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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA : CRIMINAL ACTION
VERSUS : NO. 12-87
MURPHY J. PAINTER : HON. JAMES J. BRADY
: NOVEMBER 15, 2013

=====

EXCERPT OF CONTINUATION OF EVIDENTIARY HEARING ON THE MOTION
IN LIMINE, MOTION TO DISMISS AND MOTION IN LIMINE TO BAR
INTRODUCTION OF OIG INVESTIGATIVE REPORT

=====

A P P E A R A N C E S

FOR THE GOVERNMENT:

M. PATRICIA JONES, ESQ.
CAM T. LE, ESQ.
SHUBHRA SHIVPURI, ESQ.

FOR THE DEFENDANT:

MICHAEL S. FAWER, ESQ.
ALVIN JOSEPH ROBERT, JR., ESQ.

REPORTED BY: SHANNON L. THOMPSON, CCR

UNITED STATES COURTHOUSE
777 FLORIDA STREET
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GOVERNMENT'S WITNESS:

STEPHEN STREET

EXAMINATION BY FAWER 3, 41, 55

EXAMINATION BY JONES 36, 48

1 11-15-2013 - USA V. MURPHY J. PAINTER - 12-87

2 REPORTER'S NOTE: (MURPHY J. PAINTER, DEFENDANT, WAS
3 PRESENT IN COURT, REPRESENTED BY MICHAEL S. FAWER AND ALVIN
4 JOSEPH ROBERT, JR. M. PATRICIA JONES, CAM T. LE AND SHUBHRA
5 SHIVPURI, ASSISTANT UNITED STATES ATTORNEYS, WERE PRESENT IN
6 COURT. THIS TRANSCRIPT WILL CONSIST OF THE TESTIMONY OF
7 STEPHEN STREET ONLY, AS WAS REQUESTED.)

8 THE COURT: GOOD AFTERNOON.

9 THE WITNESS: GOOD AFTERNOON, YOUR HONOR.

10 (WHEREUPON, STEPHEN STREET, HAVING BEEN DULY SWORN,
11 TESTIFIED AS FOLLOWS.)

12 THE COURT: GOOD AFTERNOON.

13 THE WITNESS: AFTERNOON.

14 EXAMINATION

15 BY MR. FAWER:

16 Q. THANK YOU FOR BEING WITH US FOR THE THIRD DAY OVER
17 THE LAST MONTH.

18 MR. STREET, YOU ARE THE INSPECTOR GENERAL?

19 A. I AM, YES, SIR.

20 Q. AND YOU ARE THE HEAD OF THE OFFICE OF THE INSPECTOR
21 GENERAL?

22 A. THAT'S CORRECT, YES, SIR.

23 Q. AND VERY BRIEFLY, HOW LONG HAVE YOU BEEN IN THAT
24 POSITION?

25 A. I TOOK THE JOB IN JANUARY OF 2008.

1 Q. OKAY. AND COULD YOU JUST TELL THE COURT, VERY
2 BRIEFLY, YOUR BACKGROUND; YOU'RE OBVIOUSLY A LAWYER.

3 A. YES, SIR.

4 Q. JUST GIVE US A FAST SUMMARY.

5 A. I'M GLAD TO. I GRADUATED FROM LAW SCHOOL IN 1989.
6 MY -- VIRTUALLY, MY ENTIRE LEGAL CAREER HAS BEEN IN THE
7 CRIMINAL JUSTICE SYSTEM IN SOME CAPACITY OR ANOTHER, FIRST
8 WITH THE COURT OF APPEAL IN LAKE CHARLES, HANDLING CRIMINAL
9 CASES. THEN WORKING AS A BOTH PUBLIC DEFENDER AND THEN LATER
10 AS A PROSECUTOR FOR THE ATTORNEY GENERAL'S OFFICE HANDLING
11 INSURANCE FRAUD AND WHITE COLLAR PUBLIC CORRUPTION
12 PROSECUTIONS.

13 AND THEN IN 2007, LATE 2007, I WAS APPROACHED BY THE
14 GOVERNOR'S TRANSITION TEAM ABOUT HEADING UP WHAT THEY WANTED
15 TO CREATE A NEWER AND MORE EFFECTIVE INSPECTOR GENERAL'S
16 OFFICE, AND SO I TOOK THE JOB IN JANUARY OF 2008.

