

1 (End of discussion at sidebar.)

2 THE COURT: Members of the jury, in terms of  
3 scheduling, it's entirely possible this case will go to you  
4 tomorrow for deliberation. I'm not promising that. It's  
5 possible. So I'd like all of you to make arrangements so  
6 that you can stay later than 2:30 tomorrow if you have to  
7 deliberate later than that. I don't want to spring it on you  
8 at the last minute and you haven't had a chance to make  
9 arrangements. So at this point, it appears the case will go  
10 to you tomorrow. Make your arrangements so that you're able  
11 to stay here into the late afternoon, early evening if  
12 necessary.

13 All right. Mr. Marchesi, call your next witness.

14 MR. MARCHESI: Call Chad Wilmot, please.

15 THE CLERK: Do you solemnly swear that the  
16 testimony you shall give in the matter now in hearing shall  
17 be the truth, the whole truth, and nothing but the truth, so  
18 help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please be seated, state your name, and  
21 spell your last name for the record.

22 THE WITNESS: Chad Wilmot, W-i-l-m-o-t.

23 CHAD WILMOT, having been duly sworn, was examined and  
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MARCHESI:

2 Q Mr. Wilmot, how are you presently employed?

3 A With the Ellsworth Police Department.

4 Q And where was your prior employment?

5 A With the Hancock County Sheriff's Department.

6 Q And what did you do for the sheriff's department?

7 A Worked full-time corrections and part-time as a deputy  
8 sheriff.

9 Q When did you start working there in corrections?

10 A February of 2000.

11 Q And had you worked in corrections before that?

12 A No, I had not.

13 Q Did you have some training when you started working  
14 there?

15 A From Lieutenant Terry Robertson, yes.

16 Q Were you provided with the policies and procedures of  
17 the Hancock County Jail?

18 A Yes, I was.

19 Q Were you expected to learn those and know those?

20 A Yes.

21 Q And were you also trained at the Maine Criminal Justice  
22 Academy?

23 A Yes, I was.

24 Q What was the training that you received there, sir?

25 A I'm not sure if you're -- as far as corrections?

1 Q Yes, sir.

2 A It was the full-time academy for corrections.

3 Q And how long was that? Do you remember?

4 A Two weeks, I believe.

5 Q And did you successfully complete that course?

6 A Yes, I did, number one in my class.

7 Q As far as the training that you got at the jail, did  
8 some of that training deal with issues of searching people  
9 who were being booked into jail?

10 A Yes.

11 Q Were there different types of searches that you were  
12 trained in?

13 A Yes.

14 Q What were those?

15 A Pat search, clothing search, and strip search.

16 Q What's pat search?

17 A Pat search is upon arrival at the facility it's an  
18 outer patting of the clothes to find any weapons or  
19 contraband.

20 Q And what were you trained in terms of what a clothing  
21 search is?

22 A A clothing search is strictly a search of the clothes  
23 themselves.

24 Q And how do you conduct a clothing search based on your  
25 training?

1 A Based on my training, we'd ask for the shirt, fully  
2 inspect the shirt, ask for the shoes, fully inspect the  
3 shoes, socks, pants, underwear, and then they would get into  
4 the shower.

5 Q What is it that you are looking for when you're doing  
6 that search?

7 A Any type of contraband hidden in the clothes.

8 Q Are you -- what -- what are you searching to look for  
9 the contraband?

10 A Searching clothes.

11 Q And how long is the person fully disrobed in front of  
12 you?

13 A From the time that he takes his last piece of clothing  
14 off until he steps into the shower, no more than a few  
15 seconds.

16 Q Do you recognize Defendants' Exhibit 1?

17 A Yes.

18 Q What is that, sir?

19 A That's the apron for the shower.

20 Q The curtain?

21 A Curtain.

22 Q And was there ever a different curtain in the shower in  
23 the nurse's station in booking when you worked there?

24 A Not to my recollection.

25 Q When an inmate got in there behind that, could you see

1 their genitals while they were showering?

