

10TH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHE
STATE OF LOUISIANA

CALVIN W. BRAXTON, SR.

VERSUS

CIVIL NO: C-90, 284

LOUISIANA STATE TROOPERS
ASSOCIATION AND
JAY OLIPHANT

DEPOSITION OF THURMAN MILLER
TAKEN FOR AND ON BEHALF OF THE PLAINTIFF
AT 300 ST. DENIS
NATCHITOCHE, LOUISIANA
ON THURSDAY, JUNE 27, 2019
BEGINNING AT 10:29 A.M.

REPORTED BY:
ROBIN HOLLOWAY, CERTIFIED COURT REPORTER

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CALVIN BRAXTON, SR.
CHRIS WRIGHT
MICHELLE GIRIOR

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1 STIPULATIONS

2 It is hereby stipulated by and between counsel
3 of record for the parties hereto that the oral
4 deposition of THURMAN MILLER is being taken
5 pursuant to notice and in accordance with the
6 Louisiana Code of Civil Procedure, and for all
7 uses and purposes thereby provided, at McCoy,
8 Roberts, & Begnaud, 300 St. Denis, Natchitoches,
9 Louisiana, on June 27, 2019, commencing at or
10 about 10:29 a.m.;

11 That all formalities in connection with the
12 taking of the deposition are hereby waived with
13 the exception of the swearing of the witness and
14 the reduction of the questions and answers to
15 typewritten form;

16 That all objections, save those as to the form
17 of the question and the responsiveness of the
18 answer, are hereby reserved until such time as
19 this deposition, or any part thereof, may be used
20 or sought to be used in evidence, such objections
21 as might have been made had the testimony been
22 given in open court;

23 That Robin Holloway, CCR, officiated in
24 administering the oath to the above-named witness.
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THURMAN MILLER

the witness hereinbefore named, after being first duly cautioned and sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MS. CRAFT:

Q Mr. Miller, as you know, my name is Jill Craft, and I represent Mr. Braxton seated to my left in connection with a lawsuit that's pending here in Natchitoches Parish.

It's very important during the course of this deposition that you understand what I'm asking you. And if, at any time, you do not, please tell me to stop and rephrase it. I'm happy to do so. It's also important nods of the head "Yes" or "No" cannot be taken down by the reporter, so you need to make sure to answer out loud. And my final instruction is rather unique to me insofar as I may ask you to spell names, places, or things. Not to test your spelling; it's just a lot easier for our reporter to get those down as we go along. Is that fair enough?

A Fair enough.

1 MS. CRAFT: And I'm going to
2 incorporate and adopt the objection that I
3 previously made with respect to the
4 representative designated by LSTA and the
5 notation I made on the prior deposition
6 record. This deposition is being taken
7 pursuant to usual stipulations.

8 BY MS. CRAFT:

9 Q Would you give me your full name and address,
10 please, sir?

11 A Thurman Miller. 1406 North Fifth Street,
12 Natchitoches, Louisiana 71457.

13 Q Can you walk me through your educational
14 background starting with where and when you
15 graduated high school, please, sir?

16 A Peabody Magnet High School, Class of '94.
17 Attended Panola College and Northwestern State
18 University.

19 Q Would you spell Panola College, please?

20 A P-A-N-O-L-A.

21 Q Thank you. And did you obtain a degree?

22 A No.

23 Q And can you walk me through your employment
24 history starting after high school. And I
25 don't want to talk about any ancillary job

1 because I had plenty myself, like working in
2 shops and things of that nature. Significant
3 employment.

4 A Natchitoches City Police Department and
5 Louisiana State Police.

6 Q When did you work for the Natchitoches Police
7 Department?

8 A I started right from -- I started in '97, I
9 think.

10 Q Okay. And you worked there until when?

11 A 2000.

12 Q And then where did you go?

13 A State police.

14 Q And that was in 2000?

15 A Graduated in 2001. Yes, Louisiana State
16 Police, 2000.

17 Q And that's where you presently serve?

18 A That's correct.

19 Q Can you tell me, did you go to an academy in
20 conjunction with your employment at the
21 Natchitoches Police Department?

22 A I did.

23 Q And where was that academy?

24 A One of them was Alexandria Police Department's
25 Academy, and the other one was Bellevue

1 Academy in Haughton, Louisiana.

2 Q And did you graduate successfully from both
3 academies?

4 A I did.

5 Q And when you went to LSP, did you go to their
6 academy as well?

7 A That's correct.

8 Q And how long did the LSP academy last?

9 A I think six months.

10 Q And you are certified; is that correct?

11 A That's correct.

12 Q And your certifications are in what, sir?

13 Your post-certification with the weapon and
14 also from the academy; is that right?

15 A That's correct.

16 Q And do you continue getting your post-
17 certification -- what is that -- annually?

18 A That's correct.

19 Q And that's an annual firearms qualification?

20 A Along with quarterly qualifications.

21 Q At Natchitoches Police Department from '97 to
22 2000, what ranks did you hold?

23 A Patrolman First Class.

24 Q And then when you went to the state police,
25 tell me the ranks that you've held at state

1 police.

2 A Trooper, Trooper First Class, Senior Trooper,
3 and Master Trooper.

4 Q And where have you been stationed since you've
5 been at the state police?

6 A Done all my time on patrol until I recently
7 moved to my current location.

8 Q Which is?

9 A I don't want to say that on record.

10 Q Okay. It's an undercover type position?

11 A Yes, ma'am.

12 Q And "recently" being what?

13 A July 4th made a year.

14 Q So July of 2018?

15 A That's correct.

16 Q And is that a promotion?

17 A No, ma'am. That's a transfer.

18 Q And is that a transfer that you initiated or
19 someone else did?

20 A I initiated it.

21 Q With respect to Mr. Oliphant who's seated in
22 this office with us today, is he in your chain
23 of command?

24 A No.

25 Q Has he been?

Thurman Miller

- 1 A Yes.
- 2 Q And when was he in your chain of command?
- 3 A When I was at Troop E, he was my captain and
4 my major.
- 5 Q And at your current position, is he anywhere
6 within your chain of command, to your
7 knowledge?
- 8 A No, he's not.
- 9 Q And Mr. Wright who's also seated here, do you
10 know that gentleman?
- 11 A Yes, ma'am.
- 12 Q And how do you know him?
- 13 A Well, he actually trained on my shift, and we
14 worked together a lot on the same shifts.
- 15 Q Okay. You still work with him, or no?
- 16 A No.
- 17 Q And is he in your chain of command, or is he
18 subordinate to you?
- 19 A He's not in my chain of command. He's a
20 supervisor in another section.
- 21 Q Has he ever been in your chain of command?
- 22 A No. I'm senior to him.
- 23 Q I understand Mr. Wright holds some sort of
24 position with the LSTA.
- 25 A That's correct.

Thurman Miller

- 1 Q And do you know what position he holds?
- 2 A Affiliate President Troop E.
- 3 Q And how long has he held that position?
- 4 A I'm not sure.
- 5 Q Have you ever had any position or affiliation
- 6 with the State Troopers Association?
- 7 A No. Only I'm a member.
- 8 Q Have you ever been a delegate?
- 9 A No.
- 10 Q Have you ever gone to any of the conventions?
- 11 A No.
- 12 Q Now, you know my client, Mr. Braxton, seated
- 13 to my left; is that correct?
- 14 A That's correct.
- 15 Q And how do you know Mr. Braxton?
- 16 A Being in Natchitoches, I mean, everybody knows
- 17 him. He's a business owner.
- 18 Q Have you ever considered him to be a threat to
- 19 you, sir?
- 20 A Not a threat, no.
- 21 Q Okay. Have you ever been scared of him?
- 22 A No.
- 23 Q Do you have any idea why Mr. Oliphant said
- 24 he's scared of my client? He's scared of him.
- 25 A That's -- that's -- that's -- I don't know. I

Thurman Miller

1 don't know.

2 Q Have you had occasion to witness any
3 interactions between Mr. Oliphant and Mr.
4 Braxton?

5 A Interactions?

6 Q Yes.

7 A Like talking in the same location?

8 Q Yes.

9 A No.

10 Q Have you given any statements in connection
11 with this case?

12 A No.

13 Q Has anybody called you and questioned you
14 about what you may or may not know?

15 A No.

16 Q When was the last time you talked to Mr.
17 Oliphant besides walking in the room today?

18 A We talk -- we talk quite often. I don't
19 remember the exact last time we talked because
20 I don't want to say that and be wrong.

21 Q Have you ever talked to him about Calvin
22 Braxton?

23 A Yeah.

24 Q Tell me about that, please.

25 A That -- I was -- if I'm not mistaken, I was --

1 if I'm not mistaken, I was on -- I was working
2 the capitol. I was working the capitol
3 detail, and I would come -- Captain Oliphant
4 was still my captain -- and I would come to --
5 to the office, you know, periodically. And we
6 just talked in general about different things,
7 and Captain Oliphant told me one time that --
8 that Trooper Linebaugh was being questioned in
9 reference to a DWI or something to that nature
10 and some tickets he had issued to Mr.
11 Braxton's family members.

12 Q So when were you on the capitol detail?

13 A Ma'am, I can't give you those exact dates.

14 Q How about a year so we have some sort of time
15 frame.

16 A '15 was one.

17 Q Okay.

18 A '16 was one.

19 Q And when you're on capitol detail, that's in
20 Baton Rouge; is that right?

21 A That's correct.

22 Q And is that during the legislative session?

23 A That's correct.

24 Q And are you stationed at the legislature, or
25 are you with the governor's attachment?

Thurman Miller

1 A Legislature.

2 Q And when you had those two capitol details,
3 are you there for about two months, or how
4 does that work?

5 A I had more than two capitol details. I just
6 don't remember the exact time frames. It was,
7 kind of, back and forth. Maybe a year, skip a
8 year. So I've been -- I've done it at least
9 three times.

10 Q When you're there, it's during the legislative
11 session?

12 A That's correct.

13 Q So it would be for the duration of the
14 legislative session?

15 A That's correct.

16 Q And when you're on the capitol details, have
17 you ever stayed at the JETC facility?

18 A No.

19 Q And for the record, that's an acronym, I think
20 it's --

21 A Joint Educational Training Center.

22 Q Have you ever gone to the bar at the JETC
23 facility?

24 A I've been in the bar. We've all been in the
25 bar during training. I mean --

Thurman Miller

1 Q And have you been served alcohol in that bar?

2 A No.

3 Q Have you seen other people drinking alcohol in
4 that bar?

5 A Yes.

6 Q Who?

7 A I'm not going to -- I don't -- I'm not going
8 to disclose that, ma'am.

9 Q I'm sorry. You have to. Who have you seen
10 drinking in that bar?

11 A I don't remember.

12 MS. CRAFT: I'm going to note for the
13 record that the witness is refusing to
14 answer. We'll deal with that with respect
15 to the judge.

16 BY MS. CRAFT:

17 Q Were these officers senior to you?

18 A No.

19 Q Junior to you?

20 A A couple were.

21 Q Do you recall there being a bartender?

22 A No.

23 Q And do you know if anybody paid for their
24 alcohol?

25 A No. I think they bring their -- they brought

Thurman Miller

1 their own. They had it with them.

2 Q Is that a guess on your part?

3 A Yeah.

4 Q Okay. Were you aware of the Louisiana State
5 Troopers Association providing alcohol to the
6 JETC facility?

7 A No, ma'am.

8 Q You never heard of that?

9 A I've heard of it, but I'm not a part -- I
10 wasn't a part of it. I've never seen it. So,
11 no, I'm not going say yeah to that. I just
12 heard of it.

13 Q Did you know of an occasion where Mr. Braxton
14 registered some opposition to the LSTA
15 providing liquor at that state facility?

16 A No.

17 Q Did you know anything about Mr. Braxton's
18 service on the State Police Commission?

19 A Other than him being a commissioner. No. And
20 from time to time we would talk, you know, in
21 the morning time because we go to the same
22 location every morning -- well, just about
23 every morning. And we both drink coffee in
24 the same store. So when he first became a
25 commissioner, we would talk about different

Thurman Miller

1 things in relation to the, you know, state
2 police and the commission.

3 Q You have coffee at -- is it Zippy B's?

4 A That's correct.

5 Q And you still have coffee there?

6 A I do.

7 Q And you still have coffee there with Mr.
8 Braxton from time to time?

9 A I do.

10 Q Sir, did you ever hear anything about -- and
11 in all candor, we deposed a whole bunch of
12 people the past couple of days. One of whom
13 was Mr. Young, the Executive Director of the
14 State Troopers Association. Did you ever hear
15 anything about Mr. Young contending that Mike
16 Edmonson would call him and place orders for
17 liquor and that the State Troopers Association
18 would then deliver the liquor to that JETC
19 facility?

20 A Absolute not. No.

21 Q Now, sir, with respect to your discussions
22 with Mr. Oliphant, you indicated that he
23 talked to you about Linebaugh being questioned
24 in reference to a DWI and tickets to family
25 members of Mr. Braxton.

1 A Uh-huh (affirmative).

2 Q What can you tell me about that, please?

3 A Me and the colonel are friends. So we was
4 having a conversation, and he just told me
5 about it a little bit, in which I told him,
6 you know, that I'd heard the same thing. And
7 we just, kind of, went from there talking
8 about it.

