

10TH JUDICIAL DISTRICT COURT

PARISH OF NATCHITOCHE

STATE OF LOUISIANA

NO. C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

LOUISIANA STATE TROOPERS ASSOCIATION AND JAY
OLIPHANT

* * * * *

VIDEO CONFERENCE DEPOSITION OF

RODNEY HYATT

TAKEN AT THE LAW OFFICE OF JILL CRAFT, 329

ST. FERDINAND STREET, BATON ROUGE, LOUISIANA

ON SEPTEMBER 25, 2020, BEGINNING AT 1:22

P.M.

REPORTED BY:

JENNIFER W. PICKETT
CERTIFIED COURT REPORTER
CERTIFICATE NUMBER 29011

A P P E A R A N C E S

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I N D E X

EXAMINATION OF RODNEY HYATT:	PAGE:
By MS. CRAFT:	5,114
By MR. OXENHANDLER:	110,121

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MARKED EXHIBITS:	PAGE:
None	

S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken pursuant to the Louisiana Rules of Civil Procedure, in accordance with law;

That the formalities, of reading, signing, sealing, certification, and filing are specifically not waived;

That all objections are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * * * *

Jennifer W. Pickett, Certified Court Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

* * * * *

1 (RODNEY HYATT, AFTER HAVING BEEN FIRST DULY
2 SWORN BY THE ABOVE-NAMED COURT REPORTER, WAS
3 EXAMINED AND TESTIFIED AS FOLLOWS:)

4 E X A M I N A T I O N

5 BY MS. CRAFT:

6 Q Mr. Hyatt, I'm going to need you to speak
7 nice and loud because we can hardly hear
8 you on this end. Okay?

9 A State my name and my address?

10 Q No, sir. I need you to speak nice and
11 loud. Okay?

12 A Yes, ma'am.

13 MS. CRAFT:

14 And I'm also going to lodge an
15 objection for the record based on
16 the email transactions I've had
17 with counsel about being in-
18 person as opposed to everybody
19 being remotely. I'm going to
20 note again that at State Police
21 Headquarters, you guys have at
22 least four people in the room.
23 Last time you had about six. So
24 again, I'm not sure why I'm being
25 required to participate by Zoom

1 when everybody else seems free
2 getting to be there including,
3 you know, what I would have hoped
4 would have been my court
5 reporter.

6 BY MS. CRAFT:

7 Q With that said, Mr. Hyatt, my name is
8 Jill Craft. I represent Mr. Braxton in
9 connection with a lawsuit that's pending
10 here in East Baton Rouge Parish. It's
11 very important during the course of this
12 deposition that you understand what I'm
13 asking you and if at any time you do not,
14 please tell me to stop and rephrase it.
15 I'm happy to do so. It's also important
16 nods of the head yes or no cannot be
17 taken down by the reporter so you need to
18 make sure to answer out loud. My final
19 instruction is rather unique to me
20 insofar as I may ask you to spell names,
21 places or things. Not to test your
22 spelling, it's just much easier to get
23 those down as we go along. Is that fair
24 enough, sir?

25 A Yes, ma'am.

1 Q And as we are appearing by Zoom, I'm
2 going to ask that you take a deep breath
3 before you answer my question and I will
4 do the same. Otherwise we're going to be
5 talking over each other and the court
6 reporter is not going to be able to
7 figure out what we were talking about.
8 Okay?

9 A Yes, ma'am.

10 Q Would you state your full name and
11 address please, sir?

12 A My name is Rodney Hyatt and my address is
13 3919 Independence Boulevard, Baton Rouge,
14 Louisiana.

15 Q In what city do you reside, sir?

16 A I don't reside in any city, ma'am. I
17 reside in the parish of Ascension.

18 Q Okay. Are you unwilling to give us your
19 home address even under seal, sir?

20 A Yes, I am unwilling.

21 Q I'm going to ask you to provide your home
22 address for the record so I have it. I
23 will tell counsel that I'm willing to
24 have the court reporter put that under
25 seal. It's strictly for the purposes of

1 if we need to subpoena somebody in the
2 future, I have that address at least
3 under seal. So, can you give me your
4 home address, sir, and it will be placed
5 under seal which means it will be seen
6 only by the counsel in this case.

7 MR. FALCON:

8 It will not, this is Floyd, I
9 will provide it to you if you
10 need Rodney's home address, I
11 have it.

12 MS. CRAFT:

13 Okay, great. Then Mr. Falcon,
14 I'll rely on you to send that to
15 me when we get done. That would
16 be great.

17 BY MS. CRAFT:

18 Q Mr. Hyatt, can you walk me through your
19 educational background starting with
20 where and when you graduated high school
21 please, sir?

22 A I graduated high school in Thibodeaux in
23 1991. I then attended Nicholls State
24 University where I obtained my bachelor's
25 degree in marketing and management in

1 1996. Upon completion of that, I went
2 into the state police academy at some
3 point in my life and then I later went
4 and obtained my master's degree from the
5 Naval Postgraduate School in Monterey,
6 California in security studies. And I'm
7 currently working on my PhD in criminal
8 justice from Liberty University.

9 **Q You said your master's degree is from the**
10 **Naval Postgraduate School?**

11 A Yes, ma'am. That's correct.

12 **Q Did you ever serve in the Navy?**

13 A No, ma'am. I did not.

14 **Q So, how did you get in the Naval**
15 **Postgraduate School?**

16 A It's a program offered by the federal
17 government, I think through FEMA, and you
18 apply. You have to write several papers.
19 You have to be accepted based on
20 qualifications and if you are, you get to
21 go to the school.

22 **Q Is that a school you actually attended or**
23 **did you do most of your studies online?**

24 A It's a mixture of both, attended and
25 online education.

1 Q Did you attend it mostly online, sir?

2 A I would say yes, the vast majority of it
3 would have been considered mostly online.

4 Q When did you get your masters?

5 A I can't remember the date, ma'am.

6 Q How about a year?

7 A I can't remember that.

8 Q So sometime between 1996 and when?

9 A I would say, if you want me to guess, I
10 would say it was probably five, six years
11 ago if I had to guess. Five years ago.

12 Q When did you attend the state police
13 academy?

14 A January 24, 1998.

15 Q After getting your bachelor's at Nicholls
16 State University, what did you do?

17 A I worked for a finance company for a
18 little while. It's no longer in
19 business.

20 Q What was the name?

21 A I think at the time it was called
22 Northwest Financial.

23 Q Where were they located?

24 A In Houma, Louisiana.

25 Q What did you do for those people?

1 A We examined credit reports, things of
2 that nature and financed stuff for people
3 for financing.

4 Q **You say 'we.'** Were you some sort of
5 **owner or something in this finance**
6 **company?**

7 A It's the team members around me, ma'am.

8 Q **What was your job there?**

9 A Just a credit manager like everybody else
10 loan officer, credit manager.

11 Q **Was there somebody over that branch?**

12 A Yeah, I guess it, yeah -- you usually
13 have a branch manager.

14 Q **Who did you report to?**

15 A Ma'am, I could not even begin to remember
16 his name. The branch manager but I'm not
17 sure what his name was.

18 Q **You worked there for how many years?**

19 A Probably since I graduated in 1996, then
20 '97, so I got accepted into the state
21 police academy in 1998, so during that
22 timeframe.

23 Q **Tell me what you did upon completion of**
24 **the Academy?**

25 A I was assigned to the road. We're all

1 assigned to patrol and I did a time in
2 patrol after the academy at Troop C, in
3 Houma.

4 **Q From when to when?**

5 A I don't know the exact time but I can
6 tell you I served as a public information
7 officer with Troop C for a short time
8 then I was promoted to sergeant at Troop
9 C and I served as a sergeant for a few
10 years and I was asked to come to
11 headquarters during that timeframe to
12 work in operational development as a
13 sergeant and I transferred.

14 **Q When you first started at Troop C, were**
15 **you on the road or did you go straight to**
16 **the PIO position?**

17 A No, ma'am. I started on the road and
18 everybody I've ever known starts on the
19 road.

20 **Q Tell me who your field training officer**
21 **was?**

22 A My first field training officer was Bart
23 Robichaux.

24 **Q Spell that, please.**

25 A I don't -- Bart, B-A-R-T, Robichaux, your

1 guess would be as good as mine, ma'am.

2 **Q I'm going to let the court reporter take**
3 **a stab at that, sir. You're going to**
4 **have the right, I think your attorney**
5 **said, to read and sign it. So hopefully**
6 **you can figure out the correct spelling**
7 **between now and then. Who was your next**
8 **field training officer?**

9 A I think my next field training officer
10 was Fed Thomas. Fed, I think it's short
11 for Federick.

12 **Q And Thomas?**

13 A Yes, ma'am.

14 **Q Anybody else?**

15 A Yes, ma'am, but I can't remember who it
16 was to be honest with you. Todd
17 Toloudis.

18 **Q Spell that, please?**

19 A Tod, T-O-D, Toloudis, I don't know, T-O-
20 D-D-L-I-S, I think. We just called him
21 Toad.

22 **Q Okay. Anybody else that was your field**
23 **training officer?**

24 A No, ma'am. I don't believe so.

25 **Q You worked with these people after you**

1 **got out of the FTO program?**

2 A Yes, ma'am. I worked with them had Troop
3 C. Yes, ma'am.

4 **Q When you completed the FTO program, did**
5 **you go on the road or did you go on to**
6 **the PIO position?**

7 A No, ma'am. It was on the road.

8 **Q How long did you serve on the road?**

9 A I want to say it was approximately like
10 six years, five or six years.

11 **Q That brings us up to roughly 2004. Is**
12 **that when you became the PIO?**

13 A I would assume so. These are my best
14 guesses, though, ma'am. There's a file
15 that outlines this in human resources if
16 you'd like it.

17 **Q Sir, I'm fully aware of the files. I'm**
18 **asking your best recollection in this**
19 **deposition.**

20 A My best recollection --

21 **Q This can be real easy or it can be not so**
22 **easy. So just tell me your best**
23 **recollection.**

24 A Okay. Yes, ma'am. I don't want to
25 misguide you. I apologize.

1 Q Again, my question, sir, was when did you
2 become a PIO?

3 A It was about five or six years after I
4 was on the road.

5 Q Was that approximately 2004?

6 A I cannot say. I don't really recall the
7 exact date, ma'am.

8 Q I'm not asking for exact dates, sir. I'm
9 just telling your best recollection, was
10 it approximately 2004?

11 A Yes, ma'am. It was approximately 2004 I
12 guess.

13 Q You said that you served in the PIO role
14 for a short time. What do you mean by a
15 short time?

16 A It was approximately about a year.

17 Q And then you were promoted to sergeant;
18 is that correct?

19 A Yes, ma'am.

20 Q When you were promoted to sergeant, do
21 you remember what year that was?

22 A No, ma'am. I don't. Not off the top of
23 my head.

24 Q What position did you hold at the time
25 you were promoted to sergeant?

1 A It was trooper first class trooper, or
2 just a trooper.

3 Q I'm sorry, what job were you performing
4 when you were promoted to sergeant?

5 A I was a public information officer.

6 Q How long did you stay in that role as a
7 sergeant in the PIO position?

8 A I was a PIO, then I got promoted to
9 sergeant on patrol on the road, like at
10 the troop.

11 Q So, when you were promoted to sergeant,
12 did you leave the PIO role and go back on
13 the road?

14 A Yes, ma'am.

15 Q And how long did you do that?

16 A For a few years, like maybe two or three.
17 I can't remember to be honest with you.

18 Q When did you come to headquarters?

19 A I couldn't tell you the exact time or
20 date of that either. I just know that I
21 came up here to work on a radio
22 consolidation project per Colonel Ralph
23 Mitchell, who was over patrol and they
24 liked my work and they asked me to stay
25 at headquarters.

1 Q Sir, I just want an approximate year you
2 came to Baton Rouge to work at
3 headquarters; when was that?

4 A I'd be guessing. I don't know, ma'am.

5 Q You had to move, didn't you?

6 A No, I did not have to move. I lived
7 within what they called a fifty-mile
8 radius so when I lived in Thibodaux, I
9 was able to come to work and drive back
10 and forth.

11 Q Okay. So, you can't tell us
12 approximately what year you took a
13 position at headquarters? I'm not
14 holding you to exact, sir. I just want
15 to be able to follow a timeline.

16 A Yes, ma'am. I understand that but I
17 don't think about those kind of things if
18 that makes any sense. I don't recall.

19 Q I can tell you, with all due respect, Mr.
20 Hyatt, almost every other law enforcement
21 officer I've ever deposed knows exactly
22 what year they got promotions and exactly
23 what year they were transferred. You're
24 telling me you can't even remember
25 approximately what year you were sent

1 over to headquarters to work in
2 operational development, first on this
3 radio project; do I have that right?

4 A Yes, ma'am.

5 Q Okay. You said you were brought over
6 here by Mr. Mitchell; is that right?

7 A That's correct. Yes, ma'am. Colonel
8 Mitchell.

9 Q And you worked on the radio consolidation
10 project for how long?

11 A I worked on it for a few months.

12 Q In some year that you can't remember; is
13 that right?

14 A That's correct.

15 Q And then you went from the radio project
16 to where?

17 A Operational development as a sergeant in
18 research in operational development.

19 Q And who asked you to take that position?

20 A Colonel Ralph Mitchell asked me if I
21 would take that position, along with
22 others.

23 Q What others?

24 A Captain Charlie Dupuy and at the time it
25 was Lieutenant Jason Starnes.

1 Q Okay, spell Dupuy for us, please?

2 A D-U-P-U-Y, I believe.

3 Q And Jason Starnes, Starnes, S-T-A-R-N-E-
4 S?

5 A I believe so. Yes, ma'am.

6 Q When was the last time you talked to Mr.
7 Dupuy?

8 A I talked to Mr. Dupuy a few days ago.

9 Q When?

10 A I would say, I don't really remember.
11 Quite a few days ago. I don't remember
12 the exact date. One day, two days, three
13 days -- it's in that timeframe.

