone for the at-risk program.**  
15   **That's the best of my recollection.**  
16   Q. Did you ever go to take a tour of the  
17   actual jail?  
18   **A. I probably would have done that,**  
19   **yeah. Yes. I probably would have done that at**  
20   **one point.**  
21   Q. Probably sounds close to a guess. Do  
22   you have a recollection of being given a tour or  
23   you going to the jail to tour it as sheriff?  
24   **A. I don't recall for sure.**  
25   Q. Okay. You had said you went to

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1   interview a woman who had been arrested for  
2   prostitution. Why?  
3   **A. Because we were trying to work on a**  
4   **human trafficking case. We believed she was part**  
5   **of it. It's an ongoing investigation.**  
6   Q. So from your understanding that was  
7   standard for a sheriff to actually go to the jail  
8   and interview?  
9   **A. I have no idea, but that's what I**  
10   **wanted to do.**  
11   Q. Okay. In September of 2017 when you  
12   became sheriff did you have any conversation with  
13   the outgoing Sheriff Schneider or anybody else  
14   about the nature of the delivery of healthcare to  
15   those in custody at Macon County's jail?  
16   **A. No.**  
17   Q. At the time that you became -- strike  
18   that. At any point after Sheriff Schneider  
19   extended the offer or the invite for you to  
20   become sheriff and prior to you becoming sheriff  
21   had you gained any knowledge as to the nature of  
22   the relationship between Macon County Jail and  
23   Decatur Memorial Hospital as related to the  
24   delivery of healthcare at Macon County's jail?  
25   **A. No.**

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1   Q. After you became sheriff did you come  
2   to learn that there was indeed a contract for the  
3   delivery of health services to those in custody  
4   at Macon County Jail?  
5   **A. Yes.**  
6   Q. Okay. How did you first come to  
7   learn that?  
8   **A. I don't remember.**  
9   Q. Do you still stay in touch with  
10   Sheriff Schneider from time to time?  
11   **A. Yes, sir.**  
12   Q. And it is your testimony that even  
13   until today's date you and Sheriff Schneider have  
14   not talked about this case at all; is that  
15   correct?  
16   **A. That's correct.**  
17   Q. When --  
18   **A. Let me correct myself. I would have**  
19   **told him I was giving a deposition for this case,**  
20   **but we did not discuss it.**  
21   Q. Had Sheriff Schneider told you that  
22   he had given a deposition in this case?  
23   **A. Yes.**  
24   Q. Okay. Did you talk about it then?  
25   **A. No.**

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1 Q. Okay. So the only -- the only  
2 conversations that you have ever had is your  
3 testimony with Sheriff Schneider in its entirety  
4 are about the fact that he was giving a  
5 deposition and you were giving a deposition,  
6 correct?  
7 **A. I don't understand the question.**  
8 Q. Okay. It probably was poorly --  
9 poorly phrased. It is your testimony that the  
10 only conversations that you've had at all with  
11 Sheriff Schneider as it relates to this  
12 individual who died while in the custody of Macon  
13 County Jail, it only pertained to the giving of  
14 his deposition and yours; is that true?  
15 **A. That's the only time I recall talking**  
16 **to him.**  
17 Q. Okay. You didn't talk to him about  
18 the doctor who was working -- who was assigned to  
19 the jail; is that correct?  
20 **A. Not related to this.**  
21 Q. Okay. Did you talk to him about the  
22 doctor in relation to something else?  
23 **A. Yeah, just generally.**  
24 Q. Tell us what generally you just  
25 talked about.

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1 **A. I don't recall what we talked about,**  
2 **but I knew who the doctor was. It was Dr. Braco.**  
3 **I knew who he was because when I became sheriff I**  
4 **looked at the contract that we had with DMH, and**  
5 **I met with DMH, and I would have known whether**  
6 **through -- it was -- I don't know how I know -- I**  
7 **knew it was Dr. Braco, whether it was through**  
8 **that review or maybe DMH or Sheriff Schneider. I**  
9 **couldn't tell you.**  
10 Q. That it was that doctor that what?  
11 **A. That oversaw the medical in the jail.**  
12 Q. Okay. But you didn't have a  
13 conversation with Sheriff Schneider in  
14 relationship to Dr. Braco as it related to this  
15 case, correct?  
16 **A. Correct.**  
17 Q. Okay. How about the nurse, Nurse  
18 Bates, do you recall having --  
19 **A. Never met her.**  
20 Q. Okay. Never had a conversation  
21 about --  
22 **A. Never had -- I'm sorry. I didn't**  
23 **mean to interrupt.**  
24 Q. No. No. That's okay. So it is also  
25 true that you never had a conversation with

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1 Sheriff Schneider about any nurse that may have  
2 provided any type of -- strike that. Strike  
3 that. Had you come to learn that a correctional  
4 officer -- strike that. Had you come to learn  
5 that a corporal had been designated by Sheriff  
6 Schneider to be terminated as related to his role  
7 involving this particular individual who died  
8 while in the custody of Macon County Sheriff's  
9 Department?  
10 **A. No.**  
11 Q. When Sheriff Schneider, when he  
12 announced that he was retiring, he had spoke at a  
13 public forum that you also spoke at, correct?  
14 **A. Yes.**  
15 Q. Okay. Do you recall him speaking  
16 about challenging times at the jail and him  
17 feeling like he had possibly made some mistakes  
18 while he was at the jail?  
19 **A. I do not.**  
20 Q. Okay. Do you recall also speaking at  
21 that forum?  
22 **A. Yes.**  
23 Q. Okay. You heard Sheriff Schneider  
24 speak when he spoke at that forum, correct?  
25 **A. Yes.**

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1 Q. Okay. Prior to you becoming sheriff  
2 and after being extended the offer to become  
3 sheriff, did you talk to Sheriff Schneider about  
4 maybe effective ways to handle some of the duties  
5 as related to the jail, helpful hints, tips,  
6 those types of things?  
7 **A. Just to clarify, that I would have**  
8 **asked him that?**  
9 Q. Correct.  
10 **A. No.**  
11 Q. Did you not think to ask that, or did  
12 you not think that would be helpful in terms of  
13 you being able to further the mission of the  
14 Sheriff's Department?  
15 **A. I didn't think it was necessary.**  
16 Q. Okay. And why didn't you think it  
17 was necessary to -- strike that. From your  
18 understanding how long had Sheriff Schneider been  
19 sheriff of Macon County Sheriff's Department?  
20 **A. I don't know.**  
21 Q. Do you have an estimate?  
22 **A. It would be a guess.**  
23 Q. Okay. And why didn't you think it  
24 would be helpful to maybe get some tips from the  
25 outgoing sheriff?