9 Q Okay. I need you to tell me what you talked
10 about because I don't know what you --

11 A I don't remember exactly what we talked about
12 other than I know Mr. Braxton told me at one
13 point that Linebaugh needed some remedial
14 training and he needed to learn professional
15 -- professional courtesy.

16 Q My question was you and Mr. Oliphant's
17 discussions.

18 A That's what the discussion was.

19 Q You told him --

20 A I told him that.

21 Q You told Mr. Oliphant that --

22 A I did.

23 Q Let me finish. -- that Mr. Braxton had told
24 you that he thought Linebaugh needed some
25 remedial training; is that right?

Thurman Miller

- 1 A That's correct.
- 2 Q Now, let me ask you something. Did you ever
3 share the belief that Linebaugh needed some
4 remedial training?
- 5 A No.
- 6 Q Mr. Linebaugh, as I understand it, received
7 some disciplinary action within the last year
8 or so; are you familiar with that?
- 9 A I'm not.
- 10 Q Are you aware of some sort of altercation
11 between Mr. Linebaugh and his former mother-
12 in-law?
- 13 A I'm not familiar with it. I heard about it.
14 I heard they had a -- they didn't get along,
15 pretty much. That was it.
- 16 Q Did you hear whether or not Mr. Linebaugh put
17 his hands on his mother-in-law?
- 18 A No. No.
- 19 Q Did anybody ever suggest to you that you might
20 want to take Mr. Linebaugh under your wing --
- 21 A Yes.
- 22 Q -- kind of, show him the ropes?
- 23 A Correct.
- 24 Q Who told you that?
- 25 A Mr. Braxton.

Thurman Miller

1 Q Okay. And what did you say?

2 A I told Mr. Braxton at the time that Linebaugh
3 was, like, totally out of my realm at the
4 time. I mean, he was on patrol, and I was at
5 the capitol. But I did tell him that I would,
6 you know, talk to Linebaugh when I saw him. I
7 did agree to that.

8 Q And did you do so?

9 A I just, kind of, chatted. But then I never
10 knew the stories behind this stuff so when I
11 talked to Linebaugh, I just told him to, you
12 know, be careful in what he -- you know, and
13 watch what he's doing. Pay attention and do
14 his stuff right.

15 Q And what did Linebaugh say?

16 A "Okay."

17 Q Did he seem offended by you saying that?

18 A No.

19 Q Did you tell him that you had talked to Mr.
20 Braxton, and he had made that suggestion?

21 A No.

22 Q And with respect to your discussions with Mr.
23 Oliphant, you'd indicated that you had one
24 where you guys talked about stuff. And I
25 really want you to tell me, in general terms

1 -- I get it, you may not remember specifics --
2 but, generally, what did you and Mr. Oliphant
3 talk about with respect to Mr. Braxton other
4 than you sharing with him Mr. Braxton's
5 suggestion that, maybe, Linebaugh needed some
6 remedial training?

7 A If I'm not mistaken, the only thing that was
8 said was the captain at the time, which was
9 Captain Oliphant, said that Linebaugh wasn't
10 going to any remedial training, or he wasn't
11 going to New Orleans; he was going to continue
12 to do his job, and that was that.

13 Q Was there some discussion that you're aware of
14 about Linebaugh going to New Orleans?

15 A Yeah. I told you that earlier that -- that
16 Mr. Braxton had recommended that to me. Well,
17 he said that to me.

18 Q He said "New Orleans"?

19 A Yes.

20 Q Okay. Instead of remedial training, you have
21 a recollection Mr. Braxton saying that he
22 thought Linebaugh should go to New Orleans for
23 what?

24 A Remedial training. He said he needed to go to
25 New Orleans or somewhere for remedial

1 training.

2 Q And you said "No."

3 A No. I didn't -- I didn't say "No." I -- we
4 just talked. I said that was out of my hands.
5 I hadn't nothing to do with Linebaugh. I
6 didn't train him; I didn't FTO Linebaugh, none
7 of that.

8 Q But you did go talk to Linebaugh.

9 A I did.

10 Q And that was because of why?

11 A Because I'm a master trooper, and master
12 troopers are taught to mentor the younger
13 troopers, and that's what I was doing.

14 Q Why?

15 A Because I wanted him to understand that, you
16 know -- make sure you're doing everything
17 right. Because if you're not, it'll come back
18 to bite you.

19 Q So was Linebaugh doing something not right?

20 A No. I just -- I was just going on a
21 discussion that me and Mr. Braxton had. I
22 never told Linebaugh why I was saying what I
23 was saying. I just was telling him what I
24 told him.

25 Q So are you telling me that if a private

1 citizen tells you, a state trooper, "I think
2 somebody needs remedial training," that you
3 then are going to go talk to that trooper?

4 A No, ma'am. Let's be -- let's -- let's be
5 realistic here, ma'am. Mr. Braxton is a well-
6 known business owner in this town -- in this
7 city that me and Linebaugh live in and the
8 captain. I went and talked to Linebaugh
9 because Mr. Braxton -- out of respect -- I
10 respect Mr. Braxton, and I respect Linebaugh,
11 so I went to talk to him. That's what I done.

12 Q Did Mr. Braxton tell you why he thought
13 Linebaugh needed some remedial training?

14 A Professional courtesy. He needed to -- he
15 didn't know professional courtesy.

16 Q What kind of professional courtesy?

17 A Mr. Braxton was referring to himself being on
18 the commission.

19 Q Tell me about that, please.

20 A I don't -- he's on the commission.

21 Q Well, are you suggesting to me that Mr.
22 Braxton said to you that you needed to go talk
23 to a junior officer because Mr. Braxton
24 expected the junior officer to afford him
25 professional courtesy?

1 A Mr. Braxton didn't make me do anything. I
2 went and -- again, Ms. Craft, I went and
3 talked to Linebaugh on my own as a master
4 trooper living in this parish that he lives
5 in.

6 Q That who lives in?

7 A Myself and Trooper Linebaugh.

8 Q Was Mr. --

9 A Professional --

10 Q Was Mr. Braxton in any way suggesting in terms
11 of professional courtesy that he shouldn't be
12 subject to the same laws we all are?

13 A Mr. Braxton was suggesting that he sits on the
14 commission; Linebaugh needs to know that he
15 sits on the commission when it comes to
16 Louisiana State Police, and that's where the
17 professional courtesy comes in at.

18 Q What do you mean by professional courtesy?

19 A When a trooper or an officer stops another
20 officer or their wife, what have you, they'll
21 ask for professional courtesy. Professional
22 courtesy is we're in the same profession.

23 Q What does that mean?

24 A That means, "Can you help me out any," with a
25 citation or whatever it may be.

Thurman Miller

1 Q So you went and talked to Oliphant -- I mean,
2 I'm sorry -- Linebaugh about professional
3 courtesy, like, "Hey, man, you shouldn't give
4 tickets to people"?

5 A No, ma'am. I told you, I went and talked to
6 Linebaugh -- again, we live in the same
7 parish. I just wanted him to know that Mr.
8 Braxton is a respected business owner in this
9 parish. If you're going be -- when you issue
10 your citations or your DWIs, make sure your
11 paperwork is correct because that's one of the
12 guys that's smart, and he will come after you
13 if your stuff is not right.

14 Q You told Linebaugh that Mr. Braxton would come
15 after him?

16 A I didn't tell him that, ma'am. I told you
17 what I told him. I told you I didn't discuss
18 nothing that Mr. Braxton told me with
19 Linebaugh. I talked to Linebaugh; Trooper
20 Miller to Trooper Linebaugh. Nothing else
21 around that. That's -- that's what it is.

22 Q And you never mentioned Mr. Braxton's name?

23 A I didn't have to, ma'am. There was no need
24 to.

25 Q I don't understand that. Did you think

1 Linebaugh already knew you were talking about
2 Braxton?

3 A Probably did. He probably assumed what I was
4 talking about, but I didn't call a name,
5 didn't tell him who I was talking about.

6 Q What makes you think that he assumed that?

7 A Just in talking, ma'am. I just know that
8 Linebaugh knew everything that was going on
9 with him at the time.

10 Q How do you know that?

11 A I said I don't know that, I said I assumed
12 that.

13 Q What was going on with Linebaugh at the time?

14 A I'm not -- I'm not aware of all the things
15 that was going on with him at the time. I
16 told you what I knew.

17 Q Sir, I'm asking questions because you made a
18 statement. It's my job to ask you what the
19 basis for that statement is.

20 A And I'm answering you the best I can.

21 Q What did you understand was going on with
22 Linebaugh at the time?

23 A I'm not aware of everything that was going on
24 with Linebaugh at the time.

25 Q That is not my --

Thurman Miller

1 A That's my answer, ma'am.

2 Q -- question.

3 MS. CRAFT: I'm going to object. Non-
4 responsive.

5 BY MS. CRAFT:

6 Q You're here under subpoena; am I correct, sir?

7 A That's correct.

8 Q And you were served with a subpoena issued by
9 the court here.

10 A That's correct.

11 Q And you understand you are here to answer my
12 questions.

13 A And I'm answering them.

14 Q Okay. So I understand you didn't know all
15 that was going on with Linebaugh. I just want
16 you to tell me what you knew. I don't care if
17 you get it right, wrong, or indifferent. I
18 just want to know what was in your head.

19 A I knew what Mr. Braxton told me. Again,
20 ma'am, as a master trooper, my only intention
21 was to mentor Linebaugh and let him know to do
22 what he's supposed to do and to do it right or
23 it would come back to haunt him, me, or
24 anybody else that's a road trooper.

25 Q Did you know whether or not Mr. Braxton's

1 family members have gotten tickets?

2 A I did.

3 Q What do you know?

4 A I just know that he stopped them and gave them
5 a ticket. Now, who the family members were, I
6 don't -- I think one of them was his wife, Ms.
7 Peggy, and that's it. I don't know who the
8 other person was.

9 Q Do you know if Ms. Peggy's -- if Mr.
10 Linebaugh, for lack of a better phrase, fixed
11 Ms. Peggy's ticket?

12 A No, ma'am. No.

13 Q That didn't happen?

14 A I don't know if that happened. I had nothing
15 to do with that.

16 Q Did Mr. Linebaugh do anything other than issue
17 a DWI to Mr. Braxton's daughter?

18 A I don't know.

19 Q You understand that she responded to that DWI
20 and went through the court process; right?

21 A I don't know what happened with her DWI.

22 Q Back to this professional courtesy. Is it
23 your sworn testimony that you understood Mr.
24 Braxton was suggesting to you that because he
25 sat on the State Police Commission that he and

1 his family members should not get tickets?

2 A No, ma'am. That's not what he said. He said
3 that Trooper Linebaugh needed to be sent and
4 taught professional courtesy is what he said.

5 Q Okay. Let me ask you something. We deposed a
6 trooper yesterday who testified under oath
7 that it was his belief that fellow law
8 enforcement officers should not necessarily
9 get tickets and neither should some lawyers or
10 doctors. Is that a practice here in
11 Natchitoches Parish?

12 A That's what -- that was my practice, but that
13 didn't include doctors and lawyers. That only
14 included law enforcement.

15 Q So you would -- as a trooper -- not give
16 tickets to fellow law enforcement officers?

17 A I would not.

18 Q Why not?

19 A Professional courtesy.

20 Q Okay. So are you telling me there were
21 occasions where you pulled over a fellow law
22 enforcement officer who broke the law and you
23 chose not to give them a ticket because they
24 were a law enforcement officer?

25 A That's correct.

1 Q And can you tell me whether or not that
2 practice still exists here or -- well, you're
3 not on the assignment here anymore.

4 A Right. I'm not on the road anymore.

5 Q So that practice existed within Troop E until
6 July of 2018; is that correct?

7 A Ma'am, I think that's practiced throughout the
8 United States.

9 Q That law enforcement officers ignore crimes
10 committed by other --

11 A I didn't say --

12 Q -- law enforcement officers?

13 A I didn't say they ignore crimes. I'm going to
14 talk to him about what he done. But whether
15 or not I issue a citation -- just like with
16 any other citizen. I don't write every
17 citizen a citation that I stop. A lot of
18 times I just talk to them and let them know
19 what they done and be gone. It's just not
20 about law enforcement. I mean, I do that with
21 everybody. But I wasn't going to write a
22 policeman a ticket unless I had to.

23 Q What do you mean you "had to"?

24 A If there was a wreck or a DWI or driving
25 excessive -- over 20-to-25 miles-an-hour --

1 things of that nature. Yes, I would give them
2 a citation.

3 Q And is that how you were trained here in Troop
4 E?

5 A No, ma'am. That's me. That's how I operated.

6 Q Were your supervisors aware of this practice
7 of yours?

8 A Supervisors don't -- they're not in the car
9 with me. They just get my citations.

10 Q Now, I was, again, talking about your
11 conversations with Mr. Oliphant. What can you
12 recall about conversations you had with Mr.
13 Oliphant about Calvin Braxton?

14 A Again, ma'am, we talked about the Trooper
15 Linebaugh incident, and I actually told the
16 captain, myself, that I talked to Linebaugh.
17 And the captain was just like, you know,
18 basically, whatever, do what you do, but, you
19 know, business is business.

