

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
HAYWARD HALL OF JUSTICE

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AMBROSE AGU, Individually and
as Successor-in-Interest to
the ESTATE OF TED AGU; and
EMILIA AGU, Individually,

CASE NO. RG14735588

Plaintiffs,

vs.

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al.,

Defendants.

DEPOSITION OF LIEUTENANT RIDDIC BOWERS
Thursday, July 16, 2015

REPORTED BY: JOYCE D. CALVERT, CSR NO. 13541

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23 ALSO PRESENT:
24 Ellen Taylor
25 Alameda County Counsel Summer Law Clerk

26 VIDEOGRAPHER:
27 Kevin Foor

28 TAKEN AT: Alameda County Sheriff Coroner's Bureau
29 2901 Peralta Oaks Court
30 Oakland, California

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1 BE IT REMEMBERED that, pursuant to Notice
2 of Taking Deposition and on Thursday, July 16, 2015,
3 commencing at the hour of 9:56 a.m., before me, JOYCE D.
4 CALVERT, CSR No. 13541, there personally appeared
5
6 LIEUTENANT RIDDIC BOWERS,
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8 called as a witness by the Plaintiffs, who, having been
9 first duly sworn, was examined and testified as
10 hereinafter set forth.

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2 THE VIDEOGRAPHER: Good morning. This is
3 the beginning of the video deposition of Lieutenant
4 Riddic Bowers, disk 1, volume 1 in the matter of Ambrose
5 Agu v the Regents of the University of California, et
6 al. That is case RG14735588. It is filed in the
7 Superior Court for the State of California, County of
8 Alameda.

9 Today is Thursday, July 16th of the year
10 2015. The time on the video monitor is 9:56. The
11 location is the Alameda County Coroner's Office at 2931
12 Peralta Oaks Boulevard -- or Court, Second Floor, in
13 Oakland.

14 My name is Kevin Foor. I am the
15 videographer, and the court reporter is Joyce Calvert.
16 And we are both here on behalf of Hahn & Bowersock Court
17 Reporters.

18 Would the attorneys please state their
19 appearances.

20 MR. MURPHY: Jeff Murphy for the Agu family,
21 MR. CONANT: Matthew Conant here on behalf
22 of the University of California.

23 MR. MURPHY: And just for the record, I just
24 want to make it clear that the address here is actually
25 2901 Peralta Oaks. There was a mistake on the

1 paperwork.
 2 THE VIDEOGRAPHER: Oh, thank you.
 3 MR. MURPHY: Okay.
 4 MR. NEFOUSE: David Nefouse, Office of the
 5 County Counsel, County of Alameda on behalf of the
 6 Alameda County Sheriff's Office.
 7 THE VIDEOGRAPHER: Thank you. If the court
 8 reporter will swear the witness, we can begin.
 9 (Witness sworn.)
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1 A. I'll do my best.
 2 **Q. Okay. Where do you work?**
 3 A. I work for the Alameda County Sheriff's Office.
 4 My physical duties, as stationed, is the coroner's
 5 bureau at 2901 Peralta Oaks Drive in Oakland.
 6 **Q. And what is the coroner's bureau? What -- what**
 7 **do they do at the coroner's bureau?**
 8 A. This coroner, by -- by statute, is the sheriff.
 9 So we're part of the sheriff's office. The coroner is
 10 charged with determining the cause, manner and
 11 circumstances of death in those cases that fall under
 12 the jurisdiction of the coroner.
 13 **Q. Okay. And what is your position at the coroner's**
 14 **bureau?**
 15 A. I am a lieutenant with the sheriff's office.
 16 **Q. Okay.**
 17 A. And I am the unit commander of the coroner's
 18 bureau.
 19 **Q. And so you are a lieutenant for Alameda County**
 20 **Sheriff's Department?**
 21 A. That's correct.
 22 **Q. And you are the unit --**
 23 A. I'm the unit commander of the coroner's bureau.
 24 **Q. Unit commander. The coroner's bureau is simply a**
 25 **separate department of the sheriff's office?**

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1 --o0o--
 2 EXAMINATION
 3 BY MR. MURPHY:
 4 **Q. Sir, please tell us your name.**
 5 A. My name is Riddic Bowers.
 6 **Q. And have you ever given a deposition before?**
 7 A. No, sir.
 8 **Q. All right. Just so you know, this is a**
 9 **question-and-answer session, okay? I'm going to be**
 10 **asking you questions about your knowledge, what you know**
 11 **in your business at the coroner's office, but also what**
 12 **you know about the death of Ted Agu.**
 13 **If there's anything that I ask you that you don't**
 14 **understand or that doesn't make sense to you, or that**
 15 **you think is vague, please let me know, and I'll**
 16 **rephrase or re-ask the question for you. Okay?**
 17 A. Fair enough.
 18 **Q. If you answer my question, then I'm going to**
 19 **assume that you understood my question. Is that fair?**
 20 A. That's fair.
 21 **Q. Okay. And you're already doing a good job. It's**
 22 **very important that we don't talk at the same time,**
 23 **because the court reporter needs to take everything down**
 24 **accurately. So please make sure that you wait until**
 25 **I've asked my questions before you respond.**

1 A. A division within the sheriff's office, that's
 2 correct.
 3 **Q. And how long have you been a lieutenant with the**
 4 **sheriff's office?**
 5 A. Almost seven years.
 6 **Q. All right. Can you just give me a little bit of**
 7 **your background, education, how you got into law**
 8 **enforcement?**
 9 A. Anything specific that you'd like to know? I
 10 mean --
 11 **Q. Well, did -- did you graduate high school? Did**
 12 **you graduate college?**
 13 A. I graduated high school.
 14 **Q. Okay.**
 15 A. I did not graduate from college. I came on the
 16 sheriff's office shortly after that. I spent some time
 17 in college, came to the sheriff's office instead.
 18 **Q. When did you start in the sheriff's office?**
 19 A. 1989.
 20 **Q. Okay. And you became a lieutenant 2008?**
 21 A. Yeah, give or take, 2008. Right in there.
 22 **Q. Okay. And when did you start working with the**
 23 **coroner's bureau?**
 24 A. I've actually worked at the coroner's bureau a
 25 number of times in my career. The first time was in

7

9

1 1989. I worked a couple of times in 1989. Came back
2 again in, I'm going to say, 2004, and then again in
3 2008.

4 **Q. All right. Do you have any medical education?**

5 A. No.

6 **Q. You're not a medical doctor, right?**

7 A. That's correct. I'm not a medical doctor.

8 **Q. And you don't have any medical training?**

9 A. That's correct.

10 **Q. Okay. What do you do -- well, strike that.**

11 **Let's back up before 2008, before you became a**
12 **lieutenant. What -- take me through, briefly, your job**
13 **history with the sheriff's office, your positions.**

14 A. All right. When I came on in 1989, I came on as
15 a sheriff's technician. I worked at the coroner's
16 office. I worked at our patrol station. I worked at
17 the Santa Rita Jail.

18 I left the agency, went to a city police agency
19 as a sworn peace officer. Came back to the sheriff's
20 office in '99 as a deputy sheriff. Worked Santa Rita
21 Jail, worked a couple of contract police services
22 contracts. Promoted to sergeant in 2003, I believe.

23 Worked the jail. Worked our patrol station.
24 Worked the courthouse. Worked the coroner's office.
25 Promoted to lieutenant. Worked the courthouse and then

10

1 handle the day-to-day operations. My job is to oversee
2 the sergeants, to fill in when one of them is not here,
3 to prepare and maintain the budget, to set the goals, to
4 work staffing, all of the things that someone who
5 oversees a unit would do.

6 In addition to that -- like I said, I oversee the
7 sergeants. I act when one of them is not here. I do
8 record review and -- and review logs and reports and --
9 and daily activities and, you know, all of those things
10 that you would do to make sure that your shop is running
11 appropriately.

12 **Q. Okay. And the -- the main purpose of the**
13 **coroner's bureau is to try to determine the cause of**
14 **death?**

15 A. Cause, manner and circumstances of death, that's
16 correct.

17 **Q. Cause, manner and circumstances of death?**

18 A. That's correct.

19 **Q. Okay. And as a unit commander, I -- I assume you**
20 **have sheriff deputies underneath you?**

21 A. I do.

22 **Q. How many do you have?**

23 A. 15.

24 **Q. Okay. And is their role to gather information**
25 **and investigate deaths that occur within your**

12

1 came back to the coroner's office.

2 **Q. Okay. And you were promoted to lieutenant, I**
3 **think you said, sometime around 2008?**

4 A. Yeah, 2008, 2009, right in there.

5 **Q. All right. And when did you come back to the**
6 **coroner's office?**

7 A. About six months after I got promoted.

8 **Q. Okay.**

9 A. So 2008 or '09, right in there.

10 **Q. Seven, eight years ago?**

11 A. Uh-huh.

12 **Q. Something like that?**

13 A. Uh-huh.

14 **Q. Okay. And when you came back to the coroner's**
15 **office this last time in '08 or '09, what was your**
16 **position?**

17 A. As a lieutenant.

18 **Q. Okay. Were you the unit commander at that point?**

19 A. That's correct.

20 **Q. What is the -- what are the roles and**
21 **responsibilities of the unit commander here at the**
22 **coroner's bureau?**

23 A. Well, they are -- they are vast and varied. But
24 my -- my -- my function is to oversee the operation of
25 the unit, to -- I have sergeants that work for me that

11

1 jurisdiction?

