

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DIGITALLY RECORDED  
SWORN STATEMENT  
OF  
MICHAEL THOMAS

OIG CASE #:  
2019-010614

DEPARTMENT OF JUSTICE  
OFFICE OF THE INSPECTOR GENERAL  
JUNE 17, 2021

**RESOLUTE DOCUMENTATION SERVICES**  
[REDACTED]  
Agoura Hills, CA 91301  
Phone: [REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED] [REDACTED]

BY: [REDACTED] [REDACTED]

WITNESS:

MICHAEL THOMAS

OTHER APPEARANCES:

[REDACTED] [REDACTED]

DOUGLAS MITCHELL, ESQ.

MONTEL FIGGINS, ESQ.

1                   MR. [REDACTED]: The recorder is on. My  
2 name is [REDACTED] [REDACTED]. I'm a senior  
3 Special Agent with the U.S. Department of  
4 Justice Office of the Inspector General, New  
5 York Field Office and these are my credentials.  
6 This interview with Federal Bureau of Prisons  
7 employee Michael Thomas is being conducted as  
8 part of an official U.S. Department of Justice  
9 Office of the Inspector General investigation.  
10 Today's date is June 17, 2021 and the time is  
11 10:07 a.m. This interview is being conducted  
12 at the Law Offices of Montel Figgins located at  
13 [REDACTED], Newark, New  
14 Jersey. Also present are DOJ OIG Special Agent  
15 [REDACTED] [REDACTED], BOP employee Michael Thomas, Mr.  
16 Thomas' attorney, Douglas Mitchell from the Law  
17 Offices of Montel Figgins, and [REDACTED]  
18 [REDACTED], Union Representative and Officer  
19 Specialist at the MCC. This interview will be  
20 recorded by me, Senior Special Agent [REDACTED]  
21 [REDACTED]. Could everyone please identify  
22 themselves for the record and spell your last  
23 name. To start again, I am DOJ OIG Senior  
24 Special Agent [REDACTED] [REDACTED], [REDACTED]-  
25 [REDACTED].

1 MR. [REDACTED]: I am DOJ OIG Special Agent  
2 [REDACTED], [REDACTED].

3 MR. MITCHELL: I am Douglas Mitchell,  
4 attorney Douglas Mitchell, Law Offices of  
5 Montel Figgins. Mitchell, M-I-T-C-H-E-L-L.

6 MR. [REDACTED]: [REDACTED], [REDACTED]-  
7 [REDACTED], President of Local 3148.

8 MR. THOMAS: Michael Thomas, T-H-O-M-A-S.

9 MR. [REDACTED]: Thank you all. Mr.  
10 Thomas, you are here today as a subject in this  
11 DOJ OIG investigation. This DOJ investigation  
12 concerns your alleged misconduct to include  
13 allegations of false statements, job  
14 performance failure, security failure, and  
15 reporting false information. This is an  
16 official DOJ OIG investigation and you are  
17 being asked to voluntarily provide answers to  
18 our questions. Will you agree to a voluntary  
19 interview with the DOJ OIG?

20 MR. THOMAS: Yes.

21 MR. [REDACTED]: Thank you, sir. Now we  
22 have a form here for our employees who provide  
23 voluntary answers to our questions. It's the  
24 U.S. Department of Justice Office of the  
25 Inspector General Warnings and Assurances to

1 Employee Requested to Provide Information on a  
2 Voluntary Basis. It says: You are being asked  
3 to provide information as part of an  
4 investigation being conducted by the Office of  
5 the Inspector General. This investigation is  
6 being conducted pursuant to the Inspector  
7 General Act of 1978 as amended. This  
8 investigation pertains to your alleged false  
9 statements, job performance failure, security  
10 failure, and reporting false information. This  
11 is a voluntary interview. Accordingly, you do  
12 not have to answer questions. No disciplinary  
13 action will be taken against you if you choose  
14 not to answer questions. Any statement you  
15 furnish may be used as evidence in any future  
16 criminal proceedings or agency proceedings,  
17 disciplinary proceedings, or both. And  
18 obviously, we have the DPA. Then there's a  
19 waiver section. I understand the Warnings and  
20 Assurances stated above and I am willing to  
21 make a statement and answer questions. No  
22 promises or threats have been made to me and no  
23 pressure or coercion of any kind has been used  
24 against me. Now if you want to take a look or  
25 anybody - the attorney or anybody - wants to

1 take a look. That was read verbatim. But if  
2 you agree, there is a section that says  
3 employee signature. And then you can just  
4 print your name.

5 MR. [REDACTED]: Just print your name right  
6 below it.

7 MR. [REDACTED]: Thank you, Mr. Thomas,  
8 for signing. I am going to sign as the  
9 signature of the Office of the Inspector  
10 General Special Agent. Again, this is [REDACTED]  
11 [REDACTED] and I'm going to print my name.  
12 Special Agent [REDACTED], can you sign as the  
13 signature of witness.

14 MR. [REDACTED]: This is Special Agent [REDACTED].  
15 I'm signing as signature of witness.

16 MR. [REDACTED]: Thank you, sir. Special  
17 Agent [REDACTED], can you just fill in the date and  
18 time and then write in the place. So the date  
19 is again, 6/17/2021 and the time is 10:11 a.m.  
20 Thank you. Okay. And since there's a union  
21 representative present, I have a form for you  
22 as well if you just want to take a look and  
23 review that. I'm not going to read that out  
24 loud for the record.

25 MR. [REDACTED]: I've read them many a

1 times.

2 MR. [REDACTED]: You don't need to  
3 (Indiscernible \*00:05:09) all that. Thank you,  
4 Mr. [REDACTED] for signing where you said that  
5 you certify that you appeared as an official  
6 OIG investigative interview as a union  
7 representative and was provided a copy of this  
8 advisory and signing it and dating it. I am  
9 going to sign where it says name of OIG special  
10 agent. It actually doesn't ask for my  
11 signature, so I will first print and then sign  
12 next to it. I'm dating it 6/17/2021.

13 MR. [REDACTED]: Mr. Mitchell, is someone on  
14 the line?

15 MR. MITCHELL: Well I was just setting up  
16 a conference so Mr. Figgins could dial in. No  
17 one's there.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: Oh, okay. Is he going to  
20 be dialing in?

21 MR. MITCHELL: Yeah, he's going to join us  
22 shortly.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: Okay.

25 MR. MITCHELL: That's nothing.

1 MR. [REDACTED]: So shortly, attorney  
2 Montel Figgins will be dialing in. Alright.  
3 So did you understand the OIG form Mr. Thomas?

4 MR. [REDACTED]: Thomas.

5 MR. THOMAS: Yes. Yes I did.

6 MR. [REDACTED]: Great. Thank you.  
7 before starting, I would like to place you  
8 under oath. Can you raise your right hand  
9 please? Mr. Thomas, do you swear to tell the  
10 truth and nothing but the truth during this  
11 interview?

12 MR. THOMAS: Yes, I do.

13 MR. [REDACTED]: Thank you, sir. If  
14 there's anything that you don't understand or  
15 any kind of questions, please just ask for me  
16 to uh -.

17 MR. THOMAS: I surely will.

18 MR. [REDACTED]: Yeah. If you don't, I'll  
19 rephrase it.

20 MR. THOMAS: The language where if I don't  
21 understand, I will say something.

22 MR. [REDACTED]: Perfect. Thank you, sir.  
23 Alright. So what's your current home address?

24 MR. THOMAS: [REDACTED], Keasbey,  
25 New Jersey 08832.

1           MR. [REDACTED]: Thank you., sir. And  
2           what's your date of birth?

3           MR. THOMAS: [REDACTED].

4           MR. [REDACTED]: Do you happen to have any  
5           kind of ID on you just so we --

6           MR. THOMAS: Yes.

7           MR. [REDACTED]: -- know we're talking to  
8           the right person? Okay. I'm looking at a New  
9           Jersey auto driver license and the name on it  
10          is Michael A. Thomas and the picture does match  
11          the person sitting in front of me. Okay.  
12          What's your highest level of education?

13          MR. THOMAS: Some college. I completed  
14          high school.

15          MR. [REDACTED]: Okay. How much college  
16          did you have?

17          MR. THOMAS: I couldn't add to a little  
18          bit. Correspondence courses when I was in the  
19          military and everything like that.

20          MR. [REDACTED]: Okay. So was there like  
21          a course of study that you -?

22          MR. THOMAS: No.

23          MR. [REDACTED]: No? Just required.

24          MR. THOMAS: No. Just like basic courses  
25          and stuff like that.

1 MR. [REDACTED]: And around when was that?

2 MR. THOMAS: Uh, 2002, 2001. I'm thinking  
3 here and there.

4 MR. [REDACTED]: Sure. Was it all from  
5 one institution?

6 MR. THOMAS: It was some online courses  
7 and stuff like that that I took.

8 MR. [REDACTED]: Okay. Cool. While you  
9 were with the military?

10 MR. THOMAS: Yeah, while I was in the  
11 military. It was all done while I was in the  
12 military.

13 MR. [REDACTED]: Perfect. And what did  
14 you do prior to working with the BOP?

15 MR. THOMAS: I was at a Target - back  
16 room.

17 MR. [REDACTED]: Okay. And how long did  
18 you do that?

19 MR. THOMAS: I did that for three months  
20 before I got this job here.

21 MR. [REDACTED]: So it was primarily the  
22 military previously?

23 MR. THOMAS: Yeah, I got out of the  
24 military in '06 and then I started this in '07.

25 MR. [REDACTED]: Great. Thank you.

1 MR. THOMAS: Started with the BOP. Sorry.

2 MR. [REDACTED]: Thank you for your  
3 service. When were you in the military?

4 MR. THOMAS: I started - I went in '98 to  
5 2006.

6 MR. [REDACTED]: And what branch?

7 MR. THOMAS: Army.

8 MR. [REDACTED]: Army?

9 MR. THOMAS: Active duty the whole time.

10 MR. [REDACTED]: And when you -. Sorry.

11 MR. THOMAS: Demine Harris.

12 MR. [REDACTED]: Okay. So we're, uh - the  
13 attorney is getting on the phone with Mr.  
14 Higgins. And with the Army, when you got out  
15 of the Army, what was your rank?

16 MR. THOMAS: E4.

17 MR. [REDACTED]: E4 sergeant? Is that a  
18 sergeant?

19 MR. THOMAS: No, that's a specialist.

20 MR. [REDACTED]: That's a specialist?

21 MR. THOMAS: Mm-hmm.

22 MR. [REDACTED]: Okay. What was your -?

23 MR. THOMAS: Highest rank attainable E5

24 (Indiscernible \*00:08:42)

25 MR. [REDACTED]: Okay. So you got to E5

1 and then came back down to E4.

2 MR. THOMAS: Mm-hmm.

3 MR. [REDACTED]: Was it honorary  
4 discharge?

5 MR. THOMAS: General discharge under  
6 honorable conditions.

7 MR. [REDACTED]: Okay. Great. And when  
8 you were in the Army, what was it that you were  
9 -?

10 MR. THOMAS: My MOS?

11 MR. [REDACTED]: Yes.

12 MR. THOMAS: 13 Bravo.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: Sorry if I answered that but  
15 -.

16 MR. [REDACTED]: No-no-no. Please. I was  
17 trying to figure out the word to use.

18 MR. THOMAS: MOS.

19 MR. [REDACTED]: Perfect. And how long  
20 have you served with the Federal Bureau of  
21 Prisons?

22 MR. THOMAS: As of April 1, 14 years.

23 MR. [REDACTED]: Fourteen years? And what  
24 was your enter on duty date?

25 MR. THOMAS: April 1, 2007.

1 MR. [REDACTED]: Okay. And when did you  
2 graduate from BOP training?

3 MR. THOMAS: I don't know the exact date.

4 MR. [REDACTED]: But you did attend?

5 MR. THOMAS: It's usually a year of  
6 probationary or something like that. Oh,  
7 you're talking about the training at FLETC?

8 MR. [REDACTED]: At FLETC. Correct. So  
9 the Federal Law Enforcement Training Center.

10 MR. THOMAS: November of '07.

11 MR. [REDACTED]: Okay. And that was for  
12 correctional officer training?

13 MR. THOMAS: Yes.

14 MR. [REDACTED]: Perfect, sir. And when  
15 and where was your first assignment with the  
16 BOP?

17 MR. THOMAS: My whole career has been at  
18 the MCC.

19 MR. [REDACTED]: Okay. That makes it  
20 easy. And what positions have you held while  
21 you were there? Just briefly.

22 MR. THOMAS: Correctional officer and  
23 material handler specialist.

24 MR. [REDACTED]: Just those two?

25 MR. THOMAS: Yes.

1           MR. [REDACTED]: Okay. And what does a  
2 material handler specialist do? What does that  
3 mean?

4           MR. THOMAS: It's a -.

5           MR. [REDACTED]: What are your job duties  
6 and responsibilities?

7           MR. THOMAS: It's the commissary trust  
8 fund. It's the trust fund in the BOP.

9           MR. [REDACTED]: Okay. Does that mean  
10 that you handle -?

11          MR. THOMAS: You deal with different  
12 positions from laundry, commissary, back room  
13 supply, and that's mainly - yeah, that's mainly  
14 it.

15          MR. [REDACTED]: Okay.

16          MR. THOMAS: Mm-hmm.

17          MR. [REDACTED]: And what was your grade  
18 level?

19          MR. THOMAS: WS4 - WS4 Step 5 I guess.

20          MR. [REDACTED]: Okay. What's your  
21 current cell phone number?

22          MR. THOMAS: [REDACTED].

23          MR. [REDACTED]: Perfect. And we won't  
24 contact you. We'll go through your attorney.  
25 But it's just a question we ask. And your

1 current email address?

2 MR. THOMAS: Uh, [REDACTED].

3 MR. [REDACTED]: Thank you, sir. And when  
4 did you last work at the MCC? Physically  
5 present?

6 MR. THOMAS: Um, August 10th.

7 MR. [REDACTED]: 2019?

8 MR. THOMAS: 2019. I'm sorry.

9 MR. [REDACTED]: And did you work both on  
10 August 9th and August 10th, 2019?

11 MR. THOMAS: Yes.

12 MR. [REDACTED]: Okay. And was that in  
13 the SHU from 12:00 a.m. to 8:00 a.m. on both  
14 days?

15 MR. THOMAS: On both days? What do you  
16 mean -? Yes. Yes. Yes.

17 MR. [REDACTED]: So on August 9th,  
18 midnight to 8:00 a.m.

19 MR. THOMAS: The night to -.

20 MR. [REDACTED]: Then again August 10th  
21 8:00 a.m. - or 12:00 a.m. to 8:00 a.m. And  
22 that was in the special housing unit?

23 MR. THOMAS: Yes.

24 MR. [REDACTED]: Also known as the SHU.  
25 Who was your supervisor when you last worked at

1 the MCC? Or did you have one in particular?

2 MR. THOMAS: My supervisor is Ms. [REDACTED].

3 MR. [REDACTED]: [REDACTED]?

4 MR. THOMAS: Ms. [REDACTED].

5 MR. [REDACTED]: [REDACTED]?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Great. Thank you. So  
8 just briefly, overall, what training would you  
9 attend while -. So I know you said you did the  
10 CO training down at FLETC. But what other  
11 training would you conduct while you're with  
12 the BOP?

13 MR. THOMAS: That I would conduct?

14 MR. [REDACTED]: Yeah. Like what training  
15 were you provided when you were with the BOP?  
16 Like annual training -.

17 MR. THOMAS: Yeah, annual training.  
18 Annual training that's usually done sometime -  
19 well it last from January to sometimes March  
20 from what I can remember. But that's annual  
21 training. AART I think it's called.

22 MR. [REDACTED]: Annual Refresher  
23 Training?

24 MR. THOMAS: Yes. There you go.

25 MR. [REDACTED]: Okay. Great. Is there

1 any other training that they would provide?

2 MR. THOMAS: Um.

3 MR. [REDACTED]: Like did you ever attend  
4 like SHU quarterly training or anything like  
5 that?

6 MR. THOMAS: I have when I was off. So  
7 yes, I've done SHU quarterly training. Yes.

8 MR. [REDACTED]: Okay. So would you do  
9 the annual training every year?

10 MR. THOMAS: Annual training is every  
11 year. Yes.

12 MR. [REDACTED]: And what would be the  
13 last time you think you conducted SHU training?  
14 SHU quarterly training?

15 MR. THOMAS: I really couldn't remember.

16 MR. [REDACTED]: No, that's fine.

17 Alright. We have - this is actually your  
18 training records. Do you want to just -? I'm  
19 not going to ask you like to certify that these  
20 things are you know - it's just to look at it  
21 and say for the most part, does that look like  
22 the training that you conducted. It shows from  
23 the most recent to -. To the uh, through the  
24 past.

25 MR. THOMAS: Are these annual refresher

1 training courses or -?

2 MR. [REDACTED]: This is just like your  
3 training record. We ask like hey, can we have  
4 a BOP employee's training record. They print  
5 something like this out which just shows that  
6 like on these dates were the dates that you  
7 completed training. So it looks like you  
8 completed the last annual refresher training on  
9 4/5, which is - this is the annual refresher  
10 training course syllabus. This is the sign-in  
11 sheet. So I believe that would be the last  
12 time that you conducted your annual refresher  
13 training. And like for instance I believe that  
14 would be --

15 MR. THOMAS: Yes.

16 MR. [REDACTED]: -- your name and would  
17 that be your signature next to it?

18 MR. THOMAS: Yes.

19 MR. [REDACTED]: Okay. Great. So just  
20 point being, the last time you did conduct  
21 annual refresher training in April of 2019.

22 MR. THOMAS: Mm-hmm.

23 MR. [REDACTED]: Awesome. Any time I  
24 provide you something, I'm just going to ask  
25 for you to initial and date it just so that

1           there's no confusion of what actually was  
2           provided to you. And what you actually looked  
3           at. And it's not - not certifying to the  
4           accuracy of this. It's just certifying that  
5           this is what I showed you.

6           MR. THOMAS: Any particular place?

7           MR. [REDACTED]: Up top would be great.

8           MR. THOMAS: Sign or initial?

9           MR. [REDACTED]: Just initial and date.

10          So again, it's 6/17/21. So I'm going to take  
11          that this is not supposed to be connected. I'm  
12          going to take just your training records out of  
13          this because they've got a lot of your daily  
14          assignments in here and stuff.

15          MR. THOMAS: Okay.

16          MR. [REDACTED]: This was all supposed to  
17          be attached to that. So what you'll see is  
18          just so that we're on the same page is just all  
19          the way from 2007 up to '08, '09, 2019.

20          MR. MITCHELL: And when you say training,  
21          these were actual classes?

22          MR. [REDACTED]: It's just what they have  
23          in the BOP system. Every time he conducts a  
24          training, they log it in so they can keep a  
25          record of what training individuals conducted.

1 MR. THOMAS: Okay.

2 MR. [REDACTED]: And for this, the main  
3 point for this was that again, you did take the  
4 annual refresher training in April of 2019.  
5 Any questions on that?

6 MR. THOMAS: No.

7 MR. [REDACTED]: Any concerns?

8 MR. THOMAS: Nope.

9 MR. [REDACTED]: Great. Thank you, sir.  
10 Can you just kind of go through and find the  
11 Daily Schedule? There we go. His roster would  
12 be in there. Alright. And at that annual  
13 refresher training, like just roughly what do  
14 you recall that you had learned there?

15 MR. THOMAS: It's a bunch of different  
16 classes.

17 MR. [REDACTED]: Like ethics. Correct?

18 MR. THOMAS: It goes from somebody  
19 speaking to somebody putting something up on  
20 the teleprompter and then you're reading off  
21 it's a variety of classes depending on how the  
22 instructor at that time would present the  
23 class.

24 MR. [REDACTED]: Okay. Great. Let me  
25 see. So just to bring us back to this. It

1 looks like the way that the BOP system is -  
2 this report that I just showed you. It looks  
3 like on 4/5 there's a ton of different classes.  
4 And that just looks like probably what the  
5 annual refresher training covered. It would be  
6 like ethics, infectious disease, international  
7 security, key control, air spray, prison rape,  
8 report writing, self-defense, Weapons of Mass  
9 Destruction.

10 MR. THOMAS: Yeah. But at different  
11 times.

12 MR. [REDACTED]: Yeah.

13 MR. THOMAS: They're a bunch of different  
14 classes.

15 MR. [REDACTED]: Perfect. Yeah. Awesome.  
16 And did they ever, at the MCC, did they ever  
17 provide you with like post orders and things  
18 like that? You know like -.

19 MR. THOMAS: Yes. Post orders.

20 MR. [REDACTED]: Post orders and their  
21 guidance and polices and things.

22 MR. THOMAS: Yes.

23 MR. [REDACTED]: Okay. Awesome. Is there  
24 something that when they provided you did they  
25 say that you had to review them or they just

1 give them to you? How does that work?

2 MR. THOMAS: They're posted on every  
3 housing unit. And -.

4 MR. [REDACTED]: They're all -. So when  
5 you go to a housing unit, the orders are  
6 actually in there?

7 MR. THOMAS: No. They're in a book.

8 MR. [REDACTED]: They're in a book?

9 MR. THOMAS: One of those books.

10 MR. [REDACTED]: Okay. And do they ask  
11 you to like review them or how -? I'm just  
12 wondering how MCC goes about it. What do they  
13 do with making sure their correctional officers  
14 know what the policies and procedures are in  
15 their institution?

16 MR. THOMAS: You have to sign them when  
17 you go to -. You're supposed to sign them when  
18 you go to a post.

19 MR. [REDACTED]: Okay. So like if, for  
20 instance -.

21 MR. THOMAS: It's on your own to review  
22 them and everything like that.

23 MR. [REDACTED]: I got you. So have you  
24 ever been provided, reviewed, and signed the  
25 special housing unit order posts?

1 MR. THOMAS: Yes.

2 MR. [REDACTED]: Okay. Do you remember -  
3 would that be like every time you're in there  
4 or would that be like initial time? Or how  
5 does that work?

6 MR. THOMAS: No. It's -. If I'm not  
7 mistaken, I think it's just to whenever you go  
8 in there. The one time you go in there, it's -  
9 .

10 MR. [REDACTED]: So like the first time?

11 MR. THOMAS: Every quarter you have to, if  
12 I'm not mistaken, you have to sign it.

13 MR. [REDACTED]: Alright.

14 MR. THOMAS: Every quarter. So like if  
15 you go in there between February to April. The  
16 first initial time you go in there, you sign  
17 it. And that was it. It's not something you  
18 sign every day.

19 MR. [REDACTED]: Right. But like for  
20 instance in 2019, would you have been provided  
21 it and had to sign it?

22 MR. THOMAS: Yes. Yes.

23 MR. [REDACTED]: Okay.

24 MR. THOMAS: It definitely had to be in  
25 there somewhere.

1 MR. [REDACTED]: And you did?

2 MR. THOMAS: I'm sure - . I don't know.

3 MR. [REDACTED]: Okay.

4 MR. THOMAS: I don't know.

5 MR. [REDACTED]: But you have been  
6 provided -.

7 MR. THOMAS: I have signed them before  
8 yes. But I don't know if I (Indiscernible  
9 \*00:18:34).

10 MR. [REDACTED]: Sure. No problem. What  
11 is the BOP of MCC policy on conducting counts  
12 and rounds? Just broadly speaking. What you're  
13 like sentence or two.

14 MR. THOMAS: My interpretation of it? I  
15 don't.

16 MR. [REDACTED]: Your understanding of  
17 let's start with rounds. What are you supposed  
18 to do with rounds at the MCC? And we can even  
19 move it directly to the special housing unit so  
20 we don't get confused.

21 MR. THOMAS: Mm-hmm.

22 MR. [REDACTED]: In the special housing  
23 unit, how are you supposed to conduct a round?

24 MR. THOMAS: You're supposed to conduct  
25 the rounds every 30 minutes not at the same

1 time but roughly about every 30 minutes.

2 MR. [REDACTED]: So it's every 30 minutes  
3 like -.

4 MR. THOMAS: Not every 30 minutes on the  
5 hour or anything like that. Try to -.

6 MR. [REDACTED]: So like a 30 to 40-minute  
7 gap. There's like a 10-minute I guess window  
8 that you're supposed to conduct it within every  
9 30 minutes. Is that right? So it's not  
10 exactly like -.

11 MR. THOMAS: It's not exactly -.

12 MR. [REDACTED]: 8:00, 8:30, 9:00.

13 MR. THOMAS: Yeah. It's not exactly 8:00,  
14 8:30. Just every 30 minutes. So if you go at  
15 1:22, then --

16 MR. [REDACTED]: Sure.

17 MR. THOMAS: -- you should go at sometime  
18 between 1:52 or whatever the case may be. It's  
19 just every 30 minutes.

20 MR. [REDACTED]: And is that for a whole  
21 24-hour day? Every 30 minutes?

22 MR. THOMAS: Yes. For every 24-hours.  
23 Yes.

24 MR. [REDACTED]: Okay. So there's no like  
25 you don't have to do it from this time to that

1 time.

2 MR. THOMAS: No. It's for a 24-hour day.

3 MR. [REDACTED]: And how do you conduct a  
4 round? What are you supposed to do when you  
5 conduct a round in the SHU?

6 MR. THOMAS: It depends on the time  
7 period.

8 MR. [REDACTED]: Can you just explain to  
9 that a little bit?

10 MR. THOMAS: Well if you're just walk  
11 around.

12 MR. [REDACTED]: Do you -?

13 MR. THOMAS: And look in the glass.

14 MR. [REDACTED]: Are you supposed to be  
15 able to see a person and make sure that they're  
16 there?

17 MR. THOMAS: You're supposed to see a  
18 person and make sure they're there.

19 MR. [REDACTED]: And alive and well?

20 MR. THOMAS: Ugh, see human flesh and  
21 everything like that. Yes.

22 MR. [REDACTED]: Okay. And that they're  
23 not in distress or need anything?

24 MR. THOMAS: That they're not -?

25 MR. [REDACTED]: They're not in distress

1 or need anything?

2 MR. THOMAS: Under distress and -. Yes.

3 MR. [REDACTED]: Okay. And what is a  
4 count to your understanding? A cell count. Or  
5 an inmate count. In the special housing unit.

6 MR. THOMAS: An institution count?

7 MR. [REDACTED]: No. What's the - so when  
8 you're working in the special housing unit, do  
9 you not have to do a count on the weekdays from  
10 4:00 p.m., 10:00 p.m., 12:00 a.m., 3:00 a.m.,  
11 5:00 a.m. --

12 MR. THOMAS: You're doing the institution  
13 count. The standard - it's a BOP count. It's  
14 an institution count - well I phrase it as an  
15 institution count.

16 MR. [REDACTED]: So how do you - when  
17 you're in the SHU, how do you conduct a count  
18 though?

19 MR. THOMAS: Same way you do a round.

20 MR. [REDACTED]: Oh.

21 MR. THOMAS: So you just walk around,  
22 verify live tissue and everything like that.  
23 And you see a person.

24 MR. [REDACTED]: Are you supposed to count  
25 the numbers this time though? So as opposed to

1           just going - in a round, I'm assuming you don't  
2           actually call out the numbers and certify a  
3           certain number. You just go through and make  
4           sure everybody's okay. With a count, is it -  
5           you have to -?

6           MR. THOMAS: In a count, you call out the  
7           numbers. And in a round you just verify.

8           MR. [REDACTED]: Okay. And then what do  
9           you do after you get the numbers in the special  
10          housing unit?

11          MR. THOMAS: Tally it up and put it on a  
12          piece of paper.

13          MR. [REDACTED]: Okay. Like a count slip?

14          MR. THOMAS: The count slips get time on  
15          the count slips.

16          MR. [REDACTED]: Okay. Great. And were  
17          you provided training on conducting rounds and  
18          counts at MCC?

19          MR. THOMAS: Yes.

20          MR. [REDACTED]: Okay. When would have  
21          you received that training? During the annual  
22          refresher training? Annual SHU training?

23          MR. THOMAS: Annuals yes. Annual  
24          refresher training. And SHU training. Either  
25          or.

1           MR. [REDACTED]: Okay. So any other  
2 training they would provide on that or are they  
3 the two primary times you would get that?

4           MR. THOMAS: That's the two primary times.

5           MR. [REDACTED]: Okay. During your time  
6 at the MCC, how often would you be assigned to  
7 the special housing unit?

8           MR. THOMAS: It depends if it was for  
9 overtime. Well besides when, just, well,  
10 assigned to be, just assigning for overtime.

11          MR. [REDACTED]: So whenever you would  
12 conduct overtime you would be there? Or just -  
13 ?

14          MR. THOMAS: Well if it was open and  
15 that's what was open. Yeah. That's what it  
16 would be.

17          MR. [REDACTED]: So in your - since 2007  
18 through 2019, did you do it fairly regularly?

19          MR. THOMAS: Fairly regularly. I mean -.

20          MR. [REDACTED]: So you're pretty familiar  
21 with -?

22          MR. THOMAS: I'm familiar with both from  
23 2007 to 2000 I haven't been a correctional  
24 officer that whole time.

25          MR. [REDACTED]: Sure.

1           MR. THOMAS: I was if I'm not mistaken, I  
2 got the material handler position in 2010 or  
3 2012 - something in between that time frame?

4           MR. [REDACTED]: So I guess from 2007 from  
5 the time that you --

6           MR. THOMAS: Yes.

7           MR. [REDACTED]: You would do it as like  
8 as a quarterly posted bid?

9           MR. THOMAS: Oh I never did it as a - I  
10 can't recall ever doing it as a -.

11          MR. [REDACTED]: Okay.

12          MR. THOMAS: I've done SHU more than a few  
13 times.

14          MR. [REDACTED]: Yeah.

15          MR. THOMAS: Mm-hmm.

16          MR. [REDACTED]: So point being is you're  
17 familiar with the way the SHU is operated?

18          MR. THOMAS: Yes. I'm familiar with how  
19 everything goes in the SHU.

20          MR. [REDACTED]: Alright. Awesome. So  
21 aside from doing the counts and rounds, what  
22 other training would they provide you in order  
23 to make sure that you were prepared to work in  
24 the SHU? Would they provide like suicide  
25 prevention training? Things like that?

1           MR. THOMAS: If I'm not mistaken, that's  
2           on the ART. If I'm not mistaken, that's on the  
3           ART.

4           MR. [REDACTED]: Suicide? Is on the ART?

5           MR. THOMAS: Yeah. It's one of the  
6           courses in ART.

7           MR. [REDACTED]: Okay. What is? The  
8           course in ART? I'm sorry, I'm just trying to -  
9           .

10          MR. THOMAS: I really couldn't tell you  
11          the exact name of the course or anything like  
12          that.

13          MR. [REDACTED]: What you're saying is ART  
14          has a SHU course? Is that what you're saying?

15          MR. THOMAS: Yeah. It has -. No. I'm  
16          saying it has what you just said a suicide  
17          prevention course. I'm sure it's something  
18          like that in ART.

19          MR. [REDACTED]: Oh, okay. But I was  
20          trying to use suicide prevention as like an  
21          example of a training that you're received to  
22          be able to work in the SHU. What I'm asking is  
23          like -. To make sure -. I could say -.

24          MR. THOMAS: No. I don't think that's an  
25          actual course to work on the SHU - to work

1 specifically with the SHU. It's just an actual  
2 course that they provide at ART. It's not  
3 specific to just one housing unit. It's just  
4 an annual refresher like -.

5 MR. [REDACTED]: SO that's - that specific  
6 suicide. So I guess what I'm asking is, what  
7 training did they provide to you to make sure  
8 you could work in the SHU? Like - or. Let's  
9 put it this way. During the SHU quarterly  
10 training, what type of training would they  
11 provide to you?

12 MR. THOMAS: I really don't remember at  
13 all.

14 MR. [REDACTED]: You don't remember.

15 MR. THOMAS: I don't remember often.

16 MR. [REDACTED]: No. That's totally fine.

17 MR. THOMAS: Just regular SHU training.

18 MR. [REDACTED]: But you have received the  
19 suicide prevention training though at the MCC  
20 annual refresher training?

21 MR. THOMAS: At ART.

22 MR. [REDACTED]: Okay. And what just very  
23 briefly, what types of things would they teach  
24 you at the suicide prevention training?

25 MR. THOMAS: Oh. Um. I'm trying - um.

1           It's just training like I don't know what's  
2           specific with the training.

3           MR. [REDACTED]: Sure.

4           MR. THOMAS: It's a um. They tell you how  
5           many happens in a year or in a quarter or  
6           something like that. I remember that they tell  
7           you cases of how people committed suicide.  
8           Sometimes it's signs to watch for suicide. Um.  
9           That's basically all I can remember with that.  
10          I don't remember the training exactly.

11          MR. [REDACTED]: Sure. That's fine. Now  
12          as you said, you worked from 12:00 a.m. to 8:00  
13          a.m. on both August 9th and August 10th,  
14          correct? In the SHU?

15          MR. THOMAS: August - well it's August  
16          10th I think. If I'm not mistaken it's -.

17          MR. [REDACTED]: But August 9th and August  
18          10th you did 8:00 a.m. till -

19          MR. THOMAS: No.

20          MR. [REDACTED]: I'm sorry. I mean 12  
21          a.m. to 8 a.m. on both days.

22          MR. THOMAS: No. Not both days.

23          MR. THOMAS: See this really has me  
24          confused. If let's say the shift started at  
25          12:00. Usually the shift starts at 0001.

1 MR. [REDACTED]: Correct.

2 MR. THOMAS: So if I came in, I came in on  
3 the 9th, but the shift didn't start until  
4 midnight. It's from midnight to eight in the  
5 morning.

6 MR. [REDACTED]: Right. So what I'm  
7 saying is midnight on August 9th. So you know  
8 -

9 MR. THOMAS: Which is August 10th.

10 MR. [REDACTED]: You probably got there on  
11 August 8th.

12 MR. THOMAS: No-no-no. So I didn't work -  
13 .

14 MR. [REDACTED]: So here's your daily  
15 assignment roster. I just want to make sure.  
16 So August 10th, August 9th. It says that you  
17 were in the SHU both days.

18 MR. THOMAS: Okay. So I do -.

19 MR. [REDACTED]: I thought we talked about  
20 that earlier. I just wanted to make sure. So  
21 at the start of this interview, we talked about  
22 -.

23 MR. THOMAS: Okay. So I did SHU. I  
24 didn't recall that I did SHU two days in a  
25 row.

1 MR. [REDACTED]: Right yeah.

2 MR. THOMAS: Okay.

3 MR. [REDACTED]: So I don't think you kind  
4 of called out maybe the two days leading up but  
5 you still did your overtime shift.

6 MR. THOMAS: These are all overtime shifts  
7 for me.

8 MR. [REDACTED]: Yeah, I know.

9 MR. THOMAS: None of this is regular shift  
10 for me. This is all overtime for me.

11 MR. [REDACTED]: Okay. Great. So just  
12 the point being I just wanted to make sure you  
13 did work there on both August 9th and August  
14 10th from that midnight to 8:00 a.m. shift.

15 MR. THOMAS: Yes. Okay. Yes.

16 MR. [REDACTED]: Awesome. Just because I  
17 presented this to you. DO you mind just  
18 initialing and dating it? Does that appear to  
19 be your daily schedule for it looks like it  
20 started back on June 29, 2019 up until  
21 8/10/2019.

22 MR. THOMAS: Yeah. This is not a daily  
23 schedule for me. This is all overtime. As you  
24 can see, it's all overtime.

25 MR. [REDACTED]: Sorry. The daily

1 assignments for overtime.

2 MR. THOMAS: For overtime. Yeah. These  
3 are all -.

4 MR. [REDACTED]: They're all your overtime  
5 shifts.

6 MR. THOMAS: These are all - this is not  
7 my daily -.

8 MR. [REDACTED]: Sure.

9 MR. THOMAS: So it's just all overtime.

10 MR. [REDACTED]: And as you mentioned,  
11 that's why it says the number of times in here  
12 where it's the SHU.

13 MR. THOMAS: It's the SHU and internal  
14 mostly.

15 MR. [REDACTED]: Right. Because they were  
16 overtime shifts working in the SHU.

17 MR. THOMAS: Yes.

18 MR. [REDACTED]: Thank you for that  
19 clarification. Thanks. And what are your  
20 overall duties and responsibilities when you  
21 are assigned to the SHU?

22 MR. THOMAS: Maintain the count of  
23 inmates. Make sure the inmates are fed.  
24 Depending on what shift you're referring to,  
25 take over a shift, make sure they get their

1 showers. Um. Make sure they're counted and  
2 that's basically it.

3 MR. [REDACTED]: Okay. And are there any  
4 special requirements for inmates who are  
5 assigned to the SHU?

6 MR. THOMAS: Not that I know of. No.

7 MR. [REDACTED]: So are inmates that are  
8 assigned to the SHU -. Unless they have some  
9 classification where they could be hurt by  
10 another cellmate, are they all supposed to have  
11 cellmates?

12 MR. THOMAS: Classification. Like I don't  
13 know if they still - some if I can recall, some  
14 a cell and rec alone. Maybe they were in a  
15 fight and they, what's it called. When they  
16 keep away from all inmates. Um. But other  
17 than that some could be cell rec alone.

18 MR. [REDACTED]: So for the most part, I  
19 should say, are inmates in the SHU supposed to  
20 have a cellmate?

21 MR. THOMAS: That's not -. I don't know.

22 MR. [REDACTED]: My understanding was that  
23 they're all supposed to have a cellmate unless  
24 they meet some kind of a criteria like they're  
25 a certain type of an inmate who would be harmed

1 by another cellmate. Is that not correct?

2 MR. THOMAS: I don't -.

3 MR. [REDACTED]: You're not sure?

4 MR. THOMAS: I'm not sure.

5 MR. [REDACTED]: Fair enough. No problem.

6 Have you ever received training for medical  
7 emergencies with inmates?

8 MR. THOMAS: In the ART.

9 MR. [REDACTED]: In ART?

10 MR. THOMAS: Mm-hmm.

11 MR. [REDACTED]: Were you also an  
12 instructor?

13 MR. THOMAS: No. I've never instructed.

14 MR. [REDACTED]: You've never been an  
15 instructor? Never like a CPR instructor or  
16 anything like that?

17 MR. THOMAS: No. No I'm not a CPR  
18 instructor.

19 MR. [REDACTED]: Okay. Alright. So for  
20 medical emergencies, the ART is pretty much  
21 when they cover that? Do they cover that also  
22 during SHU training? Medical emergencies for  
23 inmates?

24 MR. THOMAS: I don't recall. No. I don't  
25 think so.

1 MR. [REDACTED]: You're not sure.

2 MR. THOMAS: I don't think so.

3 MR. [REDACTED]: Like you got at annual  
4 training?

5 MR. THOMAS: The annual training.

6 MR. [REDACTED]: Alright. Who is or was  
7 inmate Jeffrey Epstein reg number 76318-054?

8 MR. THOMAS: An inmate at MCC.

9 MR. [REDACTED]: Okay. Do you recall when  
10 Epstein was housed at the MCC? Does July 6,  
11 2019 through August 10, 2019 sound familiar?

12 MR. THOMAS: I don't remember when he  
13 first got there. But I don't remember when  
14 exactly he first got there.

15 MR. [REDACTED]: So these we just - this  
16 is just that overtime roster. When it looks  
17 like you were assigned to the SHU pretty  
18 regularly from 7/11/2019 to 8/10/2019.

19 MR. THOMAS: Mm-hmm.

20 MR. [REDACTED]: When you were there, was  
21 he in the SHU?

22 MR. THOMAS: Yes.

23 MR. [REDACTED]: Okay.

24 MR. THOMAS: Sometimes.

25 MR. [REDACTED]: I'm assuming not the

1 whole time.

2 MR. THOMAS: Not -.

3 MR. [REDACTED]: Because I think he was on  
4 suicide watch. But when you were there he was  
5 - you know him from being in the SHU though?

6 MR. THOMAS: Yes. I've seen him before in  
7 the SHU yes. Absolutely.

8 MR. [REDACTED]: Okay. Perfect. Do you  
9 know why Epstein was assigned to the SHU?

10 MR. THOMAS: No.

11 MR. [REDACTED]: No? They never told you  
12 why?

13 MR. THOMAS: No.

14 MR. [REDACTED]: Okay. Was it high-  
15 profile? For suicide? Safety concerns?  
16 Anything like that?

17 MR. THOMAS: It could have been a number  
18 of reasons that, his case was high-profile,  
19 whatever the case may be.

20 MR. [REDACTED]: Okay. And was Epstein  
21 assigned to the SHU on both August 9th and  
22 August 10th, 2019?

23 MR. THOMAS: Yes.

24 MR. [REDACTED]: Okay. And we kind of  
25 just covered this, but do you know how long he

1           was assigned to the SHU? Again, I believe it  
2           was July and August aside from those  
3           timeframes. Correct?

4           MR. THOMAS: I really don't know.

5           MR. [REDACTED]: Yeah. That's fine. What  
6           was Epstein's routine while he was assigned at  
7           the SHU?

8           MR. THOMAS: I don't know.

9           MR. [REDACTED]: Because you did the  
10          overnight shift, I can understand that. So are  
11          you aware that like during the day he would  
12          meet with his attorneys every day? And then he  
13          would be - so from basically 8:00 a.m. until  
14          like 7:00 p.m. or 8:00 p.m. he was?

15          MR. THOMAS: I honestly really don't know.

16          MR. [REDACTED]: You don't even know. So  
17          when you worked in the SHU was it always that  
18          12:00 a.m. to 8:00 a.m. shift? In the SHU?

19          MR. THOMAS: Well I mean I'm sure I have  
20          some evening watch ones. I don't know if I  
21          have some evening watch or not. But I'm sure  
22          I've done evening watch or anything like that  
23          but I didn't look exactly at that. Maybe  
24          that's all morning watch. This is all morning  
25          watch. Oh that's day watch internal.

1 MR. [REDACTED]: So these like for July  
2 and August?

3 MR. THOMAS: It's all yeah. This is all  
4 morning watch.

5 MR. [REDACTED]: So they would all be from  
6 12:00 a.m.?

7 MR. THOMAS: Yeah. That's all 12:00 a.m.

8 MR. [REDACTED]: And how is that  
9 identified as that -?

10 MR. THOMAS: Oh. Right here where you see  
11 MW is for morning watch. They say DW is for  
12 day watch.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: But it's all morning.

15 MR. [REDACTED]: So all morning watch  
16 while Epstein was assigned to the SHU.

17 MR. THOMAS: Yeah.

18 MR. [REDACTED]: Okay. Cool. Now did you  
19 ever have any communication with Epstein during  
20 his stay at the MCC?