14 Q Really, you don't remember if you talked
15 to him yesterday, sir?

16 A No, ma'am, I don't remember that at all.

17 Q Was it this week?

18 A It was this week. Yes, ma'am.

19 Q How did you make contact with him?

20 A We call each other on the phone when we
21 talk.

22 Q So, sometime either yesterday that you
23 don't remember, or the day before or the
24 day before that, you had a phone
25 conversation with Mr. Dupuy?

1 A Yes, ma'am.

2 Q **And who called who?**

3 A I believe he called me.

4 Q **Are you friends?**

5 A Yes, we are. Yes, ma'am.

6 Q **How long have you been friends?**

7 A Probably, I would say maybe whenever I
8 came to headquarters. A couple or maybe
9 a year or so, a friendship I guess grew
10 from there.

11 Q **And you can't tell me roughly what year
12 that was because you can't even tell me
13 when you got promoted to sergeant; is
14 that right, sir?**

15 MR. MAYEAUX:

16 Objection. He's asked and
17 answered three times at least.

18 BY MS. CRAFT:

19 Q **That's fine. I'm just trying to figure
20 out when he and Mr. Dupuy became friends.
21 Hence, that's why I walked you through
22 the timeline, sir, so we would have some
23 rough approximation of what we're
24 speaking about. Any idea?**

25 A Our friendship?

1 Q Yeah.

2 A Shortly after I came to headquarters.

3 Q And you don't know what year your
4 friendship began with Mr. Dupuy?

5 A No, ma'am. I don't think about years
6 like that.

7 Q And you don't know how many years you've
8 been at headquarters, sir?

9 MR. MAYEAUX:

10 Object to the form.

11 BY MS. CRAFT:

12 Q You can answer it.

13 A Ma'am, I don't know dates and times,
14 stuff like that. I don't -- unless I
15 write them down and I would refer back to
16 them, I really don't keep track of dates
17 and times. I apologize.

18 Q Sir, approximately how many years have
19 you been at headquarters? These are not
20 hard questions. I'm just trying to get a
21 date.

22 A I understand that, ma'am.

23 Q You can't tell me.

24 A I just don't recognize dates and times.
25 I don't. I never have. I couldn't tell

1 you when I got married. I couldn't tell
2 you when my kids were born. I don't know
3 dates and times. I apologize. I'm
4 sorry.

5 **Q** I'm going to object for the record,
6 you're being non-responsive, sir. And
7 frankly I'm going to object to your
8 answers being deliberately non-
9 responsive. All I'm asking you for is an
10 approximate amount of years you've been
11 at headquarters. You're telling me you
12 can't even do that?

13 **A** I can think about it. Let me think and I
14 will give you a best guess, so let me
15 see. Okay. So, over my commission, I
16 was promoted to lieutenant on November
17 3rd of 2010. I'm pretty sure I served as
18 a sergeant for at least ten years, about
19 ten years I was a sergeant and then I was
20 promoted to lieutenant on November 3rd of
21 2010, and so I've been a lieutenant since
22 then. So when I came over, I think I was
23 probably there two years, so 2008, around
24 that time is probably when I was at
25 headquarters. Around 2008. It would

1 have been right when Edmondson became
2 colonel. That's right.

3 **Q** **Okay, thank you. And sir, you do realize**
4 **that you're not allowed to take any cues**
5 **from people in that room with you; right?**

6 **A** Ma'am, nobody is giving me a cue.

7 **Q** **Okay. You said you talked to Mr. Dupuy**
8 **either yesterday or the day before that**
9 **or the day before that. Can you tell me**
10 **what you talked about?**

11 **A** Ms. Craft, we do talk frequently. I
12 don't remember exact dates and times. He
13 is my friend and we talk frequently.
14 What we talk about is general things that
15 friends talk about. What's the wife been
16 up to, how the kids are, what are y'all
17 doing this weekend, things of that
18 nature.

19 **Q** **I'm asking what you talked about with him**
20 **the most recent conversation you had,**
21 **which you said your best guess was either**
22 **yesterday or the day before that or the**
23 **day before that. So what did you talk**
24 **about?**

25 **A** It was within this week we discussed

1 things.

2 **Q What did you talk about?**

3 A Tailgating, LSU and not being allowed to
4 go -- the tailgating, I think.

5 **Q What else?**

6 A I don't really remember, ma'am. It's
7 just nonsensical stuff. I'm really don't
8 pay attention to a lot of it. It's just
9 friendly conversation. I don't keep --
10 it's nothing major. It's nothing I keep
11 track of. About COVID and mask-wearing
12 and just general topics like that. Just
13 gossip stuff that we talk about.

14 **Q Did you talk about the depositions?**

15 A No, ma'am. I never spoke to him about a
16 deposition. I think, I do remember a
17 conversation, not this past week, but we
18 did have a conversation about an upcoming
19 deposition that he was looking forward
20 to. Yes, ma'am.

21 **Q That he was looking forward to?**

22 A Yeah. Yes, ma'am.

23 **Q You know why he didn't show?**

24 A I had no idea he didn't show.

25 **Q Do you know where he lives?**

1 A I know he built a new house out in
2 Central.

3 Q **Have you been to it, sir?**

4 A I'm sorry, ma'am?

5 Q **Have you been to it?**

6 A I have been to his house. Yes, ma'am.

7 Q **How many times have you been to his house
8 in Central?**

9 A I would say probably three times maybe,
10 if I had to guess.

11 Q **When was the last time you went to his
12 house in Central?**

13 A It was a few weeks back if I remember. I
14 few weeks. I'm not sure of the exact
15 time.

16 Q **Who else was there?**

17 A I was there, my wife was there, of course
18 Charlie and his wife and child, my kids
19 were there, Jason Starnes was there, and
20 Ashley, Hunter I think was there at this
21 time, his wife, Monica, their daughter,
22 Amy, maybe Josh, I think their parents,
23 some kids from the neighborhood, I think.
24 I can't remember anybody else.

25 Q **Who is Ashley?**

1 A Ashley is Jason Starnes's wife.

2 Q **Does she also work for the state?**

3 A She does. She works at the office of
4 motor vehicles.

5 Q **Who is Hunter?**

6 A Hunter Grimes, he works for the
7 department also.

8 Q **What does he do?**

9 A He is an investigator for the department.

10 Q **Investigating what?**

11 A I think he does, he just recently
12 transferred. I believe Hunter now does
13 criminal warrant services, stuff like
14 that.

15 Q **And he transferred from where?**

16 A I think he was in something called ISS,
17 which is intelligence.

18 Q **And then you said Amy; who's Amy?**

19 A Amy Juneau, she's also an investigator.
20 I think she does like sex crimes and
21 stuff, child trafficking.

22 Q **Amy Juneau?**

23 A Yes, ma'am.

24 Q **J-U-N-E-A-U?**

25 A That sounds right.

1 Q And who is Josh?

2 A That's her husband.

3 Q Is he with the state?

4 A No, ma'am.

5 Q So this was a party; is that right?

6 A Yes, ma'am.

7 Q What was it celebrating?

8 A I don't remember, ma'am. I don't believe
9 it was celebrating any -- I don't
10 remember. I was just there. I just
11 came.

12 Q Can you tell me if you and/or anyone at
13 the party discussed Mr. Braxton in any
14 fashion?

15 A No, ma'am. I did not discuss Mr. Braxton
16 in any fashion nor did I hear anybody
17 discussing Mr. Braxton.

18 Q How about the depositions?

19 A I'm sorry; what's that?

20 Q How about the depositions?

21 A What do you mean, how about the
22 depositions?

23 Q Did anybody at this party talk about the
24 depositions that were coming up?

25 A No, ma'am. Nobody talked about any

1 depositions.

2 **Q You said you and Mr. Dupuy talked about**
3 **his deposition; right?**

4 A On a phone call. Yes, ma'am.

5 **Q Tell me what you remember; what did he**
6 **say?**

7 A He said he had a deposition coming up,
8 when is yours? I think that's when we
9 have to go. I said I don't know, I'm
10 going Friday. So it was before today, so
11 it was two days ago. And that was the
12 last I heard. And I think he said
13 something to the effect of I haven't got
14 anything yet. I might check with Floyd.
15 That was it.

16 **Q Floyd Falcon?**

17 A Yes, ma'am.

18 **Q Jason Starnes, did you talk to him about**
19 **his deposition?**

20 A No, ma'am.

21 **Q Before or after his deposition, sir?**

22 A I didn't even know he had given a
23 deposition, ma'am.

24 **Q When was the last time you talked to Mr.**
25 **Starnes?**

1 A I was in Lake Charles and I got a phone
2 call from him when I was working the time
3 during the storm. I think that was a
4 Saturday or Sunday. I don't know for
5 sure, like two weeks ago. When did the
6 storm hit?

7 **Q And what did you talk about?**

8 A He asked me what was going on down there,
9 what was happening, what am I working,
10 like (inaudible). What's going on with
11 the catering and the food and the cooking
12 with the guys and that's all if I
13 remember right.

14 **Q Are you and Mr. Starnes friends, too?**

15 A I would say we're friends. Yes, ma'am.

16 **Q How long have you been friends?**

17 A About the same time when I got to -- I
18 first met him when I got to headquarters.
19 When I came over there. He was my
20 Lieutenant. I was his Sergeant.

21 **Q Who does Mr. Dupuy work for?**

22 A I don't know for sure, ma'am.

23 **Q You have no idea who your friend works
24 for, sir?**

25 A He says he's some kind of safety

1 consultant. I don't know who he works
2 for. I thought he had his own business
3 to be quite honest with you.

4 **Q You what?**

5 A I thought he had his own business.

6 **Q Have you ever been there?**

7 A No, ma'am.

8 **Q Has he ever told you where it is?**

9 A No, ma'am.

10 **Q Has he interacted with folks at State**
11 **Police in conjunction with his safety**
12 **consultant business?**

13 A He hasn't interacted with me. That's a
14 question I guess you've got to ask him.

15 **Q Do you know what he consults about with**
16 **respect to safety?**

17 A No, ma'am.

18 **Q Have you asked him, this person, your**
19 **friend, anything about what he does for a**
20 **living?**

21 A He's retired. I don't think he really
22 does anything.

23 **Q When did he retire?**

24 A I can't remember that date or time when
25 he retired.

1 Q My question originally was, you have not
2 asked this person, your friend, anything
3 about what he does as a safety
4 consultant?

5 A No, ma'am.

6 Q Sitting here today, you have no idea what
7 your friend does as a safety consultant?

8 A I think they go get, safety consultants
9 generally look at crashes and consult on
10 safety.

11 Q Is that a guess on your part?

12 A Yes, ma'am. It's a guess.

13 Q Then let's not guess. If you don't know,
14 tell me I don't know what my friend does.
15 I'm fine with that.

16 A I know he does something with safety
17 consulting.

18 Q Who is Derrell Williams or Durrell
19 Williams? I'm going to spell it. I
20 think it's, is it D-E-R-R-E-L-L Williams?

21 A Yes, ma'am. Derrell, he's a good friend
22 of mine also.

23 Q And how long has he been a good friend of
24 yours?

25 A Me and Derrell go way back, since I was

1 at Troop C we've known each other.

2 **Q Do you know who Thurman Miller is,**
3 **Thurmond?**

4 A Yes, ma'am. I know who Thurmond is.

5 **Q Who is he?**

6 A Thurmond is a trooper that works in
7 Alexandria, Louisiana, in that area.

8 **Q Did he ever work at headquarters?**

9 A He was assigned at headquarters to work
10 for a short time. Yes, ma'am. Thurmond.

11 **Q Do you remember when?**

12 A I cannot remember exactly the dates and
13 times. No, ma'am.

14 **Q Mr. Williams, what does he do these days?**

15 A He is a captain over the EEOC crisis
16 response.

17 **Q That's at headquarters?**

18 A Yes, ma'am.

19 **Q How long has he been at headquarters?**

20 A I don't know. He's been here for a
21 while. I know he had left Troop C to
22 take a job at headquarters now, training.

23 **Q Do you know who Mr. Oliphant is?**

24 A Yes, ma'am.

25 **Q Who is he?**

1 A He's the lieutenant colonel over patrol
2 currently.

3 Q **Is he also at headquarters?**

4 A Yes, ma'am. I guess. That's where his
5 office is?

6 Q **What do you mean you guess? Do you know
7 or do you not know?**

8 A That's where the lieutenant colonel's
9 offices are but they changed things so
10 there are statewide commands so I'm not
11 sure where their offices are considered
12 to be.

