

No. 21-499

---

---

**In the  
Supreme Court of the United States**

---

CARLOS VEGA,

*Petitioner,*

v.

TERENCE B. TEKOH,

*Respondent.*

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

---

**JOINT APPENDIX**

---

*Counsel for Respondent*

PAUL LINDSEY HOFFMAN

*Counsel of Record*

JOHN WASHINGTON

SCHONBRUN SEPLOW HARRIS

HOFFMAN & ZELDES LLP

200 Pier Ave.

Suite 226

Hermosa Beach, CA 90254

(310) 717-7373

hoffpaul@aol.com

*Counsel for Petitioner*

ROMAN MARTINEZ

*Counsel of Record*

GREGORY G. GARRE

CHARLES S. DAMERON

MICHAEL CLEMENTE

JOSHUA J. CRADDOCK

LATHAM & WATKINS LLP

555 Eleventh Street, NW

Suite 1000

Washington, DC 20004

(202) 637-3377

roman.martinez@lw.com

*(additional counsel on inside cover)*

---

---

PETITION FOR CERTIORARI FILED OCTOBER 1, 2021  
CERTIORARI GRANTED JANUARY 14, 2022

ERWIN CHEMERINSKY  
UNIVERSITY OF CALIFORNIA,  
BERKELEY SCHOOL OF  
LAW  
214 Law Building  
Berkeley, CA 94720

JOHN BURTON  
THE LAW OFFICES OF  
JOHN BURTON  
128 North Fair Oaks Avenue  
Pasadena, CA 91103

*Counsel for Respondent*

RICKEY IVIE  
ANTONIO K. KIZZIE  
IVIE MCNIELL WYATT  
PURCELL & DIGGS, APLC  
444 S. Flower Street  
Suite 1800  
Los Angeles, CA 90071

*Counsel for Petitioner*

## TABLE OF CONTENTS

	<b>Page</b>
<b>DOCKET ENTRIES</b>	
United States Court of Appeals for the Ninth Circuit Relevant Docket Entries: <i>Terence Tekoh v. County of Los Angeles, et al.</i> , No. 18-56414 .....	JA-1
United States District Court for the Central District of California Relevant Docket Entries: <i>Terence Tekoh v. County of Los Angeles, et al.</i> , No. 2:16-cv-07297-GW-SK.....	JA-10
<b>RECORD</b>	
Ruling on Defendants' Motion for Judgment on the Pleadings Against Plaintiff's First and Second Claims Pursuant to Federal Rules of Civil Procedure Sections 12(c) and 12(h)(2), <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. May 25, 2017), Dkt. No. 26 [ER111-21] .....	JA-108
First Amended Complaint for Damages for Violations of Civil Rights Under Color of State Law; Demand for Jury Trial, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. June 4, 2017), Dkt. No. 37.....	JA-131

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
Declaration of Deputy District Attorney Jane Creighton in Support of Defendants’ Motion for Summary Judgment/Adjudication, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. June 28, 2017), Dkt. No. 40-3 [ER1814-20] .....	JA-153
Statement of Uncontroverted Facts and Conclusions of Law in Support of Defendants’ Motion and Motion for Summary Judgment, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. June 29, 2017), Dkt. No. 42-5.....	JA-160
Ruling on Defendants’ Motion for Summary Judgment or in the Alternative Summary Adjudication, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. Aug. 28, 2017), Dkt. No. 74 [ER94-110].....	JA-194
Expert Report of Iris Blandón-Gitlin, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. Sept. 8, 2017), Dkt. No. 86-1 [ER79-93] .....	JA-228
Plaintiff Proposed Jury Instructions, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. Sept. 22, 2017) (excerpts), Dkt. No. 143 [ER73-78] .....	JA-252
Final Jury Instructions, <i>Tekoh v. Vega</i> , No. 2:16-cv-07297 (C.D. Cal. Oct. 18, 2017) (excerpts), Dkt. No. 181 [ER61, 65-68] .....	JA-256

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
<b>TRANSCRIPTS FROM FIRST TRIAL</b>	
Transcript of Trial Proceedings held October 11, 2017, Day 2, AM Session, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of C. Vega testimony) [ER637, 640-46, 658-59, 666-70, 675-78] .....	JA-263
Transcript of Trial Proceedings held October 11, 2017, Day 2, PM Session, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of C. Vega testimony) [ER680, 722-25, 727-32, 736-37, 748-50] .....	JA-274
Transcript of Trial Proceedings held October 12, 2017, Day 3, AM Session, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of S. Lemus testimony) [ER753, 756-62].....	JA-286
Transcript of Trial Proceedings held October 12, 2017, Day 3, PM Session, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of S. Lemus testimony) [ER769, 775-76].....	JA-292
Transcript of Trial Proceedings held October 16, 2017, Day 4, Volume I of II, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts) [ER406-14] .....	JA-294

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
<b>TRANSCRIPTS FROM SECOND TRIAL</b>	
Transcript of Proceedings held August 27, 2018, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts) [ER176, 186-89].....	JA-301
Transcript of Proceedings held September 20, 2018, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts) [ER207-09, 1355, 1359-68, 1374-80, 1383-86].....	JA-304
Transcript of Trial Proceedings held September 25, 2018, Day 1, PM Session, <i>Tekoh v. Vega</i> , No. 2:16-cv-07297 (excerpts of C. Vega testimony) [ER232, 236-38].....	JA-319
Transcript of Trial Proceedings held September 26, 2018, Day 2, AM Session (Volume I of II), <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of T. Tekoh testimony) [ER240-70] .....	JA-323
Transcript of Trial Proceedings held September 26, 2018, Day 2, PM Session, <i>Tekoh v. Vega</i> , No. 2:16-cv-07297 (excerpts of T. Tekoh testimony) [ER272, 276-90].....	JA-348
Transcript of Trial Proceedings held September 28, 2018, Day 3, AM Session (Volume I of II), <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of S. Lemus testimony) [ER1546, 1589-94].....	JA-362

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
Transcript of Trial Proceedings held September 29, 2018, Day 3, PM Session, <i>Tekoh v. Vega</i> , No. 2:16-cv-07297 (excerpts of J. Creighton testimony) [ER1598, 1618-38, 330] .....	JA-368
Transcript of Trial Proceedings held October 1, 2018, Day 4, AM Session, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (excerpts of C. Vega testimony) [ER1656, 1660-721].....	JA-387
Transcript of Trial Proceedings held October 1, 2018, Day 4, PM Session, <i>Tekoh v. Vega</i> , No. 2:16-cv-07297 (excerpts of D. Stangeland testimony) [ER1724, 1731, 1737-46].....	JA-436

**CRIMINAL TRIAL EXHIBITS**

Trial Exhibit 2: Deputy Vega's Incident Report (Mar. 20, 2014) (excerpts) [ER225-31] .....	JA-445
Trial Exhibit 4: Mr. Tekoh's Handwritten Statement (Mar. 19, 2014) [ER1777] .....	JA-456

**ITEMS PREVIOUSLY REPRODUCED**

In accordance with Supreme Court Rule 26.1, the following items have been omitted in printing this joint appendix because they appear on the following pages of the appendix to the Petition for a Writ of Certiorari (October 1, 2021):

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
Opinion of the United States Court of Appeals for the Ninth Circuit, <i>Tekoh v. County of Los Angeles</i> , 985 F.3d 713 (9th Cir. 2021) .....	1a
Judgment of the United States District Court for the Central District of California, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. Nov. 7, 2017), Dkt. No. 193 .....	27a
Ruling of the United States District Court for the Central District of California on Plaintiff’s Motion for a New Trial, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. Mar. 8, 2018), Dkt. No. 206.....	30a
Transcript of September 20, 2018 Proceedings, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. May 29, 2019), Dkt. No. 342 (excerpts) .....	62a
Transcript of September 24, 2018 Proceedings, <i>Tekoh v. County of Los Angeles</i> , No. 2:16-cv-07297 (C.D. Cal. May 29, 2019), Dkt. No. 343 (excerpts) .....	65a
Judgment of the United States District Court for the Central District of California, <i>Tekoh v. Sgt. Carlos Vega</i> , No. 2:16-cv-07297 (C.D. Cal. Oct. 5, 2018), Dkt. No. 307 .....	67a
Order of the United States Court of Appeals for the Ninth Circuit Denying Petition for Rehearing En Banc, <i>Tekoh v. County of Los Angeles</i> , 997 F.3d 1260 (9th Cir. 2021), with concurrence and dissent.....	71a

**TABLE OF CONTENTS—Continued**

	<b>Page</b>
42 U.S.C. § 1983.....	97a
Transcript of August 27, 2018 Proceedings, <i>Tekoh v. County of Los Angeles</i> , No. 2:16- cv-07297 (C.D. Cal. May 25, 2019), Dkt. No. 340 (excerpts) .....	98a
[Proposed] Supplemental Jury Instructions Re: Fifth Amendment, Miranda and Damages, <i>Tekoh v. Sgt. Carlos Vega</i> , No. 2:16-cv-07297 (C.D. Cal. Sept. 21, 2018), Dkt. No. 280 (excerpts).....	107a
Final Jury Instructions, <i>Tekoh v. Deputy Carlos Vega</i> , No. 2:16-cv-07297 (C.D. Cal. Oct. 2, 2018), Dkt. No. 299 .....	117a

**RELEVANT DOCKET ENTRIES**

**U.S. Court of Appeals for the Ninth Circuit  
Case No. 18-56414**

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
1	10/24/2018	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 10/31/2018. Transcript ordered by 11/23/2018. Transcript due 12/24/2018. Appellant Terence B. Tekoh opening brief due 01/31/2019. Appellees County of Los Angeles, Dennis Stangeland and Carlos Vega answering brief due 03/04/2019. Appellant's optional reply brief is due 21 days after service of the answering brief. [11058296] (JMR) [Entered: 10/24/2018 09:52 AM]  * * *
3	11/01/2018	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. Setting crossappeal briefing schedule as follows: Mediation Questionnaire due on 11/08/2018. First cross appeal brief due 01/31/2019 for Terence B. Tekoh. Second brief on cross appeal due

JA-2

#	Date	Docket Text
		03/04/2019 for County of Los Angeles, Does, Los Angeles County Sheriff's Department, Dennis Stangeland and Carlos Vega. Third brief on cross appeal due 04/03/2019 for Terence B. Tekoh. Optional cross appeal reply brief is due within 21 days of service of third brief on cross appeal. [11069214] [18-56473, 18-56414] (JBS) [Entered: 11/01/2018 04:03 PM] * * *
8	11/28/2018	Filed (ECF) Appellees County of Los Angeles, Dennis Stangeland and Carlos Vega in 18-56414, Appellants County of Los Angeles, Dennis Stangeland and Carlos Vega in 18-56473 Motion to dismiss the case in 18-56473. Date of service: 11/28/2018. [11102122] [18-56414, 18-56473]--[COURT ENTERED FILING to correct entry [7].] (RY) [Entered: 11/28/2018 02:54 PM] * * *
21	06/06/2019	Submitted (ECF) Opening Brief for review. Submitted by Appellant Terence B. Tekoh. Date of service: 06/06/2019. [11322862] [18-56414]

JA-3

#	Date	Docket Text
		(Burton, John) [Entered: 06/06/2019 06:14 PM]
22	06/06/2019	Submitted (ECF) excerpts of record. Submitted by Appellant Terence B. Tekoh. Date of service: 06/06/2019. [11322864] [18-56414] (Burton, John) [Entered: 06/06/2019 06:28 PM]
23	06/07/2019	Filed clerk order: The opening brief [21] submitted by Terence B. Tekoh is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The Court has reviewed the excerpts of record [22] submitted by Terence B. Tekoh. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11324050] (LA) [Entered: 06/07/2019 04:34 PM]
		* * *
32	09/27/2019	Submitted (ECF) Answering Brief for review. Submitted by Appellees

#	Date	Docket Text
		Carlos Vega, Dennis Stangeland and County of Los Angeles. Date of service: 09/27/2019. [11446136] [18-56414] (Kizzie, Antonio) [Entered: 09/27/2019 11:27 AM]
33	09/27/2019	Submitted (ECF) excerpts of record. Submitted by Appellees Carlos Vega, Dennis Stangeland and County of Los Angeles. Date of service: 09/27/2019. [11446152] [18-56414]--[COURT UPDATE: Attached corrected excerpts. 10/02/2019 by LA] (Kizzie, Antonio) [Entered: 09/27/2019 11:33 AM]
34	10/02/2019	Filed clerk order: The answering brief [32] submitted by appellees is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The Court has reviewed the excerpts of record [33] submitted by appellees. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of

JA-5

#	Date	Docket Text
		the Clerk. [11451512] (LA) [Entered: 10/02/2019 12:20 PM] * * *
41	11/18/2019	Submitted (ECF) Reply Brief for review. Submitted by Appellant Terence B. Tekoh. Date of service: 11/18/2019. [11504419]--[COURT ENTERED FILING to replace entry [40].] (LA) [Entered: 11/19/2019 03:24 PM]
42	11/19/2019	Filed clerk order: The reply brief [41] submitted by Terence B. Tekoh is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [11504424] (LA) [Entered: 11/19/2019 03:26 PM] * * *
53	04/13/2020	Notice of Oral Argument on Monday, April 27, 2020 - 2:00 P.M. - Courtroom 1 - Pasadena CA.  View the Oral Argument Calendar for your case here.

JA-6

#	Date	Docket Text
		<p>Be sure to review the GUIDELINES for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).</p> <p>If you are the specific attorney or self-represented party who will be arguing, use the ACKNOWLEDGMENT OF HEARING NOTICE filing type in CM/ECF no later than 21 days before Monday, April 27, 2020. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [11659450]. [18-56414] (AW) [Entered: 04/13/2020 03:08 PM]</p> <p>* * *</p>
56	04/27/2020	ARGUED AND SUBMITTED TO KIM MCLANE WARDLAW, MARY H. MURGUIA and ERIC D. MILLER. [11673472] (DLM) [Entered: 04/27/2020 05:58 PM]
57	04/30/2020	Filed Audio recording of oral argument.

#	Date	Docket Text
		<b>Note:</b> Video recordings of public argument calendars are available on the Court's website, at <a href="http://www.ca9.uscourts.gov/media/">http://www.ca9.uscourts.gov/media/</a> [11676321] (DLM) [Entered: 04/30/2020 08:02 AM]
58	01/15/2021	FILED OPINION (KIM MCLANE WARDLAW, MARY H. MURGUIA and ERIC D. MILLER) The parties shall bear their own costs of appeal. VACATED; REVERSED AND REMANDED. Judge: KMW Authoring. FILED AND ENTERED JUDGMENT. [11964953] (AKM) [Entered: 01/15/2021 08:12 AM]
59	01/29/2021	Filed (ECF) Appellees County of Los Angeles and Carlos Vega petition for rehearing en banc (from 01/15/2021 opinion). Date of service: 01/29/2021. [11986160] [18-56414] (Kizzie, Antonio) [Entered: 01/29/2021 12:44 PM]
60	02/01/2021	Filed order (KIM MCLANE WARDLAW, MARY H. MURGUIA and ERIC D. MILLER): Appellant is ordered to file a response to Appellees' Petition for Rehearing En Banc, filed January 29, 2021. The response must be filed no later than twenty-one (21) days from the date of this order. IT IS SO

#	Date	Docket Text
		ORDERED. [11988556] (AF) [Entered: 02/01/2021 03:02 PM]
61	02/18/2021	Filed (ECF) Appellant Terence B. Tekoh response to petition for rehearing en banc. Date of service: 02/18/2021. [12008826]. [18-56414]--[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 02/18/2021 by SLM] (Burton, John) [Entered: 02/18/2021 03:55 PM]
62	06/03/2021	Filed Order for PUBLICATION (KIM MCLANE WARDLAW, MARY H. MURGUIA and ERIC D. MILLER) Judges Wardlaw, Murguia, and Miller have voted to deny the petition for rehearing en banc. The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 35. The petition for rehearing en banc is DENIED. A concurrence in the denial by Judge Miller and a dissent from the denial by Judge Bumatay are filed concurrently with this order.

JA-9

#	Date	Docket Text
		No further petitions for rehearing or rehearing en banc will be entertained. Judge Collins did not participate in the consideration of the petition for rehearing en banc. IT IS SO ORDERED. [12132242] (AKM) [Entered: 06/03/2021 08:49 AM]
63	06/11/2021	MANDATE ISSUED.(KMW, MHM and EDM) [12141325] (DJV) [Entered: 06/11/2021 07:16 AM]
64	10/05/2021	Supreme Court Case Info Case number: 21-499 Filed on: 10/01/2021 Cert Petition Action 1: Pending [12247938] (RR) [Entered: 10/05/2021 01:02 PM]
65	01/18/2022	Supreme Court Case Info Case number: 21-499 Filed on: 10/01/2021 Cert Petition Action 1: Granted, 01/14/2022 [12343043] (RL) [Entered: 01/18/2022 12:04 PM]

**RELEVANT DOCKET ENTRIES**

**U.S. District Court for the Central District of  
California (Western Division – Los Angeles)  
Case No. 2:16-cv-07297-GW-SK**

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
1	09/28/2016	COMPLAINT Receipt No: 0973-18633088 - Fee: \$400, filed by PLAINTIFF TERENCE B. TEKOH. (Attorney John C Burton added to party TERENCE B. TEKOH(pty:pla))(Burton, John) (Entered: 09/28/2016)  * * *
8	10/12/2016	Standing Order Re Final Pre-Trial Conferences for Civil Jury Trials Before Judge George H. Wu by Judge George H. Wu. (mrgo) (Entered: 10/12/2016)  * * *
10	11/29/2016	ANSWER to Complaint (Attorney Civil Case Opening) 1 with JURY DEMAND filed by Defendants County of Los Angeles, Carlos Vega.(Attorney Antonio K Kizzie added to party County of Los Angeles (pty:dft), Attorney Antonio K Kizzie added to party Carlos Vega(pty:dft))(Kizzie, Antonio) (Entered: 11/29/2016)  * * *

JA-11

#	Date	Docket Text
13	12/08/2016	ANSWER to Complaint (Attorney Civil Case Opening) 1 with JURY DEMAND filed by Defendant Dennis Stangeland.(Attorney Antonio K Kizzie added to party Dennis Stangeland(pty:dft)) (Kizzie, Antonio) (Entered: 12/08/2016)
14	12/28/2016	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial Plaintiff 4 days; Defendants 2-3 days, filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 12/28/2016)
17	03/20/2017	NOTICE OF ASSIGNMENT of Panel Mediator. Mediator (ADR Panel) Rande Sotomayor has been assigned to serve as Panel Mediator. (mb) (Entered: 03/20/2017)
18	04/14/2017	NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to ON THE PLEADINGS AGAINST FIRST AND SECOND CLAIMS filed by Defendants County of Los Angeles Carlos Vega. Motion set for hearing on 5/16/2017 at 08:30 AM before Judge George H. Wu. (Attachments # 1 Exhibit, # 2 Proposed Order (Kizzie, Antonio) (Entered 04/14/2017)

#	Date	Docket Text
		* * *
21	04/27/2017	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to ON THE PLEADINGS AGAINST FIRST AND SECOND CLAIMS 18 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 04/27/2017)
22	05/04/2017	REPLY Reply to Plaintiff's Opposition NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to ON THE PLEADINGS AGAINST FIRST AND SECOND CLAIMS 18 filed by Defendants County of Los Angeles, Carlos Vega. (Attachments: # 1 Objections to Plaintiff's Purported Evidence, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 05/04/2017)
		* * *
24	05/18/2017	MINUTES OF Telephonic Discovery Conference held before Magistrate Judge Steve Kim. The Court and parties confer off the record regarding depositions. Court Recorder: XTR 5/18/17. (mkr) (Entered: 05/19/2017)
		* * *

#	Date	Docket Text
26	05/25/2017	MINUTES OF DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AGAINST PLAINTIFF'S FIRST AND SECOND CLAIMS PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE SECTIONS 12(c) and 12(h)(2) 18 held before Judge George H. Wu: Court hears oral argument. The Tentative circulated and attached hereto, is adopted as the Court's Final Ruling. Defendants' motion is DENIED. Plaintiff is granted leave to amend the complaint and counsel may stipulate to a 35-day briefing schedule on subsequent dispositive motions. Court Reporter: Katie Thibodeaux. (cr) (Entered: 05/26/2017)

\* \* \*

30	05/30/2017	REPLY REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' EX PARTE APPLICATION FOR AN ORDER AMENDING THE SCHEDULING ORDER filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 05/30/2017)
----	------------	--

\* \* \*

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
34	05/31/2017	MINUTES OF TELEPHONE CONFERENCE held before Judge George H. Wu. Court and counsel confer off the record. Court and counsel confer Defendants' Ex Parte Application 25 . Defendants' Application is GRANTED. The motion cutoff date is extended from July 31, 2017 to August 14, 2017. The Court allows parties to stipulate to a 35-day briefing schedule as to further dispositive motions. The Post-Mediation Status Conference set for June 8, 2017 is continued to June 29, 2017 at 8:30 a.m. Court Reporter: None Present. (lom) (Entered: 06/02/2017)
32	06/01/2017	STATUS REPORT REGARDING MODIFYING THE SCHEDULING ORDER filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 06/01/2017)
33	06/01/2017	DECLARATION of John Burton re Status Report 32 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 06/01/2017)

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
35	06/02/2017	EX PARTE APPLICATION to Extend Discovery Cut-Off Date to 8/14/2017 filed by defendant County of Los Angeles. (Attachments: # 1 Proposed Order Proposed Order in Support, # 2 Exhibit Exhibits A through H In Support Of, # 3 Exhibit Exhibit I though T in support) (Kizzie, Antonio) (Entered: 06/02/2017)
36	06/03/2017	DECLARATION of John Burton Non-Opposition to EX PARTE APPLICATION to Extend Discovery Cut-Off Date to 8/14/2017 35 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Burton, John) (Entered: 06/03/2017)
37	06/04/2017	First AMENDED COMPLAINT against Defendants Dennis Stangeland, Carlos Vega amending Complaint (Attorney Civil Case Opening) 1 , filed by Plaintiff Terence B. Tekoh(Burton, John) (Entered: 06/04/2017)
38	06/21/2017	ANSWER to Amended Complaint/Petition 37 with JURY DEMAND filed by Defendants Dennis Stangeland, Carlos Vega.(Kizzie, Antonio) (Entered: 06/21/2017)

#	Date	Docket Text
* * *		
40	06/28/2017	NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION filed by Defendants County of Los Angeles, Dennis Stangeland, Carlos Vega. Motion set for hearing on 8/3/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-G, # 3 Exhibit G-P, # 4 Exhibit O, # 5 Statement of Uncontroverted Facts and Conclusions of Law, # 6 Proposed Order, # 7 Request for Judicial Notice, # 8 Exhibit, # 9 Proposed Order) (Kizzie, Antonio) (Entered: 06/28/2017)
41	06/29/2017	Standing Order Re Summary Judgment Motions by Judge George H. Wu. (mrgo) (Entered: 06/29/2017)
42	06/29/2017	Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION filed by Defendants County of Los Angeles, Dennis Stangeland, Carlos Vega. Motion set for hearing on 8/3/2017 at 08:30 AM before Judge George

#	Date	Docket Text
43	06/29/2017	<p>H. Wu. (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-G, # 3 Exhibit G-P, # 4 Exhibit O, # 5 Statement of Uncontroverted Facts and Conclusions of Law, # 6 Proposed Order, # 7 Request for Judicial Notice, # 8 Exhibit, # 9 Proposed Order) (Kizzie, Antonio) (Entered: 06/29/2017)</p> <p>MINUTES OF POST-MEDIATION STATUS CONFERENCE held before Judge George H. Wu: Settlement is not reached. Court and counsel confer re Defendants' Ex Parte Application 35 . For reasons stated on the record, Defendants' application is GRANTED. Order to issue. Court Reporter: Katie Thibodeaux. (cr) (Entered: 06/30/2017)</p>
44	06/29/2017	<p>ORDER GRANTING DEFENDANTS EX PARTE APPLICATION FOR AN ORDER AMENDING THE SCHEDULING ORDER TO CONTINUE THE DISCOVERY CUTOFF DATE SOLELY TO ADDRESS DEFENDANTS MOTIONS TO COMPEL RESPONSES TO DEFENDANTS INTERROGATORIES AND PLAINTIFFS RESPONSES TO</p>

#	Date	Docket Text
		<p>DEPOSITION QUESTIONS by Judge George H. Wu. Defendants ex parte application is hereby GRANTED; The discovery cutoff date solely for determination regarding Defendants tentative motion to compel responses to interrogatories and deposition questions is continued from June 2, 2017 to August 24, 2017. (kss) (Entered: 06/30/2017)</p>
45	07/13/2017	<p>MEMORANDUM in Opposition to Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)</p>
46	07/13/2017	<p>DECLARATION of Maria Cavalluzzi in Opposition Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8, # 9 Exhibit</p>

#	Date	Docket Text
		Exhibit 9, # 10 Exhibit Exhibit 10, # 11 Exhibit Exhibit 11, # 12 Exhibit Exhibit 12, # 13 Exhibit Exhibit 13)(Burton, John) (Entered: 07/13/2017)
47	07/13/2017	DECLARATION of Terence B. Tekoh in Opposition Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)
48	07/13/2017	DECLARATION of Roy Gonthier in Opposition Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)
49	07/13/2017	DECLARATION of Jessenia Herrera in Opposition Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
50	07/13/2017	DECLARATION of Yolanda Quevedo in Opposition Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)
51	07/13/2017	STATEMENT of Plaintiff's Response to Defendants' Alleged Uncontroverted Facts and Plaintiff's Statement of Genuine Disputes Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/13/2017)
52	07/18/2017	NOTICE OF MOTION AND MOTION to Compel Deposition of Terence B. Tekoh filed by defendant Carlos Vega. (Attachments: # 1 Declaration Decl. AKK in Support, # 2 Proposed Order Proposed Order in Support, # 3 Exhibit Def Exh. A through E pt. 1 in Support, # 4 Exhibit Def. Exh. A through E pt. 2 in support, # 5 Exhibit Def. Exh. F in Support, # 6 Exhibit Def. Exh.

#	Date	Docket Text
		G in Support, # 7 Declaration Decl. M. Cavalluzzi in Opp, # 8 Exhibit Pltf. Exh. 1 through 8 pt. 1, # 9 Exhibit Pltf. Exh. 1 through 8 pt. 2)(Kizzie, Antonio) (Entered: 07/18/2017)
53	07/18/2017	EX PARTE APPLICATION to Extend Discovery Cut-Off Date to 8/21/2017 filed by defendant County of Los Angeles. (Attachments: # 1 Proposed Order Proposed Order in Support, # 2 Exhibit Def. Exh. A B and D in Support, # 3 Exhibit Def Exh. C in Support) (Kizzie, Antonio) (Entered: 07/18/2017)
54	07/19/2017	DECLARATION of John Burton in Opposition EX PARTE APPLICATION to Extend Discovery Cut-Off Date to 8/21/2017 53 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/19/2017)
55	07/20/2017	REPLY Reply Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 07/20/2017)

#	Date	Docket Text
56	07/20/2017	RESPONSE AND OBJECTION TO PLAINTIFF'S STATEMENT OF GENUINE DISPUTES AND EVIDENCE re: Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 07/20/2017)
57	07/20/2017	REQUEST for Ruling FOR EVIDENTIARY RULING ON SPECIFIED OBJECTIONS filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 07/20/2017)
		* * *
60	07/26/2017	DECLARATION of Maria Cavalluzzi in Opposition MOTION to Compel Deposition of Terence B. Tekoh 52 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit 9, # 2 Exhibit 10, # 3 Exhibit 11)(Burton, John) (Entered: 07/26/2017)
61	07/27/2017	SUPPLEMENT to MOTION to Compel Deposition of Terence B. Tekoh 52 <i>In Support of Motion and in Opp. to Pltf Suppl. Decl. in Opp. (Dkt. 60)</i> filed by Defendant County of Los Angeles.

#	Date	Docket Text
		(Attachments: # <u>1</u> Exhibit Exhibits C and D in Support of D Joint Stip to Compel) (Kizzie, Antonio) (Entered: 07/27/2017)
62	07/27/2017	DECLARATION of Maria Cavalluzzi Cure to Defendants' Objections NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 40 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit Exhibits 1A-8A)(Burton, John) (Entered: 07/27/2017)
		* * *
71	08/03/2017	MINUTES OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 40 Hearing held before Judge George H. Wu. For reasons stated on the record the Court orders the parties to lodge copies of full and complete deposition transcripts on or before August 11, 2017. Defendant's Motion for Summary Judgment is continued to August 21, 2017 at 11:00 a.m. An opposing brief no longer than 5 pages shall be filed on or before August 14, 2017.

#	Date	Docket Text
		Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 08/10/2017)
65	08/04/2017	NOTICE OF LODGING filed DEPOSITION TRANSCRIPTS OF SILVIA LEMUS, SGT. CARLOS VEGA, DENNIS STANGELAND and TERENCE TEKOH re Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 (Kizzie, Antonio) (Entered: 08/04/2017)
66	08/04/2017	NOTICE OF LODGING filed Transcripts from the Underlying Criminal Case re Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 (Burton, John) (Entered: 08/04/2017)
67	08/07/2017	MINUTE ORDER (IN CHAMBERS) DENYING DEFENDANTS' MOTION TO COMPEL AND GRANTING ALTERNATIVE RELIEF by Magistrate Judge Steve Kim. Defendants' motion to compel further deposition responses by Plaintiff is DENIED, except to the extent of the alternative relief

#	Date	Docket Text
		granted herein. Defendants' request for sanctions is DENIED. Each side shall bear their own costs and expenses in litigating this motion. The hearing on this matter set for August 9, 2017 is vacated. (SEE ORDER FOR DETAILS). In re: 52 Motion to Compel Deposition (mkr) (Entered: 08/07/2017)
68	08/08/2017	OBJECTION TO PLAINTIFF'S NOTICE OF LODGING OF TRANSCRIPTS FROM THE UNDERLYING CRIMINAL CASE RE: AMENDED NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT re: Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 08/08/2017)
69	08/08/2017	DECLARATION of John Burton in Response to Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 Response to Objection to Notice of Lodging filed by Plaintiff Terence B. Tekoh.

#	Date	Docket Text
		(Burton, John) (Entered: 08/08/2017)
70	08/09/2017	DECLARATION of Antonio K. Kizzie RESPONSE TO PLAINTIFF'S DECLARATION OF JOHN BURTON IN RESPONSE TO DEFENDANTS' OBJECTIONS TO LODGING OF TRANSCRIPTS Amended NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 42 filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 08/09/2017)
72	08/14/2017	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Continue EXPERT DISCOVERY CUTOFF to August 21, 2017 63 and Declaration of John Burton filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/14/2017)
73	08/21/2017	MINUTES OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 40 Hearing held before Judge George H. Wu. For reasons stated on the record, Defendants' motion is TAKEN

#	Date	Docket Text
74	08/28/2017	<p data-bbox="706 443 1222 930">UNDER SUBMISSION. Court to issue ruling. The Court's Tentative Ruling re Motion to Continue Expert Discovery Cutoff 63 is circulated and attached hereto. Defendants' motion is DENIED. The Pretrial Conference remains set for August 31, 2017, however, the Court will waive pretrial requirements until further scheduling on August 31. Court Reporter: Katie Thibodeaux. (lom) (Entered: 08/22/2017)</p> <p data-bbox="706 951 1222 1673">MINUTES (IN CHAMBERS) RULING ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 40 by Judge George H. Wu granting in part and denying in part 40 for Summary Judgment: Attached hereto is the Court's Final Ruling on Defendants' Motion for Summary Judgment. Based on the foregoing discussion, the Court would deny the Motion for Summary Judgment as to Plaintiff's claims against Vega and as to his claim for falsification of evidence as to Stangeland, and grant it as to his other claims against Stangeland.</p>

#	Date	Docket Text
		(see document for further details) (bm) (Entered: 08/29/2017)
75	08/31/2017	MINUTE ORDER IN CHAMBERS - FINAL DECISION ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION by Judge George H. Wu re: NOTICE OF MOTION AND MOTION for Summary Judgment as to OR IN THE ALTERNATIVE SUMMARY ADJUDICATION 40. The Court's Final Decision on Defendants' Motion for Summary Judgment, or in the Alternative, Summary Adjudication 40 is attached hereto. (See document for additional details) (mrgo) (Entered: 09/01/2017)
76	08/31/2017	MINUTES OF PRETRIAL CONFERENCE held before Judge George H. Wu: Court and counsel confer re scheduling. The Court continues the pretrial conference to September 28, 2017 at 8:30 a.m.; jury trial is continued to October 10, 2017 at 9:00 a.m. Please refer to the Court's order for additional deadlines. Court Reporter: Katie Thibodeaux. (cr) (Entered: 09/01/2017)

#	Date	Docket Text
77	09/07/2017	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendants County of Los Angeles. (Kizzie, Antonio) (Entered: 09/07/2017)
78	09/07/2017	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/07/2017)
79	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (1) to Exclude EVIDENCE AND ARGUMENT OF PLAINTIFF'S SUBSEQUENT ACQUITTAL filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
80	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (2) to Exclude EVIDENCE PERTAINING TO HINDSIGHT INFORMATION/EVIDENCE UNKNOWN TO DEFENDANTS filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.

#	Date	Docket Text
81	09/08/2017	<p>(Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p> <p>NOTICE OF MOTION AND MOTION IN LIMINE (3) to Exclude EVIDENCE/ARGUMENT PERTAINING TO AN ALLEGED VIOLATION OF SHERIFF DEPARTMENT POLICY filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p>
82	09/08/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (4) to Exclude EXCLUDE MS. SYLVIA LEMUS' UNKNOWN MEDICAL AND LITIGATION HISTORY filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p>
83	09/08/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (6) to Bifurcate TRIAL FROM</p>

#	Date	Docket Text
84	09/08/2017	<p>LIABILITY AND DAMAGES filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p>
85	09/08/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (7) to Exclude EVIDENCE CONTRARY TO PLAINTIFF'S ADMISSIONS; REQUEST FOR JURY INSTRUCTION RE: PLAINTIFF ADMISSIONS filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 09:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p> <p>NOTICE OF MOTION AND MOTION IN LIMINE (8) to Exclude ROGER CLARK'S IMPROPER AND INADMISSIBLE EXPERT OPINIONS filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2</p>

#	Date	Docket Text
		Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
86	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
87	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (10) to Preclude EVIDENCE OF DAMAGES NOT DISCLOSED IN A COMPUTATION OF DAMAGES filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
88	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (11) to Exclude EVIDENCE OF PLAINTIFF'S IMPROPERLY CLAIMED FINANCIAL DAMAGES FOR PAYMENTS OF

#	Date	Docket Text
		<p>LEGAL FEES, THIRD PARTY PAYMENT OF LEGAL FEES, BAIL BONDS, ETC. filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p>
89	09/08/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (12) to Exclude TESTIMONY OF PLAINTIFF'S WITNESSES ROY GONTHIER, YOLANDA QUEVADO AND JESSENIA HERRERA filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)</p>
90	09/08/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (13) to Exclude ANY REFERENCE TO PLAINTIFF'S CAMEROONIAN BACKGROUND, POST-ARREST THIRD PARTY MISCONDUCT AND ANY REFERENCE TO FORCE AND DAMAGES NOT REASONBLY CAUSED OR SUBSTANTIATED BY</p>

#	Date	Docket Text
		DEFENDANTS CONDUCT filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
91	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE (5) to Exclude ANY IMPROPERLY UNDISCLOSED WITNESSES AND DOCUMENTS, AND UNRETAINED EXPERTS/ADMISSIBLE OPINIONS filed by Defendants County of Los Angeles. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Proposed Order)(Kizzie, Antonio) (Entered: 09/08/2017)
92	09/08/2017	NOTICE OF MOTION AND MOTION IN LIMINE to Exclude Testimony by Witnesses Not Designated Jane Creighton filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit A, # 2

#	Date	Docket Text
		Exhibit B)(Burton, John) (Entered: 09/08/2017)
93	09/15/2017	Opposition to Plaintiff's Motion In Limine No. 1 in opposition re: MOTION IN LIMINE (1) to Exclude EVIDENCE AND ARGUMENT OF PLAINTIFF'S SUBSEQUENT ACQUITTAL 79 filed by Defendant County of Los Angeles. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit) (Kizzie, Antonio) (Entered: 09/15/2017)
94	09/15/2017	DECLARATION of Maria Cavalluzzi Opposition MOTION IN LIMINE (3) to Exclude EVIDENCE/ARGUMENT PERTAINING TO AN ALLEGED VIOLATION OF SHERIFF DEPARTMENT POLICY 81 , MOTION IN LIMINE (6) to Bifurcate TRIAL FROM LIABILITY AND DAMAGES 83 , MOTION IN LIMINE (8) to Exclude ROGER CLARK'S IMPROPER AND INADMISSIBLE EXPERT OPINIONS 85 , MOTION IN LIMINE (4) to Exclude EXCLUDE MS. SYLVIA LEMUS' UNKNOWN MEDICAL AND LITIGATION HISTORY 82 , MOTION IN LIMINE (10) to

#	Date	Docket Text
		<p>Preclude EVIDENCE OF DAMAGES NOT DISCLOSED IN A COMPUTATION OF DAMAGES 87 , MOTION IN LIMINE (1) to Exclude EVIDENCE AND ARGUMENT OF PLAINTIFF'S SUBSEQUENT ACQUITTAL 79 , MOTION IN LIMINE (13) to Exclude ANY REFERENCE TO PLAINTIFF'S CAMEROONIAN BACKGROUND, POST-ARREST THIRD PARTY MISCONDUCT AND ANY REFERENCE TO FORCE AND DAMAGES NOT REASONBLY CAUSED OR SUBSTANTIATED BY DEFENDANTS CONDUCT 90 , MOTION IN LIMINE (5) to Exclude ANY IMPROPERLY UNDISCLOSED WITNESSES AND DOCUMENTS, AND UNRETAINED EXPERTS/ ADMISSIBLE OPINIONS 91 , MOTION IN LIMINE (7) to Exclude EVIDENCE CONTRARY TO PLAINTIFF'S ADMISSIONS; REQUEST FOR JURY INSTRUCTION RE: PLAINTIFF ADMISSIONS 84 , MOTION IN LIMINE (11) to Exclude EVIDENCE OF PLAINTIFF'S IMPROPERLY CLAIMED FINANCIAL DAMAGES FOR</p>

#	Date	Docket Text
		<p>PAYMENTS OF LEGAL FEES, THIRD PARTY PAYMENT OF LEGAL FEES, BAIL BONDS, ETC. 88 , MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS 86 , MOTION IN LIMINE (2) to Exclude EVIDENCE PERTAINING TO HINDSIGHT INFORMATION/EVIDENCE UNKNOWN TO DEFENDANTS 80 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Burton, John) (Entered: 09/15/2017)</p>
95	09/15/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (# 1) to Exclude Evidence That Plaintiff Was Acquitted filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)</p>
96	09/15/2017	<p>NOTICE OF MOTION AND MOTION IN LIMINE (# 2) to Exclude "Hindsight" Evidence filed by Plaintiff Terence B. Tekoh. Motion set for hearing on</p>

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
		9/28/2017 at 08:30 AM before Judge George H. Wu. (Burton, John) (Entered: 09/15/2017)
97	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 3) to Exclude Evidence of Sheriff Department Policy Violations filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
98	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 4) to Exclude Medical and Litigation History of Sylvia Lemus filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
99	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 6) to Bifurcate Liability from Damages filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu. (Burton, John) (Entered: 09/15/2017)
100	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 7) to Exclude Evidence Contrary to

#	Date	Docket Text
		Plaintiff's Admissions and Request for Jury Instruction and Request for Judicial Notice filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
101	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 8) to Exclude Roger Clark filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
102	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 9) to Exclude EXPERT IRIS BLANDON-GITLIN, Ph.D. filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
103	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 11) to Exclude Payment of Plaintiff's Legal Fees and Bail Bonds filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H.

#	Date	Docket Text
		Wu.(Burton, John) (Entered: 09/15/2017)
104	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 12) to Exclude Testimony of Witnesses Roy Gonthier, Yolanda Quevado, and Jessenia Herrera filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
105	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 13) to Exclude Reference to Plaintiff's Cameroonian Background filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
106	09/15/2017	DECLARATION of John Burton Opposition MOTION IN LIMINE (10) to Preclude EVIDENCE OF DAMAGES NOT DISCLOSED IN A COMPUTATION OF DAMAGES 87 , MOTION IN LIMINE (5) to Exclude ANY IMPROPERLY UNDISCLOSED WITNESSES AND DOCUMENTS, AND UNRETAINED EXPERTS/

#	Date	Docket Text
		ADMISSIBLE OPINIONS 91 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit H, # 2 Exhibit I, # 3 Exhibit J, # 4 Exhibit K, # 5 Exhibit L)(Burton, John) (Entered: 09/15/2017)
107	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 5) to Exclude Improperly Undisclosed Witness and Documents and Non-Related Experts filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
108	09/15/2017	NOTICE OF MOTION AND MOTION IN LIMINE (# 10) to Exclude Improperly Undisclosed Witnesses and Documents and Non-Related Experts filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 9/28/2017 at 08:30 AM before Judge George H. Wu.(Burton, John) (Entered: 09/15/2017)
109	09/16/2017	Opposition re: MOTION IN LIMINE (1) to Exclude EVIDENCE AND ARGUMENT OF PLAINTIFF'S SUBSEQUENT ACQUITTAL 79 filed by Plaintiff

#	Date	Docket Text
		Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
110	09/16/2017	Opposition re: MOTION IN LIMINE (2) to Exclude EVIDENCE PERTAINING TO HINDSIGHT INFORMATION/ EVIDENCE UNKNOWN TO DEFENDANTS 80 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
111	09/16/2017	Opposition re: MOTION IN LIMINE (3) to Exclude EVIDENCE/ARGUMENT PERTAINING TO AN ALLEGED VIOLATION OF SHERIFF DEPARTMENT POLICY 81 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
112	09/16/2017	Opposition re: MOTION IN LIMINE (4) to Exclude EXCLUDE MS. SYLVIA LEMUS' UNKNOWN MEDICAL AND LITIGATION HISTORY 82 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
113	09/16/2017	Opposition re: MOTION IN LIMINE (6) to Bifurcate TRIAL FROM LIABILITY AND DAMAGES 83 filed by Plaintiff

#	Date	Docket Text
		Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
114	09/16/2017	Opposition re: MOTION IN LIMINE (7) to Exclude EVIDENCE CONTRARY TO PLAINTIFF'S ADMISSIONS; REQUEST FOR JURY INSTRUCTION RE: PLAINTIFF ADMISSIONS 84 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
115	09/16/2017	Opposition re: MOTION IN LIMINE (8) to Exclude ROGER CLARK'S IMPROPER AND INADMISSIBLE EXPERT OPINIONS 85 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
116	09/16/2017	Opposition re: MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS 86 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
117	09/16/2017	Opposition re: MOTION IN LIMINE (11) to Exclude EVIDENCE OF PLAINTIFF'S IMPROPERLY CLAIMED FINANCIAL DAMAGES FOR PAYMENTS OF LEGAL FEES, THIRD PARTY PAYMENT OF

#	Date	Docket Text
		LEGAL FEES, BAIL BONDS, ETC. 88 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
118	09/16/2017	Opposition re: MOTION IN LIMINE (12) to Exclude TESTIMONY OF PLAINTIFF'S WITNESSES ROY GONTHIER, YOLANDA QUEVADO AND JESSENIA HERRERA 89 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
119	09/16/2017	Opposition re: MOTION IN LIMINE (13) to Exclude ANY REFERENCE TO PLAINTIFF'S CAMEROONIAN BACKGROUND, POST-ARREST THIRD PARTY MISCONDUCT AND ANY REFERENCE TO FORCE AND DAMAGES NOT REASONBLY CAUSED OR SUBSTANTIATED BY DEFENDANTS CONDUCT 90 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
120	09/16/2017	Opposition re: MOTION IN LIMINE (5) to Exclude ANY IMPROPERLY UNDISCLOSED WITNESSES AND DOCUMENTS, AND

#	Date	Docket Text
		UNRETAINED EXPERTS/ ADMISSIBLE OPINIONS 91 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
121	09/16/2017	Opposition re: MOTION IN LIMINE (10) to Preclude EVIDENCE OF DAMAGES NOT DISCLOSED IN A COMPUTATION OF DAMAGES 87 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/16/2017)
122	09/17/2017	DECLARATION of John Burton Withdrawing MOTION IN LIMINE (# 11) to Exclude Payment of Plaintiff's Legal Fees and Bail Bonds 103 , MOTION IN LIMINE (# 9) to Exclude EXPERT IRIS BLANDON-GITLIN, Ph.D. 102 , MOTION IN LIMINE (# 13) to Exclude Reference to Plaintiff's Cameroonian Background 105 , MOTION IN LIMINE (# 1) to Exclude Evidence That Plaintiff Was Acquitted 95 , MOTION IN LIMINE (# 3) to Exclude Evidence of Sheriff Department Policy Violations 97 , MOTION IN LIMINE (# 12) to Exclude Testimony of Witnesses Roy Gonthier, Yolanda Quevado, and Jessenia Herrera 104 , MOTION

#	Date	Docket Text
		<p>IN LIMINE (# 6) to Bifurcate Liability from Damages 99 , MOTION IN LIMINE (# 10) to Exclude Improperly Undisclosed Witnesses and Documents and Non-Related Experts 108 , MOTION IN LIMINE (# 2) to Exclude “Hindsight” Evidence 96 , MOTION IN LIMINE (# 5) to Exclude Improperly Undisclosed Witness and Documents and Non-Related Experts 107 , MOTION IN LIMINE (# 4) to Exclude Medical and Litigation History of Sylvia Lemus 98 , MOTION IN LIMINE (# 8) to Exclude Roger Clark 101 , MOTION IN LIMINE (# 7) to Exclude Evidence Contrary to Plaintiff’s Admissions and Request for Jury Instruction and Request for Judicial Notice 100 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/17/2017)</p>
123	09/19/2017	<p>REPLY Reply to Plaintiff’s Opposition to Defendants’ Motion in Limine (1) MOTION IN LIMINE (2) to Exclude EVIDENCE PERTAINING TO HINDSIGHT INFORMATION/ EVIDENCE UNKNOWN TO DEFENDANTS 80 filed by Defendant County of Los Angeles.</p>

#	Date	Docket Text
		(Kizzie, Antonio) (Entered: 09/19/2017)
124	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (2) MOTION IN LIMINE (2) to Exclude EVIDENCE PERTAINING TO HINDSIGHT INFORMATION/ EVIDENCE UNKNOWN TO DEFENDANTS 80 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
125	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (3) MOTION IN LIMINE (3) to Exclude EVIDENCE/ARGUMENT PERTAINING TO AN ALLEGED VIOLATION OF SHERIFF DEPARTMENT POLICY 81 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
126	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (4) MOTION IN LIMINE (4) to Exclude EXCLUDE MS. SYLVIA LEMUS' UNKNOWN MEDICAL AND LITIGATION HISTORY 82 filed by Defendant County of Los

#	Date	Docket Text
127	09/19/2017	<p>Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)</p>
128	09/19/2017	<p>REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (5) MOTION IN LIMINE (5) to Exclude ANY IMPROPERLY UNDISCLOSED WITNESSES AND DOCUMENTS, AND UNRETAINED EXPERTS/ ADMISSIBLE OPINIONS 91 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)</p>
129	09/19/2017	<p>REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (6) MOTION IN LIMINE (6) to Bifurcate TRIAL FROM LIABILITY AND DAMAGES 83 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)</p> <p>REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (7) MOTION IN LIMINE (7) to Exclude EVIDENCE CONTRARY TO PLAINTIFF'S ADMISSIONS; REQUEST FOR JURY INSTRUCTION RE: PLAINTIFF ADMISSIONS 84 filed by Defendant County of Los Angeles.</p>

#	Date	Docket Text
		(Kizzie, Antonio) (Entered: 09/19/2017)
130	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (8) MOTION IN LIMINE (8) to Exclude ROGER CLARK'S IMPROPER AND INADMISSIBLE EXPERT OPINIONS 85 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
131	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (9) MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS 86 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
132	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (10) MOTION IN LIMINE (10) to Preclude EVIDENCE OF DAMAGES NOT DISCLOSED IN A COMPUTATION OF DAMAGES 87 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
133	09/19/2017	REPLY Reply to Plaintiff's Opposition to Defendants' Motion

#	Date	Docket Text
		<p>in Limine (11) MOTION IN LIMINE (11) to Exclude EVIDENCE OF PLAINTIFF'S IMPROPERLY CLAIMED FINANCIAL DAMAGES FOR PAYMENTS OF LEGAL FEES, THIRD PARTY PAYMENT OF LEGAL FEES, BAIL BONDS, ETC. 88 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)</p>
134	09/19/2017	<p>REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (12) MOTION IN LIMINE (12) to Exclude TESTIMONY OF PLAINTIFF'S WITNESSES ROY GONTHIER, YOLANDA QUEVADO AND JESSENIA HERRERA 89 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)</p>
135	09/19/2017	<p>REPLY Reply to Plaintiff's Opposition to Defendants' Motion in Limine (13) MOTION IN LIMINE (13) to Exclude ANY REFERENCE TO PLAINTIFF'S CAMEROONIAN BACKGROUND, POST-ARREST THIRD PARTY MISCONDUCT AND ANY REFERENCE TO FORCE AND DAMAGES NOT REASONBLY CAUSED OR</p>

#	Date	Docket Text
		SUBSTANTIATED BY DEFENDANTS CONDUCT 90 filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/19/2017)
136	09/19/2017	REPLY Reply in Opposition MOTION IN LIMINE to Exclude Testimony by Witnesses Not Designated <i>Jane Creighton</i> 92 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/19/2017)
137	09/19/2017	NOTICE OF ERRATA filed by Plaintiff Terence B. Tekoh. correcting Reply (Motion related) 136 (Burton, John) (Entered: 09/19/2017)
138	09/19/2017	REPLY Reply in Opposition MOTION IN LIMINE to Exclude Testimony by Witnesses Not Designated <i>Jane Creighton</i> 92 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/19/2017)
139	09/21/2017	PROPOSED [PROPOSED] SPECIAL VERDICT FORM JURY VERDICT filed by Defendants County of Los Angeles. (Kizzie, Antonio) (Entered: 09/21/2017)
140	09/22/2017	PROPOSED JURY INSTRUCTIONS filed by

#	Date	Docket Text
		Defendants [Proposed] Disputed County of Los Angeles.. (Kizzie, Antonio) (Entered: 09/22/2017)
141	09/22/2017	[PROPOSED] FINAL JOINT STATEMENT OF THE CASE filed by Plaintiff Terence B. Tekoh (Burton, John) (Entered: 09/22/2017)
142	09/22/2017	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/22/2017)
143	09/22/2017	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/22/2017)
144	09/22/2017	JOINT WITNESS TESTIMONY SUMMARIES filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/22/2017)
145	09/22/2017	JOINT Exhibit List filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/22/2017)
146	09/22/2017	PROPOSED JURY VERDICT filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/22/2017)
147	09/22/2017	NOTICE OF LODGING Proposed Pretrial Conference Order Plaintiff Terence B. Tekoh.

#	Date	Docket Text
		(Attachments: # 1 Proposed Order JOINT PRETRIAL CONFERENCE ORDER)(Burton, John) (Entered: 09/22/2017)
148	09/28/2017	Proposed Voir Dire Questions filed by Defendants Dennis Stangeland, Carlos Vega.. (Kizzie, Antonio) (Entered: 09/28/2017)
150	09/28/2017	MINUTES OF PRETRIAL CONFERENCE by Judge George H. Wu: Court hears oral argument and issues the following rulings: Defendants Motions in Limine: No. 1 to Exclude Evidence and Argument of Plaintiffs Subsequent Acquittal 79 is DENIED; No. 2 to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendants at the Time of Plaintiffs Arrest 80 is DENIED WITHOUT PREJUDICE;No. 3 to Exclude Evidence/Argument Pertaining to an Alleged Violation of Sheriff Department Policy 81 is MOOT. Resolved on the record; No. 4 to Exclude Ms. Sylvia Lemus Unknown Medical and Litigation History 82 is GRANTED; No. 5 to Exclude Any Improperly Undisclosed Witnesses and Documents, and Unretained Experts/inadmissible Opinions 91

#	Date	Docket Text
		is GRANTED IN PART and DENIED IN PART; No. 6 to Bifurcate Trial from Liability and Damages 83 is DENIED; No. 7 to Exclude Evidence Contrary to Plaintiffs Admissions; Request for Jury Instruction Re: Plaintiff Admissions; and Request for Order on Defendants Request for Judicial Notice (Dkt. 40-7) 84 is DENIED WITHOUT PREJUDICE; (see minute order for further details)g (yl) Modified on 10/6/2017 (yl). Modified on 10/6/2017 (yl). (Entered: 10/02/2017)
149	09/30/2017	Proposed Voir Dire Questions filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/30/2017)
151	10/02/2017	REQUEST FOR JUDICIAL NOTICE filed by Defendants County of Los Angeles, Carlos Vega. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 10/02/2017)
152	10/03/2017	PROPOSED FIRST AMENDED SPECIAL VERDICT FORM JURY VERDICT filed by Defendants County of Los Angeles. (Kizzie, Antonio) (Entered: 10/03/2017)
153	10/04/2017	PROPOSED JURY INSTRUCTIONS (FIRST

#	Date	Docket Text
		AMENDED DISPUTED JURY INSTRUCTIONS set) filed by Defendants County of Los Angeles.. (Kizzie, Antonio) (Entered: 10/04/2017)
154	10/04/2017	OBJECTIONS to Request for Judicial Notice 151 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 10/04/2017)
155	10/04/2017	Witness List filed by Plaintiff Terence B. Tekoh.. (Cavalluzzi, Maria) (Entered: 10/04/2017)
156	10/05/2017	MINUTES OF PRETRIAL CONFERENCE by telephone held before Judge George H. Wu. Court hears argument as to Defendants' Request for Judicial Notice 151 . For reasons stated on the record, the request is DENIED. Parties may file citations as to § 1983 trials by noon on October 6, 2017. Trial remains set for October 10, 2017 at 8:45 a.m. Court Reporter: Katie Thibodeaux. (lom) (Entered: 10/06/2017)
157	10/06/2017	Plaintiff's memorandum re jury determination of fifth-amendment issues filed by Plaintiff Terence B. Tekoh (Burton, John) (Entered: 10/06/2017)

#	Date	Docket Text
158	10/06/2017	JOINT Exhibit List filed by Plaintiff Terence B. Tekoh.. (Cavalluzzi, Maria) (Entered: 10/06/2017)
159	10/09/2017	First Amendment to First Amended Joint Exhibit List Exhibit List filed by Defendants County of Los Angeles.. (Attachments: # 1 Exhibit)(Kizzie, Antonio) (Entered: 10/09/2017)
160	10/10/2017	PROPOSED JURY INSTRUCTIONS (FIRST AMENDED DISPUTED JURY INSTRUCTION set) filed by Defendants County of Los Angeles.. (Kizzie, Antonio) (Entered: 10/10/2017)
161	10/10/2017	<i>OBJECTIONS INDEX FOR OBJECTIONS TO DEPOSITION TESTIMONY OF JOHN CARLIN AND JANE CREIGHTON</i> filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 10/10/2017)
162	10/10/2017	MINUTES OF Jury Trial - 1 Day held before Judge George H. Wu: Jury empaneled and sworn. Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial set for 10/11/2017 08:30 AM before Judge

#	Date	Docket Text
		George H. Wu. Court Reporter: Katie Thibodeaux/Terri A. Hourigan. (yl) (Entered: 10/11/2017)
163	10/11/2017	MINUTES OF Jury Trial - 2nd Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 10/12/2017 at 10:00 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux / Terri A. Hourigan. (mrgo) (Entered: 10/12/2017)
164	10/12/2017	AMENDED WITNESS TESTIMONY SUMMARIES filed by defendant Carlos Vega. (Kizzie, Antonio) (Entered: 10/12/2017)
167	10/12/2017	MINUTES OF Jury Trial - 3rd Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 10/13/2017 at 08:30 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux / Terri A. Hourigan. (mrgo) (Entered: 10/13/2017)
165	10/13/2017	MEMORANDUM of CONTENTIONS of FACT and LAW (RE REQUEST FOR BIFURCATION OF PUNITIVE

#	Date	Docket Text
		DAMAGES set) filed by Defendants County of Los Angeles. (Kizzie, Antonio) (Entered: 10/13/2017)
166	10/13/2017	TRIAL BRIEF <i>IN SUPPORT OF EXCLUDING PLAINTIFF'S UNFORESEEABLE DAMAGES NOT PROXIMATELY CAUSED BY DEFENDANTS CONDUCT</i> filed by Defendants County of Los Angeles.. (Kizzie, Antonio) (Entered: 10/13/2017)
169	10/13/2017	MINUTES OF JURY TRIAL - 4th Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial set for 10/16/2017 at 09:00 AM. Court Reporter: Terri A. Hourigan. (cr) (Entered: 10/16/2017)
168	10/16/2017	NOTICE OF MOTION AND MOTION for Judgment as a Matter of Law on the basis of: JUDGMENT AS A MATTER OF LAW` filed by Defendants County of Los Angeles, Carlos Vega. (Kizzie, Antonio) (Entered: 10/16/2017)
170	10/16/2017	PROPOSED Second Amended Special JURY VERDICT filed by defendant Dennis Stangeland.

#	Date	Docket Text
		(Kizzie, Antonio) (Entered: 10/16/2017)
171	10/16/2017	PROPOSED JURY VERDICT filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 10/16/2017)
172	10/16/2017	MINUTES OF Jury Trial - 5th Day held before Judge George H. Wu. Witnesses called, sworn and testified. Exhibits identified and admitted. Defendant(s) rest. Jury Trial continued to 10/18/2017 at 10:10 AM before Judge George H. Wu. Motion for Judgment/Directed Verdict by Defendants DENIED. Court Reporter: Katie Thibodeaux / Terri A. Hourigan. (mrgo) (Entered: 10/17/2017)
173	10/17/2017	MINUTES OF Jury Trial - 6th Day held before Judge George H. Wu. Closing argument made by plaintiff (s) and defendant(s). Bailiff(s) sworn. Jury retires to deliberate. Jury Trial continued to 10/18/2017 at 08:45 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 10/18/2017)
174	10/18/2017	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; Pursuant to stip of counsel and/or

#	Date	Docket Text
		by Order of the Court, all exhibits listed on Joint exhibits list are returned to counsel for respective party(ies). (mrgo) (Entered: 10/19/2017)
175	10/18/2017	REDACTED Jury Note # 1 filed. (mrgo) (Entered: 10/19/2017)
176	10/18/2017	UNREDACTED Jury Note #1 filed re: Jury Notes 175 . (mrgo) (Entered: 10/19/2017)
177	10/18/2017	REDACTED SPECIAL VERDICT FORM in favor of defendant Carlos Vega and against Terence B. Tekoh. (mrgo) (Entered: 10/19/2017)
178	10/18/2017	UNREDACTED SPECIAL VERDICT FORM filed re: Jury Verdict 177 . (mrgo) (Entered: 10/19/2017)
179	10/18/2017	LIST OF EXHIBITS AND WITNESSES at trial. (mrgo) (Entered: 10/19/2017)
180	10/18/2017	PRELIMINARY INSTRUCTIONS filed. (mrgo) (Entered: 10/19/2017)
181	10/18/2017	FINAL JURY INSTRUCTIONS (Given) by Judge George H. Wu. (mrgo) (Entered: 10/19/2017)
182	10/18/2017	MINUTES OF Jury Trial - 7th Day held and completed before Judge George H. Wu: Verdict reached.