21 MR. THOMAS: One particular time.

22 MR. [REDACTED]: Can you tell me about  
23 that particular time?

24 MR. THOMAS: He was on suicide watch and I  
25 was watching him on suicide watch.

1 MR. [REDACTED]: Oh you actually watched  
2 him when he was on suicide watch?

3 MR. THOMAS: Yes.

4 MR. [REDACTED]: Alright. Not while you  
5 were in the Shu though?

6 MR. THOMAS: No. Not while I was in the  
7 SHU.

8 MR. [REDACTED]: Alright. When you were  
9 watching him, was that a positive or a negative  
10 experience?

11 MR. THOMAS: Just - I don't. I can't  
12 label it under positive or negative.

13 MR. [REDACTED]: Sure.

14 MR. THOMAS: It was just watching him.

15 MR. [REDACTED]: Like were his  
16 interactions with you - were they like -?

17 MR. THOMAS: Oh, he spoke with me and  
18 everything like that.

19 MR. [REDACTED]: Was he pleasant?

20 MR. THOMAS: Yeah, he was pleasant. He  
21 wasn't mean or anything like that. He was  
22 really incoherent where he was at. But other  
23 than that, he was just fine. He just sat there  
24 and talked with me until I mean the whole six  
25 hours.

1 MR. [REDACTED]: Okay. And do you  
2 remember around when that took place?

3 MR. THOMAS: I really can't recall.

4 MR. [REDACTED]: Would have that have been  
5 -? Does it say it on this? Up. Actually it  
6 does on this thing it says suicide watch.  
7 Would it be on 7/23/2019?

8 MR. THOMAS: That could have been his.  
9 That could have been that one.

10 MR. [REDACTED]: Okay. So on 7/23/2019, I  
11 believe he had an incident within his cell.  
12 And are you familiar with -? So when you were  
13 watching him on suicide watch. Do you know why  
14 he was there?

15 MR. THOMAS: Oh, for suicide watch. I  
16 mean it's -.

17 MR. [REDACTED]: Yeah. Did you hear that  
18 he tried to take his life?

19 MR. THOMAS: Yeah, I've heard that. As  
20 you can see, I was internal that day.

21 MR. [REDACTED]: Okay.

22 MR. THOMAS: Internal you just go up and  
23 you count all the housing units and everything  
24 like that. And I guess he tried to commit  
25 suicide. And then we brought him down to the

1 suicide room. And I sat there and watched him  
2 for - I don't know what six hours, seven hours,  
3 whatever that is.

4 MR. [REDACTED]: But prior to them sitting  
5 down or even after, did they inform you why he  
6 was there?

7 MR. THOMAS: Well it's suicide watch.  
8 It's pretty self-explanatory?

9 MR. [REDACTED]: But they didn't provide  
10 you details?

11 MR. THOMAS: No-no. Just if you're there  
12 on suicide watch it's kind of self-explanatory.  
13 But if you go on -. Depending. Suicide watch  
14 is one thing and observation watch is another.  
15 But if it says suicide watch, I'm sure he was  
16 on suicide watch because he was in a smock and  
17 um -.

18 MR. [REDACTED]: What does a smock mean?

19 MR. THOMAS: It's just a cover that you  
20 put over so you don't have any clothes or  
21 anything like that.

22 MR. [REDACTED]: Okay. Is it so they  
23 can't harm themselves?

24 MR. THOMAS: Yeah, so they don't harm  
25 themselves. Mm-hmm.

1                   MR. [REDACTED]: Okay. And were you the  
2                   only individual on that, observing him during  
3                   suicide watch?

4                   MR. THOMAS: Yes. I was the only one  
5                   watching him that time.

6                   MR. [REDACTED]: And you said there is a  
7                   difference between suicide watch and  
8                   psychological observation. What is the  
9                   difference?

10                  MR. THOMAS: Well psychological  
11                  observation you have your clothes.

12                  MR. [REDACTED]: Okay. But I mean as far  
13                  as you as a CO.

14                  MR. THOMAS: There's no difference.  
15                  You're still watching them. There's no  
16                  difference.

17                  MR. [REDACTED]: Okay.

18                  MR. THOMAS: You're still just watching  
19                  them in the suicide. In observation, you just  
20                  have clothes and suicide watch you're in a  
21                  smock and a blanket.

22                  MR. [REDACTED]: Okay. And did you  
23                  receive any instructions with regard to Epstein  
24                  when he was assigned to the SHU?

25                  MR. THOMAS: No.

1 MR. [REDACTED]: Specific to Epstein?

2 MR. THOMAS: No.

3 MR. [REDACTED]: No. And are you aware  
4 that Epstein was assigned any cellmates when he  
5 was assigned to the SHU?

6 MR. THOMAS: Um, I'm sure he was. Maybe  
7 he was. I don't really recall.

8 MR. [REDACTED]: So you don't recall if he  
9 had a cellmate or not?

10 MR. THOMAS: I know one time he had a  
11 cellmate. I don't recall like if he was  
12 assigned a specific cellmate or not.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: Or for his case whatever the  
15 case, but I'm sure he had a cellmate. Unless  
16 he was cell or rec alone.

17 MR. [REDACTED]: Okay. Do you know if  
18 Epstein was required to have a cellmate when he  
19 was assigned to the SHU?

20 MR. THOMAS: I don't know.

21 MR. [REDACTED]: And did anyone ever speak  
22 with you about Epstein needing a cellmate when  
23 he was assigned --

24 MR. THOMAS: No.

25 MR. [REDACTED]: -- to the SHU? No one

1 provided any instructions? Um was there a sign  
2 posted within the SHU saying that Epstein was  
3 required to have a cellmate?

4 MR. THOMAS: I don't know. I don't know.  
5 I don't think so. I don't know.

6 MR. [REDACTED]: Do you ever recall there  
7 being a sign posted on his door saying he was  
8 required to have a cellmate?

9 MR. THOMAS: No.

10 MR. [REDACTED]: Do you ever remember a  
11 sign being posted on the officer in charge's  
12 desk area or computer saying that he was  
13 required to have a cellmate?

14 MR. THOMAS: That's - I don't go to his  
15 office. The officer in charge. I don't.

16 MR. [REDACTED]: So is that different than  
17 where you would sit in the SHU area?

18 MR. THOMAS: The officer in charge or the  
19 lieutenant office?

20 MR. [REDACTED]: Not the lieutenant. The  
21 OIC.

22 MR. THOMAS: The OIC. Well the OIC has a  
23 desk. I didn't see a sign. I don't remember  
24 recall ever seeing a sign --

25 MR. [REDACTED]: Okay.

1 MR. THOMAS: -- specific to Epstein. No.

2 MR. [REDACTED]: Okay. So no one ever  
3 talked to you about the fact that Epstein  
4 needed a cellmate?

5 MR. THOMAS: No. I don't recall anybody  
6 specifically talking about he needs a cellmate  
7 or not.

8 MR. [REDACTED]: Okay. Do you know who  
9 Inmate Nicholas Tartaglione is?

10 MR. THOMAS: Yes.

11 MR. [REDACTED]: And who is he?

12 MR. THOMAS: An inmate at MCC.

13 MR. [REDACTED]: Do you know if he was  
14 ever assigned as Epstein's cellmate in July of  
15 2019?

16 MR. THOMAS: Yeah. I remember he was a  
17 cellmate of his. When that incident happened,  
18 he was actually a cellmate of him.

19 MR. [REDACTED]: So from July 23, 2019?

20 MR. THOMAS: Yeah. That's the 23rd?

21 MR. [REDACTED]: Yes.

22 MR. THOMAS: Yes. The 23rd.

23 MR. [REDACTED]: So that was - he was his  
24 cellmate up until that date?

25 MR. THOMAS: I don't know if he was up to

1           that date, I just remember that particular day,  
2           Tartaglione was his cellmate that day.

3           MR. [REDACTED]:    Alright.  And are you  
4           aware of any issues that took place between  
5           Epstein and Tartaglione?

6           MR. THOMAS:    No.

7           MR. [REDACTED]:    So you don't know what  
8           transpired at all for that -?

9           MR. THOMAS:    For them?  No.  No.

10          MR. [REDACTED]:    Okay.  And you didn't  
11          respond to any kind of incident?  Did you  
12          respond on July 23rd?

13          MR. THOMAS:    To that incident.  Yes.  Me  
14          and another officer responded that time.  And  
15          by the time we got there, he was -.  Because I  
16          got there after the other officer got there.  
17          And we just took him out.

18          MR. [REDACTED]:    What other officer got  
19          there?

20          MR. THOMAS:    Um, who was it...?  I don't  
21          remember the two officers that were on duty  
22          that day, but the other officer that was there,  
23          it was [REDACTED].

24          MR. [REDACTED]:    [REDACTED]?

25          MR. THOMAS:    Yes.

1 MR. [REDACTED]: And he worked in the SHU?

2 MR. THOMAS: No. He didn't. I don't  
3 remember if [REDACTED] was working in the SHU or  
4 not. But I remember when we responded, I  
5 remember it was me and [REDACTED]. I remember  
6 [REDACTED]. I honestly couldn't tell you who the  
7 other two officers on duty up there. Maybe  
8 [REDACTED] was one of the officers, but I know when  
9 we responded, when we go there, I remember  
10 seeing [REDACTED].

11 MR. [REDACTED]: Were you working at the  
12 SHU at that time?

13 MR. THOMAS: No. I was internal that day.

14 MR. [REDACTED]: Alright. So I'm assuming  
15 that you weren't the first to arrive.

16 MR. THOMAS: No I wasn't the first to  
17 arrive. No. Absolutely not.

18 MR. [REDACTED]: Okay. So that's what I  
19 thought you meant by being the second one  
20 there. So can you just explain what you meant  
21 by that?

22 MR. THOMAS: Um, from what I can remember.  
23 I wasn't the first to respond to - I wasn't the  
24 first person on that site on --

25 MR. [REDACTED]: Okay.

1 MR. THOMAS: -- the scene of that. But I  
2 did eventually get there. Yes.

3 MR. [REDACTED]: Okay. So you were one of  
4 the responders?

5 MR. THOMAS: I was one of the responding  
6 yes.

7 MR. [REDACTED]: And when you go there  
8 what did you see?

9 MR. THOMAS: By the time I got there, they  
10 were actually - they were actually just  
11 bringing him out.

12 MR. [REDACTED]: Bringing who out?

13 MR. THOMAS: Uh, Mr. Epstein. They was  
14 bringing out Mr. Epstein.

15 MR. [REDACTED]: Out of his cell?

16 MR. THOMAS: Out of his cell. Yeah.

17 MR. [REDACTED]: Where were they bringing  
18 him to?

19 MR. THOMAS: We was taking him to the  
20 suicide which is down on the second floor.

21 MR. [REDACTED]: Okay. So they were  
22 moving him from the SHU to the suicide watch  
23 area?

24 MR. THOMAS: To the suicide watch area on  
25 the second floor.

1 MR. [REDACTED]: Okay.

2 MR. THOMAS: I remember.

3 MR. [REDACTED]: And do you know why he  
4 was removed?

5 MR. THOMAS: I guess they say he tried to  
6 commit suicide or whatever.

7 MR. [REDACTED]: Okay. Did you hear  
8 anything about Tartaglione attempting to harm  
9 Epstein?

10 MR. THOMAS: I can't recall what he would  
11 say. I think he said he tried to beat him up  
12 or something like that. I think he said he  
13 tried to beat him up. I really don't remember  
14 the exact details of what he was saying.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: But I think he said he was  
17 trying to beat me up or something like that.

18 MR. [REDACTED]: So Epstein was claiming  
19 that -?

20 MR. THOMAS: Trying to beat him up or  
21 something like that.

22 MR. [REDACTED]: Was he saying that he  
23 didn't try to commit suicide but rather that  
24 Tartaglione was trying to harm him?

25 MR. THOMAS: I remember him saying that

1 Tartaglione was trying to beat him up. I  
2 remember him saying that.

3 MR. [REDACTED]: Okay. And did he tell  
4 you that?

5 MR. THOMAS: He was just saying that.  
6 Yeah, he was just -. Well we were talking.

7 MR. [REDACTED]: When -?

8 MR. THOMAS: So yes, he did tell me that.  
9 We were just talking.

10 MR. [REDACTED]: Was that when you  
11 responded or during your psychological  
12 observation or suicide watch observation?

13 MR. THOMAS: It was just when we were in  
14 observation together.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: When I say he was really  
17 incoherent. He was just saying because  
18 actually me and [REDACTED] was there for a while.  
19 It wasn't just me by myself for maybe about 10  
20 - 15 minutes when we got him. Let's say half  
21 an hour. Got him there. Got him de-clothed.  
22 Got him into the suicide room. And then the  
23 lieutenant was there. Who was the lieutenant  
24 there? Oh I can't remember. Who was the  
25 lieutenant there? And because I don't have

1 keys and stuff for that - for the suicide room.

2 MR. [REDACTED]: What is [REDACTED] first  
3 name? Are you aware?

4 MR. THOMAS: I really don't know.

5 MR. [REDACTED]: You don't know?

6 MR. THOMAS: I really don't.

7 MR. [REDACTED]: That's fine. Did you -  
8 when you responded - did you see any kind of  
9 like orange homemade rope or anything like  
10 that?

11 MR. THOMAS: No. I didn't notice.

12 MR. [REDACTED]: That was used to try to -  
13 ?

14 MR. THOMAS: I don't remember seeing any  
15 of that stuff.

16 MR. [REDACTED]: No? So but you did have  
17 a conversation with Epstein about Tartaglione  
18 trying to harm him?

19 MR. THOMAS: He said that Tartaglione  
20 tried. I remember him saying he was trying to  
21 harm him and that was it. Yeah.

22 MR. [REDACTED]: Okay. And did you  
23 believe that to be true?

24 MR. THOMAS: I didn't.

25 MR. [REDACTED]: No?

1 MR. THOMAS: I don't. I really didn't.

2 MR. [REDACTED]: So do you think he was  
3 using it? Why do you think he said it?

4 MR. THOMAS: Probably just wanted to get  
5 out of the cell. I don't know. I really  
6 don't. I really don't know.

7 MR. [REDACTED]: Okay. But you didn't  
8 believe it. You believed that he was actually  
9 trying to harm himself rather than the other  
10 cellmate trying to harm him?

11 MR. THOMAS: Inmates say things. I really  
12 don't know if it was. I really don't know. I  
13 really don't know. I just - me at that time, I  
14 was just sitting there. He wanted to talk.  
15 I'm there. Why not talk?

16 MR. [REDACTED]: Absolutely. But it  
17 didn't cause you concern when he was saying  
18 that another inmate was trying to harm him?

19 MR. THOMAS: Well it was passed up and  
20 everything like that. Because when he came  
21 out, he said it to the lieutenant and  
22 everything like that. So everybody was known.  
23 But as far as anything - any concern. No.  
24 Inmates harm each other all the time.

25 MR. [REDACTED]: Sure. Do you know if at

1           that time Tartaglione?

2           MR. THOMAS: It's alright. I can't  
3           pronounce his name either.

4           MR. [REDACTED]: Tartaglione was moved and  
5           no longer Epstein's cellmate?

6           MR. THOMAS: I'm sure if they said he  
7           tried to harm, I'm sure he was no longer his  
8           cellmate after that. I'm sure.

9           MR. [REDACTED]: Okay. Do you know around  
10          how long he was on suicide watch and then  
11          psychological observation? Outside of the SHU?

12          MR. THOMAS: No.

13          MR. [REDACTED]: Alright. So does July 23  
14          to approximately July 30th sound to be about  
15          right?

16          MR. THOMAS: I don't know.

17          MR. [REDACTED]: Sure.

18          MR. THOMAS: I don't work in that area.

19          MR. [REDACTED]: No, that's fine. So if  
20          Epstein came back to the SHU on July 30, 2019,  
21          do you know if he was assigned another  
22          cellmate?

23          MR. THOMAS: I'm sure they wouldn't put  
24          him back in with the same one. So. I would  
25          say yes. I don't know specifically, but I -.

1                   MR. [REDACTED]: But he had another  
2 cellmate?

3                   MR. THOMAS: Maybe he could have been  
4 solo. I don't know. I really don't know.

5                   MR. [REDACTED]: Do you recall checking =  
6 being that he's such a high-profile. You know  
7 in the SHU. Do you remember ever you know when  
8 you were in the SHU, you remember seeing two  
9 people in his cell?

10                  MR. THOMAS: I really don't recall.

11                  MR. [REDACTED]: You don't' know?

12                  MR. THOMAS: I mean, it could have been  
13 two people. He could have been by himself. I  
14 really don't remember.

15                  MR. [REDACTED]: Do you know what inmate -  
16 ?

17                  MR. THOMAS: Exact or counts.

18                  MR. [REDACTED]: Sure. I'll try to help  
19 your recollection. Do you recall an inmate  
20 named Efren Reyes, R-E-Y-E-S?

21                  MR. THOMAS: No.

22                  MR. [REDACTED]: So you don't remember  
23 that name?

24                  MR. THOMAS: No.

25                  MR. [REDACTED]: So he was Epstein's

1 cellmate from July 30th through August 9th,  
2 2019.

3 MR. THOMAS: Okay.

4 MR. [REDACTED]: Are you not familiar with  
5 that?

6 MR. THOMAS: No. I don't know who that  
7 is.

8 MR. [REDACTED]: Okay. Were you there at  
9 all when Epstein was returned from the suicide  
10 watch / psychological observation area back to  
11 the SHU?

12 MR. THOMAS: No.

13 MR. [REDACTED]: No? So you're not sure  
14 if Reyes was already in the cell or not?

15 MR. THOMAS: I'm not sure. Like I said,  
16 if you could look at the thing. I'm morning  
17 watch. So.

18 MR. [REDACTED]: Sure.

19 MR. THOMAS: They're all in their cells  
20 tucked in at that time. So I couldn't tell you  
21 who was in there or -.

22 MR. [REDACTED]: Okay. And do you know  
23 anything about Reyes being removed from the MCC  
24 on August 9, 2019?

25 MR. THOMAS: No I don't.

1           MR. [REDACTED]: You don't know that. So  
2           on August 9th when you probably got there and  
3           through August 10th when you worked there, that  
4           wasn't discussed at all? That Reyes was  
5           removed and Epstein was without a cellmate?

6           MR. THOMAS: No.

7           MR. [REDACTED]: No? You didn't have that  
8           discussion with -? Who did you work with that  
9           night?

10          MR. THOMAS: Well I know, the 10th I know  
11          who I worked with. The 9th I don't know who I  
12          was up there with.

13          MR. [REDACTED]: In the SHU?

14          MR. THOMAS: Yes.

15          MR. [REDACTED]: You're not familiar with  
16          who you were in the SHU with?

17          MR. THOMAS: On the 9th?

18          MR. [REDACTED]: No on the 10th.

19          MR. THOMAS: On the 10th? Yeah. Ms.  
20          Noel.

21          MR. [REDACTED]: So I'm sorry, when I said  
22          the 9th, I meant when you were - you probably  
23          arrived at the institution prior to 12:00 a.m.

24          MR. THOMAS: Yes. I arrived to it but I  
25          didn't go straight up there. I went down to my

1 office for, I didn't go straight up to the SHU.

2 MR. [REDACTED]: Okay. Right. So that's  
3 what I'm saying. You arrived there on the  
4 night of August 9th and then worked in the SHU  
5 from midnight August 10th to 8:00.

6 MR. THOMAS: Oh see, okay. Now I see what  
7 you're saying. Yeah. I got there let's say at  
8 11:50 or 10 minutes prior to try to be there a  
9 little early. But I thought when you keep  
10 saying the 9th because --

11 MR. [REDACTED]: Yeah, absolutely.

12 MR. THOMAS: -- as it shows I worked on  
13 the 9th. That's why.

14 MR. [REDACTED]: Absolutely.

15 MR. THOMAS: But if I got there on the 9th  
16 at 10:50, Ms. Noel was up there.

17 MR. [REDACTED]: Okay.

18 MR. THOMAS: I can't remember who the  
19 other person was. Because it's usually two  
20 people. It had to be two people. I can't  
21 remember who the other person was.

22 MR. [REDACTED]: Sure. And so I'll just  
23 ask that last question to make sure that we're  
24 on the same page. When you arrived. Prior to  
25 your August 10th shift on August 9th at

1 approximately about --

2 MR. THOMAS: 11:50.

3 MR. [REDACTED]: -- 11:50 p.m. Was Reyes  
4 discussed? Inmate Reyes. Or the fact that  
5 Epstein was without a cellmate.

6 MR. THOMAS: No.

7 MR. [REDACTED]: No. Okay. And do you  
8 know if Epstein should have been assigned a  
9 cellmate?

10 MR. THOMAS: I don't know if he's -. Well  
11 usually if you're committed if they - someone  
12 commits - they usually try to not put them by  
13 themselves.

14 MR. [REDACTED]: Right. So if you come  
15 back from suicide watch or psychological  
16 observation, you're supposed to have a  
17 cellmate.

18 MR. THOMAS: Mm-hmm.

19 MR. [REDACTED]: Correct?

20 MR. THOMAS: But that would have been done  
21 prior to my shift. That wouldn't have been  
22 done on the morning watch shift. No movement  
23 happens at the morning watch.

24 MR. [REDACTED]: But -.

25 MR. THOMAS: That happens prior to my

1 shift.

2 MR. [REDACTED]: Absolutely. But just my  
3 point being people that come off of the  
4 psychological observation or suicide watch,  
5 they are required to have a cellmate. Correct?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Okay. And is there some  
8 kind of like a hotlist that's in there?

9 MR. THOMAS: It is. I do recall. You're  
10 saying hotlist. There is something called a  
11 hotlist. I don't know where it's at or  
12 anything like that. But I'm sure they do have  
13 something called a hotlist. Yes.

14 MR. [REDACTED]: What is a hotlist?

15 MR. THOMAS: The MCC definition of it. I  
16 don't know. I know it's just inmates that are  
17 - it could be inmates that are cellie. It  
18 could be that means that they're cell rec  
19 alone. It could be the inmate's suicide watch.  
20 It could be the inmate's mental instability.

21 MR. [REDACTED]: Okay.

22 MR. THOMAS: Hotlist. It's a culmination  
23 of a bunch of different things.

24 MR. [REDACTED]: Why are people placed on  
25 the hotlist?

1           MR. THOMAS: I don't place people on the  
2 hotlist. I don't know. That's psychology.

3           MR. [REDACTED]: Yeah. So if it's up  
4 there though for people to see that this is the  
5 hotlist. Is there like a reason? Is it  
6 something like these people all need cellmates?  
7 These people need special attention. These  
8 people -. What's the -?

9           MR. THOMAS: I really don't know. I  
10 couldn't tell you on that. It's just like a  
11 hotlist. I know it's a hotlist. Some - the  
12 psychology put. I don't know if it's  
13 particularly that all these people need  
14 cellmates or the hotlist or -. I know that  
15 there is something called a hotlist at MCC. I  
16 don't know where they - entails you to get on  
17 the hotlist. No.

18          MR. [REDACTED]: Oh. So not what it takes  
19 to get on it. But why it's posted there. Like  
20 if you're on the hotlist, what does that mean?

21          MR. THOMAS: Like I said, it could have  
22 been because you -.

23          MR. [REDACTED]: So is there a description  
24 next to a name? Does it say you're on the  
25 hotlist because of this reason?

1 MR. THOMAS: I really don't remember. I  
2 don't -. I can't remember what it looks like.

3 MR. [REDACTED]: Okay. But there is a  
4 hotlist within the SHU?

5 MR. THOMAS: Yeah. There is a hotlist  
6 somewhere.

7 MR. [REDACTED]: Alright. And do you know  
8 -?

9 MR. THOMAS: I don't know if it's posted  
10 or not. I don't think --

11 MR. [REDACTED]: Okay.

12 MR. THOMAS: -- it's posted. I don't  
13 know. But I do recall something called a  
14 hotlist in the SHU.

15 MR. [REDACTED]: So you recall a hotlist.  
16 You don't remember seeing it?

17 MR. THOMAS: I don't remember seeing it.  
18 No.

19 MR. [REDACTED]: Okay. So you never like  
20 reviewed it or anything?

21 MR. THOMAS: I don't remember reviewing  
22 it. No I don't.

23 MR. [REDACTED]: Were you supposed to? If  
24 you were assigned in the SHU, were you supposed  
25 to say oh these people are on the hotlist. I

1           need to take special care to these people.

2           MR. THOMAS: I don't think so. No.

3           MR. [REDACTED]: No?

4           MR. THOMAS: I don't think so.

5           MR. [REDACTED]: So -.

6           MR. THOMAS: I don't think it was anything  
7 special care or these people or not.

8 Absolutely not.

9           MR. [REDACTED]: So what would be the  
10 purpose of posting a hotlist then? Who would  
11 it be for?

12          MR. THOMAS: It's for the staff in SHU.

13          MR. [REDACTED]: Right.

14          MR. THOMAS: It's for the staff in SHU.

15          MR. [REDACTED]: So if you're a staff in  
16 the SHU, doesn't that mean that you're supposed  
17 to look at it?

18          MR. THOMAS: Supposed to for the staff.  
19 Yes. You're supposed to look at it.

20          MR. [REDACTED]: Alright. But you didn't?

21          MR. THOMAS: I would say no I didn't look  
22 at it that night. No.

23          MR. [REDACTED]: Fair enough. So do you  
24 know if Epstein was on the hotlist?

25          MR. THOMAS: I don't know if he was on the

1 hotlist.

2 MR. [REDACTED]: But you do know he was on  
3 suicide watch and that he should have had a  
4 cellmate.

5 MR. THOMAS: Yes. I knew he was a suicide  
6 person. Yes.

7 MR. [REDACTED]: Okay. Now could SHU  
8 staff have assigned Epstein a new cellmate.

9 MR. THOMAS: Could SHU staff do it? I  
10 don't know if SHU staff could do it. I know  
11 the SHU lieutenant or something like that could  
12 do it. But I don't know if SHU staff could  
13 just give him. I don't know.

14 MR. [REDACTED]: So who would be  
15 responsible for assigning Epstein a new  
16 cellmate? So let me if it wasn't clear. Reyes  
17 was his cellmate. He was required to have a  
18 cellmate because he was on suicide watch.

19 MR. THOMAS: Mm-hmm.

20 MR. [REDACTED]: And psychology made sure  
21 that - or was supposed to make sure that -  
22 everyone knew that he was supposed to have a  
23 cellmate.

24 MR. THOMAS: Okay.

25 MR. [REDACTED]: So if Reyes leaves as his

1 cellmate on August 9, 2019, who would be  
2 responsible for placing a new cellmate with  
3 Epstein?

4 MR. THOMAS: Honestly I don't know.  
5 Honestly I don't know. I'm sure it has to come  
6 from somebody higher up. Obviously a  
7 lieutenant or it could have come sometimes  
8 high-profile could come from the  
9 administration.

10 MR. [REDACTED]: Okay.

11 MR. THOMAS: Whatever the case may be. So  
12 specifically I really don't know. But I know  
13 it's somebody higher up has to give him -  
14 higher up than me - has to.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: Yeah. I don't think an  
17 officer would just put somebody in there with  
18 him.

19 MR. [REDACTED]: Okay. Now is that  
20 discussed at all like during any of those  
21 trainings or the suicide prevention trainings?  
22 Is it discussed like hey if you know this guy  
23 is on suicide watch, make sure he's got a  
24 cellmate?

25 MR. THOMAS: I don't think so. I don't

1 think it's discussed like that. No I don't.

2 MR. [REDACTED]: No?

3 MR. THOMAS: No.

4 MR. [REDACTED]: Alright. So how do you  
5 know that if you're on suicide watch they  
6 should - the inmate should have a cellmate?

7 MR. THOMAS: I mean we were told. You're  
8 told before that if an inmate is - has  
9 previously been on suicide he has a cellmate.

10 MR. [REDACTED]: So I guess what I'm  
11 asking is when were you told that? And where?

12 MR. THOMAS: I've been there for 14 -. I  
13 mean I can't remember exact -.

14 MR. [REDACTED]: Yeah-yeah. So possibly  
15 training?

16 MR. THOMAS: Possibly training. Word of  
17 mouth like that but I know -.

18 MR. [REDACTED]: You knew it but you just  
19 don't remember where you learned it from?

20 MR. THOMAS: That's correct but then you  
21 have inmates that go on suicide watch and come  
22 back that don't have a cellmate. So I've seen  
23 that also have the inmates go there. Come off  
24 suicide and not have a cellmate. So it's -.

25 MR. [REDACTED]: Would there be a reason

1           for a person who came off suicide watch not to  
2           have a cellmate?

3           MR. THOMAS: I don't know the reason or  
4           anything. Like I said, that's also the  
5           psychology personally handle that. But I've  
6           seen also with inmates come up there and they  
7           go into a cell by themselves.

8           MR. [REDACTED]: Okay. But you're -. And  
9           again I don't know that this was clear. If  
10          you're working in the SHU and you know someone  
11          is supposed to have a cellmate, are you  
12          authorized to provide them with a new cellmate?

13          MR. THOMAS: I don't know.

14          MR. [REDACTED]: You don't know?

15          MR. THOMAS: I don't know.

16          MR. [REDACTED]: Have you ever done it?

17          MR. THOMAS: No. I've never done it.

18          MR. [REDACTED]: You've never done that?

19          MR. THOMAS: No. I've never just put  
20          somebody inside a -. Are we talking with a  
21          suicide? I've never just put somebody in a  
22          cell with somebody else.

23          MR. [REDACTED]: Okay. Should you -?

24          MR. THOMAS: Especially not at morning  
25          watch. Absolutely not.

1                   MR. [REDACTED]: Okay. As someone in the  
2 SHU working in there and knowing someone's  
3 without a cellmate that should have a cellmate,  
4 should you report it to a lieutenant?

5                   MR. THOMAS: If they don't have a cellmate  
6 should you report it to a lieutenant? Mm. I  
7 don't know. I mean. Usually if that happens,  
8 the lieutenant, because with certain inmates  
9 you can't just put somebody in with them like.  
10 It could be a racial thing. It could be he had  
11 a previous incident. He could be whatever the  
12 case may be. So I know officers don't want to  
13 just do it because then they say oh that person  
14 can't be in with them. And also before you put  
15 an inmate inside so you have to check their  
16 background as far as steps so this person can't  
17 be with this person. Or this one is affiliated  
18 with this and this person. So for an officer  
19 because some officers don't have the  
20 programming -. I mean don't have the thing  
21 just to say oh well I'm going to see inmate  
22 this and I'm going to put him into that.

23                   MR. [REDACTED]: Okay.

24                   MR. THOMAS: So that's why an officer  
25 wouldn't just put an inmate inside with another

1 - with someone.

2 MR. [REDACTED]: Okay.

3 MR. THOMAS: You know what I mean. It has  
4 to come down from up top.

5 MR. [REDACTED]: Alright. From your  
6 knowledge being that Reyes left and Epstein is  
7 required to have a cellmate and didn't have  
8 one. Do you believe SHU staff should have  
9 assigned Epstein a new cellmate?

10 MR. THOMAS: I don't know.

11 MR. [REDACTED]: No?

12 MR. THOMAS: I don't -.

13 MR. [REDACTED]: So per your training -.

14 MR. THOMAS: No.

15 MR. [REDACTED]: And you know work  
16 experience.

17 MR. THOMAS: Should SHU staff just has  
18 assigned him? No. I believe that should have  
19 come from somebody above him.

20 MR. [REDACTED]: Okay.

21 MR. THOMAS: Somebody above the SHU staff.

22 MR. [REDACTED]: So if the SHU staff  
23 doesn't inform anyone about an inmate required  
24 to have a cellmate that they don't, how do  
25 people higher above them learn that there's no

1 cellmate with someone like Epstein?

2 MR. THOMAS: Well whoever is on shift at  
3 that time. It's a process. Like it's if  
4 someone leaves and goes from R&D to -. A staff  
5 member can't just let somebody leave.

6 MR. [REDACTED]: Mm-hmm.

7 MR. THOMAS: You know. I can't just let  
8 somebody walk just because he can walk in walk  
9 out.

10 MR. [REDACTED]: Absolutely.

11 MR. THOMAS: Has to come from R&D oh this  
12 person was released. And then because then the  
13 base count changes. And then so it's notified  
14 before it gets to the SHU staff that somebody  
15 left. Or -.

16 MR. [REDACTED]: So -.

17 MR. THOMAS: Now if it wasn't you know  
18 that specific that Reyes left. You know what I  
19 mean. That Jeffrey Epstein. I know before it  
20 gets to the SHU staff happened to put somebody  
21 in there. It has to come from someone else to  
22 know that inmates left from a particular  
23 housing unit. Or SHU have to tell them the  
24 inmate left from a particular. Now whether  
25 they know that it was Epstein's um cellmate

1           that left. I don't know. That's above me.  
2           But it comes from way up from - it comes from  
3           before it gets to the SHU staff that somebody  
4           left. The only thing that a SHU staff is going  
5           to get is a call saying that oh yeah, base  
6           count changed that such-and-such is not there.

7           MR. [REDACTED]: So if the people that are  
8           calling SHU and saying hey this inmate is  
9           leaving. So in this instance it would be on  
10          August 9th. SHU staff. You weren't there.  
11          But SHU staff gets the call and hey, inmate  
12          Reyes is leaving. Do those people know that  
13          Reyes was assigned to Epstein?

14          MR. THOMAS: I'm sure they -. I mean.  
15          I'm sure they should --

16          MR. [REDACTED]: Or would the SHU staff be  
17          responsible --

18          MR. THOMAS: -- know that he was assigned  
19          -.

20          MR. [REDACTED]: -- for saying hey he's  
21          leaving but Epstein is required to have a  
22          cellmate. That's Epstein's cellmate. How does  
23          that information get passed along?

24          MR. THOMAS: I don't know.

25          MR. [REDACTED]: Okay.

1           MR. THOMAS: I don't know when that  
2           particular - when that will happen. I really  
3           couldn't tell you when that would actually go  
4           down in the - go down.

5           MR. [REDACTED]: Okay. And this is  
6           specific to you. If - you said you didn't -  
7           but would you have been authorized to assign  
8           Epstein a new cellmate during your shift on  
9           August 10, 2019?

10          MR. THOMAS: Would I have been authorized  
11          to?

12          MR. [REDACTED]: Right. So if you knew  
13          that Epstein was required to have a cellmate -.

14          MR. THOMAS: If somebody would have told  
15          me to give. I wouldn't have just taken it upon  
16          myself to take an inmate out from X and put him  
17          to where in to Epstein. No. If somebody  
18          authorized me to put him in there, then I would  
19          have put him in there. But -.

20          MR. [REDACTED]: But you wouldn't have  
21          that authorization to do that independently?

22          MR. THOMAS: Independently?

23          MR. [REDACTED]: Right.

24          MR. THOMAS: No.

25          MR. [REDACTED]: No.

1 MR. THOMAS: No.

2 MR. [REDACTED]: So you couldn't on your  
3 own make the decision. Hey, he's without an  
4 inmate - he's without a cellmate. I need to  
5 get a new inmate in there.

6 MR. THOMAS: I'm going to say no.

7 MR. [REDACTED]: Okay.

8 MR. THOMAS: I'm going to say no. Not  
9 especially with a high-profile. You're not  
10 just going to put somebody in with somebody  
11 else. Absolutely not.

12 MR. [REDACTED]: Alright. And obviously  
13 since you didn't know, I believe I already know  
14 the answer to this, but did you notify anyone  
15 during your shift on August 10th that Epstein  
16 did not have a cellmate?

17 MR. THOMAS: No.

18 MR. [REDACTED]: No. Alright. Now we're  
19 going to talk a little bit about staff  
20 psychologists. Because you mentioned them. Do  
21 you know who the MCC staff psychologists were  
22 in August 2019?

23 MR. THOMAS: Dr. [REDACTED]. You're talking  
24 about the -.

25 MR. [REDACTED]: Is Dr. [REDACTED] the chief -

1           ?

2           MR. THOMAS: Yeah. The chief or whatever  
3           it's called.

4           MR. [REDACTED]: Yeah.

5           MR. THOMAS: Mr. [REDACTED].

6           MR. [REDACTED]: Is there an [REDACTED]?

7           MR. THOMAS: Oh, Dr. [REDACTED]. Dr. [REDACTED].

8           Dr. [REDACTED]. Yes.

9           MR. [REDACTED]: Okay.

10          MR. THOMAS: I know who Dr. [REDACTED] is.

11          MR. [REDACTED]: Alright.

12          MR. THOMAS: Yes.

13          MR. [REDACTED]: Alright. So there's

14          three of them. I think Chief [REDACTED] [REDACTED],

15          Staff Psychologist [REDACTED] [REDACTED], and [REDACTED]

16          [REDACTED].

17          MR. THOMAS: [REDACTED].

18          MR. [REDACTED]: Okay.

19          MR. THOMAS: Mm-hmm.

20          MR. [REDACTED]: Are you aware of Epstein

21          meeting with any of the staff psychologists

22          during his stay at the MCC?

23          MR. THOMAS: No.

24          MR. [REDACTED]: No?

25          MR. THOMAS: No I'm not.

1 MR. [REDACTED]: So would have he -?

2 MR. THOMAS: I'm sure if he went on  
3 suicide, I'm sure he met with them. But I  
4 don't know specifically that they go on this  
5 date that he met with them.

6 MR. [REDACTED]: No, it's -.

7 MR. THOMAS: If he was on suicide watch,  
8 I'm sure he's met with someone.

9 MR. [REDACTED]: Now how places someone on  
10 suicide watch?

11 MR. THOMAS: Psychology.

12 MR. [REDACTED]: Okay. So if Epstein like  
13 you said was on suicide watch, would have  
14 psychology then placed him there?

15 MR. THOMAS: Well a psychology will say  
16 that he has to go there and then the staff -  
17 the custody staff would actually take him to  
18 the suicide area.

19 MR. [REDACTED]: Okay. And just briefly,  
20 what is suicide watch?

21 MR. THOMAS: It's a place where you watch  
22 somebody on suicide.

23 MR. [REDACTED]: Like you said, did you  
24 say the second floor?

25 MR. THOMAS: It's on the second floor.

1           Yeah.

2           MR. [REDACTED]: So the second floor is a  
3 separate area?

4           MR. THOMAS: It's a separate area. Four  
5 cells. And in that pack you can, I've seen  
6 suicide watch be in the SHU sometimes. So it  
7 just -.

8           MR. [REDACTED]: And just on that note,  
9 where is the SHU? What floor?

10          MR. THOMAS: Ninth.

11          MR. [REDACTED]: Ninth floor. Alright.  
12 So. He was on the 9th floor. Went down to the  
13 second floor - Epstein that is. On suicide  
14 watch. So it's on the second floor. And like  
15 how long are they there? Like who makes that  
16 determination I guess is what I'm saying.

17          MR. THOMAS: I would say -.

18          MR. [REDACTED]: Who's in there? Is  
19 psychology like co-located with it or how is it  
20 -? The suicide watch area. How is that set  
21 up?

22          MR. THOMAS: It's a room on the second  
23 floor. It's four rooms on the second floor.  
24 Single rooms. Big glass. Door. Food slot.  
25 Same on the other side. There are two

1           adjoining doors. It has a shower there. So  
2           like if you have to shower then there's a  
3           closet.

4           MR. ██████████: Is psychology near there?

5           MR. THOMAS: The psychology is down the  
6           hall.

7           MR. ██████████: Also on the second floor?

8           MR. THOMAS: Also on the second floor.

9           MR. ██████████: So would they - do you  
10          believe that they would meet with people that  
11          are on suicide watch?

12          MR. THOMAS: I'm sure. Yes.

13          MR. ██████████: Okay.

14          MR. THOMAS: Yeah. Yeah.

15          MR. ██████████: But you didn't know? But  
16          you just believe.

17          MR. THOMAS: Yeah. I believe. I just  
18          believe it. I'm sure that they meet with  
19          people on the suicide watch. I'm sure.

20          MR. ██████████: So when you're watching  
21          Epstein on July 23rd, did you see a  
22          psychologist talk with him at all?

23          MR. THOMAS: That was on the morning  
24          watch. But no psychologists is on duty.

25          MR. ██████████: Oh, okay.

1 MR. THOMAS: -- at that time.

2 MR. [REDACTED]: So you were there from  
3 8:00 -. You were watching him.

4 MR. THOMAS: From 12 midnight to --

5 MR. [REDACTED]: 8:00 a.m.

6 MR. THOMAS: -- while I was watching him  
7 until, well exactly, from about 1:30 to 8:00  
8 a.m.

9 MR. [REDACTED]: Okay.

10 MR. THOMAS: So um.

11 MR. [REDACTED]: Now when inmates though  
12 like Epstein he's on suicide watch and then  
13 placed back in the SHU. How soon thereafter  
14 are they typically provided a cellmate?

15 MR. THOMAS: Um, I don't know.

16 MR. [REDACTED]: Is it right away?

17 MR. THOMAS: I'm sure it's right away.

18 MR. [REDACTED]: Typically?

19 MR. THOMAS: I'm sure it's -.

20 MR. [REDACTED]: So it like you,  
21 typically, like is a cellmate already in there  
22 when they place him with someone?

23 MR. THOMAS: I don't know. It could be  
24 either or. I'm sure that they made certain  
25 provisions and stuff to make sure that he was

1 put with somebody that he felt comfortable with  
2 or whatever the case.

3 MR. [REDACTED]: Do inmates that are on  
4 suicide watch and psychological observation.  
5 Do they always go from there to the SHU? Or  
6 ever into somewhere else?

7 MR. THOMAS: What do you mean?

8 MR. [REDACTED]: So if someone's on  
9 suicide watch or psychological observation.

10 MR. THOMAS: On the second floor.

11 MR. [REDACTED]: On the second floor.  
12 When they are released from that, do they  
13 always get placed into the SHU or do they go --

14 MR. THOMAS: No. They can -.

15 MR. [REDACTED]: -- back into get general  
16 population?

17 MR. THOMAS: It can be either or. If they  
18 have some more SHU time that they have to serve  
19 or anything like that they can go back to the  
20 SHU. But their SHU time is up and it's -. I'm  
21 assuming -. I'll say it's whatever the  
22 psychologists say. If they say that they're  
23 cleared to go to population. They'll take them  
24 to population.

25 MR. [REDACTED]: Okay. What's the

1 difference between suicide watch and  
2 psychological observation?

3 MR. THOMAS: Suicide watch, one has a  
4 smock and a blanket. And observation they have  
5 clothes.

6 MR. [REDACTED]: That's the only  
7 difference?

8 MR. THOMAS: That's the only difference.  
9 We still just watching them out there. There's  
10 no difference.

11 MR. [REDACTED]: Okay.

12 MR. THOMAS: Or anything like that. Yeah.  
13 No difference. You watch them.

14 MR. [REDACTED]: Same area, same cell,  
15 just what they're wearing?

16 MR. THOMAS: What they're - yeah. Same  
17 area, same cells, and what they're wearing.  
18 Absolutely.

19 MR. [REDACTED]: Okay. And is it your  
20 understanding the Epstein was both on suicide  
21 watch and psychological observation?

22 MR. THOMAS: I don't know if he was on  
23 psychological. I knew when I watched him he  
24 was on suicide watch at that time.