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1     **A. I don't know. I mean I hadn't**  
2     **thought about asking him about tips. I mean I --**  
3     **I would have seen a certain amount of how the**  
4     **office operated since August -- since August of**  
5     **2012 so I would have had my own conclusions.**  
6     Q. You also understand training is  
7     important in various areas of law enforcement,  
8     correct?  
9     **A. Correct.**  
10    Q. You also testified that you  
11    essentially spent 50 to 60 hours per week  
12    full-time in your role as chairman and CEO of  
13    your foundation, correct?  
14    **A. Correct.**  
15    Q. Okay. So any experience that you  
16    would have gotten between 2013 and 2017 would  
17    have been experience that would have been limited  
18    to your involvement outside of your 50 to 60  
19    hours per week full-time as chairman of your  
20    foundation; is that correct?  
21    **A. Correct.**  
22    Q. At some point you commissioned a  
23    study to be done or to be conducted at the jail  
24    as it related to in part the delivery of  
25    healthcare services at the jail; is that correct?

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1     **A. Correct.**  
2     **MS. LEWIS:** I'm going to object to  
3     any line of questioning dealing with this report  
4     due to relevance.  
5     **BY MR. GORDON:**  
6     Q. Okay. Correct?  
7     **A. Correct.**  
8     Q. Okay. And when did you commission  
9     this study?  
10    **A. Well, I wouldn't say I commissioned**  
11    **the study. I hired a consultant.**  
12    Q. You hired the consultant to do what?  
13    **A. To review all the activities in the**  
14    **jail and to review some activities in the**  
15    **sheriff's office generally.**  
16    Q. And who did you hire to review the  
17    activities in the jail?  
18    **A. Gary Rainey.**  
19    Q. Okay. And why did you hire Gary  
20    Rainey?  
21    **A. I wanted to make as many improvements**  
22    **in the sheriff's office as I could while I was**  
23    **there.**  
24    Q. Okay. So why did you want Gary  
25    Rainey to review all of the jail activities?

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1     **A. To give me recommendations on what I**  
2     **could do to improve it.**  
3     Q. Was Gary Rainey a medical doctor?  
4     **A. No.**  
5     Q. Okay. It's your understanding that  
6     he hired a medical doctor or medical doctors to  
7     assist in his review of the jail?  
8     **A. Yes.**  
9     Q. Prior to you hiring Gary Rainey, had  
10    you already had this meeting with, as you say,  
11    people from DMH -- from Decatur Memorial  
12    Hospital?  
13    **A. No, I would not have met with them**  
14    **prior to that.**  
15    Q. Okay. The meeting that you had with  
16    someone or people from DMH, that occurred after  
17    you hired Gary Rainey; is that correct?  
18    **A. Yes, it did.**  
19    Q. Did it also occur after those  
20    findings were submitted to you -- his findings?  
21    **A. No, I would have met with him before**  
22    **that.**  
23    Q. Okay. So you say that once you got  
24    into position at some point you took a look at  
25    the contract between Decatur Memorial Hospital

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1    and Macon County; is that correct?  
2    **A. Yes.**  
3    Q. What caused you to review the  
4    contract between Decatur Memorial Hospital and  
5    Macon County Jail?  
6    **A. Well, to understand it. I wouldn't**  
7    **have seen it before.**  
8    Q. But what prompted you to pull out the  
9    contract to actually -- to read it?  
10   **A. I probably pulled out a number of**  
11   **contracts to read just so I could be**  
12   **knowledgeable of what contracts we had.**  
13    Q. Sure. And to the extent that you  
14    don't have the recollection of why you pulled it  
15    out or found it to read, then that's fine too.  
16    I'm just asking if you have a particular  
17    recollection of why you reviewed this particular  
18    contract between Macon County Sheriff's  
19    Department and DMH.  
20    **A. I would say I most likely pulled it**  
21   **out because I was starting this process of having**  
22   **consultants look at everything in the sheriff's**  
23   **office, so I would have looked at whatever**  
24   **contracts we had.**  
25    Q. Okay. When you reviewed the contract

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1 -- strike that. Had you ever prior to you  
2 looking at the contract between DMH and Macon  
3 County Jail, had you ever looked at any contract  
4 between a correctional facility and some private  
5 medical company or hospital or vendor?  
6 **A. No.**  
7 Q. Okay. Did you understand the  
8 contract when you read it?  
9 **A. Yes.**  
10 Q. Did you understand what the terms and  
11 obligations were as related to what Macon County  
12 Sheriff's Department was supposed to do pursuant  
13 to the contract and what DMH was supposed to do  
14 pursuant to the contract?  
15 **A. To my best recollection I did.**  
16 Q. Okay. Prior to you becoming sheriff  
17 of Macon County Sheriff's Department did you ever  
18 come to have an understanding as to the level of  
19 medical care that individuals who were in this  
20 custody at the Macon County Jail were entitled  
21 to?  
22 **A. No.**  
23 Q. After you became sheriff did you come  
24 to gain that understanding at any point?  
25 **A. I would say no.**

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1 Q. Do you know the name of the doctor or  
2 doctors that Gary Rainey hired in furtherance of  
3 this review of the jail or the activities at the  
4 jail and the operations of the jail?  
5 **A. It was broken down into three or four**  
6 **people. The medical person was I believe**  
7 **Dr. Keller. I think that is his name.**  
8 Q. Okay. Did you ever have any direct  
9 conversation with Dr. Keller?  
10 **A. Yes.**  
11 Q. Okay. On approximately how many  
12 occasions did you speak to Dr. Keller?  
13 **A. My best estimate is two.**  
14 Q. Okay.  
15 **A. I would say three. I would say**  
16 **three.**  
17 Q. And when did this first conversation  
18 with Dr. Keller take place, your best estimate?  
19 **A. I'd have to guess. I don't know.**  
20 Q. Okay. Tell us what you talked about.  
21 **A. I don't remember.**  
22 Q. Who was present?  
23 **A. Well, Lieutenant Thompson would have**  
24 **been present. My best -- you don't want me to**  
25 **guess. My guess would have been Gary Rainey**