13 Q **Have you seen him at headquarters, sir?**

14 A What's that ma'am?

15 Q **Have you seen him at headquarters, sir?**

16 A I cannot recall. Maybe once or twice at
17 the most I've see him at headquarters.

18 Q **When was the last time you talked to
19 Derrell Williams?**

20 A When was the last time I talked to
21 Derrell Williams?

22 Q **Yes.**

23 A Just now when I was coming into this
24 office.

25 Q **Where is he?**

1 A I think he's in the lobby, I think.

2 Q Sir, where did you talk to him? I mean
3 where, wait, that was what, thirty
4 minutes ago? Where was he?

5 A We're in the office of legal affairs,
6 ma'am, at headquarters, waiting to give
7 our depositions.

8 Q Okay. And who did you and he talk to
9 while you were in the lobby besides each
10 other?

11 A We saw each other and we said hello.
12 He's waiting for his deposition, I came
13 into mine.

14 Q Is he outside the door where you are
15 right now, sir?

16 A There is no place outside. I don't think
17 so, ma'am. You want me to go check?

18 Q Sir, this is not amusement. This is a
19 deposition and I really do not appreciate
20 your attitude. I'm simply asking
21 questions that you're here obligated to
22 answer. You can either answer my
23 questions or I can recess this thing and
24 we'll go talk to the judge about your
25 attitude. It's a simple question?

1 A Yes, ma'am. I apologize. You're asking
2 me a question I don't know the answer to
3 --

4 **Q Then say that --**

5 A I mean, I can, the door's right here
6 behind me, I can open the door and see if
7 that's where he is but I don't think
8 that's where he is.

9 **Q Sir, again, I'm just asking questions.**

10 **If you don't know say I don't know, but I**
11 **don't need attitude.**

12 A I apologize, ma'am. I do not know.

13 **Q So, you saw him in the lobby, was anybody**
14 **else present when you and he talked?**

15 A No, ma'am.

16 **Q Did you guys talk to Mr. Falcon at all?**

17 A No, ma'am. What do you mean by at all,
18 like right now? He wasn't with us or
19 around me just now. I don't understand
20 what you're asking.

21 **Q All right. Did you and Mr. Williams talk**
22 **to Mr. Falcon today?**

23 A We did not until Mr. Falcon entered the
24 room just now I talked to him. I can't
25 speak for Mr. Williams.

1 Q Okay. Sir, with respect to Mr. Williams,
2 did you know he was giving a deposition
3 today before you saw him in the lobby?

4 A Yes, ma'am.

5 Q And how did you know that?

6 A I was told that I would have my
7 deposition, I think and Derrell would
8 have his after mine.

9 Q You were told that by whom?

10 A It might have been Mr. Falcon. I think I
11 got it in a letter now that I think about
12 it. There's a letter that he sent us a
13 letter and that's where I remember
14 reading it.

15 Q From Floyd Falcon?

16 A Yes, ma'am.

17 Q What was in that letter from Mr. Falcon
18 to you?

19 A He asked me, he called me a while back
20 and said hey, Jill wants to depose you
21 and Derrell. She wants to know if we
22 want to, if you want to send in a
23 subpoena or are you just gonna go. I
24 said well I'm going to go. I'm going to
25 talk to her. And he said I'll -- go

1 ahead.

2 MR. FALCON:

3 He responded to your request
4 to meet to say he would come
5 without a deposition. He and
6 Derrell, I called both of them at
7 your request. I did not call the
8 other people who have not showed
9 up because you didn't ask me to.
10 I would probably have been happy
11 to do that as a favor to you.

12 MS. CRAFT:

13 And Mr. Falcon, that request
14 was --

15 MR. FALCON:

16 As a favor to you.

17 MS. CRAFT:

18 Mr. Falcon, that request was
19 to all counsel. I thought Mr.
20 Mayeaux represents State Police,
21 not you. That's why I'm asking.

22 BY MS. CRAFT:

23 **Q So, sir, am I correct that the request**
24 **for your deposition came from Mr. Falcon,**
25 **not from Mr. Mayeaux; is that right?**

1 A The department also called me and asked
2 me to appear for this deposition also.

3 Q **Did you and Mr. Williams talk about what**
4 **you knew with respect to Mr. Braxton?**

5 A About the depositions?

6 Q **About what you knew with respect to Mr.**
7 **Braxton?**

8 A What do you mean, what we knew?

9 Q **Have you and Mr. Williams talked about**
10 **Mr. Braxton at all?**

11 A I mean, would Mr. Braxton have ever come
12 up in conversation with me and Mr.
13 Williams? I don't know if I've ever
14 specifically talked to Derrell about Mr.
15 Braxton, to be honest with you. Have we
16 talked about Mr. Braxton before, has he
17 come up in conversation? Yes, ma'am.

18 Q **Okay. tell me about that.**

19 A It would have been when everything was
20 going on with the news story. I think we
21 talked about him, the event that had
22 happened concerning a trooper, Trooper
23 Linebaugh, I believe. I think that's the
24 only time that I've ever heard Mr.
25 Braxton's name come up.

1 Q I need you to tell me about those
2 situations, sir. Like when, what was
3 said, what y'all discussed?

4 A If I can remember correctly, there was an
5 incident that happened with Trooper
6 Linebaugh. I think he had arrested Mr.
7 Braxton's daughter for DWI and because of
8 that, we had heard that Mr. Braxton was
9 attempting to remove that trooper or
10 punish that trooper because he arrested
11 his daughter and he should've known
12 better than to do that because Mr.
13 Braxton was sitting on the State Police
14 Commission.

15 Q You heard that from who?

16 A Multiple troopers.

17 Q Good. Tell me each one.

18 A I couldn't tell you the names of
19 everybody who may have said something.
20 It was gossip and rumor over everything.

21 Q I want to know who you remember hearing
22 that from?

23 A Ma'am, I couldn't tell you exactly who I
24 remember hearing that from. It was
25 multiple people that were talking about

1 it and discussing it. I would say that I
2 do remember maybe Chris Wright also
3 commenting on it because he is from that
4 area.

5 **Q Have you talked to Mr. Wright lately?**

6 A No, ma'am.

7 **Q Who else?**

8 A I don't remember all of them.

9 **Q How about Mr. Oliphant?**

10 A I did talk to Mr. Oliphant. That's
11 correct.

12 **Q What did y'all talk about?**

13 A When I found out that we had a
14 commissioner on the commission that was
15 attempting to punish or remove a trooper,
16 I was very concerned about that. But
17 beyond that, I don't believe in rumor
18 mills to be quite honest with you.
19 That's why I didn't pay attention to the
20 people who were saying anything. Someone
21 told me that Mr. Braxton had directly
22 contacted Captain Oliphant and demanded
23 he move that trooper or even move him to
24 New Orleans to pretty much teach him a
25 lesson or out the parish lights. That's

1 what I heard, so I called Captain
2 Oliphant to hear if that was true or not.

3 **Q Okay. And then what?**

4 **A** Captain Oliphant said it was true that
5 Mr. Braxton did to that some degree. I
6 can't remember the exact conversation but
7 to some degree, that was the gist of it,
8 that Mr. Braxton was upset because his
9 daughter was arrested for DWI by
10 Linebaugh and he wanted to see Linebaugh
11 punished because of that. And there was
12 something about a saying or a statement
13 that if nothing was going to happen to
14 Linebaugh, then Linebaugh better make
15 sure he never comes before me at the
16 State Police Commission, which was very,
17 very concerning.

18 **Q Okay. So, what did you do about it?**

19 **A** I didn't do anything about it. What do
20 you mean?

21 **Q When you remember hearing about this or**
22 **you contacting Mr. Oliphant, was it right**
23 **around the time of the arrest, which was**
24 **-- I'll tell you, around December of 2015**
25 **or later?**

1 A I don't remember the exact time or date,
2 ma'am. I just remember being concerned
3 about having a sitting commissioner on
4 the commission trying to or attempting to
5 remove a trooper from his job for doing
6 his job and then somewhat threatening him
7 in a manner of he better hope he never
8 has to come before me. I just found that
9 disturbing and I don't believe in -- I
10 called the captain directly to have a
11 conversation with him to see if that was
12 true.

13 Q Okay. When you had the conversation with
14 Mr. Oliphant, you were not in Mr.
15 Oliphant's chain of command; is that
16 right?

17 A I was -- no, ma'am. I was not in Mr.
18 Oliphant's chain of command.

19 Q So his communication to you about what he
20 claims Mr. Braxton said to him had
21 nothing to do with official police
22 business. That was just you calling him
23 because you don't trade in rumors; is
24 that right?

25 MR. MAYEAUX:

1 Object to the form.

2 BY MS. CRAFT:

3 **Q You can answer it.**

4 A Yes, ma'am. I just called him to hear
5 what the captain had to say because it's
6 my understanding that he had direct
7 correspondence with Mr. Braxton.

8 **Q And you don't remember where that was in
9 relation to December of 2015?**

10 A No, ma'am. I don't remember the date.

11 **Q You were not performing any investigative
12 functions of this allegation involving
13 Mr. Braxton when Mr. Oliphant told you
14 this information; is that correct?**

15 A No, ma'am. I was not performing any type
16 of -- I was trying to hear gossip and
17 clarify any rumors. Yes, ma'am.

18 **Q You said that the gossip was all over
19 headquarters; is that right?**

20 A I didn't know if I said all over
21 headquarters. I said several troopers
22 were talking about it. It was enough to
23 raise concerns to troopers that we had a
24 sitting commissioner threatening another
25 trooper or trying to use his power to

1 move another trooper from his parish or
2 from his job. That's what we heard was
3 concerning.

4 **Q You can't tell me the names of anybody
5 that talked to you about that?**

6 A Ma'am, it was so long ago, ma'am. I
7 didn't think twice about it. I
8 apologize.

9 **Q Wait a minute. Let me see if I have this
10 straight. It was a big concern but you
11 didn't think twice about it?**

12 A No, ma'am. Not after I learned the truth
13 about it. I was like that's fine with
14 me.

15 **Q What's fine with you? That you, as
16 you've said this grave concern about
17 alleging that my client somehow
18 threatened a trooper? Once you talked to
19 Mr. Oliphant, all of a sudden it wasn't a
20 concern anymore; is that what you're
21 telling me?**

22 A That's not what I'm saying.

23 **Q What are you saying, sir?**

24 A I'm saying that I'm here to answer any
25 questions you have. It wasn't concerning

1 to me after I discussed it with Captain
2 Oliphant over the matter. It was done.

3 **Q What was done?**

4 A My satisfaction of hearing what had
5 happened.

6 **Q So as a law enforcement officer, did you**
7 **think that there was some action that**
8 **needed to be taken?**

9 A Yes, ma'am. Absolutely. There had to be
10 some action that needed to be taken for
11 something like that. Yes, ma'am. I
12 think so.

13 **Q Well how come none were?**

14 A I'm not sure I understand what you mean,
15 none were.

16 **Q Let me ask you something, sir. I know**
17 **that when you become a trooper, you take**
18 **an oath; don't you?**

19 A Yes, ma'am.

20 **Q And I also know, at least as I understand**
21 **it, you are a trooper 24/7 whether you're**
22 **on duty or off; right?**

23 A Yes, ma'am.

24 **Q And I also know that as a trooper, if you**
25 **are aware of a crime, you are obligated**

1 to act; aren't you, sir?

2 A What crime?

3 Q Did I miss something or did you tell me
4 that Mr. Oliphant said that Mr. Braxton
5 was attempting to use his position to
6 threaten or to punish Mr. Linebaugh for
7 arresting his daughter for DWI; that
8 ain't a crime, sir?

9 MR. MAYEAUX:

10 Object to the form.

11 BY MS. CRAFT:

12 Q You can answer it.

13 A Personally, the way I view it, I don't
14 think it's a crime.

15 Q Okay, so then what was the problem?
16 What's the concern if you didn't think it
17 was a crime? What's the problem?

18 A Because you have a commissioner that sits
19 on the State Police Commission. He
20 supposed to be impartial when he comes
21 and judges other troopers. That's the
22 concern. And now you have a trooper that
23 did something, his job, and now he may be
24 punished for it at a later date and time
25 if he ever has to go before the

1 commission. That's what's concerning to
2 me.

3 **Q** **Okay. So, you didn't think that anything**
4 **Mr. Braxton had done was a crime. It**
5 **just caused you concern that he might not**
6 **be impartial where Mr. Linebaugh would be**
7 **concerned down the road; is that what**
8 **you're telling me?**

9 **A** **That's partly what I'm telling you. Yes,**
10 **ma'am.**

11 **Q** **What else are you telling me?**

12 **A** **I'm telling you that's a concern because**
13 **commissioners sit on a State Police**
14 **Commission and to utilize his authority**
15 **in that manner and try to move a trooper**
16 **out of his position.**

17 **Q** **Aside from Mr. Oliphant, did you ever**
18 **verify anything Mr. Oliphant was telling**
19 **you?**

20 **A** **I talked to the source.**

21 **Q** **You talked to Mr. Oliphant. You never**
22 **talked to Mr. Braxton, did you?**

23 **A** **No, ma'am.**

24 **Q** **So, aside from your conversation with Mr.**
25 **Oliphant where he told you these things**

1 about Mr. Braxton, did you ever verify it
2 in any other fashion?

3 A No, ma'am.

4 Q So am I correct that, for example, Mr.
5 Oliphant says one thing happened and I
6 can tell you Mr. Braxton says that's
7 false. Are you aware of any other
8 information one way or the other to
9 verify whether it's true or false?

10 A No, ma'am. Only that I believe in Mr.
11 Oliphant.

12 Q Okay. And when Mr. Oliphant communicated
13 this information to you, you were not
14 investigating it, you were not in his
15 chain of command, you had nothing to do
16 with it. You were just curious; is that
17 right?