20 Q What's supposedly the incident with Trooper
21 Linebaugh? I don't understand that. That he
22 gave a DWI to somebody? I mean, is that the
23 incident?

24 A Ma'am, I'm here answering your questions. I
25 don't know that.

1 Q Okay. Well, you said "the Trooper Linebaugh
2 incident." What incident are you referring
3 to?

4 A The incident -- I'm referring to the incident
5 with Linebaugh issuing Mr. Braxton's family
6 citations and what have you and me talking to
7 Trooper Linebaugh and just letting him know,
8 again, to do his stuff correct.

9 And my point in doing that was this: If
10 you don't do it correct, Mr. Braxton has
11 attorneys, like yourself, that's going to get
12 it thrown out and be done with it. So you
13 have to do your stuff right. But I would tell
14 him that or anybody else that was working
15 around me. You have to do it right, or else
16 it's not going to -- it's not going to make it
17 through court.

18 Q Well, that's not unique to Mr. Braxton.
19 That's across the board. Anybody who hires an
20 attorney, that might happen; right?

21 A I know Mr. Braxton. Mr. Braxton is more apt
22 to hire an attorney and, you know, deal with
23 it that way.

24 Q But there's other folks in this parish that
25 can afford attorneys. My goodness. We're in

1 a great office here. There's about four or
2 five within spitting distance. Obviously, the
3 lawyers have some business; right? There are
4 other folks in this parish who are apt to hire
5 lawyers.

6 A There are other people in this parish that
7 hire lawyers.

8 Q So when you were talking to Mr. Linebaugh,
9 were you referring specifically to Mr. Braxton
10 or this whole cadre of people who are apt to
11 hire lawyers in this parish?

12 A I made it very broad, ma'am. I made it very
13 broad. I did not say -- you're not going to
14 get me to say I said Mr. Braxton's name
15 because I did not say his name. I spoke to
16 him in general, ma'am.

17 Q Okay. Now, again, we were talking about your
18 Oliphant conversations. You said that you
19 talked to him about the Trooper Linebaugh
20 incident. And then you told Oliphant you
21 talked to Linebaugh. And then you said that
22 Oliphant said something to you about, you
23 know, "Do your job," or whatever it is. What
24 other conversations did you have with Mr.
25 Oliphant?

1 A That's it in reference to -- in reference
2 to --

3 Q Calvin Braxton?

4 A -- this. Yeah.

5 Q So did Mr. Oliphant ever tell you that he felt
6 like he was being followed?

7 A Yes.

8 Q Tell me about that, please.

9 A This all -- this all came up when I felt like
10 I was being followed and what have you in
11 Baton Rouge, or however you want to put it.
12 He and I --

13 Q You thought you were being followed, too?

14 A I didn't say by Mr. Braxton, ma'am. I just --
15 that's just me talking. I felt like I was
16 being followed. And we were talking, and he
17 just said something that was strange. When I
18 say "something that was strange," he said a
19 strange person -- he didn't know exactly who
20 it was -- was by his house doing surveillance
21 and when he pulled up or something to that
22 nature and he tried to go get -- see who it
23 was, they took off.

24 Q He said a strange person was by his house
25 doing surveillance.

Thurman Miller

1 A See, he didn't know who the person was.

2 Q Did he tell you he ran the plate?

3 A No. He couldn't get the plate.

4 Q That's what he told you?

5 A No. I knew he couldn't get it.

6 Q Why do you say that?

7 A Because he didn't tell me. He didn't tell me
8 who it was.

9 Q Did you know whether or not it was Mr. Sam
10 Friedman's son's car?

11 A No.

12 Q But you have a specific recollection of Mr.
13 Oliphant telling you he couldn't get the
14 plate?

15 A Yes.

16 Q Were you aware of Mr. Oliphant filing any kind
17 of report about the quote/unquote, "strange
18 car"?

19 A I don't know if he filed a report, but I'm
20 sure he wrote it down somewhere.

21 Q Why are you sure about that?

22 A Because he writes everything down.

23 MS. CRAFT: Counsel, I'm looking for
24 it, but I can't find -- I know we
25 introduced it as an exhibit.

1 MR. OXENHANDLER: Which one?

2 MS. CRAFT: And that was the police
3 report he filed in February of 2018. And
4 I think that I gave my only copy,
5 unfortunately, to our reporter yesterday.

6 MR. FALCON: Do you know which number
7 it was, Jill?

8 MS. CRAFT: It's going to be, I think,
9 21. Is it 21?

10 MR. OXENHANDLER: No, 21 was the
11 license check. Here it is right here. I
12 think it's 20.

13 MS. CRAFT: Okay. I don't know why
14 that's one I don't have.

15 MR. OXENHANDLER: It's Exhibit 20.

16 MS. CRAFT: Okay. Good. Thank you.
17 Do you mind?

18 MR. OXENHANDLER: No. Go ahead.

19 MS. CRAFT: I'm referring to Exhibit
20 20 for the court reporter. And as I
21 indicated to her before we started these
22 depositions, what I will do is make a copy
23 of the exhibits that we already have so
24 she can attach it.

25 MR. FALCON: I'll let you see mine.

1 MS. CRAFT: Thank you so much.

2 BY MS. CRAFT:

3 Q So, as I understand it, at some point in time,
4 Mr. Oliphant filed an incident report. Have
5 you filled out incident reports before?

6 A I have.

7 Q And that's because of why?

8 A Different things. It depends on what it is.
9 I mean, if something un-ordinary happens, you
10 -- you file an incident report for the record.

11 Q And sometimes you file an incident report
12 because some sort of criminal incident has
13 occurred?

14 A No, ma'am. You can -- I mean, you can file an
15 incident report because your ticket numbers
16 are off or because, you know, you -- bad
17 handwriting on a ticket. An incident report
18 is just that, an incident.

19 Q And what are you trained with respect to
20 filling in the nature of the incident on an
21 incident report?

22 A Just telling what happened.

23 Q Did Mr. Oliphant ever tell you that he
24 believed my client had committed a murder?

25 A No.

Thurman Miller

1 Q Did he ever talk to you at all about some
2 suspicion that my client was involved, in any
3 way, in a suicide that occurred 25 years ago?

4 A No.

5 Q Do you ever think Mr. Braxton would have been
6 involved in some sort of murder?

7 A I'm not going to answer that, ma'am. I have
8 no idea about nothing like that. I wouldn't
9 know.

10 Q Did you ever hear anything about my client --

11 A Yes.

12 Q Excuse me. Let me finish. -- did you ever
13 hear anything about my client possibly being
14 involved in some sort of murder or suicide?

15 A Yes.

16 Q What did you hear?

17 A I just heard that he was dating a lady that
18 killed herself in a hotel somewhere in north
19 Louisiana.

20 Q You heard that from whom?

21 A Ma'am, that's all over the parish. Several
22 people have said that. I don't know who told
23 me that, but it wasn't him.

24 Q Well, what about other law enforcement
25 officers, like Mr. Wright; did he, for

Thurman Miller

1 example, say that to you?
2 A No, ma'am.
3 Q What about a T.J. Doss; did he ever say
4 anything like that to you?
5 A No, ma'am.
6 Q Do you know who he is?
7 A I do.
8 Q And how do you know Mr. Doss?
9 A He was chairman of the commission.
10 Q Okay. Did you ever go to the commission?
11 A Yes, ma'am. I did.
12 Q For what?
13 A Are you saying did I ever go to a meeting or
14 whatever?
15 Q Yes.
16 A Yes.
17 Q For what?
18 A I was president of the Central State Troopers
19 Coalition, so -- just like Mr. O'Quinn, I was,
20 basically, the president of the minority
21 organization. So anytime something would
22 happen when it comes to discipline or
23 something that I felt like wasn't fair, I
24 would -- that -- that trooper would go before
25 the commission, and I would be there to

Thurman Miller

1 support that trooper if we felt like -- myself
2 and the board -- felt like it was something to
3 support.

4 Q Okay. So how many times have you gone to
5 commission meetings?

6 A I've went several times.

7 Q Did you ever go when Mr. Braxton sat on the
8 commission?

9 A I did.

10 Q And were those occasions involving discipline
11 of a trooper?

12 A I don't remember exactly what they were, but
13 that wasn't for -- I want to say those were
14 hearings, pretty much, when they were trying
15 to decide on some stuff. Now, exactly what it
16 was, I don't remember.

17 Q Do you recall there being an occasion where
18 there was an issue raised by the commission as
19 it related to the State Troopers Association
20 funneling campaign donations through its
21 executive director?

22 A No.

23 Q You never heard anything about that?

24 A Yes, I heard that, but I didn't get it from
25 anybody from -- with any validity. It was

Thurman Miller

1 j u s t p e o p l e t a l k i n g .

2 Q D o y o u k n o w w h o C r a i g B r o w n i s ?

3 A I d o .

4 Q W h o i s h e ?

5 A A n a s s o c i a t e o f m i n e .

6 Q I s h e a l a w e n f o r c e m e n t g u y ?

7 A N o , h e ' s n o t .

8 Q W h a t d o e s h e d o ?

9 A I t h i n k h e w o r k f o r M r . B r a x t o n .

10 Q D i d y o u e v e r h e a r M r . B r o w n m a k e a n y
11 s t a t e m e n t s a b o u t M r . B r a x t o n ?

12 A I d i d h e a r h i m m a k e a c o u p l e -- w e l l , i n
13 t a l k i n g t o m e , i n t a l k i n g . Y e s .

14 Q W h a t d i d h e s a y ?

15 A H e s a i d t h a t M r . B r a x t o n n e e d e d -- p r o b a b l y
16 n e e d e d t o l e a v e t h e s i t u a t i o n a l o n e i n
17 r e f e r e n c e t o t h e c i t a t i o n s a n d t h e D W I .

18 Q A n y t h i n g e l s e ?

19 A N o . N o t t h a t I r e c a l l .

20 Q W h a t a b o u t C a r e y C a r r u t h ?

21 A W h o i s -- w h o i s t h a t ?

22 Q I ' m j u s t a s k i n g --

23 A N o .

24 Q -- d o y o u k n o w w h o t h a t i s ?

25 D i d M r . L i n e b a u g h e v e r t e l l y o u t h a t h e

Thurman Miller

1 too thought he was being followed?

2 A No.

3 Q Now, you said that Mr. Oliphant told you that
4 he thought he was being followed.

5 A That's correct.

6 Q When did he tell you that?

7 A Oh, ma'am, I don't remember that. I don't
8 remember exactly when that happened, but it
9 was in conversation.

10 Q Did he tell you who he thought was following
11 him or having him followed?

12 A No.

13 Q Did he tell you why he thought he was being
14 followed?

15 A At the time, I don't think he knew why he was
16 being followed. He just knew he was being
17 followed at the time.

18 Q And then you thought you were being followed
19 too?

20 A This was in Baton Rouge, then, with me, ma'am.
21 And what happened up here, I'm not even sure.

22 Q So you do recall Officer Oliphant saying that
23 there was a strange person by his house doing
24 surveillance. Those were his words; is that
25 correct?

1 A He felt like they was watching his house and
2 watching him. And he feared for the safety of
3 his family, so he was trying to see who it
4 was.

5 Q And he told you he couldn't figure it out.

6 A He didn't know who it was, no.

7 Q In front of you is Exhibit Number 20.

8 A Uh-huh (affirmative).

9 Q I'll represent to you this is an incident
10 report that we talked to Mr. Oliphant about
11 yesterday. He signed it on March 2nd, 2018,
12 and it refers to an incident February 21st,
13 2018. Have you ever seen this document
14 before, sir?

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

16 Q In it towards the bottom Mr. Oliphant says
17 that he followed the vehicle, a silver car,
18 until it reached the intersection of LA 3191,
19 where it pulled over and came to a stop. He
20 says he contacted Region 3 dispatch and
21 requested an inquiry regarding the plate.
22 Then he apparently proceeded southbound on LA
23 3191, and due to the inclement weather, did
24 not conduct a traffic stop on the vehicle and
25 its driver. He also reports that the vehicle

1 was registered to Erin, E-r-i-n, Haley,
2 H-a-l-e-y, Friedman, F-r-i-e-d-m-a-n and
3 Gregory Friedman with an address on Plantation
4 Point in Natchitoches, Louisiana. Do you know
5 who Erin and/or Gregory Friedman are?

6 A I don't. But I'm assuming that they're Mr.
7 Sam Friedman's kids or grandkids, maybe.

8 Q Do you have any reason to think that they
9 would, for some reason, be surveilling Mr.
10 Oliphant?

11 A Later on, after -- after all of that happened,
12 I spoke with a gentleman that does -- that
13 does surveillance himself. And just in
14 talking, in general, he made a comment that
15 stood out with me.

16 Q What's that?

17 A That Ms. Friedman wanted to use his license to
18 do some surveillance that she needed to do
19 ASAP or something to that nature.