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1 **would have been present.**  
2 Q. I definitely don't want you to guess.  
3 **A. Okay.**  
4 Q. You do have a recollection of  
5 Lieutenant Thompson being present, correct?  
6 **A. Yes.**  
7 Q. Possibly Gary Rainey was there?  
8 **A. Correct.**  
9 Q. This conversation took place at the  
10 Sheriff's Department; correct?  
11 **A. Yes.**  
12 Q. Okay. Inside your office?  
13 **A. It would have been in the conference**  
14 **room.**  
15 Q. What was the purpose of the meeting?  
16 **A. The first meeting would have**  
17 **generally been to meet Dr. Keller and to discuss**  
18 **what his role would be and what he would look at,**  
19 **but I don't remember any details of that**  
20 **conversation.**  
21 Q. Do you know if you led the meeting or  
22 if Lieutenant Thompson led the meeting as related  
23 to discussing with Dr. Keller what his role would  
24 be or what his expectations would be of him?  
25 **A. Who led the meeting?**

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1 Q. Correct.  
2 **A. I probably would have led the**  
3 **meeting.**  
4 Q. And it was your understanding that --  
5 I mean this is a medical doctor -- that his  
6 primary role would have been to examine the  
7 healthcare system as related to the Macon County  
8 Jail, correct?  
9 **A. Correct.**  
10 Q. Okay. Did you ask him to be honest  
11 in his assessment?  
12 **A. Yes, sir.**  
13 Q. Okay. And it is something that you  
14 do have a recollection on telling him?  
15 **A. I remember him specifically asking me**  
16 **how blunt to be, and I said, "Don't pull any**  
17 **punches." I do remember that.**  
18 Q. Do you know if this conversation took  
19 place in late 2017, early part of this year, or  
20 what?  
21 **A. I don't remember, but I mean his**  
22 **report would be dated. So it would be around the**  
23 **time that his report was dated.**  
24 Q. Okay. That was the first time that  
25 you had a conversation. Do you recall the second

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1 time -- strike that. Approximately how long did  
2 this meeting last where he was in the conference  
3 room and you were with Lieutenant Thompson?  
4 **A. I'd have to guess again. I don't**  
5 **know. I don't know how long it took.**  
6 **Q. Do you recall having a conversation**  
7 **on what protocol he would use to be able to**  
8 **examine or to review the operations and/or**  
9 **policies of the jail maybe and its vendor --**  
10 **and/or its vendor related to healthcare services**  
11 **at Macon County Jail?**  
12 **A. What I generally remember is that**  
13 **Gary Rainey highly recommended him, and he had a**  
14 **set of protocols already in place that he would**  
15 **use, and I would have simply asked him to do what**  
16 **he normally would do.**  
17 **Q. Okay. Tell us about the second**  
18 **meeting.**  
19 **A. The second meeting would have been in**  
20 **the conference room, and it would have been --**  
21 **there would have been several people from DMH,**  
22 **Dr. Keller, Lieutenant Thompson and myself. I'm**  
23 **sure there were others, and it would have been**  
24 **when he reported his findings.**  
25 **Q. Okay. You say several people from**

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1 DMH. Can you tell us who were the people  
2 exactly?  
3 **A. Well, the first one is Katie, and I**  
4 **think it's Anderson. I'm terrible on names. And**  
5 **then Dr. -- starts with a B. I can't remember.**  
6 **Q. Dr. Braco? The same doctor?**  
7 **A. Oh, no. I've never met him.**  
8 **Q. Okay. So there was another doctor**  
9 **from DMH from your understanding was present?**  
10 **A. Yeah.**  
11 **Q. Okay. And his last name started with**  
12 **a B; is that correct?**  
13 **A. B as in boy, I just cannot believe I**  
14 **can't remember. God, I can't remember.**  
15 **Q. Okay. You also said Katie Anderson;**  
16 **is that correct?**  
17 **A. I believe so, yeah, it was Katie, and**  
18 **I believe her last name was Anderson.**  
19 **Q. Do you recall anybody else from DMH**  
20 **being present?**  
21 **A. I think it was those two.**  
22 **Q. Had you ever met Katie Anderson prior**  
23 **to this meeting?**  
24 **A. Yes.**  
25 **Q. Okay. Where at?**

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1 **A. I had -- I would have had a couple of**  
2 **meetings with her. Baumgardner. Baum --**  
3 **something like that.**  
4 **MR. KEHART: Baumberger.**  
5 **A. Yeah, something like that. That's**  
6 **who it was, and I met with him on several**  
7 **occasions because I would have been trying to**  
8 **determine if they were interested in bidding for**  
9 **the medical contract as it came up in -- I**  
10 **believe it was May of '17 or '18. Sorry, May of**  
11 **'18, and the contract was going to expire. So I**  
12 **would have had several conversations with them at**  
13 **different times and I don't know when they were,**  
14 **but I would have had several conversations with**  
15 **them regarding the contract and whether they were**  
16 **interested in renewing it and along those lines.**  
17 **BY MR. GORDON:**  
18 **Q. So these several conversations, these**  
19 **-- from your recollection prior to this meeting,**  
20 **these were on the phone, or had you had several**  
21 **face-to-face meetings?**  
22 **A. They would have been face-to-face --**  
23 **Q. Okay.**  
24 **A. -- at the sheriff's office.**  
25 **Q. And who did you meet with on each of**

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1 these several occasions both -- I mean all of  
2 these times you met with Katie Anderson and  
3 Dr. Baumberger or --  
4 **MR. KEHART: Baumberger, I think,**  
5 **yeah.**  
6 **BY MR. GORDON:**  
7 **Q. Okay.**  
8 **A. Yeah, I think most times they would**  
9 **have both been there.**  
10 **Q. Did you have an understanding as to**  
11 **what Katie Anderson's role was at DMH?**  
12 **A. I believe she's an attorney.**  
13 **Q. Okay. Did you have an understanding**  
14 **as to what Dr. Baumberger's role was at the**  
15 **hospital?**  
16 **A. I believe he oversees some -- there's**  
17 **a term for it like corporate medicine or**  
18 **something like that.**  
19 **Q. Okay. Corporate Health maybe?**  
20 **A. It could be. Something like that.**  
21 **Q. Can you tell us what was discussed**  
22 **generally during these -- during these meetings**  
23 **prior to the time where Dr. Keller was involved,**  
24 **these prior meetings.**  
25 **A. Yeah. Well --**