2 A. Deaths that fall under the jurisdiction of the
3 coroner, that's correct, within the county of Alameda,
4 yeah.

5 **Q. Okay. And then it's my understanding that there**
6 **are also medical doctors who work here at the coroner's**
7 **bureau?**

8 A. That is correct.

9 **Q. That's a little bit different from Florida, the**
10 **way it's set up, so I'm just trying to get an**
11 **understanding of how it's set up.**

12 A. Right.

13 **Q. So you have medical doctors who are -- who are**
14 **also employed by the sheriff's office?**

15 A. Contract employees.

16 **Q. Okay.**

17 A. They are contractors here.

18 **Q. All right. And what do you call -- do you call**
19 **them medical examiners? Do you call them coroners?**

20 A. Forensic pathologist.

21 **Q. Okay. So they're referred to in this office as**
22 **forensic pathologists?**

23 A. That's correct.

24 **Q. And the forensic pathologists, the medical**
25 **doctors, are they the ones who make the determination as**

13

1 to the cause of death?
2 A. That's correct.
3 **Q. Okay. And you are there simply to assist them in**
4 **gathering information and investigating and then**
5 **providing that information to the pathologist so that**
6 **they can determine the correct cause of death?**
7 A. That's reasonably accurate, yes.
8 **Q. Okay. You -- in your position, you and the**
9 **people, the sheriff deputies in your unit, do not**
10 **determine the cause of death, correct?**
11 A. That's correct.
12 **Q. Okay. You rely on the medical doctor, the**
13 **pathologist, to do that?**
14 A. That's correct.
15 **Q. Okay. And so once you gather whatever**
16 **information -- you do your investigation, you gather the**
17 **information, you give it to the coroner -- or excuse**
18 **me -- to the forensic pathologist, and he makes the**
19 **determination as to the cause of death, you defer to**
20 **that?**
21 A. Yes.
22 **Q. Okay.**
23 A. For cause.
24 **Q. Correct.**
25 A. Yes.

14

1 **Q. The ultimate cause of death is -- is up to the**
2 **pathologist and whatever he says, that's what it is?**
3 A. Uh-huh.
4 **Q. Is that correct?**
5 A. That's correct.
6 **Q. All right. Do you rely -- when you do your**
7 **investigation and you gather your information on a**
8 **death, do you rely sometimes on other agencies to**
9 **provide you with accurate and complete information about**
10 **the death?**
11 A. We do.
12 **Q. All right. For example, in this case, the**
13 **University of California Berkeley Police Department?**
14 A. We would certainly ask them for information,
15 that's correct.
16 **Q. Okay. Do you ever have situations where an**
17 **agency that you're relying upon to provide you with**
18 **information where they don't give you accurate and**
19 **complete information?**
20 A. I'm not sure how to answer that.
21 **Q. Okay. You may or may not know what you've gotten**
22 **is accurate and complete?**
23 A. I think that's correct.
24 **Q. Okay. Would you agree that if the agency that**
25 **you're relying upon to give you information, if -- if**

15

1 they don't do a thorough investigation or they don't
2 give you complete and accurate information, that you
3 might not have a picture of exactly what happened, how
4 the death occurred?
5 MR. NEFOUSE: Objection, calls for
6 speculation.
7 BY MR. MURPHY:
8 **Q. You can answer.**
9 A. I -- I think that -- that our expectation is that
10 everyone who is investigating does a thorough job of
11 investigating.
12 **Q. Okay. Everyone that you have in your office?**
13 A. Everyone that's investigating. That the job of
14 an investigator is to investigate and do a thorough and
15 clean investigation.
16 **Q. That's their job?**
17 A. No matter who they work for.
18 **Q. Okay. But whether or not they actually do that,**
19 **you don't know?**
20 A. That's correct.
21 **Q. You just rely on whatever it is they give you?**
22 A. That's correct.
23 **Q. And it may or may not be thorough and complete,**
24 **because you don't know what they've done?**
25 A. That's correct.

16

1 **Q. Okay. Would you agree that if the information**
2 **that you were provided by an outside agency, such as the**
3 **University of California Police Department, is**
4 **inaccurate or incomplete, that this could potentially**
5 **result in the pathologist determining the cause of death**
6 **that's wrong?**
7 MR. NEFOUSE: Objection, calls for
8 speculation, and asking that the Lieutenant provide a
9 medical opinion that he's not qualified to give.
10 BY MR. MURPHY:
11 **Q. You can answer.**
12 A. I don't -- I don't have any way to know what the
13 pathologist would or would not need from a police agency
14 to give a -- to render a cause of death.
15 **Q. Okay. That's up to the pathologist?**
16 A. That's correct.
17 **Q. All right. Fair enough. In your experience here**
18 **at the coroner's bureau, have you found it that -- that**
19 **one of the -- that it's important for -- for family**
20 **members of the decedent of a person who's died to have**
21 **an accurate cause of death?**
22 A. I think that's a fair statement, yes. They
23 deserve an accurate cause of death.
24 **Q. Okay. Were you involved at all in investigating**
25 **the death of Ted Agu?**

17

1 A. In investigating it? No.
2 **Q. All right. Were you involved at all in the case?**
3 A. I reviewed this case.
4 **Q. All right. Tell me how that works here. I -- I**
5 **know that it appears from the records -- and we'll get**
6 **to the records -- but it appears that Detective Rebecca**
7 **Lorenzana --**
8 A. Uh-huh.
9 **Q. -- did a lot of the leg work?**
10 A. That's correct.
11 **Q. Was she the primary investigator on the case?**
12 A. For our office, yes.
13 **Q. Okay. And then, how would it work from there?**
14 **Would she provide you with the information and you**
15 **review it and you say, that sounds good, or I think you**
16 **should do this or do that? How does it work when you're**
17 **working with your detectives?**
18 A. The -- as the case progresses, as the
19 investigation progresses, a supervisor -- it may or may
20 not be me -- may have questions on it or the pathologist
21 may have questions on it. And they may go back to the
22 deputy and say, hey, can you find out about this, or do
23 you know anything about this? That may or may not occur
24 in any given case, depending on the case.
25 **Q. Okay.**

18

1 A. When -- when the pathologist has rendered a cause
2 of death and -- and their portion is complete, the
3 deputy will fold that into their investigation so they
4 can determine the manner of death, based on the
5 circumstances. When -- when they've done all of that
6 and that is complete, they will submit the entire packet
7 to a supervisor for a review.
8 In this case, that happened to be me. It wasn't
9 me because of this case; it just happened to fall on my
10 desk. As supervisors, we all review cases for closure.
11 **Q. Are there other unit commanders?**
12 A. No. There are other supervisors. I have
13 sergeants here.
14 **Q. Are they all under you?**
15 A. They work for me.
16 **Q. So it could have gone to one of them?**
17 A. It could have.
18 **Q. But it didn't?**
19 A. It just didn't. Just --
20 **Q. Okay.**
21 A. -- luck of the draw, this one fell on my desk. I
22 reviewed it for closure.
23 **Q. And tell me what you do when you review it for**
24 **closure? What did you do in this case?**
25 A. We -- I read the report.

19

1 MR. NEFOUSE: Objection. I'm going to
2 object to the compound question.
3 MR. MURPHY: Okay. What -- let me rephrase
4 that.
5 BY MR. MURPHY:
6 **Q. What did you do to review the investigation in**
7 **the Ted Agu case?**
8 A. I read -- read the investigator's narrative,
9 looked through our -- looked through the computer
10 system, made sure that all the information I thought
11 should be there was there, looked at the -- there's --
12 there's -- there's several things that have to occur for
13 us to close a case out. Many of them are not related to
14 the investigation itself. Things we do -- I -- I would
15 read the investigation, of course; look at the doctor's
16 cause of death, of course; make sure that the -- that --
17 look at the findings that the deputy came up with, that
18 they make sense. In this case, they did.
19 I also look at other things like, did we dispose
20 of the property appropriately? Did it go back to the
21 next of kin? The body has been released appropriately.
22 Fees have been paid. All of the things that have to
23 occur to close a case out, that all of those things
24 occurred.
25 If they all have occurred and they all appear to

20

1 be done appropriately, then I would either concur with
2 the findings that the deputy came up with, or go, hey, I
3 have a question; give it back to them, depending on --
4 on what the -- what the outcome was after I looked at
5 it.
6 **Q. Okay.**
7 A. In this particular case, the findings made sense.
8 All those other things had been done appropriately. I
9 add my review comments and set the case for closure.
10 **Q. All right. Can you tell me, is there some sort**
11 **of a list of things that have to occur before you close**
12 **a case out? That -- you've mentioned some of them just**
13 **now, but is there -- can you go through and tell me**
14 **exactly --**
15 A. It -- it depends on -- on the kind of case it is,
16 on what things need to be in it.
17 **Q. How about this case?**
18 A. This case, in particular? That the
19 investigator's report is complete.
20 **Q. Okay.**
21 A. That the --
22 **Q. Let me interrupt you as we go along.**
23 **How do you determine whether the report is**
24 **complete?**
25 A. I -- I read through it and -- and don't find any

21

1 nagging questions.
2 **Q. Got you. No loose ends?**
3 A. Right.
4 **Q. Okay.**
5 A. Nothing that jumps out that obviously needs to be
6 done.
7 **Q. All right. The report complete.**
8 A. The cause of death has been rendered.
9 **Q. By the pathologist?**
10 A. By the pathologist.
11 **Q. Okay.**
12 A. The death certificate has been issued.
13 **Q. Who issues that?**
14 A. Vital records.
15 **Q. Is that a --**
16 A. That's a County function.
17 **Q. Okay. So --**
18 A. We input information into the electronic system
19 and vital records certifies that as being a -- a real
20 death certificate.
21 **Q. Based upon the information that your office**
22 **provides?**
23 A. Some information from us, some from the family,
24 some from the funeral home. There's a combination of
25 things that go on.