20 Q Erin Friedman?

21 A He just said a female. He said a Friedman, so
22 I'm assuming that's who it is. I don't know.

23 Q You don't know who it is?

24 A No.

25 Q There's a bunch of Friedmans in this

Thurman Miller

- 1 parish --
- 2 A It is.
- 3 Q -- is that right?
- 4 A That's correct.
- 5 Q So what makes you think that it's either one
- 6 of these people?
- 7 A Because I later found -- and this is not me
- 8 knowing this at the time because keep in mind,
- 9 this is the major's document that I would -- I
- 10 would never see this unless something like
- 11 this happened. So I was speaking with a
- 12 gentleman and he, kind of, made me -- tried to
- 13 tell me who it was, but I still -- to this
- 14 day, I don't know who this lady is.
- 15 Q Who was the gentleman?
- 16 A Officer Shelby Borders.
- 17 Q Officer Shelby Borders?
- 18 A That's correct.
- 19 Q How do we spell Borders?
- 20 A B-o-r-d-e-r-s.
- 21 Q And who does he work with?
- 22 A Last I knew, it was Robeline Police
- 23 Department.
- 24 Q Robeline Police Department?
- 25 A That's correct.

1 Q Okay. And to your knowledge, did he have some
2 sort of private investigator license?

3 A Yes, he does.

4 Q All right. So tell me how this conversation
5 came about.

6 A He and I -- actually, I felt a little -- in
7 talking to -- in talking to Shelby -- Shelby
8 and I talk, and I knew Shelby was a private
9 investigator, and I called Shelby myself and
10 asked him if he knew of any private
11 investigators in this area because I -- you
12 know, I had seen a couple of strange cars. A
13 strange car in my area as well. And also in
14 -- after a while, remembering myself and
15 Colonel Oliphant's conversation, I asked him
16 if he knew of anybody that was -- would be
17 doing that.

18 Q Be doing what?

19 A Doing surveillance on myself or even --

20 Q Mr. Oliphant.

21 A -- Colonel Oliphant. Correct.

22 Q And when you say "in your area," you mean you
23 thought you were followed in Natchitoches
24 too?

25 A Yes, ma'am.

1 Q So you think you've been followed in
2 Natchitoches, and you've been followed in
3 Baton Rouge?

4 A Yes, ma'am. Not followed in Natchitoches, but
5 I -- I was told some stuff that bothered me.

6 Q Like what?

7 A I was just told that I was being watched as
8 well.

9 Q Being watched by who?

10 A At the time, I was told I was being watched by
11 Mr. Braxton and Lieutenant Colonel Murphy Paul
12 at the time.

13 Q Who told you that?

14 A Just, actually, different people in general
15 told me.

16 Q Good. Name one.

17 A I don't remember them.

18 Q Excuse me?

19 A I don't remember them all.

20 Q When did this happen?

21 A This happened, actually, while I was working
22 in Baton Rouge at the capitol.

23 Q So you were told that you were being watched
24 by, then, Lieutenant Colonel Murphy Paul and
25 Calvin Braxton?

1 A No, ma'am. That's not what I said. I said I
2 was told, then, that they -- that somebody was
3 watching me and was reporting to them. So I
4 don't know if they had the people watching or
5 not. But even after that, I was told that
6 pictures was being taken of me at a Superior
7 Bar and Grill in Baton Rouge. Things of that
8 nature.

9 Q Who told you that?

10 A I don't remember the specific person that told
11 me that, but we was talking in general.

12 Q Would that have been Mr. Doss?

13 A No. He was being watched himself.

14 Q How do you know that?

15 A Because we both knew it. We was both told
16 this in general.

17 Q You were with Mr. Doss when he was told that?

18 A I was at the capitol. If I'm not -- if I'm
19 not mistaken. Ma'am, I don't know -- I don't
20 know the specifics to that. And I don't want
21 to sit here and say stuff, and you come back
22 and eat me up later. I don't remember this
23 stuff all. I'm sorry.

24 Q That's a pretty significant accusation that
25 you and Mr. Doss both believed you were being

Thurman Miller

1 followed by someone. And that apparently that
2 someone -- or watched -- was reporting back to
3 Calvin Braxton and a then Lieutenant Colonel
4 with the Louisiana State Police, Mr. Paul. I
5 would imagine that would stand out to you. So
6 do you mind telling me under what
7 circumstances Mr. Doss told you he was being
8 followed as well?
9 A I don't remember other than him -- and matter
10 of fact, it did come out he was being
11 followed.
12 Q Who was?
13 A Mr. Doss.
14 Q It came out how?
15 A He was in the media.
16 Q Okay. And who was following him?
17 A Oh, I have no idea who that was.
18 Q Murphy Paul, what is his current job?
19 A Baton Rouge Police Department, the chief.
20 Q He's the chief of police?
21 A That's correct.
22 Q And have you ever asked anybody to ask the
23 current Baton Rouge Chief of Police what
24 involvement he may have had in having you and
25 Mr. Oliphant and, maybe, others being watched?

Thurman Miller

1 A No.

2 Q Are you accusing the chief of police of Baton
3 Rouge of having you watched or followed at the
4 direction of Mr. Braxton?

5 A No, ma'am.

6 Q Because I might need to ask him.

7 A That's not what I said, ma'am. I said I was,
8 in general, told that.

9 Q Did you believe that? That Murphy Paul, then
10 a lieutenant colonel, now the chief of police,
11 was having you followed or watched.

12 A I have -- there's no validity to that, ma'am.

13 Q You wouldn't have believed that, would you?
14 Because you know I'm going to have to go ask
15 Mr. Paul.

16 A I don't -- that's fine, ma'am. In talking
17 with Mr. Paul later through a phone
18 conversation he and I had in reference to all
19 of this stuff, he specifically told me "No,"
20 he had nothing to do with that.

21 Q Okay. You had a conversation with Murphy
22 Paul. And you specifically confronted him
23 about having you followed or Mr. Oliphant
24 followed, or what?

25 A I didn't specific -- no, Mr. Oliphant didn't

1 -- wasn't even in this conversation. Mr. Paul
2 and I was talking because, apparently, he --
3 somebody had told him that I was, kind of,
4 being led toward he was watching me and having
5 some stuff done to me in Baton Rouge.

6 Q What stuff done to you in Baton Rouge?

7 A Just all the stuff in the media when I was
8 working the capitol. The -- the stuff with
9 the Las Vegas trip and things of that nature.

10 Q Were you part of that?

11 A I was.

12 Q Oh. Okay. I didn't know. So are you telling
13 me that you believed that the Las Vegas trip
14 investigation stuff was somebody doing
15 something to you?

16 A I don't think anybody was actually directly
17 trying to do nothing to me, but I do think
18 they was trying to do something to the colonel
19 at the time.

20 Q Mr. Edmonson?

21 A That's correct.

22 Q And so, you talked to Murphy Paul about that?

23 A No. No. I talked to Murphy Paul in reference
24 to -- he was told by somebody how I felt about
25 it and what I thought about it and what I was

Thurman Miller

1 being told. And he got word to me that I
2 needed to call him. He wasn't going to call
3 me because he's a lieutenant colonel. I
4 needed to call him, so I did at some point.
5 And he just told me that none of this stuff
6 was true, that he had no reason to mess with
7 me or anything of that nature.

8 Q Was that a call that you made while he was
9 still a lieutenant colonel or while he was the
10 chief of police in Baton Rouge?

11 A He was a lieutenant colonel.

12 Q And you called him on his cell phone or his
13 office phone?

14 A Cell phone.

15 Q And did you use your cell phone to call him?

16 A I did.

17 Q What's your phone number?

18 A 318-527-1718.

19 Q And so, did you, in any way, believe that --
20 and I'm going to call it the "Las Vegas trip
21 situation" -- was in any way related to Mr.
22 Braxton?

23 A I can't put Mr. Braxton directly in that. I
24 don't know who it was, ma'am.

25 Q Well, did Mr. Braxton tell you to take a side

1 trip on state tax dollars and take these trips
2 on your way to Las Vegas? Did he tell you to
3 do that?

4 A No.

5 Q So your suggestion that you think that Mr.
6 Braxton was somehow involved in the troubles
7 that you had with the Las Vegas incident is
8 based on what?

9 A Ms. Craft, that's not what I said. I told you
10 I was told that by people. I didn't say
11 anything in reference to me knowing he done
12 that. I was told that.

13 Q Okay. And you can't tell me who told you
14 that?

15 A No, ma'am, I can't. I don't remember.

16 Q Well, did you believe it? That Mr. Braxton
17 somehow engineered your troubles with this Las
18 Vegas trip -- which I understand is backed up
19 by photographs that y'all took on your cell
20 phones -- that Mr. Braxton somehow had
21 something to do with that?

22 A I was told that.

23 Q And you can't tell me who told you that?

24 A I don't remember who told me, ma'am.

25 Q But you did take the side trips; right?

Thurman Miller

- 1 A I went on the trip.
- 2 Q And there were photographs taken on your
3 phones.
- 4 A Not on my phone, but there was photographs
5 taken.
- 6 Q And you were disciplined for that; am I
7 correct?
- 8 A No, ma'am.
- 9 Q You weren't?
- 10 A No. I was initially disciplined, but when the
11 truth came out, no, I was not disciplined.
- 12 Q And did that matter go before the commission?
- 13 A It did.
- 14 Q And did the commission reverse whatever
15 discipline you were given?
- 16 A They did.
- 17 Q And at that time Mr. Braxton wasn't on the
18 commission?
- 19 A No.
- 20 Q He was already off?
- 21 A He was already off.
- 22 Q Cathy Derbonne, she was already off as
23 executive director?
- 24 A That's correct.
- 25 Q Who gave you the discipline initially?

1 A Colonel Kevin Reeves.

2 Q Let me ask you something. As I understand
3 state police, because you guys are civil
4 service, in order for any trooper to have an
5 appeal before the commission, they have to
6 already have received discipline from their
7 supervisors; am I right?

8 A Yeah. You have to -- something has -- has to
9 be done occurred for you to go before the
10 commission.

11 Q And I am correct, then, in the disciplinary
12 process for state troopers, that generally
13 involves some sort of pre-deprivation notice
14 where you're given notice of what you're being
15 accused of. You're given an opportunity to
16 get a lawyer and to respond; right?

17 A That's correct.

18 Q And then there's some sort of informal pre-
19 deprivation hearing with your supervisors;
20 right?

21 A No. Once you get to that point, you're going
22 to be talking to your lawyer. Your
23 supervisors are out of it.

24 Q Out of what? Once you get the discipline?
25 Yeah.

1 Q Okay. But in order for you to get the
2 discipline, you understand that the people
3 above you, your supervisors, have to agree to
4 give you discipline.

5 A That's correct.

6 Q Right. And so, then when you appeal to the
7 commission, I am correct, that the folks in
8 your chain of command have already agreed you
9 did something wrong and you're appealing to
10 the commission.

11 A That's correct.

12 Q Understood. So there's been an allegation
13 that my client said something along the lines
14 of -- with respect to Linebaugh -- that if he
15 ends up having an issue, a disciplinary issue,
16 and goes before the commission that Mr.
17 Braxton, quote, "might not help him." Did you
18 hear anything about that?

19 A I did hear something -- I did hear --

20 Q Who'd you hear that --

21 A -- that that was said.

22 Q Who did you hear that from?

23 A I don't remember. I don't remember who that
24 was.

25 Q And did you have any idea what the "might not

1 help him" meant?

2 A Yeah. I was assuming -- assuming that if he
3 went before the commission, Mr. Braxton
4 wouldn't help him. But there's more than Mr.
5 Braxton on the commission.

6 Q That's right. And did you have any idea of
7 what "might not help him" means? Like, "Oh,
8 I'm automatically going to vote no," or "I
9 might not agree to some pre-hearing lesser
10 form of punishment, like a ticket fixing on
11 the discipline"?

12 A No, it was just said that he wasn't -- he --
13 he might not help him.

14 MS. CRAFT: I don't think I'm done
15 with that yet, Floyd. Just so you know.

16 MR. FALCON: Okay.

17 BY MS. CRAFT:

18 Q Okay. And so, let me ask you something then;
19 if Mr. Oliphant was in Mr. Linebaugh's chain
20 of command, and in order for Mr. Linebaugh to
21 even get to the commission on an appeal of
22 discipline, Oliphant would have had to sign
23 off on it. How is that some sort of threat?

24 MR. FALCON: Jill, you have a
25 misunderstanding about that. You said it

1 the other day -- I didn't say anything.
2 The colonel makes that decision. The
3 people up the line very often have a
4 different opinion on what happened --

5 MS. CRAFT: Okay. Floyd --

6 MR. FALCON: -- the final decision
7 gets --

8 MS. CRAFT: I do this stuff, too. And
9 the answer is, from my understanding, it
10 is not a misunderstanding. It, in fact,
11 goes up the chain. Somebody's got to make
12 the decision. And you're right, the
13 appointing authority, unless delegated,
14 ultimately signs off on it. But I most
15 assuredly understand the process, as do
16 you. And with respect to this witness,
17 I'm asking him. The colonel isn't down
18 here writing disciplinary action. You
19 know that, and I know that. It's the
20 supervisors on the ground. They make the
21 recommendation. That's what happens.

22 BY MS. CRAFT:

23 Q So, sir, in this case, how exactly was what
24 you were told about Linebaugh and the
25 allegation that Calvin said something a threat

1 to Linebaugh?