2 A No.

3 Q Did I ask you what a strip search was? I don't believe  
4 so.

5 A No, you didn't.

6 Q Could you tell us what a strip search is, please?

7 A A strip search is after you've gone through all their  
8 clothes, you do a physical search of the body by having them  
9 run their hands through their hair, open their mouth, check  
10 their ears, have them lift their arms, and then have them  
11 lift their genitals, and then bend over, spread their  
12 buttocks, and cough.

13 Q Now, does everybody who comes into the jail get pat-  
14 searched?

15 A Yes.

16 Q Does everybody who comes into the jail get clothing-  
17 searched?

18 A If they're going to remain there, yes.

19 Q What do you mean by if they're going to remain there?

20 A Well, if they're going to bail out, then normally we  
21 have -- they just kept them in a secure holding cell in  
22 booking. They were pat-searched and placed in there after  
23 they were booked. If they were going to be bailing out,  
24 they'd stay right there. If they were going to be spending  
25 the night or waiting to go to court, then they would be

1 clothing-searched and placed inside the facility.

2 Q And was everybody strip-searched?

3 A The only ones that were strip-searched upon entering  
4 the facility would be people that were already sentenced, or  
5 anybody that was believed to have contraband on them, or  
6 anybody that was charged with a felony.

7 Q So if somebody was charged with a misdemeanor, did they  
8 or didn't they get strip-searched?

9 A No, they got clothing-searched.

10 Q Would there be any time you would strip-search someone  
11 who was charged with a misdemeanor?

12 A If they had probable cause to believe that the inmate  
13 was going to be carrying some sort of contraband into the  
14 facility.

15 Q Okay. I'm going to show you some documents. I'm going  
16 to give you --

17 MR. MARCHESI: Are Joint 7 and Defendants' 20 here?

18 THE CLERK: What was the first one?

19 MR. MARCHESI: Joint 7.

20 THE CLERK: 27?

21 MR. MARCHESI: 7.

22 THE CLERK: 7. I'm sorry. No.

23 THE COURT: Joint 7 has not been admitted. That  
24 was 7-A.

25 MR. MARCHESI: Okay. But 20 is, and Defendants' 12

1 I don't believe.

2 THE CLERK: It is.

3 MR. MARCHESI: It is. Okay.

4 BY MR. MARCHESI:

5 Q I'm going to show you Defendants' Exhibit 12, which is  
6 in evidence. Can you tell us what that document is?

7 A That's the main booking sheet for Mr. Wood.

8 Q On what date?

9 A On -- I'm searching for it -- 7/10/01.

10 Q I show you Joint Exhibit 7. Can you tell us what that  
11 document is?

12 A That would be the booking summary sheet for Mr. Wood on  
13 that date.

14 Q I'm going to show you Defendants' Exhibit 20. Can you  
15 tell me what that is?

16 A That would be the booking log for that date.

17 Q Can you tell by looking at that what shift that booking  
18 log is for?

19 A This would be for the evening shift.

20 Q Looking at Defendants' Exhibit 12, do you see your name  
21 on there?

22 A Yes, I do.

23 Q And who is the person that would normally fill that  
24 document out?

25 A The booking officer.

1 Q And looking at that document, can you tell who the  
2 booking officer was at that time?

3 A That would have been myself.

4 Q And looking at Joint Exhibit 7, is that document from  
5 the inmate file?

6 A Yes, it is.

7 Q Can you tell who filled that document out?

8 A I did.

9 MR. MARCHESI: I move for the admission of Joint 7,  
10 Your Honor.

11 THE COURT: Any objection?

12 MS. COLLIER: Only a question, Your Honor. Is that  
13 not the same as 7-A?

14 THE COURT: I think 7-A is the original?

15 MR. MARCHESI: That's correct.

16 MS. COLLIER: It's just a copy of the same thing.  
17 No objection.

18 THE COURT: All right. It's admitted without  
19 objection.

20 BY MR. MARCHESI:

21 Q You filled out Joint Exhibit 7?

22 A The computerized part of it?

23 Q Yes.

24 A Yes. The handwritten part, no.

25 Q Okay. The handwritten part is dated the following day;

1 is that right?

