



*City of Pueblo
Police Department*

INTERNAL AFFAIRS CASE FOLDER

**Internal Affairs Case # 2019-0051
Officer Richard Jones**

This file folder contains privileged and confidential information relating to an administrative investigation of the Pueblo Police Department.

Pueblo, Colorado
POLICE DEPARTMENT
INTRA-DEPARTMENT COMMUNICATION

TO: I.A. Case File I.A. 19-0051

FROM: [REDACTED]

SUBJECT: [REDACTED]

DATE: December 30, 2019

I have reviewed the investigative reports and viewed the interview with Cpl. Richard Jones. It is clear from the documentation and evidence submitted that Cpl. Jones was untruthful in his testimony regarding a potential sequestration violation that occurred on September 18, 2019. [REDACTED] had issued a "Brady Letter" on October 16, 2019.

During the interview with [REDACTED] Cpl. Jones stated that he essentially [REDACTED]

[REDACTED] In the interim, he has requested [REDACTED] with the City of Pueblo [REDACTED] the precise nature of which is unknown to me. Having said that, he is in violation of policy, has been determined by the District Attorney to be a "Brady Listed" officer and therefore cannot testify credibly and cannot continue as a Law Enforcement Officer.

I consider the violation "Sustained" and will forward the information to the Police Officer Standards and Training Board for decertification.

Respectfully,

[REDACTED]



Notification of Finding of Untruthfulness

FORM
13

Colorado Department of Law - POST
1300 Broadway 9th Floor
Denver, CO 80203
post@coag.gov 720-508-6721 FAX 866-858-7486

Pueblo Police Department

[Redacted] [Redacted] [Redacted]

Agency Name [Redacted] Name of Agency Executive Submitting Form 13 [Redacted]

Agency Executive Phone Number [Redacted] Agency Executive Email Address [Redacted]

Jones [Redacted] Richard [Redacted]

Peace Officer Last Name [Redacted] Peace Officer - First Name [Redacted] Middle Name [Redacted]

Peace Officer Last Known Personal Address [Redacted] City [Redacted] State [Redacted] Zip [Redacted]

Unknown [Redacted]

Peace Officer Personal Email Address (if known) [Redacted] Peace Officer Personal Cell Phone (if known) [Redacted]

Date(s) of Employment: [Redacted] Date(s) of Incident: [Redacted]

Peace Officer Date of Birth: [Redacted] Colorado PID# [Redacted] (000000 or 0000-0000)

Please check the applicable boxes below.

- The certificate holder knowingly made an untruthful statement concerning a material fact **OR** knowingly omitted a material fact: *(At least ONE of the following MUST apply; please check ALL that apply)*
 - On an official criminal justice record.
 - While testifying under oath.
 - During an internal affairs investigation.
 - During an **administrative investigation and/or disciplinary process**¹.
- The law enforcement entity that employs or employed the certificate holder has done **each** of the following: *(ALL of the following MUST apply; please check)*
 - Completed an administrative process, as defined by a published policy in effect at the time of the untruthful statement concerning a material fact **OR** omission of a material fact.
 - Determined by a **clear and convincing standard of the evidence**² through an administrative investigation and/or disciplinary process the certificate holder knowingly made an untruthful statement concerning a material fact **OR** knowingly omitted a material fact on an official criminal justice record, **OR** while testifying in court, **OR** during an internal affairs investigation **OR** comparable administrative investigation.
 - Certifies that the certificate holder has elected not to exercise **OR** has exhausted the internal disciplinary appeal rights provided by their employer.

Please retain documentation of investigative details for possible future review. Do not need to include with form.

PURSUANT TO 2434-305(2.5), C.R.S., UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS AFFIDAVIT AND ACCOMPANYING DOCUMENTS AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY ARE TRUE, CORRECT AND COMPLETE. I FURTHER ACKNOWLEDGE THAT ANY FALSE STATEMENT, MISSTATEMENT, OR INACCURACY **MAY RESULT IN REVOCATION OF MY CERTIFICATION, AS WELL AS CRIMINAL PROSECUTION.**

Agency Executive's Signature [Redacted] State of Colorado

Signed before me this 10th day of January, 2020 [Redacted] Pueblo

My Commission Expires: [Redacted]

[Redacted] NOTARY PUBLIC [Redacted]

¹ Administrative process means an employer's formal process of internal control that assures that an allegation of violation of employer rules, policies, or disciplinary actions by an employee are subject to a complete and objective investigation resulting in findings of fact and

² Clear and convincing standard of evidence means proof that persuades the decision-maker to find that the truth of the contention is highly probable.

**Pueblo, Colorado Police Department
Intra-Department Communication**

TO: [REDACTED]
FROM: [REDACTED]
SUBJECT: I.A. Investigation # 2019-0051
DATE: 11/21/19

Sir,

I have finished the investigation of IA 2019-0051. Below are the names of all persons interviewed, synopsis and the narrative of the investigation.

Officers Involved: Corporal Richard Jones

Other Officers on Scene: [REDACTED]

Complainant/Witness

NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY.STATE, ZIP	TELEPHONE
[REDACTED]				
DOB	RELATIONSHIP to complaint		BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY-STATE, ZIP	TELEPHONE
[REDACTED]				
DOB	RELATIONSHIP to complaint		BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
[REDACTED]				
DOB	RELATIONSHIP to complaint		BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
[REDACTED]				
DOB	RELATIONSHIP to complaint		BUSINESS: ADDRESS, NAME	TELEPHONE

NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY-STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE
NAME: LAST FIRST MIDDLE [REDACTED]		ADDRESS: (STREET, CITY, STATE, ZIP [REDACTED]	TELEPHONE [REDACTED]
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME	TELEPHONE

NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY, STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint		BUSINESS: ADDRESS, NAME	TELEPHONE

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SYNOPSIS:

On 10/10/19 during our weekly meeting with the [REDACTED] informed me he had been notified of a possible issue with court testimony surrounding a trial in September. He requested I call [REDACTED] and try to determine what occurred. I called [REDACTED] on 10/10/19 at 3:30pm. He told me [REDACTED] were the prosecuting attorneys on the case and the information he has was secondhand knowledge from [REDACTED] and [REDACTED]. He said he was told there were allegations that the Officers and the Firemen involved in the case were violating the sequestration order and were talking about the case in the hallway. He said [REDACTED] had a hearing regarding the violation and heard testimony from the firemen, Police Corporal Richard Jones, and [REDACTED]. He said the Judge ruled there were some inconsistencies in the statements and there was a sequestration order violation. The judge also ruled Officer Jones could not testify. He said his office feels this incident rose to the level that they need to send a letter to the defense regarding Officer Jones' testimony. I asked what kind of letter they were sending, and he indicated it could be viewed as a Brady letter. He also said he requested the transcripts from the hearing, and he would provide me with a copy of them. I asked if there was a mistrial and he said the Defense did not want a mistrial. While investigating these allegations, I became aware Corporal Jones submitted an eight-hour overtime slip for 09/17/19. This date is the day the trial began and was totally consumed by jury selection. I therefore looked into this submitted overtime as well.

REPORT:

[REDACTED]

On 10/10/2019, during Internal Affairs weekly meeting with [REDACTED] [REDACTED] requested I contact [REDACTED] and [REDACTED]

33 inquire about a possible sequestration order violation he was made aware of during a
34 recent trial. On 10/10/2019 at approximately 3:30 pm I called [REDACTED] and the
35 following is a summary of the information he provided.

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37 He informed me he was contacted by [REDACTED] and
38 [REDACTED] regarding a case they were prosecuting and in trial
39 on. He stated he was told there were allegations that the officers and the firemen who
40 were subpoenaed to testify had allegedly violated the sequestration order and were
41 talking about the case in the hallway of the courtroom. He stated [REDACTED] had a
42 hearing regarding the violation and heard testimony from the firemen, Corporal Richard
43 Jones, and [REDACTED]. He stated the judge ruled there were some
44 inconsistencies with the statements, and the sequestration order was violated. [REDACTED]
45 [REDACTED] also stated Judge [REDACTED] ruled that Corporal Jones could not testify in the case.
46 [REDACTED] stated his office felt the incident rose to a level in which a letter needed to
47 be sent to the defense counsel regarding Corporal Jones' testimony. I asked [REDACTED]
48 [REDACTED] if the letter would be considered a Brady letter or what exactly it would be
49 classified as. He informed me the letter would be completed early the following week
50 [REDACTED] and he would provide Pueblo PD with a copy of the letter. [REDACTED] also
51 informed me he requested a copy of the court transcript from the sequestration hearing
52 and stated he would provide the transcript to me as soon as they received it. I asked [REDACTED]
53 [REDACTED] if the incident resulted in a mistrial, and he stated the defense did not want a
54 mistrial. Therefore, the trial went on. [REDACTED] did not provide any other
55 information at this time

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60 I became aware [REDACTED] was the [REDACTED] on the case and was
61 sitting as the [REDACTED] during the trial. On 10/14/2019 at approximately 3:13 pm,
62 I interviewed [REDACTED], and the following is a summary of the information
63 she provided.

64

65 I began by informing [REDACTED]. I was informed she was the [REDACTED]
66 [REDACTED] during this case and there was a possible sequestration violation. I asked her if
67 she could tell me what she recalled from the possible violation and what occurred during
68 the court hearing. She stated the trial was in regard to a 9-month-old child's death that
69 occurred the year prior. She stated she was the [REDACTED] throughout the trial and
70 there were numerous Witnesses, to include police officers, first responders, pathologists,
71 and citizens. She stated when the trial began, they started with Witnesses, including the
72 first responders (Fire Rescue) as well as officers who were first on scene. She said
73 Officer [REDACTED], [REDACTED], and [REDACTED] were included on the first officers
74 who were going to testify. She also stated Corporal Jones was going to testify because he
75 responded to the hospital.

76

77 [REDACTED] stated she remembered Corporal Jones, [REDACTED], [REDACTED]
78 two male firefighters, and a female firefighter were all waiting in the hallway to testify.

79 She stated a couple people had testified and it was later in the afternoon and another
80 Witness named [REDACTED] was also waiting in the hallway with other Witnesses.
81 [REDACTED] contacted the defense attorneys and told them she had heard a conversation
82 between the other Witnesses in the hallway, and the defense attorneys brought it up to the
83 judge. She said the defense told the judge that [REDACTED] related to them she heard the
84 firemen talking about the case and playing a message on a cell phone as well as the
85 officers who were out in the hall also talking about the case. She also said [REDACTED] told
86 the defense that Corporal Jones was holding up his report and telling the firemen that if
87 they needed to refresh their memory on their statements, he had it in his report. She
88 stated the firemen declined to look at the report.

89
90 [REDACTED] said at this point, the judge called [REDACTED] to the stand to ask
91 her what occurred. She said [REDACTED] testified that the three firemen were outside and
92 played a message on the phone, and she heard it was [REDACTED]
93 [REDACTED] who had left the message. [REDACTED] stated that portion got sorted out
94 later because a guy who is still unknown came out of the courtroom and told the firemen
95 they should check with the DA regarding when they were going to testify because they
96 had been waiting a long time. Therefore, the firemen played the message from [REDACTED]
97 [REDACTED] to get his phone number so they could try to contact him regarding how long they
98 would have to sit before testifying. [REDACTED] went on to say [REDACTED] testified
99 she heard the officers talking about whether they ran lights and sirens to the call. She
100 also heard the officers talking about how she (the defendant) was not responding the way
101 she should have that day or acting how they thought she should have. [REDACTED]
102 [REDACTED] remembered that [REDACTED] was talking more about Corporal Jones talking about
103 her demeanor. [REDACTED] could not remember if there were any other issues
104 regarding the sequestration violation but [REDACTED] testified in detail, showing that [REDACTED]
105 [REDACTED] and Corporal Jones were discussing the case in the hallway. She said after
106 [REDACTED] testified, the judge called all three firefighters back up to the stand, and the
107 firefighters cleared up the phone call incident in which they played the phone message.
108 She stated the judge called [REDACTED] back to the stand and asked him outright if
109 they had talked about the case in the hallway. She recalled [REDACTED] [REDACTED] saying he
110 did talk about the case, yet he didn't, and he was kind of downplaying it but did say that
111 he talked about running lights and sirens. She said it was her opinion [REDACTED]
112 did admit he was talking about the case but downplayed it and did not admit to talking
113 about some of the case.

114
115 She said the judge then called Corporal Jones to testify, and Corporal Jones
116 outright said he did not talk about the case. She stated that was concerning and
117 disheartening for her because she heard [REDACTED] tell the judge what she heard, and the
118 firemen tell the judge and then Corporal Jones said they were not talking about anything.
119 She went on to say that [REDACTED] did testify that they talked to Corporal Jones
120 about x, y, and z, and then when Corporal Jones got on the stand, he denied talking about
121 the case at all.

122
123 I asked her if the firemen testified, they heard the cops talking about the case, and
124 she stated she wanted to say they did, but she could not remember exactly because it had

125 been a few weeks. She said she just remembers in her mind thinking, "Wow" people are
126 saying you said all these things and you are totally denying it. I asked her if she
127 remembered it being day one of the trial or day two, and she stated she wasn't sure, but
128 she knew that it was not day one because that day was jury selection. I confirmed with
129 her the judge asked Corporal Jones if he talked about the case and he said he did not. She
130 said that was correct and then stated when [REDACTED] testified, he minimized it, but
131 he said yeah, we talked about this or we talked about that. I asked her if the Witnesses
132 had been out in the hallway for quite a while, and she stated they had.

133
134 I asked her if she was aware [REDACTED] and [REDACTED]
135 [REDACTED] let the other Witnesses know there was a sequestration order. [REDACTED]
136 [REDACTED] stated that she did not know if they did or not. She went on to explain she
137 remembered hearing the topic of sequestration order being mentioned several times, but
138 she did not recall the [REDACTED] telling all the Witnesses point blank that
139 there was a sequestration order. She said after this sequestration hearing, they were
140 concerned there would be a mistrial, but the Defendant elected to continue with the trial
141 because she did not want to go through the process again. [REDACTED] stated she
142 asked [REDACTED] how this would affect the case in the future, and she was told that it
143 might become an appellate issue and also, she ([REDACTED]) would have to let her
144 supervisor, [REDACTED], know about the incident.

145
146 I asked her who the defense attorneys were, and she stated the female's last name
147 was [REDACTED] and the male's last name was [REDACTED]. I asked [REDACTED] [REDACTED] if all of the
148 Witnesses involved in the sequestration order testified in the trial, and she stated Corporal
149 Jones did not testify in the trial. She again stated she was concerned, and it was
150 disheartening listening to how Corporal Jones and [REDACTED] testified after hearing
151 the other Witnesses testify. I asked her if she felt [REDACTED] gave a truthful testimony, and
152 she stated she did because the stuff she said was confirmed such as hearing the
153 firefighters playing the phone message but that was explained by the firefighters. She
154 also stated [REDACTED] talking about Corporal Jones holding up the report and situations like
155 that she felt [REDACTED] was being very truthful. I also confirmed with [REDACTED] that
156 [REDACTED] brought up the response to the call being lights and sirens and [REDACTED]
157 confirmed that when he testified, and she stated that was correct. She went on to say that
158 they also talked about her demeanor and it not being appropriate with how someone
159 should act with their baby drowning, and that was also confirmed. I asked if there was
160 anything else, she would like to add that I did not ask, and she stated no. At this time, my
161 interview with [REDACTED] ended.

162
163 [REDACTED]
164
165 I contacted [REDACTED] and arranged for her to come
166 talk to me regarding this incident. [REDACTED] came to the police department on
167 10/17/2019 at 10:09 am, and I spoke to her in the Internal Affairs Section. I told her the
168 reason I asked her to come talk to me is I was informed she prosecuted a trial in which a
169 sequestration order had possibly been violated by some of the officers. I confirmed with
170 her she and [REDACTED] were the prosecuting attorneys, and she stated that was correct.

171 I asked her to tell me what happened during this incident and give me the details she
172 could remember. ██████████ referred to some notes she had on her computer
173 when she was talking to me. She stated the trial started on a Tuesday and it took a day
174 and a half to get a jury, so the actual trial and testimony did not start until Wednesday
175 afternoon. She stated later in the day, possibly around 4:00 pm, the ██████████
176 ██████████ was contacted by the ██████████. ██████████ explained that ██████████
177 was a ██████████ because she was ██████████. She said ██████████ contacted
178 ██████████ and told her she had been in the hallway and heard other ██████████ talking
179 about the case. ██████████ stated it would make sense that ██████████ was in the hallway with
180 other ██████████ because they had three firemen and two officers who were in the hallway
181 for a long-time during jury selection. She stated ██████████ talked to the ██████████
182 ██████████ and he described two incident ██████████ said the Witnesses were talking
183 about. She stated the firemen played the message on the cell phone. She stated ██████████
184 told the court that one of the male firefighters played a voice message on his phone from
185 ██████████ while they were in the hallway, and the firefighters were talking about the
186 case. ██████████ said the second incident ██████████ brought to his attention was Officer Jones
187 talking about the defendant's demeanor to ██████████ and the three firemen.

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189 ██████████ stated once the court learned of these allegations, ██████████ ruled
190 that ██████████, ██████████ Corporal Jones, and the three firemen would come back to
191 testify regarding this issue. She stated ██████████ was the first Witness to testify in the
192 sequestration violation hearing. She stated ██████████ testified that around ██████████ there
193 were three firefighters outside of the courtroom, and one of the male firefighters was
194 talking about the case but she was not sure what exactly they were talking about. She
195 stated the younger male firefighter pulled out his phone, and she heard him play a
196 message from ██████████ from the District Attorney's Office. ██████████ went on to say
197 ██████████ testified that she did not know what they were talking about before playing the
198 voicemail or after playing the voicemail. She just remembered the voicemail being
199 played and hearing that it was ██████████ from the DA's office calling about ██████████
200 ██████████ case.