2 A I never said it was a threat to Linebaugh,
3 ma'am.

4 Q In fact, you don't think that was a threat.

5 A I wasn't -- I wasn't a part of that, ma'am. I
6 told you what I talked to Linebaugh about.

7 Q Now, you said you talked to Mr. Paul, and we
8 were talking, originally, about your
9 conversations with Mr. Oliphant. Do you
10 recall any other conversations you had with
11 Mr. Oliphant?

12 A Ms. Craft, with all due respect, you've got to
13 -- I talk to Captain Oliphant --

14 Q About Mr. Braxton. Sorry.

15 A No.

16 Q In the document in front of you, Exhibit
17 Number 20, it appears to you that at least as
18 of March 2nd, 2018, that Mr. Oliphant had
19 identified this silver vehicle which he
20 claimed looked "very suspicious"; is that
21 right?

22 A I don't know of the exact date, but once he
23 did find out who the vehicle was for, when he
24 and I talked, he said he thought that's who it
25 was.

Thurman Miller

1 Q I thought you told me he said that he never
2 figured out who it was.

3 A Ma'am, I told you that the initial day that
4 this happened, he and I talked, and I didn't
5 know that he had gotten a license plate. He
6 told me -- eventually, he told me that he was
7 trying to catch up to the vehicle and that the
8 vehicle was out by his house. But I didn't
9 get -- he didn't tell me that he had gotten a
10 license plate off the vehicle. I didn't get
11 that far.

12 Q In fact, I thought you told me that he said he
13 didn't get the license plate off the vehicle.

14 A You're -- no, you're saying right here that he
15 got the license plate. I'm telling you that
16 he didn't tell me he'd gotten a license plate.

17 Q Sir, when you originally testified, you told
18 me under oath that Mr. Oliphant told you that
19 he did not get the license plate.

20 A That's correct.

21 Q And so, is it your testimony that at some time
22 later Mr. Oliphant said, "I was able to find
23 out who it was"?

24 A That's correct.

25 Q Did he tell you how he got the license plate?

- 1 A No, ma'am. I didn't ask.
- 2 Q So what did he tell you about who he found out
3 who it was?
- 4 A He just told me that he thought he had figured
5 out who the person was that was following him.
6 And that's when the Friedman name come up.
- 7 Q What did he say about the Friedmans?
- 8 A He just said that -- I think something was --
9 if I remember correctly, she may have posted
10 something on Facebook that got back or
11 something like that. I'm not sure.
- 12 Q Who?
- 13 A The Erin girl.
- 14 Q Erin?
- 15 A Whatever her name is, ma'am.
- 16 Q Is that a guess on your part?
- 17 A What -- is what a guess?
- 18 Q That she may have posted something on
19 Facebook, or is that something Mr. Oliphant
20 told you?
- 21 A No. He told me that something had been posted
22 on Facebook which made him suspicious of her.
- 23 Q That Erin Friedman had posted something on
24 Facebook that made him suspicious of her.
- 25 A Yes.

Thurman Miller

1 Q What does that have to do with Calvin Braxton?

2 A Ma'am, you're asking me the questions, Ms.
3 Craft. I don't know. I'm just telling you.

4 Q Did Mr. Oliphant say that there was any
5 significance about Erin Friedman and Calvin
6 Braxton?

7 A In the conversation we -- everybody know that
8 Mr. Friedman and Mr. Braxton are very, very
9 close. Very close. And that their families
10 are close. So with respect, I'm -- after
11 boiling it down, I think whatever message she
12 -- she sent to him -- I do remember him being,
13 like, uncomfortable with the message that made
14 him think that Ms. Friedman had something to
15 do with what was going on.

16 Q Okay. Are you telling me that Mr. Oliphant
17 told you that because Mr. Braxton and Mr. Sam
18 Friedman have businesses together that somehow
19 a vehicle registered to Erin Friedman makes
20 Mr. Braxton implicated in following Mr.
21 Oliphant?

22 A Actually, we both felt like he had something
23 to do with it at the time. Yes.

24 Q Who had something to do with it?

25 A Mr. Braxton.

1 Q Do you still believe that?

2 A I don't -- I have nothing -- no. I don't have
3 anything to do with that.

4 Q Did Mr. Oliphant tell you he saw this silver
5 vehicle one time?

6 A Yes. He just told me about that time he saw
7 it.

8 Q One time.

9 A That I remember. Yes.

10 Q And then he told you that after seeing the
11 vehicle one time, that he then believed that
12 my client's business partner's daughter or
13 daughter-in-law was somehow running around
14 following him and surveilling him. That's
15 what he told you?

16 A That's ain't what -- that's not what he told
17 me, ma'am. What he told me was he felt like
18 that this was a girl that was, you know, out
19 by his house and that was following him.
20 After -- after that incident and looking and
21 doing whatever he done to find out what was
22 what.

23 Q The other question. He told you at the time
24 when it happened -- that's what you said -- he
25 called you that day -- that it was a female

1 driving the vehicle?

2 A It seemed like he did say it was a female.

3 Q Did he tell you what the age of the female
4 was?

5 A No.

6 Q Did he tell you it was a white girl or black
7 girl?

8 A I don't think he could see that.

9 Q But he told you it was a female?

10 A I think it was a female.

11 Q That's what you remember him telling you?

12 A I think that's what I -- I'm not 100 percent
13 sure, but I'm -- I think he said a female.

14 Q Did he tell you whether or not there were
15 children in the car?

16 A No.

17 Q Now, Mr. Oliphant's house, as I understand it,
18 is on the main road; correct?

19 A Correct.

20 Q It's on what highway?

21 A 504.

22 Q That's a state road?

23 A It is.

24 Q And there's a subdivision about three football
25 fields away -- entrance to a subdivision from

Thurman Miller

1 his driveway off the state road?

2 A It's a subdivision back there. Now, how far
3 it is, I don't know.

4 Q Okay. And when you go in that subdivision,
5 are there a number of houses in that
6 subdivision?

7 A It is.

8 Q And do you know whether or not anyone in the
9 Friedman family has friends in that
10 subdivision?

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

12 Q Did you ever ask?

13 A No.

14 Q But you said you took it upon yourself to call
15 some private -- some police officer with a PI
16 license.

17 A Uh-huh (affirmative).

18 Q Is that right?

19 A That's correct.

20 Q And he told you, specifically, Erin Friedman
21 had contacted him and asked if she could use
22 his license?

23 A Yes. That was the conversation he and I had.

24 Q When was that?

25 A I don't remember.

Thurman Miller

1 Q And did he tell you why Erin Friedman wanted
2 to use his PI license?

3 A He told me she was ready to start trying to do
4 some investigations. But he -- he didn't feel
5 like something was right, so he didn't -- he
6 didn't allow her to use his license.

7 Q What does that mean?

8 A I don't know what that mean. I'm just telling
9 you what he told me. Now, how he felt, I
10 don't know.

11 Q Okay. On the second page of Exhibit Number 20
12 -- the next page of his incident report -- Mr.
13 Oliphant wrote, "To somewhat confirm someone
14 is watching my/our every move has caused great
15 concern for my safety and the safety of my
16 family. I have no idea what Calvin Braxton's
17 intentions are, and I'm not sure what he is
18 capable of specific to harming me or my
19 family." Did you ever see anything that
20 Calvin Braxton did that would, in any way,
21 make you feel like Calvin Braxton would hurt
22 Mr. Oliphant or his family?

23 A No. But I understand what -- where he was
24 coming from when he was saying protect his
25 family. If you've got unknown vehicles in

1 front of your house, yeah, you're going to do
2 what you have to do to protect your family.

3 Q Mr. Oliphant told you that vehicle was in
4 front of his house?

5 A No. What -- no, ma'am. The vehicle, he
6 didn't -- he didn't get -- get up to the
7 vehicle, but with stuff like that going on,
8 he's going to protect his family. I'm going
9 to protect mine. Your husband's going to
10 protect yours and so forth, ma'am.

11 Q My question was: Did you ever see Calvin
12 Braxton do anything that caused you concern or
13 that you thought would mean that Calvin
14 Braxton would cause harm to Mr. Oliphant or
15 his family?

16 A I ain't never seen Mr. Braxton do nothing.

17 Q So the answer is "No."

18 A No.

19 Q Then he wrote, "What's even more concerning to
20 me is the mysterious and untimely death of a
21 woman named Lydia Rachal," R-a-c-h-a-l, "whom
22 Calvin Braxton was allegedly dating at the
23 time of her death several years ago." That's
24 what you told me about earlier; right? You
25 said everybody in this parish knows about it.

Thurman Miller

- 1 A Yes. Heard about it.
- 2 Q Her suicide was 25 years ago?
- 3 A Oh, I don't know, ma'am.
- 4 Q Did you ever talk to Mr. Wright, for example,
5 about Lydia Rachal's suicide?
- 6 A No.
- 7 Q What's the rumor?
- 8 A The rumor was that Mr. Braxton was dating the
9 Rachal lady, and the lady, supposedly,
10 committed suicide, but there was some
11 suspicious stuff -- some stuff that wasn't
12 right, but due to him having money, nothing
13 was ever done about it. That's the rumor.
- 14 Q Do you know who Mike Wilson is?
- 15 A I do.
- 16 Q Did you ever talk to him about Lydia Rachal --
17 A No.
- 18 Q -- or her suicide?
- 19 A No.
- 20 Q Did he ever tell you that he had attended an
21 autopsy of her?
- 22 A No.
- 23 Q Here's why I'm asking: See, I asked Mr.
24 Oliphant yesterday about this statement that
25 he wrote in this report.

1 A Uh-huh (affirmative).

2 Q And he said that he wrote it because he heard
3 about it from Mike Wilson with the
4 Natchitoches Parish Sheriff's Office. That
5 Mike Wilson told him that he had been at Lydia
6 Rachal's autopsy and that, quote, "something
7 wasn't right." Did you ever hear anything
8 like that?

9 A No. I've never talked to Mr. Wilson about Mr.
10 Braxton, period.

11 Q And with respect to Mr. Oliphant, do you know
12 whether or not he, too, had heard the same
13 rumor you said has been going around this
14 parish --

15 A I'm sure --

16 Q -- for years?

17 A I'm sure he has.

18 Q Do you think that he knew about that before
19 the DWI stop -- "he" being Mr. Oliphant --
20 before the DWI stop of Calvin's daughter in
21 December of 2015?

22 A I'm sure he did.

23 Q You're a state trooper --

24 A That's correct.

25 Q -- right? And do you have an understanding

1 that with that office comes an obligation that
2 you can't investigate somebody without cause?

3 A You can't investigate a supervisor. If you're
4 an investigator, you can investigate whatever
5 you need to investigate.

6 Q Don't you have to have a reason for it?

7 A You're saying in reference to probable cause?
8 It depends on what it is. If it's in-house
9 or --

10 Q Here's why I'm asking: In his report, Mr.
11 Oliphant then writes, "Rachal's death
12 ultimately ruled a suicide occurred in a hotel
13 located in Shreveport/Bossier City area. The
14 fact that Calvin Braxton's name was closely
15 connected to this woman at the time of her
16 death is enough reasonable suspicion for me to
17 be concerned for my safety and the safety of
18 my family." Do you believe that to be true?

19 A I'm not -- I'm not Colonel Oliphant, so I
20 don't know how he felt about it, but, I
21 mean --

22 Q He told you that stuff?

23 A Who told me that stuff?

24 Q Mr. Oliphant.

25 A This stuff?

Thurman Miller

1 MR. OXENHANDLER: Just a --

2 MS. CRAFT: Yes, sir.

3 MR. OXENHANDLER: Objection to form.
4 What stuff?

5 MS. CRAFT: The stuff I just read.

6 BY MS. CRAFT:

7 Q Did he tell you that?

8 A No.

9 Q And then Mr. Oliphant writes, "It would be my
10 suggestion that the Louisiana State Police
11 review the case file regarding the death of
12 Lydia Rachal to determine the actual manner of
13 death and/or determine if there's any
14 possibility of foul play." Do you have any
15 idea upon what basis Mr. Oliphant would make
16 that suggestion to the state police?

17 A I do not other than what's going on.

18 Q What do you mean "what's going on"?

19 A In reference to him being followed and things
20 of that nature and protecting his family and
21 what have you.

22 Q So you're saying that would prompt the
23 suggestion by Mr. Oliphant to open a 25-year-
24 old suicide case?

25 A Ma'am, I can't say what Lieutenant Colonel

Thurman Miller

1 Oliphant can prompt or open. What I'm saying
2 is with all the allegations and if he's
3 thinking it's Mr. Braxton, then, of course,
4 I'm going to try and protect myself and what
5 have you. Now, when it comes to this, maybe
6 he's trying to find out for himself or for the
7 department or what have you. I don't know.
8 Q Okay. But you would agree with me, would you
9 not, that if the suicide took place in
10 Shreveport within the city limits, that would
11 be within the jurisdiction of the Shreveport
12 Police Department; correct?
13 A Yeah. Yes.
14 Q And did you know that as a result of Mr.
15 Oliphant's report, the Louisiana State Police
16 contacted the detective who investigated the
17 suicide, who -- oh, by the way -- is now a
18 detective with state police. And that officer
19 confirmed that it was, in fact, a suicide?
20 Did you know that happened?
21 A No, ma'am.
22 Q One of the other things that I understand
23 happened as a result of Mr. Oliphant filing
24 this document was that he requested the
25 Louisiana State Police "conduct a personal

1 threat assessment regarding the capabilities
2 of Calvin Braxton, Gregory Friedman, and Erin
3 Friedman to potentially harm me or my family."
4 Sir, what is a personal threat assessment?

