

10TH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHEs
STATE OF LOUISIANA

* * * * *

CALVIN W. BRAXTON, SR.

NO. C-90,284

VS.

LOUISIANA STATE TROOPERS
ASSOCIATION AND JAY OLIPHANT

* * * * *

DEPOSITION OF MAJOR JAY OLIPHANT, taken on
Wednesday, June 26, 2019, at the Law
Offices of Falcon & Avant, 429 Government
Street, Baton Rouge, Louisiana

REPORTED BY: TAMRA K. KENT C.C.R.

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1 APPEARANCES:

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20 BY: MR. FLOYD J. FALCON, JR.

21 Also present: Mr. Calvin Braxton
22 Mr. James O'Quinn
23 Ms. Michele Girior

24 Reported by: Tamra K. Kent, Certified Court
25 Reporter #83070, in and for the
State of Louisiana

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S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and among Counsel that the testimony of the witness, MAJOR JAY OLIPHANT, is hereby being taken pursuant to Notice under the Louisiana Code of Civil Procedure for all purposes permitted under law.

The witness reserves the right to read and sign the deposition. The original is to be delivered to and retained by Jill L. Craft, Attorney, for proper filing with the Clerk of Court.

All objections, except those as to the form of the questions and/or responsiveness of the answers, are reserved until the time of the trial of this cause.

* * * * *

Tamra K. Kent, Certified Court Reporter in and for the State of Louisiana, #83070, officiated in administering the oath to the witness.

1 MAJOR JAY OLIPHANT, having been first duly
2 sworn, was examined and testified as follows:

3 EXAMINATION

4 (Commencing at 9:10 a.m.)

5 BY MS. CRAFT:

6 Q. Mr. Oliphant, as you know, my name is Jill
7 Craft and I represent Mr. Braxton, seated to my
8 left. I know you have sat through -- I think how
9 many? -- four depositions we have done so far.

10 I just want to remind you of the rules,
11 which is to make sure to answer out loud. And I
12 know that your voice sounded a little bit quieter
13 than normal, so I'll probably remind you to speak
14 up, as well.

15 Our court reporter, to make sure that we
16 get it down on tape and that she's accurately
17 transcribing, and because our reporter this morning
18 is new to our case, I am still going to ask you to
19 spell names, places and things. Not to test your
20 spelling, as you know, but to make sure we get the
21 right ones down; is that fair enough?

22 A. Yes, ma'am.

23 Q. Would you give me your full name and
24 address, please, sir.

25 A. My name is Jay Dee Oliphant, Jr. Spelling

1 of the first name is J-A-Y. Spelling of the middle
2 name is D, as in delta, E-E. The last name is
3 Oliphant, O-L-I -- P as in pauper -- H-A-N -- T as
4 in tango -- and the suffix is Jr., J-U-N-I-O-R.

5 The address is 7919 Independence Boulevard,
6 Baton Rouge, Louisiana, 70805.

7 Q. That's the address of headquarters; is that
8 correct?

9 A. It is.

10 Q. That's not your residence address?

11 A. No, ma'am. I'm sorry; I didn't know you
12 said "residence address." You said "address."

13 MR. OXENHANDLER:

14 I'm going to object to the residence
15 address of a police officer unless, you
16 know, you agree that it's not going to be
17 publicized anywhere or given out or
18 anything.

19 MS. CRAFT:

20 Well, of course I'll agree, but I
21 haven't even gotten that far yet. So I
22 understand -- and I understand the rule,
23 and I understand Title 44 -- and I believe
24 it's :15 -- with respect to public records
25 and the address of the officer if he has

1 not otherwise consented to its
2 dissemination.

3 MR. OXENHANDLER:

4 Good.

5 MS. CRAFT:

6 I hadn't asked him yet, but I will.

7 BY MS. CRAFT:

8 Q. Did you sign the form in your personnel
9 file that says you do not or you do consent to
10 dissemination of your home address?

11 A. I don't recall seeing that form.

12 Q. All right. In general terms, I just want
13 to know, do you normally reside in Natchitoches?

14 A. Yes. That's where my residence is located,
15 yes.

16 Q. Okay. And on what street is your residence
17 located?

18 A. Louisiana Highway 504.

19 Q. Here's why I'm asking. At some point in
20 time, in a Facebook posting, you made an allegation
21 that you saw Calvin Braxton, or somebody affiliated
22 with him, was driving around or being in the
23 vicinity of your residence. That's why I wanted to
24 know where it was.

25 A. Okay.

1 Q. Now, can you tell me, did you ever see
2 Calvin Braxton in the vicinity of your residence?

3 A. I have not seen Calvin Braxton in the
4 vicinity of my residence, no.

5 Q. Did you see some private investigator in
6 the vicinity of your residence?

7 A. I did not identify any individual as being
8 specifically a private investigator.

9 Q. Well, who did you think was following you
10 around?

11 A. I later learned that it may have been Carey
12 Carruth Hamblin.

13 Q. Who is that?

14 A. She is a young lady that lives down the
15 street from my residence, probably two to
16 three miles. And according to Jayson Linebaugh, if
17 you will, he determined that she was one of the
18 individuals that may have been following him.

19 Q. So Jayson thinks he's being followed, too?

20 A. He did at the time, yes.

21 Q. What time are we speaking about?

22 A. During the time of the incident.

23 Q. What time are we speaking about, because
24 the only incident --

25 A. I don't recall a specific date.

1 Q. Here's why I'm asking, because the only
2 thing I know is that my client's daughter was
3 pulled over and given a DWI correctly on
4 December 5, 2015, and that you had some
5 communications with my client, according to your
6 notes, in December of 2015, and then you apparently
7 wrote some sort of a report in June of 2016.

8 A. Correct.

9 Q. So what time do you think you were being
10 followed?

11 A. Possibly sometimes after that incident
12 occurred specific to having a conversation with
13 Mr. Braxton about his daughter being arrested, and
14 the fact that he did not like the idea that
15 Linebaugh arrested his daughter. He felt like he
16 should have been given professional courtesy.

17 Q. Okay. So what time are we speaking about?
18 Is it '16, '17, '18? Now? When were you being
19 followed?

20 A. If you're asking me to think about it, as I
21 stated, anytime after and possibly now. I'm not
22 sure.

23 Q. Okay. And, Officer, here's my question.
24 You are a Colonel now with the State Police; is
25 that right?

1 A. A Lieutenant Colonel, yes.

2 Q. I get that. And if you, as a Lieutenant
3 Colonel with the State Police, believe that you are
4 being followed, do you mind telling me in what
5 venue or forum have you written about it, notified
6 your superiors about it, or tried to launch an
7 investigation?

8 A. An Incident Report that was submitted.

9 Q. What Incident Report?

10 A. An Incident Report -- would you like me to
11 answer?

12 Q. Yes.

13 A. An Incident Report that I submitted to, I
14 think, Lieutenant Colonel Staton if I'm not
15 mistaken.

16 Q. When was that?

17 A. I don't know the date. I think he has a
18 copy of the report.

19 MR. OXENHANDLER:

20 I'm going to give you a copy of the
21 Incident Report he's talking about.

22 MS. CRAFT:

23 Great.

24 BY MS. CRAFT:

25 Q. So this looks like an Incident Report which

1 has just been handed to me that you apparently
2 wrote on February 21, 2018. Is that what you're
3 talking about?

4 A. Yes, ma'am. Can I see a copy of the
5 report, please?

6 Q. And we're going to attach a copy of it
7 since we have talked about it as Exhibit #20.

8 (Whereupon, the document was duly marked
9 for identification as "Exhibit #20" and
10 attached hereto.)

11 Here you go. So you wrote this?

12 A. Do you want this anywhere on it?

13 Q. Yeah.

14 It looks like you wrote this March 2, 2018;
15 is that right?

16 A. That's correct. Dated and signed, yes.

17 Q. This one has numbers at the bottom, "Data
18 1254," and then a personnel number.

19 What are those two numbers?

20 A. The data number is my personnel number.

21 Q. Okay.

22 A. I'm sorry, I'm sorry. The data number
23 1254, is just that, my data number. It identifies
24 me as a Louisiana State Trooper; sort of like your
25 badge number.

1 Q. Okay.

2 A. The "P" number is a personnel number. It's
3 just P00086497. It identifies me in the system,
4 the payroll system.

5 Q. The incident time, in the upper right-hand
6 corner, is 0325 hours. Is that 3 o'clock in the
7 morning?

8 A. No, ma'am, that's not. That is incorrect.

9 Q. Oh, so you do know that there's an error
10 here, right?

11 A. Absolutely.

12 Q. Because you say that the incident happened
13 at 3:25 in the morning --

14 A. Uh-huh.

15 Q. Let me finish.

16 -- on February 21st. And then in your
17 narrative section, you said it happened at 6:10 in
18 the morning. So your report is wrong, right?

19 A. I don't think it occurred at 6:10. That's
20 not what I referred to it as.

21 Q. Okay. So it happened at 3:25 in the
22 morning, or 6:10 in the morning?

23 A. Neither.

24 Q. Okay. So both times are wrong, right?

25 A. No, one time is wrong.

1 Q. Which time is wrong?

2 A. As I stated a second ago, the 0325 hours
3 time is incorrect. It is 1525 hours, is the
4 correct time of the report.

5 Q. So 1525 hours would be 3:25 in the
6 afternoon?

7 A. That's correct.

8 Q. Okay. So you wrote in your Synopsis of
9 Incident that something happened to you on
10 February 21st at 6:10 in the morning. Is that
11 wrong or right?

12 A. That indicated I left my residence, yes.

13 Q. Understood. So did you ever go back and
14 fix it?

15 A. No.

16 Q. When did you notice it was wrong?

17 A. Possibly just today.

18 Q. When was the last time you reviewed it?

19 A. Maybe last night.

20 Q. And you didn't notice that you got it
21 wrong, Lieutenant Colonel, last night?

22 A. I wasn't noticing the content of the
23 report. I was just focussing on the synopsis.

24 Q. Did you tape record Calvin Braxton?

25 A. No.

1 Q. Did you ever tell him that you tape
2 recorded him?

3 A. No.

4 Q. Did you ever try to record him on your
5 phone and it just didn't work?

6 A. No.

7 Q. Okay. Now, in this particular
8 circumstance, you are aware -- well, you are
9 because you posted something on Facebook, right?
10 That's part of Exhibit #1.

11 A. What particular circumstance are you
12 talking about?

13 Q. This one, this Facebook posting. When did
14 you post this?

15 A. I think it's dated April 3, 2018, if I'm
16 not mistaken.

17 Q. And to the extent you reviewed documents,
18 sir, just understand that I'm going to ask that
19 they be attached to the deposition because you
20 can't sit here and read from stuff during the
21 deposition. So if you're going to review stuff --

22 A. I can't refer to my notes?

23 Q. No, sir.

24 A. Oh, all right.

25 Q. If you want to, go ahead and we'll just

1 attach them. Your choice.

2 A. Go ahead.

3 Q. And, then, I would like to move to attach
4 as Exhibit #21, (sic) in globo, all of the notes in
5 front of him.

6 (Exhibit was marked as Exhibit #22.)

7 (Whereupon, the document was duly marked
8 for identification as "Exhibit #22" and
9 attached hereto.)

10 A. Okay.

11 Q. Is that okay?

12 MR. OXENHANDLER:

13 Can he refer to them during the
14 deposition and then we'll attach them at
15 the end?

16 MS. CRAFT:

17 Yeah. I just need to see copies at
18 some point. So what we can do, he can look
19 at them. We're going to attach the whole
20 stack of stuff and take a break.

21 MR. OXENHANDLER:

22 And we'll make a copy for you.

23 MS. CRAFT:

24 I'm going to look at them and then I'm
25 going to question him about them.

1 MR. OXENHANDLER:

2 Okay.

3 BY MS. CRAFT:

4 Q. So you posted the Facebook posting, which
5 is attached to the lawsuit, on April 3, 2018; is
6 that correct?

7 A. That's correct.

8 Q. And you have notes on your version of it;
9 am I right?

10 A. Do I have notes? Yes.

11 Q. And that's your handwriting?

12 A. And highlights. It is.

13 Q. And so why did you decide to post something
14 on Facebook?

15 A. Because it was my option. I could.

16 Q. It was your, what?

17 A. My option. I could post something on
18 Facebook. It was my Facebook page.

19 Q. Is your Facebook page public, or do you
20 have it --

21 A. Yes. To some degree, yes.

22 Q. Okay. Now, on this Incident Report, you
23 claim the nature of the incident to be "Public
24 Intimidation by Calvin Braxton/Officer Safety
25 Concern." Do you see that part?

1 A. Yes.

2 Q. So were you accusing Calvin Braxton of
3 engaging in the crime of public intimidation?

4 A. No, I was not.

5 Q. Well, why were you using the words "public
6 intimidation"?

7 A. Because I titled the report that.

8 Q. Actually, sir, you identified the nature of
9 the incident as that, right?

10 A. Yes.

11 Q. So correct me if I'm wrong, in your State
12 Police training, you are trained to identify the
13 nature of the incident; meaning the possible
14 criminal conduct at issue; that's what you're
15 taught about putting in that box, right?

16 A. That's correct.

17 Q. Yes?

18 A. That's correct.

19 Q. And so you believe the possible criminal
20 conduct was public intimidation by my client?

21 A. I didn't think it was a criminal offense at
22 the time.

23 Q. Did you ever see -- okay, you didn't think
24 it was a criminal offense at the time?

25 A. No. It was no intent --

1 Q. Do you think it is now?

2 MR. OXENHANDLER:

3 Let him finish.

4 MS. CRAFT:

5 I understand.

6 MR. OXENHANDLER:

7 You need to let him finish his answer.

8 MS. CRAFT:

9 No, I got it.

10 THE WITNESS:

11 There was no intent to file any
12 criminal charges against Mr. Braxton.

13 BY MS. CRAFT:

14 Q. Well, do you think now, looking back, he
15 engaged in criminal conduct?

16 A. No. It was improper conduct, inappropriate
17 conduct.

18 Q. Did you ever see Calvin Braxton following
19 you?

20 A. No.

21 Q. In the middle of this document, you say,
22 "As I turned off of LA 504 into my private
23 driveway, I noticed a small silver Ford hatchback/
24 wagon-type vehicle parked on Jamar -- that's
25 J-A-M-A-R -- Drive which is located about 250,

1 300 yards east of my residence and is the main
2 entrance to the subdivision in which my home is
3 located."

4 So when you turned in your subdivision, you
5 saw a silver car?

6 A. When I turned in my driveway.

7 Q. You saw a car parked at the entrance to
8 your subdivision?

9 A. That's correct.

10 Q. So did you come in your subdivision some
11 other way?

12 A. There's only one way into the subdivision.

13 Q. Okay. So you didn't notice the silver car
14 until you turned into your subdivision -- actually,
15 into your driveway, correct?

16 A. Yes.

17 Q. And then you saw a silver car that had
18 pulled up and parked at the entrance of your
19 subdivision?

20 A. Yes.

21 Q. How many houses are in your subdivision?

22 A. There are none right there where the
23 entrance to the subdivision is. There's actually
24 two being constructed right now.

25 Q. Okay. My question was, how many houses are

1 there in your subdivision?

2 A. I don't know. I live in one. I don't
3 know.

4 Q. Well, are there more than ten houses in
5 your subdivision, sir?

6 A. I don't know.

7 Q. You live there, sir. Can you tell me from
8 your observation as a trained Lieutenant Colonel
9 with the State Police approximately how many houses
10 are in your subdivision with one way in and one way
11 out?

12 A. Maybe ten.

13 Q. How long have you lived there?

14 A. Ten years.

15 Q. Are you friends with your neighbors?

16 A. No, I'm not.

17 Q. So maybe ten houses in your neighborhood?

18 A. Yes.

19 Q. Okay. And you said this Carey Carruth
20 Hamblin person lives down the street. Does she
21 live in your subdivision, too?

22 A. No.

23 Q. How do you know that?

24 A. How do I know that she doesn't live in my
25 subdivision?

1 Q. Yes, sir.

2 A. I just know she lives down the street.

3 Q. How do you know that?

4 A. I can't tell you how I know that, but I
5 know she doesn't live in my subdivision.

6 Q. Did you run some sort of license plate
7 check?

8 A. I did.

9 Q. Okay. And so that's how you know who this
10 person is?

11 A. The person that you're referring to?

12 Q. Well, sir, I'll show you a document which
13 we're going to mark and attach as Exhibit #21.

14 There's a note on the bottom, Counsel, that
15 says a copy to client, but that's me. It's my
16 handwriting, which is all poor and bad. And so
17 here is this.

18 (Whereupon, the document was duly marked
19 for identification as "Exhibit #21" and
20 attached hereto.)

21 So I did a Public Records Request, as you
22 know, to the state and to a whole bunch of
23 people --

24 A. Okay.

25 Q. -- and I asked them to identify whether or

1 not somebody had accessed one of the systems about
2 plates being run.

3 A. Okay.

4 Q. And they responded to me, as reflected in
5 Exhibit #21, "We did identify an incident
6 referenced in the post" -- that was your post --
7 "however, that information is not considered public
8 under the LLETTS policy."

9 So did you run a license plate?

10 A. I did.

11 Q. And that was on the silver car?

12 A. Yes.

13 Q. And it came back to this Carruth person?

14 A. No.

15 Q. Who did it come back to?

16 A. Greg and Erin Friedman.

17 Q. Okay. And where do they live?

18 A. If I'm not mistaken, 256 Plantation Point.

19 Right down the street from Mr. James Timothy
20 Murphy.

21 Q. Who is that?

22 A. That's Mr. Linebaugh's father-in-law.

23 Q. Okay. So that's the people who own the
24 silver vehicle that was the one at the entrance to
25 the subdivision?

1 A. I'm sorry?

2 Q. Did you run a plate on the vehicle that was
3 at the entrance of your subdivision?

4 A. Yes.

5 Q. So you got out of your car --

6 A. No --

7 Q. What did you do?

8 A. -- I didn't get out of my car.

9 Q. So how did you see the plate?

10 A. Because I exited my driveway and I went
11 down 504 toward the vehicle. It looked suspicious.
12 It stood out. There's no residence there. It's at
13 the edge of a wood line, and it's parked next to
14 the woods. It's a suspicious vehicle in my
15 neighborhood.

16 So I drove over there, and I passed the
17 vehicle, and I turned around and got behind it.
18 And the vehicle took off -- it was raining -- the
19 vehicle took off down LA 504 towards Sibley Lake.
20 And I managed to get behind the vehicle, and I got
21 the license plate number. And I ran the license
22 plate number because it was a suspicious vehicle.

23 Q. So did you follow them?

24 A. I did.

25 Q. For how long?

1 A. Until we got to LA 3191, which is maybe a
2 mile and a half, two miles.

3 Q. And then what did you do?

4 A. I turned around.

5 Q. You disengaged?

6 A. I did.

7 Q. And were you in your unit?

8 A. I was in my unmarked State Police unit,
9 yes.

10 Q. And is that vehicle registered to the State
11 Police?

12 A. Yes.

13 Q. And so that happened, you claim, on
14 February 21st at 3:25 in the afternoon?

15 A. Yes.

16 Q. Okay. Did you call it in?

17 A. Call what?

18 Q. That, a suspicious vehicle.

19 A. No, I didn't call a suspicious vehicle in.
20 No. I ran the license plate. I didn't stop the
21 vehicle. Had I stopped the vehicle, I would have
22 called it in.

23 Q. Okay, so you didn't consider that you had
24 enough reasonable cause to stop the vehicle, the
25 suspicious vehicle; is that correct?

1 A. Had it not been raining, I would have
2 stopped the vehicle, yes.

3 Q. Well, what does the rain have to do with
4 it, sir?

5 A. Well, the rain has to do with, number one,
6 me getting out of my vehicle and getting into the
7 rain and engaging with another motorist. It is our
8 practice that we get them out of the vehicle. I'm
9 not going to have them stand outside in the rain.

10 Q. Did they speed?

11 A. Yes.

12 Q. So you ignored a crime?

13 A. It's not a crime.

14 Q. To speed?

15 A. It may be a violation of the law. I didn't
16 have a radar in my unit.

17 Q. So is that a guess on your part, sir, about
18 that speeding?

19 A. General speed law, yes.

20 Q. I'm sorry, what? It's a guess?

21 A. Under the general speed law, yes.

22 Q. So even though, according to you, you
23 believed the car was suspicious --

24 A. Uh-huh.

25 Q. -- that it was speeding, you, as a trained

1 law enforcement officer, did nothing?

2 A. I didn't stop the vehicle.

3 Q. You did nothing, sir?

4 A. Okay.

5 Q. Right?

6 MR. OXENHANDLER:

7 Objection. You're argumentative. It's
8 argumentative.

9 BY MS. CRAFT:

10 Q. Well, no. You didn't issue a citation,
11 right?

12 A. No, I didn't.

13 Q. You used your law-enforcement credentials
14 to run the plate on this silver car, right?

15 A. Yes.

16 Q. And followed it up with nothing? No
17 ticket? Nothing, right?

18 A. Correct.

19 Q. So how many people were in the vehicle?

20 A. I have no idea.

21 Q. You don't know if it was one, two? If it
22 was a 16-year-old, a woman, a man? Nothing?

23 A. Tinted windows.

24 Q. Excuse me?

25 A. Tinted windows on the vehicle. No, I do

1 not know.

2 Q. Tinted windows?

3 A. Uh-huh.

4 Q. Okay. Well, was the tint illegal?

5 A. I don't have no idea. I don't have a tint
6 meter assigned to me. I didn't stop the vehicle to
7 check the tint.

8 Q. But it was of a sufficient darkness that
9 you couldn't even tell how many, who, or what the
10 gender or race of the folks inside were, right?

11 A. I had no idea who was in the vehicle.

12 Q. Or even if there was more than one?

13 A. No.

14 Q. But you were scared?

15 A. Yes.

16 Q. You were so scared that you followed this
17 vehicle, that it sped; you called in the license
18 plate, and you didn't think to either call for
19 back-up or to pull them over?

20 A. No. They got away from my house. They
21 went down the road. Never saw the vehicle again.

22 Q. And so you saw a vehicle one time that you
23 labeled suspicious, and you blame my client
24 accusing him of public intimidation? How is that?

25 A. As it states in the report, I had received

1 two calls from a fairly credible and reliable
2 individual who had advised me that Mr. Calvin
3 Braxton had hired the services of a private
4 investigator, or an investigative firm, or somebody
5 to watch and follow me.

6 Q. Who were the two people?

7 A. Craig Brown and Michael Wilson.

8 Q. And Mike Wilson, who are those people?

9 A. Craig Brown is an individual that frequents
10 the Zippy B's with Mr. Braxton. They have
11 conversations fairly often according to Craig
12 Brown.

13 Q. Okay.

14 A. Michael Wilson worked for the Natchitoches
15 Parish Sheriff's Office.

16 Q. And? Craig Brown told you that Calvin
17 Braxton had hired a private investigator?

18 A. He said he had someone following me.

19 Q. What did he say specifically? That Calvin
20 has someone following you?

21 A. He has either a private investigator or
22 someone following me.

23 Q. Those were his exact words?

24 A. As I recall.

25 Q. Did you have him write a statement?

1 A. No.

2 Q. Why not?

3 A. Because it was not a crime to have someone
4 following you.

5 Q. Okay. When did Craig Brown tell you this?

6 A. This was the previous week, so that would
7 have been prior to February 21st.

8 Q. Of 2018?

9 A. Yes.

10 Q. And that was a phone call, or that was in
11 person?

12 A. That was a telephone call.

13 Q. And he called you? Or you called him?

14 A. He called me.

15 Q. Okay. And then Mike Wilson, you said he's
16 with the Natchitoches Parish Sheriff's Office?

17 A. Yes.

18 Q. What did he tell you?

19 A. He told me to be careful because Calvin is
20 a dangerous man. And he also told me that Calvin
21 was on a fishing expedition trying to get some
22 information on me.

23 Q. Did he tell you how he knew that?

24 A. No, he did not.

25 Q. Did Craig Brown tell you how he knew the

1 information or --

2 A. I'm sorry, if you will let me reflect back
3 to my answer on Michael Wilson.

4 Q. Sure.

5 A. He advised me he had talked to Mr. Braxton.

6 Q. Did he tell you when?

7 A. Sometimes prior to our conversation. I'm
8 not sure.

9 Q. Did you ask him?

10 A. No.

11 Q. So he told you Calvin is a dangerous man?

12 A. Uh-huh.

13 Q. And that was sometime in February of 2018?

14 A. Yes.

15 Q. And you believed it?

16 A. Yes.

17 Q. When did you form a belief that Calvin was
18 a dangerous man?

19 A. I can't tell you when I formed a belief he
20 was a dangerous man. When he told me that, I felt
21 strongly that he just may be.

22 Q. When did you achieve the rank of Captain?

23 A. Let's see, in 2013 I think.

24 Q. And do you recall at that time calling my
25 client and asking for his help for you to get the

1 rank of Captain?

2 A. No.

3 Q. You never talked to my client about
4 becoming Captain?

5 A. Never.

6 Q. So did you buy a car from my client?

7 A. Yes.

8 Q. When?

9 A. In November of 2015.

10 Q. So did you consider him dangerous in
11 November of 2015?

12 A. No, he's a friend.

13 Q. He was a friend?

14 A. Uh-huh.

15 Q. My client related that you've drank alcohol
16 with him before.

17 A. I have.

18 Q. When was the last time?

19 A. At a Mardi Gras Ball.

20 Q. What year?

21 A. A couple of years ago. It wasn't
22 relatively with him. He sent alcohol to my table.

23 Q. When?

24 A. Possibly 2015, maybe.

25 Q. Okay.

1 A. Or 2016. I'm not sure.

2 Q. Calvin says that you've been to his house.
3 Have you?

4 A. That is incorrect. I have never been to
5 his house. That is a lie.

6 Q. Okay. And did you go to the suite in Lake
7 Charles?

8 A. Yes, I did.

9 Q. That was for some basketball final?

10 A. I've never been to a basketball final --
11 oh, Natchitoches Central. It may have been
12 Natchitoches Central's basketball final.

13 Q. When was that?

14 A. I'm not sure.

15 Q. Last year?

16 A. I doubt it.

17 Q. What do you mean, you doubt it?

18 A. It may have been -- I don't believe it was
19 -- I don't believe it was last year. It may have
20 been --

21 Q. In 2018?

22 A. -- two to three years ago.

23 Q. In '17?

24 A. Or even '16 or '15. I'm not sure.

25 Q. So whenever it was that Natchitoches

1 Central went to the basketball finals in Lake
2 Charles, you went to my client's hotel suite and
3 drank his liquor and ate his food. And was he
4 dangerous then?

5 A. That is incorrect. I did not go to the
6 room and eat his food and drink the liquor.

7 Q. Okay. What did you do?

8 A. We walked in with my now wife and Lamar
9 McGaskey, which is my mother-in-law's boyfriend,
10 and he wanted us to see his room, his suite, and so
11 he invited us. We probably stayed three minutes
12 and left out of there.

13 Q. So would it be fair to say you didn't
14 consider Calvin Braxton to be a dangerous man then?

15 A. No.

16 Q. You said you considered him to be a friend
17 of yours?

18 A. Yes.

19 Q. When did he stop being a friend of yours?

20 A. When all this happened.

21 Q. What is "all this"?

22 A. Let's see, the whole incident regarding
23 Linebaugh in December of 2015.

24 Q. That's when Calvin stopped being a friend?

25 A. Yeah.

1 Q. Okay. And So there wasn't an occasion
2 where you socialized with Calvin Braxton after
3 December of 2015?

4 A. I don't recall that. There may have been.
5 I don't recall that, though.

6 Q. So if, for example, you did socialize with
7 my client in 2016 and 2017, would it be fair to say
8 that you were no longer friends with him but you
9 still socialized with him? Is that how I
10 characterize your relationship?

11 A. We were at the same place at the same time.
12 I wasn't socializing with him.

13 Q. Did you shake his hand?

14 A. I'm sure I did.

15 Q. And he shook yours?

16 A. I'd shake his hand today. Yeah.

17 Q. You consider him to be a dangerous man
18 today?

19 A. Yes, I do.

20 Q. Why?

21 A. Because I don't know what he's capable of.

22 Q. What are you talking about? Do you think
23 Calvin Braxton is going to hurt you?

24 A. I'm not sure what Calvin is capable of.

25 Q. Why do you say that?

1 A. The main reason I say that is because
2 there's a young lady by the name of Lydia Rachal --

3 Q. Uh-huh.

4 A. -- that -- she's dead. That bothers me.
5 And it bothered me back then. It bothers me to
6 this day. That's why I say that I don't know what
7 he's capable of.