17 Q. OKAY. AND SO YOU ARE FAMILIAR -- YOU'RE EXPERIENCED
18 IN CRIMINAL LAW AS A PRACTICAL MATTER --

19 A. YES, SIR.

20 Q. -- PRIOR TO BEING THE INSPECTOR GENERAL?

21 A. THAT'S CORRECT, YES, SIR.

22 Q. NOW, VERY BRIEFLY, WERE YOU INVOLVED IN ANY WAY IN
23 THE TERMINATION OF MR. PAINTER?

24 A. WELL, YES, SIR, I WOULD SAY THAT THE -- LET ME JUST
25 EXPLAIN TO YOU WHAT HAPPENED.

1 Q. SURE.

2 I'M TRYING TO MAKE THIS AS -- IN CONFORMING WITH HIS
3 HONOR'S REQUEST THAT WE TRY TO KEEP THIS AS LIMITED.

4 A. CERTAINLY.

5 Q. BUT PLEASE DO THAT.

6 A. TO THE EXTENT THAT WE PROVIDED INFORMATION TO THE
7 GOVERNOR'S OFFICE THAT I BELIEVE LED THEM TO REQUEST MR.
8 PAINTER'S RESIGNATION.

9 Q. WERE YOU PRESENT AT THE TERMINATION?

10 A. NO, SIR, I WAS NOT. I ACTUALLY LEFT THE ROOM
11 WHENEVER MR. PAINTER SHOWED UP. I BRIEFED THE GOVERNOR'S
12 STAFF, CHIEF OF STAFF, AND EXECUTIVE COUNSEL.

13 Q. WITHOUT GETTING INTO GRAVE DETAIL, WHAT WAS IT THAT
14 YOU BROUGHT TO THE GOVERNOR'S STAFF'S ATTENTION THAT RESULTED
15 IN THE TERMINATION?

16 A. WELL, IT WAS -- AS BRIEFLY AS I CAN, IT WAS THE
17 SUBSTANCE OF -- WE HAD RECEIVED A COMPLAINT IN A VERY SHORT
18 PERIOD OF TIME, HAD UNCOVERED EVIDENCE OF SOME PRETTY SERIOUS
19 ABUSE OF LAW ENFORCEMENT DATABASES, MUCH OF WHICH INVOLVED
20 MEMBERS OF THE GOVERNOR'S STAFF, AND WE WERE FURTHER AWARE OF
21 POTENTIAL PERSONS THAT MAY BE PREPARING TO COME FORWARD WITH
22 INFORMATION. AND SO PART OF MY JOB IS TO PROVIDE INFORMATION
23 TO THE GOVERNOR ABOUT THE THINGS GOING ON IN THEIR
24 ADMINISTRATION.

25 Q. HAD THE -- THIS INVESTIGATION BEEN -- IT WAS AN

1 INVESTIGATION BEGUN UNDER YOUR AUSPICES, RIGHT?

2 A. THAT'S CORRECT, YES, SIR.

3 Q. WAS IT MORE THAN A WEEK OLD OR PRIOR TO --

4 A. ACTUALLY, IT WAS -- IT -- I DON'T WANT TO SPECULATE,
5 BUT I'D SAY IT'S FAIR TO SAY THAT IT WAS LESS THAN TWO WEEKS
6 OLD AT THAT TIME.

7 Q. ALL RIGHT. AND WHAT WAS THE -- WHAT WAS THE
8 COMPLAINT ABOUT THAT LED TO THE BEGINNING OF THIS
9 INVESTIGATION?

10 A. WELL, THE COMPLAINT BEGAN WHEN ONE OF MR -- IT WAS
11 ONE OF MR. PAINTER'S FORMER EMPLOYEES AT ATC, AND IT INITIALLY
12 HAD TO DO WITH SEXUAL HARASSMENT, AND THAT WAS -- SO WHEN WE
13 ACTUALLY LISTENED TO THAT PART OF IT, THAT'S NOT TYPICALLY THE
14 TYPE OF CASE THAT THE INSPECTOR GENERAL ROUTINELY WORKS, BUT
15 THE THING THAT GOT OUR ATTENTION WAS WHEN WE WERE INFORMED
16 THAT SHE HAD MOVED SEVERAL TIMES TO TRY TO GET AWAY FROM MR.
17 PAINTER, AND THAT HE HAD USED LAW ENFORCEMENT DATABASES TO
18 TRACK HER DOWN. AND SO AT THAT POINT THE FOCUS OF OUR
19 INVESTIGATION BECAME THE USE OF THOSE DATABASES WHICH WE KNEW
20 --