201
202 She said the second incident occurred somewhere around 3:30 in the afternoon
203 and they were referring to when breaks were taken as to trying to figure out when the
204 incidents occurred. She said ██████████ testified there were two officers sitting outside the
205 courtroom in the hallway with the firemen and an officer said the Defendant did not have
206 any remorse and how he transported her to the station, and she did not have any remorse.
207 ██████████ described the officer making these comments as a tall slim guy. ██████████
208 stated based on ██████████'s description, she believed the officer who was making these
209 statements was ██████████. ██████████ also stated her mother was sitting with
210 her during this incident in the hallway. ██████████ stated after ██████████'s testimony, the
211 court called ██████████ to testify. She stated the procedure that was used during
212 this hearing was the court would ask questions it felt was important and then give both
213 prosecution and defense an opportunity to ask questions. She said she recalls the court
214 asking ██████████ if he spoke about the Defendant's demeanor, and ██████████
215 ██████████ stated he remembered the attorneys talking about the demeanor during their
216 pretrial conference. ██████████ also testified he was not the one that transported

217 [REDACTED] to the station, nor did he advise her of her Miranda Warning. [REDACTED]
218 stated that was an incorrect statement, and defense attorney impeached [REDACTED] with his
219 body camera, showing that he did transport [REDACTED] from the hospital to the station
220 for her interview. I asked her if it was in [REDACTED]'s report that he transported the female,
221 and she stated she did not know. She stated she knew he transported the Suspect because
222 she had watched his body camera. She went on to say that apparently [REDACTED]
223 did not watch his body camera before testimony because he seemed genuinely surprised
224 that he transported the Suspect. I asked her if she felt [REDACTED] forgot he
225 transported her or if he was being deceitful, and she stated she believed he just forgot.
226

227 She stated [REDACTED] testified he remembered Corporal Jones making a
228 statement about the video in this case while he was in the hallway, and this was in regard
229 to a video that [REDACTED] was watching on his phone in the hallway. When
230 Corporal Jones asked [REDACTED] about the video, [REDACTED] showed Corporal
231 Jones that he was watching a YouTube video and not a body camera video. She said
232 [REDACTED] testified he did not talk about the defendant's demeanor during the
233 transport because he did not even remember transporting her. She said [REDACTED]
234 did, however, say they talked about how they responded to the call when they were in the
235 hallway. She said she was not sure who they were talking about the response to this call,
236 whether it was the firemen or just [REDACTED] and Corporal Jones, but they were
237 talking about whether they ran code to the call or not.
238

239 I asked her if [REDACTED] mentioned hearing that conversation, and she stated no.
240 [REDACTED] stated the Witnesses were in the hallway for a long time, and she stated
241 Corporal Jones was in the hallway for a very long time, but she did not know why
242 because he was not asked to be there. She stated he was not on call for this case, and they
243 had told him they would not need him until Thursday or Friday. She stated she does
244 remember him being in the hallway for big chunks of time and it did not register with her
245 for a while that he was there and wasn't needed. She said once she realized he was still
246 out there, she sent him home. She stated Jones and the others were probably in the
247 hallway for two or three hours. She would not expect [REDACTED] to hear every
248 conversation, and she did not mention hearing them talk about their response to the call.
249 She said [REDACTED] did not remember who brought up the conversation about the
250 response to the call, but he just remembered they talked about it.
251

252 She said after [REDACTED] testified, Corporal Jones was called to testify. She
253 said Corporal Jones testified he was in the hallway with [REDACTED] the three
254 firefighters, a doctor in the case, and other citizens. She said the court asked Corporal
255 Jones and she asked Corporal Jones direct questions regarding what was discussed in the
256 hallway. She stated Corporal Jones testified that he did not remember any conversation
257 between himself or any other Witnesses about the facts of the case when they were in the
258 hallway. She said he did not remember any discussion between the parties as to how they
259 responded to the scene regarding whether they ran code or not. She stated she believes
260 she asked Corporal Jones specific questions regarding his response to the call as well as
261 did he talk about the Suspect's demeanor, and he stated he did not. She stated he denied
262 all questions regarding conversations in the hallway about the case.

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She stated after Corporal Jones testified, they called ██████████ to testify. She said ██████████ testified they had been sitting in the hallway for approximately six hours total and another attorney not participating in this case told the firefighters they should try to get in touch with the DA to see if they are still needed. ██████████ testified that this is when they listened to the voicemail from ██████████ because they knew ██████████ had left his phone number on the voicemail. ██████████ stated that made sense because they were just trying to get ██████████'s phone number to see if they were still needed. She also stated that would not be a violation of the sequestration order in her opinion because the facts of the case were not discussed. She stated they asked ██████████ what happened in the afternoon regarding any Witnesses talking about this case. She said later that afternoon Corporal Jones asked the firefighters if she wanted to reread their statements in his report. ██████████ testified she told Corporal Jones no because she had already reviewed her statements. ██████████ testified that Jones offered the report he had in his hand that he was prepping himself with. ██████████ wanted it to be noted that they used Corporal Jones' report to prep ██████████, but they had the report redacted other than the paragraph with her statement. ██████████ went on to testify that ██████████ talked about being the third or fourth officer to arrive on scene and also corrected Corporal Jones regarding the officers' order of arrival on the scene. ██████████ stated that from ██████████ testimony, both officers were clearly talking about the facts of the case, so much so that ██████████ was correcting Corporal Jones on the order of arrival. She said ██████████ also testified that Corporal Jones was talking about the Defendant's behavior and how she was acting. She stated it was in Corporal Jones' report that the Defendant's demeanor was odd in this case.

██████████ testified that all five Witnesses, to include the three firefighters, ██████████ and Corporal Jones, were present when Corporal Jones made these statements. ██████████ went on to testify that she did not remember anyone adding to the conversation, just Corporal Jones talking about it. She said she also remembered Corporal Jones talking about whether or not they went code to the call. ██████████ testified that she remembered this conversation because she remembered ██████████ telling ██████████ to not testify about what Dispatch said because it was hearsay. Based on the statement by ██████████ to ██████████ Corporal Jones was talking about going code and the officers base their response on what they are dispatched to. ██████████ testified that at this point she remembered ██████████ ██████████ being present during this conversation but not ██████████

She said the next Witness was ██████████ ██████████ and ██████████ actually played the phone message from ██████████ that was listened to in the hallway. She said that was pretty much all they used ██████████ to testify to because at that point, she felt the judge had gotten a pretty good understanding of what occurred. I asked ██████████ if they questioned ██████████ about any of the other conversations or incidents in the hallway, and she stated she remembered them playing the phone message and not going into the other conversations.

308 She said after hearing these Witnesses testify ██████████ made his ruling. She
309 said his findings on the first incident regarding the cell phone message, he ruled that was
310 not a violation and was okay. She said he ruled on the second incident that Corporal
311 Jones and ██████████ discussed the facts of the case in the hallway including the
312 Suspect's demeanor. He also ruled that Corporal Jones offering his report to the
313 firefighters so they could review their statements was a violation. She stated that was her
314 memory of the summary of his findings and that he ruled both officers violated the
315 sequestration order, and Corporal Jones violated it by offering his report to the
316 firefighters. ██████████ went on to state that this would be a problem because his report has
317 other details in it, not just the firefighter statement.

318
319 She said the judge asked the defense how they would like to proceed, and they
320 asked for a dismissal, which was denied. She said the judge also ruled that even if the
321 case mis tried, Corporal Jones would not be allowed to testify in the case during this trial
322 or any trial in the future. She said at the end of that day, it was pretty much left in the
323 hands of the defense as if they wanted a mistrial and to start a trial again or continue on
324 with this trial. She said the next day they decided they did not want a mistrial and
325 continued this trial. I asked her if she interpreted the ruling as that both officers violated
326 the sequestration order, but Jones violated it more seriously and therefore he could not
327 testify but ██████████ could, and she stated that's the way she interpreted it. She
328 said ██████████ admitted he violated the sequestration order because he said they
329 talked about how they responded to the scene and everybody else that testified
330 remembered Corporal Jones talking about the Defendant's demeanor. I asked her if I
331 understood her correctly that ██████████ testified that she believed it was ██████████
332 who talked about the Suspect's demeanor, and she stated that was correct. She stated
333 after ██████████ testified, they were assuming it was ██████████ who talked about the
334 Defendant's demeanor, but then when ██████████ testified, it was clear he did not
335 remember transporting her. Therefore, it was Corporal Jones who talked about it. As
336 well, ██████████ testified it was Corporal Jones talking about the Suspect's
337 demeanor. I asked her if ██████████ ever testified, and she stated she did not. She
338 also said the third firefighter, ██████████ did not testify.

339
340 I confirmed ██████████ talked about running code but denied any
341 conversation about demeanor, and she stated that was correct. ██████████ again stated
342 the Witnesses were in the hallway for a very long time and thought Corporal Jones might
343 have been out there for approximately three hours. She stated she remembered seeing
344 Corporal Jones as well as the other Witnesses in the hallway several times, and she again
345 stated she told Jones at one point that he could leave because he would not be needed
346 until later. She stated Corporal Jones was a rebuttal Witness, and if he was going to be
347 called, it would have been after the defense presented their case. She said they told him
348 when they prepped him at pretrial prep that they did not know if they would need him,
349 and if they did, it was going to be later in the week. She said she did not know why
350 Corporal Jones kept showing up, but he showed up the first day. She stated he told them
351 that he would show up the first day because he told them during their prep, he always
352 comes the first day. ██████████ stated she thought to herself it was no skin off her back
353 so whatever. She stated if he showed up, she would tell him to leave, and she stated he

354 did show up the first day and she told him they would not need him, and he could leave.
355 She said on that day, she did not remember him hanging out. She thought he showed up
356 and left. She said the second afternoon he showed up and he hung out. I asked if they
357 had called him, saying they needed him, and she said no.

358
359 I clarified with [REDACTED] the issues that arose with Corporal Jones, and they
360 were offering his report to the firemen, being a part of the conversation regarding running
361 code to the scene, and then the Suspect's demeanor. [REDACTED] confirmed those were
362 the issues with Corporal Jones' testimony.

363
364 I asked her if [REDACTED] issue was running code to the scene conversation,
365 and she said yes and possibly talking about the order in which they arrived. She went on
366 to say that obviously talking about running code is a sequestration violation but talking
367 about the Suspect's demeanor is much more relevant and more important to the case.
368 [REDACTED] stated that after this incident, she has changed her sequestration order
369 advisement to witnesses to be more strict, but she also added that in her experience,
370 officers testify frequently and know that there is always a sequestration order. I
371 confirmed with her that she prepped with the officers the week before the trial, and she
372 said she did. I asked her if she or [REDACTED] point blank told Corporal Jones and
373 [REDACTED] that there was a sequestration order. She told me it is a normal part of
374 her Witness prep, but there were times during witness prep that she was out of the room.
375 She said she does not specifically remember telling them there is a sequestration order
376 and explaining what a sequestration order means. She stated that does not mean that she
377 did not mention it, she just does not remember having a detailed conversation about it.
378 She stated that is why she has decided to change her procedure to be more regimented
379 about telling the officers, but she assumed since [REDACTED] has been around for a
380 couple years and Corporal Jones has been around for a long time, she believed that they
381 would know they cannot talk about the case in the hallway. She again said she may have
382 told them there was a sequestration order, but she may have not so she was not sure.

383
384 [REDACTED] and I continued to talk about this incident, and she stated in
385 her opinion there are two problems with this incident. She stated the first problem is the
386 violation of the sequestration order, which is what it is, but the bigger deal is how you
387 deal with it when you are confronted on the stand about it. In her opinion, that is why the
388 judge was so hard on Corporal Jones and not [REDACTED] because he felt that [REDACTED]
389 [REDACTED] was being truthful when he said he talked about the stuff in the hallway, and that
390 is why [REDACTED] did not get sanctioned but Corporal Jones did. I asked [REDACTED] how
391 she handled this situation within her office. She stated she informed her supervisors,
392 [REDACTED] and [REDACTED]. She stated she talked to them about it in a trial perspective and trial
393 strategy and how to overcome it for the court case and let her supervisors handle the
394 administrative part of it.

395
396 I asked her if she had any involvement with how her office is going to handle the
397 situation, and she stated that other than in the trial, no. She asked if I was referring to the
398 Brady type issue, and I said yes. She said she was not involved in that decision but
399 clearly there is, based on the judge's ruling, an issue with an officer testifying

400 untruthfully. I asked her if she remembered the judge actually using the word untruthful
401 in his findings, and she stated she did not remember if he used those words specifically
402 but based on his findings that Jones clearly violated the order, his ruling indicates he
403 thought Jones lied. She went on to say the testimony was Corporal Jones made these
404 statements and talked about these incidents, and Jones testified he did not talk about any
405 of it. Then the court clearly ruled they felt Corporal Jones did. She said the court also
406 ruled [REDACTED] violated the order, but [REDACTED] admitted on the stand he
407 talked about it and violated the order. Therefore, it's not as big of an issue. She stated
408 the truthfulness side of it is that Corporal Jones got on the stand and said he did not do
409 any of that, and the court ruled, yes you did. She stated in her opinion from the court
410 findings, they felt Corporal Jones lied on the stand while under oath.

411
412 I asked [REDACTED] if she had any other information she would like to provide
413 regarding this incident, and she stated she did not. [REDACTED] then volunteered to email
414 me the notes she was referring to from her computer, which she did. This concluded our
415 interview.

416
417 [REDACTED]
418
419 On 10/18/2019 at 1:02 pm, I met with [REDACTED] at
420 the police department in the Internal Affairs Section. The following is a summary of the
421 information he provided. I explained to [REDACTED] that it was brought to my attention a
422 possible sequestration violation occurred during the trial he was prosecuting, and I asked
423 him if he could tell me about that violation.

424
425 [REDACTED] stated the trial began on [REDACTED]
426 He stated the sequestration issue happened on day two of the trial, which was
427 [REDACTED] He stated there were two issues that were brought up
428 regarding the sequestration violation on day two. One occurred in the morning, and one
429 occurred in the afternoon. He stated it was brought to their attention by [REDACTED]
430 [REDACTED] stated [REDACTED] was in the hallway with a multitude of other Witnesses,
431 including firemen and police officers. He stated the firefighters testified first in the trial,
432 but he stated the issue, to the best of his memory was when the firefighters were
433 testifying, they were having hearsay issues, so he stepped outside and readvised the
434 Witnesses about hearsay. He stated once he advised the one Witness about not testifying
435 to hearsay, he went back into the courtroom, and apparently that struck up some
436 conversation between [REDACTED] [REDACTED] [REDACTED]
437 and Corporal Jones.

438
439 [REDACTED] stated he did not see Corporal Jones out there, so he did not even
440 know he was there. He said they had told Corporal Jones that he was going to be used for
441 rebuttal so they told him they anticipated his testimony would be Thursday or Friday and
442 they would call him and let him know when they would need him. He said he was told
443 they had a conversation after he left the hallway because they thought what Dispatch told
444 them was relevant because that's how they code their calls. He stated during the
445 sequestration violation hearing, the two firefighters, [REDACTED] and to his

446 recollection Corporal Jones all confirmed that conversation occurred in the hallway. He
447 stated the judge ruled that was, in fact, a sequestration violation. He said the second
448 incident ██████ testified that Corporal Jones was talking to the firefighters and ██████
449 ██████ about the Defendant's demeanor when he was investigating the case. He said he
450 remembered ██████ testifying on that subject as well but ██████ stated he was
451 studying his report and watching YouTube videos on his phone so he could not confirm
452 the conversation about Corporal Jones talking about the suspects demeanor. He stated
453 ██████ and ██████ both testified and said the conversation happened in the
454 afternoon with Corporal Jones and the Witnesses. They testified that Corporal Jones was
455 stating facts about his opinion, how the Defendant was acting, and her demeanor was not
456 appropriate. He said Corporal Jones was called to testify and was sworn in under oath
457 and testified that they did not talk about the case at all other than the code response in the
458 morning. He stated Corporal Jones told the court they were talking about other cases that
459 were unrelated to this.

460
461 He said Corporal Jones was asked specifically if he talked about the suspects
462 demeanor on the day of the incident and he said no. ██████ ██████ stated the court ruled it
463 was clear this conversation occurred despite Corporal Jones stated it didn't and it was a
464 violation of the sequestration order. He said they then began a conversation about what
465 the remedy was going to be. I asked him if the judge also ruled Corporal Jones'
466 testimony would not be allowed in this hearing or any other hearing in the future and he
467 said that was correct. He went on to say the judge offered a mistrial to the defense. I
468 clarified that ██████ and two firefighters testified the conversation regarding the
469 suspects demeanor occurred and he stated that was correct.

470
471 I asked him if he recalled ██████ use the word "untruthfulness" in his
472 ruling? He said he does not recall the judge specifically say Corporal Jones was being
473 untruthful but he believed the judge said "despite" Corporal Jones' testimony to the
474 contrary, he found that Corporal Jones did have this conversation and it was clear he had
475 the conversation. He said the judge ordered the prosecutors to have Jones present the
476 next day so the judge could talk to him. ██████ stated he felt the judge did not want to
477 say Corporal Jones was untruthful right then, but he wanted to think about it and that is
478 why he wanted them to bring Corporal Jones back the next day. He said the next day
479 they informed the judge Corporal Jones was present and the judge said he decided he was
480 not going to talk to Corporal Jones at this time and he was going to refer the matter to the
481 Pueblo PD and the District Attorney's Office for further investigation.

482
483 I asked him if this occurred before any testimony in the criminal case and he said
484 they had some testimony prior to the sequestration hearing. He said they were notified
485 about the sequestration violation midafternoon after a break. I asked how ██████
486 brought this to their attention. He said she told the defense attorneys. ██████ also
487 said the judge offered a mistrial and the defendant declined.

488
489 I asked him what his opinion was regarding the sequestration hearing and the
490 judge's ruling. He said he felt the judge did not find Corporal Jones' testimony credible
491 and he found the other witnesses credible. He said in his opinion that is the only way the

492 judge could come to his conclusion in his ruling saying the conversation actually
493 occurred. I asked him if even though the judge did not use the word untruthful in his
494 ruling, the outcome of his ruling he felt Corporal Jones was untruthful? He stated yes. He
495 said the outcome and the way he phrased it, "despite his testimony" to the contrary this
496 did in fact happen. [REDACTED] stated the court strongly insinuated it by his actions and
497 demeanor.

498
499 I asked if he agreed with the Courts findings on the sequestration hearing. He
500 stated he had issues with some of the legal findings but as far as the factual finding, he
501 was not in the hallway when this occurred but based on the testimony, he could not argue
502 with the judge that this did not occur. I asked if he felt [REDACTED] testified truthfully and he
503 said he did. I asked if he felt the firefighters testified truthfully and he said yes.

504
505 I asked him how he and [REDACTED] handled this within their office. He said they
506 talked about it and they let their supervisors [REDACTED] and [REDACTED] know
507 about it. I asked if he had anything to do with the incident regarding the administrative
508 end of it and he said no, other than answering questions about it.

509
510 I asked if he met with Corporal Jones and [REDACTED] [REDACTED] pre-trial and he said
511 yes. He said he reminded all of them about the sequestration order. He said he
512 remembered telling Corporal Jones there was a sequestration order while they were
513 watching his body camera during the pre-trial meeting. [REDACTED] did not have any
514 further information to provide and our conversation ended.

515

516

517

518 On 11-05-19, at approximately 1:10 pm, I interviewed [REDACTED] [REDACTED]
519 [REDACTED] in the public P.D. Internal Affairs Unit. The following is a summary of the
520 information [REDACTED] provided during the interview.

521

522 I explained to [REDACTED] I was investigating the case in which he was the
523 defense attorney. I told him I was aware a sequestration order violation had occurred
524 during this trial and there was a sequestration hearing during the trial, and [REDACTED]
525 addressed sequestration violation issues. I asked [REDACTED] if he could tell me what he
526 recalled from his memory about what occurred during the sequestration order violation
527 and what occurred during the testimony in the sequestration hearing.

528

529 [REDACTED] stated they ordered a transcript from the entire trial, but they had not
530 received it; therefore, he was going off his memory during our conversation. He said the
531 issue with the witness sequestration order happened on the second day of trial, which
532 would have been [REDACTED] He stated the prosecution had called three
533 firefighters to testify, and they had testified in the trial. He said the prosecution then
534 called [REDACTED] and he was testifying when the court took a break.

535

536 He said during this break, his investigator, [REDACTED] approached him and
537 informed him an endorsed witness by the name of [REDACTED] approached her, and

538 stated prosecution witnesses were discussing their testimony either prior to or after their
539 testimony. He stated he, [REDACTED] and [REDACTED] met with [REDACTED]
540 in a conference room.

541
542 He said in the conference room [REDACTED] told them she and her mother heard the
543 firemen talking about the case and stated one of the firemen played a voicemail on his
544 cell phone and it was on speakerphone. She said the call came from the D.A., and he was
545 talking about the [REDACTED] case. He said [REDACTED] also said she heard two officers,
546 who turned out to be [REDACTED] and Corporal Richard Jones, talking about
547 the case in the hallway. He said [REDACTED] did not know the officers' names, but she was
548 describing them by their physical appearance.

549
550 [REDACTED] told them she heard the officers talking about [REDACTED] and one of the
551 officers said essentially that [REDACTED] did not show the appropriate amount of remorse
552 on the day her daughter died. [REDACTED] stated this trial was for child neglect resulting in
553 death. He went on to say he remembered [REDACTED] telling them that the officers were
554 talking somewhat callously about [REDACTED] and her appearing more sympathetic now
555 than when the incident occurred.