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1           **MS. LEWIS:** I'm going to object to  
2 any hearsay and relevance of this inquiry.  
3           **A. Okay. So I still answer?**  
4 **BY MR. GORDON:**  
5           Q. That was something I left out that I  
6 actually should have explained as I was  
7 explaining some of the ground rules.  
8           **A. Okay.**  
9           Q. There are various times when the  
10 attorneys may object. They're just doing it for  
11 purposes of the record. So if the judge sees it  
12 later on if they want to bring these issues up as  
13 part of the transcript. So the expectation is  
14 that you will still answer --  
15           **A. Okay.**  
16           Q. -- in spite of the objections unless  
17 one of your attorneys just instructs you not to  
18 answer.  
19           **A. Okay.**  
20           Q. Okay.  
21           **MR. VAYR:** And if I may briefly, I  
22 would also like to piggyback on the relevance  
23 objection to the extent it speaks to subsequent  
24 remedial measures.  
25           **A. Now you're going to have to have her**

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1           **read the question back.**  
2           **MR. GORDON:** Please.  
3           (Whereupon the requested portion of  
4 the record was read by the court reporter.)  
5           **A. Yeah, it would have been just some of**  
6 **the general operating processes like we discussed**  
7 **having Dr. Braco leave, we discussed having a PA**  
8 **come in, we discussed just kind of general**  
9 **operations like that, but I couldn't remember too**  
10 **many details of that.**  
11 **BY MR. GORDON:**  
12           Q. From your understanding why was there  
13 a conversation about having Dr. Braco leave?  
14           **MS. LEWIS:** I'm again going to object  
15 to relevance and hearsay.  
16           **A. We had an incident with a young man,**  
17 **that he ended up going to the hospital and,**  
18 **ultimately, I discovered and -- well, I -- I**  
19 **became of the opinion that it should have been**  
20 **handled differently than Dr. Braco handled it.**  
21 **BY MR. GORDON:**  
22           Q. And this incident happened when?  
23           **A. It would have been about the second**  
24 **week after I was sworn in.**  
25           Q. Okay. And tell us about the incident

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1 as you understand it.  
2           **A. I got a phone call from Lieutenant**  
3 **Hotwick. That's why I know it was the second**  
4 **week because it was the day before he retired.**  
5           Q. Okay.  
6           **A. And he said they had taken an inmate**  
7 **to the jail, and he was --**  
8           Q. Had taken an inmate to the --  
9           **A. I'm sorry. I meant to DMH.**  
10           Q. Okay.  
11           **A. And that he was not conscious and**  
12 **that they weren't sure what kind of condition he**  
13 **was in.**  
14           Q. Okay. Do you recall him saying  
15 anything else to you about that sequence of  
16 events?  
17           **MS. LEWIS:** I'm just going to show a  
18 continuing objection to this line of questioning  
19 regarding hearsay and relevance.  
20 **BY MR. GORDON:**  
21           Q. Okay. Noted.  
22           **A. Yeah, okay. So we were -- I went up**  
23 **to see this individual. I believe his last name**  
24 **was Roof, and -- and I went to see him probably**  
25 **about five times in the hospital, see how he was**

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1           **doing, and at one of those times the nurse in the**  
2 **intensive care unit where he was located for a**  
3 **few days stated that he should have never been**  
4 **given the drug that he was given, and that it**  
5 **should have never been given at the levels it was**  
6 **given.**  
7           **MS. GOEDERT:** Mr. Buffett, would you  
8 please speak towards the microphone? I'm having  
9 a hard time hearing you.  
10           **A. Yeah, I'll lean forward. How's that?**  
11           **MS. GOEDERT:** Thank you.  
12           **A. Yeah.**  
13 **BY MR. GORDON:**  
14           Q. Okay. And do you recall the nurse  
15 saying anything else to you during one of these  
16 times when you visited him at the hospital?  
17           **A. No.**  
18           Q. Okay. So did this person make a  
19 recovery?  
20           **A. Yes.**  
21           Q. Okay.  
22           **A. Full recovery.**  
23           Q. Okay. And so after you were told  
24 this information by the nurse, did that concern  
25 you?

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1     **A. Yes, it concerned me.**  
2     Q. Okay. Did you then have a  
3 conversation with Dr. Braco, or did you speak to  
4 somebody from DMH, or --  
5     **A. Never met Dr. Braco.**  
6     Q. Okay.  
7     **A. I had a conversation with**  
8 **Dr. Baumgardner or however you say it. I'm not**  
9 **probably saying it right but --**  
10    Q. Did you have that conversation in  
11 person, or was that one of the conversations that  
12 you had --  
13    **A. I had that on the phone.**  
14    Q. Okay. Do you recall what you said to  
15 him and what he said in response?  
16    **A. Yeah, I'm not going to have this in**  
17 **perfect sequence, but I told him that our**  
18 **contract allowed for us to change personnel, and**  
19 **I believe it allowed them ten days unless it was**  
20 **an emergency situation, and I told him I wanted**  
21 **the doctor changed within ten days.**  
22    Q. Did he say anything in response?  
23    **A. Basically cooperative.**  
24    Q. Okay. Prior to that there was no one  
25 who had brought to your attention any other

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1 concerns about Dr. Braco and maybe his  
2 involvement with the care of any people who had  
3 been in the custody of Macon County Jail prior to  
4 this young man; is that correct?  
5     **MS. LEWIS: Objection. Relevance.**  
6     **A. I can't tell you any specific time,**  
7 **no.**  
8     Q. Other than any conversations that you  
9 may have had with your attorneys, has anyone ever  
10 told you that on the date that Michael Carter  
11 died that Dr. Braco told a nurse -- a nurse also  
12 employed by DMH that he wouldn't authorize the  
13 calling of an ambulance because he didn't want to  
14 spend a thousand dollars to transport Michael  
15 Carter to the hospital?  
16    **A. No.**  
17    Q. Okay. After you became sheriff had  
18 you been informed by anyone -- I'm not speaking  
19 about your attorneys, but anyone else that there  
20 was a video or videos that depicted part of  
21 Michael Carter's final morning, part of it being  
22 inside of the medical cell and part of it being  
23 inside of this Dead Lock or trod 5 of Macon  
24 County's jail?  
25    **A. No.**

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1     Q. Okay. So you testified that you  
2 recall one of the things being discussed when you  
3 met with Katie Anderson and Dr. Baumgartner or  
4 Baumberger? Obviously I don't know how to say  
5 it.  
6     **A. Doctor B.**  
7     Q. Doctor B, right. There we go. That  
8 one of the things discussed was that you wanted a  
9 PA to come in instead of Dr. Braco; is that  
10 correct?  
11    **A. Well, I didn't -- I didn't feel**  
12 **medically competent to determine how to change**  
13 **the circumstances. So that was DMH's suggestion**  
14 **that they felt they could find a PA that would**  
15 **come in to do the day-to-day activity or oversee**  
16 **the daily activity, I guess you would put it that**  
17 **way, of the jail --**  
18    Q. Okay.  
19    **A. -- of the jail medical staff.**  
20    Q. Okay. Any other -- any other  
21 substance of the conversation -- these several  
22 conversations that you had -- excuse me --  
23 several meetings that you had with the folks from  
24 DMH prior to the involvement of Dr. Keller, any  
25 other things that you can recall being discussed?