22

1 **Q. But in terms of the cause of death that --**
2 A. Right.
3 **Q. -- ends up on the death certificate --**
4 A. That's correct.
5 **Q. -- that comes from your office?**
6 A. In this case, yes.
7 **Q. Okay. All right. So we have a completed report,**
8 **a cause of death of determination by the pathologist, a**
9 **death certificate.**
10 A. Disposition of property.
11 **Q. Okay.**
12 A. In this case, back to next of kin. That the body
13 has been released to a funeral home. Usually that's
14 been done long ahead of time, but I check to make sure
15 that's been done. That fees have been paid. I'm going
16 through my list here.
17 And then I -- and then I put my finding on it. I
18 make sure all those things are done. And then if I
19 agree that all of those things are complete, then I sign
20 it off and set the case for closure.
21 **Q. Okay. With respect to the Ted Agu case, did you**
22 **have any involvement during the investigation process?**
23 **I know at the end, you reviewed everything and -- and**
24 **made sure it was go for closure, but prior to that, did**
25 **you have any involvement?**

23

1 A. I'm sure that I did. As a supervisor, we have
2 involvement in -- in lots of cases. Specific
3 involvement in this case, I -- I don't -- I don't
4 remember.
5 **Q. You don't remember any conversations you might**
6 **have had with the Detective Lorenzana or Sergeant**
7 **Graves?**
8 A. Nothing specific. I'm sure that we discussed it,
9 because we discuss a lot of cases. I wouldn't be able
10 to give you a specific conversation that we had.
11 **Q. Do you have any general recollection of what you**
12 **talked about?**
13 A. How is it going?
14 **Q. Okay. But nothing specific?**
15 A. Nothing specific, hey, did you look into this?
16 No, I don't remember doing that.
17 **Q. All right. Do you have any notes anywhere that**
18 **you kept on your computer or otherwise, handwritten**
19 **notes, about what you might have done during the**
20 **investigation process?**
21 A. No.
22 **Q. All right. So you just -- do you rely on your**
23 **memory as you're going -- like, if you say, okay,**
24 **Detective Lorenzana, I want you to follow up on this.**
25 **You don't put that in writing anywhere? You just --**

24

1 A. If I gave her a specific request to follow up on
2 something, I would have put it into the -- into our
3 computer system and directed her to do that.
4 **Q. And it would be in the file?**
5 A. It would be.
6 **Q. Okay. I just want to make sure there's nothing**
7 **out there in terms of notes regarding this case that --**
8 **that I don't have.**
9 A. I don't believe that there are.
10 **Q. Okay. Do your detectives keep notes when they're**
11 **doing their investigation?**
12 A. You'd have to ask them.
13 **Q. All right.**
14 A. I -- I don't know.
15 **Q. They don't become part of the file, if they do?**
16 A. No.
17 **Q. Did you attend the autopsy of Ted Agu?**
18 A. No.
19 **Q. All right. Let's go through -- for the record, I**
20 **want to make sure that I have everything.**
21 We had sent a -- with the subpoena for your
22 depositions -- deposition, we had asked for a number of
23 things, okay, including reports, notes, photographs,
24 interview statements, recordings, letters, memos,
25 recordings of any phone calls that might have been made

25

1 by the office, and basically anything which you have
2 related to Ted Agu.
3 A. Uh-huh.
4 Q. Have you produced everything that your office has
5 regarding Ted Agu that's in writing?
6 A. Yes.
7 Q. Okay. Is there anything that you have regarding
8 Ted Agu that's not in writing or that might be sitting
9 on a computer somewhere that has not been produced?
10 A. We have photographs.
11 Q. Okay.
12 A. We mentioned those.
13 Q. Yeah. Let's go through a list of what it is that
14 you have that has not yet been produced, okay. I think
15 you printed something out.
16 A. Right, we have.
17 Q. Can you tell me what you have?
18 A. I made a list of the photos that we have.
19 Q. Okay. What do you have photograph-wise?
20 A. I have -- I have 56 autopsy photos.
21 Q. Okay. And in order to get those, we need a court
22 order?
23 A. That's correct.
24 Q. Is that your position?
25 A. Yes.

26

1 Q. Okay. Those are photographs from the autopsy?
2 A. That's correct.
3 Q. Do you have any other photographs?
4 A. I have two photographs that were taken of -- of
5 Mr. Agu when he came in -- in the facility. We take --
6 we take photographs, two of those.
7 Q. Of the body?
8 A. That's correct. Showing the condition he was
9 when he came in.
10 And I have 11 photographs of what we would call
11 scene. They're photos from the hospital. Since he was
12 transported to the hospital, that's the death scene. I
13 have 11 photos of him in the hospital.
14 Q. All right. What else do you have?
15 A. In addition to those, nonelectronic stuff we have
16 specimens that we collected at the time of autopsy.
17 Q. What do you have, specifically?
18 A. We have the -- the tissue jar, which we call it
19 the XXX jar. And I have no idea why. It contains a
20 piece of all the major organs.
21 Q. Do you have a list there of what the tissue jar
22 specifically contains for Ted?
23 A. I do not. The doctor would know what is in that
24 jar. It's whatever he collected at the time.
25 Q. Okay.

27

1 A. In addition to that, I have a DNA blood card.
2 Q. Let me -- let me back up.
3 Is that all in one jar?
4 A. Yes.
5 Q. And would that still be here?
6 A. Yes.
7 Q. Okay. Go ahead.
8 A. I have a DNA blood card. I have femoral blood,
9 heart blood, blood that was collected from the hospital.
10 And then we have a sample of a heart and liver,
11 separately. We have a urine sample. The notes here say
12 that's a bladder wash, which means the urine was empty,
13 but it was rinsed out by the doctor. We have gastric
14 contents, we have bile, we have -- and we have vitreous.
15 Q. Okay. And is that a complete list of -- of
16 everything -- other than the documents -- of everything
17 that you still have regarding Ted Agu?
18 A. That's correct.
19 Q. There's nothing out there that you're aware of?
20 A. Nothing I'm aware of.
21 Q. All right. And as far as anything that might be
22 kept on computers regarding Ted Agu, that's been
23 produced?
24 A. That's correct.
25 Q. All right. What happens to the -- I think you

28

1 mentioned that the doctor kept parts of the liver and
2 the heart?
3 A. Uh-huh.
4 Q. What happens to the remainder of those organs?
5 A. They go out with the body.
6 Q. They go what?
7 A. They go with the body. All of the organs are --
8 are put back with the body and they go when the body is
9 released to a funeral home. We don't keep them.
10 Q. What about if the -- if the person is an organ
11 donor? That's not your responsibility?
12 A. Then they would have gone -- we wouldn't have
13 them in the first place.
14 Q. Okay.
15 A. They would have gone out on the front end.
16 Q. From the hospital, you mean?
17 A. From the hospital. We wouldn't have them.
18 Q. Let me see that, sir, please.
19 What I'd like to do is get this document marked
20 as Plaintiffs' Exhibit 1.
21 (Exhibit 1 marked.)
22 BY MR. MURPHY:
23 Q. And this is the -- what would you call this --
24 the list of specimens?
25 A. It's a specimen list, yes.

29

1 **Q. Okay. That will be Plaintiffs' Exhibit 1.**
 2 MR. NEFOUSE: Sorry to interrupt, Counsel.
 3 Should we get a copy of this for --
 4 MR. MURPHY: Yeah. Let's do that during a
 5 break, yeah.
 6 MR. NEFOUSE: Okay.
 7 MR. MURPHY: Yeah, yeah, that would be
 8 great.
 9 BY MR. MURPHY:
 10 **Q. Now, do you understand you've also been produced**
 11 **here today not only in your individual capacity, but**
 12 **also as the person most qualified at the coroner's**
 13 **bureau regarding the death of Ted Agu?**
 14 A. Most qualified how?
 15 **Q. To testify about what occurred during your**
 16 **investigation, provide me with the documents I've asked**
 17 **for.**
 18 A. I don't understand your question.
 19 **Q. Okay. We -- we sent a subpoena, and maybe --**
 20 MR. MURPHY: Dave, maybe you can clarify
 21 this.
 22 BY MR. MURPHY:
 23 **Q. But one of the things we sent was a subpoena to**
 24 **you --**
 25 A. Right.

30

1 **Q. -- to appear in your individual capacity.**
 2 A. Sure.
 3 **Q. And then we also sent a subpoena to the coroner's**
 4 **office asking for the deposition of the person most**
 5 **qualified regarding the Ted Agu file and our demand for**
 6 **documents.**
 7 A. Right. So custodian of record.
 8 **Q. Correct.**
 9 A. Yes.
 10 **Q. That's you?**
 11 A. I will act in that capacity today, that's
 12 correct.
 13 **Q. Okay. I just wanted to make sure there's nobody**
 14 **else I need to talk --**
 15 A. No.
 16 **Q. -- to about what's in the file?**
 17 A. I was unclear on your question, yes. That is me.
 18 **Q. It was probably phrased poorly. Okay. Thank**
 19 **you.**
 20 **Okay, now what I want to do is --**
 21 MR. CONANT: Jeff? Pardon the interruption.
 22 Would you mind handing me over the Exhibit 1?
 23 MR. MURPHY: No problem.
 24 (Exhibit 2 marked.)
 25 ///

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1 BY MR. MURPHY:
 2 **Q. Now what I want to do is mark as Exhibit Number**
 3 **2, Composite Exhibit 2, your entire file, all the**
 4 **documents that your office has produced regarding Ted**
 5 **Agu's death. And that's this stack?**
 6 A. That's correct.
 7 **Q. You've looked through that?**
 8 A. I have.
 9 **Q. And you can confirm on the record under oath that**
 10 **that is all the documents that the coroner's bureau has**
 11 **regarding Ted Agu?**
 12 A. Yes. I mentioned there are some requests for
 13 copies.
 14 **Q. Yeah.**
 15 A. That are not in this pack.
 16 **Q. From lawyers?**
 17 A. Yes.
 18 **Q. All right.**
 19 A. But as far as the documentation regarding
 20 Mr. Agu, it is here.
 21 **Q. Everything is there?**
 22 A. The case file, that's correct.
 23 **Q. Okay. I'd like to get that --**
 24 MR. CONANT: Can you just repeat what you --
 25 I was not clear on what you just said. There was --

32

1 what's not in there?
 2 THE WITNESS: There are some requests from
 3 attorneys' offices for copies of the file. And the
 4 actual request from the attorney is not in this packet.
 5 I have it, but it's not part of this -- what was
 6 photocopied.
 7 MR. CONANT: Thank you. Pardon the
 8 interruption.
 9 MR. MURPHY: No problem.
 10 BY MR. MURPHY:
 11 **Q. So we'll get this marked as Plaintiff's Composite**
 12 **Exhibit 2. We'll call it the coroner's file. All**
 13 **right?**
 14 **What are the things that -- are you aware that**
 15 **when the pathologist does an autopsy that sometimes they**
 16 **take microscopic slides --**
 17 A. Yes.
 18 **Q. -- of -- of tissue and organs?**
 19 A. Of whatever they choose, yes.
 20 **Q. Is that fairly common?**
 21 A. It's not uncommon.
 22 **Q. All right. When that occurs, is there typically**
 23 **a -- as part of the autopsy report, is there typically a**
 24 **section that's called a microscopic description section**
 25 **where they describe what they saw on the slides?**

33

1 A. Yes, there is.
2 **Q. Okay. In Ted Agu's case, there were slides**
3 **taken, correct?**
4 A. I believe there were, yes.
5 **Q. But the autopsy report that I reviewed does not**
6 **appear to have a section for the microscopic**
7 **examination. Do you agree with that?**
8 A. I agree with that.
9 **Q. It's not there?**
10 A. It is not here.
11 **Q. Do you have any idea if one was ever done by**
12 **Dr. Beaver?**
13 A. I was not able to locate one.
14 **Q. Okay.**
15 A. And I asked the transcriptionist, and they were
16 not able to locate one either.
17 **Q. All right. So if there is one, you don't know**
18 **where it is?**
19 A. We don't have it.
20 **Q. Okay. Have you had any conversations or e-mails**
21 **with Dr. Beaver since he left the coroner's office?**
22 A. No official conversations.
23 **Q. Okay.**
24 A. I may have said, how is it going, it's going
25 great.