21 Q. WAS THERE SOMEONE PARTICULARLY IN YOUR OFFICE WHO
22 WAS HEADING UP THIS INVESTIGATION?

23 A. SHANE EVANS WAS MY CASE AGENT ON -- THAT WAS
24 ASSIGNED, BUT ALSO MR. GREG PHARES WHO WAS --

25 Q. CHIEF INSPECTOR, CHIEF INVESTIGATOR?

1 A. YES, SIR.

2 Q. THE INDIVIDUAL YOU JUST REFERRED TO IS KELLY SUIRE;
3 IS THAT RIGHT?

4 A. THAT'S CORRECT.

5 Q. DID YOU INTERVIEW HER, OR WAS THAT DONE BY YOUR
6 STAFF?

7 A. I DID NOT. I WOULD HAVE TO DEFER THOSE WHO WERE IN
8 THE --

9 Q. WAS SHE ACCOMPANIED BY JILL CRAFT AS WELL?

10 A. I DON'T RECALL THAT, SIR.

11 Q. DO YOU KNOW THE NAME?

12 MS. JONES: YOUR HONOR, I THINK WE'RE GOING FAR
13 AFIELD OF THE MOTION.

14 MR. FAWER: I'M TRYING TO STAY, YOU KNOW --

15 THE COURT: WHAT IS YOUR POINT?

16 MR. FAWER: I'M JUST TRYING TO MOVE ON TO THE
17 SHANE -- TO THE TERMINATION, OKAY?

18 **BY MR. FAWER:**

19 Q. IN ANY EVENT, THE -- I DON'T KNOW IF YOU ANSWERED MY
20 QUESTION.

21 A. NO, SIR.

22 COULD YOU REPEAT THE QUESTION, PLEASE?

23 Q. YES.

24 WAS -- KELLY SUIRE WAS OBVIOUSLY INTERVIEWED. WAS
25 SHE -- WAS JILL CRAFT THERE AT THAT TIME?

1 A. I DO NOT RECALL, SIR. I WAS NOT THE ONE WHO DID
2 THOSE INITIAL INTERVIEWS WITH MS. SUIRE.

3 Q. WOULD THAT HAVE BEEN MR. EVANS OR MR. PHARES?

4 A. YES, SIR.

5 Q. OKAY. IN ANY EVENT, YOU APPARENTLY ON AUGUST 13TH,
6 SOMETIME DURING THE DAY, WENT TO THE GOVERNOR'S OFFICE,
7 CORRECT?

8 A. THAT'S CORRECT.

9 Q. RELATED WHATEVER IT WAS THAT YOU WERE BRINGING TO
10 HIS ATTENTION.

11 A. UH-HUH.

12 Q. WERE YOU PART OF THE TERMINATION DECISION, OR WERE
13 YOU JUST REPORTING?

14 A. NO, SIR, I WAS REPORTING AND LETTING THEM KNOW THAT
15 WE NEEDED TO CONDUCT A FURTHER INVESTIGATION OF THE
16 ALLEGATIONS. WE HAD CERTAIN THINGS THAT WE WERE SATISFIED
17 WERE TRUE, BUT THERE WERE MANY THINGS THAT WERE YET TO BE
18 INVESTIGATED, AND MUCH OF THAT WOULD INVOLVE OBTAINING
19 INFORMATION FROM THE ATC OFFICES AND BEING ABLE TO SECURE
20 THOSE OFFICES. AND THOSE ARE THE SORTS OF THINGS THAT I
21 TALKED ABOUT.

22 THE DECISION TO ASK FOR MR. PAINTER'S RESIGNATION
23 WAS ENTIRELY THE GOVERNOR'S, BASED ON THE INFORMATION THAT WE
24 PROVIDED. WE DID NOT MAKE A RECOMMENDATION ONE WAY OR THE
25 OTHER.

1 Q. DO YOU REMAIN AT THE GOVERNOR'S OFFICE DURING THE
2 PERIOD OF TIME THAT MR. PAINTER WAS SUMMONED AND ULTIMATELY
3 DISCHARGED?

4 A. I DID, YES, SIR.

5 Q. OKAY.

6 A. AS A MATTER OF FACT, WHENEVER MR. PAINTER ARRIVED AT
7 THE GOVERNOR'S OFFICE, I LEFT THE ROOM AND WENT TO ANOTHER
8 OFFICE AT THE CAPITOL AND, ESSENTIALLY, SAT THERE ALONE UNTIL
9 I WAS CALLED BACK AND TOLD THE RESULTS OF THE MEETING.

10 Q. WHICH WAS TERMINATION OF --

11 A. THAT TERMINATION OR RESIGNATION. I WAS NOT PRESENT
12 DURING THE --

13 Q. WE WON'T QUIBBLE ABOUT THAT.

14 A. UH-HUH.

15 Q. BUT YOU WERE GIVEN SOME KEYS, RIGHT?

16 A. I WAS.

17 Q. WHO GAVE THEM TO YOU?

18 A. STEPHEN WAGUESPACK, THE CHIEF OF STAFF.

19 Q. AND THE KEYS WERE -- OBVIOUSLY, WHAT WERE THE KEYS?

20 A. THE KEYS TO -- I WAS GIVEN -- AS FAR AS I
21 UNDERSTOOD, THOSE WERE THE KEYS TO THE ATC OFFICES THAT MR.
22 PAINTER WAS IN POSSESSION OF.