8 Q. Sir -- and correct me if I'm wrong -- Miss
9 Rachal committed suicide 25 years ago.

10 A. Okay.

11 Q. She did so in a room, left a suicide note,
12 barricaded herself in, and the Shreveport Police
13 had to pry the door off the hinges.

14 Are you suggesting, under oath, that you
15 think my client had something to do with her
16 suicide?

17 A. I don't know that. And, no, I'm not
18 suggesting that. I'm suggesting that it is my
19 understanding that that was a friend of his, and
20 she's dead.

21 Q. Unfortunately, I've had friends commit
22 suicide. Does that make me a dangerous person in
23 your mind?

24 A. I don't know you.

25 Q. Okay. So you think that because one of

1 Calvin's friends 25 years ago committed suicide,
2 left a note and barricaded herself in a room in
3 Shreveport, that somehow makes Mr. Braxton a
4 dangerous man?

5 A. To me, yes.

6 Q. And when did you form this opinion?

7 A. After I spoke with Mike Wilson, really,
8 because he was, from what I understand, at the
9 autopsy of Miss Rachal.

10 Q. From the Natchitoches Parish Sheriff's
11 Department?

12 A. Yes.

13 Q. And he was at the autopsy in Shreveport?

14 A. Yes, according to him.

15 Q. Twenty-five years ago?

16 A. He's been with the Sheriff's Office about
17 that long.

18 Q. And what did he tell you?

19 A. He told me he felt like something wasn't
20 right. That's why he was telling me to be careful.

21 Q. And he told you to be careful in February
22 of 2018?

23 A. Yes.

24 Q. And 25 years after this woman had killed
25 herself?

1 A. Yes.

2 Q. And you were friends with Mike Wilson,
3 weren't you?

4 A. I am friends with Mike Wilson.

5 Q. And how long have you been friends with
6 Mike Wilson?

7 A. I have been knowing Mike Wilson, when we
8 went to the Haughton Police Department -- sorry --
9 Haughton, Louisiana, Academy, the Bossier Parish
10 Community College for Natchitoches PD. He worked
11 at the Natchitoches Sheriff's Office.

12 Q. When?

13 A. In 1991.

14 Q. So you've known Mike Wilson since 1991?

15 A. Yes.

16 Q. You've been friends with Mike Wilson since
17 1991, correct?

18 A. Correct.

19 Q. And in all that time, from 1991 to -- well,
20 if I did the math, let's say 25 years ago -- yeah,
21 1991 to 2018 -- he never once told you that he had
22 some concern about the suicide of the poor,
23 unfortunate Lydia?

24 A. No, that wasn't my concern then. I had
25 nothing -- no affiliation with Miss Lydia then.

1 Q. When was the first time Mike Wilson told
2 you anything about Lydia's suicide and him being at
3 the autopsy?

4 A. About the week prior to February 21st as I
5 recall.

6 Q. Of 2018?

7 A. Yes.

8 Q. Okay, so by my math -- which is never very
9 good -- you've been friends with Mr. Wilson for
10 27 years; does that sound right? Or 28 years?

11 A. I'll go with that; that sounds about right.

12 Q. So in the 27 or 28 years you've been
13 friends with Mike Wilson, if we subtract out 25,
14 the last 25 years you've been friends with Mike
15 Wilson, he never once told you he had some concerns
16 about the death of Lydia until February of 2018; is
17 that what you're expecting -- is that your answer?
18 Never once said anything until now?

19 A. Until after or just before February 21,
20 2018.

21 Q. You socialize with Mr. Wilson?

22 A. No.

23 Q. How do you characterize yourselves as
24 friends if your friend doesn't tell you in the last
25 25 years that he's got a concern he thinks my

1 client may have had something to do with this poor
2 woman's suicide?

3 A. Apparently, he felt that it was important
4 for me to know. Because he had spoken to Calvin
5 Braxton, and Calvin Braxton had told him that he
6 was on a fishing expedition out to get information
7 on me.

8 And he told me he wanted me to be careful
9 because he did not feel right. And he felt like
10 something was just not right with the whole Lydia
11 Rachal investigation. This is what he told me.

12 Q. Had you ever talked to anybody else about
13 the death of Lydia Rachal other than Mike Wilson in
14 February of 2018?

15 A. I talked to the husband, Donald Rachal.

16 Q. When?

17 A. It was sometimes after -- he pulled into my
18 driveway. That was probably last year, late last
19 year or early this year, maybe.

20 Q. Okay. So had you reached out to
21 Mr. Rachal?

22 A. Which Rachal?

23 Q. You said the husband.

24 A. Donald Rachal. Had I reached out to him?

25 No.

1 Q. He reached out to you?

2 A. He pulled up in my driveway.

3 Q. Do you know him?

4 A. Yeah, I know Mr. Rachal.

5 Q. How long have you known him?

6 A. I've known him for a long time. He used to
7 work at Northwestern State University State Police
8 Department.

9 Q. So had you ever talked to Donald about the
10 suicide of his wife?

11 A. Not prior to that, no.

12 Q. He'd never spoken to you about it?

13 A. No.

14 Q. Okay. So, then, you're telling me at the
15 end of 2018 or beginning of 2019, Mr. Donald Rachal
16 pulls up into your driveway?

17 A. Yes.

18 Q. And by the way, you live on a public
19 street, don't you?

20 A. I do.

21 Q. And so tell me what happened in your
22 interaction with Donald Rachal.

23 A. He pulled in my driveway, and apparently he
24 had heard some of the issues that Calvin Braxton
25 was having with me and --

1 Q. What makes you say that?

2 A. Well, I'm telling you what he told me.

3 Q. Well, that's what I need you to tell me.

4 Not apparently. Tell me what he said to you.

5 A. He told me he had an issue with Calvin
6 Braxton because he felt like Calvin Braxton was
7 dating his wife at the time she was found deceased.

8 Q. Okay. What else did he say?

9 A. He, again, told me that I probably need to
10 be careful.

11 Q. Did he tell you what he had heard?

12 A. No.

13 Q. And so what makes you think that apparently
14 he had heard about, you know, Calvin having issues
15 with me? What makes you think that?

16 A. With you?

17 Q. No, sir, with you.

18 A. Okay. I guess from information he got, had
19 heard around town regarding Calvin Braxton.
20 Because there's a few people that are aware of
21 what's going on.

22 Q. Okay, that's a lot to unpack.

23 A. Okay.

24 Q. So is that a guess on your part or --

25 A. Mostly, yes.

1 Q. -- did he tell you: I heard so-and-so
2 saying Calvin has an issue with you?

3 A. No, I'm going off what he told me.

4 Q. Yeah, what did he tell you?

5 A. Just what I said; he had an issue with
6 Calvin. And there was a story he -- he mentioned
7 regarding an interaction with Calvin that I do not
8 remember the specifics.

9 Q. Well, tell me generally.

10 A. I don't remember generally.

11 Q. Did you ask anybody to contact Donald
12 Rachal for you?

13 A. No.

14 Q. Did Mike Wilson, to your knowledge, talk to
15 Donald Rachal?

16 A. I have no idea.

17 Q. Okay. So this man pulls up in your
18 driveway out of the blue at the end of 2018/2019 --
19 by the way, did you write an Incident Report about
20 that?

21 A. No, I did not.

22 Q. Okay.

23 A. Neither.

24 Q. Excuse me?

25 A. No, I did not.

1 Q. So what I understand Donald told you is he
2 had an issue with Calvin because he claims Calvin
3 had an affair with Lydia?

4 A. Yes.

5 Q. Okay. Then I guess my question is, so
6 what? Let's say they had an affair. How does that
7 make him dangerous? I mean, people have affairs
8 all the time, don't they, Colonel?

9 A. He told me that he just had an issue with
10 Calvin Braxton. That's what he told me.

11 Q. Besides the affair -- which you would
12 agree, people have affairs all the time, don't
13 they, Colonel?

14 A. I'm not aware of that.

15 Q. Okay. So besides this notion that Donald
16 Rachal pulls up in your driveway and says that
17 Calvin had a relationship with my wife when she
18 committed suicide 25 years ago, did he say anything
19 else about Calvin being quote, unquote, dangerous,
20 the man that you found?

21 A. Sorry; can you repeat that?

22 Q. Sure. Aside from Donald pulling in your
23 driveway and saying Calvin had an affair with my
24 wife at the time of her death 25 years ago, did
25 Donald Rachal say anything else about Calvin being

1 quote, unquote, dangerous?

2 A. No, he didn't say that he was dangerous.

3 Q. Is there anything else you can recall about
4 your conversation with Donald Rachal?

5 A. No, not that I can recall.

6 Q. So let me ask you something. What does an
7 affair that may or may not have occurred 25 years
8 ago have anything to do with you posting a Facebook
9 posting? What does that have to do with it?

10 A. If you will allow me to refer to the
11 report.

12 Q. The Facebook posting? Sure.

13 A. Yes, it indicates that to confirm
14 someone --

15 Q. Go ahead.

16 A. -- is, in fact, following or watching me
17 has caused a great amount of fear for me and my
18 family.

19 Q. How did you confirm that Calvin was
20 following or watching you?

21 A. I didn't say that he was.

22 Q. Okay. You saw the silver car one time?

23 A. Uh-huh.

24 Q. Is that a yes?

25 A. Yes.

1 Q. And it comes back --

2 A. Sorry.

3 Q. -- to this Friedman girl?

4 A. Yes.

5 Q. So how does that in any way mean that
6 Calvin had the Friedman girl following you that you
7 saw one time?

8 A. At the time, I wasn't sure who it was. I
9 just knew who the vehicle was registered to.

10 Q. Okay, and so what? Aren't there Friedmans
11 in Natchitoches?

12 A. A lot of them.

13 Q. A ton of them, aren't there?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes.

17 Q. It's a fairly prominent family in
18 Natchitoches, right?

19 A. It is.

20 Q. It is a large family in Natchitoches?

21 A. That, I'm not sure about.

22 Q. So what makes you think, because you saw a
23 silver car that was registered to a Friedman, that
24 that confirmed or in any way meant Calvin Braxton
25 was having you followed?

1 A. Because to me the name "Friedman" is in
2 connection or direct connection with Mr. Braxton.

3 Q. Is a, what?

4 A. Is in connection or a direct connection
5 with Mr. Braxton.

6 Q. The Friedman girl that owned the car, what
7 does she do for a living?

8 A. I'm not sure.

9 Q. Did you check?

10 A. No.

11 Q. Okay. So how is that a connection with
12 Calvin Braxton, the Friedman girl?

13 A. Because Greg Friedman's name is also on the
14 registration from what I understand.

15 Q. So what does that mean?

16 A. He's the name that's tied with the vehicle
17 from what I understand. He is the son of Sam
18 Friedman.

19 Q. Okay. And what does that mean?

20 A. That's the connection, because Sam Friedman
21 owns Dimension Development which Calvin is a
22 business partner. I'm not sure what he is, but
23 he's a partner in that business.

24 Q. And how do you know that?

25 A. That's the connection. He stated that in

1 his -- I think the other day.

2 Q. A better question. How did you know it at
3 the time that you made your Facebook posting on
4 April 3, 2018?

5 A. Google is a useful tool.

6 Q. Okay. How did you know it, sir, in asking
7 the question on April --

8 A. I Googled it.

9 Q. Let me finish.

10 -- on April 3, 2018, you did what?

11 A. On April 3, 2018?

12 Q. In connection with your Facebook posting,
13 how did you make some sort of connection between
14 this silver car you see one time in February of
15 2018 and Calvin Braxton?

16 A. I don't recall doing anything on that
17 particular day other than --

18 Q. No, sir, in connection with your posting.
19 How is it that you tie the silver car you saw one
20 time to Calvin Braxton?

21 A. The name Greg Friedman is how I tied the
22 name to Calvin Braxton.

23 Q. And so what did you do before you made your
24 posting to make that connection between Greg
25 Friedman and Calvin Braxton?

1 A. Well, I ran the license plate if that's
2 what you're asking.

3 Q. What else did you do?

4 A. I'm not sure what you're -- what you're
5 asking.

6 Q. How is it that you contend the vehicle
7 registered to Greg Friedman and the girl Friedman
8 that you saw one time in February of 2018 according
9 to you --

10 A. Uh-huh.

11 Q. -- how is it that you made some connection
12 with Calvin Braxton before you made your posting on
13 Facebook on April 3rd?

14 A. Well, I think it's well known in
15 Natchitoches that Mr. Friedman and Calvin Braxton
16 are business partners.

17 Q. Is that something known to you --

18 A. According to --

19 Q. -- or was it known to you?

20 A. -- Lamar McGaskey. Yes.

21 Q. So you talked to Lamar McGaskey before you
22 made your posting April 3rd?

23 A. I have talked to him before and after. I
24 always talk to Lamar.

25 Q. I'm trying to get the factual basis for

1 your statement in the Facebook posting, that my
2 client was having you followed.

3 And you told me where it's a silver vehicle
4 and it's registered to two Friedmans, and somehow
5 one is the son of Sam who is a business partner of
6 Calvin. I'm trying to figure out how you made
7 those connections before you made the posting on
8 April 3rd.

9 So what did you do, as a trained law
10 enforcement officer, to find some factual basis for
11 your statement?

12 A. I would imagine between --

13 Q. And let me just stop you, because that's
14 non-responsive.

15 I want you to tell me what you remember
16 doing; not what you imagine, what you hope --

17 A. Well, I don't specifically recall doing
18 anything.

19 Q. Anything?

20 A. I don't recall that.

21 Q. You did nothing before you made the posting
22 about my client on April 3rd when you accused him
23 of having you followed?

24 A. I don't recall anything in particular that
25 I did.

1 Q. Well, now is your chance. If you remember
2 anything even in general terms that you did before
3 you made this posting on April 3, 2018, I'm asking
4 you to tell me.

5 A. Well, I will say that on -- on or about the
6 time, I requested that -- are you talking about in
7 reference to Mr. Friedman and his connection; is
8 that what you're asking me?

9 Q. I'm asking about your Facebook posting,
10 where you pointed to a statement in your Facebook
11 posting -- and which you know that you have been
12 sued over?

13 A. Yes.

14 Q. And in it you said something about, I have
15 observed a suspicious vehicle, and you have an "S,"
16 near my residence which have been confirmed to have
17 a direct connection with this local, wealthy
18 businessman. That's Calvin Braxton, right?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. So I'm asking you, before you made that
23 assertion on Facebook in a non-locked down and
24 public Facebook posting on April 3rd, what did you
25 do to verify that information, if anything? And if

1 you didn't, that's okay with me, too.

2 A. Other than run a license plate, I don't
3 recall doing anything to connect the two. I'm
4 aware of the Greg Friedman and the connection with
5 Mr. Braxton.

6 Q. What connection does Greg Friedman have
7 with Mr. Braxton?

8 A. Dimension Development, that's the
9 connection I was speaking of.

10 Q. And you knew that before you made your
11 posting on April 3rd?

12 A. Yes.

13 Q. Greg Friedman has no role in Dimension
14 Development, does he?

15 A. I don't know.

16 Q. Excuse me?

17 A. I don't know that. Like I said, if you
18 look up his name, it comes up Dimension
19 Development. He is the son of Sam Friedman who,
20 from what I understand, owns Dimension Development.
21 So that's the answer I'm giving you.

22 Q. But did you look it up before you made your
23 posting April 3rd? It's that simple.

24 A. I may very well have --

25 Q. Or is that --

1 A. -- I don't recall.

2 Q. Excuse me?

3 A. I very well may have. I don't recall that.

4 Q. And you put in your Facebook posting, "I
5 have observed a suspicious vehicle," and you have
6 an "S" --

7 A. Uh-huh.

8 Q. -- like indicating maybe more than one.

9 A. I have noticed other vehicles around my
10 house that was questionable.

11 Q. What other vehicles?

12 A. Nothing of significance, nothing to
13 specifically alert me.

14 Q. What other vehicles?

15 A. I can't tell you that. I have -- I have
16 noticed other vehicles around my house, vehicles
17 that I see, you know, the same vehicles two or
18 three times in the same area. Vehicles that have
19 been parked a mile or two down from my house when I
20 come from work, several vehicles.

21 Q. Did you --

22 A. But I do not have the information. I'm
23 sure I may have pictures of the vehicles in my
24 phone, or something like that.

25 Q. Okay.

1 A. Because I did take some.

2 Q. Okay. Did you run the plates on those?

3 A. No, I did not.

4 Q. Did you write some sort of report on those?

5 A. No.

6 Q. Are you a paranoid person, sir?

7 A. No, I'm not.

8 Q. When was it you supposedly saw these
9 suspicious vehicles? Give me dates, years, times,
10 months.

11 A. It was mainly after I was told that he may
12 be having someone follow me.

13 Q. So it was after February of 2018?

14 A. I'm sorry?

15 Q. So it was after February of 2018?

16 A. And it may have been before. I'm not sure.

17 Q. Well, I'm asking you.

18 A. I don't know. I don't recall that. I
19 don't recall specific dates.

20 Q. How about a year? Give me a year. That's
21 a good one. Is it '17, '18, '16, '19?

22 A. Would you like me to guess?

23 Q. No, sir. I would like you as a trained law
24 enforcement officer who claims to have had -- to
25 have seen suspicious vehicles which you think are

1 following you, I'd like for you, as a trained law
2 enforcement officer, to tell me when you observed
3 these suspicious vehicles. When?

4 A. Sometime prior to the Facebook posting.
5 That's general.

6 Q. Sometime prior to April 3rd?

7 A. Yes.

8 Q. Okay.

9 A. And maybe after. I'm not sure.

10 Q. Then how come they're not referred to in
11 this Incident Report?

12 A. Because I didn't write the plate numbers
13 down. I didn't run those plates. They were not in
14 the immediate area of my residence. And at the
15 time, they didn't appear to be very standoutish, I
16 guess you could say, or they didn't stand out --

17 Q. Well --

18 A. -- such as this one did.

19 Q. -- in your report on the second page --

20 A. Uh-huh.

21 Q. -- the last paragraph, you write, "For
22 months, I have noticed several suspicious-looking
23 vehicles as I travel the highways of the State of
24 Louisiana and have even conducted counter-
25 surveillance missions to see if someone is

1 following me."

2 What counter-surveillance missions are you
3 talking about?

4 A. Is that funny to you?

5 Q. What counter-surveillance missions are you
6 talking about, sir?

7 A. I travel all over the state, and I watch
8 things. You asked am I paranoid? No, I'm not
9 paranoid.

10 Q. I'm going to object as non-responsive.

11 What counter-surveillance missions are you
12 talking about?

13 A. When I go sit in a parking lot and I watch
14 vehicles.

15 Q. While you're on the clock for State Police?

16 A. Absolutely.

17 Q. Is that a counter-surveillance mission for
18 you, to go park in a parking lot and watch
19 vehicles?

20 A. Yes. Especially if I'm at lunch, I'll go
21 sit in the parking lot and eat lunch and watch
22 vehicles.

23 Q. And so what are you looking for in this
24 counter-surveillance mission of yours?

25 A. Anything that stands out, anything that --

1 or any vehicles that may be following me.

2 Q. Okay. And have you notated any such
3 vehicles?

4 A. No.

5 Q. Do you still engage in these counter-
6 surveillance missions today?

7 A. Not so much, no.

8 Q. Do you think somebody is following you in
9 Baton Rouge?

10 A. It's very possible.

11 Q. Who?

12 A. Someone that may be connected to
13 Mr. Braxton. I don't know.

14 Q. That's a guess on your part?

15 A. Well, you asked me who, and so that's all I
16 can do.

17 Q. What's the factual basis for that
18 statement, sir?

19 A. I mean, you asked me, so that's what I gave
20 you.

21 Q. What's the factual basis?

22 A. There is no factual basis for that. You
23 asked me do I still do it? Yes, I do occasionally
24 but not so much.

25 Q. Okay. You also wrote, "I'll occasionally

1 travel to open parking lots (department stores,
2 malls, business districts) and just park..."

3 A. That's right.

4 Q. "...to observe the movements of other
5 vehicles. I've even exited my vehicle and walked
6 in certain areas to see if I can identify
7 suspicious vehicles. As a Louisiana State Trooper,
8 I will remain vigilant and do my best to ensure
9 that I provide a safe environment for me and my
10 family."

11 How often are you doing this?

12 A. I did it pretty regularly when this event
13 occurred specific to the vehicle down the street
14 from my house.

15 Q. Okay. So with respect to this counter-
16 surveillance mission, when was the last time you
17 engaged in a counter-surveillance mission, sir?

18 A. I'm not sure.

19 Q. How about in the year 2019, are you still
20 -- did you in the year 2019 engage in a counter-
21 surveillance mission?

22 A. I don't recall that. I'm always looking in
23 my rearview mirror watching.

24 Q. Let me ask you something --

25 A. Uh-huh.

1 Q. -- you go to Zippy B's, don't you?

2 A. I've been there.

3 Q. When was the last time you went there?

4 A. I'm not sure.

5 Q. How about a year?

6 A. That's possible.

7 Q. What year?

8 A. Possibly 2018. I'm not sure.

9 Q. You went even after you posted your
10 Facebook posting on April 3rd, 2018, didn't you?

11 A. That's possible, very possible, yes.

12 Q. Do you recall walking in and Calvin was in
13 there having coffee?

14 A. Yes.

15 Q. And you made a statement loudly, "I hear
16 they have the best coffee here"?

17 A. Yes, that occurred.

18 Q. You weren't scared then, were you?

19 A. I face my fears so, yes.

20 Q. You were scared?

21 A. Yes.

22 Q. Were you scared the several other times you
23 went into Zippy B's and Calvin was in there having
24 coffee as he does every morning? Were you scared
25 then, too?

1 A. What is "several"?

2 Q. Certainly more than once. You've been in
3 there and you've seen Calvin after that time?

4 A. Yes.

5 Q. How many times?

6 A. I don't know. Possibly three in my life.

7 Q. Were you scared then?

8 A. Yeah.

9 Q. Okay. So of all the places in Natchitoches
10 to have coffee, is Zippy B's the only place that
11 has coffee in Natchitoches?

12 A. No. They have good coffee.

13 Q. So why are you going in if you're scared of
14 Calvin Braxton?

15 A. Because I want to let him know that I'm
16 going to live. I'm going to live, and I'm going to
17 face him.

18 Q. So you want to send a message to Calvin?

19 A. You asked me a question, and I answered
20 your question.

21 Q. You want to send a message to Calvin?

22 A. I didn't send a message to him. If he
23 feels like I sent a message, then...

24 Q. What do you mean "I want him to know that
25 I'm going to live"? It sounds like you're sending

1 a message to him.

2 A. I'm not going to run from him.

3 Q. So that's the message you're sending?

4 A. I'm not going to run from him.

5 Q. I get it.

6 And how many other times have you sought
7 out Calvin Braxton, specifically in Natchitoches,
8 to let --

9 A. Seek him --

10 Q. -- him know you're not going to run?

11 MR. OXENHANDLER:

12 Objection to form. You're assuming
13 things he never said.

14 MS. CRAFT:

15 Understand.

16 BY MS. CRAFT:

17 Q. Go ahead; you can answer it.

18 A. Repeat your question.

19 Q. How many times have you sought out Calvin
20 Braxton to let him know you're not going to run?

21 A. I didn't seek him out.

22 Q. You knew he was at Zippy B's.

23 A. Sometimes he's there; sometimes he's not.
24 I've been there and he's not. He drives different
25 vehicles. You never know what he -- or where he

1 is. I'm not riding around looking for him.

2 Q. You told me on the time after the Facebook
3 posting, and you said maybe three times thereafter
4 you went in Zippy B's. You knew Calvin was going
5 to be there?

6 A. I didn't say I knew he was going to be
7 there. I don't recall that.

8 Q. Okay. Well, did you go in Zippy B's
9 because you knew he was there, and you wanted him
10 to know you weren't going to run?

11 A. Which part?

12 Q. Any part.

13 A. Repeat your question.

14 Q. Did you go into Zippy B's when you knew
15 Calvin was going to be there to let him know you
16 weren't going to run?

17 A. I didn't necessarily know he was going to
18 be there. But I'm not going to run from him.

19 Q. But you suspected that he was going to be
20 there, right?

21 A. He goes there pretty regular. Sometimes he
22 doesn't go there at all. Sometimes he doesn't go
23 for weeks from what I understand.

24 Q. When you went into Zippy B's at any time,
25 did you anticipate that Calvin was going to be

1 there?

2 A. He frequents Zippy B's. But I don't know
3 what answer you want me to give.

4 Q. You knew that when you went?

5 A. I knew what?

6 Q. That he frequents Zippy B's.

7 A. Yes.

8 Q. And so when you went in after your Facebook
9 posting, you had a reasonable suspicion, as a law
10 enforcement officer, that Calvin Braxton was going
11 to be there having coffee?

12 MR. OXENHANDLER:

13 Object to the form.

14 BY MS. CRAFT:

15 Q. Correct?

16 A. Reasonable suspicion? I'm not --

17 Q. You can answer it.

18 A. He frequents Zippy B's. I don't know how
19 you want me to answer your question.

20 Q. That was a fact known to you prior to you
21 going in there after your Facebook posting,
22 correct?

23 A. What's that?

24 Q. That he frequents Zippy B's.

25 A. Yes.

1 Q. So when you went in Zippy B's, you at least
2 thought there was a strong possibility Calvin
3 Braxton was going to be there?

4 A. Sometimes it depends on the times I go.

5 Q. I'm talking about the time after the
6 Facebook posting, sir. This isn't hard; I'm
7 focussing on that time --

8 A. Yeah.

9 Q. -- where you said you wanted to make sure
10 my client knew you were not running.

11 MR. OXENHANDLER:

12 Object to the form. He never said
13 that.

14 BY MS. CRAFT:

15 Q. Go ahead, sir. You can answer it.

16 A. What's your question?

17 Q. When you went in after your Facebook
18 posting -- this isn't hard -- you knew or at least
19 reasonably could have thought or thought that
20 Calvin was going to be there?

21 A. I'm sure I knew that it was possible he
22 might be there.

23 Q. And you said that Calvin drives different
24 vehicles. How do you know that?

25 A. I've seen him drive different vehicles just

1 riding around town. He owns the Ford dealership.
2 He had access to different vehicles, I guess.

3 Q. So have you followed my client?

4 A. No. No need to follow him.

5 Q. So how many times have you seen my client
6 around town?

7 A. I've seen him pretty regularly.

8 Q. And what vehicles does he drive?

9 A. I've seen him in the white Expedition.
10 I've seen him in a white Lincoln SUV. I've seen
11 him in a white Ford Raptor. I've seen him on a
12 motorcycle. I've seen him in a convertible Ford
13 Thunderbird. I've seen him several times.

14 Q. And is it your contention my client is
15 somehow switching vehicles to mess with you? Or is
16 he just driving around Natchitoches in Ford
17 vehicles?

18 A. That is not my contention, that he's
19 driving around to mess with me, no.

20 Q. You just happen to see him?

21 A. Yeah. We both live in Natchitoches.

22 Q. Okay. Now, what makes you think the white
23 Expedition is Calvin's?

24 A. I didn't say it was his. I said I saw him
25 in it.

1 Q. At my office?

2 A. Yeah. And I have seen him in it in
3 Natchitoches.

4 Q. Okay. Did you run the plate?

5 A. No. No.

6 Q. You wrote in this report -- and which you
7 do know is a public record, right?

8 A. Which report?

9 Q. This Incident Report we've attached as
10 Exhibit #20.

11 A. Yes.

12 Q. You know this is a public record, right?

13 A. Yes.

14 Q. And you knew it when you prepared and filed
15 it, that it would become a public record, correct?

16 A. I mean, it's an Incident Report, so I would
17 imagine yes. So I guess yes. Yes, if someone
18 wanted to get it, yes.

19 Q. On the second page, you wrote, "To somewhat
20 confirm someone is watching my/our every move has
21 caused great concern for my safety and the safety
22 of my family."

23 How exactly did you confirm someone is
24 watching you/your family, I guess, every move?

25 A. Well, with the -- seeing the vehicle down

1 the street from my house.

2 Q. The one silver vehicle?

3 A. Yes.

4 Q. Okay.

5 A. And my son was scheduled to get off the bus
6 at 3:30 in the afternoon, so I was concerned.

7 Q. Okay. Did the silver vehicle do anything
8 that you thought was a danger to your son?

9 A. No, it was in close proximity to my house.

10 Q. So 250 to 300 yards?

11 A. Yes.

12 Q. Three football fields is close proximity to
13 your house?

14 A. It's right there, yes.

15 Q. Does your son get off the bus at the
16 entrance to your subdivision on a public street, or
17 does he get off at your house?