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1 **Q. All right.**
2 A. But nothing work-related.
3 **Q. And was that a phone call, or would those be**
4 **e-mails?**
5 A. Either e-mail or a text message.
6 **Q. Have you had any discussion with Dr. Beaver or**
7 **e-mails with Dr. Beaver since he left the coroner's**
8 **office regarding Ted Agu?**
9 A. No.
10 **Q. All right. Do you have an understanding as to**
11 **what Detective Lorenzana did during her investigation?**
12 A. I'm not sure how to answer that.
13 **Q. Do you know what she did?**
14 MR. NEFOUSE: Objection to form.
15 THE WITNESS: Not specifically. I mean, I
16 don't -- I'm not sure.
17 BY MR. MURPHY:
18 **Q. Okay. I'm just asking you, as you sit here**
19 **today --**
20 A. Yeah.
21 **Q. -- it's not a trick question.**
22 A. Yeah, I --
23 **Q. Do you know, as you sit here, what she did? We**
24 **could go through her file.**
25 A. The specifics -- I'm sorry. Go ahead.

35

1 MR. NEFOUSE: I was going to say, are we
2 talking about the Agu case here?
3 MR. MURPHY: Yeah, yeah, yeah.
4 MR. NEFOUSE: I just want to be clear.
5 THE WITNESS: I -- I don't know what
6 specifics that she did.
7 BY MR. MURPHY:
8 **Q. Okay.**
9 A. I --
10 **Q. All right. We'll go through the file and that**
11 **may shed some light on it. I just wanted to know as you**
12 **sit here, if you have any understanding or knowledge**
13 **about it.**
14 A. I -- I -- I know, in general, what a deputy does
15 to investigate. But I -- but specifics, I can't
16 address.
17 **Q. Fair enough. We can ask her when she comes back**
18 **from leave.**
19 **Do you know if she -- do you know whether or not**
20 **she did her own investigation of witnesses? In other**
21 **words, if she called and talked to any witnesses**
22 **herself?**
23 A. I do not know.
24 **Q. All right. Did you ever have any discussions**
25 **personally with anyone from the University of**

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1 **California?**
2 A. I'm -- I believe that I probably spoke with
3 someone with the UC Police the day of the event
4 regarding the event. But what that specifics was
5 besides, hey, we had a death on campus, the kinds of
6 things that I would speak with with anyone in any event,
7 I -- I couldn't give you specifics on what that was
8 about.
9 **Q. And you don't remember the name of the officer?**
10 A. (Witness shakes head.)
11 **Q. Is that a no?**
12 A. I do not, that's correct.
13 **Q. Okay. I just needed a verbal response.**
14 A. But -- but I recall talking to someone the day of
15 the event.
16 **Q. And they told you that Ted Agu had died?**
17 A. I might -- I couldn't even tell you for sure they
18 told me the name of who had died.
19 **Q. Okay.**
20 A. It was more of a, hey, we had an event on campus
21 kind of discussion.
22 **Q. Did they tell you what had happened?**
23 A. I -- I -- I don't believe so, and I would say
24 probably not with any specificity. That's usually not
25 how those phone calls go.

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1 Q. Okay. As you sit here today, you don't remember
2 anything about how he died?
3 A. Nothing specific, no.
4 Q. Okay. Did you ever talk to any team physicians,
5 football team physicians, at Cal? Dr. Batten?
6 A. No.
7 Q. Okay. Are you aware of whether or not
8 Dr. Batten, the team physician for Cal football, ever
9 talked to Dr. Beaver?
10 A. I'm not aware.
11 Q. Okay. Do you have an understanding -- when you
12 looked at the file or looked at the investigation that
13 Detective Lorenzana did, did you have an understanding
14 as to what happened to Ted Agu the morning he died? In
15 other words, what was -- what he had been doing, how the
16 death occurred?
17 A. I -- if memory serves, it seems like it had a
18 reasonable explanation of what was going on that day,
19 that's correct.
20 Q. What has a reasonable explanation?
21 A. That the report --
22 Q. Okay.
23 A. -- indicated what was going on that day.
24 Q. Let's -- let's look at the report.
25 A. All right. I have a copy here.

38

1 Q. Okay. Let's look there at the first page, sir.
2 Back -- back up.
3 A. Oh, sorry.
4 Q. Yeah, the very front page, it says Coroner's
5 Investigator's Report.
6 A. That's correct.
7 Q. And is this a report that was prepared by
8 Detective Lorenzana?
9 A. That's correct.
10 Q. Okay. At the top there on the left, it says
11 reported by Gary Colclasure, C-O-L-C-L-A-S-U-R-E.
12 Who is that?
13 A. That's someone from the Alta Bates Medical
14 Center, Ashby Campus.
15 Q. Got you. Okay. And there's a date next to
16 Detective Lorenzana's name on the right. There's a date
17 and time. It says February 7th, 2014, 816. What does
18 that refer to?
19 A. That's the date and time this case was reported
20 to us.
21 Q. All right. And if you look down there in the --
22 in the summary section, the -- it says, "Undetermined
23 manner of death recorded by Alta Bates." And then it
24 says, "The decedent was a 21-year-old male that was
25 witnessed to collapse while running during football

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1 practice."
2 A. Uh-huh.
3 Q. Is that your understanding?
4 A. As reported to us by the medical service.
5 Q. Okay. And then if you go to the next page, is
6 this just a more detailed description of what -- of
7 Lorenzana's investigation?
8 A. Yes.
9 Q. All right. Did you know anything -- when did you
10 first learn -- strike that.
11 Are you aware that Ted Agu had sickle cell trait?
12 A. I am now.
13 Q. When did you become aware of that?
14 A. Sometime during this investigation. I don't know
15 exactly when.
16 Q. Okay. And did you -- did you have any
17 discussions with Dr. Beaver about sickle cell trait and
18 Ted Agu?
19 A. I suspect that we did. I would say, yes. I
20 don't remember the content of that conversation.
21 Q. All right. Do you remember how you learned that
22 he had sickle cell trait?
23 A. I do not remember how it came up.
24 Q. Okay. Under the medical summary there in the
25 middle of the page, it says Agu had a history of sickle

40

1 cell anemia.
2 Do you know where Detective Lorenzana got that
3 information?
4 A. I do not.
5 Q. Let's go to the next page. Go down in the middle
6 there. It says Other Agency Reports, and it refers to
7 the University of California Police Department. Do you
8 see that?
9 A. Uh-huh, yes.
10 Q. And it says, "In summary, the head football
11 coach, Damon Harrington, was interviewed and reported
12 that Agu was running with a group and was the head of
13 the group the entire time until the final lap where it
14 was evident Agu appeared tired. Agu eventually stopped
15 running and took a knee to catch his breath."
16 Do you know, was that information gathered from
17 the University of California police report?
18 A. I do not know.
19 Q. Was that your understanding of what happened to
20 Ted, that he was running in a drill and then all of a
21 sudden stopped and couldn't go on anymore and died?
22 A. Based on what I read, that's correct.
23 Q. Okay. Did anybody ever give you any information
24 that that, in fact, is not what occurred, that he
25 struggled over a period of 10, 15, 20 minutes before he

41

1 died and did not suddenly collapse?
2 A. I don't believe so.
3 Q. You never had that information?
4 A. I don't believe so.
5 Q. Okay. Let's go to the last page there. And in
6 here it -- the Finding section, is that your section, or
7 would that be Detective Lorenzana's?
8 A. That would be Lorenzana.
9 Q. Okay. I'm sorry, Lorenzana.
10 And then the supervisor review is you?
11 A. That's correct.
12 Q. Okay. And you closed the case on June 9, 2014?
13 A. Yes.
14 Q. Okay. Let's go -- you're going to need this.
15 A. Okay.
16 Q. Oh, no, that's -- one of the things that was done
17 was a toxicology report on Ted's blood?
18 A. That's correct.
19 Q. And what was it tested for?
20 A. The complete drug screen, and I would not be able
21 to tell you exactly what that panel is. It's hundreds
22 of things.
23 Q. All right.
24 A. All the common street drugs and most of the drugs
25 of abuse, lots of prescriptions. It's the normal panel

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1 that we run on all coroner's cases.
2 Q. Were any drugs or alcohol found in Ted Agu's
3 system?
4 A. They were not.
5 Q. All right. At some point in time, did -- would
6 somebody in your office or in your unit have called or
7 sent a request over to the University's police
8 department asking for the police report?
9 A. Yes.
10 Q. Do you know who did that?
11 A. I -- I would assume that it would be Deputy
12 Lorenzana, since it's her case.
13 Q. Okay. That would be --
14 A. Normally, it would be standard procedure. The
15 person's whose case it is would request that report.
16 Q. Okay. Would request a police report from the
17 agency that investigated it?
18 A. Yes.
19 Q. All right. And would you typically expect the
20 police department that investigated the death to provide
21 you with a complete copy of their report?
22 A. I would.
23 Q. All right. I'd like to go through your file, and
24 I want to identify everything that was given to you or
25 to your office -- I keep saying to you -- to the

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1 coroner's office by the University of California.
2 First of all, did the University of California
3 ever provide your office with any of Ted Agu's medical
4 records?
5 A. I do not know.
6 Q. All right. If they're not in this file --
7 A. If they're not in that file, then I would say,
8 no.
9 Q. Okay. They did provide you with what was
10 supposed to be a police report, correct?
11 A. That's correct.
12 Q. All right. Let me show you a fax dated
13 February 20, 2014, directed to the coroner's office,
14 Attention Lorenzana, from UCBPD Records Department
15 Maldonado.
16 Is UCBPD, is that University of California
17 Berkeley Police Department.
18 A. Yes.
19 Q. Why don't you take a look at that fax on
20 February 20. Is that a fax that your office received
21 from the University police department?
22 A. Given that it's in my case file and it is a fax
23 transmission, I'm going to say, yes.
24 Q. And how many pages were faxed to your office on
25 February 20th, including the cover page?

