

**In The Matter Of:**  
*MANN v.*  
*CITY OF URBANA POLICE*

---

*TIMOTHY SEATON*  
*February 26, 2019*

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF ILLINOIS  
3 URBANA DIVISION

4 BENJAMIN MANN, )  
5 Plaintiff, )  
6 vs. ) No. 17-cv-2300  
7 CITY OF URBANA POLICE OFFICERS )  
8 JENNIFER DIFANIS, et al., )  
9 Defendants. )

10  
11  
12  
13  
14 DEPOSITION OF TIMOTHY SEATON  
15 CHAMPAIGN, ILLINOIS  
16 FEBRUARY 26TH, 2019  
17 10:00 A.M.

18  
19  
20 Jill Nicole Stevens: CSR # 084-004212  
21 Area Wide Reporting and Video Conferencing  
22 301 West White Street  
23 Champaign, Illinois 61820  
24 (800) 747-6789  
25

Page 3

1 STIPULATION

2  
3 IT IS HEREBY EXPRESSLY STIPULATED AND  
4 AGREED by and between the parties that the  
5 deposition of TIMOTHY SEATON may be taken on  
6 FEBRUARY 26TH, 2019, at the Law Offices of Heyl,  
7 Royster, Voelker & Allen, 301 North Neil Street,  
8 Suite 505, Champaign, Illinois, pursuant to the  
9 Rules of the Federal Court and the Rules of Federal  
10 Procedure governing said depositions.

11  
12 IT IS FURTHER STIPULATED that the  
13 necessity for calling the Court Reporter for  
14 impeachment purposes is waived.

15  
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2 APPEARANCES:

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25

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17 EXHIBITS:	DESCRIPTION	PAGE
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19 9	Photograph (Urbana 90)	23*
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21 28	Difanis Report (Mann 110-112)	41*

22 \*Retained by Counsel

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1 10:00 a.m.

2 TIMOTHY SEATON,

3 having first been duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. SMITH:

6 Q. Good morning again, Mr. Seaton. My name  
7 is Brian Smith. I represent the Defendants in a  
8 lawsuit filed by Benjamin Mann against various City  
9 of Urbana police officers, the City of Urbana itself  
10 as well as a University of Illinois police officer.  
11 On the phone is Mr. Mann's attorney and I want to  
12 start by just asking you to state and spell your  
13 name for the record.

14 A. Timothy Seaton; that's S-e-a-t-o-n.

15 Q. Great. And have you ever testified  
16 before?

17 A. No.

18 Q. All right. There are a few things that  
19 I'll explain as far as ground rules go that will  
20 probably make this process go more quickly.

21 First, as you know, there's a court  
22 reporter taking down everything that's being said so  
23 it's important that we do a few things with that;  
24 one, that your answers be out loud, yeses and nos  
25 instead of uh-huhs or huh-uhs or nods or shakes of

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1     **A. No.**  
 2     Q. Apart from those two occasions, do you  
 3 recall any other times where police came to  
 4 Apartment <sup>Redacted</sup> while Samantha Wade and/or Ben Mann  
 5 were living there?  
 6     **A. Those were the only two incidents I am**  
 7 **aware of.**  
 8     Q. Okay. Are you aware of a time in -- well,  
 9 let me ask you this. In May of 2018, were you  
 10 living in -- at <sup>Redacted</sup> Apartment <sup>Redacted</sup>?  
 11     **A. Yes.**  
 12     Q. And do you recall whether Benjamin Mann  
 13 was living in the apartment in May of 2018?  
 14     **A. I suggest this is a complicated answer as**  
 15 **I am aware that he's never been on the lease, so the**  
 16 **statement of him living there is conditional. He's**  
 17 **resided there, but he's never legally lived there.**  
 18     Q. Okay. Well, so let's define our terms.  
 19 So, we can use yours, "reside." By that I mean  
 20 where he often sleeps at night and --  
 21     **A. Yeah.**  
 22     Q. -- has his toothbrush.  
 23     **A. Yeah, he's there.**  
 24     Q. Is he still there?  
 25     **A. He appears at times at random.**