18 A. He gets off the bus at my house, in front
19 of the driveway.

20 Q. Okay. So is that the factual basis for
21 your statement that you confirmed someone is
22 watching my/our every move, the one sighting of the
23 silver vehicle on a public street?

24 A. Yes.

25 Q. Okay. Then you write, "I have no idea what

1 Calvin Braxton's intentions are, and I'm not sure
2 what he is capable of specific to harming me or my
3 family."

4 And what is the factual basis for that
5 statement, sir?

6 A. Because I don't know.

7 Q. It sounds to me like you think Calvin
8 Braxton is going to inflict some sort of bodily
9 harm on you or your family. Am I wrong about that?

10 A. That's possible. I don't know what he's
11 capable of.

12 Q. Then you wrote, "What's even more
13 concerning to me is the mysterious and untimely
14 death of a woman named Lydia Rachal, whom Calvin
15 Braxton was allegedly dating at the time of her
16 death several years ago."

17 Now, did you ever pull any of the incident
18 reports or the autopsy report relating to Miss
19 Rachal's suicide?

20 A. No, I did not.

21 Q. And I think -- I may be wrong -- but you
22 hadn't had an interaction with Donald Rachal at the
23 time you wrote this report on March 2nd, correct?

24 A. I don't recall none.

25 Q. Well, you told me he drove in your driveway

1 sometime late 2018 or early 2019.

2 A. I don't recall the specific dates, though.

3 Q. So is the source of your information about
4 this death Mike Wilson?

5 A. Yes.

6 Q. Anybody else?

7 A. What you mean "the source"? What do you
8 mean "the source of the death"?

9 Q. Sir, it sounds to me -- and I could be
10 wrong -- but this whole paragraph is essentially
11 accusing my client of being complicit in a murder.

12 A. I'm not accusing him.

13 Q. Well, what exactly are you saying about the
14 death in this public document?

15 MR. OXENHANDLER:

16 And I'm going to object. You've asked
17 this about 50 times. He's answered it,
18 that he was afraid. He wasn't sure about
19 what he was capable of, and he's making his
20 thoughts known in a report that he's
21 allowed to write. Never been published to
22 anybody else. He's allowed to do this.

23 And you have asked this already.

24 You're asking him the same thing over and
25 over again.

1 MS. CRAFT:

2 I'm asking him about his report. And
3 for the record, it's a public document.
4 And for the record, the other reason I'm
5 asking it is because, in their training
6 manual, it says they're not allowed to put
7 in their feelings and things of that
8 nature. They're only allowed to make
9 factual observations.

10 So I'm entitled to ask him about every
11 single sentence, comma, and letter in this
12 document.

13 MR. OXENHANDLER:

14 You've asked him. And he's answered it
15 over and over again.

16 MS. CRAFT:

17 No, I haven't. I have not.

18 BY MS. CRAFT:

19 Q. In this document you wrote, sir, you said,
20 "What's even more concerning to me is the
21 mysterious and untimely death of a woman named
22 Lydia Rachal, whom Calvin Braxton was allegedly
23 dating at the time of her death several years ago."

24 Were you implying that Calvin Braxton had
25 anything to do with the death of Lydia Rachal?

1 A. No.

2 Q. Have you ever made that statement?

3 A. No.

4 Q. Then why is it in this document?

5 A. Because according to a conversation that I
6 had with Mike Wilson, when he told me to be
7 careful, to watch my back, something wasn't right,
8 that caused me concern.

9 Q. So is Mike Wilson your only source? And
10 was he your only source at the time you wrote this
11 report on March 2, 2018 --

12 A. As I recall, yes.

13 Q. Let me finish.

14 A. I thought you were done.

15 Q. That's it. He was your only source?

16 A. As I recall, yes.

17 Q. Then you wrote, "Rachal's death, ultimately
18 ruled a suicide, occurred in a hotel located in
19 Shreveport/Bossier City area."

20 The source for your information on that is
21 Mike Wilson?

22 A. Yes.

23 Q. "The fact that Calvin Braxton's name was
24 closely connected to this woman at the time of her
25 death is enough reasonable suspicion for me to be

1 concerned for my safety and the safety of my
2 family."

3 What is that about?

4 A. Just what it says. It's reasonable
5 suspicion for me to have a concern and watch
6 myself, my movements, as well as my family's.

7 Because my son was getting off the bus at
8 the same time -- or about -- that the vehicle was
9 parked down the street, I was concerned.

10 Q. Here is why I'm asking, because you've told
11 me that you don't in any way believe Calvin had
12 anything to do with Lydia Rachal's suicide 25 years
13 ago, but, yet, you're writing in here his name was
14 closely connected constitutes a reasonable
15 suspicion -- and which is a law-enforcement term --
16 for you to be concerned for your safety.

17 What about Calvin's affiliation with Lydia
18 25 years ago, as a law enforcement officer, has you
19 with reasonable suspicion?

20 A. I guess the fact that she's dead.

21 Q. So you don't believe it was a suicide?

22 A. I don't know.

23 Q. You disbelieve the reports that declared
24 clearly it was a suicide?

25 A. I haven't seen the reports.

1 Q. You've said -- and you would agree with me
2 that "reasonable suspicion" is a law-enforcement
3 term; is that correct?

4 A. It's a term commonly that's used by law
5 enforcement officers, yes.

6 Q. To justify things like pulling a car over,
7 right?

8 A. That's possible, yeah.

9 Q. Conducting a search incident to pulling a
10 car over, right?

11 A. I could agree with that, yes.

12 Q. And to even conduct a search of an area
13 within somebody's hand reach -- reasonable
14 suspicion -- right?

15 A. Yes.

16 Q. And you said, "It would be my suggestion
17 that the Louisiana State Police review the case
18 file regarding the death of Lydia Rachal to
19 determine the actual manner of death and/or
20 determine if there's any possibility of foul play."

21 What is that about?

22 A. Lydia Rachal is dead.

23 Q. And so what do you think is any basis for
24 you to tell the State Police to investigate the
25 25-year-old suicide of this woman for foul play?

1 A. Because of my conversation with Mike Wilson
2 who indicated he was there at the autopsy, and
3 there was something that just wasn't right.

4 Q. Besides -- go ahead.

5 A. And for me to be careful.

6 Q. And besides him saying "something that
7 wasn't right," did he ever tell you what the
8 "something" was?

9 A. No, he didn't.

10 Q. How come Mike Wilson's name isn't in here?

11 A. I don't know.

12 Q. He's the source --

13 A. I didn't put his name in there.

14 Q. I'm sorry. He's the source for your
15 statement that there was foul play with this
16 25-year-old suicide.

17 A. He didn't state there was foul play.

18 Q. Okay. In fact, did he ever suggest to you
19 that this was anything other than a suicide?

20 A. He says something wasn't right.

21 Q. So what's the factual basis for your
22 statement that there was foul play?

23 A. I don't think -- I said "the possibility of
24 foul play" is what the report states.

25 Q. And what was your rank at the time, on

1 March 2, 2018?

2 A. Major.

3 Q. And you were over all of, what? Troop E?

4 A. Troop E, F and G.

5 Q. Over three troops?

6 A. Yes.

7 Q. You were a Regional Supervisor; is that
8 correct?

9 A. Yes.

10 Q. And in your position, was it your intention
11 when you suggested that the State Police review
12 this case file that her death be reopened
13 because of --

14 A. No --

15 Q. -- something Mike Wilson told you?

16 A. -- no, I didn't say reopened. I said
17 reviewed.

18 Q. Did that happen?

19 A. It's my understanding that they reviewed
20 the case file.

21 Q. Who did?

22 A. Jason Turner, Captain Jason Turner is the
23 Region 3 Officer -- well, he's Region 3 Bossier
24 Field Office, Officer in Charge of the Criminal
25 Investigation Division.

1 Q. He's under your command; is that right? Or
2 was at the time?

3 A. No, he was not.

4 Q. And so who got Jason Turner to pull the
5 suicide file?

6 A. I'm not sure who told him to do it.

7 Q. But it was at your suggestion that
8 happened, right?

9 A. I would agree with that, yes.

10 Q. Okay. And so what did Mr. Turner conclude?

11 A. He concluded that Mr. Braxton was, in fact,
12 not a credible threat at the time.

13 Q. Okay, I'm confused. He pulled the suicide
14 file for Miss Rachal because you, as a Major over
15 three different troops, made the suggestion because
16 Mike Wilson said, quote, something wasn't right at
17 the autopsy, so you had State Police, or somehow
18 got State Police resources to pull this death file
19 and review the death file?

20 And then Mr. Turner tells you, Well, I've
21 reviewed the death file, and Calvin is not a
22 threat?

23 A. Well, actually, I also had them -- I asked
24 that they conduct an assessment of his level of
25 threat.

1 Q. Okay, hold on a second. You provoked an
2 investigation by the State Police of Calvin
3 Braxton?

4 A. There was no investigation.

5 Q. A level-of-threat assessment, as I
6 understand it, is an investigation.

7 A. Well, no, it is, in fact, not.

8 Q. You used your position to have officers
9 conduct a level-of-threat assessment on Calvin
10 Braxton?

11 MR. OXENHANDLER:

12 Object to the form. That's not what
13 he's saying.

14 MS. CRAFT:

15 You can answer it.

16 MR. OXENHANDLER:

17 He said in his position.

18 THE WITNESS:

19 I sent it to Colonel Staton who was my
20 supervisor at that time.

21 BY MS. CRAFT:

22 Q. You sent it how?

23 A. I'm sorry. I actually called him on the
24 telephone and requested it. And then I sent him
25 this report.

1 Q. You requested a level-of-threat assessment
2 on Calvin Braxton why?

3 A. Because at the time of this report, and the
4 vehicle down the street from my house, and the fact
5 that my son was getting off the bus in front of my
6 house at about the time this vehicle would have
7 been there, that's why I requested it.

8 Q. Okay.

9 A. Along with what Mike Wilson had told me.

10 Q. Did you tell -- is it Colonel Staton?

11 A. Lieutenant Colonel Staton.

12 Q. Did you tell him about Mike Wilson?

13 A. I don't know. I don't recall.

14 Q. Okay. And so, then, what did the State
15 Police do with respect to my client?

16 A. What did they do with respect to your
17 client? I don't know. You would have to ask Jason
18 Turner that, Captain Jason Turner. I think he met
19 with --

20 Q. Sir, you've had conversations with these
21 people. What did they tell you they did?

22 A. I have not had a conversation with Colonel
23 Staton after the fact. Jason Turner is who I
24 talked to, and he is the one that told me that he
25 spoke with the investigator -- who is actually now

1 a criminal investigator with Louisiana State Police
2 that used to work for the, I think, Bossier or
3 Shreveport -- I'm not sure; maybe Bossier -- used
4 to work for Bossier PD possibly when that incident
5 occurred. And he was actually the officer that
6 handled the case.

7 Q. Okay. And, what?

8 A. And from what I understand, they determined
9 that there was nothing to indicate it was nothing
10 other than a suicide at that time.

11 Q. And what's this level-of-threat assessment
12 that you requested? What's that?

13 A. I wanted them to make some type of
14 determination as to whether Calvin Braxton or Greg
15 Friedman or Erin Friedman, from what I understand,
16 had the potential to do harm to me or my family.

17 Q. A level-of-threat assessment is a tool the
18 State Police uses?

19 A. That's actually the verbiage. Threat
20 assessment is a term used by Louisiana State Police
21 squad, but it wasn't used along those guidelines,
22 or it wasn't used with that templet. So I'm not
23 sure what form of document he used to determine his
24 level of threat. I'm not sure. That was not
25 provided to me.

1 Q. And how much state resources to your
2 knowledge were used to chase this rabbit down the
3 hole of a 25-year-old suicide in determining
4 whether my client and the Friedman kid and girl
5 were somehow a threat to you? How much money did
6 the state spend to chase that rabbit?

7 A. I have no idea. I don't think they chased
8 rabbits.

9 Q. Well, in this case, as it turned out, they
10 talked to the guy who did the death
11 investigation -- and who happens to work with
12 y'all -- and he said it was a suicide, right?

13 A. Yes. According to him and the conversation
14 he had with the guy that worked at Bossier PD at
15 the time, I guess.

16 Q. Do you know who that guy was?

17 A. No, I don't.

18 Q. And so when did you get that information
19 back from Mr. Turner?

20 A. I'm not sure. Sometime after the report
21 was issued. I'm not sure.

22 Q. Was it before your Facebook post on
23 April 3rd?

24 A. It's possible. I'm not sure.

25 Q. So it's possible that at the time you made

1 the Facebook posting on April 3, 2018, that you
2 knew my client had nothing to do with the suicide
3 of Lydia Rachal, and that the State Police
4 concluded that he posed no threat to you, right?

5 A. Say that again.

6 Q. It's possible at the time you posted your
7 Facebook posting on April 3, 2018, that you knew my
8 client had nothing to do with the suicide of Lydia
9 Rachal and that the State Police had concluded he
10 was not a threat to you?

11 A. I don't recall ever saying that he had
12 something to do with her death.

13 Q. Sir, my question is very simple. It's
14 possible at the time of your April 3, 2018,
15 Facebook posting that you knew from State Police
16 that there wasn't nothing untoward about Lydia
17 Rachal's suicide, and that my client posed no
18 threat to you? Correct?

19 A. Anything is possible, I guess.

20 Q. And sitting here today, do you have any
21 records that would tell us when you talked to
22 Mr. Turner, when you talked to Mr. Staton?

23 A. No.

24 Q. And you got State Police to do a threat
25 assessment on my client?

1 A. No.

2 Q. Would you describe for me what a SWAT
3 threat assessment is, sir.

4 A. A SWAT threat assessment is to determine
5 the level of violence that a subject sought after,
6 due to a warrant or hostile action or activity,
7 would be -- would be the threat level. What level
8 of threat does he pose to either the SWAT team or
9 for anyone that's about to make entry into his
10 residence.

11 Q. In order to conduct a threat assessment --
12 correct me if I'm wrong -- you engage in things
13 like the temperament of the person? You try to
14 figure out if they have any psychological
15 disorders, as much as you can? The environment
16 surrounding them? Whether or not they're armed
17 with a weapon, things of that nature; is that
18 right?

19 A. I don't do SWAT assessments. I'm not sure.

20 Q. You have done them before, haven't you?

21 A. No, I haven't.

22 Q. And you are currently the head over SWAT,
23 right? That's under your command?

24 A. SWAT does fall under my command, yes.

25 Q. Okay. And does Mr. Turner fall under your

1 command now?

2 A. No, he doesn't.

3 Q. And what about Lieutenant Colonel Staton,
4 what's his position these days?

5 A. He's retired.

6 Q. When did he retire?

7 A. If I'm not mistaken, June of last year,
8 maybe.

9 Q. Okay. Tell me what was specifically told
10 to you about the level of threat of my client and
11 the Friedman kids?

12 A. It was nothing told to me about the
13 Friedman kids as I recall. I don't -- I don't
14 specifically recall exactly what was said, other
15 than Mr. Braxton is -- at this time, does not pose
16 any danger or threat. And he determined that
17 somehow. I'm not sure how he determined that.

18 Q. Who determined that?

19 A. Jason Turner.

20 Q. Okay. Did you accept his determination?

21 A. I was fine with it.

22 Q. Okay. So did you ever see any documents or
23 hear any information as to exactly what State
24 Police did to investigate my client as to being a
25 level of threat to you?

1 A. No.

2 Q. Do you have an understanding that, when law
3 enforcement investigates somebody, they have an
4 obligation to at least notify them they're being
5 investigated?

6 A. No, I don't have that understanding.

7 Q. So how many times has State Police
8 investigated my client at your request? I know of
9 two.

10 A. I don't know.

11 Q. One was the death suspicion by you. And
12 two was the threat assessment.

13 MR. OXENHANDLER:

14 Objection.

15 BY MS. CRAFT:

16 Q. Are there other times?

17 MR. OXENHANDLER:

18 Object to the form.

19 THE WITNESS:

20 I didn't specifically ask them to do an
21 investigation. I didn't say that.

22 BY MS. CRAFT:

23 Q. You said you requested a threat assessment.

24 A. I don't call that an investigation.

25 MR. FALCON:

1 This is the third time he's answered
2 that question.

3 MS. CRAFT:

4 I understand.

5 BY MS. CRAFT:

6 Q. You also wrote in here, and we talked about
7 it, "Additionally, I'm requesting the Louisiana
8 State Police conduct a personal threat assessment
9 regarding the capabilities of Calvin Braxton, Greg
10 Friedman, and Erin Friedman to potentially harm me
11 or my family."

12 Have we talked about everything you know
13 about that?

14 A. As I recall, yes.

15 Q. "I was so concerned that I contacted the
16 Louisiana State Police/Troop E, and requested that
17 they make frequent security checks around my
18 residence. I also advised LSP/E to contact the
19 Natchitoches Parish Sheriff's Office to conduct the
20 security checks, as well."

21 You did that?

22 A. I did.

23 Q. Who did you talk to at Troop E?

24 A. I'm not sure. That's probably recorded.
25 I'm not sure who I talked to. Probably the desk

1 sergeant, maybe.

2 Q. And did Troop E do frequent security checks
3 around your residence?

4 A. I don't know if they recorded the checks as
5 they came to my house and called it in on the radio
6 as a 21 F, which is the signal for a frequent
7 check. I'm not sure they did that.

8 But I do recall -- I'm not sure where I
9 was -- but one of the troopers did go by my house
10 and was shining the light around my house as he
11 passed, yes.

12 Q. My question was whether or not they did
13 these frequent security checks. And you said one
14 time you saw them do a light --

15 A. Well, I wasn't there. My wife was there.

16 Q. Okay.

17 A. So to answer your question, I'm sure they
18 did. I was never there when they did it.

19 Q. And then what contact was made with the
20 Natchitoches Parish Sheriff's Office about security
21 checks; do you know?

22 A. I guess the -- well, I'm sorry; I don't
23 guess. According to the report, I advised Troop E
24 to contact the Natchitoches Parish Sheriff's
25 Office. I didn't specifically call them.

1 Q. Do you know if they did security checks on
2 your residence?

3 A. No, I don't.

4 Q. So after March 2, 2018, did you see any
5 suspicious vehicles ever again?

6 A. Not in the immediate vicinity of my
7 residence like the silver car, no.

8 Q. Do you know if anybody ever called either
9 Erin or Greg Friedman and said, Hey, were you
10 driving your silver car on February 21st, and what
11 were you doing on that public street?

12 A. Do I know that? No, I don't know that.

13 Q. Well, wouldn't that have been, like, a
14 shortcut to this whole thing? Like, Hey, it's --

15 A. Not necessarily.

16 Q. -- been reported that your vehicle was on
17 this public street. Would you mind telling us what
18 you were doing on that day?

19 MR. FALCON:

20 That's just speculation.

21 BY MS. CRAFT:

22 Q. You can answer.

23 A. Repeat.

24 Q. So wouldn't that have been the simplest
25 thing, to call Erin or Greg and say, Hey, what was

1 your vehicle doing on the public street on
2 February the 21st?

3 A. I guess that could have been simple if you
4 want to phrase it like that, yes.

5 Q. Have you ever met Erin or Greg Friedman?

6 A. I don't know Erin. I have never met her.
7 I don't know Greg, but I have seen him.

8 Q. Where have you seen him?

9 A. I think at Mama's or Papa's Restaurant in
10 Natchitoches on Fourth Street.

11 Q. And how many times have you seen him?

12 A. Maybe two to three times.

13 Q. And when was the last time you saw him?

14 A. I don't recall.

15 Q. Was it sometime within the last year?

16 A. I don't know that.

17 Q. Was it after this report, March 2, 2018?

18 A. That's possible.

19 Q. And did you make your presence known in the
20 restaurant to Mr. Friedman?

21 A. No, I did not.

22 Q. Did you intend to or try to send some sort
23 of statement, that I'm not running from you,
24 Mr. Friedman?

25 A. No, I did not. I didn't know he was going

1 to be there.

2 Q. Okay. Well, did you shake his hand?

3 A. No, I did not.

4 Q. What about Sam Friedman, the dad, have you
5 seen him?

6 A. I can't recall ever seeing him.

7 Q. Do you even know him?

8 A. Not personally, no.

9 Q. Okay.

10 A. I know the name.

11 Q. You had talked to me about Carey Carruth
12 Hamblin who you say lives down the street from
13 Jayson Linebaugh. What was the business about
14 Jayson Linebaugh and Carey Carruth Hamblin?

15 MR. OXENHANDLER:

16 Object to the form. What do you mean
17 "business"?

18 BY MS. CRAFT:

19 Q. Well, I thought you said Carey Carruth
20 Hamblin lives down the street from Jayson
21 Linebaugh. Am I wrong about that?

22 A. Yes, you are. I didn't say she lived down
23 the street from Jayson Linebaugh.

24 Q. You said that she was seen down the street?

25 A. She lived down the street from me. She's

1 actually -- or she was actually a part of a
2 community watch group in the Oak Grove community
3 where I live.

4 Q. Okay. So what did she tell you about
5 anything relating to Jayson or Calvin? Or have you
6 talked to her?

7 A. Well, I think, that after the Facebook
8 post, she contacted me -- and I may have that
9 information -- and asked me did I ever find out who
10 was following me?

11 Q. And what did you tell her?

12 A. I told her -- if I'm not mistaken, I
13 mentioned no, I did not; however, I have a pretty
14 good idea who it was and maybe eventually it will
15 come out. Something to that nature.

16 Q. Did you tell her who you thought it was?

17 A. No, I didn't.

18 Q. Did she tell you anything?

19 A. She asked me who I thought it was? And
20 then I told her that I wasn't going to discuss it.
21 And then she threw out the name Shelby, which I can
22 only -- I mean, I don't know if you want me to say
23 Shelby Borders -- but she said Shelby Borders.
24 Which Shelby Borders is a private investigator in
25 the Natchitoches area.

1 Q. Okay. Well, what did she say about Shelby?

2 A. That's the only thing I recall as to her
3 mentioning his name.

4 Q. So she said, Was it Shelby?

5 A. Yes.

6 Q. And you said no or yes?

7 A. If I recall correctly, I think I may have
8 told her that I'm not going to discuss it, and that
9 it may come out later.

10 Q. So did you get a statement from her?

11 A. No.

12 Q. Did she tell you that she -- you said she
13 was a neighborhood watch in your area, Oak Grove --
14 did she tell you that she had seen any suspicious
15 vehicles around your house?

16 A. No.

17 Q. Did you ask her?

18 A. No.

19 Q. Why not?

20 A. Because I don't affiliate with her. Again,
21 this is an online group. I mean, when I see her in
22 public, she'll speak and she'll go on about her
23 business.

24 But, since then, I have blocked her from
25 having access to Facebook and any information

1 regarding me.

2 Q. Why?

3 A. Because I tend to think that she may have
4 had something to do with possibly following me.

5 Q. What makes you think that?

6 A. Based on the conversation that I had with
7 Jayson Linebaugh.

8 Q. Tell me about that.

9 A. As I can recall, Jayson tends to think --
10 and you can speak with Jayson whenever you do his
11 deposition.

12 Q. Tomorrow.

13 A. Yeah.

14 -- he tends to think that she may have had
15 something to do with him being followed. "She"
16 meaning Carey or Caroline Carruth Hamblin.

17 Q. When did he tell you this?

18 A. I don't recall the exact date.

19 Q. How about a year?

20 A. It's possible.

21 Q. No, what year?

22 A. I don't recall a particular year.

23 Q. Was it after your Facebook post? Well, it
24 had to be because you said you talked to Carey
25 after your Facebook posting. She called you asking

1 you about your Facebook posting.

2 A. Yeah. But that had nothing to do with her.
3 It was just a conversation that he and I had.

4 Q. Okay. So did Jayson tell you the factual
5 basis for his thought that Carey was following him
6 around?

7 A. Yeah. He felt like she had been hired by
8 his ex-wife's father-in-law, which is James Timothy
9 Murphy, who lives down the street from Greg and
10 Erin Friedman.

11 Q. He felt like she had been hired?

12 A. Yes.

13 Q. Is Carey some sort of private investigator?

14 A. As I recall, I think at the time she was
15 not. She was -- she may have been trying to
16 acquire a license. But I think since then she has
17 become a private investigator. And if I recall
18 correctly, it's based on information that she
19 posted on Facebook that she had become a private
20 investigator.

21 Q. Okay. At the time she spoke to you, wasn't
22 she just a housewife?

23 A. I guess, yeah.

24 Q. With kids?

25 A. I don't know how many kids she's got.

1 Q. Well, you looked at her Facebook page,
2 right?

3 A. I have seen it, yeah. But I don't go surf
4 her page.

5 Q. Okay. So Jayson Linebaugh thinks he's
6 being followed around, too?

7 A. Yes.

8 Q. And does --

9 A. Or thought he was at the time. I don't
10 know what he thinks now.

11 Q. At what time? 2018?

12 A. Sometimes after the incident regarding
13 Mr. Braxton.

14 Q. That's 2015, and that's a four-year gap.
15 So can you narrow it for me?

16 A. No, I cannot. You'll have to ask him. I
17 don't know.

18 MR. FALCON:

19 No, I think it's a three-year gap.

20 MS. CRAFT:

21 Three, sorry.

22 MR. FALCON:

23 '18 --

24 MS. CRAFT:

25 Well, '15 and '19.

1 MR. FALCON:

2 It's almost '16.

3 BY MS. CRAFT:

4 Q. I'm trying to figure out between '15 and
5 '19, today, when is it that Jayson felt like he was
6 being followed? And if you don't know, you don't
7 know.

8 A. I don't know.

9 Q. Did you document that in an Incident Report
10 anywhere?

11 A. No.

12 Q. Did he?

13 A. I'm not sure.

14 Q. Did he tell you he did?

15 A. I don't recall him telling me he did, but I
16 did tell him that he needed to document the
17 incidents.

18 Q. What incidents did he relate to you?

19 A. Anything regarding someone following him; I
20 told him that he needed to document it. That's
21 what I told him. I didn't say, You need to write
22 me an Incident Report. You need to write this
23 report. You need to do this or do that, other than
24 just make sure you document.

25 Q. Because he was under your command; is that

1 right?

2 A. He was for a period of time. Since I
3 became the Major, yeah, he was under my command.
4 But not my direct command. He had a Troop
5 Commander, so yeah -- yes.

6 Q. Then you said something about Erin Friedman
7 lives down the street from Jayson Linebaugh's
8 ex-father-in-law?

9 A. Uh-huh.

10 Q. In what neighborhood?

11 A. Plantation Point.

12 Q. Is that a pretty big neighborhood?

13 A. I guess I'm not understanding your
14 question.

15 Q. Is Plantation Point a big neighborhood?

16 MR. OXENHANDLER:

17 And what do you mean by "big
18 neighborhood"?

19 THE WITNESS:

20 Is it a big neighborhood?

21 BY MS. CRAFT:

22 Q. Okay. Is it a wealthy neighborhood, nice
23 homes?

24 A. Yeah. Fairly decent homes in there, yes.

25 Q. How do you know that the ex-father-in-law

1 lived in the same neighborhood as Erin Friedman?

2 A. Well, first of all, I drove by the
3 residence at Mr. Friedman's house.

4 Q. You drove by Erin Friedman's house?

5 A. Yes.

6 Q. How many times?

7 A. Once.

8 Q. In your state vehicle?

9 A. Yes. In my private vehicle, too.

10 Q. So twice?

11 A. Probably twice, yeah.

12 Q. Why were you driving by the Friedman house?

13 A. Well, on one occasion, after I had ran the
14 plate and saw the address, I drove by there to see
15 if I saw that particular vehicle there.

16 On another occasion, I went to Tim Murphy's
17 house -- this is prior to, prior to Jayson
18 Linebaugh and Brittany Murphy Linebaugh separating
19 and getting a divorce -- after he had graduated
20 from the State Police Academy, we went there for a
21 gathering.

22 Q. Okay. Who graduated?

23 A. Jayson Linebaugh.

24 Q. So was that -- that was before 2015?

25 A. Yes.

1 Q. I'm asking about going by Erin's house.

2 A. Okay.

3 Q. You said one time in your state vehicle.

4 A. You said in the vicinity of the house,
5 correct?

6 Q. Okay. One time in your state vehicle?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. And then another time years before when you
11 went to a graduation function at Jayson's
12 father-in-law's house?