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1 A. It says eight.
2 Q. All right.
3 A. And we could count them, eight pages.
4 Q. Okay. Let's go through, just real quickly, I
5 want to identify each one of them.
6 The first page titled Incident Report, it says
7 Case Description Standard Report, correct?
8 A. Yes.
9 Q. All right. Then the second page is an Incident
10 Report-Additional Persons, and it identifies Michael
11 Jones?
12 A. Uh-huh.
13 Q. Correct?
14 A. That's correct.
15 Q. And the next page is a narrative from Officer
16 Stephanie Martinez?
17 A. Yes.
18 Q. All right. The next page an incident supplement
19 report. Down at the bottom it says Reporting Officer
20 Harry Bennigson?
21 A. Uh-huh.
22 Q. Yes?
23 A. Yes.
24 Q. All right. The next page is another Incident
25 Supplement Report-Additional Persons, and it's regarding

45

1 Dr. Thomas Beaver?
2 A. Correct.
3 Q. And the next page is a supplement narrative from
4 Harry Bennigson regarding Dr. Beaver?
5 A. Yes.
6 Q. All right. And then the last page is the
7 University of California Police Department case report?
8 A. Yes.
9 Q. Okay. Now, I assume Detective Lorenzana, in her
10 normal course of business, would have reviewed that?
11 A. Yes.
12 Q. Okay. Let's look at -- there appears in your
13 file to be another fax that was sent to the coroner's
14 office from the University of California Police
15 Department dated May 7, 2014. Do you see that?
16 A. Yes.
17 Q. And that was, again, faxed over to Detective
18 Lorenzana by the University?
19 A. That's correct.
20 Q. On May 7th?
21 A. Yes.
22 Q. How many pages were sent on May 7th to your
23 office, including the cover page?
24 A. It says 21.
25 Q. All right. Let's go through each one real

46

1 quickly, just for the record.
2 The first document is an incident report,
3 correct?
4 A. Yes, standard report.
5 Q. And then we have an Incident Report-Additional
6 Persons, Michael Jones?
7 A. Uh-huh.
8 Q. Which was already faxed to you the first time,
9 correct?
10 A. This appears to be the same page.
11 Q. All right. And now we have an incident report
12 narrative -- well, this looks like the same thing. This
13 is from Stephanie Martinez.
14 Do you see this note, this incident report
15 narrative?
16 A. Uh-huh.
17 Q. Okay. And then the next thing is an incident
18 supplement report. Again, if you look down on the
19 bottom left, it's from Harry -- or made by Harry
20 Bennigson?
21 A. Uh-huh, yes.
22 Q. That was already faxed to you the first time,
23 correct?
24 A. It appears to be the same form.
25 Q. All right. And then, again, the next two pages,

47

1 Incident Supplement Report-Additional Persons for
2 Dr. Thomas Beaver, and then a narrative regarding
3 Dr. Beaver.
4 Those were already faxed to you back in February,
5 correct?
6 A. It appears to be the same.
7 Q. Next thing is an incident supplement report with
8 Harry Bennigson's name down on the left.
9 Do you see that?
10 A. Uh-huh.
11 Q. All right. But now, something that you did not
12 get the first time was this Incident Supplement
13 Report-Additional Persons, with Robert Damon Harrington?
14 A. I see that.
15 Q. And this was not sent back in February, correct?
16 A. Right.
17 Q. And then attached to that is an incident
18 supplement report narrative that is two pages. It
19 appears to be some sort of a narrative regarding what --
20 an interview with Damon Harrington?
21 A. Uh-huh.
22 Q. Correct?
23 A. Yes.
24 Q. All right. I know this is like pulling teeth,
25 but it's important to me that I identify everything,

48

1 okay?
2 Next thing is an incident -- well, strike that.
3 Let's -- let's back up.
4 According to the information that the University
5 provided you at your office regarding Damon Harrington,
6 it was your understanding, based upon what
7 Mr. Harrington said, that Ted Agu led his team on the
8 hill for about nine hills.
9 Do you see that?
10 A. That's what it says.
11 Q. Okay. And it was also your understanding, based
12 upon what Mr. Harrington said, that Ted Agu had pulled
13 his team for nine hills?
14 A. I'm not sure what that means.
15 Q. Okay. But that's what he reported, that he had
16 just pulled his team for nine hills, correct?
17 A. Where are we --
18 Q. Okay. Sorry.
19 MR. NEFOUSE: So we're looking at the third
20 paragraph of the --
21 MR. MURPHY: Second.
22 MR. NEFOUSE: Is it third or second?
23 THE WITNESS: He just pulled his team for
24 nine hills, okay.
25 ///

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1 BY MR. MURPHY:
2 Q. Okay.
3 A. Whatever that means.
4 Q. Okay. Yeah, I understand you weren't there.
5 Okay. Let's go to the next page, incident
6 supplement report. And, again, this is a page that
7 says -- it's got Harry Bennigson's name down at the
8 bottom left. And next is an Incident Supplement
9 Report-Additional Persons with Michael Jones?
10 A. Uh-huh.
11 Q. And attached to that is a narrative regarding an
12 interview that the University police had with Michael
13 Jones, correct?
14 A. Uh-huh.
15 Q. All right. Then the next page is an incident
16 supplement report. This looks like maybe it's a
17 duplicate. It just has Harry Bennigson's name down on
18 the left.
19 Do you see that?
20 A. Yep.
21 Q. All right. Another Incident Supplement
22 Report-Additional Persons for witness Austin Hinder?
23 A. Uh-huh.
24 Q. Then attached to that is a supplement report
25 which is a narrative of the interview with Mr. Hinder?

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1 A. That's correct.
2 Q. Another incident supplement report with Harry
3 Bennigson's name down at the bottom. And then an
4 Incident Supplement Report-Additional Persons for a
5 witness Drake Whitehurst, along with a narrative of the
6 interview with Mr. Whitehurst?
7 A. Uh-huh.
8 Q. Okay. And then it looks like perhaps a duplicate
9 of that interview --
10 A. Right.
11 Q. -- of Whitehurst?
12 A. Uh-huh.
13 Q. And then that's it?
14 A. That's correct.
15 Q. Okay. Are those two faxes that were sent over --
16 the 21 pages and the eight pages, that the University
17 police department sent to the coroner, is that all of
18 the documents that were provided to your office by the
19 University police?
20 A. As far as I know, yes.
21 Q. Okay. There's nowhere else those would be? They
22 would be in this file?
23 A. They would be in this file.
24 Q. If you got them? Okay.
25 A. That's correct.

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1 Q. Are you aware that the University of California
2 Police Department report is not 29 pages that were sent
3 to you, but it's actually 141 pages?
4 A. Based on what you told me, I'm aware of that.
5 Q. Okay. Do you have any idea why the entire report
6 was not sent?
7 A. I do not.
8 Q. Would it surprise you to know that there are
9 witness statements that the University police department
10 took of two players that are not included in the reports
11 they sent you?
12 A. Given that there are a significant number of
13 pages that aren't here, it wouldn't surprise me that
14 there would be lots of things in there.
15 Q. Okay. Do you have any -- you already told me
16 you're -- you don't have any medical training or medical
17 background. Do you have any knowledge regarding sickle
18 cell trait?
19 A. I do not.
20 Q. Okay. Do you have any knowledge regarding
21 cardiac deaths, how they present themselves?
22 A. Other than what you get in CPR and first aid
23 classes.
24 Q. Okay.
25 A. But no, nothing -- no formal medical training.

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1 Q. All right. So certainly, you're not qualified to
2 opine whether somebody died from sickle cell trait or
3 from some other cause? That's out of your league?
4 A. That's correct.
5 Q. All right. I -- I don't mean to be
6 disrespectful, I just want to make sure --
7 A. That's an accurate statement.
8 Q. Okay.
9 MR. CONANT: May I have the -- if you're not
10 going to be using it again --
11 MR. MURPHY: Yeah.
12 MR. CONANT: -- in the short-term, can I
13 have it.
14 MR. MURPHY: Can we take a quick break,
15 please?
16 THE VIDEOGRAPHER: Sure. It's 10:49. We're
17 going off the record.
18 (Recess taken from 10:49 a.m. to 10:59 a.m.
19 and testimony continued as follows:)
20 THE VIDEOGRAPHER: We are back on the
21 record. It's 10:59.
22 BY MR. MURPHY:
23 Q. Lieutenant, another thing that I saw in your file
24 was a letter you had written on April 7th of 2014 to
25 have Ted's blood tested for performance enhancing drugs?

53

1 A. That's correct.
 2 **Q. Do you recall that?**
 3 A. I do.
 4 **Q. Was that done?**
 5 A. Yes.
 6 **Q. And did that come back negative?**
 7 A. Memory serves, yes, but I don't have the report
 8 in file.
 9 **Q. Okay.**
 10 A. And I believe it was given to Dr. Beaver.
 11 **Q. All right. Certainly, if there had been**
 12 **something there that -- that was positive, that would**
 13 **have been something that would be in your file?**
 14 A. The negative results should have been there as
 15 well.
 16 **Q. Okay. But your recollection is that it was**
 17 **negative?**
 18 A. That's correct.
 19 **Q. Okay. We went through the police file that the**
 20 **University sent to you. It did not include the -- the**
 21 **statements of Daniel Lasco and Joey Mahalic, correct?**
 22 A. I don't remember the specific names that were --
 23 that were in there.
 24 **Q. Okay.**
 25 A. If they were.