556
557 [REDACTED] told him her mother also heard these conversations, but her mother was
558 no longer at the courthouse because she went to get [REDACTED] son from school. He said
559 someone on his legal team alerted the judge's clerk, and after the break, [REDACTED]
560 wanted to address this issue. He said the firefighters had left, and the judge asked the
561 district attorneys to have the firemen come back. He said the judge cleared the courtroom
562 and then called the witnesses to testify.

563
564 He said the judge called [REDACTED] and [REDACTED]. He said
565 the first issue that was addressed was the firefighters playing the voicemail from [REDACTED]
566 [REDACTED]. He stated [REDACTED] was the firefighter who played the
567 message. He said ultimately from the testimony it did not appear the firefighters
568 discussed the facts of the case and did not violate the sequestration order by playing the
569 voice message from [REDACTED]. He said the voice message was played
570 essentially just to obtain [REDACTED] cell phone number so they could ask him about
571 how long they would have to wait to testify.

572
573 He stated the judge asked [REDACTED] and [REDACTED] if they
574 heard the officers talking about the case. He said he remembers [REDACTED] stating
575 he did not hear the officers talking about the case, but he was not really paying attention
576 either. He said [REDACTED] testified she did hear [REDACTED] and Corporal
577 Jones talk about the case. She testified she was kind of paying attention to them but not
578 really paying attention to them when the three firefighters and the two officers were in
579 the hallway waiting to testify. He said he thought both [REDACTED] and [REDACTED]
580 [REDACTED] testified that police Corporal Jones approached them and offered his report for
581 them to look at prior to testimony to refresh their memories about their statement.
582

583 [REDACTED] stated the judge ruled that was improper and possibly a violation of the
584 sequestration order. He stated he wanted to make it clear the judge was asking witnesses
585 questions during the sequestration violation hearing, as well as giving both prosecution
586 and defense an opportunity to ask questions. He said [REDACTED] was then called to
587 the stand, and he was asked if they had been discussing the facts of the case in the
588 hallway.

589
590 He said [REDACTED] testified they had discussed the case. He said [REDACTED]
591 [REDACTED] said he and Corporal Jones discussed whether they responded to the scene in a
592 code status. He said [REDACTED] testified he was trying to remember whether he
593 went lights and sirens to the call, and that's what he was talking to Corporal Jones about.
594 He said [REDACTED] testified that was the only topic he remembered discussing with
595 Corporal Jones regarding the facts of the case.

596
597 [REDACTED] said the judge then called Corporal Jones to testify, and [REDACTED] added that
598 all witnesses testified under oath. He said Corporal Jones was asked point blank whether
599 he, [REDACTED] and/or the firefighters discussed any of the facts of the case, and
600 Corporal Jones point blank testified he had not. [REDACTED] stated he remembers Corporal
601 Jones being asked a few times if he discussed the case, and he continued to testify he did
602 not discuss the facts of the case and acted surprised that he was being questioned about it.
603

604 He said at this point the judge stated it was clear to him there was a sequestration
605 order violation by Corporal Jones. He stated he does not recall if the judge ruled that
606 [REDACTED] violated the order, but he certainly made a record that the conversation
607 was inappropriate regarding whether they ran code to the call or not.

608
609 [REDACTED] stated he does not recall if the judge asked [REDACTED] to testify in
610 the sequestration hearing. He also stated [REDACTED] mother did not testify in this hearing.
611 [REDACTED] stated the judge found that despite Corporal Jones' testimony that he did not talk
612 about the facts of the case at all, the court found that he had, and he violated the
613 sequestration order. He said the court also said it was totally inappropriate for Corporal
614 Jones to approach the firefighters and offer to have them review other officers' reports
615 about their statements. He went on to say the judge was visibly angry when discussing
616 Corporal Jones, offering these reports to the firefighters.

617
618 He said the judge asked both the prosecuting and defense attorneys if they had
619 any further record to add as to his finding regarding the sequestration order was violated
620 and neither side added any record. He said the judge ruled he would either exclude
621 Corporal Jones' testimony or offer the defense a mistrial. He stated after the judge made
622 his rulings that night, he requested the D.A.'s have Corporal Jones back at the courthouse
623 the following morning so he could admonish him about the importance of following a
624 sequestration order. He said the following morning, he did see Corporal Jones at the
625 courthouse, but the judge did not ask him to come in. He stated he did not see this
626 himself, but he was told that when Corporal Jones was informed in the morning that he
627 would not be called back, he came out of the conference room and was quite angry, and
628 he ripped up what appeared to be his report. I asked him who told him this or who saw

629 Corporal Jones upset. He stated he was not sure. He thought it might be his co-counsel,
630 [REDACTED] but was not sure.

631
632 [REDACTED] stated these are the facts as he recalled them regarding this incident. I
633 asked him if I understood him correctly that the judge did offer a mistrial, and the defense
634 declined it. He stated that was correct. [REDACTED] said he requested the mistrial be granted
635 and that the prosecution could not refile the case because it was the prosecution's mistake
636 for the sequestration order violation, but the judge did not grant his motion. He said
637 ultimately, [REDACTED] elected to not have a mistrial and go forward with this trial, but
638 Corporal Jones was prohibited from testifying.

639
640 I asked him if [REDACTED] [REDACTED] gave details regarding what she heard the
641 officers saying about the case, and he stated she did not. He said she testified that she
642 was partially paying attention but did hear them talking about the case. I asked him if he
643 was telling me that he did not remember [REDACTED] testifying in the sequestration hearing.

644
645 After thinking about it, he stated he misremembered, and she did testify. He said
646 he does remember now that she was testifying based on the descriptions of the officers
647 because she did not know their names. He stated [REDACTED] testified consistently with what
648 she had originally told himself, his investigator, and [REDACTED]. I asked him if that was
649 her testifying to the fact the officers were talking about [REDACTED]'s demeanor and he
650 stated yes, and she also testified about the firefighters playing the recording. [REDACTED]
651 stated [REDACTED] felt the officers were comparing [REDACTED]'s actions from the day of the
652 incident to how she was acting in the courthouse.

653
654 I asked him if either of the officers had testified on the trial and saw her demeanor
655 now and would be able to compare. He stated yes, [REDACTED] was at the scene with
656 [REDACTED] and also at the hospital with [REDACTED]. He said [REDACTED] also drove
657 [REDACTED] to the police station to be interviewed. He said Corporal Jones was not on
658 scene, but he did respond to Parkview.

659
660 He went on to discuss how the officers wrote in their reports that they and the
661 firefighters did not feel [REDACTED] emotions were appropriate for her daughter just
662 passing away, but they were not allowed to testify about their opinion of her emotions.

663
664 I asked [REDACTED] if during the judge's ruling if he made any statements
665 regarding untruthfulness or how he interpreted the judge's ruling. He said he does not
666 recall if the judge used the specific word untruthful. He stated it is his opinion that it was
667 very obvious the judge did not believe Corporal Jones' testimony. He stated the judge
668 ruled it was clear to him that a sequestration order violation occurred. He said the judge
669 did not find [REDACTED]'s violation so significant that his testimony would be
670 excluded, but Corporal Jones' violation was so significant that his testimony was
671 excluded. He stated based on the judge's ruling and what he witnessed, he believed
672 himself the judge did not believe Corporal Jones' testimony that he did not talk about the
673 facts of the case at all.

674

675 I asked [REDACTED] for his opinion and how he felt about how witnesses testified.
676 He stated there is no doubt in his mind that Corporal Jones lied under oath. He said they
677 heard testimony from [REDACTED] and then testimony from two firefighters and
678 another police officer, and out of those four witnesses, three of them testified they heard
679 the officers discussing the facts of the case. He said the degrees to which they talked
680 about the case or what was actually said was slightly different between the witnesses who
681 testified.

682
683 He went on to say even if he left [REDACTED] testimony out of it because she was
684 possibly biased because she is [REDACTED] friend, you still have [REDACTED]
685 and [REDACTED] who testified they did talk about the case and Corporal Jones
686 testified under oath that he did not discuss the facts of this case at all with any other
687 witnesses. He stated Corporal Jones was asked more than once, and he was unequivocal
688 of his answer.

689
690 I asked [REDACTED] if he, the judge, and the prosecution asked specific and direct
691 questions to Corporal Jones and if there was any way Corporal Jones thought they might
692 be referring to a different case, to a different conversation, or a different time, and [REDACTED]
693 [REDACTED] stated absolutely not. He stated he remembered the judge orienting Corporal
694 Jones about [REDACTED] case, and that being the case they were discussing. He stated
695 he also asked Corporal Jones point-blank if he talked to any other witnesses about this
696 case or the facts of this case, and the answer was no.

697
698 I asked him if he felt all the other witnesses involved in this sequestration hearing
699 testified truthfully to what they could recall. He paused and stated that was tough to say.
700 He said he felt [REDACTED] testimony was somewhat different during this trial as
701 compared to some of the prior preliminary hearings and motion hearings.

702
703 I then clarified I was asking about the sequestration hearing, and he stated yes, he
704 felt the other witnesses testified truthfully. He then went on to say he had doubts about
705 how truthful [REDACTED] was because he was very vague. He said it appeared to him
706 [REDACTED] did not want to throw Corporal Jones under the bus nor did he want to
707 perjure himself, and that is why he was so vague. [REDACTED] then stated as far as
708 Corporal Jones goes there is no doubt in his mind that Corporal Jones testified
709 untruthfully.

710
711 I asked [REDACTED] if there was any other information, he thought would be
712 important to my investigation that I have not asked, or he has not told me. He stated he
713 did not believe there was any other information but stated he believes the transcript
714 would assist me in this investigation.

715
716 He then stated there was one thing he remembered. He said Corporal Jones wrote
717 a report and stated that he spoke to the father of the baby, and Corporal Jones claimed the
718 father made statements about how he had told [REDACTED] in the past not to bathe their
719 daughter in a specific way and how she did it was dangerous. He said he and [REDACTED]

720 reviewed the body-worn camera footage from Corporal Jones talking to the baby's father
721 its entirety, and the father never made those statements.

722

723 I asked him if I understood that Corporal Jones' body-camera was on when he
724 was talking to the baby's father, and he stated that is correct. He said, therefore, if the
725 statements were made they were made after the body camera was turned off, which did
726 not make sense because at the start of the footage Corporal Jones is introducing himself
727 and then at the end of the footage basically parting ways and saying bye. He said these
728 things happen in some cases that an officer will write something in his report, and it is not
729 on the body camera, but considering the circumstances, he thought he should let me know
730 about this incident. [REDACTED] did not have any other information to add to the
731 interview and my contact with him ended.

732

733 [REDACTED]

734

735 On 11-16-19, at approximately 9:32 am, I spoke with [REDACTED]
736 [REDACTED] The following is a summary of the information she provided. I told [REDACTED] I
737 would like for her to tell me about the sequestration issues that occurred during the trial
738 with [REDACTED] and what she recalled about the testimony and how the issues arose, and
739 how they were handled.

740

741 She said her defense team received word from their client that there were some
742 firefighters and officers discussing the case in the hallway while testimony was already
743 going in the trial. She said they brought it to the court's attention, and the court wanted
744 to hear from the witnesses that were involved. She said that is when they heard
745 testimony from witnesses, including [REDACTED] and [REDACTED] as well as
746 testimony from [REDACTED] and Corporal Jones.

747

748 I asked her how it was brought to their attention that this violation occurred, and
749 she said they had a defense witness in the hallway, and during a break the defense
750 witness' mother told their client that the officers and firemen were discussing the case in
751 the hallway. She said one of the topics relayed to them was the officers were discussing
752 [REDACTED]'s demeanor and lack of remorse. [REDACTED] went on to say [REDACTED]
753 and her mother were the people who brought the issue to their attention, but she does not
754 recall the judge calling either of them to testify in the sequestration hearing. She said she
755 remembered [REDACTED] testifying, and she recalled the court asking witnesses
756 questions, as well as letting both prosecution and defense ask questions.

757

758 I asked her if she recalled how each witness testified. She said she remembered
759 hearing [REDACTED] testifying that she overheard Corporal Jones and [REDACTED]
760 [REDACTED] talking about the case regarding how [REDACTED] acted the day of the incident,
761 whether it was normal or not. She also testified about them talking about how they ran
762 different codes responding to a call. She said [REDACTED] [REDACTED] also testified
763 Corporal Jones had a copy of her report and offered her the opportunity to review the
764 reports, which she did not.

765

766 She said she remembered [REDACTED] testifying that he talked about who
767 showed up first on scene and who didn't. She said she did not recall [REDACTED]
768 commenting on hearing Corporal Jones talking about [REDACTED]'s demeanor. She said
769 [REDACTED] testified about running code to the calls. She said Corporal Jones
770 testified, and he denied talking about any of those topics and was specifically asked about
771 those topics.

772
773 She stated she remember [REDACTED] testifying, and to her recollection he
774 did not recall or was not really paying attention to the conversations. She said [REDACTED]
775 [REDACTED] ruled there was a sequestration order violation and prohibited Corporal Jones
776 from testifying in the trial.

777
778 She said what she found interesting was, during the sequestration hearing, she had
779 another attorney from her office named [REDACTED] sit in the hallway to make sure
780 there were no further conversations about the case. She said [REDACTED] heard [REDACTED]
781 [REDACTED] state he was going to sit in one of the small rooms, so he would not listen to
782 anymore. She said she did not know the context behind that, but she thought it was
783 strange.

784
785 She went on to say [REDACTED] said the officers were on their phones and
786 appeared to be texting, but he did not know for sure. She said [REDACTED]'s
787 impression was the officers might have been texting about what the hearing was about,
788 but he did not hear anything or know what they were doing on their phones.

789
790 I confirmed that [REDACTED] could not see what they were texting on their
791 phones, and I also informed her that is not uncommon these days, most everyone is on
792 their phones and she stated that is correct. It could have been totally unrelated, but that's
793 just what [REDACTED] told her.

794
795 I asked her if [REDACTED] testimony confirmed what [REDACTED] had
796 told him. She stated definitely in regard to topic and subject, but as far as specifics go
797 there were still some differences. She said [REDACTED] testified she was also
798 playing on her phone and not paying close attention to the conversations. She stated
799 [REDACTED] confirmed she heard the conversation regarding [REDACTED]'s
800 demeanor. She again stated [REDACTED] testified he did not hear the conversation. I
801 asked her about the portion of the hearing regarding the firefighters' listening to a
802 voicemail and asked her if that issue was resolved, and she said it was. She explained the
803 same incident regarding the firefighters playing the voice message just to get [REDACTED]
804 [REDACTED] phone number.

805
806 I asked her if I was correct that [REDACTED] testified he violated the
807 sequestration order by talking about running code to the call and who arrived on scene in
808 what order, and she stated that was correct. I confirmed with her that Corporal Jones
809 testified he did not have any conversation regarding the facts of this case with other
810 witnesses in the hallway, and she stated that was correct.

811

812 I asked her if the judge ruled Corporal Jones' testimony would be stricken, and
813 she stated that was correct. I also asked if the judge ruled there was a violation of the
814 sequestration order, and she said that was correct. She stated she recalled the judge
815 making a finding there was a clear violation, and she believes that is why he did not call
816 [REDACTED] or her mother to testify.

817
818 I asked her if she asked any witnesses questions during the sequestration hearing,
819 and she said no. I asked her while she was listening to the questions and the testimony if
820 there was any way Corporal Jones could have mistaken what was being asked of him, and
821 she stated she did not believe so. She stated she remembered the judge specifically
822 asking Corporal Jones if they discussed codes and what it meant, and Corporal Jones said
823 they did not. She said at that point they had already heard from [REDACTED]
824 and [REDACTED] who both testified and confirmed that conversation occurred, and
825 Corporal Jones was involved in the conversation. She said she thought Corporal Jones
826 testified he did not offer a report for [REDACTED] [REDACTED] to refer to, and [REDACTED] had
827 testified that he had.

828
829 [REDACTED] said she felt there were some easier topics for Corporal Jones to say he
830 messed up on, and he did not. He just denied saying anything or doing things. I asked
831 her what her opinion was of the judge's ruling, and she stated she felt [REDACTED]
832 also violated the sequestration order, and he was more forthcoming on the stand about
833 how he violated it than Corporal Jones did. She stated this was, in her opinion, why the
834 court came up with such a strong remedy against Corporal Jones. She also stated she
835 observed [REDACTED] was very upset at that point.

836
837 I told her [REDACTED] told me about Corporal Jones returning the next day and
838 then becoming pretty upset. I asked her if she witnessed that. She stated she did not
839 witness it, but she was told by other witnesses in the hallway that Corporal Jones was
840 upset. I asked her if she knew who saw Corporal Jones leave when he was upset, and she
841 said she thought maybe [REDACTED] or [REDACTED] father.

842
843 I asked her if I was correct in understanding the judge did offer them a mistrial,
844 and she stated that was correct. I asked her if there was anything, she needed to add that I
845 hadn't asked. She stated she is a relatively young attorney and has dealt with younger
846 officers who are pretty inexperienced. She stated she was surprised that Corporal Jones'
847 testimony came from someone with the title of corporal. I asked her if the judge ordered
848 the sequestration order, and then the attorneys had to inform the witnesses, and she stated
849 that was correct. She said she thought the judge ordered the sequestration order
850 approximately a week and a half prior to trial. At this time, [REDACTED] did not have any
851 further information and our interview ended.

852
853
854
855
856 [REDACTED]
857

858 On 11-07-19, at approximately 4:30 pm, I spoke to [REDACTED], at the Pueblo
859 Police Department in the Internal Affairs interview room. The following is a summary of
860 the information [REDACTED] provided.

861
862 I confirmed [REDACTED] was part of a court hearing in September, and I asked her
863 what her role was in the hearing. She stated she was a witness on the defendant's behalf.
864 I asked her who the defendant was, and she stated [REDACTED]. She stated [REDACTED] is
865 her best friend, and also her neighbor. I asked her if she was subpoenaed to testify by the
866 prosecution or the defense and she stated both.

867
868 I asked her if she spent a long time in the hallway waiting to testify, and she said
869 yes. I told her I was informed she brought to the court's attention that she heard some
870 officers and firemen talking about the case in the hallway and she stated that was correct.
871 I asked her to explain to me what she heard in the hallway and when it occurred.

872
873 She said she did not know the names of the officers, but she said one of the
874 officers said when he had to take [REDACTED] to the police station for questioning, she did
875 not show any remorse. She said one of the other officers was playing his voicemail, and
876 the recording was from the D.A. She said the recording did not have any details about
877 the case, but the voice recording identified the caller as [REDACTED] and stated he needed to
878 talk to them more about the case of [REDACTED].

879
880 She went on to say one of the officers had his paperwork with him, and he was
881 trying to show the other officers and the firefighters his paperwork on [REDACTED] case. I
882 asked her if that officer said anything, and she stated he just had the papers and was
883 trying to show them what was on the papers.

884
885 I asked her if she spoke to officers the day the incident occurred with [REDACTED]
886 and she said yes. I asked her if the officers she saw in the hallway were the same officers
887 and she stated one of them. I asked her which one she recognized, and she said the
888 officer was the taller of the two, heavier set and was bald. (It should be noted this
889 description matches Corporal Jones). She stated this officer was the one that questioned
890 her on the day of the incident and was asking her what happened.

891
892 I asked her if he was the officer who was trying to show the other people his
893 report, and she said yes. I asked her what else that officer did in the hallway. She said he
894 was the one that was saying when he asked [REDACTED] to go to the police station, she did
895 not show any remorse. I asked her if she remembered what that officer was wearing that
896 day in court, and she said she thought it was a black suit. I asked her if she recognized
897 the other officer from the day of the incident and she stated she did not. I asked her what
898 this officer was wearing when he was in court, and she stated he was a younger
899 gentleman and was in his police uniform. (It should be noted this description matches
900 [REDACTED] and I am aware he was wearing a uniform) I asked her if she heard this
901 officer say anything about the case and she stated she thought he was the one that played
902 the recording on his cell phone.