5 A Ma'am, I don't know. That's -- that's --
6 that's above my rank.

7 Q You have no idea what that term means?

8 A No, ma'am.

9 Q Gregory Friedman, he's a lawyer in this
10 parish?

11 A I didn't know that.

12 Q Do you know what he does for a living?

13 A No.

14 Q How about Erin?

15 A No.

16 Q Did you know that Mr. Oliphant drove by their
17 house?

18 A No.

19 Q Mr. Oliphant writes, "I was so concerned that
20 I contacted the Louisiana State Police/Troop E
21 and requested that they make frequent security
22 checks around my residence. I also advised
23 LSP/E to contact the Natchitoches Parish
24 Sheriff's Office to conduct the security
25 checks as well." Did you know anything about

1 that?

2 A I do remember him saying he was going to do
3 frequent passes by his residence.

4 Q And do you know if that happened?

5 A No. I wouldn't know.

6 Q Do you know how much state taxpayer dollars
7 was used in that endeavor to run security
8 checks at Mr. Oliphant's residence?

9 A No.

10 Q Now, sir, you had said earlier that the
11 document, which is Exhibit Number 20 -- you
12 said because Mr. Oliphant is above your rank,
13 this is not a document you would see.

14 A That's correct.

15 Q However, sir, you do understand incident
16 reports are public records; right?

17 A They are.

18 Q So, you, me, anybody out on the street can
19 request and get Mr. Oliphant's incident
20 report.

21 A That's correct.

22 Q Including the allegation that my client might
23 have committed murder 25 years ago.

24 MR. OXENHANDLER: Objection to form.

25 He never alleged that he committed murder.

1 And by the way, every time you read from
2 that document to a third person, you're
3 publishing that.

4 MS. CRAFT: I'm taking a deposition,
5 Counselor.

6 MR. OXENHANDLER: You're publishing
7 it.

8 MS. CRAFT: Okay. You got something
9 to say about that?

10 MR. OXENHANDLER: I'm just saying.

11 MS. CRAFT: I'm entitled to ask
12 questions about what your client wrote.

13 MR. OXENHANDLER: I'm just saying.
14 You're publishing it.

15 MS. CRAFT: Which, again, for the
16 record, under Kennedy, are the natural and
17 probable consequences of your client
18 creating a public document accusing my
19 client of murder.

20 MR. OXENHANDLER: Nobody accused your
21 client of murder.

22 MS. CRAFT: I don't know what you
23 would call it other than foul play and
24 reopen the investigation.

25 BY MS. CRAFT:

1 Q Sir, did you know anything about that?

2 MR. FALCON: A lot of difference
3 between an investigation and accusations.

4 MR. OXENHANDLER: That's right.

5 BY MS. CRAFT:

6 Q Did you know anything about that?

7 A About what, ma'am?

8 Q Him having the investigation reopened or
9 looked at?

10 A No.

11 Q Did he ever tell you he was going to do that?

12 A No.

13 Q Now, you say you go to Zippy B's; is that
14 right?

15 A That's correct.

16 Q Have you ever seen Mr. Braxton come in there
17 with a Facebook posting?

18 A No.

19 Q Did you ever see Mr. Braxton walk in -- and
20 I'll show you what it is -- it was attached to
21 Exhibit Number 1 -- it's a Facebook posting by
22 Mr. Oliphant. Have you seen that document
23 before?

24 A I didn't -- I didn't see the document, but I
25 saw the post.

1 Q Okay. You saw the post on Mr. Oliphant's
2 Facebook page?

3 A I did.

4 Q And what was your reaction to it?

5 A My reaction was he was trying to protect
6 himself.

7 Q From who?

8 A From the citizens of this parish. Not
9 thinking that, you know, this, you know --
10 what's being said about him, basically, is not
11 true.

12 Q What was being said about him that's not true?

13 A Whatever he was talking about in that -- I
14 don't remember what was his -- what was
15 exactly written in that --

16 Q You are free to refresh your memory. That's
17 the Facebook posting that you saw; is that
18 correct?

19 A That's correct.

20 Q You would agree with me that that Facebook
21 posting is referring to Calvin Braxton?

22 A No, ma'am. I would not agree to that.

23 Q Oh, you wouldn't?

24 A No.

25 Q Why not? Who do you think it's referring to?

1 A There's not a name on it, ma'am.

2 Q Who do you think it's referring to?

3 A I'm not giving you an assumption. I don't
4 know who it's referring to. His name is not
5 on it, so I left it at that.

6 Q Did you talk to Mr. Oliphant about it?

7 A Nope. No.

8 Q And did you ever ask him about the Facebook
9 posting? "Why are you posting this?"

10 A No.

11 Q Did you and he ever discuss that he didn't
12 have a name in here, but he was referring to
13 "threats and intimidation from a local
14 Natchitoches businessman whose daughter was
15 arrested by an officer under my command"?

16 A No.

17 Q He wrote in his posting, "Someone, between
18 then and now, this local businessman has
19 allegedly hired" -- "Sometime," I'm sorry,
20 "between then and now, this local businessman
21 has allegedly hired private investigators or
22 quote, 'someone' end quote, to follow me and
23 watch my every move. I have observed a
24 suspicious vehicle near my residence which
25 have been confirmed to have a direct

1 connection with this local and wealthy
2 businessman." When you read that on Mr.
3 Oliphant's Facebook page, did you ask him,
4 "What are you talking about?"

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

6 I think -- not to cut you off, Ms. Craft, -
7 but you got to understand, there's a
8 difference between me and Colonel Oliphant's
9 friendship and this job. When it comes to
10 this job, I have no say so when it comes to
11 Lieutenant Colonel Oliphant. As friends, we
12 talk, but Colonel Oliphant is great at keeping
13 that separated. And anybody else that deals
14 with him knows to do the same thing. So
15 there's boundaries that I can't -- that I
16 wouldn't cross, even -- no matter what I
17 thought, I wouldn't talk to him about it.

18 Q Is that because you believed the Facebook
19 posting to be part of his job?

20 A No. That's because he's a lieutenant colonel
21 -- or a major at the time or what have you --
22 and you -- I'm not going to question him on
23 nothing.

24 Q Did you think that Calvin Braxton had ever
25 done anything to intimidate and retaliate

1 against Oliphant?

2 A Intimidate and retaliate against him in
3 reference to this Facebook post?

4 Q In any fashion. Do you think Calvin Braxton
5 did anything to intimidate and retaliate
6 against Mr. Oliphant?

7 A I don't think Mr. Braxton can do anything to
8 intimidate Mr. Oliphant.

9 Q So the answer is, as far as whatever you know,
10 "No."

11 A No.

12 Q And Mr. Oliphant never told you that Calvin
13 Braxton had done anything to intimidate and
14 retaliate against him; is that correct?

15 A No, he never said that to me.

16 Q Now, the Facebook that Mr. Oliphant had at the
17 time -- which I'll represent to you was April
18 3rd, 2018 -- did Mr. Oliphant have pictures of
19 himself in his uniform on it?

20 A I don't think he -- I don't -- he doesn't -- I
21 don't -- if I -- if I remember correctly -- I
22 haven't been on his page in a while, but he
23 doesn't -- he doesn't have any photos of
24 himself in uniform.

25 Q But he references himself as a state trooper.

- 1 A I don't -- I don't know what his profile says.
- 2 Q Okay. This posting, was it taken down?
- 3 A Oh, I don't know, ma'am.
- 4 Q Did you comment on it?
- 5 A No.
- 6 Q Do you know how many comments Mr. Oliphant
- 7 received?
- 8 A No.
- 9 Q How many "likes" he received?
- 10 A It was a -- if I remember correctly, it was a
- 11 -- it was a bunch of -- it was a lot of
- 12 "likes." Now, comments, I didn't read the
- 13 comments because that was out of my -- that
- 14 was out of my range.
- 15 Q When you say "a bunch of likes," do you mean
- 16 like more than 20?
- 17 A Yeah. It was more than that.
- 18 Q And the comments, you said you didn't read the
- 19 comments?
- 20 A I didn't.
- 21 Q Do you know if any of the comments referred to
- 22 Mr. Braxton by name?
- 23 A I didn't read the -- I didn't read the
- 24 comments, Ms. Craft.
- 25 Q Do you know how long it was up on Mr.

1 Oliphant's Facebook page?

2 A I don't. I do not.

3 Q Was there talk in the community about Mr.
4 Oliphant's Facebook posting?

5 A Nobody talked to me about it.

6 Q Did you hear talk about it, sir?

7 A Yes, I did. At the store.

8 Q What did you -- at Zippy B's.

9 A Yeah.

10 Q What did you hear?

11 A I heard Mr. Braxton was upset because he felt
12 like Colonel Oliphant was talking about him in
13 reference to his Facebook post.

14 Q You heard that from whom?

15 A Ma'am, there's a few of us in there. When I
16 came in, I just -- they was talking about it.
17 I don't know -- remember exactly which one of
18 them said it.

19 Q Well, which folks were around? We'll ask them
20 all.

21 A I want to say Craig Brown and the Mr. -- the
22 other two gentleman, they don't even have a
23 Facebook. And there was another guy. I don't
24 remember who all was in there that morning.

25 Q Now, Zippy B's, that's a place that you know

1 Mr. Braxton goes to have coffee a lot --

2 A Uh-huh (affirmative).

3 Q -- right?

4 A Correct.

5 Q If you want to find him in the morning, you're
6 likely to find him there having coffee.

7 A Correct.

8 Q That's a fact generally known in this
9 community; is that correct?

10 A I wouldn't say in the community, but we know
11 it.

12 Q "We," being --

13 A Myself and him.

14 Q And what about Mr. Oliphant? Does he know
15 that?

16 A No.

17 Q Have you seen him in Zippy B's?

18 A Seen who?

19 Q Mr. Oliphant.

20 A Yeah. He's came and met me before.

21 Q Were you present when Mr. Oliphant walked in
22 and Mr. Braxton was already there?

23 A I was.

24 Q And do you remember Mr. Oliphant making a
25 statement about "I hear they have great coffee

1 here"? Something like that.

2 A No.

3 Q Okay. When you saw Mr. Oliphant walk in and
4 Mr. Braxton was there, that was after the
5 Facebook posting?

6 A I don't remember, Ms. Craft.

7 Q How many times have you seen Mr. Oliphant walk
8 into Zippy B's when Mr. Braxton is present?

9 A If he and I were talking, I would tell him to
10 come. He would come. So I don't -- I don't
11 know how many times.

12 Q When was the last time?

13 A It's been a while because I don't -- we work
14 different now. The colonel is in Baton Rouge,
15 so he doesn't come to Zippy B's anymore.

16 Q Before he went to Baton Rouge?

17 A He would come meet me about -- maybe once a
18 week or twice a week. But most times, Mr.
19 Braxton would be gone already or not there.

20 Q But there were times when Mr. Braxton was
21 there.

22 A Yes, ma'am.

23 Q And how did Mr. Braxton treat Mr. Oliphant?

24 A They -- they keep it professional. I mean,
25 they don't -- I've never heard them saying

1 anything ugly or nasty to each other. I mean,
2 they speak and get their coffee.

3 Q Let me ask you something, sir. Did Mr.
4 Oliphant -- the times he came into Zippy B's
5 and Mr. Braxton was present, did he appear
6 scared to you?

7 A No.

8 Q Has he ever expressed to you he's scared of
9 Mr. Braxton?

10 A No. He just told me he had to keep his -- he
11 had to watch himself. He had to keep his eyes
12 open, but he didn't say he was scared.

13 Q Mr. Linebaugh, did he ever express to you that
14 he was scared of Mr. Braxton?

15 A He was scared of Mr. Braxton's power within
16 the community.

17 Q How so?

18 A He just told me he was -- this was later on --
19 he just told me that, you know, he was afraid,
20 you know, of the politics and what have you.

21 Q Afraid how?

22 A Ms. Craft, I can't answer that. I'm just
23 telling you what he told me.

24 Q Okay. How many times did he tell you that?

25 A One time.

1 Q Do you remember when that was?

2 A I don't.

3 Q Mr. Linebaugh went through a divorce; is that
4 correct?

5 A Not that I'm familiar with. I know he was
6 separated.

7 Q Did you ever hear Mr. Linebaugh make any
8 allegations that Calvin Braxton was having him
9 followed too?

10 A No. When he told me, he -- I think he said
11 that his wife or -- I guess, ex-wife now --
12 his ex-wife's mother may have been involved
13 in, you know, somebody following him or what
14 have you. But he never said Mr. Braxton's
15 name directly.

16 Q By the way, did Mr. Oliphant tell you that
17 Lydia Rachal's husband -- widower -- came to
18 his house and talked to him?