#	Date	Docket Text
		Jury FINDS: for defendant(s). Jury polled. Defendants will file a Proposed Judgment forthwith. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 10/19/2017)
183	10/19/2017	NOTICE OF LODGING filed re Jury Trial - Completed 182 (Attachments: # 1 [Proposed] Judgment) (Kizzie, Antonio) (Entered: 10/19/2017)
		* * *
185	10/19/2017	EX PARTE APPLICATION for Order for Disclosure of Ex-Parte Communication Between the Court and Defense Counsel filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Proposed Order) (Burton, John) (Entered: 10/19/2017)
186	10/20/2017	OBJECTIONS to Notice of Lodging 183 <i>Judgment with Costs</i> filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 10/20/2017)
187	10/20/2017	REPLY in support of <i>Proposed Judgment</i> filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 10/20/2017)
188	10/24/2017	MINUTE ORDER IN CHAMBERS - COURT ORDER by Judge George H. Wu re: EX PARTE

#	Date	Docket Text
		APPLICATION for Order for Disclosure of Ex-Parte Communication Between the Court and Defense Counsel 185 . The Plaintiff will file a one-page supplement by October 26, 2017, indicating whether the application seeks the disclosure from the defense counsel, the Court or both. Defendants are ordered to file a written response by October 31, 2017. The matter will be heard on November 6, 2017 at 8:30 a.m. (mrgo) (Entered: 10/24/2017)
189	10/26/2017	SUPPLEMENT to EX PARTE APPLICATION for Order for Disclosure of Ex-Parte Communication Between the Court and Defense Counsel 185 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 10/26/2017)
190	10/30/2017	NOTICE OF NON-OPPOSITION to EX PARTE APPLICATION for Order for Disclosure of Ex-Parte Communication Between the Court and Defense Counsel 185 <i>CONDITIONAL NON-OPP</i> filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 10/30/2017)
191	11/01/2017	Mail Returned addressed to Mayfield Publishing Company re

#	Date	Docket Text
		Minutes of In Chambers Order/Directive - no proceeding held, 75 . (cr) (Entered: 11/01/2017)
192	11/06/2017	MINUTES OF HEARING ON EX PARTE APPLICATION Hearing held before Judge George H. Wu re: 185 EX PARTE APPLICATION for Order. The Court's Ruling on Plaintiff's Ex Parte Application is circulated and attached hereto. Plaintiff's Application is DENIED. The Court's Tentative Ruling on Plaintiff's Opposition to the Award of Costs, is circulated and attached hereto. The Court will DENY Plaintiff's request for an absolute bar on Defendants recovery costs, but would have the cost bill submitted directly to it for its review and determination. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 11/07/2017)
193	11/07/2017	JUDGMENT by Judge George H. Wu, in favor of Carlos Vega, Dennis Stangeland against Terence B. Tekoh (MD JS-6, Case Terminated). (mrgo) (Entered: 11/08/2017)
194	11/08/2017	PARTIAL TRANSCRIPT for proceedings held on 10/17/17 11:18 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux,

#	Date	Docket Text
		<p>CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/29/2017. Redacted Transcript Deadline set for 12/11/2017. Release of Transcript Restriction set for 2/6/2018. (Thibodeaux, Katie) (Entered: 11/08/2017)</p>
195	11/08/2017	<p>NOTICE OF FILING TRANSCRIPT filed for proceedings 10/17/17 11:18 am re Transcript 194 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Thibodeaux, Katie) TEXT ONLY ENTRY (Entered: 11/08/2017)</p>
196	11/20/2017	<p>First APPLICATION to the Clerk to Tax Costs against plaintiff All Plaintiffs filed by defendant County of Los Angeles. (Attorney Tiffany Nicole Rollins added to party County of Los</p>

#	Date	Docket Text
		Angeles(pty:dft)) (Rollins, Tiffany) (Entered: 11/20/2017)  * * *
198	11/29/2017	Objection Opposition re: First APPLICATION to the Clerk to Tax Costs against plaintiff All Plaintiffs 196 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit A)(Burton, John) (Entered: 11/29/2017)
199	12/05/2017	NOTICE OF MOTION AND MOTION for New Trial filed by Plaintiff Terence B. Tekoh. Motion set for hearing on 1/4/2018 at 08:30 AM before Judge George H. Wu. (Burton, John) (Entered: 12/05/2017)
200	12/05/2017	DECLARATION of Matt Sahak in Support of NOTICE OF MOTION AND MOTION for New Trial 199 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 12/05/2017)
201	12/05/2017	MEMORANDUM in Support of NOTICE OF MOTION AND MOTION for New Trial 199 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 12/05/2017)

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
202	12/07/2017	NOTICE OF ERRATA filed by Plaintiff Terence B. Tekoh. correcting Memorandum in Support of Motion 201 (Burton, John) (Entered: 12/07/2017)
203	12/14/2017	OPPOSITION TO PLAINTIFF'S MOTION FOR A NEW TRIAL re: NOTICE OF MOTION AND MOTION for New Trial 199 filed by Defendants County of Los Angeles, Carlos Vega. (Attachments: # 1 Exhibit)(Kizzie, Antonio) (Entered: 12/14/2017)
204	12/21/2017	REPLY Support NOTICE OF MOTION AND MOTION for New Trial 199 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 12/21/2017)
205	01/04/2018	MINUTES OF Motion Hearing held before Judge George H. Wu: RE PLAINTIFFS MOTION FOR A NEW TRIAL 199 . The Courts Tentative Ruling is circulated and attached hereto. Court hears oral argument. For reasons stated on the record, Plaintiffs Motion is TAKEN UNDER SUBMISSION. Court to issue ruling. Court Reporter: Katie Thibodeaux. (lc) (Entered: 01/05/2018)

#	Date	Docket Text
206	03/08/2018	MINUTES (IN CHAMBERS) - RULING ON PLAINTIFF'S MOTION FOR A NEW TRIAL by Judge George H. Wu re: 199 MOTION for New Trial. Attached hereto is the Court's Final Ruling on Plaintiff's Motion for a New Trial. The Court would GRANT the Motion for a New Trial but only as to Plaintiff's Fifth Amendment claim and only as to Defendant Vega. The Court sets a scheduling conference for March 12, 2018 at 9:00 a.m. (mrgo) (Entered: 03/08/2018)
207	03/12/2018	MINUTES OF STATUS CONFERENCE held before Judge George H. Wu. The Court sets the following: Jury Trial set for 8/28/2018 at 09:00 AM before Judge George H. Wu. Pretrial Conference set for 8/16/2018 at 08:30 AM before Judge George H. Wu. Court Reporter: Phyllis Preston. (mrgo) (Entered: 03/13/2018)
* * *		
213	05/31/2018	NOTICE OF MOTION AND MOTION for Order for To Allow Testimony of Marie Fongwa filed by Plaintiff Terence B. Tekoh. Motion set for hearing on

#	Date	Docket Text
		6/28/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Proposed Order) (Burton, John) (Entered: 05/31/2018)
214	06/07/2018	Opposition re: NOTICE OF MOTION AND MOTION for Order for To Allow Testimony of Marie Fongwa 213 filed by Defendants County of Los Angeles, Carlos Vega. (Attachments: # 1 Exhibit A-D, # 2 Exhibit E-I)(Kizzie, Antonio) (Entered: 06/07/2018)
215	06/14/2018	REPLY In Support of NOTICE OF MOTION AND MOTION for Order for To Allow Testimony of Marie Fongwa 213 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Exhibit A)(Burton, John) (Entered: 06/14/2018)
216	06/28/2018	MINUTES OF PLAINTIFFS MOTION TO ALLOW TESTIMONY OF MARIE FONGWA 213 Hearing held before Judge George H. Wu: Court and counsel confer. The Tentative circulated and attached hereto, is adopted as the Courts Final Ruling. Plaintiffs Motion is GRANTED; the witness will be produced no later than July 27, 2018. Court Reporter: Katie

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
		Thibodeaux. (es) (Entered: 06/29/2018)
217	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (1) to Exclude Evidence and Argument of Plaintiff's Subsequent Acquittal filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 07/19/2018)
218	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the time of Plaintiff's Arrest filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 07/19/2018)
219	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (11) to Exclude Testimony of Plaintiffs Criminal Defense Attorney Joseph Gutierrez filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
		before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 07/19/2018)
220	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (11) to Exclude Evidence of Plaintiff's Improperly Claimed Financial Damages for Payments of Legal Fees, Third-Party Payment of Legal Fees, Bail Bonds, etc. filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 07/19/2018)
221	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (14) to Exclude Testimony of Plaintiffs Criminal Defense Attorney Joseph Gutierrez filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Kizzie, Antonio) (Entered: 07/19/2018)
222	07/19/2018	NOTICE OF MOTION AND MOTION IN LIMINE (15) to Exclude Evidence, Argument or Testimony of Previously

#	Date	Docket Text
		Adjudicated Claims that Defendant Lacked Probable Cause to Arrest Plaintiff or Fabricated Evidence filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # 1 Proposed Order, # 2 Exhibit)(Kizzie, Antonio) (Entered: 07/19/2018)
223	07/26/2018	MEMORANDUM of CONTENTIONS of FACT and LAW filed by defendant Carlos Vega. (Kizzie, Antonio) (Entered: 07/26/2018)
224	07/26/2018	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 07/26/2018)
225	08/03/2018	NOTICE OF LODGING Proposed Pretrial Conference Order Plaintiff Terence B. Tekoh. (Attachments: # 1 Proposed Order)(Burton, John) (Entered: 08/03/2018)
226	08/06/2018	REQUEST FOR JUDICIAL NOTICE filed by Defendant Carlos Vega. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Proposed

<b>#</b>	<b>Date</b>	<b>Docket Text</b>
		Order)(Kizzie, Antonio) (Entered: 08/06/2018)
227	08/06/2018	Opposition re: MOTION IN LIMINE (1) to Exclude Evidence and Argument of Plaintiff's Subsequent Acquittal 217 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/06/2018)
228	08/06/2018	Opposition re: MOTION IN LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the time of Plaintiff's Arrest 218 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/06/2018)
229	08/06/2018	NOTICE OF MOTION AND MOTION IN LIMINE (16) to Exclude Testimony of Marie Fongwa filed by Defendant Carlos Vega. Motion set for hearing on 8/16/2018 at 09:00 AM before Judge George H. Wu. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Proposed Order)(Kizzie, Antonio) (Entered: 08/06/2018)
230	08/06/2018	Opposition re: MOTION IN LIMINE (14) to Exclude Testimony of Plaintiffs Criminal

#	Date	Docket Text
		Defense Attorney Joseph Gutierrez 221 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/06/2018)
231	08/06/2018	Opposition re: MOTION IN LIMINE (15) to Exclude Evidence, Argument or Testimony of Previously Adjudicated Claims that Defendant Lacked Probable Cause to Arrest Plaintiff or Fabricated Evidence 222 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/06/2018)
232	08/07/2018	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/07/2018)
233	08/08/2018	Proposed Voir Dire Questions filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 08/08/2018)
234	08/08/2018	PROPOSED JURY INSTRUCTIONS filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 08/08/2018)
235	08/10/2018	Witness List filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 08/10/2018)

#	Date	Docket Text
236	08/10/2018	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 08/10/2018)
237	08/10/2018	Proposed Voir Dire Questions filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 08/10/2018)
238	08/10/2018	[PROPOSED] JOINT Exhibit List filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 08/10/2018)
239	08/10/2018	PROPOSED SPECIAL JURY VERDICT filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/10/2018)
240	08/10/2018	STATEMENT [PROPOSED] JOINT STATEMENT OF THE CASE filed by Plaintiff Terence B. Tekoh (Burton, John) (Entered: 08/10/2018)
241	08/13/2018	REPLY in support of MOTION IN LIMINE (1) to Exclude Evidence and Argument of Plaintiff's Subsequent Acquittal 217 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/13/2018)
242	08/13/2018	REPLY in support of MOTION IN LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to

#	Date	Docket Text
		Defendant at the time of Plaintiff's Arrest 218 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/13/2018)
243	08/13/2018	REPLY in support of MOTION IN LIMINE (14) to Exclude Testimony of Plaintiffs Criminal Defense Attorney Joseph Gutierrez 221 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/13/2018)
244	08/13/2018	REPLY in support of MOTION IN LIMINE (15) to Exclude Evidence, Argument or Testimony of Previously Adjudicated Claims that Defendant Lacked Probable Cause to Arrest Plaintiff or Fabricated Evidence 222 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/13/2018)
		* * *
246	08/14/2018	Opposition re: MOTION IN LIMINE (16) to Exclude Testimony of Marie Fongwa 229 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/14/2018)
247	08/14/2018	Opposition re: MOTION IN LIMINE (# 11) to Exclude Payment of Plaintiff's Legal Fees and Bail Bonds 103 filed by

#	Date	Docket Text
		Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/14/2018)
248	08/14/2018	DECLARATION of Matt Sahak in Support of Filing Opposition to Motion in Limine No. 11 MOTION IN LIMINE (11) to Exclude Evidence of Plaintiff's Improperly Claimed Financial Damages for Payments of Legal Fees, Third- Party Payment of Legal Fees, Bail Bonds, etc. 220 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/14/2018)
249	08/15/2018	REPLY Reply in Support of Renewed MOTION IN LIMINE (11) to Exclude Evidence of Plaintiff's Improperly Claimed Financial Damages for Payments of Legal Fees, Third-Party Payment of Legal Fees, Bail Bonds, etc. 220 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/15/2018)
250	08/15/2018	REPLY in support of MOTION IN LIMINE (16) to Exclude Testimony of Marie Fongwa 229 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/15/2018)
251	08/15/2018	DECLARATION of Antonio K. Kizzie In support of MOTION IN

#	Date	Docket Text
		LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the time of Plaintiff's Arrest 218 , MOTION IN LIMINE (1) to Exclude Evidence and Argument of Plaintiff's Subsequent Acquittal 217 , MOTION IN LIMINE (15) to Exclude Evidence, Argument or Testimony of Previously Adjudicated Claims that Defendant Lacked Probable Cause to Arrest Plaintiff or Fabricated Evidence 222 , MOTION IN LIMINE (14) to Exclude Testimony of Plaintiffs Criminal Defense Attorney Joseph Gutierrez 221 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/15/2018)
252	08/15/2018	NOTICE of Non Filing of Opposition to Defendant Vega's Request for Judicial Notice filed by defendant Carlos Vega. (Kizzie, Antonio) (Entered: 08/15/2018)
253	08/16/2018	MINUTES OF PRETRIAL CONFERENCE Motion Hearing held before Judge George H. Wu. Exhibit books will be provided to the Court by August 22, 2018. Counsel will confer as to the four witnesses expected to be called. If

#	Date	Docket Text
254	08/17/2018	<p>parties decide not to call certain witnesses, the parties will provide deposition testimony with objections by August 23, 2018. Joint jury instructions will be filed by August 22, 2018. Court hears oral argument on motions in limine and issues the following re: Defendant Sgt. Carlos Vega's Motions in Limine:denying 217 Motion in Limine to Exclude; taking under advisement 218 Motion in Limine to Exclude; denying 219 Motion in Limine to Exclude; granting in part and denying in part 221 Motion in Limine to Exclude; taking under advisement 222 Motion in Limine to Exclude; granting in part and denying in part 229 Motion in Limine to Exclude. Pretrial Conference continued to 8/27/2018 at 09:00 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 08/17/2018)</p> <p>EX PARTE APPLICATION for Order for Reconsideration of Exclusion of Expert filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Proposed Order) (Burton, John) (Entered: 08/17/2018)</p>

#	Date	Docket Text
255	08/20/2018	Opposition to Plaintiff's Ex Parte Application for Order Permitting Expert Witness Iris Blandon-Gitlin, Ph. D to Testify and Request for Continuance re: EX PARTE APPLICATION for Order for Reconsideration of Exclusion of Expert 254 , MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS 86 filed by Defendant Carlos Vega. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Kizzie, Antonio) (Entered: 08/20/2018)
256	08/21/2018	REQUEST FOR JUDICIAL NOTICE <i>OPPOSITION</i> filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 08/21/2018)
257	08/22/2018	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 08/22/2018)
258	08/23/2018	Index re: Stipulations and Objections to Deposition Testimony of John Carlin; Sylvia Lemus; Amber Sage; Det. Kenelma Hernandez filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 08/23/2018)

#	Date	Docket Text
259	08/23/2018	Index re: Joint Stipulations and Objections to Deposition Testimony of John Carlin; Sylvia Lemus; Amber Sage; Det. Kenelma Hernandez filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 08/23/2018)
260	08/23/2018	Defendant's Notice of Lodging of Deposition Transcripts filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 08/23/2018)
261	08/26/2018	NOTICE OF LODGING filed re Transcript Order Form (G-120), 212 (Burton, John) (Entered: 08/26/2018)
262	08/27/2018	REPLY Reply in Support of <i>Request for Judicial Notice</i> filed by Defendant Carlos Vega. (Attorney Jack Frank Altura added to party Carlos Vega(pty:dft))(Altura, Jack) (Entered: 08/27/2018)
263	08/27/2018	MINUTES OF PRETRIAL CONFERENCE held before Judge George H. Wu. For reasons stated on the record, Plaintiff's Ex Parte Application 254 is GRANTED. The trial set for August 28, 2018 is continued to September 18, 2018 at 9:00 a.m. The pretrial conference is continued to September 10, 2018 at 8:30 a.m.

#	Date	Docket Text
		Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 08/28/2018)
264	08/29/2018	STIPULATION to Continue Trial from September 18, 2018 to September 24, 2018 filed by Plaintiff Terence B. Tekoh. (Attachments: # 1 Proposed Order)(Burton, John) (Entered: 08/29/2018)
265	08/31/2018	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Carlos Vega. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Kizzie, Antonio) (Entered: 08/31/2018)
266	08/31/2018	Amendment to Joint Exhibit List filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 08/31/2018)
267	09/10/2018	ORDER RE JOINT STIPULATION TO CONTINUE TRIAL by Judge George H. Wu, re Stipulation to Continue 264 . (Jury Trial continued to 9/25/2018 at 09:00 AM before Judge George H. Wu.) (mrgo) (Entered: 09/10/2018)
268	09/10/2018	MINUTES OF PRETRIAL CONFERENCE held before Judge George H. Wu. Court and counsel confer re pretrial issues. Further rulings on Defendant's Motions in

#	Date	Docket Text
		Limine are made as follows: No. 2 to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the Time of Plaintiffs Arrest 218 is CONTINUED. Counsel will confer and Court will discuss issue on September 20, 2018; No. 15 to Exclude Evidence, Argument or Testimony of Previously Adjudicated Claims That Defendant Lacked Probable Cause to Arrest Plaintiff, or Fabricated Evidence 222 is GRANTED; The pretrial conference is continued to September 20, 2018 at 9:00 a.m., with supplemental pretrial to be filed by September 17, 2018. Court Reporter: Katie Thibodeaux. (lom) (Entered: 09/11/2018)
269	09/11/2018	Amended Second MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 09/11/2018)
270	09/12/2018	Defendant's Notice of Lodging A Copy of Deposition Transcript of Iris Blandon-Gitlin filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 09/12/2018)

#	Date	Docket Text
271	09/12/2018	Defendant's Notice of Lodging a copy of Deposition Transcript of Marie Fongwa filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 09/12/2018)
272	09/12/2018	SUPPLEMENT <i>MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE NO. 9</i> filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 09/12/2018)
273	09/12/2018	SUPPLEMENT <i>AMENDED SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE NO. 9 PER COURT'S ORDER</i> filed by Defendant County of Los Angeles. (Attachments: # 1 Exhibit A)(Kizzie, Antonio) (Entered: 09/12/2018)
274	09/17/2018	STATEMENT Joint Statement Regarding Outstanding Evidentiary Disputes filed by Defendant Carlos Vega (Kizzie, Antonio) (Entered: 09/17/2018)
275	09/17/2018	MEMORANDUM in Opposition to MOTION IN LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the time of Plaintiff's Arrest 218 Supplemental filed by Plaintiff

#	Date	Docket Text
		Terence B. Tekoh. (Burton, John) (Entered: 09/17/2018)
276	09/17/2018	MEMORANDUM in Opposition to MOTION IN LIMINE (9) to Exclude DR. IRIS BLANDON-GITLIN IMPROPER AND INADMISSIBLE EXPERT OPINIONS 86 Supplemental filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 09/17/2018)
277	09/18/2018	SUPPLEMENT to MOTION IN LIMINE (2) to Exclude Evidence Pertaining to Hindsight Information/Evidence Unknown to Defendant at the time of Plaintiff's Arrest 218 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 09/18/2018)
278	09/20/2018	MINUTES OF PRETRIAL CONFERENCE held before Judge George H. Wu. Pretrial Conference is continued to September 24, 2018 at 1:30 p.m. Revised joint jury instructions will be filed by close of business on September 21, 2018. Court Reporter: Katie Thibodeaux. (lom) (Entered: 09/21/2018)
279	09/21/2018	Defendant's Objection and Supplemental Memorandum in Support of Defendant's Request for Judicial Notice and Qualified

#	Date	Docket Text
		Immunity filed by Defendant Carlos Vega re: Request for Judicial Notice 226 (Kizzie, Antonio) (Entered: 09/21/2018)
280	09/21/2018	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/21/2018)
281	09/24/2018	TRIAL BRIEF <i>Re Offer of Proof on Plaintiff's Expert Iris Blandon-Gitlin, Ph.D.</i> filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/24/2018)
282	09/24/2018	PROPOSED JURY INSTRUCTIONS (Supplemental Disputed Jury Instructions Re: Probable Cause Arrest and Acquittal set) filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 09/24/2018)
283	09/24/2018	MINUTES OF PRETRIAL CONFERENCE held before Judge George H. Wu: Final pretrial issues are resolved. Trial remains set for September 25, 2018 at 9:00 a.m. Court Reporter: Katie Thibodeaux. (rfi) (Entered: 09/26/2018)
284	09/25/2018	MINUTES OF Jury Trial - 1st Day held before Judge George H. Wu: Jury impaneled and sworn.

#	Date	Docket Text
		Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 9/26/2018 at 8:20 AM before Judge George H. Wu. Court Reporters: Katie Thibodeaux/Carol J. Zurborg. (bm) (Entered: 09/26/2018)
286	09/26/2018	MINUTES OF Jury Trial - 2nd Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 9/28/2018 at 08:45 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux / Carol J. Zurborg. (mrgo) (Entered: 09/28/2018)
285	09/27/2018	PROPOSED JURY INSTRUCTIONS ( Supplemental Disputed Jury Instructions re: Fabrication set) filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 09/27/2018)
293	09/28/2018	MINUTES OF Jury Trial - 3rd Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Motion for Judgment/Directed Verdict by defendant is denied. Jury Trial

#	Date	Docket Text
		continued to 10/1/2018 at 10:00 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux / Carol J. Zurborg. (mrgo) (Entered: 10/02/2018)
287	09/29/2018	TRIAL BRIEF <i>RE: REQUEST TO SPLIT REMAINING TRIAL TIME EVENLY AND RESERVE ONE HOUR FOR CLOSING ARGUMENT; DECLARATION OF MATT SAHAK</i> filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/29/2018)
288	09/29/2018	MEMORANDUM in Support of <i>Judgment as a Matter of Law</i> filed by Defendant Carlos Vega. (Attachments: # 1 Proposed Order in Support of, # 2 Exhibit A through C, # 3 Exhibit D through F, # 4 Exhibit H through K, # 5 Exhibit G pt 1, # 6 Exhibit G pt 2, # 7 Exhibit G pt 3)(Kizzie, Antonio) Modified on 10/1/2018 (mrgo). (Entered: 09/29/2018)
289	09/29/2018	REQUEST FOR JUDICIAL NOTICE <i>in support of Defendant's Motion for Judgment as a Matter of Law</i> filed by Defendant Carlos Vega. (Attachments: # 1 Proposed Order in Support of, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit

#	Date	Docket Text
		C)(Kizzie, Antonio) (Entered: 09/29/2018)
290	09/30/2018	PROPOSED JURY INSTRUCTIONS filed by Defendant Carlos Vega.. (Kizzie, Antonio) (Entered: 09/30/2018)
291	09/30/2018	OBJECTIONS to Trial Brief 287 <i>DEFENDANTS OBJECTION TO PLAINTIFFS TRIAL BRIEF RE: REQUEST TO SPLIT REMAINING TRIAL TIME EVENLY</i> filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 09/30/2018)
292	09/30/2018	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 09/30/2018)
294	10/01/2018	MINUTES OF Jury Trial - 4th Day held before Judge George H. Wu: Witnesses called, sworn and testified. Exhibits identified and admitted. Jury Trial continued to 10/2/2018 at 08:30 AM before Judge George H. Wu. Court Reporter: Katie Thibodeaux / Carol J. Zurborg. (mrgo) (Entered: 10/02/2018)
295	10/02/2018	MINUTES OF Jury Trial - 5th Day held and completed before Judge George H. Wu. Closing arguments

#	Date	Docket Text
		made. Bailiff sworn. Jury retires to deliberate. Verdict reached. Jury FINDS: for defendant(s). Jury polled. Defendant will file a proposed judgment forthwith. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 10/03/2018)
296	10/02/2018	REDACTED Jury Note #1 filed. (mrgo) (Entered: 10/03/2018)
297	10/02/2018	SEALED UNREDACTED Jury Note #1 filed re: Jury Notes 296 . (mrgo) (Entered: 10/03/2018)
298	10/02/2018	PRELIMINARY JURY INSTRUCTIONS filed. (mrgo) (Entered: 10/03/2018)
299	10/02/2018	FINAL JURY INSTRUCTIONS by Judge George H. Wu. (mrgo) (Entered: 10/03/2018)
		* * *
301	10/02/2018	LIST OF EXHIBITS AND WITNESSES at trial. (mrgo) (Entered: 10/03/2018)
302	10/02/2018	REDACTED JURY VERDICT in favor of Defendant Carlos Vega and against plaintiff Terence B. Tekoh. (mrgo) (Entered: 10/03/2018)
303	10/02/2018	SEALED UNREDACTED Special Verdict Form filed as to Defendant

#	Date	Docket Text
		Carlos Vega re: Jury Verdict 302 . (mrgo) (Entered: 10/03/2018)
304	10/03/2018	NOTICE OF LODGING filed re Jury Trial - Completed, 295 (Attachments: # 1 Proposed Judgment) (Kizzie, Antonio) (Entered: 10/03/2018)
305	10/03/2018	TRIAL BRIEF <i>Objecting to Defendant's Request for Costs</i> filed by Plaintiff Terence B. Tekoh.. (Burton, John) (Entered: 10/03/2018)
306	10/04/2018	MEMORANDUM of Points and Authorities in Opposition to <i>Plaintiff's Trial Brief Opposing Defendant's FRCP 54 Cost Recovery</i> Re: Trial Brief 305 (Attachments: # 1 Exhibit A)(Kizzie, Antonio) (Entered: 10/04/2018)
307	10/05/2018	JUDGMENT by Judge George H. Wu. It appearing by reason of said special verdict that: Defendant SGT. CARLOS VEGA is entitled to judgment against the plaintiff TERENCE B. TEKOH. Now, therefore, it is ORDERED, ADJUDGED, AND DECREED that said Plaintiff TERENCE B. TEKOH shall recover nothing by reason of the complaint, and that defendants shall recover costs

#	Date	Docket Text
308	10/19/2018	from said plaintiff TERENCE B. TEKOH pursuant to Federal Rule of Civil Procedure 54(d)(1). The cost bill will be submitted directly to this Court for its review and determination. (MD JS-6, Case Terminated). (mrgo) (Entered: 10/10/2018)
308	10/19/2018	PARTIAL TRANSCRIPT for proceedings held on 9/25/18 Trial Day 1- pm session excerpt. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (Zurborg, Carol) (Entered: 10/19/2018)
309	10/19/2018	PARTIAL TRANSCRIPT for proceedings held on 9/26/18 Trial Day 2 - pm session excerpt. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the

#	Date	Docket Text
310	10/19/2018	court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (Zurborg, Carol) (Entered: 10/19/2018)
310	10/19/2018	TRANSCRIPT for proceedings held on 9/29/18 Trial Day 3 - pm session. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (Zurborg, Carol) (Entered: 10/19/2018)
311	10/19/2018	PARTIAL TRANSCRIPT for proceedings held on 10/1/18 Trial

#	Date	Docket Text
312	10/19/2018	<p>Day 4 - pm session excerpt 1. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of Transcript Restriction set for 1/17/2019. (Zurborg, Carol) (Entered: 10/19/2018)</p> <p>PARTIAL TRANSCRIPT for proceedings held on 10/1/18 Trial Day 4 - pm session excerpt. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/9/2018. Redacted Transcript Deadline set for 11/19/2018. Release of</p>

#	Date	Docket Text
		Transcript Restriction set for 1/17/2019. (Zurborg, Carol) (Entered: 10/19/2018)
		* * *
314	10/19/2018	APPLICATION to the Clerk to Tax Costs against Plaintiff Terence B. Tekoh filed by Defendant County of Los Angeles. (Kizzie, Antonio) (Entered: 10/19/2018)
315	10/23/2018	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiff Terence B. Tekoh. Appeal of Judgment,, 307 , Judgment 193 . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973-22629511.) (Attachments: # 1 Exhibit Judgments DX 307 & 193, # 2 Exhibit Attorneys of Record)(Burton, John) (Entered: 10/23/2018)
316	10/24/2018	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 18-56414 assigned to Notice of Appeal to 9th Circuit Court of Appeals, 315 as to plaintiff Terence B. Tekoh. (mrgo) (Entered: 10/24/2018)

JA-95

#	Date	Docket Text
317	10/26/2018	Objection re: APPLICATION to the Clerk to Tax Costs against Plaintiff Terence B. Tekoh 314 filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 10/26/2018)
318	10/31/2018	REPLY APPLICATION to the Clerk to Tax Costs against Plaintiff Terence B. Tekoh 314 filed by Defendant Carlos Vega. (Kizzie, Antonio) (Entered: 10/31/2018)
319	11/01/2018	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Defendant County of Los Angeles. Appeal of Jury Trial - Held and Continued, 293 , Minutes of In Chambers Order/Directive - no proceeding held, 75 , Jury Trial - Held and Continued, 172 . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973- 22678524.) (Kizzie, Antonio) (Entered: 11/01/2018)
		* * *
326	12/05/2018	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 319 filed by County of Los Angeles. A copy of this order shall serve as and for the mandate of this court as to appeal 18-56473.

JA-96

#	Date	Docket Text
		CCA # 18-56473. (yl) (Entered: 12/11/2018)
327	01/04/2019	BILL OF COSTS. Costs Taxed in amount of \$13,364.56 in favor of defendants and against plaintiff. RE: APPLICATION to the Clerk to Tax Costs against Plaintiff Terence B. Tekoh 314 . (mrgo) (Entered: 01/04/2019)
328	02/11/2019	TRANSCRIPT for proceedings held on 9/25/18 1:13 p.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/4/2019. Redacted Transcript Deadline set for 3/14/2019. Release of Transcript Restriction set for 5/13/2019. (Zurborg, Carol) (Entered: 02/11/2019)
329	02/11/2019	TRANSCRIPT for proceedings held on 9/26/18 1:11 p.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the

#	Date	Docket Text
330	02/11/2019	court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/4/2019. Redacted Transcript Deadline set for 3/14/2019. Release of Transcript Restriction set for 5/13/2019. (Zurborg, Carol) (Entered: 02/11/2019)
331	02/11/2019	TRANSCRIPT for proceedings held on 9/29/18 1:23 p.m. Court Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/4/2019. Redacted Transcript Deadline set for 3/14/2019. Release of Transcript Restriction set for 5/13/2019. (Zurborg, Carol) (Entered: 02/11/2019)

#	Date	Docket Text
		Reporter: Carol Jean Zurborg, phone number (213) 894-3539. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/4/2019. Redacted Transcript Deadline set for 3/14/2019. Release of Transcript Restriction set for 5/13/2019. (Zurborg, Carol) (Entered: 02/11/2019)
		* * *
333	02/25/2019	TRANSCRIPT for proceedings held on 3/12/18. Court Reporter: Phyllis Preston, email: stenojag@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/28/2019. Release of Transcript Restriction set for

#	Date	Docket Text
		5/28/2019. (Preston, Phyllis) (Entered: 02/25/2019)  * * *
335	02/25/2019	TRANSCRIPT for proceedings held on 01/04/18 9:56 a.m.. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/28/2019. Release of Transcript Restriction set for 5/28/2019. (Thibodeaux, Katie) (Entered: 02/25/2019)
336	02/25/2019	TRANSCRIPT for proceedings held on 6/28/18 9:54 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased

#	Date	Docket Text
		<p>through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/28/2019. Release of Transcript Restriction set for 5/28/2019. (Thibodeaux, Katie) (Entered: 02/25/2019)</p> <p>* * *</p>
339	05/29/2019	<p>TRANSCRIPT for proceedings held on 8/16/18 1:30 pm. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number <a href="http://www.katiethibodeaux.com">www.katiethibodeaux.com</a>. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019.</p>

#	Date	Docket Text
		(Thibodeaux, Katie) (Entered: 05/29/2019)
340	05/29/2019	<p>TRANSCRIPT for proceedings held on 8/27/18 10:53 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (Thibodeaux, Katie) (Entered: 05/29/2019)</p>
341	05/29/2019	<p>TRANSCRIPT for proceedings held on 9/10/18 9:22 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before</p>

#	Date	Docket Text
342	05/29/2019	<p>the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (Thibodeaux, Katie) (Entered: 05/29/2019)</p> <p>TRANSCRIPT for proceedings held on 9/20/18 9:07 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (Thibodeaux, Katie) (Entered: 05/29/2019)</p>

#	Date	Docket Text
343	05/29/2019	<p>TRANSCRIPT for proceedings held on 9/24/18 1:46 pm. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (Thibodeaux, Katie) (Entered: 05/29/2019)</p> <p>* * *</p>
346	04/10/2020	<p>ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 315 filed by Terence B. Tekoh. CCA # 18-56414. Submission of this appeal is deferred pending the rescheduling of oral argument by the Clerk of the Court. IT IS SO ORDERED. (mat) (Entered: 04/13/2020)</p>

#	Date	Docket Text
347	01/15/2021	OPINION from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 315 filed by Terence B. Tekoh. CCA # 18-56414. The decision of the district court is VACATED; REVERSED AND REMANDED. (mrgo) (Entered: 01/15/2021)  * * *
350	01/27/2021	STATUS REPORT <i>re Further Proceedings</i> filed by Plaintiff Terence B. Tekoh. (Burton, John) (Entered: 01/27/2021)
352	02/01/2021	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 315 filed by Terence B. Tekoh. CCA # 18-56414. Appellant is ordered to file a response to Appellees' Petition for Rehearing En Banc, filed January 29, 2021. The response must be filed no later than twenty-one (21) days from the date of this order. (mrgo) (Entered: 02/03/2021)  * * *
355	03/30/2021	STATEMENT Status Conference filed by Plaintiff Terence B. Tekoh (Hoffman, Paul) (Entered: 03/30/2021)

JA-105

#	Date	Docket Text
		* * *
357	06/03/2021	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 315 filed by Terence B. Tekoh. CCA # 18-56414. The petition for rehearing en banc is DENIED. (mrgo) (Entered: 06/04/2021)
358	06/11/2021	MANDATE of Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 315 , CCA # 18-56414. The judgment of this Court, entered January 15, 2021, takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. [See USCA OPINION 347 VACATED; REVERSED AND REMANDED.] (mat) (Entered: 06/11/2021)
359	06/24/2021	JOINT REPORT of Status Conference filed by Plaintiff Terence B. Tekoh. (Hoffman, Paul) (Entered: 06/24/2021)
		* * *
362	07/22/2021	STIPULATION to Vacate PRE-TRIAL CONFERENCE AND TRIAL DATES filed by plaintiff

#	Date	Docket Text
		Terence B. Tekoh. (Attachments: # 1 Proposed Order)(Hoffman, Paul) (Entered: 07/22/2021)
363	07/26/2021	ORDER VACATING PRE-TRIAL CONFERENCE AND TRIAL DATES by Judge George H. Wu, re Stipulation to Vacate 362 . The Court continues the status conference set for September 9, 2021, to October 25, 2021 at 8:30 a.m. The parties are to file a joint report by October 21, 2021. (mrgo) (Entered: 07/27/2021)
364	10/19/2021	STIPULATION to Continue Status Conference from October 25, 2021 to January 24, 2022 filed by plaintiff Terence B. Tekoh. (Attachments: # 1 Proposed Order)(Hoffman, Paul) (Entered: 10/19/2021)
365	10/21/2021	ORDER POSTPONING STATUS CONFERENCE by Judge George H. Wu, re Stipulation to Continue 364 . (Status Conference continued to 1/20/2021 at 08:30 AM before Judge George H. Wu.) (mrgo) (Entered: 10/22/2021)
366	01/18/2022	STIPULATION to Vacate PRE-TRIAL CONFERENCE DATE filed by plaintiff Terence B. Tekoh. (Attachments: # 1 Redacted

JA-107

#	Date	Docket Text
		Document)(Hoffman, Paul) (Entered: 01/18/2022)
367	01/18/2022	ORDER POSTPONING STATUS CONFERENCE by Judge George H. Wu, re Stipulation to Vacate 366 . Good cause appearing, the Court GRANTS the parties' stipulation to postpone the January 20, 2022 Status Conference. The Status Conference presently scheduled for January 20, 2022 is continued to June 2, 2022 at 8:30 a.m. The parties are to file a joint status report by May 31, 2022. (mrgo) (Entered: 01/18/2022)

JA-108

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 16-7297-GW (SKx) Date May 25, 2017

Title Terence B. Tekoh v. County of Los Angeles, et al.

---

---

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez      Katie Thibodeaux      \_\_\_\_\_  
Deputy Clerk      Court Reporter/      Tape No.  
Recorder

Attorneys Present  
for Plaintiffs:

John C. Burton

Attorneys Present  
for Defendants:

Antonio K. Kizzie

**PROCEEDINGS: DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AGAINST PLAINTIFF'S FIRST AND SECOND CLAIMS PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE SECTIONS 12(c) and 12(h)(2) [18]**

Court hears oral argument. The Tentative circulated and attached hereto, is adopted as the Court's Final Ruling. Defendants' motion is DENIED.

Plaintiff is granted leave to amend the complaint and counsel may stipulate to a 35-day briefing schedule on subsequent dispositive motions.

**Terence B. Tekoh v. County of Los Angeles, et al.;**

Case No. 2:16-cv-07297-GW-(SKx)

Tentative Ruling on Motion for Judgment on the Pleadings

**I. Background**

Plaintiff Terence B. Tekoh sues Defendants: (1) the County of Los Angeles (the “County”); (2) the Los Angeles Sheriff’s Department (the “LASD”); (3) Carlos Vega (“Vega”); and (4) Dennis Stangeland (“Stangeland”) (together with Vega, the “officers”) for violations of his civil rights. *See generally* Complaint, Docket No. 1.<sup>1</sup>

Plaintiff alleges the following relevant facts:

Plaintiff is an immigrant from Cameroon, residing lawfully in the United States with a green card. *See id.* ¶ 3. The County is a legal and political entity established under the laws of California, and the LASD is a public agency. *See id.* ¶¶ 4-5. At all relevant times, Stangeland was a LASD sergeant and Vega was a LASD deputy, each acting within the scope of his employment and under color of state law. *See id.* ¶ 5.

At the time of the incident, Plaintiff was 25 years old and a certified nurse assistant (“CNA”) employed by a medical workers’ registry. *See id.* ¶ 8. For about two years, from 2012 to 2014, Plaintiff was assigned to the MRI section of the Department of Radiology

---

<sup>1</sup> Doe defendants have been ignored for this analysis.

(“Radiology Department”) at Los Angeles County-USC Medical Center (“USCMC”) on the third floor. *See id.*

On March 19, 2014, during the early afternoon, “SL,” a neurology patient referred to by her initials in the complaint to protect her privacy, was observed to have symptoms consistent with a possible stroke during a cranial angiogram in the CT section of the Radiology Department. *Id.* ¶ 9. The treating neurologists transported her down to the hall for an emergency brain MRI. *Id.* At around 3:00 p.m., shortly after Plaintiff started his workday, he was directed to assist with the MRI procedure. *Id.*

Plaintiff retrieved the MRI table from the examination room, wheeled it into the MRI staging area, and prepared it for SL. *Id.* ¶ 10. With multiple medical workers and other patients nearby, Plaintiff pulled a curtain and saw SL for the first time. *Id.* She had an IV, appeared heavily medicated, and was sleeping until the commotion woke her up. *Id.* With the assistance of about five other workers, Plaintiff transferred SL from the gurney to the MRI table. *Id.*

When instructed to do so, Plaintiff wheeled the table with SL into the examination room. *Id.* ¶ 11. The examination room had a large glass window through which multiple doctors were watching the procedure. *Id.* Plaintiff explained to SL that he needed to place an oximeter on her finger. *Id.* When picked up her left arm, however, she pulled it away and asked, “Are you the only one who could do this?” *Id.* Plaintiff responded, “For now,” adding, “This exam is very important and I’m sure time is a factor for the doctors who have been staring at the clock waiting for you to go in.” *Id.* Plaintiff perceived that the patient might be reacting due to racial prejudice.

*Id.* Plaintiff has had similar experiences since immigrating from Africa to the United States, and knew that such attitudes were best ignored. *Id.* Plaintiff then placed the oximeter on SL's index finger and landmarked her into the MRI scanner for a brain scan. *Id.* Plaintiff waited for a few seconds so he could respond if she became claustrophobic, as some patients do. *Id.* She looked comfortable as he slid her into the belly of the scanner with her eyes closed. *Id.* Plaintiff then left the examination room, shut the door, and performed other duties. *Id.*

After the examination was completed, Plaintiff returned to the examination room, pulled the table with SL out of the MRI scanner, unhooked her index finger from the oximeter and wheeled her outside to the staging area. *Id.* ¶ 12. The doctors thereafter assessed SL's verbal, motor, and mental ability. *Id.* With teamwork, SL was then moved from the MRI examination table back to the gurney. *Id.* One doctor remained with SL pending transportation to the ward. *Id.* Plaintiff was never alone with SL in the MRI section of the Radiology Department. *Id.*

After the procedure, a doctor ordered that SL be taken to the intensive care unit ("ICU") as soon as possible. *Id.* ¶ 13. First, however, Plaintiff was instructed to transport her back to her room, 5F136, which is located in a ward on the fifth floor that allows for close observation of patients similar to that in the ICU. *Id.* Following training and protocol, Plaintiff wrote down the patient's name, medical record number and ward location, and recorded the time he left. *Id.* SL was lethargic. *Id.* During transportation, SL asked Plaintiff, "Do you have my underwear and stuff?" *Id.* Plaintiff responded,

“What are you talking about?” *Id.* SL did not reply. *Id.* Plaintiff pushed the patient to the elevator as a doctor walked with them. *Id.* They rode the elevator together for two floors. *Id.* They left the elevator together, and Plaintiff wheeled SL to her room, located directly across from a nursing station, with a sliding glass door that typically stays open. *Id.* The doctor remained with the patient throughout the transportation. *Id.*

At the ward, the doctor spoke to a nurse while standing in front of the patient’s room, close to the open door. *Id.* ¶ 14. Meanwhile, Plaintiff moved the patient from the gurney to the bed singlehandedly. *Id.* Plaintiff explained the procedure to SL, who remained lethargic. *Id.* Plaintiff raised the patient’s bed to his waist level and secured the gurney to the right side of the bed. *Id.* Plaintiff moved to the left side of the bed and grabbed the sheet that the patient was resting on, placing his right hand toward her shoulder and his left hand toward her hip. *Id.* Plaintiff asked the patient to cross her arms to ease transfer, but she seemed too medicated and lethargic to cooperate. *Id.* Due to the patient’s weight, Plaintiff needed most of his strength to pull the patient from the gurney onto the bed. *Id.* During this process the sheet on top of the patient moved, but did not come off, and she was not exposed. *Id.* SL asked Plaintiff what he was doing, and he apologized for any difficulty moving her from gurney to bed. *Id.*

As Plaintiff disengaged the gurney from the bed he noticed SL’s belongings in a bag on the gurney, and realized why she had asked about “underwear and stuff.” *Id.* ¶ 15. Plaintiff completed the transfer by bringing the bed down and raising the rails for

her safety. *Id.* He picked up SL's bag of belongings, placed it by her right side, and told her about it. *Id.* SL remained covered by a sheet throughout the examination and transfer. *Id.* Plaintiff left the patient's room, squeezing past the doctor and the nurse, who were still standing in the hallway directly in front of door discussing patient care. *Id.* Plaintiff was in the patient's room, with the door open and the doctor and nurse just outside, for only a few minutes, and was occupied with his duties. *Id.* ¶ 16. Plaintiff dropped off the chart at the nursing station and then left the ward. *Id.* At about 4:30 p.m. Plaintiff returned to the MRI Unit in Radiology and worked on other matters. *Id.*

Later that evening, sometime between 6:00 and 7:00 p.m., SL, while still in a stupor from the combination of medications and the condition of her brain, told a nurse that she thought someone touched her inappropriately earlier that day in the hospital. *Id.* ¶ 17. The nurse told SL that she had imagined it. *Id.* SL told another nurse, who reported the statement to a supervisor. *Id.* The supervisor reported the matter to LASD without conducting any independent investigation. *Id.*

Vega responded to the supervisor's report and took a statement from SL. *Id.* According to the statement, SL said "she was transported by S/Tekoh from the forth [*sic*] floor of the inpatient tower to the third floor of the Inpatient Tower to the MRI section of the hospital." *Id.* ¶ 18 (alteration in original). The falsity of that statement could have been quickly ascertained from the chart, because another health worker moved SL from the fifth floor to the CT section on the third floor, and then yet others moved her from the CT section to the MRI

section. *Id.* Plaintiff first saw SL in the MRI section on the third floor. *Id.* The statement further stated that SL said that “when they arrived in the [MRI exam] room she was left by herself with S/Tekoh. V/[SL] closed her eyes and [*sic*] order to rest while her procedure began. V/[SL] said that within five minutes she saw S/Tekoh lift her bed sheet and uncover her. . . . S/Tekoh spread her vagina open. S/Tekoh held the left side of her vagina open with his left hand. S/Tekoh then placed his right hand finger’s [*sic*] in the victim’s vagina.” *Id.* ¶ 19 (alterations in original). The falsity of this statement should have been obvious too. *Id.* Even if SL was technically “by herself” with Plaintiff in the MRI exam room, there were multiple doctors and technicians watching through a large glass window, so there is no possibility that Plaintiff could have committed such an act in the exam room before, during, or after the MRIs. *Id.*

Rather than corroborating SL’s version of the events, which would have demonstrated that she was deluded and hallucinating, if not fabricating intentionally, Vega immediately made arrangements through the nursing supervisors to confront Plaintiff. *Id.* ¶ 20. Around 7:15 p.m., Plaintiff answered a call to the MRI scheduling office. *Id.* A female asked on the call whether the person who transported SL was still present. *Id.* Plaintiff responded that he transferred SL from the MRI section to the ward on the fifth floor. *Id.* Shortly thereafter, Vega and two nurse supervisors walked in the MRI section, where Plaintiff was speaking with coworkers. *Id.* Vega asked to speak with Plaintiff in private, and escorted him into the soundproof room used by doctors to read radiology images and prepare reports

free from the noise of the machines. *Id.* Vega sent the nurse supervisors away, and prevented Plaintiff's coworkers from coming into the room, saying the interview was private. *Id.* Coworkers, however, lingered outside the closed room. *Id.* Plaintiff was not free to leave the room and was in custody. *Id.* ¶ 21. Vega then interrogated Plaintiff as a suspect regarding touching SL's vagina without *Miranda* admonitions. *Id.* Plaintiff repeatedly denied any inappropriate contact with SL, assured Vega that he would never act in such a manner, and explained that a CAN could not commit such an act before or after a brain MRI or transport without medical staff noticing. *Id.* Vega refused to accept Plaintiff's denials, and instead became more accusatory and verbally abusive. *Id.*

Vega claimed to have a video recording of Plaintiff committing the sexual assault. *Id.* ¶ 22. Plaintiff found the remark funny. *Id.* He began laughing and said, "Good luck," and further that, "Whoever you have on that video will never be me, and by the way if you have me on video then what else do you want from me? What are you still doing here with me? Isn't that more than enough evidence you need to arrest me?" *Id.* Vega appeared to lose his composure. *Id.* He told Plaintiff to "shut the fuck up," and then asked, "Did you just laugh at me? Am I a laughing stock? Is the patient upstairs that you assaulted a laughing stock? Oh you think it's funny? You trying to be smart with me?" *Id.* Plaintiff then apologized for laughing, but explained why he thought the situation was ridiculous. *Id.* ¶ 23. After more fruitless exchanges back and forth, Vega seemed to again shift character, virtually yelling, "You look guilty and I don't know why I'm still here

wasting precious time with your black ass. I'm going to put your black ass where it belongs." *Id.* Plaintiff then demanded, "Let me out of this room now!" Vega gave Plaintiff a hard stare and said that he was not free to leave until he admitted what he did to the patient. *Id.* Plaintiff said that he needed a lawyer and walked to the door to leave the room. *Id.* Vega cut him off, literally standing on Plaintiff's toes, their faces just inches apart. *Id.* With his hand on his firearm, Vega threatened, "Mr. Jungle Nigga trying to be smart with me, you make any funny move you'll regret it. You must do as I say now. I'm about to hand you over to deportation, Boy, and your entire family will be rounded up and sent back to the jungle. Trust me I have the power to do it." *Id.* Plaintiff was, as a result, terrified for his own safety and that of his family, who reside in the U.S. as immigrants, many with work permits who are therefore vulnerable to the collateral consequences of law enforcement actions. *Id.* ¶ 24. Plaintiff grew up as an oppressed minority in a despotic dictatorship where no one could challenge governmental authority. *Id.* Police repression, including a severe beating at age 16, was among the reasons he immigrated. *Id.*

Vega then sat Plaintiff down in a chair, took a piece of paper from the copying machine and handed it to Plaintiff with a pen from his breast pocket. *Id.* ¶ 25. Vega threatened, "You're going to write down what the patient said you did since you seem to have memory loss now." *Id.* Plaintiff reasoned that he should do what Vega demanded for his immediate safety as well as for the long-term safety of his family members because the many witnesses and the physical evidence, including video and DNA,

would exonerate him, and the confession would be exposed as phony. *Id.* Plaintiff then wrote out a statement dictated to him by Vega, stating that he “first saw her vagina accidentally,” and “decided to go further by . . . spreading her vagina lip for a quick view,” even though nothing of the sort had occurred. *Id.* ¶ 26. At some point, Stangeland also joined them in the room, who asked more questions, such as whether Plaintiff was attracted to females. *Id.*

Vega then arrested Plaintiff for violating California Penal Code § 289(d), sexual penetration by a foreign object. *Id.* ¶ 27. Plaintiff was then transported to the LASD’s East Los Angeles station jail, where he was booked. *Id.* Vega submitted, under oath, a probable cause declaration stating: “The suspect admitted to spreading the victim’s legs and penetrating the victim’s vagina with his fingers.” *Id.*

Following some publicity, another person accused Plaintiff of victimizing her in the hospital. *Id.* ¶ 29. After another charge was filed, preliminary investigation, which should have taken place before the charges were filed, established that this second supposed victim was in the USCMC two years before Plaintiff began working there and could not have been his victim. *Id.*

The criminal case against Plaintiff on the first charge lasted two years. *Id.* ¶ 32. The first trial ended in a mistrial after a prosecution witness revealed that a testable amount of male DNA was recovered from SL’s body but was not tested. *Id.* Plaintiff was excluded as the donor when a DNA test was completed. *Id.* After a second trial, Plaintiff was acquitted. *Id.*

Based on essentially the foregoing facts, Plaintiff asserts two claims of violations of 42 U.S.C. § 1983. First, Plaintiff alleges that the officers deprived him of his rights under the Fourth, the Fifth, and the Fourteenth Amendments to the U.S. Constitution by, among other things, detaining him without reasonable suspicion; arresting him without probable cause; subjecting him to a coercive interrogation and generating an involuntary and false confession in violation of *Miranda*; submitting the coerced, involuntary and false confession, along with false and fabricated reports, to the district attorney's office to overcome the independent judgment of the prosecutor and to cause Plaintiff to be maliciously prosecuted. *Id.* ¶ 36.

Second, Plaintiff asserts that the County and LASD violated Plaintiff's constitutional rights because they maintained, enforced, tolerated, ratified, permitted, acquiesced in, and/or applied, among others, the following policies, practices, and customs, as a direct and proximate result of which Plaintiff sustained injuries and damages:

- (a) failing to adequately train, supervise, and control its deputies in investigating crimes;
- (b) failing to adequately train, supervise, and control its deputies in conducting detentions without reasonable suspicion or arrests without probable cause;
- (c) failing to adequately train, supervise, and control its deputies in protecting the right of arrestees to be free from coercive custodial interrogations which lead to false and involuntary confessions in violation of *Miranda*.

- (d) failing to adequately train, supervise, and control its deputies in protecting the substantive and procedural due process rights of arrestees to be free from malicious prosecutions and prosecutions based on falsified evidence, false reports, or coerced and involuntary confessions;
- (e) failing to adequately train, supervise, and control its deputies from filing false reports or giving false testimony under oath in criminal proceedings;
- (f) failing to adequately discipline deputies involved in dishonesty or otherwise abusing their authority; and
- (g) condoning and encouraging deputies in the belief that they can violate the rights of persons such as the Plaintiff in this action with impunity, and that such conduct will not adversely affect their opportunities for promotion and other employment benefits.

*Id.* ¶¶ 38-39. To redress his injuries, Plaintiff requests the following relief: (1) general, compensatory, special, exemplary, and punitive damages; (2) costs and attorneys' fees; and (3) other just and proper relief. *See id.* at 12.

Defendants now move for judgment on the pleadings. *See* Defs.' Motion for Judgment on the Pleadings ("Motion"), Docket No. 18; *see also* Pl.'s Opposition to the Motion ("Opposition"), Docket No. 21; Defs.' Reply in Supp. of the Motion ("Reply"), Docket No. 22; Defs.' Evidentiary Objections ("Evidentiary Objections"), Docket No. 22-1.

## II. Legal Standard

Rule 12(c) of the Federal Rules of Civil Procedure permits a party to move to dismiss a suit “[a]fter the pleadings are closed . . . but early enough not to delay trial.” Fed. R. Civ. P. 12(c). “Judgment on the pleadings is proper when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law.” *Stanley v. Trustees of Cal. State Univ.*, 433 F.3d 1129, 1133 (9th Cir. 2006); *Lyon v. Chase Bank USA, N.A.*, 656 F.3d 877, 883 (9th Cir. 2011). But a motion for judgment on the pleadings should only be granted if “the moving party *clearly establishes* on the face of the pleadings that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law.” *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir. 1989) (emphasis added); *Living on the Edge, LLC v. Lee*, No. CV145982MWFJEMX, 2015 WL 12661917, at \*4 (C.D. Cal. Aug. 25, 2015) (“Judgment on the pleadings under Rule 12(c) is warranted ‘only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.’”) (quoting *Deveraturda v. Globe Aviation Sec. Servs.*, 454 F.3d 1043, 1046 (9th Cir. 2006)).

Because a motion for judgment on the pleadings is “functionally identical” to a motion to dismiss, the standard for a Rule 12(c) judgment on the pleadings is essentially the same as for a Rule 12(b)(6) motion. *See, e.g., Dworkin v. Hustler Magazine Inc.*, 867 F.2d 1188, 1192 (9th Cir.), *cert. denied*, 493 U.S. 812 (1989); *see also Platt Elec. Supply, Inc. v. EOFF Elec., Inc.*, 522 F.3d 1049, 1052 n.1 (9th Cir. 2008). Therefore, judgment on the pleadings is also proper when there is either a “lack of cognizable legal theory”

or the “absence of sufficient facts alleged under a cognizable legal theory.” *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1988; *see also* Fed. R. Civ. P. 12(b)(6); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (declaring that a complaint may be dismissed for failure to state a claim for one of two reasons: (1) lack of a cognizable legal theory; or (2) insufficient facts under a cognizable legal theory); *Mendonzo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008) (“Dismissal under Rule 12(b)(6) is appropriate only where the complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory.”). Under this analysis too, a court “must accept plaintiff’s allegations as true and construe them in the light most favorable to the plaintiff,” drawing all reasonable inferences from well-pleaded factual allegations. *Gompper v. VISX, Inc.*, 298 F.3d 893, 896 (9th Cir. 2002); *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.), *amended on denial of reh’g*, 275 F.3d 1187 (9th Cir. 2001); *Cahill v. Liberty Mutual Ins. Co.*, 80 F.3d 336, 337-38 (9th Cir. 1996). The court, however, is not required to accept as true legal conclusions couched as factual allegations. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

“Rule 12(c) does not specifically authorize a motion for judgment on the pleadings directed to less than the entire complaint or answer. Nor does it specifically prohibit such a motion. It is the practice of many judges to permit ‘partial’ judgment on the pleadings.” O’Connell & Stevenson, *Rutter Group Prac. Guide: Fed. Civ. Proc. Before Trial* (“*Federal Practice Guide*”) § 9:340 (2016) (citations omitted). Similarly, “[a]lthough

Rule 12(c) does not mention leave to amend, courts have discretion to grant a Rule 12(c) motion with leave to amend (and frequently do so where the motion is based on a pleading technicality).” *Federal Practice Guide* § 9:341.

### **III. Discussion**

Defendants contend that judgment should be granted on Plaintiff’s first claim against Vega and Stangeland because Plaintiff’s allegations of his detention without reasonable suspicion; arrest without probable cause; violation of his rights against self-incrimination under the Fifth Amendment; and malicious prosecution are defeated by Plaintiff’s admissions that: (1) Vega and Stangeland responded to a call for service by a hospital supervisor of an alleged sexual assault by Plaintiff against a patient handled by Plaintiff; (2) they spoke with Plaintiff, and by doing so, Vega and Stangeland thus formed a minimum reasonable suspicion to detain as well as probable cause to arrest Plaintiff under the totality of the circumstances then present. *See* Motion at 17-18.

Plaintiff responds that the officers used only the false and coerced confession to arrest him, disregarding concomitant circumstances that tended to dissipate probable cause. Opposition at 7 (referencing Vega’s declaration of probable cause submitted to the Los Angeles County Superior Court after Plaintiff’s arrest, which stated only that Plaintiff “admitted to spreading the victim’s legs and penetrating the victim’s vagina with his fingers” as the basis for the probable cause supporting his arrest (*see also* Complaint ¶ 27)); *see also* Opposition at 9-11. Plaintiff further asserts that Defendants

were aware of the inherent implausibility of the accusations, given that other medical workers were present at all times when Plaintiff interacted with the patient. *See* Opposition at 9. Plaintiff finally argues that whether his confession was coerced should not be decided on pleadings, because “a reasonable fact finder could conclude that it was not reasonable for an officer to believe that it was constitutional to coerce a confession and then to hand that information to a prosecutor – without divulging the means by which the confession was acquired – for use in a criminal case.” *Id.* at 12 (quoting *Stoot v. City of Everett*, 582 F.3d 910, 927-28 (9th Cir. 2009)).

Defendants do not meaningfully rebut Plaintiff’s arguments. First, Defendants raise evidentiary objections that are simply not proper here. *See generally* Evidentiary Objections. Such evidentiary contentions are not suitable for a judgment on the pleadings, where a court “must accept all factual allegations in the complaint as true and construe them in the light most favorable to the non-moving party” (*Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir. 2009) (citing *Turner v. Cook*, 362 F.3d 1219, 1225 (9th Cir. 2004)), and are properly raised on a motion for summary judgment or at trial. Second, and more critically, Defendants dispute Plaintiff’s assertions in his papers against the existence of probable cause: Tellingly, Defendants do so by pointing to other facts in the complaint that appear to demonstrate otherwise. *See* Reply at 12-14; *compare* Reply at 14 (supporting existence of probable cause with allegation that Vega relied on report from the nursing supervisor who contacted him after receiving information incriminating Plaintiff from another nurse) (citing Complaint

¶ 17), *with* Complaint ¶ 27 (rebutting existence of probable cause by referencing Vega’s declaration, which cited Plaintiff’s confession, not the report from the nursing supervisor, as the sole basis for probable cause to justify Plaintiff’s arrest). That is self-evidently a disagreement over facts on which rational jurors could differ; and, therefore, a dispute over material facts which is a fact intensive inquiry not suitable for a judgment on the pleadings – particularly because the Court must take all well-plead allegations in the complaint as true and construe the facts in the light most favorable to Plaintiff. *See Stanley*, 433 F.3d at 1133; *Fleming*, 581 F.3d at 925; *see also Federal Practice Guide* § 9:214.4 (“When a complaint’s allegations are capable of more than one inference, the court must adopt whichever plausible inference supports a valid claim.”) (citing *Starr v. Baca*, 652 F3d 1202, 1216 (9th Cir. 2011); *Watson Carpet & Floor Covering, Inc. v. Mohawk Industries, Inc.*, 648 F3d 452, 458 (6th Cir. 2011)). Stated differently, the Court cannot conclude, in light of the disputed facts, that Defendants *clearly establish* on the face of the pleadings that no material issue of fact remains to be resolved at this early stage in this dispute. *Hal Roach Studios*, 896 F.2d at 1550; *Living on the Edge*, 2015 WL 12661917, at \*4 (“Judgment on the pleadings under Rule 12(c) is warranted ‘only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.’”) (quoting *Deveraturda*, 454 F.3d at 1046). As such, a judgment on the pleadings with respect to the first claim would be premature.

In any event, as an alternative ground for rejecting a judgment on the pleadings, the Court finds

that Plaintiff sets forth sufficient allegations in his complaint that raise the reasonable inference that his confession was coerced in violation of his constitutional rights against compelled self-incrimination; such a constitutional deprivation is sufficient by itself to sustain a claim under Section 1983. *See* 42 U.S.C. § 1983; *see also* *Aguilera v. Baca*, 510 F.3d 1161, 1173 (9th Cir. 2007) (holding that after a compelled incriminating statement is used in a criminal proceeding against an accused, the accused suffers the requisite constitutional injury for purposes of a Section 1983 action.) (citing *Chavez v. Martinez*, 538 U.S. 760, 769 (2003); *United States v. Antelope*, 395 F.3d 1128, 1140-41 (9th Cir. 2005)). Specifically, Plaintiff alleges that Vega escorted him to a soundproof room, sending others away (*see* Complaint ¶ 20); lost his composure (*see id.* ¶ 22); told Plaintiff to “shut the fuck up,” and yelled at him using racial epithets (*see id.* ¶¶ 22-23); refused to let Plaintiff out of the soundproof room until he confessed (*see id.* ¶ 23); obstructed him when he tried to leave, “literally standing on Plaintiff’s toes” (*see id.*) – that is, Vega expressly used physical coercion; placed his hand over his firearm – that is, intimidated Plaintiff by suggesting immediate physical harm; and, concurrently, expressly threatened Plaintiff when he said, “Mr. Jungle Nigga trying to be smart with me, you make any funny move you’ll regret it. You must do as I say now. I’m about to hand you over to deportation, Boy, and your entire family will be rounded up and sent back to the jungle. Trust me I have the power to do it.” (*see id.*). These particularized facts, considering totality of circumstances and viewed in the light most favorable to Plaintiff, support the reasonable

inference that Vega coerced Plaintiff's confession and undercut the inference that his confession was voluntary, violating Plaintiff's right against self-incrimination under the Fifth Amendment, as applied to the state and its instrumentalities through the Fourteenth Amendment. *See* U.S. Const. amend. V (providing that no person shall be "compelled in any criminal case to be a witness against himself"); *United States v. Crawford*, 372 F.3d 1048, 1060 (9th Cir. 2004) ("A confession is involuntary if coerced either by physical intimidation or psychological pressure.") (quoting *United States v. Haswood*, 350 F.3d 1024, 1027 (9th Cir. 2003)); *Arizona v. Fulminante*, 499 U.S. 279, 287-88 (1991) (finding confession coerced where there was a credible threat of physical violence if defendant did not confess).