903

904 I asked her what the firefighters were wearing that day, and if she knew they were
905 firefighters. She stated they were wearing their uniforms as well. I asked her if her mom
906 was a witness in the criminal case, and she stated she was not. She was just there with
907 [REDACTED]. I asked her if the conversations she heard from the firefighters and the officers
908 happened all at one time or if it was at different times throughout the day. She stated it
909 was spread out during the day. She said when the officer made a comment about [REDACTED]
910 [REDACTED] having no remorse, that was earlier in the day and the other one that played the
911 recording was later on in the day.

912
913 I asked her when she heard this, what caused her to bring it to somebody's
914 attention. I asked her if she had been told people were not supposed to discuss the case.
915 She said she was told by both prosecution and defense attorneys she should not talk to
916 anyone about the case who has testified or is going to testify. She said they also told her
917 if she heard people talking about the case to let them know.

918
919 I asked her who she told about hearing the conversations, and she said she told
920 [REDACTED] and then [REDACTED] told her lawyers. She said on their lunch break, she and
921 [REDACTED] were in the elevator, and she asked [REDACTED] if she remembered the officer who
922 took her to the station. She said [REDACTED] told her it was the younger cop. She said she
923 told [REDACTED] what the cop had said about her remorse and when they got downstairs,
924 they saw the court clerk, so [REDACTED] told the clerk what had occurred.

925
926 I told her I needed to clarify and asked her if she thought from based on what the
927 bigger officer said, he was the one who transported [REDACTED] and she stated yes, but
928 when she told [REDACTED] about it, [REDACTED] said the smaller officer is the one that
929 transported her. I confirmed the smaller officer did not make that statement, and it came
930 from the bigger officer, and she stated yes. I asked her if she knew either officers name
931 and she stated she did not. I asked her if she heard any other discussion about the case
932 after these incidents, and she said no.

933
934 I asked [REDACTED] if her mom heard these conversations, and she said she did. I
935 asked her how far away she was from the officers and the firemen when she heard these
936 things. She described being two benches away from them and then described the
937 distance as being closer than the distance of the length of the interview room we were
938 talking in. I asked her if there was anything else, she heard during this incident that she
939 hadn't told me about, and she said no.

940
941 I asked her if she heard any of the firefighters talking about the case, and she
942 stated she did not, but the firefighters were by the officers when they were having the
943 discussions. I confirmed the smaller cop in the uniform played the recording on his
944 phone, and then the bigger cop made the comments about [REDACTED]'s demeanor and tried
945 to show the others his paperwork, and she stated that was correct. I asked her if she
946 would provide my phone number to her mom and see if she would come down and talk to
947 me and she said she would. [REDACTED] had nothing further to add, and our interview ended.
948 It should be noted her mother never contacted me.

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██████████
On 11-12-19, at approximately 8:20 am, I spoke to ██████████. The following is a summary of the information he provided. I asked him if he was a witness in a trial at court in September, and he said yes. I asked him if he was aware of what a sequestration order is, and he stated he was because the attorneys had explained it to him. I told him it appeared during that trial there were some issues with a sequestration order, and he stated that was correct. I asked him if he could explain to me how that all occurred and if there were any conversations between himself, the other firefighters and the police.

He said the first day they sat there all day and did not get to testify, and on the second day, they sat for a few more hours, and then they got to testify and went home. He stated they called him back and that is when they questioned him about the conversations in the hallway. I asked him if they questioned him about whether he took part in any conversations in the hallway or heard any conversations in the hallway and he said that was correct.

I asked him if they had conversations about the case in the hallway, and he said he did not remember any conversations about the case. He said they were there for a really long time, and he was just kind of zoned out because it was such a long time. He said he was aware one issue was that he played a voicemail on his phone, and he stated he did play that voicemail.

I asked him who the officers were who were in the hallway with him, and he said, Jones and ██████████. I asked him if he knew them prior to this, and he has run into them on calls in the past but did not really know them. I asked him if he heard the officers talking about the case and he said not that he could remember. I asked him if he was aware if there were any other witnesses in the hallway, and he said there were other people in the hallway, but he did not know if they were witnesses. ██████████ did not have anything further to add to the interview, and our conversation ended.

██████████
I then spoke to ██████████ on 11-12-19, at approximately 8:26 am. The following is a summary of the information she provided. I asked her if she was familiar with what a sequestration order is, and she said she was aware what it is, and stated you essentially can't talk about the case. I asked her if she could tell me what she remembered about the testimony in that case and how it happened.

She stated they were called to testify in the case regarding what they observed when they were first on the scene. I asked her if she was in the hallway for a long time waiting to testify, and she stated approximately 14 hours. I asked her who all was in the

996 hallway, and she said herself, [REDACTED]. I asked her if officers were
997 also in the hallway and she said Corporal Jones and [REDACTED] were in the hallway
998 on the second day, in the afternoon.
999

1000 I asked her if she knew the officers prior to this, and she said she had meetings
1001 with Corporal Jones on calls for service, as well as on bomb calls, but other than seeing
1002 him on calls, she does not have a personal relationship with him. She also said she has
1003 run into [REDACTED] on calls, as well. She stated after they testified in the trial, she
1004 went home, and then she was called back.
1005

1006 I asked her to explain what happened with that, and she said [REDACTED]
1007 called her and said she needed to come back to the courthouse. I asked her if she testified
1008 again, and she said yes. I asked her to explain what happened.
1009

1010 She said they asked her about the message they played on [REDACTED] phone, and she
1011 told them the message was played because they were looking for a phone number for the
1012 D.A. She went on to say while she was in the hallway with the other firemen, Corporal
1013 Jones and [REDACTED] showed up, and they had numerous conversations.
1014

1015 She said she testified in the trial and came back out and was waiting for her crew
1016 to come back out, and the D.A. came out and told them to not testify to what they
1017 responded to. She said she told [REDACTED] she was told the same thing when she was testifying,
1018 and Corporal Jones asked why she couldn't testify to that. She said she did not know.
1019 She said she told Jones she did not know why they couldn't talk about that because she
1020 felt it was very important and pertinent to this call.
1021

1022 She said they went on to discuss how responding to the call is pertinent, and the
1023 information they have while responding gets them ready for what they are about to
1024 encounter. She said in this particular case, they were responding to a certain kind of call,
1025 and then it upgraded to a drowning. She said Jones agreed and told her it would be just
1026 like whether they respond code or not code, and she said that is where the conversation
1027 stopped.
1028

1029 I asked her if they were talking specifically about that case or just in general
1030 response to a call, and she said in general response to a call. I asked her if they asked her
1031 about any other possible conversations, she either had or heard. She stated they asked
1032 about the demeanor of the defendant. [REDACTED] said she never saw the defendant
1033 when she was on the call. She stated her focus was on the child and trying to save the
1034 baby. She stated he talked about how her (the defendant) demeanor was off. She again
1035 stated she didn't see her that day, so she could not talk about whether her demeanor was
1036 off. She said he responded while I can.
1037

1038 I asked her who was saying this, and she said, Jones. She said Jones told her he
1039 had evidence of how the defendant acted that day, and she told him okay, she did not see
1040 the defendant. I told her I wanted to be sure because there were two [REDACTED] involved in

1041 this case, [REDACTED] and Corporal Jones, and she stated it was Corporal
1042 Jones who stated he was aware of the defendant's demeanor.

1043

1044 I asked her if that conversation happened in the hallway, and she said yes. She
1045 said Corporal Jones didn't say how she (the Defendant) reacted. He just said he had
1046 evidence of how she reacted. I asked her if that conversation was just between her and
1047 Corporal Jones and she stated it was just a generalized conversation. She said she was on
1048 her phone, and [REDACTED] was on his phone messing around, and they were just trying to stay
1049 busy and have something to do. She said she does not recall how the conversation
1050 started, just that she remembered Corporal Jones saying he had evidence, how she
1051 reacted. She said she did not recall if Corporal Jones even mentioned how he felt she
1052 reacted.

1053

1054 I asked her if Corporal Jones asked her if she remembered how the defendant
1055 acted, and she said yes, but again, she told him she did not remember seeing her that day.
1056 I asked her if there were any other conversations about the case that day and she said not
1057 that she could recall.

1058

1059 I told her other people had mentioned Corporal Jones offered to let her look at his
1060 report, and I asked her if that was correct. She stated he did offer. She said Corporal
1061 Jones told her he had her statement in his report and asked if she needed to see it and she
1062 told him she did not because she saw it when she met with the D.A. I asked her if they
1063 were in the hallway when Corporal Jones offered his report to her, and she said yes.

1064

1065 I told her a lot of times on the more serious cases the D.A. will meet with their
1066 witnesses prior to trial. I asked her if the D.A.s met with her prior to this and she said
1067 yes. I asked her if [REDACTED] explained the sequestration order to her when he met with
1068 her prior to the trial and she said yes.

1069

1070 I asked her if she knew if there were other witnesses in the hallway. She stated
1071 she assumed there were witnesses because there were two females the defendant came
1072 out and spoke with and was laughing and joking around with on breaks. She said she
1073 made a mental note of that because it was odd to her the defendant would be laughing
1074 and joking, and in her opinion, that day would be her worst day.

1075

1076 She said there was another male in the hallway that she assumed was part of the
1077 case because he had [REDACTED] tattooed on his forearm, and that was the patient's (Victim)
1078 last name. She said she did not make contact with any of these other people, and the
1079 male stayed down the hallway to himself. I asked her if the two females would have been
1080 close enough to hear any conversation they were having, and she said they maintained at
1081 least one window away from each other. She also stated these two females were out in
1082 the hallway as long as they were. [REDACTED] did not have any other
1083 information to add and my interview with her ended.

1084

1085 [REDACTED]

1086

1087 On 11-12-19, at approximately 8:45 am, I interviewed [REDACTED]
1088 The following is a summary of the information he provided. I confirmed he testified in a
1089 trial in September, and he stated that was correct. I told him I was aware there were some
1090 sequestration order issues, and he stated he was aware there were some concerns if there
1091 were any discussions in the hallway after they had been told to not discuss the trial in the
1092 hallway.

1093
1094 I asked him if he met with the D.A.'s office prior to testifying, and he said yes. I
1095 asked if that is when he was told about the sequestration order, and he said he was not
1096 told about the sequestration order until the day they were in trial, and the incident
1097 occurred. He went on to say the only thing he was told was on that day in the hallway
1098 was don't talk about the case out here. [REDACTED] said they were in the hallway for a long
1099 time. They asked him while he was in the hallway who else was in the hallway that he
1100 knew. He said it was at various times him, [REDACTED], [REDACTED] and on the
1101 second day Richard Jones and [REDACTED] were also there.

1102
1103 I asked him if he knew either of the police officers before that day, and he said he
1104 had known Richard Jones for years through work. He said he had encountered [REDACTED]
1105 on calls, but he does not know him. I asked him if he heard or was aware of any
1106 discussions that occurred in the hallway about the case and he said no. He said the only
1107 thing that even came close to a conversation about the case was there was a conversation
1108 about using dispatch information to determine how they respond to a call. He said it was
1109 not about this case, but it was about response to calls in general. I told him it was my
1110 understanding that at some point the D.A. came out into the hallway and explained to
1111 them they were not allowed to talk about what dispatch said, and he said he was not
1112 aware of that. He went on to say it was his understanding that a lot of this conversation
1113 occurred when he was actually on the stand testifying, so he was not in the hallway. He
1114 said he thinks that is why when they got recalled to testify, he was never recalled.

1115
1116 I asked him if he saw any other witnesses in the hallway, and he said there were
1117 other civilians in the hallway, but he was under the impression they were family to the
1118 defendant. [REDACTED] stated they were in the hallway for so long they had numerous
1119 conversations about different topics, but he does not recall any about the case itself. [REDACTED]
1120 [REDACTED] did not have any other information and my interview with him ended.

1121
1122 [REDACTED]
1123

1124 On 11-14-19, at approximately 8:56 am, I interviewed [REDACTED]
1125 During my interview with [REDACTED], [REDACTED] and
1126 [REDACTED] were present. At the beginning of the interview, [REDACTED]
1127 [REDACTED] requested [REDACTED] receive a Garrity Advisement. I provided him a Garrity
1128 Advisement signed by [REDACTED] and [REDACTED] went over the advisement with
1129 [REDACTED]. [REDACTED] acknowledged he understood the advisement and
1130 signed the Garrity Advisement. The following is a summary of the information he
1131 provided me.

1132

1133 I began the interview by confirming with [REDACTED] that he testified in a
1134 trial in [REDACTED] regarding the death of a child, and he stated that was correct. I
1135 informed him I was aware that during the trial there were some issue with the
1136 sequestration order, and he stated that was correct. I asked him if he was advised there
1137 was a sequestration order prior to the trial, and he stated he was. I asked him if he could
1138 tell me what he could recall about the sequestration order violation and the testimony that
1139 followed that.

1140

1141 He said this was his first trial to testify in that was this serious, and he was on the
1142 stand testifying, and out of nowhere they stopped his testimony and asked everyone to get
1143 out in the hallway. He said when he came back in, the jury was gone, and everybody else
1144 in the courtroom was gone other than the judge and the prosecution and defense
1145 attorneys. He said they started asking him all these questions about what was said in the
1146 hallway, and he was confused about what was going on. He said they were asking
1147 questions regarding what they talked about in the hallway. He said after being in the
1148 hallway for approximately three days, hours at a time, it was hard to recap everything
1149 they talked about.

1150

1151 He said he did tell the judge they talked about running a code, but that
1152 conversation was in general topic, not case specific. He said while he was in the hallway
1153 Corporal Jones and three firemen were also in the hallway. He said they were just having
1154 casual conversation about other calls and how they responded to the calls. He said they
1155 had a lot of different conversations about other things not related to police work. The
1156 judge also asked him if he watched videos, and he told the judge yes. He said he watched
1157 some YouTube videos, some Instagram videos, and he did watch a video of his body-
1158 worn camera footage from the case, but when he did this, he went into a conference room
1159 to the side of the court. He said he was by himself when he watched the body-worn
1160 camera footage.

1161

1162 I asked him how long he had been with the police department, and he stated since
1163 [REDACTED] I confirmed this was the first big case he had testified in and he stated it
1164 was because the child died. I told him he stated he was aware there was a sequestration
1165 order in place, and I asked him what his interpretation of that order is. He went on to
1166 describe that if he and someone else were talking about the details of the case, such as a
1167 female lying on the floor, that would be a violation because they were talking about the
1168 case. He said he felt talking about the details and facts of the case would be a violation of
1169 the sequestration order.

1170

1171 I asked him if I was correct in his statement that he was actually testifying on the
1172 criminal portion of this case when the sequestration issue arose, and he stated that was
1173 correct. I asked him if the judge, the prosecution, and the defense all asked pretty pointed
1174 questions of the discussions in the hallway and he said they did. He again said he told the
1175 judge all he could remember was the conversation about running code to different calls,
1176 but he did not remember anything about the details of this case. I asked him if he knew
1177 how the conversation about responding code was brought up. He said he does not
1178 remember how the conversation started.

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I told him he mentioned they were out in the hallway for three days. I asked him if he could break that down for me. He said he was on vacation and when he called the D.A.'s Office they told him the very first day don't show up because they wouldn't have to pick a jury. He said he showed up the second day, and they still hadn't selected a jury, so he left and went to the station and checked in with his sergeant and did some online stuff at the department. He said he went back in the afternoon and stayed until approximately 3:00 pm, and they were told to come back the next day.

He said the third day he went back and stayed out in the hallway for a while again. I asked him if they specifically asked him about the suspect's demeanor, and he said they asked so many questions he can't remember them all. I asked him if he remembered anyone having a conversation about the suspect's demeanor. He said he didn't know. He stated he does not remember anyone talking about that specific case the day it occurred. He went on to say he learned a lot from sitting in the hallway for so long, and he was surprised all of this was stemming from someone overhearing some conversations they had.

He said he understands maybe some cases sound familiar or they sound alike, but he is one not to talk about anything related to police work in the hallway. I asked him if when he testified in the sequestration hearing if he was under oath, and he stated he was. I asked him if he testified truthfully to the best of his memory and he stated yes. I asked him if he answered all my questions truthfully today and he stated yes. I asked him if he felt there was any department policy violations by him or Corporal Jones during this incident. He stated Corporal Jones is a good guy, but he is loud, and everybody hears when he talks, but Corporal Jones would give the shirt off his back to somebody, and he has a soft spot for kids. [REDACTED] went on to say this call was the first time he ever saw Corporal Jones cry. He added that Corporal Jones would also get after him if he sees him doing something wrong, and he has helped him a lot in his first two years on the job. He said he couldn't imagine Corporal Jones violating any policies, nor did he.

I asked if he heard Corporal Jones talking about the facts of the case in the hallway, and he said no. I asked him if there was anything else, he would like to add that I haven't asked him regarding this investigation, and he stated no.

[REDACTED] said he was extremely rattled during the testimony in this case, and the judge did not calm him down at all. [REDACTED] asked [REDACTED] if part of the reason he was so rattled was he was impeached on something during the criminal trial, and he stated yes. He said the defense lawyer had asked him a question, and he answered it, and then the defense approached with a big binder of the transcript, and he answered the question differently in a previously hearing, and he apologized that he did not remember that question. He said the preliminary hearing was approximately nine months prior to his trial, so he did not remember word for word, but he said the defense attorney used the word impeachment, and that made him more nervous about testifying.

1224 [REDACTED] explained another incident that occurred and said he did not
1225 recall transporting the suspect. He said he apparently had three body-worn camera clips,
1226 and he only reviewed two because he was not aware of the third one, which showed him
1227 transporting the suspect, but he testified he did not transport her because he had not seen
1228 that video.

1229

1230 I asked him if the firemen were involved in the code response conversation, and
1231 he said yes. I asked him if he recognized any other witnesses in the hallway near them.
1232 He said he didn't, but Corporal Jones made a comment that this might have stemmed
1233 over the father being in the hallway. [REDACTED] asked [REDACTED] if the conversation
1234 he had with Corporal Jones regarding this (sequestration order violation) was prior to
1235 being served his 48-hour notice, and he stated it was.

1236

1237 I asked him if he heard the Fire Department employees playing a message on the
1238 phone from one of the D.A.'s, and he stated he did not. I asked him if he had anything
1239 further to add to the interview and he did not. At this time my interview with [REDACTED]
1240 [REDACTED] ended.

1241

1242 **Richard Jones**

1243

1244 On 11-14-19, at approximately 9:28 am, I interviewed Corporal Richard Jones at
1245 the Pueblo P.D. Internal Affairs Office. Present during this interview was [REDACTED]
1246 [REDACTED]. Again, I advised Corporal
1247 Jones of his Garrity Advisement, and [REDACTED] went over the advisement with Corporal
1248 Jones. Corporal Jones agreed to proceed with the interview, and the following is a
1249 summary of the information he provided.

1250

1251 I informed Corporal Jones the interview was regarding the trial in September
1252 regarding the death of that child. I asked him if he was aware there was a sequestration
1253 order prior to the trial, and he stated he was. I explained to him there was some type of
1254 violation of the sequestration order, and there was a separate hearing regarding it. I asked
1255 him if he could tell me what he recalls about the issues that arose and the testimony.