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1     Q. When -- do you -- well, back up. I assume  
 2 you know who Mr. Benjamin Mann is.  
 3     **A. Yes.**  
 4     Q. And when did you first meet him?  
 5     **A. Probably a couple months before the first**  
 6 **incident.**  
 7     Q. So, when we say the first incident, we are  
 8 talking about March 19, 2017, correct?  
 9     **A. Yes.**  
 10     Q. So, sometime in the December, January,  
 11 February 2017 range?  
 12     **A. Sounds correct.**  
 13     Q. All right. And tell me about that first  
 14 meeting.  
 15     **A. Yeah, the first time I met Ben, he**  
 16 **attempted to do what I have observed in many people;**  
 17 **he acted as if he knew me and came to me as if he**  
 18 **was a bit too close of a friend for the fact of**  
 19 **being that I didn't know him.**  
 20     Q. And how long did this interaction last?  
 21     **A. Oh, probably 10 or 15 minutes.**  
 22     Q. And where was it at?  
 23     **A. In the parking lot.**  
 24     Q. What was discussed?  
 25     **A. Other than him introducing himself and me**

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1     **introducing myself, I really don't remember the**  
 2 **details of that conversation.**  
 3     Q. Okay. Did you know who he was before you  
 4 met him?  
 5     **A. Nope.**  
 6     Q. Do you smoke?  
 7     **A. Yes.**  
 8     Q. And to your knowledge, does Mr. Mann  
 9 smoke?  
 10     **A. I believe so, yeah. I have seen him**  
 11 **smoke.**  
 12     Q. Do you smoke inside or outside your  
 13 apartment?  
 14     **A. Either/or.**  
 15     Q. Either/or? Do you ever take smoke breaks  
 16 at the same time -- outside at the same time  
 17 Mr. Mann does?  
 18     **A. Very rarely.**  
 19     Q. Have you had any conversations with him  
 20 about the March 19, 2017 incident?  
 21     **A. Yes, I did.**  
 22     Q. Tell me about that.  
 23     **A. Well, let's see. Ben claimed that the**  
 24 **police had harassed him and abused him and I pretty**  
 25 **much was trying to be neighborly and went along with**

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1     **him about his statements as far as I could. He did**  
 2 **recount a lot of the events, most of the same**  
 3 **material I will have to give you, but when he**  
 4 **insisted that the police had sort of abused him or**  
 5 **come to him aggressively, I actually stopped him and**  
 6 **said, "Hey, man, you know I was standing there**  
 7 **watching that the whole time, right? So, I mean,**  
 8 **you know, you can lie to yourself about, you know,**  
 9 **what happened, but don't lie to me because I was**  
 10 **standing there, you know. I watched the whole**  
 11 **thing." And he was not too happy about that. He**  
 12 **said something to the effect of, "I'm very sorry you**  
 13 **believe that."**  
 14     Q. What was it that you believed Mr. Mann to  
 15 be lying about?  
 16     **A. Well, when the officers approached him**  
 17 **after the incident, him and Samantha both attacked**  
 18 **the police officers, laying in with a balled-up**  
 19 **fist.**  
 20     Q. Okay. Anything else that you believe he  
 21 lied about concerning that March 19, 2017 incident?  
 22     **A. Yes. Actually, I will go one further. In**  
 23 **my very honest conversation him and I were having**  
 24 **after that incident, I said to him something to the**  
 25 **effect of, "Well, sometimes when we get drunk or**

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1 intoxicated, we do things we wouldn't normally do,"  
2 and Ben insisted that he was not intoxicated when  
3 this happened and I said that I couldn't hardly  
4 believe that given how belligerent him and Samantha  
5 were at this time.  
6 Q. Okay. Do you remember when this  
7 conversation took place?  
8 A. It probably took place within a week after  
9 the incident.  
10 Q. Okay. So, still in March of --  
11 A. Yeah.  
12 Q. -- 2017? We'll talk about the incident,  
13 what you observed more in detail in a minute, but  
14 before we do, did you have any other conversations  
15 with Mr. Mann concerning the March 27 (sic)  
16 incident, other than the one you just described?  
17 A. I don't believe so.  
18 Q. Okay. So, a second incident that we're  
19 going to talk about is July 30, 2017. Between this  
20 conversation that you just described in late March  
21 of 2017 and July 30, 2017, do you recall any other  
22 conversations with Mr. Mann?  
23 A. No.  
24 Q. Do you recall seeing him from time to time  
25 in the apartment complex?