13 A. I was in the vicinity, yes. It's a few
14 doors down.

15 Q. Is it on the same street?

16 A. Yes.

17 Q. Okay. Jayson went through a contentious
18 divorce?

19 A. I don't know the specifics on that. I
20 don't know.

21 Q. Was there a custody fight?

22 A. I have no idea.

23 Q. Is it against the law for somebody to hire
24 a private investigator to check on their ex-spouse?

25 A. I wouldn't imagine, no.

1 Q. Is it against the law to hire a private
2 investigator to follow anybody?

3 A. No.

4 MR. OXENHANDLER:

5 When you have the time, I think we've
6 been an hour and a half. Let's take a
7 break.

8 MS. CRAFT:

9 Sure. We can do that.

10 (Brief recess was taken.)

11 Back on the record.

12 BY MS. CRAFT:

13 Q. I've had a chance to sort of look at your
14 notes which we are attaching to the record so we
15 are clear as Exhibit #22, in globo. On the back of
16 the documents we're attaching, which is your
17 Facebook post, you have a note that says it was
18 posted April 3, 2018.

19 A. Right.

20 Q. You have a notation Greg Friedman, 256
21 Plantation Point Boulevard. He is an attorney?

22 A. As I understand, yes.

23 Q. How did you determine Mr. Friedman was an
24 attorney?

25 A. Well, for one, again, I looked him up on

1 Google because I wanted to know what he does. I
2 wanted to -- I guess get a better understanding of
3 who he is.

4 Q. So you were accusing a licensed Louisiana
5 attorney of being involved with following you?

6 MR. OXENHANDLER:

7 Objection. He's not accusing anybody.

8 BY MS. CRAFT:

9 Q. Well, that's what you said. Mr. Friedman
10 and Erin, it was their vehicle, right?

11 A. It was their vehicle, yeah.

12 Q. Okay. And you said, as you did in your
13 report, with respect to attorney Greg Friedman,
14 that you asked the State Police to conduct a
15 personal threat assessment regarding Gregory and
16 Erin Friedman, to potentially harm you or your
17 family.

18 So my question is, are you accusing a
19 licensed Louisiana lawyer, Attorney Greg Friedman,
20 of being a threat to you and your family?

21 A. No, because I don't know. I don't know if
22 he's a threat or not. If we're talking about at
23 this point, no, I don't think he is.

24 Q. But you did?

25 A. But I don't know. At that time, it was

1 possible because it was his vehicle, a vehicle
2 registered to him that was down the street from my
3 house, and so I'm not sure what answer you're
4 looking for.

5 Q. The truth. I'm just asking for the truth.

6 A. I'm going to tell you the truth.

7 Q. So did you know that Greg Friedman was an
8 attorney at the time you made the Facebook posting
9 on April 3, 2018?

10 A. No.

11 Q. What about Erin, what does she do for a
12 living?

13 A. I don't know.

14 Q. Did you Google her, too?

15 A. I don't think so. I don't recall Googling
16 her.

17 Q. Have you told anyone that you, at some
18 point in time, besides in your public report,
19 believed that Gregory Friedman, a lawyer in
20 Natchitoches, constituted a threat to you?

21 A. It is listed in the report, but I don't
22 recall telling anybody that, no.

23 Q. Well, you certainly would have told your
24 command staff, because you put it in your report,
25 right?

1 A. I think I just said that I put it in the
2 report so...

3 Q. When you talked to Lieutenant Colonel
4 Staton, he was in Baton Rouge?

5 A. I would think so, yes.

6 Q. When you talked to him, did you tell him,
7 in addition to Calvin Braxton, that you thought
8 Gregory Friedman, the lawyer, was a threat to you?
9 Did you disseminate, publish that information about
10 Gregory Friedman?

11 A. What we talked about verbally?

12 Q. Yes, sir.

13 A. I'm sure I talked to him at some point and
14 advised him what occurred.

15 Q. And in terms of "advised him what
16 occurred," my specific question to you is, Did you
17 publish to Mr. Staton in Baton Rouge that you
18 believed Gregory Friedman was a threat to you?

19 A. Can you elaborate on "publish"?

20 Q. Said it.

21 A. I'm pretty sure that I advised him of what
22 occurred; not specifically that I thought he was a
23 threat. I wanted to know as much as I can about
24 who the vehicle was registered to, as well as what
25 I presumed was the connection to Mr. Braxton.

1 Q. So is it your anticipation that when we
2 talk to Greg Friedman, that he would even have been
3 aware of the fact that you asked State Police to
4 conduct a threat assessment on him?

5 A. He may not be aware of that. I'm not sure.

6 Q. Is Erin his wife?

7 A. I don't know who Erin is other than it's
8 possibly his daughter. I don't know.

9 Q. Do you think that Gregory Friedman knows
10 that you said to someone that he was a threat or a
11 potential threat to you?

12 MR. OXENHANDLER:

13 Objection. He never said that. He's a
14 police officer. He's privileged to write
15 these things in a police report. He has a
16 privilege to write something that occurred
17 to him to protect his family. He didn't
18 publish this to anybody.

19 And he never said -- and I wish you
20 would stop saying -- that he told anybody
21 that he was a threat. He didn't know if he
22 was a threat.

23 MS. CRAFT:

24 Okay. Well, I appreciate that;
25 however, this is not falling within the

1 ambit of qualified persons.

2 MR. OXENHANDLER:

3 Oh, yes, absolutely is.

4 MS. CRAFT:

5 Okay.

6 MR. OXENHANDLER:

7 He has an absolute conditional
8 privilege to write an Incident Report about
9 something that happened to him. That's his
10 job as a police officer. He didn't publish
11 this to Facebook or to anybody else. It
12 stayed within the police department as it's
13 supposed to.

14 MS. CRAFT:

15 But, Counsel --

16 MR. OXENHANDLER:

17 And if you want to publish it, that's
18 on you.

19 MS. CRAFT:

20 With all due respect, under Kennedy
21 which is the prevailing Louisiana Supreme
22 Court decision on whether or not there's a
23 qualified privilege for officers, your
24 assertion as to the law is incorrect,
25 number one.

1 Number two, publication isn't that I
2 put it on a poster board. A publication is
3 that I say it, period. That's publication
4 under Louisiana law.

5 MR. OXENHANDLER:

6 It's an absolute privilege --

7 MS. CRAFT:

8 With respect to Mr. Friedman, I'm
9 suggesting to him that, obviously, we're
10 going to have to talk to Mr. Friedman. And
11 I'm quite convinced that Mr. Friedman, a
12 lawyer in Louisiana, is not going to be
13 happy about being accused of being some
14 sort of threat and having a threat
15 assessment run by some state agency.

16 MR. OXENHANDLER:

17 Nobody is accusing anybody.

18 MS. CRAFT:

19 Well, we'll find out. I will ask
20 Mr. Friedman and Erin and see what they
21 want to do.

22 MR. OXENHANDLER:

23 Okay.

24 MS. CRAFT:

25 But until today, I had no idea that

1 that had happened. And I'm quite sure
2 Mr. Friedman didn't, either, which is why I
3 would like to establish for the record that
4 at least he has no basis to think
5 Mr. Friedman did.

6 So if Mr. Friedman decides to take
7 action, today is the day when he knows or
8 should have known that this was the
9 accusation against him. That's all.

10 MR. FALCON:

11 I think where we're getting off of base
12 here is you keep talking about accusations,
13 and he just asked for an assessment to see
14 if it was a problem. It's not an
15 accusation.

16 MS. CRAFT:

17 Okay. But, Mr. Falcon, we can argue
18 about that until the cows come home --

19 MR. FALCON:

20 That's exactly what you're doing, and
21 you keep saying things as if he said them,
22 and you just -- you're mischaracterizing
23 exactly what he said.

24 MR. OXENHANDLER:

25 That's right.

1 MS. CRAFT:

2 It's in the report. He's running
3 around asking State Police to run threat
4 assessments on people.

5 MR. OXENHANDLER:

6 He found this vehicle near his family
7 after he had credible information that
8 someone was out to get him. And this
9 vehicle didn't belong there. He is going
10 to be on edge.

11 And if you want to make fun of that, if
12 you want to laugh about it like you did
13 during the deposition --

14 MS. CRAFT:

15 I didn't --

16 MR. OXENHANDLER:

17 You absolutely did.

18 MR. FALCON:

19 You're smirking all the time about
20 that.

21 MR. OXENHANDLER:

22 That's right, and it's not funny.

23 And he has a right to protect his
24 family and to find out if his family is in
25 a threat. And if anybody has a problem

1 with that, then let them have a problem
2 with it.

3 MS. CRAFT:

4 He does not have a right to do what he
5 did to a private citizen.

6 MR. OXENHANDLER:

7 He didn't do anything to a private
8 citizen that he didn't have a right to do.
9 He has an absolute right to protect his
10 family.

11 MS. CRAFT:

12 Well, I guess that's why we're in
13 court --

14 MR. OXENHANDLER:

15 If somebody's out --

16 MS. CRAFT:

17 -- because we'll figure out nobody is
18 out to get him, and that's a fantasy. This
19 whole thing is a fantasy.

20 MR. OXENHANDLER:

21 No, it's a fantasy on your client's
22 part, because we know what really happened.

23 MS. CRAFT:

24 What are you talking about?

25 MR. OXENHANDLER:

1 There are people -- there's testimony
2 that he did have people want -- that my
3 client objectively believed that your
4 client had people following him and didn't
5 want to let this go and wanted to get him
6 and wanted to get Jayson Linebaugh.

7 MS. CRAFT:

8 Well, then, I guess I'll ask your
9 client about that.

10 BY MS. CRAFT:

11 Q. What evidence do you have that my client
12 ever hired a private investigator, besides what you
13 said you talked to Mike Wilson and T. J. Doss?
14 What evidence?

15 A. That's what I have.

16 MR. OXENHANDLER:

17 Well, he has Craig Brown. He talked
18 about Craig Brown, also.

19 BY MS. CRAFT:

20 Q. Oh, and Craig Brown. Anything else, sir?

21 A. No, ma'am.

22 Q. Are you aware of any statements that have
23 been written about my client hiring somebody to
24 follow you?

25 A. I'm not.

1 Q. Do you know if any statements have been
2 taken about my client ever having anybody follow
3 you?

4 A. I'm not aware of any. Not that I can
5 recall.

6 Q. Have you talked to anybody else that said
7 my client had you followed?

8 A. I'm not sure. I don't recall any other
9 individuals that I may have had a conversation with
10 specific to him following me at this point. I
11 don't recall.

12 Q. My question was wide open, so if there's
13 anybody that you heard about or heard of, or they
14 told you that my client in any way had you
15 followed, that's what I'm asking. Wide open. Not
16 qualified; wide open.

17 A. Other than who?

18 Q. I think you told us, as your lawyer said,
19 Mr. Wilson, Craig Brown, and T. J. Doss. Anybody
20 else?

21 A. I don't recall just right off. Sorry.

22 Q. Now, you said that Jayson Linebaugh claimed
23 to you that he was worried for his safety?

24 A. I'm not sure if I said he was worried about
25 his safety. I know he was concerned about his job.

1 I don't know if I said his safety. I'm sorry.

2 Q. Was he concerned, did he express to you
3 that he thought Calvin Braxton was going to do
4 something to him?

5 A. That I don't recall. I know he was
6 concerned about his job. I don't specifically
7 recall him saying that he was concerned about his
8 safety. I'm sorry.

9 Q. Did he ever express to you that he thought
10 my client was participating in having him followed
11 or anything?

12 A. Yes. In connection with his
13 ex-father-in-law, Mr. Murphy.

14 Q. When did he tell you that?

15 A. A specific date? I'm not sure.

16 Q. How about a year?

17 A. Possibly '17, '18, maybe.

18 Q. When was the last time?

19 A. I'm not sure.

20 Q. When was the last time you talked to Jayson
21 Linebaugh?

22 A. I'm sorry. I actually talked to him last
23 night.

24 Q. What did you talk to him about?

25 A. I told him his deposition was coming up,

1 and just be careful.

2 Q. Be careful? Why?

3 A. Just be careful in general. That was my
4 comment to him.

5 Q. Did you talk about what was said in the
6 depositions?

7 A. No, I did not. No.

8 Q. So how long was your conversation with
9 Jayson last night?

10 A. I'm not sure. Probably two to
11 three minutes. It wasn't long.

12 Q. And do you think he didn't know his
13 deposition was coming up tomorrow?

14 A. Oh, I'm sure he knew.

15 Q. So, then, why did you call him?

16 A. Because I wanted to talk to him. What do
17 you mean? I can call him. Can I not call him?

18 Q. Why did you want to talk to him last night?

19 A. I guess I don't get what you're saying. I
20 explained to you that I told him just be careful.
21 Hang tough. And probably don't worry about
22 anything. I'm sure that's what the conversation
23 was. I think he and I were both half asleep.

24 Q. So what time did you call him last night?

25 A. I'm not sure. Early morning.

1 Q. You called him this morning?

2 A. Yeah, early morning. Early, like, 3:00 or
3 4:00.

4 Q. Who else did you call between the
5 depositions yesterday and your deposition this
6 morning?

7 A. Oh, I'm sure that I talked to a bunch of
8 people.

9 Q. Okay. Tell me the bunch of people.

10 A. I talked to my wife for one. I talked to
11 her mother. I talked to my son. I don't recall
12 who else I have talked to. I say a bunch. That's
13 about it.

14 Q. What about anybody affiliated with the
15 State Trooper's Association?

16 A. Not that I recall. What you mean
17 "affiliated with the State Troopers' Association"?

18 Q. I mean, affiliated with the State Troopers'
19 Association.

20 A. Not that I recall.

21 Q. How about any state police officers?

22 A. I think Linebaugh.

23 Q. Anybody else?

24 A. No.

25 Q. How about Mr. McGaskey?

1 A. No.

2 Q. Now, you said you talked to your son; is
3 that right?

4 A. Uh-huh.

5 Q. Yes?

6 A. Yes.

7 Q. What did you talk about?

8 A. What I talked to my son about?

9 Q. Yes, sir.

10 A. Basketball.

11 Q. Your son is my client's cousin, right?
12 They're cousins?

13 A. I have no idea. I really have no idea.
14 It's been said that we are related somehow, but I
15 don't know that.

16 Q. You were at an event last year where my
17 client sat down with your son, and you came and sat
18 down with my client and your son. Do you remember
19 that?

20 A. No, I do not.

21 Q. Have you been at any events where your son
22 and my client have been sitting together and you
23 came and sat down?

24 A. No.

25 Q. Have you seen my client sitting with your

1 son?

2 A. No, I have not.

3 Q. I'm sorry. The children from your first
4 marriage, are they --

5 A. Yes, my son, yes. He's 16.

6 Q. Did you talk to Mr. McGaskey last night?

7 A. No.

8 Q. Have you ever talked to Mr. McGaskey about
9 Calvin Braxton?

10 A. Yes.

11 Q. All right. Tell me about that.

12 A. It's been many conversations that I've had
13 with Lamar. McGaskey is his name, actually.

14 Q. McGaskey?

15 A. M-C-G-A-S-K-E-Y.

16 Q. Okay. Tell me about the conversations
17 you've had with Lamar McGaskey about my client.

18 A. I'm sorry. With respect to a specific time
19 and date, which I'm not sure, Lamar, he actually
20 brags on Calvin and his belongings, his property,
21 his RV, his home, his residence in North Carolina.

22 And I recall having a conversation with him
23 sometimes back during the time after he got on the
24 commission about why we let him get on the
25 commission.

1 Q. Are you telling me Lamar McGaskey said to
2 you, "Why did you," meaning State Police, "let" --

3 A. He said "we" as in State Police is what I
4 took it as.

5 Q. Why did we let Calvin Braxton get on the
6 commission?

7 A. Yes.

8 Q. What else did he say?

9 A. He said he's hardheaded. He said he's
10 stubborn and he won't listen.

11 Q. Anything else?

12 A. And he stated -- I mean, I don't know how
13 explicit you want me to be, but he said --

14 Q. I want you to tell me everything you
15 remember, so this is not a qualifier for me.

16 A. I'm just trying to be respectful. He told
17 me Calvin needs to leave this shit alone.

18 Q. Okay.

19 A. If I recall, we had a conversation about a
20 ticket that his wife got that apparently Calvin
21 called him about -- as well as the sheriff. I
22 guess that's his sister -- about a speeding ticket
23 that she may have gotten.

24 Q. Who, the sheriff's sister got a speeding
25 ticket?

1 A. Yes -- no, no, no -- yes, I'm sorry, the
2 sheriff's sister.

3 Q. And so Lamar told you that Calvin called
4 Lamar about that?

5 A. Yes.

6 Q. To do what?

7 A. To help him with the ticket.

8 Q. By the way, you did fix Calvin's wife's
9 ticket, right?

10 A. I didn't fix it.

11 Q. Who did?

12 A. Trooper Linebaugh.

13 Q. You asked Trooper Linebaugh to do it?

14 A. Yes.

15 Q. Why?

16 A. Because Lamar, again, called me and said he
17 had spoken to Calvin about his wife's ticket. And
18 he was, I guess, asking for assistance with the
19 ticket.

20 Q. And so how did it get fixed by Trooper
21 Linebaugh?

22 A. Linebaugh, he changed it into "no seatbelt"
23 before he turned it in. It's pretty common.

24 Q. So Linebaugh had given Calvin's wife a
25 ticket?

1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes. I'm sorry.

4 Q. A ticket without incident?

5 A. A ticket without incident?

6 Q. Right.

7 A. It's a speeding ticket.

8 Q. I get it. But there's no hoorah? There's
9 no, Oh, my gosh, Linebaugh pulled over my wife?
10 Nothing happened? Linebaugh gave Calvin's wife a
11 ticket?

12 A. Yeah. I think if I recall, this was, like,
13 in November.

14 Q. Of?

15 A. It was prior to this incident occurring, so
16 it was --

17 Q. November of 2015?

18 A. That sounds about right.

19 Q. Was it recent?

20 A. I'm sorry?

21 Q. It wasn't recent?

22 A. No.

23 Q. Okay.

24 A. No, not -- I'm not sure if he has written
25 her one recently. I'm not aware of that.

1 Q. So you asked Trooper Linebaugh to fix the
2 ticket. And he did?

3 A. Well, what I told Linebaugh is that, Look,
4 you know, this is -- this is the sheriff's sister.
5 I didn't say specifically it was Calvin's wife. I
6 didn't want to include him in it --

7 Q. Why not?

8 A. -- you know.

9 Why not? I mean, I just didn't include
10 him. There's no why. I just told him, Hey, man,
11 look, this is the sheriff's sister.

12 And it's kind of the culture; we try to shy
13 away from issuing citations to law enforcement --
14 mainly law enforcement officers, doctors, some
15 things like that, some of those professions, some
16 attorneys.

17 Q. You give them a pass?

18 A. I'm not sure if you're asking -- what do
19 you mean "a pass"?

20 Q. You give law enforcement officers, some
21 attorneys, doctors a pass? Don't give them
22 tickets?

23 A. There are times -- well, I mean, if you
24 utilize your discretion, you don't have to. That's
25 up to the officer.

1 Q. But you said the culture -- that's
2 something that's engrained in the State Police --
3 you don't give other law enforcement officers
4 tickets? Or some lawyers or physicians?

5 A. That's not etched in stone. There have
6 been times where I have actually written police
7 officers -- I actually wrote Mr. Braxton a citation
8 some years ago. And I think I have written his
9 wife some years ago, as well, a long time ago when
10 I was patrolling Natchitoches Parish.

11 Q. But on the fixing business, in your mind,
12 the culture is that you fix tickets for other law
13 enforcement officers, doctors, and some lawyers?

14 A. No, I didn't say we fix tickets for law
15 enforcement officers, doctors and some others.
16 That's not what I said.

17 What I said is that the culture is we do
18 not get into a lot of writing citations to those
19 individuals. It all depends on, I guess, each and
20 every scenario. They use discretion in whether
21 they want to write them, or not. Sometimes they
22 can create a war among agencies if you will.

23 Q. Okay. So you were telling me about
24 discussions you had with Lamar McGaskey regarding
25 my client. Anything else you remember?

1 A. No, nothing comes to mind. I'm sure if I
2 think of something, maybe something will come up.
3 I'm not sure.

4 Q. Okay. You talked to Mr. Linebaugh last
5 night. How often have you spoken to him since the
6 DWI arrest December 5th or 4th, whatever it was,
7 2015?

8 A. How often have I talked to him? I think,
9 prior to that, I sent him an e-mail a couple of
10 nights ago because he -- he's on criminal patrol
11 which is under my command. He stopped a vehicle on
12 I-10 and seized, I think, 10 pounds or so of
13 marijuana.

14 And I joked with him and said that on I-10
15 that's personal use. We laughed about it and he
16 responded -- I'm sorry. I'm sorry -- but that's
17 what happened. And then I just kind of teased him
18 and we poked.

19 Q. We are reflecting that there's laughter in
20 the room, and it's not just me who might smile
21 occasionally. And I hate putting that garbage on
22 the record, but, nonetheless, if I have to, then I
23 have to.

24 A. I'm sorry.

25 Q. That's all right.

1 A. Okay.

2 Q. You sent him an e-mail a couple of days ago
3 or whatever?

4 A. Uh-huh.

5 Q. My question was wide open. Communications
6 you've had with him between December 5, 2015, and
7 today?

8 A. Well, I can't tell you every -- I don't
9 recall every conversation I've had with him. We
10 talk.

11 Q. What have you talked to him about with
12 respect to Calvin Braxton?

13 A. During the time of the incident, if I can
14 refer to the report, if you would like --

15 Q. No.

16 A. You wouldn't like?

17 Q. I want you to tell me first what you
18 remember.

19 A. Yeah, I don't -- something to the effect of
20 he was going to be okay. I supported him. He felt
21 like he was in trouble, or was going to lose his
22 job. And he had some concerns because he had
23 arrested his daughter, and he was upset about it.

24 MR. OXENHANDLER:

25 If you need to refer to the Incident

1 Report, you can certainly do that.

2 MS. CRAFT:

3 He can after I ask him, and then if he
4 needs to do that, that's fine. But I'm
5 asking him his recollection at this point
6 in time; not a writing to refresh.

7 BY MS. CRAFT:

8 Q. Okay.

9 A. I think there may have been some concerns
10 about him being followed. I think he mentioned
11 either Mr. Braxton or his father-in-law having
12 someone follow him, or following him. Even the
13 mother--in-law -- I'm not sure of her name -- and I
14 think he got into it with his -- he got into maybe
15 an argument or some issue with his mother-in-law.

16 And as I recall, if I recall correctly, I
17 advised his supervisor to discipline him. Maybe
18 give him a verbal counselling based on the
19 interaction that he had with his mother-in-law.
20 Because I think he may have mentioned a profanity,
21 or something like that. So right now that's all I
22 can come up with.

23 Q. Okay. Did Jayson Linebaugh tell you that
24 he had coffee with my client about a month ago?

25 A. A month ago? No.

1 Q. Did he ever tell you he had coffee with my
2 client?

3 A. No.

4 Q. Did he ever tell you that he invited my
5 client and he to sit down and have coffee either at
6 the dealership or Zippy B's?

7 A. I'm sorry. Say that again.

8 Q. Did Jayson Linebaugh tell you that he had
9 invited or discussed with my client having coffee
10 with him at either the dealership or Zippy B's?

11 A. That sounds about right. I think I can
12 recall that, yeah.

13 Q. And what did Jayson tell you about sitting
14 down and having coffee with my client? What did he
15 tell you?

16 A. Well, he didn't tell me that he sat down
17 and had coffee with him.

18 Q. What did he tell you?

19 A. He very well may have said Mr. Braxton
20 invited him to have coffee. He very well may have
21 said that.

22 Q. Is that a guess on your part, or something
23 you remember?

24 A. It is. It is.

25 Q. And did he tell you that he ran into my

1 client at Walmart and introduced himself to Calvin
2 Braxton. They had a conversation, a pleasant one I
3 understand?

4 A. That would be a guess, as well. That is
5 possible.

6 Q. Did Mr. Linebaugh ever tell you whether or
7 not he had been to Calvin's dealership?

8 A. That could be possible, too. I don't know.
9 I don't recall specifically that conversation.

10 Q. I know you're smiling --

11 A. Well, I'm sorry.

12 Q. But the reason why I'm asking is because
13 you have made statements that Jayson Linebaugh has
14 told you that he thinks my client is following
15 him --

16 A. Okay.

17 Q. -- or having him followed.

18 And I'm asking you, Did Jayson Linebaugh at
19 the same time also tell you that he's had friendly
20 conversations with my client, coffee? And they
21 have discussed having coffee together?

22 A. As I stated earlier, that's very possible.

23 Q. Here is why I'm asking --

24 A. Okay.

25 Q. -- so did you find it at all not credible

1 the business about Jayson Linebaugh saying, I'm
2 being followed by Calvin Braxton, and, yet, he's
3 also telling you that he's had these friendly
4 interactions with the man?

5 A. Yeah, I don't -- I don't find that not
6 credible. Because Jayson Linebaugh is a good
7 officer. That's my opinion. He, as well -- I
8 mean, a big fellow. He's a good law enforcement
9 officer. Tactically sound. And he's not going to
10 avoid or -- or run away from, I guess, so to speak.

11 Q. Like you? You're a big guy?

12 A. I am.

13 Q. And you're not going to run away from
14 Calvin Braxton?

15 A. No, I'm not.

16 Q. So are you still afraid of Calvin Braxton?

17 A. I don't know what he's capable of, so I'm
18 on high alert when I'm around him, yes.

19 Q. What do you mean you don't know what he's
20 capable of?

21 A. I just don't know what he's capable of.

22 Q. Has Calvin Braxton done anything to you
23 since 2015 at all? Anything to you?

24 A. Anything to me?

25 Q. Yes, sir.

1 A. No, no. I mean, physically no, if that's
2 what you're asking.

3 Q. Has he done anything? I'm not asking
4 physically. Anything? Wide open, again.

5 A. Other than the conversations we've had
6 regarding Linebaugh and a couple of other things
7 that's in my notes.

8 Q. And those conversations -- and now is a
9 good time. Let's take a look -- actually, I have
10 got a different exhibit for you, and it's this one
11 here. Let me see if I can find it.

12 Before we get there, you prepared an
13 Incident Report on June 2, 2016, correct?

14 A. Yes.

15 Q. And you know that I have asked witnesses
16 about that?

17 A. Yes.

18 Q. So how did it come about that you prepared
19 that report? What led up to that?

20 A. What led up to it is the incident regarding
21 Mr. Braxton and his issue with Linebaugh arresting
22 his daughter, as well as talking to -- I did talk
23 to David Young on one occasion. I don't recall the
24 specific day or time or even year. I was a Captain
25 at Troop E at the time so -- and David, he did

1 mention he supported Linebaugh. And it was
2 something to the effect of to make sure that you
3 document it.

4 At some point, I talked to Rodney Hyatt.
5 And Rodney Hyatt -- and to be honest with you, I
6 don't recall if Rodney -- Rodney is a shaker and a
7 mover, so it's kind of hard to keep up with him.

8 Q. Again, if I've got to do it. Let the
9 record reflect there's chuckling in the room. I
10 mean, I think it's ridiculous, but go ahead.

11 A. Okay.

12 Q. And I'm not -- it's just if I'm going to be
13 accused of smirking and laughing, then I want to
14 make sure it's clear on the record that that's not
15 a one-sided deal.

16 A. And Rodney was asking me about the incident
17 regarding Linebaugh. I think prior to that I may
18 have spoken to Chris Wright, too. I think it was
19 Captain then, and I actually approached Chris
20 Wright. I do recall speaking to him.

21 So we'll talk about Chris Wright if you
22 don't mind. Or do you want to talk about Rodney?

23 Q. I'm just asking you to tell me what led up
24 to you writing this Incident Report.

25 A. I talked to -- when I talked to Chris

1 Wright, I advised him that I was concerned because
2 we had a sitting member on the State Police
3 Commission that was, as I understand, acting
4 inappropriately with respect to saying that if
5 Linebaugh came before him on the commission, that
6 he wasn't going to help him. If he was in a bind,
7 he wasn't going to help him.

8 Well, that was -- that created an issue for
9 me, and I represented the troopers under my
10 command, and when I spoke to Chris Wright, I said,
11 Look, there's something needs to be done. However
12 y'all handle it, something needs to be done. He
13 doesn't need to be on the commission, not thinking
14 like that. I feel like he's -- he isn't capable of
15 being impartial when it comes to decisions specific
16 to Linebaugh. And I'm not sure if there's any
17 other troopers so State Police as a whole.

18 And Chris Wright as I recall stated he was
19 going to talk to someone at the LSTA. When I
20 talked to Rodney Hyatt, possibly several months
21 later -- possibly -- he asked me about a report.
22 And he also stated that I can either -- well, I
23 think he mentioned affidavit, report. It's all the
24 same to me.