Plaintiff relatedly alleges that Vega thereafter used the coerced confession against Plaintiff by submitting, under oath, a probable cause declaration, which stated that "[t]he suspect admitted to spreading the victim's legs and penetrating the victim's vagina with his fingers" (Complaint ¶ 27) – that is, by identifying Plaintiff's confession as the sole basis for probable cause to justify Plaintiff's arrest, which then lead to a criminal case against him (*see id.* ¶ 32). This raises another reasonable inference that Vega disregarded an unjustified deprivation of Plaintiff's liberty interests violating his due process rights under the Fourteenth Amendment. *See* U.S. Const. amend. XIV (stating that no state shall "deprive any person of life, liberty, or property, without due process of law"); *Tatum v. Moody*, 768 F.3d 806, 820-21 (9th Cir. 2014) (declaring that in the context of a Section 1983 suit

against police officers for a constitutional due process violation, official conduct “shocks the conscience” when the officer “either consciously or through complete indifference disregards the risk of an unjustified deprivation of liberty”) (quoting *Gantt v. City of Los Angeles*, 717 F.3d 702, 707 (9th Cir. 2013)); see also *Maness v. Meyers*, 419 U.S. 449, 461-462 (1975) (noting that the Fifth Amendment privilege may be asserted if one is “compelled to produce evidence which later *may* be used against him as an accused in a criminal action” (emphasis added)); *Stoot*, 582 F.3d at 923 (“[T]he Fifth Amendment was not violated unless and until allegedly coerced statements were used against the suspect in a criminal case.”); *Crowe v. Cty. of San Diego*, 608 F.3d 406, 432 (9th Cir. 2010), *cert. denied sub nom. Blum v. Crowe*, 562 U.S. 1135 (2011); *Stoot*, 582 F.3d at 927-28 (“A reasonable fact finder could conclude that it was not reasonable for an officer to believe that it was constitutional to coerce a confession and then to hand that information to a prosecutor – without divulging the means by which the confession was acquired – for use in a criminal case.”) (citation omitted). Because the Court finds that Plaintiff sufficiently states a plausible violation of Section 1983 against the officers on the foregoing related bases, it need not address the viability of the first claim on the basis of alternative legal theories, which Plaintiff sets forth in his complaint, to defeat a judgment on the pleadings.<sup>2</sup> See *Iqbal*, 556 U.S. at

---

<sup>2</sup> While not argued by the defense, the Court would note that Plaintiff has not sufficiently made allegations which state a cause of action against Defendant Stangeland. The only averments as to him are contained in paragraph 26 of the

678 (declaring that where a plaintiff facing a Rule 12(b)(6) motion has pled “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,” the motion should be denied); *Mendonado*, 521 F.3d at 1104 (“Dismissal under Rule 12(b)(6) is appropriate only where the complaint lacks a *cognizable legal theory* or sufficient facts to support a *cognizable legal theory*.”) (emphases added); *Dworkin*, 867 F.2d at 1192 (declaring that the standard for a Rule 12(c) judgment on the pleadings is essentially the same as for a Rule 12(b)(6) motion); *cf. Balistreti*, 901 F.2d at 699 (holding that judgment on the pleadings is proper when there is either a “lack of cognizable legal theory” or the “absence of sufficient facts alleged under a cognizable legal theory”).

Defendants argue further that judgment on the pleadings should be granted on Plaintiff’s second claim against the County because there is no affirmative link between the actions of Vega and Stangeland and any alleged policy of the County, or, stated differently, because Plaintiff alleges no specific facts that Vega and Stangeland used force against Plaintiff pursuant to any policies, practices, and customs of the LASD as set forth by an official policy maker. *See* Motion at 23-24. Under the applicable substantive standard, municipal liability in a Section 1983 case may be premised upon: (1) an official policy; (2) a “longstanding practice or custom which

---

Complaint and all that it says is that “At some point Defendant LASD Sergeant Dennis Stangeland joined them. He asked more questions, such as whether Plaintiff is attracted to females.” *See* Complaint ¶ 26. That does not provide a basis for a finding of any liability as to that defendant.

constitutes the standard operating procedure of the local government entity;” (3) the act of an “official whose acts fairly represent official policy such that the challenged action constituted official policy”; or (4) where “an official with final policy-making authority delegated that authority to, or ratified the decision of, a subordinate.” *Price v. Sery*, 513 F.3d 962, 966 (9th Cir. 2008). Plaintiff responds that he has set forth detailed allegations that are sufficient as a matter of law to plead a claim for entity liability. *See* Opposition at 13-14 (citing Complaint ¶¶ 38-39). Defendants, in their reply, then assert that Plaintiff has not *specifically identified* municipal policy or custom that caused Plaintiff’s injury. *See* Reply at 19-21.

Defendants are mistaken on the facts: Plaintiff specifically identifies seven “policies, practices and customs” that are “maintained, enforced, tolerated, ratified, permitted, acquiesced in, and/or applied” by the County and the LASD. *See* Complaint ¶ 38. Plaintiff also alleges that those seven “policies, practices and customs” directly and proximately resulted in injury to Plaintiff’s constitutional rights, causing him damages. *See id.* ¶ 39. Indeed, as Plaintiff correctly points out, nothing more is required to defeat the judgment on the pleadings for the second claim of entity liability under *Monell v. New York Dep’t of Soc. Servs.*, 436 U.S. 658 (1978). Plaintiff cites to *Leatherman v. Tarrant Cty. Narcotics Intelligence & Coordination Unit*, 507 U.S. 163 (1993), a case where the U.S. Supreme Court expressly rejected the notion that Section 1983 claims alleging *Monell* liability, are subject to “heightened pleading standards.” 507 U.S. at 168; *see also id.* (“We think that it is impossible to square the ‘heightened

pleading standard' . . . with the liberal system of "notice pleading" set up by the Federal Rules. Rule 8(a)(2) requires that a complaint include only 'a short and plain statement of the claim showing that the pleader is entitled to relief.'" (citing to Fed. R. Civ. P. 8(a)(2)). *Leatherman* also approved the rule in the Ninth Circuit that "a claim of municipal liability under section 1983 is sufficient to withstand a motion to dismiss even if the claim is based on nothing more than a bare allegation that the individual officers' conduct conformed to official policy, custom, or practice." 507 U.S. at 165 (citing *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 624 (9th Cir. 1988)). Plaintiff also correctly notes that the Supreme Court indicated more recently that *Twombly* and *Iqbal* did not affect the continued validity of *Leatherman*. See *Johnson v. City of Shelby, Miss.*, 135 S. Ct. 346, 346-47 (2014). Because Plaintiff specifically sets forth policies, practices, and customs that caused him injuries – factual enhancements, when taken as true and in the light most favorable to Plaintiff, sufficient to sustain his claim for municipal liability under the applicable standard – the Court cannot conclude that Defendants clearly establish that they are entitled to judgment on the pleadings as a matter of law with respect to the second claim. See *Hal Roach Studios*, 896 F.2d at 1550.

#### **IV. Conclusion**

Based on the foregoing discussion, the Court would deny the Motion.

[Attorney information omitted]

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERENCE B. TEKOH,  
Plaintiff,

v.

COUNTY OF LOS  
ANGELES, SGT.  
DENNIS STANGELAND  
and DEPUTY CARLOS  
VEGA,

Defendants.

Case No. 16-cv-7297  
GW (SKx)

**FIRST AMENDED  
COMPLAINT FOR  
DAMAGES FOR  
VIOLATIONS OF  
CIVIL RIGHTS  
UNDER COLOR OF  
STATE LAW**

**DEMAND FOR  
JURY TRIAL**

**JURISDICTION AND VENUE**

1. This case arises under 42 U.S.C. § 1983. Accordingly, subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1343.

2. Plaintiff's claims arise out of a course of conduct involving officials of the County of Los Angeles, in the County of Los Angeles, State of California, and within this judicial district.

**PARTIES**

3. Plaintiff Terence B. Tekoh is an adult competent to prosecute an action on his own behalf. He is an immigrant from Cameroon with a green card presently residing lawfully in the United States. He intends to become a naturalized citizen.

4. At the relevant times, Defendant Dennis Stangeland was a Los Angeles Sheriff's Department (LASD) sergeant and Defendant Carlos Vega was an LASD deputy. In committing the acts alleged, each acted within the scope of his respective employment and under color of state law.

5. Defendants acted within the scope of their employment with the County of Los Angeles and the LASD, and therefore under color of California state law.

6. County of Los Angeles is no longer a defendant, but remains the first named party defendant in the caption to avoid confusion.

#### **FACTS**

7. On March 19, 2014, Plaintiff Terence Tekoh was 25 years old, a certified nurse assistant (CNA) employed by Cross Country Per Diem, a registry. For almost two years, from August 16, 2012, to March 19, 2014, Mr. Tekoh worked a full-time schedule in the MRI section of the Department of Radiology at Los Angeles County + USC Medical Center (LAC + USC), which is located on the third floor of the main inpatient tower. Plaintiff attended Los Angeles City College to secure the necessary courses for his certification as an x-ray and radiology technician. Plaintiff planned to have a long career as a health care provider specializing in radiology and other types of imaging. He was popular with co-workers, enjoyed the work and was good at it.

8. A critically ill neurology patient ("the Patient") was admitted to LAC + USC through the emergency room on March 15 and 16 with a diagnosis of intracerebral bleeding in the occiput, an aneurism or stroke. Common side effects include confusion,

disorientation, distorted memory, altered perception, blurred vision, and impaired judgment. The Patient was ultimately assigned Room 5F136, which is located in an intermediate ward on the Fifth Floor of the inpatient tower.

9. At 1:00 p.m. on March 19, 2014, the Patient's treating doctors ordered two doses of fentanyl, a powerful synthetic opioid analgesic that is similar to morphine but is 50 to 100 times more potent, and has common side effects that include confusion, abnormal thinking, hallucinations and anxiety. There was also an order for midazolam, an anti-anxiety drug and sedative that has common side effects including confusion and mood swings. The fentanyl and midazolam can have a synergistic effect, causing intensification of those side effects.

10. A hospital worker other than Plaintiff transported the Patient from the fifth floor ward to the CT section of the Radiology Department on the third floor. Doctors inserted a needle into an artery in the Patient's groin to inject contrast for a cranial angiogram. During the CT procedure the Patient experienced a serious complication, apparently a side effect of the contrast, and exhibited severe stroke-like symptoms, including left-side paralysis. The doctors rushed the Patient down the hall for an emergency brain MRI. At around 3:00 p.m., shortly after Plaintiff started work for the day, he was directed to assist with that "stat" procedure.

11. As soon as another patient already in the scanner completed an MRI, Plaintiff took that patient out, retrieved the MRI table, wheeled it into the staging area, and cleaned it for the Patient. With multiple medical workers and other patients nearby, Plaintiff pulled a curtain and saw the Patient for the

first time. She appeared heavily medicated, as she was sound asleep until the commotion woke her up. Plaintiff moved the gurney into the staging area and, with the assistance of about five other workers, moved the Patient from the gurney to the MRI table.

12. Plaintiff wheeled the Patient into the examination room that houses one of LAC + USC's three MRI scanners. There is a large glass window through which multiple doctors were anxiously watching the preparation and procedure. Plaintiff explained to the Patient that he needed to place a pulse oximeter on her finger. When he picked up her left arm, however, she pulled her hand away and asked, "Are you the only one who can do this?" Plaintiff responded, "For now," adding: "This exam is very important and I'm sure time is a factor for the doctors who have been staring at the clock waiting for you to go in." Plaintiff perceived that the Patient might be reacting due to racial prejudice. Plaintiff has had similar experiences since immigrating from Africa to the United States, and knows that such attitudes are best ignored. Plaintiff placed the pulse oximeter on the Patient's index finger and land-marked her into the MRI Scanner for a brain scan. Plaintiff waited for a few seconds so he could respond if she became claustrophobic, as patients sometimes do. She had her eyes closed as he slid her into the belly of the scanner. When she appeared to be comfortable with the procedure, Plaintiff left the exam room, shut the door, and performed other duties for the half-hour or so while the Patient was in the scanner.

13. When the exam was completed, Plaintiff returned to the exam room, pulled the table with the Patient out of the MRI Scanner, unhooked her index finger from the pulse oximeter, and wheeled her

outside to the staging area. The doctors assessed the Patient's verbal, motor, and mental ability. Again with teamwork, the Patient was moved from the MRI exam table back to the gurney. One doctor remained with the Patient pending transportation back to the ward. Plaintiff was never alone with the Patient in the MRI section, and all his interactions with the Patient were in front of multiple doctors and were directly related to the emergency MRI.

14. Plaintiff transported the Patient back to her room. Following protocol, Plaintiff wrote down the Patient's name, medical record number and location, Room 5F136, and recorded the time he left. The Patient was lethargic and seemed medicated, nodding in and out of consciousness. During the transportation, the Patient asked Plaintiff, "Do you have my underwear and stuff?" Plaintiff responded, "What are you talking about?" The Patient fell back asleep without answering. Plaintiff pushed the Patient to the elevator as a doctor walked with them. They rode the elevator together up two floors. They left the elevator together, and Plaintiff wheeled the Patient to her room, located directly across from a nursing station, with a glass door that typically stays open. The doctor observed the Patient throughout the transport.

15. At the ward, the doctor spoke to a nurse while standing in front of the Patient's room, close to the open door. Meanwhile, Plaintiff had to move the Patient from the gurney to the bed singlehandedly. Following his practice, Plaintiff explained the procedure to the Patient, who remained lethargic and barely able to stay awake. Plaintiff raised the Patient's bed to waist level and secured the gurney to the right side of the bed. Plaintiff moved to the left

side and grabbed the sheet that the Patient was laying on, placing his right hand towards her shoulder and his left hand towards her hip. Plaintiff asked the Patient to cross her arms to ease transfer, but she seemed too medicated and lethargic to cooperate. Plaintiff needed most of his strength to pull the Patient from the gurney onto the bed. During this process the sheet on top of the Patient moved, but did not come off, and she was not exposed. The Patient woke up and asked Plaintiff what he was doing, Plaintiff apologized for any difficulty moving her from the gurney to bed. She then went back to sleep.

16. As Plaintiff disengaged the gurney from the bed he noticed the Patient's belongings in a bag on the gurney, and understood why she asked about "underwear and stuff." Plaintiff completed the transfer by bringing the bed down and raising the rails for safety. He picked up the Patient's bag of belongings, placed it by her right side, and told her about it. The Patient remained covered by a sheet throughout the transfer and seemed asleep most of the time. Plaintiff left the Patient's room, squeezing past the doctor and nurse, who were still standing in the hallway directly in front of the door discussing patient care.

17. Plaintiff dropped off the chart at the nursing station and left the ward. Plaintiff was in the Patient's room, with the door open and the doctor and nurse just outside, for only a few minutes, and was occupied with his duties. At about 4:30 p.m. Plaintiff returned to the MRI Unit in Radiology and worked on other matters.

18. Sometime later that afternoon, while still in a stupor from the medications and the condition of her brain, the Patient told a nurse on the fifth floor that

she thought a hospital worker had touched her inappropriately. The nurse told her that she imagined it. The Patient was moved to a room in the ICU on the fourth floor, where the Patient told another nurse that she had been touched inappropriately, and complained that the first nurse had not acted. The Patient was agitated. The second nurse relayed her complaint to a supervisor, who then called the LASD. Neither the second nurse nor the two LAC + USC supervisors who spoke briefly to the Patient indicated that they thought anything inappropriate had happened.

19. At 7:04 p.m., an LASD dispatcher assigned the call to Defendant Carlos Vega, a deputy assigned to LAC + USC. Deputy Vega walked to the ICU, asked the nurse which patient had complained, and then spoke to the Patient, whom he assumed to be medicated and who appeared to him to be under medication. The Patient was agitated and told Deputy Vega that the nurses with whom she spoke did not believe that she had been touched inappropriately. Deputy Vega listened for a few minutes, but there is no audio recording or contemporaneous notes of what the Patient said. The contents of the conversation to which the Patient would later testify are not the same as the version of the conversation stated on Deputy Vega's initial crime report.

20. According to both the Patient and Deputy Vega, the Patient said that a hospital worker digitally penetrated her vagina for no medical purpose. The Patient did not identify the hospital worker by name, and at most gave only a general physical description. Deputy Vega said, "We'll get him." After talking with the Patient, Deputy Vega did not have probable cause

to arrest anyone. When asked by a deputy district attorney at a subsequent hearing, “At the time you initially interviewed her at that point did you think – at that point did you know that a crime or you had enough to arrest an individual for a crime?” Deputy Vega answered, “Not at all.” Plaintiff agrees.

21. Deputy Vega asked a nurse to tell him who had transported the Patient. Several hospital workers had transported the Patient that day. A nurse called the MRI section and spoke to Plaintiff, who said that he transported the Patient back to her room on the fifth floor. A nurse told Deputy Vega that Terence Tekoh from MRI had transported the Patient. That was the first time Deputy Vega heard the name.

22. Rather than checking out the Patient’s story, which would have demonstrated that she was deluded and hallucinating from the combination of her brain pathology and medications, if not fabricating deliberately, Deputy Vega immediately made arrangements through nursing supervisors to confront Plaintiff. Deputy Vega did not verify that Plaintiff was the hospital worker to whom the Patient referred. For example, Deputy Vega did not show the Patient a photograph of Plaintiff, or take Plaintiff to the Patient’s room for a field identification.

23. Deputy Vega and two nurse supervisors walked into the MRI Unit, where Plaintiff was present with coworkers. The nurse supervisors left. Deputy Vega asked “Who’s Terence,” and Plaintiff said, “I’m Terence.” Deputy Vega said, “I need to talk to you in private.” One of the co-workers pointed out the small soundproof “reading room” used by doctors to read radiology images and prepare reports free from the noise of the machines. Deputy Vega directed

Plaintiff into the reading room and shut the door, preventing coworkers from following, saying the interview was private. Plaintiff was in effect in custody and under arrest.

24. Deputy Vega did not provide Plaintiff with *Miranda* admonitions, although he had a card from which he could have read them. Deputy Vega asked Plaintiff whether he had been arrested before, and Plaintiff answered “No.” Deputy Vega asked whether Plaintiff was a citizen, and Plaintiff answered “No.” Deputy Vega asked “What did you do to the patient,” and Plaintiff asked which patient. Deputy Vega said the situation was “very, very serious” because he had Plaintiff “on video abusing a patient.” Deputy Vega accused Plaintiff of touching the Patient’s vagina during the MRI procedure. Plaintiff found the remark funny. He began laughing as he said, “Good luck with that,” and asked “Is this what this is is all about?” Plaintiff repeatedly and adamantly denied any inappropriate contact with the Patient. Plaintiff assured Deputy Vega that he would never act in such a manner, and explained that a CNA could not commit such an act before or after a brain MRI or transport without medical staff noticing.

25. Deputy Vega refused to accept Plaintiff’s denials. Instead, he became more accusatory and verbally abusive. Deputy Vega accused Plaintiff of touching the Patient’s vagina, and made crude comments, such as “What were you going to do, lick it?” Plaintiff told Deputy Vega, “Whoever you have on that video will never be me, and by the way if you have me on video then what else do you want from me? What are you still doing here with me? Isn’t that more than enough evidence you need to arrest me?” Deputy Vega lost his composure. He told Plaintiff to

“shut the fuck up,” and then asked, rhetorically, “Did you just laugh at me? Am I a laughing stock? Is the patient upstairs that you assaulted a laughing stock? Oh you think it’s funny? You trying to be smart with me?”

26. Plaintiff apologized for laughing, but explained why he thought the situation ridiculous. There were more fruitless exchanges back and forth, during which Plaintiff kept trying to explain what he did, with Deputy Vega repeatedly cutting him off and accusing him of sexual assault. Deputy Vega again seemed to shift character, virtually yelling, “You look guilty and I don’t know why I’m still here wasting precious time with your black ass. I’m going to put your black ass where it belongs.” Plaintiff demanded, “Let me out of this room now!” Deputy Vega gave Plaintiff a hard stare and said he was not free to leave until he admitted what he did to the Patient. Plaintiff said that he needed to speak to a supervisor or a lawyer and walked to the door to leave the room. Deputy Vega cut him off, literally standing on Plaintiff’s toes, their faces just inches apart. With his hand on his firearm, Deputy Vega threatened, “Mr. Jungle Nigga trying to be smart with me, you make any funny move you’ll regret it. You must do as I say now. I’m about to hand you over to deportation, Boy, and your entire family will be rounded up and sent back to the jungle. Trust me I have the power to do it.”

27. The situation no longer amused Plaintiff. He was terrified for his own safety and that of his family members, who reside in the United States as immigrants, many with work permits that make them vulnerable to the collateral consequences of law enforcement actions. Plaintiff grew up as an

oppressed minority in a despotic dictatorship where no one can challenge governmental authority. Police repression of his English-speaking minority was among the reasons he immigrated.

28. Deputy Vega sat Plaintiff down in a chair, took a piece of paper from the copying machine and handed it to Plaintiff with a pen from his breast pocket. Deputy Vega threatened, "You're going to write down what the patient said you did since you seem to have memory loss now. We're going to do it my way now." Plaintiff reasoned that he should do what Deputy Vega demanded for his own immediate safety, as well as for the long term safety of his family members because the many witnesses and the physical evidence, including video and DNA, would exonerate him, and the confession would be exposed as phony.

29. Deputy Vega dictated to Plaintiff what he was to write. Plaintiff felt he had no choice. Plaintiff wrote out the false, somewhat incriminating statement dictated to him by Deputy Vega, writing that he "first saw her vagina accidentally," and "decided to go further by . . . spreading her vagina lip for a quick view." Nothing of the sort happened, as Plaintiff had told Deputy Vega repeatedly.

30. Before Plaintiff finished writing down the statement being dictated to him, Deputy Vega told him to stop. Deputy Vega stepped outside the room and summoned his supervisor, Defendant LASD Sergeant Dennis Stangeland. Although Sgt. Stangeland was in his office and had a video recorder, there was no attempt made to bring the recording device. Deputy Vega then came back into the reading room and continued dictating the statement to Plaintiff. Around the time Plaintiff finished writing

out the statement, Sgt. Stangeland opened the door, walked into the reading room, shut the door behind him, and had a brief conversation with Deputy Vega. Sgt. Stangeland could see that Plaintiff was in custody being interrogated about an alleged sexual assault, and that he was writing out a supposed confession. Sgt. Stangeland correctly assumed that Plaintiff had not been given *Miranda* admonitions.

31. Without first giving Plaintiff *Miranda* admonitions, Sgt. Stangeland asked Plaintiff, "Why did you do it?" Plaintiff responded, "I didn't do anything."

32. Sgt. Stangeland asked whether Plaintiff is attracted to females, and he responded, "Yes." Sgt. Stangeland asked whether Plaintiff became aroused when he touched the Patient. Plaintiff was stunned speechless that the supervisor would not accept his denial. Plaintiff just shook his head, as he could not answer Sgt. Stangeland's loaded question without admitting to something that he did not do. Sgt. Stangeland and Deputy Vega decided to arrest Plaintiff for violating Cal. Penal Code § 289(d), sexual penetration by a foreign object. After about five minutes in the room, Sgt. Stangeland left, and summoned a deputy named Carrillo to transport Plaintiff to a station jail. Sgt. Stangeland instructed Deputy Vega to notify the LASD "Special Victims Bureau" (SVB), but Deputy Vega failed to do so until two-and-a-half hours later.

33. Plaintiff asked Deputy Vega for permission to return to work. Deputy Vega said, "Nope," and yanked Plaintiff's employee badge off of him as Deputy Carillo came into the reading room. Deputy Vega then handcuffed Plaintiff and told him he was under arrest. Plaintiff was led out of the reading

room after having spent at least one hour in custody. Deputy Carrillo drove Plaintiff to the LASD's East Los Angeles station jail, where he was booked. Plaintiff's bail was set at \$100,000. By failing to notify SVB, as directed, and by sending Plaintiff to jail, rather than to a facility for forensic testing, Deputy Vega lost the exculpatory evidence on Plaintiff's hands that would have demonstrated he did not digitally penetrate the Patient's vagina.

34. Deputy Vega returned to the Patient. Although she had never confirmed to Deputy Vega that Plaintiff was actually the same person that she claimed assaulted her, Deputy Vega told her that her assailant had been arrested, and that he had confessed to masturbating while touching her vagina.

35. Deputy Vega then drove to the office of his watch commander, Lt. Stanley, where he submitted, under oath, a false declaration that stated as probable cause for the arrest: "The suspect admitted to spreading the victim's legs and penetrating the victim's vagina with his fingers." There is no mention of any statement by the Patient in connection with probable cause for Plaintiff's arrest.

36. Deputy Vega returned to his office at LAC + USC, where he drafted a false and incomplete initial crime report. According to Deputy Vega's report, the Patient "said she was transported by S/Tekoh from the forth [*sic*] floor of the inpatient tower to the third floor of the Inpatient Tower to the MRI section of the hospital." The Patient denies making that statement. Moreover another health worker moved the Patient from the *fifth* floor to the CT section on the third floor, and then her team of doctors and others moved her from the CT section to the MRI section after her

apparent stroke. Plaintiff first saw her in the MRI section.

37. The report continues: the Patient “said that when they arrived in the [MRI exam] room she was left by herself with S/Tekoh. [The Patient] closed her eyes and [*sic*] order to rest while her procedure began. [The Patient] said that within five minutes she saw S/Tekoh lift her bed sheet and uncover her. . . . S/Tekoh spread her vagina open. S/Tekoh held the left side of her vagina open with his left hand. S/Tekoh then placed his right hand finger’s [*sic*] in the victim’s vagina.” The Patient denies telling Deputy Vega that the assault happened in that location at that time. Even were the Patient technically “by herself” with Plaintiff in the MRI exam room, there were multiple doctors and technicians watching through a large glass window. There is no possibility that Plaintiff could have committed such an act in the exam room before, during, or after the MRI. The report states, “The victim recognized the suspect from previous transports.” The Patient denies making that statement. It is also factually incorrect.

38. Deputy Vega’s initial report describes the interrogation in terms not only the polar opposite of Plaintiff’s, but also not matching the subsequent testimony of Sgt. Stangeland and Deputy Vega. The report falsely states that Sgt. Stangeland and Deputy Vega were together when they contacted Plaintiff. The report falsely quotes Plaintiff as saying that he transported the Patient “from the forth [*sic*] floor room (4C120) to the third floor room (3D328)” – located in the Radiology Department – and “waited for the doctor to leave before he touched her.” The report falsely states that after this purported admission, Plaintiff was asked to write a confession.

39. Plaintiff's family rallied to his support, loaning Plaintiff the \$10,000 premium needed to bail him out the next morning. The arrest, including Plaintiff's mug shot, was widely televised in Los Angeles, to the mortification of Plaintiff and his family. Plaintiff received multiple calls from friends and co-workers who saw the story on the television news and expressed their disbelief.

40. Because of the publicity, some other person accused Plaintiff of victimizing her in the hospital. That resulted in another charge being filed and the doubling of bail, which costs Plaintiff another \$10,000. Preliminary investigation, which should have taken place before the charges were filed, however, established that this second supposed victim was in LAC + USC two years before Plaintiff began working there and could not have been a victim.

41. The subsequent SVB investigation confirmed that the Patient made the initial report while in a state of severe confusion due to heavy medications and an emergent brain abnormality. It is not uncommon for patients in such a state to have vivid delusions and hallucinations, to imagine things that did not happen, and to misconstrue or misinterpret actions of medical providers. They not infrequently cling to irrational beliefs despite overwhelming evidence to the contrary. Deputy Vega, however, reinforced the Patient's delusions, and focused them on Plaintiff, by telling her that Plaintiff admitted to the sexual assault, and to masturbating while it was in progress. No witnesses corroborated the Patient's delusional accusation. To the contrary, each spoke about Plaintiff positively and explained that the assault could not have happened as the Patient

described because there were too many people around. The sole corroboration was the *Miranda*-less, coerced confession.

42. Plaintiff had to wear an ankle bracelet as a condition of bail as the criminal case dragged on for almost two years, costing Plaintiff tens of thousands of dollars for bail renewal, bracelet rental, investigators, experts and attorneys' fees. There were so many appearances and so much stress that Plaintiff was unable to work.

43. In the midst of the first trial during the Summer of 2015, a prosecution witness revealed that a testable amount of male DNA had been recovered from the Patient's vagina and had not been tested. A mistrial was declared and the DNA tested against Plaintiff, who was excluded as the donor. (The Patient later testified to having sex with her boyfriend shortly before her hospitalization.) The case finally went to trial during February 2016. On March 1, the jury acquitted Plaintiff after brief deliberations. The jurors met with Plaintiff after rendering the verdict and advised him to sue Defendants. This lawsuit follows.

### **DAMAGES**

44. As a direct and proximate result of the acts, omissions and decisions of Defendants, Plaintiff had a despicable criminal charge hanging over him for almost two years. He suffered and will continue to suffer great mental and physical pain, major depression, constant suffering, anguish, fright, nervousness, anxiety, shock, humiliation, indignity, embarrassment, harm to reputation, and apprehension, which have caused Plaintiff to sustain general damages in a sum to be determined at trial.

45. As a further direct and proximate result of the acts, omissions and decisions of Defendants, Plaintiff suffered past and will suffer future losses of income, as he is not mentally or emotionally able to continue his career in the health care field and will have to pursue less lucrative and more ill-fitted employment opportunities. Plaintiff has incurred legal expenses defending the criminal case, all of which have caused Plaintiff to sustain special damages in a sum to be determined at trial.

46. Defendants acted outside the scope of their jurisdiction and without authorization of law, and separately and in concert. The aforementioned acts of the defendants, and each of them, was willful, wanton, malicious and oppressive, with reckless disregard or with deliberate indifference and with the intent to deprive Plaintiff of his constitutional rights and privileges, and did in fact violate the aforementioned rights and privileges, entitling Plaintiff to exemplary and punitive damages in an amount to be proven at the trial of this matter.

**FIRST CLAIM FOR RELIEF**  
**DEPRIVATION OF CIVIL RIGHTS –**  
**42 U.S.C. § 1983**

(Fourth, Fifth and Fourteenth Amendments)  
(Against Defendant Carlos Vega)

47. Defendant Carlos Vega, while acting under color of law, deprived Plaintiff of rights secured by the Fourth, Fifth and Fourteenth Amendments in each of the following respects:

(a) By directing Plaintiff into a small (10' by 10'), windowless room, shutting the door, confronting Plaintiff with supposed evidence of guilt, denying his request to speak to a supervisor

or lawyer, preventing him from leaving, threatening him with violence and deportation, and other acts, including those alleged above, and by so imprisoning Plaintiff for approximately one hour, Defendant Vega de facto arrested Plaintiff. Because he had no probable cause for the de facto arrest, the detention violated the Fourth Amendment.

(b) Defendant Vega subjected Plaintiff, while in custody for Fifth-Amendment purposes, to a coercive and illegal interrogation, in violation of *Miranda*, generating an involuntary and false confession, which caused Plaintiff to be prosecuted for a sexual assault that he did not commit, an independent violation of the Fifth Amendment, and proximately causing all the damages alleged above.

(c) After coercing an illegal and false confession from Plaintiff, Deputy Vega arrested Plaintiff without probable cause, in violation of the Fourth Amendment, proximately causing his prosecution and all the damages alleged above.

(d) By not sending Plaintiff for forensic testing of his hands, and by falsely telling the Patient that Plaintiff confessed to masturbating while touching her vagina, Deputy Vega so compromised evidence in the criminal investigation and prosecution as to deny Plaintiff due process as guaranteed by the Fourteenth Amendment, proximately causing Plaintiff's prosecution and all the damages alleged above.

(e) Defendant Vega filed a deliberately false declaration of probable cause and a deliberately false, misleading and incomplete initial crime

report, and based thereon testified falsely about the statements made by the Patient, the identification of Plaintiff as a possible suspect, and the circumstances of the coerced, involuntary and false confession of Plaintiff. The declaration, the initial report, and the related testimony caused Plaintiff to be deprived of substantive and procedural due process guaranteed by the Fourteenth Amendment, proximately causing his prosecution and all the damages alleged above.

**SECOND CLAIM FOR RELIEF**  
**DEPRIVATION OF CIVIL RIGHTS –**  
**42 U.S.C. § 1983**

(Fourth, Fifth and Fourteenth Amendments)  
(Against Defendant Dennis Stangeland)

48. Defendant Dennis Stangeland, while acting under color of law, deprived Plaintiff of rights secured by the Fourth, Fifth and Fourteenth Amendments in each of the following respects:

(a) Defendant Stangeland, in concert with Deputy Vega, subjected Plaintiff, while in custody for Fifth-Amendment purposes, to a coercive and illegal interrogation, in violation of *Miranda*, generating an involuntary and false confession, which caused Plaintiff to be prosecuted for a sexual assault that he did not commit, a violation of the Fifth Amendment that proximately caused all the damages alleged above.

(b) After the illegal and false confession was coerced from Plaintiff, Sgt. Stangeland authorized Deputy Vega to arrest Plaintiff without probable cause, in violation of the Fourth Amendment, proximately causing his prosecution and all the damages alleged above.

(c) Defendant Stangeland filed a deliberately false, misleading and incomplete supplemental report. The supplemental report omits the fact that Plaintiff was in custody and had not been provided *Miranda* admonitions when questioned in his presence. Sgt. Stangeland's report omits Plaintiff's denial of the accusation that he touched the Patient inappropriately. Sgt. Stangeland's report falsely states that Plaintiff admitted in his presence to touching the Patient's vagina. Sgt. Stangeland's report falsely states that Plaintiff told him that he became sexually aroused when he touched the Patient. Sgt. Stangeland's false, misleading and incomplete supplemental report caused Plaintiff to be deprived of substantive and procedural due process guaranteed by the Fourteenth Amendment, proximately causing his prosecution and all the damages alleged above.

49. Sgt. Stangeland was Deputy Vega's direct supervisor, and had the opportunity and ability to intervene and prevent Deputy Vega's violations of Plaintiff's constitutional rights. Sgt. Stangeland knowingly refused to terminate a series of acts by his subordinate Deputy Vega that he knew or reasonably should have known would cause Deputy Vega to deprive Plaintiff of his Fourth-, Fifth- and Fourteenth-Amendment rights.

50. Sgt. Stangeland knew that Deputy Vega was engaging in these acts and knew or reasonably should have known that Deputy Vega's conduct would deprive Plaintiff of his Fourth-, Fifth- and Fourteenth-Amendment rights and failed to act to prevent his subordinate from engaging in such conduct.

51. Sgt. Stangeland engaged in conduct that showed a reckless or callous indifference to the deprivation by Deputy Vega of Plaintiff's Fourth-, Fifth- and Fourteenth-Amendment rights, and his conduct was so closely related to the deprivation of Plaintiff's rights as to be the moving force that caused the ultimate injury.

**PRAYER**

WHEREFORE, Plaintiff requests relief as follows, and according to proof, against each Defendant:

1. General and compensatory damages in an amount according to proof;
2. Special damages in an amount according to proof;
3. Exemplary and punitive damages against each Defendant in an amount according to proof;
4. Costs of suit, including attorneys' fees, under 42 U.S.C. § 1988; and,
5. Such other relief as may be warranted or as is just and proper.

Dated: June 4, 2017 THE LAW OFFICES OF JOHN  
BURTON CAVALLUZZI &  
CAVALLUZZI

By: /s/ John Burton  
John Burton  
Attorneys for Plaintiff

JA-152

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury.

Dated: June 4, 2017 THE LAW OFFICES OF JOHN  
BURTON CAVALLUZZI &  
CAVALLUZZI

By: /s/ John Burton  
John Burton  
Attorneys for Plaintiff

[Attorney information omitted]

**Public Entity  
Exempt from Filing Fee**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERENCE B. TEKOH,	)	Case No.: 16-CV-
Plaintiff,	)	7297 GW (SKx)
vs.	)	
COUNTY OF LOS	)	<b>DECLARATION</b>
ANGELES, a municipal	)	<b>OF DEPUTY</b>
entity, DEPUTY CARLOS	)	<b>DISTRICT</b>
VEGA, an individual and	)	<b>ATTORNEY</b>
DOES 1 through 10,	)	<b>JANE</b>
inclusive,	)	<b>CREIGHTON IN</b>
Defendants.	)	<b>SUPPORT OF</b>
	)	<b>DEFENDANTS'</b>
	)	<b>MOTION FOR</b>
	)	<b>SUMMARY</b>
	)	<b>JUDGMENT/</b>
	)	<b>ADJUDICATION</b>
	)	

---

**DECLARATION OF DEPUTY DISTRICT  
ATTORNEY JANE CREIGHTON**

**I, JANE CREIGHTON, DO HEREBY DECLARE:**

1. The statements contained in this declaration are made of my own personal knowledge, except as to those statements expressly stated to be made on information and belief. If called to testify as a witness, I could and would testify to the facts set forth herein below.

2. I am a Los Angeles County Deputy District Attorney in the specialized Sex Crime division. I have served as a deputy district for 20 years. I have prosecuted hundreds of people suspected of crimes and prosecuted over 75 jury trials. I have been specially assigned to the Sex Crimes Division for six years and I am currently the Deputy District Attorney in charge of the Human Sex Trafficking Section. I have successfully prosecuted individuals who are charged with various sex related crimes against both children and adults.

3. I was the district attorney responsible for prosecuting Plaintiff Terence B. Tekoh in the criminal matter stemming from allegations of sexual assault against Ms. Sylvia Lemus on March 19, 2014, while Ms. Lemus was a patient at Los Angeles County-USC Hospital.

4. My investigation consisted, among many other things, interviewing Ms. Lemus and meeting with the Los Angeles Sheriff's Department's Special Victims Bureau in reviewing evidence related to the investigation. During my interview of Ms. Lemus, Ms. Lemus appeared genuinely upset, coherent, clear, convincing, and described her sexual assault to me and the suspect in vivid detail. During my interview, I did not observe any behavior by Ms. Lemus nor had any information at the time of her interview that led me to believe Ms. Lemus was being untruthful about her allegations.

5. My review of the evidence revealed, among other things, the following facts: On March 19, 2014, Ms. Lemus was a patient at Los Angeles County-USC Hospital. On March 19, 2014, Ms. Lemus reported to hospital staff that she was sexually assaulted by a hospital employee. Deputy Carlos Vega ("Deputy

Vega”) responded to the nurse supervisor’s call for service and interviewed Ms. Lemus. Ms. Lemus told Deputy Vega that she was sexually assaulted by a young/mid-20s, African-American male hospital employee who transported her inside the hospital around the time of her MRI. Deputy Vega was informed by hospital staff that Plaintiff Tekoh was the person who transported Ms. Lemus around the time Ms. Lemus’ indicated the sexual assault took place. Deputy Vega encountered Plaintiff Tekoh, and observed Plaintiff to be a young, African-American male hospital employee in his mid-20s. Plaintiff Tekoh identified himself as the person who transported Ms. Lemus around the time Ms. Lemus claimed Ms. Lemus was assaulted. Deputy Vega detained Plaintiff Tekoh pending further investigation, which resulted in Mr. Tekoh’s arrest. Based upon the aforementioned evidence among others, my training and experience and using my own independent prosecutorial judgment, I formed the belief that Deputy Vega and Sgt. Stangeland had probable cause to arrest Mr. Tekoh, drafted and submitted a felony complaint, a true and correct copy of which is attached hereto.

6. As a career criminal prosecutor who has interacted with thousands of police officers, deputies and detectives in hundreds of cases, any reasonable officer would have detained or arrested Mr. Tekoh under those circumstances. In my opinion, it would be contrary to assert otherwise. The fact that Ms. Lemus, as a patient unfamiliar with the hospital, may not have recalled which specific room the assault occurred and/or may have had some medication at some point is irrelevant and a red-herring in light of the totality of the circumstances.

7. Regarding the circumstances of Mr. Tekoh's detention/confession and based upon the aforementioned evidence, my extensive training and experience and using my own independent prosecutorial judgment, I also formed the belief that Mr. Tekoh was briefly detained during his questioning by Deputy Vega and Sgt. Stangeland and not under arrest nor "in custody" for purposes of Miranda. My assessment was supported by two different Los Angeles County Superior Court Judges. Mr. Tekoh (through his attorney) brought a Penal Code § 1538 motion to suppress his statements based in part on the fact that he was not mirandized prior to giving his statements. During both hearings the court concluded that defendant was not under arrest at the time of the statements so no advisement was warranted.

8. Custody and interrogation must both exist before the Miranda warning is necessary. In the absence of formal arrest or equivalent restraints, Miranda custody does not exist. Generally, and based on my experience, custody means a formal arrest or based on the totality of the circumstances, its equivalent. It is objectively determined by the totality of circumstances. People are generally in custody for Miranda purposes when they have been: Actually placed under arrest, or subjected to the kinds of restraints associated with a formal arrest ( e.g., handcuffs, guns, lockups, etc.). During the first criminal trial, after the evidentiary hearing regarding the confession, it was determined by the Honorable Judge Henry J. Hall that Mr. Tekoh was not "in custody" for purposes of Miranda and that Mr. Tekoh's confession was admissible accordingly. After the first trial commenced, a mistrial was declared

because there was additional discovery which the defense wanted an opportunity to review. In the second trial before the Honorable Judge Craig E. Veals, Mr. Tekoh brought another motion to suppress his confession based upon the same grounds as in the first trial. The motion was again denied and the confession ruled admissible.

9. After Plaintiff's arrest, a preliminary hearing was conducted on September 4, 2014, before the Honorable Shelly Torrealba. During the preliminary hearing, Ms. Lemus and Deputy Vega were the only witnesses called to testify. Both were subject to direct and cross examination by Mr. Tekoh's criminal defense attorney and myself. At the conclusion of the preliminary hearing, Judge Torrealba held that based on the evidence presented that the offenses set forth in the complaint were committed and that there was sufficient cause to believe the defendant guilty thereof. It should be noted that Judge Torrealba did not rely on the defendant's written statement in her decision.

10. There was no force, no pointing of weapons, physical violence or threat of physical violence. Based on my experience and review of the evidence, there was no objective evidence that Mr. Tekoh was subjected to coercive interrogation in violation of his rights, nor was there any such determination during the criminal trial. In fact, during the trial Mr. Tekoh utilized a "false confession expert" who had to admit that many of the factors which are present to indicate a false confession were not present in Mr. Tekoh's case.

11. Having reviewed all of the evidence, which includes but is not limited to, interviewing Ms. Lemus in person, interviewing the nurse that Ms. Lemus

first told of the sexual assault, interviewing Ms. Lemus' primary physician, reviewing all the law enforcement records and all of Ms. Lemus' medical records, conducting the preliminary hearing, conducting both motions to suppress evidence and conducting the trial, and based on my extensive experience and training, it is my opinion and independent judgment that there was no objective evidence suggesting that anything was deliberately false or fabricated in reckless disregard of the truth.

12. In my experience, it is rare that a report will be one hundred percent error free. I am of the belief that everything in life is subject to basic human error, of which law-enforcement officers are no exception. There were some inaccuracies by Vega in the written reports/probable cause declaration, i.e. what he may have attributed to the victim as statements, etc. When these inaccuracies were pointed out to Vega during the criminal trial, he was forthcoming, reasonably explained them and did nothing to hide or cover them. Despite the aforementioned inaccuracies, the totality of the *undisputed* circumstances between Ms. Lemus, Sgt. Vega, Sgt. Stangeland and Plaintiff Tekoh's testimony show that any reasonable officer would have reasonably believed Sgt. Vega had reasonable suspicion to detain and probable cause to arrest Plaintiff under the totality of the circumstances regardless of Plaintiff Tekoh's claimed denial or confession.

13. It is well known that the criminal "beyond a reasonable doubt" standard is the highest existing legal standard, and far different than the "preponderance of the evidence" standard. It is also my experience that jurors may or may not return a criminal conviction for any number of reasons valid or

invalid. Further, significant happenings long after the arrest and beyond the control or influence of Deputy Vega and Sgt. Stangeland, including the coming forward of another alleged victim that was later determined to be false and DNA testing among other things, ultimately contributed to the jurors decision not to convict Mr. Tekoh. Failure to convict does not mean innocent, nor does it mean that there was no probable cause to arrest.

14. Based on my extensive experience, training and expertise in the field of criminal prosecution for sex crimes, the mere fact that Mr. Tekoh was acquitted years later after significant further exhaustive investigation and other happenings long after the arrest and beyond the control or influence of Deputy Vega and Sgt. Stangeland, does not have any bearing on whether or not Defendants had reasonable suspicion to detain and probable cause to arrest Mr. Tekoh.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of June 2017, at Los Angeles, California.

*s/ Jane Creighton*

\_\_\_\_\_  
DDA Jane Creighton, Declarant

[Attorney information Exempt from Filing Fee  
omitted] Public Entity

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERENCE B.	)	Case No.: 16-CV-7297-
TEKOH,	)	GW (SKx)
	)	
Plaintiff,	)	<b>STATEMENT OF</b>
	)	<b>UNCONTROVERTED</b>
vs.	)	<b>FACTS AND</b>
	)	<b>CONCLUSIONS OF</b>
	)	<b>LAW IN SUPPORT</b>
COUNTY OF LOS	)	<b>OF DEFENDANTS'</b>
ANGELES, a	)	<b>MOTION AND</b>
municipal entity,	)	<b>MOTION FOR</b>
DEPUTY CARLOS	)	<b>SUMMARY</b>
VEGA, an individual	)	<b>JUDGMENT</b>
and DOES 1 through	)	<b>[Fed. R. Civ. P. 56 (a),</b>
10, inclusive	)	<b>(c)]</b>
	)	
Defendants.	)	<i>[Filed concurrently with</i>
	)	<i>Defendants' Motion for</i>
	)	<i>Summary Judgment /</i>
	)	<i>Adjudication;</i>
	)	<i>Defendants' Proposed</i>
	)	<i>Order; Defendants'</i>
	)	<i>Request For Judicial</i>
	)	<i>Notice In Support of</i>
	)	<i>Defendants' Motion For</i>
	)	<i>Summary Judgment /</i>
	)	<i>Adjudication; Proposed</i>
	)	<i>Order Re: Defendants'</i>
	)	<i>Request for Judicial</i>
	)	<i>Notice]</i>

---

JA-161

) Date: August 3, 2017  
) Time: 8:30 a.m.  
) Ctrm: 9D  
) Complaint Filed:  
) October 25, 2016  
)  
\_\_\_\_\_ )

**TO THE HONORABLE COURT, PLAINTIFF  
AND HIS ATTORNEYS OF RECORD HEREIN**

Pursuant to Central District California Rule 56-1, PLEASE TAKE NOTICE that Defendants County of Los Angeles, et al. respectfully submits the following Statement of Uncontroverted Facts and Conclusions of Law in support of their Motion for Summary Judgment/ Adjudication.

Dated: June 29, 2017

**IVIE, McNEILL & WYATT**

By: /s/ Antonio K. Kizzie  
**RICKEY IVIE**  
**ANTONIO K. KIZZIE**  
Attorneys for Defendants  
County of Los Angeles, et al.

**I.**

**UNCONTROVERTED FACTS**

<b>No.</b>	<b><u>Moving Party's Uncontroverted Facts</u></b>	<b><u>Supporting Evidence</u></b>
------------	---	---------------------------------------

<b>A. DEFENDANTS HAD REASONABLE SUSPICION TO DETAIN AND PROBABLE CAUSE TO ARREST PLAINTIFF/ DEFENDANTS ARE ENTITLED TO QUALIFIED IMMUNITY</b>		
<b>1.</b>	On March 19, 2014, Sylvia Lemus was a patient at Los Angeles County-USC Hospital.	<b>Exh. B</b> – Sylvia Lemus’ Depo. pg. 9/ln. 9-12
<b>2.</b>	On March 19, 2014 Sylvia Lemus reported to two nurses and two nurse supervisors that she was sexually assaulted by a hospital employee.	<b>Exh. A</b> – Plaintiff’s Original Complaint (Dkt. 1) ¶ 17 <b>Exh. B</b> – Sylvia Lemus’s Depo. pg. 10/17-23, 11/7-22 <b>Exh. C</b> – Deputy Vega’s Depo. pg. 67/14-16; 68/6-16; 70/4-15; 73/11-21 <b>Exh. G</b> – Tekoh Depo. pg. 106/22-25, 107/3-6, 262/4-21 <b>Exh. H</b> – Plaintiff’s FAC (Dkt. 37) ¶ 18
<b>3.</b>	Defendant Deputy Carlos Vega (“Deputy Vega”) responded to the nurse supervisor’s call for service and	<b>Exh. A</b> – Plaintiff’s Original Complaint (Dkt. 1) ¶ 17

	interviewed Sylvia Lemus.	<p><b>Exh. B</b> – Sylvia Lemus’s Depo. pg. 12/ ln. 25, pg. 13/1-3</p> <p><b>Exh. C</b>- Deputy Vega’s Depo. pg. 71/1-5, 82/16-24</p> <p><b>Exh. D- Sgt. Stangeland</b> Depo. pg. 28/16-25</p> <p><b>Exh. H</b>- Plaintiff’s FAC (Dkt. 37) ¶ 19</p>
4.	Sylvia Lemus told Deputy Vega that she was sexually assaulted by a thin, young/mid-20s, African-American male hospital employee who transported her inside the hospital around the time of her MRI.	<p><b>Exh. A</b>- Plaintiff’s Original Complaint (Dkt. 1) ¶ 19</p> <p><b>Exh. B</b> – Sylvia Lemus’s Depo. pg. 14/12-25, pg. 15/1-2, pg. 16/22-25, pg. 17/1</p> <p><b>Exh. C</b>- Deputy Vega’s Depo. pg. 259/5-23</p> <p><b>Exh. H</b>- Plaintiff’s FAC (Dkt. 37) ¶ 19</p>
5.	Sylvia Lemus appeared upset, awake, coherent, and clear and described	<p><b>Exh. B</b> – Sylvia Lemus’s Depo.pg. 13/10-24, 16/12-15</p>

	her sexual assault to Deputy Vega in vivid detail.	<b>Exh. C-</b> Deputy Vega's Depo. pg. 82/16-24, 83/5-9, 77/2-6 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 5
6.	Sylvia Lemus told Deputy Vega that the hospital employee suspect unlawfully fondled, fingered and touched Sylvia Lemus's vagina.	<b>Exh. B</b> – Sylvia Lemus's Depo. pg. 14/12-15 <b>Exh. C-</b> Deputy Vega's Depo. pg. 217/6-25, 218/1-4 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 6
7.	Deputy Vega knew no specifics about Sylvia Lemus's medical history nor observed any behavior by Sylvia Lemus that led him to believe Sylvia Lemus was being untruthful.	<b>Exh. B.</b> Sylvia Lemus's Depo. pg. 133/4-9 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 5 <b>Exh. G-</b> Pltf. Tekoh Depo. pg. 209/2-20
8.	Sgt. Dennis Stangeland ("Sgt. Stangeland") knew no specifics about Sylvia Lemus's medical history nor was informed of any behavior by Sylvia Lemus that led him to believe Sylvia Lemus was being untruthful.	<b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 5 <b>Exh. G-</b> Pltf. Tekoh Depo. pg. 209/2-20

<p><b>9.</b></p>	<p>Deputy Vega was informed by hospital staff that Plaintiff Terence B. Tekoh was the person who transported Sylvia Lemus around the time Sylvia Lemus indicated the sexual assault took place</p>	<p><b>Exh. C- Deputy Vega's Depo.</b> pg.110/18-25, 111/1-20  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 7  <b>Exh. G-</b> Tekoh Depo. pg. 74/2-4</p>
<p><b>10.</b></p>	<p>Plaintiff admits the only other person who would have transported Ms. Lemus around that time would have been a Ms. Yolanda Quevado, a female Hispanic.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 64/6-19, 68/10-15</p>
<p><b>11.</b></p>	<p>Deputy Vega encountered Plaintiff Tekoh and observed Plaintiff to be a young, thin, African-American male hospital employee in his mid-20s.</p>	<p><b>Exh. C- Deputy Vega's Depo. pg.</b> 126/19-25  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 8</p>
<p><b>12.</b></p>	<p>Plaintiff Tekoh identified himself as the person who transported Sylvia Lemus around the time Sylvia Lemus</p>	<p><b>Exh. C-</b> Deputy Vega's Depo. pg. 260/9-11  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 8</p>

	claimed Sylvia Lemus was assaulted.	<b>Exh. G-</b> Tekoh Depo. pg. 94/4-8, 95/16-25
<b>13.</b>	Defendant Vega decided to detain Plaintiff Tekoh pending further investigation.	<b>Exhibit C [Def. Deputy Carlos Vega Depo. pg. 126/8-18], Exhibit D [Def. Deputy Vega Decl. ¶ 8]; Exhibit F [Sgt. Stangeland Decl. ¶ 8], Exhibit L [Mike Gray Decl. ¶ 6-8], Exhibit M [Jane Creighton Decl. ¶ 7-8]</b>
<b>16.</b>	In a hospital office, Plaintiff Tekoh hand-wrote a confession admitting to committing the sexual assault and expressing remorse for engaging in such conduct.	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 9 <b>Exh. G-</b> Tekoh Depo. pg. 111/15-23, 112/17-21, 195/24-25, 196/1-3 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.
<b>17.</b>	Defendants Vega and Stangeland observed Plaintiff Tekoh	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 9

	handwrite the confession.	<b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 9 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.
26.	Deputy Vega has previously investigated sexual assault cases.	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 1
27.	Even prior to Plaintiff's alleged confession, Plaintiff admits that he was nervous and shaking while denying anything appropriate with Ms. Lemus.	<b>Exh. G-</b> Tekoh Depo. pg. 116/17-24
32.	Plaintiff admits Plaintiff tried to exit, and thus felt free, to leave his detention.	<b>Exh. G-</b> Tekoh Depo. pg. 106/3-14
37.	Plaintiff was not present and does not know what Ms. Lemus told the two nurses about the assault.	<b>Exh. G-</b> Tekoh Depo. pg. 265/3-5
38.	Plaintiff was not present and does not know what Ms. Lemus told Vega about the assault.	<b>Exh. G-</b> Tekoh Depo. pg. 112/17/21

<p><b>39.</b></p>	<p>Plaintiff does not know who Vega talked to and what was told to Vega prior to Plaintiff's arrest.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 62/15-18, 142/22-25</p>
<p><b>40.</b></p>	<p>Plaintiff knew nothing about Ms. Lemus medications or mental state.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 209/24-25 pg. 210/1-2</p>
<p><b>41.</b></p>	<p>Plaintiff understood that what Plaintiff wrote was essentially admitting that Plaintiff assaulted Ms. Lemus.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 195/23-25/pg. 196/1-3</p>
<p><b>42.</b></p>	<p>Plaintiff Tekoh admits that his hand written confession says, "To whom it may concern: This is an honest and regrettable apology from me about what happened a few hours ago."</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 112/17-21 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.</p>
<p><b>43.</b></p>	<p>Plaintiff Tekoh admits that his hand written confession says, "I don't know what suddenly came over me, but that was certainly the most weakest moment I've ever been caught up with in my life."</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 112/22-25, pg. 113/1 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.</p>

<p>44.</p>	<p>Plaintiff Tekoh admits that his hand written confession says, "I've never ever found myself doing such a despicable act."</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 113/2-5  <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.</p>
<p>45.</p>	<p>Plaintiff Tekoh admits that his hand written confession says, Plaintiff "became very excited after I first saw her vagina accidentally."</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 113/6-10  <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.</p>
<p>46.</p>	<p>Plaintiff Tekoh admits that his hand written confession says, "So after dropping her off, I decided to go further by looking and spreading her vagina lip for a quick view, and then went back to my duty post with the intention of masturbating, which I never did."</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 114/1-14  <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.</p>
<p>41.</p>	<p>Plaintiff Tekoh admits that his hand written confession shows, Plaintiff Tekoh admitting to committing the sexual assault.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 195/23-25/pg. 196/1-3  <b>Exh. K-</b> Tekoh Confession Letter</p>

<p><b>47.</b></p>	<p>Plaintiff Tekoh admits that his hand written confession does not say that it was coerced and written against his will.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 127/9-12  <b>Exh. K-</b> Tekoh Confession Letter</p>
<p><b>52.</b></p>	<p>On May 18, 2017, Plaintiff withdrew his unreasonable detention claim.</p>	<p><b>Kizzie Decl.</b> ¶ 18  <b>Exh. P</b> – May 18, 2017 correspondence</p>
<p><b>53.</b></p>	<p>Plaintiff conducted no written discovery.</p>	<p><b>Kizzie Decl.</b> ¶ 18</p>
<p><b>57.</b></p>	<p>The facts set forth in Vega’s probable cause declaration are not meant to be the only or represent the universe of information Vega relied upon in formulating reasonable suspicion/probable cause, simply the most compelling.</p>	<p><b>Exh. C-</b> Deputy Vega’s Depo. pg. 260/12-25, pg. 261/1-11  <b>Exh. D-</b> Deputy Vega’s Decl. ¶ 11  <b>Exh. L-</b>Mike Gray Decl. ¶ 13</p>

<p><b>58.</b></p>	<p>Vega explains that the probable cause declaration is accurate as to the information known to him, but was merely negligently inaccurate in that although Plaintiff did confess to touching Ms. Lemus' vagina and denied digitally penetrating Ms. Lemus' vagina with his finger, Ms. Lemus told Vega that Plaintiff digitally penetrated her, and Vega merely mistakenly attributed Ms. Lemus's statement that Plaintiff did penetrate Ms. Lemus with his finger to Plaintiff.</p>	<p><b>Exh. C-</b> Deputy Vega's Depo. pg. 203/15-25, 204, 205/1-24  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 11  <b>Exh. L-</b> Mike Gray Decl. ¶ 13  <b>Exh. M-</b> Jane Creighton Decl. ¶ 12</p>
<p><b>59.</b></p>	<p>After reviewing the evidence and seeing no evidence of blatant fabrication, Deputy District Attorney Jane Creighton made the independent prosecutorial decision that there was reasonable suspicion to detain/ probable</p>	<p><b>Exh. M-</b> Jane Creighton Decl. ¶ 12</p>

	cause to arrest and prosecute Plaintiff Tekoh.	
<b>60.</b>	A preliminary hearing was conducted on September 4, 2014 as to the sufficiency of the evidence regarding Deputy Vega's probable cause to arrest Mr. Tekoh wherein the Honorable Judge Shelly Torrealba held that based on the evidence, which was the testimony of Deputy Vega and Ms. Lemus, there was sufficient probable cause to believe that Mr. Tekoh had committed a crime.	<b>Exh. M-</b> Jane Creighton Decl. ¶ 9 <b>Exhibit N-</b> Excerpts of the preliminary hearing transcript in the case of <i>People of California vs. Terance Bobga Tekoh</i> Case No. BA423260 held on September 4, 2014, the Honorable Judge Shelly Toreallba, pg. coverpage, master index, 1-5, 60/1-4
<b>62.</b>	Ms. Lemus identifies Mr. Tekoh as the suspect.	<b>Exh. B</b> – Exh. 21 to Sylvia Lemus's Depo. pg. 19/12-14, pg. 20, 21/1-7
<b>B. PLAINTIFF WAS NOT SUBJECTED TO A COERCIVE AND ILLEGAL INTERROGATION IN VIOLATION OF HIS 5<sup>TH</sup> AMENDMENT AND MIRANDA RIGHT; PLAINTIFF'S SUBSTANTIVE DUE PROCESS AND PROCEDURAL DUE PROCESS RIGHTS WERE NOT VIOLATED; DEFENDANTS DID</b>		

<p><b>NOT FABRICATE EVIDENCE IN VIOLATION OF PLAINTIFF'S RIGHTS; SGT. STANGELAND DID NOT ENGAGE IN CONDUCT THAT SHOWED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF'S ALLEGED CONSTITUTIONAL VIOLATIONS</b></p>		
8.	<p>Sgt. Dennis Stangeland knew no specifics about Ms. Lemus' medical history nor had any information that led Sgt. Stangeland to believe Ms. Lemus was being untruthful.</p>	<p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 5  <b>Exh. G-</b> Pltf. Tekoh Depo. pg. 209/2-20</p>
14.	<p>Sgt. Stangeland arrived and relied on the information relayed to him and known by Deputy Vega.</p>	<p><b>Exh. E-</b> Sgt. Stangeland Depo. pg. 28/16-25  <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p>
17.	<p>Defendants Vega and Stangeland observed Plaintiff write the confession.</p>	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 9  <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 9  <b>Exh. K-</b> Tekoh Confession Letter</p>
18.	<p>Plaintiff never told Stangeland that Plaintiff's confession was allegedly false and coerced by Vega,</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 133/23-25, pg. 134/1-2</p>

	nor anything at all about it.	
<b>19.</b>	Plaintiff never told Stangeland that Vega made any allegedly cursed or racial statements to Plaintiff, or stepped on Plaintiff's toes.	<b>Exh. G-</b> Tekoh Depo. pg. 134/3-7
<b>20.</b>	Defendants never punched, kicked, tasered, or pepper-sprayed Plaintiff.	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 10</p> <p><b>Exh. G-</b> Tekoh Depo. pg. 83/15-23, pg. 84/1-9</p> <p><b>Exh. I-</b> Pltf. Tekoh Resp. to Def. COLA Requests for Admission, Set One No. 56, 57, 58, 59, 60, 62</p> <p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p> <p><b>Exh. L-</b> Decl. of Mike Gray ¶ 11.</p> <p><b>Exh. M-</b> Decl. of Jane Creighton ¶ 10.</p>
<b>21.</b>	Defendants never pointed nor threatened Plaintiff with any weapon.	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 10</p> <p><b>Exh. G-</b> Tekoh Depo. pg. 83/11-</p>

		<p>14, pg. 83/24-25, pg. 84/1</p> <p><b>Exh. I-</b> Pltf. Tekoh Resp. to Def. COLA Requests for Admission, Set One No. 61, 62</p> <p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p> <p><b>Exh. L-</b> Decl. of Mike Gray ¶ 11.</p> <p><b>Exh. M-</b> Decl. of Jane Creighton ¶ 10.</p>
<b>22.</b>	<p>Plaintiff was <i>not handcuffed</i> or otherwise physically restrained during the detention until he was placed under arrest at the end.</p>	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 10</p> <p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p> <p><b>Exh. G-</b> Tekoh Depo. pg. 138/6-10</p> <p><b>Exh. L-</b> Decl. of Mike Gray ¶ 11.</p> <p><b>Exh. M-</b> Decl. of Jane Creighton ¶ 10.</p>
<b>23.</b>	<p>Sgt. Stangeland knew nothing about Plaintiff's history.</p>	<p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p>

24.	Plaintiff admits Plaintiff told Sgt. Vega nothing about Plaintiff's background in Cameroon.	<b>Exh. G-</b> Tekoh Depo. pg. 110/10-12
25.	Defendants never met Plaintiff before.	<b>Exh. G-</b> Tekoh Depo. pg. 29/15-17 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 10 <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10
26.	Deputy Vega has previously investigated sexual assault cases.	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 1
28.	Plaintiff admits Deputy Vega never physically manipulated Plaintiff's hand to make Plaintiff write the confession.	<b>Exh. G-</b> Tekoh Depo. pg. 119/19-22
29.	Plaintiff laughed at some point during his detention.	<b>Exh. G-</b> Tekoh Depo. pg. 92/17-23
30.	Plaintiff told Vega that you guys are "ridiculous."	<b>Exh. G-</b> Tekoh Depo. pg. 92/17-23
31.	Plaintiff asked Vega if he could "go back to work."	<b>Exh. G-</b> Tekoh Depo. pg. 132/15-16