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1 A. I am certain that I did.  
2 Q. Okay. To the best of your knowledge, was  
3 he still living at <sup>Redacted</sup> during that time or  
4 residing --  
5 A. Yes.  
6 Q. -- at <sup>Redacted</sup> during that time?  
7 A. Yes.  
8 Q. So, July 30, 2017 was another incident and  
9 this time one where you called the police, correct?  
10 A. Yes.  
11 Q. Following that incident, did you have any  
12 conversations with Ben Mann?  
13 A. Yes.  
14 Q. When was that conversation?  
15 A. A couple days after that incident, Ben  
16 stopped me.  
17 Q. And where did he stop you?  
18 A. The parking lot.  
19 Q. Okay. And what did he say after he  
20 stopped you?  
21 A. May I swear during this?  
22 Q. Yeah. It is what it is.  
23 A. Ben said that I was nothing but "a slob, a  
24 fat fucking slob."  
25 Q. Did he expound on why he thought that?

Page 19

1 A. Yes, he clearly blamed me for his arrest.  
2 Q. Okay. Did he -- did you say anything in  
3 response?  
4 A. I was extraordinarily calm during this and  
5 my response was something to the effect of -- I  
6 can't remember verbatim what I said, but I  
7 basically -- he was, I felt, trying to antagonize me  
8 into getting into it with him, so to speak, and I  
9 basically was just not going to do it so I just let  
10 the punches roll over my head and I went into the  
11 apartment.  
12 Q. Okay. Didn't take the bait?  
13 A. Exactly. He -- I felt that he was trying  
14 to bait me in some way.  
15 Q. How long did this conversation last?  
16 A. Oh, probably just about one minute.  
17 Q. Did you have any other conversations with  
18 Mr. Mann following the July 30th incident?  
19 A. No.  
20 Q. Okay. Between this interaction in the  
21 parking lot that you just described and today, have  
22 you had any interactions or communications with  
23 Mr. Mann?  
24 A. Other than just the occasional passing by,  
25 hello, trying to be cordial neighbors and that, no.

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1 Q. Did Mr. Mann say anything in that parking  
2 lot conversation to you about what he believes  
3 happened on the night of July 30th, 2017?  
4 A. Nope.  
5 Q. Have you had any conversations with  
6 Mr. Mann regarding any lawsuits?  
7 A. He told me that he had sued the City of  
8 Champaign and that he was going to do the same to  
9 Urbana.  
10 Q. When did he tell you that?  
11 A. A short time after the second incident. I  
12 cannot specify exactly when he said that.  
13 Q. Okay. Do you think it was in the same  
14 conversation that you had in the parking lot or is  
15 this separate?  
16 A. It seems to me that this was at a separate  
17 time.  
18 Q. Okay. So, let's talk more specifically  
19 about March 19, 2017. I think we have already  
20 established that you were living at <sup>Redacted</sup> ,  
21 Apartment <sup>Redacted</sup> , in Urbana, correct?  
22 A. Yes.  
23 Q. And your neighbors directly above you were  
24 Samantha Wade and Ben Mann?  
25 A. Yes.

Page 21

1 Q. And you were, if I have got my dates  
2 right, employed at the time with Save-A-Lot?  
3 A. **Yes.**  
4 Q. And where were you that evening?  
5 A. **In my apartment.**  
6 Q. How long had you been there?  
7 A. **I had probably been there for the whole**  
8 **evening at that point.**  
9 Q. Do you recall about what time of day it  
10 was that you first became aware of an incident  
11 outside the apartment?  
12 A. **I don't remember the hour of the day, but**  
13 **I remember it was shortly before the sunset. It was**  
14 **still sunlight, but headed towards later evening.**  
15 Q. Okay. Now, at some point you called the  
16 police that evening, correct?  
17 A. **Yes.**  
18 Q. And why did you do that?  
19 A. **Because three men had approached Ben and**  
20 **Samantha at that point and began attacking them.**  
21 Q. So, we've got three men. Did you  
22 recognize any of those three?  
23 A. **No, huh-uh.**  
24 Q. What were they wearing?  
25 A. **They were all dressed in dark clothing,**