2 A Correct.

3 Q Can you tell by looking at that document who booked Mr.  
4 Wood into the jail on that date?

5 A I did.

6 Q Can you tell by looking at that document what type of  
7 search you did?

8 A Clothing search.

9 Q There's evidence in this case that you booked Mr. Wood  
10 in, and you made him go through the whole strip-search  
11 procedure, except for bending over and exposing his buttocks.  
12 Do you know whether or not you did that?

13 A No, I did not.

14 Q How do you know that?

15 A I do remember Mr. Wood coming in on the day that I  
16 booked him. I do remember he had an attitude when he came  
17 in. That's mainly the reason I remember him. Every time he  
18 did, he did have an attitude. But it was a normal -- normal  
19 run of the things. I went through the procedure, did a  
20 clothing search on him, and put him inside.

21 Q You're sure you didn't do a strip search?

22 A Positive.

23 MR. MARCHESI: That's all I have. Thank you, Your  
24 Honor.

25 THE COURT: Thank you, Mr. Marchesi. Cross-

1 examination?

2

CROSS-EXAMINATION

3 BY MS. COLLIER:

4 Q Officer Wilmot, when did you last work at the Hancock  
5 County Jail?

6 A Honestly I couldn't tell you. I don't know. I don't  
7 know when my last date of work was.

8 Q Now, everything that you did on the night of July 10th,  
9 2001, involving Mr. Wood, did you act in accordance with what  
10 you understood to be the policies, practices, or customs of  
11 the Hancock County Jail?

12 A I followed the procedures and policies of the Hancock  
13 County Jail, yes.

14 Q Now, with respect to the search of the clothing that  
15 you did of Mr. Wood, you took Mr. Wood into the medical room  
16 or what's called the nurse's room --

17 A Nurse's station.

18 Q -- to do that?

19 A Yes, ma'am.

20 Q Okay. And you asked Mr. Wood to take off all of his  
21 clothing?

22 A One item at a time.

23 Q And did you ask him to hand those items to you?

24 A Yes.

25 Q And did you observe Mr. Wood during the time that you

1 asked him to give you his clothing?

2 A We were in sight contact, yes.

3 Q You maintained eye contact with him?

4 A Yes.

5 Q And, of course, maintained eye contact with his person,  
6 as well as his --

7 A Yes.

8 Q Okay. So you would agree that this was a time during  
9 which you were observing Mr. Wood's person, as well as  
10 checking the clothing?

11 A You're going to maintain eye contact, and you're going  
12 to maintain a visual of him for officer safety reasons. Yes,  
13 you are going to be in the same room with them, and you are  
14 going to be asking them to take off a piece of clothing at a  
15 time. You are going to be physically inspecting the clothes,  
16 not the person.

17 Q But when you say you're going to maintain a visual on  
18 them, you mean that you're going to maintain a visual of  
19 their body while they're in the process of disrobing,  
20 correct?

21 A Yes.

22 Q Okay. You're not trained to look away while they're in  
23 that process?

24 A No, that would be an officer safety issue.

25 Q Okay. And once the individual, in this case Mr. Wood,

1 has removed all of his clothing, do you follow Mr. Wood into  
2 the shower area and keep him under observation while he's  
3 showering?

4 A Where I would -- where we normally stand and where he  
5 is is a matter of a few feet apart. We normally stand at the  
6 entrance to the actual shower area where there's a partial  
7 partition, and then the shower is behind the partition. That  
8 way we can keep a visual on the inmate and then get his  
9 clothes, and then he turns around and goes into the shower.