23 Q. OKAY.

24 A. AND I DO NOT KNOW PRECISELY -- I BELIEVE THEY OPENED
25 THE EXTERIOR OF THE BUILDING, AND PERHAPS HIS OFFICE AS WELL,

1 BUT I CANNOT VERIFY THAT.

2 Q. WHAT DID YOU DO WITH THOSE KEYS?

3 A. I -- ONCE -- WELL, THERE WERE SEVERAL THINGS THAT
4 HAPPENED, AND ONE OF THE THINGS THAT I COMMUNICATED WITH MY
5 STAFF TO MAKE SURE THAT AS MANY OF US AS WERE AVAILABLE COULD
6 SHOW UP AT THE ATC OFFICES TO SECURE THE PREMISES BECAUSE WE
7 KNEW WE WERE GOING TO NEED TO GO GET A SEARCH WARRANT BASED ON
8 THE ALLEGATIONS THAT WERE OUT THERE. AND WHEN I WAS TOLD THE
9 RESULTS OF THE MEETING, MR. STEPHEN WAGUESPACK GAVE ME THE
10 KEYS, I LEFT THE BUILDING AT THAT TIME AND DROVE OUT TO THE
11 ATC OFFICES WHERE I HANDED THE KEYS --

12 Q. TO THE ATC . . .

13 A. -- TO THE ATC STAFF, YES, SIR.

14 Q. NO. I'M SAYING TO MR. PAINTER'S OFFICE?

15 A. THAT'S CORRECT, YES, SIR.

16 Q. GO AHEAD. I'M SORRY.

17 A. I DELIVERED THE KEYS TO -- I BELIEVE IT WAS BRANT
18 THOMPSON, THAT'S TO THE BEST OF MY RECOLLECTION.

19 Q. DEPUTY COMMISSIONER?

20 A. AT THE TIME HE WAS THE DEPUTY COMMISSIONER, AND I
21 THINK HAD BEEN GIVEN THE INTERIM POSITION UNTIL A NEW
22 SELECTION COULD BE MADE BY THE GOVERNOR'S OFFICE.

23 Q. SO HIS HONOR UNDERSTANDS WHEN YOU'RE SAYING THE
24 INTERIM COMMISSIONER, THAT WOULD HAVE BEEN IN THE LAST HOUR?

25 A. VERY MUCH SO, SIR, YES, WITHIN JUST A COUPLE OF --

1 Q. AT THE TERM OF TERMINATION?

2 A. THAT'S CORRECT.

3 Q. AND WHO TOLD YOU HE WAS SO DESIGNATED?

4 A. WELL, STEPHEN WAGUESPACK INDICATED THAT TO ME.

5 Q. OKAY.

6 A. THAT HE HAD HAD A CONVERSATION WITH MR. THOMPSON,
7 AND THAT HE WOULD BE THE INTERIM UNTIL THEY COULD MAKE A
8 CHOICE.

9 Q. WERE YOU IN ANY WAY AWARE OF MR. THOMPSON BEING A
10 SOURCE OF ANY INFORMATION CONCERNING MR. -- WHICH LED TO THE
11 ULTIMATE TERMINATION OF IT?

12 A. WE SPOKE TO MR. THOMPSON AND SEVERAL OTHER EMPLOYEES
13 OF THE ATC.

14 Q. MR. STREET, INSTEAD OF SAYING "WE," --

15 A. WHEN I SAY "WE," I REFER TO MY OFFICE. I DID NOT
16 PERSONALLY --

17 Q. WHO DID?

18 A. WAS I AWARE? I WAS AWARE THAT MEMBERS OF MY STAFF,
19 WHICH WOULD START WITH SHANE EVANS, WHO WAS THE CASE AGENT,
20 AND GREG PHARES, BUT I DON'T -- THEY WOULD BE THE BETTER
21 SOURCES OF ACTUALLY WHO TALKED TO WHO AND SAID WHAT AT WHAT
22 TIME.

23 Q. WERE YOU AWARE AT THAT TIME OF ANY RELATIONSHIP
24 BETWEEN BRANT THOMPSON AND KELLY SUIRE?

25 A. NO, SIR.

1 Q. OKAY.

2 MS. JONES: JUDGE, I OBJECT. THIS HAS NOTHING TO DO
3 WITH THE MOTION TO DISMISS.

4 THE COURT: IT DOESN'T.

5 MR. FAWER --

6 MR. FAWER: YOU KNOW, EVERY TIME -- I MEAN, THE
7 LITANY OF THAT -- WE'RE AT A POINT WHERE WE'RE ABOUT TO
8 ENTER AND --

9 THE COURT: WELL, MOVE ON.

10 MR. FAWER: UNDERSTOOD.

11 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION.

12 BY MR. FAWER

13 Q. MR. STREET?

14 A. YES, SIR.

15 Q. IN ANY EVENT, YOU GAVE THE KEYS TO -- KEY, AND THE
16 ONLY KEY I'M CONCERNED WITH IS THE KEY TO THE ACTUAL OFFICE
17 THAT MR. PAINTER HAD USED, OKAY, I REALIZE THERE MAY HAVE BEEN
18 SEVERAL OTHER KEYS.