18 A Concerned. Yes, ma'am.

19 Q Okay. And so after you talked to Mr.
20 Oliphant according to you and he
21 confirmed what you were hearing in terms
22 of rumors at headquarters, your concern
23 evaporated or what?

24 A No. Absolutely not, ma'am.

25 Q So, then what did you do with this

1 **concern that you possessed, sir?**

2 A I want to say that we probably had some
3 board meetings from the LSTA to discuss
4 our concerns.

5 **Q You probably had some board meetings or**
6 **you had some board meetings?**

7 A We had some board meetings. I couldn't
8 tell you the exact times or dates for
9 those board meetings but we had some
10 board meetings to discuss all of our
11 concerns about the actions of Mr.
12 Braxton. Yes, ma'am.

13 **Q When did you begin serving on the LSTA**
14 **board, sir?**

15 A I can't remember that either but it's
16 when I was at headquarters, probably a
17 few years -- it was after I was promoted
18 to Lieutenant, for sure. So maybe two
19 years after I was -- 2012 maybe, if I had
20 to guess.

21 **Q And how long have you served on the LSTA**
22 **board?**

23 A I'm still on it now, ma'am. Current.

24 **Q Prior to you being on the board, did you**
25 **have any position with LSTA?**

1 A I served as vice president for the board
2 of the Troop C affiliate when I was
3 younger and then I may have served, I
4 can't remember if I was an officer or not
5 in headquarters. I don't think I was.
6 No, I wasn't.

7 Q **Sir, did you ever serve, and that was**
8 **going to be my question, as the president**
9 **at headquarters for LSTA -- the LSTA, the**
10 **headquarter affiliate?**

11 A Yes, ma'am.

12 Q **Was that after you arrived at**
13 **headquarters?**

14 A Yes, ma'am. After I arrived up at
15 headquarters I was promoted to
16 Lieutenant, like I said, in 2010 and it
17 was probably two years or so after that,
18 that I started serving. I can't remember
19 the exact time. It may have been longer
20 than that. I don't know for sure.

21 Q **Who else served on the board with you**
22 **when there were discussions -- of the**
23 **LSTA board with you -- when there were**
24 **discussions about Calvin Braxton?**

25 A Ma'am, I cannot remember that. I would

1 say definitely Christopher Wright, Jay
2 Aucoin probably.

3 **Q Who?**

4 A Jay Aucoin.

5 **Q Okay.**

6 A Hackley Willis.

7 **Q Who?**

8 A Hackley Willis, Hack Willis. I can't
9 remember all of them, ma'am. I don't
10 remember who -- people come on and people
11 come off. So I don't remember who was on
12 at that particular time.

13 **Q How about who was the executive director**
14 **of LSTA at that time?**

15 A David Young.

16 **Q David Young. I'm sounding it out for our**
17 **court reporter. And tell me what**
18 **conversations were had among the LSTA**
19 **board members regarding Calvin Braxton?**

20 A That he was trying to use his power as a
21 commissioner to move Linebaugh, who had
22 arrested his daughter for DWI and that
23 they had heard that Linebaugh -- he
24 wasn't going to move Linebaugh and if
25 Linebaugh ever came before him, he'd

1 better watch out. He'd better be
2 careful. Something to that effect. So
3 threatening Linebaugh in that manner was
4 discussed and talked about. Those kind
5 of things were all talked about.

6 **Q What else? You said those kinds of**
7 **things. Again, I'm not a big fan of**
8 **catch-alls. I need you to tell me what**
9 **you remember.**

10 **A** The two things that I just mentioned, the
11 trying to move him and threatening by
12 him.

13 **Q Sir, did you ever see an incident report**
14 **that Mr. Oliphant prepared?**

15 **A** Yes.

16 **Q Did you see two incident reports that Mr.**
17 **Oliphant prepared?**

18 **A** I cannot recall seeing two incident
19 reports. No, ma'am.

20 **Q Which one do you remember seeing?**

21 **A** I don't really remember it at all, seeing
22 it. I just remember, I don't remember
23 seeing, I don't remember what was on it.

24 **Q Well, let's see if we can get you there.**
25 **Do you have the exhibits in front of you,**

1 **sir?**

2 MR. MAYEAUX:

3 I do. Which do you want?

4 MS. CRAFT:

5 I'm thinking it's 23 but I'm
6 not, I don't -- no, it's 24, I
7 believe, which I think is an
8 email from Mr. Oliphant to Mr.
9 Reeves dated June 6th with an
10 incident report. Is that what
11 you have, guys?

12 A Yes. This is what I have in front of me
13 says Exhibit 24.

14 BY MS. CRAFT:

15 Q And at the top of it, it says submitted
16 for your review; is that correct?

17 A Yes, ma'am.

18 Q And then right behind it it's an incident
19 report; is that right, sir? Sir, the
20 first page only has one line on it so I
21 didn't know where you were scanning
22 unless you've got something different
23 from me. Am I right? The first page in
24 the document you're looking at only has
25 one line, submitted for your review?

1 A Yes, ma'am, well, yeah. That's what it
2 says.

3 Q Right. So, I was wondering why you were
4 scanning it for an inordinate period of
5 time. The second page is an incident
6 report that has a date in the upper
7 right-hand corner, December 5, 2015. You
8 have seen this document or some version
9 of it before; is that correct?

10 A I can say that I think that I remember
11 seeing something. Yes, ma'am. Some type
12 of thing like this. Yes, ma'am.

13 Q Sir, are you aware of the LSTA making
14 communications with State Police to have
15 State Police prepare an affidavit as it
16 related to Mr. Braxton?

17 A No, ma'am. I don't believe I remember
18 that.

19 Q Do you remember there being some sort of
20 discussion about having Mr. Oliphant
21 prepare a report and then LSTA would do a
22 public records request for that report?

23 A No, ma'am. I can't recall that either.

24 Q Did that happen, sir? Did LSTA submit a
25 public records request for a report

1 relating to this alleged incident?

2 A If it did, I would not have knowledge of
3 it.

4 Q But you certainly wouldn't dispute Mr.
5 Young; would you?

6 A No, I don't know. I don't know if he did
7 or not.

8 Q That wasn't part of any of the
9 discussions that you had about Mr.
10 Braxton in the board meetings about some
11 idea about let's get them to write a
12 report or if they write a report then
13 we'll make a public records request for
14 it; never happened?

15 A No, ma'am. I don't remember any kind of
16 discussions to that effect.

17 Q So as far as you're concerned, that never
18 happened; is that right, sir?

19 A No, ma'am. I just can't remember any
20 discussions to that effect.

21 Q So, how did you come to get a copy of or
22 see this document that's contained in
23 Exhibit 24 or a version of it? How did
24 you get this incident report?

25 A What was discussed was a letter being

1 drafted to the governor's office over our
2 concerns for Mr. Braxton's actions on the
3 board because I believe we were told per
4 constitution or per how the rules are set
5 up, I believe the governor can completely
6 remove board members.

7 **Q Who's the 'we'?**

8 A I'm sorry. What's that?

9 **Q You said 'we' were told. Who's the 'we'?**

10 A It was discussed in a meeting. I would
11 guess that our attorneys would have told
12 us this.

13 **Q What kind of meeting?**

14 A A board meeting, an LSTA board meeting.

15 **Q Is that how you saw a copy of this
16 incident report?**

17 A I don't remember entirely, ma'am. To be
18 quite honest with you.

19 **Q Do you know how the writing of this
20 report came about approximately six
21 months after the alleged event?**

22 A No, ma'am. I do not.

23 **Q You tell me, sir, in your career with the
24 state police, when have you ever waited
25 six months to write an incident report**

1 **about an incident?**

2 A Ma'am, if you're trying to say that it's
3 unusual, it's not. The troopers have to
4 write incident reports quite often and
5 frequently. And sometimes, after they
6 learn about what the incident is or as
7 the trooper write incident report, so I
8 mean, the timeframe you're talking about,
9 six months, in my opinion would not be
10 that unusual.

11 Q Well great, sir. I'm just asking your
12 situation. So, I'm going to object to
13 you again being non-responsive. My
14 question to you was when in your career
15 have you ever waited six months to write
16 an incident report about an incident?

17 A I have never waited six months to write
18 an incident report about a personal
19 incident that I have been in.

20 Q Okay. Sir, with respect to other
21 officers, you are aware, are you not,
22 that officers have been disciplined for
23 not timely preparing and turning in
24 incident reports; right?

25 MR. MAYEAUX:

1 Object to the form.

2 BY MS. CRAFT:

3 Q You can answer it.

4 A I'm not aware of that. No, ma'am.

5 Q Do you know who asked Mr. Oliphant to
6 write this report?

7 A No, ma'am. I do not.

8 Q Did you hear anything about who asked Mr.
9 Oliphant to write this report?

10 A No, ma'am.

11 Q Did you hear anyone at LSTA during these
12 board discussions mentioning why don't we
13 get Oliphant to write a report about it;
14 anything like that?

15 A No, ma'am.

16 Q Sir, can you tell me why, if you know,
17 there was a six-month delay between the
18 alleged incident and the writing of this
19 incident report? If you know. If you
20 don't, tell me I don't know.

21 A I don't know, ma'am.

22 Q Was that at all discussed at LSTA, the
23 fact that there was over a six-month
24 delay between the alleged incident and
25 when the report was actually written?

1 A Ma'am, I don't know anything about this.

2 We never discussed the report.

3 **Q But you saw it; right?**

4 A I saw something to this effect. Yes,

5 ma'am. I believe these details in it.

6 Yes, ma'am. I think it was attached to a

7 letter.

8 **Q And there were discussions at the LSTA**

9 **board about contacting the governor and**

10 **providing the governor with this**

11 **information about Mr. Braxton; right?**

12 A Yes, ma'am.

13 **Q Several discussions about that; am I**

14 **correct?**

15 A I would say it was discussed. Yes,

16 ma'am.

17 **Q And at any point in those discussions,**

18 **did anybody ever mention the fact that**

19 **gee, the incident report was written**

20 **almost six months after the alleged**

21 **incident?**

22 A Ma'am, the only thing that we really

23 discussed was a letter going to the

24 governor's office, as my recollection is

25 a letter going to the governor's office

1 concerning Mr. Braxton's actions. That's
2 all I remember.

3 **Q And the purpose of that letter was to**
4 **secure Mr. Braxton's removal from the**
5 **board; is that right? Because I think you**
6 **said you learned only the governor could**
7 **remove Mr. Braxton; right?**

8 A Or discipline or do anything with the
9 board. That's correct. Yes, ma'am. The
10 governor is responsible for taking the
11 action.

12 **Q The what?**

13 A The governor is responsible for taking
14 the action.

15 **Q And the action that the LSTA was seeking**
16 **was getting Mr. Braxton off the board or**
17 **punished; isn't that correct?**

18 A Making him answer for his comments that
19 he made against the trooper and then
20 using his power to try to remove a
21 trooper. Yes, it's very concerning.

22 **Q Assuming all of that is true; right?**

23 A Yes, ma'am.

24 **Q Got it. Sir, after that letter was sent**
25 **to the governor, can you tell me whether**

1 or not it was also, a copy of it was
2 communicated to the media?

3 A No, ma'am.

4 Q Was there discussion among the LSTA board
5 members about providing information or
6 the allegations against Mr. Braxton to
7 the media, whether before or after the
8 letter was sent to the governor?

9 A Ma'am, nobody has ever talked about
10 sending anything to the media. I can
11 never recall a conversation like that.

12 Q So, that never happened according to you,
13 sir?

14 A That's never happened according to me.
15 Yes, ma'am.

16 Q Do you know if anyone with LSTA or
17 associated with LSTA contacted Lee Zurik
18 at WVUE in New Orleans?

19 A No, ma'am. I do not know if anybody has
20 ever done that. I never heard a rumor of
21 anybody ever doing that.

22 Q Have you ever talked to him?

23 A To who?

24 Q Mr. Zurik?

25 A Not about this.

1 Q Well, you were a PIO, sir. So I'm
2 guessing in your area you would have
3 interacted with WVUE; is that right?

4 A Yes, ma'am. I never spoke to him as a
5 PIO.

6 Q Do you have his cell phone number?

7 A No ma'am, I do not.

8 Q Who in the media at WVUE did you have
9 communications with when you were a PIO?

10 A Most of my people are gone, ma'am. I
11 can't remember all of my people. Most of
12 -- the way I dealt with it at Troop C was
13 mostly Houma, so it was a local Houma
14 station called HTV. That's who I really
15 dealt with. New Orleans had a PIO, so
16 they dealt with New Orleans. Baton Rouge
17 had theirs. I was for Troop C and even
18 though the New Orleans stations covered
19 our stories, they never came as far as to
20 Troop C for the most part. I think we
21 had a serial killer and they didn't even
22 really cover that.

23 Q So, your sworn testimony is you've never
24 spoken, even when you were a PIO in
25 Houma, with anyone at WVUE?

1 A Ma'am, I don't remember. I don't know if
2 I ever officially spoke in some way to
3 the radio station, I mean the news
4 station that held those symbols that
5 you're calling out. I don't know.

6 Q **I didn't say officially, sir. I said at
7 any time.**

8 A I don't know, ma'am, officially or at any
9 time. I can't recall those numbers or
10 those letters that you keep repeating to
11 me. I don't know.