10 Q So it's your answer that you do maintain surveillance  
11 of the individual, in this case Mr. Wood, during the time  
12 he's actually showering?

13 A We do maintain -- yes, we are -- we're -- yes, we do  
14 maintain a visual on them. We're not physically inspecting  
15 them, having them raise their arms or anything like that, and  
16 we're also bringing clothes and a towel so that they can dry  
17 off and change up when they get out of the shower.

18 Q And when you in this -- you say you do have a clear  
19 memory of Mr. Wood that night?

20 A Yes, I remember Mr. Wood coming in, yes.

21 Q And you've had a chance to look at these documents --  
22 Defendants' 20, Defendants' 12 -- that have your name on  
23 them, correct?

24 A Yes.

25 Q And you had a chance to talk to Mr. Marchesi about your

1 testimony here today?

2 A Other than on the telephone briefly, no, we haven't sat  
3 down and talked.

4 Q You did talk to him about what happened that night and  
5 what you were going to testify to?

6 A Well, yes, actually, we did have a couple meetings a  
7 couple weeks ago or something along those lines.

8 Q How many -- well, strike that.

9 Is it your recollection that during the time period in  
10 question and specifically take July 10th, 2001, at any given  
11 time, you had approximately 45 to 50 inmates at the Hancock  
12 County Jail?

13 A Oh, could be. I -- I'm not -- I'd have to look at  
14 records to find out how many we had in there that day.

15 Q And you have people coming in -- inmates, that is,  
16 coming in and going out at all times of the day?

17 A Yes.

18 Q People being discharged, people being let out on bail?

19 A Hm-hmm.

20 Q People being arrested --

21 A Yes.

22 Q -- coming in? Okay. Can you estimate for the jury  
23 about how many inmates came into the jail, let's say, July  
24 10th, 2001?

25 A If I can take a look at that, I can probably get a

1 pretty good estimate of who came in when.

2 Q Okay. And that is the --

3 A That'd be the booking log.

4 Q The booking log. Okay. You may have it there, sir.

5 Is it Defendants' 20?

6 A Yes, ma'am.

7 Q Do you have it? All right. Would you take a look at  
8 that?

9 A (Witness looking at exhibit.) There'd be approximately  
10 eight people in and out of the facility that day while I was  
11 in the booking room.

12 Q Okay. And on the third page of that document, if I  
13 could -- if I could ask you to look at that for me. Again,  
14 this is the booking log for July 10th, 2001. Doesn't the log  
15 indicate that you did not book Mr. Wood, but, in fact, TBR,  
16 who I believe we understand to be Troy Richardson, booked Mr.  
17 Wood?

18 A (Witness looking at exhibit.) No, I would have had to  
19 have -- if I signed it, I would have had to have booked him.

20 Q Well, you're looking at a different piece of paper,  
21 aren't you?

22 A Well, I'm looking at the booking log on January 10th --  
23 or I'm sorry -- July 10th.

24 Q Hm-hmm. Are you looking at Defendants' Exhibit 20?

25 A Yes, I am.

1 Q And am I reading that right? Isn't that what this log  
2 indicates, that Sergeant Richardson booked Mr. Wood?

3 A This is an entry log that said that, 9:40 at night,  
4 Officer Rivers from Bar Harbor PD here with Geoffrey Wood,  
5 his date of birth, 10-46 for a violation of a protection  
6 order. Warrants check was negative by Sergeant Richardson.  
7 That was his writing in the booking log. That would not  
8 indicate what -- who booked him.

9 Q If I suggested to you that Captain Hannan testified  
10 that that did indicate that it was Mr. Richardson and not  
11 yourself who booked him, you'd disagree with that?

12 A Well, if I signed the booking -- the booking sheets, I  
13 would have done the booking. Mr. Richardson might have done  
14 the -- actually typed in the log, but he wouldn't have done  
15 the booking. If I put -- if I signed the booking, I did the  
16 booking.