25 MR. [REDACTED]: Okay.

1           MR. THOMAS: I don't. Maybe he was. I  
2           don't know.

3           MR. [REDACTED]: Did any other inmates  
4           that were in the SHU when you were working in  
5           the SHU in July and August 2019. Were any of  
6           them also people that were on suicide watch or  
7           psychological observation?

8           MR. THOMAS: I don't know.

9           MR. [REDACTED]: No? Would that be on  
10          that hotlist if they were?

11          MR. THOMAS: It probably would be. I  
12          don't know if it's something that other  
13          inmates. I couldn't tell you there was 5X  
14          suicides or that. I couldn't tell you.

15          MR. [REDACTED]: Okay. Are there any  
16          other additional requirements for people to  
17          come off of suicide watch or psychological  
18          observation, aside from having a cellmate?

19          MR. THOMAS: I don't know.

20          MR. [REDACTED]: Do they have to get -?  
21          Do you have to pay closer attention to them?

22          MR. THOMAS: I'm -. I don't think so.  
23          I'd just say that everything is still standard  
24          practice.

25          MR. [REDACTED]: Okay. So when you're

1           working in the SHU, do you treat everybody the  
2           same? Or certain people -?

3           MR. THOMAS: No. I treat everybody the  
4           same.

5           MR. [REDACTED]: So you don't look after  
6           certain people more than others?

7           MR. THOMAS: No. I don't pay more  
8           attention to one person or another.

9           MR. [REDACTED]: Okay.

10          MR. THOMAS: No. You look after everyone  
11          the same.

12          MR. [REDACTED]: And is that the case with  
13          Epstein as well? You weren't informed like  
14          hey, make sure you're paying more attention to  
15          him? He's your priority.

16          MR. THOMAS: No.

17          MR. [REDACTED]: So no one ever said --

18          MR. THOMAS: No. absolutely not.

19          MR. [REDACTED]: -- he's the priority  
20          inmate? Okay. And I may have asked you this,  
21          so I apologize if it's repetitive.

22          MR. THOMAS: It's all right.

23          MR. [REDACTED]: But was Epstein required  
24          to have a cellmate during his stay in the SHU?

25          MR. THOMAS: I don't know.

1 MR. [REDACTED]: You just don't know.

2 MR. THOMAS: I don't know exactly, but I  
3 don't know. I don't know. But I would say if  
4 he was previous suicide, yeah, he was probably  
5 required to have an inmate.

6 MR. [REDACTED]: Are you aware that the  
7 staff psychologist every issued a requirement  
8 for him to have a cellmate?

9 MR. THOMAS: No. I'm not. I don't know.

10 MR. [REDACTED]: So did anyone, including  
11 the psychologist, peers, supervisors, or others  
12 ever tell you that Epstein was required to have  
13 a cellmate?

14 MR. THOMAS: No.

15 MR. [REDACTED]: Do you have that email?

16 MR. [REDACTED]: Let me see. Is there one  
17 more stack?

18 MR. [REDACTED]: So this is an email from  
19 that [REDACTED] [REDACTED] from psychology. It says,  
20 to suicide watch psychological observation  
21 update, 7:30, 2019. Do you know if you ever  
22 received this email? It says, "Inmate Epstein  
23 is being taken off psych observation and needs  
24 to be housed with an appropriate cellmate." Do  
25 you remember ever receiving that?

1 MR. THOMAS: Um. Usually they send this  
2 out to everybody like it's sent out to  
3 everybody but I don't remember seeing it. I'm  
4 sure if it was sent out to all staff, I'm sure  
5 it got to me. But I don't remember seeing it.

6 MR. [REDACTED]: No. And I'm not saying  
7 that you received it. I'm just asking if you  
8 had received it. Like either by forward. Did  
9 anyone ever forward this email to you? Or did  
10 anybody ever -? Or did you ever see it?

11 MR. THOMAS: No. My name's not on here.

12 MR. [REDACTED]: Yeah-yeah-yeah. No, I  
13 know. Your name isn't on there.

14 MR. THOMAS: Mm-hmm.

15 MR. [REDACTED]: You're right. That's why  
16 I'm just asking if anyone ever forwarded that  
17 on to you?

18 MR. THOMAS: Hm-mm. Hm-mm.

19 MR. [REDACTED]: And. Okay. Do any of  
20 these names that are on here -. Especially  
21 toward the bottom here. Any of these names  
22 people that would worked in the SHU?

23 MR. THOMAS: It could be a bunch of these  
24 people that worked in the SHU. I don't know  
25 specifically who works in the SHU.

1           MR. ██████████: Okay. But because you  
2 weren't on a regular SHU schedule, you may not  
3 have -?

4           MR. THOMAS: Yeah. Yeah.

5           MR. ██████████: They may not have  
6 forwarded --

7           MR. THOMAS: Yeah, that's the chaplain.

8           MR. ██████████: -- that to you?

9           MR. ██████████: One of those is the  
10 chaplain.

11          MR. ██████████: That's okay. But you  
12 never -. None of these people ever forwarded  
13 this to you.

14          MR. THOMAS: No. Not that I -.

15          MR. ██████████: No one ever sent it?

16          MR. THOMAS: Hm-mm.

17          MR. ██████████: Okay. Just because we  
18 talked about it, do you mind just initialing it  
19 and dating it? Thank you, sir.

20          MR. THOMAS: I wrote '20, so I initialed  
21 over it. I put the one. Because I initialed  
22 over it. When writing it.

23          MR. ██████████: What's this?

24          MR. THOMAS: I put 20.

25          MR. ██████████: This said 19. Yeah.

1 MR. THOMAS: No. I put 20, so I put the  
2 one and I put my initials over it.

3 MR. [REDACTED]: That's his initials.

4 MR. [REDACTED]: Okay. Got it.

5 MR. THOMAS: Yeah. I didn't.

6 MR. [REDACTED]: That he thought because  
7 it kind of looks (Indiscernible \*01:06:36).

8 MR. THOMAS: Yeah.

9 MR. [REDACTED]: 2019.

10 MR. THOMAS: No. No.

11 MR. [REDACTED]: Alright. Thanks. So no  
12 one ever informed you that even -. Not only  
13 that but that you needed to keep a closer eye  
14 on Epstein.

15 MR. THOMAS: No. I don't ever recall  
16 being informed about that. No.

17 MR. [REDACTED]: Okay.

18 MR. THOMAS: I mean I'm not a custody -.

19 MR. [REDACTED]: Sure.

20 MR. THOMAS: I'm not a -.

21 MR. [REDACTED]: I didn't know during your  
22 times that you're actually in the SHU --

23 MR. THOMAS: Oh.

24 MR. [REDACTED]: -- people talking about -

25 -

1 MR. THOMAS: No.

2 MR. [REDACTED]: -- like -.

3 MR. [REDACTED]: I'm in at midnight.

4 Everybody's gone.

5 MR. [REDACTED]: Yeah-yeah-yeah. Just the  
6 people because you're always with at least one  
7 other person. Right?

8 MR. THOMAS: Mm-hmm. Yes.

9 MR. [REDACTED]: But that other person,  
10 you never had this --

11 MR. THOMAS: Nah, I don't recall.

12 MR. [REDACTED]: -- conversation? Okay.  
13 Do you recall who the MCC warden in July and  
14 August 2019 was?

15 MR. THOMAS: I can't pronounce his first  
16 name, but -.

17 MR. [REDACTED]: Is it [REDACTED], [REDACTED]-  
18 [REDACTED]?

19 MR. THOMAS: I was about to say captain  
20 [REDACTED]. But [REDACTED].

21 MR. [REDACTED]: Uh.

22 MR. THOMAS: But you said the warden.  
23 Right?

24 MR. [REDACTED]: Yes.

25 MR. THOMAS: [REDACTED].

1 MR. [REDACTED]: Yeah. So [REDACTED]?

2 MR. THOMAS: Yes.

3 MR. [REDACTED]: Okay. Good. What  
4 communications do you have with the MCC warden  
5 with regarding to Epstein being housed within  
6 the MCC?

7 MR. THOMAS: I don't recall any.

8 MR. [REDACTED]: None?

9 MR. THOMAS: No.

10 MR. [REDACTED]: So I'm going to go  
11 through just a couple names. And the reason  
12 why I'm going to ask the same questions. And  
13 the intention is not to be repetitive, but for  
14 you to specifically think --

15 MR. THOMAS: Just -.

16 MR. [REDACTED]: -- these people to just  
17 see if that helps let you recall.

18 MR. THOMAS: Jog something.

19 MR. [REDACTED]: Yeah. You know so you  
20 can visualize that person.

21 MR. THOMAS: Okay.

22 MR. [REDACTED]: So did the warden ever  
23 provide you with special instructions with  
24 Epstein?

25 MR. THOMAS: No. Not that I recall.

1           MR. ██████████: Okay. Did the warden  
2           ever tell you that Epstein was required to have  
3           a cellmate while housed at the MCC or assigned  
4           to the SHU?

5           MR. THOMAS: No. Not that I recall.

6           MR. ██████████: Did the warden ever visit  
7           the SHU during Epstein's stay at the MCC?

8           MR. THOMAS: I don't know.

9           MR. ██████████: You don't know because  
10          you weren't there during the days? Does the  
11          warden typically just work during the day  
12          watch?

13          MR. THOMAS: No. I actually had an  
14          overtime shift with the warden sometime when he  
15          helped out with the -. He worked the SHU with  
16          me one time. But I know -.

17          MR. ██████████: When did he do that?

18          MR. THOMAS: I can't recall.

19          MR. ██████████: Would it have been like  
20          in the July or August of 2019?

21          MR. THOMAS: Nah, this was a long time  
22          ago.

23          MR. ██████████: Okay. And that --

24          MR. THOMAS: A long time ago.

25          MR. ██████████: -- same warden?

1 MR. THOMAS: Yes. That same warden.

2 MR. [REDACTED]: Okay. Do you recall any  
3 times that you were in the SHU during July and  
4 August during Epstein's stay that the warden  
5 visited?

6 MR. THOMAS: No. I'm on morning watch.

7 MR. [REDACTED]: Right. That's what I  
8 meant. Because you had said that sometimes he  
9 did though.

10 MR. THOMAS: Yeah.

11 MR. [REDACTED]: Okay. But not during  
12 that time.

13 MR. THOMAS: Not during my time. No.

14 MR. [REDACTED]: Do you know if the warden  
15 ever met with Epstein during his stay here at  
16 MCC?

17 MR. THOMAS: I don't know.

18 MR. [REDACTED]: Who were the MCC  
19 associate wardens in August 2019?

20 MR. THOMAS: [REDACTED].

21 MR. [REDACTED]: So [REDACTED] [REDACTED].

22 MR. THOMAS: Okay.

23 MR. [REDACTED]: Mm-hmm.

24 MR. THOMAS: And - honestly I can't  
25 remember the other one.

1 MR. [REDACTED]: Okay. Did [REDACTED]  
2 [REDACTED] ever inform you about -?

3 MR. THOMAS: No.

4 MR. [REDACTED]: Talk to you about  
5 Epstein? Okay. Did any AWs or associate  
6 wardens? No?

7 MR. THOMAS: No.

8 MR. [REDACTED]: Alright.

9 MR. THOMAS: Not any.

10 MR. [REDACTED]: So what communications  
11 did you have with any MCC AWs, including  
12 [REDACTED] [REDACTED], about Epstein being  
13 housed --

14 MR. THOMAS: None.

15 MR. [REDACTED]: -- within the MCC. None?  
16 What AWs did you communicate with and how were  
17 those communications conducted? Did you ever  
18 discuss anything with AWs? Did you ever have  
19 conversations with them?

20 MR. THOMAS: How is your day going?

21 MR. [REDACTED]: Yeah. But not like  
22 sitting down talking about different inmates or  
23 anything?

24 MR. THOMAS: No. No.

25 MR. [REDACTED]: No? Alright. And did

1 any AWs ever provide you with any information  
2 with regard to Epstein?

3 MR. THOMAS: No.

4 MR. [REDACTED]: Or special instructions?

5 MR. THOMAS: No.

6 MR. [REDACTED]: And did any AW, including  
7 AW [REDACTED] [REDACTED], ever tell you that  
8 Epstein was required to have a cellmate?

9 MR. THOMAS: No.

10 MR. [REDACTED]: Did any AW ever visit the  
11 SHU while you were in the SHU?

12 MR. THOMAS: No.

13 MR. [REDACTED]: No? Did any AW ever meet  
14 with Epstein during his stay at MCC?

15 MR. THOMAS: I don't know.

16 MR. [REDACTED]: Okay. Who was the MCC  
17 captain in July and August of 2019?

18 MR. THOMAS: I see his face but I can't  
19 remember his name. I see his face.

20 MR. [REDACTED]: Was it [REDACTED] [REDACTED]?

21 MR. THOMAS: Yeah. There you go. There  
22 you go.

23 MR. [REDACTED]: So it was [REDACTED]  
24 [REDACTED]?

25 MR. THOMAS: Yes.

1                   MR. [REDACTED]: Okay. What  
2                   communications did you have with Captain [REDACTED]  
3                   with regarding to Epstein being housed --?

4                   MR. THOMAS: None.

5                   MR. [REDACTED]: -- at the MCC. None?  
6                   Would you have any communications with the  
7                   captain?

8                   MR. THOMAS: No. Passing by.

9                   MR. [REDACTED]: Just hello and -.

10                  MR. THOMAS: Hello and what's going on and  
11                  -.

12                  MR. MITCHELL: Right there.

13                  MR. THOMAS: Oh.

14                  MR. [REDACTED]: And -. Um. We'll just  
15                  have like three more questions and then we'll  
16                  take a break.

17                  MR. THOMAS: Okay.

18                  MR. [REDACTED]: Did the captain ever  
19                  provide you with special instructions with  
20                  regard to Epstein?

21                  MR. THOMAS: No.

22                  MR. [REDACTED]: Did the captain ever tell  
23                  you that Epstein was required to have a  
24                  cellmate --

25                  MR. THOMAS: No.

1                   MR. [REDACTED]: -- while housed at MCC or  
2                   the SHU?

3                   MR. THOMAS: No.

4                   MR. [REDACTED]: Did the captain ever  
5                   visit the SHU during Epstein's stay at the MCC?

6                   MR. THOMAS: I don't know.

7                   MR. [REDACTED]: Did the captain ever -?  
8                   But not while you were in the SHU?

9                   MR. THOMAS: Not while I was in SHU. No.

10                  MR. [REDACTED]: Did the captain ever  
11                  meeting with Epstein during his stay at the  
12                  MCC?

13                  MR. THOMAS: I don't know.

14                  MR. [REDACTED]: Not to -.

15                  MR. THOMAS: And I - I don't know.

16                  MR. [REDACTED]: Yep. Absolutely.

17                  Alright. You want to take a break now?

18                  MR. MITCHELL: Just one quick one. Yes.

19                  MR. [REDACTED]: Yeah, absolutely. It is  
20                  currently 11:18 a.m. This is Senior Special  
21                  Agent [REDACTED] [REDACTED] and I am pausing the  
22                  recording. [Whereupon, the above-entitled  
23                  matter went off the record and went back on the  
24                  record.] This is Senior Special Agent [REDACTED]  
25                  [REDACTED] and we're resuming the interview

1 with Mr. Thomas. Everyone is present. I  
2 should also note that another attorney for Mr.  
3 Thomas is on the telephone. I believe that is  
4 Montel Figgins. Is that correct?

5 MR. FIGGINS: That's correct.

6 MR. [REDACTED]: Okay. Great. Mr.  
7 Thomas, I just want to remind you, this is a  
8 voluntary interview. You are under oath. And  
9 we will resume. Any questions --

10 MR. THOMAS: Nope.

11 MR. [REDACTED]: -- before we start?

12 MR. THOMAS: Nope.

13 MR. [REDACTED]: Alright. So the next  
14 section is regarding supervisors on August 9th  
15 and August 10th. Again, we know you don't work  
16 on August 9th, during the day.

17 MR. THOMAS: During the day. Yeah.

18 MR. [REDACTED]: At least. You did work  
19 in the early morning hours.

20 MR. THOMAS: Mm-hmm.

21 MR. [REDACTED]: Some of these questions  
22 then you might not know the answers to. Who  
23 were the MCC supervisors on duty with  
24 responsibility for overseeing the SHU on August  
25 9th and 10th, 2019? I'll actually provide you

1 with this duty agent roster to help. So this  
2 is an MCC New York daily assignment roster for  
3 August - Friday August 9, 2019. And this is  
4 one for --

5 MR. THOMAS: The 10th.

6 MR. [REDACTED]: -- Saturday, August 10,  
7 2019. So -.

8 MR. THOMAS: What's your question?

9 MR. [REDACTED]: So who were the MCC  
10 supervisors on duty with the responsibility for  
11 overseeing the SHU on August 9th and 10th,  
12 2019? So who would have -? Is it true that  
13 the SHU lieutenant -? If the SHU lieutenant is  
14 out of the office.

15 MR. MITCHELL: Oh, I'm sorry. Can we do  
16 one question at a time? Because it just -.  
17 You jumped to the second and he didn't answer  
18 it.

19 MR. [REDACTED]: Well it's because I  
20 wanted to explain that the SHU lieutenant was  
21 out.

22 MR. MITCHELL: Okay.

23 MR. [REDACTED]: So who then would be  
24 responsible to oversee the SHU if the SHU  
25 lieutenant is out?

1 MR. THOMAS: I - whoa. If the SHU  
2 lieutenant is out? Who would be responsible?  
3 I don't -.

4 MR. [REDACTED]: Would it be the ops or  
5 activities lieutenant?

6 MR. THOMAS: For my shift or for the shift  
7 that I was on that time would be -.

8 MR. [REDACTED]: Mm-hmm. Just what's your  
9 understanding? So for August 9th, who would be  
10 like for instance -?

11 MR. THOMAS: So -.

12 MR. [REDACTED]: And we can start from  
13 when you worked on August 9th.

14 MR. THOMAS: Okay. (Indiscernible  
15 \*01:13:56)

16 MR. [REDACTED]: Who on August 9th would  
17 have been responsible for overseeing the SHU if  
18 the SHU lieutenant is not there?

19 MR. THOMAS: Um, I guess the operations  
20 lieutenant.

21 MR. [REDACTED]: Okay. And what does it  
22 say?

23 MR. THOMAS: Oh. Um, [REDACTED].

24 MR. [REDACTED]: [REDACTED]. And then  
25 after [REDACTED] gets off. It looks like

1 her duty was from I think that they were a  
2 little different. But it shows on this that it  
3 was midnight to 8:00 a.m. I believe they  
4 actually worked 10:00 p.m. to 6:00 a.m. But  
5 after she would leave at either 6:00 a.m. or  
6 8:00 a.m. Who would then become the person  
7 with oversight of the SHU?

8 MR. THOMAS: I guess. It's either -.

9 MR. [REDACTED]: Would it be [REDACTED] or  
10 [REDACTED] and [REDACTED]?

11 MR. THOMAS: It would be both [REDACTED] and  
12 [REDACTED] that's operations and the activities  
13 lieutenant.

14 MR. [REDACTED]: Okay. And then after  
15 them would it be [REDACTED] and [REDACTED]?

16 MR. THOMAS: Oh. Yes.

17 MR. [REDACTED]: Okay.

18 MR. THOMAS: Well actually. Well yeah.  
19 Yeah. Okay. Yeah.

20 MR. [REDACTED]: So is that how it works?  
21 These people up here, these are the operations  
22 lieutenant or activities lieutenant would have  
23 oversight of the SHU?

24 MR. THOMAS: Well if I'm not mistaken -.  
25 It I'm not mistaken, I think, as I said, the

1 captain is the SHU's house. So I would say -.  
2 Well direct supervisor would be the -.

3 MR. [REDACTED]: Yeah, like the first line  
4 supervisor.

5 MR. THOMAS: First line super would be the  
6 operations lieutenant and activities  
7 lieutenant.

8 MR. [REDACTED]: Okay. And would it be --

9 MR. THOMAS: That goes for [REDACTED] -.

10 MR. [REDACTED]: -- one or the other?  
11 Would it be typically -?

12 MR. THOMAS: Well operations are head of  
13 the whole building and then -.

14 MR. [REDACTED]: So if you had an issue in  
15 the SHU, who would you contact?

16 MR. THOMAS: The operations lieutenant.

17 MR. [REDACTED]: Not the activities  
18 lieutenant?

19 MR. THOMAS: Well activities doesn't come  
20 in until 6:00 in the morning.

21 MR. [REDACTED]: Sure. So if the  
22 activities lieutenant and the operations  
23 lieutenant are both present, and there was -.  
24 I know you weren't working this date during  
25 that time. But if someone, when they're both

1 on duty, who would be contacted? Activities or  
2 operations? Or is it either?

3 MR. THOMAS: I - you would just say  
4 whatever SHU needed. You say operations. You  
5 say operations . It really depends on the  
6 situation.

7 MR. [REDACTED]: Sure.

8 MR. THOMAS: Depends on the situation  
9 whether you would call the activities or the  
10 operations but 9 out of ten times mostly with  
11 this you call operations.

12 MR. [REDACTED]: And does the activities  
13 lieutenant sit in operations?

14 MR. THOMAS: What do you mean?

15 MR. [REDACTED]: So how does that work?  
16 So for instance, if you --

17 MR. THOMAS: They can be anywhere in the  
18 building.

19 MR. [REDACTED]: -- call operations. Are  
20 those two individuals together --

21 MR. THOMAS: No. They're --

22 MR. [REDACTED]: -- typically?

23 MR. THOMAS: -- normally not together.  
24 They can be anywhere in the building.

25 MR. [REDACTED]: So would you ever call on

1 say activities.

2 MR. THOMAS: There could be an instance  
3 where you call and say activities when you  
4 don't want to bother -. It depends like I said  
5 depending on the situation.

6 MR. [REDACTED]: Okay. And on your - when  
7 you were in the SHU on August 10th, who would  
8 have been - who would have had oversight as  
9 lieutenant on August 10th?

10 MR. THOMAS: [REDACTED].

11 MR. [REDACTED]: [REDACTED].

12 MR. THOMAS: Yeah.

13 MR. [REDACTED]: Lieutenant [REDACTED]?

14 MR. THOMAS: Lieutenant, sir.

15 MR. [REDACTED]: Okay. Great. And then I  
16 think that she left at 6:00 a.m. Who would  
17 have then taken over responsibility? Would it  
18 have been [REDACTED]?

19 MR. THOMAS: Uh, [REDACTED]. Yes.

20 MR. [REDACTED]: Okay. Who is lieutenant  
21 -? And I don't know exactly how to pronounce  
22 his name, but [REDACTED], [REDACTED].

23 MR. THOMAS: He's a -. Um, I -.

24 MR. [REDACTED]: No-no-no. Not on this.  
25 I'm sorry. Who is he? Not looking at this.

1 Do you know who he is? Lieutenant [REDACTED]?

2 MR. THOMAS: Um.

3 MR. [REDACTED]: Lieutenant [REDACTED].

4 MR. THOMAS: He's a lieutenant at MCC. I  
5 think he's might be just the quarterly SHU  
6 lieutenant I guess.

7 MR. [REDACTED]: He was the SHU  
8 lieutenant?

9 MR. THOMAS: Yeah.

10 MR. [REDACTED]: Okay. Do you know if he  
11 was the SHU lieutenant in August of 2019?

12 MR. THOMAS: I don't remember. I'm sure -  
13 . I don't know.

14 MR. [REDACTED]: So that's not something  
15 that you would know --

16 MR. THOMAS: Yeah-yeah.

17 MR. [REDACTED]: -- during the day -.

18 MR. THOMAS: During the day. Yeah.

19 MR. [REDACTED]: So that -?

20 MR. THOMAS: I don't know.

21 MR. [REDACTED]: So that's nothing -?

22 MR. THOMAS: But it's like from the  
23 roster. I'm sure they posted it, it's probably  
24 somewhere on the roster somewhere. But I mean  
25 if he say he's the SHU lieutenant, he's the SHU

1 lieutenant. I don't -. If he was that SHU  
2 lieutenant. If it was his quarter to have it,  
3 then he's the SHU lieutenant.

4 MR. [REDACTED]: Okay. Do you know if he  
5 was off on August 9, 2019?

6 MR. THOMAS: I don't know (Indiscernible  
7 \*01:17:42)

8 MR. [REDACTED]: You don't know. Sure.  
9 Absolutely. Did you have any communications  
10 with Lieutenant [REDACTED] with regard to Epstein  
11 being housed within the MCC?

12 MR. THOMAS: No.

13 MR. [REDACTED]: Or in the SHU?

14 MR. THOMAS: No.

15 MR. [REDACTED]: No? No - any kind of  
16 emails or any kind of communication? When I  
17 say communication, I mean verbal --

18 MR. THOMAS: Oh.

19 MR. [REDACTED]: -- emails, anything?

20 MR. THOMAS: Um, not that I know of. No.  
21 Not -. I can't recall any.

22 MR. [REDACTED]: Okay. So did Lieutenant  
23 [REDACTED] ever provide you with any kind of special  
24 instructions with regard to Epstein?

25 MR. THOMAS: No.

1           MR. [REDACTED]: Did Lieutenant [REDACTED] every  
2 tell you that Epstein was required to have a  
3 cellmate when he was assigned to the SHU?

4           MR. THOMAS: No.

5           MR. [REDACTED]: Do you know who is  
6 Operations Lieutenant [REDACTED] [REDACTED]? I guess he  
7 was the operations lieutenant.

8           MR. THOMAS: Yeah.

9           MR. [REDACTED]: Is he regularly the  
10 operations lieutenant?

11          MR. THOMAS: It - it -.

12          MR. [REDACTED]: At that time?

13          MR. THOMAS: It varies. You know it's a  
14 rotating shift, so they could have switched  
15 shifts at that time. I don't -. It varies.  
16 It varies.

17          MR. [REDACTED]: Okay. So according to  
18 this August 9th.

19          MR. THOMAS: This says he comes in at -  
20 what is it 6:00 and 8:00 - 8:00 to 4:00 or 7:00  
21 to 10:00, whichever one.

22          MR. [REDACTED]: Okay.

23          MR. THOMAS: Well it says 8:00, so it  
24 would be 8:00 to 4:00.

25          MR. [REDACTED]: Okay. I think that, from

1 my understanding, some of the lieutenants were  
2 actually working two hours before.

3 MR. THOMAS: Yes.

4 MR. [REDACTED]: So I think he was  
5 actually 6:00 a.m. to 2:00 p.m. Although it's  
6 confusing on this, by looking at the roster.  
7 So when he was on, would have he been  
8 responsible for overall oversight of the SHU?

9 MR. THOMAS: Yes. If he was operations  
10 lieutenant. Yeah.

11 MR. [REDACTED]: Okay. Did you have any  
12 communications with [REDACTED] in regard to Epstein?

13 MR. THOMAS: No.

14 MR. [REDACTED]: Or the SHU?

15 MR. THOMAS: No.

16 MR. [REDACTED]: No? So not even any kind  
17 of - not even talking about Epstein, with  
18 anything to do with your responsibilities in  
19 the SHU - with [REDACTED]?

20 MR. THOMAS: No.

21 MR. [REDACTED]: Okay. And again, I'm  
22 going to say these names just to try to change  
23 things around.

24 MR. THOMAS: Fine.

25 MR. [REDACTED]: Did Lieutenant [REDACTED]

1 every provide you with special instructions  
2 with regard to Epstein?

3 MR. THOMAS: No.

4 MR. [REDACTED]: Did Lieutenant [REDACTED] ever  
5 tell you that Epstein was required to have a  
6 cellmate while he was assigned to the SHU?

7 MR. THOMAS: No.

8 MR. [REDACTED]: Who is Lieutenant [REDACTED]  
9 [REDACTED], [REDACTED]? You don't even know?

10 MR. THOMAS: He just started there I  
11 think. I want to say he just started there.  
12 (Indiscernible \*01:19:52) just a transfer now.  
13 He probably was there maybe two months. I  
14 think if I -. I vaguely remember him.

15 MR. THOMAS: Do you know if he had any  
16 involvement or oversight of the SHU?

17 MR. THOMAS: I probably spoke to him  
18 twice.

19 MR. [REDACTED]: Twice? And do you know  
20 what those communications entailed?

21 MR. THOMAS: Time (Indiscernible  
22 \*01:20:01)

23 MR. [REDACTED]: Anything to do with  
24 Epstein?

25 MR. THOMAS: Or [REDACTED].

1 MR. [REDACTED]: Or operations in the SHU?

2 MR. THOMAS: No.

3 MR. [REDACTED]: No? Never provided you  
4 any special instructions with Epstein.

5 MR. THOMAS: No. He never provided you  
6 any special instructions with Epstein.

7 MR. THOMAS: No.

8 MR. [REDACTED]: Never told you that  
9 Epstein was required to have a cellmate?

10 MR. THOMAS: No.

11 MR. [REDACTED]: Okay. What about Senior  
12 Officer Specialist [REDACTED], [REDACTED], [REDACTED]-  
13 [REDACTED]?

14 MR. THOMAS: Uh-huh. Do I know her? Yes.

15 MR. [REDACTED]: Yeah. So on August 9th  
16 if you look at this. It looks like she was the  
17 activities lieutenant --

18 MR. THOMAS: Mm-hmm.

19 MR. [REDACTED]: -- from what appears to  
20 be - It says 2:00 p.m. to 10:00 p.m. Obviously  
21 you weren't --

22 MR. THOMAS: I'm not -.

23 MR. [REDACTED]: -- there at that time.  
24 Correct?

25 MR. THOMAS: Mm-hmm.

1 MR. [REDACTED]: Alright.

2 MR. THOMAS: Yes. I wasn't there.

3 MR. [REDACTED]: You weren't there.

4 Correct. At any time did you have any  
5 communications with SOS [REDACTED] as far as  
6 Epstein?

7 MR. THOMAS: Nope.

8 MR. [REDACTED]: Did she ever give you any  
9 special instructions with Epstein?

10 MR. THOMAS: No.

11 MR. [REDACTED]: Did she ever tell you  
12 that Epstein was required to have a cellmate?

13 MR. THOMAS: No.

14 MR. [REDACTED]: While assigned to the  
15 SHU? No?

16 MR. THOMAS: No.

17 MR. [REDACTED]: Now we're going to talk  
18 to the staff members in the SHU on August 10th  
19 when you were there.

20 MR. THOMAS: Okay.

21 MR. [REDACTED]: Alright. What BOP  
22 employees worked in the SHU on August 10, 2019  
23 from approximately 1200 a.m. to 6:30 a.m.?

24 MR. THOMAS: Um, Ms. Noel.

25 MR. [REDACTED]: And yourself?

1 MR. THOMAS: And myself.

2 MR. [REDACTED]: Okay. And what was your  
3 role in the SHU on August 10, 2019?

4 MR. THOMAS: I was SHU 2. She was SHU 1.

5 MR. [REDACTED]: And what does that mean?

6 MR. THOMAS: It just means that it's just  
7 where you was assigned. It's just where I was  
8 assigned. I was assigned there for overtime.  
9 She was assigned there for overtime.

10 MR. [REDACTED]: Is there a difference  
11 between SHU 1 and SHU 2 though? Like different  
12 responsibilities?

13 MR. THOMAS: I couldn't - you have to read  
14 the post orders. I couldn't tell you.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: -- exactly what the -.

17 MR. [REDACTED]: Is there a hierarchy?

18 MR. THOMAS: I want -. It depends. I  
19 mean it really, really depends. That's  
20 definitely hard to explain because is there a  
21 hierarchy? No.

22 MR. [REDACTED]: Okay.

23 MR. THOMAS: Remember because she has -.  
24 It's no hierarchy.

25 MR. [REDACTED]: Is the person with the

1           most experience in the BOP in command? Or how  
2           does that work? When you're in there with  
3           another person. There's only two of you. Is  
4           there someone that's kind of in charge?

5           MR. THOMAS: I'm going to say -. They're  
6           going to say SHU -. How it is the BOP. How it  
7           is at the jail. They say SHU 1 is in charge.

8           MR. [REDACTED]: Okay.

9           MR. THOMAS: But then they -. with SHU 1  
10          or somebody with more time. Like if I have  
11          more time than SHU 1. How are you going to be  
12          in charge when you have more time? It depends.  
13          But then again, I'm non-custody. So it's all  
14          different dynamics when it comes to that.

15          MR. [REDACTED]: Okay.

16          MR. THOMAS: But they will say SHU 1 is  
17          usually in charge. If you bid for SHU 1 -. If  
18          you did a bid, they'll say SHU 1 is in charge  
19          of the SHU.

20          MR. [REDACTED]: Okay.

21          MR. THOMAS: But -.

22          MR. [REDACTED]: And you were SHU 2 that  
23          day?

24          MR. THOMAS: I was SHU 2 that day. Yes.

25          MR. [REDACTED]: Okay. But because you

1 had seniority, is that -?

2 MR. THOMAS: It doesn't play out like  
3 that. It doesn't play like that. In a black  
4 and white sense, it doesn't play out like that.

5 MR. [REDACTED]: Okay.

6 MR. THOMAS: You're both equally  
7 responsible because she's SHU 2 and I'm SHU 2.  
8 I mean it just - it doesn't - and on paper it  
9 plays out that she's SHU 1. She's in charge  
10 and I'm SHU 2, but it really doesn't play out  
11 like that.

12 MR. [REDACTED]: So you're both serving  
13 the same roles?

14 MR. THOMAS: Were both serving the same  
15 roles, especially on morning watch. We're both  
16 doing the same thing --

17 MR. [REDACTED]: Okay.

18 MR. THOMAS: -- were both serving the  
19 same.

20 MR. [REDACTED]: Same duties a  
21 responsibilities.

22 MR. THOMAS: Same duties and  
23 responsibilities. Well because you can't do  
24 one thing without the other. So.

25 MR. [REDACTED]: Okay. Because pretty

1 much everything you do requires two people. Is  
2 that why?

3 MR. THOMAS: Supposed to. Yes.

4 MR. [REDACTED]: Okay.

5 MR. THOMAS: Yes.

6 MR. [REDACTED]: And did you replace  
7 [REDACTED], [REDACTED].

8 MR. THOMAS: [REDACTED].

9 MR. [REDACTED]: [REDACTED]. Did you  
10 replace him at 12:00 a.m.?

11 MR. THOMAS: Okay. I guess. [REDACTED].  
12 Yes. If I can't remember if they said it was  
13 [REDACTED]. Yeah. Okay. I couldn't remember  
14 who I -. It was somebody I had to replace. I  
15 don't remember who it was but - [REDACTED].

16 MR. [REDACTED]: Do you remember having  
17 any interaction with [REDACTED] when you replaced  
18 him?

19 MR. THOMAS: I mean [REDACTED] is like me.  
20 He's both non-custody. So we work - he's trust  
21 fund like how I'm trust fund. He's a material  
22 handler specialist --

23 MR. [REDACTED]: Okay.

24 MR. THOMAS: -- like me, so I'll probably  
25 (Indiscernible \*01:24:10). I couldn't remember

1           our exact communication when I started. I  
2           probably said what's up.

3           MR. [REDACTED]: Do you remember --

4           MR. THOMAS: Smacked him on the back of  
5           the head.

6           MR. [REDACTED]: - any kind of  
7           conversations?

8           MR. THOMAS: No. I really don't remember.

9           MR. [REDACTED]: Okay. Did you speak with  
10          him at all with regard to Epstein?

11          MR. THOMAS: No.

12          MR. [REDACTED]: Anything to do with like  
13          Reyes leaving and Epstein being alone?

14          MR. THOMAS: No.

15          MR. [REDACTED]: No? What conversations  
16          did you have with Noel during your shift with  
17          regard to Epstein? On August 10th.

18          MR. THOMAS: Uh, none.

19          MR. [REDACTED]: You don't remember  
20          talking about him?

21          MR. THOMAS: I don't remember talking  
22          about him.

23          MR. [REDACTED]: Do you recall if anyone  
24          else was present at any time at all in the SHU  
25          on August 10, 2019? Between the hours of 12:00

1 a.m. and 6:33 a.m.?

2 MR. THOMAS: Um.... I'm sure a lieutenant  
3 came up. I couldn't tell you when. I'm sure  
4 the lieutenant came up once or I'm sure the  
5 lieutenant came up.

6 MR. [REDACTED]: And who would have been  
7 the lieutenant who would come up?

8 MR. THOMAS: Uh, Lieutenant [REDACTED].

9 MR. [REDACTED]: [REDACTED]?

10 MR. THOMAS: [REDACTED].

11 MR. [REDACTED]: Okay. And do you  
12 remember that interaction at all? When the  
13 lieutenant came up?

14 MR. THOMAS: No. Not really.

15 MR. [REDACTED]: No?

16 MR. THOMAS: Hm-mm.

17 MR. [REDACTED]: Would have that been  
18 probably around like 4:00 a.m.?

19 MR. THOMAS: It's sporadic. There's no  
20 set particular time that she had to be there by  
21 3:00 or 2:00 or 1:00 - anything like that. But  
22 I'm sure during the course of the day, during  
23 the course of the night, lieutenant [REDACTED]  
24 came by SHU.

25 MR. [REDACTED]: Okay.

1 MR. THOMAS: She always walks by. She's  
2 (Indiscernible \*01:25:39) walk.

3 MR. [REDACTED]: Do you remember if any -  
4 another CO came by maybe around like 5:30 a.m.?

5 MR. THOMAS: Um.... It's supposed to be  
6 another CO that comes on at 6:00 to 2:00. I  
7 don't recall them ever coming up. It says  
8 [REDACTED]. But it's, as you can see, it's a 6:00  
9 to 2:00 post. But I don't. Around 5:00, I  
10 don't remember any other -. I don't remember  
11 any other CO coming in.

12 MR. [REDACTED]: Okay. What about like a  
13 breakfast cart? Who would provide that? How  
14 would that be done?

15 MR. THOMAS: Well the breakfast cart that  
16 they push it into the hallway. I wouldn't see  
17 the person down in food service that -. I mean  
18 they push down the hallway and ring the bell.  
19 And I don't remember who brought the food cart  
20 up. But the food cart came up and we seen in  
21 through our peripherals outside the hallway.

22 MR. [REDACTED]: And then someone -.

23 MR. THOMAS: It's through a double door.

24 MR. [REDACTED]: And then you go and you  
25 get it?

1           MR. THOMAS: Yeah. Then we go and  
2 retrieve it and we bring it inside the SHU.  
3 Yes.

4           MR. [REDACTED]: And do you remember who  
5 it was that actually retrieved it that morning?

6           MR. THOMAS: I really don't remember. I  
7 think she did, I did. I don't know. I don't  
8 remember exactly who did it.

9           MR. [REDACTED]: Okay. So the only person  
10 that you remember that entered the SHU was  
11 [REDACTED]?

12          MR. THOMAS: Yes.

13          MR. [REDACTED]: Okay. What was her  
14 purpose for visiting the SHU on August 10th?

15          MR. THOMAS: She visited all the housing  
16 units. Operations lieutenant she walks around  
17 the building throughout the night.

18          MR. [REDACTED]: Part of her duties and  
19 responsibilities?

20          MR. THOMAS: Yes. Part of her duties.  
21 Yes.

22          MR. [REDACTED]: Okay. Can you just  
23 briefly explain what's the process of entering  
24 and exiting the SHU?

25          MR. THOMAS: Um.... Wow, I can't even

1           remember the door. Um. You call for the door.  
2           It's the 20. You call for the door to be  
3           opened. I can't remember the exact number of  
4           the door. You call for the door to be opened.  
5           They ring the bell. You call for the door to  
6           be opened. Then you have an inner door that's  
7           locked. You unlock that - you call for the  
8           person. The person comes in. If it's a warden  
9           or anything like that, it's usually a book that  
10          they have to sign saying that there entered  
11          into - that they entered in or whatever the  
12          case may be. They enter in. And then you open  
13          the door.

14                 MR. ██████████: Okay. So you initially  
15          said that they call. Who?

16                 MR. THOMAS: Well one of the staff members  
17          inside call for the door.

18                 MR. ██████████: Okay. So -.

19                 MR. THOMAS: So me or Noel had to call for  
20          the door to come in.

21                 MR. ██████████: So someone comes at the  
22          outer door the first door someone's got to go  
23          through. They call you guys in the SHU.

24                 MR. THOMAS: No. They ring the bell.

25                 MR. ██████████: They ring the bell?

1 MR. THOMAS: If the outer door -. It's -.  
2 The outer door, whichever number it is, the  
3 outer door. You ring the bell. It signals  
4 somebody's at the door. You look and you see.  
5 I see. I say can I get your name, sir? You  
6 see whoever it is. You call for the door.  
7 Look to see if the (Indiscernible \*01:28:05) I  
8 see [REDACTED] covering at the door. I bring - I  
9 call for the door. He comes in the door. Then  
10 there's another door that's locked. You unlock  
11 that door and then they come in and then you  
12 lock that door back.

13 MR. [REDACTED]: So my question is though  
14 on the outer door. Who do you call? The  
15 control center.

16 MR. THOMAS: Yes. You call the control  
17 center.

18 MR. [REDACTED]: Okay. And then does  
19 someone from the control center?

20 MR. THOMAS: Looks down it. Well the  
21 control center verifies who is at the door and  
22 then they open the door.

23 MR. [REDACTED]: Okay. And is there like  
24 cameras there?

25 MR. THOMAS: Yeah, there's a camera in the

1 hallway.

2 MR. [REDACTED]: Okay. Great. So control  
3 center allows them in the door first. Do they  
4 notify the people in the SHU that someone's  
5 coming in?

6 MR. THOMAS: We notify them that someone  
7 is coming in.

8 MR. [REDACTED]: Oh, okay.

9 MR. THOMAS: Because we call for the door.

10 MR. [REDACTED]: So they ring the bell,  
11 you call control.

12 MR. THOMAS: Call control center.

13 MR. [REDACTED]: Control then looks --

14 MR. THOMAS: And opens the door.

15 MR. [REDACTED]: -- and lets somebody in.

16 MR. THOMAS: Yeah.

17 MR. [REDACTED]: Okay. And then they come  
18 to that. And then does control center have any  
19 involvement with them when you said you unlock  
20 the door?

21 MR. THOMAS: No. Then it's another key  
22 for another door. The inner door.

23 MR. [REDACTED]: Okay. And is it just the  
24 people that are in the SHU that can allow  
25 someone to enter and exit?

1 MR. THOMAS: For that inner door? Yes.

2 MR. [REDACTED]: Okay. And who was it -?  
3 How are the keys worked? Who maintains control  
4 of those keys?

5 MR. THOMAS: Um, for the morning watch  
6 shift. There's one control key and usually the  
7 number one person holds it. It's the key that  
8 never leaves the thing. I can't remember  
9 exactly what keys are on there.

10 MR. [REDACTED]: When you say on there.  
11 Where are they maintained?

12 MR. THOMAS: They're maintained down in  
13 the control center.

14 MR. [REDACTED]: But are they like hung up  
15 somewhere?

16 MR. THOMAS: Yeah. They're hung up on  
17 like a dashboard that says -.

18 MR. [REDACTED]: The control. Wait. I'm  
19 sorry. So I'm not confused. There's a key  
20 that you guys utilize to open the door that's  
21 in the control center.