19 A. I'M NOT SURE WHICH KEY IT WAS, AND I JUST HANDED
20 WHAT I HAD TO MR. THOMPSON, I BELIEVE, AT THAT TIME.

21 Q. DID YOU GIVE HIM ANY INSTRUCTIONS?

22 A. NO, SIR.

23 Q. DID YOU GET ANY INSTRUCTIONS FROM THE GOVERNOR'S
24 OFFICE AS TO WHAT TO DO?

25 A. OTHER THAN TO PROCEED WITH THE INVESTIGATION AND

1 ALSO I WAS TOLD TO TRY TO WORK WITH STATE POLICE TO THE EXTENT
2 POSSIBLE, AND COLONEL EDMONDSON, WHO WAS ALSO PRESENT AT THE
3 MEETING THAT AFTERNOON, I BELIEVE HE WAS BROUGHT -- ASKED TO
4 SHOW UP BY THE GOVERNOR, HE ASSIGNED DETECTIVES TO COME OUT TO
5 THE BUILDING THAT NIGHT.

6 Q. WAS SHANE EVANS THERE AS WELL?

7 A. HE WAS.

8 Q. AND, I MEAN, YOU SAW HIM THERE?

9 A. YES, SIR.

10 Q. AT THE TIME YOU TURNED OVER THE KEYS TO BRANT
11 THOMPSON?

12 A. NOW THAT, I WOULD HAVE TO -- MY RECOLLECTION IS A
13 LITTLE FUZZY. I KNOW FOR A FACT SHANE WAS THERE THAT NIGHT.
14 I DON'T KNOW IF HE WAS STANDING NEXT TO ME WHEN I HANDED THE
15 KEYS TO BRANT.

16 Q. OKAY. YOU MENTIONED A FEW MINUTES AGO THE NEED FOR
17 A SEARCH WARRANT. AM I QUOTING YOU CORRECTLY?

18 A. YES, SIR.

19 Q. I MEAN, IT WAS OBVIOUS TO YOU AS A PERSON FAMILIAR
20 WITH LAW ENFORCEMENT THAT YOU WOULD NEED A SEARCH WARRANT FROM
21 THAT POINT FORWARD?

22 A. WELL, THE INSPECTOR GENERAL DOES HAVE THE STATUTORY
23 AUTHORITY TO ACCESS STATE PROPERTY, BUT WE KNEW THAT THE
24 ALLEGATIONS WERE GOING TO BE CRIMINAL IN NATURE, AND EVEN
25 THOUGH WE DID NOT KNOW THE FULL EXTENT OF WHAT WAS GOING TO BE

1 INVESTIGATED, WE KNEW THAT THERE WERE -- THAT THERE WOULD BE
2 EVIDENCE AND DOCUMENTS AND OTHER INFORMATION THAT WOULD NEED
3 TO BE OBTAINED FROM ATC.

4 Q. ON THE EVENING OF AUGUST 13TH, WHICH IS -- THAT'S
5 WHAT IT WAS AT THAT POINT, WAS THERE A DECISION TO GO GET A
6 SEARCH WARRANT?

7 A. YES, SIR. THERE WAS A DECISION TO SECURE THE
8 BUILDING SO THAT WE COULD THEN GO APPLY FOR A SEARCH WARRANT.

9 Q. TO SECURE THE BUILDING?

10 A. TO SECURE MR. PAINTER'S OFFICE IN PARTICULAR WITHIN
11 THE ATC BUILDING.

12 Q. AND WHEN YOU SAY "SECURE IT," JUST WHAT DO YOU MEAN
13 BY THAT?

14 A. WELL, I BELIEVE -- MY RECOLLECTION IS -- AND THIS
15 WOULD -- AGAIN, THE QUESTION SHOULD BE POSED TO THE FOLKS THAT
16 ACTUALLY DID THIS.

17 Q. NO, I'M ASKING YOU.

18 A. YES, SIR.

19 THAT MEANT THAT THE OFFICE WAS LOCKED, YELLOW POLICE
20 TAPE WAS PUT ACROSS THE DOOR, AND INSPECTOR GENERAL CARDS WERE
21 LEFT ON THE DOOR.

22 Q. UNDERSTOOD.

23 AND WAS IT YOUR UNDERSTANDING -- DID YOU DIRECT
24 ANYBODY ON YOUR STAFF TO GO AND SEEK OUT A JUDICIAL OFFICER TO
25 SECURE A SEARCH WARRANT?

1 A. YES.

2 Q. THAT NIGHT?

3 A. NOT -- WELL, WE ACTUALLY APPLIED FOR THE WARRANT ON,
4 I BELIEVE, MONDAY AND EXECUTED IT ON THE FOLLOWING TUESDAY.

5 Q. OKAY. SO IF I UNDERSTAND CORRECTLY, YOU SECURE THE
6 PREMISES WITH A VIEW TO THEN GETTING A SEARCH WARRANT FOR THE
7 -- FOR THAT WHICH WAS CONTAINED IN THE PREMISES, CORRECT?