1256

1257 He stated the trial lasted three days. He said on last day of the trial, he was in-
1258 service training, so he was going back and forth from training to court. He said that
1259 afternoon he went back to court and they told him they would not need him yet, so he left
1260 again. He said he came back to the department and participated in the arrest control
1261 training. He said while he was at the arrest control training, his phone blew up, and they
1262 were telling him they needed him back over at the courthouse. He said he arrived back at
1263 the courthouse and shortly after he arrived, they were calling him to the stand. He said
1264 when he sat on the stand, [REDACTED] began asking him about the court case. He said
1265 the judge asked him about coding and asked him if he was talking about coding out in the
1266 hallway. Corporal Jones stated he told the judge he did not know what coding is. He
1267 said the judge went on to explain that he was talking about how people responded to the
1268 scene. Corporal Jones stated he told the judge, "no, sir", I was not talking about coding.
1269 He said the judge then asked him if he was talking about the case at all in the hallway,

1270 and Corporal Jones again told him, "no, sir". He said the judge asked him a couple of
1271 other questions, and he repeatedly told the judge "no, sir", he did not remember talking
1272 about the case at all. Corporal Jones stated that his testimony was pretty brief, but he was
1273 getting pissed, and the judge told him he could leave.
1274

1275 Corporal Jones stated when he walked out of the courthouse, he was pissed
1276 because, to his knowledge, he did not talk about the case because he was sequestered, and
1277 he does not talk about the case when he is sequestered. He said when he was there, they
1278 talked about his baby cases. He said, did we talk about this specific baby case? He did
1279 not. He said one of the cases he's dealing with he calls her his Easter baby. He said it
1280 was a case he worked almost [REDACTED] ago where he did CPR on the baby, and the baby
1281 died. He said that is a heavy case for him and he still [REDACTED]
1282 [REDACTED] He again said he did not talk about this case.
1283

1284 He said one thing that made him mad before this case went to trial is, he had to
1285 contact the D.A. and ask if they watched his body camera footage. He said [REDACTED]
1286 said he could not remember if he watched his entire body camera footage. He said he
1287 pointed out a few things to [REDACTED] as they watched his body camera footage, and
1288 [REDACTED] said these things do not make sense and stated that these observations helped
1289 the case.
1290

1291 Corporal Jones went on to say he read the letter the District Attorney authored
1292 regarding his testimony, and in the letter, it mentioned he was talking about the suspect's
1293 actions and how she was acting. Corporal Jones stated, first of all, she was never under
1294 arrest when she was with him. He also stated he knows on his body camera footage that
1295 when they are in the room with her baby, and they walk out, the suspect turns and looks
1296 at him and asks if he has her driver's license and Social Security card. He said he told the
1297 female he did not have those items, but another officer did, and they would get them back
1298 to her.
1299

1300 He said that is what he had to tell the Deputy D.A.s about, and they did not even
1301 know that was on his body-camera footage. He went on to say [REDACTED] and
1302 [REDACTED] told him he was going to be called to rebut any statements that the
1303 neighbor made. He said he never was allowed to testify in the criminal case. He said the
1304 only testimony he had was when they were asking him questions about whether he talked
1305 about the case. He said he, to this day, does not remember talking about the case that he
1306 knows of. I asked him if the prosecutors and the defense attorneys asked him questions
1307 as well, and he said they did. He said he does not remember what they asked him. He
1308 then added he couldn't remember what I did on Monday.
1309

1310 Corporal Jones stated this incident has brought on other things, and he is looking
1311 at himself personally. He said he is going through some things outside of the department,
1312 and [REDACTED] He stated [REDACTED] He stated when they
1313 mentioned he might have to go to court and not be able to take notes with him, it scared
1314 the crap out of him. He said honestly, he can't remember what he did last Friday or
1315 Saturday or what he did while he was sitting waiting for this court case. He said all he

1316 can truthfully say is he didn't talk about the case. He again stated that he talked about his
1317 Easter baby's case.

1318

1319 He said he had very little contact with the suspect in this case, and most of his
1320 contact was with the neighbor, the neighbor's family, and the father of the baby. He said
1321 that if anyone in the hallway was talking about this case, he did not hear them. He stated
1322 he was playing with a game called "Balls" on his phone. I asked him how long he
1323 thought he was in the hallway altogether. He stated he was there all three days.

1324

1325 I told him most serious cases like that the first day is jury selection. I asked him if
1326 the District Attorney's had them in the hallway for the entire first day. He said they were
1327 there for a while. He said if he remembers correctly that was his day off. He said he
1328 thought the first two days of the trial were his days off and the third day was a duty day.
1329 He said he thought they sent them home, but he couldn't tell me for sure. He said he
1330 knew they kept going back and forth and would go to the court and sit for a while, and
1331 then they would say they wouldn't need them.

1332

1333 I told Corporal Jones that I interviewed the Deputy D.As. that handled this case,
1334 and they told me they told him he was a rebuttal witness, and they would not need him
1335 until later in the week. I told him the trial started on September 17th, and he submitted an
1336 eight-hour overtime slip for September 17th. I asked him why he submitted an eight-
1337 hour overtime slip for a day that was consumed with jury selection. Corporal Jones
1338 paused and then said he did not know for sure, but if he submitted an eight-hour overtime
1339 slip, he was sure he was at the station doing work. He stated he was probably in the
1340 Annex doing bomb stuff.

1341

1342 He said in the past when he is involved in a trial, he knows the policy says not to
1343 go home and to be at the station either doing work or in-service. He said he was in the
1344 Annex doing bomb reports. He said he would be able to go into B.A.T.S and see if he
1345 entered reports that day. He stated if he submitted an overtime slip, it's because he was
1346 here working.

1347

1348 I informed him both District Attorneys informed me they told him they would call
1349 him later in the week if they needed them to testify. He stated he does not recall that. I
1350 told him to correct me if I'm wrong, but he had a subpoena for that, so he was going to
1351 come in, and if they did not need him, he was going to work on the bomb stuff at the
1352 Annex. He said if they did not need him and it's his day off of course he would rather go
1353 home but if they were going to need him, he was not going to go home or go in-service to
1354 where he might not be able to respond when they needed him, so he said what he
1355 normally does is if he is in uniform or in a suit, he comes to the station and does work at
1356 the station and most likely he goes to the bomb annex where he has plenty of work to do.

1357

1358 I told him he mentioned he talked about his case from 19 years ago, and I asked
1359 him if he talked about that suspect's demeanor while he was in the hallway. He stated he
1360 probably did. He said that case weighed a lot on him, and he was sure he talked about the
1361 lady's demeanor and the male's demeanor. I asked him who all was in the hallway for

1362 most of the time when he was there. He stated there was him, [REDACTED] and the
1363 three firemen. He said if he remembered correctly there was another gentleman that was
1364 sitting farther down and another female in the hallway. I asked him if he knew the
1365 firemen from other calls and stuff and he stated he knew them, but he does not know their
1366 names. I asked him if he offered the firemen the opportunity to review his report, to
1367 review their statements. He stated he didn't know. He said he might have, but he doesn't
1368 know.

1369

1370 I asked if he did offer his report to them, did he feel that would be a violation of
1371 the sequestration order. He said yes, it would be because they would be sharing
1372 information. I told him I assumed he had their statement in his report and he stated that
1373 was correct because he interviewed the three firemen. I told him I wanted to be sure and
1374 confirm that he did not recall talking about responding code. He does not remember
1375 offering the firemen his report, and he does not recall talking about the demeanor of the
1376 suspect, and he stated that is correct.

1377

1378 I explained to him that me doing this investigation is just like doing any other
1379 police work. I asked him if he testified truthfully when the judge called him to the stand,
1380 and he said, "yes, sir". I asked him if he could explain to me why there are three other
1381 people in this case who stated they heard him talking about the demeanor of the suspect
1382 and offering his report to the firemen. He stated the bad thing is, is he can tell me that
1383 when he told the judge he didn't do that, that's what he remembers. He said he does not
1384 remember talking about this case at all, but he does remember talking about his Easter
1385 baby.

1386

1387 He said he does not remember talking about her demeanor, but he does remember
1388 talking to the D.A. a couple of days prior about the suspect's behavior being odd when
1389 she asked for her driver's license and Social Security card. He said he does not
1390 remember telling anyone how the suspect acted. He said if he did, he thinks he would
1391 remember that, but he doesn't think he did. [REDACTED]

1392

[REDACTED] He again talked about how the judge was
1393 asking about coding, and he did not know what the judge was talking about.

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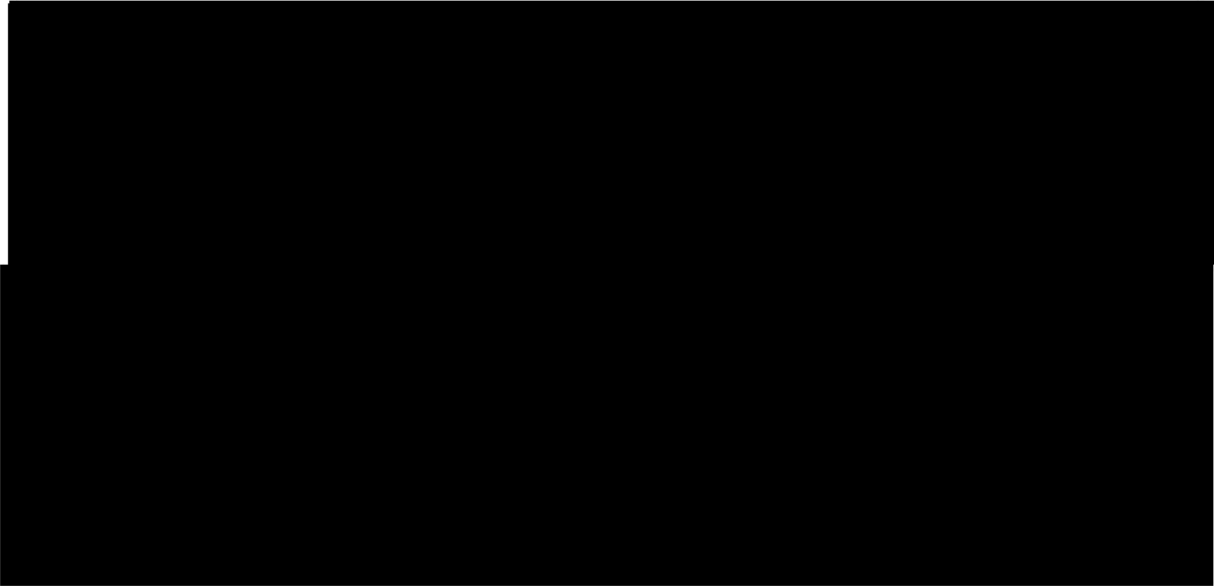
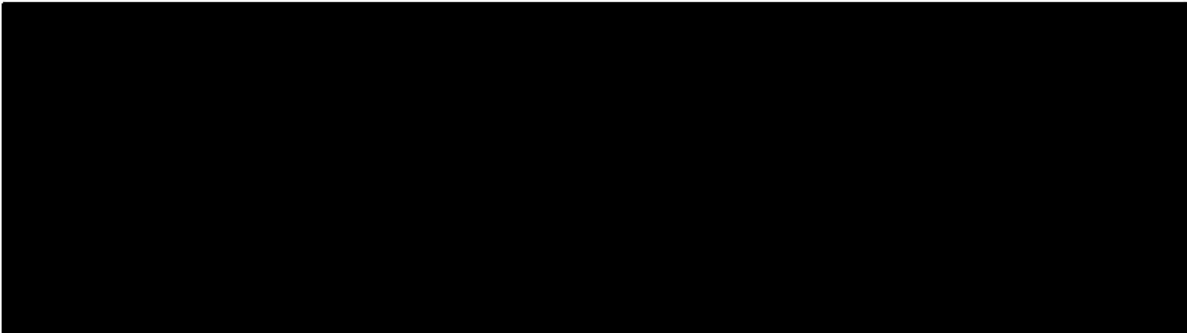
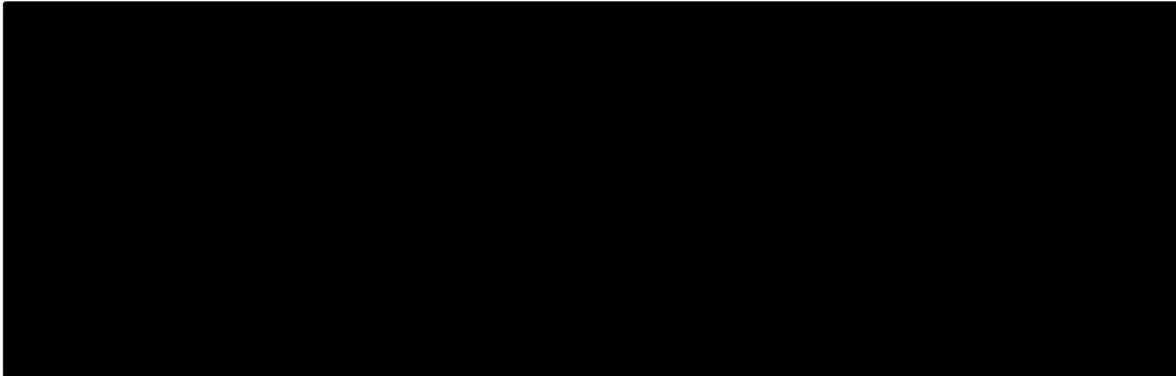
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1444 He said when he got the letter stating he was the one who did it, it was like a kick
1445 in the face because he feels he did not do it. He said that's the problem. He can't tell me
1446 definitely, but he doesn't know, and it scares the shit out of him. He said, would I do it?
1447 No. Do I know it's wrong? Yes. And that's why he said no, he did not do it.

1448
1449 I told him he referenced the [REDACTED] incident, and I asked him if he could tell me
1450 about how long he's been researching this information because not everyone might know
1451 when the [REDACTED] incident occurred. He said he thought the Parkview incident
1452 happened in [REDACTED] and he said earlier that year is when he called the

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[REDACTED]

I asked him if he has answered my questions truthfully, and he said yes. I asked him if he felt any department policies were violated during this incident by him or [REDACTED]. He stated no. [REDACTED] interjected and said to Corporal Jones he mentioned he might have shown the Fire Department personnel his report and that if he did that it would have been a violation of the sequestration order, and by extension of that might be a violation of the department policy. Corporal Jones agreed and stated, yes, sir. He stated if he did show them the report that it was a violation of department policy.

I confirmed with him then, just to make the record clear, that he does not remember if he offered to show the report or if he did show it to them, and he stated he does not remember. I told Corporal Jones I had asked the questions I needed to ask and asked if he had anything he would like to add. [REDACTED] stated he had a couple of questions for [REDACTED].

He asked Corporal Jones if he recalled the judge asking a question along the lines of do you recall hearing anyone discuss the case in the hallway, and Corporal Jones stated, yes, sir. [REDACTED] asked if his response to that question was no and Corporal Jones stated, yes, sir. [REDACTED] told Corporal Jones he talked about his hearing and asked if his hearing was not good and he said it is not. [REDACTED] stated he had made some observations about Corporal Jones' hearing the last week or so, and he would confirm that it is not good. [REDACTED] asked him if it was possible that other people could have been talking about the case in the hallway, and Corporal Jones not hear them and Corporal Jones stated, yes, sir. [REDACTED] said, so your response would have been truthful, and he said yes.

[REDACTED] said he mentioned playing this game on his phone and asked him what his attention span was like when he was playing that game. Corporal Jones stated he would not be paying attention to other people in the vicinity but also trying to keep his peripherals aware of what's going on down the hallway.

[REDACTED] asked Corporal Jones about the first day of trial for jury selection, was it his (Corporal Jones') understanding that he was on call and Corporal Jones said, yes, sir. [REDACTED] told Corporal Jones he mentioned [REDACTED] where he

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██████████
██████████ asked Corporal Jones if in his lengthy career at the Pueblo Police Department if people had damaged his property and lash out at him, and he did not react that way, and he stated, yes, sir. ██████████ asked Corporal Jones if this was uncommon for him and he stated, correct. He said the young man swung at him and didn't even hit him, but his glasses fell off, and he just stomped on them. ██████████ did not have any further questions.

I told Corporal Jones I had a couple of questions after ██████████ asked him questions. I told him he mentioned he had hearing problems, and I asked if he has any hearing aids or anything that helps him hear and he stated he does not. I told him as far as hearing any witnesses in the hallway, he mentioned he did not hear any witnesses, but I asked him if he said anything about the case, and he said, no sir, not that I know of.

I asked him if he recognized anyone other than firemen in the hallway and if there was anyone he recognized from the case in the hallway, and he said, no, sir. I asked him what he was wearing the day he testified. He said he thought he was in a suit because the day he was in in-service he was trying to do arrest control in his dress clothes, as well as testifying in court. I asked him again if there was anything I hadn't asked, or ██████████ had not asked that he would like to add to the interview, and he stated no. At this time, the interview concluded.

A short time after the interview, Corporal Jones re-contacted me, and I went to the Bomb office in the Annex where he and ██████████ showed me the B.A.T.S computer system. Corporal Jones showed me that he entered five B.A.T.S reports on the first day of the trial, which was 09-17-19. He showed me these reports to show that he was at the Bomb Annex completing reports, and that is the day he put in for eight hours of overtime. I asked Corporal Jones to take screen shots of the time and CR the reports were done and email them to me, which he did at a later time. He also provided me handwritten copies of the log sheet where he did the reports.

On 11-15-19, I contacted ██████████ who is Corporal Jones' supervisor. I asked him if he remembered Corporal Jones telling him he was on-call during the first day of the trial when he turned in his eight-hour overtime shift. ██████████ could not remember for sure, but he stated he does remember Corporal Jones saying he was going to be in the Bomb Annex working on things because he was involved in a court hearing. He stated he does not remember what day that was. I explained to him the day Corporal Jones put in eight hours overtime was not their normal duty day and asked ██████████ if he would have been in working overtime for Jones to tell him about trial and working at the Annex. He stated he might have been working overtime. Again, he stated he remembers being at his desk and Corporal Jones telling him he would be at the Bomb Annex.

1543 It should be noted I checked with Payroll, and [REDACTED] was on overtime
1544 on 09-17-19 but was teaching driving for the Academy, so it is unknown if this is the day
1545 Corporal Jones asked him about being at the Annex or if it was the following day.
1546
1547

1548
1549 [REDACTED]

1550
1551 On [REDACTED] I received a copy of a letter authored by Pueblo County District
1552 [REDACTED]. The letter was addressed to the Defense Counsel and/or
1553 Defendant. It stated the purpose of the letter is to comply with the prosecutions legal and
1554 ethical responsibilities under Rule 16 of the Colorado Rules of Criminal Procedure, the
1555 Colorado Rules of professional Conduct, and applicable federal and state case law.

1556 The letter went on to address that during the trial of People v [REDACTED], an
1557 issue arose regarding two police officers including Corporal Richard Jones violated a
1558 sequestration order by having inappropriate conversations about the case while they were
1559 in the hallway waiting to testify. The letter stated the court ruled Corporal Jones
1560 specifically made inappropriate statements concerning [REDACTED]'s behavior at the time
1561 of her arrest. It also said that despite Corporal Jones' testimony that he did not discuss
1562 the case with other witnesses, the court ruled there was a sequestration violation and
1563 Corporal Jones would not be allowed to testify in the criminal case.
1564

1565 I later received a copy of the court transcript from [REDACTED]
1566 [REDACTED]. I reviewed the transcript and the following is a summary what each
1567 witness testified to during the sequestration violation hearing.
1568

1569 [REDACTED] **testimony**
1570

1571 Firemen played the message from [REDACTED] she heard it and was setting two
1572 benches away. Could not give specifics about what phone message said other than
1573 questions about [REDACTED] case. Said this happened earlier in the day.
1574

1575 Later in the day (3:30ish) she heard the two Officers talking about [REDACTED] showing
1576 no remorse when the Officer advised her of Miranda and transported her to the
1577 station. Said the two officers and the three firemen were present during this
1578 conversation.

1579 She describes the tall thinner Officer making these comments. She said the other
1580 Officer did not say anything nor did the firemen. Went on to call Jones by name
1581 and said it was not Jones, it was the other one who was making the comments.
1582 Said it was the one in uniform (which is [REDACTED]).