22 MR. THOMAS: Yes. That utilizes. Well  
23 the control center has the master keys for all  
24 the doors.

25 MR. [REDACTED]: I'm sorry. But the

1 control center opens that outer door. And then  
2 the inner door. Doesn't the people that are  
3 assigned to the SHU have - use a key to -?

4 MR. THOMAS: Yeah. That's the master key  
5 that never leaves the SHU.

6 MR. [REDACTED]: Okay. So that's the key  
7 I'm talking about. Where is that key  
8 maintained? You said the SHU -?

9 MR. THOMAS: Usually the number one on SHU  
10 will -.

11 MR. [REDACTED]: Like on their person?

12 MR. THOMAS: Yeah. On the person.  
13 Usually SHU 1 holds that on the person the  
14 whole time.

15 MR. [REDACTED]: Okay. So it's not hung  
16 up somewhere.

17 MR. THOMAS: No. It's not hung up  
18 somewhere. The SHU 1 holds that on them at all  
19 times.

20 MR. [REDACTED]: Okay. And do you recall  
21 on August 9th it was Noel -?

22 MR. THOMAS: I'm sure. I'm sure she had  
23 it. I'm sure she had it.

24 MR. [REDACTED]: It was Noel then? Noel -  
25 .

1 MR. THOMAS: Because I had the um, the oh!  
2 Door keys and cuff key. Or if I had my cuff  
3 key.

4 MR. [REDACTED]: So if you have the door  
5 keys and the cuff keys, usually the other  
6 person is the one that has the outer key?

7 MR. THOMAS: Yes. We have -

8 MR. [REDACTED]: Or the (Indiscernible  
9 \*01:30:16)

10 MR. THOMAS: It rotates. During the  
11 course of the day it can't rotate or anything  
12 like that.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: When during the day when like  
15 somebody's feeding or somebody's doing this and  
16 you -. That person would take this key I'm  
17 going to go feed this row or I'm about to go do  
18 this. So if somebody's doing law library. It  
19 can rotate. But during the course of the  
20 night, usually SHU 1 has one key and then I  
21 come up with the -. I eventually grab another  
22 key.

23 MR. [REDACTED]: Okay. So on August 10th  
24 you said you only recall [REDACTED]. Do  
25 you recall who allowed her to enter?

1 MR. THOMAS: I -.

2 MR. [REDACTED]: Who used the key?

3 MR. THOMAS: I don't remember who.

4 MR. [REDACTED]: No?

5 MR. THOMAS: No-no. I don't remember who  
6 popped the door for her to come in.

7 MR. [REDACTED]: Okay.

8 MR. THOMAS: It had to be either me or  
9 Noel. It couldn't have been nobody else.

10 MR. [REDACTED]: And she was an authorized  
11 visitor?

12 MR. THOMAS: Who?

13 MR. [REDACTED]: [REDACTED] was an  
14 authorized visitor?

15 MR. THOMAS: Yes. Yes.

16 MR. [REDACTED]: And were you with  
17 [REDACTED]? You or Noel with [REDACTED]  
18 during her entire visit?

19 MR. THOMAS: Yes.

20 MR. [REDACTED]: Okay. Did [REDACTED]  
21 ever approach Epstein's cell?

22 MR. THOMAS: I don't know. I don't  
23 remember.

24 MR. [REDACTED]: You don't recall? Do you  
25 recall any conversations with [REDACTED]

1 with regard to Epstein?

2 MR. THOMAS: No.

3 MR. [REDACTED]: She didn't ask like how's  
4 he doing or anything like that?

5 MR. THOMAS: No. I don't.

6 MR. [REDACTED]: And then who would have  
7 allowed her to exit the SHU?

8 MR. THOMAS: Me or either me or Noel.

9 MR. [REDACTED]: Okay. And is it the same  
10 process? You would have to use a key to open  
11 it?

12 MR. THOMAS: You have to use a key to open  
13 the inner door. Then you open the inner door,  
14 secure the inner door, and then you call the  
15 control center to pop the outer door.

16 MR. [REDACTED]: Okay.

17 MR. THOMAS: Exactly what it's called.

18 MR. [REDACTED]: And then do you recall --

19 MR. THOMAS: I don't recall who -.

20 MR. [REDACTED]: -- how long she was in  
21 there?

22 MR. THOMAS: I don't recall.

23 MR. [REDACTED]: Okay.

24 MR. THOMAS: I don't recall.

25 MR. [REDACTED]: But she was the --

1 MR. [REDACTED]: Operations lieutenant.

2 MR. [REDACTED]: -- supervisor -? She was  
3 the operations lieutenant --

4 MR. THOMAS: Lieutenant (Indiscernible  
5 \*01:31:51)

6 MR. [REDACTED]: -- which means that she  
7 was the supervisor in the SHU on August 10th  
8 from 12:00 a.m. until-?

9 MR. THOMAS: She was the - I wouldn't say  
10 supervisor -. Well she was supervising the  
11 building on August 10th. Yes.

12 MR. [REDACTED]: And with responsibilities  
13 for the SHU?

14 MR. THOMAS: Responsibilities for SHU and  
15 responsibilities of the institution.

16 MR. [REDACTED]: Do you recall having any  
17 other conversations with [REDACTED] during  
18 your shift on August 10, 2019?

19 MR. THOMAS: No.

20 MR. [REDACTED]: By phone call or email or  
21 anything?

22 MR. THOMAS: Mm. No.

23 MR. [REDACTED]: And did [REDACTED] at  
24 any time ever provide you with special  
25 instructions with regard to Epstein?

1 MR. THOMAS: No.

2 MR. [REDACTED]: And again, never told you  
3 that he was required to have a cellmate?

4 MR. THOMAS: No.

5 MR. [REDACTED]: It didn't come up the  
6 fact that Reyes left the day before and Epstein  
7 was without one?

8 MR. THOMAS: No.

9 MR. [REDACTED]: That was just not  
10 communicated? How about Lieutenant [REDACTED]  
11 [REDACTED]? Who is that?

12 MR. THOMAS: A lieutenant at MCC.

13 MR. [REDACTED]: Was -? Did Lieutenant  
14 [REDACTED] [REDACTED] replace [REDACTED] at  
15 approximately 6:00 a.m.? Are you able to tell  
16 from looking at this roster?

17 MR. THOMAS: Well this one says he came in  
18 at 8:00 to 4:00 or something, but I -.

19 MR. [REDACTED]: Yeah, they were two hours  
20 earlier.

21 MR. THOMAS: Yeah, two hours yeah. But  
22 yeah, I remember seeing him.

23 MR. [REDACTED]: Okay. Do you recall  
24 having any interactions with Lieutenant [REDACTED]  
25 prior to 6:33 a.m. on August 10, 2019?

1 MR. THOMAS: No.

2 MR. [REDACTED]: And did Lieutenant [REDACTED]  
3 visit the SHU at all on August 10, 2019 prior  
4 to 6:33 a.m.?

5 MR. THOMAS: No. Not that I remember.

6 MR. [REDACTED]: Okay. And no  
7 communications though?

8 MR. THOMAS: No.

9 MR. [REDACTED]: And Lieutenant [REDACTED]  
10 didn't provide you with any special  
11 instructions with regard to Epstein?

12 MR. THOMAS: No.

13 MR. [REDACTED]: And he did not provide  
14 you any instructions with regard to Epstein  
15 having a cellmate?

16 MR. THOMAS: No.

17 MR. [REDACTED]: At any time even prior to  
18 that?

19 MR. THOMAS: No.

20 MR. [REDACTED]: Okay. Did the control  
21 center, R&D, or anyone else call the SHU on  
22 August 10, 2019 about -?

23 MR. THOMAS: They would be gone by the  
24 time I come in.

25 MR. [REDACTED]: All of those people would

1 have been?

2 MR. THOMAS: Yes.

3 MR. [REDACTED]: In the control center?

4 MR. THOMAS: No, not the -. The control  
5 center would be there, but R&D would be gone.

6 MR. [REDACTED]: Alright. So let's say I  
7 did control center or anyone else call the SHU  
8 on August 10, 2019 about Epstein cellmate's  
9 leaving? Or the need for Epstein to have  
10 another cellmate assigned?

11 MR. THOMAS: No. That would have been  
12 done prior to my shift.

13 MR. [REDACTED]: Okay. But not during  
14 your shift?

15 MR. THOMAS: Not during the midnight, no.  
16 That would have been done prior.

17 MR. [REDACTED]: Alright. So being that  
18 you've been in the BOP since 2017.

19 MR. THOMAS: 2007.

20 MR. [REDACTED]: Sorry, 2007, that's what  
21 I meant. I apologize. In that Epstein was  
22 required to have a cellmate, after Reyes left  
23 on August 9<sup>th</sup>, what should have happened? Who  
24 should have taken appropriate actions? Can you  
25 just kind of walk me through how that process

1           should have taken place?

2           MR. THOMAS: Um. I mean. By my  
3           knowledge, like you said, from being in for  
4           work, if he would have left, it would have been  
5           communicated to the officers via R&D that  
6           somebody had left.

7           MR. [REDACTED]: And how would have -?  
8           R&D would have been the first people to notify?

9           MR. THOMAS: Yes. R&D would be -. Yeah.  
10          R&D would be the first people to notify that an  
11          inmate has been --

12          MR. [REDACTED]: Released.

13          MR. THOMAS: -- taken off the count. Been  
14          released. Taken off the count.

15          MR. [REDACTED]: Okay. And then who would  
16          R&D contact?

17          MR. THOMAS: R&D would contact the  
18          lieutenant and contact control center.

19          MR. [REDACTED]: So R&D would contact both  
20          control center and --

21          MR. THOMAS: And R&D.

22          MR. [REDACTED]: -- the lieutenant?

23          MR. THOMAS: Yeah.

24          MR. [REDACTED]: Would they at all contact  
25          the SHU? Or the place where the inmate was

1 released from?

2 MR. THOMAS: Yes. Well R&D would contact  
3 the SHU and let them know that somebody had  
4 been released.

5 MR. [REDACTED]: So in this case, Reyes was  
6 released on August 9th. Should have they  
7 called all three? They should have control  
8 center -. Or R&D should have contacted looks  
9 like Lieutenant [REDACTED], or potentially [REDACTED],  
10 as well as control center and the SHU staff?

11 MR. THOMAS: In a perfect world, R&D will  
12 call lieutenant's office, call control, and  
13 call the SHU. I'm sure somebody had to call  
14 the SHU and let them know that their base count  
15 has changed.

16 MR. [REDACTED]: Okay.

17 MR. THOMAS: Some - one way or another,  
18 somebody called control to let them know that  
19 the base count has changed. Who did they call?  
20 I don't know, but during that - because the  
21 courts close at 8:00.

22 MR. [REDACTED]: Okay.

23 MR. THOMAS: At the latest. Yeah. I  
24 believe it's 8:00 p.m. So somebody called and  
25 let them know. R&D got the first call that

1           there would be somebody gone off your count.

2           MR. [REDACTED]: Okay. So it wouldn't be  
3           like they called the ops lieutenant and the ops  
4           lieutenant would then call the SHU. R&D  
5           typically would actually call all three.

6           MR. THOMAS: Usually. But I have been  
7           when R&D called all three. I have been here  
8           when the control center have called the SHU and  
9           let them know. Yo, your base count changed.  
10          Such-and-such has been released or such-a-bunch  
11          has been moved to a different housing unit.  
12          Yeah.

13          MR. [REDACTED]: Okay.

14          MR. THOMAS: But usually you get a call  
15          either from R&D or control center.

16          MR. [REDACTED]: Not the ops lieutenant?

17          MR. THOMAS: Not the -. I mean not -.  
18          I've been in when the ops lieutenant called,  
19          but nah. Not typically the ops lieutenant.

20          MR. [REDACTED]: Alright. So it's  
21          typically control center.

22          MR. THOMAS: Typically your control center  
23          or R&D will call and let you know that their  
24          base count have changed.

25          MR. [REDACTED]: And you've been present

1           when that's actually taken place?

2           MR. THOMAS: Yes. I've been present when  
3           that's taken place.

4           MR. [REDACTED]: In the SHU?

5           MR. THOMAS: Yes. I've been present in  
6           the SHU when that's taken place.

7           MR. [REDACTED]: Okay. So how soon after  
8           -? So Epstein is required to have a cellmate.  
9           How soon after Reyes' departure should have  
10          Epstein been assigned a cellmate?

11          MR. THOMAS: That comes from the SHU  
12          lieutenant and from operations and the staff  
13          member that had to be there.

14          MR. [REDACTED]: Okay.

15          MR. THOMAS: If -.

16          MR. [REDACTED]: So who -? Who had the  
17          responsibility to fill Epstein's cellmate  
18          requirement? Who had the responsibility to  
19          place Epstein with a new cellmate?

20          MR. THOMAS: I don't know offhand. But -.  
21          I don't know offhand who had the  
22          responsibility. But it had to come from either  
23          the SHU lieutenant. I would say first since  
24          he's a high-profile, I would say from the SHU  
25          lieutenant.

1 MR. [REDACTED]: Okay. And were you -?  
2 We touched on this before, but in this specific  
3 instance, were -. Well you weren't there.

4 MR. THOMAS: I wasn't there.

5 MR. [REDACTED]: So would have you, if you  
6 were there, would have you been it - uh,  
7 authorized to assign him a new cellmate?

8 MR. THOMAS: If I was there and it came  
9 down from higher-up to assign somebody, yes.  
10 If I was there, yes.

11 MR. [REDACTED]: So if someone else told  
12 you to?

13 MR. THOMAS: Yeah. If somebody told me.  
14 If the SHU lieutenant told me that oh listen,  
15 he needs this and such like that, yeah. Just  
16 go like that because he's high -. I wouldn't  
17 just put somebody in his cell.

18 MR. [REDACTED]: Okay. What about SHU  
19 staff that weren't informed by higher-ups? SHU  
20 staff there could have they assigned Epstein  
21 with a new cellmate even temporarily?

22 MR. THOMAS: I -. Could they have? I -.

23 MR. [REDACTED]: Authorized.

24 MR. THOMAS: Were they -?

25 MR. [REDACTED]: I mean that theoretically

1           they could have as in like you can do anything

2           --

3           MR. THOMAS: You can do anything you want.

4           MR. [REDACTED]: -- you want --

5           MR. THOMAS: But -.

6           MR. [REDACTED]: But were they have been  
7 authorized to have -.

8           MR. THOMAS: Nah. Not with a high-  
9 profile. No. I don't think they're  
10 authorized.

11          MR. [REDACTED]: Okay.

12          MR. THOMAS: I don't know offhand, but I  
13 wouldn't say from my knowledge for being -. I  
14 wouldn't say that they'd be authorized. It  
15 would have to come from somebody else.

16          MR. [REDACTED]: Okay. So the people that  
17 are working in the SHU, what action should have  
18 they taken as soon as they were aware that  
19 Epstein's cellmate had left?

20          MR. THOMAS: What are we talking about?

21          MR. [REDACTED]: So if they're, you know,  
22 supposed to be conducting counts. Supposed to  
23 be conducting rounds. As soon as they notice,  
24 hey, Reyes is gone. Epstein is required to  
25 have a cellmate. Is it their responsibility to

1 notify someone? Hey, get on the phone and call  
2 the ops lieutenant, control center, or  
3 whomever.

4 MR. THOMAS: I would call. If it were -.  
5 I would call somebody. Call somebody and let  
6 them know. Operations. Epstein need a  
7 cellmate. Or -.

8 MR. [REDACTED]: Right. So the -.

9 MR. THOMAS: SHU lieutenant if he's there.

10 MR. [REDACTED]: So the SHU lieutenant --

11 MR. THOMAS: If the first person -.

12 MR. [REDACTED]: -- has gone on leave -.

13 MR. THOMAS: If the SHU lieutenant has  
14 gone on leave, call the operations lieutenant.

15 MR. [REDACTED]: Okay. Alright. Now  
16 we're just going to talk a little bit more  
17 about rounds and counts. So the cell count.  
18 What, officially, what is that? Is it  
19 obtaining the official number of the inmates in  
20 your housing unit?

21 MR. THOMAS: Yes.

22 MR. [REDACTED]: Okay. And can you just  
23 explain the process? You touched on it before,  
24 but now can you actually explain like -. So  
25 when you're in the SHU for instance, and you're

1           -.

2           MR. THOMAS: What timeframe? Are we  
3 talking about?

4           MR. [REDACTED]: So your timeframe. Let's  
5 talk about when you're specifically there.  
6 You're there from 12:00 a.m. to 8:00 a.m.  
7 Correct?

8           MR. THOMAS: Yes.

9           MR. [REDACTED]: And you were there for  
10 both August 9th and August 10th. When should  
11 have you conducted counts and how should they  
12 have been conducted?

13          MR. THOMAS: How it happens is one officer  
14 goes up. You have the door key to the grills -  
15 the outside grill. You open the outside grill.  
16 One officer walks around, count, verified. Do  
17 one count, then the other office go around,  
18 count, and then you all combine your numbers at  
19 the end. You combine your numbers at the end  
20 of each tier. And then you tally up the  
21 numbers at the end. Most people write them  
22 down on a piece of paper, on your hand, back of  
23 a count slip -. It could be a number of  
24 different various where people write them down.  
25 But one person go arounds count, the next

1 person go arounds, count. You all say - tell  
2 each other your number. I got 15. I got 15.  
3 Boom. Then you move on to the next tier. Do  
4 the same form for all six tiers. And then you  
5 tally up your numbers at the end.

6 MR. [REDACTED]: Okay. So when one staff  
7 member is counting the inmates, on each tier -.

8 MR. THOMAS: They're the one standing at  
9 the grill.

10 MR. [REDACTED]: At the grill. And can  
11 you just explain what the grill is?

12 MR. THOMAS: It's just a door.

13 MR. [REDACTED]: Is the door closed or  
14 open?

15 MR. THOMAS: Um, typically it's closed.  
16 But some people leave it open.

17 MR. [REDACTED]: Okay. So one person  
18 remains outside of the tier basically at the  
19 door.

20 MR. THOMAS: At the door with the key.

21 MR. [REDACTED]: And then one staff member  
22 goes around, checks on all the inmates, when -  
23 and how do they check on the inmates?

24 MR. THOMAS: They look inside the, and if  
25 it's not covered, they look inside a window -

1 look inside the glass. I can't tell you the  
2 diameter of it, but you look inside the glass  
3 and you see where the inmates are -.

4 MR. [REDACTED]: Now the 12:00 a.m. Is  
5 there a count that's supposed to be done at  
6 12:00 a.m., at 3:00 a.m. -?

7 MR. THOMAS: 12:00, 3:00, and 5:00.

8 MR. [REDACTED]: All a.m.?

9 MR. THOMAS: All a.m. Yes.

10 MR. [REDACTED]: And during that time,  
11 when you look in the window of the door, what  
12 is it you're supposed to do?

13 MR. THOMAS: You verify flesh. Make sure  
14 you can just see somebody - see somebody's  
15 skin.

16 MR. [REDACTED]: Do you need to see  
17 movement?

18 MR. THOMAS: No because they could be  
19 asleep.

20 MR. [REDACTED]: Does that mean you're  
21 supposed to hit the door or anything? Make  
22 sure -.

23 MR. THOMAS: No. You're not -.

24 MR. [REDACTED]: See if they're good?

25 MR. THOMAS: They're still human beings.

1           No. They're sleep is 12:00 midnight. Some are  
2           up playing chess. Some are up writing letters.  
3           And some are asleep. You don't hit the door to  
4           make sure that they're moving.

5           MR. [REDACTED]: Do you shine a flashlight  
6           in?

7           MR. THOMAS: Some have a flashlight. You  
8           have -.

9           MR. [REDACTED]: No, do you, as in -.

10          MR. THOMAS: Yeah. Yeah, I'll have a  
11          flashlight. And just flash and see live  
12          breathing skin. They could be under the  
13          blanket or anything like that. And -.

14          MR. [REDACTED]: Okay. And is the purpose  
15          to make-? What is the purpose?

16          MR. THOMAS: To make sure nobody has  
17          escaped and see a body inside.

18          MR. [REDACTED]: A live body?

19          MR. THOMAS: We have a live body.

20          MR. [REDACTED]: Okay. A live body.  
21          Okay. And that is the process in the SHU.  
22          Correct? Like not only in the institution but  
23          in the SHU?

24          MR. THOMAS: That's the process in the  
25          institution.

1           MR. [REDACTED]: Right. Including the  
2 SHU.

3           MR. THOMAS: Yes.

4           MR. [REDACTED]: Okay. And when  
5 conducting counts, do COs have to speak with  
6 inmates?

7           MR. THOMAS: We don't have to.

8           MR. [REDACTED]: No? Now explain to me -  
9 what is a round? So you said you're -.

10          MR. THOMAS: Um, same process.

11          MR. [REDACTED]: Same?

12          MR. THOMAS: It's the same process.

13          MR. [REDACTED]: So every 30 minutes you  
14 actually have to take a count as well?

15          MR. THOMAS: No you don't have to take the  
16 count. The same process without the count -  
17 the counting of numbers. You just walk around  
18 and verify somebody is inside.

19          MR. [REDACTED]: Just like you said with  
20 the count, each one has to go around and see if  
21 their numbers match up? Does each -?

22          MR. THOMAS: No you don't have to round  
23 and see if the numbers match up. No. You just  
24 verify that there's a body inside the cell.

25          MR. [REDACTED]: But does someone have to

1 stand at the grill and the other person walk  
2 down and have to switch places and do the same  
3 thing?

4 MR. THOMAS: Yes.

5 MR. [REDACTED]: Both ways?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Okay. So it is the same  
8 process aside from -.

9 MR. THOMAS: Well aside for the count.  
10 Yes.

11 MR. [REDACTED]: Okay. So it's identical  
12 other than you're actually counting during a  
13 count.

14 MR. THOMAS: The same. Exactly. What you  
15 just said.

16 MR. [REDACTED]: Okay. And with a round,  
17 you also don't need to speak with them. You  
18 just have to make sure that they're in there  
19 and they're alive?

20 MR. THOMAS: Just make sure that they're -  
21 yeah for the round. Just make sure that  
22 they're in there.

23 MR. [REDACTED]: Okay. Um. And at all  
24 times do two officers needed to do the rounds  
25 and the counts?

1 MR. THOMAS: Supposed to be. Yeah.

2 MR. [REDACTED]: Okay.

3 MR. THOMAS: Supposed to.

4 MR. [REDACTED]: And what is the primary  
5 purpose of conducting counts and rounds?

6 MR. THOMAS: To make sure there's a body  
7 inside the cell?

8 MR. [REDACTED]: Okay. And like you said,  
9 no one has escaped and that there's -.

10 MR. THOMAS: Yeah. Make sure somebody's  
11 in there.

12 MR. [REDACTED]: Now are cell counts and  
13 rounds documented?

14 MR. THOMAS: Yes.

15 MR. [REDACTED]: Okay. And do the COs  
16 sign documents after they conduct counts and  
17 rounds?

18 MR. THOMAS: Yes.

19 MR. [REDACTED]: Um. Now if you - in this  
20 case from 12:00 a.m. to 8:00 a.m. there's two  
21 people that are assigned to the SHU. Correct?

22 MR. THOMAS: Yes.

23 MR. [REDACTED]: And two people have to  
24 actually conduct the rounds. Correct?

25 MR. THOMAS: Yes.

1           MR. [REDACTED]: So if you and Noel are  
2           the only two officers in the SHU, were you both  
3           responsible for documenting the round sheets  
4           and the count slips?

5           MR. THOMAS: Documenting the count slips.  
6           Not the round sheet. Whoever -. I mean it  
7           doesn't -. If I'm not mistaken, there's no  
8           direct responsibility. Whoever wants to do it  
9           or do it it's no assigned or number one has to  
10          do this or number one has to do that. The only  
11          thing we both have to do is sign a count slip.  
12          As far as signing a round sheet and um -.

13          MR. [REDACTED]: So both have to sign the  
14          counts. But for the rounds sheets, if one  
15          person signs it, are they basically signing for  
16          the both of you?

17          MR. THOMAS: Yeah. If you're going to -.  
18          They sign it for the both -. Mm-hmm.

19          MR. [REDACTED]: Okay.

20          MR. THOMAS: Mm-hmm.

21          MR. [REDACTED]: So both people are  
22          responsible for that signature? For the  
23          rounds?

24          MR. THOMAS: Well because I can sign it.  
25          She can sign it. It doesn't make a difference

1 but -.

2 MR. [REDACTED]: But she's signing on  
3 behalf of the both of you?

4 MR. THOMAS: Sign that the rounds were  
5 completed. Yes.

6 MR. [REDACTED]: Okay. And what do you do  
7 with the documents after they're signed? So  
8 let's talk about rounds first. After the round  
9 sheets are signed -. Can you just explain to  
10 me what a round sheet is? Is it -? Do you  
11 keep everything on one document?

12 MR. THOMAS: All for -. Excuse me for --

13 MR. [REDACTED]: For rounds?

14 MR. THOMAS: -- for all three, shifts are  
15 all on one document. Yes.

16 MR. [REDACTED]: So starting on each date  
17 from 12:00 a.m. to the -.

18 MR. THOMAS: If it says 12:00 a.m., I  
19 can't remember the exact date. It should start  
20 from 001 or maybe it's 1201 and continue on.

21 MR. [REDACTED]: Okay. And what about  
22 counts? Sorry, what do you do with those  
23 sheets? Sorry. After you documents the 30-  
24 minutes -.

25 MR. THOMAS: Uh, they stay there. I guess

1           they get sent to the lieutenant's office at the  
2           end -. They get sent to the lieutenant's  
3           office at the end of the day.

4           MR. [REDACTED]: At the end of a day not  
5           the end of a shift?

6           MR. THOMAS: Not the end of the shift. At  
7           the end of the day.

8           MR. [REDACTED]: Okay. And who collects  
9           them?

10          MR. THOMAS: Uh, internal usually collects  
11          them.

12          MR. [REDACTED]: And what is internal?

13          MR. THOMAS: Um, how do you explain  
14          internal? Um. The guy that -. The staff  
15          member that rides up the elevator and at the  
16          end of the day you collect five security  
17          sheets, round sheets, and all - a bunch of  
18          different paperwork and you take -.

19          MR. [REDACTED]: Is internal like a part  
20          of control?

21          MR. THOMAS: No. It's a person in an  
22          elevator. Because inmates can't ride the  
23          elevators by themselves because we're in a high  
24          rise.

25          MR. [REDACTED]: Okay.

1           MR. THOMAS: So it's not like a compound  
2 center. So the officer on, that usually  
3 collects all the rounds sheets if somebody else  
4 hasn't done it, the officer on the elevator  
5 will usually do it.

6           MR. [REDACTED]: Okay.

7           MR. THOMAS: Which is called internal.

8           MR. [REDACTED]: Is it a lieutenant or an  
9 officer or either or?

10          MR. THOMAS: It's an officer. It's an  
11 officer.

12          MR. [REDACTED]: It's an officer? Okay.  
13 Um. And do you call anyone with the numbers  
14 for either counts or rounds?

15          MR. THOMAS: You call control center.

16          MR. [REDACTED]: Do you call them or do  
17 they call you?

18          MR. THOMAS: No. You call them.

19          MR. [REDACTED]: You call them? And who  
20 do you call in the control center? Do you ask  
21 for someone?

22          MR. THOMAS: No. You call C&A. I forgot.  
23 And don't ask me what C&A stands for. But it's  
24 - because you have a control center and then  
25 you have another person -. And if it's still

1 two because it used to be one at one time, but  
2 you have the control center. And then another  
3 person in there um and the person is called  
4 C&A. And you would call them and they have a  
5 um, a sheet that they call for the count. That  
6 they verify for the count.

7 MR. [REDACTED]: Is it just for the  
8 counts? Not of the rounds?

9 MR. THOMAS: It's just for the counts.

10 MR. [REDACTED]: Okay. When you call do  
11 you give them a number?

12 MR. THOMAS: Yes. You call and give them  
13 a number.

14 MR. [REDACTED]: Okay. And is it just one  
15 overall number?

16 MR. THOMAS: Yes. It's one overall  
17 number.

18 MR. [REDACTED]: For the SHU. So it would  
19 be -. You wouldn't say per tier. You would  
20 say -.

21 MR. THOMAS: No-no. It's just one -. No-  
22 no. No. They just say one base count of the  
23 whole SHU.

24 MR. [REDACTED]: Okay. So on August 10  
25 during your shift, from 12:00 a.m. to

1 approximately 6:33 a.m., when did you conduct  
2 rounds in the SHU?

3 MR. THOMAS: On August 10th? I didn't.

4 MR. [REDACTED]: No rounds were conducted?

5 MR. THOMAS: No. I don't recall doing any  
6 rounds.

7 MR. [REDACTED]: Okay. And when did you  
8 conduct cells during your shift in the SHU on  
9 August 10th?

10 MR. THOMAS: Cells....?

11 MR. [REDACTED]: Sorry. Cell counts. My  
12 bad. When did you conduct the counts during  
13 your shift?

14 MR. THOMAS: I didn't.

15 MR. [REDACTED]: You didn't. Okay. And  
16 did Noel?

17 MR. THOMAS: I don't -. No. She didn't.

18 MR. [REDACTED]: No, she didn't? So no  
19 one conducted rounds or counts on August 10,  
20 2019?

21 MR. THOMAS: No. On my shift, no.

22 MR. [REDACTED]: Okay. Prior to 6:33 a.m.  
23 on August 10, 2019, when was the last time you  
24 conducted a round within the SHU?

25 MR. THOMAS: I -.

1 MR. [REDACTED]: Would you have conducted  
2 rounds on August 9, 2019?

3 MR. THOMAS: Yeah. Prior. The day. The  
4 day prior.

5 MR. [REDACTED]: And do you recall if you  
6 actually conducted any rounds that day?

7 MR. THOMAS: I probably did it for the  
8 rounds and then my counts. I probably did a  
9 couple there. Yes.

10 MR. [REDACTED]: A couple?

11 MR. THOMAS: I know I did my count. I  
12 don't know if I did my -. I don't know how  
13 many rounds that I did.

14 MR. [REDACTED]: Okay. Do you know if you  
15 did the 12:00 a.m., the 3:00 a.m., and the 5:00  
16 a.m. --?

17 MR. THOMAS: Yes.

18 MR. [REDACTED]: -- on August 9th?

19 MR. THOMAS: I would assume I did. Yes.

20 MR. [REDACTED]: Assumption?

21 MR. THOMAS: Yeah.

22 MR. [REDACTED]: So if we go back to the  
23 video, will we be able to see that you did  
24 those?

25 MR. THOMAS: You'll see if I did it. Mm-

1           hmm.

2           MR. [REDACTED]: Alright. So you're  
3 belief is that August 9th you did actually  
4 conduct those rounds?

5           MR. THOMAS: I would assume I did my  
6 counts. Yes.

7           MR. [REDACTED]: Okay. Were all the  
8 rounds that were document conducted on August  
9 9th?

10          MR. THOMAS: I don't know.

11          MR. [REDACTED]: No?

12          MR. THOMAS: I don't know.

13          MR. [REDACTED]: Would you guess that they  
14 weren't?

15          MR. THOMAS: No. I would guess that they  
16 were before anything else. Before I said that  
17 they weren't, I would guess that they were.  
18 Some rounds were probably conducted.

19          MR. [REDACTED]: Okay. Some were  
20 conducted. So maybe some weren't?

21          MR. THOMAS: Maybe some wasn't. I mean  
22 nobody's perfect.

23          MR. [REDACTED]: Okay. Alright.

24          MR. [REDACTED]: (Indiscernible \*01:50:01),  
25 one person have to do the round. Where's the

1 notebook?

2 MR. THOMAS: That's the round sheet. Yes.

3 MR. [REDACTED]: Okay. So this is August  
4 10, 2019. The round sheets shows 12 through  
5 and it was only signed up until 6:00, 6:30.

6 MR. [REDACTED]: Different dates.

7 MR. [REDACTED]: The (Indiscernible  
8 \*01:50:21) the tiers. Okay. Can you just  
9 explain are these - is this for the overall SHU  
10 and the different tiers listed on it?

11 MR. THOMAS: Yes.

12 MR. [REDACTED]: Alright. Now -.

13 MR. THOMAS: Well this is not -. It's not  
14 -. It's not labeled at different tiers. No.  
15 It's not labeled at different tiers. Well yes.  
16 Each paper is a different tier.

17 MR. [REDACTED]: Yeah. So like this says  
18 Tier G. That one is Tier H.

19 MR. THOMAS: Yes.

20 MR. [REDACTED]: Correct?

21 MR. THOMAS: Each thing is a --

22 MR. [REDACTED]: Tier J.

23 MR. THOMAS: -- different tier.

24 MR. [REDACTED]: Tier K.

25 MR. THOMAS: Tier L.

1 MR. [REDACTED]: Tier L.

2 MR. THOMAS: And -.

3 MR. [REDACTED]: That's a different count.

4 Okay. So these are what's signed after a round  
5 is conducted?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Alright. And these were  
8 all --

9 MR. THOMAS: All -.

10 MR. [REDACTED]: -- signed but none were  
11 actually conducted? Is that correct?

12 MR. THOMAS: Yes.

13 MR. [REDACTED]: Okay. Are any of these  
14 signatures actually yours?

15 MR. THOMAS: No.

16 MR. [REDACTED]: Okay. So whose  
17 signatures are - whose initials are these?

18 MR. THOMAS: It's Noel's.

19 MR. [REDACTED]: Alright. But as you  
20 mentioned before, you are both actually  
21 responsible for signing?

22 MR. THOMAS: No. We're not both  
23 responsible --

24 MR. [REDACTED]: I know, but responsible  
25 for --

1 MR. THOMAS: -- for signing.

2 MR. [REDACTED]: -- conducting them.

3 MR. THOMAS: Both are supposed to be  
4 conducting, but yeah. Both are responsible for  
5 conducting.

6 MR. [REDACTED]: Okay. So why didn't you  
7 guys conduct the rounds?

8 MR. THOMAS: I couldn't tell you. I was  
9 tired that day. As you can see by the paper, I  
10 do a lot of overtime which is -. I was just  
11 tired. Just exhausted that day.

12 MR. [REDACTED]: Um. Alright. Can you  
13 just initial and date this? Thank you, sir.  
14 Um, and you said that you also didn't conduct  
15 any of the cell counts on the SHU on August 10,  
16 2019. Correct?

17 MR. THOMAS: Cell counts. What do you  
18 mean cell counts?

19 MR. [REDACTED]: The counts, so that was  
20 the rounds. These are the counts.

21 MR. THOMAS: Counts. Yes.

22 MR. [REDACTED]: Sorry. The inmate  
23 counts. I don't know why I -somebody wrote -.  
24 Okay. So the 12:00 a.m., the 3:00 a.m., the  
25 5:00 a.m. None of them were conducted?

1 MR. THOMAS: No.

2 MR. [REDACTED]: Um. Are these the three  
3 where they're -. Yep. Can you just tell me  
4 what it is we're looking at here? It looks  
5 like this is the overall 12:00 a.m. -.

6 MR. THOMAS: Institution count. Yes.

7 MR. [REDACTED]: So this is the  
8 institution count? And this is the - for all  
9 three of those counts - 12:00 a.m., 3:00 a.m.,  
10 5:00 a.m.?

11 MR. THOMAS: Yes.

12 MR. [REDACTED]: Alright. Awesome.

13 MR. MITCHELL: And the number doesn't  
14 change? Or anything?

15 MR. THOMAS: No.

16 MR. MITCHELL: Okay. Alright. So  
17 (Indiscernible \*01:53:06) A2, B2.... So is  
18 that the time of the count?

19 MR. THOMAS: No. That's not the time of  
20 the counts on either one of them. No. That's  
21 not the time of the counts.

22 MULTIPLE INDIVIDUALS: [Indiscernible  
23 \*01:53:25 to \*01:53:30]

24 MR. [REDACTED]: Look at the bottom.

25 MR. THOMAS: Yeah, the time when it was

1 printed and the time it was printed.

2 MR. [REDACTED]: (Indiscernible \*01:53:37)  
3 at the top and at the bottom is the time of the  
4 count.

5 MR. THOMAS: Yeah. What time -?

6 MR. [REDACTED]: The first one was at  
7 12:49 was when it would have been cleared? Is  
8 that correct?

9 MR. THOMAS: Yes.

10 MR. [REDACTED]: And then this one would  
11 have been at 3:00, it looks like --

12 MR. THOMAS: 3:24.

13 MR. [REDACTED]: -- 3:24. I don't know  
14 what the 3:19 on here means.

15 MR. THOMAS: It means good verbal. GV  
16 means good verbal.

17 MR. [REDACTED]: Oh, okay. So good verbal  
18 at 3:19 and -.

19 MR. THOMAS: Clear counted. Yeah.

20 MR. [REDACTED]: And the next one was 5:30  
21 a.m.

22 MR. THOMAS: Mm-hmm.

23 MR. [REDACTED]: Okay. Alright. Awesome.  
24 Um. So that's the overall count. And let's -.  
25 Can you just tell me what each of -? What are

1           these pages?

2           MR. THOMAS: That's just for - the  
3           hospital which is the suicide room.

4           MR. [REDACTED]: So these -.

5           MR. THOMAS: That means these three  
6           inmates were out of their cells. They were  
7           down at the suicide room.

8           MR. [REDACTED]: Okay.

9           MR. THOMAS: I mean those four inmates.

10          MR. [REDACTED]: And what about this?  
11          What's that?

12          MR. THOMAS: That's just the paperwork  
13          that's in the computer system saying that they  
14          were taken from one place to another.

15          MR. [REDACTED]: Okay.

16          MR. THOMAS: They were taken from their  
17          cells to the hospital.

18          MR. [REDACTED]: Okay. And are these the  
19          actual count slips?

20          MR. THOMAS: These are actual count slips.

21          MR. [REDACTED]: Alright. Can you find  
22          which count slips were the ones from the SHU on  
23          August 10th?

24          MR. THOMAS: It would say ZA.

25          MR. [REDACTED]: I think it might be the

1 next page. Okay. So that's ZA. The very last  
2 page.

3 MR. THOMAS: Mm-hmm.

4 MR. [REDACTED]: And whose signatures are  
5 on those?

6 MR. THOMAS: Mine and Noel's.

7 MR. [REDACTED]: You and Noel. Okay. And  
8 you actually did sign that?

9 MR. THOMAS: Yes.

10 MR. [REDACTED]: Okay. And it says  
11 8/10/19. And what does the time say there?

12 MR. THOMAS: 12:01.

13 MR. [REDACTED]: Who would have filled  
14 that part out?

15 MR. THOMAS: Um, the -.

16 MR. [REDACTED]: Can you tell by the -?

17 MR. THOMAS: Yeah. That looks like my  
18 handwriting.

19 MR. [REDACTED]: So your handwriting would  
20 have filled that out? Alright. And did you  
21 have conversations with Noel at that time?

22 MR. THOMAS: No. I don't recall any  
23 conversations with her.

24 MR. [REDACTED]: You don't recall? So was  
25 it like hey, we're tired, let's just fill this

1 out?

2 MR. THOMAS: I don't recall. It could  
3 have been. I don't recall saying that. But it  
4 could have been something to that nature.

5 MR. [REDACTED]: Alright. Can you - so  
6 what number do you have on there?

7 MR. THOMAS: What do you mean?

8 MR. [REDACTED]: What's that count?

9 MR. THOMAS: 73.

10 MR. [REDACTED]: Can you look at the first  
11 page? And see where it says ZA? What number  
12 is on there?

13 MR. THOMAS: 72.

14 MR. [REDACTED]: Do you remember having  
15 any conversations with control center or the  
16 ops lieutenant about the fact that those  
17 numbers are different?

18 MR. THOMAS: No.

19 MR. [REDACTED]: So do you remember -?  
20 Were you the one who called that number in that  
21 night?

22 MR. THOMAS: I don't remember.

23 MR. [REDACTED]: You don't remember?

24 MR. THOMAS: I don't remember.

25 MR. [REDACTED]: You don't remember -?

1           And I only say this just because of everything  
2           that's surrounding this. These were the three  
3           counts prior and obviously --

4           MR. THOMAS: Mm-hmm.

5           MR. [REDACTED]: -- this is kind of the  
6           reason for us interviewing you.

7           MR. THOMAS: But then also, if -.

8           MR. [REDACTED]: DO you remember if - it  
9           says here. You can look at the next -. So.

10          MR. THOMAS: No-no. I'm just saying  
11          somebody -.

12          MR. [REDACTED]: This is ZA. What does  
13          that number say?

14          MR. THOMAS: 72.

15          MR. [REDACTED]: Whose handwriting is  
16          this?

17          MR. THOMAS: This one is mine. That's  
18          mine.

19          MR. [REDACTED]: So that's all yours? And  
20          you did sign this one?

21          MR. THOMAS: Yes.

22          MR. [REDACTED]: And this is the 3:00 a.m.  
23          count?

24          MR. THOMAS: Mm-hmm.

25          MR. [REDACTED]: And what does this say?

1 MR. THOMAS: 72.

2 MR. [REDACTED]: Alright. So do you  
3 recall a conversation with the ops lieutenant  
4 with regard to that discrepancy?

5 MR. THOMAS: I don't recall. I don't  
6 recall a conversation with (Indiscernible  
7 \*01:56:31) the discrepancy, but I'm sure that  
8 another one was sent down changing the -.  
9 Because they wanted to clear, I'm sure that  
10 another one was sent down saying 72 with the  
11 correct number on it.

12 MR. [REDACTED]: Okay.

13 MR. THOMAS: I mean I -. The person that  
14 I can see that's down there definitely would  
15 have verified that. Oh, you have the wrong  
16 number. And switched it out.

17 MR. [REDACTED]: Okay. And -.

18 MR. THOMAS: That's just -.

19 MR. [REDACTED]: Do you remember though  
20 speaking with the person on the phone and  
21 saying that -.

22 MR. THOMAS: I don't. I don't.

23 MR. [REDACTED]: You don't remember any  
24 conversation with them telling you you've got  
25 to do a new count. A new count slip.

1           MR. THOMAS: I don't recall any  
2 conversation, but I'm almost -. I would be  
3 sure that he didn't just let that just go with  
4 the wrong number on there. Or maybe he did.  
5 Maybe he didn't.

6           MR. [REDACTED]: Well I think it was a  
7 "she." Would you have spoken to -?

8           MR. THOMAS: It's "he."

9           MR. [REDACTED]: Oh this person is "he"?  
10 So it wouldn't have been [REDACTED] that did  
11 this one?

12          MR. THOMAS: What do you mean?

13          MR. [REDACTED]: Who would have -? Can  
14 you tell which -? Because doesn't the ops  
15 lieutenant have to take one of the counts?