12 Q **Do you know if anyone affiliated with
13 State Police spoke to anyone at WVUE
14 about Mr. Braxton?**

15 A No, ma'am. I do not.

16 Q **Did you hear anything about that?**

17 A No, ma'am. I have not.

18 Q **Are you aware of a second incident report
19 that Mr. Oliphant created?**

20 A No, ma'am. I'm not aware of that.

21 Q **In front of you, sir, if you could flip
22 to Exhibit 20. You have it in front of
23 you, sir?**

24 A Yes, ma'am. I have Exhibit 20.

25 Q **By the way, are you Facebook friends with**

1 **Mr. Oliphant?**

2 A Yes, ma'am.

3 Q **How long have you been Facebook friends**
4 **with Mr. Oliphant?**

5 A I cannot remember that date or time now.
6 I don't know.

7 Q **Do you recall a Facebook posting that Mr.**
8 **Oliphant put up referring to Mr. Braxton?**

9 A I recall a Facebook post he put up. He
10 never named anybody's name in it.

11 Q **But you knew who he was talking about;**
12 **didn't you, sir?**

13 A Ma'am, I can say it was very concerning
14 what he was saying in there, in his
15 Facebook post. I was very concerned for
16 him when I read it.

17 Q **Right. And you understood he was talking**
18 **about Mr. Braxton; isn't that right?**

19 A No, ma'am. I did not know who he was
20 talking about.

21 Q **Okay. Again, this time you were very**
22 **concerned again. Did you call Mr.**
23 **Oliphant and ask him about his Facebook**
24 **posting?**

25 A No, ma'am. I did not.

1 Q So, that concern wasn't as significant as
2 the first time when you did call him; is
3 that right?

4 A No, ma'am. I just chose not to call him.

5 Q Have you ever talked to him about the
6 Facebook posting?

7 A No, ma'am. I don't remember ever talking
8 to him about a Facebook posting.

9 Q That Facebook posting, sir. Have you
10 ever talked to him about that Facebook
11 posting?

12 A No, ma'am. I don't remember ever talking
13 to him about that Facebook posting.

14 Q Looking at Exhibit number 20, there's an
15 incident report attached to it with a
16 date of February 21st, 2018. First of
17 all, have you ever seen that incident
18 report or any version of it before today?

19 A Ma'am, I do not ever remember -- I've
20 never seen this before.

21 Q Today. You've never seen it before
22 today?

23 A No, ma'am.

24 Q Did you hear anything at all about there
25 being some accusation that Mr. Braxton

1 might have been involved in some sort of
2 murder twenty-five years ago?

3 A No, ma'am.

4 Q Did you ever hear anything about Mr.
5 Braxton maybe being involved in some sort
6 of crime involving some woman that they
7 claim he had an affair with?

8 A No, ma'am.

9 Q Did you ever hear anything about Mr.
10 Oliphant having concerns that Mr. Braxton
11 was trying to intimidate him?

12 A Ma'am, I have never heard of any of this
13 in this thing.

14 Q Public intimidation is a crime; is it
15 not, sir?

16 A Public intimidation? Yes, ma'am.

17 Q Troop B is where?

18 A It is in Alexandria, Louisiana.

19 Q Did Mr. Oliphant ever express any
20 concerns that you heard about that he
21 thought Mr. Braxton might harm him?

22 A No, ma'am.

23 Q Did Mr. Oliphant ever express any
24 concerns that he thought that Calvin
25 Braxton might come after him or had some

1 **issues with him; anything like that?**

2 A To me, not that I can remember.

3 Q **I was limiting it to you. I'm just**
4 **asking if you ever heard about that?**

5 A I've never heard of that. No, ma'am.

6 Q **The letter that was sent to the governor,**
7 **the first letter. Did you review that on**
8 **the LSTA board before it went out?**

9 A I remember seeing the letter. I don't
10 know if I reviewed it before it went out
11 but I do remember reviewing a letter
12 knowing that we were going to send the
13 letter to the governor's office. Yes,
14 ma'am.

15 Q **That was with the approval of the**
16 **Louisiana State Troopers Association; is**
17 **that correct?**

18 A It would have been with the approval of
19 the board in my opinion. Yes, ma'am.

20 Q **Can you tell me if there was any contact**
21 **between the LSTA and the governor's**
22 **office after that first letter was sent?**

23 A I would not know besides -- the letter
24 itself, right?

25 Q **Yeah.**

1 A No, I don't recall.

2 Q **Can you tell me whether or not that first**
3 **letter was given to the media?**

4 A Ma'am, nobody gives anything to the
5 media. I can promise you that -- from
6 us. There is a big thing about not
7 sharing stuff with the media.

8 Q **Are you speaking for LSTA or are you**
9 **talking about State Police?**

10 A I'm talking about when we're in LSTA
11 meetings, that meeting is amongst us and
12 whatever we have to do for the troopers
13 and I don't know of anybody -- no one's
14 ever sat there in a meeting and said can
15 we give this to the media. We need to do
16 this, we need to do that. We try to
17 handle all of our business internally as
18 possible.

19 Q **So, you're telling me after the June 2nd,**
20 **2016 letter was sent to the governor,**
21 **nothing happened; the LSTA letter, the**
22 **first one?**

23 A I don't know, ma'am. I don't remember if
24 anything happened or didn't happen.

25 Q **What did you guys at LSTA talk about**

1 **after that first letter was sent by you**
2 **guys?**

3 A I don't know if we talked about anything
4 at all. I don't ever remember talking
5 about any day after that.

6 **Q A second letter was sent June 19th, 2017;**
7 **isn't that right?**

8 A I would have to see it. I don't remember
9 wholeheartedly what the second letter was
10 sent and what is said.

11 **Q Sir, do you remember the LSTA approving**
12 **the sending of the second letter in 2017,**
13 **including the first letter from June of**
14 **2016 and the incident report; do you**
15 **remember that?**

16 A Yes. I believe, if I'm thinking
17 correctly, there was talk about a second
18 letter being sent. Yes, ma'am.

19 **Q Okay, tell me what you remember about**
20 **that.**

21 A I think some troopers still had some
22 concern that no action was taken as far
23 as we didn't get a response, I believe,
24 from the governor's office and then a
25 second letter was sent.

1 Q So you guys waited over a year to send
2 the second letter?

3 A I guess so. Yes, ma'am.

4 Q So tell me what the discussion was at
5 LSTA about gee, it's been a year. I
6 mean, what was your discussion about LSTA
7 sending the second letter?

8 A That the governor's offices are generally
9 busy. These things take time. We
10 understand all that. Investigations or
11 anything takes time so I didn't know what
12 the governor's office was doing. None of
13 us did. We just knew that nothing had
14 happened and I think it was talked about
15 and maybe approved to send a follow-up
16 letter.

17 Q It was in fact approved by the LSTA to
18 send the June 19, 2017 letter enclosing
19 the July 11th, 2016 letter and the
20 incident report; is that right?

21 A I don't remember if that's exactly
22 everything that you just said like that
23 but I do remember there was talk about
24 there was no action taken and what can we
25 do. I think that's when the decision to

1 send a second letter was.

2 Q Let's talk about that, sir. At the same
3 time, correct me if I'm wrong, in June of
4 2017, there was an issue at the State
5 Police Commission regarding illegal
6 donations by LSTA to politicians; am I
7 right?

8 A There was a complaint. Yes, ma'am.

9 Q And before the second letter was sent on
10 June 19, 2017 to the governor, as I
11 understand it, a complaint had been filed
12 against the LSTA with the board of
13 ethics; right?

14 A There was a complaint filed with the
15 board of ethics and an ethics
16 investigation. Yes, ma'am.

17 Q As I understand it, the ethics board
18 confirmed an order in January of 2017
19 requiring the State Troopers Association,
20 LSTA, and Mr. Young to pay a civil
21 penalty; is that right?

22 A Yes, ma'am.

23 Q And finding that Mr. Young had violated
24 state law; is that right?

25 A That's what they said.

1 Q And finding that the LSTA had violated
2 state law; isn't that correct?

3 A I don't remember that.

4 Q Look at Exhibit 12, sir.

5 A I don't have Exhibit 12.

6 Q I'm referring your attention to page nine
7 of twelve in Exhibit 12; do you see that,
8 sir?

9 A I'm looking at an order of decree right
10 now.

11 Q In the second paragraph, do you see the
12 part where it says "it is further
13 ordered, adjudged and decreed that LSTA
14 violated LA RS 18:1505.2A(1) by making
15 contributions totaling \$17,500 to John
16 Bell Edwards and others;" do you see
17 that?

18 A Yes, ma'am.

19 Q That's a finding that the State Troopers
20 Association agreed to; am I right?

21 A I guess, ma'am.

22 Q You know that's true, sir, because you
23 guys met about it; didn't you?

24 A Yes, ma'am. We voted to go ahead and
25 accept this instead of appealing it.

1 Q So, when you voted to accept it at the
2 LSTA, you understood that the LSTA was
3 admitting to violating the law; right?

4 A We understood it to be David Young had
5 violated the law. That's what we
6 understood it --

7 Q Let's flip to the last page, sir. Page
8 twelve of twelve of this exhibit. This
9 looks like approved and agreed as to form
10 and content. And it says, "Before me,
11 the undersigned notary public in the
12 parish of East Baton Rouge, State of
13 Louisiana, personally came and appeared
14 the Louisiana State Troopers Association,
15 LSTA, through its duly authorized agent,
16 who executed this document and in the
17 presence of the witnesses." Do you see
18 that?

19 A Yes, ma'am.

20 Q And am I correct that the LSTA voted to
21 approve and agree to the form and the
22 content of the consent order, including
23 the order and decree that we just read;
24 right?

25 A Yes, ma'am. It's what we did.

1 Q My question was simply, you understood
2 that the LSTA voted to accept the finding
3 that it violated the law; right?

4 A No, ma'am. That's not what I said. For
5 me, I did not realize, to be honest with
6 you, that LSTA -- I never did, I never
7 heard of this. I thought David Young was
8 the one that was found and that we were
9 paying that thing because it was just
10 cheaper to do that than to appeal this.

11 Q So are you honestly telling me today is
12 the first time you've seen the order and
13 decree that finds that LSTA violated
14 state law; you never saw that before?

15 A Yes, ma'am. It's the first time I ever
16 see this.

17 Q So when you guys met as a board at LSTA
18 to discuss agreeing to this consent
19 order, you guys never saw the proposed
20 consent order?

21 A I can't speak for everybody else but I
22 can tell you right now that I was unaware
23 that we were paying this fine for this.
24 That may be a misunderstanding on my part
25 but I'm just telling you that I was

1 unaware of this.

2 **Q So sitting here today, are you telling me**
3 **under oath that LSTA did not violate the**
4 **law as reflected in Exhibit 12?**

5 MR. MAYEAUX:

6 Object to the form.

7 BY MS. CRAFT:

8 **Q You can answer.**

9 A My personal opinion, no. We did not.

10 That's just my personal opinion but I'm
11 not a judge. I would have rather seen
12 this go to the appellate court but there
13 was a financial decision that had to be
14 made and it was made.

15 **Q Again, sir, is it my understanding**
16 **correctly that you're telling me that the**
17 **LSTA never agreed that it violated the**
18 **law as reflected in Exhibit 12?**

19 MR. MAYEAUX:

20 Object to the form.

21 BY MS. CRAFT:

22 **Q You can answer.**

23 A I'm saying not me. I can't speak on
24 behalf of all the LSTA members and what
25 their opinion is to stuff. I can tell

1 you based on my knowledge of the case and
2 based on everything I know, I don't think
3 we did. Yes, ma'am. That's correct. At
4 least some of us on that board would
5 rather have seen it fought to the bitter
6 end but the problem with that is that you
7 have to make a financial decision and a
8 financial decision was made. I realize,
9 I thought it was for David Young to be
10 quite honest with you. Now that you say
11 that, maybe I am realizing or remembering
12 it was both of us. I don't remember just
13 by seeing these it's shocking to me and
14 now I'm seeing it, so.

15 **Q Did you guys at LSTA keep any minutes of**
16 **your meetings?**

17 A I'm sure we did.

18 **Q Sir, you sat through these meetings.**
19 **When you guys convene at the next one,**
20 **don't you approve the minutes from the**
21 **one before?**

22 A Yes, ma'am.

23 **Q So where are those? Where are those**
24 **kept?**

25 A I don't know. I'm assuming the LSTA

1 office.

2 Q And in those minutes, do you remember
3 approving the minutes for the meeting
4 where you guys approved executing this
5 consent order?

6 A I would remember them approving minutes.
7 Yes, ma'am. You are making an assumption
8 that I probably would've read them.

9 Q So you just vote to approve things, sir?

10 A I base my decision on what I remember
11 from the meetings. Yes, ma'am.

12 Q Got it. So what else do you remember
13 about the meetings, plural, regarding the
14 ethics complaint that was filed against
15 LSTA and Mr. Young?

16 A What about the ethics complaint?

17 Q What do you remember about the meetings,
18 the LSTA meetings that were held
19 regarding ethics complaint filed against
20 LSTA and Mr. Young?

21 A What do I remember about the ethics
22 complaint that was filed against the LSTA
23 and Mr. Young?

24 Q No, sir. What do you remember about the
25 LSTA meetings that were held regarding

1 **the ethics complaint filed against LSTA**
2 **and Mr. Young?**

3 A What I remember about the ethics
4 complaint that was filed was that there
5 was a concern about how the money was
6 transferred from David Young making the
7 donation and then being reimbursed for
8 that donation.

9 Q **Do you know how the complaint made its**
10 **way to the ethics commission?**

11 A It was my understanding that the
12 complaint made its way to the ethics
13 commission from some retired troopers,
14 ma'am.