1583

1584 [REDACTED] **Testimony**

1585

1586 After being asked if they talked in the hallway about the case, he answered, "We
1587 talked generalizing. Just like, had to go to court, what is going on, and just general
1588 stuff".

1589 Judge asked for specifics. [REDACTED] stated he was trying to recap their
1590 conversations. He said they talked about if they ran code to the call while in the
1591 hallway with the firemen and Jones.

1592 Said he did not talk about her demeanor or how she was acting, nor did he advise
1593 her of Miranda, nor did he transport her to the station from the hospital. He
1594 testified suspects neighbor took her to the police station from the hospital. Said
1595 he did not hear conversation about the case other than running code to the call.

1596 DA asked if he made statements about her showing no remorse when he
1597 transported her, and he said no. And he said he did not transport her.

1598 Defense cross examined him and showed his body cam and it showed him
1599 transporting [REDACTED] from hospital to station. [REDACTED] apologized and stated he did
1600 not remember transporting her, but he did.

1601 Testified he did not talk to other witnesses about the transport or about any of his
1602 contact with her. He did not have conversations about her demeanor.

1603

1604 **Corporal Richard Jones Testimony**

1605

1606 Court asks if while in the hallway had he had any discussions or heard anyone
1607 make statements regarding the facts of the case? Jones answers "No sir". Court
1608 asked if there was any discussion regarding coding and Jones says he does not
1609 understand. Judge explains coding to be how you respond to a call. Jones then
1610 says, "No sir, not that I know of". Court asks if [REDACTED] or Firemen made
1611 comments about responding code and Jones says, "No sir".
1612 DA asks if he or any Officer making comments about [REDACTED] showing remorse.
1613 Jones says yes but was referring to an earlier time when he met with DA. The DA
1614 asks if he made those comments in the hallway today and he said, "No, Ma'am".
1615 DA asks if he remembered any of the witnesses talking about defendants'
1616 emotions or her transportation to the station and he said, "No Ma'am". He went
1617 on to say he did not hear anyone talking about the facts of the case in the hallway.
1618 DA asks if he heard Albaugh and the Firemen talk about running code to the call
1619 and he said, "No, ma'am".
1620 Defense asked if there were any facts about the case discussed in the hallway and
1621 Jones said, "No sir, not that I heard".

1622

1623 [REDACTED] **Testimony**

1624

1625 She describes someone (never discovered who) told them they were still picking a
1626 jury so they should check with the DA to come back at a later time so they would
1627 not be in hallway so long. [REDACTED] played a voice message on his phone
1628 from [REDACTED] to get a number for him. No facts about the case on the
1629 message.

1630

1631 Court asks if there were discussions about the facts of this case between the
1632 Firemen and the Officers while in the hallway. She said Jones offered his report
1633 to her if she needed to see her statement she had provided. She told him she did
1634 not need to see it.

1635

1636 She said [REDACTED] made some kind of a comment about being the third or fourth
1637 Officer to arrive on scene.

1636 Was asked if either Officer made comments about [REDACTED] demeanor or how she
1637 was acting. She said Jones said he noted her behavior and how she was acting.
1638 Court asked her to try and recall what was said exactly.

1639

1640 The following is copied from transcript:

1641

1642 Q And to the best of your ability, tell me
1643 exactly what he said.

1644 A That she, I guess, that she was not acting as
1645 we have seen in the past.

1646 Q Meaning?

1647 A. Her demeanor. Her behavior was not normal to
1648 what we have seen in, given the same circumstances.

1649 Q Okay. So he was talking about how she was
1650 acting on the date that he had contact with her and you
1651 guys had contact with her?

1652 A I believe so, yes.

1653 Q It was clearly Officer Jones? It wasn't

1654 [REDACTED]?

1655 A I don't believe so. He was pretty quiet. I
1656 have not heard much out of him.

1657 Q Okay. But you do recall Officer Jones making
1658 that statement?

1659 A Yes.

1660

1661 She testified all five were present when this conversation occurred.

1662 She also said Jones offered his report to all of them in general.

1663 Defense asked if Jones and [REDACTED] were talking about how they got to the scene
1664 and in what order. She said Jones was and then [REDACTED] did by correcting Jones
1665 on when he arrived.

1666 Defense questioned her and she maintained Jones said the defendant was not
1667 acting appropriately the day of the incident.
1668 Defense asked if there were other witnesses when these conversations occurred,
1669 and she said there were two young ladies who she assumed were witnesses.
1670 Was asked if Jones or anyone said anything about her not showing remorse and
1671 she said not that she could recall.
1672 She said DA came in the hallway and advised them not to talk about what
1673 dispatch told them (hearsay). After that, Jones and [REDACTED] talked about what
1674 dispatch tells them is what determines if they run code to the call. She felt they
1675 were talking about all calls and not this call.

1676

1677 [REDACTED] **Testimony**

1678

1679 He played the voice mail from DA that was played in hallway.

1680 DA asked if he remembered any of the Police Officers talking about the facts of
1681 the case and he said "No".

1682 Then asked if they were talking about suspects demeanor and he said, "No".

1683 Defense asked if he remembered anyone talking about the [REDACTED] showing remorse and he
1684 said, "No, I don't recall that". They asked if he heard anyone talking about [REDACTED] not
1685 acting the way you would expect, and he said no.

1686

1687 I re-contacted all the witnesses again and their statements were similar to their
1688 testimony in the sequestration hearing. [REDACTED] testified it was the smaller officer
1689 who made the statements about Stuart's demeanor. When I interviewed her, she
1690 described the taller Police Officer who was heavier set, bald, and was wearing a suit.
1691 This description matches Corporal Jones. She stated when she testified, she was under
1692 the impression based on Corporal Jones' statements about [REDACTED] demeanor, he
1693 transported [REDACTED] to the station. She later learned [REDACTED] transported her. I
1694 asked her if she recognized either of the Officers in the hallway from the day [REDACTED]'s
1695 baby passed away and she said the taller, heavier, bald Officer interviewed her that day.
1696 During our interview she confirmed this Officer is the one who offered his report to the

1697 Firemen, and also said [REDACTED] did not show remorse. She also said Officer [REDACTED]
1698 played the voice message on his phone but that was determined to be played by Fireman
1699 [REDACTED]. [REDACTED] testified the firemen played the message but was now reporting it was
1700 [REDACTED].

1701
1702 [REDACTED] maintained a consistent statement. She said the discussion
1703 regarding responding to calls was more general and not specific to that call. She also
1704 confirmed Corporal Jones was asking her if she noted [REDACTED]'s actions that day and when
1705 she told him no, she said he told her he noted them. [REDACTED] also confirmed Corporal
1706 Jones Offered his report to her to refresh her memory and she declined. Both [REDACTED]
1707 [REDACTED] and [REDACTED] said they did not hear or remember any discussion in the
1708 hallway. [REDACTED] confirmed he played the voice message from [REDACTED]

1709
1710 I also interviewed Deputy DA [REDACTED] and [REDACTED] Public Defenders
1711 [REDACTED] and [REDACTED], and Lead Detective [REDACTED]. The following
1712 are pertinent points from their interviews.

1713
1714 [REDACTED] stated the incidents regarding the sequestration violation
1715 were the firemen playing the voice recording from the DA, officers and firemen talking
1716 about running code to the call, and Officers talking about the suspects demeanor. She
1717 said [REDACTED] admitted they talked about running to the call in a code status but
1718 did not remember the other conversations. She said [REDACTED] testified she
1719 heard Corporal Jones talking about the suspects demeanor and Corporal Jones testified he
1720 did not hear or take part in any of these conversations. I asked if the judge actually used
1721 the word untruthful in his ruling regarding Corporal Jones testimony. She said she does
1722 not remember if the word untruthful was used but she stated the truthfulness side of it is
1723 that Corporal Jones got on the stand and said he did not do any of that, and the court
1724 ruled, yes you did. She stated in her opinion from the court findings, they felt Corporal
1725 Jones lied on the stand while under oath. [REDACTED] also said Corporal Jones was advised he
1726 was a rebuttal witness and he would not be needed until later in the week therefore he did
1727 not need to wait in the hallway, and they would call him when they needed him.

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████████████████████ and he confirmed the same issues surrounding the sequestration violation and testimony following. He said Corporal Jones was asked specifically if he talked about the suspects demeanor on the day of the incident and he said no. ██████████ stated the court ruled it was clear this conversation occurred despite Corporal Jones stating it didn't and it was a violation of the sequestration order. I asked him if even though the judge did not use the word untruthful in his ruling, with the outcome of his ruling if he felt Corporal Jones was untruthful? He stated yes. He said the outcome and the way the judge phrased it, "despite his testimony" to the contrary this did in fact happen. ██████████ stated the court strongly insinuated it by his actions and demeanor. ██████████ also said Corporal Jones was advised he was a rebuttal witness and he would not be needed until later in the week therefore he did not need to wait in the hallway, and they would call him when they needed him.

████████████████████ also confirmed the topics in question in regard to the sequestration order violation. I asked ██████████ if he, the judge, and the prosecution asked specific and direct questions to Corporal Jones and if there was any way Corporal Jones thought they might be referring to a different case, to a different conversation, or a different time, and ██████████ stated absolutely not. He stated he remembered the judge orienting Corporal Jones about ██████████'s case, and that being the case they were discussing. He stated he also asked Corporal Jones point-blank if he talked to any other witnesses about this case or the facts of this case, and the answer was no. After a lengthy interview with ██████████ he stated he felt Corporal Jones with testified untruthful while being under oath.

████████████████████ also confirmed the topics in question in regard to the sequestration order violation. She said during his testimony Corporal Jones just denied saying anything or doing things. I asked her what her opinion was of the judge's ruling, and she stated she felt ██████████ also violated the sequestration order, and he was more forthcoming on the stand about how he violated it than Corporal Jones did.

1758 She stated this was, in her opinion, why the court came up with such a strong remedy
1759 against Corporal Jones.

1760

1761 [REDACTED] also confirmed the topics in question in regard
1762 to the sequestration order violation. She said [REDACTED] and the firemen testified, and then
1763 the judge called [REDACTED] back to the stand and asked him outright if they had
1764 talked about the case in the hallway. She recalled [REDACTED] saying he did talk
1765 about the case, yet he didn't, and he was kind of downplaying it but did say that he talked
1766 about running lights and sirens. The judge then called Corporal Jones to testify, and
1767 Corporal Jones outright said he did not talk about the case. She stated that was
1768 concerning and disheartening for her because she heard [REDACTED] tell the judge what she
1769 heard, and the firemen tell the judge what they heard and then Corporal Jones said they
1770 were not talking about anything.

1771

1772 [REDACTED] stated when he was testifying, he was totally rattled. He
1773 said it was his first major case to testify in and he was very nervous. He said he testified
1774 he recalled him, Corporal Jones, and the firemen talking about how they respond to calls,
1775 but thought it was in general and he did not think it was specifically related to this call.
1776 [REDACTED] said he does not recall hearing or taking part in any other conversation
1777 related to this case.

1778

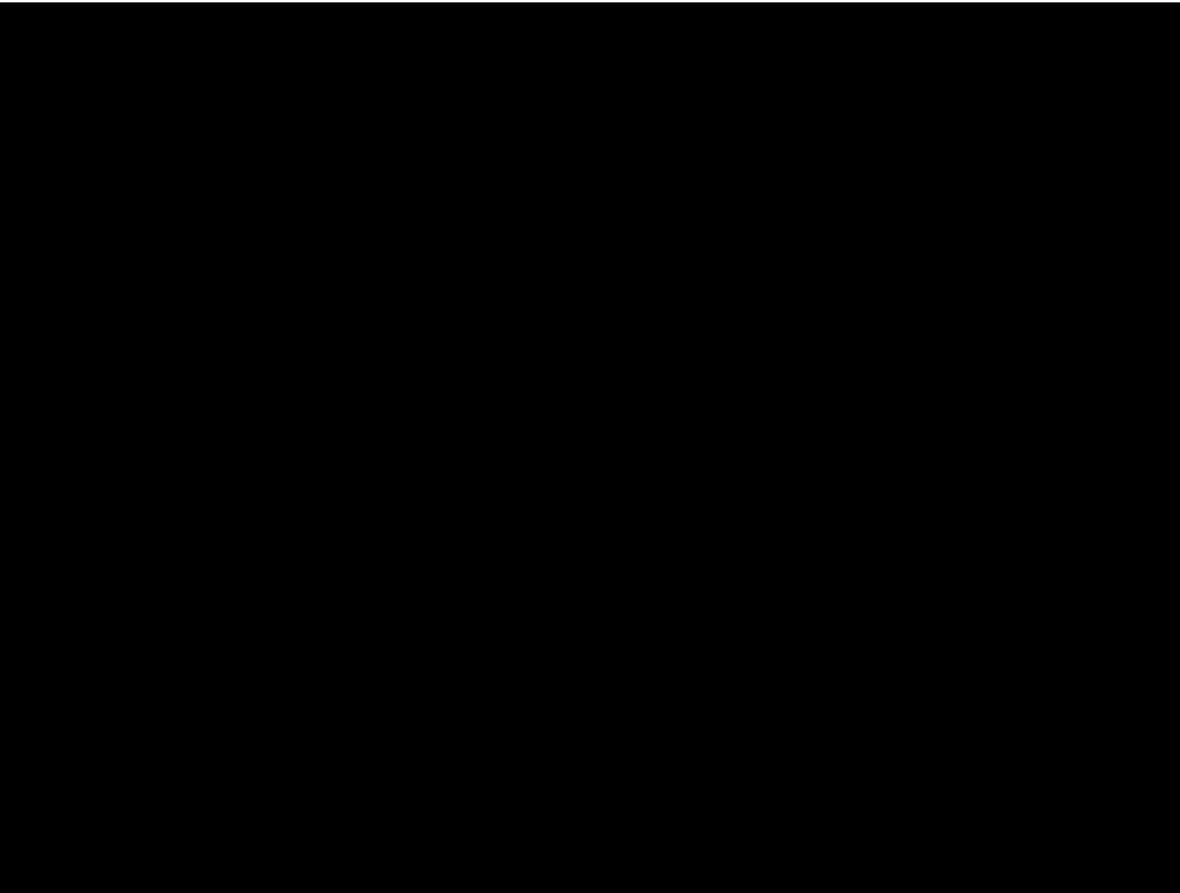
1779 Corporal Richard Jones stated he was initially confused when the judge asked him
1780 if he spoke about coding. He said when the judge explained it was referring to how he
1781 responded to calls, he said he did not talk about that in the hallway. He also said he did
1782 not talk in the hallway about the suspects demeanor. When asked if he showed or
1783 attempted to show the firemen his report, he stated he did not remember. He said he can
1784 not say he did, or he did not. He said he testified he did not talk about the facts of this
1785 case in the hallway because he does not believe he did. When asked about putting in for
1786 eight-hours of overtime on the first day of trial when they were picking a jury, he said he
1787 believed he was on call and he was working in the bomb annex doing reports.

1788

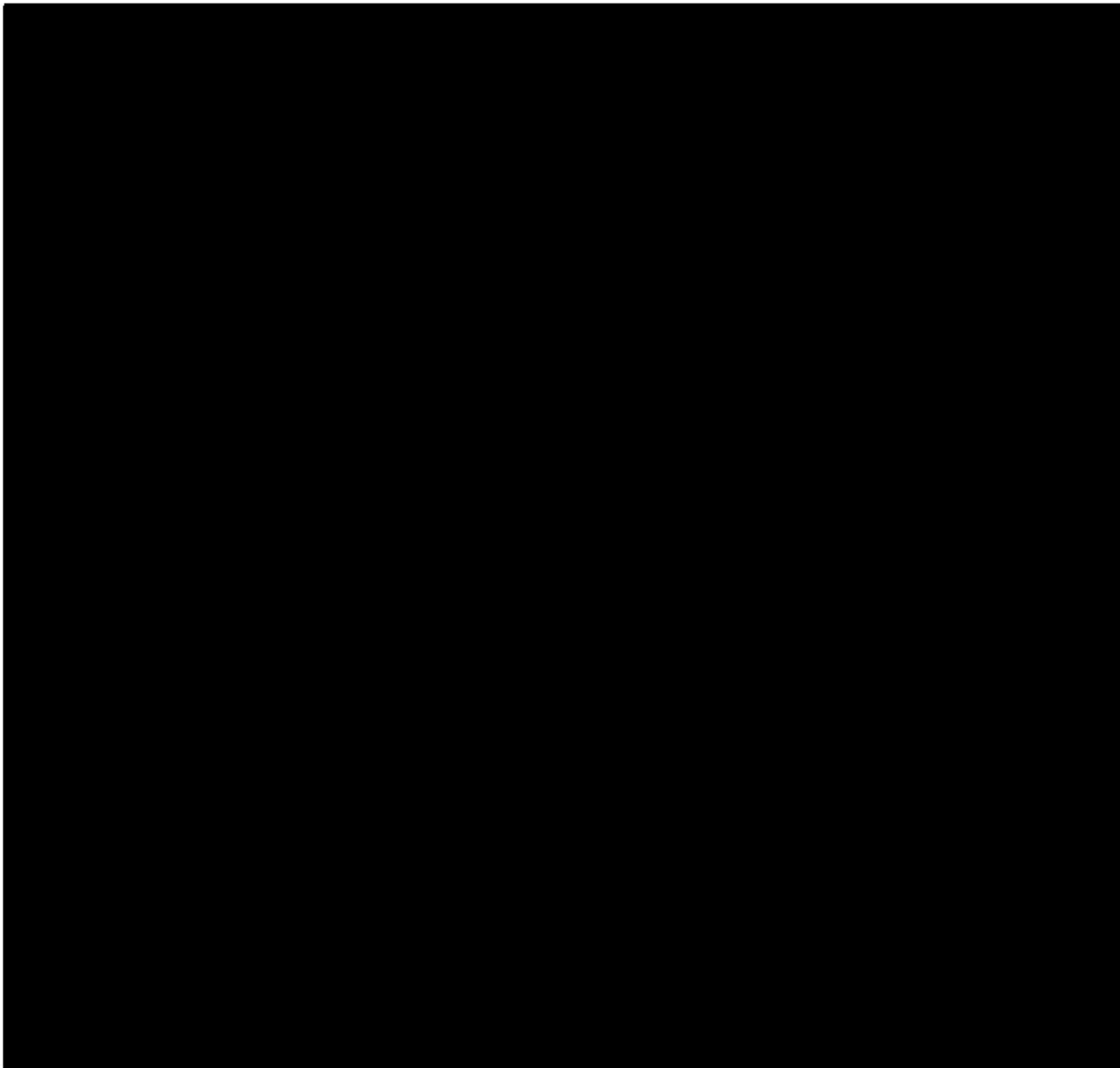
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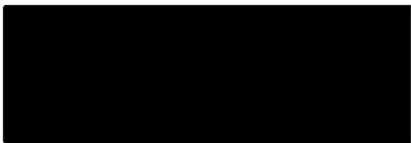
In reading the transcript, [REDACTED] ruled there was clearly inappropriate discussions in the hallway. He stated that there were some inconsistencies in regard to who made what comments, but it is “pretty clear to me that the police officers were making comments”. He ruled that [REDACTED] talking about coding (response to the call) was a violation but he did not view that in the same light as what had been described as what Corporal Jones statements were. He ruled he was also concerned Corporal Jones offered his report to the firefighters which was inappropriate. It should be noted, Corporal Jones was not asked about attempting to provide his report to the firemen when he was testifying. [REDACTED] ruled, “there is no doubt in my mind that there was a violation of the sequestration order”.