16          MR. MITCHELL: Mm-hmm.

17          MR. [REDACTED]: Can you tell who it was  
18 that took this count on 12:00 a.m.?

19          MR. THOMAS: I couldn't tell by not  
20 handwriting. It says -. Well I don't know who  
21 took it. It doesn't say who took it. It just  
22 say who prepared it.

23          MR. [REDACTED]: Okay. Do you at all  
24 recall speaking with [REDACTED] about these  
25 counts on August 10, 2019?

1 MR. THOMAS: No, I don't. No.

2 MR. [REDACTED]: No? So is this the first  
3 that you're even noticing that the count -?

4 MR. THOMAS: That the count slip was  
5 wrong? Yes. This is my first time besides in  
6 the -. This is my first time in the -.

7 MR. [REDACTED]: Would that be a big deal  
8 if you're sending in a count slip that's wrong  
9 though?

10 MR. THOMAS: Would it be a big -? It's a  
11 -. Yes. It would be a big deal as far as the  
12 wrong count being called in. And then the  
13 correct count slip would have been changed  
14 before the count was cleared.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: So I'm sure the correct count  
17 slip probably was sent down. It's just  
18 obviously not here.

19 MR. [REDACTED]: But being that it's kind  
20 of a big deal, that still doesn't spark your  
21 memory of any kind of correction to this?

22 MR. THOMAS: No. It's not sparking my  
23 memory by any kind of (Indiscernible \*01:58:22)  
24 but I'm sure a correct count slip would have  
25 been sent down.

1 MR. [REDACTED]: Okay.

2 MR. THOMAS: It wouldn't have just been  
3 left at 73 on there and that's the wrong  
4 number.

5 MR. [REDACTED]: So if that - a new count  
6 slip would have been sent down, is there any  
7 reason for them to have that count slip that  
8 was originally prepared attached to this  
9 document?

10 MR. THOMAS: Unless it got misplaced. No.  
11 I don't know they would put that one onto this  
12 document.

13 MR. [REDACTED]: Okay. Fair enough. Were  
14 any supervisors present? Or are supervisors -?  
15 So you already said you didn't conduct any  
16 counts, so obviously no supervisors were  
17 present for any counts or rounds during your  
18 shift. Correct?

19 MR. THOMAS: Mm-hmm.

20 MR. [REDACTED]: Were they required to be  
21 present for any counts or rounds during their  
22 shift?

23 MR. THOMAS: They're required to take one  
24 count. I don't know which count they're  
25 required -. I don't know what's the book

1           thing. But which one they required. But are  
2           they required to take rounds in the SHU while  
3           I'm there? I don't know.

4           MR. ██████████: Okay.

5           MR. THOMAS: I don't know if they're  
6           actually supposed to have to do one round per  
7           unit or anything like that. I really don't  
8           know that.

9           MR. ██████████: So when you say they are  
10          required to take one count, do you mean in the  
11          control center?

12          MR. THOMAS: In the control center  
13          downstairs. Yes.

14          MR. ██████████: Yeah. They're supposed  
15          to take an institution count.

16          MR. THOMAS: Yes. Exactly.

17          MR. ██████████: But are they required to  
18          go to the SHU and physically do either a round  
19          or a count --

20          MR. THOMAS: I -. .

21          MR. ██████████: -- during each shift?

22          MR. THOMAS: I don't know.

23          MR. ██████████: Did they ever do that  
24          during any of your morning - your shifts from  
25          midnight to 8:00 a.m.?

1           MR. THOMAS: Did they ever come take a  
2 count with me?

3           MR. [REDACTED]: Do a round or a count  
4 with you?

5           MR. THOMAS: Yeah. I've seen them do it  
6 before. I've seen them just come. Some will  
7 count a unit for you from time-to-time.

8           MR. [REDACTED]: Okay.

9           MR. THOMAS: I don't recall that night -  
10 which lieutenant, but I've seen lieutenants, oh  
11 well I'm going to be here. I'll count that  
12 unit so you don't have to worry about it.  
13 Since we'd be so shorthanded sometimes they -  
14 if they're out and about at that time, they'll  
15 just take it then. They'll take the 3:00  
16 count. Like I said, it varies. There's no -.  
17 As far as I know, there's no black-and-white  
18 way of how to do it.

19           MR. [REDACTED]: Okay. So you don't know  
20 of a --

21           MR. THOMAS: As far as -.

22           MR. [REDACTED]: -- requirement saying  
23 that you know a lieutenant needs to do a count  
24 or a round?

25           MR. THOMAS: Yeah. I don't know of any

1 requirement.

2 MR. [REDACTED]: So you think when people  
3 did it in the SHU, you think -. Your  
4 understanding was they were doing it just to  
5 help you out?

6 MR. THOMAS: Yes. If they did it while I  
7 was in the SHU. Yes.

8 MR. [REDACTED]: Um. Do you recall when  
9 you worked in the SHU if there were any recent  
10 times -? Like I know you worked on August 9th.  
11 Do you remember at all -? I know it's a  
12 different day.

13 MR. THOMAS: On the 6th I think is -.

14 MR. [REDACTED]: Do you remember at that  
15 time if a lieutenant helped or assisted with a  
16 count --

17 MR. THOMAS: I don't.

18 MR. [REDACTED]: -- or a round?

19 MR. THOMAS: I don't. I don't.

20 MR. [REDACTED]: You don't?

21 MR. THOMAS: I don't.

22 MR. [REDACTED]: Fair enough. Um.  
23 Alright. So you already said. We don't need  
24 to go through all these individually --

25 MR. THOMAS: Okay.

1                   MR. [REDACTED]: -- one by one. You said  
2                   you didn't do the 12:00 a.m., at 3:00 a.m., and  
3                   the 5:00 a.m. What conversation did you have  
4                   with Noel about this during that time?

5                   MR. THOMAS: I don't know.

6                   MR. [REDACTED]: I know I asked you  
7                   specifically about the 12:00 a.m. But what  
8                   about it during your shift at all? Like not  
9                   doing any of the counts or any of the rounds.  
10                  What conversations did you have with Noel?

11                  MR. THOMAS: I don't remember having any  
12                  conversations with her about it. No.

13                  MR. [REDACTED]: So it wasn't even  
14                  discussed like, hey we're just - it's a long  
15                  night, we're all tired. Let's just not do  
16                  these.

17                  MR. THOMAS: I don't remember.

18                  MR. [REDACTED]: No?

19                  MR. THOMAS: I don't think so. I don't  
20                  remember anything like that. No.

21                  MR. [REDACTED]: Alright. So no one of  
22                  them were conducted, but no conversations with  
23                  regard to it?

24                  MR. THOMAS: I don't remember any  
25                  conversations with us talking about it or

1 anything like that.

2 MR. [REDACTED]: Okay. And on the 12:00  
3 a.m., at 3:00 a.m., 5:00 a.m. Did you call in  
4 the counts or did Noel call in the counts?

5 MR. THOMAS: I don't remember who called  
6 in the counts.

7 MR. [REDACTED]: Okay.

8 MR. THOMAS: I don't remember. It had to  
9 be either one. There's only us two there. I  
10 don't remember who did it exactly. I really  
11 don't.

12 MR. [REDACTED]: Alright. So like you  
13 said with regard to the rounds that are signed.  
14 Both are responsible. You know you're supposed  
15 to both conduct it. One actually has to sign -  
16 .

17 MR. THOMAS: Somebody has to call it in.

18 MR. [REDACTED]: Somebody has to call it  
19 in. So you're both take responsibility for  
20 calling them in. You both take responsibly for  
21 signing the round sheets?

22 MR. THOMAS: Yes.

23 MR. [REDACTED]: Okay. So if you're  
24 documenting these rounds. Did you document  
25 these counts? You obviously had to document

1 the counts at the time that they were called  
2 in. Correct? Because you've got to provide  
3 the count slip.

4 MR. THOMAS: Yes.

5 MR. [REDACTED]: So if you're preparing  
6 that count slip, why aren't you just -? How  
7 long does it take to conduct a count?

8 MR. THOMAS: 15 minutes - 10, 15 minutes.

9 MR. [REDACTED]: So if you're preparing  
10 the count slip, why aren't you just conducting  
11 them?

12 MR. THOMAS: Like I said, just exhausted.  
13 Most of the time, as you can see by my monthly,  
14 I do a lot of overtime. Like I said. Again,  
15 I'm usually the internal. I do prefer  
16 internal. But as you can see, I do SHU quite a  
17 bit as well. And it's just something that just  
18 happened. Um. It's really no easy way of  
19 putting it. It's just something that just  
20 happened.

21 MR. [REDACTED]: Okay.

22 MR. THOMAS: Regrettably.

23 MR. [REDACTED]: So how often would you  
24 document cell counts that you didn't conduct?

25 MR. THOMAS: Not often at all.

1 MR. [REDACTED]: Not often?

2 MR. THOMAS: No.

3 MR. [REDACTED]: Would it be like one per  
4 shift? Two per shift?

5 MR. THOMAS: No. Like -. I mean like I  
6 said, no one's perfect and everything like  
7 that. But I could say I've done - I usually  
8 get up and do a round. Just walk around and  
9 everything like that. And it shows that I  
10 walked around and everything like that. But  
11 it's not very often that I just said, fuck it.  
12 Excuse my language. That I just disregard my  
13 jobs and my duties. It's definitely not often  
14 at all.

15 MR. [REDACTED]: Okay.

16 MR. THOMAS: But um, like I said, I just -  
17 .

18 MR. [REDACTED]: It happened in the past.  
19 You just don't know how it -.

20 MR. THOMAS: Yeah, I did. It's - I'm sure  
21 it's happened in the past. Like I said, I'm  
22 not going sit up and say I'm perfect. I get  
23 everything on the dot - bullet that. But I try  
24 to get as most of it like that. Sometimes you  
25 have bad days. Sometimes you have good days.

1 But with everything else, I just had one and I  
2 know it was a bad day.

3 MR. [REDACTED]: What about rounds? How  
4 often would they be not -?

5 MR. THOMAS: Same thing. Same thing.

6 MR. [REDACTED]: Same thing?

7 MR. THOMAS: Same thing. You get as many  
8 as rounds as you can. I don't know what's the  
9 number of if it's 7, 10, or 12 or whatever the  
10 case of the number it is. But you do get the  
11 rounds in and everything. Even if you get them  
12 done. If you don't get them done by every half  
13 an hour, you know what I mean. I've done them  
14 every hour one time. You know just being  
15 exhausted.

16 MR. [REDACTED]: Right.

17 MR. THOMAS: But I do get some done and  
18 like I said, this particular time I guess I  
19 didn't get anything done.

20 MR. [REDACTED]: Now is - does it have  
21 anything to do with like being the 12:00 a.m.  
22 to 8:00 a.m. shift? You know, why do they have  
23 three separate counts at that time? Is there a  
24 -?

25 MR. THOMAS: That's an institution thing.

1           MR. [REDACTED]: Is that when inmates like  
2 typically try to harm themselves? Is that why  
3 they're done more often from that time?

4           MR. THOMAS: It's actually changed.  
5 Before the count was done at 9:45. Now it's  
6 done at 10:00. Like it's -. I don't know the  
7 particular reason why. That's just standard  
8 BOP protocol since I've been there. To just  
9 make those counts.

10          MR. [REDACTED]: Okay. DO you know of  
11 other staff members that are also entering on  
12 these - their slip counts and rounds that  
13 they're not -?

14          MR. THOMAS: I don't know what other staff  
15 members do. I'm locked in wherever. If I'm on  
16 internal or if I'm on the (Indiscernible  
17 \*02:05:17). If I'm on one unit, I don't know  
18 what another housing unit is doing.

19          MR. [REDACTED]: Sure. So you mentioned  
20 that there were certainly were other times that  
21 you didn't do counts or rounds. So obviously  
22 I'm assuming you weren't always working with  
23 Noel. Correct?

24          MR. THOMAS: Yes. I wasn't always working  
25 with Noel.

1 MR. [REDACTED]: So I'm assuming those  
2 counts and rounds weren't conducted with  
3 another staff member. Correct?

4 MR. THOMAS: No. I said they were  
5 conducted -.

6 MR. [REDACTED]: Not all of them.

7 MR. THOMAS: Yeah, I did say maybe not all  
8 of them or maybe most of them. Or maybe all of  
9 them was conducted. You know what I mean? It's  
10 not always as a (Indiscernible \*02:05:48) just  
11 not done at all.

12 MR. [REDACTED]: Well -.

13 MR. THOMAS: But I have conducted my  
14 counts before. Absolutely.

15 MR. [REDACTED]: Yeah-yeah-yeah. But I  
16 want to make sure that we're certain that  
17 obviously you --

18 MR. THOMAS: that I said that I'm not  
19 perfect?

20 MR. [REDACTED]: Yeah-yeah. That you  
21 didn't conduct all of your counts that were  
22 documented.

23 MR. THOMAS: You can be certain that I'm  
24 not perfect that I've conducted every single  
25 one of mine all the time. But I've conducted

1           most of my counts for most of the time.

2           MR. ██████████: Okay. Gotcha.

3           MR. THOMAS: Absolutely.

4           MR. ██████████: So when that happens  
5           though, would you have conversations with staff  
6           members in general? Like hey man, it's just a  
7           long day. Let's not do this one.

8           MR. THOMAS: Um. Absolutely that depends  
9           on so many different variables. There's really  
10          no conversations about well you know we're not  
11          going to do this or anything like that.  
12          There's really no conversations about that.

13          MR. ██████████: I would just think that  
14          if there's no -. If it's supposed to be done  
15          and there's no conversations about it, that  
16          just seems like they're never done. So what do  
17          you have to say --

18          MR. THOMAS: Not really because -.

19          MR. ██████████: -- like okay let's skip  
20          this one.

21          MR. THOMAS: -- you've got -. Like I said,  
22          I'm not the only one that does this actually  
23          looks a lot different from what I'm used to  
24          seeing. As you can see because right now,  
25          these only have stars. Some people have S by

1           their name because they did more overtime than  
2           others. So if they - sometimes you could just  
3           be tired. Sometimes it doesn't have to be a  
4           conversation. Somebody just didn't bother you  
5           and you just did the round at all. I'm -.

6           MR. [REDACTED]: Do you almost like wait  
7           for someone to take the initiative and if they  
8           don't take the initiative, you both just kind  
9           sit there?

10          MR. THOMAS: No. No. Like I said, it  
11          just -. It could happen in any different  
12          variable way. You know what I mean? But most  
13          the time, I would say most of those guys in  
14          there do their counts.

15          MR. [REDACTED]: Okay. Are more counts  
16          not being done in that morning shift though  
17          versus the day shift?

18          MR. THOMAS: Again, I don't know what  
19          other people do.

20          MR. [REDACTED]: Sure.

21          MR. THOMAS: When they're in their housing  
22          units or not.

23          MR. [REDACTED]: Okay. And is it kind of  
24          a common practice at the MCC not to do rounds  
25          in the SHU? And the counts?

1           MR. THOMAS: No. It's not a common  
2 practice. I don't want to say that.

3           MR. [REDACTED]: You wouldn't say it's a  
4 common practice? So this was an unusual even  
5 you're saying?

6           MR. THOMAS: Yes. Definitely an unusual  
7 event.

8           MR. [REDACTED]: Um.

9           MR. THOMAS: Definitely.

10          MR. [REDACTED]: Okay. I'm going to move  
11 on to the next thing. Let's just talk a little  
12 bit about the SHU layout. Do you have a uh -?  
13 Do you mind - just so we can get these away  
14 from you - do you mind just initialing --

15          MR. THOMAS: Oh.

16          MR. [REDACTED]: -- and dating the top  
17 there? Both the rosters as well as the count  
18 slips. We already did the rounds. Correct?

19          MR. [REDACTED]: The rounds -. Yeah.

20          MR. [REDACTED]: So just initial and date  
21 the top. It's just to show that we're -

22          MR. THOMAS: That we spoke about it.

23          MR. [REDACTED]: It's what we discussed.  
24 And this one we didn't actually go over. My  
25 bad. Thank you, sir for initialing and dating

1           those. So this is the layout of the SHU. It  
2           looks like -. You said that there's two levels  
3           in the SHU. Correct? It starts on the 9th  
4           floor.

5           MR. THOMAS: Yes. It starts on the 9th  
6           floor and goes all the way up to the 10th.

7           MR. [REDACTED]: Okay. Are you able to  
8           tell by this - by looking at the letters which  
9           one is the first floor and which one is the  
10          second?

11          MR. THOMAS: No, I can't tell.

12          MR. [REDACTED]: That isn't the cells.

13          MR. [REDACTED]: So like the cell numbers  
14          and stuff. Do you know which ones are like L,  
15          H, all that kind of stuff?

16          MR. THOMAS: By the numbers? No. I  
17          couldn't tell you which number is what. What  
18          stay is -. Nah, I couldn't tell you what  
19          number. That could be -. No. I really  
20          couldn't tell you what numbers are what.

21          MR. [REDACTED]: That's fine. So they're  
22          -. Are they basically?

23          MR. THOMAS: I'm sure that this could be  
24          the top and this could be the -.

25          MR. [REDACTED]: Are they basically

1 identical layouts though?

2 MR. THOMAS: On everyone except for -.

3 Yeah. Every housing unit is set up the same.

4 Absolutely.

5 MR. [REDACTED]: Okay.

6 MR. THOMAS: Except for -.

7 MR. [REDACTED]: So it looks like they're  
8 -. Aside from this. This says stairs. So it  
9 says kitchen area. Would the kitchen area be  
10 on the first? And which is the second?

11 MR. THOMAS: The kitchen area is on every  
12 housing unit.

13 MR. [REDACTED]: You have to tell me a  
14 (Indiscernible \*02:10:04).

15 MR. THOMAS: It's in a -.

16 MR. [REDACTED]: Like as far as so like  
17 this is what I'm noticing as a difference.  
18 These cells look like they're all the same  
19 aside from here. It looks like there's  
20 visiting activity. And then here it says  
21 kitchen area. And here it has this area. So  
22 by looking at that are you able to tell what's  
23 the first and what's the second? So I'm  
24 noticing the difference between this and this.

25 MR. THOMAS: Right. Yeah. Okay. This

1           would -. No. Because this says office. I  
2           would have said this would have been the  
3           bottom, but this says office. Maybe -. This  
4           got to be the bottom because the visiting  
5           floor. But -.

6           MR. [REDACTED]: This says M over here. See,  
7           this has M in front of it. This has K.

8           MR. [REDACTED]: These are the tiers.

9           MR. THOMAS: M, H. Yeah. Okay. Okay.  
10          Yeah, this is a tier. Okay.

11          MR. [REDACTED]: That's what I was saying  
12          by the (Indiscernible \*02:10:57).

13          MR. THOMAS: Oh in front of there. You  
14          said -. See I heard you say (Indiscernible  
15          \*02:11:00). So H would be the -. This would.  
16          I think K is the -. G is - Where's G? G is  
17          the top. There we go.

18          MR. [REDACTED]: That's what I thought.  
19          So and these are the L tier over here.

20          MR. THOMAS: Oh because this is 10 South.  
21          That's a -. This is 10 South.

22          MR. [REDACTED]: And just since you  
23          mentioned it. What is 10 South?

24          MR. THOMAS: Another housing unit inside  
25          the institution.

1 MR. [REDACTED]: Is it the super-secure,  
2 one inmate per cell.

3 MR. THOMAS: Yes. Yes.

4 MR. [REDACTED]: It has cameras in it.

5 MR. THOMAS: Yeah. Cameras all around and  
6 everything like that.

7 MR. [REDACTED]: Right. So high-profile  
8 type of thing.

9 MR. THOMAS: High-profile inmates and  
10 everything like that go in there. Yes.

11 MR. [REDACTED]: Alright. So did you say then  
12 this is because that's 10 South this is the  
13 second floor?

14 MR. THOMAS: Yes.

15 MR. [REDACTED]: Alright. I'm just going  
16 to write on top of this right here "second."

17 MR. THOMAS: Mm-hmm.

18 MR. [REDACTED]: Second floor. And on  
19 this one I'm just going to write first floor.

20 MR. THOMAS: Yeah. You separated by  
21 floors but they're all in one place.

22 MR. [REDACTED]: Sure.

23 MR. THOMAS: Like it's not -.

24 MR. [REDACTED]: yeah-yeah-yeah.

25 MR. THOMAS: It's not two different

1 separate floors. When you're saying floor I'm  
2 thinking 9th floor, 7th floor. But this is all  
3 technically -.

4 MR. [REDACTED]: It's all the SHU.

5 MR. THOMAS: It's all the SHU. Yeah.

6 MR. [REDACTED]: Correct. But there are  
7 two floors in the SHU. Right?

8 MR. THOMAS: No it's really not -. Well  
9 yeah. It's not two floors.

10 MR. [REDACTED]: Like a split-level  
11 almost?

12 MR. THOMAS: I don't know how to explain  
13 it. It's not two floors like that because then  
14 you would say it's three floors. Because when  
15 you go down - you go down the steps into one.  
16 And you just go up the stairs but it's all in  
17 one area.

18 MR. [REDACTED]: Okay. So --

19 MR. THOMAS: Like this would all be 10  
20 South.

21 MR. [REDACTED]: -- when I say -.

22 MR. THOMAS: And this all would be nine.  
23 And then all this would be seven. But right  
24 here, you'll go down and then you'll go up.  
25 But it's still all on the same floor.

1 MR. [REDACTED]: Okay.

2 MR. THOMAS: It's all on the 9th floor.

3 MR. [REDACTED]: So it's all 9th floor. So  
4 is this the second level of the 9th floor?

5 MR. THOMAS: The second level of the 9th  
6 floor.

7 MR. [REDACTED]: Should I change 2nd floor  
8 to 2nd level?

9 MR. THOMAS: Yeah just like -. Yeah.  
10 Because you say floor you're thinking like you  
11 went from one floor to another. Like this is  
12 the third floor and downstairs would be the 2nd  
13 floor.

14 MR. [REDACTED]: Sure

15 MR. THOMAS: But this is all - it's all on  
16 one.

17 MR. [REDACTED]: So 9th floor 2nd level.  
18 Is that correct?

19 MR. THOMAS: Yeah. Okay. I don't have a  
20 problem with that.

21 MR. [REDACTED]: So 9th floor --

22 MR. THOMAS: First level.

23 MR. [REDACTED]: First level. Alright.  
24 So can you tell me where is it that the  
25 officer's station is set up? Where are you

1           when you work in the SHU? Is it all in a  
2           centralized location? I'm assuming it's on the  
3           first floor?

4           MR. THOMAS: It's on the first floor and  
5           it would be roughly it'll be -. This is kind  
6           of set up crazy. But it would be over. No  
7           because that's K, L, so this would be -. It's  
8           in between K and -

9           MR. [REDACTED]: This is the kitchen area.  
10          This is recreation. Would it be somewhere over  
11          like here or -?

12          MR. THOMAS: Well see, because of the way  
13          that this is set up. It would be somewhere  
14          over here. But it's not level with the tiers.

15          MR. [REDACTED]: Okay.

16          MR. THOMAS: Like because how this is set  
17          up if I say that -. May I?

18          MR. [REDACTED]: Yeah. You can even draw.

19          MR. THOMAS: Alright. Like I'm saying  
20          it's in this space here. Officers station.  
21          But it's not on the same level as the tiers.

22          MR. [REDACTED]: Okay.

23          MR. THOMAS: Like the way if I say  
24          officer's station --

25          MR. [REDACTED]: So it's like below it?

1           MR. THOMAS: -- you're thinking it goes  
2 down. If I say officer's station here, you're  
3 thinking that - you're thinking that it's right  
4 next to K tier and M tier. But it's not like  
5 that.

6           MR. [REDACTED]: Okay.

7           MR. THOMAS: Like this is -. The  
8 officer's station would be somewhere in this  
9 general area right here. But then K tier is  
10 over here but it's downstairs.

11          MR. [REDACTED]: Okay.

12          MR. THOMAS: And then J tier is upstairs  
13 but it's still on the 9th floor. But it just  
14 goes - like I said, it has steps here. Like  
15 how it is. It's got steps going down to one,  
16 steps going down to two. So they're not on the  
17 same --

18          MR. [REDACTED]: I understand.

19          MR. THOMAS: -- floor as the officer's  
20 station.

21          MR. [REDACTED]: So you think it's actually  
22 outside here and not more like in here?

23          MR. THOMAS: Yeah. It's kind of like in  
24 between. I would say more like here. Like in  
25 between them.

1           MR. [REDACTED]: Okay. So from the  
2 officer's station can you see like the doors to  
3 the cells?

4           MR. THOMAS: You can see doors to the  
5 cells. Yes.

6           MR. [REDACTED]: You can?

7           MR. THOMAS: You can see inside the cells,  
8 absolutely not. But I can see the doors to the  
9 cell.

10          MR. [REDACTED]: So you can see the doors  
11 but you can't see inside?

12          MR. THOMAS: You can't see inside the  
13 cells. No. You could just see the door.

14          MR. [REDACTED]: Alright. Could you see  
15 the door to Epstein's cell?

16          MR. THOMAS: You can see his door from.  
17 Yes. You can see his door from there.

18          MR. [REDACTED]: Okay. So from the  
19 officer's station, was Epstein pretty much the  
20 closest cell to the officer's station?

21          MR. THOMAS: No.

22          MR. [REDACTED]: It wasn't?

23          MR. THOMAS: No, it's not the closest.  
24 The M tier because if I'm not mistaken, Epstein  
25 was on the second tier. So he would have been

1 on L tier. He would have been up here. So all  
2 the cells in M tier just right here would have  
3 been the closest to the officer's station. M  
4 tier and even this tier would be closer than.

5 MR. [REDACTED]: Okay.

6 MR. THOMAS: If I'm not mistaken, Epstein  
7 was up this -.

8 MR. [REDACTED]: Do you remember which  
9 cell he was in?

10 MR. THOMAS: I - up -. This one.

11 MR. [REDACTED]: DO you mind just marking  
12 that like put a star or something? Okay. But  
13 you could see his door, but you just couldn't -  
14 . But --

15 MR. THOMAS: Yeah, you could see -.

16 MR. [REDACTED]: -- it wasn't the closest.

17 MR. THOMAS: Yeah, it's not the closest to  
18 it.

19 MR. [REDACTED]: Is it - does it sit up  
20 there though if you can see like from down  
21 here. You can see there?

22 MR. THOMAS: I don't know why he would sit  
23 there in that particular cell.

24 MR. [REDACTED]: But you can see the door?

25 MR. THOMAS: Yeah.

1 MR. [REDACTED]: Okay. And - I'll just go  
2 through -. And you said you couldn't see  
3 actually inside the cell though?

4 MR. THOMAS: No, you can't see inside the  
5 cell. No. Absolutely not.

6 MR. [REDACTED]: And you, approximately  
7 like how far would that be from the officer's  
8 station? Epstein's cell? The estimate was 15  
9 feet.

10 MR. THOMAS: Okay.

11 MR. [REDACTED]: Does that sound right?

12 MR. THOMAS: We're good with that.

13 MR. [REDACTED]: So on August 10, 2019,  
14 did you ever see anyone inside of Epstein's  
15 cell?

16 MR. THOMAS: No.

17 MR. [REDACTED]: Not from the hours of  
18 12:00 a.m. to 6:33 a.m.?

19 MR. THOMAS: No. Yeah. From - I never  
20 seen anybody going inside that cell.

21 MR. [REDACTED]: Okay. So you didn't ever  
22 witness anyone - inmates, staff members, or -.

23 MR. THOMAS: No. I didn't.

24 MR. [REDACTED]: Okay. And were you  
25 present in the SHU for your entire shift from

1 12:00 a.m. to 6:33 a.m.?

2 MR. THOMAS: Yes.

3 MR. [REDACTED]: Okay. Is there like a  
4 bathroom and everything in the SHU for you to  
5 utilize?

6 MR. THOMAS: Yes. Yes there is. Yes.

7 MR. [REDACTED]: But you don't recall ever  
8 leaving?

9 MR. THOMAS: I don't recall going to the  
10 bathroom. I don't know if I -.

11 MR. [REDACTED]: No, not the bathroom. I  
12 just mean like there was no reason for you to  
13 leave that door. That someone would have had  
14 to unlock or lock to let you into, the control  
15 center would have to let you out.

16 MR. THOMAS: Well somebody -. Well no  
17 reason somebody had to go upstairs and count  
18 the other units, but - well, one of us had to  
19 up there and count the other unit. But there's  
20 no reason to -. There is a reason if you want  
21 to go use the bathroom or get a drink of water  
22 you can go over there but I don't remember if I  
23 left or not. I don't really recall.

24 MR. [REDACTED]: So is your recollection  
25 hat you remained in the SHU from the hours of

1 12:00 a.m. to about 6:33 a.m.?

2 MR. THOMAS: Yes.

3 MR. [REDACTED]: So point being you would  
4 have known if someone went in or out of  
5 Epstein's cell?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Okay. And no one did?

8 MR. THOMAS: No one went in as far as I  
9 know. No.

10 MR. [REDACTED]: Are you aware of any  
11 issues with the camera system in the SHU on  
12 August 10, 2019?

13 MR. THOMAS: No.

14 MR. [REDACTED]: No? Did you know if any  
15 of them weren't recording?

16 MR. THOMAS: I don't know.

17 MR. [REDACTED]: No. And you never spoke  
18 with anybody about the camera system?

19 MR. THOMAS: No.

20 MR. [REDACTED]: Did someone live monitor  
21 you all when you're in the SHU?

22 MR. THOMAS: I don't know.

23 MR. [REDACTED]: You don't know. Do you  
24 know if someone is live monitoring the range of  
25 these tiers?

1 MR. THOMAS: I don't know.

2 MR. [REDACTED]: You're not sure?

3 MR. THOMAS: I'm not sure. I don't think  
4 so.

5 MR. [REDACTED]: Does each -? Do you know  
6 how like camera systems are set up? What  
7 they're pointing at and what they're supposed  
8 to be covering?

9 MR. THOMAS: I don't - because some of the  
10 tiers have cameras. I mean some of the cells  
11 have cameras. I don't know.

12 MR. [REDACTED]: When you say some have  
13 cameras --

14 MR. THOMAS: I couldn't tell you.

15 MR. [REDACTED]: -- would that be just  
16 like 10 South and then 10 South lower are the  
17 ones that have cameras?

18 MR. THOMAS: No because some of the other  
19 tiers - some of the other cells have cameras  
20 inside.

21 MR. [REDACTED]: Some of the other cells  
22 do have cameras in them?

23 MR. THOMAS: Yes.

24 MR. [REDACTED]: Aside from 10 South and  
25 10 South Lower?

1 MR. THOMAS: Yes.

2 MR. [REDACTED]: Okay. And what is the  
3 purpose of that?

4 MR. THOMAS: I don't know. Just when I  
5 came here they had cameras.

6 MR. [REDACTED]: Okay.

7 MR. THOMAS: So that they -.

8 MR. [REDACTED]: So not outside of their  
9 cells. But in their cells?

10 MR. THOMAS: Inside of the cells. Yes.

11 MR. [REDACTED]: Was there a camera inside  
12 of Epstein's cell?

13 MR. THOMAS: I don't know if his tier  
14 particularly have cameras. But I know some of  
15 the tiers actually do have - besides 10 South  
16 Lower. G tier - if I'm not mistaken. It's  
17 either G or H. But I think it's G. Yeah, G.  
18 Besides G and 10 South, yes, some of the other  
19 cells do have cameras in them.

20 MR. [REDACTED]: Okay. Anything that you  
21 know that would capture the Epstein cell area?

22 MR. THOMAS: No. Not inside his cell.

23 No.

24 MR. [REDACTED]: No.

25 MR. THOMAS: If he doesn't have a camera

1           inside his cell.

2           MR. [REDACTED]: Okay. Okay. I'm going  
3           to move on to the next section. This is about  
4           sleeping. DO you recall sleeping in the SHU on  
5           August 10, 2019 between the hours of 12:00 a.m.  
6           and approximately 6:33 a.m.?

7           MR. THOMAS: I recall dozing off from here  
8           and there. Yes I do.

9           MR. [REDACTED]: Do you recall how long  
10          you were asleep?

11          MR. THOMAS: No I don't.

12          MR. [REDACTED]: Do you recall if Noel  
13          also slept on her shift?

14          MR. THOMAS: I don't -. No, I don't know.

15          MR. [REDACTED]: So you don't know how  
16          long she was asleep for?

17          MR. THOMAS: No I don't.

18          MR. [REDACTED]: Okay. Were you and Noel  
19          seated next to each other on August 10, 2019?

20          MR. THOMAS: If you're saying seated like  
21          how me and -?

22          MR. [REDACTED]: Yeah.

23          MR. THOMAS: No. We're not seated like  
24          that. It's -.

25          MR. [REDACTED]: How far away were you?

1           MR. THOMAS: Not even - maybe a foot, two  
2 feet apart. I mean it's not too far but we're  
3 not sitting like right adjacent and next to  
4 each other. It's like how it is it's an L  
5 shape.

6           MR. [REDACTED]: Okay. But I mean you're  
7 sitting with one another.

8           MR. THOMAS: Yeah.

9           MR. [REDACTED]: You're not like touching  
10 or -.

11          MR. THOMAS: We're sitting in the same  
12 area.

13          MR. [REDACTED]: But you're sitting with -  
14 -

15          MR. THOMAS: Yeah. You're sitting --

16          MR. [REDACTED]: -- with one another.  
17 Yeah-yeah-yeah.

18          MR. [REDACTED]: -- in the same area. But  
19 like one person is facing gone way and another  
20 person is facing another way.

21          MR. [REDACTED]: Okay. And you don't  
22 recall seeing Noel actually sleeping?

23          MR. THOMAS: No I don't recall her  
24 sleeping.

25          MR. [REDACTED]: And you did doze off.

1           You did sleep. But you don't remember about  
2           how long?

3           MR. THOMAS: I do not.

4           MR. [REDACTED]: Was it about two hours  
5           sound about right?

6           MR. THOMAS: I really couldn't tell you.

7           MR. [REDACTED]: Okay. Do you know if you  
8           were both asleep at the same time?

9           MR. THOMAS: I don't know.

10          MR. [REDACTED]: Did you discuss like hey,  
11          I'm going to sleep, you stay awake?

12          MR. THOMAS: No. We did not

13          MR. [REDACTED]: No? Okay. No  
14          discussions were had. Are you authorized to  
15          sleep during your shift in the SHU?

16          MR. THOMAS: No you're not.

17          MR. [REDACTED]: Okay. Is that policy  
18          that you're not allowed to sleep? Like how do  
19          you know that you're not authorized to sleep.

20          MR. THOMAS: You're just not allowed to  
21          sleep at work. I don't know if it's policy or  
22          not. Just don't (Indiscernible \*02:20:59).

23          MR. [REDACTED]: Okay. And you knew at  
24          the time, obviously.

25          MR. THOMAS: Yes.

1           MR. [REDACTED]: Okay. And just to go  
2 back, you knew at the time you know you had to  
3 -. You knew that you were falsifying those  
4 records at the time of the rounds, counts, and  
5 those count slips on August 9th. When you -  
6 the 10th I mean. When you were actually  
7 certifying when you knew that you were  
8 incorrectly certifying them?

9           MR. THOMAS: The count slip?

10          MR. [REDACTED]: Yes.

11          MR. THOMAS: Yes.

12          MR. [REDACTED]: Okay. Have you ever  
13 fallen asleep previously while on duty at the  
14 MCC?

15          MR. THOMAS: I probably have.

16          MR. [REDACTED]: Yeah?

17          MR. THOMAS: Yeah.

18          MR. [REDACTED]: Is that kind of like  
19 understood if you work that shift you kind of  
20 can doze off?

21          MR. THOMAS: NO.

22          MR. [REDACTED]: No?

23          MR. THOMAS: No.

24          MR. [REDACTED]: Is it a lot less active  
25 during the hours of 12:00 a.m. to -?

1           MR. THOMAS: I mean of course everybody's  
2           asleep at that time. All inmates are asleep at  
3           that time. But it's a lot - no bodies - no  
4           interaction or anything like that. So I mean  
5           sometimes you get bored and you know I mean you  
6           can sleep through what (Indiscernible  
7           \*02:21:51) you just nod a little bit. It's -  
8           I'm sure it's -. It's happened with me a few  
9           times but I mean I do get up from time-to-time  
10          and try to drink and definitely got a case of  
11          Red Bull on hand from now on.

12          MR. [REDACTED]: Okay. What about Noel?  
13          Have you worked with her in the past?

14          MR. THOMAS: I don't remember. Maybe I  
15          have. I don't know exactly who I've -. I've  
16          been here 14 -.

17          MR. [REDACTED]: So do you recall her  
18          sleeping in the past?

19          MR. THOMAS: No I don't. Hm-mm.

20          MR. [REDACTED]: What about other people  
21          that you work with? You recall other people  
22          would also sleep?

23          MR. THOMAS: No. I can't recall if they  
24          were sleeping or not.

25          MR. [REDACTED]: You're just taking

1 ownership for yourself. You know you fell  
2 asleep, but -.

3 MR. THOMAS: That's it.

4 MR. [REDACTED]: Okay. Did Noel ever try  
5 to wake you up when you were sleeping?

6 MR. THOMAS: I don't recall.

7 MR. [REDACTED]: No?

8 MR. THOMAS: No. I don't think so.

9 MR. [REDACTED]: Did anyone report -?  
10 That you know of? Did anyone contact you and  
11 try to wake you up? If people were watching  
12 you on the cameras. Did anybody say hey, wake  
13 up, or did Noel ever say hey, you've got to  
14 wake up?

15 MR. THOMAS: No.

16 MR. [REDACTED]: No? Where is a CO  
17 required to be during their shift in the SHU?  
18 Is it just all over the area?

19 MR. THOMAS: Yeah.

20 MR. [REDACTED]: Just walking around -  
21 just within the SHU?

22 MR. THOMAS: It's just with - yeah, just I  
23 guess in the SHU. Yeah. Well some --

24 MR. [REDACTED]: On your -.

25 MR. THOMAS: -- it - you're required to be

1           inside the SHU. Yes. Because some -.

2           MR. [REDACTED]: Is there always two  
3           people required to be in the SHU at all times?  
4           Can there ever be one person left alone in the  
5           SHU?

6           MR. THOMAS: I've seen when it's been one  
7           person, but it's -. If I'm not mistaken, it's  
8           required for us to be I think a minimum of two.

9           MR. [REDACTED]: Okay. So if you need to  
10          actually leave the SHU during that shift when  
11          there's only two people there, what do you do?  
12          If two people are supposed to be there, do you  
13          have to call and see if someone else can come  
14          replace you? Or is it -?

15          MR. THOMAS: Um.... Uh...if you're  
16          talking about like for emergencies, maybe of  
17          course somebody has to replace you and maybe  
18          they might be - could be just short-handed and  
19          you just left alone. But I know sometimes we  
20          used to have to count next door. We used to go  
21          count um, nine - the 9th floor. So it just  
22          varies.

23          MR. [REDACTED]: Okay.

24          MR. THOMAS: Um.

25          MR. [REDACTED]: So do you have like a

1           certain amount of time that you're allowed to  
2           leave one person alone? Like for instance --

3           MR. THOMAS: I don't -.

4           MR. ██████████: -- if you've got to go  
5           help with a count? Are you allowed to say, hey  
6           I'll be right back? And you get like a 10-  
7           minute window or anything like that? Or --

8           MR. THOMAS: I don't --

9           MR. ██████████: -- how does that work?

10          MR. THOMAS: -- know if it's um, a  
11          particular number or anything like that. But  
12          if you're going to go count 8, or you're going  
13          to count 10 and then you're going to go count  
14          9. I don't -. There's no particular time.

15          MR. ██████████: Okay.

16          MR. THOMAS: You know what I mean. People  
17          walk different (Indiscernible \*02:24:25) and I  
18          probably walk faster than say Mr. ██████████ or  
19          yourself where some people might be walking  
20          fast. It's -. As far as I know, there's no  
21          particular --

22          MR. ██████████: Okay.

23          MR. THOMAS: -- set time.

24          MR. ██████████: So you already said you  
25          didn't leave the SHU on August 10th. Did you

1 know if Noel left the SHU at all on August  
2 10th?

3 MR. THOMAS: I don't recall. I don't  
4 remember. I don't remember.

5 MR. [REDACTED]: You just know you were  
6 there the whole time?

7 MR. THOMAS: If I didn't count 10. I  
8 don't know if I counted 10 or not. I don't  
9 remember if I counted 10 or not.

10 MR. [REDACTED]: Now if you count 10 is  
11 that considered leaving the SHU? Because isn't  
12 that count part of the SHU?

13 MR. THOMAS: I've seen that that's a  
14 different number. It's a different floor.  
15 That's actually - you're not inside the SHU.  
16 You're inside 10 South which is a totally  
17 different place.

18 MR. [REDACTED]: Okay.

19 MR. THOMAS: But if you -.

20 MR. [REDACTED]: But you don't have to go  
21 through like control and all those door locks.  
22 That's all kind of within that general SHU  
23 area?

24 MR. THOMAS: Control has to pop the door.

25 MR. [REDACTED]: Oh they do have to pop

1 the door?

2 MR. THOMAS: They do have to pop the door  
3 for you get inside. The same process. You take  
4 the phone off the hook. You ring the officer  
5 inside and control has to pop your door. And  
6 then once you're out, once control pops that  
7 outer door, the officer inside has to open up  
8 the inner door.

9 MR. [REDACTED]: Okay. So it is its own  
10 separate unit.

11 MR. THOMAS: It's its own separate unit  
12 just like any of the -. Say if I go to -

13 MR. [REDACTED]: So there's two officers  
14 at 12:00 a.m. to 6:30 -.

15 MR. THOMAS: No it's one officer up there.

16 MR. [REDACTED]: There's only one officer  
17 in there?

18 MR. THOMAS: It's one officer up there.  
19 So that's why somebody has to go up there and  
20 count.

21 MR. [REDACTED]: Okay. Is it always then  
22 from 12:00 a.m. to 8:00 one of the people that  
23 are in the SHU always have to assist 10 South?

24 MR. THOMAS: They - most of the time they  
25 assist 10 South and sometimes they - more often

1           than not they have to assist 9 North as well.

2           MR. [REDACTED]: Okay. And what's 9  
3           North?

4           MR. THOMAS: The unit across the hall.

5           MR. [REDACTED]: Is that also like a  
6           special housing unit type of situation?

7           MR. THOMAS: No. It's a regular housing  
8           unit.

9           MR. [REDACTED]: Okay. But you don't know  
10          if that's against policy or not?

11          MR. THOMAS: I don't know if it's against  
12          policy if you're just helping out because  
13          you're short-handed.

14          MR. [REDACTED]: Sure.

15          MR. THOMAS: Short-handed then.

16          MR. [REDACTED]: Alright. Are you guys  
17          authorized when you're in the SHU to be able to  
18          access the computers for your own personal  
19          reasons? Like are you allowed to do internet  
20          searches and things like that? Limited  
21          personal use?

22          MR. THOMAS: I don't know if you are or  
23          aren't authorized or not but I don't know if  
24          it's unauthorized or not.