15 Q **Did you know that the Louisiana State**
16 **Police Commission was also investigating**
17 **the prohibited political donations?**

18 A Yes, ma'am. There was a set of state
19 troopers who had filed a complaint with
20 them. Yes, ma'am.

21 Q **With the State Police Commission?**

22 A Yes, ma'am.

23 Q **And Ms. Derbonne was the then executive**
24 **director of the State Police Commission;**
25 **is that right?**

1 A Yes, ma'am.

2 Q Did you understand that Mr. Braxton was
3 on the State Police Commission at that
4 time; is that right?

5 A If you say so, ma'am. Yes, ma'am.

6 Q And you understood that Mr. Braxton was
7 in favor of the State Police Commission
8 investigating the violation of law as it
9 related to the political donations;
10 didn't you?

11 A No, ma'am. I don't remember all that.

12 Q But you certainly knew Ms. Derbonne was;
13 right?

14 A I certainly remember Ms. Derbonne was the
15 executive director like you just asked
16 me. Yes, ma'am.

17 Q You knew that the commission was about to
18 release a report; did you not?

19 A They did release a report, ma'am. I
20 thought it was they had an attorney come
21 in and conduct an investigation and I
22 thought I remembered him reading some of
23 it in a meeting at one time.

24 Q Sir, you were attending the State Police
25 Commission meetings, weren't you at that

1 **time in 2017?**

2 A Yes, ma'am. I think I remember being in
3 there.

4 **Q Why were you attending those meetings in**
5 **2017?**

6 A It was part of my job, I believe, ma'am.
7 We attended those meetings in operational
8 development.

9 **Q It was part of your job in operational**
10 **development to attend the State Police**
11 **Commission meetings?**

12 A Yes, ma'am. We handled all of those kind
13 of affairs for the department. Yes,
14 ma'am.

15 **Q Who else from state police was attending**
16 **the Commission meetings in 2017 with you?**

17 A Sometimes it may have been Jason Starnes.
18 He was in operational development at that
19 time, I think. If he was, he would have
20 attended. I know Robert Burns sometimes
21 attended.

22 **Q Robert Burns?**

23 A Yeah. He may have been after the fact,
24 though, after all this. I know he serves
25 in Operational Development now.

1 Q Okay. Who else?

2 A Maybe Frank Besson, maybe.

3 Q Spell that, please?

4 A F-R-A-N-K, B-E-S-S-O-N.

5 Q Were there any other state troopers
6 attending the meetings that you attended
7 in 2017 of the State Police Commission?

8 A They were considered open meetings. They
9 were on the compound so a lot of the
10 troopers would come to them. I can't
11 remember all of them, ma'am. There would
12 people in the audience.

13 Q Tell me some of the troopers you do
14 remember attending some of those meetings
15 in 2017.

16 A I can't tell you the date. I can tell
17 you the troopers I remember attending
18 meetings. I don't know the specific
19 date. I can tell you over my history of
20 going to the meetings who I remember
21 attending, if that's okay. You want me
22 to answer that?

23 Q That was the question I asked?

24 A You specifically said 2017. I just want
25 to preface that it may have been outside,

1 before or after.

2 **Q Okay.**

3 A I remember Jay Aucoin, he sits in those
4 meetings. He'd come to the meetings. I
5 would remember who would attend a State
6 Police Commission meetings also, a lot of
7 the board members. Some board members
8 would attend occasionally. Not all the
9 time but occasionally. Like I said, it
10 just depended on what was before the
11 Commission at that point in time. Like
12 if it concerned pay or something like
13 that, obviously you'd have more troopers
14 that would show more concern for it and
15 go to it.

16 **Q Did you know whether or not there was an**
17 **instance where there was a concern that**
18 **Mr. Braxton would not go along with pay**
19 **raises for state troopers?**

20 A I've never heard that, ma'am.

21 **Q Do you remember an occasion where you**
22 **were having breakfast with Durrell**
23 **Williams and Cathy Derbonne at State**
24 **Police Headquarters?**

25 A I'm not sure, ma'am.

1 Q And Thurmond Miller?

2 A I cannot remember that.

3 Q Do you recall making a statement, you
4 and/or Mr. Williams, something about
5 they're going to get Calvin and his
6 family?

7 A No, ma'am. No one's ever made that
8 statement.

9 Q Okay. So, you don't remember you ever
10 saying anything like that and you don't
11 remember Mr. Williams ever saying
12 anything like that; is that right?

13 A That's correct. I don't remember any
14 person ever saying they're going to get
15 somebody, especially Mr. Braxton and his
16 family. Never have I ever heard that.

17 Q Did you hear words like that, like
18 they're not happy with Calvin, somebody's
19 not happy with Calvin; anything like
20 that?

21 A No, ma'am.

22 Q Do you recall having breakfast with Cathy
23 Derbonne and Thurmond Miller and Durrell
24 Williams where there was a discussion
25 about Calvin Braxton voting against a

1 **raise?**

2 A No, ma'am.

3 Q **Is that a recollection or is that an**
4 **assurance like hey, Jill, it never**
5 **happened?**

6 A I don't ever remember talking about
7 someone not voting for a raise. I don't
8 ever remember that conversation ever
9 happening.

10 Q **Do you remember Mr. Miller at any time**
11 **ever making a comment about people**
12 **needing to calm down as it related to Mr.**
13 **Braxton?**

14 A No, ma'am. I don't remember that.

15 Q **Were folks at LSTA upset with Mr.**
16 **Braxton?**

17 A I'm sorry, who?

18 Q **Folks at LSTA, were they upset with Mr.**
19 **Braxton?**

20 A Is the question were folks at LSTA upset
21 with Mr. Braxton?

22 Q **Yes, that's my question.**

23 A No, ma'am. I don't remember anybody
24 being upset with him. I think everybody
25 was more concerned about his actions,

1 ma'am, than anything else.

2 **Q And which actions were those?**

3 A Trying to remove a trooper from his
4 position and transferring him out of the
5 parish and threatening if he ever came
6 before the board.

7 **Q Those concerns were discussed at LSTA
8 meetings; is that right?**

9 A Yes, ma'am.

10 **Q Mr. Oliphant, did he ever attend LSTA
11 meetings?**

12 A Not that I ever remember.

13 **Q The source of the information being
14 discussed at the LSTA meetings, would it
15 be fair to say that would be Mr.
16 Oliphant?**

17 A I would think Mr. Oliphant, Mr.
18 Linebaugh. Yes.

19 **Q Did Mr. Linebaugh ever share these
20 concerns with anyone affiliated with
21 LSTA?**

22 A If he did, it would have been probably
23 Chris Wright. That was his affiliate
24 president.

25 **Q Is that a guess on your part, sir, or**

1 **anything that you know?**

2 A I just can't remember every single buddy,
3 if that makes any sense, that he would
4 have talked to. I'm just making a guess
5 that it would probably have been Chris
6 Wright. Chris Wright's the one I think,
7 now that we're talking about it, is the
8 one I remember who kind of brought up the
9 issue with us at the board.

10 **Q And then you certainly shared the**
11 **communications that Mr. Oliphant had with**
12 **you to the LSTA; isn't that right?**

13 A Absolutely. Yeah, I would have come back
14 and said that. Yes, ma'am.

15 **Q When Mr. Oliphant communicated that**
16 **information to you, he didn't tell you it**
17 **was confidential or anything else; right?**

18 A No, ma'am. We had a conversation and he
19 verified basically everything that I
20 already heard, though. So it was just a
21 verification of what was being said.

22 **Q Did you understand the conversation**
23 **between Mr. Braxton and Mr. Oliphant was**
24 **only between the two of them; isn't that**
25 **right?**

1 A Generally a conversation between two
2 people is just between the two of them.

3 Yes, ma'am.

4 Q I'm asking in this case. You understood
5 that whatever communications transpired
6 were solely between Mr. Braxton and Mr.
7 Oliphant; isn't that right?

8 A I don't know if I understand your
9 question. I want to answer it best I can
10 but if like, if I'm having a conversation
11 with two people and then conversation is
12 between those two people, is that what
13 you're asking?

14 Q What I'm asking and this is really not
15 hard. What I'm asking is the allegation
16 that Calvin Braxton tried to use his
17 position on the Commission and maybe
18 tried to do something to Officer
19 Linebaugh, you understood that that
20 conversation about that stuff had only
21 taken place between Mr. Oliphant and Mr.
22 Braxton. There was no other witness to
23 those discussions; am I right?

24 A Yes, ma'am.

25 Q Okay. Then am I correct, this talk at

1 headquarters and then the discussions at
2 LSTA with the accusations involving Mr.
3 Braxton could have only come, as far as
4 you know, from either Mr. Oliphant or Mr.
5 Braxton; isn't that right?

6 A The information that's being shared, I
7 don't know. And what I mean by that is I
8 heard it from like, Chris Wright was
9 saying it, so did he have a conversation
10 with Oliphant? I don't know. Did he
11 have a conversation with Linebaugh, I'm
12 assuming he did. So, that's what I'm
13 basing it on is that there were several
14 conversations about the event happening.
15 A conversation with Oliphant occurred to
16 verify that those events were actually
17 true and then that's where we're at
18 today.

19 Q But you understood that Mr. Linebaugh
20 never spoke to Mr. Braxton; isn't that
21 right?

22 A I don't know that, ma'am. I would assume
23 that he would never have. Yes, that's
24 correct.

25 Q With respect to the Facebook posting, is

1 it your testimony that you had no idea
2 that the Facebook posting in any way
3 referred to Mr. Braxton?

4 A What are you asking? You're asking can I
5 make an assumption that it referred to
6 Mr. Braxton? When I read the Facebook
7 post, I could tell you I was concerned
8 about Mr. Oliphant.

9 Q You have deposition Exhibit number 1 in
10 front of you, sir?

11 A Number one?

12 MR. MAYEAUX:

13 Counsel, number 1?

14 MS. CRAFT:

15 Yes.

16 A Yes, I'm looking at number 1 right now,
17 ma'am.

18 BY MS. CRAFT:

19 Q Look at the last page, sir. This is the
20 Oliphant Facebook posting that we've been
21 talking about; is that right?

22 A Yes, ma'am. Now, I remember it much more
23 clearly now that I'm reading it. Yes,
24 ma'am.

25 Q Good. And is it your sworn testimony

1 that in reading this Facebook report, you
2 in no way think it involves Mr. Braxton?

3 A No, ma'am. Now that I read it, I would
4 make the assumption that it involves Mr.
5 Braxton, yes.

6 Q And you would make that assumption based
7 on, for example, where he says, over the
8 second, third line, "However, over the
9 last few months, I've been subjected to
10 personal attacks purely due to an ethical
11 decision I made in December of 2015.
12 During that time I refused to succumb to
13 threats and intimidation from a local
14 Natchitoches businessman whose daughter
15 was arrested by an officer under my
16 command." That's why you make that
17 assumption; correct?

18 A No, ma'am. I make the assumption based
19 on me knowing the facts and circumstances
20 to that statement. So yes, ma'am. Had I
21 not known those facts and circumstances,
22 I would not have known that. But now
23 that I see that.

24 Q Let's see if we can ferret that out.
25 This Facebook posting was in 2018; isn't

1 **that correct?**

2 A I don't know, ma'am. If you say so. I
3 can't see the date on there.

4 Q **By 2018, sir, correct me if I'm wrong,**
5 **the LSTA had authorized and sent two**
6 **letters to the governor. One in 2016 and**
7 **the second one in June of 2017 about Mr.**
8 **Braxton; isn't that right?**

9 A There was letters sent. Yes, ma'am. I
10 don't remember the timeframe but yes,
11 ma'am, there were two letters sent.

12 Q **And you know the second letter from 2017**
13 **ended up on television; right?**

14 A You're breaking up a little bit but I
15 think you said the second letter ended up
16 on television; is that what you said?

17 Q **Yes, sir. Yes.**

18 A I don't remember that.

19 Q **By 2018, Mr. Braxton was already off the**
20 **commission; isn't that right?**

21 A I don't remember that either, ma'am. I
22 don't know his timeframe.

23 Q **But you knew with the sending of the**
24 **second letter, the goal was to get Mr.**
25 **Braxton removed from that commission**

1 **and/or punished; isn't that right?**

2 A The goal was to refer it to the governor
3 for his appropriate action. Yes, ma'am.

4 Q **And that appropriate action would have
5 been removing Mr. Braxton and/or
6 punishing him; isn't that correct?**

7 A If that's what the governor deemed the
8 appropriate action then yes, that would
9 have been.

10 Q **And when Mr. Braxton left the Commission,
11 you are aware that there were press
12 reports about him leaving the Commission;
13 isn't that right?**

14 A I remember a news story. Yes, ma'am.

15 Q **And you remember in that news story, them
16 talking about the allegation that he had
17 somehow engaged in intimidation in
18 December of 2015; right? The same
19 incident.**

20 A I don't know if that's what I remember
21 about the news story. What I remember
22 about the news story was he had sent a
23 request via email to Cathy Derbonne to
24 fix a ticket and told another outside
25 agency that he had some -- he got or

1 somebody got or something -- and he sent
2 a request to get a ticket fixed and she
3 sent a letter to that agency. That's
4 what I remember about the news story.

5 **Q So, you don't remember any of the news**
6 **stories as it related to the LSTA letters**
7 **to the governor; nothing?**

8 A No, I don't remember that part of it. I
9 just remember that was the thing that
10 stuck out in my mind. That's the only
11 thing I really remember. I remember
12 there was a news story and it was
13 something about ticket fixing. That's
14 all I remember.