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**OFFICE OF THE DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT, COLORADO**

[REDACTED]

October 16, 2019,

ATTN: Defense Counsel and/or Defendant

RE: Pueblo Police Officer Richard Jones

The purpose of this letter is to comply with the prosecution's legal and ethical responsibilities under Rule 16 of the Colorado Rules of Criminal Procedure, the Colorado Rules of professional Conduct, and applicable federal and state case law. In compliance with those obligations, the People provide notice regarding Officer Richard Jones.

Our Office is aware that during a jury trial in the case *People v. [REDACTED]* an issue arose concerning a possible violation of the court's sequestration order. To resolve the question, the court conducted a hearing in which the court received testimony under oath from several witnesses of the event, including Officer Richard Jones. While the testimony revealed that there was a conflict among the witnesses as to who made what statements, if any, nevertheless inappropriate conversations regarding the case occurred in the hallway. The court noted it was clear that two police officers to include Officer Richard Jones, were making inappropriate statements regarding the case in front of other witnesses, with Officer Richard Jones specifically having made inappropriate comments concerning [REDACTED] behavior at the time of her arrest. At the conclusion of the hearing the court found that despite Officer Richard Jones' testimony that he did not discuss aspects of the case with other witnesses, there had been a violation of the court's sequestration order. As a result, the court ordered that Officer Richard Jones be precluded from testifying in the matter. Our Office is prepared to provide discovery in the form of a transcript from the hearing upon request. Additionally, our Office notified the Pueblo Police Department of what transpired and the court's order.

There may be additional employment related records relevant to this incident. Employment records are generally protected and are subject to an in-camera review by the court prior to release. The process for obtaining a judicial determination as to whether the defendant in this case is entitled to this information is set forth in *Martinelli v. District Court*, 612 P.2d 1038 (Colo. 1980).

Sincerely,

[REDACTED]

701 Court Street, First Floor • Pueblo, CO 81003-3077
Telephone 719.583.6030 • FAX 719.583.6666



Pueblo, Colorado
POLICE DEPARTMENT

INTRA-DEPARTMENTAL COMMUNICATION

TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: IA Investigation #2019-0051

DATE: 11/07/19

In accordance with Department Order **1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE**; you are hereby informed that you are the subject of an Internal Affairs Investigation.

[REDACTED]

Please review any reports or notes you may have concerning this incident. In compliance with Article 36.5 of the collective bargaining agreement; Any employee who is the subject of a citizen's written complaint, on a matter which is not of a criminal nature, filed with the Internal Affairs Office shall be provided with a copy of the complaint in writing as soon as possible and he/she shall respond, if requested, within forty-eight (48) hours. You may also wish to review DEPARTMENT Order 1020.6 Administrative Investigation with the Employee.

This notice is to inform you the above listed allegations are being investigated. You will be notified at a later date when an interview is scheduled. Do not respond to this notice.

[REDACTED]
Internal Affairs

Date Received: [REDACTED] 11-8-19 Time Received: 0900

Signed: [REDACTED] [REDACTED]

Pueblo Police Department Administrative Advisement	Date: 11/14/19		Time: 9:00am
	Employee: [REDACTED]	Rank: Officer	ID#: [REDACTED] Division: Patrol

You have been involved in an incident or you have personal knowledge of an incident, which is under administrative investigation.

1. In an administrative investigation you are **required** to truthfully answer any and all questions directed to you, both orally and when requested in writing, which are specifically, directly, and narrowly related to the performance of duty or fitness for office. Therefore, you do not have the right to remain silent. You are advised that your statements or responses constitute an official police report.
2. In addition you are **directed** to disclose to the assigned investigator any and all information and materials which may pertain to this investigation. This includes the existence of any possible witnesses as well as recordings, photographs, notes, documents, records, statements, etc. Your failure to comply constitutes a violation of the Code of Conduct and may serve as a basis for more serious disciplinary action up to, and including, discharge.
3. If you refuse to answer questions directed to you, you will be ordered by the Internal Affairs Personnel, authorized by the Chief of Police, to answer the question. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Performance Policy, 321.5.8 (a) and (c), and disciplinary action will be taken for your discharge from employment subject to any procedural protection you may have under applicable law, policy, or agreement.
4. You are required to be truthful in all of your responses. If, during the course of this investigation, it is discovered that you have been untruthful in your responses, you are advised that your untruthful responses constitute a violation of the Performance Policy, 321.5.8 (a) and (c), and disciplinary action will be taken for your discharge from employment subject to any procedural protection you may have under applicable law, policy, or agreement.
5. While this incident is under Investigation you are directed not to discuss or make known any information concerning this investigation with anyone other than your direct Chain of Command, your attorney, your union representative or members of the Internal Affairs Unit. Investigations conducted by the Internal Affairs Unit which result in no sustained allegations are considered complete when the Chain of Command of the accused employee has reviewed the investigation and the investigation is returned to the Internal Affairs Unit. Investigations resulting in sustained allegations are considered complete when the Chief of Police has acted on the complaint.
6. Your statement as well as any information or evidence which is gained through your statement cannot be used against you in any criminal proceeding, except that you may be subject to criminal prosecution for any false statement which you include in any written internal statement.
7. Accused Officers are allowed to have an attorney and/or union representative of their choice present during any interview conducted by the Internal Affairs Unit. If you are an accused officer and you choose to have an attorney and/or union representative present it is your responsibility to have the attorney and/or union representative present at the appropriate time and place. Any financial liability incurred through the use of an attorney is the responsibility of the accused officer. Failure of the attorney and/or union representative to follow established guidelines may result in the loss of the privilege to have them present.
8. If you have any questions regarding this warning, or if you have any questions concerning the procedures to be followed, you may direct those questions to the Internal Affairs Personnel.

The undersigned hereby acknowledge receipt of the above warning.

[REDACTED]

Employee Signature: _____

[REDACTED]

Attachment #	
Complaint #	

Pueblo, Colorado
POLICE DEPARTMENT

INTRA-DEPARTMENTAL COMMUNICATION

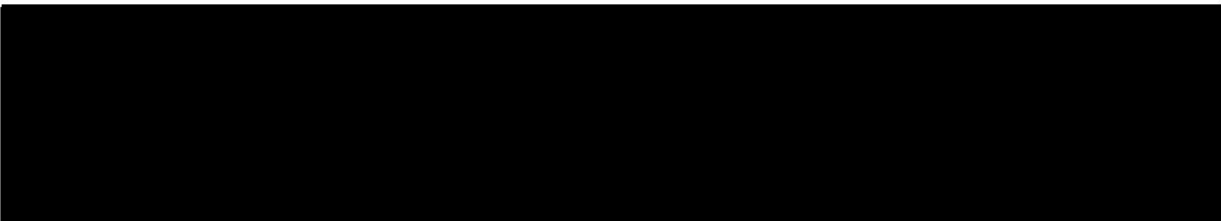
TO: Richard Jones

FROM: [REDACTED]

SUBJECT: IA Investigation #2019-0051

DATE: 10/31/19

In accordance with Department Order **1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE**; you are hereby informed that you are the subject of an Internal Affairs Investigation.



Please review any reports or notes you may have concerning this incident. In compliance with Article 36.5 of the collective bargaining agreement; Any employee who is the subject of a citizen's written complaint, on a matter which is not of a criminal nature, filed with the Internal Affairs Office shall be provided with a copy of the complaint in writing as soon as possible and he/she shall respond, if requested, within forty-eight (48) hours. You may also wish to review DEPARTMENT Order 1020.6 Administrative Investigation with the Employee.

This notice is to inform you the above listed allegations are being investigated. You will be notified at a later date when an interview is scheduled. Do not respond to this notice.



Internal Affairs

Date Received:

11/01/2019

Time Received:

0905

Signed: _____



Pueblo Police Department Administrative Advisement	Date: 11/14/19		Time: 9:45am
	Employee: Richard Jones	Rank: Corporal	ID#: 1863 Division: Patrol

You have been involved in an incident or you have personal knowledge of an incident, which is under administrative investigation.

1. In an administrative investigation you are **required** to truthfully answer any and all questions directed to you, both orally and when requested in writing, which are specifically, directly, and narrowly related to the performance of duty or fitness for office. Therefore, you do not have the right to remain silent. You are advised that your statements or responses constitute an official police report.
2. In addition you are **directed** to disclose to the assigned investigator any and all information and materials which may pertain to this investigation. This includes the existence of any possible witnesses as well as recordings, photographs, notes, documents, records, statements, etc. Your failure to comply constitutes a violation of the Code of Conduct and may serve as a basis for more serious disciplinary action up to, and including, discharge.
3. If you refuse to answer questions directed to you, you will be ordered by the Internal Affairs Personnel, authorized by the Chief of Police, to answer the question. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Performance Policy, 321.5.8 (a) and (c), and disciplinary action will be taken for your discharge from employment subject to any procedural protection you may have under applicable law, policy, or agreement.
4. You are required to be truthful in all of your responses. If, during the course of this investigation, it is discovered that you have been untruthful in your responses, you are advised that your untruthful responses constitute a violation of the Performance Policy, 321.5.8 (a) and (c), and disciplinary action will be taken for your discharge from employment subject to any procedural protection you may have under applicable law, policy, or agreement.
5. While this incident is under Investigation you are directed not to discuss or make known any information concerning this investigation with anyone other than your direct Chain of Command, your attorney, your union representative or members of the Internal Affairs Unit. Investigations conducted by the Internal Affairs Unit which result in no sustained allegations are considered complete when the Chain of Command of the accused employee has reviewed the investigation and the investigation is returned to the Internal Affairs Unit. Investigations resulting in sustained allegations are considered complete when the Chief of Police has acted on the complaint.
6. Your statement as well as any information or evidence which is gained through your statement cannot be used against you in any criminal proceeding, except that you may be subject to criminal prosecution for any false statement which you include in any written internal statement.
7. Accused Officers are allowed to have an attorney and/or union representative of their choice present during any interview conducted by the Internal Affairs Unit. If you are an accused officer and you choose to have an attorney and/or union representative present it is your responsibility to have the attorney and/or union representative present at the appropriate time and place. Any financial liability incurred through the use of an attorney is the responsibility of the accused officer. Failure of the attorney and/or union representative to follow established guidelines may result in the loss of the privilege to have them present.
8. If you have any questions regarding this warning, or if you have any questions concerning the procedures to be followed, you may direct those questions to the Internal Affairs Personnel.

The undersigned hereby acknowledge receipt of the above warning.



Employee Signature: _____

Attachment #	
Complaint #	

COURT TRANSCRIPT

1 DISTRICT COURT, PUEBLO COUNTY, COLORADO
2 501 N. ELIZABETH STREET
3 PUEBLO, CO 81003

3

4 PEOPLE OF THE STATE OF COLORADO

5

6 v.

Case No.

6

7 Defendant:

Div. 503

8

9 For the People:

10

11 For the Defendant:

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14

15 REPORTER'S TRANSCRIPT

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The matter came on for hearing on Wednesday,
September 18, 2019, before the [REDACTED]
[REDACTED], and the following proceedings were
had.

1 INDEX

2

3 WITNESSES: Page

4

5 Examination by The Court 11

6 Examination by [REDACTED] 17

7 Examination by [REDACTED] 20

8

9 Examination by The Court 24

10 Examination by [REDACTED] 27

11 Examination by [REDACTED] 30

12

13 Examination by The Court 38

14 **RICHARD JONES**

15 Examination by The Court 41

16 Examination by [REDACTED] 43

17

18 44

19

20 Examination by the Court 48

21 Examination by [REDACTED] 54

22 Examination by [REDACTED] 58

23 Examination by [REDACTED] 65

24

25

26 Examination by the Court 68

27 Examination by [REDACTED] 70

28 Examination by [REDACTED] 71

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(The following proceedings were had out of
the presence of the Jury:)

3

4

5

THE COURT: So during the break

6

██████████ had some contact with ██████████

7

downstairs. And I think what I will do is have

8

██████████ relate what she was told.

9

██████████: ██████████ stopped me,

10

she was with the Defendant, and said she was

11

sitting out in the hall and that one of the

12

officers was showing the -- was talking to the

13

other officers in the hall and was showing

14

them, I believe, that she stated it was a

15

video.

16

THE COURT: Was it the officers? Or the

17

firemen? Or did she clarify?

18

██████████: She probably did, but I

19

don't recall.

20

THE COURT: Okay.

21

And, ██████████, did you have contact with

22

██████████?

23

██████████: I did. And I can relate

24

that ██████████ approached ██████████ and I and

25

██████████ and stated that she heard -- it

1 turned out, after some questioning from myself,
2 turned out to be two separate incidents where
3 it seemed like witnesses were discussing the
4 case in the hallway right by the courtroom.

5 She stated first that the three firefighters
6 were talking between themselves, that would be
7 [REDACTED] and [REDACTED]. And she
8 didn't specifically listen to what they were
9 speaking about until one of them pulled out their
10 phone and started playing a voice recording, and
11 it sounded like a voice recording from [REDACTED]
12 [REDACTED] saying, you know,
13 "Firefighter so-and-so, I want to talk to you
14 about the [REDACTED] case." He played that on
15 speaker phone, and they appeared to be discussing
16 the case -- it appeared to her -- between
17 themselves.

18 And, then, [REDACTED] told me that her
19 mother was present with her as well when she heard
20 this when she was sitting on the bench in the
21 hallway.

22 She then told me that immediately before we
23 took our recess, the last recess, she was sitting
24 on the bench and [REDACTED] and Officer
25 Jones, Corporal Jones, were out in the hallway as

1 well -- she believed it was [REDACTED] and Jones, and
2 she described Jones as the one who did her
3 interview, which I believe that is Corporal Jones,
4 when she was at the hospital -- and the three
5 firefighters were coming back out or the last of
6 the firefighters had come back out from
7 testifying, and that Corporal Jones was speaking
8 cavalierly about the case and his recollection of
9 how [REDACTED] had acted at the -- it was either
10 Corporal Jones or [REDACTED] I should say --
11 was speaking cavalierly about [REDACTED] and how
12 she had shown no remorse in the investigation.

13 And when he -- that the officer who was
14 speaking -- had read her her Miranda Rights or
15 driven her to the -- from the hospital to the
16 station, she seemed to show no remorse.

17 THE COURT: [REDACTED] and [REDACTED] do
18 you have any information about this situation?

19 [REDACTED] The closest I have to
20 information is that I know that Corporal Jones
21 was out there with [REDACTED] I didn't
22 talk to them about the case, just to tell him,
23 Corporal Jones, that he could go home, we
24 don't need him today.

25 I can relate to the Court that I and

1 [REDACTED] talked to all of the witnesses about
2 sequestration at length, so I don't understand.

3 THE COURT: Okay. I guess my thought
4 would be to -- I will ask if you guys can get
5 in touch with the firefighters, all three of
6 them, and ask them to come back. Call, get in
7 touch with Corporal Jones and ask him to come
8 back.

9 And then I think I would like to talk to
10 [REDACTED] and her mom and then we will talk to
11 the other parties and see if we can figure out
12 what occurred. Is everybody okay with that
13 procedure?

14 [REDACTED] Yes, Your Honor.

15 [REDACTED] Yes, Your Honor. [REDACTED]

16 told me that her mother had left to pick up her
17 son from school, since [REDACTED] has to stay
18 here. We can get in touch with her.

19 THE COURT: Okay. What is her mom's name?

20 THE DEFENDANT: [REDACTED] I believe. Or

21 [REDACTED]

22 THE COURT: Okay.

23 [REDACTED] Why don't I go ask

24 [REDACTED]

25 THE COURT: You know what? If she can

1 come in, I can ask her that.

2 Is your doc on a time crunch?

3 [REDACTED] He was leaving and coming
4 back.

5 [REDACTED] I would not say he's on a time
6 crutch. His testimony should happen today, if
7 at all possible. He has coverage for the day
8 shift. He does not have anything arranged for
9 tomorrow.

10 THE COURT: Okay.

11 [REDACTED] I will get those witnesses
12 back here ASAP.

13 [REDACTED] If we could have a moment to
14 start calling people?

15 THE COURT: Does anyone have any
16 objection, I can advise the jurors that we had
17 some issues come up that I need to address? I
18 can do that or I can have [REDACTED] or
19 [REDACTED] advise them of that, if you would
20 have a preference?

21 [REDACTED] I do not have a preference.

22 [REDACTED] I am fine with [REDACTED] or
23 the Court advising them. My only concern is
24 that it is 3:45. I don't know how long it will
25 take these witnesses to get back and then

1 discuss it.

2 THE COURT: Right. We will just have to
3 play it by ear. Frankly, I think what I might
4 do is get the doctor's testimony in today,
5 frankly, with the understanding that it may
6 kind of be a moot point, depending on what
7 these other witnesses say.

8 But we can, kind of, take him out of order if
9 you guys are okay with that? If he is not
10 available tomorrow?

11 [REDACTED]: That would be our preference
12 from our end. His testimony will be brief.

13 [REDACTED]: I want to make sure he didn't
14 hear any of that. I know he has been in the
15 hallway.

16 THE COURT: Okay.

17 [REDACTED]: I believe he left over 20
18 minutes ago or around 20 minutes ago.

19 [REDACTED]: What they are alleging
20 happened before that, so it is a valid
21 question.

22 THE COURT: Okay. And we can certainly
23 ask him about that. What I will do is --
24 [REDACTED] just let the jurors know that an
25 issue -- I got to address an issue, so it will

1 take a little bit longer, so just ask them to
2 be patient.

3 And then, [REDACTED] if you would please --
4 can you come on up. If you could raise your right
5 hand.

6 [REDACTED]
7 called as a witness having been duly sworn was examined and
8 testified as follows:

9 THE COURT: Thank you. Please be seated.

10 EXAMINATION

11 BY THE COURT:

12 Q [REDACTED] can I get you to speak into
13 that microphone for me and state your name.

14 A My name is [REDACTED].

15 Q [REDACTED], you are an endorsed witness in
16 this case; is that correct?

17 A Correct.

18 Q And you have been outside in the hallway
19 today; is that right?

20 A Correct.

21 Q Can you tell me what you observed outside in
22 the hallway?

23 A So around 11 o'clock, I was sitting outside
24 with my mother.

25 Q Where were you?

1 A We were sitting right here on the benches.

2 Q Okay.

3 A There was three firefighters out there. One

4 of them was discussing a little bit about the case of

5

6 Q Can you tell me, was it a male or a female?

7 A It was a male.

8 Q Okay. Can you tell me, was he older or

9 younger?

10 A I believe it was he was a little bit younger.

11 Q Okay. There were three firefighters? Two

12 males, one female?

13 A Yes.

14 Q And I guess I should ask you this, how would

15 you describe the two male firefighters?

16 A I'm not too sure. I wasn't --

17 Q In terms of their age? Would say one is

18 older than the other?

19 A Yes.

20 Q Okay. And so what did you hear?

21 A I didn't hear them discussing like a little

22 bit. All I heard was, he pulled out his phone.

23 Q And this would be the younger?

24 A The younger firefighter. He pulled out his

25 phone, he pulled up, I assume it was a voicemail of

1 something regarding the case of [REDACTED]

2 Q How did you know that?

3 A I heard over the phone, he had it on speaker,

4 that it was [REDACTED] from the district

5 attorney and he wanted to go over a couple more

6 questions regarding the case of [REDACTED].

7 Q Okay. And then, so when he played that, it

8 was on speaker phone?

9 A Correct.

10 Q How far away were you?

11 A I was two benches away.

12 Q Okay. When he pulled that out and played it,

13 all three firefighters were present?

14 A Correct.

15 Q Were you able to hear the content of what was

16 played? Or just bits and pieces?

17 A Just bits and pieces. It was just about like

18 a couple questions that he wanted to over-review before

19 the case of [REDACTED]

20 Q Can you recall specifically what was said by

21 the person on the phone?

22 A I can't, no.

23 Q Okay. After that, what happened?

24 A He had hung up. And then, I would say right

25 before you guys went to your intermission for the 15

1 minutes, I would say, about maybe 15 minutes prior to
2 that.