32.	Plaintiff admits Plaintiff tried to exit, and thus felt free, to leave his detention.	<b>Exh. G-</b> Tekoh Depo. pg. 106/3-14
33.	When Sgt. Stangeland asked Plaintiff if he became aroused after touching Ms. Lemus, Plaintiff said nothing and shook his head.	<b>Exh. G-</b> Tekoh Depo. pg. 132/11-14
35.	Sgt. Stangeland never touched Plaintiff.	<b>Exh. G-</b> Tekoh Depo. 85/22-24
36.	Plaintiff claims the only time Vega touched him was when Vega stepped on Plaintiff's toes for 19approx.. "ten-seconds" without injury.	<b>Exh. G-</b> Tekoh Depo. pg. 85/17-21
41.	Plaintiff understood that what Plaintiff wrote was essentially admitting that Plaintiff assaulted Ms. Lemus.	<b>Exh. G-</b> Tekoh Depo. pg. 195/23-25/pg. 196/1-3
42.	Plaintiff admits his hand written confession says, "To whom it may concern: This is an honest and regrettable apology from me about what	<b>Exh. G-</b> Tekoh Depo. pg. 112/17-21 <b>Exh. K-</b> Tekoh Confession Letter

	happened a few hours ago.”	
43.	Plaintiff admits that his hand written confession says, “I don’t know what suddenly came over me, but that was certainly the most weakest moment I’ve ever been caught up with in my life.”	<b>Exh. G-</b> Tekoh Depo. pg. 112/22-25, pg. 113/1 <b>Exh. K-</b> Tekoh Confession Letter
44.	Plaintiff admits his hand written confession says, “I’ve never ever found myself doing such a despicable act.”	<b>Exh. G-</b> Tekoh Depo. pg. 113/2-5 <b>Exh. K-</b> Tekoh Confession Letter
45.	Plaintiff admits that his hand written confession says, Plaintiff “became very excited after I first saw her vagina accidentally.”	<b>Exh. G-</b> Tekoh Depo. pg. 113/6-10 <b>Exh. K-</b> Tekoh Confession Letter
46.	Plaintiff admits that his hand written confession says, “So after dropping her off, I decided to go further by looking and spreading her vagina lip for a quick view, and then went back to	<b>Exh. G-</b> Tekoh Depo. pg. 112/17-21 <b>Exh. K-</b> Tekoh Confession Letter

	my duty post with the intention of masturbating, which I never did.”	
47.	Plaintiff admits that his hand written confession only took “a few minutes” and does not say that it was coerced and written against his will.	<b>Exh. G-</b> Tekoh Depo. pg. 112/17-21 <b>Exh. K-</b> Tekoh Confession Letter
48.	Plaintiff claims Sgt. Stangeland was present for “about five minutes.”	<b>Exh. G-</b> Tekoh Depo. pg. 133/16-19
49.	In total, Plaintiff was detained, unhandcuffed for approximately thirty (30) minutes or less during the investigation before Plaintiff was arrested at the end.	<b>Exh. G-</b> Tekoh Depo. pg. 138/6-10 <b>Exh. D-</b> Deputy Vega’s Decl. ¶ 10 <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10
50.	Plaintiff’s FAC states no violation of equal protection claim.	<b>Exh. A-</b> Plaintiff’s Original Complaint (Dkt. 1) ¶ 36, 38 <b>Exh. H-</b> Pltf. FAC ¶ 47-51
51.	Plaintiff’s FAC states no excessive force claim.	<b>Exh. A-</b> Plaintiff’s Original

		Complaint (Dkt. 1) ¶ 36, 38 <b>Exh. H-</b> Pltf. FAC ¶ 47-51
<b>52.</b>	On May 18, 2017, Plaintiff withdrew his unreasonable detention claim.	<b>Kizzie Decl. ¶ 18</b> <b>Exh. P</b> – May 18, 2017 correspondence
<b>53.</b>	Plaintiff conducted no written discovery.	<b>Kizzie Decl. ¶ 18</b>
<b>55.</b>	As merely the initial primary deputy, Deputy Vega’s main duties are merely to conduct preliminary investigation of a possible crime, suspect description and possible suspect arrest.	<b>Exh. L-</b> Decl. of Mike Gray ¶ 12.
<b>56.</b>	Further forensic/exhaustive investigation, locating and interviewing of witnesses, etc. are the sole duties of the Special Victims Bureau detectives.	<b>Exh. L-</b> Decl. of Mike Gray ¶ 12
<b>57.</b>	The facts set forth in Vega’s probable cause declaration are not meant to be the <i>only or represent the universe</i>	<b>Exh. D-</b> Deputy Vega’s Decl. ¶ 11 <b>Exh. L-</b> Decl. of Mike Gray ¶ 12

	<p><i>of information</i> Vega relied upon in formulating reasonable suspicion/probable cause, simply the most compelling.</p>	
58.	<p>Vega explains that the probable cause declaration is accurate as to the information known to him, but was merely negligently inaccurate in that although Plaintiff did confess to touching Ms. Lemus' vagina and <i>denied</i> digitally penetrating Ms. Lemus' vagina with his finger, Ms. Lemus told Vega that Plaintiff digitally penetrated her, and Vega merely mistakenly attributed Ms. Lemus's statement that Plaintiff did penetrate Ms. Lemus with his finger to Plaintiff.</p>	<p><b>Exh. C-</b> Deputy Vega's Depo. pg. 203/15-25, 204, 205/1-24  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 11  <b>Exh. L-</b> Mike Gray Decl. ¶ 13  <b>Exh. M-</b> Jane Creighton Decl. ¶ 12</p>
59.	<p>After reviewing the evidence and seeing no evidence of blatant fabrication, Deputy</p>	<p><b>Exh. M-</b> Decl. of Jane Creighton ¶ 4, 5, 9, 11, 12</p>

	District Attorney Jane Creighton made the independent prosecutorial decision that there was reasonable suspicion to detain/probable cause to arrest and prosecute Plaintiff Tekoh.	
61.	During the two criminal trials, it was determined by the Honorable Judges Henry J. Hall and Craig E. Veals that Mr. Tekoh was not “in custody” for purposes of Miranda, that Mr. Tekoh’s Miranda rights were not violated, and that Mr. Tekoh’s confession was admissible accordingly.	<b>Exh. M-</b> Decl. of Jane Creighton ¶ 7, 8
<p><b>C. DEFENDANT STANGELAND DID NOT FAIL TO INTERVENE TO PREVENT A CONSTITUTIONAL VIOLATION/FAIL TO ACT TO PREVENT HIS SUBORDINATE FROM ENGAGING IN UNCONSTITUTIONAL CONDUCT</b></p>		

<p><b>1.</b></p>	<p>On March 19, 2014, Sylvia Lemus was a patient at Los Angeles County-USC Hospital.</p>	<p><b>Exh. B</b> – Sylvia Lemus’ Depo. pg. 9/ln. 9-12</p>
<p><b>2.</b></p>	<p>On March 19, 2014 Sylvia Lemus reported to two nurses and two nurse supervisors that she was sexually assaulted by a hospital employee.</p>	<p><b>Exh. A-</b> Plaintiff’s Original Complaint (Dkt. 1) ¶ 17  <b>Exh. B</b> – Sylvia Lemus’s Depo. pg. 10/17-23, 11/7-22  <b>Exh. C-</b> Deputy Vega’s Depo. pg. 67/14-16; 68/6-16; 70/4-15; 73/11-21  <b>Exh. G-</b> Tekoh Depo. pg. 106/22-25, 107/3-6, 262/4-21  <b>Exh. H-</b> Plaintiff’s FAC (Dkt. 37) ¶ 18</p>
<p><b>3.</b></p>	<p>Defendant Deputy Carlos Vega (“Deputy Vega”) responded to the nurse supervisor’s call for service and interviewed Sylvia Lemus.</p>	<p><b>Exh. A-</b> Plaintiff’s Original Complaint (Dkt. 1) ¶ 17  <b>Exh. B</b> – Sylvia Lemus’s Depo. pg. 12/ ln. 25, pg. 13/1-3</p>

		<p><b>Exh. C-</b> Deputy Vega's Depo. pg. 71/1-5, 82/16-24</p> <p><b>Exh. D- Sgt. Stangeland</b> Depo. pg. 28/16-25</p> <p><b>Ex. H-</b> Plaintiff's FAC (Dkt. 37) ¶ 19</p>
4.	<p>Sylvia Lemus told Deputy Vega that she was sexually assaulted by a thin, young/mid-20s, African-American male hospital employee who transported her inside the hospital around the time of her MRI.</p>	<p><b>Ex. A-</b> Plaintiff's Original Complaint (Dkt. 1) ¶ 19</p> <p><b>Ex. B –</b> Sylvia Lemus's Depo. pg. 14/12-25, pg. 15/1-2, pg. 16/22-25, pg. 17/1</p> <p><b>Ex. C-</b> Deputy Vega's Depo. pg. 259/5-23</p> <p><b>Ex. H-</b> Plaintiff's FAC (Dkt. 37) ¶ 19</p>
5.	<p>Sylvia Lemus appeared upset, awake, coherent, and clear and described her sexual assault to Deputy Vega in vivid detail.</p>	<p><b>Ex. B –</b> Sylvia Lemus's Depo.pg. 13/10-24, 16/12-15</p> <p><b>Ex. C-</b> Deputy Vega's Depo. pg. 82/16-24, 83/5-9, 77/2-6</p>

		<b>Exh. D-</b> Deputy Vega's Decl. ¶ 5
<b>6.</b>	Sylvia Lemus told Deputy Vega that the hospital employee suspect unlawfully fondled, fingered and touched Sylvia Lemus's vagina.	<b>Exh. B</b> – Sylvia Lemus's Depo. pg. 14/12-15 <b>Exh. C-</b> Deputy Vega's Depo. pg. 217/6-25, 218/1-4 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 6
<b>7.</b>	Deputy Vega knew no specifics about Sylvia Lemus's medical history nor observed any behavior by Sylvia Lemus that led him to believe Sylvia Lemus was being untruthful.	<b>Exh. B.</b> Sylvia Lemus's Depo. pg. 133/4-9 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 5 <b>Exh. G-</b> Pltf. Tekoh Depo. pg. 209/2-20
<b>8.</b>	Sgt. Dennis Stangeland ("Sgt. Stangeland") knew no specifics about Sylvia Lemus's medical history nor was informed of any behavior by Sylvia Lemus that led him to believe Sylvia Lemus was being untruthful.	<b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 5 <b>Exh. G-</b> Pltf. Tekoh Depo. pg. 209/2-20
<b>9.</b>	Deputy Vega was informed by hospital staff that Plaintiff Terence B. Tekoh was the person who	<b>Exh. C- Deputy Vega's Depo.</b> pg.110/18-25, 111/1-20

	transported Sylvia Lemus around the time Sylvia Lemus indicated the sexual assault took place	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 7 <b>Exh. G-</b> Tekoh Depo. pg. 74/2-4
<b>10.</b>	Plaintiff admits the only other person who would have transported Ms. Lemus around that time would have been a Ms. Yolanda Quevado, a female Hispanic.	<b>Exh. G-</b> Tekoh Depo. pg. 64/6-19, 68/10-15
<b>11.</b>	Deputy Vega encountered Plaintiff Tekoh and observed Plaintiff to be a young, thin, African-American male hospital employee in his mid-20s.	<b>Exh. C- Deputy Vega's Depo. pg.</b> 126/19-25 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 8
<b>12.</b>	Plaintiff Tekoh identified himself as the person who transported Sylvia Lemus around the time Sylvia Lemus claimed Sylvia Lemus was assaulted.	<b>Exh. C-</b> Deputy Vega's Depo. pg. 260/9-11 <b>Exh. D-</b> Deputy Vega's Decl. ¶ 8 <b>Exh. G-</b> Tekoh Depo. pg. 94/4-8, 95/16-25

<p><b>13.</b></p>	<p>Defendant Vega decided to detain Plaintiff Tekoh pending further investigation.</p>	<p><b>Exhibit C [Def. Deputy Carlos Vega Depo. pg. 126/8-18],</b>  <b>Exhibit D [Def. Deputy Vega Decl. ¶ 8];</b>  <b>Exhibit F [Sgt. Stangeland Decl. ¶ 8],</b>  <b>Exhibit L [Mike Gray Decl. ¶ 6-8],</b>  <b>Exhibit M [Jane Creighton Decl. ¶ 7-8]</b></p>
<p><b>14.</b></p>	<p>Sgt. Stangeland arrived and relied on the information relayed to him and known by Deputy Vega.</p>	<p><b>Exh. E- Sgt. Stangeland Depo. pg. 28/16-25</b>  <b>Exh. F- Sgt. Stangeland Decl. ¶ 10</b></p>
<p><b>15.</b></p>	<p>Sgt. Stangeland knew no specifics about Vega’s employment that led him to believe that Vega was being untruthful or would engage in unconstitutional conduct.</p>	<p><b>Exh. F- Sgt. Stangeland Decl. ¶ 10</b></p>
<p><b>16.</b></p>	<p>In a hospital office, Plaintiff Tekoh hand-wrote a confession</p>	<p><b>Exh. D- Deputy Vega’s Decl. ¶ 9</b></p>

	admitting to committing the sexual assault and expressing remorse for engaging in such conduct.	<b>Exh. G-</b> Tekoh Depo. pg. 111/15-23, 112/17-21, 195/24-25, 196/1-3 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.
17.	Defendants Vega and Stangeland observed Plaintiff Tekoh handwrite the confession.	<b>Exh. D-</b> Deputy Vega's Decl. ¶ 9 <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 9 <b>Exh. K-</b> Tekoh Confession Letter- Exhibit 3 to Tekoh Depo.
18.	Plaintiff never told Stangeland that Plaintiff's confession was allegedly false and coerced by Vega, nor anything at all about it.	<b>Exh. G-</b> Tekoh Depo. pg. 133/23-25, pg. 134/1-2
19.	Plaintiff never told Stangeland that Vega made any allegedly cursed or racial statements to Plaintiff, or stepped on Plaintiff's toes.	<b>Exh. G-</b> Tekoh Depo. pg. 134/3-7, 20-25, pg. 135/1-3

<p><b>20.</b></p>	<p>Defendants never punched, kicked, tasered, or pepper-sprayed Plaintiff.</p>	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 10  <b>Exh. G-</b> Tekoh Depo. pg. 83/15-23, pg. 84/1-9  <b>Exh. I-</b> Pltf. Tekoh Resp. to Def. COLA Requests for Admission, Set One No. 56, 57, 58, 59, 60, 62  <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p>
<p><b>23.</b></p>	<p>Sgt. Stangeland knew nothing about Plaintiff's history.</p>	<p><b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10  <b>Exh. G-</b> Tekoh Depo. pg. 208/23-25, pg. 209/1</p>
<p><b>25.</b></p>	<p>Defendants never met Plaintiff before.</p>	<p><b>Exh. G-</b> Tekoh Depo. pg. 29/15-17  <b>Exh. D-</b> Deputy Vega's Decl. ¶ 10  <b>Exh. F-</b> Sgt. Stangeland Decl. ¶ 10</p>
<p><b>26.</b></p>	<p>Deputy Vega has previously investigated sexual assault cases.</p>	<p><b>Exh. D-</b> Deputy Vega's Decl. ¶ 1</p>

28.	Plaintiff admits Deputy Vega never physically manipulated Plaintiff's hand to make Plaintiff write the confession.	<b>Exh. G-</b> Tekoh Depo. pg. 119/19-22
33.	When Sgt. Stangeland asked Plaintiff if he became aroused after touching Ms. Lemus, Plaintiff said nothing and shook his head.	<b>Exh. G-</b> Tekoh Depo. pg. 132/11-14
34.	Sgt. Stangeland asked if Plaintiff was attracted to women, and Plaintiff Tekoh said "yes" as accurately reflected in Sgt. Stangeland's report.	<b>Exh. G-</b> Tekoh Depo. pg. 240/25, pg. 241/1-4
35.	Sgt. Stangeland never touched Plaintiff.	<b>Exh. G-</b> Tekoh Depo. 85/22-24
48.	Plaintiff claims Sgt. Stangeland was present for "about five minutes."	<b>Exh. G-</b> Tekoh Depo. pg. 133/16-19
50.	Plaintiff's FAC states no violation of equal protection claim.	<b>Exh. A-</b> Plaintiff's Original Complaint (Dkt. 1) ¶ 36, 38 <b>Exh. H-</b> Pltf. FAC ¶ 47-51

51.	Plaintiff's FAC states no excessive force claim.	<b>Exh. A-</b> Plaintiff's Original Complaint (Dkt. 1) ¶ 36, 38 <b>Exh. H-</b> Pltf. FAC ¶ 47-51
52.	On May 18, 2017, Plaintiff withdrew his unreasonable detention claim.	<b>Kizzie Decl. ¶ 18</b> <b>Exh. P</b> – May 18, 2017 correspondence
53.	Plaintiff conducted no written discovery.	<b>Kizzie Decl. ¶ 18</b>
55.	As merely the initial primary deputy, Deputy Vega's main duties are merely to conduct preliminary investigation of a possible crime, suspect description and possible suspect arrest.	<b>Exh. L-</b> Decl. of Mike Gray ¶ 12.

Based on the foregoing Uncontroverted Facts, the following Conclusions of Law should be made and this Court must grant Defendants' Motion for Summary Judgment and/or Adjudication on the following grounds:

**CONCLUSIONS OF LAW**

1. Defendants detained Plaintiff based on reasonable suspicion and arrested him based on probable cause,

and there are no genuine issues of material fact with regard to the aforementioned claims, and Defendants are entitled to summary adjudication as a matter of fact and/or law.

2. Defendants did not violate Plaintiff's due process rights because Defendants detained Plaintiff based on reasonable suspicion and arrested him based on probable cause, there is no evidence that Defendants engaged in conduct which "shocks the conscience" and there are no genuine issues of material fact with regard to the aforementioned claim. Plaintiff provides no admissible evidence of malice. Defendants are entitled to summary adjudication as a matter of law.

3. Defendants did not violate Plaintiff's 5<sup>th</sup> Amendment claim because Defendants detained Plaintiff based on reasonable suspicion and arrested him based on probable cause, Plaintiff was not "in custody," "de facto arrest," and not subjected to extreme and extraordinary coercive investigation and there are no genuine issues of material fact with regard to the aforementioned claim. Defendants are entitled to summary adjudication as a matter of law.

4. Defendants did not and Plaintiff provides no relevant, admissible evidence that Defendants recklessly and deliberately fabricated evidence in violation of Plaintiff's due process rights. There are no genuine issues of material fact with regard to the aforementioned claim. Defendants are entitled to summary adjudication as a matter of law.

5. Defendant Stangeland did not demonstrate "deliberate indifference" to any alleged constitutional violation, fabricate evidence, nor fail to intervene to prevent any constitutional violation.

JA-193

Dated: June 28, 2017

**IVIE, McNEILL & WYATT**

**By:** /s/ Antonio K. Kizzie  
**RICKEY IVIE**  
**ANTONIO K. KIZZIE**  
**TIFFANY N. ROLLINS**  
**CHRISTOPHER D. MARTIN**  
Attorneys for Defendants  
County of Los Angeles, et al.

JA-194

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 16-7297-GW(SKx) Date August 28, 2017

Title Terence B. Tekoh v. County of Los Angeles, et al.

---

---

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez      None Present      \_\_\_\_\_  
Deputy Clerk      Court Reporter/      Tape No.  
Recorder

Attorneys Present  
for Plaintiffs:

None Present

Attorneys Present  
for Defendants:

None Present

**PROCEEDINGS: IN CHAMBERS – RULING ON DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION [40]**

Attached hereto is the Court’s Final Ruling on Defendants’ Motion for Sumary Judgment.

***Terence Tekoh v. County of Los Angeles, et al.***;

Case No. 2:16-cv-07297-GW-(SKx)

Ruling on Motion for Summary Judgment

**I. Background**

Plaintiff Terence B. Tekoh (“Tekoh” or “Plaintiff”) sues two Los Angeles Sheriff’s Department (“LASD”) sergeants: Carlos Vega (“Vega”) and Dennis Stangeland (“Stangeland”) for violations of his civil rights.<sup>1</sup> *See generally* First Amended Complaint, Docket No. 37. Plaintiff asserts two claims of violations of 42 U.S.C. § 1983. First, Plaintiff alleges that Vega deprived him of his rights under the U.S. Constitution by: (1) arresting him without probable cause in violation of the Fourth Amendment; (2) subjecting him to coercive custodial interrogation and generating an involuntary and false confession in violation of the Fifth Amendment; and (3) fabricating evidence to cause Plaintiff to be maliciously prosecuted in violation of the Fourteenth Amendment. *Id.* ¶ 47. Second, Plaintiff asserts that Stangeland violated Plaintiff’s constitutional rights by (among other things): (1) working in concert with Vega, subjecting Plaintiff to coercive interrogation and generating a false confession, which caused Plaintiff to be prosecuted in violation of the Fifth Amendment; (2) authorizing Vega to arrest Plaintiff without probable cause in violation of the Fourth Amendment; and (3) filing a false, misleading, and incomplete police report. *Id.* ¶ 48.

---

<sup>1</sup> The initial complaint included a cause of action for “entity liability” against the County of Los Angeles and the Los Angeles Sheriff’s Department. *See* Complaint ¶ 38, Docket No. 1. That cause of action was dropped from the First Amended Complaint. *See* Docket No. 37.

Defendants now move for summary judgment or, in the alternative, partial summary judgment. *See generally* Defendants' First Amended Motion for Summary Judgment ("Motion") and concomitant evidentiary materials, Docket No. 42; Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment ("Opp'n"), Docket No. 45, and concomitant evidentiary materials, Docket Nos. 46-50; Defendants' Reply to Plaintiff's Opposition ("Reply"), Docket No. 55; Defendants' Response and Objections to Plaintiff's Statement of Genuine Disputes ("DRO"), Docket No. 56; and Defendants' Request for Evidentiary Ruling on Specified Objections, Docket No. 57.

## **II. Legal Standard As To Summary Judgments**

Under Rule 56 of the Federal Rules of Civil Procedure, a party may move for summary judgment, identifying each claim or defense – or the part of each claim or defense – on which summary judgment is sought, and the court shall grant it when the pleadings, the discovery and disclosure materials on file, and any affidavits/declarations show that “there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see also Miranda v. City of Cornelius*, 429 F.3d 858, 860 n.1 (9th Cir. 2005). As to materiality, “[o]nly disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute as to a material fact is “genuine” if there is sufficient evidence for a reasonable jury to return a verdict for the nonmoving party. *Id.*

To satisfy its burden at summary judgment, a moving party with the burden of persuasion must establish “beyond controversy every essential element of its [claim or defense].” *S. Cal. Gas Co. v. City of Santa Ana*, 336 F.3d 885, 888 (9th Cir. 2003); O’Connell & Stevenson, *Rutter Group Prac. Guide: Fed. Civ. Proc. Before Trial* (“*Federal Practice Guide*”) § 14:126 (2016); *cf. Robi v. Five Platters, Inc.* 918 F.2d 1439, 1441-42 (9th Cir. 1990) (noting summary judgment is a proper way to establish affirmative defenses, including issue preclusion) (citations omitted). By contrast, a moving party without the burden of persuasion “must either produce evidence negating an essential element of the nonmoving party’s claim or defense or show that the nonmoving party does not have enough evidence of an essential element to carry its ultimate burden of persuasion at trial.” *Nissan Fire & Marine Ins. Co., Ltd. v. Fritz Cos., Inc.*, 210 F.3d 1099, 1102 (9th Cir. 2000); *see also Devereaux v. Abbey*, 263 F.3d 1070, 1076 (9th Cir. 2001) (en banc) (“When the nonmoving party has the burden of proof at trial, the moving party need only point out ‘that there is an absence of evidence to support the nonmoving party’s case.’”) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986), and citing *Fairbank v. Wunderman Cato Johnson*, 212 F.3d 528, 532 (9th Cir. 2000) (holding that the *Celotex* “showing” can be made by “pointing out through argument . . . the absence of evidence to support plaintiff’s claim”)).

If the party moving for summary judgment meets its initial burden of identifying for the court the portions of the materials on file that it believes demonstrate the absence of any genuine issue of material fact, the nonmoving

party may not rely on the mere allegations in the pleadings in order to preclude summary judgment[, but instead] must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial.

*T.W. Elec. Serv., Inc., v. Pac. Elec. Contractors Ass'n*, 809 F.2d 626, 630 (9th Cir. 1987) (internal citations and quotation marks omitted) (citing, among other cases, *Celotex*, 477 U.S. at 323).

“A non-movant’s bald assertions or a mere scintilla of evidence in his favor are both insufficient to withstand summary judgment.” *See FTC v. Stefanich*, 559 F.3d 924, 929 (9th Cir. 2009). In addition, the evidence presented by the parties must be admissible. *See* Fed. R. Civ. P. 56(e). Conclusory, speculative testimony in affidavits and moving papers is insufficient to raise genuine issues of fact and defeat summary judgment. *See Thornhill Publ’g Co., Inc. v. GTE Corp.*, 594 F.2d 730, 738 (9th Cir. 1979). Relatedly, “[a]ny objections to declarations or other evidence must be made at or (preferably) before the hearing, and should be ruled upon by the court before ruling on the motion itself.” *Federal Practice Guide* § 14:333 (citing *Hollingsworth Solderless Terminal Co. v. Turley*, 622 F.2d 1324, 1335 n.9 (9th Cir. 1980); *Sigler v. American Honda Motor Co.*, 532 F.3d 469, 480 (6th Cir. 2008)). In judging evidence at the summary judgment stage, however, courts do not make credibility determinations or weigh conflicting evidence, and must view all evidence and draw all inferences in the light most favorable to the non-moving party. *See T.W. Elec. Serv.*, 809 F.2d at 630-31 (citing *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574 (1986)); *Anderson*, 477 U.S.

at 255 (“The evidence of the non-movant is to be believed and all justifiable inferences are to be drawn in [the non-movant’s] favor.”).

“If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact – including an item of damages or other relief – that is not genuinely in dispute and treating the fact as established in the case.” Fed. R. Civ. P. 56(g); *see also Federal Practice Guide* § 14:352 (“A partial summary judgment may be granted on motion of either party for adjudication of particular claims or defenses.”) (citing *id.* § 14:33).

### **III. Evidentiary Rulings**

Defendants object to certain evidence offered into the record by Plaintiff in his Opposition to the Motion. *See generally* Defendants’ Evidentiary Objections (“DEO”), Docket No. 57. On a motion for summary judgment, “[a]dmissibility is determined under the Federal Rules of Evidence.” *Federal Practice Guide* § 14:162.2. “An affidavit or declaration used to support or oppose” a summary judgment motion “must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.” Fed. R. Civ. P. 56(c)(4); *see also Federal Practice Guide* § 14:162.

An initial problem with the DEO is that it is not formulated in a manner in which the Court can make the necessary rulings on the objections contained therein. First, the DEO’s initial pages contain a delineation of “general procedural and evidentiary rules” – some of which the Court agrees and some of which it disagrees. *See* Docket No. 57 at pages 4-10

of 138. However, while a court is obligated to make rulings on objections to evidence that are material to the motion, it is not required to critique a party's articulation of evidentiary rules. *See Norse v. City of Santa Cruz*, 629 F.3d 966, 973 (9th Cir. 2010) ("Before ordering summary judgment in a case, a district court must not only provide the parties with notice and an opportunity to respond to adverse arguments, it must also rule on evidentiary objections that are material to its ruling."). "An objection is material if the court has considered the evidence that is the subject of the objection." *See Federal Practice Guide* § 14:111.2.

Second, in the DEO at pages 9-35 (Docket No. 57 at pages 10-36 of 138), Defendants have placed pages from various declarations of the Plaintiff and his proffered witnesses and ask the Court to make a collective ruling of either "sustained" or "denied" on the included portions of each declaration in totality without further breakdown or specification. This Court will not make overbroad rulings nor will it do the work that counsel should have done – which is isolating relevant portions of a witness's declaration and asking for specific rulings on discrete items of evidence contained therein that are material to the pending motion.<sup>2</sup>

Third, on pages 35-40 of the DEO (Docket No. 57 at pages 36-41 of 138), Defendants object to a section of the Plaintiff's counsel's declaration which attempts

---

<sup>2</sup> Defendants are also reminded that in judging evidence at the summary judgment stage, courts neither weigh conflicting evidence nor make credibility determinations. *See T.W. Elec. Serv.*, 809 F.2d at 630-31; *see also Anderson*, 477 U.S. at 255 ("The evidence of the non-movant is to be believed and all justifiable inferences are to be drawn in [the non-movant's] favor.").

to proffer “true and correct” copies of selected portions of transcripts of court proceedings and copies of official reports, because they have not been authenticated and/or are without proper foundation. While the Court agrees that there appears to be such problems as to some of those items, Defendants merely place at the end of that section of the DEO a place to check off “objection sustained as to paragraphs \_\_\_\_” and “objection denied as to paragraphs \_\_\_\_\_”. Such a simplified designation is insufficient.<sup>3</sup> Therefore, if the Court actually considers a particular document objected to by the Defendants herein, it will make a ruling at that point. *See* footnote 5, *infra*.

In Section VII of the DEO at pages 57-137 (Docket No. 57 at pages 41-138 of 138), Defendants have apparently taken Plaintiff’s Response to Defendants’ Alleged Uncontroverted Facts (Docket No. 51) and inserted two columns – one which includes Defendant’s Objections to Plaintiff’s Response and another which adds the words “Sustained \_\_\_\_” and “Overruled \_\_\_\_.” There are a number of problems with that methodology. First, there are paragraphs as to which the Plaintiff has not objected to Defendants’ factual assertion and yet there is the

---

<sup>3</sup> For example, Defendants object to Exhibit 11 in Maria Cavalluzzi’s Declaration (Docket No. 46-11) which purports to be the “Incident Report” prepared by Vega during the course of his investigation of the alleged crime. The Court has compared Exhibit 11 to the copy of the Incident Report that is attached to Vega’s deposition. They appear to be the same. Thus, Defendants should have informed the Court as to the differences between the two copies or explain why exactly they are objecting to the Court’s consideration of Exhibit 11, other than perhaps for the purpose of merely being obstreperous.

“Sustained” and “Overruled” designation. *See, e.g.*, Docket No. 57 at page 42 of 138. As to other paragraphs, Defendants have raised as many as ten objections but still with the single “Sustained” and “Overruled” designation such that there is no place for exposition as to which of the objections raised by the Defendants is (or are) being sustained or overruled.

Fourth, there is also an overarching problem with the DEO. Some of the evidentiary objections require further argument and/or presentation in order for the Court to render a proper ruling, which the Defendants have not provided. For example, Defendants have raised the issue of Plaintiff’s presenting evidence in his declaration which they contend conflicts with his prior deposition testimony and hence gives rise to the “sham affidavit” rule. This Court would require further presentation from the parties, before being able to rule on the issue.<sup>4</sup>

---

<sup>4</sup> The “sham affidavit” rule provides that a party cannot create a material issue of fact by a declaration contradicting his or her own deposition or other sworn testimony. *See generally Cleveland v. Policy Management Systems Corp.*, 526 US 795, 806 (1999) (recognizing, without endorsing, “sham affidavit” holdings in every circuit). However, the rule is applied with caution, and is not applied where a valid explanation or excuse for the contradiction is shown. *See Federal Practice Guide* § 14:166.5. As stated in *Van Asdale v. International Game Technology*, 577 F.3d 989, 998-99 (9th Cir. 2009):

[W]e have fashioned two important limitations on a district court’s discretion to invoke the sham affidavit rule. First, we have made clear that the rule “does not automatically dispose of every case in which a contradictory affidavit is introduced to explain portions of earlier deposition testimony,” *Kennedy*, 952 F.2d at 266-67; rather, “the district court must make a factual determination that the contradiction was actually a

Finally, as noted above, the Court need not rule on every evidentiary objection that the Defendants have raised, but only on the ones that are material to its decision on the summary judgment motion, where materiality is premised on the court's consideration of the evidence that is the subject of the party's objection. Indeed, a large portion of Defendants' objections are as to matters which are totality immaterial to the present motion. In this regard, the Court would refer the Defendants to footnote 5 herein, *infra*.

#### **IV. Discussion**

##### **A. Undisputed Facts<sup>5</sup>**

Plaintiff alleges that on March 19, 2014, Sylvia Lemus ("Lemus") was a patient at Los Angeles

---

'sham.'" *Id.* at 267. Second, our cases have emphasized that the inconsistency between a party's deposition testimony and subsequent affidavit must be clear and unambiguous to justify striking the affidavit. Thus, "the non-moving party is not precluded from elaborating upon, explaining or clarifying prior testimony elicited by opposing counsel on deposition [and] minor inconsistencies that result from an honest discrepancy, a mistake, or newly discovered evidence afford no basis for excluding an opposition affidavit."

*Messick v. Horizon Indus.*, 62 F.3d 1227, 1231 (9th Cir. 1995).

<sup>5</sup> Some of the underlying "undisputed" facts cited herein have been disputed by Plaintiff or Defendants. The Court has reviewed such disputes and has included in this summary only facts that are supported by the cited evidence, altering the proffered facts if necessary to accurately reflect the uncontroverted evidence. To the extent that any cited underlying "undisputed" fact has been disputed by a party, the Court finds that the stated dispute: (1) fails to actually controvert the proffered "undisputed" fact, (2) disputes the fact on grounds not germane to the statements delineated *infra*,

County-USC Hospital. DRO ¶ 1. Lemus reported to two hospital nurses and two nurse supervisors that she was sexually assaulted by a hospital employee. DRO ¶ 2; *see also* Lemus Dep. Tr. at 16:16-19, 108.

After a nurse supervisor contacted law enforcement, Officer Vega arrived at the scene and interviewed Lemus. DRO ¶ 3; *see also* Lemus Dep. Tr. at 12:25, 13:1-3; Vega Dep. Tr. at 71:1-5, 82:16-24. Lemus told Vega that a “thin, young/mid 20s, African-American male hospital employee” who had transported her inside the hospital around the time of her MRI procedure<sup>6</sup> had fondled, fingered, and touched her vagina.<sup>7</sup> DRO ¶¶ 4, 6; *see also* Lemus Dep. Tr. at 14:12- 15; Vega Dep. Tr. at 217:6-25, 218:1-4. Vega found Lemus to be “very specific, very coherent, and a very believable victim” and she did

---

and/or (3) fails to cite evidence in support of the disputing party’s position. As such, the Court treats such facts as undisputed. Any proffered facts not included in this ruling were found to be: (1) improper opinions or conclusions rather than facts, (2) were unsupported by admissible evidence, (3) were deemed irrelevant to the Court’s present analysis, or (4) some combination thereof.

<sup>6</sup> In her deposition, Lemus testified that prior to the incident, she had been receiving an angiogram when complications developed; the angiogram was stopped and she was taken to get an MRI because of a possible allergic reaction to the dye that was used. *See* Lemus Dep. Tr. at 73-76. She stated that she doesn’t recall the hospital personnel who moved her to the location to get the MRI. *Id.* at 76-78.

<sup>7</sup> Lemus told Vega that the person who improperly touched her was “African-American, young, kind of slim.” *See e.g.* Lemus Dep. Tr. at 13:18-20. In his initial “Incident Report,” Vega describes Plaintiff as follows: “Sex – M, RACE – B . . . HGT. – 5’9’ [sic] WGT. – 175 . . . AGE – 25.” *See* Docket No. 46-11 at page 2 of 7, which appears to be identical to the report included as Exhibit 11 to Volume I of Vega’s May 17, 2017 deposition transcript.

not appear to be medicated.<sup>8</sup> Vega Dep. Tr. at 77: 2-4, 82:23-24, DRO ¶ 5. Plaintiff was not present and does not know what Lemus told the two nurses or Vega about the assault. DRO ¶¶ 37-38; *see also* Tekoh Dep. Tr. at 265:3-5, 112:17-21. Plaintiff does not know who Vega spoke to and what was told to Vega prior to Plaintiff's arrest. DRO ¶ 39; *see also* Tekoh Dep. Tr. at 62:15-18, 142:22-25. Vega testified at his deposition that after initially interviewing Lemus he did not have enough information to arrest an

---

<sup>8</sup> In his deposition, Vega testified that the nurse supervisors had told him that Lemus was "alleging she got sexually assaulted, but she's under some kind of medication." *See* Vega Dep. Tr. at 79:13-15. In her deposition, Lemus stated that at the time she spoke to Vega, she felt coherent and did not feel medicated. *See* Lemus Dep. Tr. at 13:10-19.

At Tekoh's criminal trial, Lemus's treating neurologist (Dr. Gene Sung) testified on direct examination that on March 19, 2014, Lemus had *not* received any medication prior to the angiogram. *See* page 304 of Rpt. Tr. of the July 22, 2015 trial proceedings, attached as Item No. 3 to Plaintiff's Notice of Lodging of Transcripts, Docket No. 66. He also stated that, at an angiogram procedure, a patient may be given a little sedation or anxiety medicine, if needed. *Id.* at 305. On cross examination, he noted that Lemus's medical records indicated that there was a reference, at around 3:00 p.m. on March 19th, to Fentanyl (a narcotic) and Midazolam (an antianxiety drug and sedative), but that there was no evidence that they had been actually ordered or given to her. *Id.* at pages 323-24, 340.

Dr. Sung further testified that, normally, a patient is not given any medication prior to an MRI and, in his review of Lemus's medical records, she was *not* under any medication either before or after the MRI. *Id.* at pages 310, 315. He also stated that in his examination of the medical records as to the MRI, there was no evidence that Lemus was exhibiting any of the symptoms or side effects of the medications that he had previously referenced. *Id.* at page 341.

individual for a crime. *See Vega Dep. Tr. at 118:18 – 119:23.*

After interviewing Lemus, Vega went to the nurse supervisors to get the name(s) of the hospital personnel who transported her around the time period when she had alleged that she was sexually assaulted. *Id.* at 111:2-4. The supervisors only gave him one name (*i.e.* Tekoh's). *Id.* at 111:16-20; DRO ¶ 9.

According to Vega, what transpired next was<sup>9</sup>:

Vega asked the nurse supervisors for assistance in locating Tekoh and they escorted him to Tekoh's work station. Vega Dep. Tr. at 117:4-9. After Tekoh was pointed out to him, Vega noted that Tekoh seemed to fit the description provided by Lemus. DRO ¶ 11. Vega approached Tekoh and after Vega asked him "How's it going. . . . What you do [sic]?", Tekoh appeared to "look[] surprised" and "duck[ing] his head a couple of times." Vega Dep. Tr. at 125:24 – 126:1. At that point, Vega told Tekoh, "You need to tell me the truth of what you did. What happened with Ms. Lemus when you were transporting her?" *Id.* at 126:2-4. Tekoh responded by repeating "I made a mistake." *Id.* at 126:6-7. At that point,

---

<sup>9</sup> The succeeding paragraphs are indented, not to indicate that they are part of a quotation or excerpt, but rather to show that they are not necessarily an undisputed delineation of facts; instead, they are the version of events from the relator's perspective, statements and/or testimony.

Vega decided to detain him, but he was not under arrest. *Id.* at 126:13-25.

Tekoh indicated to Vega that he wanted to talk to him in private and, because Vega was unfamiliar with that part of the hospital, Tekoh walked him over to a nearby room which Tekoh referred to as a “break room.” Vega Dep. Tr. at 127:23 – 128:6, 130:17-18. Vega stated that although the room was windowless, the door was always open during the entire time they were in there. *Id.* at 131:7-25.

Vega asked Tekoh to write down what had happened as to Lemus; Tekoh began to do so; and Vega walked out of the room to make a phone call to his supervisor Sergeant Dennis Stangeland. *Id.* at 137:17 – 138:19, 143:8-13. Vega stood by the door and after about five minutes, Stangeland arrived. *Id.* at 146:8-23. Vega told Tekoh to stop writing and Vega informed Tekoh that he and Stangeland were going to ask him some questions. *Id.* at 150:19-25. Vega began by referencing Tekoh’s statement (*i.e.* that he had made a mistake) and saying “just tell me what happened.” *Id.* at 156:11-12. Tekoh then responded that “he had escorted or taken somebody for a procedure. During the procedure, he lifted the sheet, saw her vagina once, didn’t do anything. Then after that, he left, came back, then went on to describe what he did and said he spread her legs, touched the outside of her vagina

but never penetrated with his finger.” *Id.* at 156:14-20.

Stangeland asked Tekoh a few questions. *Id.* at 156:21-25. Then Vega and Stangeland left the room to discuss Tekoh’s answers and subsequently Vega made the decision to place Tekoh under arrest. *Id.* at 163:2-8. Vega returned to the room, picked up Tekoh’s hand written confession and asked him to sign it, which he did, whereupon Vega informed him that he was under arrest. *Id.* at 163:9-14.

The handwritten note signed by Plaintiff (the “Confession”), which was attached as Exhibit 3 to Volume II of Vega’s deposition transcript, states:

To whom it may concern,

This is an honest and regrettable apology from me about what happened a few hours ago. I don’t know what suddenly came over me, but it was certainly the most weakest [sic] moment I’ve ever been caught up with in my life. I’ve never ever found myself doing such a despicable act. I don’t think this is an excuse but I’m single – I currently don’t have a girlfriend and became very excited after I first saw her vagina accidentally. So after dropping her off, I decided to go further by woking [sic] and spreading her vagina lip for a quick view and then went back to my duty post with the intention of masturbating which I never did.

In his declaration, Tekoh states that<sup>10</sup>:

At his first encounter with Vega, the officer asked to speak to him in private and was shown to a small reading room nearby. See ¶ 15 of Tekoh Declaration, Docket No. 47. While other employees sought to be present during the discussion in that room, Vega told them it was private and closed the door on them. *Id.* Tekoh denies ever having told Vega “I made a mistake.” *Id.* ¶ 16. Vega began questioning him without first advising him as to his *Miranda* rights. *Id.* ¶ 17. Among the first questions Vega asked him was whether he was a citizen. *Id.* Suddenly, Vega said “What did you do to the patient?” *Id.* When Tekoh responded he didn’t know what Vega was referring to, Vega said the patient that he had transported – adding the “I have you on video abusing a patient by the name of Sylvia Lemus.” *Id.* Despite his continual denials, Vega kept pressuring Tekoh to confess. *Id.* ¶ 19. Vega continued his verbally aggressive behavior for more than a half an hour, whereupon he sat Tekoh down in a chair, put a piece of paper in front of him, and told him to write down what Vega would dictate to him. *Id.* ¶¶ 20-21. Although he initially refused to do so, Vega applied more coercion (such as using racial epithets like “Mr. Jungle Nigga”) and threatening to hand him and his

---

<sup>10</sup> See footnote 9, *supra*.

family over to the deportation authorities. *Id.* ¶ 21. Eventually, Tekoh began to write what Vega told him, which was the way the Confession was created. *Id.* ¶ 23.

Defendants Vega and Stangeland had never meet Plaintiff before the incident. DRO ¶ 25; *see also* Tekoh Dep. Tr. at 29:15-17. When Stangeland arrived at the scene, he relied on information relayed to him by Vega.<sup>11</sup> DRO ¶ 14. Stangeland knew of no specifics about Vega's employment as a law enforcement officer that would have led him to believe that Vega was being untruthful or would have engaged in unconstitutional conduct. DRO ¶ 15. Stangeland knew no specifics about Lemus's medical history nor was he informed of any behavior by Lemus that led Stangeland to believe that she was being untruthful about the incident. *See* DRO ¶ 8. At the time Vega began questioning Tekoh in his presence, Stangeland did not believe that Tekoh was under arrest. *See* Stangeland Dep. Tr. at 51:17-19. According to Plaintiff, Stangeland was present for only "about five minutes," DRO ¶ 48, and Stangeland had arrived after he had finished writing out the Confession. *See* Tekoh Decl. at ¶ 24. While Tekoh claims he told Stangeland "I didn't do anything," he never told Stangeland that his Confession was false or that it had purportedly been coerced by Vega. DRO ¶ 18; *see also* Tekoh Dep. Tr. at 139:7-10 (Plaintiff never told Stangeland that Vega had

---

<sup>11</sup> According to Stangeland, when he initially arrived at the room where Vega and Tekoh were located, Vega told him that Tekoh had admitted to touching the victim's vagina, that Tekoh had said that he wanted to make a statement and that Tekoh was writing it down. *See* Stangeland Dep. Tr. at 28:16-25.

refused to allow him to leave the room). Plaintiff never told Stangeland that Vega had cursed him, used racial epithets, or stepped on his toes. DRO ¶ 19. Stangeland asked Plaintiff if he was attracted to women and he said “yes.” DRO ¶¶ 34. When Stangeland asked him if he became aroused after toughing Lemus, Plaintiff said nothing and shook his head. *Id.* ¶ 33. Neither Vega nor Stangeland ever punched, kicked, tasered or pepper-sprayed Tekoh; Stangeland never touched Tekoh or put his hand on his weapon, nor did Vega in Stangeland’s presence. *Id.* ¶¶ 20-21, 35.

Vega made the decision to (and did) arrest Plaintiff. *See Vega Dep. Tr.* 167:15-168:8; Stangeland Dep. Tr. 83:12-20. Afterward, Vega prepared an “Incident Report.” *See Exhibit 7 to Volume II of Vega Dep. Tr.* According to the practices at the substation where Vega was working, an officer’s probable cause declaration (“PCD”) had to be signed by the watch commander at another facility in Downtown Los Angeles. *See Vega Dep. Tr.* at 169:13-23, 202:9-12. Vega submitted the PCD to watch commander Lieutenant Stanley at about 8:30 p.m. on March 19, 2014, which was subsequently approved. *See Exhibit 13 to Vega Dep. Tr.* He thereafter contacted the LASD’s Special Victims Unit and spoke to Detective Carlin, gave him a synopsis of what happened, and Carlin told Vega that he would interview Tekoh the next morning after speaking with Lemus. *See Vega Dep. Tr.* at 227:14-17, 232:10-13, 234:12-15, 238:10-12.

Stangeland prepared a “Supplemental Report” wherein he indicated that: (1) Vega had asked him to be present when he questioned Tekoh; (2) when he went to the location at the hospital, Tekoh was

writing at a desk, was told to stop by Vega, and did so; (3) when Vega asked Tekoh what happened with the femal patient, Tekoh admitted touching her underneath her hospital gown after waiting for a doctor to leave her hospital room; and (4) Tekoh answered certain questions asked by Stangeland. See Exhibit 12 to Stangeland's Dep. Tr.

After reviewing the evidence, Deputy District Attorney Jane Creighton made the independent prosecutorial decision that there was reasonable suspicion to detain/probable cause to arrest and prosecute Plaintiff. DOR ¶ 59. A preliminary hearing was conducted on September 4, 2014, as to the sufficiency of the evidence to show probable cause to hold Plaintiff over for trial, and Judge Shelly Torrealba held that, based on the testimony of Deputy Vega and Ms. Lemus, there was sufficient probable cause to believe that Tekoh had committed a crime. DRO ¶ 60. During Tekoh's two criminal trials, it was determined by Judges Henry J. Hall and Craig E. Veals that: (1) Tekoh was not "in custody" for purposes of *Miranda* at the time he made his confession; (2) his *Miranda* rights were not violated; and (3) his confession was admissible. DRO ¶ 61.

## **B. Applicable Law under 28 U.S.C. § 1983**

### **1. False Arrest**

The absence of probable cause is a necessary element of a § 1983 false arrest claim. *Yousefian v. City of Glendale*, 779 F.3d 1010, 1014 (9th Cir. 2015). Probable cause requires only that those "facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe 'that the suspect has committed. . . an offense.'" *Barry v. Fowler*, 902 F.2d 770, 773 (9th Cir. 1990) (quoting

*Michigan v. DeFillippo*, 443 U.S. 31, 37 (1979)). An officer may not ignore exculpatory evidence that would “negate a finding of probable cause.” *Broam v. Bogan*, 320 F.3d 1023, 1032 (9th Cir. 2003). However, the mere existence of some evidence that would suggest a defense or non-involvement in the crime will not necessarily negate probable cause. *See, e.g., Yousefian*, 779 F.3d at 1014 (defendant’s claim of self-defense to officer in an elder abuse case did not vitiate the existence of probable cause where the officer found the victim’s and a witness’s version of the events to be more credible).

“Probable cause to arrest exists when officers have knowledge or reasonably trustworthy information sufficient to lead a person of reasonable caution to believe that an offense has been or is being committed by the person being arrested.” *United States v. Lopez*, 482 F.3d 1067, 1072 (9th Cir. 2007) (citing *Beck v. Ohio*, 379 U.S. 89, 91 (1964)). “[M]ere suspicion, common rumor, or even strong reason to suspect are not enough.” *Id.* (quoting *McKenzie v. Lamb*, 738 F.2d 1005, 1008 (9th Cir. 1984)). Taken from the perspective of a person of ordinary prudence, there must be a “fair probability” that the person being arrested has committed an offense. *Beier v. City of Lewiston*, 354 F.3d 1058, 1065 (9th Cir. 2004); *see also Illinois v. Gates*, 462 U.S. 213, 235-236 (1983) (“[O]nly the probability, and not a prima facie showing, of criminal activity, is the standard of probable cause.”) (citation and quotations omitted). To defeat summary judgment, therefore, Plaintiff must identify admissible evidence that would be sufficient to permit a reasonable jury to find that Vega (or Stangeland) lacked “reasonable trustworthy information” supporting a “fair probability” that Plaintiff had

committed the underlying alleged sexual assault at the time of his arrest. *See Merriman v. Walton*, 856 F.2d 1333, 1335 (9th Cir. 1988); *see also Beier* 354 F.3d at 1065.

## 2. Miranda Violation

In *Miranda v. Arizona*, 384 U.S. 436, 444-49 (1966), the Supreme Court held that whenever a criminal suspect is subjected to custodial interrogation, he must be warned of his right to remain silent, informed that any statement he makes can be used against him in court, advise of his right to counsel, and told that, if he cannot afford counsel, one will be appointed for him. The advisal of *Miranda* rights is required when two elements are present: (1) the suspect is in custody, and (2) the suspect is interrogated by law enforcement officers. *See United States v. Bassignani*, 575 F.3d 879, 883 (9th Cir. 2009); *United States v. Kim*, 292 F.3d 969, 973 (9th Cir. 2002). As observed in *Smith v. Clark*, 804 F.3d 983, 992 (9th Cir. 2015): “In determining whether a suspect is in custody, ‘[t]wo discrete inquiries are essential.’ *Thompson v. Keohane*, 516 U.S. 99, 112, 116 S. Ct. 457, 133 L. Ed. 2d 383 (1995). First, a court must determine ‘what . . . circumstances surround[ed] the interrogation.’ *Id.* Second, a court must decide whether ‘a reasonable person [in those circumstances would] have felt he or she was not at liberty to terminate the interrogation and leave.’ *Id.* ‘The custody determination is objective and is not based upon “the subjective views of the officers or the individual being questioned.”’ *United States v. Bassignani*, 575 F.3d 879, 883 (9th Cir. 2009) . . . .”

The mere failure to advise a suspect of his *Miranda* rights when the circumstances required it does not, by itself, give rise to a § 1983 cause of action.

A plurality of the Supreme Court has held that an officer's failure to read *Miranda* warnings to a defendant before interrogation violates only "judicially crafted prophylactic rules" and, for that reason, was not actionable under Section 1983, unless the un-*Mirandized* statements are actually used in a criminal proceeding. *Chavez v. Martinez*, 538 U.S. 760, 772 (2003).

### 3. Fabrication of Evidence

The Fourteenth Amendment prohibits deliberate fabrication of evidence by state officials. *See, e.g., Spencer v. Peters*, 857 F.3d 789, 793 (9th Cir. 2017). To prove a fabrication of evidence claim, a plaintiff must demonstrate that: (1) investigators continued their investigation "despite the fact that [they] knew or should have known that [the plaintiff] was innocent; or (2) [they] used investigative techniques that were so coercive and abusive that [they] knew or should have known those techniques would yield false information." *Devereaux v. Abbey*, 263 F.3d 1070, 1074-75 (9th Cir. 2001) (en banc). In this vein, admissible evidence of negligent inaccuracy on part of investigators alone is insufficient to prove a fabrication of evidence claim, *see id.* at 1077; but investigators "who maliciously or recklessly make[] false reports . . . may be . . . liable for damages incurred as a proximate result of those reports," *Blankenhorn v. City of Orange*, 485 F.3d 463, 482 (9th Cir. 2007).

### 4. Coercive Interrogation

Under Ninth Circuit law, plaintiffs may bring challenges to coercive confessions as violations of due process rights under the Fifth and Fourteenth Amendments of the Constitution. *See Crowe v. Cty.*

*Of San Diego*, 608 F.3d 406, 446 (9th Cir. 2010); *Stoot v. City of Everett*, 582 F.3d 910, 927 (9th Cir. 2009). “When a police officer creates false information likely to influence a jury’s decision and forwards that information to prosecutors, he violates the accused’s constitutional right to a fair trial, and the harm occasioned by such an unconscionable action is [actionable] under 42 U.S.C. § 1983.” *Ricciuti v. New York City*, 124 F.3d 123, 130 (2d Cir. 1997) (quoting *United States v. Agurs*, 427 U.S. 97, 104 (1976)). In addition, under the Fourteenth Amendment, an interrogation is coercive only when, in light of the totality of the circumstances, an officer’s tactics are so extreme as to undermine a suspect’s ability to exercise free will. See, e.g., *Cunningham v. City of Wenatchee*, 345 F.3d 802, 810 (9th Cir. 2003) (citation omitted). Compare *Haynes v. Washington*, 373 U.S. 503, 513 (1963) (finding coercive interrogation where suspect held for over five days), with *Clark v. Murphy*, 331 F.3d 1062, 1073 (9th Cir. 2003) (rejecting coercive interrogation claim where suspect interrogated for five hours without water or toilet), and *Cunningham*, 345 F.3d at 810 (rejecting coercive interrogation claim where suspect interrogated for eight hours).

##### 5. Supervisor Liability

In the context of constitutional violations, supervisors can be held liable if they “knowingly refused to terminate a series of acts by a subordinate that the supervisor knew or reasonably should have known would cause the subordinate to deprive the plaintiff of” his or her constitutional rights, or if “the supervisory defendant knew” the subordinate was “engaging in these acts and knew or reasonably should have known that the subordinate’s conduct

would deprive the plaintiff of these rights” and the supervisor “failed to act to prevent his subordinate from engaging in such conduct.” See Ninth Cir. Model Instruction No. 9.4 (Jan. 2012); *cf. Starr v. Baca*, 652 F.3d 1202, 1205-06 (9th Cir. 2011); *Motley v. Parks*, 432 F.3d 1072, 1081 (9th Cir. 2005); *Graves v. City of Coer D’Alene*, 339 F.3d 828, 848 (9th Cir. 2003); *Larez v. City of Los Angeles*, 946 F.2d 630, 646 (9th Cir. 1991). Supervisors may be held liable in their individual capacities for constitutional violations under § 1983 if the supervisor: (1) personally participated in the constitutional violation; (2) directed the violations; or (3) there is a “sufficient causal connection between the supervisor’s wrongful conduct and the constitutional violation.” *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989) (citation omitted); see also *Gravelet-Blondin v. Shelton*, 728 F.3d 1086, 1096 (9th Cir. 2013) (“To meet this requirement, the plaintiff must show both causation-in-fact and proximate causation.”).

### **C. Summary Judgment as to Vega**

Defendants move for summary judgment on the grounds that Plaintiff offers no admissible evidence that: (1) Plaintiff was arrested without probable cause (see Motion at 13-15; Reply at 5-9; Opp’n at 14-17); (2) Stangeland failed to intervene to prevent Vega’s alleged unconstitutional conduct and demonstrated deliberate indifference for supervisor liability (see Motion at 15-16; Reply at 12; Opp’n at 12); (3) Defendants deliberately fabricated evidence to cause Plaintiff to be maliciously prosecuted in violation of the Fourteenth Amendment (see Motion at 15-16; Reply at 12; Opp’n at 19); (4) Plaintiff was subjected to interrogation while in custody in violation of his *Miranda* rights (see Motion at 21-23; Reply at 10-12;

Opp'n at 8-10); and (5) Defendants subjected Plaintiff to a coercive custodial interrogation (*see* Motion at 23-25; Reply at 13; Opp'n at 10-14). Defendants also move for summary judgment on the ground that they are entitled to qualified immunity. *See* Motion at 17-20; Opp'n at 19-21.

1. *Collateral Estoppel/Res Judicata*

Defendants move for summary judgment on the ground that Plaintiff offers no admissible evidence that he was arrested without probable cause in violation of his civil rights. *See generally* Motion at 13-15; Reply at 5-9; Opp'n at 14-16. As a preliminary matter, Defendants appear to intimate that the issue of probable cause is resolved under the doctrines of res judicata and collateral estoppel because of the finding of probable cause at Plaintiff's preliminary hearing and by the denials of his motions to suppress his Confession at the criminal trials. Defendants, in asserting issue preclusion with respect to the matter of probable cause, bear the burden to set "beyond controversy every essential element of [the defense]." *See Federal Practice Guide* § 14:126; *cf. Robi*, 918 F.2d at 1441-42 (citing *Takahashi v. Board of Trustees of Livingston Union Sch. Dist.*, 783 F.2d 848, 849 (9th Cir. 1986); *Springs v. First Nat'l Bank of Cut Bank*, 835 F.2d 1293, 1295 (9th Cir. 1988)); *Magana v. Commonwealth of the N. Mariana Islands*, 107 F.3d 1436, 1446 (9th Cir. 1997) (noting affirmative defenses may be adjudicated on motion for summary judgment, but finding defense must be raised in answer).

In *Allen v. McCurry*, 449 U.S. 90, 103 (1980), the Supreme Court held that collateral estoppel may apply when § 1983 plaintiffs attempt to relitigate in federal court issues decided against them in

state criminal proceedings. Federal courts give a state court judgment the same preclusive effect it would be given under the law of the state in which it was rendered. *See* 28 U.S.C. § 1738; *Migra v. Warren City Sch. Dist. Bd. of Educ.*, 465 U.S. 75, 80 (1984). In California, a finding of probable cause to hold a defendant over for trial is a final judgment on the merits because the accused can immediately appeal the determination by filing a motion to set aside the results of the preliminary hearing, and can seek review of the trial court's ruling on the motion to set aside by filing a petition for a writ of prohibition. *See, e.g., McCutchen v. City of Montclair*, 73 Cal. App. 4th 1138, 1146 (1999). However, a finding of probable cause at a preliminary hearing will not collaterally estop a plaintiff from pursuing a later civil rights claim based on the same issue where it is alleged and shown that the arresting officer lied or fabricated the evidence presented at the preliminary hearing and that issue is not raised at the preliminary hearing. *Id.* at 1147; *see also Awabdy v. City of Adelanto*, 368 F.3d 1062, 1168 (9th Cir. 2004); *Harris v. Roderick*, 126 F.3d 1189, 1198 (9th Cir. 1997).

Here, Plaintiff has raised the contention that Vega lied in his testimony at the preliminary hearing as to a number of significant issues – *e.g.* whether: (1) Plaintiff had repeatedly said “I made a mistake,” (2) the door to the room was always opened, (3) Vega had placed any undue pressure upon Plaintiff into making the Confession, (4) Vega had dictated and Plaintiff merely wrote down what Vega said, etc. Those matters were not litigated at the preliminary hearing. *See* Rpt. Tr. of Preliminary Hearing, Exhibit 1 to Plaintiff's Notice of Lodging of Transcripts from the Underlying Criminal Case, Docket No. 66. Thus,

the exception noted in *McCutchen* is raised in this action, which precludes the automatic application of either the collateral estoppel or res judicata doctrines.

Additionally, in general, suppression rulings under Cal. Penal Code § 1538.5, if followed by a conviction or an acquittal, are final judgments under California law and, therefore, can have collateral estoppel effect in a subsequent civil suit. See *Lombardi v. City of El Cajon*, 117 F.3d 1117, 1121 (9th Cir. 1997); *Ayers v. City of Richmond*, 895 F.2d 1267, 1272 (9th Cir. 1990). However, there is an exception to collateral estoppel when the party against whom preclusion is sought could not, as a matter of law, have obtained review of the suppression ruling in the initial action. See *Lombardi*, 117 F.3d at 1122. In this case, Plaintiff was eventually acquitted by a jury in his second criminal trial. Hence, even though he lost on the suppression motions that he filed, he could not appeal those rulings since he eventually prevailed in the criminal proceedings. Thus, collateral estoppel and res judicata cannot be applied herein from the suppression motions.

2. *Alleged False Arrest, Miranda Violation, Fabrication of Evidence, and Coercive Interrogation by Vega*

Simply stated, summary judgment must be denied as to all of the claims against Vega because there are material issues of fact in dispute.

Vega admitted in his deposition that, after he finished interviewing Lemus, he did not have enough evidence to arrest any individual for a crime. Thus, whether he obtained enough evidence thereafter to establish probable cause depends on what happened

when Vega met and discussed the events with Plaintiff. Likewise, the resolution of the issues – as to whether: (1) Vega needed to give Plaintiff any *Miranda* warnings, (2) Vega conducted a coercive interrogation or (3) Vega fabricated false evidence – similarly rests upon a determination of the facts regarding Vega’s meeting and questioning the Plaintiff; and those facts are hotly disputed.

It is readily apparent that Vega’s version and Plaintiff’s version of those events are entirely conflicting. *See* discussion of facts at pages 6-8, *supra*. Thus, summary judgment is precluded as to Vega.

#### **D. Summary Judgment as to Stangeland**

It is clear that most of Plaintiff’s claims against Defendant Stangeland fail under the uncontroverted evidence.

First, Stangeland did not subject Plaintiff to any coercive interrogation. Plaintiff himself states that Stangeland was only in the room (where the interrogation took place) for about five minutes just before the interrogation ended. Both Vega and Stangeland stated under oath (and Plaintiff has proffered no contrary evidence) that when Stangeland arrived at the room, Vega told him that Plaintiff had admitted to touching the victim’s vagina, that Plaintiff had said that he wanted to make a statement, and that Plaintiff was presently writing it down. Plaintiff also conceded that he never told Stangeland that he was being kept in the room against his will, that the Confession was coerced, that Vega had used improper language such as curses or racial slurs, or that Vega had stepped on his toes or ever touched his weapon. Further, during the period of time Stangeland was in the room, there was no use

or threat of force against Plaintiff by either Vega or Stangeland, any overbearing or improper language employed by either officer, or the presence of any other factor that could be found to be coercive.