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1     **A. No.**  
2     Q. Okay. And these meetings took place  
3 after you had the opportunity to review the  
4 contract, correct?  
5     **A. Correct.**  
6     Q. Okay. After you reviewed the  
7 contract up until the involvement of Dr. Keller  
8 and the meeting along with DMH, did you feel that  
9 DMH was honoring its portion of the contract?  
10    **A. Yes.**  
11    Q. And that was based upon what?  
12    **A. I had no issues with them.**  
13    Q. Meaning what?  
14    **A. I had no reason to believe that they**  
15 **were not honoring their contract.**  
16    Q. Okay. Did you do anything -- strike  
17 that. I understand that you hired Mr. Rainey.  
18 He brought in a doctor or doctors. But prior to  
19 that did you do anything to inquire or  
20 investigate whether or not DMH was honoring its  
21 side of the contract?  
22    **A. Well, I would say that since it was**  
23 **my second week that we had this issue with this**  
24 **young man going to DMH, that the subsequent**  
25 **conversations would have involved that, but I**

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1 **don't recall anything specific.**  
2 Q. As you sit here today -- and I  
3 understand you don't have the contract in front  
4 of you right now, and I'm assuming you didn't  
5 review the contract in preparation for your  
6 deposition today, correct?  
7 **A. That's correct.**  
8 Q. Okay. If I told you that the  
9 contract called for DMH to provide a certain  
10 level of training to jail staff, would you have  
11 any reason to disagree with that?  
12 **A. No, but I don't recall it either.**  
13 Q. Okay. From your understanding did  
14 you ever find any evidence at all that  
15 DMH provided any level of training to any jail  
16 staff during the time that you were there and  
17 Macon County was partners with DMH in this  
18 healthcare delivery contract?  
19 **A. No.**  
20 Q. Okay. Are you familiar with the  
21 acronym NCCHC?  
22 **A. No.**  
23 Q. Okay. So this meeting you would then  
24 have with Dr. Keller, which I believe you  
25 testified was your -- most probably your second

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1 meeting with him where now these two individuals  
2 from DMH are also present. Can you tell us what  
3 was discussed during this meeting?  
4 **MS. LEWIS:** I'm going to renew my  
5 objection.  
6 **A. Dr. Keller would have gone through**  
7 **his findings and his report, and it would have**  
8 **been discussed.**  
9 **BY MR. GORDON:**  
10 Q. Some of this comes down -- so I think  
11 I understand what you're saying, but some of it  
12 gets tricky as you read it back. So when you say  
13 that he would have, did he? Did he discuss his  
14 report? Did he discuss his findings?  
15 **A. I don't remember, but that would have**  
16 **been the purpose of the meeting.**  
17 Q. Do you have a recollection of talking  
18 to Dr. Keller about his findings?  
19 **A. Yes.**  
20 Q. Okay. You have a recollection of  
21 talking to him about his findings during this  
22 meeting --  
23 **A. Yes.**  
24 Q. -- that you've testified about?  
25 **A. Yes.**

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1 Q. The second meeting?  
2 **A. Yes.**  
3 Q. Okay. Do you have a recollection of  
4 talking to anybody from DMH during the second  
5 meeting about Dr. Keller's findings?  
6 **A. There would have been some**  
7 **conversation. I just don't recall what it was.**  
8 Q. Do you have any recollection of  
9 anybody from DMH disagreeing with any of the  
10 findings of Dr. Keller?  
11 **MS. LEWIS:** I'm going -- I'm going to  
12 object to that. Relevance. Hearsay.  
13 **BY MR. GORDON:**  
14 Q. And this is during the second  
15 meeting. I'm sorry.  
16 **A. Yeah. Right. I don't recall that.**  
17 Q. Okay. Do you recall any commentary  
18 as related to -- strike that. Do you recall any  
19 comments from anyone from DMH during the second  
20 meeting as it related to Dr. Keller's findings?  
21 **MS. LEWIS:** Same objection.  
22 **A. I don't recall any.**  
23 **BY MR. GORDON:**  
24 Q. Do you recall anybody from DMH  
25 seeming surprised at what Dr. Keller found?

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1 **MS. LEWIS:** Same objection.  
2 Argumentative.  
3 **A. I don't know if they were surprised.**  
4 **I can't -- you know, I can't guess at that.**  
5 **BY MR. GORDON:**  
6 Q. Well, I'm not asking you to guess --  
7 **A. Yeah.**  
8 Q. -- in terms of what was actually in  
9 their minds.  
10 **A. Yeah.**  
11 Q. I'm just saying that in terms of what  
12 you were able to observe, did anybody appear to  
13 be surprised or taken aback at what Dr. Keller  
14 found as related to the delivery of healthcare at  
15 Macon County's jail and pursuant to the contract  
16 between DMH and Macon County Jail?  
17 **A. No.**  
18 **MS. LEWIS:** Same objection.  
19 **MR. GORDON:** Take a five-minute  
20 break. Is that okay?  
21 **MS. LEWIS:** Sure.  
22 (Whereupon a break was taken.)  
23 **MR. VAYR:** Just briefly since we're  
24 on the record. I just don't want to slow down  
25 the deposition so I'm just registering a general

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1 objection to relevance, hearsay, and subsequent  
2 remedial measures for lines of questioning about  
3 the report, the content and the findings.  
4 And with that, I will probably be  
5 quiet for the rest of the dep. Thank you very  
6 much.  
7 **MS. LEWIS:** I'll join that.  
8 **BY MR. GORDON:**  
9 Q. The -- strike that. After you hired  
10 Gary Rainey to -- strike that. When you hired --  
11 **MS. GOEDERT:** I'm having a hard time  
12 understanding you, sir.  
13 **BY MR. GORDON:**  
14 Q. Yeah, I think I'm -- I'm formulating  
15 my questions on the go, so yeah, bear with me.  
16 At the time you hired Gary Rainey to  
17 conduct a review of the -- in part a review of  
18 the jail including the delivery of healthcare at  
19 the jail and how it related to the contract with  
20 DMH, this was conducted pursuant to your role as  
21 sheriff, correct?  
22 **A. Correct.**  
23 Q. In the ordinary course and business  
24 of you being the sheriff of Macon County --  
25 **A. Correct.**