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1 **Q. All right. Can you tell me what this document**
 2 **is? This was in your file. It's just why I'm curious.**
 3 A. That's a driver's license printout.
 4 **Q. Okay. And then this last page, it looks like a**
 5 **repeat of the coroner's investigative report, but it**
 6 **says C.O.D. given 4/14/14?**
 7 A. Yes.
 8 **Q. What does that mean?**
 9 A. That page should be attached -- there's a -- it
 10 would be attached to this page so that the -- so that
 11 this can be entered into the electronic system. These
 12 two pages get attached by the clerical staff, so the
 13 cause of death can be entered into the electronic
 14 system. The death certificate is --
 15 **Q. The death certificate --**
 16 A. -- pending. The rest of the testing and stuff.
 17 And then when the cause is given, it's amended with the
 18 cause of death.
 19 **Q. Okay.**
 20 A. That allows us to amend a death certificate.
 21 **Q. So initially you have a temporary one right after**
 22 **the death?**
 23 A. Correct.
 24 **Q. And then when the report is completed --**
 25 A. Yes.

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1 **Q. -- then it's amended?**
 2 A. That's correct.
 3 **Q. All right. How many -- how long was Dr. Beaver**
 4 **here at the coroner's office, approximately?**
 5 A. Two years.
 6 **Q. Do you know when he left?**
 7 A. I want to say March, April. I don't remember for
 8 sure.
 9 **Q. Okay. Do you know --**
 10 A. Not long after this case --
 11 **Q. All right.**
 12 A. -- but I don't remember when.
 13 **Q. Do you know if he left before the autopsy report**
 14 **was -- was complete? In other words, is it something he**
 15 **completed after he left, or do you know?**
 16 A. I didn't -- I did not mail him anything to
 17 complete.
 18 **Q. All right.**
 19 A. I didn't mail him any case files to complete, so
 20 I would say he did it before he left.
 21 **Q. All right. Do you know why he left?**
 22 A. He took a position in Florida.
 23 **Q. Do you know why anything -- about the**
 24 **circumstances or...**
 25 A. It's a -- it's a -- I know that he -- he came

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1 from Florida roundabout, and he had already desired to
 2 go back to Florida.
 3 **Q. Right. He left here voluntarily?**
 4 A. He resigned and went to Florida, yeah.
 5 **Q. Okay. I just want -- he wasn't terminated or**
 6 **anything?**
 7 A. No, he was not terminated.
 8 **Q. All right. Did you ever discuss with Dr. Beaver**
 9 **his determination of the cause of death that he**
 10 **initially came up with?**
 11 A. I would assume that I probably did. I don't
 12 remember specifics of the conversation.
 13 **Q. Okay. Did it ever happen, since you've been here**
 14 **as a -- as a unit commander, has it ever happened where**
 15 **an autopsy report has been initially done with the cause**
 16 **of death and then after that, it's later discovered that**
 17 **there are new facts that shed light on what actually**
 18 **happened just before the death that results in the need**
 19 **to change the cause of death?**
 20 A. No.
 21 **Q. That's never happened at the coroner's office, as**
 22 **far as you know?**
 23 A. Not that I'm aware of.
 24 **Q. If a medical examiner, a pathologist here in this**
 25 **office, does an autopsy report and then discovers new**

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1 information --

2 A. Uh-huh.

3 **Q. -- and -- and has a more complete investigation**
4 **about what actually happened just prior to the death,**
5 **and the pathologist wants to change the cause of death**
6 **as a result of that new information, is that something**
7 **that you would defer to?**

8 MR. NEFOUSE: Objection, calls for
9 speculation.

10 BY MR. MURPHY:

11 **Q. You can answer.**

12 A. There is a process. It definitely can be amended
13 as many times as necessary.

14 **Q. Until it's right?**

15 A. Until we're finished.

16 **Q. Okay.**

17 A. So it could be done, if someone wanted to change
18 one.

19 **Q. What is the procedure for that? I want you --**
20 **let's assume that Dr. Beaver has discovered new facts,**
21 **okay, and -- and new information about what happened to**
22 **Ted Agu in the 10, 15, 20 minutes before he died.**

23 A. Uh-huh.

24 **Q. And because of that, he's changed his opinion as**
25 **to what the cause of death is. What would be the**

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1 procedure for --

2 MR. NEFOUSE: And I'm just going to object.
3 I think your first question was in -- in general, and I
4 mean, you kind of switched to the Agu case. So I -- I
5 want to make clear, are we asking Lieutenant just in
6 general what would be the process, or for the Agu case?

7 MR. MURPHY: No, for the Agu case.

8 MR. NEFOUSE: Okay.

9 MR. MURPHY: Just -- my question is --

10 MR. NEFOUSE: Okay.

11 Answer it, I guess, to the extent you can,
12 but I mean, I would -- again, just speculation
13 objection.

14 THE WITNESS: The answer is still a, in
15 general. It would apply to any case.

16 BY MR. MURPHY:

17 **Q. All right. Tell me in general, please.**

18 A. The pathologist would need to generate some sort
19 of memorandum to the -- the current chief pathologist.

20 **Q. Which is who?**

21 A. There is no one, currently.

22 **Q. Okay.**

23 A. And to the unit commander -- which would be me,
24 right now --

25 **Q. All right.**

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1 A. -- outlining his findings, his -- whatever his
2 revelations are, his new information and why he feels --
3 or she feels that the cause of death should be amended.

4 **Q. And that would be just a memorandum to you, or an**
5 **e-mail or a letter?**

6 A. It would have to be an official written
7 memorandum that says whatever it's going to say, that
8 based on whatever new information he or she has
9 developed, that they would like to amend their cause of
10 death as given.

11 **Q. And then what would happen from that point?**

12 A. Then it would go to -- it would go to Deputy
13 Lorenzana in this case. It would go to the investigator
14 whose case it is for them to have the case reopened,
15 provided the case is closed, and it should be.

16 And then there would be some discussion; you
17 wrote this, what does this mean, what's the process,
18 what did you learn, explain to me what this document
19 says. And then we would decide that that was compelling
20 enough information, assuming that it is, for us to
21 re-amend the death certificate.

22 **Q. Okay. And who makes that -- who would make that**
23 **decision? Would that be you as the unit commander?**

24 A. Myself and the chief, assuming we had one, and
25 I'm hoping to have one.

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1 **Q. Okay. You -- you don't have one now. Who -- who**
2 **would make that decision? I mean, are you -- are you**
3 **going to have one any day now?**

4 A. Our hope is to have one in the near future.

5 **Q. What does that mean? A week or two months?**

6 A. I don't know.

7 **Q. What would be the process if you don't have one?**
8 **Let's say --**

9 A. I would take the -- the documentation. I would
10 speak with the existing contract pathologist, have them
11 explain the documentation to me, since I don't have
12 the -- the medical background to be able to process what
13 that document may or may not say. It may have big words
14 in it.

15 And I would ask them their opinion -- probably
16 ask more than one of them -- their -- their medical upon
17 whether those were sound findings or if -- or if they
18 didn't make any sense.

19 **Q. And then if they --**

20 A. If they said yes, this makes perfect sense to us,
21 we would amend the death certificate.

22 **Q. Okay. You certainly, because of your background,**
23 **you wouldn't have any opinion if -- if that's what**
24 **Dr. Beaver said, then, you wouldn't agree with that?**

25 **You would just go check with --**

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1 A. That's -- I would, correct. I would check with
2 someone else who has the skill -- the skill set to -- to
3 validate that information.
4 **Q. How many autopsies did you investigate where**
5 **Dr. Beaver did the autopsy?**
6 A. Oh, I don't know.
7 **Q. Can you estimate? I mean, more than 100?**
8 A. Yeah, more than 100, I'm sure.
9 **Q. More than 500?**
10 A. I doubt it. A couple hundred probably.
11 **Q. Okay. Did he ever give a cause of death that**
12 **didn't make any sense to you --**
13 A. No, he did not.
14 **Q. -- in -- in any of those?**
15 A. No.
16 **Q. Okay. I just want to make sure, then, for the**
17 **process that there's no -- as far as you know -- I**
18 **understand you're not acting here as an attorney, but as**
19 **far as you know, there's no formal petition or legal**
20 **paperwork that would need to be filed to get it reopened**
21 **with a new cause of death? It would be just -- it would**
22 **be initiated with a letter or a memo to you from**
23 **Dr. Beaver?**
24 A. That's correct.
25 **Q. Okay. Did Dr. Beaver do Ted Agu's autopsy?**

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1 A. Yes.
2 **Q. Okay. Nobody else did it with him? I mean, he**
3 **was the pathologist who handled it?**
4 A. He has an assistant, but not a doctor.
5 **Q. Okay.**
6 A. One of my staff assists.
7 **Q. When Dr. Beaver was here, what was his position?**
8 A. He was the chief pathologist.
9 **Q. So he was the head of all the pathologists here**
10 **at the coroner's bureau?**
11 A. That's correct.
12 **Q. Are you aware as you sit here today, that**
13 **Dr. Beaver has given a deposition in this case and**
14 **testified that, based upon player depositions that have**
15 **been provided to him regarding what happened to Ted in**
16 **the 10 or 15 or 20 minutes before he died, that he's**
17 **changed his cause of death and that he now believes it's**
18 **a sickling death.**
19 **Are you aware of that?**
20 MR. NEFOUSE: Objection, compound question.
21 MR. CONANT: I think it mischaracterizes the
22 testimony as well, but -- the beaver testimony.
23 BY MR. MURPHY:
24 **Q. Are you aware of that?**
25 A. I'm aware he was deposed.