Second, as to the issue of a *Miranda* warning, there is no evidence of Vega having told Stangeland that he had given that admonition to Plaintiff prior to Stangeland's arrival. Thus, at that time, Stangeland was unaware if in fact Plaintiff had been advised of his *Miranda* rights. However, Vega did tell Stangeland that Plaintiff had already admitted to a crime and was voluntarily writing a statement to that effect. Likewise, there was no indicia that Plaintiff had been placed into custody at that point (*e.g.* Plaintiff did not tell Stangeland that he was being prevented from leaving the room by Vega, etc.). In his deposition testimony, Stangeland stated that: "Given that suspect Tekoh was not in custody, he wouldn't have been Mirandized at that point."<sup>12</sup> See Stangeland Dep. Tr. at 63:20-22. Thus, there is no evidence that *Stangeland* violated any law by failing to give Plaintiff the *Miranda* advisal.

---

<sup>12</sup> As noted in *United States v. Basher*, 629 F.3d 1161, 1165 (9th Cir. 2011), an investigatory stop or encounter – sometimes referred to as a *Terry* stop as per the Supreme Court's decision in *Terry v. Ohio*, 392 U.S. 1 (1968) – does not violate the Fourth Amendment if the officer has reasonable suspicion supported by articulable facts (such as a report by a victim of a crime) that criminal activity may be afoot. Where a person is subjected to an investigatory stop based on reasonable suspicion (which is a lower standard than for probable cause), a *Miranda* warning is only required when either the person is placed under arrest or restraints on his freedom of movement to the degree associated with a formal arrest are employed by the officer. *Id.* at 1166; see also *Stanley v. Schriro*, 598 F.3d 612, 618 (9th Cir. 2010).

Third, as Stangeland did not arrest Plaintiff, he is not directly liable for Plaintiff's purported arrest without probable cause.

Fourth, while Stangeland was Vega's supervisor at the time Vega arrested Plaintiff, there is no evidence that Stangeland formally authorized the arrest or that, if he did, he improperly did so. As stated by Vega and not contradicted by Plaintiff, the probable cause determination was approved by the Lieutenant Stanley, the watch commander at the LASD's downtown facility. Furthermore, even if Stangeland did have some supervisory input as to the Plaintiff's arrest, there is no evidence that (at the time Vega arrested Plaintiff) there was insufficient probable cause to do so. Vega told Stangeland that: (1) Lemus had claimed she was sexually assaulted by a hospital employee who was later identified as Plaintiff, (2) Plaintiff had voluntarily admitted to Vega that he had improperly touched her vagina, and (3) that Plaintiff was writing a statement which detailed his fingering her vagina. When Stangeland entered the room, he observed Plaintiff writing on a piece of paper what was the Confession, and Plaintiff never told him the Confession had been coerced by Vega. It is not disputed that Stangeland had no basis to believe that Vega was being untruthful in his statements or that Vega would have engaged in unconstitutional conduct such as coercing a confession. DRO ¶ 15. Thus, there was sufficient probable cause at the time Vega arrested Plaintiff for Stangeland to believe that said arrest was warranted.<sup>13</sup>

---

<sup>13</sup> It is recognized that Plaintiff claims that while he was interrogated by Vega in Stangeland's presence, he said "I didn't

Plaintiff's one remaining claim which the Court would find *survives* the summary judgment motion is his contention that Stangeland falsified evidence in his Supplemental Report. In that report, Stangeland wrote:

Deputy Vega asked Mr. Tekoh what had happened with the female patient, whom Tekoh had previously transported. Mr. Tekoh stated that he had been weak and just "touched her." Deputy Vega asked Mr. Tekoh specifically what he meant when he said he "touched her." Mr. Tekoh admitted that after he had transported a female patient on a gurney from one area of the hospital to another, he raised her hospital gown up above her waist, exposing her naked lower body. Mr. Tekoh said that he had waited for the doctor to leave the female patient's room before he touched the outside of the woman's vagina with his hand.

Deputy Vega asked S/Tekoh how he had placed his hand on the victim's vagina. S/Tekoh described gently placing his right hand over the exterior of the female patient's vagina area and spreading his

---

do anything." However, the mere denial of wrongdoing by a suspect does not vitiate the presence of probable cause. *See Yousefian*, 779 F.3d at 1014. Plaintiff's statement that he didn't do anything (without more) does not overcome the victim's accusation, Vega's statement that Plaintiff had already admitted to a crime, and the presence of Plaintiff's written Confession where Plaintiff does not inform Stangeland of his contention that Vega had coerced that confession from him.

fingers to expose the interior or the woman's vaginal "lips."

... He claimed that he experienced an erection as a result of his actions; however, he denied that his fingers penetrated her vagina.

See Exhibit 13 to Stangeland Dep. Tr. The Supplemental Report was sent along with Vega's Incident Report and other materials to both the Sheriff's Special Victim's Unit (which conducted further investigations into the alleged crime) and to the District Attorney's Office (which prosecuted the case).

Plaintiff denies making any of those statements. This Court cannot make credibility determinations as to that claim. It would simply note that if what he asserts is true, then Stangeland's Supplemental Report would appear to have false information in it.

In sum, the Court would grant summary judgment as to all claims against Stangeland except for the falsified evidence contention.

#### **E. Qualified Immunity**

Defendants also move for summary judgment on the final ground that they are entitled to qualified immunity as a matter of law. See Motion at 17-20; Reply at 5-10, 12-13; see also Opp'n at 19-21.

Qualified immunity bars suit against an officer when they make decisions that, even if constitutionally deficient, reasonably misapprehend law governing the circumstances the officer faced. *Brosseau v. Haugen*, 543 U.S. 194, 199 (2004) (citing *Saucier v. Katz*, 533 U.S. 194, 206 (2001)); accord *Ford v. City of Yakima*, 706 F.3d 1188, 1192 (9th Cir. 2012) (citation omitted). If facts, viewed in

the light most favorable to the plaintiff, demonstrate the defendant violated a “clearly established” constitutional right, the defendant is not entitled to qualified immunity for the underlying constitutional violation. *See Ford v. City of Yakima*, 706 F.3d at 1192 (citation omitted); *see also Reichle v. Howards*, 132 S. Ct. 2088, 2093 (2012) (noting a “clearly established right” is “sufficiently clear that every reasonable official would have understood that what he [was]doing violate[d] that right”).

Defendants contend that “Plaintiff has presented no admissible evidence or authority that every reasonable officer would know that their conduct was unlawful in [Defendants’] shoes[.]” Reply at 10; *accord* Motion at 17-20. Critically, to satisfy their burden at summary judgment, Defendants – not Plaintiff – must establish “beyond controversy every essential element of [their defense].” *S. Cal. Gas Co.*, 336 F.3d at 888; *Federal Practice Guide* § 14:126. Defendants offer insufficient evidence to meet this burden as to the claims which this Court has denied above. As delineated in Parts IV-C and D *supra*, genuine disputes of material fact remain with respect to those constitutional claims against Defendants, and those alleged unconstitutional acts (such as false arrest without probable cause, falsification of evidence, coercing confessions, etc.) are so well established that law enforcement officers must be deemed to have knowledge of them.<sup>14</sup> In light of the

---

<sup>14</sup> Moreover, Plaintiff has produced authority for the proposition that “[t]his case is not one where, viewing the record in the light most favorable to Plaintiff, Defendants’ conduct did not violate clearly established law.” *See generally* Opp’n at 20 – citing *Cooper v. Dupnik*, 963 F.2d 1220 (9th Cir. 2012) (denying qualified immunity for wrongful interrogation, noting “[i]t is

foregoing, Defendants fail to establish their entitlement to the defense of qualified immunity “beyond controversy.”

## V. Conclusion

Based on the foregoing discussion, the Court would deny the Motion for Summary Judgment as to Plaintiff’s claims against Vega and as to his claim for falsification of evidence as to Stangeland, and grant it as to his other claims against Stangeland.

---

bedrock Constitutional law that police officers may not attempt to compel or coerce a suspect into confessing by disregarding his *clearly established* civil rights”) (emphasis added), and *California Attorneys for Criminal Justice v. Butts*, 195 F.3d 1039, 1050 (9th Cir. 1999) (“Officers who intentionally violate the rights protected by *Miranda* must expect to have to defend themselves in civil actions.”); and at 21 – (citing *Devereaux v. Abbey*, 263 F.3d1070, 1074-75 (9th Cir. 2001) (en banc) (holding there is “a clearly established constitutional due process right not to be subjected to criminal charges on the basis of false evidence . . . deliberately fabricated by the government”), and *Limone v. Condon*, 372 F.3d 39, 44-45 (1st Cir. 2004) (concluding government defendants had fair notice that presenting false evidence before court or prosecutor violated Fourteenth Amendment due process rights).

JA-228

**Iris Blandón-Gitlin, Ph.D.**  
**1 League # 60756, Irvine, CA 92602**  
**(657) 278-3496, iblandon-gitlin@fullerton.edu**

June 14, 2017

John Burton, Esq.  
128 North Fair Oaks Ave.  
Pasadena, CA 91103

*Re: Terence B. Tekoh v. County of Los Angeles et al.*

Dear Mr. Burton,

This report is per your request to review the confession evidence in the case of *Terence B. Tekoh v. County of Los Angeles et al.* Below is the relevant scientific information and my evaluation.

**I. Qualifications**

1. I am a professor of Psychology at California State University, Fullerton. I have been on the faculty at California State University Fullerton since 2006. I received my B.A. degree in psychology from California State University Northridge in 1997; my M.A. degree in psychology from Claremont Graduate University in Claremont, California in 2001; and my Ph.D. degree in psychology from Claremont Graduate University in 2005. My focus at each institution was cognitive psychology.
2. As part of my graduate school research and now as a faculty member at California State University Fullerton, I have studied

interview and interrogation tactics that critically influence the reliability of information obtained from suspects and witnesses. I am particularly interested in understanding the sociocognitive context that can suggestively lead suspects and witnesses to change their beliefs and make false statements. I also conduct research examining the validity of methods to discriminate between true and false statements. As noted in my curriculum vitae, my scholarly record includes numerous presentations of empirical studies at professional conferences, multiple authored and co-authored peer-reviewed articles, and review papers in edited volumes.

3. For my research, I have received various grants, including an American Psychological Association training grant and multiple California State University Fullerton competitive grants. I am a professional member of the Society for Applied Research in Memory and Cognition, where I also hold a position in its Publications Committee. I am a member of the American Psychological-Law Society, Division 41, of the American Psychological Association, where I also hold a position in the Minority Affairs Committee. I am also a member of the Psychonomics Society and the Association for Psychological Science.
4. I am a member of the Los Angeles Superior Court panel of experts. I have reviewed

approximately 250 criminal cases and have been qualified to testify as an expert in 37 cases in California. I include my curriculum vitae as well as a list of the cases in which I have testified. I am charging \$200 per hour for consultation, document reviews, and case analysis. In the Los Angeles area, my deposition and trial testimony fee is \$1200 per day.

## **II. Materials Reviewed**

5. I reviewed the following relevant files:
  - Plaintiff's First Amended Complaint
  - Deputy Vega's Initial Report with handwritten confession
  - Sgt. Stangeland's Supplemental Report.
  - Deputy Vega's Probable Cause Declaration
  - Preliminary Hearing Testimony of Deputy Vega
  - 402 hearing testimony (2) by Vega and Stangeland
  - Trial testimony: Carlos Vega (2), Dennis Stangeland, Yolanda Quevedo, Yessinia, Herrera, Roy Gonthier, Starlette Evan, and Terence Tekoh
  - Deposition Transcripts: Vega (2), Stangeland and Tekoh
  - Psychological Assessment Reports by Anthony Reading, Ph.D. (2)

I also reviewed the report I prepared for the criminal case and my testimony during the criminal trial.

### III. Summary of Findings

6. In the current case, as evaluated from a scientific perspective and assuming the veracity of Mr. Tekoh's accounts of events, it is my opinion that Mr. Tekoh's written confession was coerced and highly unreliable. Various factors contributed to the unreliability of his confession. Given the evidence of the case, Mr. Tekoh's accounts of events, as corroborated by his co-workers' testimonies, it appears that Mr. Tekoh was submitted to a highly coercive interrogation, one involving psychologically manipulative tactics as well as physical abuse. The interrogation was not recorded.
7. The evidence of record suggests various factors that are known in psychological science to influence the reliability of confession evidence. Mr. Tekoh, a foreigner and a member of a minority group, was interrogated without advisement of his Miranda rights. The interrogation was conducted after assessment of unreliable behavioral cues to deception. The interrogation was conducted behind closed doors in a soundproof room located in MRI area of the hospital where Mr. Tekoh worked. The interrogation included confrontational tactics, was accusatory in its tone and lasted approximately an hour. The interrogation appeared to have included maximization tactics suggesting Mr. Tekoh and his family would be deported back to Africa if he did not confess. It included at

least one false evidence ploy suggesting that a video of Mr. Tekoh committing the crime existed.

8. Mr. Tekoh's written statement has evidence of minimizing tactics and excuses typically used by interrogators to downplay the offense and to influence suspects to confess. It also has aspects of the who, what, where, when, how, and why components sought by interrogators in the construction of confession narratives. All of these elements, designed to create a product that will convince fact finders are present to a degree in the written statement. However, this narrative is devoid of details that would boost its reliability. Details of the crime that go beyond what the deputy knew or beyond what can be guessed. It did not have new verifiable crime details and it did not provide details that only the perpetrator would know. From a scientific and professional perspective, the content of this statement, as a key piece of evidence of the alleged crime is of poor quality.

#### **IV. The Science of Interrogation and Confessions**

9. The confession factors relevant to this case are best understood in the context of what we know about the process of interrogation and their links to false confessions. Below I provide a short summary of the relevant scientific knowledge.
10. In the U.S., the primary method of interrogation is a confrontational and

accusatory approach. Its main tactics derive from what is known as the “Reid Technique.” This technique is a psychological approach to interrogation developed in the 1940’s to strategically overcome suspects’ resistance and denials, and move them from denials to admissions.<sup>1</sup> False admissions and/or confessions can occur when the tactics are misused, especially in circumstances when suspects are vulnerable.

11. In the professional and academic worlds, interviews and interrogations are seen as two qualitatively different activities. An interview is done with witnesses, victims, or potential suspects. It tends to be a non-accusatory, information-gathering activity where assessment of truth and deception is initially conducted. Interrogation is performed only on those presumed guilty and the main goal at this point is to obtain an admission or confession. The interrogation is accusatory in nature; guilt is presumed and generally does not involve testing alternative explanations: Generally, interrogations elicit information to confirm the crime or to continue the investigation. As such, interrogation was developed for the guilty, not the innocent.
12. Interrogation is primarily about control; control of the setting (e.g., room, timing of events, conversation), control of information

---

<sup>1</sup> Leo, R.A. (2008). *Police interrogation and American justice*. Cambridge: Harvard University Press.

the suspects receive (e.g., evidence ploys such as real or fake videos, DNA, and eyewitness identifications), and control of the suspects' choices (e.g., minimization versus maximization of culpability). It is through this strategic psychological process that police reverse a suspects' initial cost-benefit analysis of seeing denials as a benefit and confession as a cost, to a change of perceiving denials as a cost and admitting to some version of committing the crime as a benefit. In their totality, these interrogation methods are powerful weapons of influence that often lead to confessions from the guilty.<sup>2</sup> As many studies in the laboratory and from real world cases have shown, if misused, these tactics can also lead innocent people to confess.

13. Detecting deception is part of the process of evaluating suspects. Research is clear on this: human lie detectors, including law enforcement and other professionals in the business of lie detection, are not significantly better than chance in determining who lies or tells the truth based on behavioral measures, especially nonverbal behaviors (e.g., gaze aversion). The Reid Technique is not useful in this regard, most of their approach to detect deception has been

---

<sup>2</sup> Davis, D. (2010). Lies, damned lies, and the path from police interrogation to wrongful conviction. In M. H. Gonzales, C. Tavis, & J. Aronson (Eds.), *The scientist and the humanist: A festschrift in honor of Elliot Aronson* (pp. 211-247). New York, NY: Psychology Press.

empirically evaluated and found to lead to unreliable outcomes.<sup>3</sup>

14. Typically, suspects are isolated to a private space, a place the police are in control and can make confession easier for the suspect. It presumably allows the interrogator to ensure the suspect focuses on the influential strategies that sell a confession choice.<sup>4</sup> If this space is at the police station, it is usually a small, windowless, and barely furnished room with two chairs and a desk. The idea is to suggest to suspects that the interrogator is in control, that they are caught and there is no way out. This may involve the interrogator closing the door and positioning himself or herself in front of the suspect, a place where access to the door is blocked. At times the interrogator may place himself or herself in a space within the suspect's intimate zone.
15. Being accused of perpetrating a crime and being interrogated by the police is a highly stressful situation for most people, but this can become more acute in certain situations. The confined space and the confrontational nature of the interrogation, which begins by repeatedly accusing suspects, ignoring

---

<sup>3</sup> Masip, J., Barba, A., & Herrero, C. (2012). Behavior Analysis Interview and common sense. A study with novice and experienced officers. *Psychiatry; Psychology and Law*, 19, 21-34.

<sup>4</sup> Inbau, F. E., Reid, J.E., Buckley, J.P., & Jayne, B. C. (2013). *Criminal interrogation and confessions* (5th ed.). Sudbury, MA: Jones and Bartlett.

denials and attacking alibis can lead to the erosion of psychological strength that eventually leads to acute stress. It is well established in empirical research that high levels of sustained stress can impair mental function, information processing, and rational decision-making. In interrogation contexts, acute stress can lead to *interrogation-related regulatory decline*. This phenomenon refers to a decline in self-regulation abilities necessary to resist forces of influence during interrogations.<sup>5</sup>

16. To further convince suspects that the police know they are guilty, interrogators must show that there is undisputable evidence of the suspect's guilt. The central tactic to do this is presenting *evidence ploys*. Evidence ploys can be real evidence or fake evidence of suspect's involvement in the crime. It can be presented as if the evidence already exists or as if the police will obtain it sometime soon (i.e. a bluff). The idea of presenting it is to convince the suspect he is caught, and that continued denials would not help him to get out of the situation. Psychology and Law Scholars report that the false evidence ploy is an important situational risk factor associated with police-induced false confessions because suspect's perceptions, beliefs, and even their memories may be

---

<sup>5</sup> Davis, D., & Leo, R. A. (2012a). "Interrogation-related regulatory decline." Ego-depletion, self-regulation failure, and the decision to confess. *Psychology, Public Policy and Law*, 18(4), 673-704.

altered in fundamental ways. Virtually all proven false confession cases include a false evidence ploy.<sup>6</sup>

17. Given that denying the crime or providing alibies are not an option during interrogation, police must give suspects options to make it easier to confess. They do this by conceptualizing the crime under investigation in a process called “theme development.” Good and bad themes either downplay the seriousness of the offense or exaggerates it. The options given to suspects are in the form of excuses referred to as *minimization and maximization tactics*.
18. Minimization tactics are moral justifications or face-saving excuses the interrogator creates to explain why the person may have committed the act they are accused of. The idea is to imply to the suspect that providing a confession or admission (perhaps with a moral justification) is the best way to get out of the situation. Psychological research shows that these minimization tactics, which downplay the seriousness of the acts, suggest promises of leniency and have been shown to increase true confessions as well as exponentially increase false confessions. Psychology and Law Scholars report that the minimization tactic is another critical situational risk factor associated with police-

---

<sup>6</sup> Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2010). Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior*, 34(1), 3-38.

induced false confessions. Suspects under duress may choose a minimization scenario, falsely believing in a promise of leniency. They may choose this to stop the interrogation, regardless of the veracity of the accusation or the scenario.

19. Maximization tactics are scenarios that suggest a more serious situation and typically are given as an alternative to the minimizing scenario. The idea is to suggest a bad theme (e.g., you are a sexual predator) along with the good theme (e.g., people make mistakes, you are a human) with the goal that the suspect selects the good scenario and implicates himself. As with minimization scenarios, research shows that these maximization scenarios suggest the threat of harsher punishment.
20. The mechanism by which minimization and maximization works can be explained by research on *pragmatic implications*, which is a term referring to people's inclination to read between the lines in response to certain statements. In other words, pragmatic implications refer to how people process language and the meaning that is inferred from what is being said. In the context of an interrogation, this is important because research shows that these tactics can effectively communicate implicit messages of harsher punishment or promises of leniency.
21. In addition to situational and temporary psychological states, there are several types of dispositional vulnerabilities that increase

a suspect's risk to falsely confess. Of relevance to the current case is the factor of being a foreigner and a member of a minority group. General psychological research, as well as recent research on cultural orientation in interrogation contexts, suggests that suspects who are not members of the dominant culture may be at a distinct disadvantage in the interrogation room.

22. Generally, culture is considered as the “programming” of the mind which distinguish members of one group from members of another group.<sup>7</sup> This programming leads to a shared set of attitudes, values, beliefs, and behaviors that distinguish one group from another.<sup>8</sup> As these definitions suggest, members of a specific culture share core beliefs, values, and attitudes that influence their behaviors in fundamental ways. Behaviors that may be significantly different from a majority culture and not universally understood. Important cultural dimensions in interrogation contexts are *collectivistic* (in-group and contextually oriented) and *high power distance* (accepting and expecting that power is distributed unequally).
23. Based on the available research it can be concluded that there are at least three

---

<sup>7</sup> Hofstede, G. (2011). Dimensionalizing Cultures: The Hofstede Model in Context. *Online Readings in Psychology and Culture*.

<sup>8</sup> Matsumoto, D. (1997). *Culture and Modern Life*. Pacific Grove, CA: Brooks/Cole.

reasons why cultural orientations might render a foreigner or minority suspect more vulnerable in the interrogation room. First, foreigners are likely to lack knowledge about the dominant culture's legal system, interrogation rights, immigration laws pertinent to suspects, and the process of police investigation.

24. Second, various research examining the role of culture on suspect's interview behavior, tactics' influence, and confessions suggest that people who endorse collectivistic values are:
  - a. particularly likely to waive their rights due to lack of familiarity with the American legal system;
  - b. more likely to exhibit behaviors of obedience, compromise, and trust towards authorities;
  - c. likely to respond negatively to influencing tactics;
  - d. prone to score high on measures of compliance to authority.
25. Moreover, the closely related cultural dimension of power distance has been shown to predict level of compliance in individuals. Thus, suspects from a collectivistic and/or high power distance culture may be less likely to challenge authority, more fearful of police, more open to accepting police officers'

scenario of events, and more likely to comply with the suggestion to confess.<sup>9</sup>

26. Third, the phenomenon of *stereotype threat* may be at play when the suspect belongs to a marginalized group. Stereotype threat occurs when an individual suffers from an overwhelming concern of confirming a negative stereotype (e.g., Blacks as criminals) that leads to apprehension or excessive anxiety which negatively affects their behavior and ironically confirms the stereotype. For example, for a variety of reasons, including negative stereotypes that depict Blacks as criminals, African-Americans are more likely than Whites to be suspected of crimes by the police.<sup>10</sup> Research shows that if African-American suspects are aware of this stereotype, they anticipate being perceived as suspicious, will experience increased anxiety, and be deficient in self-regulatory strategies in police encounters.<sup>11</sup> Signs of stress and attempted control of behaviors may be

---

<sup>9</sup> Costanzo, M., Blandón-Gitlin, I., & Davis, D. (2017). The content, purpose, and effects of expert testimony on interrogations and confessions. In M. Miller & B. Bornstein (Eds.), *Advances in Psychology and Law*. Springer.

<sup>10</sup> Najdowski, C. J. (2011). Stereotype threat in criminal interrogations: Why innocent black suspects are at risk for confessing falsely. *Psychology, Public Policy & Law*, 17, 562-591.

<sup>11</sup> Najdowski, C. J., Bottoms, B. L., & Goff, P. A. (2015). Stereotype threat and racial differences in citizens' experiences of police encounters. *Law and Human Behavior*, 39(5), 463-477.

wrongly perceived by observers as signs of guilt.

27. Each of these three culturally factors – or a combination of them – may explain the enhanced risk of false confession for foreign-born and minority suspects. Cultural effects may exacerbate the coercive influence of interrogation tactics and significantly undermine the reliability of confessions.
28. In recognition of the role that false confessions play in wrongful convictions, it has now been widely recommended that interrogations be recorded from beginning to end to document the process by which suspects decide to confess.<sup>12</sup> A good interrogation recording protects the officer from false accusations of coercion. It also protects the suspect from being submitted to a coercive interrogation. Importantly, a recording can be used to objectively assess how the statements were elicited, the context, the process, and all of that which surrounds the interrogation situation. Research shows that people (including police officers) misremember or forget on how they elicit information from interviewees and how they themselves behave during interviews and interrogations. The process of interrogation can be taxing to police

---

<sup>12</sup> Sullivan, T. P. (2010). The wisdom of custodial recording. In G. D. Lassiter & C. A. Meissner (Eds.), *Police interrogations and false confessions: Current research, practice, and policy recommendations* (pp. 127-142). Washington, D.C.: American Psychological Association.

officers as well, mental and physical demand that influences what they perceive and remember will undermine subsequent reports of events. Thus, without a recording, the reliability of a confession is seriously undermined.

29. The opportunity to properly assess the reliability of a confession is also critical because it is unlikely that confessions will be automatically evaluated by fact finders as maybe true or maybe false; confessions are almost always believed to be true. The power of confessions has been demonstrated in numerous laboratory studies, as well as empirical analyses of actual cases. For example, the Innocence Project's research on more than 300 convictions overturned by DNA evidence reveals that about 25% of these wrongful convictions involved false confessions or admissions.<sup>13</sup> In those, and many other real-world cases, the confession was believed to be true by fact finders.<sup>14</sup> Laboratory experiments reveal the powerful impact of confessions on observers when compared to other evidence such as eyewitness, character, or even exculpatory DNA evidence.<sup>15</sup> Research also show that

---

<sup>13</sup> False confessions or admissions. (2017). Retrieved from <https://www.innocenceproject.org/causes/false-confessions-admissions/>

<sup>14</sup> Drizin, S.A., & Leo, R.A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82, 891-1007.

<sup>15</sup> For a summary see:

circumstantial evidence may be perceived as valid in the context of a confession, whether that circumstantial evidence is reliable or not.<sup>16</sup> In essence, confessions can cloud perception of other evidence, even evidence of innocence.

#### V. Analysis of Mr. Terence Tekoh's Confession

30. On March 19, 2014, Deputy Carlos Vega (now Sergeant Vega) investigated a sexual assault complaint at the Los Angeles County + USC Medical Center. Deputy Vega stated in his initial reports and later via various testimonies that during his investigation of the alleged sexual assault, he came in contact with Mr. Tekoh in a hallway in the MRI area in the hospital's radiology department. According to Deputy Vega, Mr. Tekoh appeared to behave in ways that made him look suspicious or guilty (e.g., guilty facial expressions, head movements, nervous behavior). This assumption about behaviors was further reinforced when Mr. Tekoh spontaneously admitted to making a mistake and asked to speak to Deputy Vega in private. This resulted in Mr. Tekoh leading Deputy Vega to a "break room" where Mr. Tekoh repeated that he made a

---

Appleby, S. C. & Kassin, S. M. (2016). When self-report trumps science: Effects of confessions, DNA, and prosecutorial theories on perceptions of guilt. *Psychology, Public Policy & Law*, 22, 127-140.

<sup>16</sup> Kassin, S. M., Bogart, D., & Kerner, J. (2012). Confessions that corrupt: Evidence from the DNA exoneration case files. *Psychological science*, 23, 41-45.

mistake and asked if he was in trouble. Deputy Vega went out of the room to ask for a piece of paper to prompt Mr. Tekoh to write details of what happened. According to Deputy Vega, he encouraged Mr. Tekoh to tell the truth. He did not believe *Miranda* warnings nor a recording of the interview/ confession process were necessary in this case.

31. Deputy Vega testified that Mr. Tekoh wrote a confession when repeatedly prompted to tell the truth. Deputy Vega stated that he did not strategically or systematically elicit Mr. Tekoh's written confession nor did he provide the content of it. Soon after Mr. Tekoh began writing, Deputy Vega called his supervisor, Sergeant Stangeland. The door to the room was slightly open when he made that call. When Sergeant Stangeland arrived, Deputy Vega briefed him outside the presence of Mr. Tekoh who was still busy inside writing the confession.
32. Sergeant Stangeland proceeded to ask Mr. Tekoh a few questions. He also did not *Mirandized* Mr. Tekoh, did not record the interaction and was in the room for five minutes. Sergeant Stangeland recalled Mr. Tekoh standing but at some point writing. Sergeant Stangeland recalled the door to the room being opened. Upon concluding the questioning and Mr. Tekoh finalizing the confession, Sergeant Stangeland ordered Deputy Vega to report the case to the Special Victims Bureau. Mr. Tekoh was arrested

based primarily based on his confession. Mr. Tekoh was not identified in the field by the victim as the perpetrator of the alleged crime. Mr. Tekoh was taken to jail rather than to a forensic testing facility, so potentially exculpatory or inculpatory physical evidence, including the presence or absence of material on Mr. Tekoh's fingers, was not collected at that time. It is important to note that these events point to the power of the confession evidence. As suggested in the scientific literature, once a confession was taken it became the primary evidence, one that likely clouded perception of other evidence.

33. There are several aspects of this case that suggest Mr. Tekoh's confession was coerced and is highly unreliable. First, Deputy Vega's account of the circumstances in which he met and initially interacted with Mr. Tekoh is significantly different from the various witnesses' accounts, including Mr. Tekoh himself.
34. Three of Mr. Tekoh's co-workers testified at trial: Roy Gonthier, Yessinia Herrera, and Yolanda Quevedo. They all consistently reported the core aspects of the events. They reported that Mr. Tekoh was in a room ("cubicle") with Ms. Quevedo and Ms. Herrera when Deputy Vega approached looking for Mr. Tekoh. The co-workers heard Deputy Vega ask for a private room to talk with Mr. Tekoh. Ms. Quevedo and Ms. Herrera testified that they showed Deputy

Vega and Mr. Tekoh to the computer/reading room but were not allowed to enter the room. All three witnesses never heard a conversation between Deputy Vega and Mr. Tekoh in the hallway. These witnesses also recalled the computer/reading room door closed while Mr. Tekoh was in there with the deputy. They did not give Deputy Vega a piece of paper, nor did they see him leave the room to get a piece of paper. The co-workers all reported having seen another Sheriff's Department official before Mr. Tekoh was arrested.

35. It is well-established in memory research that under some conditions people may misremember events, even salient events. That memory reconstruction, editing, and forgetting are part of the normal process of memory. However, research also shows that the core details of events—those that hold the story together in a consistent and plausible manner—are not typically misremembered or readily forgotten.
36. The overwhelming evidence from the multiple witnesses' core accounts suggests that Deputy Vega's account of events about his initial encounter and movement to the computer/reading room may have been incorrect. This conclusion is also supported by the fact that Deputy Vega's accounts of *other* critical events were misreported. For example, in writing his probable cause declaration, Deputy Vega incorrectly reported that Mr. Tekoh admitted to finger

penetration, an act that leads to a more serious charge for suspects. Later, Deputy Vega's more detailed typed report also attributed incorrect details to the complaining patient's account--information about transportation given by the supervisor was incorrectly attributed to the patient. These are not trivial details, they are core details of events that are important in Mr. Tekoh's identification as the transporter and as the perpetrator. At the preliminary hearing, Deputy Vega also reported an inconsistent core detail, he testified that Mr. Tekoh was having lunch when he first approached him. Later this detailed was rejected. In each of these cases, the misremembering or misreporting changed the core of the story in critical ways that have serious implications. Given all of these issues with memory or incorrect reports, it is important to critically evaluate the reliability of Deputy Vega's account of events.

37. The second aspect of this case suggesting an unreliable confession is that Mr. Tekoh's account of events—mostly corroborated by witnesses' accounts—reveals a coercive interrogation. Mr. Tekoh was in the soundproof room, behind closed doors, with Deputy Vega alone. Mr. Tekoh's accounts point to the use of highly coercive and illegal tactics such as Deputy Vega stepping on Mr. Tekoh's toes, yelling, using derogatory language, and explicit threats with deportation to Africa. Deportation not only

of him but his family. These tactics go beyond the customary maximization scenarios in interrogations. To the extent that this information is reliable, this suggests an egregious misuse of maximization tactics.

38. Most of Mr. Tekoh's written confession is about apologies and excuses in the theme development flavor of minimizing tactics. For example, "I am single and currently don't have a girlfriend and became excited after I first saw her vagina accidentally," is a textbook example of a minimization tactic blaming the suspect's marital situation for causing him to improperly or illegally behave sexually. It also downplays the seriousness of the offense. Incidentally, at trial Mr. Tekoh testified that he had a girlfriend at the time of the incident. His girlfriend, Starlette Evans corroborated that testimony. If reliable, this evidence would further undermine the validity of the confession.
39. Mr. Tekoh testified he was confronted with the statement that there was a video of him committing the crime. As none existed, this would be a false evidence ploy. In some cases, the fake video evidence ploy is a dangerous tactic because, as some literature suggest, innocent people would falsely believe that they will be exonerated when the video is revealed. Basically, they falsely confess to get out of the situation believing in the availability of exonerating evidence.

This is something Mr. Tekoh seemed to have believed, he initially thought the video would have exonerated him so there was no harm in him doing what the deputy wanted him to do.

40. A third critical aspect of this case is that the occurrences in the computer/reading room characterized as an interview was not recorded despite the availability of recording devices. There is no objective record that can be independently evaluated. Despite this, Mr. Tekoh's accounts of events are detailed and consistent with the evidence. Part of his account is strongly corroborated by three witnesses' testimony and other aspects of his accounts explains coercive interrogation tactics in a way that is consistent with what we know from the scientific literature. Tactics that negatively influence the reliability of confession evidence.
41. Finally, Mr. Tekoh's written statement is devoid of reliability indicators. A critical factor in determining the reliability of a confession is the content of the *post-admission narrative*, the account after the "I did it" statement. In the post-admission statement, information provided by the suspect should (a) confirm the facts of the case, (b) go beyond suggested information (c) not be easily guessed, and (d) be objectively confirmed. Ideally, it also provides new details that support the confession which only the perpetrator would know. In this case, these indicators were not

JA-251

met. In fact, the only part about the alleged crime was the line about “spreading of the vagina,” a detail that does not sufficiently meet the indicators of reliability.

To conclude, a confrontational and accusatory context involving coercive tactics can significantly influence the suspect’s state of mind. The misuse of interrogation tactics can lead to an intimidating and acutely stressful situation that contribute to reducing psychological strength, lower resistance, and increase suggestibility and compliance. This can be further compounded by cultural factors that intensify the effects of a coercive interrogation context and activates an overwhelming concern for the self and close others. Mr. Tekoh’s cultural background as elaborated in his testimony as well as his strong ties with family would have put him at risk for giving a false confession in the context of a highly coercive interrogation.

Please contact me if you have any questions or concerns about this report or if you have additional materials for me to evaluate.

Sincerely,

Iris Blandón-Gitlin, PhD

Professor of Psychology

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States and the State of California on June 14, 2017.

/s/ Iris Blandón-Gitlin, PhD  
Iris Blandón-Gitlin, PhD

[Attorney information omitted]

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERENCE B. TEKOH,  
Plaintiff,

v.

COUNTY OF LOS  
ANGELES, SGT.  
DENNIS  
STANGELAND and  
DEPUTY CARLOS  
VEGA,

Defendants.

Case No. 16-cv-7297  
GW (SKx)

**PLAINTIFF  
PROPOSED JURY  
INSTRUCTIONS**

**Pretrial Conference**

**Date:**  
**September 28, 2017**  
**Time: 8:30 a.m.**

**Trial:**  
**Date:**  
**October 10, 2017**  
**Time: 9:00 a.m.**

\* \* \*

**INSTRUCTION NO. 19A**

Plaintiff contends that Defendant Carlos Vega deprived him of rights guaranteed by the Fifth Amendment to the United States Constitution by interrogating him while in custody without advising him of his rights to remain silent and to consult an

attorney. These rights were established by *Miranda v. Arizona*, and are referred to by that case name.

Defendant Vega denies that Plaintiff was in custody for *Miranda* purposes.

To determine whether Plaintiff was in custody, and was therefore entitled to *Miranda* admonitions, you should focus on the objective circumstances, not the 10 subjective views of the officer or the individual being questioned. The ultimate question is whether the officer created a setting from which a reasonable person would believe that he or she was not free to leave.

The following factors are among those likely to be relevant to deciding that question:

- (1) The language used to summon the individual;
- (2) The extent to which the individual being questioned is confronted with evidence of guilt;
- (3) The physical surroundings;
- (4) The duration of the detention; and
- (5) The degree of pressure applied to detain the individual

In order to establish his Fifth-Amendment claim , Plaintiff must prove by a preponderance of the evidence that Defendant Carlos Vega obtained one or more statements from him in violation of *Miranda* that were subsequently used in the criminal case against Plaintiff.

*United States v. Kim*, 292 F.3d 969, 973-74 (9th Cir. 2002); *Stoot v. City of Everett*, 582 F.3d 910, 925 (9th Cir. 2009), *cert. denied sub nom. Jensen v. Stoot*, 559 U.S. 1057 (2010).

**INSTRUCTION NO. 19B**

Plaintiff contends that Defendant Carlos Vega deprived him of rights guaranteed by the Due Process Clause of the Fourteenth Amendment to the United States Constitution by coercing an involuntary confession.

Plaintiff must prove by a preponderance of the evidence that his will was overborne by the circumstances surrounding the giving of a confession.

The due process test takes into consideration the totality of all the surrounding circumstances, including both the characteristics of the person being questioned and the details of the interrogation. These include factors such as the length of the questioning, the use of fear to break a suspect, and whether the police advised the person being questioned of his rights to remain silent and to have counsel present during a custodial interrogation.

The basic question is whether the confession is the product of an essentially free and unconstrained choice by its maker. If it is, if he has willed to confess, it may be used against him. If it is not, if his will has been overborne and his capacity for self-determination critically impaired, the use of his confession offends due process.

*Doody v. Ryan*, 649 F.3d 986, 1008 (9th Cir. 2011);  
*Dickerson v. United States*, 530 U.S. 428, 434 (2000)

JA-255

**INSTRUCTION NO. 21A**

To prove his deliberate falsification of evidence claim, Plaintiff is not required to establish a lack of probable cause for his arrest or prosecution.

*Spencer v. Peters*, 857 F.3d 789, \*21-\*26 (9th Cir. 2017)

Respectfully submitted,

Dated:  
September 22, 2017

THE LAW OFFICES OF  
JOHN BURTON  
CAVALLUZZI &  
CAVALLUZZI

By: /s/ Maria Cavalluzzi  
Maria Cavalluzzi  
John Burton  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERENCE B.	)	No. CV 16-7297-
TEKOH,	)	GW(SKx)
	)	
Plaintiff,	)	<b>FINAL JURY</b>
	)	<b>INSTRUCTIONS</b>
	)	
v.	)	
	)	
DEPUTY CARLOS	)	
VEGA, et al.,	)	
	)	
Defendants.	)	

---

\* \* \*

**II. Plaintiff's Claim: 42 U.S.C. § 1983 - Violation  
of Constitutional Rights**

Plaintiff brings his claims under the federal statute, 42 U.S .C. § 1983, which provides that any person or persons who, under color of state law, deprives another of any rights, privileges, or immunities secured by the Constitution or laws of the United States shall be liable to the injured party.

In order to prevail on his § 1983 claim against either of the Defendants, Plaintiff must prove each of the following elements by a preponderance of the evidence:

1. the Defendant acted under color of law; and
2. the acts of that Defendant deprived the Plaintiff of his particular rights under the United States Constitution as explained in later instructions.

A person acts “under color of law” when the person acts or purports to act in the performance of official duties under any state, county, or municipal law, ordinance, or regulation.

The parties have stipulated that each Officer Defendant acted under color of law.

If you find Plaintiff has proved each of those elements, and if you find that the Plaintiff has proved all the elements he is required to prove under either of the following instructions as to (1) arrest without probable cause or (2) deliberate fabrication of evidence, your verdict should be for the Plaintiff as to the individual Defendant where he has met his burden of proof. If, on the other hand, Plaintiff has failed to prove any one or more of the elements in Instructions 1 or 2 as to any Defendant, your verdict should be for the Defendant( s) as to each claim where there is such a failure of proof.

In order to establish that the acts or failures to act of a Defendant police officers deprived the Plaintiff of his particular rights under the laws of the United States or the United States Constitution as explained in later instructions, the Plaintiff must prove by a preponderance of the evidence that the acts or failures to act of the Individual Defendant were so closely related to the deprivation of the Plaintiff’s rights as to be the moving force that caused the ultimate injury.

**A. Instruction No. 1 - Arrest without Probable Cause against Defendant Vega**

Voluntarily Answering Police Questions: There is nothing in the Constitution which prevents or forbids a policeman from addressing questions to anyone the officer encounters at a public place. Absent special circumstances, the person approached may not be

detained (that is, forced to remain at the location or be frisked); and the person may refuse to cooperate and go on his way.

Investigatory Stops: The Fourth Amendment of the Constitution permits brief investigatory stops of an individual by a law enforcement officer when the officer has a particularized and objective basis for suspecting that the individual has been or is involved with criminal activity. Although the individual can be “seized” (that is detained against his will) by the officer while pertinent questions are directed to him, such an investigatory stop is not an arrest. The person detained is not obliged to answer the questions; answers may not be compelled; and a refusal to answer furnishes no basis for an arrest – although it may alert the officer to the need for continued observation.

Arrests: Generally, an arrest occurs when, after considering the entire situation, the conduct (that is the words and actions) of the officers would cause an innocent person to reasonably believe that he will not be free to leave after a period of questioning but that he is going to be held in police custody for an indefinite period.

As previously explained, Plaintiff has the burden of proving that the acts of an individual Defendant deprived the Plaintiff of particular rights under the United States Constitution. In this case, Plaintiff alleges Defendant Vega deprived him of his rights under the Fourth Amendment to the Constitution when Vega arrested him without probable cause. Under the Fourth Amendment, a person has the right to be free from an *unreasonable* seizure of his person which includes an arrest of a person without probable cause.

A defendant “seizes” a plaintiff’s person when he restrains the plaintiff’s liberty by physical force or a show of authority. A person’s liberty is restrained when, under all of the circumstances, a reasonable person would not have felt free to ignore the presence of law enforcement officers and to go about his business.

In general, a seizure of a person for an investigatory stop is reasonable if, under all of the circumstances known to the officers at the time:

1. the officer had a reasonable suspicion that the person seized was (or had been) engaged in criminal activity; and
2. the length and scope of the seizure was reasonable.

“Reasonable suspicion” is an objectively reasonable belief based on specific and articulable facts that the detained individual is (or has been) engaged in criminal activity. It requires only a minimal level of objective justification and one must consider the totality of the circumstances in determining whether reasonable suspicion existed. Although a mere “hunch” does not create reasonable suspicion, the level of suspicion required is considerably less than proof of wrongdoing by a preponderance of the evidence. The relevant potential crime is described below.

In determining whether the length and scope of the seizure was reasonable, consider how the officers restricted Plaintiff’s liberty and the officer’s reasons for using such methods and/or the length of the stop.

In general, a seizure of a person by arrest without a warrant is reasonable if the arresting officers had

probable cause to believe the plaintiff has committed or was committing a crime.

In order to prove the seizure in this situation was unreasonable, Plaintiff must prove by a preponderance of the evidence that he was arrested without probable cause.

“Probable cause” exists when, under all of the circumstances known to the officers at the time, an objectively reasonable police officer would conclude there is a fair probability that the plaintiff has committed or was committing a crime.

Although the facts known to the officer are relevant to your inquiry, the officer’s intent or motive is not relevant to your inquiry.

Under California Penal Code § 289(d), it is a felony for a person to commit an act of sexual penetration on a victim when the victim is, at the time, unconscious of the nature of the act and this is known to the person committing the act. “Unconscious of the nature of the act” means incapable of resisting because the victim was unconscious or asleep or was not aware, knowing, perceiving, or cognizant that the act occurred.

Evidence was offered at trial that Plaintiff was acquitted of the sexual assault charge in a criminal trial. However, the validity of the arrest does not depend on whether the suspect actually committed a crime. Where probable cause exists at the time of an arrest, the arrest does not violate the Constitution even if charges are later dropped or the person arrested is subsequently acquitted. The probable cause standard requires far lesser evidence and facts than “guilt beyond a reasonable doubt” standard which is the criterion used in criminal trials.

**B. Instruction No. 2 - Deliberate Fabrication of Evidence against Both Defendants**

As previously explained, Plaintiff has the burden of proving that the acts of the Defendants Vega and Stangeland deprived him of particular rights under the United States Constitution. The Fourteenth Amendment protects against being subjected to criminal charges on the basis of false evidence that was deliberately fabricated by a defendant. In this case, Plaintiff alleges the defendants deprived him of rights under the Fourteenth Amendment to the Constitution when they filed false reports stating that the alleged victim identified Plaintiff as the perpetrator and that Plaintiff confessed to the crime.

For Plaintiff to prevail on his claim of deliberate fabrication of evidence, he must prove at least one of the following elements by a preponderance of the evidence:

(1) Defendant Carlos Vega and/or Dennis Stangeland deliberately fabricated evidence that was used to criminally charge and prosecute Plaintiff.

or

(2) Defendant Vega used techniques that were so coercive and abusive that he knew, or was deliberately indifferent, that those techniques would yield false information that was used to criminally charge and prosecute Plaintiff.

“Deliberate indifference” is the conscious or reckless disregard of the consequences of one’s acts or omissions.

If Plaintiff proves that a defendant deliberately fabricated evidence that was used to criminally charge and prosecute him, then Plaintiff is not required to prove that the Defendant knew Plaintiff

was innocent or was deliberately indifferent to the plaintiff's innocence.

Not all inaccuracies in an investigative report give rise to a constitutional claim. Errors concerning trivial or unimportant matters is insufficient. Further, mere carelessness or negligence is also insufficient.

Officers are not obligated to further investigate or accept a suspect's versions of the facts or claim of innocence if they otherwise have reasonable suspicion to detain or probable cause to arrest based on other credible information known to them. A mere mistake of fact or refusal to believe a suspect's innocent explanation will not automatically make an arrest illegal.

\* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL – DAY TWO  
VOLUME I OF II  
LOS ANGELES, CALIFORNIA  
WEDNESDAY, OCTOBER 11, 2017

\*\*\*

**[19]**

\*\*\*

Q So when you went to talk to Ms. Lemus, is it [20] correct that she was upset and agitated?

A Absolutely. She was very, very upset. Emotional. Very believable that she had been sexually assaulted.

Q Well, what she was upset about was that no one would believe her, correct?

A Exactly. She was asking for help. She continued to ask for help.

Q And she told you that no one will believe me. I have been telling them that I was assaulted.

A That is correct.

\* \* \*

[23]

\* \* \*

Q Now, you said she was frustrated -- like, no one was actually believing her when you first encountered her; correct?

A That's correct.

Q And so you went at least five minutes just trying to calm her down; correct?

A That is when she continued to scream that nobody was helping her. She -- crying uncontrollably. Wanted to tell me what happened. It actually took me -- she was -- to get her to catch her breath because she was so angry and frustrated that nobody would listen to her in order to report that she was sexually assaulted.

Couple of times she would breathe and then go down. It took me several times to take your breath, take a deep breath. I want to listen to what you have got to say. I want to help you. I want to help you.

And like he said, five minutes into the encounter she is able to actually talk to me and catch her breath. So that made her very believable to me.

It didn't matter if they had said if she was under medication. She was a victim of a crime at that point through my observations.

Q You had already decided that she was a victim of a [24] crime; correct?

A No. I decided that she was a good victim. That she was -- through my experience, I know that when you

interview sexual assault victims they act a certain way. And she had -- she was acting. She was letting it out. She was screaming, help me, help me. Like, nobody would listen to her.

And had I made up my mind? No. She was a believable, believable victim in my -- from my experience.

\* \* \*

**[102]**

\* \* \*

CROSS-EXAMINATION

BY MR. KIZZIE:

Q Good afternoon, Sergeant Vega.

A Sir, good afternoon.

Q Prior to the date of this incident that we are here about, had you ever met Mr. Tekoh before?

A Never. Never met Mr. Tekoh.

Q Prior to the date of this incident, had you ever met the victim, Ms. Lemus, before?

A Never. Never met Ms. Lemus.

Q All right. And you are aware that Mr. Tekoh is claiming you made him write a false confession; right?

A That's correct.

Q If I could please pull up Exhibit No. 4.

At some point in your investigation, were you **[103]** able to read what Mr. Tekoh wrote on this confession?

A Yes, sir.

Q All right. Would you please read to the jury, to the extent they may have difficulty seeing, what this confession says?

A Absolutely.

“To whom it may concern.”

THE COURT: Slow down, please.

THE WITNESS: “This is an honest and regrettable apology from me about what happened a few hours ago. I don’t know what suddenly came over me, but it was a – it was certainly the most weakest moment I have ever been caught up with in my life.

“I have never ever found myself doing such a despicable act. I do not think this is an excuse, but I am single. I currently don’t have a girlfriend and became very excited after I first saw her vagina accidentally.

“So after dropping her off, I decided to go for by -- decided to go for the -- by spreading her vagina lip for a quick new and then went back to my duty post with the intention of masturbating, which I never did [verbatim].”

Q Did you tell Mr. Tekoh, a person you never met before, to write any of that?

[104] A Absolutely, no. I mean, there is a couple of words that I do not even think I would even use. I mean, no, I would never do that. It is too detailed.

Q Sure. For example, did you know anything about Mr. Tekoh’s romantic life or whether he had a girlfriend or not?

A No. I never knew Mr. Tekoh. That is the first time I ever made contact with him.

Q Did you ever know whether Mr. Tekoh saw her vagina accidentally or purposely, as written here?

A No, sir. Never.

Q At the time with Mr. Tekoh prior to meeting him, I mean, did you know whether he intended to go back

to his duty post with the intention of masturbating, but that he never actually did?

A I wouldn't know that. Absolutely not.

\* \* \*

**[128]**

\* \* \*

Q BY MR. KIZZIE: Mr. Burton says that Mr. Tekoh said that you -- excuse me my language -- called Mr. Tekoh a, quote, "jungle nigger." Have you ever even heard of that term prior to this lawsuit?

A Never. That offends me that he would even say that I called him that. Like I said, I have never even heard of that word. Not the other one, but the jungle thing. I never heard of it. It is a new word. I would never ever get involved in that kind of behavior.

I have too much respect. Coming from a **[129]** second-generation Hispanic or Mexican, my parents not speaking English, why would I ever get involved in a situation like that?

I have nothing but respect for all cultures. That is why I have been a cop for so many years and never have I got a complaint of this nature. It offends me.

\* \* \*

**[136]**

\* \* \*

Q So going back, please explain how you employed your understanding of your training regarding a reasonable suspicion to detain with this incident.

A Going back to this particular incident that we are all familiar with, I received a call of a sexual assault.

Q Please slow down a second for the court reporter.

A Sorry. I received a call of a sexual assault. I respond to the hospital, where three different nurses

tell me that this person is alleging that she got [137] sexually assaulted. That gives credibility to this particular assault victim. She is telling everybody.

I go in there. Ms. Lemus is out of – just frustrated, crying, unable to catch her breath. I am trying to tell her breathe, talk to me, what is going. Nobody wants to help me, nobody wants to help me. I continue to tell her to relax.

It takes me at least from the point where I walk in -- and she is so just frustrated that nobody wants to listen that she got sexually assaulted – it took me at least five minutes to actually calm her down and, hey, I want to help you. Let me listen to what you got to say.

Finally she calms down. I am able to talk to her. She tells me that she was transported for a procedure by a hospital employee, male, black, 25, thin build. Had transported her for procedure around the time of her MRI and had sexually assaulted her.

She further goes to tell me that she was taken to a room where -- she doesn't know exactly what room. All she knows is that around the time of her MRI she was sexually assaulted.

She said that after that she was placed in the room, closed her eyes for to rest her eyes, and then she feels somebody come up to her bedside. She also states [138] that she wasn't wearing no underwear. All she had was her hospital gown.

She feels the sheets come down and she feels the hospital gown go up. Then she feels somebody basically spread her legs -- spread her legs, feels somebody open up her vagina, just open up her vagina, spreading her vagina lips, her vagina, and

then basically this person which was the one that transported her sticks his finger in her vagina.

She then goes on to say that at that point she gets up, she says what is going on. This person gets nervous and nervously gets up and walks out the room. At that point, I respond and I go over to -- when she describes her assault, I go over to the nurses' station. I inquire regarding who transported her around at the time of her MRI. They tell me the only person that transported this person is Mr. Terence Tekoh.

At that point, I respond up to the -- his work area along with two other supervisors, tell them to leave. I contact them. When I see them, he fits the description given to me to a T. Hospital employee, male, black, 25, thin build.

Does that give me reasonable suspicion to believe that did he it? Absolutely.

And at that point I detain him pending a [139] sexual assault investigation.

Q All right. Now, none of us were in that room with you and Ms. Lemus during your interview. Please describe for this jury, how did Ms. Lemus come across to you when she is telling you what Mr. Tekoh did to her?

A From all the experience, all the interviews that I have done working at the hospital, not being the primary, but just interviewing them, doing the initial interview, I have got to know who is being for real, who is not.

She was just frustrated. She wanted somebody to help her. She was losing her breath. She felt so, so, like, out of control. Like, she trusted somebody to escort her somewhere during certain medical

procedures and they took advantage of her and she wanted something done.

Q Okay. Now, let's unpack a little bit of what you had said here. So where were you when you first received this -- well, first, what information was relayed to you when you first received a call about this incident?

A I received information that it was a sexual assault.

Q And was this call documented on anything?

A That call, like I explained to you guys a little while ago, I get this call through my mobile digital computer, which is the one you see with the police [140] officers that is connected to dispatch. I guess all the guys know that. Just in case somebody doesn't know.

It just said that there was a patient alleging that she was sexually assaulted.

\* \* \*

[145]

\* \* \*

Q So we have here your sexual assault report.

Now, approximately how long did it take for you to go from -- first, where were you when you received this sexual assault report?

A I was in the parking structure, I believe, doing traffic enforcement.

Q All right. And how long did it take for you to get from the parking structure all the way to the fourth or fifth floor of the inpatient tower?

A It took me approximately, I would say, about 10 minutes to actually arrive in at the inpatient tower.

Q Now, when you arrived at the inpatient tower, who did you speak with first?

A I initially contacted the nurse at the nursing station. From there she directed me to the two nursing supervisors.

[146] Q Okay. And the first nurse at the nursing station, what did she tell you?

A She told me that Ms. Lemus was alleging that she was sexually assaulted.

Q Okay. All right. So you speak with one nurse, and who did you speak with next?

A At that point, I go and contact the two supervisors, which also both of them tell me that this particular patient, Ms. Lemus, was alleging a sexual assault.

Q All right. And what did the two supervisors look like?

A The initial one I contacted was a female Hispanic and the supervisors were Asian, in their 40's.

Q So upon your arrival at the hospital, you spoke with at least three people who told you that Ms. Lemus was alleging she had been sexually assaulted?

A That's correct.

Q And did you consider significant that three different people all told you that this woman was claiming that she was sexually assaulted?

A Absolutely. It makes her a more credible victim because she is not just keeping it to herself. She is telling everybody that she needs help.

Q Okay. Now, after you spoke with -- well, did the [147] nurse or the two nurse supervisors give you any specific information about the assault that you found significant besides the fact that Ms. Lemus was making it?

A No. All they told me was that she had -- she is alleging that she was sexually assaulted.

Q Okay. Now, after you spoke with these three different people that said you were -- that said Ms. Lemus is claiming she was sexually assaulted, what did you do next?

A I go in, and I again -- I contact Ms. Lemus, and like I said, she was very emotional. She goes on to tell me that a male hospital employee approximately 25 years old, thin build, had sexually assaulted around the time of her MRI.

Q Okay. So let's talk about that a little bit. So, Ms. Lemus said her assailant was male or female?

A Male.

Q What race did she give of the person that she claimed assaulted her?

A Male, black.

Q Did she give an approximate age of the person that assaulted her?

A Mid-20's.

Q Did she even give a sort of body type of the person that assaulted her?

[148] A She said that person who assaulted her was a thin -- thin build.

Q And did she give a description as to whether the person that assaulted her -- strike that. Did she say whether the person that assaulted her was a hospital employee or not?

A Yes. She said he was a hospital employee, male, black, 25, thin build.

Q And did she say anything besides the assault specific as to what point in time she interacted with this hospital employee?

A Yes, she did. She said that around the time of her MRI she was sexually assaulted.

JA-273

Q She said around the her MRI she was sexually assaulted; is that correct?

A That's correct.

\* \* \*

JA-274

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

TERENCE B. TEKOH,

Plaintiff,

Case No. 16-7297

vs.

COUNTY OF LOS  
ANGELES, et al,

Defendants.

\_\_\_\_\_ /

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

JURY TRIAL – PM SESSION DAY 2

WEDNESDAY, OCTOBER 11, 2017

1:15 PM

LOS ANGELES, CALIFORNIA

\* \* \*

**[123]**

\* \* \*

BY MR. KIZZIE:

Q All right. So after you see Mr. Tekoh, please tell the jury what do you do next?

A I see Mr. Tekoh. I walk up to him. He's walking up to me. He's coming from a break room somewhere. That is when I contact him. I asked him, "What happened, what did you do to Ms. Lemus," around the time of Ms. Lemus's transport.

He looks, like, what is going on. Like, he -- he is a little confused, like he did something wrong.

At that point, I tell him, "Hey, tell me the truth, what happened, just be honest, tell me the truth."

He continues to kind of keep quiet. Just tell me the truth and be honest.

At that point he ducks his head. He starts saying, "I made a mistake. I made a mistake."

[124] I continue to tell him, "Hey, be honest with me. Tell me what happened." That's when he says, "Can we go somewhere private, I don't want to talk to you in front of my co-workers."

He led me to the room, I don't know, well, the break room. And from there, he wants to tell me what he did.

I told him stand by for the following reasons, because I want to make sure that my supervisor -- but I go and get a letter or an envelope -- actually, I go get some writing paper because I don't have any writing paper.

So I go over to the nursing station, and I asked one of the nurses there if they had any paper. They don't have any paper.

One of them says, "I have some white paper from a printer. I will grab that."

I go back to him, give him a pen and the paper, and ask him to start writing whatever he did.

It should be known that, again, I know I already said this, but they are used to doing this. They are used to when they get in trouble, part of the hospital policy is --

MR. BURTON: Objection. He's already said it's really beyond his expertise.

THE COURT: He has completed his answer at that point.

BY MR. KIZZIE:

[125] Q Okay. Now was it moving forward.

So at this point, we already covered -- grabbed him at the office and Mr. Tekoh, and after at some point, did you tell Mr. Tekoh to take a seat?

A Actually, he just walked in there and sat. I recall being there and telling him to sit down. He actually went in the room and sat.

He had a look of remorse, like, he had done something wrong.

But again, I told him to stand by because I didn't know if he was going to tell me -- he had either done a medical procedure or anything that he could tell me that would be more to -- just a procedure, something. I didn't know if it was a medical procedure, I didn't know if it was going to be something else. I just would give him a chance to explain.

Q Okay. Now, when you escort Mr. Tekoh to this office, did you pull your gun out and say, "Hey, get in that room."

A Absolutely, no. He was very humble, he's a very nice guy. He was very regretful. Like, he wanted to talk. I just know that he made a mistake.

That is all it is. He is a very nice guy.

Q When you are walking, escorting Mr. Tekoh to the room, did you curse at him at all? Did you tell him to get to the room?

A No. He was walking with me, like I said, like, he had done something, I didn't know if he was in trouble, but he [126] was -- he was willing to talk. He was willing to give me information.

Q Did you yell at him and say, "Hey, get in that room."

A No, I didn't.

Q Let's back track for a second.

Based on your understanding of your training, what do you need to legally arrest someone?

A To legally arrest somebody, I need probable cause, which is the facts known to me at the time of arrest that leads me to believe that that person committed the crime.

\* \* \*

[128]

\* \* \*

THE COURT: Let me ask the witness: At some point in time did you feel you had probable cause to arrest Mr. Tekoh?

THE WITNESS: Absolutely.

THE COURT: When did you feel you had that?

THE WITNESS: I had probable cause. I could have arrested Mr. Tekoh when I first made contact with him. He fit the description.

I would not have let a sexual predator -- I would have arrested him based on the fact I have a good victim. I had people that ID'd him.

I have documentation that says he's the only one that transported her around the time of her MRI.

I go and I have one of his co-workers ID him. He fits the description to a tee: Male black, thin, hospital employee.

I would have arrested him at that time, if he had said, I don't know anything.

I'm not going to let somebody -- a sexual predator go and hurt somebody else under his care.

So, the way it works is he would -- I would arrest him, get my documentation from my good victim, and then Special Victims Bureau would come in and actually he would be in custody.

They would start the initial interview, because they had [129] more expertise regarding that. They would do a field show-up with Ms. Lemus. Was that him, yes.

I had probable cause at my initial contact from my experience, the totality of the circumstances gave me the probable cause, which is all of the facts I just mentioned.

MR. BURTON: Object. Move to strike. That was non-responsive.

THE COURT: Overruled.

BY MR. KIZZIE:

Q All right. However, did you make the decision to arrest Mr. Tekoh right when you saw him?

A No, I did not.

Q Why not?

A Because I wanted to give Mr. Tekoh a chance to either explain what he had done, maybe he had done a medical procedure.

He wanted to talk to me, he was willing to talk to me. And basically we allowed him to say what he had to say.

Q All right. Now obviously there is an issue regarding his confession.

However, would you have arrested Mr. Tekoh even without his confession, if it never happened?

A Absolutely.

MR. BURTON: Objection. It's just hypothetical.

THE COURT: Rephrase the question.

[130] BY MR. KIZZIE:

Q All right. Did you just arrest Mr. Tekoh because of his confession?