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1 **mostly black clothing.**  
2 Q. Any of them wearing masks?  
3 A. **No, no masks.**  
4 Q. We're going to pick up with the three  
5 individuals in a minute. I had asked you why you  
6 called the police and you said the three men.  
7 Before that, how long had you been observing what  
8 was happening in the parking lot?  
9 A. **Oh, probably for five minutes.**  
10 Q. Okay. So, what first drew your attention  
11 to the parking lot?  
12 A. **I could hear a girl cussing loudly.**  
13 Q. Okay. And so I assume then that you went  
14 to the window to find out what was going on.  
15 A. **Yes. Initially I tried to ignore it.**  
16 **It's not uncommon for people to be loud and**  
17 **boisterous in the neighborhood. However, once it**  
18 **went on for a bit, I decided to look out my window.**  
19 **That's where I saw a girl aimed at somebody, facing**  
20 **somebody, cursing and swearing. I could hear**  
21 **cursing and swearing coming back, but until I had**  
22 **moved over to the living room window, I didn't know**  
23 **for sure that it was Ben and Samantha on the other**  
24 **end --**  
25 Q. Okay.

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1 A. **-- of that conversation.**  
2 Q. So, after you moved over to the living  
3 room window, how many people did you see?  
4 A. **Then you've got three people, Ben,**  
5 **Samantha and the girl that they're getting into it**  
6 **with.**  
7 Q. And this -- the girl that they're getting  
8 into it with, is she the one that was cussing?  
9 A. **Yes.**  
10 Q. Okay. And can you describe her for us.  
11 A. **She was African American, she looked like**  
12 **she was in her early to mid 20s, seem to remember**  
13 **that she had long hair. Beyond that, I don't**  
14 **remember much detail.**  
15 Q. Let's see if I can do this without  
16 knocking everything over. I'm going to show you  
17 what has previously been marked as Exhibit Number 9.  
18 Do you recognize the individual depicted in that  
19 photograph?  
20 A. **I cannot --**  
21 **MR. ADEEYO:** Counsel, can I have the Bates  
22 numbers, please.  
23 **MR. SMITH:** It's Exhibit 9. It's Urbana  
24 90.  
25 **MR. ADEEYO:** Thank you.

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1 **THE WITNESS:** Are you asking me if she is  
2 the one that I saw at the incident?  
3 **BY MR. SMITH:**  
4 Q. Well, actually, right now I'm just asking  
5 if you recognize her at all.  
6 A. **Yeah, no.**  
7 Q. And so I assume then that it follows that  
8 you don't recognize her to be the person at the  
9 incident.  
10 A. **I can't say that she affirmatively is, no.**  
11 Q. Don't know one way or the other; is that  
12 fair?  
13 A. **That is fair.**  
14 Q. So, you saw three individuals, two of whom  
15 you identified as Samantha Wade and Ben Mann, and  
16 the -- did you know them by name at that point,  
17 Samantha Wade and Ben Mann?  
18 A. **I believe so, yeah. I knew their names at**  
19 **that point, yeah, yes.**  
20 Q. And then the third individual, which you  
21 described as an African American woman in her early  
22 to mid 20s with long hair, correct?  
23 A. **Yes.**  
24 Q. All right. Tell me, when you first  
25 observed them, what did you see?