8 A. THAT'S CORRECT.

9 Q. OKAY. WHICH IS THE CORRECT WAY OF DOING IT; IS THAT
10 RIGHT, FROM YOUR POINT OF VIEW?

11 A. YES, SIR. THE PRIMARY CONCERN WAS TO MAKE SURE THAT
12 EVIDENCE COULDN'T BE DESTROYED OR TAMPERED WITH BEFORE WE
13 WOULD BE IN A POSITION TO GET A WARRANT.

14 Q. OKAY. AND SO FROM WHAT YOU KNEW -- BY THE WAY, DID
15 YOU STAY ON THE PREMISES WHEN THE TAPING OCCURRED?

16 A. I WAS -- I STAYED AT THE PREMISES TILL APPROXIMATELY
17 10:00 P.M. THAT EVENING. MOST OF THE TIME THAT I WAS THERE
18 WAS DOWN IN THE COFFEE SHOP SPEAKING TO THE STATE POLICE
19 DETECTIVES, AND ALSO TO MEMBERS OF MY STAFF. I COULD NOT TELL
20 YOU EXACTLY. I WAS NOT PRESENT OUTSIDE THE DOOR WHEN THEY
21 SECURED IT.

22 Q. WERE YOU AWARE OR DID YOU HAVE ANY DISCUSSION ABOUT
23 INSTEAD OF SECURING THE PREMISES, SEIZING ANY OBJECTS AND
24 TAKING THEM OUT OF THE PREMISES?

25 A. I DID NOT HAVE DISCUSSIONS ABOUT SPECIFICS OF THAT

1 NATURE, NO, SIR, ABOUT TAKE THIS, BUT DON'T TAKE THAT. WE
2 DIDN'T HAVE THOSE -- THAT LEVEL OF DISCUSSION.

3 Q. IF I UNDERSTAND CORRECTLY, WHILE YOUR DOWN -- BY THE
4 TIME YOU'RE DOWNSTAIRS AWAY -- WHAT DO YOU REMEMBER WHAT FLOOR
5 HIS OFFICE WAS ON?

6 A. I DON'T RECALL, SIR, BUT IT WAS UPSTAIRS FROM WHERE
7 WE WERE.

8 Q. OKAY.

9 A. I DON'T RECALL WHAT FLOOR IT WAS ON.

10 Q. BY THE TIME YOU LEAVE THAT LOCALE, YOU'RE OF THE
11 UNDERSTANDING THERE'S GOING TO BE A CRIME SCENE, TAPED UP, SO
12 THAT YOU GO GET A SEARCH WARRANT FOR WHATEVER WAS SIGNIFICANT
13 FOR THAT PURPOSE, RIGHT?

14 A. THAT'S CORRECT.

15 Q. THAT PURPOSE BEING THE INVESTIGATION?

16 A. YES, SIR.

17 Q. CRIMINAL IN NATURE?

18 A. UH-HUH.

19 Q. CORRECT?

20 A. THAT'S CORRECT.

21 Q. DID YOU TELL ANYBODY TO TAKE THE COMPUTER OUT OF
22 THAT PREMISE?

23 A. I DID NOT SPECIFICALLY INSTRUCT ANYBODY TO TAKE THE
24 COMPUTER, BUT I AM AWARE, SIR, THAT THE REASON THE COMPUTER
25 WAS SEIZED WAS --

1 Q. MY QUESTION WAS --

2 A. I'D LIKE TO EXPLAIN MY ANSWER, SIR, PLEASE.

3 MS. JONES: I OBJECT.

4 BY MR. FAWER:

5 Q. LET ME --

6 THE COURT: HOLD ON, HOLD ON.

7 MS. JONES: I OBJECT.

8 THE COURT: YOUR OBJECTION IS SUSTAINED. HE CAN ASK
9 THE QUESTION, AND THEN HE CAN EXPLAIN.

10 THE WITNESS: THANK YOU.

11 I WOULD JUST LIKE TO EXPLAIN THE ANSWER, SIR.

12 MR. FAWER: MY QUESTION --

13 THE COURT: HOLD ON.

14 ANSWER HIS QUESTION, SIR.

15 BY MR. FAWER:

16 Q. IS IT -- DID YOU TELL -- MY QUESTION, I BELIEVE --
17 AND WE CAN HAVE IT READ BACK -- DID YOU TELL ANYBODY TO REMOVE
18 A COMPUTER --

19 A. NO, SIR.

20 Q. -- PRIOR TO THERE GETTING A SEARCH WARRANT?

21 A. NO, SIR.

22 Q. YOU WANT TO EXPLAIN?

23 A. WELL, I WANTED TO -- THE CONCERN ABOUT SECURING THE
24 PREMISES AT ALL, AND THERE WERE CONCERNS THAT COMPUTERS COULD
25 BE REMOTELY ACCESSED, I DO REMEMBER THOSE DISCUSSIONS TAKING