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1 Q. -- Sheriff Department, correct?  
2 **A. Correct.**  
3 Q. And in those findings -- strike that.  
4 When Dr. Kelly -- Dr. Keller performed his part  
5 of the review and reduced those findings to  
6 writing, he presented those findings to you; is  
7 that correct?  
8 **A. Correct.**  
9 Q. And the meeting that you had with him  
10 where he presented his findings to you, that was  
11 also done during your ordinary course of business  
12 as the sheriff of Macon County Sheriff's  
13 Department, correct?  
14 **A. Correct.**  
15 Q. And as you sit here today you didn't  
16 have any reason then and don't have any reason  
17 now to dispute the findings of Dr. Keller and his  
18 report; is that true?  
19 **A. Correct.**  
20 **MR. GORDON:** Counsel, just so -- I  
21 think it would make the deposition go more  
22 quicker -- I understand that you all have the  
23 objections. You can even object at this point as  
24 a standard one, but instead of me going just  
25 through the report, we'll just stipulate that

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1 that's the report that was done by Dr. Keller and  
2 maybe even attach it as an exhibit, and you all  
3 can obviously have your objections.  
4 **MR. KURNIK:** I will stipulate that  
5 that's a true and accurate -- whatever you  
6 attach, assuming that that's your copy of it --  
7 **MR. GORDON:** Sure.  
8 **MR. KURNIK:** -- that that's a true  
9 and accurate copy of the report.  
10 **MS. LEWIS:** I'll stipulate to that.  
11 **MR. KURNIK:** And again without regard  
12 to waiving his objections.  
13 **MR. GORDON:** Sure.  
14 **MR. VAYR:** Sure.  
15 **MR. KURNIK:** Fair enough?  
16 **MR. JENNETTEN:** We'll agree to  
17 standing objection.  
18 **MR. GORDON:** Okay. So, yeah, I won't  
19 go an awful lot through -- Okay.  
20 **MR. VAYR:** Thank you, counsel.  
21 **MR. GORDON:** Yeah. No problem.  
22 **BY MR. GORDON:**  
23 Q. And from your understanding, the  
24 Sheriff's Department including the jail  
25 operations in the second week, even in the second

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1 month as you took the helm, they were  
2 substantially in the same position that they had  
3 been in -- strike that.  
4 When Sheriff Schneider passed the  
5 baton to you to become sheriff of the Macon  
6 County Sheriff's Department is it your  
7 understanding that the operations and the  
8 policies of the jail were substantially similar  
9 to how they had been for at least the last three  
10 years?  
11 **MS. LEWIS:** Calls for speculation.  
12 **MR. KURNIK:** Objection. Lack of  
13 foundation.  
14 **MS. LEWIS:** Join.  
15 **MR. JENNETTEN:** Join that objection.  
16 **MR. VAYR:** Join.  
17 **A. I wouldn't know.**  
18 **BY MR. GORDON:**  
19 Q. Okay. After you became sheriff at  
20 any point there's -- no one has told you that  
21 Sheriff Schneider implemented any type of  
22 operational or policy change in a substantial  
23 fashion as related to the delivery of healthcare  
24 system at any point during the contractual  
25 relationship with DMH; isn't that true?

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1     **A. Correct.**  
2     Q. Okay. At some point -- okay. Strike  
3     that. After the meeting with Dr. Keller where  
4     the people from DMH were present, did you have  
5     any additional meetings with Dr. Keller?  
6     **A. One.**  
7     Q. Okay. When did that meeting take  
8     place?  
9     **A. I don't know. Following that**  
10    **meeting, but I'm not sure how long after that.**  
11    Q. Do you recall what was discussed  
12    during that meeting?  
13    **A. Yes, generally it was -- it was in my**  
14    **office, and I was confirming that his report was**  
15    **completed and that he would get it delivered to**  
16    **me, and that would have been the primary purpose**  
17    **for that meeting.**  
18    Q. Okay. Any other meetings after that  
19    meeting with anyone from DMH -- strike that.  
20    After this next meeting that you just testified  
21    about with Dr. Keller where you asked about the  
22    status maybe of his report and his findings, any  
23    other meetings with anybody from DMH in  
24    relationship to their delivery of healthcare at  
25    the jail?

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1     **A. There would have -- at some point I**  
2     **would have had a conversation -- I believe I had**  
3     **a conversation with somebody that told me that**  
4     **they were not going to bid on the new contract.**  
5     Q. Someone from DMH told you that?  
6     **A. Yes.**  
7     Q. Do you recall who that was?  
8     **A. I'm not sure.**  
9     Q. Okay. So is it your understanding  
10    that -- strike that. So there is another  
11    vendor -- there's a different vendor who provides  
12    healthcare services at the jail now?  
13    **A. Yes, it's a different vendor now,**  
14    **yes.**  
15    Q. Pursuant to contract, correct?  
16    **A. Yes, they bid on the contract.**  
17    Q. Okay. Who is that vendor?  
18    **A. Crossings.**  
19    Q. Crossings?  
20    **A. Crossings Healthcare.**  
21    Q. Crossings Healthcare. So it is  
22    your -- it is your testimony that it wasn't the  
23    decision of Macon County Sheriff's Department to  
24    exclude DMH from the bidding process, that  
25    someone from DMH informed you that DMH would not

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1    participate in bidding on the latest round of  
2    contracts?  
3     **A. That's correct.**  
4     Q. In your role as sheriff did you come  
5     to learn at any point that as related to the  
6     provision of health and medical care to those in  
7     custody at Macon County Jail that there was a  
8     staffing shortage?  
9     **A. Yes.**  
10    Q. Okay. Did you come to learn how long  
11    the staffing shortage had been in place?  
12    **A. No.**  
13    Q. Did you come to learn that services  
14    for medical care or related issues for those in  
15    custody at Macon County's jail during your tenure  
16    as you started that it was underfunded?  
17    **A. That was the conclusion we came to,**  
18    **yes.**  
19    Q. Sure. Did you come to have an  
20    understanding as to how long these various  
21    services had been underfunded as related to the  
22    provision of healthcare to those housed at or in  
23    the custody of the Macon County Sheriff's  
24    Department?  
25    **A. No.**

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1     Q. Okay. How often do you communicate  
2     with Sheriff Schneider?  
3     **A. I probably talk to him almost every**  
4     **day.**  
5     Q. What do you typically talk about  
6     every day, or does it vary?  
7     **A. Just what's going on -- what's going**  
8     **on at work and the new ideas we have for the**  
9     **training center, and I don't know, what his**  
10    **wife's doing at her job, how my wife's feeling,**  
11    **just typical conversation.**  
12    Q. It is true that after you became --  
13    or excuse me -- after he invited you to become  
14    sheriff of the Macon County Sheriff's Department  
15    that you invited him to become head of a new  
16    training institute that you funded here in town,  
17    correct?  
18    **A. No, that's not correct.**  
19    Q. Okay. Is he the head of a training  
20    institute here or will he be the head of one  
21    that --  
22    **A. No.**  
23    Q. Okay. Has he had any role with the  
24    training institute -- a law enforcement training  
25    center that is to be built or has been built here

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1 in Decatur?