17 Q Is the booking log maintained by the booking officer?

18 A Yes, it is for the most part, but generally, sometimes  
19 we do have other officers come in and fill information in if  
20 someone has -- we're busy up-front.

21 MS. COLLIER: Excuse me just a moment.

22 A Wait a minute. I'm sorry. I read this wrong.

23 THE COURT: Just wait for another question.

24 BY MS. COLLIER:

25 Q Officer, I'm just very confused. On Defendants'

1 Exhibit 20, this is the booking log for the afternoon and  
2 into the evening of July 10th, 2001; am I correct?

3 A Yes, it is.

4 Q All right. And in the middle of this -- top of this  
5 document, does it not indicate that your shift ended --

6 A Yes, it did.

7 Q -- at 3:15 that afternoon?

8 A Correct, yes. I was looking at the pages, not the  
9 actual hours up top.

10 Q Okay. And isn't it your understanding that Mr. Wood  
11 was brought into the jail the evening of July 10th, 2001?

12 A That's what it indicates, yes.

13 Q You weren't even there, were you?

14 A Evidently not.

15 MS. COLLIER: I have no further questions.

16 THE COURT: Thank you, Ms. Collier. Mr. Marchesi?

17 REDIRECT EXAMINATION

18 BY MR. MARCHESI:

19 Q Did you sign the booking sheet?

20 A Yes, I did.

21 Q Defendants' Exhibit 12?

22 A Yes, I did.

23 Q Would you sign the booking sheet if you didn't do the  
24 booking?

25 A No, I would not have.

1 Q Who booked Mr. Wood?

2 A I would have if I signed it.

3 MR. MARCHESI: That's all I have. Thank you,  
4 Judge.

5 THE COURT: Thank you, Mr. Marchesi. Anything  
6 else, Ms. Collier?

7 MS. COLLIER: No, Your Honor.

8 THE COURT: Thank you. You may step down. Just  
9 leave everything there.

10 A Thank you.

11 THE COURT: Thank you very much.

12 (The witness left the witness stand.)

13 THE COURT: All right. Is next the video? All  
14 right.

15 MR. MARCHESI: I've got to set the machine up, I  
16 think.

17 THE COURT: Yeah, I think. The next item of  
18 testimony in this case is a videotape of someone's testimony,  
19 members of the jury. In view of the fact that we'd have to  
20 set up the equipment and then bring you back in here and  
21 start it, you'd only watch a few minutes of it before I sent  
22 you home at 2:30. So unless anyone on the jury violently  
23 objects, I'm going to let you go home early. Tomorrow we're  
24 going to have a much longer day, I suspect. So, again, make  
25 your arrangements.

1           I want to remind you not to reach any conclusions or  
2 even start to think about reaching any conclusions. You're  
3 far from having heard all of the evidence in this case. Keep  
4 an open mind. Don't discuss this case. I don't know if  
5 there's going to be any print or television or radio  
6 publicity about what's happened in the courtroom. It's very,  
7 very important that you not watch or listen or read any of  
8 that because everybody in this case is -- is entitled to have  
9 your decisions based upon what you've heard from the witness  
10 stand or from the exhibits and from nothing else. That  
11 wouldn't be right, and it isn't legal either. So don't  
12 discuss this case with anyone and certainly don't discuss it  
13 with your fellow jurors.

14           Tomorrow morning I'm going to try to start right on the  
15 button so we can move along with the presentation of  
16 evidence. And with that, I'll excuse you for the day and  
17 thank you for your work. The jury's excused.

18           (Jury exited at 2:16 p.m.)

19           THE COURT: All right. Counsel, tomorrow morning  
20 make sure that at 8:30 your equipment is set up, and we're  
21 ready to go. All right. We're in recess.

22           (Proceedings concluded at 2:16 p.m.)

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CERTIFICATION

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

Julie G. Edgecomb  
Julie G. Edgecomb, RMR, CRR  
Official Court Reporter

June 2, 2003  
Date