25          MR. [REDACTED]: You're not even sure?

1 MR. THOMAS: I'm not.

2 MR. [REDACTED]: They don't talk to you  
3 about like what you can and can't do?

4 MR. THOMAS: Well I -. I know you're  
5 locked. You can't just go shoot, search  
6 Facebook or YouTube and those things are not  
7 allowed on those types of computers.

8 MR. [REDACTED]: Oh, okay. You're not  
9 allowed to do like email or like Facebook or -.

10 MR. THOMAS: Yeah. You can't do any of  
11 that stuff and you can't access. As far as I  
12 know you can't access your own personal email.  
13 You have the job email and everything like  
14 that. And that's about it.

15 MR. [REDACTED]: Are you allowed to do  
16 like regular internet searches though and  
17 things?

18 MR. THOMAS: I really don't know.

19 MR. [REDACTED]: No.

20 MR. THOMAS: No.

21 MR. [REDACTED]: Do you recall using the  
22 internet on August 10th?

23 MR. THOMAS: I wrote my name and it says  
24 yeah, I recall using the internet at that time.

25 MR. [REDACTED]: Okay. Do you remember

1           what you were searching for?

2           MR. THOMAS: Um, it says motorcycle.

3           MR. [REDACTED]: Motorcycles? Alright.

4           But do you know if that was authorized or not  
5           authorized?

6           MR. THOMAS: I don't know.

7           MR. [REDACTED]: So you're not sure.

8           Okay. Are you aware if Noel also was utilizing  
9           the computer?

10          MR. THOMAS: I don't know what she was on.

11          MR. [REDACTED]: No. But do you know if  
12          she was using the computer?

13          MR. THOMAS: Yeah. If she was I don't  
14          know. Like I said, we're facing two totally  
15          different directions.

16          MR. [REDACTED]: Sure. Do you know, were  
17          you seated -? What desk were you seated at?  
18          Were you happened to be seated at the OIC's  
19          desk?

20          MR. THOMAS: There's no - specifically  
21          this is the OIC station and this is somebody  
22          else here. It's not labeled that way.

23          MR. [REDACTED]: Alright. The reason why  
24          I ask, I'm told that there was a sign on the  
25          OIC's desk that said Epstein is required to

1           have a cellmate. So I was told that the OIC  
2           had like a specific desk. Do you call seeing  
3           that sign --

4           MR. THOMAS: No.

5           MR. [REDACTED]: -- on any of the  
6           computers or desk areas?

7           MR. THOMAS: No I don't.

8           MR. [REDACTED]: That Epstein is required  
9           to have a cellmate?

10          MR. THOMAS: No I don't.

11          MR. [REDACTED]: No. Alright. So as far  
12          as visitors to the SHU. You said that there  
13          was - [REDACTED] lane came at 4:00 but you  
14          don't recall any - another CO coming in at 5:30  
15          a.m.?

16          MR. THOMAS: No I don't.

17          MR. [REDACTED]: No? And the food  
18          delivery. You said that's all outside of the  
19          SHU? You go out and get that yourself?

20          MR. THOMAS: You go out and get that. I  
21          mean it happens I mean if I'm not mistaken it  
22          was just me and Noel up there. At some time  
23          the 6:00 count come. He's pushing it in when  
24          he comes along. But I don't remember seeing  
25          the 6:00 cart come in at that time.

1 MR. [REDACTED]: Alright.

2 MR. THOMAS: I don't recall. I don't  
3 remember if he was there or not. I really  
4 don't remember.

5 MR. [REDACTED]: Okay. And you said no  
6 one entered Epstein's cell between 12:00 a.m.  
7 and 6:00 a.m. that you know of?

8 MR. THOMAS: Not by my knowledge.

9 MR. [REDACTED]: And did you enter  
10 Epstein's cell at all between 6:00 and  
11 approximately 6:30?

12 MR. THOMAS: No.

13 MR. [REDACTED]: And so never before the  
14 initial -?

15 MR. THOMAS: The yes. The (Indiscernible  
16 \*02:28:54)

17 MR. [REDACTED]: Okay. Do you know who  
18 the last person was to enter Epstein's cell?

19 MR. THOMAS: I do not know.

20 MR. [REDACTED]: Okay. Do you know what  
21 would be the purpose of someone for the last  
22 person to enter his cell? When you give people  
23 food, do you do it through the food tray?

24 MR. THOMAS: Food slot.

25 MR. [REDACTED]: Food slot.

1 MR. THOMAS: Yeah.

2 MR. [REDACTED]: Food slot. So what would  
3 be a purpose to actually enter a cell?

4 MR. THOMAS: During which shift? My  
5 shift? The overnight?

6 MR. [REDACTED]: Yeah just what would be  
7 the -. So if you can think of a reason why  
8 people would go into inmates' cells. What  
9 would be the reason why someone would have -?

10 MR. THOMAS: Most of the time you don't go  
11 in an inmate's cell. Unless authorized. The  
12 lieutenant has to be there to go in there.

13 MR. [REDACTED]: Into an inmate's cell?

14 MR. THOMAS: Well if you're talking about  
15 during the morning watch. I can't go in there  
16 until the lieutenant comes. I wouldn't just go  
17 in unless the lieutenant was there.

18 MR. [REDACTED]: Okay.

19 MR. THOMAS: Mm-hmm.

20 MR. [REDACTED]: So officers don't go into  
21 inmates' cells unless lieutenants are present?

22 MR. THOMAS: No not for all - if an inmate  
23 is harming himself, I'm not going to wait for a  
24 lieutenant --

25 MR. [REDACTED]: Yeah-yeah-yeah-yeah-yeah-

1           yeah.

2           MR. [REDACTED]: Yeah. That's understood.  
3           You know what I'm saying. But as far as just  
4           going in the cell, I'm not going to go in there  
5           unless the lieutenant is present.

6           MR. [REDACTED]: Okay. Do you recall any  
7           issues with any other inmates on August 10,  
8           2019? During your shift?

9           MR. THOMAS: With me?

10          MR. [REDACTED]: Yeah.

11          MR. THOMAS: No.

12          MR. [REDACTED]: You had no - any issues?  
13          Do you remember like were inmates complaining  
14          about the cells being left on or anything like  
15          that?

16          MR. THOMAS: Cells being left on?

17          MR. [REDACTED]: Sorry. The lights being  
18          left on.

19          MR. THOMAS: Nah, I don't remember. They  
20          complain about a lot. I don't really remember.

21          MR. [REDACTED]: Do you know of any other  
22          inmates that were like, came from suicide watch  
23          or were supposed to have special attention or  
24          anything?

25          MR. THOMAS: Ah no. I don't remember.

1                   MR. [REDACTED]: So you don't remember  
2                   complaints about the lights being left on?  
3                   Nothing?

4                   MR. THOMAS: No.

5                   MR. [REDACTED]: How do the lights work?  
6                   Do you - are the lights left on down the range  
7                   that (Indiscernible \*02:30:41)?

8                   MR. THOMAS: The lights are left on down  
9                   the range, but all inmates cover up their  
10                  lights anyway. But even with the light switch  
11                  it doesn't cut off all the lights. It's a  
12                  light switch. As soon as you go into the tier  
13                  to the left. And it shuts off the lights. But  
14                  some work and some because you can shut it off  
15                  and an inmate could still turn on his light.  
16                  It doesn't shut the power off to him.

17                  MR. [REDACTED]: So they have access to  
18                  their own interior lights?

19                  MR. THOMAS: Yes. Yes they do.

20                  MR. [REDACTED]: But the outside lights  
21                  that you have access to - do they remain on?

22                  MR. THOMAS: They remain on 24/7, seven  
23                  days a week, --

24                  MR. [REDACTED]: They do? Alright.

25                  MR. THOMAS: -- 365 days.

1 MR. [REDACTED]: And is that like they  
2 have to remain on type of thing?

3 MR. THOMAS: I guess so.

4 MR. [REDACTED]: Okay.

5 MR. THOMAS: I don't know.

6 MR. [REDACTED]: Alright. Now we're going  
7 to talk about the medical emergency. Was there  
8 a medical emergency in the SHU on the morning  
9 of August 10, 2019?

10 MR. THOMAS: Yes.

11 MR. [REDACTED]: Why was the medical  
12 emergency called?

13 MR. THOMAS: When I went up to the cell to  
14 feed the tier, when I knocked on the door, I  
15 seen Mr. Epstein and I said to come to the  
16 door, come to the door. And he didn't move.  
17 And then I said I'm coming in. And then I went  
18 in and he was hanging.

19 MR. [REDACTED]: Okay. When was the  
20 medical emergency called?

21 MR. THOMAS: I called it immediately. I  
22 couldn't tell you the exact time.

23 MR. [REDACTED]: But you called it?

24 MR. THOMAS: Yeah. I yelled to Noel to  
25 get help.

1 MR. [REDACTED]: Okay.

2 MR. THOMAS: I yelled to Noel.

3 MR. [REDACTED]: So you've gone to the  
4 door, saw what you saw, and you yelled to -  
5 immediately?

6 MR. THOMAS: Yes. I yelled to -. Well  
7 when I got to the door, I couldn't see what I  
8 was seeing. When I popped it open, I seen what  
9 I saw and I yelled for help.

10 MR. [REDACTED]: So was the medical  
11 emergency called before you even entered the  
12 cell? Did you call Noel to call the medical?

13 MR. THOMAS: Yes, I called for Noel to  
14 call for the medical emergency. Yes.

15 MR. [REDACTED]: Prior to entering?

16 MR. THOMAS: Right as soon as I entered.  
17 Right as soon as I entered.

18 MR. [REDACTED]: Okay. So kind of like  
19 opened the door and you said call for help.

20 MR. THOMAS: Yeah. Exactly.

21 MR. [REDACTED]: That type of thing and  
22 you ran in.

23 MR. THOMAS: Simultaneously. Yes.

24 MR. [REDACTED]: Okay. So at what time -?  
25 So if the medical emergency was called at 6:33

1 a.m., approximately what time was Epstein  
2 discovered? Do you think like a minute went  
3 by? Two minutes? Three minutes? Five  
4 minutes?

5 MR. THOMAS: The - I can't tell you the  
6 exact time, but I know whenever I popped -.  
7 Because I don't know what time the food cart  
8 came. The food cart came up. I don't remember  
9 if we set up all the tiers first or we set it  
10 up just -. That took us -. Usually how I do  
11 is I set up all the tiers and then I come back  
12 to the first tier and then I put it on. I don't  
13 remember if I did so or not. But when I got to  
14 this particular -. When I got to his cell, I  
15 got there, I came with the food. I put them  
16 all on the walking food cart that's there that  
17 you put - that you could take. Let's say it  
18 was 15 inmates up there that you take. Usually  
19 in the morning there's two trays. I walked up  
20 there. I had it all set up so if the food  
21 cart. I don't know who was one. Certain  
22 people, food cart come up early, some people  
23 the food cart come up late. If the food cart  
24 came up early, let's say by the time I  
25 discovered - by the time I would let's say if I

1           went in there at 6:00, yelled the medical  
2           emergency at 6:01 and your question was -.

3           MR. [REDACTED]: Sorry. So the medical  
4           emergency was called at 6:33.

5           MR. THOMAS: 6:33. So I opened --

6           MR. [REDACTED]: So I'm saying -.

7           MR. THOMAS: -- the cell at - if it's  
8           closer. I opened the cell at 6:32.

9           MR. [REDACTED]: Okay. So approximately  
10          probably like a minute?

11          MR. THOMAS: Yeah. It couldn't have taken  
12          her because I yelled to Noel. She yelled. It  
13          couldn't have taken more than 30 seconds for  
14          her to rush and yell for that emergency.

15          MR. [REDACTED]: Alright. But you are the  
16          one that discovered Epstein in his cell?

17          MR. THOMAS: Yes I am.

18          MR. [REDACTED]: Okay. And who called the  
19          medical emergency?

20          MR. THOMAS: I would assume Noel did or  
21          she --

22          MR. [REDACTED]: Well the -

23          MR. THOMAS: -- yelled it over the radio  
24          or whatever.

25          MR. [REDACTED]: And that's what I was

1 going to say. How was the medical emergency  
2 called? Did she call it on the radio? Did she  
3 have to call on the phone? How does that work?

4 MR. THOMAS: I - if -. She could have  
5 called on the radio. She could have did either  
6 or. She could have called over the radio. SHU  
7 need assistance. She could have the radio over  
8 the phone. I don't remember --

9 MR. [REDACTED]: Okay.

10 MR. THOMAS: -- exactly which one that she  
11 did. But it could have been either or.

12 MR. [REDACTED]: Do you know what she  
13 said? What did you tell her at the time? Did  
14 you say we need assistance?

15 MR. THOMAS: Yeah-yeah. I said. Yeah.  
16 Medical emergency. Need help. Need help.

17 MR. [REDACTED]: Need help.

18 MR. THOMAS: Yeah.

19 MR. [REDACTED]: Okay.

20 MR. THOMAS: I don't know my exact words.  
21 I'm sure I just said to say we need help.

22 MR. [REDACTED]: Okay. When was the last  
23 time you saw Epstein prior to the discovery?

24 MR. THOMAS: Um.... Prior to the  
25 discovery? That day that I sat with him. No-

1 no. Probably the day prior. The day prior  
2 when I fed him.

3 MR. [REDACTED]: So the day prior.

4 MR. THOMAS: The day prior when I fed him.

5 MR. [REDACTED]: So -.

6 MR. THOMAS: Yep.

7 MR. [REDACTED]: On August 9th on your  
8 shift sometime between I guess in the morning.  
9 Around like between 6:00, 6:30?

10 MR. THOMAS: Yeah. Whatever. It's  
11 between 6:00 and 6:30.

12 MR. [REDACTED]: So approximately 24 hours  
13 before?

14 MR. THOMAS: That I actually seen him or -  
15 ?

16 MR. [REDACTED]: That you just laid eyes  
17 on him.

18 MR. THOMAS: Probably when I did my count.  
19 Like when you're talking about we actually fed  
20 right when I did my count that night. The  
21 night prior. The night when I did morning  
22 watch.

23 MR. [REDACTED]: Alright. So you wouldn't  
24 have seen him when -. Did you feed him?

25 MR. THOMAS: I'm sure I did the feeding.

1 MR. [REDACTED]: But you don't actually  
2 put eyes on people when you do the feeding?

3 MR. THOMAS: Yeah. When you do the  
4 feeding. So yeah, the feeding prior in that  
5 time.

6 MR. [REDACTED]: So I'm just saying when  
7 you looked at him. You looked him -

8 MR. THOMAS: Oh looked at him besides -?  
9 He grabbed the tray and we spoke. Yeah.

10 MR. [REDACTED]: So probably about 24  
11 hours before.

12 MR. THOMAS: Twenty-four hours prior to  
13 that. Yeah. That morning watch on the 6:00  
14 when I did the feeling.

15 MR. [REDACTED]: Okay. And did --

16 MR. THOMAS: On the 9th.

17 MR. [REDACTED]: -- you notice anything  
18 unusual when you last saw him?

19 MR. THOMAS: No. No.

20 MR. [REDACTED]: No?

21 MR. THOMAS: No. Just took his tray.

22 MR. [REDACTED]: Do you know who the last  
23 person was to see Epstein alive?

24 MR. THOMAS: No.

25 MR. [REDACTED]: No?

1 MR. THOMAS: Not there.

2 MR. [REDACTED]: Do you remember hearing  
3 anything from Epstein's cell between the times  
4 of 12:00 a.m. and 6:33 a.m.?

5 MR. THOMAS: No.

6 MR. [REDACTED]: So you never heard like  
7 any kind of banging or rustling or you know  
8 coughing or -?

9 MR. THOMAS: Hm-mm.

10 MR. [REDACTED]: Nothing?

11 MR. THOMAS: No.

12 MR. [REDACTED]: No movement or anything  
13 like that?

14 MR. THOMAS: Hm-mm.

15 MR. [REDACTED]: Alright. So you said  
16 when you discovered him, you were outside the  
17 door. You saw through the actual window.  
18 Correct?

19 MR. THOMAS: Yes.

20 MR. [REDACTED]: And that's when you  
21 noticed something was off?

22 MR. THOMAS: I noticed something off or  
23 anything like that. Yes.

24 MR. [REDACTED]: And where was Noel  
25 standing? Do you remember?

1 MR. THOMAS: Um... I don't -. I can't  
2 recall.

3 MR. [REDACTED]: Was she near you? Was  
4 she on the same tier? Do you know if she was  
5 like somewhere else?

6 MR. THOMAS: I don't -. She -. I really  
7 can't recall. I don't know. To just be  
8 specific I really don't know where she was  
9 standing. If she was standing at the grill or  
10 if she was standing at the base. I really  
11 couldn't -. I really don't remember.

12 MR. [REDACTED]: When you're feeding the  
13 inmates, is she typically near you?

14 MR. THOMAS: No. She doesn't have to be.  
15 She could like I said, it all depends on how  
16 that day. Like I said, we both were tired.  
17 She could have been setting up the rest of the  
18 tiers. If I didn't set up the tiers. So until  
19 I yelled for that help, that's the minute. And  
20 when I yelled for that help, she reacted to my  
21 yell.

22 MR. [REDACTED]: Do you -? When you  
23 yelled for help, do you remember ever seeing  
24 her? Making sure she knew?

25 MR. THOMAS: I really can't recall.

1 MR. [REDACTED]: Yeah. You just remember  
2 yelling.

3 MR. THOMAS: Because I'm in the cell.  
4 Yeah I'm in the cell at that time.

5 MR. [REDACTED]: Alright.

6 MR. THOMAS: But I know she heard me.

7 MR. [REDACTED]: You know she heard you.  
8 Do you remember like her responding or  
9 anything. Like I'm on it.

10 MR. THOMAS: I don't remember.

11 MR. [REDACTED]:, Received? Copy?

12 MR. THOMAS: I really don't -.

13 MR. [REDACTED]: Anything?

14 MR. THOMAS: I don't know.

15 MR. [REDACTED]: So you just know you  
16 yelled.

17 MR. THOMAS: Yeah.

18 MR. [REDACTED]: You don't know where she  
19 was?

20 MR. THOMAS: I don't know where she was.  
21 She was just at the grill or whatever. Maybe  
22 she was ta the grill. I don't remember exactly  
23 where she was at. But I yelled and I know she  
24 called for help because help came.

25 MR. [REDACTED]: Alright. So when you did

1 see Epstein -. This is where we're going to  
2 have to get into a little more detail.

3 MR. THOMAS: Sure.

4 MR. [REDACTED]: What did you see?

5 MR. THOMAS: He was hanging by a sheet.

6 MR. [REDACTED]: So what was he hanging  
7 from?

8 MR. THOMAS: His bed.

9 MR. [REDACTED]: From his bed?

10 MR. THOMAS: Yes.

11 MR. [REDACTED]: Did you see the picture?

12 Actually there (Indiscernible \*02:38:12).

13 Sure.

14 MR. MITCHELL: He needs a break.

15 MR. [REDACTED]: You want to take a break  
16 - a little break?

17 MR. THOMAS: Yeah. I got another 10  
18 minutes here. I've got to go.

19 MR. [REDACTED]: Alright.

20 MR. THOMAS: The hour-and-a-half is up for  
21 the thing.

22 MR. [REDACTED]: So we have 10 minutes?

23 MR. THOMAS: Yeah.

24 MR. [REDACTED]: Alright. Ten minutes and  
25 then we'll take another little break. We're

1 getting close. But. So this can help us with  
2 this when we were talking about the SHU. And  
3 just so can we get these maps out of there. Do  
4 you mind just initialing and dating this?  
5 Thank you, sir. Alright. So here's some  
6 pictures I want to show you. Is this - was  
7 Epstein on L tier?

8 MR. THOMAS: Yeah. See this is exactly  
9 what I'm saying. Like this is down from M tier  
10 but yeah he's on L tier.

11 MR. [REDACTED]: Okay. Where was his  
12 cell?

13 MR. THOMAS: It would be back here.

14 MR. [REDACTED]: Back on this side?

15 MR. THOMAS: Yeah.

16 MR. [REDACTED]: Alright. What am I  
17 looking at here? Are you able to tell?

18 MR. THOMAS: I couldn't tell you what tier  
19 it is. But it's just a hallway and that's the  
20 food cart.

21 MR. [REDACTED]: Okay. Do you mind just  
22 initialing and dating that? Is this the door  
23 that you walked up to when you saw?

24 MR. THOMAS: If you say it is, okay.

25 MR. [REDACTED]: Alright. So you can't

1           even actually see that because it's crossed  
2           with this crime scene.

3           MR. THOMAS: Mm-hmm.

4           MR. [REDACTED]: But um, do you have any  
5           reason to believe that that wouldn't be the  
6           door that you went into --

7           MR. THOMAS: no.

8           MR. [REDACTED]: -- where Epstein was  
9           discovered?

10          MR. THOMAS: Hm-mm. I have no reason to  
11          believe it.

12          MR. [REDACTED]: Okay. When you walked  
13          in, does this look like it was the same type of  
14          cell? Because all I'm going to ask is where he  
15          was hanging.

16          MR. THOMAS: He was hanging over here to  
17          this side.

18          MR. [REDACTED]: Okay. So is this a  
19          picture where -?

20          MR. THOMAS: Yeah because if you put them  
21          together, like the bunk it's over to this side.

22          MR. [REDACTED]: Alright. So was he  
23          hanging from something in here?

24          MR. THOMAS: Yeah. Hanging from - it was  
25          tied up right here and then I ripped it down

1           and I put him to the ground.

2           MR. [REDACTED]: So was this what he was  
3           tied to?

4           MR. THOMAS: It was more - it wasn't just  
5           that little thing. It was more stringed then  
6           that that I ripped down.

7           MR. [REDACTED]: Alright.

8           MR. THOMAS: Maybe it's down there or  
9           something like that. Like I see some string and  
10          stuff right here.

11          MR. [REDACTED]: Do you just mind like  
12          marking where it was that - where the noose or  
13          whatever - the rope was tied? Just for  
14          clarity? What it was attached to?

15          MR. THOMAS: It was attached to the bunk.  
16          It's attached to the bunk.

17          MR. [REDACTED]: Is this it here though?

18          MR. THOMAS: Yeah. Yeah, it's attached to  
19          the bunk to this general area eight here.

20          MR. [REDACTED]: So just circle that  
21          general area.

22          MR. THOMAS: Yeah.

23          MR. [REDACTED]: Alright. You mind just  
24          initialing and dating that? Alright.

25          MR. THOMAS: Am I doing the same with this

1           one?

2           MR. [REDACTED]: No-no-no. We'll -. Well  
3           you can if you want sure. I mean you looked at  
4           it. And do you believe -? So did you take  
5           down this and somebody put it back up?

6           MR. THOMAS: No. I -. It was attached to  
7           them and it wasn't just that singular piece.  
8           It might have more rope to it.

9           MR. [REDACTED]: Alright. There was more  
10          rope to it?

11          MR. THOMAS: Yeah.

12          MR. [REDACTED]: But this is what was  
13          hanging? He was hanging -

14          /t It was something (Indiscernible  
15          \*02:41:36) I don't know if that's a sheet or  
16          shirt or whatever the case may be. But yeah.

17          MR. [REDACTED]: Okay.

18          MR. THOMAS: He was hanging from over  
19          there.

20          MR. [REDACTED]: From this area?

21          MR. THOMAS: Yes.

22          MR. [REDACTED]: Alright. You mind just  
23          initialing and dating that? Alright. So when  
24          you went in, you found him, he was still  
25          hanging.

1 MR. THOMAS: Yes.

2 MR. [REDACTED]: And what did you do?

3 MR. THOMAS: I ripped him down and I  
4 yelled for help and I started for CPR.

5 MR. [REDACTED]: So how did you rip him  
6 down?

7 MR. THOMAS: Yeah I just ripped the sheet  
8 down.

9 MR. [REDACTED]: So you ripped the sheet  
10 first?

11 MR. THOMAS: Mm-hmm.

12 MR. [REDACTED]: And then did you like  
13 pick him up or did you just throw him on the  
14 floor --

15 MR. THOMAS: Yeah-yeah.

16 MR. [REDACTED]: -- or did he fall in the  
17 floor?

18 MR. THOMAS: Kind of just like got him to  
19 the floor. I ripped it off like that and then  
20 he dropped of course. And then I laid him onto  
21 the ground.

22 MR. [REDACTED]: Okay. So he dropped -  
23 fall? After you -?

24 MR. THOMAS: Well it's wasn't -. As you  
25 could see, it's not that -. If you can see by

1 the thing like that. (Indiscernible  
2 \*02:42:30). Where's the picture?

3 MR. [REDACTED]: Right here. In the, can  
4 I have the picture back?

5 MR. THOMAS: Oh. The ground it right  
6 here.

7 MR. [REDACTED]: Sure.

8 MR. THOMAS: Like if you take he's maybe  
9 like plopped to the- he was maybe about an  
10 inch-and-a-half or maybe an inch off the  
11 ground.

12 MR. [REDACTED]: So.

13 MR. THOMAS: Like he was lower than the -.

14 MR. [REDACTED]: So after you ripped this  
15 thing, did he just fall first?

16 MR. THOMAS: Just dropped down. Yeah.

17 MR. [REDACTED]: He dropped down?

18 MR. THOMAS: Mm-hmm.

19 MR. [REDACTED]: And then you moved him?  
20 So alright.

21 MR. THOMAS: I did not move him to  
22 (Indiscernible \*02:42:52)

23 MR. [REDACTED]: So you rip the sheet. He  
24 falls to the floor.

25 MR. THOMAS: Mm-hmm.

1 MR. [REDACTED]: And then you moved him  
2 where you could start CPR?

3 MR. THOMAS: Yeah. So I could lay him  
4 down and start CPR.

5 MR. [REDACTED]: Alright. Do you remember  
6 if his like if anything of his body hit  
7 anywhere?

8 MR. THOMAS: I don't remember.

9 MR. [REDACTED]: When he fell?

10 MR. THOMAS: No I don't remember his body  
11 hitting anywhere.

12 MR. [REDACTED]: We just - the reason why  
13 we're asking is like with the autopsy --

14 MR. THOMAS: Yeah.

15 MR. [REDACTED]: -- we've got to make sure  
16 of that.

17 MR. THOMAS: Yeah-yeah-yeah. The - it's  
18 just like a drop down.

19 MR. [REDACTED]: Alright. So he dropped --

20 MR. THOMAS: Mm-hmm.

21 MR. [REDACTED]: -- basically do you  
22 remember if he landed on his butt?

23 MR. THOMAS: Yeah. On his butt. Yeah.  
24 He landed on his butt here.

25 MR. [REDACTED]: He landed on his butt?

1 MR. THOMAS: Mm-hmm.

2 MR. [REDACTED]: But his head remained  
3 upright?

4 MR. THOMAS: Nah, I'm sure he -.

5 MR. [REDACTED]: I don't mean upright like  
6 looking at you but I mean like he was -. His  
7 body remained upright.

8 MR. THOMAS: I would guess he was just  
9 limped over. I would say just limped over.

10 MR. [REDACTED]: Okay.

11 MR. THOMAS: And I just -.

12 MR. [REDACTED]: And then you physical  
13 moved him you know to --

14 MR. THOMAS: To the floor.

15 MR. [REDACTED]: -- the floor.

16 MR. THOMAS: Yes.

17 MR. [REDACTED]: Alright. Do you remember  
18 if his - like anything hit harder than another  
19 when you moved him --

20 MR. THOMAS: I really don't --

21 MR. [REDACTED]: -- to the floor?

22 MR. THOMAS: -- remember other than.

23 MR. [REDACTED]: Yeah. No worries.

24 Alright. So he was still hanging. That was  
25 the position you found him on, you ripped it

1 off. He fell to the floor. You then moved him  
2 to the ground. What was he wearing at the  
3 time? Do you remember?

4 MR. THOMAS: Pants.

5 MR. [REDACTED]: Was he naked or anything  
6 like that? Or he still had his clothes on?

7 MR. THOMAS: He wasn't naked. He wasn't  
8 naked. He still had a -. I'm going to say he  
9 -. I want to say he had a jumper on. He had  
10 his jumper how they have - it's not all the way  
11 up to the top right there, but it's like around  
12 the waist. So maybe he had pants on. I do  
13 remember he wasn't totally naked.

14 MR. [REDACTED]: Okay.

15 MR. THOMAS: And he wasn't in his boxer  
16 shorts or anything like that. But he was just  
17 and he had a - he had no shirt on. He didn't  
18 have a shirt on.

19 MR. [REDACTED]: He didn't have a shirt  
20 on. Alright. Was there -? You said this was  
21 still around his neck. When he fell off did  
22 that come away from his neck?

23 MR. THOMAS: Yeah. He didn't have  
24 anything around his neck when he came up.  
25 Yeah.

1 MR. [REDACTED]: Okay. And what was it  
2 that was around his neck?

3 MR. THOMAS: It was either a sheet or a  
4 shirt. I don't know which one it is. A sheet  
5 or shirt. I didn't really pay attention to it.

6 MR. [REDACTED]: Now are the sheets and  
7 the shirts both orange?

8 MR. THOMAS: Yes.

9 MR. [REDACTED]: Okay. So it wasn't - you  
10 weren't able to tell if it was -.

11 MR. THOMAS: I couldn't tell you if it was  
12 a sheet or a shirt. No I didn't.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: I didn't look to see what it  
15 was. Now what did he look like?

16 MR. THOMAS: Um.... A white male...? I  
17 don't know....

18 MR. [REDACTED]: Was he like completely  
19 purple?

20 MR. THOMAS: No, he was - no-no-no-no.  
21 Absolutely not. He wasn't completely -. He  
22 was just - he just looked like he'd been  
23 hanging like he just hung himself. It wasn't  
24 like he was red or blue or his lips were like a  
25 different color. It wasn't any of that stuff.

1 He was just -.

2 MR. [REDACTED]: It looked like it  
3 happened just recently or like you know -?

4 MR. THOMAS: I mean I'm not a doctor, I  
5 couldn't --

6 MR. [REDACTED]: Sure-sure-sure.

7 MR. THOMAS: -- tell you if a doctor -. I  
8 just -. He didn't look um. I don't say he  
9 didn't look different. I mean he just --

10 MR. [REDACTED]: So he -.

11 MR. THOMAS: -- like he just hung himself.  
12 It wasn't no discoloration of anything like  
13 that if that's what you're trying to get. And  
14 it like - like he just hung himself.

15 MR. [REDACTED]: Alright. So you don't -  
16 he didn't' look at that much different than  
17 when he looked when he was alive?

18 MR. THOMAS: Yeah. Didn't look.

19 MR. [REDACTED]: He looked pretty much the  
20 same?

21 MR. THOMAS: Yeah. Just the - not -.

22 MR. [REDACTED]: Okay. And you said or  
23 did you notice anything unusual in his cell  
24 when you went in?

25 MR. THOMAS: No. No I didn't.

1                   MR. [REDACTED]: No? And you said that  
2                   you started CPR.

3                   MR. THOMAS: Yes. Yes.

4                   MR. [REDACTED]: And what did you do -?

5                   MR. THOMAS: I started doing chest  
6                   compressions.

7                   MR. [REDACTED]: Just chest compressions?

8                   MR. THOMAS: Yeah. Just chest  
9                   compressions.

10                  MR. [REDACTED]: Any kind of like mouth-  
11                  to-mouth type of -

12                  MR. THOMAS: No. I didn't do any mouth-  
13                  to-mouth. I was doing chest compressions. It  
14                  took maybe about -. It wasn't that long before  
15                  they came with the thing and they started doing  
16                  all the other stuff. I can't remember the  
17                  medic name. The guy. I can't remember his  
18                  name.

19                  MR. [REDACTED]: Alright. So did he stay  
20                  all kind - was it all kind of right there next  
21                  to the bed?

22                  MR. THOMAS: Yeah, it was right there  
23                  until -

24                  MR. [REDACTED]: Did you have to move him  
25                  out at all?

1           MR. THOMAS: No because they did - they  
2 was doing the AED and everything right there  
3 inside the cell.

4           MR. [REDACTED]: So right in the corner of  
5 that bunk?

6           MR. THOMAS: It's not in the corner it can  
7 stretch out like you know -. It's like right -  
8 .

9           MR. [REDACTED]: No-no-no, I'm saying for  
10 you - when you're doing your chest  
11 compressions.

12           MR. THOMAS: No when I'm doing my chest  
13 compressions, he's laying out like right here.  
14 A few feet. Maybe all right here but he's  
15 laying about right here.

16           MR. [REDACTED]: So after -.

17           MR. THOMAS: Like about this way.

18           MR. [REDACTED]: Okay.

19           MR. THOMAS: Without the wall of course.

20           MR. [REDACTED]: But so he was on the  
21 floor --

22           MR. THOMAS: He was on the floor.

23           MR. [REDACTED]: -- while you were doing  
24 the -.

25           MR. THOMAS: Yes.

1 MR. [REDACTED]: And you didn't really  
2 have to move him so much -?

3 MR. THOMAS: No I did not.

4 MR. [REDACTED]: After you like moved him  
5 from the hanging position to the ground, to the  
6 floor --

7 MR. THOMAS: Yes.

8 MR. [REDACTED]: Chest compressions  
9 immediately.

10 MR. THOMAS: Yes.

11 MR. [REDACTED]: Alright. Did you do  
12 anything else?

13 MR. THOMAS: Uh.

14 MR. [REDACTED]: Other than the chest  
15 compressions?

16 MR. THOMAS: No. Soon thereafter there  
17 was a whole bunch of staff there.

18 MR. [REDACTED]: Yeah-yeah-yeah. About  
19 how long were you doing chest compressions for?

20 MR. THOMAS: Um.... I don't - maybe a  
21 minute or so. I don't - I can't really recall.

22 MR. [REDACTED]: You don't remember.

23 MR. THOMAS: It seemed like the blink of  
24 an eye before everybody was around me.

25 MR. [REDACTED]: Did he seem like he was

1 dead at that time?

2 MR. THOMAS: No he didn't.

3 MR. [REDACTED]: He actually seemed like  
4 he was alive?

5 MR. THOMAS: Well he didn't -. I don't  
6 really want to say dead or alive. But he was -  
7 I was doing chest compressions. I mean I'm not  
8 a doctor so anything like that but I just know  
9 I just kept going. I don't know if he was dead  
10 or anything at that time.

11 MR. [REDACTED]: Did you notice if he had  
12 like did you check for a pulse or anything like  
13 that?

14 MR. THOMAS: The doctor was there. I know  
15 when I was doing chest compressions I didn't  
16 stop to check for a pulse. The - I let the  
17 medical staff do that because it was somebody  
18 from medical doing that.

19 MR. [REDACTED]: So how did you know to do  
20 chest compressions if you didn't -.

21 MR. THOMAS: I mean, I don't know if  
22 somebody look like they not breathing or  
23 anything like that, he's not talking, I'm  
24 yelling out his name, he's not --

25 MR. [REDACTED]: Yeah.

1 MR. THOMAS: -- responding. So.

2 MR. [REDACTED]: Did you check for breath?

3 MR. THOMAS: Yes. I did check for breath.

4 Yeah.

5 MR. [REDACTED]: So prior to doing chest  
6 compressions you checked for breath?

7 MR. THOMAS: Yes I checked for breath.

8 Yeah.

9 MR. [REDACTED]: And how did you do that?

10 MR. THOMAS: I just when I would go like  
11 this I was telling Epstein, like "Yo, Epstein -  
12 Epstein!" He wasn't breathing. So that's my  
13 interpretation of checking. I'm yelling. He's  
14 not breathing, he's not calling to me, he's not  
15 saying anything.

16 MR. [REDACTED]: So I guess what I'm  
17 asking is so when -.

18 MR. THOMAS: Did I put my hand over here  
19 and check for breath?

20 MR. [REDACTED]: Yeah-yeah.

21 MR. THOMAS: No. I did not.

22 MR. [REDACTED]: So you didn't like -.

23 MR. THOMAS: No. I was yelling for his  
24 name and everything to see if he was like doing  
25 any like that in there. I'm like, "Epstein -

1 Epstein!" And I'm pushing on his upper torso.

2 MR. [REDACTED]: Alright. SO you didn't  
3 feel for a pulse or check for breath.

4 MR. THOMAS: No. I didn't do all that  
5 stuff. No.

6 MR. [REDACTED]: Alright. But you  
7 believed he wasn't breathing?

8 MR. THOMAS: I don't believe - I don't  
9 know if he was breathing or not. I know he was  
10 just hanging, so I was just trying to get him  
11 to start.

12 MR. [REDACTED]: So you saw him hanging  
13 and just your natural reaction then was to -?

14 MR. THOMAS: Absolutely.

15 MR. [REDACTED]: So you don't actually  
16 know if he was breathing or -?

17 MR. THOMAS: I don't know.

18 MR. [REDACTED]: You don't know if he was  
19 breathing. So you don't know if he was alive  
20 or not?

21 MR. THOMAS: I don't know if he was alive  
22 or not. No.

23 MR. [REDACTED]: Okay. So just -.  
24 Alright. So you didn't actually check for  
25 anything. You just went right to chest

1 compressions.

2 MR. THOMAS: Yes yeah went to chest  
3 compressions and yelling. And I wasn't getting  
4 no response.

5 MR. [REDACTED]: Okay. Did you like hit  
6 him or anything first?

7 MR. THOMAS: No. No. Nah.

8 MR. [REDACTED]: Like trying to wake him  
9 up?

10 MR. THOMAS: I just kept yelling his name.  
11 and I'm shaking him and doing chest  
12 compressions, that should be enough to wake  
13 somebody up for somebody to - "hey, hey" like  
14 that and I didn't =.

15 MR. [REDACTED]: Did they teach you CPR  
16 though?

17 MR. THOMAS: Yes. That's part of the ART.

18 MR. [REDACTED]: Did they teach you that  
19 prior to doing CPR you're supposed to like  
20 check to see if they're alive first?

21 MR. THOMAS: Prior to CPR the standard  
22 model is check for airways and everything like  
23 that. But in the course of the moment, I  
24 didn't slow down and say let me see I check for  
25 responsiveness. And that's exactly what I did.

1           When I'm yelling your name, that's checking for  
2           a response.

3           MR. [REDACTED]: Right.

4           MR. THOMAS: I wasn't getting any  
5           response.

6           MR. [REDACTED]: Okay. No, the only  
7           reason I'm going more into details is because  
8           you said you weren't sure if he was alive or  
9           not.

10          MR. THOMAS: Mm-hmm.

11          MR. [REDACTED]: Um, um. Alright.

12          MR. THOMAS: I understand.

13          MR. [REDACTED]: Yeah-yeah-yeah. No. I'm  
14          just trying to figure out if there's more  
15          questions I need to ask with regard to that --

16          MR. THOMAS: No problem.

17          MR. [REDACTED]: -- specifics. Um. At  
18          any time when you were doing chest compressions  
19          or any of that, did he ever open his eyes or  
20          seem to take a breath or -?

21          MR. THOMAS: Not that I recall. I don't  
22          remember really.

23          MR. [REDACTED]: Okay. Um. Alright. Did  
24          Noel ever enter the cell to assist you?

25          MR. THOMAS: Um, I don't remember. I

1 remember seeing her. I don't know if she was  
2 in the cell. There were so many people in that  
3 cell in such a short period of time, so I  
4 really don't remember if she was one of the  
5 people or not. I can only remember actually  
6 two faces at this present time. One is the  
7 medical person I can't remember his name and  
8 the other one is uh, um, [REDACTED].

9 MR. [REDACTED]: [REDACTED].

10 MR. THOMAS: Mm-hmm.

11 MR. [REDACTED]: How do you spell [REDACTED]?

12 MR. THOMAS: [REDACTED].

13 MR. [REDACTED]: [REDACTED]? Okay. Who is  
14 [REDACTED]?

15 MR. THOMAS: Officer.

16 MR. [REDACTED]: Just an officer that came  
17 in response?

18 MR. THOMAS: Mm-hmm.

19 MR. [REDACTED]: And I'm sorry, you may  
20 have said this but I don't recall. When you -  
21 after you did chest compressions, you said you  
22 did it for like a minute before they responded.

23 MR. THOMAS: Um, yeah. Maybe about a  
24 minute. Nothing more than a minute.

25 MR. [REDACTED]: Okay.

1 MR. THOMAS: It seemed like -

2 MR. [REDACTED]: So immediately almost?

3 MR. THOMAS: It seemed like a flash.

4 MR. [REDACTED]: Okay.

5 MR. THOMAS: It seemed like a flash that  
6 everybody was there inside the room.

7 MR. [REDACTED]: Okay. And when they came  
8 in what did they do?

9 MR. THOMAS: Uh once the medical staff -  
10 uh I can't remember his name. Once he came and  
11 was doing chest compressions, I know I got a  
12 little exhausted and tired and everything like  
13 that. He was doing chest compressions. He put  
14 the AED on and um, that's about all I can  
15 remember that that guy put the AED on and I  
16 know he told me to stand back.

17 MR. [REDACTED]: Alright. And did you -  
18 did he check for breath or a pulse or -?

19 MR. THOMAS: I really can't remember  
20 exactly --

21 MR. [REDACTED]: No.

22 MR. THOMAS: -- his and what he did  
23 exactly.

24 MR. [REDACTED]: Do you know when they put  
25 the AED on? Did it ever advise for shock or

1 anything like that?

2 MR. THOMAS: Uh, I don't remember.

3 MR. [REDACTED]: You don't recall?

4 MR. THOMAS: I don't remember.

5 MR. [REDACTED]: So when they came in, did  
6 you stay in the room or at that point -?

7 MR. THOMAS: Yes, I stayed in the room.

8 MR. [REDACTED]: Okay.

9 MR. THOMAS: I actually helped to carry  
10 him downstairs.

11 MR. [REDACTED]: Alright. And was the  
12 medical personnel =?

13 MR. THOMAS: He was with us the whole  
14 time.

15 MR. [REDACTED]: And what was his name?

16 MR. THOMAS: I really can't -.

17 MR. [REDACTED]: No?

18 MR. THOMAS: Um.

19 MR. [REDACTED]: But he's the one who took  
20 over chest compressions?

21 MR. THOMAS: Yeah he took over chest  
22 compressions. He was in the room the while  
23 time.

24 MR. [REDACTED]: Alright. And you said  
25 you were trained on CPR though?

1 MR. THOMAS: Yes.

2 MR. [REDACTED]: Okay. Do you know when  
3 the last time you were trained on CPR?

4 MR. THOMAS: Had to be ART.

5 MR. [REDACTED]: ART? Are you always  
6 every year trained on CPR?

7 MR. THOMAS: Every year at ART there's  
8 trainings.

9 MR. [REDACTED]: Okay. So like April of  
10 2019 would have been the last time?

11 MR. THOMAS: Okay.

12 MR. [REDACTED]: Um. Alright. So after  
13 medical emergency called, what -? Walk me  
14 through that a little bit in detail. What  
15 happened? So he came. The medical person  
16 comes in. He starts going chest compressions.  
17 About how long is he doing them?