2 **A. He has a role, yes.**

3 Q. What is the role?

4 **A. What is the role?**

5 Q. What is the role?

6 **A. I don't know.**

7 Q. There is a law enforcement center

8 that is being built here in Decatur; is that

9 correct?

10 **A. Yes.**

11 Q. Okay. This is something that your

12 foundation funded --

13 **A. Yes.**

14 Q. -- correct? Okay. The foundation

15 you're the CEO of, correct?

16 **A. Correct.**

17 Q. Okay. You understand that the person

18 you speak to every day has a role with this

19 facility, correct?

20 **A. Yes.**

21 Q. You don't know even to this day what

22 his role is?

23 **A. No, I have nothing to do with that**

24 **facility. I paid for it, and that's it.**

25 Q. That's it. Okay. But you also speak

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1 to him every day?

2 **A. Sure. Yeah. Well, almost every day.**

3 **I mean often.**

4 Q. Almost every day. Fair enough.

5 **A. Yeah.**

6 Q. Do you know how he became involved

7 with this facility?

8 **A. I do not.**

9 Q. I'm almost done. Just need a couple

10 minutes. Did you have an understanding that the

11 contract when you came -- When you came on board

12 as sheriff, did you have an understanding that a

13 doctor should be on call 24/7 for the jail?

14 **A. I did not.**

15 Q. When you came on board did you

16 understand that there was not a -- that the Macon

17 County Jail did not have a healthcare

18 administrator employed by the jail?

19 **A. No, I don't know anything about that.**

20 Q. Okay. At the time that you grew

21 concerned about Dr. Braco and his involvement

22 with the young man that you talked about, at that

23 point did you pick up the phone and say, Tom,

24 former Sheriff Schneider, tell me about this Dr.

25 Braco? Have you ever had any -- did you have any

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1 bad experiences with him, did you know anything

2 about him? Did you bring that up at all to

3 former Sheriff Schneider?

4 **A. I could have at some point, but I**

5 **don't recall.**

6 Q. And so I'm clear, this meeting where

7 you said that Katie Anderson and Dr. Baumberger

8 from DMH -- I don't know if that's the correct

9 pronunciation of his name, but Doctor B was the

10 reference earlier, and that Dr. Keller was

11 present, Dr. Keller was discussing his findings

12 after his review of the delivery of healthcare

13 services at the jail, he was discussing that to

14 the group, correct?

15 **A. Correct.**

16 Q. After you started in September of

17 2017 as sheriff of Macon County Sheriff's

18 Department were you ever informed of or did you

19 become aware of any operational -- excuse me --

20 operations manual or procedures manual as it

21 related to the jail and what to do in medical

22 emergencies?

23 **A. No.**

24 Q. Okay. Did you or do you have an

25 understanding as to what the proper protocol is

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1 for a correctional officer or a corporal or

2 sergeant -- what the appropriate protocol is if

3 they witness an inmate or a pretrial detainee in

4 obvious -- in obvious medical distress?

5 **A. I do not know a protocol.**

6 Q. Did you ever inquire as to what the

7 protocol should be in that situation?

8 **A. No.**

9 **MR. GORDON:** That's all I have.

10 **THE WITNESS:** Okay.

11 **MR. KURNIK:** Regan.

12 **MS. LEWIS:** Just one or two

13 questions, Mr. Buffett.

14 **MS. GOEDERT:** Can you speak up? I'm

15 sorry.

16 **EXAMINATION**

17 **BY MS. LEWIS:**

18 Q. The consultants that we referred to

19 during the course of this deposition today, they

20 were not hired by you to investigate the

21 propriety of the actions of the jail or medical

22 staff specifically as it relates to Michael

23 Carter while he was in custody in July of 2015,

24 correct?

25 **A. Correct.**

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1 Q. And they were not retained by you to  
2 investigate the cause of death of Michael Carter  
3 in July of 2015, correct?  
4 A. Correct.  
5 Q. And we spoke briefly about the young  
6 man who at some point during your tenure as  
7 sheriff had a medical incident in the jail and  
8 was in the ICU and a conversation you had with  
9 the nurse, and you said that it was your opinion  
10 that something changed, is that fair to say, with  
11 respect to the healthcare?  
12 A. I don't follow that question.  
13 Q. Let me go back to my notes. You said  
14 that there was a young man who went to the ICU --  
15 A. Correct.  
16 Q. -- correct? And that you had a  
17 conversation with the nurse at the ICU --  
18 A. Yeah.  
19 Q. -- correct? And I believe you said  
20 that it became your opinion that the physician at  
21 the jail should have handled that situation  
22 differently, is that correct?  
23 A. That was what she stated.  
24 Q. Okay.  
25 A. Yeah.

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1 Q. That's what the nurse stated?  
2 A. Yeah.  
3 Q. And then you formed an opinion from  
4 that conversation?  
5 A. Correct.  
6 Q. And I don't know -- I don't recall  
7 during your training -- but I just want to  
8 confirm. Do you have any sort of medical  
9 training in your background?  
10 A. No, ma'am.  
11 MS. LEWIS: Okay. Thank you. Thank  
12 you, Mr. Buffett. That's all I have.  
13 MR. KURNIK: Peter.  
14 MR. JENNETTEN: Thank you. I have a  
15 few questions.  
16 THE WITNESS: Okay.  
17 EXAMINATION  
18 BY MR. JENNETTEN:  
19 Q. Other than the training you had at  
20 Macon County Sheriff's Department, do you have  
21 any other law enforcement training outside of  
22 Macon County?  
23 A. Yes.  
24 Q. Where is that?  
25 A. In Cochise County, Arizona.