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1 Wade at that time, if you know?  
 2 **A. She was probably already in another squad**  
 3 **car.**  
 4 Q. Okay. You don't know?  
 5 **A. I don't know.**  
 6 Q. Okay. Do you remember what officers were  
 7 with Mr. Mann?  
 8 **A. I am not aware of what officers' names**  
 9 **were present.**  
 10 Q. Okay. Now, at some point, an officer came  
 11 to talk to you, correct?  
 12 **A. Yes.**  
 13 Q. And that was after the arrest had been  
 14 made?  
 15 **A. Yes.**  
 16 Q. And do you remember the name of that  
 17 officer?  
 18 **A. No.**  
 19 Q. Was it a male or a female?  
 20 **A. It was a female.**  
 21 Q. Does Officer Links sound familiar?  
 22 **A. Not specifically.**  
 23 Q. That's okay. I will hand you what's been  
 24 previously marked as Exhibit Number 18. This is  
 25 Mann 77 through 78. Go ahead and take a moment and

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1 look at that and tell me when you're finished.  
 2 (Pause.)  
 3 **A. Well documented.**  
 4 Q. Are you finished? Oh, not quite.  
 5 (Pause.)  
 6 **A. All right.**  
 7 Q. Okay. If you could take a look at Page 2  
 8 of 3, the fifth paragraph starts, "Timothy stated  
 9 the following information. . ." Do you see that?  
 10 **A. Stated that he called at this point and**  
 11 **believed that the incident could get out of control**  
 12 **quickly? Where are you at?**  
 13 Q. Right here. (Points.)  
 14 **A. All right.**  
 15 Q. Do you see that paragraph that says,  
 16 "Timothy stated the following information. . ."  
 17 **A. Yes.**  
 18 Q. Does the information contained in that  
 19 paragraph correctly depict the information that you  
 20 conveyed to Officer Links on March 19, 2017?  
 21 **A. Yes, I would say it's very accurate.**  
 22 Q. And then the following paragraph starts,  
 23 "Timothy stated that he called at this point. . ."  
 24 Is that also accurate as to what you told  
 25 Officer Links on March 19, 2017?

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1 **A. It is.**  
 2 Q. And then the final paragraph on Page 2, is  
 3 it accurate that after speaking with you,  
 4 Officer Links thanked you for your time and that she  
 5 returned to the parking lot?  
 6 **A. Yes, this is correct.**  
 7 Q. Thank you. Now, at any point, did you --  
 8 were you contacted further by any attorneys for the  
 9 State or for Mr. Mann with respect to this March 19,  
 10 2017 incident?  
 11 **A. Yes, at some point I got a call from a**  
 12 **gentleman claiming to be Ben's attorney and he**  
 13 **wanted to get my side of the story, which I gave him**  
 14 **over the phone at that time.**  
 15 Q. And when was this?  
 16 **A. Probably shortly after the incident.**  
 17 Q. Okay. Do you recall the name of that  
 18 attorney?  
 19 **A. No, I do not.**  
 20 Q. Did he say he was his criminal or civil  
 21 attorney?  
 22 **A. I do not remember.**  
 23 Q. Does the name Nathan, Shneur ring any  
 24 bells?  
 25 **A. Nope.**

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1 Q. Is there anything about the March 19, 2017  
 2 incident that you recall that we haven't discussed  
 3 already?  
 4 **A. No, it seems that we have covered the**  
 5 **entire situation.**  
 6 Q. Okay, good. And I think we already  
 7 established that after that incident and before the  
 8 July 30th incident, you only had one conversation  
 9 with Ben Mann, correct?  
 10 **A. Yes.**  
 11 Q. I want to turn your attention then to  
 12 July 30th of 2017. You were still living at <sup>Redacted</sup>  
 13 <sup>Redacted</sup> Apartment <sup>Redacted</sup>, correct?  
 14 **A. Yes.**  
 15 Q. And to the best of your knowledge, Ben  
 16 Mann and Samantha Wade were still residing at the  
 17 apartment above you in <sup>Redacted</sup>?  
 18 **A. Yes.**  
 19 Q. So, July 30, 2017, you called the police?  
 20 **A. Correct.**  
 21 Q. Tell me why you did that.  
 22 **A. I heard excessive noise coming from Ben**  
 23 **and Samantha's apartment which sounded as though**  
 24 **someone was being severely injured.**  
 25 Q. How do you know it was Ben and Samantha's

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1 apartment?