19 A He didn't have to tell me that because Mr.
20 Rachal himself said he had talked to the
21 colonel.

22 Q Okay. You talked to Donald Rachal; right?

23 A I didn't talk to him, but he told me he had
24 talked to the colonel. Now, exactly what they
25 talked about, I don't know.

1 Q What did you and Donald talk about?

2 A Where my horses are at, Donald comes out just
3 about every other day or so because that's his
4 area. So he will come out and, you know, we
5 would just talk and what have you.

6 Q Donald Rachal, that's his area. He's a law
7 enforcement officer?

8 A Yes, ma'am.

9 Q With who?

10 A Natchitoches Parish Sheriff's Office.

11 Q And did he ever tell you -- Donald -- that he
12 thought my client had something to do with his
13 wife's suicide?

14 A No.

15 Q He's never said anything like that; am I
16 right?

17 A I don't know what he said. He didn't say it
18 to me.

19 Q I understand. Did you put him in touch with
20 Mr. Oliphant?

21 A No. Not to my knowledge. No.

22 Q Did Mr. Oliphant ask you to put Donald in
23 touch with him?

24 A No. Not that I can recall. No.

25 Q Well, what did Donald tell you about him

1 talking to Mr. Oliphant?

2 A He calls -- he calls Colonel Oliphant my
3 "boy." He just said, "I talked to your boy."
4 I was like, "Oh. Okay." And that was it.
5 He said all that stuff -- and he said all the
6 stuff with the -- that's going on is, like,
7 crazy, and we left it at that.

8 Q Mr. Oliphant -- go ahead.

9 A I do want to tell you this. I do remember him
10 saying that -- Mr. Rachal saying that he
11 didn't -- at one point, when the stuff was
12 going on, he said that he hope his wife didn't
13 come up in this because he didn't want his
14 children to have to relive all this stuff all
15 over again. That's exactly what he told me.

16 Q And to your knowledge, was it Mr. Oliphant
17 who's bringing up the suicide of this woman?

18 A No, ma'am. I told you; that was everybody.
19 I'd heard it from several people.

20 Q Mr. Oliphant made some notes that was Exhibit
21 14 to the depositions we've done so far. In
22 those notes, he talks about you.

23 A Uh-huh (affirmative).

24 Q And I wanted to ask you about the entries that
25 he made. He states in his notes -- let me get

1 the date -- may be missing the page.

2 He says in his notes something about you
3 taking Linebaugh under your wing. Did you
4 ever talk to Mr. Oliphant about any statement
5 like that?

6 A I told him I did. At the time, again, he was
7 our supervisor. And just on that level -- on
8 the job site, I did tell him that Mr. Braxton
9 told me I needed to take Linebaugh under my
10 wing. And Mr. Braxton was referring to
11 calming him down, I'm assuming.

12 Q You didn't know what Mr. Braxton was referring
13 to; is that right?

14 A He didn't directly say what he was referring
15 to. He just told me that.

16 Q Charlie Dupuy. Yeah. I know. Here it is.
17 Sorry. Missing the two pages. The ones I
18 needed. In Exhibit Number 14, beginning at
19 Line 1410, Mr. Oliphant wrote, "He," meaning
20 Mr. Braxton, "said Colonel Edmonson told him
21 to call me and tell me to move the guy. He,"
22 Mr. Braxton, "said he had spoken to Thurman
23 Miller who told him," Braxton, "that Colonel
24 Edmonson and Charlie Dupuy told him," Miller,
25 "to take Linebaugh under his wing and that

Thurman Miller

1 everything was going to be all right." Did
2 that happen?

3 A That could have happened, Ms. Craft. I'm not
4 -- I'm not 100 percent sure.

5 Q Do you remember a conversation with either
6 Edmonson or Charlie Dupuy about Mr. Linebaugh?

7 A No.

8 Q Then he wrote, "I," meaning Oliphant, "advised
9 Braxton that I asked Miller about the
10 incident, and he adamantly denied telling
11 him," Braxton, "that." Do you remember
12 anything like that?

13 A I didn't understand your question.

14 Q Mr. Oliphant says he told my client that he
15 had asked you about the incident and that you
16 adamantly denied telling Braxton anything
17 about putting Linebaugh under your wing.
18 That's what Mr. Oliphant wrote.

19 A Okay.

20 Q Is that a true statement?

21 A Read it to me one more time.

22 MR. OXENHANDLER: Why don't you let
23 him read it.

24 MR. FALCON: Why don't you let him read
25 it.

1 MS. CRAFT: Sure.

2 THE WITNESS: Where's it at?

3 MS. CRAFT: It's right there, 1410.

4 MR. OXENHANDLER: And explain to him
5 what this is.

6 MR. FALCON: Why don't you read the
7 whole context of the statement.

8 MS. CRAFT: Guys, I'm simply asking
9 him about his statement. That's it. And
10 for the record, I get to ask him the
11 questions I choose to do so.

12 MR. OXENHANDLER: No problem. But
13 tell him the context.

14 MR. FALCON: And he gets to refresh
15 his record.

16 MS. CRAFT: I don't have to.

17 MR. OXENHANDLER: Yeah. I think you
18 do.

19 MS. CRAFT: No, I don't. That's your
20 job if you want to ask him on redirect.

21 For the record, I've handed him the
22 Line 1410, which is where I'm directing
23 his attention to Oliphant's statement,
24 which on the record I've referred to as
25 Exhibit Number 14 as notes purportedly

1 prepared by Mr. Oliphant.

2 I'm sorry, sir. You do not get to do
3 that.

4 MR. OXENHANDLER: Well, you get to ask
5 -- you can ask her -- if you don't have --
6 if you're not sure about something, sir,
7 you can ask for clarification, so you know
8 who "he" is when they're talking because
9 it's, kind of, confusing. There's a lot
10 of pronouns in there.

11 MS. CRAFT: Okay. Counsel, again, I'm
12 not going to have you keep trying to tell
13 the witness what you want him to say.

14 MR. OXENHANDLER: I'm not. I'm
15 just --

16 MS. CRAFT: You did it yesterday. I
17 made the objection yesterday. I'm making
18 it again today.

19 MR. OXENHANDLER: I'm trying to be
20 fair to the witness.

21 MS. CRAFT: What I told the witness
22 was, he can't lean over to Floyd Falcon
23 and ask him for advice.

24 MR. OXENHANDLER: If he's not sure
25 about something, he can ask you.

1 MS. CRAFT: He can tell me --

2 MR. OXENHANDLER: Yeah.

3 MS. CRAFT: -- as I instructed him,
4 sir --

5 MR. OXENHANDLER: Okay.

6 MS. CRAFT: -- at the beginning of the
7 deposition.

8 MR. OXENHANDLER: That's right.

9 BY MS. CRAFT:

10 Q Sir, is there anything that you didn't
11 understand about the instructions I gave you
12 at the beginning of the deposition? That if
13 you didn't understand something, let me know.
14 I'm happy to rephrase it.

15 MR. OXENHANDLER: You never said that
16 at the beginning of the deposition.

17 BY MS. CRAFT:

18 Q Do you have a question, sir, about what I've
19 asked you?

20 A I'm, kind of, confused on what this -- what
21 we're saying here. With the "He said Colonel
22 Edmonson told him to tell me to move the guy."
23 Who is -- when he said Colonel Edmonson told
24 him to call me to move the guy -- who is "he"?

25 Q Okay. I wasn't asking you about that part. I

1 was asking you about Line 1410. But at the
2 suggestion of the other lawyers in this room,
3 I've allowed you to review the document.

4 MR. OXENHANDLER: That is Line 1410.

5 BY MS. CRAFT:

6 Q I'm asking about the portions that relate to
7 you, specifically, that Mr. Oliphant named
8 you.

9 MR. OXENHANDLER: That is Line 1410,
10 Counsel.

11 MS. CRAFT: I'm not asking him about
12 that part. I'm asking him about the part
13 where he's referenced.

14 BY MS. CRAFT:

15 Q My question is: Mr. Oliphant wrote,
16 basically, that he spoke to you and -- "He had
17 spoken to Thurman Miller who told him,"
18 Braxton -- this is Braxton, "that Colonel
19 Edmonson and Charlie Dupuy told," you, "to
20 take Linebaugh under his wing and that
21 everything was going to be all right." You
22 told me that's something you don't remember;
23 correct?

24 A I remember the part about me taking Linebaugh
25 under his -- under my wing, but exactly where

1 it come from, I don't recall. I -- from my
2 recollection, I done that on my own.

3 Q Then Mr. Oliphant wrote, "I advised Braxton
4 that I," Oliphant, "had asked," you, "about
5 the incident," the taking under the wing.

6 A Uh-huh (affirmative).

7 Q And he says that you adamantly denied telling
8 Braxton about taking Linebaugh under the wing.
9 That's false; am I right.

10 MR. OXENHANDLER: Objection.

11 MR. FALCON: I think you're --

12 MR. OXENHANDLER: That's not --
13 objection to form.

14 MR. FALCON: -- completely misreading
15 that.

16 MR. OXENHANDLER: Exactly.

17 BY MS. CRAFT:

18 Q Well, let me just ask it simply. You admit
19 that you talked about taking Linebaugh under
20 your wing; correct?

21 A I admit my -- I admit that I took Linebaugh
22 under my wing, myself, to, again, make sure he
23 understood some things. But I never said that
24 a direct person told me to do that.

25 Q So are you now telling me that you never

1 talked to Mr. Braxton about taking Linebaugh
2 under your wing, even Mr. Braxton suggesting
3 it to you; that never happened?

4 A That did happen. And I told you, I -- that's
5 -- that was my decision, to do it myself.

6 Q Okay.

7 A I think the time frame is, maybe, a little off
8 when it comes to the taking under the wing.

9 Q What do you mean by that, sir?

10 A I mean, this was decided by myself, like,
11 early on when this stuff started -- started
12 happening in reference to the DWI and writing
13 the family tickets and things of that nature.
14 All of this stuff came after -- way after.

15 Q All of what stuff? Where you had the
16 conversation with Mr. Braxton about taking
17 Linebaugh under your wing?

18 A I never -- I don't recall ever telling Mr.
19 Braxton about me taking Linebaugh under my
20 wing. I recall myself taking Linebaugh under
21 my wing.

22 Q Mr. Oliphant -- so you know at Line 1373 --
23 dates -- I don't think I'm right. Sorry. Let
24 me make sure I'm right. Yeah. Dates that
25 conversation that he claims to have had with

1 Mr. Braxton about you on July 15th, 2016; does
2 that sound right to you?

3 A I don't know the dates, ma'am.

4 Q Do you recall talking to Mr. Oliphant about
5 seeing Calvin Braxton at a State Police
6 Commission meeting in August of 2016?

7 A I don't recall the dates, ma'am.

8 Q Do you recall talking to him about seeing
9 Braxton at a meeting?

10 A I think I may have said I saw him at the
11 commission meeting.

12 Q Did you tell Mr. Oliphant that Mr. Braxton
13 appeared rather quiet?

14 A Matter of fact, if I remember correctly, I
15 told him that Mr. Braxton really wasn't
16 talking to me, and I -- and I didn't
17 understand why.

18 Q Did you tell Mr. Oliphant that Braxton voted
19 for everything on the agenda, which was
20 unusual?

21 A I don't recall that.

22 Q Was that unusual?

23 A I don't know his votes, ma'am. I'm sorry.

24 Q I'm going to show you, again, Exhibit 14.

25 This is notes Mr. Oliphant prepared. It's an

1 entry that he dates at Line 1478, August 11th,
2 2016. Does that refresh your recollection,
3 sir?

4 A No.

5 Q Do you have any idea why Mr. Oliphant is
6 putting your name in notes that he's keeping?

7 A Because he -- that's what he -- I mean, he
8 keep -- he keep notes. I wish I'd do it.

9 Q Well, let me ask you something. Why would you
10 be reporting back to Mr. Oliphant about how
11 Calvin Braxton voted on the commission?

12 A It wasn't anything to do with the state
13 police. Again, we're friends; we talk.

14 Q It's reported by Mr. Oliphant that you told
15 him that Calvin Braxton and you were at the
16 commission meeting -- State Police Commission,
17 and that Braxton voted for everything on the
18 agenda, which is very unusual. Do you know
19 what that's about?

20 A I do not.

21 Q Was there a perception that Mr. Braxton wasn't
22 always favorable to everything the LSTA
23 wanted?

24 A What are you -- I don't understand your
25 question.

Thurman Miller

1 Q Was there a sense or was there an
2 understanding that Mr. Braxton didn't always
3 go along with what the LSTA wanted -- for the
4 union -- your group?

5 A I never saw him -- I mean, I never saw just
6 anything specific when it came to LSTA.
7 Remember when it's LSTA, they have counsel and
8 what have you, so there's no need for us.

9 Q Was it out of character for Mr. Braxton to
10 agree with everything that, maybe, the state
11 troopers, including the organization you
12 headed, might have wanted from the State
13 Police Commission?

14 A In watching Mr. Braxton over time, I mean, I
15 -- I never -- if I recall -- I don't know his
16 voting record, so you're not going to -- I
17 don't want to get tripped up on that. But I
18 -- Mr. Braxton is -- was one of the more vocal
19 members of the commission, so if he voted for
20 everything that day, then I probably did find
21 that unusual because he's a -- he's a more
22 vocal one. He was like the -- a lot of the
23 commissioners would listen at what he said.