15 **Q You don't remember any of the news**
16 **stories about the accusation that Mr.**
17 **Braxton engaged in some sort of**
18 **intimidation as it related to his**
19 **daughter's arrest; you don't remember any**
20 **of that?**

21 A I can't recall, ma'am. If I saw the
22 story, it would probably bring back some
23 memory or something but on the top of my
24 mind, I do not recall that.

25 **Q Is it your sworn testimony, sir, that**

1 there was never a discussion at LSTA
2 about Mr. Braxton attempting to have
3 tickets fixed?

4 A Ma'am, the first time I ever heard about
5 that was I think on the news story, is
6 the first time I ever heard that.

7 Q **There was never a public records request**
8 **issued to the State Police Commission**
9 **that you saw asking for communications**
10 **between Mr. Braxton and Ms. Derbonne?**

11 A I don't remember ever talking about
12 something like that. No, ma'am.

13 Q **My question was you never saw any public**
14 **records request asking for communications**
15 **between Ms. Derbonne and Mr. Braxton?**

16 A I never saw the public records request
17 asking for, yeah. Yes, ma'am. I never
18 saw that.

19 Q **And no human being talked to you about an**
20 **allegation involving Mr. Braxton and Ms.**
21 **Derbonne in some sort of ticket fixing**
22 **you said, until you saw it on the news;**
23 **do I have that right?**

24 A I cannot remember ever discussing that.
25 Yes, ma'am.

1 Q And that's true with anybody at LSTA?

2 Nobody ever said anything about that?

3 A I cannot remember anybody talking about
4 that.

5 Q Were you aware Ms. Derbonne was going to
6 be proposed for removal as Executive
7 Director?

8 A I'm trying to remember if I heard rumors
9 of that. I don't think so. I think I
10 just remember being shocked at what was
11 going on at the commission meeting. I
12 think that was the most shocking thing
13 then, is when we truly, truly learned
14 about that kind of stuff, yes.

15 Q What kind of stuff?

16 A That she was being removed over, I don't
17 know if someone said something about not
18 being truthful in her testimony or
19 something. I don't remember the whole
20 thing. It was something to that effect,
21 nothing really came out of it. I was
22 trying to figure out what happened. All
23 I know is she was very upset and she had
24 left, she ended up resigning.

25 Q Sir, are you telling me that you were

1 unaware of any discussions with anyone at
2 LSTA prior to that meeting about Cathy
3 Derbonne being removed; that never
4 happened?

5 A Ma'am, I'm telling you I don't remember
6 anybody talking about her removal LSTA-
7 wise.

8 Q Well, how about State Police-wise?

9 A I can't recall that. I can't recall
10 anybody saying that she has to go or we
11 have to get rid of her, to the effect
12 that she has to -- trying to get rid of
13 her. I can't ever recall that. I don't
14 remember anybody talking about that.

15 Q Who's TJ Doss?

16 A Who is who? TJ Doss?

17 Q Uh-huh.

18 A He was on the commission. I think he was
19 actually chairman at one time. I think
20 he was involved in an incident where he
21 was even at the commission, a trooper up
22 in north Louisiana.

23 Q Did you ever have any conversations with
24 Mr. Doss about either Ms. Derbonne or Mr.
25 Braxton?

1 A I can't remember fully. We may have had
2 discussions but I'm telling you right
3 now, I don't remember ever specifically
4 talking about these issues with him.

5 **Q I didn't say about these issues. My**
6 **question was very general. Did you ever**
7 **have any discussions with Mr. Doss about**
8 **either Ms. Derbonne or Mr. Braxton?**

9 A He used to come to the conventions and I
10 remember him talking about Ms. Derbonne
11 in the convention so yeah, we would,
12 yeah.

13 **Q What do you remember him saying about Ms.**
14 **Derbonne at the conventions?**

15 A That we're looking at testing stuff. It
16 was nothing, I don't remember him saying
17 anything negative at the convention about
18 her. It was just about testing and
19 things like that.

20 **Q What about testing?**

21 A A lot of troopers complained about
22 testing. It was probably the biggest
23 complaint we have in state police is the
24 promotional tests and how it's
25 administered and the questions on it.

1 Things like that. Troopers always wanted
2 to change something with it.

3 **Q What was Mr. Doss saying about Ms.
4 Derbonne at the conventions?**

5 A That the Commission is working on it and
6 Cathy Derbonne, in looking at getting
7 better testing for us.

8 **Q Anything else?**

9 A That's what I can remember right now,
10 ma'am.

11 **Q At the meeting that Cathy Derbonne
12 resigned, do you remember Mr. Williams,
13 Durrell Williams being there, too?**

14 A No, ma'am. I don't.

15 **Q Did you know anything about who had
16 invited the press to that meeting? The
17 one where Ms. Derbonne resigned?**

18 A No, ma'am. I did not.

19 **Q Did you recognize any of the members of
20 the media present at that meeting?**

21 A Until you said it, I don't even remember
22 them being there to be honest with you.
23 I don't.

24 **Q Now, sir, I just want to be clear. You
25 are testifying that you never heard**

1 **anybody say anything about trying to**
2 **remove Calvin from the Commission or**
3 **trying to do something to Calvin or his**
4 **family; is that right?**

5 A I said I never remembered anybody saying
6 anything about getting Calvin or getting
7 his family; that's correct. That's what
8 I'm saying. I never, ever heard anything
9 like that.

10 Q **Did you ever hear anything about getting**
11 **Calvin or having Calvin removed from the**
12 **Commission?**

13 A With there being discussions as to what
14 the governor can do? Yes, ma'am. Those
15 discussions were had. The possibility of
16 what the governor could do. The governor
17 could punish him or the governor could
18 remove, yes. Those were talked about.

19 Q **Those were LSTA conversations; is that**
20 **right?**

21 A Yes, ma'am.

22 Q **My second question is, is it your**
23 **testimony that you never heard anybody**
24 **make any comments about doing something**
25 **to Calvin or doing something to his**

1 **family?**

2 A Never heard that, ever.

3 Q **If we could take a short break. Let me**
4 **confer with my client and we'll be right**
5 **back.**

6 (Off the record.)

7 BY MS. CRAFT:

8 Q **Sir, during our break, who did you talk**
9 **to?**

10 A I didn't talk to nobody, ma'am. I went
11 and got me a water.

12 Q **Okay. Do you remember there being any**
13 **discussions about the resignation of**
14 **three commission members?**

15 A A discussion with -- who were the
16 members; what do you mean?

17 Q **Do you remember three commission members**
18 **leaving the Commission because they had**
19 **made political donations?**

20 A Yes, ma'am.

21 Q **Do you remember there being any**
22 **discussions with LSTA folks or at a LSTA**
23 **convention about those three commission**
24 **members leaving the Commission?**

25 A No, ma'am. I don't remember anything

1 like that.

2 **Q Do you remember the LSTA convention in**
3 **Lafayette in June of 2016?**

4 **A I don't remember that. Do we have**
5 **conventions in Lafayette? Yes, ma'am.**
6 **But I don't remember.**

7 **Q Do you remember Mr. Doss ever saying that**
8 **Cathy Derbonne had caused the resignation**
9 **of three commission members?**

10 **A No, ma'am. I don't remember that.**

11 **Q We talked a little bit about Mr. Dupuy.**
12 **Can you tell me whether or not there was**
13 **some issue about Mr. Dupuy and being**
14 **appointed to a position of deputy**
15 **superintendent?**

16 **A What do you mean, ma'am? It being, there**
17 **was an issue with him being appointed as**
18 **deputy superintendent?**

19 **Q Yes.**

20 **A No, ma'am. There was no issue with him**
21 **being appointed as a deputy**
22 **superintendent.**

23 **Q Do you know if somebody raised an issue**
24 **about his appointment to deputy**
25 **superintendent?**

1 A They can raise any issue they want. It's
2 an appointment to deputy superintendent,
3 ma'am.

4 Q Do you know if Ms. Derbonne and/or Mr.
5 Braxton raised an issue about Mr. Dupuy's
6 appointment to deputy superintendent?

7 A I've never heard of that, no ma'am.

8 Q Were you aware of either Ms. Derbonne or
9 Mr. Braxton raising an issue about the
10 appointment of Mr. Starnes to an interim
11 undersecretary position?

12 A I do remember something, their concern
13 about creating a position, yes, ma'am,
14 for a colonel, another colonel position
15 because the board has to do that and they
16 did.

17 Q 'They' being Mr. Braxton and Ms. Derbonne
18 had an issue about Mr. Starnes being
19 appointed to the interim undersecretary
20 position; isn't that correct?

21 A I remember the board having, yeah, they
22 had some discussion on that but I thought
23 they approved that because he is and he
24 always was.

25 Q Well, actually sir, wasn't the issue he

1 was appointed in that interim capacity
2 before the State Police Commission
3 actually approved it; wasn't that the
4 problem?

5 A Yes, ma'am. I believe it was something
6 like that then they later approved it and
7 that's where he sits today.

8 Q And isn't it true that Mr. Starnes was
9 not happy about that?

10 A I don't know, ma'am. I didn't speak to
11 Mr. Starnes about it.

12 Q He never talked to you about it?

13 A I don't remember ever having a
14 conversation about that. No, ma'am.

15 Q Do you recall in June of 2016, the
16 proposed pay plan for state police being
17 rescinded?

18 A Yes, ma'am. I was part of that pay plan.

19 Q Was that as a result of some objections
20 by Ms. Derbonne and/or Mr. Braxton about
21 the pay plan not being in compliance with
22 the law?

23 A Cathy Derbonne has expressed some
24 concerns about the pay plan not being
25 approved by the current governor, John

1 Bell Edwards, instead of it was approved
2 by Bobby Jindal.

3 **Q So, as a result of her raising that**
4 **issue, the pay plan had to be rescinded**
5 **and done right; isn't that correct?**

6 A The pay plan was rescinded -- a signature
7 had to be gotten from the governor, the
8 current sitting governor, which he did
9 and everything was fine.

10 **Q But everything wasn't fine when it was**
11 **initially rescinded; was it, sir?**

12 A What do you mean? I mean, there's no
13 trooper that ever lost pay. I mean, it
14 was, and people were getting paid the
15 same before that. It just went through
16 and like to me, I didn't think it -- it
17 was a formality that she wanted and it
18 was done.

19 **Q Sir, at some point in time, you were**
20 **under investigation for a trip to Las**
21 **Vegas; is that right or no?**

22 A Yes, ma'am.

23 **Q When was that, sir?**

24 A I can't remember the time. It was like
25 2000 -- was it '16 or '17 -- '16, around

1 that time.

2 **Q It was in late 2016, early 2017; isn't**
3 **that right?**

4 A Yes, ma'am.

5 **Q And, sir, were you ever disciplined for**
6 **that Las Vegas trip?**

7 A Yes, ma'am. I was.

8 **Q When was that?**

9 A It was probably a year later, I think, by
10 the time they decided to go ahead and do
11 the discipline. It was like 2017 maybe,
12 something like that.

13 **Q Was Mr. Braxton on the board when you**
14 **were disciplined?**

15 A I don't remember, ma'am. I didn't go
16 before them at that time. It was way
17 later before we went before the board.

18 **Q After Mr. Braxton was off?**

19 A I would assume, ma'am. I don't know.

20 **Q So, you were disciplined, did the board**
21 **affirm the discipline or did they reverse**
22 **it or what happened?**

23 A No, they still disciplined me, ma'am. It
24 was 500 hours, I believe, suspension is
25 what they settled on.

1 Q What do you mean they settled on? What
2 was the original recommendation?

3 A The original recommendation was demotion.

4 Q And that was the recommendation by who?

5 A The colonel and the staff. Yes, ma'am.

6 Q At the insistence of the governor; isn't
7 that right?

8 A No, ma'am. He doesn't control
9 discipline, ma'am. If he does it's news
10 to me and please let me know that because
11 I'd be interested in hearing if that's
12 so.

13 Q Again, I'm asking the questions, sir. If
14 you don't mind.

15 A Yes, ma'am.

16 Q So, then you appealed to the board and
17 then the board reduced it to a 500-hour
18 suspension?

19 A Yeah, if you want to say reduced. It's
20 still pretty significant, yes ma'am.

21 Q How did you served the 500 hours; have
22 you?

23 A Yes ma'am. I served by time.

24 Q How?

25 A The colonel said that I was to take a

1 reduction in pay was what we decided on
2 instead of a whole appeals process. It
3 was decided that I would take a reduction
4 in pay, not allowed to work any overtime,
5 not be available for any increases until
6 after the cost of 500 hours was
7 accumulated, which was somewhere over a
8 year long, ma'am.

9 **Q And during that time were you able to**
10 **take your compensatory leave time?**

11 A I would have been able to take paid time,
12 yes, ma'am.

13 **Q And did you?**

14 A I rarely take leave. I probably did take
15 some leave. Yes, ma'am.

16 **Q Who else was disciplined for the Las**
17 **Vegas trip besides you?**

18 A Durrell Williams but not specifically for
19 Las Vegas stuff. But yeah, he was
20 disciplined.

21 **Q Anybody else?**

22 A No. What do you mean, initially or after
23 the fact because Thurmond was but he was,
24 his stuff was just done away with, he was
25 reversed. And then Alexander Nezgodinsky

1 was with us and he was not even, there
2 was like a letter of reprimand, which was
3 like no discipline at all basically. So
4 it's not typical --

5 **Q You're going to have to spell that for**
6 **the court reporter. Alexander what?**

7 A Nezgodinsky, he's Russian. We just call
8 him Zky. Let me see for the court
9 reporter. If you don't mind, I can look
10 it up maybe if I have it. Hang on.