2 **A. Well, because they live above me.**

3 Q. Does anyone else live above you?

4 **A. No.**

5 Q. What is it that you heard?

6 **A. I could hear what sounded like physical**

7 **fighting; it sounded like somebody being thrown**

8 **around the room; it sounded like somebody being hit.**

9 **I could hear Samantha cry and whimper.**

10 Q. And you said -- how do you know it was

11 Samantha that was crying and whimpering?

12 **A. That's a fair question. It is possible**

13 **that it was not. I am going purely on audio. I**

14 **couldn't see anything, but it was most**

15 **disconcerting.**

16 Q. Okay. And what time of day was this?

17 **A. This was late at night. This was between**

18 **2:00 and 3:00 a.m., I believe.**

19 Q. And were you asleep when you first heard

20 it?

21 **A. Yes, I was asleep or trying to get to**

22 **sleep.**

23 Q. Okay. And how long was the -- were you

24 hearing things from the apartment above you before

25 you called the police?

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1 **A. This went on for 45 minutes before I**

2 **finally decided to call the police.**

3 Q. And when you called the police, what did

4 you communicate to them?

5 **A. What I just said, basically that it sounds**

6 **as though somebody was getting beat up or attacked**

7 **and I was concerned.**

8 Q. Had you ever heard anything like this

9 before from the apartment above you?

10 **A. Not from those two. We used to have some**

11 **rough guys that lived above us before them.**

12 Q. Okay. And you mentioned you have a

13 roommate, Mr. Henry, correct?

14 **A. Yes.**

15 Q. Was he in the apartment on this date?

16 **A. Yes.**

17 Q. And was he awake?

18 **A. No.**

19 Q. And did you ever have any conversations

20 with him, asking him whether he had ever heard

21 anything?

22 **A. I did and he said no.**

23 Q. So, did the police arrive after you

24 called?

25 **A. Yes.**

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1 Q. All right. Tell me what happened next.

2 **A. They went upstairs to ask Ben and Samantha**

3 **what was going on. Ben initially opened the door**

4 **partway and decided not to let them come in and**

5 **investigate, so he shoved the door closed on the**

6 **officer's foot and got him out of the apartment the**

7 **rest of the way.**

8 Q. How do you know that?

9 **A. I could make it out audio wise.**

10 Q. So, where were you at during the

11 interaction you just described?

12 **A. I was standing in the space of my doorway**

13 **directly underneath them.**

14 Q. Okay. So, help me understand how the

15 apartment is set up. You're standing -- when you

16 say standing in your doorway, are you saying

17 standing in your front door?

18 **A. So, if I'm standing in my front doorway, I**

19 **am in a sense standing in their front doorway down**

20 **one level.**

21 Q. And how are the -- where is the stairwell?

22 **A. The stairwell would be -- if I'm walking**

23 **out of my apartment, I'm looking at the stairwell.**

24 Q. Okay. Do you know how many officers were

25 on scene when that interaction happened where, as

Page 40

1 you described it, Mr. Mann shoved the door closed on

2 their foot?

3 **A. I believe there were between two and four**

4 **officers at that incident.**

5 Q. Did you recognize any of them?

6 **A. Other than in casual passing, I think that**

7 **I saw familiarity with -- a female officer was there**

8 **that maybe I had seen at Save-A-Lot, you know, but**

9 **I mean, I didn't really know who any of them were or**

10 **anything of that nature.**

11 Q. Okay. So, after the door was closed, what

12 happened next?

13 **A. A short time later, the cops broke in the**

14 **door and went into the apartment and it sounded like**

15 **they ended up taking Ben down in cuffs or something.**

16 **This is all a slight bit speculative because, again,**

17 **I am going off of pure audio.**

18 Q. Okay. Do you recall an officer coming to

19 speak with you that evening?