1 PLACE, AND PART OF SECURING THE PREMISES WAS TO ENSURE THAT WE
2 WOULD ELIMINATE THAT POSSIBILITY UNTIL WE HAD THE OPPORTUNITY
3 TO GET A WARRANT. WE KNEW THAT THERE WERE PEOPLE WHO COULD
4 ACCESS THAT OFFICE AND PROVIDE INFORMATION OR SOMEHOW ALTER OR
5 DESTROY, AND THAT WAS WHAT WE WERE TRYING TO AVOID IN THAT
6 SITUATION. BUT TO REPEAT MY ORIGINAL ANSWER TO YOU, I DID NOT
7 SPECIFICALLY INSTRUCT ANYONE ON MY STAFF TO GO AND GET THAT
8 COMPUTER OR ANY OTHER COMPUTER, NO, SIR.

9 Q. MORE PRACTICAL PURPOSES, JUST THE OPPOSITE?

10 A. I TOLD THEM TO SECURE THE -- I DIDN'T TELL THEM NOT
11 TO. I SAID, GO SECURE THE PREMISES.

12 Q. WHAT DOES THAT MEAN TO YOU?

13 A. TO SECURE THE PREMISES MEANS TO SECURE THE PREMISES.

14 Q. AND TO LEAVE EVERYTHING IN IT RIGHT WHERE IT IS,
15 CORRECT?

16 MS. JONES: YOUR HONOR, THIS IS DIRECT.

17 THE WITNESS: THAT'S NOT WHAT I SAID.

18 THE COURT: HOLD ON.

19 MS. JONES: YOUR HONOR --

20 MR. FAWER: DO I HAVE -- MAY I REQUEST THE RIGHT TO
21 LEAD THIS WITNESS?

22 MS. JONES: YOUR HONOR --

23 THE COURT: HOLD ON. WHAT IS YOUR OBJECTION?

24 MS. JONES: HE'S ARGUING WITH THE WITNESS.

25 THE COURT: WELL, HE IS ARGUING, BUT WHAT IS YOUR

1 OTHER OBJECTION?

2 MS. JONES: I OBJECT TO ARGUING WITH THE WITNESS.

3 THE COURT: ALL RIGHT. DON'T ARGUE WITH THE
4 WITNESS.

5 MR. FAWER: I WON'T ARGUE.

6 MAY I LEAD THE WITNESS?

7 THE COURT: YOU MAY LEAD THE WITNESS.

8 MR. FAWER: OKAY.

9 BY MR. FAWER:

10 Q. YOU -- WHEN YOU INSTRUCTED YOUR STAFF TO SECURE THE
11 PREMISES, IT WAS YOUR UNDERSTANDING AS SOMEONE EXPERIENCED IN
12 CONSTITUTIONAL LAW, CRIMINAL LAW, CRIMINAL PROCEDURE, THAT
13 EVERYTHING THAT WAS IN THAT PREMISE WAS TO REMAIN THERE AS IS
14 UNTIL YOU CAN SECURE A CONSTITUTIONALLY AUTHORIZED SEARCH
15 WARRANT?

16 A. I THINK THAT'S A FAIR CHARACTERIZATION OF IT, BUT I
17 DON'T THINK IT'S FAIR TO SAY THAT I WOULD SUGGEST THEY SHOULD
18 NOT HAVE TAKEN A COMPUTER. I THINK THE WHOLE IDEA WAS TO
19 SECURE THE EVIDENCE THAT WAS PRESENT AT THE OFFICE THAT NIGHT
20 TO MAKE SURE IT COULDN'T BE ALTERED OR DESTROYED.

21 Q. WHEN DID YOU LEARN THAT IT HAD BEEN -- WHEN DID YOU
22 FIRST LEARN THAT RATHER THAN SECURE THE PREMISES AND LEAVING
23 EVERYTHING INTACT, THAT THE COMPUTER WAS REMOVED FROM THOSE
24 PREMISES?

25 A. I DO NOT RECALL, SIR. I DON'T RECALL IT BEING THAT

1 NIGHT. I DON'T RECALL -- THOSE QUESTIONS WOULD BE BETTER --

2 Q. DO YOU KNOW --

3 A. -- POSED TO MY STAFF.

4 Q. DO YOU --

5 MS. JONES: I OBJECT TO HIM NOT ALLOWING THE WITNESS
6 TO ANSWER THE QUESTION. HE'S INTERRUPTING THE WITNESS'
7 ANSWER.

8 MR. FAWER: I DIDN'T.

9 THE COURT: I DON'T THINK SO.

10 MOVE ON.

11 BY MR. FAWER:

12 Q. DO YOU KNOW WHERE THE COMPUTER WAS TAKEN TO?

13 A. NO, SIR, I DO NOT. I DO NOT RECALL PERSONALLY WHERE
14 IT WAS TAKEN TO. I AM ASSUMING THAT IT WAS SECURED WITH THE
15 EVIDENCE IN OUR OFFICE -- IN OUR INSPECTOR GENERAL'S OFFICE
16 WHICH WOULD HAVE BEEN ON -- AT THE TIME ON THIRD STREET IN
17 DOWNTOWN BATON ROUGE.