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1 Q. What was the training you had in  
2 Cochise County?  
3 A. Well, I would have had firearms  
4 training. I would have spent a great deal of  
5 time on -- well, not a great deal but a certain  
6 amount of time on patrol, so it's on-the-job  
7 training. And I had -- as it refers to the  
8 medical question, I've taken one medical training  
9 in my life which is how to use a tourniquet, and  
10 that was at the Cochise County Sheriff's Office.  
11 Q. Were you an auxiliary officer there  
12 or deputy?  
13 A. They don't have -- it's not the same  
14 kind of status in Arizona, but it's similar to  
15 that, but it's as a volunteer.  
16 Q. Have you ever been to like a  
17 full-fledged police academy training?  
18 A. No, sir.  
19 Q. Okay. And, similarly, have you been  
20 through a correctional officer academy?  
21 A. No.  
22 Q. Do you recall what the typical  
23 population in the jail was during your time as  
24 sheriff?  
25 A. When I was sworn in as sheriff, the

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1 number would have been in the area of 350, and  
2 when I left it was under 200. So there was a  
3 variation during the time period in-between  
4 those, you know, that -- those numbers.  
5 Q. And was that a deliberate effort to  
6 bring the population down, or was that just kind  
7 of a variation?  
8 A. We lost about 30 -- on average about  
9 30 to 35 federal inmates from the U.S. Marshall  
10 Service.  
11 Q. And that gets actually in one of my  
12 other questions. At the time you took over the  
13 jail, it housed federal inmates?  
14 A. Yes, sir, we were averaging probably  
15 40 or 45.  
16 Q. And the jail had a contract with the  
17 federal government to provide that housing?  
18 A. And they still do.  
19 Q. And as part of that did the federal  
20 government inspect the jail on a regular basis?  
21 A. They inspected it. I don't know if  
22 it's on a regular basis.  
23 Q. And would their inspection include a  
24 review of the medical care at the jail?  
25 A. I don't know. Well, let me see.

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1 **Yes, it would. It would. Yes, it would.**  
2 Q. And, similarly, is the jail regularly  
3 inspected by the Illinois Department of  
4 Corrections?  
5 **A. Yes.**  
6 Q. And in the inspections that are  
7 performed by the Department of Corrections or the  
8 federal government, are you aware of them  
9 identifying any deficiencies in the medical care  
10 that was provided?  
11 **A. No.**  
12 Q. During your time as undersheriff did  
13 you have any involvement working in the jail?  
14 **A. No.**  
15 Q. Your work as undersheriff was outside  
16 the jail?  
17 **A. Yes, sir.**  
18 Q. And you were not the sheriff in 2015,  
19 correct?  
20 **A. Correct.**  
21 Q. Now, you were asked a little bit  
22 about when you became aware of the lawsuit and  
23 the incident involving Michael Carter. Was that  
24 before or after you began the process of  
25 requesting the investigation and the report by

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1 Mr. Rainey?  
2 **A. I couldn't tell you.**  
3 Q. Okay. And from looking at the  
4 report, it looks like that report was actually  
5 commissioned by your foundation rather than the  
6 Sheriff's Department?  
7 **A. It was commissioned as myself as**  
8 **sheriff but the foundation hired both Rainey,**  
9 **Keller, and the other people who came in as**  
10 **contractors so that we could pay the bill for**  
11 **them. The county didn't have the money.**  
12 Q. Okay. So the foundation paid the  
13 people who did the review?  
14 **A. Yes, sir.**  
15 Q. Was there a written contract or  
16 proposal or something for that report?  
17 **A. Yes, each contractor we used either**  
18 **gave us a firm amount or they gave us an**  
19 **estimated amount, and I believe Dr. Keller gave**  
20 **us a firm amount if I remember correctly.**  
21 Q. And were those contracts between  
22 those investigators and the foundation or the  
23 investigators and the county or the Sheriff's  
24 Department?  
25 **A. The contract was between the**

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1 **foundation approved in a resolution by the county**  
2 **board.**  
3 Q. Have you ever met the nurse, Jo  
4 Bates, who worked at the jail?  
5 **A. No.**  
6 **MR. JENNETTEN:** Okay. I think that's  
7 all the questions I have. Thank you.  
8 **EXAMINATION**  
9 **BY MR. VAYR:**  
10 Q. Have you ever met Captain Randall  
11 West during your time at the jail?  
12 **A. No.**  
13 Q. And then is it fair to say or is it  
14 true that any information you have regarding  
15 healthcare policies or correctional officer  
16 behavior at the jail is learned from reports that  
17 you either -- or learned from reports or  
18 statements from others that you received after  
19 July 2015?  
20 **MR. KURNIK:** Objection. Lack of  
21 foundation. I think he's testified he doesn't  
22 know anything about the jail operations.  
23 **MR. VAYR:** Fair. I can take that as  
24 fair enough for me. I'm done.  
25 **THE WITNESS:** Okay.

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1 **MR. GORDON:** That's it. Thank you.  
2 **THE WITNESS:** Yeah.  
3 **MR. KURNIK:** Okay. Howard, Paula,  
4 waive signature okay with you?  
5 **MS. GOEDERT:** I'm going to let Bill  
6 answer that.  
7 **MR. KURNIK:** Okay. Do you want to  
8 read it and make sure she took down all the  
9 questions and answers accurately?  
10 **THE WITNESS:** Nope.  
11 **MR. KURNIK:** I figured these last two  
12 hours was enough. For the record show signature  
13 waived.  
14 (The deposition was concluded at 1:00  
15 p.m., and the signature of the deponent was  
16 waived.)  
17  
18  
19  
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21  
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24  
25

CERTIFICATION

I, Rhonda Rhodes Bentley, CSR, a  
Certified Shorthand Reporter (IL), do hereby  
certify that HOWARD GRAHAM BUFFETT came before me  
on DECEMBER 6, 2018, and swore before me to  
testify to the truth, the whole truth and nothing  
but the truth regarding his knowledge touching  
upon the matter in controversy.

I do further certify that I did take  
stenographic notes of the questions propounded to  
said witness and his answers thereto and that  
said notes were reduced to typewritten form under  
my direction and supervision.

I do further certify that the  
attached and foregoing is a true, correct and  
complete copy of my notes and that said testimony  
is now herewith returned. I do further certify  
that said deposition was taken at the Law Offices  
of Kehart, Wise, Toth & Lewis, 132 South Water,  
Suite 200, Decatur, Illinois.

I do further certify that I am not  
related in any way to any of the parties involved  
in this action and have no interest in the  
outcome thereof. Dated at Divernon, Illinois,  
January 2, 2019.

Rhonda Rhodes Bentley, CSR  
CSR# 084-002706

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