11 **Q You're checking on your cell phone, sir?**

12 A If I can. If I have it. Nezgodinsky is
13 N-E-Z-G-O-D-I-N-S-K-Y.

14 **Q Mr. Hyatt, have you been consistently**
15 **employed by the state the whole time?**

16 A Yes, ma'am.

17 **Q Did you ever leave and come back?**

18 A No, ma'am.

19 **Q Did you ever submit any kind of**
20 **retirement request and then return?**

21 A No, ma'am.

22 **Q Do you know if Mr. Nezgodinsky did that?**

23 A No, ma'am.

24 **Q So you got 500 hours of time. Did you**
25 **have a prior disciplinary history?**

1 A No, ma'am.

2 Q Can you tell me who, if anyone, you heard
3 make any negative comments about Calvin
4 Braxton other than what you've identified
5 in your deposition today?

6 A What was the question, ma'am?

7 Q Who, if anyone, you heard make any
8 negative comments about Calvin Braxton
9 other than what you've testified to
10 today?

11 A All I'm hearing is who was.

12 Q Can you tell me who made any negative
13 comments about Calvin Braxton other than
14 what you've testified to today?

15 A No, ma'am.

16 Q There's no one else you can think of?

17 A I don't -- what do you consider, like,
18 negative comment. I never heard anybody
19 say anything negative about Mr. Braxton
20 other than raise concerns about actions
21 that he has undergone. That's it.

22 Q Other than the discussions you identified
23 at LSTA about that, the conversations you
24 had with Mr. Oliphant and I think you
25 said Chris Wright may have said some

1 things, is there anyone else affiliated
2 with LSTA or the state police that said
3 anything about the allegation regarding
4 Mr. Braxton?

5 A Ma'am, I don't remember anything. No,
6 ma'am.

7 Q Okay. That's all I have for now, sir.
8 The other lawyers may have some
9 questions. I don't know.

10 MR. FALCON:

11 I have no questions.

12 MR. OXENHANDLER:

13 I have a couple of questions.

14 CROSS EXAMINATION

15 BY MR. OXENHANDLER:

16 Q Mr. Hyatt, my name is Steve Oxenhandler.
17 Good afternoon. I represent Colonel
18 Oliphant who is here with me today. In a
19 recent memorandum to the court you don't
20 know about this, but in a recent
21 memorandum to the court, Ms. Craft on
22 behalf of Calvin Braxton has claimed the
23 following. Please listen to this
24 statement. "Colonel Oliphant received
25 directives from the Louisiana State

1 Police and the LSTA through you, Rodney
2 Hyatt, to write the June 2nd, 2016
3 incident report specifically to harm Mr.
4 Braxton." Knowing that's the statement
5 that Ms. Craft included in a recent
6 memorandum, did you ever give Colonel
7 Oliphant any directive to write the June
8 2nd, 2016 incident report?

9 A No, sir.

10 Q Were you ever in a position to give a
11 directive to Colonel Oliphant to write an
12 incident report?

13 A No, sir.

14 Q Does the LSTA have any authority over
15 Louisiana state troopers?

16 A No, sir.

17 Q Did you give directives for anything to
18 the Louisiana state troopers on behalf of
19 the LSTA?

20 A No, sir.

21 Q That's because the LSTA has no authority
22 over the Louisiana State Police; do they?

23 MS. CRAFT:

24 I'm going to object to the
25 form.

1 BY MR. OXENHANDLER:

2 Q Am I correct, sir? You can answer.

3 A That's correct. We do not have authority
4 over any trooper.

5 Q In 2016, were you in a position to act on
6 behalf of the Louisiana State Police for
7 the purpose of directing state troopers
8 to write incident reports?

9 A No, sir. I was not.

10 Q Did you ever give a directive of any
11 nature whatsoever for Colonel Oliphant to
12 do anything to harm Calvin Braxton?

13 A No, sir. I did not.

14 Q I'm going to switch subjects here to the
15 LSTA letters. There was testimony about
16 the two letters, one in June 2016 and
17 then -- I'm sorry, July 2016, July 11th
18 and then one on June 19th of 2017. I
19 just want to ask you a couple of
20 questions about those; okay? Were you
21 involved in any manner in the writing of
22 LSTA's July 11th, 2016 letter to Governor
23 Edwards regarding Calvin Braxton?

24 MS. CRAFT:

25 Objection. Asked and

1 answered.

2 BY MR. OXENHANDLER:

3 Q Go ahead. You can answer.

4 A Can you repeat that?

5 Q Yes. Were you involved in any manner
6 with the writing of the LSTA's July
7 letter, the 2016 letter to Governor
8 Edwards regarding Calvin Braxton?

9 MS. CRAFT:

10 Same objection.

11 A I did not write the letter or have input
12 on the writing of the letter.

13 BY MR. OXENHANDLER:

14 Q To your knowledge, did Colonel Oliphant
15 have any involvement with the drafting or
16 the writing of LSTA's July 11th, 2016
17 letter to Governor Edwards?

18 A No, sir. It's my understanding that our
19 attorney drafted that letter.

20 Q Were you involved -- and my last
21 question, set of questions, were you
22 involved in any manner with the writing
23 of the LSTA's June 19th, 2017 letter, the
24 second letter to Governor Edwards
25 regarding Calvin Braxton?

1 A No.

2 MS. CRAFT:

3 Asked and answered.

4 A No, sir.

5 BY MR. OXENHANDLER:

6 Q To your knowledge, did Colonel Oliphant
7 have any involvement with the drafting or
8 writing of the LSTA's June 19th, 2017
9 letter to Governor Edwards?

10 A No, sir. I do not know that he had any
11 knowledge.

12 Q Thank you. Those are the only questions
13 I have. Thank you, sir.

14 MS. CRAFT:

15 Anybody else?

16 MR. MAYEAUX:

17 No, not me.

18 RE-DIRECT

19 BY MS. CRAFT:

20 Q Mr. Hyatt, I have a couple of follow-ups.
21 You did tell us, did you not, that the
22 LSTA board approved both the writing and
23 sending of the July 2016 and June 2017
24 letters to the governor; isn't that
25 right?

1 A The first letter I can tell you that we
2 would have discussed and approved it.
3 The second one I cannot remember but that
4 sounds like the formality that would have
5 happened. It would have been discussed.

6 Q You told us unequivocally, at least with
7 the first letter, that that was
8 definitely approved by the LSTA board to
9 send to the governor; isn't that right?

10 A I think that's what I just said. If I
11 misspoke, I apologize. But yes, ma'am.
12 The first letter was discussed and then
13 sent to the governor. The second letter
14 I cannot really recall but it sounds like
15 that would have happened if another
16 letter was sent out possibly, that would
17 have been discussed.

18 Q In fact, what you told us was the
19 governor hadn't done anything in a year
20 so that's why LSTA decided to send the
21 second letter; do you remember that?

22 A That makes sense, yes.

23 Q And then you were asked a question about
24 Mr. Oliphant having any involvement with
25 the first and the second letter; do you

1 **remember that?**

2 A I was asked if Mr. Oliphant had any
3 involvement with the first and the second
4 letter?

5 **Q Yes.**

6 A No, I don't remember that, being asked
7 that question, ma'am --

8 **Q I think Mr. Oxenhandler just asked you**
9 **that question.**

10 A Oh, I thought you meant you asked me the
11 question.

12 **Q No, sir.**

13 A Yes, ma'am. Yeah, he just asked if Mr.
14 Oliphant had anything to do with those
15 two letters. Yes, ma'am.

16 **Q I just want to make sure we're clear and**
17 **your answer was no; right?**

18 A Not to my knowledge he didn't have
19 anything to do with LSTA letters, right,
20 that would've went to the governor.
21 That's what you're asking?

22 **Q I'm just asking about your question you**
23 **asked, sir.**

24 A Okay.

25 **Q But it's true, is it not, that Mr.**

1 Oliphant's alleged incident report that
2 he wrote sometime in June of 2016 was
3 included with both letters sent to the
4 governor; isn't that right?

5 A I only remember something with a letter.
6 If it was the first or the second, I
7 don't remember. If it was both, I don't
8 remember. I remember seeing some type of
9 report in a letter. Yes, ma'am.

10 Q And you knew that was Mr. Oliphant's
11 report; isn't that right?

12 A Yes, ma'am.

13 Q So, your testimony that you gave to Mr.
14 Oxenhandler about Mr. Oliphant had no
15 involvement with the letter that went to
16 the governor, that's not entirely
17 accurate; is it, sir?

18 MR. OXENHANDLER:

19 Objection. That's entirely
20 accurate. You're
21 mischaracterizing his testimony
22 to fit your spurious restatement
23 of what I asked him.

24 MS. CRAFT:

25 Thank you for your commentary,

1 Mr. Oxenhandler. I'm assuming
2 that's an objection.

3 MR. OXENHANDLER:

4 You're welcome --

5 MS. CRAFT:

6 As to form.

7 MR. OXENHANDLER:

8 It was.

9 BY MS. CRAFT:

10 **Q Sir, it is not accurate to say that Mr.**
11 **Oliphant had no involvement with the**
12 **information communicated to the governor**
13 **in '16 and '17; isn't that right? That's**
14 **not accurate.**

15 **A** I would disagree with you on that, ma'am,
16 simply by stating that the question was
17 did he have any involvement in the
18 writing of the letter. And to my
19 knowledge he did not have any involvement
20 to the writing of that letter. Our
21 attorney would have. Our attorney would
22 have had involvement in the
23 correspondence with the governor's
24 office, not Mr. Oliphant.

25 **Q Right, but Mr. Oliphant's involvement was**

1 the inclusion of the incident report that
2 he authored about my client in June of
3 2016; isn't that right?

4 MR. OXENHANDLER:

5 Objection --

6 MR. FALCON:

7 Objection, form and
8 argumentative.

9 MS. CRAFT:

10 That's fine. I'm still asking
11 it.

12 BY MS. CRAFT:

13 **Q Isn't that right, sir?**

14 **A**Ma'am, I don't believe your logic on that
15 fits that. You're saying someone's
16 involved because something that they
17 wrote outside of something. That's like
18 saying if someone writes a book and
19 someone goes and commits a murder based
20 on the book, then they're at fault. I
21 don't believe in that circular logic like
22 that.

23 **Q**Sir, the incident report that Mr.

24 Oliphant wrote was included in the two
25 communications with the governor; isn't

1 **that right?**

2 A Yes, ma'am.

3 Q **So under those circumstances, the**
4 **statements that Mr. Oliphant made in that**
5 **incident report were at least published**
6 **to and republished to the governor of**
7 **this state; isn't that correct?**

8 A That's a correct on that question, yes,
9 ma'am, according to what you just said.

10 Q **The basis of the LSTA letters that were**
11 **sent to the governor was the information**
12 **that Mr. Oliphant put in that incident**
13 **report he wrote about my client; isn't**
14 **that right?**

15 A The basis of the letters that went were
16 based on Mr. Braxton's actions and what
17 he did. Yes, ma'am.

18 Q **As related by Mr. Oliphant; isn't that**
19 **correct?**

20 A Yes, ma'am. In the letter.

21 Q **You mean in his incident report?**

22 A The letter sent to the governor's office.
23 Yes, ma'am. Yeah, and which was
24 attached. Yes, ma'am.

25 Q **And that was based on the information**

1 **that Mr. Oliphant provided; isn't that**
2 **correct?**

3 A Yes, ma'am.

4 Q **That's all I have, sir. Thank you.**

5 MR. OXENHANDLER:

6 I have a follow-up to that.

7 MS. CRAFT:

8 And then I'm going to object
9 to the re-direct, sir. But go
10 ahead.

11 MR. OXENHANDLER:

12 That's fine.

13 RE-CROSS

14 BY MR. OXENHANDLER:

15 Q **Mr. Hyatt, do you have any evidence that**
16 **Colonel Oliphant asked or requested in**
17 **any manner that the June 2nd, 2016**
18 **incident report be attached to either of**
19 **the two letters the LSTA sent to the**
20 **governor?**

21 A No. My understanding is Mr. Oliphant
22 didn't even know letters were being sent
23 to the governor.

24 Q **Thank you. That's all the questions I**
25 **have.**

1 (Whereupon, the taking of the witness's

2 testimony was concluded at or about 3:29

3 P.M.)

4

5

R E P O R T E R ' S P A G E

I, Jennifer Pickett, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding; that the dashes (--) do not indicate that words or phrases have been left out of this transcript; and that any words and/or names which could not be verified through reference material have been denoted with the phrase "(phonetic)."

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I, Jennifer Pickett, Certified Court Reporter in and for the State of Louisiana, Certificate No. 29011, which is current and in good standing, as the officer before whom this testimony was taken, do hereby certify that the above and foregoing was taken under the authority of R.S. 37:2554; that the foregoing was taken by the undersigned as hereinbefore set forth in the foregoing pages; that it was reported by me in the stenomask method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; and that I informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services; and that I have acted in compliance with La. Code of Civil Procedure Article 1434; that I am no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter nor is there any such relationship between myself and a party litigant in this matter. I am not related to counsel or to the parties herein, and I am in no way concerned with the outcome thereof.

Jennifer Pickett, C.C.R.

29011

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