20 **A. Yes.**

21 Q. Do you remember the officer's name?

22 **A. No, but I do recall it was a female**

23 **officer.**

24 Q. Sergeant Difanis sound correct?

25 **A. Yeah.**

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1 Q. Now, you previously mentioned that Ben and  
2 Samantha attacked the police during that March 2017  
3 incident. Do you remember saying that?  
4 **A. Yes.**  
5 Q. Okay. So, describe how they attacked  
6 police.  
7 **A. Yes, when the police approached them, they**  
8 **immediately began pushing and shoving on the**  
9 **officers and also punching them, as in striking them**  
10 **with a balled-up fist.**  
11 Q. Did you see -- okay, let's start with  
12 Samantha Wade. How many times did she strike any of  
13 the officers?  
14 **A. Other than to simply say multiple times, I**  
15 **couldn't specify.**  
16 Q. What about Benjamin Mann? Can you specify  
17 the number of times he struck any of the officers?  
18 **A. No, other than the fact that it was**  
19 **repeatedly. That's as specific as I can give you.**  
20 **I didn't sit there and take count.**  
21 Q. So, as you were witnessing the pushing,  
22 the shoving and the strikes, were you looking out of  
23 your living room window?  
24 **A. Yes.**  
25 Q. Okay. Was Ryan Henry with you at any

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1 point as you were observing this incident?  
2 **A. No, he was not watching it with me. He**  
3 **was hiding in his bedroom because he was scared.**  
4 Q. But he was in the apartment?  
5 **A. Yes.**  
6 Q. To your knowledge, does his bedroom  
7 window -- could he see the incident from his bedroom  
8 window?  
9 **A. No.**  
10 Q. And he never joined you out in the living  
11 room to see what was going on?  
12 **A. No.**  
13 Q. As you say, Wade and Mann were attacking  
14 the officers. What were the officers doing in  
15 response?  
16 **A. They were trying their very damned best to**  
17 **cuff them and keep them under control.**  
18 Q. Did you -- were the officers' guns drawn  
19 at this point?  
20 **A. Yes.**  
21 Q. So, the officers were trying to cuff them  
22 while their guns were drawn?  
23 **A. No. That would not make sense. The**  
24 **officers that were physically putting on the cuffs**  
25 **were not also holding guns in their hands**

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1 **simultaneously, no.**  
2 Q. Okay. So, how many officers at that point  
3 did you see with their guns drawn?  
4 **A. I would probably say at least three or**  
5 **four of them had their guns out.**  
6 Q. And how many officers were attempting to  
7 arrest Wade at this point?  
8 **A. Probably between two and three as well.**  
9 Q. Were those same two or three officers also  
10 trying to arrest Mann at that point --  
11 **A. Yes.**  
12 Q. -- or were there different officers trying  
13 to arrest him?  
14 **A. Restate the question. You're not being**  
15 **very clear on that one.**  
16 Q. You previously stated that two or three  
17 officers were trying to arrest Wade at this point.  
18 **A. Yes.**  
19 Q. Were the same two or three officers trying  
20 to arrest Mann as well --  
21 **A. Yes.**  
22 Q. -- or was it a different set of officers  
23 trying to arrest Mann at this point?  
24 **A. Yes, it was a group effort in which they**  
25 **were trying to arrest both of them simultaneously.**

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1 Q. So, just so I'm clear, the same two or  
2 three officers were trying to arrest them both?  
3 **A. Yes.**  
4 Q. About how many officers would you say you  
5 saw on scene?  
6 **A. I'm guessing there were about eight, eight**  
7 **officers there approximately.**  
8 Q. You also mentioned that Mann and Wade were  
9 belligerent.  
10 **A. Yes.**  
11 Q. What do you mean by belligerent?  
12 **A. They were excessively swearing so much**  
13 **that it wasn't cohesive sentences that you were**  
14 **getting out of them.**  
15 Q. So, you were able to hear what they were  
16 saying to the officers?  
17 **A. Yes.**  
18 Q. Was your window open or closed at this  
19 point?  
20 **A. It was open.**  
21 Q. About how many feet would you say you were  
22 when you -- as you were looking out your window from  
23 Samantha, Ben and the officers?  
24 **A. Approximately 20 feet.**  
25 Q. And what did you overhear Ben and Samantha