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1 **Q. Okay.**
2 A. I'm not aware of anything beyond that.
3 **Q. All right. You don't know what he said or --**
4 A. I have no idea.
5 **Q. Okay.**
6 MR. MURPHY: That's all I have. Thank you.
7 He'll probably have some questions.
8 MR. CONANT: I do. And I'm down here at the
9 end of the table, so -- but the camera is over there now
10 to your right, so you're craning your neck. You're not
11 having trouble hearing me down here, are you?
12 THE WITNESS: Nope, I'm good.
13 MR. CONANT: Okay. Well, so unfortunately,
14 the video will suffer a little because you're looking in
15 the wrong direction, but we'll just --
16 THE WITNESS: We'll struggle.
17 MR. CONANT: We'll live with it, all right?
18 THE WITNESS: All right.
19 EXAMINATION
20 BY MR. CONANT:
21 **Q. So I probably got, you know, five or six or seven**
22 **different topics I want to cover with you, kind of**
23 **bouncing around from subject to subject. That's just**
24 **sort of the way it goes when you're number two in line**
25 **for the questioning.**

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1 **Let's start with this specimen sheet. I think**
2 **it's been marked as Exhibit 1 to the deposition.**
3 **Do you have it in front of you?**
4 A. I do now.
5 **Q. Okay. Let's -- I just want to go through it with**
6 **you in a little bit of detail, make sure we all know**
7 **exactly what we're looking at here.**
8 **This is a document that lives on your computer,**
9 **correct?**
10 A. That's correct.
11 **Q. And then you printed it for us just today,**
12 **correct?**
13 A. That's correct.
14 **Q. Okay. So let's just start toward the top here,**
15 **and let me clarify a few points. In the upper left, it**
16 **says Collected By, and then there's a person's name in**
17 **that field Carol Hall.**
18 **Do you see that?**
19 A. Huh-uh.
20 **Q. Who is Carol Hall?**
21 A. Carol is the person whose computer I was using
22 when I printed this form.
23 **Q. Okay. So she had --**
24 A. The form is designed for you to be able to input
25 specimens when you open the page, and it defaults to

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1 whoever is logged in.
2 **Q. All right. Do we know if this document has been**
3 **edited at any time since it was originally created? Is**
4 **there any way to determine that?**
5 A. I don't -- I don't know how to answer the
6 question. I -- I will say to you that after the
7 specimens were input, I personally went back and checked
8 the Don't Destroy boxes next to them.
9 **Q. Yeah, I was actually going to ask you about**
10 **that -- that column here in just a bit.**
11 **But what I'm getting at is this: Could somebody**
12 **get into the computer system and modify this document,**
13 **even today?**
14 A. They should not be able to today.
15 **Q. Is there any way for you to determine whether it**
16 **has been edited and, if so, when it was edited since the**
17 **time it was originally created?**
18 A. I have no idea.
19 **Q. Okay.**
20 A. I don't believe so. But I -- I'm not a computer
21 forensic guy. The system doesn't have a way to tell us
22 that.
23 **Q. Let me cover a few other things with you here.**
24 **There's a third column from the left. It's Collected**
25 **By, and there's a person's name here Odette,**

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1 **O-D-E-T-T-E, Pena, P-E-N-A.**
2 **Is that Dr. Beaver's assistant?**
3 A. That would have been his assistant on that
4 particular day.
5 **Q. For that autopsy?**
6 A. That's correct.
7 **Q. Very good. And, of course, the collection date**
8 **is the date of the autopsy, February 10, correct?**
9 A. That's correct.
10 **Q. All right. Now we next come to Location, and**
11 **there are various locations set forth for all of these**
12 **various specimens. Let me take you through these.**
13 A. Uh-huh.
14 **Q. When the word "office" is indicated, what does**
15 **that mean?**
16 A. That means that we have them here.
17 **Q. Here in --**
18 A. Coroners --
19 **Q. -- at 2901 --**
20 A. Peralta Oaks Court, that's correct.
21 **Q. Very good. Thank you. We come to femoral blood**
22 **and the reference is Lab and Office. Can you explain**
23 **that, please?**
24 A. That means that specimens were sent to our -- our
25 toxicology lab; in this case, Central Valley Toxicology.

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1 That's where the CVT is in the next box, and there are
2 specimens here.
3 **Q. Vitreous, we go down to the bottom, CVT lab,**
4 **that's the -- that's the Central Valley that's**
5 **referenced earlier?**
6 A. That's correct.
7 **Q. And then finally, the last item, which is an**
8 **abbreviated Histo, H-I-S-T-O, histo tissue specimens,**
9 **where is the location for those?**
10 A. Those are at HistoTech, which is our contract
11 laboratory that does the slides.
12 **Q. Can you tell me what's meant by Histo Tissue**
13 **Specimens? And can you explain that in more detail?**
14 A. Histo is short for histology. That's the samples
15 that the doctor -- in this case Dr. Beaver -- chose to
16 send to his HistoTech to have slides made.
17 **Q. So a little earlier Mr. Murphy asked you to**
18 **comment about what he described as -- or the term that**
19 **was used earlier in your deposition was microscopic**
20 **tissue slides, I think. I'm looking here at my notes.**
21 **Do you remember that discussion?**
22 A. Yes.
23 **Q. Is that what we're talking about, these histo**
24 **tissue samples?**
25 A. It is.

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1 **Q. Okay. Do you know what the source was for the**
2 **histo tissue specimens that are formatted now in slides?**
3 **In other words, femoral blood, organs --**
4 A. In general, histo tissue specimens are -- are not
5 fluid. They're not blood, bile, vitreous. They're
6 typically -- I'm not sure what the word I'm looking for
7 is -- tissue is the word I'm looking for, but there --
8 it may be organ; it may be muscle; it may be -- I
9 suppose they could even use bone -- I don't know -- but
10 it's not fluids.
11 **Q. Understood. I appreciate that distinction.**
12 **With regard to which tissues have been formatted**
13 **into slides, you cannot comment?**
14 A. I do not know.
15 **Q. Thank you. Now we come to the column that you**
16 **made reference to just a minute ago, the Do Not Destroy**
17 **column.**
18 A. Uh-huh.
19 **Q. Some of the boxes are checked, others are not.**
20 **Can you explain what we're looking at here and how it**
21 **came to be?**
22 A. I checked the boxes, because in noncriminal cases
23 specimens are held for six months. In criminal cases,
24 they're held indefinitely. And because we knew there
25 was litigation on this case, I didn't want the specimens

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1 to be inadvertently destroyed, so I checked the boxes,
2 don't destroy them.
3 **Q. When did you check the Don't Destroy boxes?**
4 A. I do not remember. Early on, but I don't
5 remember when.
6 **Q. Lieutenant, why -- if you can explain why we**
7 **don't have the box checked for Do Not Destroy photos, Do**
8 **Not Destroy vitreous fluids and Do Not Destroy the histo**
9 **tissue specimens?**
10 A. Because photos are never destroyed, nor are the
11 histo tissue specimens, and I do not know why I didn't
12 check the vitreous box. I may have just missed it.
13 **Q. Okay. Are we at risk of having the vitreous**
14 **fluids destroyed because this box is not checked?**
15 A. We're not. Well, we would be after seven years,
16 but I can go back and check the box.
17 **Q. What steps -- I'm not trying to be a pain in**
18 **anybody's neck here, but it's important for reasons that**
19 **I'm sure you can understand that we preserve this**
20 **evidence.**
21 **What steps can you take, perhaps in consultation**
22 **with your legal counsel, to see that this vitreous, or**
23 **for that matter, even the microscopic slides, that these**
24 **are preserved? I'm just -- maybe I'm overly concerned**
25 **these boxes aren't checked, but it --**

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1 A. It's easy enough to check the box. The vitreous
2 samples are not here. They're at the -- the HistoTech
3 Lab. They're mandated by contract to keep those
4 specimens for seven years.
5 **Q. Okay. All right. Thank you. That's helpful. I**
6 **appreciate it.**
7 **Now, while we are on the subject of autopsy and**
8 **specimens, you're confident -- I take it from some of**
9 **your earlier testimony that you believe there are no**
10 **organs preserved from Ted Agu's body, correct?**
11 A. No entire organs, that's correct.
12 **Q. Yes. Now, who makes that call? In other words,**
13 **who decides whether one or more organs should be**
14 **preserved for evidentiary purposes?**
15 A. The doctor whose case it is, in this case,
16 Dr. Beaver.
17 **Q. All right. Do you know whether Dr. Beaver ever**
18 **gave consideration to preserving one or more of the**
19 **organs?**
20 A. I have no idea.
21 **Q. You don't recall ever having that dialogue or**
22 **that discussion with him. Is that true?**
23 A. That's correct.
24 **Q. Again, this falls under the category of bouncing**
25 **around a little bit, but can you just tell me how long**

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1 **Sergeant Graves has been a part of the organization?**
2 A. For the sheriff's office?
3 **Q. Yes.**
4 A. Give or take 15 years.
5 **Q. Okay. How long affiliated with the coroner's**
6 **division?**
7 A. I -- I don't know. I think he's been here at
8 least four years as a sergeant, maybe three-and-a-half,
9 but it's been a while. He was also here as a deputy, as
10 an investigator here. I don't know how long or even
11 when.
12 **Q. Different subject. Did you personally have any**
13 **interaction with members of the Agu family?**
14 A. I don't recall.
15 **Q. Have you been contacted -- prior to today's**
16 **deposition, have you ever had any interaction with**
17 **Mr. Murphy or any of the Agu family lawyers?**
18 A. Yes, prior to today.
19 **Q. When did that occur?**
20 A. I've had a -- a few phone calls with Mr. Murphy.
21 I had some calls with someone else's name that has
22 escaped me entirely, never any face-to-face contact.
23 And I don't recall any contact with -- with the
24 Agu family.
25 **Q. Yeah. I'm putting the attorneys separately from**

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1 **the Agu family. Let's focus on contact with legal**
2 **counsel. Can you tell me approximately, anyway, how**
3 **many telephone calls you've had with the lawyers for the**
4 **Agu family?**
5 A. I would say less than six. Three, four, five,
6 I'm not sure.
7 **Q. Over what span of time, approximately?**
8 A. A month, six weeks.
9 **Q. Leading up to today?**
10 A. Prior to today.
11 **Q. Okay, yeah. Let's set aside the mundane, you**
12 **know, what day of the week would you like your**
13 **deposition taken and, you know, that sort of thing. But**
14 **setting aside scheduling and housekeeping type things,**
15 **can you tell me in essence what the discussions were**
16 **that took place?**
17 A. They were around copies of the reports. We would
18 like copies, do we have the copies, do we have all the
19 copies, what do we have?
20 **Q. Yeah.**
21 A. They were all around getting copies of the
22 reports.
23 **Q. Sorting out paperwork?**
24 A. Correct.
25 **Q. And you're satisfied that the paperwork we have**

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1 here in front of us, which we've marked as Exhibit 2 to
2 the deposition, is your entire file, correct?

3 A. With the exception, as I mentioned earlier, of
4 some requests for copies. It is the entire
5 investigative packet, that's correct.