A No. There was many things. It was his confession, Sergeant Stangeland's and my interview. In addition to the fact that when I contacted him, he fits the description to a tee. I could have taken him to jail, because I had a probable cause to take him.

I had a reasonable suspicion and the totality of all of the circumstances gave me the probable cause to take him to jail.

Q All right. However, you decided not to and decided to see what he had to say about it?

A That's correct.

Q Okay. Were you obligated to do that?

A Absolutely not. I could have just taken him to jail.

Q All right. However, you had allowed him to say what he said.

A That's correct.

Q Now, I think you indicated approximately you call Sergeant Stangeland, and five minutes goes by; is that correct?

A That's correct.

Q During these five to 10 minutes, did you curse at Mr. Tekoh?

A No, I didn't.

[131] Q Did you yell at him?

A No, I did not.

Q Did you ever take your gun and point it at him and say, "Write something?"

A Absolutely not.

Q Did you ever say, "Write something, or I will threaten to deport you?"

A No, I didn't.

Q Did you ever -- excuse my language, called him a jungle nigger?

A No. Like I said, I don't know the word. I don't know how to make that clear. I would never use that phrase.

Q Okay. Now, after Sergeant Stangeland arrives, what do you do next?

A After Sergeant Stangeland arrives, a quick synopsis between us about what happened, that I had county employee that fit the description.

I had a good victim, and he wanted to talk to us.

I asked him, could you stand by with me while I do the interview, and make sure I don't miss anything regarding the elements of the crime.

He agrees. We walk in, and I ask him -- first I asked him, "Stop writing."

Then I asked him, "Could you tell me in your words what happened."

[132] Then he goes on to tell me that he had escorted Ms. Lemus for a procedure around the time of her MRI, that he had taken her to a room and where that room was at. When she got there, he waited for the doctor to leave. He then went up to her, lifted her gown, spread her legs, basically, he showed Sergeant Stangeland and I the way he did this. He basically said, "I went over to put my hands on her vagina, spread it open, had a look inside," and then he further

said that he had gotten an erection, and that he was sexually excited. And I believe Sergeant Stangeland asked him, "Are you -- do you like women." And he said, "Yes, I do."

Q Did you find the fact that Mr. Tekoh even demonstrated to you how he spread her vagina labia significant?

A No. We were both, like, he's given details about the way he sexually assaulted her.

He is not just saying, this is what I did, and he actually did a little finger thing. That's what I did, I go like this, and he spread my fingers.

Q In fact, was Mr. Tekoh's statement about spreading open Ms. Lemus's labia consistent with him doing that before he stuck his finger in there?

A Yes, it was. Ms. Lemus's statement was -- she worded it a little bit different. The way she worded it, the only difference was, she never said he stuck his finger in her vagina.

[133] Ms. Lemus said that the suspect had spread her vagina, and then held her vagina open with one hand, and stuck his right hand finger in her vagina.

Q Okay. And at some point during the interview was Mr. Tekoh asked whether he stuck his finger in Ms. Lemus's vagina?

A I'm sorry, could you repeat the question?

Q At sometime during your interview was Mr. Tekoh asked whether he stuck his finger in Ms. Lemus's vagina or not?

A Yes. Sergeant Stangeland asked him, "Did you stick your finger in her vagina." I don't know how he worded it. But he denied he never put his finger in her vagina.

Q So Mr. Tekoh denied sticking his finger in Ms. Lemus's vagina?

A That's correct.

Q Did your report document the fact that Mr. Tekoh denied sticking his finger in Ms. Lemus's vagina?

A Yes, it did.

\* \* \*

**[138]**

\* \* \*

Q All right. Are you responsible for collecting DNA and testing it?

A No, I'm not.

Q Are you responsible for interviewing every possible employee in the hospital?

A No, I'm not.

Q Are you really even responsible for finding out, out of this massive hospital, which specific room the assault occurred at that time?

A No, I'm not. That would be Special Victims Bureau.

Q Do you have any say in whether the District Attorney chooses to prosecute Mr. Tekoh based on the allegations?

A No, I don't.

Q All right. Do you have any say in how the criminal trial or the criminal investigation gets conducted by Special Victims Bureau?

A No. They conduct their own investigation.

They gather all of the witnesses. They gather all of the **[139]** statements, find all of the rooms, and then they file with the DA.

\* \* \*

BY MR. KIZZIE:

Q When you are detained, are you normally told you are being detained?

A No, you are not.

Q When you are under arrest, are you told you are under arrest?

A You are under arrest, and you are told the charge, and what you are facing, and you are handcuffed.

Q All right. Now why did you not administer Miranda warnings before you and Sergeant Stangeland began speaking with Mr. Tekoh?

A Because Mr. Tekoh was just detained.

Q Okay. Now when you are about to speak with Mr. Tekoh, did you know whether he was going to confess to a crime or simply say he did some medical procedure?

MR. BURTON: This is asked and answered. This is really the fourth time.

THE COURT: It may be the fifth time.

MR. KIZZIE: All right. Thank you.

BY MR. KIZZIE:

Q Now, are you just fabricating anything about the [153] allegations Ms. Lemus made?

MR. BURTON: Objection. Leading.

THE COURT: Also I don't quite understand the question. Do you want to rephrase the question?

BY MR. KIZZIE:

Q Sure. It's been alleged you fabricated evidence in this case.

Did you fabricate anything about what Ms. Lemus told you?

A No, I did not.

Q All right. Now briefly regarding your probable cause declaration, it's been pointed out to you that there is a discrepancy.

What is your explanation as to that?

A My explanation to that, like I explained earlier, is that I just had two different statements.

One from Ms. Lemus saying that Suspect Tekoh penetrated her vagina with his finger, or I had Suspect Tekoh denying that he ever penetrated Ms. Lemus's vagina.

But keep in mind, that that probable cause declaration never got to the judge, because Suspect Tekoh actually bailed out the next morning.

So it was never signed by the judge. It has nothing to do with the case or the actual investigation that Special Victim Bureau does.

All that list is the elements of the crime. And if I [154] would have put victim Sylvia Lemus said that suspect Tekoh penetrated her vagina with his finger. That would have met all of the elements, but that has no bearing on the case.

It just -- I made a mistake, confused the two statements.

Q All right. Now, last couple of questions.

Did you testify in the criminal case?

A Yes, I did.

Q And when was the first time that you ever heard any allegation by Mr. Tekoh of you allegedly threatening to deport him or calling him a racial slur

or forcing false confession. The first time you ever heard of that?

A That was recently, when I heard about the civil lawsuit against Sergeant Stangeland and I.

Q For almost two or three years, did you ever hear of any sort of allegation of this misconduct --

A No, I did not.

Q -- until this lawsuit was filed?

A That's correct.

\* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU  
UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	

---

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL – DAY THREE  
VOLUME I OF II  
LOS ANGELES, CALIFORNIA  
THURSDAY, OCTOBER 12, 2017

\*\*\*

\*\*\*

SYLVIA LEMUS,  
called as a witness on behalf of defendant,  
having been sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KIZZIE:

Q Good morning, Ms. Lemus.

A Good morning.

Q Thank you for being with us today. On March 19th, 2014, were you a patient at LAC+USC hospital?

A Yes, I was.

Q And did you make a report to a sheriff's deputy about a sexual assault that occurred?

A Yes, I did.

[37] Q Do you recognize the sheriff's deputy that you spoke to in this courtroom here today?

A Yes.

Q Would you please point to, identify and describe him?

A Mr. Vega.

Q Thank you.

MR. BURTON: Let the record reflect that the witness has identified Sergeant Vega.

THE COURT: Yes.

Q BY MR. KIZZIE: Now, on the date of the incident were you transported around the time of your MRI by a hospital employee?

A Yes, I was.

Q Do you recognize the hospital employee who transported you here in the bedroom today?

A Yes, I do.

Q Would you please point to and identify him?

A That is him right there.

MR. KIZZIE: Can the record reflect that the witness has identified Mr. Tekoh?

THE COURT: Yes.

MR. KIZZIE: Thank you.

Q And while you were at the hospital on that day, did Mr. Tekoh sexually assault you?

[38] A Yes, he did.

Q Did you -- it is okay -- did you -- when you spoke with Sergeant Vega, did you describe what the hospital employee looked like who sexually assaulted you to him?

A Yes, I did.

Q Please tell this jury how you described Sergeant Vega, the person, the hospital employee who sexually assaulted you. What was the description you gave?

A African American, tall, very short hair, between the ages of, I don't know, late 20's, early 30's.

Q Did you also describe the type of body that employee had, whether he was thin or large?

A Thin.

Q Partner?

A He was thin.

Q Thank you. Prior to the date of this incident, had you ever met Sergeant Vega before?

A No, I had not.

Q Prior to the date of this incident, had you ever met Sergeant Stangeland before?

A No, I had not.

Q Prior to the date of this incident, had you ever met Mr. Tekoh before, to the best of your recollection?

A To the best of my knowledge, no.

Q Okay. Now, during your interview with Sergeant [39] Vega, was anybody else -- your interview with Sergeant Vega, was anybody else in the room?

A No, it was just the two of us.

Q And did you report the sexual assault to any hospital staff?

A Yes, I did.

Q About how many approximate hospital staff did you report this sexual assault?

A Directly to two nurses.

Q So you told at least two nurses that you had been sexually assaulted?

A Yes.

Q Thank you. And were you -- was this your first time at LAC+USC hospital?

A It was the first time being admitted to the hospital, yes. But I have been there before. Not in that department.

Q And how big is this hospital?

A It is huge.

Q And were you exactly clear which specific room or part of the hospital Mr. Tekoh sexually assaulted you?

A No. I have no idea where it happened.

Q Now, please tell this jury what you told Sergeant Vega about how Mr. Tekoh sexually assaulted you.

A I told Mr. Vega that I woke up in a room when I [40] felt some air coming through the bottom of my legs. I was in a hospital bed. And I felt the sheets go up one of my legs, and I saw a person at the end of my bed. And I was completely alone in the room with that person, with Mr. Tekoh.

And I -- and lifted the sheet to look at me. Then he walked to my left side, he lift my sheets again, and he proceeded to look into my vagina. He started touching me, and I asked him what he was doing. He said he was just checking to make sure that I was okay and then would leave. And he decided -- I asked him if he was a nurse, but then he continued doing stuff to me. And then I told him to stop, please, and to take me back to my room.

And then at that time I was really, really tired. I had previously -- right before that, I had a mini stroke. And it was hard for me to scream or to talk loud or -- I didn't have any -- I couldn't move. I couldn't move at all.

I couldn't move my left side. And I was told not to move because I had a procedure, that if -- I had to lay down for a couple of hours still. If I move I could bleed to death.

Q Thank you. Did Mr. Tekoh penetrate your vagina with his fingers?

[41] A Yes, he did. He put his fingers inside my vagina. That is when I asked him to stop.

Q And could you tell if Mr. Tekoh was using gloves or not when he penetrated you?

A I could not tell.

Q Did you feel Mr. Tekoh's skin on your vagina?

A It is hard to remember if I did or not.

Q Understood. After the date of this incident, were you interviewed by special sexual assault detectives?

A Yes, I was.

Q And was the incident a little bit fresher in your mind then than it is today?

A Oh, yes. Of course.

Q And did you tell the truth to that detective to the best of your ability?

A Yes, I did.

Q And even further, were you also interviewed by the district attorney who would be prosecuting the case?

A Yes.

Q Did you tell her the truth too?

A Yes, I did.

Q And did you tell Sergeant Vega the truth about what Mr. Tekoh did to you?

A Yes, I did.

Q What did you feel like as Mr. Tekoh was touching [42] you?

A I was really scared. I mean, you know, it was like a nightmare because I couldn't move at all to defend myself. I didn't know if he was going to kill me or not.

Q Were you humiliated?

A Of course I was. I couldn't do -- I couldn't even tell if -- move so he wouldn't stop touching me.

Q And when you spoke with Sergeant Vega, were you -- were you able to communicate clearly to him what had happened to you?

A Yeah. By that time, yeah, my speech had come back, and I told him everything that happened to me.

Q And when you were speaking with Sergeant Vega, did you feel woozy or under any sort of anything?

A No.

\* \* \*

JA-292

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

TERENCE B. TEKOH,

Plaintiff,

Case No. 16-7297

vs.

COUNTY OF LOS  
ANGELES, et al,

Defendants.

\_\_\_\_\_ /

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

JURY TRIAL – PM SESSION DAY 3

THURSDAY, OCTOBER 12, 2017

1:05 PM

LOS ANGELES, CALIFORNIA

\* \* \*

**[16]**

\* \* \*

DIRECT EXAMINATION

BY MR. KIZZIE:

Q Thank you. Good afternoon, Ms. Lemus.

You were asked regarding the sexual assault examination, and there has been claims that this incident was fabricated.

Would you please tell the jury what the sexual assault examination consisted of?

A It had to take pictures of me -- my vagina. They had to put a swab inside. They had to --

THE COURT: Stop. Let's take a moment.

THE WITNESS: I'm sorry. They had to ask me all of these embarrassing questions. They had pictures of my private parts. They had to swab.

They had to do all of these things. I didn't want -- I would never, never, never -- I'm telling you this happened. I know I was assaulted. I don't care if they say I was medicated [17] or not. This happened to me.

And the only reason I came through is so it would not happen to anybody else, only me. I would not make up anything like this.

I would not put my family through this pain, that they had to go through -- my mom, my kids, my daughter, having to have them wanting to go after this person that assaulted me.

That is not something you want your family to go through, and that is not something I would want anybody else to go through.

I did not make this up.

BY MR. KIZZIE:

Q Thank you. And you were asked about other people that may have transported you here or there.

But is there any doubt in your mind that Mr. Tekoh was the one who transported you around the time of your MRI and sexually assaulted you?

A There is no doubt in my mind.

\* \* \*

JA-294

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL – DAY FOUR  
VOLUME I OF II  
LOS ANGELES, CALIFORNIA  
MONDAY, OCTOBER 16, 2017

\*\*\*

[4]

\*\*\*

(The following proceedings were held outside the presence of the jury:)

THE COURT: Let's go on the record. We are here on Tekoh versus Vega, and we are talking now about jury instructions. I previously -- or actually yesterday sent to both sides a preliminary draft of jury instructions.

The first issue that we are going to discuss is the fact that the Court's proposed jury instructions do

not include any particular instructions as to Miranda in the context of being a separate 1983 claim.

The Court's position is there really is no case that specifically holds that a failure to give Miranda by itself can constitute a violation of some constitutional right.

And the primary case on that is Chavez versus Martinez 538 U.S. 760 at 772, a 2003 case. Now, there has been some discussion even in Chavez that there might possibly be a 1983 case, although it didn't say there was, but there might possibly be if a statement was used, that statement having been made without the plaintiff [5] being given his or her Miranda warning.

But that is not what we have here, it seems to me, because again, aside from the confession, which the plaintiff is already arguing has been coerced, and therefore, et cetera, is the subject of a recognized 1983 cause of action that is in the Ninth Circuit jury instruction 9.33, I don't see how the failure to give Miranda warning even comes into play in this case, let alone be the subject of a 1983 action.

MR. BURTON: My reading of Stoot, your Honor, is that following Chavez and following the issue that was left unresolved in Chavez, I understand Chavez to hold that simply not Mirandizing a person and conducting a custodial interrogation is not in itself a Fifth Amendment violation.

THE COURT: Let me stop you. What the problem is is that Miranda is not a constitutional requirement.

Miranda is a prophylactic rule. And so you cannot use a prophylactic rule to create a violation of a constitutional right.

MR. BURTON: I think that view was rejected in Dickerson by the supreme court. I mean, I just think that is absolutely incorrect, your Honor.

THE COURT: In other words, that Dickerson said that Chavez was wrong? Because that was a quote from [6] Chavez. That is what Chavez says.

MR. BURTON: Well, there are seven different opinions in Chavez. There is no majority opinion.

THE COURT: In other words, superior court said, oh, what we said in Chavez was wrong. I mean, I don't think they have ever done that.

MR. BURTON: Your Honor, I don't want to sort of beat a dead horse here, but what Dickerson holds in the criminal procedure context is that the Constitution requires Miranda admonitions before a statement is used in a criminal case against a suspect. The Constitution requires that.

THE COURT: No. That is not -- that would be an incorrect statement because the Constitution -- I mean, there are certain things that the Constitution does. But Miranda, again, is a prophylactic rule.

MR. BURTON: But once a statement is taken from a suspect in violation of Miranda and is used against that person in a criminal case, then that constitutes a Fifth Amendment violation --

THE COURT: What was the --

MR. BURTON: -- attributable to the officer who took the statement. That is the holding of Stoot. Qualified immunity was denied to those officers. I just -- I think that is controlling authority here.

[7] THE COURT: Yes, but that was in the context of a coerced confession situation.

MR. BURTON: Not really.

THE COURT: Because that was the discussion in Stoot.

By the way, it is 582 F.3d 910. But let me just ask, what is the statement that was taken from your client that was used in the trial?

MR. BURTON: The handwritten statement that was dictated to him by --

THE COURT: Which was a coerced confession.

MR. BURTON: Exactly.

THE COURT: So that is already covered in 933. If they believe that it was coerced, then, you know, it is a problem, and if they don't think it was coerced, it was because of the fact that he wasn't in custody at the time. Or they can make the decision as to whether or not he was in custody at the time.

But we have already discussed the various degrees in which a contact between law enforcement and a suspect can occur. It could be consensual, it could be an investigatory stop, or it could be an arrest.

MR. BURTON: Well, there is another circumstance that is relevant here, your Honor, which I think that the Court's proposed instructions are not necessarily as [8] clear as they could be on, from plaintiff's perspective.

THE COURT: Yes.

MR. BURTON: There is a group of cases that say when a suspect is detained by the police, let's say with firearms, and forced to prone out and put in handcuffs and that sort of thing, the tactics used can constitute an arrest rather than a Terry stop, and therefore require probable cause rather than reasonable suspicion to justify. Those are cases -- Washington versus Lambert is one of those cases.

THE COURT: I understand that, but the Court already has instructed as to whether or not it can constitute a reasonable stop or was it -- sorry, was it an investigatory stop or was it an arrest. I mean, I have already given instructions as to the circumstances that one considers.

MR. BURTON: If I could be heard, your Honor, all the way through on this, that issue of whether there was a detention that because of its intensity became an arrest rather than a detention is not present in this case.

Plaintiff does not make that contention. Plaintiff is not arguing that. There is a different situation here, which is whether or not the plaintiff was, quote, "in custody," unquote, for the purpose of [9] requiring a Miranda admonition.

The law on that is stated by the Ninth Circuit and followed numerous times in United States versus Kim, which is 292 F.3d 969.

These are different factors than the factors that go into whether a detention is a Terry stop or an arrest. The Kim factors, which are analyzed in terms of is a person, quote, "in custody for the purpose of requiring a Miranda warning," (1), the language used to summon the individual, (2), the extent to which the individual being questioned is confronted with evidence of guilt, (3), the physical surroundings, (4), the duration of the detention and, (5), the degree of pressure applied to detain the individual.

That is our proposed instruction number 29. That should be given, rather than the misleading and less relevant standard for --

THE COURT: Well, no. You are giving the criteria for a judicial officer to use to determine whether or

not the person was in custody for the purpose of whether or not to give the Miranda warning or not. That is not what we are focusing on here. What we are focusing on here is the violation of his actual constitutional rights.

And, you know, the language that the Court has used is the language that is utilized by the Ninth [10] Circuit for purposes of determining whether or not the investigatory stop was proper here. And in an investigatory stop, you can ask questions of a particular person.

MR. BURTON: Plaintiff has no claim regarding whether the investigatory stop was appropriate or not. The manner of what Deputy Vega did was to place Mr. -- under our contention of the facts, and we think we have produced enough evidence to go to the jury on it, is whether Deputy Vega placed Mr. Tekoh and had him in custody under these five Kim factors, and then failed to give a Miranda and obtained an illegal and unconstitutional statement one way or another -- either made it up or forced him to write it -- and then used it against him. It was used against him in a criminal case. And that states both a Fifth and a 14th Amendment violation. And those are clearly stated.

THE COURT: Let me stop you. That is the 933 instruction. I mean, why have a 933 instruction which indicates that you cannot coerce a statement from a defendant or a criminal suspect?

MR. BURTON: Well, I think that 933, which I think applies here.

THE COURT: I agree with you 933 applies here.

MR. BURTON: And is a very good instruction.

[11] THE COURT: That is why I gave it, at your suggestion.

MR. BURTON: Thank you, your Honor.

I did suggest in terms of our proposed instruction number 31 that one more line out of that Spencer versus Peters case, which is the case from which 933 is derived.

THE COURT: Well, let me do this. Let's go page by page, but the problem is that we have a jury waiting now. So let's do this.

MR. BURTON: Thank you, your Honor.

\* \* \*

JA-301

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	
_____	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
LOS ANGELES, CALIFORNIA  
THURSDAY, AUGUST 27, 2018

\* \* \*

[12]

\* \* \*

THE COURT: Well, let me ask the plaintiff's counsel, if she indicates that, you know, she had the confession, and, well, let me just ask, the -- well, let me just ask this: Is the defense going to be arguing that the prosecution would have gone forward without the confession?

MR. KIZZIE: Absolutely, your Honor. That goes to causation. While I intend to argue what the district attorney testified to and as she testified in the court in the first trial, she is going to testify as to the corroborating evidence to the other evidence that she

took into account in deciding to continue to prosecute Mr. Tekoh. That goes directly towards causation.

[13] I never asked nor did the court allow her to answer her own opinion as to whether or not she believed the confession itself was coerced. And I don't intend to solicit that from her. But that goes, I think, far afield of bringing in -- which is essentially a duplicative psych expert to testify as to whether or not Mr. Tekoh's confession was coerced which is ultimately a credibility decision. Doesn't go to causation. Doesn't go to really anything except to try to bolster Mr. Tekoh's credibility.

THE COURT: Let me hear from plaintiff's counsel.

MR. BURTON: Could I have the lecturn, please.

THE COURT: Sure.

MR. BURTON: Thank you.

MR. BURTON: I don't think that we should retry the criminal case as if the confession didn't happen. That would raise the DNA question. The confession clearly drove this case from the beginning. It was the only corroboration that ever existed for the patient's statements.

And at the very beginning, as the court may remember, after the confession was obtained by Deputy Vega, he went to the patient, told her that Mr. Tekoh had confessed, and then after that, she actually went online and looked at his picture which was all over the media at [14] that point. Then, at the preliminary hearing, she identified his cousin who was in the gallery.

The confession was introduced at every proceeding. It was a big part of the trial. So even with the confession, they couldn't get a conviction. So I think to sort of have a what-if and the probable cause

declaration that Deputy Vega prepared right afterwards, referenced only the confession. So I think the initial report is focused on the confession. Sergeant Stangeland's report, the confession. The confession is the only item that was booked into evidence at the time.

So to say that, well, you know, this confession is just an elephant that just happens to be in the room, but we are just going to ignore it and pretend, it just creates a trial that I think is 403, and we will be here sort of retrying a case that didn't happen.

THE COURT: Let me ask this question: Maybe I should bifurcate this case solely on the issue of liability separated from damages because a lot of this stuff that you guys are arguing about is the argument as to, for example, causation and things of that sort. And that gets into a lot of testimony as to what happened insofar as his costs and expenses and stuff of that sort. Why don't we just litigate what happened in the room and, you know, whether or not -- which the jury believes [15] insofar as what has transpired.

Because that would solve a lot of these problems at this point in time because, again, if there is a liability found, then we can get into some of the details about causation and things like that. And it might very well be that once we have decided the liability issue, we can resolve the case one way or the other.

\* \* \*

JA-304

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
LOS ANGELES, CALIFORNIA  
THURSDAY, SEPTEMBER 20, 2018

\* \* \*

[5]

\* \* \*

THE COURT: All right. Then, the next thing that we should discuss. I saw the joint report about the items that are issues that still remain to be resolved. That is docket No. 274.

The one thing, though -- I think the thing that I should have resolved with you guys and I didn't, and I think it affects a lot of the discussion of this case, is that we really should have gotten down the exact jury instruction for this particular matter because the problem is that a lot of this stuff really depends upon the formation of that jury instruction.

And it is somewhat problematic because I could not find a jury instruction on just a straight normal coerced confession, 1983 action. So there are a lot of questions that come up. For example, it is an objective test or subjective test?

**[6] MR. BURTON:** Is that a question and can you be more precise?

**THE COURT:** Yes. In other words, the plaintiff has to prove that the defendant coerced a confession from him. Are the actions that are taken by the law enforcement officer taken on the basis of some subjective -- for example, for arrests without probable cause, the motive of the officer is irrelevant.

So we don't go into the motive of the officer because whether or not there is probable cause is determined by what a reasonable or, quote, "objective" law enforcement officer would have at that point in time, considering all the factors that are available to that law enforcement officer.

So is that similar to what would happen here, in that insofar as the motion for -- sorry, insofar as the cause of action for a coerced confession, is the motive of the officer irrelevant or not, and to what extent would the subjective knowledge of the officer come into play?

Or will we just consider it in terms of what a reasonable officer with knowledge of the facts that existed at that time -- in other words, we judge that. We use that as a basis for this case, for the instruction.

**[7]** And also, I would presume that the question of coercion is not based upon the particular characteristics of the -- well, the person from whom the confession is allegedly being coerced from except

insofar as potentially there may be some aspects that if known by the officer and utilized by the officer might be taken into consideration.

But otherwise it is what I guess a reasonable person in -- we will call him defendant for purposes -- or actually suspect. We will call him suspect. What a reasonable person/suspect's situation would feel as to whether or not he or she was coerced.

And also, to what extent does it have to be coercive to fall within the Fifth Amendment because some people may feel that just being in a room being talked to by a law enforcement officer is coercive. But that would not be sufficient coercion for purposes of the Fifth Amendment.

So these types of questions have to be resolved, and it seems to me that neither side addressed those issues.

I do understand that there has been a proposed jury instruction, but the proposed jury instructions don't really address those items either. It just talks generally about the things that the jurors can consider.

[8] Yes.

MR. BURTON: Okay. I asked for clarification, and I got quite a few points.

THE COURT: I just wanted to be clear on it.

MR. BURTON: Right. Right. And now I can't walk into your courtroom without thinking about Chinatown. But so if this was a Fourth Amendment case, it would basically be easy, that objective.

If this was a 14th Amendment case, that would be easy because there is generally a subjective component.

THE COURT: Also, if it was a 14th, the substantive due process, the thing about it is that standard is so high because it has to be shocking the conscience. So that would be easier to be framed. But this one is kind of like -- it is not quite clear where exactly the boundaries fall.

MR. BURTON: Yes. It is a Fifth Amendment. Right. So it is in between the two somewhere, but closer to the Fourth maybe, I don't know. Numerically at least.

THE COURT: Never say that you state the obvious.

MR. BURTON: I would -- I think, you know, maybe we should take a little closer look at it so we get this right. There are obviously two states of mind here. There is a state of mind of the subject, the suspect, and [9] there is the state of mind of the officer.

In terms of special characteristics of the suspect, that is well established in the literature that if the interrogator exploits it --

THE COURT: Yes. In other words, I would agree if the interrogator knows of it and utilizes it in a particular situation, because the coercion can either be physical or psychological.

So for purposes of I suppose both, there might be a -- in other words, if the interrogator knows that the suspect has a particular physical weakness and so therefore does something which otherwise to a normal person wouldn't be a problem, but because of that suspect's physical situation would impose or result in extraordinary pain or something, then I could say, yes, we can consider that.

Also, if the interrogator knew that the suspect had a particular phobia and attempted to utilize that in a particular way which would otherwise not affect a normal suspect, but utilize that in a way which caused an excessive amount of pain or something of that sort, again, I think we would consider that.

But normally, I would think that the -- unless something of that sort were specifically known to the interrogator, the interrogator treatment of the suspect [10] is on the basis of what would be a normal person in the suspect's situation.

MR. BURTON: Just to relate it to the facts that we think will be established in this case, Mr. Tekoh did testify and will testify at this trial that one of the first things that Deputy -- I am going to call him deputy because that is what he was at the time -- Deputy Vega asked and he answered at the beginning, is what is your immigration status. And he said green card. And that is a special characteristic.

THE COURT: I would agree. You know, if in fact that exchange occurred, then I would say that the jury can consider that aspect as to the -- because, again, somewhere in the jury instruction it has to say, you know, something to the effect as to the circumstances known to the law enforcement officer at the time, something to that effect.

Because, again, I think it is an objective standard, but you take into consideration the particular information that is known to the officer at the time that he conducts either the exchange or the interrogation, however you want to phrase it.

MR. BURTON: And I agree with that, your Honor. In terms of the suspect's state of mind, this was a

Mirandaless -- this confession was obtained without [11] Miranda. Everybody agrees.

THE COURT: Well, let me put it this way. I think that insofar as that is concerned I would agree that the fact that the Miranda was not given is a factor. But conversely, however, we would also have to instruct that the situation was one that, you know, you are not required to give a Miranda unless certain conditions are met.

And if there is a disagreement as to whether or not those conditions were met, it would be up to the jury to make that determination.

MR. BURTON: If I could address that point, your Honor.

We 100 percent agree that that is a sharp factual dispute in this case. That is what has to do with the door being closed, it lasting for an hour, versus a door being open, Mr. Tekoh asking for the piece of paper and writing it out on his own at the beginning. Those are the two conflicting versions.

Under plaintiff's version, we believe that Miranda admonitions were required and we have tendered an instruction based on United States versus Kim, which is our proposed instruction 23B, which specifically talks about what are the factors that establish in custody or not.

[12] And it is not what the officer kept saying on the stand at the last trial, which is handcuffs. In fact, in United States versus Kim, where they did find her to be in custody, she was not handcuffed.

THE COURT: Again, I am not saying that I would not give that type of instruction because I do think that -- you know, again, whether or not he was Mirandized I think is a relevant factor.

Conversely, however, the fact that he wasn't Mirandized -- and that fact is not disputed in this case -- but if the situation did not call for a Miranda warning, then even though the jury can consider that as a factor, obviously that won't be much of a factor because it wasn't required at that point in time.

But if it is required at that point in time and if it wasn't given, that fact does not establish a coerced confession. And I would include that in the instruction, but it is a factor that can be considered by the jury insofar as whether or not a confession was coerced.

MR BURTON: We differ with the Court on whether the failure to Mirandize when it was required would establish our claim by itself. But we understand the Court's position on that.

THE COURT: Well, let me put it this way. I [13] understand that the plaintiff disagrees, but you are also disagreeing with a line of cases, including a plurality opinion from the supreme court and the Ninth Circuit cases, which say a violation of Miranda in and of itself does not give rise to a 1983 action.

MR. BURTON: Well, just to answer that point, those cases, Chavez versus Martinez and its progeny, did not find a Fifth Amendment violation for failure to Mirandize because the statement was not used in a subsequent criminal case.

THE COURT: That is not true. There are cases that say it does not give rise to it period.

MR. BURTON: I read Stued (Phon.) and I read Crowe differently than the Court. I want to move the discussion forward. I just did not want to --

THE COURT: Let's put it this way. That matter has already been resolved for all intents and purposes

here because I made a ruling. I do understand the plaintiff is reserving its objection to that ruling. So that is not a problem.

MR. BURTON: That is the only point I am trying to make. I am not trying to reopen that. The point I am trying to make, your Honor, is that given that he was not Mirandized and did not voluntarily give up his Fifth Amendment, waive his Fifth Amendment right on the record [14] to remain silent, the standard is whether his confession was voluntary and a product of his free will or not. That is the language that is all over the cases.

And that is the language that is in our instruction. And then we itemize certain elements, including whether a Miranda warning was given, the length of the interrogation, the characteristics, that sort of thing, for jury to make the determination as to whether or not the confession was a product of his free will or not.

We think that is the standard. And we think that there is no subjective element that the deputy in this case would have had to have transgressed. He didn't have to know that -- how did you say it -- his motive I think is irrelevant if he deliberately did the acts that overcame the plaintiff's will.

\* \* \*

[20]

\* \* \*

MR. KIZZIE: And, your Honor, if I may just address this briefly. The first three questions that the Court gave, I didn't have an opportunity because Mr. Burton was speaking.

First, it is defendant's position that the Fifth Amendment analysis, it is objective except to the

extent that there are certain physical characteristics as shown in these cases that the deputy may be --

THE COURT: Let me stop you. I don't think that the plaintiff's counsel disagrees with that. Do you disagree with that, that it is basically an objective standard but you can consider the knowledge of the officer at the time of the interrogation?

MR. BURTON: Yes. I thought that is what I said.

THE COURT: Yes. So he is not disagreeing with [21] you on that. So that is clear.

MR. KIZZIE: And then next, regarding to what extent it takes into account -- I think the Court's second question was to what extent it takes into account the personal characteristics.

Again, your Honor, we believe that absent some of the outrageous examples indicated in our memo of contentions of law and fact and briefed, we think that generally, again, it is objective.

Like the Cunningham case said, even if there is some sort of mental disorder or there is some sort of ancillary fact, that you still have to prove that it was a coercive environment.

THE COURT: Well, let me put it this way. I don't know if plaintiff's counsel would agree entirely with that, but my understanding is that the plaintiff's counsel would agree that the individual suspect's peculiarities, unless they are known to the law enforcement officer at some point during the interrogation and used by that officer, would be irrelevant.

MR. BURTON: Right.

THE COURT: Okay.

MR. KIZZIE: And I believe defendant would agree with that. Or else you may have an example, as the

Court [22] indicated, where somebody may have a very, very weak constitution and the officer comes in and says, hey, good morning. What's going on? All right. I am so sorry. All of that sort of stuff.

So personal characteristics, unless there is some knowledge of it that is used, then I think that may be something that is taken into account.

The next, what is the extent it has to be coercive for purposes of the Fifth Amendment. Your Honor, we have briefed several cases in our memo, docket 269, between pages 13 and 15, that we think would be instructive. These cases, all of them, they all have different facts, but they all indicate that to the extent it has to be coercive for a Fifth Amendment violation, it has to be the sort of situation where, for example, somebody is interrogated for 36 hours, deprived of sleep, deprived of food, on some sort of hospital bedrest situation.

THE COURT: Let me stop you. I understand what you are arguing, but the end result of this particular conversation between myself and the attorneys will be I want a new set of jury instructions on this particular point to include the stuff that we are talking about, which is, you know, the stuff about the standard and the factors that can be considered as to whether or not [23] something is coercive or noncoercive.

Some of the stuff listed currently in the proposed jury instruction from plaintiffs I think are factors that obviously can be considered. For example, whether or not a Miranda warning was given, if the Miranda warning was required, because if a Miranda warning was required and not given that is a factor that can be considered.

But if it was a situation where the Miranda warning was not required, then the fact that it was not given is not a factor that can affect the jury's decision in this matter.

It depends on what facts the jury finds to be the case. But we should include the instructions on that stuff. So this is what I want you guys to do is to give me another jury instruction that covers this stuff more completely than the ones you have given me so far based on the discussion we are having now.

MR. KIZZIE: And, your Honor, just briefly for the record, defendants disagree to the extent that the Miranda should be considered a factor, for obvious reasons. It is just a prophylactic evidentiary rule. But defendants also submit that we did provide jury instructions on these specific issues, specifically defendant's jury instruction No. 6, docket 257, and [24] defendant's jury instruction No. 8, indicating that our position --

THE COURT: Let me stop you. This is what I want you to do. I want you to give me a new set of jury instructions. And they can be modeled to whatever extent you guys can agree upon with the stuff you have already given me, but I want these other issues to be discussed therein.

And what I envision is a joint document which would include those portions which both sides agree upon. And if you can't agree on everything, then the respective additional material from one side or the other on these points. And I will take another look at this stuff and hopefully try to resolve it.

But I want you guys to do this first so that I don't waste my time.

MR. KIZZIE: Thank you, your Honor. Just in terms of the scope, is the joint document with new jury instructions addressing these points -- we will obviously meet and confer amongst ourselves -- solely to the Fifth Amendment issue, coercion, and this Miranda issue what the Court wants?

THE COURT: I also want it to include -- I basically want it to include -- I mean, just the substantive instructions. Don't give me the introductory [25] ones about what is evidence. All that stuff is fine. I can get through that stuff myself. No problem. I just want you to talk about the substance.

In other words, the ones that start with there is a single cause of action that you need to resolve. It is this. And then give the 1983 -- you know, the standard, 1983 ones, but that will put the context of the rest of it. So from there on including damages. All right?

Just give me that. And it shouldn't take too long because you are basically job jobbing off of what you have already done, a lot of which I don't think should be problematic.

But I want it to be a complete set so we don't say later on, oh, my gosh, we disagree on this other point that we did not talk about. I want to get as much done as possible.

MR. KIZZIE: Understood. Just a brief question on this issue regarding damages. Maybe that may help our meet and confer efforts. There is still a question that we have as to if the jury found that there was probable cause, the deputies did not fabricate evidence.

THE COURT: That is the thing I have a note to address with plaintiff's counsel, is that we are going

forward with this coerced confession, but the coerced **[26]** confession claim is cabined at this point in time by the jury's finding that I am not overturning: One, that Officer Vega had probable cause to arrest, and two, that Sergeant Vega did not fabricate evidence or use coercive, what you call it, because you have to look at the language that the jury found.

I am cabining this remaining action with those two findings.

MR. KIZZIE: Thank you, your Honor.

MR. BURTON: We understand, your Honor.

\* \* \*

**[29]**

\* \* \*

THE COURT: Well, no. I understand that. And I am not precluding the plaintiff from attempting to establish those damage, but if the plaintiff is going to go forward and seek those damages, then I have to allow the defense to argue the defenses to that in addition to -- in other words, the defense I understand is going to challenge not only the fact that there was no coerced confession, but even if there was a coerced confession **[30]** that that coerced confession doesn't give rise to the damages that the plaintiff is seeking because of the fact that, as I understand what the defense is going to say, the prosecution would have gone forward anyway irrespective of the confession because there was sufficient evidence that the prosecution could go forward with.

MR. BURTON: I understand that is the defendant's position. And we have been meeting and conferring. And I think the Court correctly stated it. It is the way that we stated it in our brief.

And we would say that that should not be permitted for the following reasons, your Honor.

Number one, we think that realistically looking at this confession in the context of this case and the particular power that a confession has as an item of evidence which is recognized by the supreme court, and also the testimony of the prosecutor that if she had known this was a coerced confession there would not have been a prosecution, the fact that it is the only item that was mentioned in the declaration of probable cause, it was the only evidence booked into evidence at the time of the arrest, and it is attached to the police report, it was testified to at the preliminary hearing and admitted at trial, that to say -- and also, and I think **[31]** this is very important, your Honor -- that the patient was told that he confessed by Deputy Vega before she was ever asked to make an identification, and the first identification she made, she was never shown a photo array or anything. The first time -- she was told he confessed, and the first time she was asked to identify him she actually misidentified somebody else in the courtroom at the preliminary hearing.

So this confession drove this prosecution. And to say, well, we are going to have a trial on what would have happened if the confession, which was such a key piece of evidence, was not there would be really speculative. And that is why we said it was 401.

But also, then, okay, so they are going to retry the criminal case, like they somewhat did last time. Then we should be able to bring in the fact that it was somebody else's DNA that was there, and go back and forth. And so it is also 403 prejudice.

THE COURT: But there is a difference between

those two situations. In other words, the question really is whether or not the prosecution would have gone forward, not the question of whether or not the state would have won in that situation. That is not the issue.

The issue is whether or not the prosecution would have gone forward irrespective of the coerced [32] confession. That is a factual determination. And I understand you are presenting arguments as to why the defense position is incorrect in that regard. I understand that.

But that doesn't get into the fact that, you know, at some point in time -- I think, was it after the first or in the midst of the first trial? Then all of a sudden somebody said, oh, there is this additional evidence that we can attempt to utilize, which was the DNA test.

Again, it is kind of like, well, that is nice, but it doesn't mean that the question as to whether or not the prosecution would have gone forward with what they had, because obviously they decided to go forward with what they had at that point in time. So I don't think they are comparable situations.

MR. BURTON: And if I could address the qualified immunity question just very briefly that was raised after I sat down.

I think what is important to bear in mind in in case going forward is there are two such diametrically opposed versions of the facts. According to Deputy Vega, he walked into the radiology section. Mr. Tekoh said, I'm sorry, can we step in the room. Let me tell you what happened. He said why don't you write it down.

\* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

---

TERRENCE TEKOH,	)	
Plaintiff,	)	Case No.
vs.	)	16-cv-7297 GW
SGT. CARLOS VEGA,	)	(SKx)
Defendant.	)	(Pages 1-133)
	)	

---

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

TRIAL DAY 1 – AFTERNOON SESSION

TUESDAY, SEPTEMBER 25, 2018

1:13 P.M.

LOS ANGELES, CALIFORNIA

\*\*\*

[64] Q Do you know if it's soundproof for that purpose?

A I'm not sure.

Q Do you know, when you got to the room, what happened when you got to the room?

A He said he needed to speak to him privately.

Q Well, did you try to go in the room with him or --

A We were asking --

MR. KIZZIE: Objection; leading.

THE COURT: Rephrase the question.

BY MR. CAVALLUZZI:

Q What did you try to do once you got to the room?

A We were asking the officer, "Well, what's going on? Why do you need to speak to him privately?" My other co-worker Yolanda is insisting more saying, "Why? Why are you guys needing to talk to him in privacy?"

MR. KIZZIE: Objection.

THE COURT: Overruled.

BY MS. CAVALLUZZI:

Q Then what happened?

A He said, "Well, I need to speak to him privately," so we let him go in with Terence privately.

Q And what happened to the door once they went into the room?

A They closed it.

Q Was it closed all the way?

[65] A Yes.

Q And you're sure it was closed?

A Yes.

Q And what did you do after the door closed?

A I went back to the office.

Q And did you see what Yolanda did?

A She was -- she stood there for a little bit longer than I did.

Q And did you check on the door? Did you check and see what was happening periodically?

A I kept checking periodically, but I know I had to go back to do my duties, but I kept checking back and forth.

Q What were your duties?

A As the MRI coordinator in the office.

Q So -- and is the office door -- is it typically open?

A Yes, always open.

Q Can you see out the door?

A Yes.

Q And what does it take to see the door to the reading room?

A I would have to step out of it.

Q And did you do that periodically?

A Yes.

Q About how long were they in there with the door closed?

A I don't remember how long, but I know it was like over an hour.

\* \* \*

[103] THE WITNESS: I don't understand.

THE COURT: Rephrase the question.

BY MS. CAVALLUZZI:

Q Okay. You said that the officer didn't let you go in?

A Yes.

Q How did he do that? How did he stop you from going in?

A He just said that I couldn't go in.

Q Did you ask him why?

A Yes.

Q Did he say why?

A That it wasn't -- it wasn't my problem.

Q And then what happened?

A Well, they went in, and they closed the door.

Q Did they close the door all the way?

A Yes.

Q It wasn't even open just a bit?

JA-322

MR. KIZZIE: Objection. That's leading and argumentative.

THE COURT: Sustained.

Rephrase the question.

BY MS. CAVALLUZZI:

Q Was it open at all?

A No.

Q Are you sure?

A Well, no, it was closed.

\* \* \*



A I was 25 at the time.

Q Where were you born?

A I was born in the anglophone --

Q Can you spell that?

A It is A-N-G-L-O-P-H-O-N-E. I was born in the anglophone or English-speaking section of West Cameroon in West Africa.

Q Is English your first language?

A Not really. My tongue is mixture of my dialect, some French and English.

Q Was English the official language where you grew up?

A Yeah. English is the official language and it is used in schools and ceremonial events, and French is equally used the same in the French section of the country, but I spoke English my whole life.

[87] Q What was your upbringing like in Cameroon, very briefly?

A My mom raised me with her older sister and she left the United States when I was around age 6, and her older sister continued to raise me together with six children. And life was pretty tough.

Cameroon is has been controlled by French-speaking dictatorship for over 35 years. We have had one president for over 35 years. And we are -- we live in the English-speaking oppressed region.

And life is very dangerous for us. We seek opportunities to leave. And my family wanted me to finish high school before coming out here. And my mom, you know, send money to go to finish high school and then join her here.

Q So who left first from your family to the United States?

A It was my auntie, Ann Marie Fongwa. She is like the matriarch, you know, in our family. She is a nursing professor. She has been here for about 40 years. She paved the way for us all.

Q And then you said your mother left when you were six. How old were you when you immigrated?

A I was 17 after high school and I immigrated and joined my mom in Fort Worth, Texas.

[88] Q Do you remember when that was?

A That was September of 2006.

Q And what is your immigration status?

A I have a green card, permanent resident.

Q What were your plans when you arrived in the United States?

A I plan a lifetime career in health care, like many in my family. My mom is a nurse. And my brother just recently graduated from RN school. And of course my auntie is a nurse and professor. A cousin is a physician, a urologist. And I also plan to become United States citizen.

Q What did you do when you were in Texas with your mother?

MR. KIZZIE: We would object. Irrelevant. Calls for a narrative and vague.

THE COURT: Rephrase the question.

Q BY MR. BURTON: When you came to the United States, did you live with your mother in Texas?

A Yes. I lived with my mother, my brother and three other cousins, and I enrolled in school, in community college. And at some point in 2009 --

MR. KIZZIE: Objection. Nonresponsive. Beyond the scope of the question.

THE COURT: I will allow him to finish answering.

[89] Q BY MR. BURTON: You can finish your answer.

A At some point in 2009, I completed a program at Alpha Career Institute, where I became a certified nursing assistant so I can work in convalescent hospitals, you know, while going to school, college. And 2011, I obtained associate degree, science, in 2011.

Q From what institution did you get your associate's degree?

A That was in Tarrant County College, Forth Worth, Texas.

Q When did you move here to southern California?

A That was in 2011 after I obtained my AA degree. I moved out here to join my auntie because most of the family was in Texas, and she was here by herself and she adopted a baby girl. She was I think four at the time. So they just decided to split -- you know, she needed some help. So me and my other female cousin moved out here to share, help each other.

Q And what part of Los Angeles were you living?

A Inglewood, California.

Q And do you still live there?

A Yes.

Q And so what did you do after you relocated from Texas to Inglewood?

A I transferred my CNA license from Texas to [90] California, and I worked through agencies that would send me to hospitals, convalescent homes. I work in about four hospitals and five nursing homes, like a one-year period.

And then I eventually, because my goal was to work in a -- I wanted to be placed permanently in a

hospital, so I got this agency that hired me and then send me to LAC+USC county hospital and placed me in the radiology department. That was in 2012.

Q And do you remember what month?

A It is a long process. I think I started working there in July of 2012.

Q Where is the radiology department located in in the hospital?

A It is a big department. It has 12 departments comprising of CT, MRI, x-ray, ultrasound, radiation therapy, angiography, and I was in MRI, all located on the third floor of the diagnostic and treatment building.

Q Where is it located in relation to the emergency room?

A It is two -- I think two floors up the emergency room.

Q But directly above it?

A Yes, sir.

Q And do patients go back and forth from the [91] emergency room to radiology?

A Yes. We get patients from ER and outpatient who come from home, patients from ICU, PICU. It is a busy place.

Q What were your job duties as a CNA in the MRI unit of the radiology section at County/USC Medical Center?

A I was -- so I was assigned in MRI. My job duties were stock supplies, answer phone calls, coordinate with doctors and patient and nurses for MRI exams, help prep and position patients for their MRI exams, thus helping the MRI techs, and then patient transport.

Q Did you also attend school?

A Yes. Actually, if you look at my B.S. degree, you can tell that I wanted to become a nurse because I have a lot of the requisite.

MR. KIZZIE: One second. Objection. Nonresponsive, beyond the scope of the question and move to strike.

THE COURT: No. I will overrule the objection. He can finish the answer.

MR. KIZZIE: Thank you.

Q BY MR. BURTON: You can finish the answer

A So once I was placed there and I started working there, I just fell in love with it. I thought that was where I belong. And I inquire, made some inquiries what [92] it takes to become radiology technologist. And the techs told me and I quickly enrolled in school. It fit well with my schedule. Got along well with my co-workers. And I enrolled in college.

It was going to be easy route for me since I already had a lot of my science courses. So I only had to take a few courses pertaining to radiology.

Q So when you attended the community college in Texas, your plan was to become a registered nurse like your brother is now?

A Yes.

MR. KIZZIE: Objection. Leading.

THE COURT: Rephrase the question.

Q BY MR. BURTON: What was your intention when you attended community college in Texas?

A Yes. Initially I wanted to become a nurse, registered nurse. And I was going towards that route taking courses. And so I was placed in the radiology

department, and I fell it love with it. It just -- it had all the ingredients I needed.

You know, like once I enrolled in school, the machines were right there. I would go to school, get the theory and then come to work see it in action. You know, like it had everything I needed. I picked the tech's brain, you know. Everything, you know, at my disposal.

**[93] Q** So where did you enroll in college?

A That was LA City College.

Q Is that on Vermont?

A Yes. East Hollywood.

Q And so what were your workweeks like in the period leading up to the day you got arrested?

MR. KIZZIE: We will object. That is vague. Like in terms of what?

THE COURT: Ask the witness, do you understand the question?

THE WITNESS: What my were my workweeks like?

THE COURT: Why don't you make it more specific?

Q BY MR. BURTON: Can you describe your workdays, your workweeks, leading up to the day on which you were arrested?

A Oh. So again, like I said, the hospital, it had everything that I needed. There was a library there that I could come from school, go there, study, do homework, change into my scrub, and clock in like for 25, 15 minutes before 3:00 o'clock. So that was my routine.

And on March 19th, 2014, that was what happened. I came back from school, studied, and

changed, clock in at 2:45 and went to -- the time clock is in x-ray department. So we clock in and then you proceed to your unit.

[94] Q Okay. And what was your schedule in the winter or spring of 2014?

A It was 3:00 p.m. to 11:30 p.m.

Q And how many shifts did you have a week?

A Oh, like 40 hours a work. I worked 40 hours a week.

Q So would you get half an hour off in the middle of your shift unpaid for your meal break?

MR. KIZZIE: Objection. Irrelevant.

THE COURT: I will allow the witness to answer the question.

THE WITNESS: Yeah. We worked an extra 30 minutes just so we can get a full eight hours after lunch.

Q BY MR. BURTON: In the MRI unit, what doctors and hospital staff did you work with on a daily basis?

A It was really fun environment, busy. You get an opportunity to work with all these different doctors and specialists and residents that come and go, because it is a teaching hospital. You get all the USC students. You know, that they did their residency there.

So bunch of them all about the place. And you have clinical instructor with students doing clinical rotation. It is just a lot of people basically.

Q And a typical day, let's say a weekday during -- in the radiology -- in the MRI unit of the radiology [95] department, what would that be like?

A That is --

MR. KIZZIE: Objection. This has been asked and answered about his day. Asked and answered.

THE COURT: Rephrase the question.

Q BY MR. BURTON: Can you just describe for the jury what a typical workday during a weekday like Wednesday, March 19th -- let's say, a typical one would be like for you?

A Weekdays are typically --

MR. KIZZIE: Objection.

THE COURT: Let me stop. He is going to object because it was asked and answered because he asked him what was his work like leading up. This is more or less the same question. If you want to ask him about the day in question, that is fine. But you want to ask him what his work was like leading up to the event.

Q BY MR. BURTON: What kind of patients would present to the MRI unit while you were on duty?

MR. KIZZIE: Object. That is kind of vague as to kind of patients.

THE COURT: Well, let me ask the witness, do you understand the question?

THE WITNESS: Yes, I do.

THE COURT: I will overrule the objection.

[96] THE WITNESS: We had patients, you know, from home doing elective MRI's, and then we have ICU patients or pediatric ICU, newborns, we had emergency room patients. And during the week, like weekdays afternoons, high traffic times where it is the most busy.

Q BY MR. BURTON: And during this period right before your arrest, what did you do when you were not at work or school?

A I had family. I had my auntie. Like I said, we helped each other out. I dropped and pick up her daughter from school. You know, sometimes take her to recreation activities. And I was in regular contact with my mom and my brother in Texas. And I had a girlfriend. Played soccer. Stuff like that.

Q Now, can you just -- I don't want to repeat what you already said, but on Wednesday, March 19th, the day you were arrested, you went to school and then you went to the hospital; is that correct?

MR. KIZZIE: Objection. That is leading.

THE COURT: Rephrase the question.

Q BY MR. BURTON: Tell us about Wednesday, March 19th, 2014.

A Okay. So Wednesday March 19th, 2014, I attended school, got to work. Like I said, I went to the library, studied, get to work, change to my scrub. 2:45 I clocked [97] in and went to my -- to the MRI unit where I was assigned.

Q What was going on in the MRI unit right when you first arrived?

A As soon as I walked in, I saw the white robes all about the place, doctors and nurses. So and then there were outpatients sitting and waiting. And some had been pacing around. And all the scanner, we have three scanners, all of them were busy. And the doctors were pacing around too, looking at the clock. So that was the environment when I walked in.

Q And what did you do? Did anybody give you an assignment?

A So once I walked in and went to the MRI scheduling office -- that is, you know, where everything is coordinated. Rashid, the tech who was -- I think he told me, good, you are here already.

Finishing off this patient. I think it was an outpatient. And the next patient is getting an emergency MRI. She is going to cut through the line because it is emergency patient situation.

So about five minutes went by and he was done with the patient, the outpatient, so I went inside, got the patient out, cleaned the table and set up for an MRI brain scan.

**[98] Q** And then what did you do after you set up the table for the MRI brain scan?

A So since it was an emergency situation, the patient, you know, was lying in the gurney, on the gurney. So I had to detach the MRI table. It detaches from the machine itself. So I brought it outside to an area where we call the staging area, or zone 3.

**Q** And what did you do when you got to zone 3, the staging area?

A So MRI table is there, and then Rashid told me where the patient was. The tech, Rashid, told me where the patient was, and she was lying on the gurney behind the curtain, which was part of the hallway. We have -- like next to it is where the outpatients sit.

So I went over there, and the doctors, you know, they are all standing and ready for this exam. So I pulled the curtain. And that is when I first saw the patient lying in the gurney, and she looked medicated.

She was sleeping, but, you know, once I wheel her out of there, you know, the commotion, she kind of woke up.

So in the presence of the doctors and the tech and everybody that was around, outpatients, you know, from home. So this like maybe 6 to 10 feet

from where she was to where the table is, the MRI table.

[99] So I aligned her bed, the gurney that she was lying on, with the exam table in front of the doctors. They are right there. And then we all helped transfer her from the gurney to the MRI exam table.

And then after she was on the table, I had to wheel her into the exam room, which is MRI zone 4.

MR. KIZZIE: I'm sorry. I have to object. This is a narrative. It is going on.

THE COURT: Do you want him to go on or do you want to ask another question?

MR. BURTON: Well, I will ask another question.

THE COURT: All right.

Q BY MR. BURTON: So numerous other people helped you move this female patient from the gurney onto the MRI exam table; is that correct?

MR. KIZZIE: Objection. Misleading again.

THE COURT: I will allow the question. I presume that the leading portion is foundational.

Q BY MR. BURTON: You can --

A Like I said, we all -- me and the doctors and the tech, we all helped move the patient from the gurney to the MRI table, and I wheeled her into the exam room.

Q Okay.

THE COURT: Can I ask a question? At the time that you encountered the patient, was she already sedated [100] or was she given sedation sometime later?

THE WITNESS: She was sedated for a prior exam before the MRI, which was an angiogram.

THE COURT: So do you know whether or not there was any additional type of sedation given to her?

THE WITNESS: That I don't know.

Q BY MR. BURTON: But she was asleep when you first saw her?

A Yes. She was asleep and she was lethargic.

Q And then she seemed to wake up when she was moved?

A Yes.

Q Okay. Now, you wheeled her into the exam room; correct? That is one of three exam rooms?

A Yes.

Q Okay. And when you were in the exam room, where were the doctors?

A So I wheel her into the exam room and the doctors went into the control room from where the MRI is being scanned. And the control room is like right here. This is the door into the control room. And the MRI room, this is the door. So it is like five feet from each other.

So the doctors went into the control room where there is this big 60-inch screen overlooking the exam room. And then they can see me prepping the patient [101] through that screen. And the tech is watching. He is checking on the screen and they actually watching as I am prepping the patient.

All I have to do is hook her up to the oxygen. She is an emergency case, stroke protocol, so I had to hook her up to the oxygen as I am in that room. So once I was about to do that, I grabbed the oximeter.

Q Why don't I stop you there. So when you were in -- now you are in the exam room itself where the machine is; is that correct?

A Yes.

Q And there is this large 60-inch window that you can see the tech and the doctors on the other side?

A Yes.

MR. KIZZIE: Objection. Misleading.

THE COURT: Overruled. It is foundational.

Q BY MR. BURTON: And then, because she was a stroke protocol patient, did you have to do something different than with other -- let's say other patients?

A Yes. She was a stroke protocol.

MR. KIZZIE: One second, Mr. Tekoh. I'm sorry. Objection. It is leading and lacks foundation as to all the stroke protocol patient stuff.

THE COURT: I will allow the question.

THE WITNESS: The exam was a stroke protocol. She [102] was having an angiogram, and she -- all of a sudden she was suffering from possible stroke. That is why they rushed her to CT and then MRI. So I had to monitor her.

Q BY MR. BURTON: And did you have to clear her?

A Before I actually wheel her, I asked the doctors if she has been cleared for metallic objects, because it is not compatible with the MRI machine. No metallic object on you. They told me she is cleared, so that was -- so that was known.

Q Is there anything else that you had to do before you put her in the machine?

A So wheel her into the room. The MRI table to the scanner. And then grabbed the oximeter to monitor her. And I grab her left arm, you know. I explained

to her that I need to monitor you while you do this exam.

And to my surprise, she like pulled her hand away and asked me if someone else could do it. And I was kind of confused. You know, I looked through the window. The doctors are watching me doing what I am doing. And I told her, you know, this exam is very important. It is very important that you get this exam done. Your doctor is anxious. They are being -- that, you know, I watched them like looking at the clock. They want you to get this exam. This is your turn. Let's do this, okay.

She didn't say anything back. So she just [103] closed her eyes. I went ahead and placed the oximeter on her index finger and set up her exam.

Q Did you do anything else?

A Yeah. I did put ear plugs in her ears to muffle the sound. Put padding, you know, get her comfortable, put the brain coil over her head which we use, and then land mark her for the brain scan, which is you use a laser beam, you know, put it underneath the brow. You place the laser beam underneath the brow for the brain scan. And then I punch her in to the scanner.

So she went in head first. And then I think I turned the fan on on the machine because it can really get warm in the machine. And then she went in head first, like I said, with her eyes closed. So I stayed. I watched to see she was going to get claustrophobic like some patients do. But she was okay. So I left the room, shut the door, and the exam began.

Q So how long were you in the exam room with the patient?

A I would say about five minutes.

Q Did you take the patient out?

A So after I shut the door, the exam lasted for about 20 minutes because it was without contrast, which is a liquid dye that they inject at some point during the exam. So it was fairly quick. It was emergency exam.

[104] So the tech signaled to me that, you know, he was done with the exam. So I went inside, punch her out of the machine, unhook her from the oximeter, unlock the table from the scanner and wheel her back to MRI zone 3, where the doctors, they are already there standing, waiting.

So we are now outside. And she is there in the MRI 3 staging area. And then we all -- me and the doctors and the tech, we all move her again from the exam table to the gurney. And then --

Q Let me stop you there. Then after you moved her from the exam table back to the gurney with the other doctors, what happened at that point?

A I think one of the doctors, which was a female -- I believe she was a lead doctor -- she asked her some question. She told her -- yeah, she ask her some questions. She told her to --

MR. KIZZIE: We would object, your Honor. That is hearsay regarding what the doctor said.

MR. BURTON: It is not being offered for the truth.

THE COURT: Let me hear what the answer is and if it is hearsay I will strike it.

THE WITNESS: The doctor just asked her to like kick your leg, squeeze my arm, blink your eyes and stuff [105] like that, and she did all of those things. And the doctor said, okay, she is okay for now. So they left.

Q BY MR. BURTON: And were you given instructions after the doctors did their assessment?

A Yes. I was given instruction to take her back to her room. But she was -- she was bound for ICU after that exam.

Q The room that you took her to, was that -- you know, you said take her back to her room. Was that in the ICU?

A It was --

MR. KIZZIE: Going to object. That is leading.

THE COURT: Overruled.

THE WITNESS: I don't know how call that, but it was like part of ICU. Like it was like on the ICU floor, but it wasn't ICU -- it was like -- it called something.

Q BY MR. BURTON: An observation unit?

A Something like that.

Q And do you remember what floor it was on?

A Yeah. That was on the fifth floor. I think it was room No. 5F136. So once I was instructed to take her back, I got her chart and I wrote down the room number and her name for my record, for my log, as I -- you know, I am required to do.

Q Did you tell any of your co-workers in your unit [106] that you were leaving?

A Just I was coordinating. So everything came from her. So I told her that, okay, taking the patient back to her room. And all the doctors left but this one resident -- I believe he was a resident -- stayed behind with the patient. There is no way they were going to leave that patient there, you know.

MR. KIZZIE: Objection, your Honor. That is speculative and conclusive. Also argumentative.

THE COURT: I will sustain the objection. I will strike that portion of the response.

Q BY MR. BURTON: Can you describe this doctor who stayed behind.

A She was -- he was tall. You know, had beard. I believe he was of Indian -- East Indian descent. And he was there the whole time. And we left together to go to transport the patient back to her room. I was pushing the gurney.

MR. KIZZIE: Objection. It is beyond the scope of the question he was asked to describe.

THE COURT: All right.

Q BY MR. BURTON: Okay. So can you describe taking the patient back to her room on the fifth floor, please?

A So like I said, when it was time to transport the patient back to her room, it was me and this Indian [107] doctor that stayed behind after all the other doctors left. I believe he was a resident. And we started going towards, you know, her room.

I was pushing the gurney behind, went through hallways and rode the elevators together two stairs up to the fifth floor. And then I think on other way to her room she asked me if I had her underwear and belongings.

I was confused and I asked her what do you mean. I didn't know anything about her underwear and belongings. So she didn't say anything, but she just like dozed off.

So we are approaching her room. We got there and the nurse -- her nurse saw us coming with the doctor. So he started approaching us, you know, coming down the hallway, and we all met at the patient's door in front of her door.

Q Okay. Can you stop there. So this nurse was a male nurse?

A Yes.

Q And what was the patient like? You mentioned this conversation you had with her, but what was she like during the transport. Was she awake or asleep or what?