25 He mentioned if you want to submit an

1 affidavit instead of testifying before the
2 commission, you could.

3 And I think I told him something to the
4 effect of, I'm good with it either way. Doesn't
5 matter to me about testifying before the
6 commission.

7 And he said -- it's my understanding what
8 he meant by that is, because I live in Natchitoches
9 and Calvin lived in Natchitoches --

10 Q. Okay, let me stop you right there --

11 A. Okay.

12 Q. -- I'm just asking you what was said. Not
13 your impression or your guess or your speculation,
14 because we'll talk to Mr. Wright, too.

15 A. Okay.

16 Q. And Mr. Hyatt.

17 A. Okay.

18 Q. So he told you he wanted you to write a
19 report. You had this conversation about submitting
20 an affidavit instead of testifying before the
21 commission? You said report and affidavit, as far
22 as you're concerned, is the same thing?

23 A. Yes.

24 Q. What was the testifying before the
25 commission, what was that about?

1 A. He thought I had an issue -- well, I mean,
2 do you want me to answer that? Because I was about
3 to tell you --

4 Q. What did he tell you about testifying?

5 A. Just that. He said, you can either submit
6 the affidavit or testify before the commission.
7 That's what he told me.

8 Q. So the testimony, was that some sort of
9 proceeding to remove Calvin?

10 A. I don't -- at the time, I don't know what
11 his plan was -- was to do with the report. I don't
12 know.

13 Q. The testifying business, did he tell you
14 that was testifying before the commission to remove
15 Calvin?

16 A. I don't think he specifically said that.

17 Q. But you understood that's what he meant?

18 A. That's possible, yeah.

19 Q. And you learned from David Young that there
20 was some sort of movement, if you will, afoot to
21 have Calvin removed, right?

22 A. I don't recall saying that. David Young
23 told me to document the occurrence, the incident.

24 Q. And you told Calvin you had talked to David
25 Young, right?

1 A. I'm not sure. I don't recall that.

2 Q. Okay.

3 A. It's possible.

4 Q. Well, why would you tell Calvin that Chris
5 Young -- or David Young asked you to write a
6 report?

7 MR. OXENHANDLER:

8 Objection. That's not what he
9 testified to.

10 MR. FALCON:

11 He just testified document.

12 BY MS. CRAFT:

13 Q. I'm sorry, document. Why would you tell
14 Calvin that?

15 A. I don't recall telling him that.

16 Q. Did you relay to Calvin that you were being
17 asked to document -- and I'll use your lawyer's
18 word -- document, write a report, an affidavit, did
19 you share that information with Calvin?

20 A. I don't recall telling him that. If I
21 recall, I think I advised him that he needed to
22 leave it alone. And if it came out, hell, I was
23 going to tell what happened in so many words.

24 Q. What do you mean, "if it came out"?

25 A. This is an -- this is an incident regarding

1 a State Police Commission officer. High profile.
2 Very powerful position. Has the ability to make
3 decisions based on trooper's actions, appeals. Can
4 change troopers' lives with the decisions he
5 renders. And he sits on a board.

6 And he has told me that if this trooper
7 comes before him, he may not help him. If he gets
8 in a bind and he comes before the commission, which
9 he was on at the time, that he may not help him.

10 So that is the big thing that triggered it
11 for me. I was concerned about that. I was
12 concerned about that. That's why I talked to the
13 LSTA, the Troop E Affiliate President at the time
14 if I recall, Chris Wright, and had the conversation
15 with him.

16 Q. Okay. So if it came out, what do you mean
17 by that? If it came out that Calvin said if
18 Linebaugh gets in a bind, I may not help him? I
19 don't understand your statement. Because you told
20 me that you talked to all these people about what
21 you claim Calvin did.

22 So I'm asking you specifically about your
23 words, quote, if it came out. If what came out?

24 A. That's listed in the report. And I think
25 it is -- it may be dated -- so during that time.

1 Calvin and I were having many conversations so --

2 MR. OXENHANDLER:

3 You can look at the report.

4 MS. CRAFT:

5 Not yet.

6 MR. OXENHANDLER:

7 Yeah, you referenced a report.

8 MS. CRAFT:

9 I'm not doing that yet. You're welcome
10 to ask whatever you want. I'm asking for
11 his recollection. That's it.

12 BY MS. CRAFT:

13 Q. He made a statement, quote, if it came out.
14 I'm asking him what's the "it"? If what came out?

15 A. I guess the information that he was saying,
16 whatever he was telling me about Linebaugh being in
17 a bind or getting in a bind.

18 Q. And that he may not help him?

19 A. Yes.

20 Q. And so is that any different from fixing a
21 ticket?

22 A. Is it any different? Possibly. I don't
23 know. Two, different scenarios, yeah.

24 Q. The predicate to what you claim Calvin
25 Braxton said was if Linebaugh gets in a bind, like

1 if he gets in trouble --

2 A. Uh-huh.

3 Q. -- Calvin may not help him?

4 A. Right.

5 Q. What's wrong with that?

6 A. What's wrong with Calvin saying that?

7 Q. Yes, what's wrong with that?

8 A. Because if he goes before the commission,
9 he's on the commission.

10 Q. Okay.

11 A. You don't see anything wrong with that?

12 Q. I'm asking the questions, sir.

13 A. What's wrong with it is, again, he sits on
14 the commission, and he can render a decision
15 biassed against Linebaugh.

16 Q. But Calvin -- go ahead.

17 A. You go ahead.

18 Q. But Calvin never said, I'm going to be
19 biassed against Linebaugh. What he said, according
20 to you, was if Linebaugh gets in a bind -- meaning
21 if Linebaugh gets disciplinary action issued to him
22 by among others you up the chain of command -- that
23 Calvin may not help him, right? Isn't that what he
24 said?

25 A. Coming before the commission, yes.

1 Q. Here's why I'm asking. Because the only
2 way Linebaugh gets before the commission, at least
3 as far as I understand it, while you were in this
4 chain of command is if you and others buy into
5 giving him discipline, right?

6 A. That's correct.

7 Q. So in order for Linebaugh to even get
8 there, as I understand the process, there's, like,
9 four or five people in the chain of command who
10 have to look at what Linebaugh did, make a
11 decision, give Linebaugh a pre-deprivation
12 opportunity, and make a decision to issue
13 disciplinary action to Linebaugh?

14 A. Okay.

15 Q. At that time, that would have included you
16 in the chain of command; am I right?

17 A. Correct.

18 Q. So again my question is. What exactly was
19 wrong with Calvin Braxton saying if you, Officer
20 Oliphant, and at least five other people, mete out
21 disciplinary action against Officer Linebaugh, you
22 issue a disciplinary letter, Calvin says, "I may
23 not help him," do you expect Calvin to go against
24 what you would be recommending for Linebaugh?

25 A. That's possible.

1 Q. So explain it to me. In order for
2 Linebaugh to, quote, be in a bind, all these people
3 have got to say he's disciplined --

4 A. Right.

5 Q. -- and then Linebaugh has to exercise a
6 right to an appeal?

7 A. Uh-huh.

8 Q. So are you presupposing that, when you
9 would theoretically mete out discipline against
10 Linebaugh, that you were wrong and Calvin, as one
11 vote on the commission, was supposed to fix that
12 ticket?

13 A. No, that's not what I'm predisposing.

14 Q. And you don't --

15 A. I'm just telling you what he said.

16 Q. Correct me if I'm wrong, you're not the
17 kind of officer that's going to mete out discipline
18 to an officer like Linebaugh that's false or it's
19 not in good faith or that it's arbitrary or
20 capricious? You're going to do it based on the
21 facts and what you think punishment Linebaugh
22 deserves, right?

23 A. Correct.

24 Q. So, again, what exactly was wrong with what
25 Calvin Braxton said to you as you reported it? If

1 he, Linebaugh, gets in a bind, he may not help him?

2 What was wrong with that?

3 A. If he comes before the commission, that's
4 the part that's wrong.

5 Q. Okay. And what's the "help him" part?
6 Like, not fix the ticket? Or he was automatically
7 going to vote against him? Because Calvin never
8 said that. He just said he may not help him,
9 right?

10 A. Correct.

11 Q. Okay. So, then, my other question is.
12 With respect to this getting in the bind and not
13 helping him, I mean, was Linebaugh facing any
14 disciplinary action in 2015?

15 A. At the time, I don't think so, no.

16 Q. Has he ever faced any disciplinary action
17 since then? I know you mentioned you had him
18 counseled because he used profanity with his
19 mother-in-law.

20 A. I don't recall whether he had any
21 discipline or not.

22 Q. On your watch, have you ever signed off on
23 disciplinary action besides a verbal counselling?

24 A. Not that I can recall.

25 Q. Now, were you aware at some point in time

1 that there was some sort of approach made to Calvin
2 about, look, if you agree that if Linebaugh comes
3 before the commission, you will recuse yourself?

4 Are you aware of anything like that?

5 A. Never heard that until I think the last day
6 or two when it was said.

7 Q. Mr. McGaskey never shared that with you?

8 A. No.

9 Q. Okay. So in your report, you talk about
10 David Young coming and talking to you about
11 documenting, right?

12 A. David Young, yes.

13 Q. Yes?

14 A. Yes.

15 Q. And Rodney Hyatt asking you several months
16 later about a report, right?

17 A. Yes.

18 Q. And then Chris Wright, you approached him
19 in December of 2015?

20 A. Sounds right. December or January-ish.
21 Maybe.

22 Q. Okay.

23 A. Sometimes after the incident occurred.

24 Q. Okay.

25 A. The incident regarding Mr. Braxton, his

1 daughter getting arrested.

2 Q. Here's my question. Were you concerned at
3 the time you claim Mr. Braxton made a comment to
4 you if he, Linebaugh, gets in a bind, he may not
5 help him, were you worried about it then?

6 A. Was I worried about what?

7 Q. What you claim Calvin said to you.

8 A. Yeah, it bothered me, yeah.

9 Q. But you didn't bother to write it down
10 until six months later.

11 A. No, I actually kept notes as it occurred.
12 Also contacted Major Reeves who was my supervisor
13 then and advised him of the initial occurrence,
14 where I had a conversation with Mr. Braxton, and
15 that he was unhappy about the citation or arrest
16 that his daughter had --

17 (Discussion off the record.)

18 Q. So you called Colonel Reeves at the time;
19 is that right?

20 A. Yes.

21 Q. In December? Yes?

22 A. I'm sorry, excuse me.

23 Q. It's all right.

24 A. Yes.

25 Q. And then you said you made notes. And

1 we've seen some notes --

2 A. Uh-huh.

3 Q. -- that I believe --

4 MR. OXENHANDLER:

5 Exhibit #14.

6 MS. CRAFT:

7 Yeah, I'm looking for it. That's

8 Exhibit #14.

9 BY MS. CRAFT:

10 Q. Okay. Now, that's not on a State Police
11 form; is that correct?

12 A. No.

13 Q. How did you keep those?

14 A. This is a personal journal.

15 Q. A computer journal?

16 A. Yeah.

17 Q. What's blacked out?

18 A. There's a lot of stuff blacked out. I
19 think it's possibly stuff that may not be related
20 to these proceedings, I guess.

21 Q. Who blacked it out?

22 A. I'm not sure. I didn't.

23 Q. So where is the one that's not blacked out?

24 A. I'm not sure.

25 Q. Do you have a copy of it?

1 A. No, I don't.

2 Q. You don't have a copy of your own journal?

3 A. No. This is the journal that was
4 submitted.

5 Q. Okay. Where is the original?

6 A. I don't know.

7 Q. What did you do with your notes that was
8 kept on your personal computer?

9 A. It may have been kept on my state computer.

10 Q. I'm asking, where was Document 14? Where
11 was it -- where did you make it?

12 A. May of 2015, I was Troop Commander. It
13 could have been at Troop E.

14 Q. I'm not asking it could have been. If you
15 don't remember, tell me "I don't remember."

16 A. Well, I guess Troop E. Troop E at my
17 computer in my office.

18 Q. Okay.

19 A. And I then moved to the region when I
20 became the Major.

21 Q. Where did the numbers come from on the
22 side?

23 A. That was me. I did that.

24 Q. You did that?

25 A. Yeah.

1 Q. You hand entered the numbers?

2 A. No, no, there's a program where you can
3 list numbers. No, I didn't physically type each
4 number beside the entry. No, I didn't do that.

5 Q. But you entered the number --

6 A. That's Microsoft Word.

7 Q. Sorry. You entered the numbers after the
8 fact?

9 A. What do you mean?

10 Q. After you typed this stuff out?

11 A. No, no, that does it as you -- as you enter
12 the information if I recall correctly.

13 Q. So, again, did this document come from your
14 computer, or do you know?

15 A. As I recall, it came from my state computer
16 in Alexandria at the Troop E office.

17 Q. And that document was produced pursuant to
18 a Public Records Request by me; is that correct?

19 A. As I understand it, yes.

20 Q. And do you recall when that Public Records
21 Request was?

22 A. No, I don't.

23 Q. Do you recall that it was before you issued
24 your Facebook posting on April 3, 2018?

25 A. Before? Yeah, I guess. I'll go with that

1 date.

2 Q. And you know before you made your Facebook
3 posts on April 3, 2018, that I, on behalf of
4 Mr. Braxton, had issued a number of Public Records
5 Requests, correct?

6 A. Specific to him?

7 Q. On his behalf.

8 A. I guess I knew about the one. I don't know
9 about several.

10 Q. So you did not request that the information
11 in Exhibit #14 be blacked out; is that right?

12 A. No, I did not.

13 Q. Do you recall if anything in Exhibit #14
14 was personal to you?

15 MR. OXENHANDLER:

16 Object to the form. What do you mean
17 "personal"?

18 MS. CRAFT:

19 Well, I made a Public Records Request.
20 I got a redacted version. I didn't push
21 for it, but I very well may, so I'm asking
22 specifically if it's personal information
23 that may or may not fall under the
24 exception of 44 --

25 MR. OXENHANDLER:

1 He said he didn't know what it was. He
2 didn't black anything out.

3 MS. CRAFT:

4 I'm sorry. I'm asking if it was
5 personal to him, if anything blacked out
6 was personal to him. That's an exception
7 under the Public Records Request possibly.
8 That's all I asked. That's his right of
9 privacy. That's that Quon case, Q-U-O-N --
10 THE WITNESS:

11 Some of that information may have been
12 personal, and some of it may have been
13 State Police related. I'm not sure.

14 BY MS. CRAFT:

15 Q. Okay.

16 A. Kind of tried to keep up with somewhat
17 significant events.

18 Q. So this was not an official State Police
19 document?

20 A. No, no, no. It is a Word document.

21 Q. It's just notes that you made?

22 A. Yeah.

23 Q. And the blacked-out portion, those would
24 relate to events that were occurring at the time?

25 A. I would imagine, yes, but not related to

1 Mr. Braxton, I guess.

2 Q. But those events we could place on a
3 calendar and figure out if your timeline is
4 correct, right?

5 A. That's possible, yeah.

6 Q. Did anybody show you the Public Records
7 Request that I had made?

8 A. If I recall, they notified you via e-mail
9 and just let you know there's a Public Records
10 Request but -- and they ask you for particular
11 information, and you send it to Public Affairs as I
12 understand.

13 Q. I think you told me you're still scared of
14 Mr. Braxton; is that right?

15 A. I can agree with that.

16 Q. Then why did you call him at 5:08 on Monday
17 night?

18 A. That was an accident. He called me back,
19 too.

20 Q. Why did you call him? I know you're
21 laughing and smiling --

22 A. I'm sorry.

23 Q. -- why did you call him?

24 A. The button was inadvertently pushed for
25 him. It was pressed, and then it hung up. I was

1 going through my phone. I wasn't trying to call
2 him.

3 MR. OXENHANDLER:

4 There were a lot of people with him
5 that saw him do that, including me.

6 MS. CRAFT:

7 Counsel, I know you're smirking, too.

8 MR. OXENHANDLER:

9 I'm not smirking. Nobody's smirking.

10 MS. CRAFT:

11 But I'm just asking him --

12 MR. OXENHANDLER:

13 Nobody's smirking.

14 MS. CRAFT:

15 Well, I wasn't, either, but I
16 understand we can put this on the record.
17 I'm going to put it on the record, my
18 impressions.

19 BY MS. CRAFT:

20 Q. You called my client by accident in front
21 of your lawyer and others?

22 A. Yeah.

23 Q. Were you looking for my client's phone
24 number; is that what was going on?

25 A. No.

1 Q. Now, before 5:08 on Monday when you called
2 my client, you claim by accident, how many other
3 times have you called him in the last 12 months?

4 A. I don't recall.

5 Q. More than one, correct?

6 A. In the last 12 months?

7 Q. Yes, sir.

8 A. I don't recall that.

9 Q. When was the last time you called my
10 client?

11 A. I don't recall. Other than accidentally at
12 5:08.

13 Q. On Exhibit #14 in front of you, am I
14 correct that the last conversation you had with
15 Calvin Braxton about Mr. Linebaugh was December 14,
16 2015?

17 A. December 14th?

18 Q. Yes, sir.

19 MR. OXENHANDLER:

20 The document speaks for itself. I'm
21 going to object to that because the
22 document speaks for itself. It was
23 July 14th.

24 MS. CRAFT:

25 Counsel, you don't get to testify, but

1 nice try. I asked him according to what
2 I'm seeing was December 14th, are his
3 recollections, the last time he talked to
4 my client. Now you want to point him to
5 July, that's fine. But I'm asking him
6 questions and not you.

7 BY MS. CRAFT:

8 Q. And my question was about Linebaugh. The
9 last time you talked to Calvin about Linebaugh was
10 December 14, 2015; is that correct?

11 A. That may not be correct.

12 Q. Okay. Well, tell me when was the last time
13 you talked to my client about Linebaugh?

14 A. Well, according to the document regarding
15 the arrest of his daughter, we had a conversation
16 about Linebaugh. But there may have been times
17 where I had a conversation with him that was very
18 insignificant.

19 Q. So there's more that you didn't write down?

20 A. There's a lot of stuff that I didn't write
21 down. What do you mean?

22 Q. You had conversations with Calvin Braxton
23 about Linebaugh more than what's reflected in
24 Exhibit #14?

25 A. I said that's possible. But if it was, it

1 was very insignificant. Not significant enough to
2 document.

3 Q. What's your definition of "significant"?
4 Like, why would you choose to write it down as
5 opposed to not write it down?

6 A. If it's something of substance, then I'll
7 document it, if I deem it to be something of
8 substance. And if it's not, or if it's a very
9 short conversation and very -- I can't say a short
10 conversation -- again, an insignificant
11 conversation then, to me, it's not worth
12 documenting. It's my journal so...

13 Q. I'm just trying to get a timeframe, sir.
14 The last time you talked to Calvin Braxton about
15 Linebaugh, was that December 14, 2015?

16 A. It may have been after that.

17 Q. When?

18 A. I don't know.

19 Q. What was said?

20 A. I don't know that, either.

21 Q. But you didn't write it down?

22 A. No. I don't have any indication that I
23 wrote or documented a conversation that I had with
24 Calvin Braxton after that time.

25 Q. So I could conclude --

1 A. Other than July 14th, I think.

2 Q. Got it. I could conclude that whatever
3 conversation you had with Calvin after December 14,
4 2015, was insignificant with the exception -- and
5 we'll talk about July 14th.

6 A. To me, right. That's possible, yes.

7 Q. So do you remember talking to Calvin after
8 December 14, 2015, about sports or things that were
9 going on in y'all's life?

10 A. No.

11 Q. Did you talk about things unrelated to
12 Mr. Linebaugh after December 14, 2015?

13 A. That's possible, too.

14 Q. Did you continue your friendship after
15 December 14, 2015?

16 A. No, there was a period of time where he
17 just stopped -- he stopped talking to me. We
18 didn't -- we didn't have much conversation.

19 Q. But then you resumed your friendship,
20 correct?

21 A. I may have seen him somewhere around town,
22 or something like that.

23 Q. And?

24 A. I mean, that's my answer to your question.

25 Q. My question was, so you resumed your

1 friendship after some period of time?

2 A. I can't say that we resumed the friendship.
3 I may have seen him in town.

4 Q. Okay. So in terms of Calvin Braxton -- and
5 this is my encapsulation -- expressing to you that
6 he was upset with Linebaugh --

7 A. Yes, ma'am.

8 Q. -- the last time that you documented that
9 was December 14, 2015; is that correct?

10 A. Him being upset with Linebaugh; is that
11 what you said?

12 Q. Upset about the arrest, if he gets in a
13 bind -- in other words, if you mete out discipline
14 to I guess Linebaugh, he may not help him at the
15 commission, that stuff.

16 A. It looks like on July 21, 2016, we might
17 have had a conversation.

18 Q. Yes, you did.

19 A. Okay.

20 Q. But in that conversation with my client, he
21 was unhappy -- correct me if I'm wrong -- about the
22 letter that had been issued by the State Troopers'
23 Association requesting that he be removed from the
24 board and attaching the report that you wrote
25 June 2, 2016, correct?

1 A. Are you talking about the July 21st entry?

2 Q. The July 14th entry.

3 A. Your question, again?

4 Q. That's not about Linebaugh. That's about
5 your conversation with Calvin after the State
6 Troopers' Association issued the letter to the
7 Governor and others asking that my client be
8 removed from the commission, right?

9 A. Well, Linebaugh's name is included in the
10 entry --

11 Q. Understood.

12 A. -- so there's a part of that conversation
13 that's about Linebaugh.

14 Q. But my client didn't say on July 14th
15 anything about getting back at Linebaugh or
16 anything? He called you July 14th because of the
17 letter that had been issued by the State Troopers'
18 Association, including your report written in June,
19 right?

20 A. Yes.

21 Q. My client at no time on July 14, 2016, said
22 anything to you about revenge against Linebaugh,
23 correct?

24 A. Not that I can recall.

25 Q. And certainly my client didn't say anything

1 to you about how he was going to get you, right?

2 A. No.

3 Q. He didn't threaten you on this call on
4 July, 14, 2016?

5 A. No.

6 Q. In fact, my client never said a threat to
7 you, correct?

8 A. Other than he's going to call the Colonel.

9 Q. When was that?

10 A. That was in one of the conversations that
11 we had.

12 Q. In December?

13 A. It may have been -- yes.

14 Q. So how is that a threat to you?

15 A. Well, Colonel Edmonson was the Colonel at
16 the time.

17 Q. So what? How is that a threat to you?

18 A. I'm trying to finish.

19 Q. Go ahead.

20 A. Colonel Edmonson was the type of individual
21 that he may look at you differently if someone of
22 Calvin's stature, being on the State Police
23 Commission, calls you -- or calls him and says he's
24 not happy with a decision that I made.

25 And as a Troop Commander at a troop that's

1 relatively new, maybe a year and a half or so on
2 the job, I had some concerns about maintaining my
3 command at the troop and possibly any other future
4 promotions. At that point, I was concerned.

5 Q. Okay, let me unpack that. You're telling
6 me that Colonel Edmonson was the kind of guy that,
7 if Calvin Braxton called him, Colonel Edmonson
8 would retaliate against you? Maybe take away your
9 command or future promotional opportunities?

10 A. I didn't say that.

11 Q. Well, that's what you said.

12 A. No, that's not what I said.

13 Q. You were concerned about maintaining the
14 command?

15 A. I said I was concerned.

16 Q. Why?

17 A. I didn't say he was going to do that.

18 Q. Because Colonel Edmonson was the kind of
19 individual that may look at you differently if
20 somebody of Calvin's stature called him?

21 A. Calvin was a friend of Colonel Edmonson.

22 Q. So what does that mean? Colonel Edmonson
23 was bias?

24 A. What do you mean? I'm sorry; I don't
25 understand.

1 Q. You thought that Colonel Edmonson, if
2 Calvin called him, would take retaliatory action
3 against you?

4 A. I didn't say he would retaliate. But,
5 again, I think he would possibly feel different
6 towards you if someone of Calvin's stature, being
7 on the State Police Commission, a very powerful
8 position, that as I recall the previous command was
9 pretty much intertwined with, if he would call
10 Colonel Edmonson, there might be an issue. So yes,
11 I was concerned.

12 As far as retaliation, I'm not sure. I
13 don't know what Colonel Edmonson would have done,
14 but I had some concerns.

15 Q. Okay. Well, you know that Calvin did talk
16 to Colonel Edmonson, correct?

17 A. As I understand it, yes.

18 Q. You reflect your note on December 14, 2015,
19 you reflected that?

20 A. What line is that, ma'am?

21 Q. Line 27.

22 A. (No oral response.)

23 Q. You knew that Calvin had already talked to
24 Colonel Edmonson. You reflect it in your notes.

25 A. So what date were you specifying in your

1 last question?

2 Q. December 14th.

3 A. Yes, according to that, yes.

4 Q. Okay. So I guess my question with respect
5 to this, you said you thought it was threatening to
6 you that my client said he was going to call
7 Colonel Edmonson. But you knew he had already
8 spoken to Colonel Edmonson, right?

9 A. Yeah. On December 5th, he spoke to him.

10 Q. Sure.

11 A. Yeah.

12 Q. And so tell me, sir, what promotional
13 opportunities did you lose after December 14, 2015?

14 A. I didn't lose any.

15 Q. In fact, you've been promoted highly?

16 A. I have.

17 Q. And you are in a very high position at the
18 State Police right now, right?

19 A. Yes. And Colonel Edmonson is gone.

20 Q. Right. Recently gone. It's been about a
21 year or so, right?

22 A. I don't know.

23 Q. But you got promotions under Colonel
24 Edmonson, didn't you?

25 A. I did.

1 Q. And Colonel Edmonson signed off on those
2 promotions?

3 A. He did.

4 Q. Now, we were talking about the July 14,
5 2016, entry --

6 A. Uh-huh.

7 Q. -- and you understand that that was in
8 response to a letter that was sent out, correct?

9 A. July 14th? I'm sorry. Let me get to that
10 one. The entry is in response to a letter that
11 went out; is that what you're saying?

12 Q. Yes.

13 A. Okay, yes.

14 MR. OXENHANDLER:

15 You can read this entire section before
16 you answer any questions.

17 BY MS. CRAFT:

18 Q. Of course you can. I just assume, since
19 you told me you had looked at it last night, but go
20 ahead and take your time.

21 A. I didn't read it verbatim. Sorry.

22 Okay, I'm ready.

23 Q. Okay. So my question was -- and I think
24 you've already answered it, but I'm just trying to
25 shortcut this process -- you knew the July 14,

1 2016, call from Calvin was in response to the LSTA
2 letter and your attachment, right?

3 A. When he had called me, immediately I didn't
4 know. But through the conversation, yes, I found
5 out.

6 Q. Now, this conversation you report parts of
7 it where it sounds like it's rather cordial with
8 Calvin. Towards the bottom, you say that, "Calvin
9 said some of the information in the LSTA letter is
10 true, and some of it is not true. He said some of
11 the information in the letter were things he was
12 told to do by 'folks' in Baton Rouge but he was not
13 going to go into any details, and he was just going
14 to leave it alone. I told Braxton that this was my
15 job, and I wasn't about to lie on somebody, because
16 I know I could get in a 'bind.' He said he was
17 fine with that, but the part that was left out of
18 the letter is what the Colonel said. He said when
19 he told me about moving Linebaugh, that's what the
20 Colonel told him to tell me to do. He said he
21 wouldn't have called me if the Colonel didn't tell
22 him to do it, but they left that part out. He said
23 he wasn't going to 'put nobody on no hook.'"

24 Was that a cordial conversation with
25 Calvin?

1 A. Yes, over the phone, the telephone.

2 Q. You weren't scared of him at this point?

3 A. Over the telephone, no.

4 Q. Were you scared of him at all?

5 A. I think I've answered that. Yes.

6 Q. So why take his call?

7 A. Why not? I mean, he called me.

8 Q. Okay.

9 A. If he calls me today, I'll answer the
10 phone. He's not in -- an immediate threat.

11 Q. Did you leave off the part about Colonel
12 Edmonson, that my client telling you Colonel
13 Edmonson had told him to call?

14 A. I don't recall him ever saying that Colonel
15 Edmonson told me -- or told him to call me.
16 According to the letter, yes, correction.

17 Q. You left it off?

18 A. No, it's in there -- which letter are you
19 talking about? It's in my notes.

20 Q. What are you referring to?

21 A. I'm referring to the July 4, (sic), 2016,
22 entry.

23 Q. In prior entries, you had left off the part
24 that my client said that Colonel Edmonson had told
25 him to call, right?