24 Q He speaks out.

25 A Correct.

Thurman Miller

1 Q Now, when was the last time you talked with
2 Mr. Oliphant about Mr. Braxton?

3 A Ma'am, that's been a while. It's been a long
4 time.

5 Q Have you told me about every conversation you
6 had with Mr. Oliphant regarding Mr. Braxton?

7 A I told you what I remembered.

8 Q Okay. And what about with Mr. Wright? Have
9 you had conversations with Mr. Wright about
10 Mr. Braxton?

11 A No.

12 Q Did you know that Mr. Braxton had hired me as
13 his lawyer?

14 A Yes.

15 Q And when did you first know that?

16 A When I got the subpoena.

17 Q Did Mr. Oliphant ever talk to you about public
18 records requests that were being submitted on
19 Mr. Braxton's behalf by me?

20 A No. Not that I recall. He's never said
21 nothing to me about that.

22 Q And did you talk at all to Mr. Oliphant about
23 the lawsuit being filed?

24 A We all knew it was being filed. I mean, yeah.

25 Q What did he say about the lawsuit?

Thurman Miller

1 A Just told me that Calvin was suing him. Well,
2 he just told me Calvin was suing him and the
3 department. I found out when I got the
4 subpoena that LSTA was involved as well.

5 Q Did you ever hear anything about the State
6 Troopers Association trying to get Calvin
7 removed from the board?

8 A No.

9 Q Did you see any articles in the newspaper
10 referencing a letter filed by the State
11 Troopers Association accusing my client of 20
12 infractions and asking the governor to remove
13 him from the State Police Commission?

14 A No.

15 Q Were you aware of a second letter sent in July
16 of 2017 by the State Troopers Association --
17 maybe June of 2017 -- seeking to have the
18 governor remove my client from office as a
19 state police commissioner?

20 A No.

21 Q Did you become aware of the report that Mr.
22 Oliphant authored about my client -- authored
23 on June 2nd, 2016 -- being attached to two
24 letters submitted by the LSTA to the governor
25 and also to the State Police Commission

Thurman Miller

1 seeking to remove my client?

2 A No.

3 Q Now, sir, have you ever read the incident
4 report that Mr. Oliphant prepared regarding
5 the DWI stop and interactions with Calvin
6 Braxton?

7 A No, ma'am.

8 Q As a state trooper, are there any parameters,
9 rules, or policies regarding what time or
10 timeliness you're supposed to have in turning
11 in your reports?

12 MR. FALCON: Object to the form of the
13 question. And you haven't described what
14 type of reports? There's overtime
15 reports --

16 MS. CRAFT: I know, Floyd. And I get
17 it. But this is a general question, and
18 I'm quite sure -- he's been with the state
19 police a long time -- he can tell me if
20 there's a difference.

21 MR. FALCON: You didn't ask about the
22 difference. You said "reports."

23 MS. CRAFT: I asked him a general
24 question.

25 MR. FALCON: Object to the form of the

Thurman Miller

1 question.

2 BY MS. CRAFT:

3 Q Subject to the objection, you can answer it.

4 A In reference to an interdepartmental report,
5 there's no -- there's no -- there may be a set
6 time frame in policy. I don't know that date
7 because I was always on the -- a certain -- my
8 own goals to where I would have my reports in
9 at a certain -- by a certain time. But my
10 reports are crash reports, DWI reports, and
11 things of that nature.

12 Q Have you ever written an incident report?

13 A I have.

14 Q And did you understand there was some sort of
15 timeliness requirement on it?

16 A No. Because, actually, when I wrote mine, it
17 was way after the incident.

18 Q Way after what incident?

19 A The Las Vegas trip.

20 Q I see. And you wrote that how long after the
21 Las Vegas trip?

22 A It was a while.

23 Q Like what?

24 A I don't -- I don't know.

25 Q Why did you write it?

Thurman Miller

1 A Because I was told to write it.

2 Q By who?

3 A My time -- my captain at the time, Greg
4 Graphia.

5 Q Sir, do you have any explanation as to why
6 there would be a six-month delay in Mr.
7 Oliphant writing an incident report relating
8 to his interactions with Calvin Braxton?

9 MR. OXENHANDLER: Objection to form.
10 You're asking him what Mr. Oliphant
11 thought and did.

12 BY MS. CRAFT:

13 Q Subject to the objection, go ahead and answer
14 it.

15 A I mean, I can't -- I can't speak for Colonel
16 Oliphant.

17 Q Did Mr. Oliphant ever tell you that David
18 Young with the LSTA had talked to him about
19 documenting his interactions with Calvin
20 Braxton?

21 A No. I don't recall a conversation like that.

22 Q Did Mr. Oliphant ever tell you that anybody
23 had asked him or suggested to him that he
24 needs to write an incident report or document
25 in some fashion his interactions with Mr.

Thurman Miller

- 1 Braxton?
- 2 A No. Not that I recall. Remember, when I
3 found out about this, it was done.
- 4 Q What was done?
- 5 A The incident report.
- 6 Q Had been completed?
- 7 A Yes.
- 8 Q And turned in?
- 9 A I don't know that, Ms. Craft. I'm the low
10 man.
- 11 Q Let me ask you something, sir. With respect
12 to Mr. Braxton, you still have coffee with
13 him?
- 14 A Yeah. I still drink coffee in the morning.
- 15 Q Has he said anything about Mr. Oliphant to
16 you?
- 17 A No.
- 18 Q Has he said anything about Mr. Linebaugh to
19 you?
- 20 A Other than what I told you?
- 21 Q Early on. Right. Other than that?
- 22 A No.
- 23 Q And was there a time -- can you tell me a time
24 frame where he did talk to you about Mr.
25 Linebaugh?

Thurman Miller

1 A It's been a while.

2 Q Was it right after the DWI?

3 A Yes. Like in that time frame.

4 Q In the last several years, has Mr. Braxton
5 said anything to you about Mr. Linebaugh?

6 A No.

7 Q I have no further questions.

8 MR. FALCON: Go ahead.

9 EXAMINATION BY MR. OXENHANDLER:

10 Q Mr. Miller, my name is Steve Oxenhandler.

11 THE WITNESS: Can I use the restroom?

12 MR. OXENHANDLER: Yes. We can take a
13 short break.

14 (Off the record.)

15 BY MR. OXENHANDLER:

16 Q As I said, Mr. Miller, my name is Steve
17 Oxenhandler, and I represent Colonel Oliphant.
18 I think you answered most of my questions that
19 I had. Do you remember when you would speak
20 with Mr. Braxton at Zippy B's shortly after
21 Mr. Braxton's daughter's DWI arrest, whether
22 you heard Mr. Braxton ask anything or say
23 anything about if Linebaugh came up before the
24 commission meeting that he was done or he
25 wouldn't get a fair shake or something like

Thurman Miller

1 that?

2 MS. CRAFT: Objection. Asked and
3 answered.

4 BY MR. OXENHANDLER:

5 Q Do you remember Mr. Braxton saying anything
6 about that?

7 A I remember -- it seems like I remember him --
8 maybe, that I'm thinking back -- saying that.
9 He just kept referring to the professional
10 courtesy.

11 Q Do you remember Mr. Braxton saying anything
12 during this same time frame about the use of
13 discretion?

14 A Yes.

15 Q What do you remember about discretion? What
16 Mr. Braxton told you.

17 A Just that Linebaugh may need to know that, you
18 know, he's a commission member and Linebaugh
19 was a trooper and professional courtesy.

20 Q You mentioned earlier about the rumors
21 relating to Ms. Rachal's death all those years
22 ago. Is that a recent rumor, or has that been
23 a rumor around town for years and years?

24 A Ever since I came here -- came to school here
25 -- it's been the --

1 Q How long ago was that? You said you went to
2 college in like 19 --

3 MS. CRAFT: '94.

4 THE WITNESS: It's been right at 20
5 years.

6 MS. CRAFT: '94 is what he said.

7 BY MR. OXENHANDLER:

8 Q For, at least, the last 20 years. It's
9 nothing new that didn't -- this rumor didn't
10 start after the DWI arrest of Mr. Braxton's
11 daughter?

12 A No.

13 Q Was Mr. Craig Brown with you when Mr. Braxton
14 told you the statements you made here today
15 about -- after the DWI arrest?

16 A He was in there. He was in the store. If I
17 remember correctly, he was in there.

18 Q Did you testify that Mr. Braxton stopped
19 talking to you about -- or stopped talking to
20 you at a certain point about this incident
21 involving the DWI arrest at Zippy B's?

22 A He did.

23 Q Do you have any opinion as to why?

24 MS. CRAFT: Object to the form.

25 BY MR. OXENHANDLER:

Thurman Miller

1 Q Do you have any opinion as to why Mr. Braxton
2 stopped talking to you about the DWI incident
3 at some point?

4 MS. CRAFT: Object to the form. 701.

5 A At the time, I didn't know why, but I assumed
6 that it was over, honestly. I mean, I didn't
7 know why.

8 MR. OXENHANDLER: I don't have any
9 other questions.

10 MR. FALCON: Just one to two.

11 EXAMINATION BY MR. FALCON:

12 Q Mr. Miller, in your several conversations with
13 Mr. Braxton -- and I want to refer you to the
14 period following the arrest -- those few
15 months following the arrest. I'm not talking
16 about in 2018 or '19 but in those few months
17 following the arrest. Was it clear to you
18 that Mr. Braxton was advocating that some type
19 of action be taken against Mr. Linebaugh?

20 A Yes.

21 Q Was it clear to you that, then, Captain
22 Oliphant was not inclined to take any action
23 against Mr. Linebaugh?

24 A No. There was no discipline. There was no
25 wrongdoing.

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1 Q Well, that was going to be my next question.

2 A I'm sorry.

3 Q My next question was: Are you aware of
4 anything wrongful that Mr. Linebaugh did in
5 connection with the arrest of someone driving
6 a motor vehicle when the PEI test concluded
7 that she was at a .14?

8 A No.

9 Q So based on all the information you have about
10 -- and I realize you weren't at the arrest,
11 but based on your understanding of what
12 happened, are you aware of anything that
13 Linebaugh did wrong that required revision or
14 retraining or any type of discipline?

15 A No.

16 MR. FALCON: That's all I have.

17 MS. CRAFT: I have a follow up.

18 RE-DIRECT EXAMINATION BY MS. CRAFT:

19 Q You have heard my client say that he believed
20 Linebaugh did his job; right?

21 A He did say that.

22 Q How many times did he say that?

23 A I don't know exactly how many times. I know I
24 remember him saying that after -- I don't
25 remember exactly what time frame, but he did

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1 say that --

2 Q The trooper did his job.

3 A He said that the trooper did his job. I don't
4 think his -- let me say that -- he did -- he
5 did say that.

6 Q His issue wasn't that Linebaugh did the DWI;
7 correct? His issue was this business you
8 talked about professional courtesy.

9 A Correct. That's --

10 Q And that's a fact you acknowledge as a member
11 of the state police here in this area that as
12 a matter of your policy, you extend
13 professional courtesy by perhaps not giving
14 tickets to members of law enforcement.

15 A I wouldn't -- that's not my policy, but that's
16 what -- I don't give policemen tickets.

17 Q And when you were asked the question about
18 what action -- you were asked a question by
19 Mr. Falcon about did Mr. Braxton advocate
20 action with respect to Mr. Linebaugh. The
21 only thing that Mr. Braxton ever suggested to
22 you was, maybe, talking to him about
23 professional courtesy and something about
24 taking him under his wing.

25 A Yeah. And he said that he needed to go to New

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1 Orleans somewhere where he could learn or
2 something to that effect.

3 Q Where he could learn. Learn about
4 professional courtesy.

5 A Correct.

6 MS. CRAFT: That's all I have. Thank
7 you, sir.

8 MR. OXENHANDLER: No further
9 questions.

10 MS. CRAFT: You are done.

11 THE COURT REPORTER: Mr. Miller, you
12 have a right to read and sign. Have you
13 ever given a deposition?

14 THE WITNESS: Yes, ma'am.

15 THE COURT REPORTER: A thousand times?
16 Do you want to read and sign your
17 deposition, or do you wish to waive that?

18 THE WITNESS: Let me waive that right
19 now. Okay?

20 THE COURT REPORTER: Okay.

21 (DEPOSITION CONCLUDED AT 12:29 P.M.)
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25

Thurman Miller

C E R T I F I C A T E

This certification is valid only for a transcript accompanied by my original signature and original required seal on this page.

I, ROBIN HOLLOWAY, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom, THURMAN MILLER, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing 112 pages; that this testimony was reported by me in the stenomask reporting 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; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board; and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services; that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I have no actual knowledge of any

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1 prohibited employment or contractual relationship,
2 direct or indirect, between a court reporting firm
3 and any party litigant in this matter nor is there
4 any such relationship between myself and a party
5 litigant in this matter. I am not related to
6 counsel or to the parties herein, nor am I
7 otherwise interested in the outcome of this matter.

8 IN WITNESS WHEREOF, I have hereunto affixed
9 my signature at Shreveport, Louisiana, this the 8th
10 day of July, 2019.

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Robin Holloway, CCR #23037