A She was dozing on and off.

Q And then when you got to the door of room 5F136, what happened next?

[108] A So like I said, once we were approaching her room, her nurse, the nurse on duty at the time, he saw us coming and he started approaching us because she was his patient. So him and the resident, they met right in front of the door, and I squeezed past them with the gurney into the room.

And in there, her room had been cleaned, bed made. You know, it has a -- like it is right across from the nursing station. The room right across from the nursing station with a glass door and glass wall. And like I said the curtain had been pulled. Her room had been cleaned, everything.

So went in there, I aligned the gurney to her hospital bed that was in the room and then went over to her left side to transfer her from the gurney to the bed. And the doctor and the nurse were standing out there. I can see them. And I am hoping they can lend a hand to move the patient, but they were busy, you know, discussing her care.

So I just said, okay, I can do it. So I told the patient that -- I explained to her that I am going to move her from, you know, to her hospital bed -- from the gurney to the hospital bed. And I told her to cross her arm to ease the transfer. But she didn't do it. She was just like dozing off and on.

**[109]** So I positioned myself and then grabbed the sheet she was lying on on the gurney, my right hand towards her shoulder and my left hand towards her hip area. And I told her I am about to pull her, which I did. I pull her from the gurney to the bed.

And the sheet that was on her moved, but it never came loose. She was never exposed. And she was like what are you doing. And I just apologized for the difficulty. And she was on her bed now.

So I went back around, unlocked the gurney and disengaged the gurney from the hospital bed. And as I was doing that I noticed a brown bag underneath the gurney. So I assumed that was her belonging, you know, as to why she had asked me about her belongings. So I grab it and I told her this must be your belongings, and I placed it by her side. Then I raised the rail up for safety and then left the room.

The doctor was standing there. I squeezed past them. I drop her chart on the nursing station and then went back to my unit in MRI.

Q And that was your interaction with this patient that day; is that correct?

A That's correct.

Q And were you ever alone in a room with her in a place where no one could see you?

**[110]** A No. Never, never. The doctors were watching me prep her up for the exam through that big screen window. I was alone in the room but --

MR. KIZZIE: One second, Mr. Tekoh. I apologize.

Objection, your Honor. It is beyond the scope of the question and asked and answered.

THE COURT: All right.

Q BY MR. BURTON: Were you ever alone in a room with her where no one could see you?

MR. KIZZIE: Asked and answered. Same question.

Q BY MR. BURTON: What did you do for the next let's say several hours?

A We scanned another 10 or so patients because she scan anywhere from 30 to 60 parents. So scan about 10 more patients until it was time for me to go to lunch.

Q And what time do you go to lunch usually?

A Usually halfway through our shift. I was wanting to go first because I have this long day from school and all that, come to work. So I always was the first one to want to go. So . . .

Q Do you remember whether you were hungry this day?

A I was very hungry by the time. And we were in the office -- me, Yolanda and Jessenia, and we were discussing, you know, lunch, and I was going to go first.

I remember I was sitting down. And that was [111] the next thing I wanted do.

MR. KIZZIE: One second, Mr. Tekoh. I apologize. Objection, your Honor. It is nonresponsive and beyond the scope of the question and irrelevant.

THE COURT: Overruled.

Q BY MR. BURTON: I'm sorry. You can continue

A So the next thing I was going to do -- it was around 7:30 p.m. and the next thing I was about to do was go to lunch. And then, as we are sitting there, all of a sudden two nurses and a deputy showed up.

Q Before that, had you received a telephone call?

A Oh, yeah. Around 7:30. No, 7:20, a call came in the MRI office and I happened to be around. I heard the call. So I we want and answered the phone. And a female -- it was a nurse calling from the ICU asking who transported a certain patient from the MRI to the fifth floor.

I told her that I did. I did. And she asked for my name. I told her. And she asked me if I would be there how long. I said I am here till 11:30. She said okay. I think someone else might have called again. And Jessenia picked up. I am not sure.

Q And so did you go to lunch?

A No.

Q Why not?

[112] A Because --

MR. KIZZIE: Objection. Irrelevant.

THE COURT: Overruled.

THE WITNESS: So I didn't go to lunch because these two nurses and the deputy showed up, and the deputy ask who is Terence. And I said I am Terence. And Jessenia and Yolanda both pointed to me. So the deputy asked me to step out. So I stepped out of the room and Jessenia and Yolanda followed. So we were standing outside --

Q Okay. Let me stop you there. So when the nurses and the deputy arrived, were all three of you, you, Jessenia and Yolanda, in the MRI office?

A Yes, sir.

Q Do you see the deputy here in court?

A Yes. Sitting over there with the suit and white shirt.

MR. BURTON: Indicating the defendant Carlos Vega.

THE COURT: Yes.

Q BY MR. BURTON: Had you ever seen Deputy Vega -- he was a deputy then, he is a sergeant now -- before?

A Yes.

Q I mean had you ever seen him before you saw him in the MRI unit that day?

A No. That was my first time I set eyes on him.

[113] Q And so the first thing he said to you was -- after who is Terence, he asked you to step out; is that correct?

A Yeah, he asked me to step out. I did. And Yolanda and Jessenia followed. So we are standing in the hallway and he asked if there is anywhere we can speak in private. And Jessenia and Yolanda pointed to the MRI reading room which was across from us, about 20 feet away.

Q And so did you ask to speak to him in private?

A Absolutely not.

Q And did you tell him that you think you made a mistake?

A Absolutely not.

Q Did you tell him that you are sorry?

A Absolutely not. Never.

Q Did you look down and shake your head?

A Never.

Q Now, this MRI reading room, can you describe it for the jury, please?

A It is white, about 10 by 10. It has a copy machine in there. There is chairs with computer terminals where the doctors read the -- I think that was a MRI body -- a MRI body reading room, like, you know, because they have neuro, cardio, body. That was the

body -- MRI body [114] reading room. And has no windows and it is soundproof.

Q Do you know why it is soundproof?

A Because the MRI machines -- like MRI machine is right next to it and all three of them, the machine make a loud noise. So that is why.

Q Now, once -- well, did you -- did you go in the reading room?

A So once Jessenia and Yolanda pointed to that room and the deputy said to me like why don't we go over there. So I started walking with him. And Yolanda and Jessenia and the two nurses that were still there, all of us walk into the room.

As we were walking towards the room, he turned to the two nurses and said he is not going to need them. He said I am not going to need you guys. They said you sure. He said yeah. So okay. So he took down my name and went back upstairs to the ICU.

So Jessenia and Yolanda kept following. When we got to the door, he gestured, you know, for me to go in. He was like (indicating), so I stepped in. I went inside the room. And I think Yolanda tried to get inside the room. He stopped her saying that it is -- the interview is private. Yolanda tried to ask why.

I don't know what he said, but so he gets into the room and then he shut the door behind him.

[115] Q So was the door shut all the way?

A Yes. It was shut all the way.

Q Now, at that point, had he told you why he wanted to talk to you?

A No. But I suspected it had something to do with the call I received about transporting the patient, but

it didn't make any sense to me, though, because nothing unusual happened during the transport.

MR. KIZZIE: Objection, your Honor. That is beyond the scope of the question.

THE COURT: Overruled. Let me ask plaintiff's counsel, is this a good time to stop?

MR. BURTON: I think this would be an excellent time to stop, your Honor.

THE COURT: Ladies and gentlemen, we will start again at 10 after 1:00. And remember, when we are on these breaks please do not talk about this case with anyone. And I will see you back here at 10 after 1:00.

(Proceedings concluded.)

JA-348

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION  
HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

---

TERRENCE B. TEKOH,	)	
Plaintiff,	)	Case No. 16-cv-
vs.	)	7297 GW (SKx)
SGT. CARLOS VEGA,	)	(Pages 1-162)
Defendant.	)	
_____		)

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

TRIAL DAY 2 – AFTERNOON SESSION

WEDNESDAY, SEPTEMBER 26, 2018

1:11 PM

LOS ANGELES, CALIFORNIA

\*\*\*

[107]

\*\*\*

**TERENCE TEKOH, THE PLAINTIFF, WAS  
PREVIOUSLY SWORN**

**DIRECT EXAMINATION** (Continued)

BY MR. BURTON:

Q When you went into the reading room and Deputy Vega shut the door behind you, did he shut the door all the way?

A Yes, the door was shut all the way.

Q What did the two of you do once you were in the reading room?

A At that point we were both standing in the middle of the room, and he was in front of me, blocking the door so I couldn't walk out.

Q What was said initially?

A Right away he asked me if I had been arrested before, and I remember saying no. And then --

Q Was that true?

A No.

Q Was it true that you had never been arrested before?

A No, I have never been arrested before.

Q And then what was the next thing that was said?

A He asked me if I was a citizen. I told him no, I wasn't.

Q Did he ask you anything after that?

A He asked me what I had done at work that day, and I remember replying that I came to work, and I have been working. The he said, "What did you do with your hands earlier today?" [108] And I remember looking at my hands like, "What you mean?"

He said, "What did you do to the patient?"

And I said, "What patient?"

He said the one I transported from the MRI. And I still, you know, suspected it was the one they call about.

Q So what did you say after he said, "The one you transported from the MRI"?

A What did I say?

Q Yes.

A Oh, I said, "Which one?" And he said her name, Sylvia Lemus.

Q And what happened after he told you, "What did you do with this patient named Sylvia Lemus?"

A I tried to explain to him that the patient came for an MRI, emergency mental illness. In the process I was done and everything, the nature.

Q Did you tell him about taking the patient back to her room on the fifth floor?

A Yeah, I told him that or tried to tell him that, and he said something about me abusing the patient.

Q He accused you of abusing the patient?

A Yeah.

Q What did you say when he said that to you?

A When I heard that, I was shocked, and I think I heard him, but I was just like shocked, and I wanted him to repeat [109] himself. So I asked him if he could kindly repeat himself, and he said he did not have water in his mouth when he said it the first time and asked if we needed an interpreter. He was like, "You understand the word that's coming out of my mouth?"

I told him that "Yeah, I can understand you."

He said, "Okay," and he asked me to take a seat at that point.

Q And so what did you do when he told you to take a seat?

A I did take a seat, and he was standing close to me, like half seated. So he told me to be honest with him and tell him what happened.

Q So what did you say when he told you to be honest with him?

A So I tried to explain to him what happened, how -- like I said, how it all went down to take the patient back to her room.

Q And then was that the same thing that you told this jury earlier today?

A Yes, same thing I told the jury earlier today is what I told him, but he kept cutting me off and was being more accusatory, and he accused me of touching the patient's vagina. He accused me of --

THE REPORTER: I'm sorry, what?

THE WITNESS: That I waited until the doctors left, and then I spread the patient's vagina, reached in with my [110] hand. And he asked me if I was going to lick it. I thought he was being a pervert at that point. I remember telling him that I would never ever do anything like that, that it did not happen, and that no one can even try something like that given the circumstances surrounding the exam with the doctor watching through the big screen window and everything.

Q How long was this part of the conversation going?

A This went on for about 35 to 40 minutes.

Q And can you describe what was going on during those 35 to 40 minutes?

A It was just back and forth, denying, you know, my position, and I think at some point he told me that I might as well --

Q I'm sorry.

A Yeah, I think he told me that I might as well admit to it because he had me on video. And once I heard that, I feel a sense of relief. I thought it was all a big mistake, and so --

Q So let me stop you there a moment. How long do you think you were in the room with Deputy Vega before he told you that there was a video?

A I would say about 35 to 40 minutes.

Q And during that 35 to 40 minutes did he ever tell you you had a right to remain silent or a right to consult an attorney?

A No, never.

Q Did he ever tell you that before you were taken away in [111] handcuffs?

A Never.

Q So you said you were relieved when he said he had a video?

A Yes.

Q Why would you be relieved he had a video?

A Like I said, I thought they were mistaken, and they would review the video and see that I'm not the guy, so I relaxed. And I happened to find myself chuckle, and once I did that, he got angry. He got closer to me and asked if I was laughing at him, if he's a laughingstock or the patient that I abused. He was really close to me, like I remember like talking saying, "I'm sorry. I didn't mean to laugh. I wasn't laughing at you or anyone. Sorry you took it that way." So he backed off a little bit.

Q Let me stop you there. So when you were chuckling, as you said, were you saying anything?

A Yeah. I told him that whoever -- "Good luck with the video. Whoever you have on that video, it's never going to be me."

Q And why did you say that?

A Because I hadn't done anything, and I knew once they reviewed it, they would see I didn't do anything wrong.

Q After you apologized for laughing, what happened next?

A Like I said, he backed off a little bit. He kept on being more accusatory and said I looked guilty. And I was like, "How [112] do I look guilty? What do you mean?" At that point I told him, "Can I talk to my supervisor or a lawyer?" He didn't say anything back. He just kept pounding on me and wouldn't take no for an answer. There was nothing I could say to convince him that I didn't do anything.

Q At that point did he refer to your race at all?

A I think at that point I was -- I was really, you know, getting nervous, and once he said I looked guilty and I asked for -- to talk to my supervisor or a lawyer and he ignored me, I just felt I like to leave. So I got up and tried to leave, and I think --

MR. KIZZIE: We object, Your Honor; move to strike, nonresponsive. The question was specific.

THE COURT: I will sustain the objection at this point.

MR. BURTON: I'm sorry?

THE COURT: I will sustain the objection at that point.

MR. BURTON: Okay. Thank you, Your Honor.

MR. KIZZIE: And have the answer stricken?

THE COURT: No.

MR. KIZZIE: Sure.

BY MR. BURTON:

Q So did Deputy Vega, before you asked to talk to a supervisor or a lawyer, say anything else to you other than you [113] look guilty?

A Oh, yeah, he did say that I look guilty, and he was going to put my black ass where it belongs.

Q Now, that was when you asked for -- to talk to one of your supervisors or a lawyer?

A Yes, sir.

Q And who were your supervisors that you were referring to?

A I was referring to radiology supervisors. They are like many of them. I said so many units in the radiology department, so I was referring to Freddie Guerrero or Wendy Acuna or Debbie, any of them.

Q When you asked to speak to a lawyer or one of your supervisors, did Deputy Vega respond at all?

A No. He just ignored me. He did not say anything.

Q And then what happened?

A And then I grew frustrated and, you know, I didn't know what was going on. I just wanted to end the situation, so I tried to get up and leave.

Q And did you leave?

A No. I made one or two steps, and he rushed at me and stepped on my toes, put his hand on his gun and said, "Mr. Jungle Nigger trying to be smart with me. You make any funny move, you're going to regret it. I'm about to put your black ass where it belongs, about to hand you over to deportation services, and you and your entire family will be [114] rounded up and sent back to the jungle." He said, "Trust me, I have the power to do it."

Q Those were his words?

A Those were his words. And he was -- we was staring at each other for like ten seconds, and I was shaking. At that point I was thinking what is he going to do? What is he about to do? I was just having this flashback growing up, you know, with my experience, you know, with police brutality, you know in Cameroon. He wasn't acting any different. So --

Q So then what happened? He's on your toes. Were your faces just like inches apart?

A Yeah, like three inches apart, so --

Q And the words you attribute to him, you remember that's exactly what he said?

A That's what he said.

Q And then what happened?

A And then he stepped back and told me to take a seat.

Q And did you sit back down?

A And he said -- yeah, I sat down. And he said he doesn't know why he is wasting his precious time with me, that we are going to do it his way, that I'm acting like I have memory loss all of a sudden. So he reached out to the copy machine in the room, grabbed a piece of paper, got a pen from his breast pocket and like tossed it in front of me and said that I'm going to write what I did. I said, "I just told you what I [115] did." He said I'm going to write what the patient said I did, so --

Q So then what happened?

A So he said, "We're going to start by showing the remorse to the judge." And he told me to write that "To whom it concern." And I was looking at him, like hesitating. And he told me he wasn't joking, and he put his hand on his gun. So I was ready to write whatever he wanted. And he kept dictating and I was

writing. And there were points I was hesitating and look at him, and he, you know, tell me he wasn't joking.

So he run his hand and tell me something, and then I add it. At some point he told me to stop, and he went outside. I heard him talk. The door was cracked open. I think I heard him call one of my co-workers, I don't know which one, to let him know -- to let his partner know where we were.

Q Did you hear him using his radio?

A I don't know if it was really a cell phone or not.

Q But did you hear him call for his partner?

A I heard him call one of my co-workers, somebody, but he told that person to let his partner know where we were.

Q And was that after you wrote the statement?

A That was like -- because when he came back -- I mean, I wasn't writing anything when he went out to talk. When he came back, he continued to dictate, and then we stop after that, and then the second deputy walked in as I was signing it.

[116] Q Were those words -- we have seen the words on the page. It's Exhibit 4. Were those your words?

A None -- none of those words are mine. They are all his words.

Q Why did you put those words on that page?

A Because he was not listening to me. There was just nothing I could say to convince him, and he -- you know, like the word "deportation" is like a nightmare, you know, to anyone from Cameroon, you know, with the crisis and what is going on out there. He threatened me with deportation, not just me, my family.

And what he did, you know, put hand on his gun, stepping on my toes, I wasn't sure what he would do to me if I kept resisting, so I just wanted to end the situation. I just wanted to give him whatever he wanted so they could go play that video and see I didn't do anything and I could go back to work. I was very angry, too, upset and agitated. I don't know. I didn't say anything. I just wanted to get out of there.

Q Did he ask you to sign it?

A Yes, he did ask me to sign it, and that was the last thing I did before -- just before the second deputy walked in.

Q And by the time the second deputy arrived -- well, except for that time that he went out and spoke to your co-worker, was the door closed the whole time?

[117] A It was closed the whole time because the second deputy walked in and closed it, and they spoke in a corner inside of the room. I was sitting down.

Q So the door was closed. The second deputy walked in; he closed it and then spoke to Deputy Vega?

A Correct.

Q Do you know who the second deputy was?

A I didn't know. They both had the same uniform. I didn't notice anything different.

Q But do you now know who it was?

A Now I know he is supervisor. He wasn't my supervisor.

Q How long do you think you were in the room before the second deputy walked in?

A About 50, 55 minutes, could be an hour.

Q What did the second deputy do?

A Oh, after they had a brief conversation in a corner, he turned to me and asked -- he asked me why did I do it, "Why did you do it?"

And I looked at him and said, "I didn't do anything." And then he asked me if I was attracted to women, and I said yes. And then he asked me if I sexually became aroused when I touched her, and I just shook my head. I didn't say anything back.

Q Well, why didn't you say anything back?

A Because I had just told him I didn't do anything, and he's [118] asking me that. I just didn't want to prolong the conversation anymore. I just wanted to get out of there.

Q So how long was the second deputy there?

A He was there for about five minutes.

Q Now, did a third deputy arrive before the second deputy left?

A I'm not sure, but maybe he was outside waiting because when the door finally opened, when the second deputy left, then I asked if I could go back to work. I asked him if I could go back to work, and he said no, and he reached out and yanked my employee badge.

Q You asked who if you could go back to work?

A I asked the first deputy.

Q Why did you think you could go back to work after you wrote this statement?

A Because I hadn't done anything, and he said there was a video, and I knew that that video is going to show I didn't do anything. So I was just banking on the video, that it will render the paper, this statement, useless.

Q So then what happened after the second deputy opened the door and left and you had this conversation with the first deputy?

A Oh, what conversation?

Q Well, the one where you said, "I want to go back to work."

A He said no, and then he grabbed my badge and told me I was [119] under arrest. And the third officer appeared, came inside the room and put me in handcuffs.

Q That was a third deputy?

A Yes.

Q And then after you were put in the handcuffs, what happened?

A Then I was let out in the hallway. I remember looking at the clock. We have a clock like that, and every -- we have clocks like that. It was about close to 9:00 I was being let out. So we went through the hallway, elevator, down through the ER to the police car.

Q So how long did it take to get from there to the police car?

A About five minutes.

Q And that's because the radiology department is close to the ER?

A Yeah. It is two floors down below us.

Q And did you have your cell phone with you?

A No, because when we are at work -- when we go to work, we keep our cell phones away from the machine because it demagnetize your cell phone. They are not compatible. So we always keep them somewhere. If you go to lunch, you can grab it and go. But I didn't

have it with me. It's where we kept our cell phones. That's why I didn't have a cell phone on me.

Q And when they opened this door shortly before 9:00 and you [120] came out in handcuffs, where did you -- was there anybody there?

A Yeah. My co-workers were just -- they were -- as soon as the door was open, they were right there, you know, approaching us with looks of concern on their faces. And Yolanda was like in tears, and Rasheed, the tech, approached them and asked, "What is going on?" And they just drag me out of there.

Q And did you see Jessenia?

A I saw her too.

Q Were there other workers there?

A Yeah, there were other workers from other departments that were just around. By that time the shift was winding down. There was down time, so people were just, you know, hanging around.

Q How did you feel when you were being led out in handcuffs?

A It was very embarrassing, and it was like I was floating, floating in the air. I don't know. It was a weird feeling. It was crazy.

Q Now, what happened after you walked through the ER?

A I was put in the car, and we waited there for about 45 minutes because he left in his patrol car and then came back maybe 30, 35 minutes later on, handed the piece of paper to the other deputy that handcuffed me. And then shortly after that, he drove me to East L.A. Jail.

Q So let's break that down. So when you were put in the [121] patrol car, where was that patrol car in relation to the ambulance bays?

A Close, close.

Q And then the first deputy you now know to be Deputy Vega, left for, you said, 35 to 40 minutes?

A Yeah, 35, 40 minutes.

Q And you just sat in the back of the patrol car?

A Yes.

Q And you were handcuffed behind your back?

A Yes.

Q Was it uncomfortable?

A Yeah. I remember it was very tight. And I asked the deputy that was with me if he could relax it, and he was kind enough to do that. I appreciated that.

Q And then the first deputy, Deputy Vega, came back and handed some paperwork to the third deputy, and then he took you to the East Los Angeles sheriff's station where they had -- that's where he took you?

A Yeah.

MR. KIZZIE: Objection, Your Honor; leading.

THE COURT: Overruled.

THE WITNESS: Yeah, he took me to East L.A. Jail. That's all I know. It was night, around past 10:00, close to 11:00 when we got there.

\* \* \*

JA-362

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	
VS.	)	NO. CV 16-7297
County of Los Angeles, et al.,	)	GW
DEFENDANT,	)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL – DAY THREE  
A.M. SESSION – VOLUME I OF II  
LOS ANGELES, CALIFORNIA  
FRIDAY, SEPTEMBER 28, 2018

\* \* \*

**[109]**

\* \* \*

SYLVIA LEMUS,

called as a witness on behalf of the defendants,  
having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KIZZIE:

Q Good morning, Ms. Lemus. Thank you for being  
with us here today.

On March 19th, 2014, were you a patient at [110] LAC+USC Hospital?

A Yes.

Q Okay. And before March 19th, 2014, had you ever met the defendant Sergeant Vega before?

A No.

Q Now, on March 19th, 2014, did you tell any hospital staff that you had been sexually assaulted?

A Yes, I did.

Q About how many people?

A Two nurses.

Q Okay. And after you told the two nurses, at some point did Sergeant Vega arrive to your room?

A After I told the second nurse.

Q Okay. All right. And did you tell Sergeant Vega what happened during the sexual assault?

A Yes, I did.

Q Were you also interviewed by detectives from the Los Angeles Sheriff's Department Special Victims Bureau regarding what happened on March 19th, 2014?

A Yes.

Q Okay. Do you recall what those detectives looked like?

A A little bit. Yeah.

Q What is your recollection, ma'am?

A It was -- one of the detectives was a short, kind [111] of short. Hispanic detective.

Q Okay. And the other, do you have any recollection?

A I don't have any recollection of the other one.

Q Okay. Were you also interviewed by the district attorney from the Los Angeles District Attorney's Office sex crimes division?

A Yes.

Q Regarding what happened on March 19th, 2014?

A Yes, I was.

Q And also, the day after, on March 20th, 2014, were you forensically examined regarding this sexual assault?

A I'm sorry, can you repeat the question?

Q Yes. On March 20th, the day after March 19th, 2014, were you also forensically examined regarding this session assault?

A Yes, I was.

Q And did you speak to nurses during this sexual assault exam regarding what happened on March 19th, 2014?

A Yes, I did.

Q All right. Now, would you please tell this jury what you told each of these different people happened to you on March 19th, 2014?

MS. CAVALUZZI: Objection. Compound.

THE COURT: Why don't you break it out because she testified she mentioned it to several people. So [112] starting with the nurses.

MR. KIZZIE: Okay. Yes. All right.

Q Do you recall what you told the two nurses on March 19th, 2014?

MS. CAVALUZZI: Objection, your Honor. It is hearsay and it is compound.

MR. KIZZIE: It is her own statement. How is it hearsay?

THE COURT: Again, I don't need responses. The objection was hearsay?

I will overrule the objection based on hearsay.

MS. CAVALUZZI: Objection. Compound.

THE COURT: I will allow you to identify the nurses individually and if she spoke to them together versus she spoke to them separately so that makes the answer clear.

MR. KIZZIE: Okay.

Q So the two nurses that you spoke with on March 19th, 2014, did you speak to them together or at two separate times?

A No, at two separate times.

Q Okay. Now, moving forward a little bit, please tell the jury what you told Sergeant Vega happened to you on March 19th, 2014. What did you say?

[113] A I told him I was sexually assaulted and that I woke up in a room with -- I woke up in the room alone with a person that was standing at the edge of the bed. And he lifted my sheets. And that is when I felt the draft of -- air draft. And I looked up, and that person was right there.

Q What did this person look like?

A He was tall, slim, he was black. And I wasn't sure if he was a nurse or -- but he had a gown, like a nurse gown.

Q And do you recall whether or not you were transported by this person around the time of your MRI? Do you recall seeing this person before at that time?

A He was transporter -- he was a transporter, the one that transported me. Was supposed to take me to

my room after the incident on the 19th, which was -- I had an angiogram done on that day.

Q All right. Please tell this jury what you told Sergeant Vega this person did to you.

I know it is difficult.

A After I wake up, he was standing at the end of the bed. He walked to the left side of the bed, and I was in the room with him alone. And he lifted the sheets and started looking at my vagina. And he spread it to look inside.

[114] I didn't know what was going on. I didn't know why I was there, why he was -- I was really having a hard time speaking. I couldn't move my legs because I was paralyzed at the time on my left side. I couldn't get up because they told me I had to stay down because of the procedure they did. And then I asked him what he was doing. I'm sorry.

Q That is okay.

A I asked him what he was doing. And he said he was making sure everything was okay and he didn't leave anything inside. But he continue -- he continued to spread my vagina and put his fingers inside. That is when I told him to stop, please leave me alone and take me back to my room.

Q Do you need a moment, Ms. Lemus? Just let me know when you are ready.

(Pause in proceedings.)

THE WITNESS: He didn't say anything after that. And I just kind of fell back to sleep. The next thing I know, I was just going into my room, where I had been prior to the -- prior to the angiogram.

And he left me in the hallway. The nurse, one of the nurses was there. And I saw him walk out of

JA-367

the place, and I told her, you know, the person that just brought me here sexually molested me.

\* \* \*

JA-368

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

---

TERRENCE B. TEKOH,	)	
Plaintiff,	)	Case No.
vs.	)	16-cv-7297 GW
SGT. CARLOS VEGA,	)	(SKx)
Defendant.	)	(Pages 1-171)
_____	)	

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

TRIAL DAY 3 - AFTERNOON SESSION

FRIDAY, SEPTEMBER 29, 2018

1:23 P.M.

LOS ANGELES, CALIFORNIA

\* \* \*

**[60]**

\* \* \*

THE WITNESS: Jane Creighton, C-r-e-i-g-h-t-  
o-n.

**DIRECT EXAMINATION**

BY MR. KIZZIE:

Q Good afternoon, Ms. Creighton.

A Good afternoon.

Q Thank you for joining us today.

Let's jump into it. Please tell the jury, are you currently employed?

A Yes.

Q Please tell the jury where you are currently employed.

A The Los Angeles County District Attorney's Office.

Q Are you employed in any specific office -- I'm sorry. Are you employed in any specific division of the Los Angeles County District Attorney's Office at this time?

A My title currently is a special assistant to special operations.

Q All right. Now, on March 19th, 2014, were you also employed by the district attorney's office?

[61] A Yes, I was.

Q And in what division of the district attorney's office were you employed on March 19 -- in or around March 19th, 2014?

A Sex crimes division.

Q Please explain your duties and responsibilities as an assistant district attorney in the sex crime division. Please explain that to the jury.

A At the time I was in the sex crimes division, my title wasn't special prosecutor; I was just deputy district attorney, and I was a deputy in charge of the human sex trafficking section. One of the responsibilities -- or some of the responsibilities you have in the sex crime division throughout the County of Los Angeles, you prosecute majority of the major sex crime cases involving anything from child molestation to rapes, unlawful sexual contact. So the only thing I was prosecuting for years during that

period of time was anything which was sex crimes related and also human sex trafficking related.

Q Thank you.

Now, how long have you served as a deputy district attorney in the Los Angeles County District Attorney's Office?

A This is my 22nd year.

Q And how many specifically years were you in the sex crime division?

A Approximately seven years.

[62] Q What is your best estimate as to how many sex crimes cases you prosecuted?

A I would say hundreds. The exact number I couldn't tell you, but I would say hundreds because that's the only thing I was working on during that period of time.

Q Do you file and prosecute every case that comes across your desk when you were in the sex crimes division?

A No, I did not.

Q Would you please tell the jury what is prosecutorial discretion.

A When law enforcement brings a case into the district attorney's office, you have to review the case to see if there's legally admissible evidence, taking into consideration reasonable defenses. So you look at the evidence.

Law enforcement has one standard, and we have another standard. Even though at that particular point in time things can change, in your mind you have to ask yourself is there enough evidence as presented to you that a jury could conclude beyond a reasonable doubt that a crime was committed and the

individual who is named in the police report committed the crime? So that is the standard we go through when a case is brought to us for review.

Q Thank you.

And we will get to this case momentarily, but would you please explain to the jury generally, what was your practice in **[63]** terms of what you would do in commencing your prosecutorial discretion when you were at the sex crimes division in order to prosecute a case?

MR. BURTON: Objection; overbroad, irrelevant.

THE COURT: I will allow her to answer that question in the time frame that is relevant to this case.

THE WITNESS: During that time period, say 2014, how I would exercise my prosecutorial discretion, I would review everything that's brought in to me, meaning all of the police reports. If there are audio recordings, I'm going to review those. One thing in sex crimes, what you have to do before you file a case, you have to perform a prefiling interview with the named victim, so that's one of the things that is mandatory that you have to do.

So you review all of the evidence. You interview the victims. If it's -- if you need to, you speak to the officers if you need clarification from any points, but generally speaking, that's what you do, review all the evidence as brought to you at the time.

BY MR. KIZZIE:

Q Thank you.

And can any detective, police officer, or sheriff's deputy force you to prosecute a case that you decide not to?

A Absolutely not. That's not my personality.

Q All right. And in this case -- in this particular case, [64] if you decided not to prosecute Mr. Tekoh, could Sergeant Vega have done anything about that?

A No.

Q Do you in any way answer to anybody in the sheriff's department in your decision as to whether or not you decide to prosecute a criminal case?

A No. The district attorney's office is a separate county entity from both LAPD and also the L.A. County Sheriff's Department.

Q Thank you.

Now, let's focus on your involvement in this matter. Well, in this -- how did you become involved in this case?

A At this --

Q Involving Mr. Tekoh. My apologies.

A During the time I was in sex crimes, one of the things you have to do, we call it vertically prosecute a case, meaning in the sex crime division, there's going to be one prosecutor that's assigned to the case from the very beginning until the conclusion of the case. So I was assigned to the Terence Tekoh matter, so from the very beginning of the case, I handled it from the very beginning.

Q All right. Please explain to the jury the steps you took in Mr. Tekoh's case in formulating your prosecutorial discretion regarding whether or not to prosecute Mr. Tekoh.

A Well, the filing officer or detective brought in the case, [65] and that was Detective Carlin, and he brought the case to me for review. So I reviewed the case, the evidence I had at the time, which consisted, I believe, of the police reports, there may have been some medical reports, there was something called

sexual assault examination report, and so I reviewed all those reports, but prior to filing the case, Detective Carlin and myself, we drove out to the home of Ms. Lemus, Sylvia Lemus, in order to do a pre-filing interview of her prior to me even filing the case.

Q Thank you.

Now, if I could please direct your attention, there should be a binder in front of you, to Exhibit Number 70, Exhibit Number 70.

A Yes, I see it.

Q All right. Do you recognize the document that is Exhibit Number 70?

A Yes, I do.

MR. KIZZIE: All right. Your Honor, at this time I would like to display Exhibit Number 70, which has already been stipulated and moved into evidence.

MR. BURTON: No objection.

THE COURT: All right.

MR. KIZZIE: All right. Displaying the first page of Exhibit 70.

Q Would you please explain to the jury, what is Exhibit 70? **[66]** What is this document?

A The CaleMA form is a form that's put out from Sacramento, and it's a mandatory form that has to be used in all sexual assault examination in the state of California.

Q And in particular, was Exhibit Number 70 the actual forensic sexual assault examination of Ms. Sylvia Lemus itself?

A Yes, it was.

Q Did you review this report prior to formulating your decision to prosecute Mr. Tekoh?

A Yes, I had.

Q Please tell this jury what evidence did you consider significant in this report that led you to your decision to prosecute or contribute to your decision to prosecute Mr. Tekoh?

A Well, there are a couple of things that are significant or were significant to me in the forensic sexual exam report, one of them being the history, because one of the things that the nurse has to do or usually does, unless the victim cannot speak, they will take a history regarding what happened because it somewhat directs the course of the exam.

So I look at the narrative, and I look at the history, and then obviously there's a conclusion section on it. And in this particular report, it said that the history was consistent with the findings. And when I say "the findings," there's a -- can I --

[67] Q Yes, please.

A There's a diagram in the sexual assault examination that caught my attention, and it's on --

Q There should be a Bates stamp at the bottom that beginnings with the letters TBT. Do you see that?

A Yes.

It's Bates-stamped number 80.

Q Displaying Exhibit Number 70, Bates stamp TBT080. Please indicate to the jury what diagrams or evidence you are referring to.

A I'm referring to diagram number H.

Q All right. And what was it about diagram number H that you found significant?

A On diagram number H, at the bottom of the diagram, it's noted that the nurse found a small scratch in her vaginal area, and I looked at literally

hundreds of sexual assault examination and diagrams --

MR. BURTON: Objection, Your Honor. The witness is not an expert on this. She is just testifying as to what factors she took into consideration. So I would -- I don't think she should be allowed to give expert testimony on the significance of the scratch other than the fact it influenced her filing decision.

THE COURT: Well, she didn't indicate -- I think she has to testify somewhat as to her past experience in order for [68] the jury to understand why she felt that particular item was significant. So I'll allow it to come in, not to bolster her expertise in a particular area because she is not being called as an expert, but just to explain why certain things were important to her in her decision on whether or not to prosecute the case.

MR. KIZZIE: Thank you, Your Honor.

Q You may continue.

A I am not a medical doctor, but when you're in the sex crime division, I have gone through a lot of trainings, both put on by doctors and also forensic sexual assault nurses. I have looked at a lot of diagrams. So when you are prosecuting these cases and you are looking at, say, this diagram, you have to understand why or why not it would be significant to you in reviewing the case. And based on the cases I have had in the past and looking at this diagram, having a laceration in that particular area and --

Can you see if I point to it on this?

Q Yes.

THE COURT: I don't think --

THE WITNESS: It's a lower --

THE COURT: You're supposed to be able to, but I think it depends on how it's connected up.

THE WITNESS: It's the lower portion where it says "Small scratch."

[69] THE COURT: I think she is touching it. It's not responding.

THE COURTROOM DEPUTY: Are you touching the screen?

THE WITNESS: Oh, okay. Can you see it?

THE COURT: I don't think it's showing up.

THE WITNESS: Okay. But it's that area there. And based upon --

THE COURT: Well, let me just ask, which area -- there's some handwriting in Exhibit -- as to Diagram H.

THE WITNESS: So where the line is pointed to and it says "Small scratch."

THE COURT: It's where the line is?

THE WITNESS: Yes, where the line ends.

THE COURT: Okay.

THE WITNESS: So taking into consideration the scratch can be indicative of nonconsensual sexual contact, but it also can be indicative of having consensual sexual contact. But in this particular case, given the scenario, the factual basis that I knew that Ms. Lemus was in the hospital, and looking at certain things on the questions that she responded to on the sexual assault examination, that she hadn't had any sexual contact within a certain period prior to the examination, there should be no reason for her to have a scratch in that particular area of her vaginal area which would be consistent with some form of

digital penetration. So that's [70] why it was significant to me in my evaluation.

BY MR. KIZZIE:

Q Thank you.

And did you also consider any documentation by the nurses or staff who completed this examination as to whether Ms. Lemus's examination was consistent with her history significant or not?

A I thought -- yes. As I said before, when I looked at the entire CalEMA form, you look at the history that Ms. Lemus gave the nurse, which was consistent with what I saw in the police report, and it was consistent with when I went out and I interviewed her. The interview lasted, I don't know, an hour, give or take, and so everything was consistent. I believe it's the last page.

Q So Bates stamp TBT0082?

A No, 0051. There's 51 and there's 5 -- there's 51 and 82. It's the same thing.

Q Let's try 82.

A Okay. So on that particular page there's going to be a box that's checked, and it says that the exam is consistent with the history. So for me saying you have the history that she gave and you also have the scratch in the area that really shouldn't be there, so thinking it was consistent with digital penetration, it corroborated what Ms. Lemus had stated before.

\* \* \*

[72]

\* \* \*

Q Now, regarding your interview with Ms. Lemus, did you go to her house?

A Yes, I did.

Q Now, for summary fashion for time purposes, would you please explain to this jury how Ms. Lemus described the assault and how the person did it.

MR. BURTON: Objection; hearsay, calls for a narrative.

THE COURT: I will overrule the objection, but don't make it too lengthy.

THE WITNESS: I'm not going to remember every detail because it was about four years ago, but when I went into her house, Ms. Lemus was present. There was another female present. I believe it was her lawyer. I believe with Detective Carlin. Her son was in and out, but he wasn't there in the interview. The interview took place in kind of a living room/dining room area. It was combined. Then I asked her [73] pretty much what happened and why she was in the hospital.

My understanding was she was in the hospital. As explained to me, she has some kind of brain bleed and so she was under neurology treatment. And at some point when she was being transported from one area of the hospital to another, there was an individual who was transporting her, and she described this individual. And at the time that it happened on March 19th, obviously she didn't know the individual's actual name -- that came later -- but that the individual who transported her, at one point she was in the room with him and they were alone.

And she had asked him to hand her a bag with some items of clothing in it. And as she was laying there, because she really do not move that much because she had -- was either going to have an MRI or a CT scan, something like that, so she couldn't really move. He lifted the blanket, and at first she thought

okay, she felt him breathe, and that was her initial notification that something was going awry.

And then he kind of spread her legs and then digitally penetrated her. She also during the course of that issue said she was really upset. And she initially told one nurse who didn't follow up, didn't do anything. And nurses are mandatory reporters. But when she was being transported by someone else after the incident with Terence Tekoh, she told another nurse who saw that she was very upset. And, again, Ms. Lemus [74] described what happened to her. o this nurse reported it to -- I don't know, a supervisor or law enforcement, but that's how it, in a nutshell, how it developed.

And one of the things that was significant in that interview was the fact that she discussed the nurse that she reported it to, because we call that a fresh-complaint witness.

BY MR. KIZZIE:

Q All right. Maybe please explain a little bit more to the jury a fresh-complaint witness.

A A fresh-complaint witness is someone who you tell what happened to you, the facts of what happened to you close in time to the incident or sometimes close in time when -- right before you're going to reveal. And it's a theory that if you're telling someone something close in time to when it happened, you don't really have time to reflect on it; you're more credible. You don't have time to make it up. You're not going home and saying, "Oh, I'm going to make up this story." So you are still under the emotions of the incident so you convey to that particular individual what happened. And we call that a fresh-complaint witness.

Q And did you consider Ms. Lemus to be a fresh-complaint witness?

A It wasn't Ms. Lemus who is the fresh-complaint witness. It is Ms. Lemus speaking to the nurse. That nurse is a fresh-complaint witness.

[75] Q Correct. Thank you. That's why I'm not a DA.

Now, in addition to -- well, after you examined the evidence, including your interview with Ms. Lemus, what specifically did you decide to charge Mr. Tekoh with?

A When I -- after -- I can't remember what day of the week that we went and interviewed Ms. Lemus, whether or not it was a weekday or Friday, I don't remember, but obviously at some point I went back to my office and then reviewed all of the information I had, especially with the interview, going over the note from the interview, and also going over the reports that were taken from different people in the hospital at the time and the individual dealing with the fresh-complaint witness. And there was also a handwritten statement I believe executed by Terence Tekoh, and looking at that statement.

So when I looked at all of that, especially with the interview of Ms. Lemus because her interview gave me the elements of the charge, I charged digital penetration by foreign object. Obviously you have to have some foreign object, not a penis, and you have to digitally penetrate, meaning you have to penetrate the vagina. And when I looked at the statement from Terence Tekoh, it was touching. It wasn't digital penetration, so it didn't give me the element.

So the crux of what I needed to rely upon was the statements from Ms. Lemus. You have the medical

examination that showed the laceration that was consistent with a digital [76] penetration and the police reports. And so when I evaluated everything, I concluded that I had enough evidence to file digital penetration by foreign object.

Q And is that a felony?

A Yes, it is.

Q All right. Now referring to Mr. Tekoh's statement. At this time publishing Exhibit Number 4. Looking at Exhibit Number 4, is this the statement you were referring to?

A Yes.

Q Okay. Now, to the extent it wasn't clear regarding -- well, first, let's lay some foundation.

Please explain to the jury, what were the elements of this digital penetration felony?

A Well, you have to have digital penetration by a foreign object. As I say before, it's not a penis. So you can have a finger or something, foreign object, and you have to penetrate, actually go penetrate inside the vagina. Any penetration no matter how slight is enough to fit the element of the charge.

Q All right. Now, looking at Mr. Tekoh's statement, in exercising your prosecutorial discretion of this charge, what was your impression of whether or not Mr. Tekoh's statement fulfilled the elements of a digital penetration charge itself, in and of itself?

A It doesn't -- that statement doesn't talk about digital penetration.

[77] Q How so? Maybe elaborate a little bit more.

A In the statement he just said that "I spread her vagina lip for a quick view and then went back to my duty post."

Q All right. So in Mr. Tekoh's charge with digital penetration, could you, in your capacity as a district attorney, have solely relied on his statement for that charge?

A Absolutely not.

Q Now, let's just sort of take into rubric, please describe to the jury the totality of the evidence and corroborating evidence.

A I kind of describe it more like a mosaic picture, how you have pieces to the photograph of the picture, and it starts to become clearer as the more evidence that you have. So I had -- as I stated before, I had the statement -- that I interviewed Ms. Lemus in person. So I got to see her demeanor when I spoke to her, the affect, her emotions when I spoke to her, and she came across as very credible as she was describing what happened to her in the hospital.

So I had her as she's describing the elements of the case, or I should say the elements of the case to me, but describing what happened to her. So she's telling me the elements that she was digitally penetrated. So that is, I want to say, in terms of what's most significant, that's going to be most significant when I'm filing it because she's the one that has to get up there and talk about what happened.

[78] Now, like I said before, I have the forensic sexual assault examination which is also very important because there was an injury that was noticed by a nurse, that you're not expecting to find a laceration on or inside the vaginal area when she's in the hospital. So that was also very significant. So when you're looking at the totality, what corroborates what, there were a lot of different pieces of evidence that corroborated what she said in a nutshell.

Q Thank you.

So I'm probably wrapping up this issue. If you were to -- let's take, in hindsight, take Mr. Tekoh's statement, Ms. Lemus's sexual assault exam report, and Ms. Lemus's statement itself, of these three items of evidence, what, as you were prosecuting the case, did you consider the two most significant pieces of evidence in formulating your prosecutorial discretion to prosecute Mr. Tekoh for the charges?

MR. BURTON: Objection; calls for speculation. She said it was a mosaic, and she considered it all as a picture.

THE COURT: I'll allow the witness to answer the question. She can. If she indicates that it's a mosaic, she can't pick out two, then she can't.

THE WITNESS: Yes, Your Honor, I can answer the question. I did say it was a mosaic. So the fact you have all of the evidence, but not everything is going to be weighted [79] equally. As I stated before, the statement doesn't give you the elements of the charges. So the most significant two out of three would obviously be the interview of Ms. Lemus and the sexual assault examination.

BY MR. KIZZIE:

Q So let's take away Mr. Tekoh's statement. Assume you just had Ms. Lemus's exam and her statement and no written statement from Mr. Tekoh, would you have prosecuted this case anyways?

MR. BURTON: Objection, Your Honor. That's really speculative and that's calling for expert testimony. I mean, this witness is percipient. She had the mosaic. She said it numerous times.

THE COURT: I assume he is asking her in her capacity as she is acting at the time. He is not calling

for an expert witness. He is asking whether or not she would.

MR. BURTON: No, he is asking for an opinion whether a prosecutor would. She had the statement. She had the scratch. She had the interview.

THE COURT: The question was assume that you just had Ms. Lemus's exam and her statement and no written statement from Mr. Tekoh, would you have prosecuted this case anyways? So he is asking for her opinion.

MR. BURTON: Right, and she's not here as an expert.

THE COURT: I know, but she can testify as to what she would do because she was the prosecuting attorney, DA, in [80] that regard. So she can tell whether or not she would have gone forward.

MR. BURTON: Well --

THE COURT: Not necessarily every prosecuting attorney would have gone forward, but she can testify as to what she would have done.

MR. KIZZIE: Thank you, Your Honor.

MR. BURTON: Well, she's speculating about what might have happened had she gotten a different package --

THE COURT: No.

MR. BURTON: -- and whether or not --

THE COURT: Let me put it this way. If she feels it is so speculative and she can't give an answer, I presume that's what she is going to testify to.

THE WITNESS: Your Honor, I don't feel that the question is speculative. In answering the question, there are many times -- getting a statement or -- from a suspect is a luxury, and you're not always going to

have that in a sex crimes case, you're just not. In this particular case I had an abundance of evidence, even if you take out Terence Tekoh's statement, because, as I said before, his statements do not give me the elements of the charge.

What I'm left with, if you take it out, as I said before, you have Mrs. Lemus, what she said had happened, and there was nothing to contradict what she said. You had the sexual [81] assault examination that had the injury, and the statement is consistent, her history that she gave the nurse right after it happened. I believe it happened on the 19th, and the sexual assault exam was on the 20th of March. So you have close in time her telling a nurse what happened, and you have the nurse documented it -- documenting it, and you also have the laceration, and you also have the fresh-complaint witness, and that -- Ms. Lemus telling the fresh-complaint witness happened very close in time. It happened on the 19th, right after it happened. So given those three very big significant elements, I would have filed a case -- the case anyway. There would be no reason not to.

\* \* \*

[94] MR. BURTON: Thank you.

(In open court.)

BY MR. BURTON:

Q Now, at the preliminary hearing when Ms. Lemus, the patient, was asked to identify her assailant, she picks somebody other than Mr. Tekoh; isn't that correct?

A Initially, yes.

Q Thank you.

Now, you called Deputy Vega as a witness at the preliminary hearing; isn't that correct?

A Yes.

Q And you asked Mr. -- I'm sorry, then Deputy Vega -- I know he's a sergeant now -- questions at the preliminary hearing about his interaction with Mr. Tekoh; isn't that correct?

A Yes.

Q And he, in fact, testified about statements that Mr. Tekoh made to him in addition to the circumstances under which, according to Deputy Vega, that handwritten statement was made; isn't that correct?

A Yes.

Q And, in fact, he testified at the preliminary hearing that after Mr. -- excuse me one moment, please.

After he obtained the written statement from Mr. Tekoh, that he, along with Sergeant Stangeland, asked the defendant what had happened when he was with that patient, correct?

\* \* \*

JA-387

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE WU

UNITED STATES DISTRICT JUDGE PRESIDING

---

Terrence Tekoh,	)	
PLAINTIFF,	)	NO. CV 16-7297
VS.	)	GW
County of Los Angeles, et al.,	)	
DEFENDANT,	)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY FOUR

A.M. SESSION - VOLUME I OF II

LOS ANGELES, CALIFORNIA

MONDAY, OCTOBER 1, 2018

\*\*\*

[12]

\*\*\*

**DIRECT EXAMINATION**

BY MR. KIZZIE:

Q All right. Good morning, Sergeant Vega.

A Good morning, sir.

Q Thank you for being with us today. Going to try to jump right into it but touch base on a couple of things

[13] first.

Let's just cover a little bit of your background.  
Did you go to college?

A Yes, sir, I did.

Q Where?

A I went to Southwestern Community College in San Diego.

Q And did you graduate?

A Yes, sir, I did.

Q With what?

A I graduated with a two year degree.

Q Fantastic. And where were you raised?

A I was raised in Union City, California, which would be close to Oakland.

Q And where are you currently employed?

A I am currently employed with the LA County Sheriff's Department.

Q Thank you. And how long have you been employed with the LA County Sheriff's Department?

A I have been a sheriff or deputy for approximately 20 years now.

Q And what is your current rank?

A I am -- right now, I am classified as a sergeant.

Q And where are you presently stationed?

A I am assigned to CRDF, Central Regional Detention [14] Center.

Q And what are your duties and responsibilities as CRDF as a sergeant?

A At CRDF, I am in charge of approximately 3200 inmates at any given time. It is a female facility. I am in charge of making sure they get the medical needs, making sure they are treated with respect and dignity, also charged with approximately 120

deputies at one time, in charge of training, search and seizure, force, ethics. I do that on a weekly and a monthly basis.

Q Thank you. Now, before you were employed by the sheriff's department, after you graduated college, where did you work?

A I worked at San Diego Job Corp which is a federal program for minority at-risk youth.

Q And how long did you work at San Diego Job Corp?

A I was there for eight years.

Q And where did you work after San Diego Job Corp?

A After San Diego Job Corp I worked at San Diego County Probation Department as a probation officer.

Q And what were your duties and responsibilities there?

A Also at-risk youth, but what our duties were, it was California Youth Authority-bound at-risk youth, we have actually tried to train them, not train them, but [15] actually teach them to get along and not -- making productive citizens within the community by teaching them social skills, how to get into college, basically changing their state of mind.

Q Thank you. Now, on the date of this incident, March 19th, 2014, where were you assigned?

A On March 19th, 2014, I was assigned at LAC USC hospital as a patrol deputy.

Q And what were your duties and responsibilities at LAC USC hospital on March 19th, 2014?

A My responsibilities were basically law enforcement inside the hospital and outside the hospital. We basically work for the hospital administration. It is a little community within a community.

Q All right. Thank you.

Q And also Sergeant Vega, for the court reporter, I will ask that you just speak a little bit slower. Okay.

A Yes, sir.

Q We will try our best. Now, approximately -- before March 19th, 2014, how long had you been assigned at LAC USC Hospital?

A I had been assigned at LAC USC for approximately four years, I believe.

Q And approximately how big is LAC USC Hospital?

A LAC USC is huge. It is the biggest hospital in LA. **[16]** You got a in-patient tower, you got the ER, you got the other outpatient facilities and basically responsible for law enforcement duties in all of those buildings.

Q All right. This incident occurred on March 19th, 2014. When were you promoted to sergeant?

A I was promoted to sergeant in 2015, April, 2015.

Q All right. Did your promotion to sergeant arise or come out of this incident at all?

A Absolutely not. They do promotions -- promotions are based on written test, interviews, education, experience, nothing to do with arrests.

Q Now, let's talk about that briefly. Before you became a sheriff, were you trained at the Los Angeles County Sheriff's Academy?

A Yes, sir, I was.

Q For how long?

A I was at the LA County Sheriff's Academy for approximately six months.

Q And how long was the hiring process to become an LA County Sheriff?

A Approximately a year-and-a-half.

Q And what did it consist of?

A It consisted of an oral, psychological, written, physical, fairly thorough background which was they check your past employment, any integrity issues. It is a very [17] detailed background investigation.

Q All right. And approximately how long did that process take?

A Being processed for my background took approximately about eight months.

Q And did you pass all these tests and checks the first time?

A Yes, I did.

Q All right. Have you ever been convicted of any crimes?

A No, I have not.

Q Now, besides your job with the sheriff's department, do you have any other source of income?

A No. It is my career. Law enforcement is my career.

Q All right. Now, moving forward, before the date of this incident, March 19, 2014, had you ever met Mr. Tekoh before?

A No. I never met Mr. Tekoh.

Q Had you ever even heard of Mr. Tekoh before?

A Never.

Q Did you ever meet the patient, Ms. Sylvia Lemus before?

A No. The time I met her is when I got the call.

\* \* \*

[19]

\* \* \*

Q BY MR. KIZZIE: All right. Did you have training at the sheriff's academy regarding citizen Fifth Amendment rights?

A Absolutely.

Q What were you trained regarding that?

A We were trained that if you violated anybody's rights, we go to jail. We face getting fired. All the above. I mean, you lose your job, you lose your wages. You lose the respect of your family.

Q What about your pension?

A You also lose your pension if you get involved in any kind of illegal activity or violating anyone's right.

Q All right. Now, let's move forward. On March 19th, 2014, how did you become aware of an incident occurring involving Ms. Lemus?

A I received a call on my MDC regarding sexual assault at the in-patient tower.

Q What is a MDC?

A MDC is a small portable laptop that we, that you guys see in the -- that are in the patrol car that is connected to dispatch. And what happens there, dispatch will write out the call: Sexual assault call, victim Lemus in the IT tower. At that point, it gets sent to me. I get it, I go read it, I acknowledge it, and then I [20] read exactly what kind of crime I have to investigate.

MR. KIZZIE: At this time, your Honor, I would like to publish Exhibit No. 45 which has already been moved into evidence.

THE COURT: All right.

Q BY MR. KIZZIE: All right. Sergeant Vega, do you recognize this document?

A Yes, I do.

Q Please tell the jury what is this document?

A This is my worksheet for the day of March 19th, 2014.

Q And is there an entry on there regarding the sexual assault that you referenced?

A Yes, there is.

Q Would you please touch the screen and indicate where it is?

A It is going to be on the top, where it says 19:04, possible 261 report, Lemus, Sylvia was sexually molested by in-house transport.

Q Thank you.

MR. KIZZIE: Now, at this point in time, I would like to move to publish which has already been received into evidence Exhibit No. 44.

MR. BURTON: No objection.

THE COURT: All right.

[21] MR. KIZZIE: Thank you.

MR. BURTON: I just want to note these exhibits are not matching what was in the defense book that they gave me, but we can straighten that out during the break.

THE COURT: Okay. That is fine.

MR. KIZZIE: Thank you.

Q Sergeant Vega, would you please tell the jury what is this document that they are looking at right now?

A Again, this is the worksheet. All the -- everything that is sent to me, everything that I acknowledged when I was en route. It is all documented in the actual MDC and dispatch.

Q Thank you. Now, what is a call sign?

A A call sign, that was 857 Adam which is responsible for the outside perimeter, all the law

enforcement duties in addition to anything that happens inside, all the (inaudible) which was deputy Carrillo.

Q Does your call sign appear anywhere on this document?

A Yes, it does.

Q Please point on the screen where it does. All right.

So here, 857 Adam, that essentially is a code for your unit; is that right?

A Yes, sir.

[22] Q All right. And does that document reflect your specific activity on the date of this incident?

A Yes, sir. It does.

Q All right. And is the date of this incident indicated on this document?

A Yes, it is.

Q Where does it say?

A Right on the top. 3/19/14.

Q All right. Now, on this document, where does the dispatch regarding a potential sexual assault occur? Would you please point at it and leave a dot.

A Okay. It is going to be at the bottom.

Q Now, what do the numbers 19:04 means?

A 19:04 is 7:04. That is military time.

Q For?

A 7:04.

Q A.m. or p.m.?

A P.m. which would be 17:04. Actually, you don't say p.m. 7:04 p.m.

Q Now, okay, so the dispatch comes in at 7:04 p.m. And, in fact, are these entries made in real time?

A Yes, they are.

Q All right. Would you please interpret this entry for the jury. Please read it and tell them what it means.

[23] A What this means, it is what the dispatch wrote. She sent me this call at 19:04. It was assigned to me. It was -- you want me to read all the numbers, what all that means?

Q Interpret it. Tell them what it means?

A Okay. What it is it is 19:04, it was assigned to me. Then what is next right here, it is going to be 477196 that is the dispatcher's name, number, reporting number. This is going to be the reference number. So it is followed in sequence. At that point, she documents or she writes what the call is about.

And what she put was report, 261 report which would be sexual assault, and then she will put the Marengo, the street where the call is at which was 2015 Marengo Street, LA, in-patient tower, fourth floor. C is just a certain section of the hospital. This hospital is huge. You got A, B, C, D and E, F. It is huge. So it would be the fourth floor, section C, room 120.

Q Thank you. Now, what is the next entry under 19:04?

A 19:04, I received the call. At that point, I acknowledged the call. I am actually in the patrol car pressing the button. I am not in the IP tower. I am actually in the parking spot. I acknowledge it. And then at 19:07, I put myself en route which means I am [24] heading toward the in-patient tower.

Q Please explain to the jury what does it mean, what do these letters ACK mean?

A ACK means acknowledged.

Q What does it mean to acknowledge?

A Acknowledge is basically, on my MDC, in the car, I have a button that says acknowledge, and I have to press it, and then it puts me en route.

Q Okay.

A Next, it is going to be my employee numbers 470584, and, again, it tracks down the incident number of the call which would be last one would be 0463.

Q Okay. So these numbers here, what do they mean?

A Those are my employee numbers.

Q And these numbers here mean?

A That is just an incident. There is a log of all the incidents that occur throughout the hospital, so we get actual numbers for each call we get throughout the day.

Q All right. So you get the dispatch at 7:04, you acknowledge it pressing the button on your computer at 7:05. And then please explain to the jury what does this entry at 7:07 ENR mean?

A 7:07 p.m. is en route. Again, that is also in my mobile digital computer. I literally press a button so [25] it shows en route.

Q En route meaning on your way?

A On my way. I am actually driving towards the call to investigate.

Q Okay. Now, please explain to the jury what the last entry here, 21:05 URN request means. Please explain that.

A 21:05 which would be 10:05, 9:05, I'm sorry. Means at 9:05, I requested a reference number for this particular call for a sexual assault. And it is a document that every incident that we pull we have to pull the URN or reference number so we can refer to

it any time. Anybody can still get it throughout the county with the sheriff's department.

Q All right. And what do you have to do to make a URN request? How do you do that?

A In order to request a URN number, I have to be in the car. The only way I can request a URN number or a booking number would be in the car, actually seated in the car, and then put all the information that in this case would be Mr. Tekoh, information, date of birth. And it then sends back a reference number or URN number.

Q So when you made this URN request, where were you?

A I was in the parking lot of the emergency room which is the opposite of the IPT tower.

[26] Q So between 7:05 p.m., you are en route, on your way, and 9:05 p.m., you are in your patrol car pressing the button for the URN report, between that is approximately 1 hour, 58 minutes. So let's talk about what you did.

After you indicated you are en route -- Well, first off, when you you indicated you were en route, when you pressed that button, what part of the hospital were you. Where were you?

A At that point, I am doing parking enforcement in the parking lot as far as I recall.

So when I put myself en route, again, I am driving towards the in-patient tower.

Q Okay. Now, approximately how long did it take you to get from the parking lot to the in-patient tower?

A It took me approximately, I would say five to ten minutes to get to the actual IPT turnaround.

Q So we have five to ten minutes, parking lot, to IPT. So that takes us to about between 7:12 to 7:17 p.m.

Now, okay. So, after about five to ten minutes, where did you go first?

A After five to ten minutes, I respond over to the actual in-patient power, and I respond to the fourth floor.

Q All right. Once you arrived, about how long did it [27] take for to you get to the fourth floor?

A I would say five minutes.

Q Okay. So about another five minutes, you are on the fourth floor. Between 7:17 and 7:21 p.m. All right.

And when you arrived at the fourth floor, who did you speak with first?

A When I arrived at the fourth floor, the first person that I contacted is a nurse at the nursing station.

Q And what was communicated to you?

A I asked her if she had called the sheriff department, and she said, yes, there is an allegation of sexual assault. And then she said the two supervisors for that room told me to call you.

Q Okay. And after you spoke with that first nurse, who did you speak with next?

A After that, I respond to the two nurses, the supervising nurses and they tell me that a patient is alleging that she was sexually assaulted.

Q What do you recall these two nurse supervisors looking like?

A It is two females, Asians, approximately 40 years old.

Q Now, besides just telling you that a patient is alleging that she has been sexually assaulted, did

they [28] give you any specifics about what Ms. Lemus was saying or how it occurred?

A No. It was basically they called me because this particular patient is alleging that she was sexually assaulted.

Q Okay. Now, about how long did that conversation take?

A That was very brief. It was, again, maybe four minutes.

Q Okay. We got approximately four or so minutes, about 7:21, 7:25. Now, after you spoke with these two nurses or the nurse and the two nurse supervisors, what did you do next?

A Once I contacted, just informed me, lady said she was sexually assaulted. I walk in the room and I contact Ms. Lemus.

Q And please describe Ms. Lemus' behavior, not behavior, but demeanor when you first contacted her?

A Ms. Lemus, when I first walk in, she is basically crying saying that nobody will help her, that she had been sexually assaulted and she is losing her breath. She recalls the incident. Then she continues to -- I get her to start over, tell her to relax. Tell her I am here to help you, just talk to me, talk to me, what is going on.

[29] A From when she was here this last time, she was emotional, but when she was first sexually assaulted, she was maybe four or five times as bad as she was that day.

So it took me a very long time to try to tell her that I was there to help her, that I would listen to what she had to say. Again, she was crying, losing her breath. She just wanted help.

Q All right. Now, about how long, and we will get into the details in a minute, but about how long were you with Ms. Lemus before you left to to something else? How long was your conversation with her?

A I would say approximately 10 or 15 minutes, but it was a very trying interview because, again, I would remind her or ask her, tell me what happened. And she would think about the incident and start crying and lose control again. I think I testified it was about 10 or 15 minutes that I am with Ms. Lemus trying to get information from her.

Q Now, please tell this jury what Ms. Lemus informed you happened to her on that day?