1 A. Which prior entry?

2 Q. Any of the prior entries, sir. When Calvin
3 corrected you in this July 14, 2016, conversation,
4 did you agree that you had left some off?

5 A. I think it was stated that I left off the
6 fact that he said Linebaugh was doing a good job.

7 Q. Did you leave that off?

8 A. I'm pretty sure I did. I think we had that
9 conversation.

10 Q. Why?

11 A. I guess that wasn't significant at the
12 time.

13 Q. In which conversation you had with my
14 client did he tell you that Linebaugh was doing a
15 good job?

16 A. I think it was sometimes afterwards, when
17 we basically learned that there was a proceeding,
18 or the information was exposed I guess to some
19 degree.

20 Q. I don't follow what you're saying.

21 A. Okay.

22 Q. I've asked you about conversations you had
23 with my client --

24 A. Uh-huh.

25 Q. -- and you said you've documented them.

1 By the way, did you document them at the
2 time you had them --

3 A. Yes.

4 Q. -- or later?

5 A. Yes, yes.

6 Q. And is that computer still at Troop E?

7 A. I doubt it. We've gotten new computers.

8 Q. Has it been forensically examined?

9 A. I'm not sure.

10 Q. Were the electronics preserved?

11 A. I mean, I didn't go in and delete anything
12 if that's what you're asking.

13 Q. Did anyone affiliated with State Police
14 tell you that I had requested electronic
15 preservation of all evidence relating to this
16 matter?

17 A. Yeah, your Public Records Request.

18 Q. Do you know if anybody went back and
19 forensically examined your entries on that computer
20 to determine when you actually made them?

21 A. No, I don't.

22 Q. Did you type them, or did you write them
23 out first and then type them?

24 A. I wrote them out first and then typed them.

25 Q. Where is the original paper?

1 A. Oh, I threw that away. Once I transferred
2 it to this document, I no longer need that.

3 Q. When did you throw it away?

4 A. It may have been -- I don't know. I want
5 to say early '16ish, '17, maybe. I don't know.

6 Q. So the way that you kept the notes about
7 conversations with Calvin was originally in a
8 notebook?

9 A. Yeah, sort of like that.

10 Q. It was a notebook?

11 A. Uh-huh.

12 Q. And you had notes related to other people;
13 is that right? Other things?

14 A. Yeah.

15 Q. And so --

16 A. I mean, yes. I'm sorry.

17 Q. Okay. And so, as I understand it, those
18 original notes you then typed on your computer --

19 A. Yes.

20 Q. -- at a later date?

21 A. Yes. It wasn't much later; it was a couple
22 of days. When I get the information, then I'll put
23 it in. Because I don't have time to, I guess,
24 document it while I'm sitting there talking on the
25 phone, so I go back. And it may be a day or two

1 later.

2 Q. Okay. So when you typed this stuff in the
3 computer form as reflected in Exhibit #14, was this
4 typing all at once, or was this over time?

5 A. No, this is over -- this is over a period
6 of time.

7 Q. And your original --

8 A. I'm sorry.

9 Q. Go ahead.

10 A. I think the first part of it was note
11 reflected, or coming from actual notes.

12 Q. Okay. And so were those notes specific to
13 your interactions with Calvin Braxton, or other
14 matters?

15 A. No, no, no. Those were other just -- it
16 could have been anything. It was a notepad.
17 People came to my office, I would -- I noted it in
18 the pad.

19 Q. And so on the notepad, when you typed it on
20 the computer in a format that I think became
21 Exhibit #14 -- correct me if I'm wrong -- you're
22 telling me that then you destroyed those notes made
23 at the time?

24 A. Yes, after it was transferred to the
25 document.

1 Q. Did you type your notes verbatim? Or did
2 you correct things, like, Wait, I need to add this?

3 A. Oh, yeah. As you type, you kind of have a
4 tendency to remember a little more.

5 Q. So what's reflected in Exhibit #14 is not a
6 contemporaneous record of what happened? It's
7 something that you created after the fact?

8 A. Yes.

9 Q. Got it. So when was it that Calvin told
10 you that he thought that Linebaugh was doing a good
11 job, or had done a good job?

12 A. If I recall correctly, it had to have been
13 after -- well, it was after a time that he learned
14 that he wasn't going anywhere. Linebaugh wasn't
15 going to be transferred anywhere, or sent to New
16 Orleans, or disciplined for arresting his daughter.

17 Q. So on your note of December 14th, you said
18 that you made it very clear and reiterated, once
19 again, I was not going to move Linebaugh.

20 Was that when Calvin told you Linebaugh had
21 done a good job?

22 A. Oh, I don't recall that, but it was later.
23 It may have been earlier than July 14th, but I
24 don't remember the exact date he told me that.

25 Q. Whose names are redacted from the July 14th

1 entry; do you know?

2 A. I would be guessing.

3 Q. Well, it's your entry, and all I get is
4 this blacked-out thing that looks like it came from
5 the FBI.

6 A. I didn't redact it. So, again, to put a
7 name or two in there, I would be guessing as to who
8 they are.

9 Q. Do you remember anything --

10 A. No --

11 Q. -- about this entry?

12 A. -- no, other than it was documented.

13 Q. On the next page, the entry is dated
14 July 15, 2016. Was that another phone call you
15 received from Calvin Braxton?

16 A. I think so.

17 Q. Again, this wasn't typed contemporaneous
18 with your conversation with Calvin? You made notes
19 and typed it later; is that correct?

20 A. That's very possible, yes.

21 Q. Okay. Those notes as I understand it --

22 A. A couple of days.

23 Q. -- have been destroyed?

24 A. Yes.

25 Q. And during this conversation, did you

1 consider anything that Calvin said to you to be
2 threatening to you personally?

3 A. At this point, I don't see anything that
4 indicates he was threatening -- well, no, not
5 threatening to me, no.

6 Q. Is there anything in here that was
7 threatening to Linebaugh?

8 A. As mentioned here, he stated he never
9 threatened Linebaugh, and there wasn't any reason
10 to threaten him. Other than that, no.

11 Q. Did you relay that to anybody, that Calvin
12 said he did not threaten Linebaugh, and there was
13 no reason for him to threaten him?

14 A. No.

15 Q. Whose name is blacked out? He said he has
16 respect for?

17 A. I don't know.

18 Q. And what's this business about he said all
19 of this reflected back on when Linebaugh stated he
20 didn't know blank son, blank. Who's that?

21 A. I think that may have been the sheriff's
22 son, Brian.

23 Q. Okay. And then you -- well, it's reflected
24 in here that he, meaning Calvin, asked how was this
25 man going to help his daughter when he had done

1 already arrested her and it was a done deal?

2 That's Calvin saying, Look, what are you
3 talking about? Linebaugh already arrested my
4 daughter; it was a done deal, right?

5 A. Yes.

6 Q. And Calvin had told you that from the
7 beginning, right? He never asked that his
8 daughter's arrest be undone, right?

9 A. No, he never did.

10 Q. In fact, he never asked for any ticket to
11 be fixed, right? Never did that?

12 A. Not according to McGaskey. This is his
13 wife's citation. If you're talking about his
14 daughter --

15 Q. His daughter.

16 A. Oh, no, no, no.

17 Q. In fact, Calvin's daughter went through the
18 whole process, right?

19 A. As I understand it, yes.

20 Q. She took immediate responsibility, right?

21 A. As I understand it, yes.

22 Q. And she completed all of the things that
23 were asked of her?

24 A. Yes.

25 Q. Remained on probation?

1 A. I don't know that.

2 Q. Did you go check?

3 A. No.

4 Q. Now, when is it that you told my client if
5 at all --

6 A. Uh-huh.

7 Q. -- that folks had asked you to document?

8 A. When did I tell him that?

9 Q. Yeah.

10 A. I don't know. I don't know that date. I
11 don't know that time.

12 Q. I don't see that in your notes anywhere.
13 Am I missing it?

14 A. No. Like I said, I don't recall so...

15 Q. So was that insignificant to you, that you
16 told my client that other folks had asked you to
17 document it?

18 A. That's possible. I don't recall telling
19 him that people told me to document. I don't
20 recall that.

21 Q. Am I correct, at the end of the day, the
22 only alleged threat that you're contending Calvin
23 Braxton made with respect to Linebaugh was that if
24 he gets in a bind -- meaning he got disciplinary
25 action -- that Calvin may not help him on the

1 commission?

2 A. May I refer to this report?

3 Q. Sure. I'm just asking if you --

4 A. Yeah, let me refer to this report.

5 Q. Well, you're referring to Exhibit #14. Is
6 that also considered a report?

7 A. Yes, Exhibit #14.

8 Q. Is that a report?

9 A. Well, it's my report.

10 Q. That's your report?

11 A. Mine, yes.

12 Other than wanting him relocated or sent to
13 the New Orleans area for 60 to 90 days. Now you're
14 talking about specific to the whole scenario, or
15 just the daughter's issue?

16 Q. I didn't limit my question, sir, and I
17 don't know what is in your mind. So, again, as I
18 told you in the beginning, I ask wide-open
19 questions because I expect you to give me all the
20 information you have.

21 A. I'll give you all the information I can
22 recall. As it states here, on January 7th of 2016.

23 Q. What?

24 A. Major Cathy Flinchum.

25 Q. What about it?

1 A. Indicated that Mr. Braxton had filed a
2 complaint regarding Trooper Linebaugh.

3 Q. That's a threat? The fact that my client
4 may or may not have filed an Internal Affairs
5 complaint?

6 A. No, that's not a threat.

7 Q. In fact, that's his right? Correct?

8 A. Absolutely, yes.

9 Q. So I asked you what threats were there,
10 according to you, made regarding Linebaugh?

11 And you said, one. If he, Linebaugh, gets
12 in a bind, meaning he had disciplinary action, that
13 Calvin may not help him on the commission.

14 And, two, you said that Calvin wanted him
15 transferred to New Orleans for 60 to 90 days.

16 A. Okay.

17 Q. Is that the only threats with respect to
18 Linebaugh?

19 A. As far as I can -- I'm sorry --

20 Q. Go ahead.

21 A. As I can recall without referring to my
22 Incident Report, yes.

23 Q. Well, you've got your notes, Exhibit #14,
24 which contains a version of what would become the
25 Incident Report.

1 A. Okay.

2 Q. Right? And you've read them? You've
3 looked at them, right?

4 A. Yeah -- yes.

5 Q. Anything else?

6 A. There's possibly more if I can refer to my
7 Incident Report.

8 MR. OXENHANDLER:

9 Your Incident Report is in Exhibit #14
10 starting on 1165.

11 MS. CRAFT:

12 Actually, sir, with all due respect,
13 that's not his Incident Report. That's a
14 version. There's four versions. But as I
15 pointed out --

16 MR. OXENHANDLER:

17 If you want him to look at each one, he
18 can.

19 MS. CRAFT:

20 I pointed it out to him. I said it's
21 in there, a version of your Incident
22 Report. So, again, look, I'm not -- I'm
23 doing my job, and I would appreciate it if
24 you would not testify for him but I clearly
25 just told him that.

1 MR. OXENHANDLER:

2 You can read this entire version, and
3 you can read the other versions.

4 MS. CRAFT:

5 Counsel, I'm letting him read it. I'm
6 not saying a word. In fact, I told him to
7 go ahead. And now he's on Exhibit #14.

8 MR. OXENHANDLER:

9 Well, look at the version of your
10 report starting on 1165. It's a few
11 pages --

12 THE WITNESS:

13 1165, okay.

14 MR. OXENHANDLER:

15 -- and review it carefully. And then
16 you can answer her questions.

17 MS. CRAFT:

18 Again, look, Counsel, I would
19 appreciate it, because I don't direct my
20 client how to answer questions.

21 MR. OXENHANDLER:

22 You did the other day.

23 MS. CRAFT:

24 No, sir, I didn't. Did you object?

25 MR. OXENHANDLER:

1 Yes.

2 MS. CRAFT:

3 No. And the answer is I don't
4 appreciate you pointing out stuff to him.
5 I'm here asking him. He said he reviewed
6 this thing. He sat through three days of
7 depositions --

8 THE WITNESS:

9 Right.

10 MS. CRAFT:

11 -- and you're going to have your chance
12 to ask him questions and to clean it up.
13 But right now it's my opportunity to ask
14 him questions.

15 MR. OXENHANDLER:

16 You're doing it. I'm not stopping you.

17 MS. CRAFT:

18 Then quit suggesting answers to him
19 because I certainly was more than fair.

20 MR. OXENHANDLER:

21 I wasn't answering. I wanted him to be
22 able to read it just like you insist.

23 MS. CRAFT:

24 He has, and I had directed his
25 attention to it.

1 MR. OXENHANDLER:

2 Okay.

3 MS. CRAFT:

4 Anything else you want to tell him to
5 say, Counsel?

6 MR. OXENHANDLER:

7 Just to read the document as you said.

8 MS. CRAFT:

9 Which is exactly what I told him.

10 THE WITNESS:

11 No, I don't see anything that would
12 possibly indicate a threat or immediate
13 treat at that time.

14 BY MS. CRAFT:

15 Q. So I'm encapsulating that the one, if he
16 gets in a bind, and, two, he wanted him transferred
17 to New Orleans for 60 to 90 days; is that correct?

18 A. Yes.

19 Q. When my client talked to you about
20 transferring Linebaugh to New Orleans for 60 to
21 90 days, my client told you that that's what
22 Edmondson had suggested; isn't that correct?

23 A. He told me that later, yes.

24 Q. Okay. And do you have any reason to
25 dispute that?

1 A. Disputing the fact that Edmonson told him
2 to tell me that?

3 Q. Yes.

4 A. I don't believe that.

5 Q. What?

6 A. I don't believe that. It's possible, but I
7 don't believe it.

8 Q. Okay. But Linebaugh never got transferred
9 to New Orleans for 60 to 90 days, correct?

10 A. No, he did not.

11 Q. And you made it clear to my client you
12 weren't going to do that, right?

13 A. That's correct.

14 Q. Okay. And when you told my client you're
15 not going to do that, he never asked you again,
16 right?

17 A. That's possible. I'm not sure.

18 Q. Look, you've had plenty of opportunity.
19 Please, look through Exhibit #14. It would seem to
20 me that would be significant. But all I'm saying
21 is the last entry on December 14th, before that,
22 there's a mention about transferring him. You're
23 adamant. You put that in your entry. And I don't
24 see my client ever again asking that Linebaugh be
25 transferred.

1 A. Well, that he said one time was enough for
2 me. But no, I don't see it anywhere else in the
3 report, no.

4 Q. Okay. So given that you, as a State
5 Trooper, according to your sworn testimony,
6 considered two things that my client said to be
7 threatening to an officer of the Louisiana State
8 Police, did you consider proffering criminal
9 charges against my client for intimidation?

10 A. No.

11 Q. Why not?

12 A. I was not interested in pressing any
13 charges or filing any charges against him. I had
14 no interest in filing criminal charges.

15 Q. Did you think Calvin Braxton had committed
16 a crime?

17 A. No, I didn't consider that a crime. No.

18 Q. Did you simply consider it a father who was
19 either mad at his daughter or mad at the situation
20 because she was drinking and got pulled over? Was
21 that part of the equation?

22 A. No.

23 Q. Did he tell you that he thought his
24 daughter was stupid; that she had done things that
25 he'd told her not to?

1 A. That's possible. I don't recall that.

2 Q. Okay. So I'm clear, you did not consider
3 anything that Calvin said to you as of December 14,
4 2015, to be criminal activity, but, yet, you write
5 an Incident Report in June of 2016; is that right?

6 A. Uh-huh.

7 Q. Yes?

8 A. Yes.

9 Q. And just like with your other Incident
10 Report and in your Incident Report of June 2, 2016,
11 you reflected a Nature of Incident; is that
12 correct? That's on Exhibit #1.

13 A. I think this is the final.

14 Q. That is the final?

15 A. It was not signed so --

16 MR. OXENHANDLER:

17 Hold on. I'll get the report.

18 MS. CRAFT:

19 It's the one attached to the lawsuit.

20 MR. OXENHANDLER:

21 Let me get it to him.

22 THE WITNESS:

23 Okay, I'm looking at the report.

24 BY MS. CRAFT:

25 Q. The nature of the incident you reflected

1 was Louisiana State Police Commission member Calvin
2 Braxton; is that correct?

3 A. Yes.

4 Q. Now, you told me that you talked to
5 Lieutenant Colonel Reeves in December of 2015; is
6 that correct?

7 A. Well, yes, I talked to him pretty
8 regularly. He was my boss.

9 Q. About Calvin?

10 A. I advised him, yes.

11 Q. And that was in December of 2015; is that
12 right?

13 A. Yes.

14 Q. And at that time, Lieutenant Colonel Reeves
15 did not instruct you or request you document or
16 write up an incident; is that right?

17 A. No.

18 Q. In fact, that didn't come until May or June
19 of 2016; is that right?

20 A. What didn't come?

21 Q. All right, let me ask you a better
22 question. Did somebody give you an order to write
23 up the incident?

24 A. No.

25 Q. You did this on your own?

1 A. Yes.

2 Q. Why?

3 A. Because, once again, I felt that the --
4 that his conduct was improper specific to how he
5 wanted certain things done with Trooper Linebaugh.

6 Q. That was all relating to the conversations
7 you had with him in December of 2015, correct?

8 A. With Calvin?

9 Q. Yes.

10 A. Yes, I guess. Yes.

11 Q. And so six months later, did you
12 unilaterally decide it, or did you get some input?

13 A. Input?

14 Q. Into you need to write an Incident Report
15 or a document, like you said Mr. Young said to you.

16 A. Well, after I had the conversation with
17 Rodney Hyatt --

18 Q. You made a note, sir, in Exhibit #14 --

19 A. Uh-huh.

20 Q. -- that says --

21 MR. OXENHANDLER:

22 Go to Exhibit #14.

23 BY MS. CRAFT:

24 Q. It's at line 1278.

25 A. Oh, this is a copy. 1278?

1 Q. Yes.

2 A. 1278.

3 Q. And at line 1164, you date that as June 6,
4 2016, that entry.

5 A. Okay, I went to 1278. What other line are
6 you talking about?

7 Q. 1164 you dated as June 6, 2016. Was this
8 entry made on June 6, 2016?

9 A. I'm pretty sure it was after I had written
10 the report, I put it in my notes. That's what it
11 looks like.

12 Q. You cut and pasted it?

13 A. I think so, yeah.

14 Q. Do you remember doing that, or is that a
15 guess?

16 A. That's a guess.

17 Q. Because at line 1278, it reflects on the
18 document the information above is supposed to be
19 used in order to facilitate Calvin Braxton's
20 removal from the LSP Commission.

21 A. Okay.

22 Q. Why did you write that?

23 A. As I noted this morning, handwritten, I was
24 concerned. I didn't feel like he needed to be on
25 the commission because he had indicated those

1 things about Linebaugh. He felt -- I didn't feel
2 like he was -- he could be impartial, and any other
3 trooper like I mentioned earlier.

4 Q. You do have in Exhibit #22 --

5 A. I wasn't through.

6 Q. -- a handwritten note --

7 MR. FALCON:

8 I think he said he wasn't through.

9 MS. CRAFT:

10 Oh, sorry. I didn't hear you.

11 THE WITNESS:

12 That's what I'm referring to, the
13 handwritten note.

14 BY MS. CRAFT:

15 Q. And so we're clear on that, that's on
16 Exhibit #22 --

17 A. Yes.

18 Q. -- that's a note you wrote this morning?

19 A. Probably last night, I think.

20 Q. That's a new thing you wrote?

21 A. Yeah, I wrote it. Yeah -- yes.

22 Q. Got it. So you wrote this at line 1278 to
23 1279 because you wanted Calvin removed from the
24 commission?

25 A. Yes. He needed to be removed from the

1 commission. There's no question about that.

2 Q. Had somebody talked to you about the
3 process for removing Calvin?

4 A. No.

5 Q. You had no idea?

6 A. No.

7 Q. Had you had any conversations, besides the
8 one you said with David Young, with anyone
9 affiliated with LSTA?

10 A. I don't recall having any conversations
11 about Calvin Braxton. I'm not sure.

12 Q. Well, you said Chris Wright. He was the
13 representative?

14 A. Well, trick question but yes.

15 Q. Well, you told me that you talked to Chris
16 Wright specifically because he was an LSTA board
17 member.

18 A. That's correct.

19 Q. There's nothing tricky about that.

20 A. Yeah.

21 Q. And you talked to him you told me
22 specifically because he was an LSTA board member?

23 A. That's correct.

24 Q. And you told that me you talked to Chris
25 Wright because he was an LSTA board member because

1 you were concerned and thought the LSTA might be
2 able to do something with respect to Calvin on the
3 board? Don't I have that right?

4 MR. OXENHANDLER:

5 Objection to form. He didn't say that.

6 BY MS. CRAFT:

7 Q. Is that right or wrong?

8 A. Say that, again.

9 Q. You said you talked to Chris Wright because
10 he is an LSTA board member, and I thought -- go
11 ahead.

12 A. He's a Troop E President, yes. Affiliated
13 President.

14 Q. Got it. And I thought you also told me you
15 talked to him because you were concerned about
16 Calvin sitting on the board if Linebaugh came in
17 front of him; that's why you talked to him
18 specifically?

19 A. That sounds about right, yes.

20 Q. Okay. So when you talked to Chris Wright,
21 did you talk to him any other times, other than the
22 one you told me about with respect to Calvin?

23 A. That, I don't recall.

24 Q. Did you talk to him again about, Hey,
25 what's the process, or how would we remove Calvin?

1 Anything like that?

2 A. I don't think so.

3 Q. So, sir, this note that you have, you dated
4 it June 6, 2016, but there were actually several
5 versions of your report; am I correct about that?

6 A. Yes.

7 Q. They were sent up the chain of command to
8 be reviewed?

9 A. They were sent to Colonel Reeves -- I'm
10 sorry -- then Major Reeves.

11 Q. Who else were they sent to?

12 A. I don't recall them being sent to anybody
13 else, other than Major Reeves.

14 Q. I'm going to show you a document which we
15 are going to mark and attach as Exhibit #23.
16 Again, this is stuff I got in the Public Records
17 Request.

18 A. Okay.

19 (Whereupon, the document was duly marked
20 for identification as "Exhibit #23" and
21 attached hereto.)

22 Q. For the record, it is a series of e-mails?

23 A. Yes.

24 Q. I have one on the second page that's
25 June 7, 2016, it's from LaTericka Chatman to you.

1 A. Yes.

2 Q. Do you remember anything about this e-mail?

3 A. LaTericka is my -- well, she was at the
4 time -- the administrative assistant of the troop.
5 And if I'm not mistaken, it would have been -- she
6 would have scanned and e-mailed -- scanned and
7 e-mailed it to Major Reeves.

8 Q. It's an e-mail, with all due respect, sir,
9 from her to you. Was there something attached to
10 that e-mail from her to you? See, it's at the
11 bottom of Page 2.

12 A. Yeah, I see it. I don't know what that
13 would have been.

14 Q. Then right above it is an e-mail from you
15 to Kevin Reeves, June 8, 2016.

16 A. Uh-huh.

17 Q. The subject now is Calvin Braxton, correct?

18 A. I have attached Calvin Braxton --

19 Q. No, no, sir. Right here in the middle of
20 the page. See, here is LaTericka to you. Here's
21 you to Kevin Reeves on June 8th, right?

22 A. Yes.

23 Q. And then right above it, I have from Kevin
24 Reeves to David Staton, right?

25 A. Yes.

1 Q. And that's dated June 8th, also?

2 A. Yes.

3 Q. And it says, "Lieutenant Colonel Staton: I
4 have attached Captain Oliphant's Incident Report
5 concerning Calvin Braxton," right?

6 A. Yes.

7 Q. And we go to the first page. And then here
8 it is from David Staton to Charlie Dupuy --

9 A. Got you.

10 Q. -- dated June 10th.

11 "LTC Dupuy: I'm forwarding this Incident
12 Report up the chain of command for review and
13 consideration. Captain Oliphant Oliphant," and
14 that's how it's written --

15 A. Yes.

16 Q. -- "did the right thing in supporting his
17 Trooper in the appropriate performance of his
18 duties, but the report raises serious concerns
19 about the possible inappropriate attempt to
20 influence the public safety mission of the
21 Department. Thank you. Dave."

22 Do you see that?

23 A. Yes.

24 Q. And then right above that it is Charlie
25 Dupuy to Mr. Staton; again July 8th, right?

1 A. Yes, yes.

2 Q. So my question is, you said that the only
3 person you sent it to was Mr. Reeves. But you knew
4 that the Incident Report that you had created was
5 being edited, correct?

6 A. It would have been edited by Major Reeves.

7 Q. How do you know that?

8 A. Well, I don't -- I don't -- you want my
9 belief?

10 Q. No.

11 A. Well, I don't know.

12 Q. I'll show you a document which we're going
13 to mark and attach as Exhibit #24. Again, I did a
14 Public Records Request --

15 A. Uh-huh.

16 (Whereupon, the document was duly marked
17 for identification as "Exhibit #24" and
18 attached hereto.)

19 Q. -- and I got these documents. I think
20 they're the same things, or at least part of them,
21 that you had in Exhibit #22 --

22 A. Do you want this back?

23 Q. She does.

24 -- and correct me if I'm wrong -- but in
25 Exhibit #22, you had at least two different

1 versions of your report, right?

2 A. Yes.

3 Q. And so you were aware, were you not, that
4 folks were making changes to your report?

5 A. I was aware Major Reeves was. I'm not
6 aware of anybody else making a change to my report.

7 Q. Well, how did you get these other versions?

8 A. I'm not sure. I sent it to Major Reeves
9 for his review.

10 Q. Now, you went through in Exhibit #22 and it
11 had a couple of the versions of your report, right?
12 You went through the versions to see what had been
13 changed, didn't you?

14 A. I don't think I went through the versions
15 to see what has been changed because it was only
16 minor word changes from what I understand and
17 recall from my original report. As I recall, I
18 think Major Reeves indicated something to the
19 effect of asserted. I think he listed "asserted"
20 in the document. And a couple of the revisions I
21 used, and a couple of the revisions I did not.

22 Q. So you had conversations with Mr. Reeves?

23 A. I've always had conversations with
24 Mr. Reeves.

25 Q. About this report, sir.

1 A. Over e-mail, yes.

2 Q. Where are those e-mails?

3 A. I think this is one, June 7th.

4 Q. That's in Exhibit #22?

5 A. Yes.

6 Q. And that, which says, "Minor adjustments
7 for review"?

8 A. Yes. I guess he sent that back to me.

9 Q. You said something about Reeves said
10 asserted?

11 A. He mentioned in the report -- that's what
12 he indicated in the report -- sorry.

13 Q. Besides that one e-mail, are there any
14 others that you traded back and forth with
15 Mr. Reeves? Because you can imagine that I had
16 asked for everything, and all I got is what's in
17 front of you.

18 A. No, I don't recall any other e-mails that
19 may have been shared between Major Reeves and I.
20 That's all I recall right, here in front of you,
21 Exhibit #22.

22 Q. Any other e-mails with anyone else about
23 this report?

24 A. I don't recall that, no.

25 Q. I'm sorry?

1 A. I don't recall.

2 Q. Now, you used the form Incident Report.
3 Why did you use this form -- and, for the record,
4 it's DPSSP Form 3131 -- why did you use this form?

5 A. An Incident Report is used to document
6 occurrences within the State Police.

7 Q. What does that mean?

8 A. What does what mean?

9 Q. What occurrence within the State Police?

10 A. You can document anything on an Incident
11 Report, whether it's a disciplinary action, a fleet
12 crash.

13 Q. Tickets, criminal conduct?

14 A. Yes, you can do that, too, yeah.

15 Q. So the Incident Report is not, as we heard
16 somebody say yesterday, confined to noncriminal
17 stuff? An Incident Report is used to document
18 criminal incidents, as well, right?

19 A. Well, yes, I guess you can say. An arrest
20 report will be -- is, too.

21 Q. Right.

22 A. And issue complaints, they're used to
23 document those things, as well.

24 Q. But an Incident Report is an initial
25 report. An arrest report is something different

1 when you ultimately arrest somebody, right?

2 A. Yes. That's a report, yes.

3 Q. Okay. The Incident Report, you understood
4 that was going to be made public, right?

5 A. I understood that that was possible.

6 Q. And you knew that, how?

7 A. Somewhere along the way I had a
8 conversation -- oh, with Major Reeves. Because
9 LSTA wanted an affidavit or report, and we
10 decided -- or they decided, Colonel -- Major Reeves
11 decided -- that we would not write an Incident
12 Report or any type of report to the LSTA; that we
13 would submit the report if I wanted to. And they
14 could get it via Public Records Request if they
15 wanted to. So I was not a hundred percent sure
16 that they were going to pursue that.