6 Q. And the request for copies are letters or faxes
7 or e-mails or something from legal counsel asking for
8 paperwork?

9 A. That's correct.

10 Q. There is a name I see in some of the paperwork
11 here -- I'm going to point it out to you -- death
12 certificate signed by D. Wilson, deputy coroner.

13 Do you see that?

14 A. Yes.

15 Q. Who is D. Wilson?

16 A. It's another one of my investigators.

17 Q. What's his complete name?

18 A. Damon Wilson.

19 Q. Why -- is he an Alameda County Sheriff, then?

20 A. He is.

21 Q. He's not a medical doctor?

22 A. No.

23 Q. So why does his name enter into the picture in
24 terms of signing the death certificate?

25 A. Because the way the -- the electronic process

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1 works, a deputy sheriff puts that cause into the
2 electronic system, based on the causation by the doctor.
3 It's a paperwork process.

4 Q. I mean, it could easily have been another one of
5 your deputies?

6 A. It -- randomly, yes.

7 Q. Okay.

8 A. Or it easily could have been me.

9 Q. Very good. You describe for us, by my count, 56
10 plus 11 plus 2. I guess that's 69 --

11 A. 69 by my math.

12 Q. -- photographs, yeah, I had the same arithmetic.
13 Thank you.

14 So there are 69 photographs, as you've described
15 in some detail. You take the position that a court
16 order is necessary for the release of those. Is that
17 true?

18 A. That's correct.

19 Q. Okay. So a stipulation or a written
20 authorization from the Agu family is not sufficient --

21 A. That's correct.

22 Q. -- for you?

23 A. That's correct.

24 Q. I -- have you run into this?

25 A. All the time.

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1 Q. Yeah, I didn't think this was a new issue, and
2 I'm sure we can get the court order, but have those
3 photographs been requested?

4 A. They have.

5 Q. By the family's attorneys, correct?

6 A. That's correct.

7 Q. Okay. Well, maybe we can talk about that off the
8 record before we break up and decide how we'll go about
9 that.

10 Do you know, Lieutenant, whether Dr. Beaver, as
11 part of his evaluation and conclusion, read any of the
12 witness statements that were provided to your office by
13 the University of California Police Department?

14 A. I do not know.

15 Q. Okay. So it stands to reason you don't know
16 whether he took any such witness statements into
17 consideration in determining the cause of death to be
18 hypertrophic cardiomyopathy. Is that true?

19 A. That's correct.

20 Q. Okay. Did you review the witness statements that
21 are part of your file -- Harrington and Hinder are the
22 two witness statements that came to you from University
23 of California Police Department. Did you read those --
24 review those statements?

25 A. I believe I did.

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1 Q. Did you find that they were inconsistent one from
2 the other in any respect?

3 A. I have to read them again. I don't recall.

4 Q. Okay. Well, let me see if I can -- maybe we can
5 pull them out and have you read them, but we might be
6 able to shortcut it.

7 Do you recall that the Harrington statement
8 reflects a problem arising on the last of these 10 laps?

9 A. I believe I read that, yes.

10 Q. And do you recall that Hinder says that Agu
11 started showing problems in the sixth rotation? Does
12 that sound familiar to you?

13 A. Vaguely.

14 Q. Okay. You'd agree those two versions are
15 inconsistent, correct?

16 A. That's correct.

17 Q. Okay. When you receive investigative information
18 from another agency, you see police department, City of
19 San Leandro -- you know, you work with many agencies in
20 Alameda County, do you not?

21 A. We do.

22 Q. Okay. If you found an investigation -- if you
23 concluded an investigation was incomplete or raised
24 issues or required further scrutiny, does your sheriff's
25 group from time to time conduct its own investigation

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1 within the framework of a coroner's investigation?
 2 A. I think that answer is yes. I'm trying to get my
 3 head around your question.
 4 Q. It's probably a longer question than it needed to
 5 be. If you think an outside agency hasn't done enough
 6 or that there's some problem with the investigation,
 7 your sheriff's office sometimes furthers the
 8 investigation, true?
 9 A. We -- we typically conduct an investigation
 10 anyway. Whether we think there's a problem or not, we
 11 would go out and do an investigation as well.
 12 Q. All right. Do you know whether your deputy,
 13 Rebecca Lorenzana, gave any consideration at any time to
 14 interviewing additional witnesses?
 15 A. I don't know.
 16 Q. Okay. She was certainly free to do that if she
 17 decided that that was necessary or appropriate?
 18 A. That's correct.
 19 Q. Let me ask you a slightly different question. If
 20 you're working with an outside agency and you think
 21 further investigation is merited, do you sometimes just
 22 urge that agency to do it instead of undertaking it
 23 yourself? In other words, you know, gee, have you
 24 thought of interviewing witnesses four, five and six?
 25 A. That's certainly an option.

1 Q. That happens from time to time?
 2 A. I'd say that probably does.
 3 Q. So this -- transferring that notion to this case,
 4 if Deputy Lorenzana thought that additional witness
 5 interviews were appropriate, she could have urged that
 6 upon the University of California Police Department?
 7 MR. MURPHY: Object to the form,
 8 speculation.
 9 THE WITNESS: Yes.
 10 BY MR. CONANT:
 11 Q. And do you know whether that sort of discussion
 12 took place between Deputy Lorenzana and anybody at the
 13 University of California Police Department?
 14 A. No.
 15 MR. NEFOUSE: Sorry, I think we had two sets
 16 of questions there. I think you had your first question
 17 and there was the objection. And there was a second
 18 question, so I just -- perhaps we could have the court
 19 reporter read back the first --
 20 MR. CONANT: Well, I'll just clean it up.
 21 I mean, we had a -- we -- Madam Reporter, we
 22 did get an answer to -- to the earlier question, did we
 23 not, despite the objection? Okay.
 24 BY MR. CONANT:
 25 Q. So the question is: Do you know whether Deputy

1 Lorenzana ever picked up the phone or spoke to anybody
 2 at the University of California Police Department and
 3 suggested additional interviews?
 4 A. I have no idea.
 5 Q. Okay. Give me just a second. I want to find
 6 some documents that I noted in your file here. It might
 7 take me a second.
 8 I find in -- in your file toward the back here a
 9 couple of pages that I want to ask you about. Let me
 10 just show them to you. Have you had a chance to look at
 11 those? We don't have a numbering system, so we're sort
 12 of adrift here, but have you had a chance to look at
 13 those two pages, at least briefly?
 14 A. Yes.
 15 Q. Can you at least identify those documents or
 16 describe what it is we're looking at?
 17 A. It appears to be a document from the Walter Reed
 18 Army Institute of Research. I thought somewhere I had
 19 seen a date on when it was -- this is from a 1987 New
 20 England Journal of Medicine article, if these are -- if
 21 these go together.
 22 Q. Yeah, I don't know that they go together. They
 23 happened to be back-to-back in your file. They have to
 24 do, at least generally speaking, with sickle cell trait
 25 and sickle cell exercise death, correct?

1 A. That's correct.
 2 Q. The general topic?
 3 A. Yes.
 4 Q. Do you know how those came to be in your file?
 5 A. I do not.
 6 Q. Do you know whether they were placed in your file
 7 by Dr. Beaver?
 8 A. I do not.
 9 Q. Do you know whether they were placed in your file
 10 by Deputy Rebecca Lorenzana?
 11 A. I do not.
 12 Q. Do you know what impact or influence, if any, the
 13 information on those two pages had on the coroner's
 14 investigation, and specifically on the cause of death?
 15 A. I could speculate.
 16 Q. Speculation doesn't really help either --
 17 A. I don't know.
 18 Q. -- either side of the case. Okay.
 19 Maybe we'll ask Deputy Lorenzana when her
 20 deposition is convened. I mean, if I wanted to find out
 21 how these came to be in the file, she would be the
 22 person to ask, right?
 23 A. She would be the person to ask.
 24 Q. Okay. Why don't you give them back to me and
 25 I'll put them back in the file so we don't get them out

1 or order. Thank you.
 2 MR. CONANT: What have I done here? Okay.
 3 MR. MURPHY: You're scaring me.
 4 MR. CONANT: Yeah, I know. Get that away
 5 before I fumble the pagination.
 6 Give me just one second, if you would
 7 please, Lieutenant.
 8 THE WITNESS: Uh-huh.
 9 MR. CONANT: All right. I think that's all
 10 I have. Thank you.
 11 FURTHER EXAMINATION
 12 BY MR. MURPHY:
 13 Q. Do you have any idea how many football players
 14 were participating in the drill where Ted Agu struggled?
 15 A. No.
 16 Q. Okay.
 17 MR. MURPHY: That's all I have.
 18 MR. NEFOUSE: I've got nothing.
 19 MR. MURPHY: Thank you for your time.
 20 THE VIDEOGRAPHER: This will conclude the
 21 deposition of Lieutenant Bowers. The time is 11:35. We
 22 are going off the record.
 23 (The deposition was concluded at 11:35 a.m.)
 24 ---o0o---
 25

1 CERTIFICATE OF REPORTER
 2 I, the undersigned, hereby certify that the
 3 foregoing proceedings were reported by me, a certified
 4 shorthand reporter, and were thereafter transcribed
 5 under my direction into typewriting; that the foregoing
 6 is a full, complete and true record of said proceedings.
 7 I further certify that I am not of counsel or
 8 attorney for either or any of the parties in the
 9 foregoing proceedings and caption named, or in any way
 10 interested in the outcome of the cause named in said
 11 caption.
 12 The fee charged and the page format for the
 13 transcript conform to the regulations of the judicial
 14 conference.
 15 Furthermore, I certify the invoice does not
 16 contain charges for the court reporter's certification
 17 page.
 18 IN WITNESS WHEREOF, I have hereunto set my hand
 19 this 21st day of July, 2015.
 20 
 21
 22
 23
 24
 25

Joyce D. Calvert
 JOYCE D. CALVERT, CSR #13541

1 CORRECTIONS PAGE
 2 I, LIEUTENANT RIDDIC BOWERS, make the
 3 following changes to my deposition taken in the matter
 4 of AGU vs. REGENTS, taken on Thursday, July 16, 2015:
 5 DATE:
 6 LIEUTENANT RIDDIC BOWERS
 7 Page Line Change
 8
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