A She informed me that a hospital employee, described as a male black, 25, mid 20's, thin build, that had transported her around the time of her MRI had sexually assaulted her. And, again, she was crying. She was very specific on who had sexually assaulted her.

**[30]** Q And how did she describe this sexual assault?

A She described the sexual assault as that she was put in a room, that she didn't know what room. She further said that she wasn't wearing underwear, that somebody had come up to her while she was -- she had her eyes closed. She felt her sheets being lowered. At that point, she feels her hospital gown going up, and, then, she feels this particular person grabs her two legs, spreads her legs.

And, again, any time I would tell her, she would start crying. At that point, she said that she feels somebody put, open up her vagina, spread it open. At that point, she feels a finger going in her vagina. She opens her eyes, recognizes that it was the person that had transported her to that particular area, tells me,

what are you doing, that person gets nervous and walks out the room. That is what she related to me.

Q Thank you. Now, did Ms. Lemus say what specific floor this sexual assault occurred on?

A No, she did not. All she did was she gave me information regarding the assault. Barely tells me information. It was fresh in her mind, but she never told me the floors. All she told me was that she had been assaulted during her -- around the time of her MRI procedure.

[31] Q Thank you.

MR. KIZZIE: Now, your Honor, at this time I would like to display page 3 of exhibit No. 2 which has been stipulated to be moved into evidence.

MR. BURTON: No objection.

THE COURT: All right.

MR. KIZZIE: All right.

Q Now, Sergeant Vega, at the academy were you trained on writing reports?

A Yes, sir, I was.

Q What was your understanding of the training as in how to write police reports?

A The understanding that we receive with the training we receive, as busy as we are in L.A., we are trained to use your report for recollection in addition to assisting detectives in trying to do the follow-up investigation. So you try to put as much detail in the report to make it easy for the detectives to actually conduct their investigation.

Q However, were you trained a report has to be, quote, word for word, every word that a person says to you?

A Absolutely not. If we were to do something, we would put it in quotes. If I wanted to tell somebody verbatim, I would put it in quotes. This is just for my [32] recollection. And in this particular hospital, reports are written a certain way. You have to give a lot of information because the hospital is huge. And, again, this is for the benefit of the detective bureau.

Q All right. And what detective bureau are you referring to?

A This is going to be Special Victim Bureau.

Q So let's go through it. I want to talk about this portion here.

First, just for clarification, did Ms. Lemus ever say the name Tekoh?

A No, she did not. She described him as a male black, mid 20's, thin build.

Q Why did you put S. Tekoh here?

A Because identity with Mr. Tekoh was never an issue. We knew it was him. When Sergeant Stangeland interviewed him, he told us what he did.

Q And, further, regarding identity being an issue and I guess just while we are on the topic, how, just before we continue, while we are on that topic, after you left Ms. Lemus, what did you do next?

MR. BURTON: Well, objection. I think it is compound.

MR. KIZZIE: I said, after you left Ms. Lemus what did you do next. There is nothing compound.

[33] THE COURT: I will overrule the objection. It is not compound.

MR. KIZZIE: Thank you.

THE WITNESS: I leave Ms. Lemus and get all the information. I walk over to the same nursing

station and I ask one of the nurses, who transported Ms. Lemus around the time of her MRI.

Q BY MR. KIZZIE: Did you tell the nurses at the station that Ms. Lemus described him as a male black, mid 20's, thin build, hospital employee who transported her around her MRI?

A Absolutely not. All I wanted was to get the information of who transported Ms. Lemus. All the people that transported her that day.

Q And what was the one and only name of the person that they gave you as the person who transported her around the time of her MRI?

A At that point, they give me Mr. Terence Tekoh, and all the movement that that particular patient had done, it was like from the fourth floor to the fifth floor. Just in general, I took those notes, but like that it was just a couple of rooms that she was moved to, and the only name that was given to me was Terence Tekoh.

Q All right. So this portion right here, did Ms. Lemus say from the fourth floor to the third floor to [34] the MRI section of the hospital?

A No, she didn't. Actually, it should have been like in parentheses just for additional information. I just put it in as information for the Special Victims Bureau.

Q Where did you get this information from?

A The information I got from the nursing station nurse.

Q Okay. Now, continuing, did Ms. Lemus indicate here that when they arrived in a room, she was left by herself with Mr. Tekoh?

A Absolutely. She said that.

Q All right. Did she indicate that she closed her eyes in order to rest while her procedure began?

A Yes, she did.

Q Did she say that within five minutes she saw Mr. Tekoh lift her bed sheet and uncover her?

A Yes, she did.

Q All right. Did she indicate she wasn't wearing any underwear?

A Yes, she did.

Q All right. Did she indicate that she felt Mr. Tekoh grab her left and right foot and spread her legs open?

A Yes, she did.

\* \* \*

[36]

\* \* \*

Q BY MR. KIZZIE: Please indicate based on your report what Ms. Lemus said next.

A Ms. Lemus, again, she was very emotional. Every time she described where she said -- I had to be very detailed with her. That is just the way the investigation is. She agreed to talk to me.

So when I asked her what exactly, how did you do this, her recollection was he placed his left hand on the left side of my vagina and the right side hand on her right side of her vagina. So basically what he did, he is doing this. (Indicating.) And I would show her that, was he doing this. And she would confirm that.

She then said that he held the left side of the lips of the vagina open with his left hand, then placed his right hand finger. So basically what he does is does this, and then starts putting his finger in the vagina. And that is the way she described it.

Q Now, is any of this, however, in actual quotes meaning that these were word for word what Ms. Lemus indicated?

A Actually not. It is just like I said this is just **[37]** for my recollection. It is putting from the fourth floor to the inpatient tower, MRI section of the hospital. It is just making it easier for when Special Victims Bureau actually gets the handle, they know where to go because that hospital is so so huge. Like Mr. Tekoh said, you get lost. I had been there four years, and I still don't know where everything is at.

So just to make it, throughout my investigation, Specific Victim Bureau and the number one request is put more information in so because when we get there, we get lost.

Q Thank you. Now, after the date of this incident and Mr. Tekoh's arrest, were you responsible for further investigating this incident at all?

A Absolutely not.

Q Whose responsibility was that?

A Special Victims Bureau.

Q All right. Thank you. Now, back to this time line.

So picking up where we left off, you leave Ms. Lemus, you go to the nurse's station. You asked her who transported her around the time of the MRI. They say Mr. Tekoh. What did you do next?

A At this point, I get the information, the floor that she had been moved to. I get the only name that **[38]** they give me is Mr. Tekoh who had actually transported her. At that point, I go back to the supervisors and they tell me that they will walk with me to show me with where Mr. Tekoh's location is at.

Q About how long did it take for you to get there?

A Rough estimate, five, 10 minutes.

Q Okay. Now, when you say a rough estimate, what do you mean?

A I go five minutes because five, ten, because I had to talk to the nurses at one point.

Q And was this incident a little bit fresher in your mind closer to March, 2014, than it is today?

A Absolutely.

MR. BURTON: Objection. Leading.

THE COURT: Well, I will allow the question.

MR. KIZZIE: Thank you.

Q It has been four years. I understand.

Now, when you arrive at Mr. Tekoh's work area, what happens next?

A When I arrive there with the nurses, from working there four years, I have investigated hundreds of allegations, and first thing that the D.A. requires is that you don't have somebody that is related or that is doing administrative work which would be the nurses' supervisors because it is a different entity that [39] investigates hospital procedures.

Anything that has to do with the hospital, they will investigate and they will discipline them accordingly. This particular incident I told them can I just, I will take it from here because it is going to be a law enforcement incident and we need to investigate, and start where he doesn't get influenced by you being present. At that point, they leave, and I continue my investigation.

Q All right. And how did you continue your investigation?

A At that point, I go to the location. I go to the, again, to the nursing station, and I asked one of the

nurses where is Mr. Tekoh at or who is Mr. Tekoh. The nurse tells me he is on a break. And then I asked her where is he at. And as we are talking, Mr. Tekoh turns a corner, and that long hallway that all the witnesses were talking about, I see him. He sees me, and at that point, the nurse ID's him as Mr. Tekoh.

Q And did you see any of the particular nurses that ID'd him testify in Mr. Tekoh's case in chief?

A Yes, it was the first witness, Ms.

Q Herrera?

A Herrera.

Q Now, after Ms. Herrera points out Mr. Tekoh, did [40] you make any observation as to whether Mr. Tekoh fit the description given by Ms. Lemus?

A He fit the description: Male black, thin build, mid 20's to a T. When I saw him, I said the description fit to a T.

Q All right?

A So that is another fact that I took into consideration.

Q All right. And after you see Mr. Tekoh, you observe he fits the description, what did you do next?

A At that point, like I said, I contact Mr. Tekoh in the hallway. I ask him, you need to understand, everybody needs to understand --

Q Slow down a little bit for the court reporter?

A Sorry.

Q Thank you. The way it works in the hospital, we have a very good relationship with all the nurses and doctors because we work for them, for the administrators. Our sergeants talk so we --

MR. BURTON: Objection, your Honor. Move to strike as non-responsive.

THE COURT: I will sustain the objection. I will strike the response. Rephrase the question.

Q BY MR. KIZZIE: Sure. I think the question was, and if not, then I will just ask it, after you observed [41] Mr. Tekoh fit the description, what did you do next?

A At that point, I walk up to him, I say how you doing Mr. Tekoh, hey, I need to know what happened when you transported Ms. Lemus.

Q All right. Now, what if anything was Mr. Tekoh's response?

A Mr. Tekoh, based on my experience, he doesn't act -- he gets a little nervous. He was a little surprised to see me. So I tell him, hey, just tell me the truth, what happened.

Q All right. And what happens next?

A And I tell him again, just tell me the truth, tell me what happened. He says, I made a mistake, and I keep, I tell him, again, just tell me what happened.

Q Okay. So when Tekoh, well, first, we are at the point Mr. Tekoh said something along the lines of I made a mistake. First, before the date of this incident, how many hospital misconduct allegations had you investigated?

A I had investigated hundreds of allegations. The medical field is very interesting. You never know what these doctors are going to do, the nurses. We had no experience with that.

So, again, we need to give the nurses a chance to explain themselves. And, at that point, it is a big [42] nothing, and the administrators meet with the actual possible victim and explain why that procedure was completed.

Q All right. And these hundreds of investigations of medical staff that you completed, how many were actually criminal acts?

A Criminal acts against staff --

MR. BURTON: I would object, your Honor. I think it is irrelevant.

MR. KIZZIE: Goes to his mind and state, your Honor. We can have a sidebar.

MR. BURTON: It is 403.

THE COURT: Let me have you guys on sidebar for a minute.

(The following proceedings were held at sidebar outside the presence of the jury:)

THE COURT: All right.

Let me just indicate this, the problem that I have is if you do that, you have opened the door for him to inquire about certain things. I don't know whether or not you want to open the door. Do you want to open the door?

MR. KIZZIE: Well, I think on one hand, it is just one question that goes to explain his mind state.

THE COURT: He can inquire about that mind state. [43] Also, by the way, you said he was going to be a half an hour. He has taken more than a half an hour now.

MR. BURTON: I have learned what to expect of Mr. Kizzie's time references, your Honor.

MR. KIZZIE: I got to set up background facts, too.

MR. BURTON: 45 minutes to an hour.

THE COURT: Let me stop. I will sustain the objection because, again, you are opening up a can of worms, and even though I keep giving you more time today, we are not going to waste that time.

(The following proceedings were held in the presence of the jury:)

MR. KIZZIE: All right. Sergeant Vega.

Q Now, next, we are at this point, after Mr. Tekoh indicated I may have made a mistake or something along those lines, what was your thought process as to what Mr. Tekoh may have meant by that?

A My thought process was that he could have, because, again, because the medical field is very evasive, I was hoping that it was something more of a medical procedure. I was hoping he could explain himself.

Q All right. Did you know whether or not Mr. Tekoh was talking about committing a crime as opposed to a medical procedure at that point in time?

[44] A Absolutely not. I have no idea what he means by a mistake.

Q So after Mr. Tekoh indicates such, what do you do next?

A At that point, he says, can I talk to you away from my co-workers and get a little privacy.

Q All right. And what happens next?

A At the point, he and I go into -- he and I go into a room. He wants to tell me what happened.

MR. BURTON: Move to strike the reference to Mr. Tekoh's state of mind.

THE COURT: I will sustain the objection.

MR. KIZZIE: All right. That is fine. Thank you.

Q Now, after you go into the room, well, after you go to the room -- well, strike that. Let's talk about that.

As you took Mr. Tekoh to this MRI room, did you yell at him?

A Actually not. He is very humble. He is a very nice guy. He just made a mistake.

MR. BURTON: Objection to the he made a mistake testimony.

THE COURT: I will sustain the objection.

MR. BURTON: Move to strike.

THE COURT: I will strike that last portion.

Q BY MR. KIZZIE: All right. Just try to stay focused [45] on the topic of the question now.

A Yes, sir.

Q When you were walking to the MRI room, did you grab him?

A No, I did not. He wanted to go and he wanted privacy. He wanted to talk to me.

Q Did you yell at him or say any sort of racial slur and tell him to get into the room?

A No, I did not.

Q Did you handcuff him at that time?

A No, there was no need to.

Q Why not?

A Because he wants to talk to me. He wants to talk.

MR. BURTON: Objection to the he wants to talk to him.

MR. KIZZIE: He is explaining why he didn't handcuff him. That is his thought process.

THE COURT: Well, I will strike the answer. You can phrase the question a little differently.

MR. KIZZIE: All right.

Q Sergeant Vega, let's not speculate as to what Mr. Tekoh wants. I am just asking you regarding your actions. So, at that point in time, you have Ms.

Lemus' claim, Mr. Tekoh says I made a mistake, why didn't you handcuff him right then and there?

[46] A Because he is not under arrest. If he was under arrest, he would be handcuffed. I would be telling him what he is charged with, and I would basically be taking him out to a patrol car. And then from there I would go further into my investigation.

Q Then let's go further. Why didn't you arrest him right then and there?

A Again, because the medical field, I was hoping he would have an explanation of why Ms. Lemus was making those allegations. I wanted to give him a chance to explain himself.

Q All right. And in that respect, was Mr. Tekoh treated any differently?

A Absolutely not.

MR. BURTON: Well, objection, your Honor. Move to strike. This is -- I thought we just did it.

THE COURT: Rephrase the question.

Q BY MR. KIZZIE: Sure. Now, you get to the room with Mr. Tekoh, what do you do next?

A At that point, he wants -- he sits down, and I realize that this could go one way or the other. But either way, it is going to be serious. If it is administrative, he dropped Ms. Lemus or he did something wrong while he was doing a procedure, it is still a serious issue. If he sexually assaulted Ms. Lemus, it is [47] still a serious issue that we got to take or the administrators had to take.

Q Okay. And what did you do next after you got to the room?

A At that point, I realized that I needed somebody else there with me because this could go one way or the other.

What they do when they get an investigation, an administrative investigation is done, they actually document what they do. They make them write what happened while the administrators get their paperwork together.

MR. BURTON: I move to strike. He is not here to testify as to what County USC does.

MR. KIZZIE: Your Honor --

THE COURT: Let me stop. I don't want a response unless I ask for a response. You can rephrase the question.

MR. KIZZIE: Sure.

Q I am asking, Sergeant Vega, all right, after you get to the room, you make the observations that, hey, these are serious allegations, what do you decide to do at that point?

A At that point, I know I need to have somebody there with me so based on what the hospital does, in order to [48] keep busy, I call my sergeant.

MR. BURTON: I object to him testifying as to what the hospital does.

THE COURT: I will allow him to state his understanding of what the hospital does, not for the truth but to explain why he did what he did. So I will allow him to testify as to what his understanding is, not for the truth but simply for his understanding of what it is.

Q BY MR. KIZZIE: Now, as you were saying, Sergeant Vega?

A Okay. As I was saying, I give him a white piece of paper, and I tell him can you do me a favor. Can you write what happened while I get my sergeant and we can ask you a couple of questions. That memo or that paper that he wrote was not part of our investigation. I didn't really care about that memo. My whole investigation was going to start when Sergeant Stangeland and I --

Q BY MR. BURTON:Objection. He has answered the question, and now he is arguing something

THE COURT: I will allow him to complete that last portion.

Q BY MR. KIZZIE: Please complete your answer.

A So part of the investigation, like the D.A. said, [49] it was something in addition to, but the fact was when Sergeant Stangeland and I do our interview, that is when we know what crime occurred or if no crime occurred. At that point we either call administration or put him under arrest.

Q All right. Thank you. Now, regarding this piece of paper, when you say, hey, do me a favor, go ahead and write what happened, is that any sort of sheriff policy?

A No, it is not. It is just administrative for human resources for their investigations.

Q All right. And did you order Mr. Tekoh to write down what happened?

A Absolutely not.

Q Did you threaten him to write down what happened?

A No. He was very cooperative. He was very humble. He was very, I just want to tell you what happened. He was feeling guilty. And that was my perception of what he was feeling.

Q All right. Now, further, and, ultimately, did you dictate word for word what Mr. Tekoh should write on this statement?

A No, I didn't. There is no reason for it. It is illogical. Why would I --

MR. BURTON: He has answered the question, your Honor.

[50] THE COURT: Sustain the objection. I will allow him to answer that question with a "yes" or "no".

MR. KIZZIE: All right.

Q Now, so your answer is no. And why did you not dictate word for word what Mr. Tekoh should write on this statement?

A Again, because there is no purpose. I am looking towards hoping that he tells me what he did, and he doesn't tell me that he sexually assaulted Ms. Lemus. I was hoping he would tell me it is a procedure because the last thing we want to do is arrest a hospital employee because it puts the hospital in liability, puts us in liability. That was the least of my intentions. I wanted to make sure that he could be possibly could clear his name.

Q Okay. Now, approximately at what time did you contact Sergeant Stangeland to join you?

A I believe I contacted Sergeant Stangeland about 7:35.

Q All right. Now, first, and I'm sorry if I didn't cover this earlier, who is Sergeant Dennis Stangeland?

A Sergeant Stangeland is my immediate supervisor. He is the one that oversees. He is the one that could fire me if I do any wrong. He is the one to make sure that I do everything properly.

[51] Q All right. Before you contacted and what was your understanding as to whether Sergeant Stangeland was at the time that you contacted him?

A When I contacted Sergeant Stangeland, he is up in -- we have a office up in the -- it is called the old hospital. He would have to walk from the old hospital over to the inpatient tower.

Q And about how long is the walk from the old hospital sergeant's quarters to the IPT where you were with Mr. Tekoh?

A Again, approximately five to ten minutes.

Q All right. So knowing that Sergeant Vega could be -- I'm sorry -- sergeant Stangeland could join you in approximately five to ten minutes, before you contacted Sergeant Stangeland, did you call Mr. Tekoh a jungle N word?

A No, I did not.

Q Why not?

A Because that is not part of my personality. I would never even -- in fact, I never even heard that word, jungle N. I mean, I heard every word. I worked in L.A. for 20 years as a deputy sheriff. Never once have I heard that word be used like that. I heard it in every other phrase, I heard it, but never jungle N word. That was brand new to me.

\* \* \*

[56]

\* \* \*

Q Sergeant Vega, I want to focus on something. After you contacted Sergeant Stangeland about 7:30 or 7:35, about how long did it take Sergeant Stangeland to arrive?

A I would say about 10 to 15 minutes. I'm sorry. Five to 10.

Q Okay. And as you were with Mr. Tekoh during these 5 to 10 minutes while you are waiting for Sergeant Stangeland to arrive, did you -- actually --

MR. KIZZIE: Your Honor, at this time I would like to display Exhibit No. 2.

THE COURT: All right.

Q BY MR. KIZZIE: As you are waiting for Sergeant Stangeland to arrive, did you tell Mr. Tekoh to write one word that appears on Exhibit No. 2?

[57] A No, I did not.

Q All right. Now, briefly, while you are waiting with Mr. Tekoh for Sergeant Stangeland to arrive, was the door open or closed?

A The door was ajar.

Q What do you mean ajar?

A It was about maybe a foot, maybe, at that point, when I am waiting for Sergeant Stangeland, maybe about two feet open, as I am waiting for Sergeant Stangeland to arrive at the location.

Q Why didn't you have the door fully closed?

A Several reasons. Number one is that officer safety. I have been in the department for 20 years, and I survived by making officer safety important to me. And Mr. Tekoh is a young guy. I am older. And I didn't want to agitate him or he gets excited and he beats me up, something like that. Officer safety, pretty much.

Q Okay. Now, as you are waiting for Sergeant Stangeland to arrive as well, did Mr. Tekoh ever get up and try to leave as you testified earlier?

A No. He just continued to write the letter.

Q Now, further, as you are waiting for Sergeant Stangeland, did you ever get so close to Mr. Tekoh as to step on his toes?

A No, I did not.

**[58]** Q Why not?

A Again, it is an officer safety issue.

Q How so?

A May I demonstrate?

Q Sure.

A Basically, what we are trained after 20 years is you don't give your gun away to anybody. I mean, I have been doing this forever. For him to say that I went up to his -- stepped on his toes as he wants to leave, I got a -- say it is a shoe. Even if I do step on his shoes, I will fall back, and I will have my gun to him. I would never do that. That is just a violation of officer safety. Especially, it puts me as a disadvantage because I am going to fall on my butt. So, no, I would never do that.

Q All right. You can have a seat.

Q Now, further, as you are waiting for Sergeant Stangeland to arrive, did Mr. Tekoh ever ask for a lawyer or supervisor?

A No, he didn't. He was just quiet writing his letter. Very humble. Wouldn't say anything. Just kept writing the letter.

Q All right. And as you were waiting for Sergeant Stangeland to arrive, where in the room are you? Are you sitting down by Mr. Tekoh? Where are you?

**[59]** A I am standing by the door. Like I said the door was ajar. I was looking out to see if I could see Sergeant Stangeland so I can guide him into the room.

Q Are you standing by the door inside of the room or outside of the room?

A Inside the room.

Q Why is that?

A Again, officer safety. Want to watch him, and I want to see if I could see my sergeant come in so I could tell him to walk in.

Q Okay. And during these 5 to 10 minutes that you are waiting, did you threaten to deport Mr. Tekoh?

A No, I did not.

Q All right. Why not?

A First of all, I was a deputy sheriff. I don't have that authority, and, again, that is not -- coming from a first generation immigrant family, you can just hear my accent. My mom didn't speak English. That wasn't an issue with me, and it would never be.

Q Okay. All right. I would like to direct your attention to Exhibit No. 2, and you can also turn to Exhibit No. 2 in the binder which has already been moved into evidence.

A I am there.

Q All right. Do you recognize Exhibit No. 2?

**[60]** A Yes, I do.

Q What is it?

A This is my incident report for the sexual assault.

Q All right. Now, looking at this first page, does anything about Mr. Tekoh being an immigrant or being from Cameroon appear?

A No, it does not.

Q All right. Turning to the second page, does anything about Mr. Tekoh being an immigrant or from Cameroon appear there?

A No, it does not.

Q Okay. Third page. Does anything about Mr. Tekoh being an immigrant or from Cameroon appear there?

A No, it does not.

Q All right. Frankly, did Mr. Tekoh ever mention to you whether or not he is from Cameroon?

A No, he did not. He was very quiet, very cooperative.

Q Did Mr. Tekoh ever mention to you whether or not he was an immigrant?

A No. Again, very polite, very cooperative. Just writing his letter.

Q Was it significant to your investigation at all to determine whether or not Mr. Tekoh was an American citizen?

[61] A No. No issue with the -- with him.

Q Okay. Turning to the fourth page, is there anything on this page regarding Mr. Tekoh being an immigrant or from Cameroon?

A No, sir.

Q All right.

Q Fifth page, same thing, anything regarding Mr. Tekoh being an immigrant or from Cameroon?

A No.

Q Last page, anything on this page regarding Mr. Tekoh being an immigrant or from Cameroon?

A No. Nothing.

Q All right. Now, we covered the jungle N word, deportation, stepping on toes. Did -- when you were waiting with Sergeant Stangeland or for Sergeant Stangeland, did you ever put your hand on your gun?

A No, I did not.

Q Did you ever feel the need to put your hand on your gun while you were waiting with Mr. Tekoh?

A No, I did not.

Q Why not?

A Again, he was very cooperative. He had a look of remorse. Just sat there and wrote his letter.

Q And while you are waiting for Sergeant Stangeland, did you ask Mr. Tekoh any questions about what happened?

[62] A No, I did not.

Q Why not?

A Because I knew it would be an I-said-he-said situation. I needed somebody to be there before we actually got into the interview.

Q All right. And while you are waiting for Sergeant Stangeland, did you tell Mr. Tekoh his Miranda rights?

A No, I did not.

Q Why not?

A Because he is detained. He is not in custody. He wants to talk to me. He wants to talk to us. He wants to tell us what happened. The only --

MR. BURTON: I would move to strike what Mr. Tekoh wants, and also --

THE COURT: Let me stop.

MR. BURTON: -- is a legal determination.

THE COURT: Let me stop. I will allow the witness to testify as to what he believed Mr. Tekoh wants, but I won't allow him to indicate that in fact is what Mr. Tekoh wanted.

And I will also allow the witness to testify as to what he thought the situation was at that point in time not necessarily to indicate that, in fact, it was

that which he expected it to be, but I will allow him to testify as to what he thought it was at that point.

[63] MR. KIZZIE: All right. So, now, let's touch base for a second. What were you trained regarding when you are supposed to tell someone their Miranda rights?

MR. BURTON: Objection. This is a subject of a jury instruction.

THE COURT: Well, I will allow the witness to testify as to what his understanding was. But, again, I will allow it in not for the fact because you are correct I am going to be instructing the jury as to when a Miranda right is supposed to be given to a particular suspect. I will allow this witness to testify as to what his understanding was.

MR. KIZZIE: Thank you.

Q So, again, please tell the jury what is your understanding from your training as to when you are supposed to administer Miranda rights?

A When you give a suspect his Miranda rights is when the suspect is in custody. He is arrested.

MR. BURTON: He has answered the question, your Honor.

MR. KIZZIE: Your Honor, he has not finished his answer.

THE COURT: I will allow him to finish the answer.

THE WITNESS: If he is arrested, he is being questioned or being interrogated regarding the crime. So [64] Miranda only applies under formal arrest and you are interrogating him about the crime.

MR. BURTON: Objection. That misstates the law, your Honor.

THE COURT: Not allowing it in for the correct statement of the law. I am just allowing him to explain what his understanding is of it.

Q BY MR. KIZZIE: Is that your understanding, Sergeant Vega, based on your training?

A Yes, sir.

Q Now, why didn't you administer or tell Mr. Tekoh his Miranda rights at this point in time?

MR. BURTON: Objection. Asked and answered.

THE COURT: Overruled.

Q BY MR. KIZZIE: Go ahead.

A Because Mr. Tekoh is just detained pending a criminal investigation. He is not under arrest. In addition to that, he wants to talk to us. It is consensual.

MR. BURTON: Objection. He wants to talk to us.

THE COURT: Again, I will overrule the objection, but I am only allowing his answer because the witness is stating what he thought at that point in time not, in fact, what the plaintiff was thinking at that time.

MR. KIZZIE: Thank you. Now, in your hundreds of [65] hospital investigations, do you tell these employees their Miranda rights right when you speak with them every time?

MR. BURTON: Objection. 403.

THE COURT: I will sustain the objection.

MR. KIZZIE: Sure.

Q Now, continuing. And, actually, when was the first time you were ever made aware of allegations as Mr. Tekoh said that you called him a jungle N word and stepped on his toes and things of that nature? When were you first made aware?

MR. BURTON: Objection. First, it is leading, and 401, 403. It is not relevant.

THE COURT: I will allow him to indicate when he first found out that those claims were made concerning him by Mr. Tekoh. I will allow that.

Q BY MR. KIZZIE: Sir?

A The first time I heard that he was alleging that towards me was in the civil trial which was maybe three years after.

Q All right. Now, regarding this statement, did you ever tell Mr. Tekoh that you are going to make him write what Ms. Lemus said he did?

A No, I did not.

Q In fact, if you were going to tell Mr. Tekoh to [66] write what Ms. Lemus said he did, does this statement mention penetration at all?

MR. BURTON: Well, objection. Leading. Argumentative.

THE COURT: Sustain the objection.

Q BY MR. KIZZIE: Sure. All right. So we will change gears. Now, about 5 to 10 minutes pass, and Sergeant Stangeland eventually arrives.

A Yes, he does.

Q And when Sergeant Stangeland arrives, what happens next?

A At that point, Sergeant Stangeland arrives, I leave the door open. I walk out and contact my sergeant and tell him a quick synopsis of what is happening.

Q All right. And what happens next after you brief the sergeant on what happened?

A Once we do our quick interview synopsis to each other, then Sergeant Stangeland and I walk back

inside the office to begin our interview with Mr. Tekoh.

Q All right. And when you and Sergeant Stangeland walk into the office, who speaks first?

A I speak first.

Q And what did you say?

A At that point, he is still writing his letter, and I tell him stop writing.

[67] Q All right. What next?

A At that point, I introduce my sergeant, or I don't recall if he introduced himself or I introduced him, and, then, I asked him, in your words, can you tell me what happened?

Q How did you introduce your sergeant, or how did he introduce himself?

A Just, I am Deputy Vega's supervisor, I am Sergeant Stangeland.

Q All right. And did Mr. Tekoh say anything after Sergeant Stangeland introduces himself as your supervisor or vice versa?

A No. He just, basically, he was very quiet. So he nodded and recognized my sergeant.

Q All right. And after Sergeant Stangeland is introduced, what happens next?

A At that point, we start the interview. I asked him an open-ended question which is what happened during your transport of Ms. Lemus.

Q Why did you, in your words, ask an open-ended question of what happened? Why?

A The reason for that is because it gives him a chance to explain himself. I am not guiding him. I just tell him what happened, and then he can tell me his story whether it be a medical procedure, whether

it be anything [68] else. But I leave it open for him to go where he wants.

Q All right. And after you introduced Sergeant Stangeland as your supervisor, did Mr. Tekoh ever say anything about you allegedly threatening to deport him or calling him a jungle N word or any number of things?

MR. BURTON: Objection. Leading.

THE COURT: Rephrase the question.

Q BY MR. KIZZIE: When Sergeant Stangeland was introduced as your supervisor, did Mr. Tekoh say anything about his allegations of misconduct against you?

A No. He just, once I asked him a question, he started telling us what he had done.

Q All right. Now, please tell this jury when you asked Mr. Tekoh what happened, what was Mr. Tekoh's response?

A He said that he had waited for the doctor to leave and he had touched Ms. Lemus.

Q And how did you describe doing so?

A At that point, I asked him how did you touch Ms. Lemus.

Q What did he say?

A Then, he goes on to describe that he went up to her bed, again, uncovered her sheets by pulling down. Raising her down. He described spreading her legs, and then he actually showed both Sergeant Stangeland and I [69] how he used his fingers. He basically made this gesture with his hand, and he pretty much said I put my hand, I opened her vagina and had a quick view.

Q And what was Mr. Tekoh's demeanor as he was telling you this?

A Again, he was very cooperative. He wanted to tell what happened.

Q All right. Now, further --

MR. BURTON: Well, object to the he wanted to tell what happened part.

THE COURT: I will sustain the objection. But I will allow the response in just for what this witness was thinking that Mr. Tekoh was thinking but not the fact that Mr. Tekoh was thinking that at the time.

Q BY MR. KIZZIE: In fact, before Mr. Tekoh described what he did to Ms. Lemus, did you even see his note at all and what he had written?

A No, I had not. I had, again, that note wasn't important to me. What was important to me was that my sergeant --

MR. BURTON: Well, objection. It has been answered.

THE COURT: I will sustain the objection.

Q BY MR. KIZZIE: Well, why not?

MR. BURTON: Well, objection. I don't know what [70] the reference is.

THE COURT: Let me ask the witness, do you understand the question?

THE WITNESS: No, I don't.

THE COURT: Okay. Rephrase the question.

Q BY MR. KIZZIE: Why did you not look at Mr. Tekoh's statement first before you asked him what happened with Ms. Lemus?

A Again, that statement wasn't important to me. It was more of an administrative process for them. My whole focus was having my supervisor there, making

sure that I covered all bases and making sure that I didn't miss any of the elements, the penetration by a foreign object.

Q Now, in fact, did you document what Mr. Tekoh told you during this interview in in your report?

A Yes, I did.

Q All right. Now, before we continue, after Mr. Tekoh used this hand gesture to describe spreading Ms. Lemus' vagina open and told you what occurred, what happened next?

A At that point, Sergeant Stangeland -- I was in a bit of shock when he said that. So then Sergeant Stangeland asked Mr. Tekoh if he was attracted to women.

Q And what was Mr. Tekoh's response when he said whether or not he was attracted to women?

[71] A He said he was.

Q Were any other questions asked of Mr. Tekoh at that time?

A Sergeant Stangeland also asked him did you get excited when you were doing this.

Q And what was Mr. Tekoh's response?

A And Mr. Tekoh said he had had an erection, and he had gotten an erection as I recall.

Q All right. Now, after Mr. Tekoh said he got an erection, what happened next?

A At that point, Sergeant Stangeland and I --

Q BY MR. KIZZIE: Actually, one more thing before you finish that point. After he asked whether or not Mr. Tekoh had got excited, did Sergeant Stangeland ask any other questions?

A As I recall, I think he asked the two questions.

Q Was it ever asked whether or not Mr. Tekoh penetrated Ms. Lemus' vagina?

MR. BURTON: Objection. Leading.

THE COURT: I will sustain the objection. Rephrase the question.

MR. KIZZIE: Sure.

Q Did Mr. Tekoh indicate whether or not he ever penetrated Ms. Lemus' vagina?

MR. BURTON: Objection. Leading.

[72] THE COURT: Overruled.

A Yes, he did. My boss, Sergeant Stangeland, also asked him if he had penetrated Ms. Lemus' vagina. He said -- he said no.

Q Did you document that Mr. Tekoh said no to penetrating Ms. Lemus' vagina in your report?

A Yes, I did.

Q Publishing Exhibit No. 2.

Please indicate on Exhibit No. 2 where you document that Mr. Tekoh denied penetrating Ms. Lemus' vagina with her(sic) fingers.

A Right here which would be -- and I reference Sergeant Stangeland's supplementary report.

Q Okay. So after Mr. Tekoh denies penetrating Ms. Lemus' vagina, as you indicate in your report, what happens next?

A At that point, Sergeant Stangeland and I walk out, we discuss the interview, and Sergeant Stangeland gives me permission or authorization to put Mr. Tekoh under arrest.

Q All right. Now, approximately how long was your interview, your and Sergeant Stangeland's interview with Mr. Tekoh?

A Rough estimate would be 5 to 10 minutes.

Q Okay. All right. Now, after Mr. Tekoh -- I'm [73] sorry. After you and Sergeant Stangeland decide to place Mr. Tekoh under arrest, what do you do next?

A At that point, I call Deputy Carrillo to transport Tekoh to East L.A. station.

Q And, actually, did Mr. Tekoh ever -- or strike that. After Sergeant Stangeland asks Mr. Tekoh his last question whether or not Mr. Tekoh ever penetrated his(sic) vagina, did Mr. Tekoh go back to writing his statement or not?

A Yes, he did. He continued to write his letter.

Q All right. Where were you and Sergeant Stangeland as Mr. Tekoh continued to write his statement?

A Sergeant Stangeland and I walked out the door, and we were there for a few minutes discussing what we were going to do, and he continued to write his letter.

Q All right. Now, at some point, did you also sign your name on Mr. Tekoh's statement?

A Yes, I did.

Q All right. Now, is this part of the statement here in your writing?

A Yes, it is.

Q And please explain what is written here?

A The top, 8:15 hours is the time we finished our interview with Mr. Tekoh. The second, Terence Tekoh which I misspelled.

\* \* \*

[76] Q Do you know whether or not Mr. Tekoh first saw her vagina accidentally?

MR. BURTON: Objection. No foundation.

THE COURT: Rephrase the question.

Q BY MR. KIZZIE: Sure. At that point in your investigation, did you know whether or not Mr. Tekoh saw Ms. Lemus' vagina accidentally or on purpose?

MR. BURTON: Objection. No foundation. He wasn't there.

THE COURT: I will sustain the objection.

Rephrase the question if you want.

Q BY MR. KIZZIE: Sure. I will continue. All right. And, last, at that point in your investigation, did you know whether or not Mr. Tekoh went back to his duty post with the intention of masturbating which he ultimately never did?

MR. BURTON: Objection. Leading.

MR. KIZZIE: I am asking if he knows.

THE COURT: I will allow the question.

THE WITNESS: No. I didn't know if he was going to go masturbate.

Q BY MR. KIZZIE: All right. And was whether or not Mr. Tekoh went back to his station to go masturbate in the hospital, was that significant to your investigation?

MR. BURTON: Objection. Leading.

[77] THE COURT: I will sustain the objection.

MR. KIZZIE: Thank you.

Q Now, about how long did it take for Deputy Carrillo to arrive after you called him?

A Deputy Carrillo arrived at our location, 5, 10 minutes.

Q And, briefly, when specifically did you and Sergeant Stangeland decide to place Mr. Tekoh under arrest?

A Could you repeat the question.

Q Sure. When did you and Sergeant Stangeland decide officially to place Mr. Tekoh under arrest?

MR. BURTON: Objection. Leading.

THE COURT: Overruled.

THE WITNESS: We decided to place him under arrest after our interview. I don't believe Sergeant Stangeland had read this letter, and I don't think I had read that letter. We just based it on our interview and his statements.

Q And after you decided to place Mr. Tekoh under arrest, did you ask him any further questions about this incident?

A No, we didn't. We were done.

Q All right. Now, approximately when did Deputy Carrillo arrive?

[78] MR. BURTON: Objection. Asked and answered.

THE COURT: I will sustain the objection.

MR. KIZZIE: Your Honor, I asked how long. I didn't ask when. I asked how long it took for Deputy Carrillo to arrive, not when.

THE COURT: I thought you wrote it on there when he arrived.

MR. KIZZIE: No, your Honor. I wrote when Sergeant Stangeland arrived at 7:35 and then I wrote that the interview concluded at 8:15 as indicated on the report, but I did not ask approximately when in time when Deputy Carrillo arrived. I asked how long it took for him to arrive.

THE COURT: All right.

Q BY MR. KIZZIE: So what is your best recollection as to approximately what time Deputy Carrillo arrived?

A Sometime before 9:00.

Q All right. Now, going back to exhibit No. 44. What makes you believe that Deputy Carrillo arrived some time before 9:00?

MR. BURTON: Objection. Argumentative. Leading.

THE COURT: Let me ask the witness, do you understand the question?

THE WITNESS: Yes, sir, I do.

THE COURT: I will allow the witness to answer the [79] question.

Q BY MR. KIZZIE: All right.

A The reason I know that he arrived sometime before 9:00 is because at 9:05, Deputy Carrillo and I were in the E.R., emergency room, and I am in my car pulling an URN number or arrest number for the arrest.

Q And is your documenting, your requesting a URN number, is that where you put this dot at 9:05?

A Yes, sir.

Q All right. Now, further, going back, when Deputy Carrillo arrived some time before 9:00, what happened next?

A At that point, Sergeant Stangeland leaves to start his paper work. I gave Deputy Carrillo a quick synopsis of what happened. At that point, we go back in the room and place Mr. Tekoh under arrest.

Q Okay. And approximately during the 5 or 10 minutes that it takes for Deputy Carrillo to arrive, was Sergeant Stangeland still with you?

A No. He had already left.

Q All right. Now, when Deputy Carrillo arrived -- well, before Deputy Carrillo arrived, was Mr. Tekoh in handcuffs at any time?

A No, he was not.

\* \* \*

[81] Q All right. Now, after Mr. Tekoh was taken into custody by Deputy Carrillo, at that point, did you further investigate this incident at all?

A No. We were done, or I was done with Mr. Tekoh at that time.

Q All right. After Deputy Carrillo takes Mr. Tekoh to the station to book him, at that point, did you have any other further interaction with Mr. Tekoh at any time?

A No. Actually, Deputy Carrillo stayed in the emergency room while I went with Mr. Tekoh while I went over to my watch commander, had the probable cause declaration signed. It gives us the authorization to put him in jail.

Q All right. Now, just while we are on that point, regarding the probable cause declaration, were you ever made aware of a discrepancy on that?

A No. Once I turned in my report and my probable cause, I didn't hear anything about my reports until we went to trial in 2016.

Q All right. And regarding the probable cause declaration, what was your explanation as to indicating on that whether or not Mr. Tekoh admitted to penetrating Ms. Lemus?

A My explanation to that is I made a mistake. I remembered somebody said they penetrated Ms. Lemus. [82] Ms. Lemus was the one that stated that she had been sexually assaulted, and they had placed a finger in her vagina where Tekoh never admitted to

penetrating Ms. Lemus' vagina. So, basically, I got the two statements confused and made a mistake.

Q All right. However, does your report document Mr. Tekoh's denial?

A Yes, it does.

Q All right. And, in fact, are you aware of whether or not your probable cause declaration was ever seen by a judge?

A Mr. Tekoh --

MR. BURTON: Objection.

THE COURT: I will sustain the objection.

MR. KIZZIE: Sure.

Q All right. Now, last but not least, regarding whether or not Mr. Tekoh was prosecuted for this crime by District Attorney Jane Creighton, did you have any say in that?

A I was -- I had nothing to do with the actual filing of the case. All I had to do, I turned the initial investigation, never heard about any corrections. I was just called to go to court, the criminal trial, at one time or another.

\* \* \*

JA-436

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA –  
WESTERN DIVISION

HONORABLE GEORGE H. WU, U.S. DISTRICT  
JUDGE

---

TERRENCE B. TEKOH,	)	
Plaintiff,	)	Case No.
vs.	)	16-cv-7297 GW
SGT. CARLOS VEGA,	)	(SKx)
Defendant.	)	(Pages 1-97)
_____	)	

PARTIAL TRANSCRIPT

REPORTER'S TRANSCRIPT OF TRIAL  
PROCEEDINGS

TRIAL DAY 4 - AFTERNOON SESSION

MONDAY, OCTOBER 1, 2018

LOS ANGELES, CALIFORNIA

\*\*\*

**[56]**

\*\*\*

MR. KIZZIE: At this time defense would like to  
call Dennis Stangeland.

\*\*\*

**[65]**

\*\*\*

Q Thank you.

Now, when you arrived at the section of the IPT  
tower that you were trying to reach, what is the first

thing you recall seeing? Please describe for the jury what you first recall seeing when you arrived.

A So I can correct the record, it was the D&T tower, the diagnostic and treatment tower, where we met. But I entered the area on the third floor, and I recall seeing Sergeant Vega and Mr. Tekoh in a small -- what appeared to be a break room near the MRI lab. And Mr. Tekoh was seated at a small flat desk writing on a piece of paper using a pen or some kind of writing utensil, and he appeared to be focused on his writing.

Q All right. And when you first arrived and you saw Mr. Tekoh seated at a desk writing, where did you see Sergeant Vega?

A Sergeant Vega was just inside the room with the door ajar, and he was obviously waiting for me to arrive. So when I walked into the area, he immediately saw me, and I made a [66] gesture with my hand for him to come out and confer with me and give me an update as to what he was working on and what he needed me to assist him with.

Q All right. Now, briefly, when you arrived, regarding the door -- or I will just ask the question. When you arrived at the MRI -- what appeared to be a break room to you, was the door open, was it closed, or what?

A It was partially open. It was ajar.

Q Okay. And let's see. When you called Sergeant Vega to come out and speak with you, did you keep eyes on Mr. Tekoh?

A Yes. It was within my field of vision. I could see Mr. Tekoh, and he remained seated.

Q All right. And, further, in addition to remaining seated, as you're outside of this room talking with

Sergeant Vega, what, if anything, did you see Mr. Tekoh doing?

A Mr. Tekoh remained focused on his writing, so he continued to write on the piece of paper.

Q And what was communicated to you between you and Sergeant Vega as you're speaking before you entered the MRI room?

A Sergeant Vega -- I asked him what was going on. He explained to me that he had responded to this possible sexual assault call, and he had interviewed a female patient in the inpatient tower, and that that female patient had been highly distraught and very upset, so much so to the extent that he had to wait some time for her to actually calm down so he could [67] interview her about the incident that had been reported.

And he said that she was a very credible victim. And he explained to me that she had communicated to him that at some point before or after she was transported by a male -- black male hospital employee, thin build, mid 20s, that he had placed his fingers in her vagina. And when he communicated that to me, he said that he wanted me to stand by while he asked Mr. Tekoh some questions.

Q All right. Now, at some point after you spoke with Sergeant Vega, did you and Sergeant Vega enter the room?

A Yes, we did.

Q All right. And when you entered the room, were you able to observe Mr. Tekoh's demeanor?

A Yes, I did.

Q And please describe, what was Mr. Tekoh's demeanor when you first entered the room with you and Sergeant Vega?

A Mr. Tekoh appeared to be calm and appeared to be prepared to talk to both of us. He didn't seem agitated or distraught. He looked like a hospital employee that had -- was ready to be interviewed.

Q And prior to the date of this incident, approximately how many investigations regarding hospital employee misconduct had you participated in or oversaw as a supervisor?

A It's not uncommon for patients to make allegations against hospital staff. So while I was assigned to LACUSC as a field [68] sergeant, dozens of incidents -- many dozens of incidents were investigated and handled by deputies while I was the field supervisor.

Q All right. And I think it was discussed earlier. Did you have a camera in your sergeant's office?

A I do have -- or I did have a video camera available in the sergeant's office, which was usually deployed when there was a use-of-force incident, and we would use that camera at that time to interview witnesses who may have witnessed the use of force.

Q All right. And in your years at LACUSC, did you ever use that camera to record hospital employee statements regarding alleged misconduct of patients?

A Never in the context of alleged misconduct on the part of hospital employees, only in the capacity of investigating a use of force.

Q All right. Now, when you entered the room, in terms of Mr. Tekoh, did he appear to be sweating?

A No. He showed no outward signs of distress at all.

Q And, now, when you entered the room, did you introduce yourself at all?

A It was my habit and custom to always introduce myself as Sergeant Stangeland whenever I was going to interview someone or have contact with a member

of the public or at the hospital. However, in this particular case, I don't remember specifically [69] if I introduced myself as Sergeant Stangeland or if Sergeant Vega had introduced me as his sergeant who was going to be present while he asked Mr. Tekoh some questions, but in any event, I was introduced as his supervisor and as the sergeant at the facility.

Q When you were introduced either by yourself or Sergeant Vega as Sergeant Vega's supervisor, did Mr. Tekoh acknowledge that at all?

A Yes, he did. The he indicated that he was willing to talk to us, and he understood my position by nodding.

Q Okay. Now, after you introduced yourself or you were introduced as Sergeant Vega's supervisor, at that time did Mr. Tekoh ever state any sort of allegations of misconduct against Sergeant Vega at that time?

A No, he did not.

Q After you were introduced as Sergeant Vega's supervisor by either yourself or Sergeant Vega, please indicate what happened next.

A Oh, Sergeant Vega asked Mr. Tekoh to stop writing, and he agreed to talk with us. He put the pen or pencil down, and Sergeant Vega asked him to explain what happened.

Q All right. Now, before Sergeant Vega asked Mr. Tekoh to explain what happened, did you look at what Mr. Tekoh had been writing at all?

A No, I did not.

[70] Q And before Sergeant Vega asked Mr. Tekoh what happened in your presence, did you observe Sergeant Vega to look at what Mr. Tekoh was writing at all?

A No, he did not.

Q Now, in all of your investigations that you've conducted at the hospital, is it uncommon for hospital employees to write a statement?

MR. BURTON: Objection; 403, 401.

THE COURT: I'll sustain the objection.

MR. KIZZIE: Thank you.

Q Now, after Sergeant Vega, in your presence, asked Mr. Tekoh what happened, please tell this jury, what was Mr. Tekoh's response?

A Mr. Tekoh said that he was weak and that he touched her, indicating the female patient that he had previously transported, i.e., Ms. Lemus. He paused, and Sergeant Vega asked him what he meant by "touched," and Mr. Tekoh said that after he had transported the female patient, Ms. Lemus, he had waited for the doctor to leave her room, and he slid her hospital gown up exposing her naked lower body, and that he had touched her, the outer portion of her vagina.

Q All right. And, in fact, in addition to saying that he touched the outer portion of her vagina, did he actually demonstrate what he did?

A Yes. Sergeant Vega then asked Mr. Tekoh how he had placed [71] his hand on the outer portion of her vagina, and he demonstrated by holding up his right hand and then sliding his fingers open in a motion -- in a gesture that, as someone who's watched many, many Star Trek reruns when I was young, it was etched in my memory because it reminded me of Mr. Spock's Vulcan "Live long and prosper" gesture when he spread his fingers apart. At that point I asked Mr. Tekoh three questions myself.

Q And what were those questions?

A I asked Mr. Tekoh if he was attracted to women, and he --

Q What was Mr. Tekoh's response?

A He stated that he was attracted to women.

And then I asked him if he had become sexually aroused when he had touched Ms. Lemus's vagina, and he stated that he, in fact, did become sexually aroused, and he had actually experienced an erection. I then asked Mr. Tekoh if his fingers ever actually penetrated Ms. Lemus's vagina, to which he responded, "No, they did not," and he was adamant on insisting that his fingers never actually penetrated her vaginal opening. He indicated all he wanted to do was spread her labia apart to look at the interior of her labia.

Q All right. Now regarding the questions asked by Sergeant Vega, besides Sergeant Vega's one question of what happened, did Sergeant Vega -- and, I'm sorry, the second question, what did he mean by touch her, did Sergeant Vega ask [72] any further questions besides those two questions?

A Those were all I recall. It was basically the one question that Sergeant Vega asked was what happened with the female patient that he had previously transported.

Q All right.

A That was the one question that he asked, and he simply asked for explanations as to the term "touch," what he meant by that.

Q And besides your three questions that you just asked that you described, did you ask Mr. Tekoh any further questions?

A No.

Q And please describe the nature of this interview. Like what was it like?

A It was an interview that was done in a very conversational tone. We were -- Sergeant Vega and I were very professional. However, at the time Mr. Tekoh did -- when he was explaining his actions to us, he did appear to be full of regret, and his demeanor to me at the time was that of a man who was contrite, who truly, you know, regretted what he had done.

Q And, further, during this interview of Mr. Tekoh, did you and Sergeant Vega withdraw your guns at any time?

A No.

Q Did either of you touch Mr. Tekoh at any time?

A No.

Q Did either of you curse at Mr. Tekoh at any time?

[73] A No.

Q Threaten to deport Mr. Tekoh at any time?

A No.

Q Do sheriff's deputies even have the power to deport anybody?

A No, we do not. That's the authority that's granted to Immigration Customs Enforcement. So it's a federal agency. Los Angeles County Sheriff's Department doesn't have anything to do with enforcing immigration laws.

Q And after you asked Mr. Tekoh these three questions and he responded to you, at that time did Mr. Tekoh ever state any allegations of misconduct against Sergeant Vega?

A No, he did not.

Q Did Mr. Tekoh even look -- or did Mr. Tekoh, to you, appear to be afraid of Sergeant Vega in any way?

A No, he did not.

Q Did Mr. Tekoh even direct your attention to the statement that he was writing at that time?

A No.

Q All right. Now after you asked -- and just to wrap it up, between Sergeant Vega's question and your last question, about how long passed?

A It was a very brief interview. It probably lasted five to ten minutes.

Q All right. And after Mr. Tekoh denies that he digitally [74] penetrated Ms. Lemus, what did you do next?

A Sergeant Vega and I exited the room, and I believe Sergeant Vega told Mr. Tekoh that he could return to writing his statement, which he did. And we exited the room and conferred again. And based on his statements and the totality of the circumstances at that time, we both agreed that Mr. Tekoh would be arrested for at least the sexual battery, possibly penetration with a foreign object.

Q All right. And at that time did either you or Sergeant Vega order Mr. Tekoh to keep writing his statement?

A No, we did not.

Q Or threaten Mr. Tekoh to keep writing his statement?

A No, we did not.

\* \* \*

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT			
A TRADITION OF SERVICE		INCIDENT REPORT	
Date 03-19-14		Page 1 of 4	
<b>ACTION:</b> <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> PENDING	NON-CRIMINAL <input type="checkbox"/>	# OF ADULT ARRESTS 1	# OF SUBJECT DETENTIONS 0
		Urn # <u>0</u> RETENTION	14 <u>00467</u> YEAR SEQUENTIAL
		REPORTING DISTRICT <u>129</u> STAT CODE	<u>8547</u> REPORTING DISTRICT
<b>CLASSIFICATION 1/LEVEL/STAT CODE</b> Sexual Penetration By Foreign Object, 289(d) PC/F/129			
		SEX <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO OFFENSE VICTIM INFO?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

CLASSIFICATION 2/LEVEL/STAT CODE		DOMESTIC VIOLENCE	
CLASSIFICATION 3/LEVEL/STAT CODE		<input type="checkbox"/> NON-PERSONAL (GUN, KNIFE, ETC.) <input type="checkbox"/> PERSONAL (HANDS, FEET, FIST, ETC.) INJURY <input type="checkbox"/> MAJOR <input type="checkbox"/> MINOR <input type="checkbox"/> NONE <input type="checkbox"/> NON-CRIMINAL	
DATE, TIME, DAY OF OCCURRENCE	PRINTS REQUESTED <input type="checkbox"/>	BY:	TIME
03/19/14, 1830 hours, Wednesday	COMPLETED <input type="checkbox"/>	N/A	
LOC. OF OCCURRENCE		BUS. NAME	
2051 Marengo Street, Los Angeles, CA 90033 LAC+USC (Inpatient Tower)		LAC + USC HOSPITAL	

CODE: V-VICTIM W-WITNESS I-INFORMANT R-REPORTING PARTY P-PARTY

CODE	# OF	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	AGE
V	1 1	Lemus		** *	F	H	ORIGIN	** * - 61	53

\*\* \*

CODE	# OF	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	AGE
I	1 1	Sergeant Stangland	Lac-Usc				ORIGIN	Adult	

\*\* \*

CODE: S-SUSPECT SJ-SUBJECT M-PATIENT S/V-SUSPECT/VICTIM  
SJV-SUBJECT/VICTIM

CODE	# OF	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE&No.)
S	1 1	Tekoh	Terence		** *

\*\* \*

CHARGE	WHERE DETAINED OR CITE #
Sexual Penetration by Foreign Object, 289(d) PC/ F/ 129	East LA Station
AKA n/a	MONIKER none
	BOOKING # 3899953

\*\*\*

DATE 03-19-14	TIME RECEIVED 1904 hours	TAG # 463	URN # 014-00467-8547-129	Page 2 of 4
INPUT / CHECKED NCIC, CII, ETC. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EVIDENCE HELD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE ENTERED IN: PATROL <u>224/162</u> NARCOTICS <u>SAFE</u> Ledger/      Ledger/ Page #      Page #		
BY Deputy Carrillo # 195658				
EVIDENCE HELD:				
<input type="checkbox"/> BLOOD	<input type="checkbox"/> BULLET	<input type="checkbox"/> BULLET CASING	<input type="checkbox"/> CHECKS	
<input type="checkbox"/> CLOTHES	<input type="checkbox"/> CREDIT CARDS	<input type="checkbox"/> ELECTRONIC EQUIPMENT	<input type="checkbox"/> FINGERPRINTS	
<input type="checkbox"/> FOOTPRINTS	<input type="checkbox"/> FRAUD DOCUMENTS	<input type="checkbox"/> GSR	<input type="checkbox"/> HAIR	

<input type="checkbox"/> JEWELRY	<input type="checkbox"/> MISCEL- LANEOUS	<input type="checkbox"/> MONEY	<input type="checkbox"/> NARCOTICS
<input type="checkbox"/> OTHER PRINTS	<input type="checkbox"/> PAINT	<input type="checkbox"/> PHOTOGRAPHS	<input type="checkbox"/> RAPE KIT
<input type="checkbox"/> RECEIPTS	<input type="checkbox"/> TOOLS	<input type="checkbox"/> URINE	<input type="checkbox"/> VEHICLE IMPOUNDED
<input type="checkbox"/> VEHICLE PARTS	<input type="checkbox"/> WEAPONS	<input checked="" type="checkbox"/> Envelope containing confession	
PROPERTY S-STOLEN R-RECOVERED L-LOST F-FOUND CODE: E-EMBEZZLED D-DAMAGED EV-EVIDENCE (Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)			
CODE	ITEM #	QUAN.	DESCRIPTION (including kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)
EV	1	1	Hand written confession signed by S/Tekoh, dated 03/19/14
			SERIAL #
			VALUE

\* \* \*

<p><b>COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT</b></p> <p><b>INCIDENT REPORT - NARRATIVE</b>      URN <u>014-00467-8547-129</u>      Page 3 of 4</p>
<p>While working as 857A, PM shift, at the LAC+USC Medical Center, I responded to the location regarding a possible sexual assault (Tag 463).</p> <p>When I arrived at the location, I contacted the victim and asked her if I could interview her regarding the incident. She agreed and told me the following:</p> <p>The victim, ( Patient Lemus PF #480 28 81) said she was transported by S/Tekoh from the forth floor of the Inpatient tower to the third floor of the Inpatient Tower to the M.R.I section of the hospital. She said that when they arrived in the room she was left by herself with S/Tekoh . V/Lemus closed her eyes and order to rest while her procedure began. V/Lemus said that within five minutes she saw S/Tekoh lift her bed sheet and uncover her. V/Lemus was not wearing any underwear only the hospital gown. She then felt S/Tekoh grab both her left and right foot and spread her legs open. S/Tekoh covered the victim back up with the bed sheet. S/Tekoh walked to the victim's left side of her hospital bed and took the bed sheets off of V/Lemus again. V/Lemus still thinking it was part of her medical procedure still kept her legs open. S/Tekoh placed his left hand on the left side of her vagina and his right hand on her right side of her vagina. S/Tekoh spread her vagina open. S/Tekoh held the left side of the victim's vagina open with his left hand.</p>

S/Tekoh then placed his right hand finger's in the victim's vagina. The victim did not know what fingers he penetrated her vagina with. The victim recognized the suspect from previous transports.

V/Lemus asked the suspect why he had penetrated her vagina that she knew it was not part of her medical procedure. S/Tekoh got nervous and immediately left the room.

When Sergeant Stangeland #402017 and I contacted S/Tekoh, I asked him what had happened with the female patient who he had transported from the forth floor room (4C120) to the third floor room (3D328) of The Inpatient. S/Tekoh said that he had waited for the doctor to leave the patient's room before he touched her." I asked what he meant when he said he "touched her." S/Tekoh admitted that after he had transported V/Lemus on a gurney from the forth floor to the third floor of the MRI section of the hospital, he pulled off V/Lemus' bed sheets and raised her hospital gown up above her waist, exposing her naked lower body. He further said he touched the outside of V/Lemus's vagina with his hand.

<b>COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT</b>		
<b>INCIDENT REPORT - NARRATIVE</b>	URN <u>014-00467-8547-129</u>	Page 4 of 4
<p>I asked S/Tekoh how he had placed his hand on the victim's vagina. S/Tekoh said he placed his right hand over the exterior of the female patient's vaginal area and spread his fingers to expose the interior of the woman's labia.</p> <p>Sergeant Stangeland asked S/Tekoh if he was attracted to women and if he became sexually aroused when he touched V/Lemus. He also asked S/Tekoh if his fingers ever penetrated the patient's vagina.</p> <p>S/Tekoh admitted that he is attracted to women and that he did become sexually aroused after touching V/Lemus. He claimed that he experienced an erection as a result of his actions. He denied that his fingers ever penetrated her vagina. (see Sergeant Stangeland's supplemental report for further)</p> <p>I asked the suspect if he could write down what happened in his own words. The suspect agreed. (see attached letter). (EV-1)</p> <p>Based on the above I Arrested the suspect for the indicated charge with the approval of LT. Stanley. The suspect was transported and booked at ELA by Deputy Carrillo.</p>		

I provided the victim with the LASD "Sexual Assault" and "Vine" pamphlets and a report memo.  
 I contacted Detective Carlin of the Special victims bureau at 2300 hours. He asked me to fax him a copy of the report.

\* \* \*

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	
PROBABLE CAUSE DETERMINATION (DECLARATION)	
Location Booked: ELA	Booking No.: 003899953
Arrestee/Suspect (Last, First, Middle): TEKOH, TERRENCE	Arrest File No.: 014-00467-8547-129  DOB: * * *

\* \* \*

Booking Charge(s): 289(d) P.C – Sexual Penetration by Foreign Object	Misdemeanor <input type="checkbox"/> Felony <input checked="" type="checkbox"/>	Supplemental Holds/Warrants Charges: N/A
--	--	--

Date/Time of Arrest: 03/19/14 — 2030 HOURS		48 Hour Expiration Date and Time: 03/21/14 — 2030 HOURS	
Arresting Agency/Division: LASD/CSB/LAC-USC		Arresting Officer(s): Vega	Employee No.: 470584
Supervisor(s) Approving: LT. STANLEY	Employee No.: 234258	Date/Time: 031914 2130	Contact Phone No.: 213 974-8000
Facts establishing elements of offense(s)/violation(s). Information identifying/connecting arrestee/suspect by name with the violation(s) listed.			
<p><b>THE SUSPECT ADMITTED TO SPREADING THE VICTIM'S LEGS AND PENETRATING THE VICTIM'S VAGINA WITH HIS FINGERS</b></p> <p><input type="checkbox"/> See attached reports incorporated herein by reference</p> <p>I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.</p>			

Executed on 03/19/14 2130 HOURS in the County of Los Angeles, California.  
(date) (time)  
DEPUTY VEGA DEPUTY VEGA #470584  
(Signature) (Print Name) (Employee No.)

\* \* \*

JA-456

[Jury Trial Exhibit 4:  
Mr. Tekoh's Handwritten Statement]

0815 HRS 3/19/14  
#014-00467-8547-129  
TERRENCE TEKOH  
#3899953

To who it may concern,

This is an honest and regrettable apology from me about what happened a few hours ago. ~~It was~~ I don't know what suddenly came over me, but it was certainly the most weakest moement I've ever been caught up with in my life. I've never ever found myself doing such a despicable act. ~~and I am~~ I don't think this is an excuse but I'm single and currently don't have a girlfriend and became very excited after i first saw her vagina accidentally. So after dropping her off, I decided to go further by woking and spreading her vagina lip for a quick view and then went back to my duty post with the intention of masturbating which I never did.

[illegible]

WITNESS

Deputy Vega #470584