17 Q. Why the six-month delay?

18 A. Because we didn't have significant
19 conversations about Linebaugh sometime -- until
20 sometimes later in -- later in the following year
21 as I recall. But I documented it, so that's a
22 reflection of the notes I took when it occurred.

23 Q. I'm sorry. Who is the "we" that didn't
24 have significant conversations?

25 A. Mr. Braxton and I, after we -- after the

1 information that's listed in the report, he stopped
2 talking to me if that's what you mean.

3 Q. After December of 2015, he sure did.
4 Right?

5 A. Yeah. We had minimal conversations, yes.

6 Q. After December of 2015?

7 A. But there's a time in my report that we did
8 have a conversation. So yes, I guess after that
9 and between what is it, July or so? I'm not sure.

10 Q. Sir, the last thing I'm seeing in your
11 report, any version, in Exhibit #24 -- take your
12 pick -- or even the final version, the last
13 conversation I see you documenting with my client
14 is December 14, 2015.

15 A. Okay.

16 Q. My original question is, Why didn't you
17 write this report until six months later?

18 A. The main reason is because, in December, he
19 indicated that he was not going to stop. He wasn't
20 going to stop.

21 So there's no specific timeline to an
22 Incident Report. You don't have to turn in an
23 Incident Report a week later or two days later.

24 And if you'll allow me to elaborate, I have
25 been in investigations before and there's been

1 times when we went and arrested somebody three
2 months later, six months later in a narcotics
3 investigation that's with criminal matters.

4 So I documented it. He indicated he wasn't
5 going to stop. There was an expectation that he
6 may continue; he may call me again. And I would
7 continue to document the occurrences and at some
8 point submit a report.

9 Q. With all due respect, sir, you have
10 actually participated in the discipline of
11 subordinate officers who did not turn in reports in
12 a timely fashion, didn't you?

13 A. Well, whether it be a Crash Report or a
14 citation, but not specifically an Incident Report.
15 So that's possible.

16 Q. All right. So how many?

17 A. I don't know.

18 Q. Right. And in your discipline of
19 subordinate officers for not turning in reports
20 timely, that's, if I'm not mistaken, by the end of
21 the following shift, right?

22 A. That's incorrect.

23 Q. Okay. When?

24 A. Which report are you referring to?

25 Q. You have disciplined officers for not

1 turning in their reports timely?

2 A. When you're talking about a Crash Report?

3 Q. No, sir, I'm not making a distinction.

4 A. Okay.

5 Q. You have disciplined subordinate
6 officers --

7 A. That's possible, yes.

8 Q. Right. And when you have disciplined
9 officers for not turning in their reports timely,
10 that's been what timeframe that you use for
11 imposing discipline?

12 A. I don't recall that. When you're talking
13 about discipline, it's possibly a letter of
14 counselling.

15 Q. Not anything that might have gone before
16 the commission that somebody might have hired a
17 lawyer to represent them on before the commission?

18 A. I don't recall that, but that's very
19 possible.

20 Q. Have you signed off on discipline for
21 subordinate officers for failing to timely submit
22 their reports?

23 A. I've signed off on a lot of discipline. I
24 don't know.

25 Q. That specifically, sir.

1 A. I don't know that. That's possible, yes.

2 Q. Okay. So are you telling me there's no
3 policy in all of State Police that talks about the
4 timeliness of turning in reports?

5 A. Not an Incident Report.

6 Q. So there is a policy, and it's specific to
7 reports other than Incident Reports?

8 A. Yeah, I don't have a policy in front of me.

9 Q. Well, did you look at it recently?

10 A. No.

11 Q. Okay. Now, sir, again, you're telling me
12 that my client indicated to you in December that
13 he, quote, wasn't going to stop? That's what you
14 said?

15 A. Uh-huh. Yes.

16 Q. And that you waited six months to write out
17 an Incident Report because you did it on your own,
18 and it wasn't related to your conversation with,
19 what? Lieutenant Hyatt or Mr. Young? This whole
20 situation, this report, its dissemination was all
21 because you decided to do it?

22 A. What you're asking me was, as it relates to
23 Major Reeves and them directing me or ordering me?

24 Q. No, sir, that's not what I'm asking you
25 now --

1 A. That's what I recall you asking me a little
2 while ago.

3 Q. But that's not the question I'm asking.

4 A. What's the question now?

5 Q. My question is, your sworn testimony, I
6 want to make sure, that the reason you waited six
7 months to document in the Incident Report your
8 interactions with Calvin Braxton which ended in
9 December of 2015 was because that's just your
10 decision unrelated to anything anybody else told
11 you or asked you to do or suggested to you?

12 This whole thing which has given rise to
13 this lawsuit is because you made the decision in
14 June of 2016 to write this report --

15 A. The report --

16 Q. -- all by yourself?

17 A. The report was written -- I'm trying to be
18 selective about my wording -- the report was
19 written when I talked to Major Reeves and advised
20 him of the incident.

21 Q. And so we're clear, that's in December of
22 2015?

23 A. Yes, yes.

24 Q. Got it.

25 A. I advised him of the incident. And after I

1 talked to -- well, Chris Wright, David Young, and
2 later Rodney Hyatt, Major Reeves advised me that we
3 weren't going to write a letter to the LSTA or
4 write the Incident Report to the LSTA, but we would
5 write one and submit it up the chain of command if
6 I wanted to.

7 So there was never a directive or a direct
8 order or any type of order for me to write the
9 report.

10 Q. When you say "we decided," Major Reeves
11 said, we decided we're not going to write a report
12 to the LSTA, or whatever, but that we would write
13 one. And you said if you decided to --

14 A. Uh-huh.

15 Q. -- and who is the "we" that he was
16 referring to?

17 A. He?

18 Q. Yeah.

19 A. He and Colonel Staton.

20 Q. And how do you know Colonel Staton was
21 involved?

22 A. I think there's an e-mail if I'm not
23 mistaken.

24 Q. What e-mail?

25 A. Is it not one -- let's see, give me a

1 second and I'll find it. LSTA.

2 MR. FALCON:

3 It's Exhibit #23.

4 MS. CRAFT:

5 What's Exhibit #23?

6 MR. FALCON:

7 The e-mail he's looking for. You asked
8 him about it at length a little while ago.
9 That's the one he's looking for.

10 MS. CRAFT:

11 I don't think that's what he's talking
12 about, but okay.

13 MR. FALCON:

14 That's where David Staton's name
15 appears.

16 MS. CRAFT:

17 I know that, but that's just forwarding
18 stuff. That's not an e-mail that he's
19 referring to, which was an e-mail that he
20 said he received from Staton. I went
21 through those e-mails with him, and those
22 aren't to him.

23 THE WITNESS:

24 I may have been mistaken about an
25 e-mail. I'm not sure.

1 BY MS. CRAFT:

2 Q. I'm sorry?

3 A. I may have been mistaken. But as I recall,
4 there may have been one.

5 Q. From Staton to you?

6 A. No.

7 Q. From who to who?

8 A. From me to Major Reeves. And then to
9 Lieutenant Colonel Staton.

10 Q. And what did that e-mail say?

11 A. Possibly that the -- it may have been an
12 entry. Can I refer to this?

13 Q. Sure.

14 A. I apologize; it's not an e-mail. It's
15 listed in my notes.

16 Q. Where?

17 A. May 10th.

18 Q. May 10th?

19 A. Of 2016.

20 Q. That's where you are referring to your
21 conversation with Mr. Hyatt?

22 A. No, I'm referring to my conversation where
23 it says -- let me see -- yes, Rodney Hyatt's name
24 is in that entry, yes.

25 Q. And so is this what you're talking about on

1 May 10th, "I later sought the advice of Major
2 Reeves and told him of my conversation with Hyatt.
3 He told me to stand by on writing the letter to the
4 LSTA and he would get with Lieutenant Colonel
5 Staton for advise. He later suggested I, instead,
6 submit an Incident Report regarding LSP member
7 Calvin Braxton through the chain of command. And
8 if LSTA wanted to get a copy, they could via Public
9 Records Request."

10 That's what you're referring to?

11 A. Yes.

12 Q. That doesn't sound like a communication you
13 had with Staton. That sounds like a communication
14 you had with Reeves.

15 A. That's what I meant, with Reeves.

16 Q. Oh, so when you said there may have been an
17 e-mail from you to Reeves and then Staton, you were
18 mistaken?

19 A. Yes. That was in reference to this entry
20 right here.

21 Q. And with respect to the entry on May 10th,
22 did all of this happen in one day?

23 A. I think so. It may have been. I think so.
24 I'm not sure.

25 Q. That would've been better reflected on your

1 notes; is that correct, made at the time?

2 A. It's reflected in here.

3 Q. Sir, I have looked through here -- and,
4 again, I'm about done -- but I'm just trying to
5 make sure I cover my bases.

6 A. Okay.

7 Q. Where do you reflect in here that you had a
8 conversation with David Young?

9 A. Probably nowhere, because it -- if I
10 recall, it was short and insignificant with him,
11 telling me to document the occurrence.

12 Q. Was that on May 10th, too, where you were
13 at the ceremony? Remember you said he was over on
14 the right --

15 A. I don't think so. I don't think so. This
16 was, if I recall correctly, it was during the time
17 that Linebaugh was kind of going through the whole
18 issue -- I'm sorry, December the 4th -- after the
19 December 4th incident.

20 Q. So was it in December that Mr. Young
21 suggested you document?

22 A. Yeah, I talked to him later. It had to be
23 between December and January or February if I had
24 to guess.

25 Q. And under what circumstances did you talk

1 to him?

2 A. I think it was a phone call.

3 Q. He called you?

4 A. If I recall, yes.

5 Q. And what did he say?

6 A. It was a very short conversation. I think
7 he was checking on Linebaugh and making sure
8 everything was okay.

9 Q. I'm not asking you to think or --

10 A. Well, that's that --

11 Q. -- if you don't remember --

12 A. I don't remember.

13 Q. So your timeframe on the conversation with
14 Young was December to February, right?

15 A. Yes.

16 Q. Okay.

17 A. Yes.

18 Q. How about Mr. O'Quinn, did you talk to him?

19 A. I saw Jay several times. I don't remember
20 a location. I don't remember a time. But it was
21 very minimal conversation. It wasn't -- I don't
22 even think it was LSTA business. I don't recall,
23 So I'd be guessing to tell you.

24 Q. Did you ever talk to him about Calvin
25 Braxton?

1 A. That's very possible. But, again, it was
2 very short. I don't recall the conversation.

3 Q. I've asked you a couple of times today who
4 have you talked to about Calvin Braxton, and you
5 gave me an initial list of two people, and then
6 it's expanded.

7 And so I'm going to ask you the question
8 again -- and I'm not trying to be repetitive -- who
9 have you spoken to about Calvin Braxton since, I'll
10 say, December 5, 2015? And that excludes your
11 lawyer. I don't want to know what you talked to
12 him about.

13 A. Well, I've told you who I recall talking
14 to. If I can recall talking to someone else
15 specifically about Mr. Braxton, then I'll tell you.

16 Q. So Mr. O'Quinn -- when you say possible,
17 that's just a guess?

18 A. Yes, yes.

19 Q. Mr. Edmonson, did you talk to him?

20 A. I think we shared a text message. And I
21 don't recall a conversation I had with him.

22 Q. A text message about my client?

23 A. Yes.

24 Q. And what was that?

25 A. I think it was the fact that his daughter

1 had been arrested as I recall, and the fact that he
2 was unhappy about it.

3 Q. That Calvin was unhappy about it?

4 A. Yes, Calvin.

5 Q. By the way, the bar you heard everybody
6 being asked about yesterday, have you ever gone
7 there?

8 A. Yes, I have.

9 Q. When was the last time you went there?

10 A. It was years ago. Probably '14 or '15.

11 Q. Did you drink free?

12 A. I drank a Coca-Cola. Yes, I did.

13 Q. Did you drink free whatever it was you
14 consumed?

15 A. I didn't drink at the bar. There's a
16 cafeteria where I drank a coke. I didn't drink
17 alcohol or whatever at the bar, no, I did not.

18 Q. My question wasn't about alcohol. It was,
19 did you drink free?

20 A. Yes, if you want to say a coke from the
21 cafeteria is free, yeah -- yes.

22 Q. Now, the cafeteria headquarters at State
23 Police, they charge; do they not?

24 A. This is a --

25 Q. When you go eat?

1 A. This is at JESTC?

2 Q. I understand.

3 A. Okay.

4 Q. When you go to headquarters at State Police
5 and you want to eat in the cafeteria, they charge?

6 A. Yes, I have paid for my meals there. And
7 I've gotten them in conjunction with training, and
8 so yes.

9 Q. Other than the Coca-Cola at the cafeteria
10 outside the bar at JESTC, have you ever received
11 anything on State Police property?

12 A. I don't recall ever receiving anything
13 free. I mean, people would bring gifts to the
14 troop, like fruit baskets or something like that.
15 No, I don't recall getting anything free.

16 Q. Except the coke?

17 A. The coke, yes. I said that already so
18 that's what I thought we were on.

19 Q. Did you ever stay at the hotel out there,
20 at JESTC?

21 A. I actually stay there Monday through
22 Thursday.

23 Q. You pay for it?

24 A. No, I don't pay for it, no.

25 Q. How long have you been detailed to Baton

1 Rouge?

2 A. About a year, June 29th maybe of last year
3 if I'm not mistaken.

4 Q. So have you had to obtain approval from the
5 State Police Commission to stay at JESTC?

6 A. I have not spoken to the commission. I
7 obtained an approval from Colonel Reeves and Chief
8 of Staff Mike Doyle.

9 Q. Was that a one-time approval or every
10 six-month approval?

11 A. I haven't been told anything about a
12 certain time. While I'm here assigned to Baton
13 Rouge as a Deputy Superintendent of Patrol, that's
14 where I stay.

15 Q. I asked you about your conversations with
16 Lamar McGaskey regarding Calvin Braxton. Have you
17 told me about all of those?

18 A. As I recall, yes.

19 Q. And did you talk to Sheriff Jones?

20 A. About Calvin?

21 Q. Yes.

22 A. Yes, yes, you're right. Yes.

23 Q. How many times?

24 A. I don't recall that.

25 Q. And you have an entry that reflects you

1 talked to Sheriff Jones about Calvin saying
2 something about I think his son or something like
3 that?

4 A. Yeah, he wanted him to -- which one is it
5 in? I'm sorry.

6 Q. By the way, before I get there. One of the
7 people that you didn't talk about today that you
8 did talk to about Calvin Braxton was Lieutenant
9 Colonel Murphy Paul?

10 A. Yes, that's right.

11 Q. You were at the convention in Lafayette on
12 June 23, 2016?

13 A. I'm not sure of the location. What line
14 are you on?

15 Q. 1311.

16 A. Any particular line?

17 Q. I was just asking you, you talked to Murphy
18 Paul; did you not?

19 A. According to my notes, yes.

20 Q. Do you have a recollection, beyond what's
21 contained in your notes, of what you talked to
22 Mr. Paul about?

23 A. Beyond what's contained in my notes?

24 Q. Yes, sir.

25 A. No.

1 Q. Any idea what Mr. Paul meant when he said,
2 "Paul stated there was no way Colonel Edmonson was
3 going to allow that to happen"?

4 A. I'm sorry; say your question, again.

5 Q. Line 1318 you wrote -- or somebody did --
6 "Once again, I told Paul that Calvin needs to leave
7 the issue alone. Paul stated there was no way
8 Colonel Edmonson was going to allow that to
9 happen." What's that about?

10 A. To have Linebaugh moved.

11 Q. That's referring to having Linebaugh moved?

12 A. Yes.

13 Q. So you knew Colonel Edmonson wasn't going
14 to have Linebaugh moved, right?

15 A. I didn't think that Colonel Edmonson was
16 going to make anyone move Linebaugh.

17 Q. So no threat?

18 A. Not making Linebaugh move.

19 Q. And then you report on July 13th that you
20 got a call from Charlie Dupuy. Is there anything
21 that you recall in addition to what is reflected in
22 the July 13, 2016, entry?

23 A. Other than what's listed in the entry, no.

24 Q. DuPont said he was giving you a courtesy
25 call. What's a courtesy call?

1 A. Just a telephone call to let me -- to make
2 me aware that a letter had been delivered.

3 Q. That's Mr. Falcon's letter?

4 A. I don't know that.

5 Q. Well, did you ask him, "What letter are you
6 talking about?"

7 A. No, I didn't.

8 Q. Are you telling me that the Chief of Staff,
9 Charlie Dupuy, calls you and says, "I'm giving you
10 a courtesy call the letter has been delivered," and
11 you didn't know what he was talking about?

12 A. No, I really didn't. I can assume, like I
13 did then, possibly my letter -- I wasn't aware of
14 -- I don't recall being aware of any type of
15 letter. I don't -- I don't recall that. I know I
16 had nothing to do with a letter so...

17 Q. Well, actually, you were aware that your
18 report was being attached to it.

19 A. No, I was not.

20 Q. Okay.

21 A. I was not aware that my report was being
22 attached to a letter. I was not aware of that.

23 Q. Your report was used as the basis for the
24 letter, right?

25 MR. OXENHANDLER:

1 Objection. You're asking if something
2 that somebody else wrote --

3 MS. CRAFT:

4 That's fine. I can ask him.

5 THE WITNESS:

6 I guess.

7 BY MS. CRAFT:

8 Q. Well, you have read the letter, sir,
9 attached to the lawsuit that was served on you?
10 You have read both letters written by LSTA, July
11 and June, right?

12 A. I have.

13 Q. And you are aware that both letters are
14 based on what you wrote on June 2, 2016, right?

15 MR. OXENHANDLER:

16 I'm going to object. You're asking him
17 something that somebody else wrote about.

18 BY MS. CRAFT:

19 Q. I can make this easy, then. Here is
20 Exhibit #1. Here's the first LSTA letter that's
21 July 11, 2016.

22 Is there anything in the July 11, 2016,
23 letter that you see that is not based on what you
24 wrote in your report?

25 A. I guess it's difficult to answer your

1 question. Because some of the wording, some of the
2 verbiage, I didn't -- I didn't use that, and so
3 it's difficult to answer the question that you're
4 asking.

5 Q. Look at the 20 specifications in there.

6 A. Okay.

7 Q. Tell me which ones you believe came from
8 what you wrote in your report, and which ones are
9 different.

10 A. I just -- it's difficult to respond to your
11 question, because I have not had the opportunity to
12 go through all 20 of those points and determine
13 which exact or even similar derivative to the
14 report that I submitted.

15 Q. Okay, well, let's go through it --

16 A. That's difficult.

17 Q. And let's go through the 20, and you tell
18 me which of the 20 are true, and which of the 20
19 are false as written in that letter. Go ahead.

20 A. I can't tell you what's true and false.

21 Q. Well, you can based on your observations.

22 MR. OXENHANDLER:

23 He just answered. He's not going to do
24 that. This was written by somebody else.
25 You have an opportunity to ask them where

1 they got this information from. Not my
2 client. You're not going to answer this.

3 MS. CRAFT:

4 Yes, he is.

5 MR. OXENHANDLER:

6 No, because it's harassing. He said --

7 MS. CRAFT:

8 It's not harassing.

9 MR. OXENHANDLER:

10 It's absolutely harassing.

11 MS. CRAFT:

12 He hasn't had any harassing --

13 MR. OXENHANDLER:

14 Because you're asking him --

15 MS. CRAFT:

16 I did ask the other witnesses where
17 they got the information from, and they
18 said from his report.

19 MR. OXENHANDLER:

20 That's fine.

21 MS. CRAFT:

22 I'm just asking him because he makes
23 these vague comments about verbiage. They
24 are 1 through 20. They're not very long.
25 And tell me which ones he thinks are true

1 or false. And I'll add to that, sir --

2 MR. OXENHANDLER:

3 None of these things are --

4 MS. CRAFT:

5 Which ones that you can't --

6 MR. OXENHANDLER:

7 None of these things --

8 MS. CRAFT:

9 -- that you can't comment on?

10 MR. OXENHANDLER:

11 None of these points are verbatim what
12 he wrote in his report.

13 MS. CRAFT:

14 You're going to establish that and
15 stipulate?

16 MR. OXENHANDLER:

17 Is that what you're asking him?

18 MS. CRAFT:

19 Is that what you're stipulating to,
20 that none of the 20 are verbatim to what he
21 wrote in that report?

22 MR. OXENHANDLER:

23 Well, he's going to have to go through
24 each one --

25 MS. CRAFT:

1 That's fine.

2 MR. OXENHANDLER:

3 -- to see if somebody else used his
4 verbiage in this report.

5 MR. FALCON:

6 It's 1:10. Let's take a break.

7 MS. CRAFT:

8 Okay.

9 (Lunch recess was taken.)

10 Back on the record.

11 BY MS. CRAFT:

12 Q. It occurred to me, sir, while I was having
13 lunch, you mentioned that when you saw the
14 suspicious vehicle on or about February 21, 2018,
15 you told me that it was pulling into or was at the
16 entrance of your subdivision; is that right?

17 A. Yes, ma'am. Whatever that drive is, Jamar
18 subdivision I guess.

19 Q. Right. But you don't actually live on the
20 road going into the subdivision; you live on the
21 state road, correct?

22 A. Yes.

23 Q. And so when you say it was pulling into
24 your subdivision, it was actually pulling into a
25 subdivision that's down the road from your house,

1 right? It was parked there?

2 A. That's incorrect. My lot is part of the
3 subdivision.

4 Q. I get it. But when you speak of
5 "subdivision," I guess in my mind I was thinking
6 the road going into the subdivision. It's one way
7 in and one way out, right?

8 A. Yes.

9 Q. But that's not how you get to your house?

10 A. No.

11 Q. Your house is actually on the state road?

12 A. That's correct.

13 Q. Down the street from the one-way-in and
14 one-way-out entrance to the subdivision?

15 A. Yes.

16 Q. And you told me that, when you saw the
17 vehicle, you were pulling into your driveway off
18 the state road?

19 A. Yes.

20 Q. And then you pulled back out of the
21 driveway, and you went down and followed the silver
22 car; is that right?

23 A. I went down to where it was, and it sped
24 away.

25 Q. Okay. And then you engaged in following it

1 for a period of time; is that right?

2 A. Yes.

3 Q. And you told me it happened at 3:25 in the
4 afternoon?

5 A. Yes.

6 Q. And that your son was scheduled to get off
7 the bus at 3:30 in the afternoon?

8 A. That's about the time that he normally gets
9 off the bus, yes.

10 Q. So am I correctly assuming that you left
11 the house to follow the silver vehicle and left
12 your son to get off the bus alone?

13 A. Yes.

14 Q. So you weren't scared about your son being
15 left at your house?

16 A. No.

17 Q. Okay, that's why I was asking.

18 Now, I did ask you about the letter which I
19 had -- and that was the first letter dated July 11,
20 2016, which is in front of you --

21 MS. CRAFT:

22 And I believe, if I'm not mistaken,
23 that we agreed or stipulated that the items
24 1 through 20 are not verbatim to what's
25 contained in your report. Is that correct,

1 Counsel?

2 MR. OXENHANDLER:

3 Yes. There are three items that he'll
4 tell about that are a little -- more
5 different than the others.

6 BY MS. CRAFT:

7 Q. Got it. That's what I need to ask you if
8 you don't mind.

9 MR. OXENHANDLER:

10 Go over those items.

11 THE WITNESS:

12 Are you waiting on me?

13 BY MS. CRAFT:

14 Q. Yes, sir.

15 A. Number 10, yeah, I didn't -- I didn't write
16 that question. It appears it's possibly based on
17 the report, but I didn't -- I didn't write that
18 sentence.

19 Q. Okay.

20 A. Number 19, with the exception of the word
21 "stroke," I didn't write that sentence. It appears
22 to be based on the report.

23 Q. The use of the word "stroke"?

24 A. Yes.

25 Q. Okay.

1 A. And Number 20, I didn't -- I did not write
2 that sentence.

3 Q. Okay.

4 A. All of the others, again, appear to be
5 based on the report. But I didn't -- I didn't
6 write those.

7 Q. Now, you were in Narcotics; were you not?

8 A. I was.

9 Q. And before my client's daughter was
10 arrested for DWI, you arrested her for a narcotics
11 violation, correct?

12 A. That's incorrect. I did not.

13 Q. Somebody did, right?

14 A. Yes, she was arrested.

15 Q. In fact, you called my client and gave him
16 a heads up about his daughter and said, I'm not
17 sure if we're going to arrest her or not. And then
18 you called him back and said, we're going to have
19 to go ahead and arrest her because she was at the
20 residence, something like that, right?

21 A. That I don't recall. That's very possible.
22 I recall his daughter getting arrested, but I don't
23 recall having a conversation with him about we're
24 going to have to arrest her kind of thing.

25 Q. But you do recall calling him and giving

1 him a heads up; your daughter is going to be
2 arrested, or she's with some narcotics people?

3 A. That's very possible. Another agent was
4 handling the case.

5 Q. It was an undercover operation, correct?

6 A. I would agree with that.

7 Q. And so while the undercover operation was
8 in progress, you called my client and said, Your
9 daughter is at this house that we are actively
10 surveilling for narcotics?

11 A. That is incorrect.

12 Q. And what did you say --

13 A. Absolutely not. I know I didn't say that.

14 Q. What did you say?

15 A. I don't recall that, but I know for a fact
16 that I wouldn't call him and give him a heads up
17 about an undercover narcotics investigation. That
18 -- that is absolutely untrue.

19 Q. Well, tell me what you do remember about
20 contacting my client relative to his daughter being
21 arrested in a narcotics situation before the DWI.

22 A. I don't recall having a conversation with
23 him.

24 Q. But you know his daughter got arrested,
25 right?

1 A. Yes.

2 Q. And when was that?

3 A. I don't recall the date.

4 Q. Was it in the year 2015, as well?

5 A. I don't know that, either. In 2015, I was
6 not in Narcotics.

7 Q. Okay. Do you recall whether or not it was
8 a State Police arrest of his daughter?

9 A. No, I don't.

10 Q. So who did you get the heads up from about
11 arresting Calvin's daughter in this narcotics
12 thing?

13 A. I don't recall getting a heads up.
14 Actually, I don't recall -- I don't even know when
15 she was arrested. If you give me a date, then I
16 may be able to narrow that down. But I don't
17 recall what date she was arrested.

18 Q. What do you remember about her arrest for
19 narcotics?

20 A. That Rick Horton was the investigating
21 officer.

22 Q. Rick, who?

23 A. Richard Horton.

24 Q. H-O-R-T-O-N?

25 A. Yes.

1 Q. And he's with whom?

2 A. He is with the -- he was with the State
3 Police Narcotics.

4 Q. Okay.

5 A. He was involved in the case. I don't even
6 know my role then. Again, if I had a date and
7 time, I can specify what I was doing at the time.

8 Q. And in connection with that arrest, you're
9 aware that my client's daughter hired a lawyer,
10 right?

11 A. No, I'm not.

12 Q. Do you know what happened to that process?

13 A. No, I don't.

14 Q. My client certainly didn't threaten anybody
15 about his daughter getting arrested in a narcotics
16 bust, right?

17 A. I don't recall him threatening anyone.

18 Q. When she was arrested in the narcotics
19 thing, that was for a major felony; is that
20 correct, as opposed to a misdemeanor DWI?

21 A. I don't know what she was charged with.

22 Q. You don't?

23 A. I do not.

24 Q. Now, did you talk to my client's wife on
25 the phone?

1 A. I don't recall ever talking to his wife on
2 the phone.

3 Q. This business about his wife's ticket,
4 you're telling me that came straight from the
5 sheriff; not from my client's wife?

6 A. I don't recall ever talking to his wife on
7 the phone.

8 Q. Have you socialized with his wife?

9 A. No.

10 Q. Have you and your wife ever socialized with
11 Calvin and his wife?

12 A. No.

13 Q. Okay.

14 A. We've been at the same location. May have
15 passed by and said hello and went on our merry way.

16 Q. Did y'all ever have dinner together?

17 A. I don't recall ever having dinner with my
18 wife and him and his wife.

19 Q. Did you ever have dinner with Calvin?

20 A. Yes, I did.

21 Q. When?

22 A. It was during the Central State Troopers
23 Coalition Annual Conference they had in New
24 Orleans. I don't remember the date or year.