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1 saying to the officers?  
 2 **A. I heard a lot of, "fuck, shit, bitch," and**  
 3 **words like that repeatedly said over and over again**  
 4 **without a cohesive sentence structure.**  
 5 Q. Did you hear Mann or Wade say, "You're  
 6 letting them get away."  
 7 **A. I don't remember that. I don't know.**  
 8 Q. Do you recall what any of the officers  
 9 were saying to Mann or Wade at that point?  
 10 **A. No.**  
 11 Q. Did you hear any of the officers yelling  
 12 at Mann or Wade?  
 13 **A. I would say that there was probably some**  
 14 **yelling.**  
 15 Q. Okay. But you couldn't hear what they  
 16 were -- what statements were actually being yelled?  
 17 **A. The only statement that I will give you is**  
 18 **that when the officers initially showed up and had**  
 19 **their guns drawn, I do believe they told them to put**  
 20 **their hands in the air or, you know, keep their**  
 21 **hands visible as oftentimes you hear. Other than**  
 22 **that, I didn't -- I don't have any specifics on**  
 23 **anything that was said.**  
 24 Q. Do you recall if it was a female or a male  
 25 officer who told them to put their hands in the air?

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1 **A. Seems to me that it was a male officer.**  
 2 Q. Now, when you heard Mann and Wade  
 3 excessively swearing, as you say, did they appear to  
 4 be intoxicated to you?  
 5 **A. Yes.**  
 6 Q. How so?  
 7 **A. By sheer nature of the fact that people**  
 8 **usually don't curse in such a pattern that is so**  
 9 **nonstop without having any sentence structure. To**  
 10 **me, it seemed like they were some kind of**  
 11 **intoxicated. It was -- it was so steady and went on**  
 12 **for so long and it was just so without making any**  
 13 **sense; no communication was really being made; it**  
 14 **was just all a jumbo of swearing.**  
 15 Q. Okay. So, based on these noncohesive  
 16 statements and jumble of swearing, that's what led  
 17 you to believe they were intoxicated?  
 18 **A. Yeah, it seemed so.**  
 19 Q. Did you see Mann or Wade drinking at any  
 20 point while you were looking out your window into  
 21 the parking lot?  
 22 **A. No.**  
 23 **MR. SMITH:** Let's take a quick -- let's  
 24 take a quick break, Natalie.  
 25 **MR. ADEEYO:** Oh, sorry. Go ahead, sure,

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1 let's take a five-minute and then I will come back.  
 2 11:16 a.m. (At this point in the  
 3 proceedings, a short recess was taken.)  
 4 11:25 a.m.  
 5 **MR. ADEEYO:** I'm ready to go back on the  
 6 record.  
 7 **BY MR. ADEEYO:**  
 8 Q. Mr. Seaton, we were discussing what you  
 9 recall observing regarding that March 19th, 2017  
 10 incident, so I'm just going to kind of resume there.  
 11 **A. Okay.**  
 12 Q. What room were you in when you first saw  
 13 what you described to be an African American woman  
 14 with long hair cursing?  
 15 **A. In my bedroom.**  
 16 Q. And what were you doing immediately prior  
 17 to hearing her cursing?  
 18 **A. I had just sat down and was on the**  
 19 **internet on my computer.**  
 20 Q. And you said it was -- the sun was just  
 21 about to set when you first noticed this incident  
 22 happening?  
 23 **A. Yeah, it was probably within an hour of**  
 24 **sunset.**  
 25 Q. Would you say it was still light outside?

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1 **A. Yes.**  
 2 Q. Do you wear glasses?  
 3 **A. Yes.**  
 4 Q. What, if you know -- because I know I  
 5 don't know my glasses prescription off the top of my  
 6 head, but do you know what your prescription is?  
 7 **A. No, I would have to look it up to know.**  
 8 Q. How long have you worn glasses?  
 9 **A. Probably since I was 12.**  
 10 Q. Do you have a hearing aid?  
 11 **A. No.**  
 12 Q. Have you ever had any issues with your  
 13 hearing?  
 14 **A. No.**  
 15 Q. Prior to you hearing this woman cursing,  
 16 did you hear what sounded like two cars making  
 17 impact?  
 18 **A. No.**  
 19 Q. Did you hear any tires screeching prior to  
 20 hearing this woman cursing?  
 21 **A. No.**  
 22 Q. You also mentioned that after these three  
 23 individuals showed up at the scene that you know no  
 24 gun was present. How do you know that?  
 25 **A. I stated that I did not visually see any**