3 Q Well, here is what I want to do, I want to
4 make sure we are -- with what you observed with the
5 firefighters, was that basically it?

6 A That was it, yeah. On that one, yeah.

7 Q So you did not hear them discussing anything?

8 A I wasn't paying attention until I heard the
9 phone call and I heard, [REDACTED].

10 Q Okay.

11 A That is what got my attention.

12 Q Then after that was done, what did you see
13 them do, if anything?

14 A They were just sitting there chatting.

15 Q Okay. Did you hear them talk about any other
16 information relating to the case?

17 A No.

18 Q Okay. And then what was the next thing that
19 happened that you brought to [REDACTED]'s attention?

20 A The next one prior to that, like I say,
21 about 15 minutes --

22 Q I apologize -- this incident with the
23 firefighters happened after?

24 A This one happened about 11 o'clock this
25 morning.

1 Q Okay. And what you are going to describe
2 now, did that happen before or after that?

3 A After.

4 Q After that? Okay.

5 A Yes.

6 Q What time did the second, kind of, thing
7 happen?

8 A When you guys took your 15-minute break just
9 now.

10 Q So just recently?

11 A Yeah.

12 Q Okay. Tell me what you observed?

13 A There was two officers outside talking with
14 the firefighters.

15 Q Talking with the firefighters?

16 A Yes. One of them had made a remark about
17 [REDACTED] that when -- that when he took her from the
18 hospital, he had to read her Miranda Rights, and she
19 agreed. She said, okay. And he said that she didn't
20 have any remorse. And then also he informed her that,
21 from the hospital, he had to take her down to the
22 police station. He also said that she didn't have any
23 remorse.

24 Q Okay. So when he is making these statements,
25 who is present?

1 A The two officers, the three firefighters, me,
2 and my mother.

3 Q Okay. And you and your mom were how far away
4 from them?

5 A Two benches away.

6 Q Okay. There were two police officers. Can
7 you describe the person or the officer that was
8 talking?

9 A Yes. I'm not sure what his name is, but he's
10 kind of tall and little more slim.

11 Q Tall and slim?

12 A Yeah.

13 Q Okay. Did the other officer that was
14 present, did he say anything?

15 A No.

16 Q Did the firefighters say anything?

17 A No.

18 Q Was there any other discussion that you
19 overheard between these parties?

20 A No.

21 Q So it was just, he commented about having
22 contact with [REDACTED] advising her of her rights,
23 and then taking her to the police station?

24 A Yes.

25 Q What is your mom's name?

1 A My mom is [REDACTED].

2 THE COURT: [REDACTED] do you want to ask
3 any questions? Or [REDACTED]?

4 [REDACTED]: Your Honor, I will take this
5 since [REDACTED] had to step out to call his
6 people.

7 THE COURT: Okay .

8 EXAMINATION

9 BY [REDACTED]

10 Q So I just want to be really clear, for the
11 first incident, the one that you said was about
12 11:00 a.m. so before lunch?

13 A Correct.

14 Q Prior to hearing the voicemail played, do
15 you remember them talking about this case?

16 A I don't, no.

17 Q Okay. And that voicemail was a voicemail
18 from Patrick, from the district attorney's office?

19 A Yes.

20 Q He was asking to meet with the firefighters?

21 A Yes.

22 Q Do you remember that if the person on that
23 voicemail made any statements about this case that were
24 not relating to meeting with that person to set up a
25 meeting?

1 A I don't recall, no.

2 Q Okay. Then after that voicemail you heard it
3 played, do you remember those three firefighters
4 talking about this case?

5 A I don't recall, no.

6 Q Okay. The second one sounds like that
7 happen --

8 THE COURT: I apologize -- let me clarify.
9 When you overheard the phone message?

10 THE WITNESS: Yes.

11 THE COURT: Did the message talk about
12 things that [REDACTED] or whoever was talking,
13 wanted to ask them about?

14 THE WITNESS: No. It just said that they
15 wanted to go over a couple questions regarding
16 the case of [REDACTED].

17 THE COURT: Okay. So just to discuss a
18 couple of questions. There was no details
19 about what specifically they wanted to ask him?

20 THE WITNESS: No.

21 THE COURT: Okay.

22 Go ahead [REDACTED]

23 Q (By [REDACTED]) You said there was a second
24 incident?

25 A Correct.

1 Q And you said that happened right before the
2 intermission for the 15-minute break. We had a couple
3 breaks today. Are you talking about the one that
4 happened at around 3:30-ish? The most recent one?

5 A Yes. Uh-huh.

6 Q Okay. At that point, you said there were
7 three firefighters outside and two police officers?

8 A Correct.

9 Q Okay. And was it one officer that you
10 remember talking about the case?

11 A Correct.

12 Q Okay. You described him as tall, slim guy?

13 A Yes.

14 Q Okay. Could you describe for me the two
15 officers that you saw?

16 A Well, one of them was Officer Jones and the
17 other -- I'm not sure, the other one.

18 Q Okay. The one who was -- you remember making
19 these statements -- was it Officer Jones or the other
20 one?

21 A The other one.

22 Q Okay. That would be the one that was wearing
23 a suit, that was Officer Jones, and one was wearing a
24 police uniform; is that correct?

25 A Yes.

1 Q So the one in police uniform?

2 A The police uniform, yes.

3 Q Besides the statement by the officer in the
4 police uniform that was out there, do you remember
5 anyone else making comments about the case during that
6 incident?

7 A I don't recall.

8 Q Okay.

9 [REDACTED]: I don't have any further
10 questions.

11 THE COURT: [REDACTED]?

12 EXAMINATION

13 BY [REDACTED]:

14 Q Good afternoon, [REDACTED]. About the first
15 incident with the firefighters at around 11 o'clock,
16 you said that you heard the voicemail being played over
17 the speaker?

18 A Correct.

19 Q Did you hear what they were taking about
20 beforehand that would have caused the firefighter to
21 start playing a voicemail from the district attorney?

22 A I don't recall, no.

23 Q After you heard the voicemail, it was the
24 voicemail being played and then the name [REDACTED]
25 that caught your attention?

1 A Yes.

2 Q Okay. Did the three firefighters continue
3 speaking after that?

4 A I don't recall.

5 Q Okay. I think you told the Judge that they
6 were chitchatting; is that right?

7 A Yeah. But I was talking with my mom after I
8 heard the voicemail.

9 Q Okay. So you don't know whether they were
10 discussing anything about the case or not?

11 A No.

12 Q All right. When the second incident
13 happened, were the three firefighters present?

14 A They were, yes.

15 Q Okay. And you and your mother were also
16 around then?

17 A Correct.

18 Q How far away were you guys from them?

19 A We were two benches away.

20 Q Okay.

21 THE COURT: Distance-wise, can you tell me
22 how far that is? Just, you know, if there is
23 something in the courtroom that you could tell
24 us kind of the distance?

25 THE WITNESS: I would say from here to the

1 desk.

2 THE COURT: So just like --

3 [REDACTED] For the record, that appears

4 to be from the witness table to the witness

5 box, to the district attorney's table, which

6 appears to be about 15 feet or so. I am not

7 great with feet.

8 Q (By [REDACTED]) Did your mother say anything

9 that made you think that she also heard this

10 conversation?

11 A She did.

12 Q All right.

13 [REDACTED] I have no further questions.

14 THE COURT: All right.

15 [REDACTED] do you know, is your mom out in

16 the hallway?

17 THE WITNESS: She is not. She actually

18 left to get my son from school.

19 THE COURT: Okay. Was she going to come

20 back?

21 THE WITNESS: I'm not sure. I can ask her

22 if she can come back if she needs to.

23 THE COURT: Okay. If you can give her

24 number to [REDACTED] I will have [REDACTED]

25 call her and ask her to come back.

1 THE WITNESS: Okay.

2 THE COURT: I don't want you to discuss
3 anything with your mom about what we have asked
4 you about. Okay?

5 THE WITNESS: Okay.

6 THE COURT: I will ask you to go out just
7 have a seat out in the hallway.

8 THE WITNESS: Okay.

9 THE COURT: After you give them the
10 number.

11 THE WITNESS: Okay.

12 (Whereupon, [REDACTED] exited the
13 courtroom.)

14 THE COURT: Why don't you have [REDACTED]
15 [REDACTED] come in.

16 [REDACTED] Certainly.

17 (Whereupon, [REDACTED] entered the
18 courtroom.)

19 THE COURT: Officer, if you would come on
20 up here. I will have you take your seat, sir.
21 Remember you are still under oath.

22 THE WITNESS: Yes, sir.

23 EXAMINATION

24 BY THE COURT:

25 Q If you would, sir, state your name.

1 A [REDACTED]

2 Q [REDACTED] -- [REDACTED], were you out
3 in the hallway with -- prior to your testimony today --
4 with Officer Jones and the firefighters?

5 A I was.

6 Q Did you make any statements in their presence
7 about this case?

8 A We talked generalizing. Just like, had to go
9 to court, what is going on, and just general stuff.

10 Q Okay. I need you to tell me specifically
11 whether or not you made any statements about what you
12 did in this case or certain aspects of this case.

13 A I'm not sure. We were all out there just
14 talking, different stories, going back and forth.

15 Q Did you talk at about what you did in this
16 case?

17 A I am trying to recap all our conversations
18 that we had. We did have one conversation, I believe,
19 about what kind of code we had going to the call. If
20 it was a code call or why we ran code, I do remember
21 talking about that.

22 Q Why don't you tell me, kind of, how that came
23 about? Who brought that up first?

24 A To be honest with you, I don't remember us
25 talking about code. I remember me saying, "I ran

1 code."

2 I apologize, Judge, I wasn't -- just casual
3 talk. I do remember talking about if we ran code or
4 not.

5 Q Related to this case though?

6 A The code part, yes, sir.

7 Q Okay. Do you think that you brought that up
8 first? Or did somebody else bring that up first? Or
9 you can't remember?

10 A I can't remember, sir.

11 Q Did you ever talk about any contact that you
12 had with [REDACTED] [REDACTED] on the date of the offense?

13 A No. I don't think we talked about anything
14 like that.

15 Q Did you ever make any statements that
16 described, kind of, your opinion of her demeanor? How
17 she was acting? Anything like that?

18 A With attorneys, I did. Yes, sir.

19 Q When you were present with Officer Jones and
20 the firefighters, did you discuss that at all?

21 A Nothing to my recollection.

22 Q Did you do a Miranda Advisement in this case?

23 A No, I never Mirandized her.

24 Q Did you transport her to the police
25 department?

1 A No, sir.

2 Q You didn't do any transporting?

3 A No, sir. She went to the hospital with her
4 neighbor, [REDACTED] And then I know Jones followed the
5 ambulance.

6 Q Okay. Do you know who took her to the police
7 department?

8 A Yeah. Her [REDACTED] [REDACTED] did. I
9 specifically remember telling her to be safe and be
10 careful going with your [REDACTED]

11 Q Okay. So when you are present and you are
12 talking with Officer Jones and the firefighters, what
13 you are telling me is that the only thing that was
14 discussed was something about coding? You know, which
15 is -- relates to how you responded to this particular
16 incident?

17 A Correct.

18 Q Okay. Did you hear anybody else in your
19 presence talk about what occurred in this case?

20 A No, not what occurred. You talking about in
21 the hallway just now?

22 Q Yes, sir?

23 A No. I remember them talking about code and
24 stuff. I was looking over my report and watching my
25 video at the time.

1 Q The video that you were watching, were you
2 playing that out loud?

3 A No, sir. No. No. In fact, there's a
4 video -- well, one of the videos I was watching was
5 actually a YouTube video.

6 Q Okay. So nothing to do with this case?

7 A I was doing this case also. I was looking at
8 my notes. The video I was watching -- because Jones
9 made a comment -- and I was like, no, the video was a
10 YouTube video and we all kind of laughed.

11 Q Again, sir, you did not hear anybody else
12 make any statements about, kind of, what they did in
13 their case? What their observations were, or any of
14 the parties, including [REDACTED]?

15 A No, sir. Again, I think we did make a
16 comment about the code. We ran code and stuff down
17 there.

18 Q Okay. To the best of your ability, was that
19 something that you said? Was it something that other
20 people talked about? To best of your ability, can you
21 tell me, specifically, what you said and everybody else
22 said related to that?

23 A I think I was just looking down at my paper
24 and just, kind of, chimed in, to be honest. I
25 apologize. I'm not for sure who started the

1 conversation or what all the contact was.

2 THE COURT: Okay.

3 [REDACTED], do you have any questions you
4 would like to ask? Or [REDACTED]?

5 EXAMINATION

6 BY [REDACTED]

7 Q Do you remember making any statements in the
8 hallway today about transporting the suspect to the
9 station and her not showing any remorse?

10 A No. I never transported the subject. I went
11 from the apartment, met them at the hospital. I did
12 not do any transporting.

13 Q What about transporting to the station for
14 her interview?

15 A I never did transport anybody either. My
16 role was, I finished the paperwork at the apartment,
17 went to the hospital. I ended up staying in the room,
18 as a matter of fact, with her in the room with the baby
19 to keep an eye on the baby until the whole process was
20 done.

21 [REDACTED]: Okay. I don't have any
22 further questions.

23 THE COURT: [REDACTED]?

24 [REDACTED] Yes. If I may, can I get the
25 video set up here for Defense Counsel?

1 ██████████: Could we approach?

2 THE COURT: Sure.

3 (Whereupon, the following proceedings were
4 held at the Bench, out of the presence and
5 hearing of the Jury:)

6 ██████████: Your Honor, I believe
7 ██████████ is about to impeach the officer with
8 video, so I want to make the Court aware that
9 is what is about to happen. There is video of
10 him transporting the suspect.

11 ██████████: He definitely did transport
12 ██████████ to the police station and advised
13 her that he had to. He put her in the back of
14 the police car.

15 If the Court wants to accept that as an offer
16 of proof, I have the video to show him taking her
17 from the hospital and putting her in the back of a
18 police car.

19 THE COURT: I prefer that you do it this
20 way.

21 (End of proceedings at the Bench.)

22 THE WITNESS: Am I allowed to ask if
23 something happen?

24 THE COURT: You know what? Respectfully,
25 Officer, I will just ask you to just answer the

1 questions.

2 THE WITNESS: Yes, sir.

3 [REDACTED] Can I get the -- I'm not sure
4 why we are not getting sound. If I could have
5 my co-counsel pull it up.

6 THE COURT: I will be honest with you, if
7 you can get the sound on just the computer, if
8 you will bring that up.

9 [REDACTED] I think it is working on my
10 computer now, Judge.

11 THE COURT: Okay.

12 EXAMINATION

13 BY [REDACTED]:

14 Q Sir, I will ask you to watch about a
15 one-minute clip here. And --

16 THE WITNESS: Your Honor, can I move to
17 see?

18 THE COURT: You can go ahead and step over
19 there. Sorry about that.

20 Q (By [REDACTED]) Before we press play again,
21 Officer, does this appear to be a Pueblo police officer
22 body camera footage video?

23 A Yeah, that's my old patrol car.

24 Q All right. And that is your old patrol car,
25 the one that shows number [REDACTED]?

1 A Yes, sir.

2 Q Okay. And do you see in top right corner of
3 the video, it shows the date as 10/6/2018?

4 A Yes, sir.

5 Q Which is also the date in which were you were
6 investigating the case with [REDACTED]?

7 A Yes, sir.

8 Q As you saw that clip of you walking out, does
9 that appear to be you walking out of Parkview Hospital?

10 A I don't know if it is me, but it is
11 definitely my car.

12 Q Okay. We will let it play a little bit more.
13 (Whereupon, video is played.)

14 Q (By [REDACTED]) Officer, does that, the voice
15 that you hear you speaking, does that sound like your
16 voice?

17 A Most definitely.

18 Q Okay. So that is you. And that appears to
19 be [REDACTED]?

20 A Yes.

21 Q And you are putting her in the back of the
22 police car?

23 A Yes, sir.

24 Q All right. And do you still maintain that
25 you did not transport [REDACTED] to the police station

1 on [REDACTED]

2 A I apologize. I did not remember that I did
3 that.

4 Q Okay. Now, do you recall if you --

5 A Want me to sit back here?

6 THE COURT: Sure.

7 A Sorry.

8 Q (By [REDACTED]) Now, Officer, did you discuss
9 any aspect of your transport of [REDACTED], or any
10 other contact with [REDACTED] even briefly, when you
11 were out in the hallway prior to coming to testify in
12 this case?

13 A Prior to coming to testify?

14 Q Prior to walking into the courtroom and being
15 sworn as a witness?

16 A No, sir. I did not even see her out there.
17 I saw her briefly between sessions, I believe, sitting
18 down and coming back in.

19 Q I should have been more clear. Is it your
20 testimony that you did not discuss your interactions
21 with [REDACTED] on the date of [REDACTED]
22 [REDACTED] today, with anyone else in the courtroom? Or --
23 excuse me -- with anyone in the -- out in the hallway?

24 A I did not remember transporting her. To be
25 honest, that's embarrassing on my part. That was

1 something I wasn't prepared for and I did not remember
2 even transporting her. So I apologize -- I apologize
3 to the Court for not remembering.

4 Q That is okay. You were at some point today,
5 prior to testifying, hanging out in the hallway with
6 Corporal Jones and the three firefighters, right?

7 A Correct.

8 Q Were there any other officers or witnesses
9 present when you guys were hanging out?

10 A There was the three firefighters, myself, and
11 Jones.

12 Q Any other witnesses?

13 A I don't know if there was any other witnesses
14 or not.

15 Q And were the five of you talking?

16 A Yeah.

17 Q And was it while the five of you were talking
18 that you began talking about this code status and what
19 type of code it was?

20 A Yeah, I remember talking about the code
21 status.

22 Q But you don't remember the contents of all of
23 your other discussions with those five; is that right?

24 A No, sir, I don't.

25 THE COURT: [REDACTED], I just want

1 to make it clear, I mean, I just need to know,
2 respectfully, sir, whether or not you made any
3 statements involving your contact with
4 [REDACTED] on the date on [REDACTED] in
5 the presence of the other witnesses? Did you
6 make any statements at all about your
7 interaction with her or your observations of
8 her?

9 THE WITNESS: Sir, again, I remember them
10 talking. I remember reading my notes. I do
11 remember talking about the code part, but that
12 is the only part that I remember talking about.

13 THE COURT: Okay. So your testimony would
14 be, you did not -- you did not make any
15 statements describing what her demeanor was
16 like in the presence of the other witnesses?

17 THE WITNESS: I don't remember any of
18 that, sir. I apologize.

19 THE COURT: Okay. All right. I will have
20 you, sir, wait outside in the hallway and don't
21 discuss your testimony with any other witness.

22 THE WITNESS: Yes, sir.

23 (Whereupon, [REDACTED] exited the
24 courtroom.)

25 THE COURT: Is your doc here?

1 ██████████ He is, Your Honor. So is
2 Corporal Jones.

3 THE COURT: Do you guys want to take up
4 your doc? Or do you want me to, kind of, push
5 through this?

6 ██████████: Your Honor, I can imagine this
7 taking a bit longer. I would appreciate the
8 opportunity to call the doctor, get the
9 testimony onto the record, and then we can
10 continue working on this issue.

11 THE COURT: Okay. ██████████?

12 ██████████ Judge, I would like an
13 opportunity to speak with the doctor and see if
14 he heard any witnesses.

15 THE COURT: You know what? We can bring
16 him in right now and ask him that. That is a
17 good idea. We should do that.

18 But in terms of taking him out of order, are
19 you okay with that?

20 ██████████: Yeah, I am fine with that.
21 There is one matter I wanted to bring up about
22 his potential testimony. It's a
23 straightforward thing. In the doctor's medical
24 records or the hospital medical records, there
25 is a page, page 13 out of 85, which includes a