25 Q. Okay. Was it just you and he at dinner?

1 A. No, it was him, it was me. It was Murphy
2 Paul and Thurman Miller as I recall.

3 Q. And who paid for dinner?

4 A. Mr. Braxton did.

5 Q. Was Mr. Braxton on the commission at the
6 time?

7 A. He may have been. I don't know.

8 Q. And you were a State Trooper at the time?

9 A. Yes.

10 Q. And where did you have dinner?

11 A. I guess it was at the Intercontinental
12 Hotel --

13 Q. And do you know if your dinner was in
14 excess of, what, \$75? \$60, \$50?

15 A. My dinner? I don't know.

16 Q. You didn't pay for it?

17 A. No, I didn't.

18 Q. Now, in Exhibit #22 -- and I don't want to
19 reinvent the wheel -- but I notice you did draw
20 lines in blue ink on some of the versions of your
21 report, and that looks like to me like it's the
22 first -- again, I don't want to spend a lot of time
23 on this -- but I think it's about the first
24 15 pages or so, three versions. That might help.
25 It's Exhibit -- his notes -- Exhibit #22.

1 Can you explain to me why you wrote the
2 notes that you did?

3 A. Are you asking me why I underlined?

4 Q. Yes.

5 A. I would imagine in anticipation of you
6 possibly asking that question as to --

7 Q. Why is it different?

8 MR. OXENHANDLER:

9 You've got to let him finish.

10 MS. CRAFT:

11 Sorry; I thought he was done.

12 BY MS. CRAFT:

13 Q. That's my bad, but he'd taken a breath and
14 I thought you were done. You're not done?

15 A. No, I'm not.

16 Q. Okay.

17 A. As to why it took so long to write the
18 report.

19 Q. And so you underlined that portion that's
20 in your hand that reads, it's on page --

21 A. This one here.

22 Q. -- 3 of 5 for the record in your exhibit,
23 it's the portion, the first portion that's
24 underlined in blue; is that right?

25 A. No, it's the second portion that's

1 underlined in blue.

2 Q. Which reads, what?

3 A. "Mr. Braxton stated he was not through with
4 the issue."

5 Q. And so you underlined that because you
6 thought I was going to ask you why did it take you
7 so long to write the report?

8 A. Yes.

9 Q. And you did that last night or this
10 morning?

11 A. That was last night after I was attempting
12 to review the information in preparation.

13 Q. What else did you review, except beyond
14 what's contained in Exhibit #22, in preparation for
15 your deposition?

16 A. I'm not sure. It was a lot of stuff
17 notated in the documents. You'll have to refer to
18 that.

19 Q. I'm asking you, sir. I wasn't with you
20 last night or this morning, so I'm just asking what
21 documents you have reviewed. We've gone through a
22 bunch today. So I guess a better way is, Are there
23 documents that you reviewed that we have not talked
24 about or looked at today?

25 A. No, no.

1 Q. Like e-mails or other reports or anything
2 else? Any notes that you made?

3 A. There are a bunch of notes that I made not
4 specific to this particular page, I guess.

5 Q. And what does that mean?

6 A. There's some notes made on the Facebook
7 post.

8 Q. Okay, beyond the notes that are made on
9 Exhibit #22, my question to you is, In preparation
10 for this deposition, did you review any other
11 documents that you and I have not looked at and
12 discussed today during your deposition?

13 A. No, no, no, no.

14 Q. Are there any other notes that you kept or
15 made about this situation?

16 A. No.

17 Q. Did you ever have a conversation with the
18 sheriff about your Facebook post?

19 A. Yes.

20 Q. Tell me about that. Because, remember, I
21 asked you conversations. Tell me what you talked
22 to the sheriff about with respect to your post.

23 A. If I'm not mistaken, he called me to see if
24 I was okay, or to make sure everything was okay.
25 And he also mentioned that it was uncharacteristic

1 of me to write a Facebook post such as that.

2 Q. What did he say specifically?

3 A. That's all I can recall.

4 Q. Did he tell you that you were wrong for
5 doing what you did?

6 A. No, he did not.

7 Q. Did he tell you that he was concerned that
8 what you did was going to cause issues?

9 A. I don't recall that at all.

10 Q. Did he ask you why you would have written a
11 Facebook posting like you did?

12 A. I don't recall that, either.

13 Q. In the Facebook posting, the person that
14 you're referring to as the local Natchitoches
15 businessman and wealthy businessman, and the person
16 who has caused you the concerns that you outline in
17 your Facebook post, that is my client; is that
18 correct?

19 A. That is correct. Without listing his name
20 in the report, yes.

21 Q. You mean in the Facebook posting?

22 A. In the Facebook posting, yes.

23 Q. Had you spoken publicly about your fear of
24 my client attacking you or intimidating you or
25 harming you? And let me phrase it a different way.

1 Did you speak to anyone outside of State
2 Police besides the sheriff -- we talked about
3 him -- about your fear of my client?

4 A. I don't recall. It's possible.

5 Q. Before you posted the April 3rd -- it is
6 possible? Let me ask you who? Sorry. Who have
7 you spoken to about your fear that my client may
8 harm you?

9 A. Again, I don't recall exactly who I spoke
10 to, or if I spoke to anybody about him actually
11 harming me.

12 Q. In your Facebook posting, you say, "I have
13 recently been advised this individual has been in
14 contact with various media outlets, pressuring them
15 to release coverage including that he has proof,"
16 and "proof" is in quotes, "that I've committed or
17 have been committing some form of payroll fraud."

18 Where did that information come from?

19 A. That came from T. J. Doss.

20 Q. Mr. Doss told you that my client had been
21 talking to media outlets?

22 A. Yes.

23 Q. You heard Mr. Doss testify yesterday. Was
24 his testimony accurate?

25 A. I don't recall word for word his -- the

1 information he presented. But that's where I get
2 the information from, T. J. Doss.

3 Q. And what do you remember from Mr. Doss
4 specifically about this business, about pressuring
5 media outlets to release coverage, and having proof
6 you committed or have been committing some sort of
7 payroll fraud?

8 A. As I recall, he mentioned that Mr. Braxton
9 had either contacted or attempted to contact some
10 media outlets in the Baton Rouge area, and possibly
11 in the north Louisiana area, regarding what story
12 that he wanted pushed out. Because I was at the
13 house when I wasn't supposed to.

14 Q. That's what Mr. Doss told you?

15 A. Yes.

16 Q. Did he tell you which media outlets?

17 A. No, he didn't.

18 Q. Okay.

19 A. He stated a friend of his had called.

20 Q. Did he tell you which friend?

21 A. No, he did not tell me a name.

22 Q. Was there occasion where you were at the
23 house and you were at work?

24 A. Yes.

25 Q. Okay. And why?

1 A. Several reasons, to stop and get a drink.
2 To stop and use the bathroom. To stop and check on
3 the kids or my son. Stop and visit my wife. Get
4 on a conference call. I mean, it could have been
5 multiple reasons.

6 Q. Okay. So when you wrote in your Facebook
7 page that my client did that, you based it solely
8 on what Mr. Doss said to you?

9 A. About the media outlets, yes.

10 Q. You did not attempt to verify that beyond
11 Mr. Doss?

12 A. No, I did not.

13 Q. And you and Mr. Doss's relationship is one
14 of friendship?

15 A. I would call him a friend.

16 Q. You socialize together?

17 A. No.

18 Q. You wrote, "This is a clear and obvious
19 attempt to continue to intimidate and retaliate
20 against me for not giving him what he wanted in
21 that I adamantly refused to reassign or relocate
22 the officer who arrested his daughter."

23 What are you talking about in terms of an
24 attempt to continue to intimidate and retaliate? I
25 have the silver car incident. Just in all

1 fairness, that's what you told me, the silver car.

2 A. Yes.

3 Q. What else?

4 A. Well, him contacting Colonel Edmonson.

5 And, again, the fact that I felt like I was being
6 followed, I guess if you want me to answer.

7 Q. Which you were never able to verify; is
8 that correct?

9 A. No. I didn't verify it, no.

10 Q. Okay. And when you say among the three
11 items that form the basis for your statement that,
12 prior to the media thing, this was intimidation and
13 retaliation was the contacting of Colonel Edmonson.

14 But you know that my client never asked
15 Colonel Edmonson to do anything about you, right?

16 A. Yes. But he contacted him so...

17 Q. Okay. But Colonel Edmonson is a public
18 official just like you are?

19 A. Correct.

20 Q. And any member of the public can call him,
21 just like any member of the public can call you?

22 A. Correct.

23 Q. So there's nothing about the contact
24 between my client and Colonel Edmonson that you
25 felt was threatening, intimidation or retaliation?

1 But it was the fact that my client called
2 Colonel Edmonson?

3 A. Yes, I guess I agree with that.

4 Q. So in terms of your statement about --
5 continuing -- I have four incidents. I have
6 contacting Colonel Edmonson, the silver car that
7 you felt like you were being followed, and that
8 T. J. Doss told you that my client had been in
9 contact with media outlets pressuring them to
10 release coverage, including proof that you had
11 committed payroll fraud. The four things; is that
12 right?

13 A. And there may be more. I'm not sure. But
14 that's all I can recall at this point, yes.

15 Q. When you wrote this, "This is a clear and
16 obvious attempt to continue to intimidate and
17 retaliate against me," just for the record, you
18 were a member of the Louisiana State Police; is
19 that correct?

20 A. Yes.

21 Q. And that is a fact prominently displayed on
22 your Facebook page; isn't that right?

23 A. I don't think so.

24 Q. You don't identify yourself in a uniform,
25 sir?

1 A. No. On Facebook?

2 Q. Yes, sir.

3 A. No.

4 Q. You don't identify yourself as a police
5 officer?

6 A. I don't think so. I'll have to go and
7 look, but I don't think so.

8 Q. Okay, and you make this statement. "Due to
9 the decision I made in December of 2015, not only
10 am I still paying for it, but the arresting officer
11 is, as well."

12 How are you paying for something?

13 A. I guess I'm paying for it because of -- I
14 guess prior to that, just having to -- the
15 pressures of day to day, the discomfort and the
16 concern for my safety I guess.

17 Q. Okay. And then you said, "...the arresting
18 officer, as well." That's Linebaugh? You're
19 telling me in April of 2018 he was, quote, paying
20 for it? How?

21 A. Well, I think at some point he felt like he
22 was being followed, as well. So to us to have
23 somebody follow you, yeah, that's a sense of paying
24 for decisions you've made. But you will have to
25 get that from him so...

1 Q. You wrote, "Through it all, I have truly
2 received the overwhelming support of people like
3 you from different states across the country who
4 know the story."

5 Who are those people across the country?

6 A. I don't know who they are.

7 Q. Well, why did you write that?

8 A. There are people that are aware of that
9 situation, but I can't tell you -- I don't know on
10 a name-by-name basis who they are.

11 Q. Okay. Why did you make this statement, "I
12 have truly received the overwhelming support of
13 people like you from different states across the
14 country who know the story"?

15 What is the story?

16 A. I guess you could say the story of
17 Mr. Braxton and how he was with Trooper Linebaugh.

18 Q. I'm not asking you to guess what I could
19 say. I'm asking you what you meant when you wrote
20 that.

21 A. Well, if I had to narrow it down, that
22 would probably be it.

23 Q. Had you previously posted the story, so to
24 speak?

25 A. Me? No.

1 Q. Had someone else to your knowledge, like
2 your wife?

3 A. No.

4 Q. Or your son or somebody in your family?

5 A. No, no.

6 Q. Did you have links on your Facebook page to
7 any media coverage about Mr. Braxton? Like, the
8 Channel 9 story, for example?

9 A. I don't think so, no.

10 Q. Any of them?

11 A. I don't think I -- I even got involved with
12 disseminating that information to anybody, no.

13 Q. Do you know of anyone who did?

14 A. No, I don't.

15 Q. Okay. So this statement about you, people
16 across different states, across the country who
17 know the story, that was a guess on your part? Or
18 was that an informed statement that you knew, the
19 situation about Calvin Braxton and the allegations
20 that had been made by the LSTA, and you had, in
21 fact, disseminated across the United States?

22 A. It wasn't specific to the LSTA, and I don't
23 -- I don't recall to be honest with you. I don't
24 recall -- I don't recall what story. There isn't a
25 specific story. I think there are people that are

1 aware or maybe were aware of the incident regarding
2 Mr. Braxton. A culmination of those incidents.

3 Q. You knew that people had read and seen
4 contents of your report throughout the United
5 States? You knew that?

6 A. I'm not sure who or where they read it
7 from. But I would guess, yes.

8 Q. And you knew, when you created your
9 Incident Report, that it would become a public
10 record meaning it could be accessible?

11 A. Yes, if somebody wanted it, yes.

12 Q. And that was the point from what you told
13 me with respect to Major Reeves, was that you would
14 do the report? It would be a public record, and
15 then LSTA, at least, could get a copy of it?

16 A. If they wanted a copy of it, yes.

17 Q. You said, "Thank you for your -- thank you
18 for your prayers and support as I continue to deal
19 with this true definition of a tyrant."

20 Calvin Braxton is a tyrant?

21 A. I felt like he was at the time.

22 Q. Do you still feel like he's a tyrant?

23 A. He may have changed his ways some. I'm not
24 sure.

25 Q. In what ways did he ever treat you as a

1 tyrant?

2 A. Treated me as a tyrant?

3 Q. Yes.

4 A. I'm not sure how to answer your question.

5 Q. Well, you wrote it.

6 A. I did.

7 Q. So I'm asking.

8 A. I'm not sure how to answer.

9 Q. In what ways did my client treat you or in
10 general behave as a tyrant? What did he do?

11 A. Well, one of the main things, if you look
12 in the report -- or the Facebook post -- the
13 suspicious vehicle. This was the focal point for
14 the post, as well as the information received from
15 T. J. Doss.

16 Q. And then you answered my question because
17 at the end you write, "Why Facebook? Social media
18 is where people stay somewhat informed."

19 You knew when you posted this on Facebook
20 that this was going to be disseminated to a large
21 number of people, correct?

22 A. No, I did not know.

23 Q. Well, then, why did you write this part,
24 "Why Facebook? Social media is where people stay
25 somewhat informed"?

1 Did you anticipate that what you wrote on
2 your Facebook post would be disseminated to
3 somebody other than yourself?

4 A. Well, it's posted on my Facebook posts, and
5 I guess -- I'm not sure if everybody -- not
6 everybody has access to it. Maybe my friends, and
7 I think I have -- I'm not sure how many friends
8 I've got on Facebook.

9 Q. When you write, "Why Facebook?" That's you
10 answering the question? Why did you choose to
11 submit this missive on Facebook, right? You wrote
12 why did I do it here on Facebook? Because it's how
13 people stay informed.

14 A. That's what I wrote, yes.

15 Q. And that's what you meant? You wanted to
16 make sure that people saw what you were writing,
17 right?

18 A. I don't think I was trying to make sure
19 people saw what I was writing. That didn't even
20 cross my mind at the time, making sure they saw.
21 But I did post it.

22 Q. How many people contacted you about your
23 Facebook posting?

24 A. I don't recall a specific number, nor do I
25 recall who they were.

1 Q. Not a single person you can recall?

2 A. No.

3 Q. Except for that one woman you told us,
4 Carey, who you said you think was following
5 Mr. Linebaugh in his divorce?

6 A. I'd have to look at the date on when she
7 sent me the message, but I think it was somewhere
8 close to that. I had talked to her before on
9 Facebook.

10 Q. About?

11 A. I mean, she's in the community watch group
12 and so, I mean, she'll -- you know, mainly she
13 talks about, I think, loose animals or something
14 like that.

15 Q. Did you ever post anything on that
16 community watch group about I think somebody is
17 following me? Or, Help, help? Or, Check my house?
18 Or, Calvin Braxton is doing this?

19 A. No.

20 Q. Now, did you get contacted by people in
21 other states after your Facebook posting in April
22 of 2018?

23 A. I think maybe some relatives.

24 Q. From where?

25 A. I don't recall who -- well, I have some

1 relatives that live in -- who live in Dallas. Some
2 brothers, my two brothers. Specifically one that
3 lives in Rowlett.

4 Q. Rawlett, R-A-W-L-E-T-T?

5 A. It's R-O-W-L-E-T-T.

6 Q. Texas?

7 A. Yes. It's Rowlett, Texas. And Garland,
8 Texas.

9 Q. And what did your brother say to you about
10 your post?

11 A. They just asked me was I okay? They didn't
12 specify posts, and I was -- yeah, I don't remember
13 the exact conversation. But they just asked was
14 everything okay? Was I okay?

15 Q. Your brothers' names are?

16 A. Greg Oliphant or Gregory Oliphant and
17 Kenneth Oliphant.

18 Q. Okay. Which one is where?

19 A. Gregory Oliphant is in Rowlett, Texas. And
20 Kenneth Oliphant is in Garland, Texas.

21 Q. Have you taken steps to withdraw your
22 Facebook posting?

23 A. Withdraw this?

24 Q. Yes.

25 A. This posting?

1 Q. Yes.

2 A. It was -- I think I removed it from public
3 view maybe the next -- like, the next day.

4 Q. Why?

5 A. I removed it because -- I don't recall the
6 conversation or who I had it with. I'm trying to
7 remember. I removed it because I felt like it may
8 have generated some concern for me, and that was
9 not the intent. That was not -- it's not why, you
10 know, I posted anything on Facebook. I was -- I
11 was upset that T. J. Doss had contacted me. I was
12 just kind of fearful, so that was basically it.

13 Q. So you posted it because you were upset and
14 you were fearful?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes, I'm sorry.

18 Q. And there was some allegation, at least in
19 my client's deposition, about him going into the --
20 Man, I'm always going to get that place wrong --
21 the Zippy B's or wherever it is, people have coffee
22 and he has coffee in the morning and waving the
23 Facebook page or having it with him. Where is that
24 coming from?

25 A. Craig Brown.

1 Q. Craig Brown?

2 A. Craig Brown stated that he printed it out
3 and was showing people in Zippy B's.

4 Q. Craig Brown said my client printed it out?

5 A. Well, he said he had it with him.

6 Q. Uh-huh.

7 A. I don't know who printed it out. I don't
8 know how he got it.

9 Q. He had it with him and was showing people?

10 A. That's my understanding, yes.

11 Q. Did you get a statement from Craig Brown?

12 A. No.

13 Q. When did Craig Brown tell you this?

14 A. I don't recall. It was sometimes after
15 that. I don't recall.

16 Q. So I know you said you removed the posting
17 from public view. But it's still viewable by how
18 many people on your Facebook page?

19 A. I think it's viewable only by me. It's not
20 viewable by public view.

21 Q. Did anybody else tell you that my client
22 had the Facebook posting and was showing it to
23 people other than Mr. Brown?

24 A. I don't recall that.

25 Q. Is Mr. Brown running for sheriff?

1 A. Craig Brown? No, not that I know of.

2 Q. Do you know if Mr. Wilson is running for
3 sheriff?

4 A. I think there may have been some
5 conversations about him running for sheriff, but I
6 don't think -- I haven't seen anything to indicate
7 that he is running for sheriff.

8 Q. Is it your position that Mr. Wilson thinks
9 that Mr. Braxton was mean to you or hurt you or
10 abused you or scared you?

11 A. No.

12 Q. Did you know Mr. Wilson asked my client for
13 help in running for sheriff last week?

14 A. No.

15 Q. Did you know that Mr. Brown asked my client
16 for help two weeks ago?

17 A. For what?

18 Q. Help, did you know that?

19 A. No, I think he's an employee if I'm not
20 mistaken.

21 Q. Okay. And so when was the last time you
22 talked to Craig Brown about my client?

23 A. Oh, it's been -- I talked to Craig? -- I
24 may have contacted him a couple of weeks ago
25 indicating that the attorney may reach out to him.

1 Q. Okay. And what did he say?

2 A. He said that -- as I recall, I think he may
3 have said, okay, he'll talk to him.

4 Q. When you reached out to Craig Brown, was he
5 employed by my client?

6 A. I'm not sure of that.

7 Q. Is he still employed by my client, or do
8 you know?

9 A. I don't know that, either.

10 Q. Did you ask?

11 A. No, I didn't.

12 Q. You were asked, or there was some
13 discussion about a Mike Braxton. Do you know who
14 he is?

15 A. Mike Braxton is the head of Public Works,
16 the Public Works Department in Natchitoches I
17 think. I'm not sure.

18 Q. Do you know him?

19 A. Yes.

20 Q. He's not a relation to my client even
21 though they have the same last name, correct?

22 A. I don't know that.

23 Q. And did you talk to Mike Braxton about my
24 client?

25 A. If I recall, years ago, yes. And also I

1 told him that the attorney may reach out to him, as
2 well.

3 Q. Who else did you tell the attorney may
4 reach out to them?

5 A. I don't recall that. I'm not sure.

6 Q. Did you know Mike Braxton was suing my
7 client?

8 A. Yes.

9 Q. He told you that, right?

10 A. Yeah, he told me that awhile back, yeah.

11 Q. Did he tell you why?

12 A. I think there was an issue with a vehicle
13 or something like that. He didn't go into great
14 detail.

15 Q. A car that he bought that he claims is a
16 lemon and wants to take it back because he has
17 buyer's remorse, that kind of lawsuit?

18 A. As I recall, it may have been something
19 came off the vehicle. I don't know the details. I
20 don't know.

21 Q. And to your knowledge, are there any
22 witnesses or evidence besides you saying I saw a
23 silver car that some silver car was actually ever
24 following you?

25 A. No.

1 Q. And you did not take a photograph of the
2 silver car, correct?

3 A. No, I didn't.

4 Q. You said you've taken photographs of other
5 suspicious vehicles. Are those still on your
6 phone?

7 A. I don't think so. I think I deleted them
8 after -- I wasn't seeing the same vehicles anymore,
9 so I kind of just -- but I still watch my back. I
10 mean, I'm a police officer so I have to.

11 Q. When did you delete the photographs from
12 your phone of the suspicious vehicles that you said
13 you photographed?

14 A. I don't know. I would have to go back and
15 -- hell, they may still be in there. I don't know.

16 Q. Okay. So you don't know if you deleted
17 them, and you may still have them?

18 A. I don't.

19 Q. Did anybody tell you anything about
20 preserving electronic information?

21 A. No.

22 Q. After this lawsuit was filed, did you take
23 any efforts to preserve any text messages, phone
24 records, or photographs that you have, and e-mails,
25 regarding Mr. Braxton, or any interactions you have

1 had with him?

2 A. Did I take any effort --

3 Q. To preserve them?

4 A. No, I don't recall destroying anything or
5 getting rid of anything if that's what you're
6 asking.

7 Q. Have you looked at your call logs on your
8 phone relating to your contacts with Mr. Braxton?

9 A. Yeah, I got -- I think I got them and gave
10 them to the attorney. I did not look at them line
11 by line, no.

12 Q. That was Exhibit #7. Did you pull more of
13 your phone records?

14 A. No. What actually happened is that I --
15 when I contacted AT&T about getting the phone
16 records, I asked them for the month of December.
17 And as I recall, they may have sent me the billing
18 cycle, which is mid November to mid December. I'm
19 actually going to contact them to get the rest of
20 the phone records if I need to.

21 MS. CRAFT:

22 That's all I have.

23 MR. FALCON:

24 I don't have anything.

25 MR. OXENHANDLER:

1 I just have a couple of questions.

2 * * * * *

3 EXAMINATION

4 BY MR. OXENHANDLER:

5 Q. Mr. Braxton, I mean, Mr. Oliphant, Steve
6 Oxenhandler.

7 Did you play any part or participate in the
8 writing of the July 11, 2016, LSTA letter to
9 Governor Edwards?

10 A. No, I did not.

11 Q. Did you know the LSTA was planning on
12 sending a letter to Governor Edwards?

13 A. I'm trying to think. I don't recall.
14 That's possible, but I don't recall that.

15 Q. Did you know the LSTA was going to attach
16 your June 2, 2016, Incident Report to the LSTA
17 July 11, 2016, letter to Governor Edwards?

18 A. No, I didn't.

19 Q. Did you give the LSTA permission to attach
20 your June 2, 2016, Incident Report to the LSTA's
21 July 11, 2016, letter to Governor Edwards?

22 MS. CRAFT:

23 Object to the form.

24 THE WITNESS:

25 No, I did not.

1 BY MR. OXENHANDLER:

2 Q. And did you ask the LSTA, or anyone else
3 with the LSTA, to attach your June 2, 2016,
4 Incident Report to the LSTA's July 11th letter to
5 Governor Edwards?

6 A. No.

7 Q. Did you play any part in the writing of the
8 LSTA June 19, 2017, letter to Governor Edwards?

9 A. No.

10 MS. CRAFT:

11 Object to the form.

12 BY MR. OXENHANDLER:

13 Q. Did you know the LSTA was going to attach
14 your June 2, 2016, Incident Report to the LSTA
15 June 19, 2017, letter to Governor Edwards?

16 A. No.

17 Q. Did you give the LSTA permission to attach
18 your June 19, 2016, Incident Report to the LSTA's
19 June 19, 2017, letter to Governor Edwards?

20 MS. CRAFT:

21 Object to the form.

22 THE WITNESS:

23 No.

24 MR. OXENHANDLER:

25 What was my last question?

1 THE COURT REPORTER:

2 "Question: Did you give the LSTA
3 permission to attach your June 19, 2016,
4 Incident Report to the LSTA's June 19,
5 2017, letter to Governor Edwards?"

6 BY MR. OXENHANDLER:

7 Q. Let me rephrase that question.

8 Did you give the LSTA permission to attach
9 your June 2, 2016, Incident Report to the LSTA June
10 19, 2017, letter to Governor Edwards?

11 A. No.

12 MS. CRAFT:

13 Object to the form.

14 THE WITNESS:

15 No.

16 MR. OXENHANDLER:

17 Those are all the questions I have.

18 MS. CRAFT:

19 Some follow-up.

20 * * * * *

21 RE-EXAMINATION

22 BY MS. CRAFT:

23 Q. You knew, sir, assuredly that your Incident
24 Report was a public record, correct?

25 A. Yes.

1 Q. And you do not, as a State Police person,
2 have the authority to withhold the production of
3 public records, correct?

4 A. Correct.

5 Q. And as reflected in the documents that
6 we've reviewed with you, you knew the purpose of
7 you producing the report was to ensure it would be
8 a public record, correct?

9 A. Well, I knew it probably would become a
10 public record, yes.

11 Q. Well, in fact, sir, that's exactly what you
12 said on May 10th; that was the discussion. That
13 you would produce the report, and if LSTA wanted
14 it, they could get it by a Public Records Request?

15 A. Yes.

16 Q. And so you knew, when you produced it as a
17 report, it was a public record that anyone could
18 access, correct?

19 A. Yes, through a Public Records Request, yes.

20 MS. CRAFT:

21 That's all I have.

22

23 (Thereupon, at 2:30 p.m., the taking of the
24 witness' testimony was concluded.)

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I, MAJOR JAY OLIPHANT, the undersigned, do hereby certify that I have read the foregoing deposition taken on Wednesday, June 26, 2019, and it contains a true and accurate transcript of the testimony given by me, before Tamra K. Kent, CCR.

() Without Corrections

() With corrections as reflected on the Errata Sheet(s) prepared by me and hereto attached consisting of pages.

WITNESS SIGNATURE
MAJOR JAY OLIPHANT

DATE SIGNED

1 C E R T I F I C A T E

2

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

6

7 I, Tamra K. Kent, Certified Court Reporter
8 in and for the State of Louisiana, as the officer
9 before whom this testimony was taken, do hereby
10 certify that MAJOR JAY OLIPHANT, to whom the oath
11 was administered, after having been first duly
12 sworn by me upon authority of RS 37:2554, did
13 testify as hereinbefore set forth in the foregoing
14 252 pages;

15 That this testimony was reported by me in
16 stenographic machine shorthand, was prepared and
17 transcribed by me or under my personal direction
18 and supervision, and is a true and correct
19 transcript to the best of my ability and
20 understanding;

21 That the transcript has been prepared in
22 compliance with transcript format guidelines
23 required by statute or by rules of the board, and
24 that I am informed about the complete arrangements,
25 financial or otherwise, with the person or entity

1 making arrangements for deposition services; that I
2 have acted in compliance with the prohibition on
3 contractual relationships, as defined by Louisiana
4 Code of Civil Procedure Article 1434 and in rules
5 and advisory opinions of the board; that I have no
6 actual knowledge of any prohibited employment or
7 contractual relationship, direct or indirect,
8 between a court reporting firm and any party
9 litigant in this matter, nor is there any such
10 relationship between myself and a party litigant;

11

12 That I am not related to counsel or to the
13 parties herein, nor am I otherwise interested in
14 the outcome of this matter.

15

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18 Tamra K. Kent 83070
19 Certified Reporter in and for
the State of Louisiana

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