18 MR. THOMAS: I don't know. I don't know  
19 how long he was doing them before he put the  
20 AED on. I couldn't tell you how long he was on  
21 before he actually put the AED. Because the  
22 AED - right on the -. Right - you see the one  
23 right there. In SHU. I know there's one right  
24 there on the 9th floor. So I don't know how  
25 long ago that he was doing chest compressions

1           before he actually put the AED on. I couldn't  
2           tell you a specific time like 30 second. I  
3           don't know.

4           MR. [REDACTED]: And at that time did you  
5           believe that he was alive or dead?

6           MR. THOMAS: I was just -. I had so many  
7           things going through my mind. I was just  
8           hoping everything worked out.

9           MR. [REDACTED]: Okay.

10          MR. THOMAS: I'm -.

11          MR. [REDACTED]: So what was going through  
12          your mind at the time?

13          MR. THOMAS: A whole lot. What's going  
14          on. There's a man in front of me, you know  
15          what I mean. That's it. Just that it's a man  
16          in front of me - hanging. I just seen him  
17          hanging.

18          MR. [REDACTED]: yeah-yeah-yeah. Had you  
19          ever had to respond to something like that  
20          before?

21          MR. THOMAS: Yes.

22          MR. [REDACTED]: So you've actually had to  
23          take people off from hanging and things?

24          MR. THOMAS: No. I've responded to like -  
25          I've maybe seen one other hanging, but they cut

1           him down and like that but he was actually  
2           gotten alive when they were (Indiscernible  
3           \*02:53:33). But yeah, I've seen a few.

4           MR. [REDACTED]: Okay. And you have to do  
5           the same type of a thing?

6           MR. THOMAS: Well nothing to for where  
7           they had to put the AED on a person. Just some  
8           chest compressions and they were revived and -.

9           MR. [REDACTED]: Anybody else die from it?

10          MR. THOMAS: Not that I would recall. No.

11          MR. [REDACTED]: No. Alright. But now  
12          you did say you ripped it down. You didn't cut  
13          it down.

14          MR. THOMAS: Yeah. I just tipped it down.

15          MR. [REDACTED]: In the past they've  
16          actually cut it down is what you just said?

17          MR. THOMAS: I don't know.

18          MR. [REDACTED]: Oh. I thought you just  
19          said that people were hanging and they cut it  
20          down.

21          MR. THOMAS: Maybe if they cut it or if  
22          they ripped it down. I don't know. Whatever  
23          they had at their disposal at that time.

24          MR. [REDACTED]: Okay. Though did you  
25          ever have to -?

1 MR. THOMAS: Cut somebody down? No.

2 MR. [REDACTED]: Cut somebody -? No?

3 MR. THOMAS: This was my first one.

4 MR. [REDACTED]: That was your first time  
5 ever being the first responder?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Okay. And do they train  
8 you on that? On if you come in and find  
9 someone hanging what you're supposed to do?

10 MR. THOMAS: I don't remember specific  
11 training on like that but I know -. If I'm not  
12 mistaken, it's life, limb, or something for the  
13 bureau or something. I know I'm not supposed  
14 to just let somebody sit there and hang.

15 MR. [REDACTED]: Yeah-yep. No, I'm just  
16 saying like do they teach you how to like  
17 respond to these things?

18 MR. THOMAS: I - mm. Maybe it's something  
19 in ART training. I don't know.

20 MR. [REDACTED]: Okay. So you know CPR  
21 was done in ART but you're not sure if it was  
22 in response to what -?

23 MR. THOMAS: It's in a particular response  
24 to if you see somebody hanging you do this.  
25 No.

1           MR. [REDACTED]: Right. Okay. But is  
2           that something that occurs a lot? People  
3           inmates hanging themselves at the MCC?

4           MR. THOMAS: Not a lot but you know  
5           sometimes people have you don't know what  
6           someone else's stressor is or what --

7           MR. [REDACTED]: Sure.

8           MR. THOMAS: -- they're going through at  
9           home. Or what they're in for.

10          MR. [REDACTED]: Yeah. I guess what I'm  
11          asking is like does this happen like once a  
12          week, once a month, or once a year?

13          MR. THOMAS: I've been there for 14 years.  
14          He's been there a lot longer than me. Um.  
15          I've seen maybe about 7 hangings.

16          MR. [REDACTED]: Seven hangings in that?  
17          Okay.

18          MR. THOMAS: Mm-hmm.

19          MR. [REDACTED]: So if you were to  
20          estimate about one every two years?

21          MR. THOMAS: If you want to break it down  
22          to that.

23          MR. [REDACTED]: Okay. What did you do  
24          after the medical emergency was called?

25          MR. THOMAS: After I got him down to the -

1

2

MR. [REDACTED]: No, I'm sorry. After they responded, what did you do?

3

4

MR. THOMAS: After they responded, I helped carry him downstairs.

5

6

MR. [REDACTED]: You did help them?

7

MR. THOMAS: Yes. I helped them on the stretcher carry him downstairs.

8

9

MR. [REDACTED]: Now downstairs -.

10

MR. THOMAS: To the second floor.

11

MR. [REDACTED]: To the -.

12

MR. THOMAS: To the medical floor. It's the second floor.

13

14

MR. [REDACTED]: So you went all the way from the SHU all the way to the second floor?

15

16

MR. THOMAS: Yes.

17

MR. [REDACTED]: Okay. And you were with them the whole time?

18

19

MR. THOMAS: Yes. I was with them the whole time. And the medical staff was with me. And it was a bunch of other people in the elevator at that time.

20

21

22

23

MR. [REDACTED]: And what were you doing during that time?

24

25

MR. THOMAS: I was holding the stretcher.

1                   MR. [REDACTED]: Because you were one of  
2 the people -?

3                   MR. THOMAS: Yeah. Yeah.

4                   MR. [REDACTED]: So was it just you and  
5 someone else?

6                   MR. THOMAS: Yeah. Me and three other  
7 people holding the stretcher. I don't  
8 (Indiscernible \*02:56:01) who else was there  
9 holding the, staff, help bringing him down.

10                  MR. [REDACTED]: So it was an actual  
11 stretcher that you had to carry, not something  
12 that was like moving him?

13                  MR. THOMAS: Yeah-yeah. It's not a  
14 stretcher. They have stretchers on the wall  
15 and near like that that you have to carry. You  
16 get him to the thing and then you just go.

17                  MR. [REDACTED]: Did they continue life-  
18 saving efforts?

19                  MR. THOMAS: The whole time.

20                  MR. [REDACTED]: So while he was being  
21 moved in the stretcher, people were like doing  
22 compressions?

23                  MR. THOMAS: Yes. Mm-hmm.

24                  MR. [REDACTED]: Was there anything like  
25 on his face trying to give him air or anything

1           like that?

2           MR. THOMAS: I don't recall. I don't  
3           really remember.

4           MR. [REDACTED]: Okay. Do you have  
5           pictures of that stuff? Yeah. We actually  
6           have a ton of pictures. For each  
7           (Indiscernible \*02:56:48). Do you remember -  
8           recall was this like in the -?

9           MR. THOMAS: This is in medical.

10          MR. [REDACTED]: That's in medical?

11          MR. THOMAS: It looks like. I don't know  
12          if that's - 9th floor. Is that for -? No that  
13          says right here. That's EMS.

14          MR. [REDACTED]: That's EMS. Alright. So  
15          this isn't anything that's in the cell or  
16          anything like what we're talking about?

17          MR. THOMAS: No. That's not. No-no-no,  
18          that's not.

19          MR. [REDACTED]: This is all after the  
20          medical?

21          MR. THOMAS: Yeah. That's all medical.

22          MR. [REDACTED]: Do you know if any  
23          pictures were taken while you were doing this  
24          medical emergency?

25          MR. THOMAS: I doubt it. I'm sure nobody

1           stopped to grab a camera.

2           MR. [REDACTED]: Yeah. No. Just because  
3 we have all these.

4           MR. THOMAS: And again, I'm not still. I  
5 didn't mean nothing by (Indiscernible  
6 \*02:57:29).

7           MR. [REDACTED]: So none of these pictures  
8 have anything to do with you? I mean they're  
9 not.

10          MR. THOMAS: No. No. I wasn't.

11          MR. [REDACTED]: Were you even in the room  
12 during that?

13          MR. THOMAS: I wasn't in the room for none  
14 of that.

15          MR. [REDACTED]: Okay. It doesn't look  
16 like we have any pictures of that stuff. But -  
17 . So from the SHU all the way down to the  
18 second floor, you stay with him. You were  
19 carrying the stretcher, and someone was doing  
20 compressions.

21          MR. THOMAS: Mm-hmm.

22          MR. [REDACTED]: And trying to revive him.

23          MR. THOMAS: So you said that [REDACTED]  
24 responded and a medical personnel.

25          MR. THOMAS: I remember seeing [REDACTED] and

1           medical persons. It was - I'm sure the  
2           lieutenant was there. That's just -.

3           MR. [REDACTED]: Do you remember who the  
4           lieutenant was?

5           MR. THOMAS: No. I can't remember who was  
6           there.

7           MR. [REDACTED]: Does Lieutenant [REDACTED]  
8           [REDACTED] sound familiar? Does that make or help  
9           you recall?

10          MR. THOMAS: MR. THOMAS: I mean maybe  
11          [REDACTED] maybe was there. I don't -.

12          MR. [REDACTED]: So we can go back to that  
13          duty agent roster.

14          MR. THOMAS: It shows that he came on in  
15          the morning.

16          MR. [REDACTED]: Yeah.

17          MR. THOMAS: But you know that two hour  
18          prior but he probably was there.

19          MR. [REDACTED]: So you think it was  
20          probably him? And do you remember making any  
21          statements after the medical emergency ride?

22          MR. THOMAS: I don't remember what I said.  
23          I could have been saying a whole lot. I mean  
24          like I said, I just seen a man hanging.

25          MR. [REDACTED]: Sure.

1 MR. THOMAS: You know, I don't remember  
2 exactly verbatim what I said or anything.

3 MR. [REDACTED]: Do you recall Noel saying  
4 we didn't do our rounds at 3:00 a.m. and 5:00  
5 a.m.?

6 MR. THOMAS: I don't recall her saying  
7 that.

8 MR. [REDACTED]: Alright.

9 MR. THOMAS: I was (Indiscernible  
10 \*02:58:49) . I don't remember seeing Noel after  
11 this actually. After I carried him downstairs,  
12 I don't even remember seeing Noel.

13 MR. [REDACTED]: Do you recall saying to  
14 Noel that we didn't do the rounds. We messed -  
15 . Or - hold on. Did you say that it was not  
16 Noel's fault and say we didn't do the rounds?  
17 We messed up.

18 MR. THOMAS: I don't remember saying that.  
19 I could have said it. I don't remember saying  
20 it.

21 MR. [REDACTED]: So you don't remember  
22 saying it's not her fault.

23 MR. THOMAS: No. I don't remember saying  
24 anything. I could have said -. Like I said I  
25 don't know what I said exactly from that time.

1 It was three years ago. But -.

2 MR. [REDACTED]: Alright. So my only  
3 question was so that's the statement we have is  
4 that you stated she said we didn't do the  
5 rounds. And you said we didn't do the rounds.  
6 We messed up. It's not Noel's fault. And I  
7 was just wondering why you would say that it  
8 wasn't her fault.

9 MR. THOMAS: I don't.

10 MR. [REDACTED]: Do you remember like -?

11 MR. THOMAS: I really don't. I really  
12 don't.

13 MR. [REDACTED]: Yeah. You were just  
14 uttering things.

15 MR. THOMAS: Just uttering things like I  
16 said. I don't remember saying that. I don't  
17 remember not saying it. I don't remember when  
18 that was said or who said that I said that.  
19 Like I said I don't remember saying that.

20 MR. [REDACTED]: Okay. So it wasn't like  
21 -. The only reason that I asked is that, it  
22 sounds like you were taking responsibility for  
23 the rounds and counts. And I was just wanting  
24 to know if there was a reason why you would  
25 have been taking responsibility. Like we said,

1           you're both responsible. I don't know why you  
2           would --

3           MR. THOMAS: (Indiscernible \*03:00:03)

4           MR. ██████████: -- take responsibility  
5           over her in saying it's not her fault?

6           MR. THOMAS: I don't know why I said  
7           anything like that if I said it.

8           MR. ██████████: You don't know.

9           MR. THOMAS: Like I said, I don't remember  
10          saying it.

11          MR. ██████████: Okay. Um.

12          MR. THOMAS: There was a lot going on. I  
13          really --

14          MR. ██████████: Alright. So what is your  
15          understanding of how Epstein died?

16          MR. THOMAS: Um, it's been two years. He  
17          died from a hanging.

18          MR. ██████████: So do you believe he died  
19          from hanging? Do you believe he died from  
20          someone trying to murder - or someone hurting  
21          him? Do you believe that he died from the  
22          medical response?

23          MR. THOMAS: I'm not a medical  
24          professional. I don't know. I've seen so many  
25          things and I'm faced with so many things. They

1 just said that he died from a hanging.

2 MR. [REDACTED]: And being the first  
3 responder to the person in there. Do you  
4 believe that is how he died now? Because you  
5 said, again, previously when I was asking you  
6 said I don't know if he was alive or dead. Do  
7 you believe he did die from hanging?

8 MR. THOMAS: I never believe he died. I  
9 don't believe the conspiracy that somebody  
10 snuck into the jail catapulted -.

11 MR. MITCHELL: Just answer the questions -  
12 -

13 MR. THOMAS: Oh.

14 MR. MITCHELL: -- yes or no.

15 MR. THOMAS: Oh. No. I mean yes, I  
16 believe he died from hanging.

17 MR. [REDACTED]: You do believe he died  
18 hanging. Alright. And do you believe that  
19 Epstein took his own life?

20 MR. THOMAS: Yes.

21 MR. [REDACTED]: Did anyone else take  
22 Epstein's life?

23 MR. THOMAS: No.

24 MR. [REDACTED]: No? Did anyone assist  
25 Epstein in taking his life?

1 MR. THOMAS: Ah, no.

2 MR. [REDACTED]: Um, did Noel take  
3 Epstein's life?

4 MR. THOMAS: No.

5 MR. [REDACTED]: These are questions that  
6 we just have to ask because you guys are the  
7 first to be there and you guys were the ones on  
8 duty.

9 MR. THOMAS: I'm here with you.

10 MR. [REDACTED]: Did Noel assist Epstein  
11 with taking his life?

12 MR. THOMAS: No.

13 MR. [REDACTED]: Did you assist Epstein  
14 with taking his life?

15 MR. THOMAS: No.

16 MR. [REDACTED]: Did you take Epstein's  
17 life?

18 MR. THOMAS: No.

19 MR. [REDACTED]: Did you have any part in  
20 Epstein's death?

21 MR. THOMAS: No.

22 MR. [REDACTED]: Prior to Epstein dying,  
23 did you have any communication - verbal,  
24 electronic, handwritten, or otherwise with  
25 anyone - BOP staff members or otherwise -. So

1           civilians, inmates, anybody - about the safety  
2           and wellbeing of Epstein?

3           MR. THOMAS: No.

4           MR. [REDACTED]: Prior to Epstein dying,  
5           did you have any communications - verbal,  
6           electronic, handwritten, or otherwise - with  
7           anyone - - BOP staff members or otherwise -.  
8           So civilians, inmates, anybody - about the  
9           death of Epstein or taking Epstein's life?

10          MR. THOMAS: No.

11          MR. [REDACTED]: Did anyone ever offer you  
12          anything, such as something of value or favors,  
13          with regard to harming Epstein or taking his  
14          life?

15          MR. THOMAS: No.

16          MR. [REDACTED]: Did anyone ever threaten  
17          you in exchange for harming Epstein or taking  
18          Epstein's life?

19          MR. THOMAS: No.

20          MR. [REDACTED]: Were any of your family  
21          members?

22          MR. THOMAS: No. Absolutely not.

23          MR. [REDACTED]: So now we're getting more  
24          back into the administrative stuff. Why wasn't  
25          Epstein in his assigned cell on August 10,

1 2019?

2 MR. THOMAS: I don't know.

3 MR. [REDACTED]: Are cell rotations - do  
4 they occur with inmates in the SHU? That you  
5 have to move them ever certain amount of days?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Alright. Who is  
8 responsible?

9 MR. THOMAS: That's the SHU lieutenants.

10 MR. [REDACTED]: That falls on the SHU  
11 lieutenant?

12 MR. THOMAS: Yeah from the SHU lieutenant.  
13 Well it falls on the SHU lieutenant to pass  
14 down to the staff members when they're going to  
15 do cell rotations or anything like that.

16 MR. [REDACTED]: Alright.

17 MR. THOMAS: It's something that's  
18 tracked. If I'm not mistaken, it might be  
19 tracked computerly. I don't know.

20 MR. [REDACTED]: That so -. In the  
21 computer, who is responsible for making that  
22 change in the computer?

23 MR. THOMAS: Oh I don't know.

24 MR. [REDACTED]: Did you know Epstein was  
25 not in his assigned cell?

1 MR. THOMAS: No.

2 MR. [REDACTED]: So this is the first  
3 you're hearing that?

4 MR. THOMAS: Yes.

5 MR. [REDACTED]: Alright. Is that  
6 something that you guys are supposed to monitor  
7 or do when you're in the SHU during your  
8 assignment? Are you supposed to make sure that  
9 inmates are in their assigned cells?

10 MR. THOMAS: When I come on at 12:00,  
11 that's all taken care of from - you don't move  
12 anybody at 12:00 at midnight.

13 MR. [REDACTED]: Yeah-yeah-yeah. I just  
14 didn't know if that's something that you guys  
15 are supposed to like pay attention to. Like  
16 alright, this guys is supposed to be in this  
17 cell. This guy's supposed to be in that cell.

18 MR. THOMAS: It's 70-something inmates or  
19 something. If 15 inmates come down on short  
20 staff and they got to move, maybe all 15 won't  
21 get done, so maybe somebody is in a 21-day  
22 rotation, they're probably laid over for like  
23 five or whatever couple days. But I don't know  
24 as far as you're going by cell rotation and oh  
25 his cell rotations is up 21 days and he wasn't

1 moved there and he was in the wrong cell. I  
2 don't know that. I don't know.

3 MR. [REDACTED]: Okay.

4 MR. THOMAS: Like I said, I'm not custody.  
5 I wouldn't deal with all that.

6 MR. [REDACTED]: Okay. So who - I'm  
7 assuming it's the officers who actually move  
8 them physically to different cells?

9 MR. THOMAS: Yes.

10 MR. [REDACTED]: Who goes into the system  
11 and changes it in that BOP database? Would  
12 that also be the officers?

13 MR. THOMAS: Officers or the operations -  
14 or the SHU lieutenant.

15 MR. [REDACTED]: Okay. But that is  
16 nothing that's done at that 12:00 a.m. to -

17 MR. THOMAS: That is nothing that's done  
18 at 12:00 a.m. No it's not.

19 MR. [REDACTED]: Alright. Do you know why  
20 pill bottles were found within Epstein's cell?

21 MR. THOMAS: No I do not.

22 MR. [REDACTED]: It's - are they - inmates  
23 allowed to have medication within their cells?

24 MR. THOMAS: I'm sure some are allowed.  
25 Yes.

1 MR. [REDACTED]: They are allowed?

2 MR. THOMAS: I'm sure that some are  
3 allowed medications. I don't know what  
4 medications they need or anything like that.

5 MR. [REDACTED]: Do you recall ever seeing  
6 - here's a picture I'm showing you with  
7 medication that was in Epstein's cell. Do you  
8 recall seeing this?

9 MR. THOMAS: No.

10 MR. [REDACTED]: Does that look like  
11 something that he would be authorized to have  
12 with that much medication?

13 MR. THOMAS: I don't know what they are.  
14 I don't know what they're authorized and what  
15 they're not authorized.

16 MR. [REDACTED]: Okay. Just because I  
17 showed it to you, can you do you mind just  
18 initialing and dating it?

19 MR. THOMAS: I'm sorry. I keep closing  
20 this.

21 MR. [REDACTED]: Nah, no worries. And so  
22 you don't know anything about like policies are  
23 related to what they're authorized or not  
24 authorized -?

25 MR. THOMAS: As far as that? No.

1 MR. [REDACTED]: Would that be up to like  
2 medical?

3 MR. THOMAS: Medical. Yes.

4 MR. [REDACTED]: Okay. Are you familiar  
5 just in general, non-medical related, what  
6 inmates are authorized and not authorized -?

7 MR. THOMAS: No I'm not.

8 MR. [REDACTED]: You're not even familiar  
9 with --

10 MR. THOMAS: Hm-mm.

11 MR. [REDACTED]: -- what they can and  
12 can't have in their cells?

13 MR. THOMAS: No I'm not. No.

14 MR. [REDACTED]: Do you know if the SHU is  
15 any different than the rest of the institution  
16 of what inmates can and cannot have in their  
17 cell?

18 MR. THOMAS: Yes. Absolutely. I'm sure  
19 it's if (Indiscernible \*03:06:02) different I  
20 don't know though because I'm sure it's  
21 different because that's the 23 on 1 so I'm  
22 sure it's different from a regular housing unit  
23 on there to walk around.

24 MR. [REDACTED]: What's 23 on 1 now?

25 MR. THOMAS: They're locked down 23 hours

1 a day ==

2 MR. [REDACTED]: oh.

3 MR. THOMAS: -- and then 1 hour is rec.

4 MR. [REDACTED]: Um but as far as what  
5 they're allowed to have in their cells.

6 MR. THOMAS: No I don't know the book  
7 version of what they're allowed and what  
8 they're not allowed.

9 MR. [REDACTED]: So do you know of other  
10 inmates are allowed to have medications in  
11 their cell at this time?

12 MR. THOMAS: I don't know.

13 MR. [REDACTED]: You don't know. How many  
14 changes of clothing and linens are allowed in  
15 inmates' cells within the SHU?

16 MR. THOMAS: I don't know.

17 MR. [REDACTED]: You don't know.

18 MR. THOMAS: That's something that would  
19 be done prior to my shift.

20 MR. [REDACTED]: Sure. So does this look  
21 like an exorbitant amount of clothing and linens  
22 that are in Mr. Epstein's cell in these  
23 pictures?

24 MR. THOMAS: It looks like a lot um, but  
25 that could have just been -. I don't know what

1           that's from the previous inmate that's left  
2           over that they didn't take his stuff. like  
3           again, I don't know.

4           MR. [REDACTED]: Okay.

5           MR. THOMAS: The inmate that left, they  
6           didn't take his linen or not. And you can't  
7           tell from these pictures which is ripped up and  
8           what is not ripped up is. Most inmates will  
9           get a bed sheet, rip it up, and put it up as  
10          all types of stuff that goes on. But I don't  
11          know if that's something doing or not. It has  
12          to be broken down to alright, this is seven  
13          sheets. And if I have seven sheets or  
14          something like that then yes that's excessive.  
15          But other than that, I don't know what they're  
16          supposed to have within - what they're not  
17          supposed to have, one sheet, one -. I really  
18          don't know.

19          MR. [REDACTED]: Is it supposed to be a  
20          one-for-one exchange?

21          MR. THOMAS: Yes. It's a one-for-one  
22          exchange.

23          MR. [REDACTED]: So they're only  
24          technically supposed to have one -.

25          MR. THOMAS: It's two sheets one blanket I

1 think it is. Or one blanket, one sheet, and  
2 one towel and one washcloth.

3 MR. [REDACTED]: Okay.

4 MR. THOMAS: And I can't remember the full  
5 thing.

6 MR. [REDACTED]: And do you -?

7 MR. THOMAS: That's not something that  
8 happens on morning watch. That's something  
9 that happens prior to the morning watch when I  
10 stayed there from 12:00 to 1:00.

11 MR. [REDACTED]: Okay.

12 MR. THOMAS: That's not something I have.  
13 12:00 to 1:00 you don't take the inmates out.

14 MR. [REDACTED]: Sure. So -

15 MR. [REDACTED]: And I don't know and you  
16 don't give them anything unless somebody's  
17 coming in off the street. It's already pre-bed  
18 was made that you're giving to them to put this  
19 over here. And usually they try to put them on  
20 G tier, single cell until they can find out  
21 what their affiliation is or anything like  
22 that.

23 MR. [REDACTED]: Okay. But to you though,  
24 if there's one person in that cell, does that  
25 look like it's too much linen and too much

1 clothing?

2 MR. THOMAS: Like again, I can't tell  
3 what's ripped up and what's not ripped up.

4 MR. [REDACTED]: Okay. But -. Okay. Do  
5 you mind just initialing and dating these?

6 MR. [REDACTED]: I've just got a question.  
7 Did the cell look like that when you walked in?

8 MR. THOMAS: Uh, I don't remember the  
9 clothes and stuff being on the floor. I don't  
10 remember that much linen being on the floor. I  
11 just remember -. Honestly I couldn't tell you  
12 what's there so I just remember him hanging on  
13 this side.

14 MR. MITCHELL: Break's already

15 (Indiscernible \*03:08:48)

16 MR. [REDACTED]: Push pause? Alright.  
17 We're being asked to take a break. It is  
18 currently --

19 MR. THOMAS: 1:26. Oops.

20 MR. [REDACTED]: -- 1:26 p.m. This is  
21 Senior Special Agent [REDACTED] [REDACTED] and I am  
22 pushing pause on the recorder. [Whereupon, the  
23 above-entitled matter went off the record and  
24 went back on the record.] Alright. The  
25 recorder is back on. It is 1:38 p.m. on June

1           17, 2021. This is Senior Special Agent [REDACTED]  
2           [REDACTED]. We are resuming the interview. I  
3           just remind you it is a voluntary interview and  
4           you are under oath. Alright. So where we left  
5           off was we were talking about the linens.

6           MR. THOMAS: Okay.

7           MR. [REDACTED]: And we were showing you  
8           the pictures.

9           MR. THOMAS: Absolutely.

10          MR. [REDACTED]: Did you provide Epstein  
11          with any additional clothing or linens?

12          MR. THOMAS: No.

13          MR. [REDACTED]: Ever?

14          MR. THOMAS: No.

15          MR. [REDACTED]: No. Is that anything  
16          that would typically happen between the hours  
17          that you work?

18          MR. THOMAS: No.

19          MR. [REDACTED]: 12:00 to 8:00 a.m.?

20          MR. THOMAS: No.

21          MR. [REDACTED]: Okay. Is providing  
22          inmates with extra clothing and linens a  
23          security risk?

24          MR. THOMAS: I don't know. I don't -. I  
25          don't know if it's a security risk or anything

1           like that because I know when -. I don't know.

2           MR. ██████████: Okay.

3           MR. THOMAS: I don't know.

4           MR. ██████████: And when - we touched on  
5           this but when inmates are provided linens, is  
6           it supposed to be a one-for-one exchange?

7           MR. THOMAS: Yes.

8           MR. ██████████: Alright. And is that  
9           typically what they are utilizing in order to  
10          do things like hang themselves?

11          MR. THOMAS: I don't know. I really don't  
12          know what's the typical thing.

13          MR. ██████████: That's what they used in  
14          this case though it appears?

15          MR. THOMAS: Yeah that's what it appears  
16          in this case. You see the sheet or a shirt. I  
17          don't know what it is.

18          MR. ██████████: Okay. And somebody on  
19          suicide watch. Do you think it's abnormal?  
20          Again, you didn't provide the linens. But do  
21          you think that's abnormal if he had extra  
22          linens if he was someone that was just on  
23          suicide watch? Or a -?

24          MR. THOMAS: It's not abnormal for someone  
25          to have extra linen and -.

1 MR. [REDACTED]: It's not?

2 MR. THOMAS: Hm-mm.

3 MR. [REDACTED]: So is that a -? If it's  
4 supposed to be a one-for-one exchange is that  
5 like a constant problem then at the MCC?

6 MR. THOMAS: In a perfect world. In a  
7 perfect world it couldn't be but I like I said,  
8 I'm not custody. I'm not always up there like  
9 that. And when, as you can see, all the linen  
10 and that stuff is already done.

11 MR. [REDACTED]: Okay. And again, we  
12 talked about his briefly. But what material  
13 was used to take Epstein's life in August 2019?

14 MR. THOMAS: I don't know what is that a  
15 sheet or a shirt? I don't know exactly what it  
16 is.

17 MR. [REDACTED]: This orange cotton which  
18 could be either --

19 MR. THOMAS: A sheet or a shirt.

20 MR. [REDACTED]: -- a sheet or a shirt.  
21 Okay.

22 MR. THOMAS: A sheet or a shirt.

23 MR. [REDACTED]: Does this appear to be  
24 what it was that removed from Mr. Epstein?

25 MR. THOMAS: It appears to be. Yes.

1                   MR. [REDACTED]: Okay. Can you just walk  
2 me through? Like this thing specifically looks  
3 like it's still intact.

4                   MR. THOMAS: Mm-hmm.

5                   MR. [REDACTED]: Did you have to rip it  
6 off or slide it over his head?

7                   MR. THOMAS: No, not -. What are you  
8 talking about was this still intact? Yeah. I  
9 took that off his head. I guess I took it off  
10 his head. I don't remember I did, but I guess  
11 I took it off him. But like I said when I  
12 ripped it, it was tied to the other portion of  
13 it.

14                   MR. [REDACTED]: Okay. So maybe -.

15                   MR. THOMAS: That's what I mean when I  
16 ripped it off, like that just when I just  
17 pulled it off.

18                   MR. [REDACTED]: Okay. So maybe it could  
19 have also been possible was that this part  
20 that's what was actually connected and this is  
21 the part that you possibly ripped?

22                   MR. THOMAS: Just pushed off. Yeah like  
23 that. It probably just slipped through or  
24 whatever the case be through that.

25                   MR. [REDACTED]: Okay. But um so you

1           ripped it. You said you ripped it off.

2           MR. THOMAS: Yeah ripped it. I just  
3           ripped it from the piece that's still dangling.

4           MR. [REDACTED]: You don't recall actually  
5           sliding it?

6           MR. THOMAS: I don't recall. If it's  
7           still intact, maybe it did. I don't recall  
8           taking it off but --

9           MR. [REDACTED]: Yeah-yeah-yeah, and  
10          again, I don't know that that was what was  
11          actually around his neck.

12          MR. THOMAS: I don't know.

13          MR. [REDACTED]: But that does appear to  
14          be probably what was around his neck?

15          MR. THOMAS: Okay.

16          MR. [REDACTED]: Is that correct?

17          MR. THOMAS: I don't know.

18          MR. [REDACTED]: You're not exactly sure.

19          MR. THOMAS: I'm not exactly sure.

20          MR. [REDACTED]: But does that look like  
21          something like what you recall when you did  
22          take it off of him?

23          MR. THOMAS: Yes.

24          MR. [REDACTED]: Alright. Just because I  
25          showed it, you want to just initial and date.

1           ██████████, you had a couple of follow-up  
2           questions. Can you do that now?

3           MR. ██████████: Okay.

4           MR. ██████████: With regard to when you  
5           conducted the (Indiscernible

6           MR. THOMAS: No problem.

7           MR. ██████████: Well he -. Agent ██████████ just  
8           mentioned it too. So you walked in. And is  
9           Epstein to your right or your left?

10          MR. THOMAS: My right.

11          MR. ██████████: Okay. And when you see him,  
12          right. Is he hanging?

13          MR. THOMAS: Yes.

14          MR. ██████████: And where was in comparison  
15          to this - sorry. In comparison to this  
16          picture, whereabouts what his head?

17          MR. THOMAS: Maybe a little bit below the  
18          circle. Maybe about right here I guess. I  
19          don't -. I can't remember exactly or maybe a  
20          little bit below the circle.

21          MR. ██████████: And was his whole body on the  
22          floor? Was his butt on the floor?

23          MR. THOMAS: No.

24          MR. ██████████: What part of his body was on  
25          the floor?

1           MR. THOMAS: I don't recall what was on  
2           the floor. I don't think anything was on the  
3           floor. I don't really remember.

4           MR. ████████: Was his legs on the floor?  
5           Feet on the floor?

6           MR. THOMAS: Well I'm going to say his  
7           feet was on the floor?

8           MR. ████████: You would assume because  
9           it doesn't look that high.

10          MR. THOMAS: Yeah. Because it doesn't'  
11          have the - yeah.

12          MR. ████████: So you think his feet  
13          were on the floor?

14          MR. THOMAS: I really don't remember  
15          exactly. But I mean I would assume his feet  
16          was on the floor.

17          MR. ████████: So when you saw the - now see  
18          there's a knot on the noose right here. What  
19          part of the neck was the knot on? Like when  
20          you see it, did you try to loosen it or tried  
21          to take it off, what part of the neck was that  
22          on? Do you recall at all?

23          MR. THOMAS: I really don't. I really  
24          don't.

25          MR. ████████: And when you pulled it. It

1 looks like there's a portion left back on here.

2 MR. THOMAS: Mm-hmm.

3 MR. [REDACTED]: Was that attached to this?

4 MR. THOMAS: I don't -. like he said, he  
5 said that was the portion that -. like I said,  
6 when I remember ripping all that down, I don't  
7 know if I just if it slipped through or  
8 whatever the case may be. I just remember  
9 going like this and he going to the ground.  
10 And then we started doing chest compressions.

11 MR. [REDACTED]: And he came off easily?

12 MR. THOMAS: Yes he came off easily. It  
13 didn't come off too hard.

14 MR. [REDACTED]: And you don't recall trying  
15 to -?

16 MR. THOMAS: I don't recall taking the  
17 noose off. I really don't. I don't recall  
18 taking the thing from around his neck.

19 MR. [REDACTED]: Do you remember if the linen  
20 ripped so it's separated from this or if this  
21 is possibly the same thing as that? Do you  
22 recall when you ripped it. Do you remember if  
23 it like tore and broke and came into two  
24 separate pieces?

25 MR. THOMAS: I don't.

1 MR. [REDACTED]: No?

2 MR. THOMAS: I don't remember.

3 MR. [REDACTED]: So when you looked into his  
4 cell. Was the lights on and stuff?

5 MR. THOMAS: I want to say the lights was  
6 on. I think the lights was on.

7 MR. [REDACTED]: Okay. You knocked on the  
8 cell. And he didn't answer. So you had to  
9 open it?

10 MR. THOMAS: Yeah.

11 MR. [REDACTED]: Do you recall actually  
12 opening the - turning the key to open the cell  
13 or was the cell already open?

14 MR. THOMAS: Nah. The cell was - I had to  
15 open the cell.

16 MR. [REDACTED]: Okay. And you walked in.  
17 You saw this. Now I want to - in this picture,  
18 I saw something. This picture right here. The  
19 one you initialed. You see the mattress on the  
20 floor?

21 MR. THOMAS: Okay.

22 MR. [REDACTED]: Was that on the floor when  
23 you walked in?

24 MR. THOMAS: I don't remember. I don't  
25 know.

1           MR. ██████: Because he would have been  
2 technically he would have been laying here,  
3 right?

4           MR. THOMAS: Yeah, he's off to --

5           MR. ██████: On the right side?

6           MR. THOMAS: -- the side. Yeah, you can't  
7 see the -. You can't see this side right here.  
8 But he's off to this side.

9           MR. ██████: And -.

10          MR. THOMAS: Because there's a lip like  
11 you said there's a lip right here is covering  
12 that side of the wall.

13          MR. ██████: And this mattress. Where  
14 does that belong. Up here on top?

15          MR. THOMAS: Yeah. If that one's on the  
16 floor yeah, that belongs on the top.

17          MR. ██████: And you don't recall all of  
18 this laying around or anything?

19          MR. THOMAS: No I don't. No I don't.

20          MR. ██████: We're just trying to get an  
21 idea. Was the cell a mess or anything like  
22 that?

23          MR. THOMAS: It could be a totally  
24 different things because I've seen inmates like  
25 it looked like that and they mattress on the

1 floor. Some inmates sleep on the floor. Just  
2 because it's a bunkbed, they don't have to  
3 sleep on the top. Some people just sleep on  
4 the floor. And then. I mean, I'm just saying  
5 because all that stuff was up top there, maybe  
6 he just slept on the floor. I don't know.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: Alright. Now we're going  
9 back to the linens.

10 MR. THOMAS: Mm-hmm.

11 MR. [REDACTED]: Was Epstein given any  
12 special privileges to have extra clothing? Or  
13 linens?

14 MR. THOMAS: I don't know.

15 MR. [REDACTED]: You're not sure. If he  
16 was, what shift would typically take care of  
17 that.

18 MR. THOMAS: It could be day watch or  
19 evening watch.

20 MR. [REDACTED]: So either of the two  
21 other shifts?

22 MR. THOMAS: Yeah.

23 MR. [REDACTED]: Okay. Was - do you know  
24 if anything was in Epstein's cell that should  
25 not have been in there?

1 MR. THOMAS: I don't know.

2 MR. [REDACTED]: Can you tell me a little  
3 bit about cell searches and how they work in  
4 the SHU?

5 MR. THOMAS: Um.... They usually conduct  
6 it on the day shift. Because that's when most  
7 people are around just in case you have an  
8 uncooperative inmate. And you check the cell  
9 for contraband. Contraband can be anywhere  
10 from a leftover tray being in there to too much  
11 papers. Inmates who get mail, too many papers  
12 left in there which is called nuisance trash.

13 MR. [REDACTED]: Okay.

14 MR. THOMAS: But it all depends on anybody  
15 else. Who is conducting it.

16 MR. [REDACTED]: And this isn't regarding  
17 your specific shift. I mean it discussed your  
18 shift, but for cell searches this shows it's  
19 the MCC New York Special Post Order Special  
20 Housing Unit. For here it says, "All SHU staff  
21 are expected to conduct searches of the special  
22 housing unit. The morning watch officer will  
23 conduct searches of the common areas and  
24 document their findings in the search section  
25 of the TruScape program. The day watch

1 officers will conduct a search of every  
2 inmate's cell who attends recreation. The  
3 evening watch officers will conduct a minimum  
4 of five cell searches during their shift. The  
5 entire special housing unit will be searched  
6 each and every week." Um, do you know, is that  
7 your understanding of what the policy is?

8 MR. THOMAS: Uh, yes.

9 MR. [REDACTED]: Do you know if the other  
10 - if MCC was following this policy? The  
11 officers that were assigned. Were they  
12 actually conducting -- ?

13 MR. THOMAS: I don't know. I don't know.  
14 I don't know.

15 MR. [REDACTED]: Um do you have any  
16 knowledge of anybody conducting cell searches  
17 in the SHU?

18 MR. THOMAS: I'm sure that they do. like  
19 I said, I'm not custody up there during the day  
20 and during the evening, so I don't know what  
21 their - what time and no specific time when  
22 those have to be done. So I don't know.

23 MR. [REDACTED]: Alright. And again, just  
24 because I showed it to you. Do you mind just  
25 initialing page 5 of 14 on the uh special post

1 orders for the SHU? Do you know of any  
2 interactions that Epstein had with other  
3 inmates?

4 MR. THOMAS: No.

5 MR. [REDACTED]: No. And you said the  
6 last time that you interacted with Epstein was  
7 when you fed him the morning before?

8 MR. THOMAS: Yes.

9 MR. [REDACTED]: And I apologize now it  
10 was so many hours ago, what was his state of  
11 mind? At the time? Could you tell?

12 MR. THOMAS: No.

13 MR. [REDACTED]: Did he seem unusual?

14 MR. THOMAS: No.

15 MR. [REDACTED]: No?

16 MR. THOMAS: No.

17 MR. [REDACTED]: Did it at all strike you  
18 that maybe he was getting ready to kill himself  
19 or anything?

20 MR. THOMAS: Hm-mm. No.

21 MR. [REDACTED]: In distress? No? Did he  
22 complain about anything?

23 MR. THOMAS: No.

24 MR. [REDACTED]: Did you talk with him at  
25 all?

1 MR. THOMAS: No.

2 MR. [REDACTED]: You didn't say good  
3 morning or anything?

4 MR. THOMAS: If I did, I don't remember.  
5 If I did say, here's your tray.

6 MR. [REDACTED]: Do you know of any  
7 threats that were made to Epstein?

8 MR. THOMAS: No.

9 MR. [REDACTED]: Do you know why Epstein  
10 was in prison?

11 MR. THOMAS: Now I do, yes.

12 MR. [REDACTED]: Did you at the time?

13 MR. THOMAS: I really didn't know who  
14 Epstein was.

15 MR. [REDACTED]: You didn't?

16 MR. THOMAS: Or the stipulations behind  
17 everything behind him. No.

18 MR. [REDACTED]: Alright. So at the time,  
19 did you have any specific feelings in regard to

20 --

21 MR. THOMAS: No.

22 MR. [REDACTED]: -- Epstein?

23 MR. THOMAS: No.

24 MR. [REDACTED]: No? Did you speak about  
25 Epstein with other inmates?

1 MR. THOMAS: No

2 MR. [REDACTED]: No. When the medical  
3 emergency was discovered, do you believe that  
4 you and Noel acted appropriately per BOP  
5 policy?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Were you and/or Noel  
8 supposed to take immediate action or should  
9 have you waited for responding staff?

10 MR. THOMAS: I think we're supposed to  
11 take immediate action.

12 MR. [REDACTED]: Okay. Did BOP policy say  
13 that you should have called a lieutenant and  
14 wait for their arrival prior to entering  
15 Epstein's cell?

16 MR. THOMAS: I don't know what the policy  
17 says.

18 MR. [REDACTED]: Yeah-yeah. So is it -?  
19 Have you ever been taught that like it could be  
20 a ruse and if you go in there by yourself  
21 without responding staff, they could then  
22 overtake you and then potentially have you as a  
23 hostage?

24 MR. THOMAS: Yes, I've heard that. I've  
25 heard that before. But then I've always heard

1 it has to be two staff members to one inmate.

2 MR. [REDACTED]: Okay.

3 MR. THOMAS: And me and Noel was there.

4 So.

5 MR. [REDACTED]: Okay. So you believe  
6 because Noel was there you followed the policy?

7 MR. THOMAS: Yes. Yeah.

8 MR. [REDACTED]: Okay.

9 MR. THOMAS: I'm not worried about.

10 MR. [REDACTED]: So you said that after  
11 the medical emergency, you actually went down  
12 with them to the second floor. Did anything  
13 happen with Epstein's body on the way? Did you  
14 guys like drop the stretcher --

15 MR. THOMAS: No.

16 MR. [REDACTED]: -- or anything like that?

17 MR. THOMAS: No.

18 MR. [REDACTED]: He remained - his body  
19 maintained? What about when you were getting  
20 him on to the stretcher? Was he - did he do a  
21 smooth transition from the floor up to the  
22 stretcher?

23 MR. THOMAS: As far as I can remember. I  
24 don't really recall directly, but --

25 MR. [REDACTED]: You don't remember --

1           MR. THOMAS: -- I don't think it was any  
2 different.

3           MR. [REDACTED]: -- him dropping or  
4 landing --

5           MR. THOMAS: No, I don't --

6           MR. [REDACTED]: -- on anything like that?

7           MR. THOMAS: -- remember any of that.

8           MR. [REDACTED]: What about when he was  
9 going from the stretcher to whatever they put  
10 they put him on when you got to the second  
11 floor?

12           MR. THOMAS: Yeah, once we got to the  
13 second floor and he got into the room, I was  
14 hands-off though. There were so many other  
15 people around, I didn't - I wasn't part of  
16 that.

17           MR. [REDACTED]: And did you leave at that  
18 time? Leave that room?

19           MR. THOMAS: Yes, I left that room at that  
20 time.

21           MR. [REDACTED]: Where did you go? And  
22 what did you do?

23           MR. THOMAS: Um....um.... I don't  
24 remember exactly where I went. I think I went  
25 to my office and then I stepped outside.

1                   MR. [REDACTED]: Okay. Did any  
2 supervisors or staff talk to you about the  
3 incident?

4                   MR. THOMAS: No.

5                   MR. [REDACTED]: No? Did you make any  
6 statements to anyone?

7                   MR. THOMAS: No.

8                   MR. [REDACTED]: Did you sign any  
9 paperwork?

10                  MR. THOMAS: No.

11                  MR. [REDACTED]: What time did your shift  
12 end?

13                  MR. THOMAS: Right after that incident.

14                  MR. [REDACTED]: Okay. So what time did  
15 you depart the MCC approximately?

16                  MR. THOMAS: I, uh, maybe about 9:30-ish I  
17 guess.

18                  MR. [REDACTED]: Alright. So it happened  
19 at like 6:33, but you did stay until -?

20                  MR. THOMAS: No, I stayed until because  
21 about 8 - let's say about 8:00 something  
22 because when I was trying to leave and go home,  
23 I kept getting calls of course from everybody  
24 then and then um, uh, and the warden called me.  
25 And told me he was just concerned about me

1           because of what I've seen and me being  
2           traumatized and so he sent somebody to come  
3           talk to me and they met me further down from  
4           the thing to come talk to me.

5           MR. ██████████: Okay.

6           MR. THOMAS: Somebody from the crisis  
7           support team --

8           MR. ██████████: Okay.

9           MR. THOMAS: --came to talk to me.

10          MR. ██████████: Alright. So probably  
11          around 8-ish is when you're thinking?

12          MR. THOMAS: Yeah, about 8-ish or so.

13          MR. ██████████: Okay. Did you handle or  
14          touch any of Epstein's files or paperwork on --

15          MR. THOMAS: No.

16          MR. ██████████: -- August 10, 2019?

17          MR. THOMAS: No.

18          MR. ██████████: During your shift, would  
19          you - do you ever --

20          MR. THOMAS: No.

21          MR. ██████████: -- handle any files?

22          MR. THOMAS: No. They're in their  
23          sleeping. No, we don't touch any of those.

24          MR. ██████████: Uh....

25          MR. THOMAS: You're talking about any

1 files inside his cell?

2 MR. [REDACTED]: No, the files that you  
3 guys have that you maintain for the inmates.

4 MR. THOMAS: No, I didn't touch any of  
5 those things.

6 MR. [REDACTED]: I think they are called  
7 292s or something.

8 MR. THOMAS: Oh yeah. No, I didn't touch  
9 any of those things.

10 MR. [REDACTED]: And do you ever touch  
11 them during your shifts?

12 MR. THOMAS: During a shift? No.

13 MR. [REDACTED]: No?

14 MR. THOMAS: Well excuse me. Let me  
15 change that. After you finish feeding, you  
16 mark that you fed everybody. But that's not a  
17 paperwork thing, I think - if I'm not mistaken  
18 that's done on the computer.

19 MR. [REDACTED]: Okay. So that's not  
20 something you do --

21 MR. THOMAS: Yeah.

22 MR. [REDACTED]: -- like on August 9th,  
23 you wouldn't have gone into Epstein's file?

24 MR. THOMAS: No.

25 MR. [REDACTED]: Have you ever seen

1 Epstein's file?

2 MR. THOMAS: No.

3 MR. [REDACTED]: No? Do you know anybody  
4 that did potentially remove files from  
5 Epstein's files?

6 MR. THOMAS: No.

7 MR. [REDACTED]: Do you know that anybody  
8 that went back into the SHU and removed any  
9 like tags or documents or -?

10 MR. THOMAS: I was gone. I don't know.

11 MR. [REDACTED]: Okay. But did you remove  
12 anything from the office?

13 MR. THOMAS: I didn't remove any. No.

14 MR. [REDACTED]: No?

15 MR. [REDACTED]: Can I ask, do you know where  
16 the file is kept?

17 MR. THOMAS: Ah, no.

18 MR. [REDACTED]: And so you never removed  
19 or destroyed any of Epstein's paperwork?

20 MR. THOMAS: No, I did not.

21 MR. [REDACTED]: And you never removed or  
22 destroyed any signs related to Epstein?

23 MR. THOMAS: No, I did not.

24 MR. [REDACTED]: That were up in the SHU?

25 MR. THOMAS: No, I did not.

1 MR. [REDACTED]: Um, did you ever access  
2 any BOP databases such as BOPWARE, Sentry,  
3 TruView, after Epstein was discovered on August  
4 10th?

5 MR. THOMAS: No. I haven't been back to  
6 that institution. No.

7 MR. [REDACTED]: No? And you can only  
8 access that from the institution?

9 MR. THOMAS: Exactly.

10 MR. [REDACTED]: Did you ever discuss  
11 anyone altering any documents?

12 MR. THOMAS: No, I did not.

13 MR. [REDACTED]: Removing any documents?

14 MR. THOMAS: No, I did not.

15 MR. [REDACTED]: Accessing any BOP  
16 databases?

17 MR. THOMAS: No, I did not.

18 MR. [REDACTED]: No. Did anyone tell you  
19 that they -?

20 MR. THOMAS: No, they did not.

21 MR. [REDACTED]: -- destroyed anything?

22 MR. THOMAS: No, they did not.

23 MR. [REDACTED]: Moved anything?

24 MR. THOMAS: No, sir.

25 MR. [REDACTED]: Or access to any

1 databases?

2 MR. THOMAS: No, sir.

3 MR. [REDACTED]: Have you reported for any  
4 shifts following August 10, 2019?

5 MR. THOMAS: No.

6 MR. [REDACTED]: No. Were you placed on  
7 administrative leave?

8 MR. THOMAS: Yes.

9 MR. [REDACTED]: By whom?

10 MR. THOMAS: Whoever is in charge. I  
11 can't remember what my letter says. It's the  
12 warden I guess.

13 MR. [REDACTED]: So they didn't speak to  
14 you directly?

15 MR. THOMAS: Um, no. I got a letter in  
16 the mail.

17 MR. [REDACTED]: And that's how they  
18 informed you?

19 MR. THOMAS: Yes.

20 MR. [REDACTED]: Okay. What did the  
21 letter say?

22 MR. THOMAS: I'm placed on administrative  
23 leave pretty much.

24 MR. [REDACTED]: Oh.

25 MR. THOMAS: And a whole bunch of pending

1 something. I can't remember exact lettering -  
2 wording that they said.

3 MR. [REDACTED]: Okay. And is that what  
4 you remain on now? Administrative leave?

5 MR. THOMAS: Um, no. I'm on -.

6 MR. [REDACTED]: Indefinite suspension?

7 MR. THOMAS: Yes.

8 MR. [REDACTED]: Did you communicate with  
9 Noel after Epstein's body was discovered?

10 MR. THOMAS: Nope.

11 MR. [REDACTED]: So you have not  
12 communicated with her since?

13 MR. THOMAS: Uh, besides one time we had a  
14 sit-down and talk after the case was over.  
15 Well after the um, the thing, we just had a  
16 union meeting. That was it.

17 MR. [REDACTED]: Okay.

18 MR. THOMAS: And she did come there and  
19 that type of thing. But we didn't discuss the  
20 case.

21 MR. [REDACTED]: You didn't discuss the  
22 case?

23 MR. THOMAS: No, we did not.

24 MR. [REDACTED]: Okay. So who from the  
25 MCC have you communicated with regarding

1 Epstein's incident on August 10th?

2 MR. THOMAS: Nobody.

3 MR. [REDACTED]: No one?

4 MR. THOMAS: Nobody.

5 MR. [REDACTED]: I'm assuming aside from  
6 your union representative?

7 MR. THOMAS: Well I just actually just  
8 started to him more often. But yeah.

9 MR. [REDACTED]: Okay. So he would be the  
10 only one?

11 MR. THOMAS: Yeah. Him. The union  
12 president.

13 MR. [REDACTED]: Okay. Can 10 S - and  
14 this is something that I just thought of when  
15 you just took a break - something that I  
16 realized I didn't ask. Can 10 South obtain  
17 access to the SHU?

18 MR. THOMAS: Yes.

19 MR. [REDACTED]: And can they do that  
20 without anyone allowing them to enter?

21 MR. THOMAS: No-no. You're talking about  
22 from the outside? No.

23 MR. [REDACTED]: So -.

24 MR. THOMAS: They have to come through the  
25 SHU to get to 10 South. There's no other way

1 from anybody from the outside or from any other  
2 part in the institution to get the SHU besides  
3 from the outer door.

4 MR. [REDACTED]: Okay. So could have -  
5 could have anyone from 10 South accessed the  
6 SHU without you or Noel being -?

7 MR. THOMAS: No.

8 MR. [REDACTED]: No? And can you just  
9 show who was in 10 South when you were there?  
10 Can you show me on the Daily Assignment Roster?  
11 So who would have been in 10 South when you  
12 guys were there?

13 MR. THOMAS: [REDACTED]. [REDACTED].

14 MR. [REDACTED]: And do you remember if [REDACTED].  
15 [REDACTED] visited the SHU at any time?

16 MR. THOMAS: I don't remember.

17 MR. [REDACTED]: Would have they been the  
18 closest unit to you though?

19 MR. THOMAS: Yes.

20 MR. [REDACTED]: Okay. But you don't  
21 recall if -?

22 MR. THOMAS: I don't recall (Indiscernible  
23 \*03:26:38)

24 MR. [REDACTED]: Okay. And for feeding or  
25 any counts or anything like that, did you guys

1 - would you typically interact?

2 MR. THOMAS: Yes. Well if they just for  
3 the count to help them count.

4 MR. [REDACTED]: Okay. Would that - would  
5 he personally -? What time would he be on too?  
6 Same shift as you? Until 8:00 a.m.?

7 MR. THOMAS: Yeah. Same shift.

8 MR. [REDACTED]: Would he possibly be the  
9 person that showed up at 5:30 a.m. in the SHU?

10 MR. THOMAS: No because he was on for the  
11 morning watch. If he was on there from 12:00  
12 a.m. to 8:00 a.m.

13 MR. [REDACTED]: Alright. But you don't  
14 recall --

15 MR. THOMAS: Somebody coming in at 5:30?

16 MR. [REDACTED]: -- who showed up at 5:30  
17 a.m.?

18 MR. THOMAS: No, I don't recall anybody  
19 coming in at 5:30.

20 MR. [REDACTED]: Okay. So 4:00 a.m. was  
21 Lieutenant [REDACTED] but you don't remember  
22 anybody at 5:30 a.m.?

23 MR. THOMAS: No, I don't remember anybody  
24 at 5:30 a.m.

25 MR. [REDACTED]: Alright. But there's no

1           -. You were there and there's no way that  
2           anyone could have accessed the SHU aside from -  
3           -

4           MR. THOMAS: Yeah, nobody -.

5           MR. [REDACTED]: -- Noel or you allowing  
6           them to get in?

7           MR. THOMAS: To allow them to get in.  
8           Yeah.

9           MR. [REDACTED]: Okay. And you said  
10          Epstein's cell was locked when you --

11          MR. THOMAS: Yes.

12          MR. [REDACTED]: -- went there? And when  
13          you did find him and rip the thing off, did you  
14          notice that his body was either cold or warm?

15          MR. THOMAS: I didn't notice.

16          MR. [REDACTED]: You didn't notice that?

17          MR. THOMAS: No.

18          MR. [REDACTED]: Is there anything that  
19          I'm missing? Anything you want to add to this?

20          MR. THOMAS: Um, I don't. I guess I'm not  
21          well-versed in -. No.

22          MR. [REDACTED]: Please, well-versed in  
23          what?

24          MR. THOMAS: Well-versed in the policy or  
25          anything, but no, I have nothing to add.

1           MR. [REDACTED]: Okay. [REDACTED], would you  
2 like to -?

3           MR. [REDACTED]: I just have a few follow-up  
4 questions.

5           MR. THOMAS: Sure.

6           MR. [REDACTED]: When we showed you that email  
7 from [REDACTED] [REDACTED]. You said that you've seen  
8 that before. Right?

9           MR. THOMAS: I said I've seen that before?

10          MR. [REDACTED]: Is that - not that email  
11 specifically. But you've seen that type of  
12 email sent out from psych before.

13          MR. THOMAS: I said I've seen that type of  
14 email that you know I thought -. I didn't read  
15 the top of the email because some of them just  
16 say MYM all staff. Because they say all staff  
17 and it's sent out to everybody.

18          MR. [REDACTED]: Is it normally sent out to  
19 everyone?

20          MR. THOMAS: No. Sometimes it is.  
21 Sometimes with that specific probably was just  
22 sent out to the SHU and staff. Because my name  
23 wasn't on it. And I'm not custody, so it was  
24 probably just sent out to custody.

25          MR. [REDACTED]: If it was an important

1 decision, it's something that needed immediate  
2 attention, would they have sent out -

3 MR. THOMAS: Above my paygrade.

4 MR. [REDACTED]: No would they have normally  
5 sent it out to all staff?

6 MR. THOMAS: No. It doesn't have to.

7 MR. [REDACTED]: Okay. Now Agent [REDACTED] just  
8 asked you a question about could anyone have  
9 come in and out of 9 South. Out of the SHU.

10 MR. [REDACTED]: 10 South.

11 MR. [REDACTED]: Out of 10 South, but out of  
12 the SHU. If you were sleeping --

13 MR. THOMAS: Mm-hmm.

14 MR. [REDACTED]: -- is it possible someone  
15 could have came on to the - into the SHU and  
16 left without you knowing if you were sleeping?

17 MR. THOMAS: No.

18 MR. [REDACTED]: Because you would have to let  
19 them in?

20 MR. THOMAS: I would have to let them in.

21 MR. [REDACTED]: Is there any other way they  
22 could have got in without you letting them in?

23 MR. THOMAS: No.

24 MR. [REDACTED]: Could someone else have a key  
25 that they could have used?

1 MR. THOMAS: It would have to come from  
2 control. Keys are in - the only other keys are  
3 in control.

4 MR. [REDACTED]: So the only other key is in  
5 the control?

6 MR. THOMAS: Yes.

7 MR. [REDACTED]: Okay. So the count sheets.  
8 We spoke about the count sheets and the  
9 signature was Noel's. Right?

10 MR. THOMAS: My - yeah.

11 MR. [REDACTED]: The initials --

12 MR. THOMAS: Yes.

13 MR. [REDACTED]: -- were Noel's?

14 MR. [REDACTED]: Not the counts. That was  
15 the on the rounds.

16 MR. [REDACTED]: I'm mean, sorry, the round  
17 sheets.

18 MR. THOMAS: Mm-hmm.

19 MR. [REDACTED]: Noel took - initials were on  
20 it.

21 MR. THOMAS: Mm-hmm.

22 MR. [REDACTED]: Do you recall when Noel  
23 signed those sheets?

24 MR. THOMAS: No, I don't.

25 MR. [REDACTED]: If you guys - if the video -.

1           Let's just say you guys were both asleep at one  
2           point.

3           MR. THOMAS: Mm-hmm.

4           MR. [REDACTED]: For a couple of hours. Would  
5           she have filled it up - signed those sheets  
6           before or after? Because she would not have  
7           committed those - she wouldn't have done those  
8           rounds. Did you ever see her pull those round  
9           sheets out and initial them?

10          MR. THOMAS: No. I really wasn't paying  
11          attention to what she was doing. I really  
12          don't remember.

13          MR. [REDACTED]: Have you ever worked in the  
14          SHU with Noel before?

15          MR. THOMAS: It's possible. I don't know  
16          - I don't really remember. Maybe I have. I  
17          don't really remember. It's possible, but like  
18          I said, I don't know.

19          MR. [REDACTED]: Okay. The reason I ask is  
20          that if you've never worked with Noel before,  
21          and you said that most of the times you do the  
22          rounds and the counts.

23          MR. THOMAS: Mm-hmm.

24          MR. [REDACTED]: Would it have been kind of  
25          awkward that both of you guys sat down, didn't

1 discuss the fact you're not going to do the  
2 counts, didn't discuss the fact you're not  
3 going to do the rounds, and just sat down,  
4 slept, and - you know, went on the computer.  
5 But no one spoke about the facts but someone -  
6 between both of you guys, you initialed the  
7 round - the count slips and also the round  
8 sheets?

9 MR. THOMAS: Speaking of, I don't believe  
10 that we had any conversations. I don't really  
11 remember any conversations that we had or  
12 anything like that. There are some things that  
13 are just not spoken about. It could have been  
14 - like I said, I was exhausted. Hey, listen, I  
15 did whatever-whatever. And she did whatever-  
16 whatever. And that was it.

17 MR. [REDACTED]: Does it mean -?

18 MR. THOMAS: There wasn't no -.

19 MR. [REDACTED]: If you worked with her in the  
20 past, does that mean you guys did the same  
21 thing in the past?

22 MR. THOMAS: No.

23 MR. [REDACTED]: And just knew that -?

24 MR. THOMAS: No, it doesn't mean that.  
25 Absolutely not.

1           MR. [REDACTED]: How come either of you didn't  
2 nudge each other to say, let's go?

3           MR. THOMAS: I can't say what happened.  
4 What was going on with her. I knew what was  
5 going on with me. I was just, as you could see  
6 by my um, roster. And that's not my work  
7 roster. That's just my overtime roster that  
8 you all pulled up and brought to me. It's  
9 every day. Every day. And I was just in a -.  
10 Had things that I had going on at the time.

11          MR. [REDACTED]: I think the point being  
12 there, and again because you're under oath, we  
13 just want to make sure --

14          MR. THOMAS: Mm-hmm.

15          MR. [REDACTED]: -- that we're clear here.  
16 Is the fact that --

17          MR. THOMAS: It wasn't a discussion  
18 though.

19          MR. [REDACTED]: -- it was like an  
20 unspoken thing that you guys did. But it  
21 seemed to be so natural that you didn't conduct  
22 any rounds or any counts. So it just seems odd  
23 that that wouldn't have happened like that in  
24 the past. If there was no discussions that  
25 were had.

1           MR. THOMAS: Like I said, I - if I did  
2 work with her, I don't remember if I did or  
3 not. I mean it's quite possible. I don't  
4 remember everybody that I work with in the SHU.  
5 So um, but it wasn't something that we just  
6 spoke about.

7           MR. [REDACTED]: Isn't it kind of awkward that  
8 the one night that both of you guys decided  
9 that the rounds are not going to be done, the  
10 counts are not going to be done, that this  
11 incident happens?

12          MR. THOMAS: It is.

13          MR. [REDACTED]: Is it possible that --

14          MR. THOMAS: But it's never happened  
15 before so of course it's an awkward thing.

16          MR. [REDACTED]: Is it possible that you guys  
17 haven't done any of the rounds or counts on  
18 shifts before?

19          MR. THOMAS: No, that's not possible. I  
20 wouldn't put that all - to label one night for  
21 every night that happens in the SHU.  
22 Absolutely not. I wouldn't label that.

23          MR. [REDACTED]: He admitted already that  
24 he didn't conduct all of the counts and rounds  
25 he's documented, but he thinks he's done the

1 majority of them. Is that correct?

2 MR. THOMAS: I said I'm not perfect.

3 MR. [REDACTED]: Right.

4 MR. THOMAS: And I've done my rounds.  
5 I've done all my rounds all the time but that  
6 I'm not a perfect person. I may have slipped  
7 up here or there sometime, but I have done my  
8 rounds. Just one particular night I was -.

9 MR. [REDACTED]: But not -. I think what  
10 you said before you didn't -. You're not  
11 perfect. You haven't done all of your rounds  
12 but that mostly.

13 MR. THOMAS: I would say that on schedule  
14 that I do my rounds 90% - 95.9% of the time.  
15 And sometimes I don't do the half an hour, I do  
16 it at the hour.

17 MR. [REDACTED]: Well what about -?

18 MR. THOMAS: You know what I mean? But  
19 it's still the rounds getting conducted.

20 MR. [REDACTED]: And what about for the  
21 counts? And now we're talking specifically for  
22 the SHU.

23 MR. THOMAS: We're talking about  
24 specifically for the SHU, I usually get every  
25 count done - every count done.

1           MR. [REDACTED]: Okay. So and again, if  
2 we go back to actually the video and check to  
3 see if you're doing the counts, is that -  
4 again, and I'm only saying this because I was  
5 to just remind you you're under oath.

6           MR. THOMAS: I understand.

7           MR. [REDACTED]: And this is where that we  
8 can bring this back up to like -.

9           MR. THOMAS: I totally understand. If you  
10 go back to the video, you will see that you'll  
11 catch me doing my rounds or you'll catch me  
12 doing my counts. Like I said, then that's when  
13 I said whereas I'm not perfect. Like I said  
14 95. Maybe one oh hold up you know he didn't do  
15 this one. An hour went by but he did it at an  
16 hour and one minute. So then technically, by  
17 the paperwork that I didn't do it every half an  
18 hour. Correct? If I do it over every hour,  
19 technically by the paperwork I didn't do a half  
20 an hour round I did an hour round.

21           MR. [REDACTED]: But you would have to  
22 still certify that you did it every half hour.

23           MR. THOMAS: No, you don't have to certify  
24 that you did every half hour. I don't believe  
25 that it has to be. If you write on that paper

1           that I did it every hour, it's just when a  
2           round was conducted. When I conducted the  
3           round.

4           MR. [REDACTED]: So in order for the  
5           rounds to be completed, you don't have to  
6           actually sign it every 30 minutes?

7           MR. THOMAS: It could be -. I'm not  
8           saying that it has to. It's supposed to be  
9           done every 30 minutes. But if I didn't do it  
10          every 30 minutes, and I did one an hour, that's  
11          when I wrote that time on there.

12          MR. [REDACTED]: Alright. So you wouldn't  
13          then go back and fill in that 30 minutes?

14          MR. THOMAS: No I wouldn't go back and  
15          fill it in.

16          MR. [REDACTED]: Like see how they have  
17          like - so you would leave one blank of it  
18          wasn't conducted?

19          MR. THOMAS: No, you wouldn't leave one  
20          blank. Because somebody would tell you to fill  
21          it in. If I did it -.

22          MR. [REDACTED]: That's what I'm saying.

23          MR. THOMAS: If it was from 12:30 to 1:00  
24          and I did the round once, so I just put 12:30  
25          to 1:00. Like you'll see some round sheets it

1           says from 12:00 to -. I didn't do it at -.  
2           But between 12:30 but I put 12:45. The round  
3           is still conducted.

4           MR. [REDACTED]: So what are you saying?  
5           So like if it was -.

6           MR. THOMAS: It probably wasn't done in a  
7           half an hour block.

8           MR. [REDACTED]: So you put.

9           MR. THOMAS: It probably wasn't just done  
10          in a half an hour block but it was still  
11          conducted.

12          MR. [REDACTED]: Right. So a round was  
13          conducted. But if it was covering two - if it  
14          was conducting an hour block, how would you  
15          fill in the two? Would they be identical?

16          MR. THOMAS: As you can - no. Because as  
17          you can see right here, it's not a specific  
18          time. Because this just says as long as it's  
19          between this time. So if it was - I did it at  
20          12:10, I started here at 12:10. And then I did  
21          the round here. It lapped over to 12:40  
22          because I got to talking to an inmate or like  
23          that. It's still - the round is still  
24          conducted. Then right here, then I did - you  
25          know what I'm saying. I go at 12:52 and I did

1           it at - I did a fast round. I did it from  
2           12:52 to 12:59. The round is still conducted.  
3           But even though the last though, you're caught  
4           up in the -. I understand because it's in  
5           black and white. It's not just done just like  
6           that. It can be done at any given time as long  
7           as the round is conducted. It doesn't have to  
8           be -. By policy it's supposed to be in the 30-  
9           minute block. That's when you're talking  
10          policy. But -.

11           MR. [REDACTED]: Would 30 to 40 yeah.

12           MR. THOMAS: 30 to 40 minute block but  
13          like I say, if I did it at 12:10 and did it at  
14          12:40 and then right here I wanted to just -  
15          because I wanted to get a round done, I conduct  
16          it at 12:52 to 12:59, it's still within that  
17          block. It's still conducted.

18           MR. [REDACTED]: Well that's conducting a  
19          around. Correct. But what I thought you said  
20          it was like you might not do it for a whole  
21          hour.

22           MR. THOMAS: But that - but I'm -. Excuse  
23          me, I apologize. That's a 12:10 to 12:40 to  
24          12:42, I'm saying that's an hour. Because  
25          that's pretty much - we've got 20 minutes - 10

1           minutes before and 10 minutes after. Then you  
2           have the hour. But that's the whole hour. So  
3           if I did it for 12:00 to 1:00, then I did from  
4           1:00 to 2:00. It's still conducted. It's just  
5           not conducted in your 30-minute span as you  
6           say. I didn't do the in between but it's still  
7           conducted. You see what I'm saying?

8           MR. [REDACTED]: No.

9           MR. THOMAS: Okay.

10          MR. [REDACTED]: Because you're talking  
11          about one to two, that's a whole hour. And  
12          we're not talking about within 30 minutes.

13          MR. THOMAS: But within the 30 minutes,  
14          that's not doing it every 30 minutes like how  
15          it's supposed to be done. But then if I did it  
16          12:00 to 1:00, it's still conducted, but it's  
17          not conducted the correct way. A round is  
18          still conducted, but it's not conducted the  
19          correct way. No?

20          MR. [REDACTED]: No. Because -.

21          MR. THOMAS: Do you understand?

22          MR. [REDACTED]: No I understand what you're  
23          saying.

24          MR. [REDACTED]: Because if you're saying  
25          you're doing one round within an hour and you

1           have to document it one round every 30 minutes,  
2           so you can only then fill out one of these  
3           blocks. Which one are you going to fill out?  
4           Or are you going to do the e same thing in an  
5           identical place - 12:09, 12:09?

6           MR. THOMAS: Yeah, you just -.

7           MR. [REDACTED]: But at 12:30 will there  
8           be identical blocks that you're - identical  
9           times that you're -.

10          MR. THOMAS: Well that's up to the person.

11          MR. [REDACTED]: But what you're saying is  
12          that if you did it at 12:25 and ended at 12:35,  
13          that covered those 30 minutes.

14          MR. THOMAS: No, you still put that in the  
15          one block.

16          MR. [REDACTED]: You're saying the start  
17          time and end time -.

18          MR. THOMAS: No, you still put that in the  
19          one block. You're being - if I did it from  
20          12:25 and at 12:30, I would still put that in  
21          that one block. And then this next one,  
22          whatever the time is, like I said 12:41. And  
23          then 12:00 to 12:42 because remember, this is  
24          just a tier. This is not the whole round.  
25          This is just a tier. So what you're saying is

1           this whole -. See this is 12 - 1 to 1210.

2           This is just the one tier - G tier.

3           MR. [REDACTED]: Yep.

4           MR. THOMAS: So then you've got 1211 to  
5           1210. Remember, this is just one tier.

6           MR. [REDACTED]: Sure. Each one of these  
7           is a different tier.

8           MR. THOMAS: Each one is just the tier.  
9           So it's

10          MR. [REDACTED]: Yeah.

11          MR. THOMAS: -- it's taking a minute a  
12          tier.

13          MR. [REDACTED]: Right.

14          MR. THOMAS: So that's one tier. Then  
15          you've got another one. 12:05 to 12  
16          (Indiscernible \*03:38:09). That's just one  
17          tier. Not the - I'm doing 12:45 so then the  
18          whole thing.

19          MR. [REDACTED]: Yeah-yeah.

20          MR. THOMAS: So now you have to get so  
21          from 12:05 to 12:20-something is when that  
22          whole round was done in a 20-minute span. Do  
23          you got me or are you totally lost?

24          MR. [REDACTED]: I understand what you're  
25          saying. You did it within the hour.

1 MR. THOMAS: That -.

2 MR. RODRIGUEZ: Right? And you mark -.  
3 But here's the thing. You're signing off or  
4 initialing according to the fact that you've  
5 done the count within that time period. Is  
6 that right or wrong?

7 MR. THOMAS: Yeah-yeah. She initialed  
8 that she did it between 12:09 and 1210.

9 MR. [REDACTED]: No-no. Let's forget about  
10 it. Just talk about you.

11 MR. THOMAS: Okay.

12 MR. [REDACTED]: When you do your rounds.

13 MR. THOMAS: When I do - well I haven't  
14 done a round in over two or something years. I  
15 do my rounds 12:00 to 12:10. I mean 12:00 to  
16 12:30. In that block. If I did it the  
17 incorrect way, I did it from 12 - it's still -  
18 I got it in between that time. But I still  
19 wrote it 12:00 to 12:30. So 12:00 to 1:00.

20 MR. [REDACTED]: Okay. I can't -.

21 MR. [REDACTED]: I don't even understand  
22 what your question is.

23 MR. [REDACTED]: No-no-no. I'll come back to  
24 this another part. When do you think these  
25 initials were put on?

1 MR. THOMAS: I don't know when she wrote  
2 on the paper. I don't know when she did it.

3 MR. [REDACTED]: When did these round sheets  
4 get submitted?

5 MR. THOMAS: At the end of the day.

6 MR. [REDACTED]: End of the day.

7 MR. THOMAS: End of the whole workday not  
8 the end of every work period - every eight  
9 hours.

10 MR. [REDACTED]: You wouldn't happen to know  
11 if she went back and signed these after --

12 MR. THOMAS: I wouldn't know.

13 MR. [REDACTED]: -- the incident happened?

14 MR. THOMAS: No. I don't know.

15 MR. [REDACTED]: Initial log.

16 MR. THOMAS: Like I said, I lost track of  
17 Noel.

18 MR. [REDACTED]: It sounds like it may -.  
19 It looks like if this is you're saying that she  
20 did these rounds at 6:10, 6:11, um. What time  
21 is -?

22 MR. THOMAS: They're not in order.

23 MR. [REDACTED]: What time does breakfast  
24 get there?

25 MR. THOMAS: Breakfast is no standard

1 time. Especially not on the weekends. You're  
2 talking about on a Saturday.

3 MR. [REDACTED]: The last one she wrote  
4 was 6:13. So you assume that she did it right  
5 before you know you discovered Epstein.

6 MR. THOMAS: Could have been.

7 MR. [REDACTED]: That would be the  
8 assumption.

9 MR. THOMAS: That would be the assumption  
10 by the binder. I can't remember what time the  
11 food cart came up.

12 MR. [REDACTED]: But you didn't witness  
13 her actually signing --

14 MR. THOMAS: No, I don't when she put her  
15 signature on that.

16 MR. [REDACTED]: You don't remember like  
17 talking? Like hey, I'm going to grab the food  
18 cart. You take care of the round sheets?

19 MR. THOMAS: No. Hm-mm.

20 MR. [REDACTED]: No? Alright. Just so  
21 that that whole thing that we just talked about  
22 isn't convoluted. What we talked about before  
23 was that you've done the majority of the counts  
24 and rounds but not all of them.

25 MR. THOMAS: I usually just plan on doing

1 my rounds. Yes.

2 MR. [REDACTED]: What's that?

3 MR. THOMAS: I'm usually spot on with  
4 doing my rounds.

5 MR. [REDACTED]: Well when we talked about  
6 it before, you said you weren't always.

7 MR. THOMAS: I'm not.

8 MR. [REDACTED]: You didn't conduct all  
9 rounds.

10 MR. THOMAS: I'm not perfect. I'm not  
11 perfect. Maybe I missed a round or so that's  
12 what I said.

13 MR. [REDACTED]: Right.

14 MR. THOMAS: I'm not perfect.

15 MR. [REDACTED]: So we're not pointing to  
16 specific ones, but --

17 MR. THOMAS: I can tell you --

18 MR. [REDACTED]: -- were the rounds --

19 MR. THOMAS: -- that I wasn't perfect.

20 MR. [REDACTED]: Right. The rounds and  
21 counts that you've conducted, you believe that  
22 you've conducted the majority of them -.

23 MR. THOMAS: I've done the - all my  
24 rounds. Yes.

25 MR. [REDACTED]: If you have falsified

1           some but not a lot. When I say falsified, you  
2           wrote in that you conducted them, but they  
3           weren't actually conducted.

4           MR. THOMAS: No. That's not what I'm  
5           saying. I wrote that - I wrote that I wrote in  
6           my rounds.

7           MR. [REDACTED]: For the count slips  
8           though. We're saying -.

9           MR. THOMAS: Yeah, I think --

10          MR. [REDACTED]: That wasn't the first -.

11          MR. THOMAS: -- you're talking about the  
12          counts? This is the rounds or the counts  
13          slips.

14          MR. [REDACTED]: We're taking the  
15          (Indiscernible \*03:41:16))

16          MR. THOMAS: I said I'm not -. I said  
17          that I'm not perfect.

18          MR. [REDACTED]: Right.

19          MR. THOMAS: You know what I mean. I  
20          don't want to sit up here that I'm 100%  
21          perfect. What I'm saying is that I did my -  
22          I'm usually spot on with doing my rounds and  
23          doing what I'm supposed to do as far as the  
24          course of my job.

25          MR. [REDACTED]: Okay. So you're saying

1           that these - any time you're worked in the SHU,  
2           and you marked off - people have marked off  
3           that you did them every 30 minutes.

4           MR. THOMAS: I don't know what people  
5           marked off. I only know what I do. When I  
6           usually I get my stuff done.

7           MR. [REDACTED]: So when you're in the SHU  
8           on all those overtime shifts that we just  
9           showed you, you're doing rounds every 30  
10          minutes?

11          MR. THOMAS: I can't say that I don't  
12          rounds every 30 minutes.

13          MR. [REDACTED]: That's the question.

14          MR. THOMAS: Okay. I can't say that I did  
15          rounds every 30 minutes. No, I can't say that  
16          I did rounds every 30 minutes.

17          MR. [REDACTED]: So some of -. You're  
18          doing them most of the time, but some of them  
19          are marked off when they weren't actually  
20          conducted?

21          MR. THOMAS: Maybe. Maybe.

22          MR. [REDACTED]: Okay. And same thing  
23          with the count slips. You've done most of the  
24          count slips -.

25          MR. THOMAS: No. I usually get my counts

1 done. Usually I get my counts done.

2 MR. [REDACTED]: But not all of them. So  
3 if we go back and we find sometimes you didn't  
4 do it -.

5 MR. THOMAS: You can go back -.

6 MR. [REDACTED]: We're probably going to  
7 find - if we're reviewing video -.

8 MR. THOMAS: Of 14 years, you may have me  
9 one time where I didn't get one done.

10 MR. [REDACTED]: But even if we're just  
11 talking about like August and July. If we go  
12 back and review those, we're going to find at  
13 least a few that weren't conducted and that  
14 were written in. Is that correct?

15 MR. THOMAS: I actually don't know. I  
16 honestly don't know.

17 MR. [REDACTED]: Because I thought we  
18 already covered this and you already said -.

19 MR. THOMAS: We did already cover that.  
20 But I honestly don't know. I honestly don't  
21 know.

22 MR. [REDACTED]: I thought in my  
23 understanding from eh conversation was that  
24 yep, there's count slips that I've created in  
25 the past. Most of them I've conducted, some of

1           them aren't going - you know. some of them,  
2           yes I just signed them and put in the count  
3           number. But I - you know, especially between  
4           the hours of 12:00 a.m. and 5:00 a.m.

5           MR. THOMAS: That's all my overtime right  
6           there is the 12:00 a.m. to -.

7           MR. [REDACTED]: Right. That's what I'm  
8           saying.

9           MR. THOMAS: Except for one day watch.

10          MR. [REDACTED]: Because there's that. So  
11          like not every 12:00 a.m., 3:00 a.m., and 5:00  
12          a.m. count was conducted during a shift.

13          MR. THOMAS: I don't know.

14          MR. [REDACTED]: Most of them but not all  
15          of them.

16          MR. THOMAS: I don't - I want to say - I  
17          want to say all but I honestly don't know. I  
18          want to say all. I want to say all. But then  
19          I'm not trying to get caught up in a lie and  
20          say, oh no, this one time that I didn't do it.

21          MR. [REDACTED]: No-no-no. I'm just  
22          trying to reconcile --

23          MR. THOMAS: That's what I'm saying.

24          MR. [REDACTED]: -- what we talked about  
25          like two hours ago.

1 MR. THOMAS: Exactly.

2 MR. [REDACTED]: Because two hours ago -

3 MR. THOMAS: I said I wasn't perfect. And  
4 so maybe I didn't get one done or not. I don't  
5 know. Like I said, I'm not perfect. I didn't  
6 get maybe I didn't get one of those, but I  
7 don't know. That's exactly what I said two  
8 hours ago.

9 MR. [REDACTED]: You know, my  
10 understanding was that you -. Okay. So you're  
11 saying you believe actually your count slips  
12 are -.

13 MR. THOMAS: I believe my count slips are  
14 good. I believe they are good.

15 MR. [REDACTED]: Okay. So when we go back  
16 and review the video, we're going to see that  
17 you were actually doing them?

18 MR. THOMAS: You're going to see that I  
19 get my counts done. Yes.

20 MR. [REDACTED]: And same thing for your  
21 rounds?

22 MR. THOMAS: You should see me get most of  
23 my rounds done.

24 MR. [REDACTED]: Alright. Because now  
25 that you're saying this, we have to go back and

1 review these things.

2 MR. THOMAS: I'll tell you that I'm saying  
3 that I should have gotten most of my rounds and  
4 if I didn't get them all done. I'm not trying  
5 to lie and say I didn't.

6 MR. MITCHELL: Can we - can I -? Can we  
7 go outside for a second?

8 MR. [REDACTED]: Absolutely we can take  
9 time out. It is currently 2:13 p.m. This is  
10 Senior Special Agent (Indiscernible \*03:43:57)  
11 and we are taking a quick break. [Whereupon,  
12 the above-entitled matter went off the record  
13 and went back on the record.] Alright, the  
14 recorder is back on. It is currently 2:18 p.m.  
15 on June 17, 2021. Again everyone is present  
16 aside from - I don't not believe the other  
17 attorney is on the phone right now. And Mr.  
18 Thomas, I remind you again this is voluntary  
19 and you are under oath. Is there anything that  
20 you would like to add with regard to the rounds  
21 and the counts that you have conducted and  
22 certified in the past prior to August 10, 2019?

23 MR. THOMAS: That I have not completed all  
24 my rounds. That's it.

25 MR. [REDACTED]: What about your counts

1 and the count slips?

2 MR. THOMAS: I have not completed all my  
3 counts.

4 MR. [REDACTED]: Alright. So in the past  
5 prior to August 10, 2019, there are times that  
6 you were in the SHU that you didn't conduct all  
7 of your counts, but you did certify that they  
8 were conducted? Is that correct?

9 MR. THOMAS: Yes.

10 MR. [REDACTED]: Alright. And same thing  
11 for the rounds. Are there times that you  
12 certified on the round sheets that they were  
13 conducted but they were - or you or the person  
14 that you were working with certified that they  
15 were conducted when they in fact were not  
16 conducted?

17 MR. THOMAS: Yes.

18 MR. [REDACTED]: And I know you were  
19 saying like before like estimates. But like  
20 how often would that happen?

21 MR. THOMAS: I really couldn't tell you.

22 MR. [REDACTED]: Was it a regular  
23 occurrence?

24 MR. THOMAS: I really don't know.

25 MR. [REDACTED]: No? But it did happen in

1 the past?

2 MR. THOMAS: Yes.

3 MR. [REDACTED]: But you're not sure how  
4 often?

5 MR. THOMAS: Yes.

6 MR. [REDACTED]: Okay. [REDACTED], would you  
7 like to follow-up with additional questioning  
8 on that?

9 MR. [REDACTED]: During those times when you  
10 didn't commit - conduct the rounds or the  
11 counts. Was it only with Toel Nova? I mean  
12 Tova Noel?

13 MR. THOMAS: I don't remember if I worked  
14 if I worked with her before or not.

15 MR. [REDACTED]: Okay. Which other COs were  
16 you working with when this incidents happened?

17 MR. THOMAS: I've been there for 14 years.  
18 I can't remember exactly who. I really don't  
19 know who I worked with at that time.

20 MR. [REDACTED]: So this has a span over 14  
21 years?

22 MR. THOMAS: No. I don't know. I don't  
23 know when this happened or not.

24 MR. [REDACTED]: Okay. That's all.

25 MR. [REDACTED]: Okay. Anything else you

1 want to add on that?

2 MR. THOMAS: No. Not at all.

3 MR. [REDACTED]: Any further  
4 clarifications?

5 MR. THOMAS: No thank you.

6 MR. [REDACTED]: Okay. It's fairly -  
7 again you can and you may.

8 MR. THOMAS: It's no problem. I'm okay.

9 MR. [REDACTED]: Is there anything you  
10 want to add to this specific instance?

11 MR. THOMAS: No, I do not.

12 MR. [REDACTED]: Is there a certain belief  
13 that you have of why Jeffrey Epstein got into  
14 the place that he was? Is there a reason why  
15 you think that that occurred?

16 MR. THOMAS: I can't speak for any of that  
17 - no.

18 MR. [REDACTED]: No? Okay. And are you  
19 sure we want to conclude this?

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: So we don't have to  
22 revisit anything later in the date - anything  
23 you can think of?

24 MR. [REDACTED]: Nothing yet.

25 MR. [REDACTED]: You're the case agent.

1 So I want to make sure.

2 MR. [REDACTED]: That's it. Nothing. Because  
3 we covered pretty much everything.

4 MR. THOMAS: No problem. I'm here  
5 whenever you all need me again.

6 MR. [REDACTED]: Alright. Let me just do  
7 a quick review and make sure that we're good.  
8 And hopefully this can be it. Alright. Are  
9 you confident with all of your answers again  
10 knowing that you're under oath? There's  
11 nothing that you want to clarify before we end  
12 this. This would be the time to do that. Any  
13 kind of additional -.

14 MR. THOMAS: No, sir.

15 MR. [REDACTED]: No? No additional  
16 information?

17 MR. THOMAS: Nope.

18 MR. [REDACTED]: No questions that we're  
19 missing that we should ask?

20 MR. THOMAS: Nope.

21 MR. [REDACTED]: No. Um, alright. This  
22 is Senior Special Agent [REDACTED] [REDACTED]. It  
23 is currently 2:21 p.m. on June 17, 2021. And I  
24 am turning off the recorder.

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of MICHAEL THOMAS

[Redacted Signature]

[Redacted Name], Transcriber