18 Q. RIGHT.

19 A. BUT, AGAIN, THAT QUESTION IS BETTER POSED TO THE
20 FOLKS THAT ACTUALLY DID THAT.

21 Q. TO YOUR KNOWLEDGE, DID ANY MEMBER OF YOUR STAFF
22 ENTER THOSE PREMISES AFTER AUGUST -- THE EVENING OF
23 AUGUST 13TH?

24 A. NOT TO MY KNOWLEDGE.

25 Q. TO YOUR KNOWLEDGE, WAS ANYTHING BUT THE COMPUTER

1 REMOVED FROM THE PREMISES? WHEN I SAY "THE COMPUTER," I MEAN,
2 THE DELL DESKTOP COMPUTER?

3 A. TO MY KNOWLEDGE, NO, SIR. I DON'T -- BUT, AGAIN, I
4 DON'T HAVE KNOWLEDGE -- THE BEST THING TO DO IS TO SAY, TO MY
5 KNOWLEDGE, NO.

6 Q. OKAY. FROM THE 13TH TILL THE TIME OF THE SEARCH
7 WARRANT BEING SECURED ON MONDAY, DID YOU EVER SEE THE
8 COMPUTER?

9 A. NO, SIR.

10 Q. DO YOU KNOW WHERE IT WAS KEPT AT OIG'S OFFICE?

11 A. NOT SPECIFICALLY, SIR, NO.

12 Q. OKAY. AND BY THE WAY, DO YOU KNOW WHO TOOK THE
13 COMPUTER?

14 A. FROM PERSONAL KNOWLEDGE, NO, SIR. I'M AWARE THAT
15 SHANE EVANS, MY CASE AGENT, WAS THE ONE WHO SEIZED IT BUT
16 THAT, AGAIN, THAT QUESTION WOULD BE BETTER POSED TO THE FOLKS
17 THAT ACTUALLY EXECUTED THE SEARCH WARRANT.

18 Q. DID YOU HAVE -- DID YOU PLAY ANY ROLE IN
19 THE PREPARATION OR THE SECURING OF THE SEARCH WARRANT?

20 A. NO, SIR.

21 Q. EITHER CONSULTATION ASPECT OF IT OR OTHERWISE?

22 A. OTHER THAN BEING BRIEFED BY THE MEMBERS OF MY STAFF
23 AS TO WHAT WAS GOING ON, NO, SIR, I DID NOT ASSIST IN THE
24 PREPARATION OR DRAFTING OF THE AFFIDAVIT OR THE SEARCH
25 WARRANT.

1 Q. YOU WERE -- I TAKE IT, BY THE TIME THE SEARCH
2 WARRANT WAS ISSUED, YOU ALREADY KNEW, DID YOU NOT, THAT THE
3 COMPUTER WAS NO LONGER ON THE PREMISES, RIGHT?

4 A. I DON'T RECALL, MR. FAWER, TO BE HONEST WITH YOU. I
5 DON'T RECALL AS TO -- I DON'T HAVE A SPECIFIC RECOLLECTION ONE
6 WAY OR THE OTHER AS OF THE TIME THAT THE WARRANT WAS BEING
7 APPLIED FOR.

8 Q. JUST BEAR WITH ME A MOMENT.

9 LET ME SHOW YOU WHAT'S IT'S BEEN MARKED EXHIBIT 4 TO
10 OUR MOTION TO DISMISS, THE APPLICATION FOR THE SEARCH WARRANT.

11 MR. FAWER: MAY I APPROACH THE WITNESS?

12 THE COURT: THIS IS D4?

13 MR. FAWER: IT'S -- YES. WELL, IT'S EXHIBIT 4 TO
14 OUR MOTION TO DISMISS.

15 BY MR. FAWER:

16 Q. HAVE YOU EVER SEEN THE AFFIDAVIT?

17 A. YES, SIR, MANY TIMES.

18 Q. YOU'VE READ IT, RIGHT?

19 A. ABSOLUTELY, YES, SIR.

20 Q. DO YOU HAVE ANY -- IS THERE ANY DOUBT IN YOUR MIND
21 THAT WHAT'S BEING SAID IN WORD AND SPIRIT, THAT THE DELL
22 COMPUTER, AT THE TIME OF THE APPLICATION, IS LOCATED IN THE
23 PREMISES OF THE -- IN THE PAINTER OFFICE? ARE YOU GOING TO
24 QUIBBLE ABOUT THAT?

25 A. NO, I'M NOT GOING TO QUIBBLE, SIR. I'M GOING TO

1 TELL YOU THAT I DON'T KNOW.

2 Q. WELL, READ IT.

3 THE COURT: I'M GOING TO ASK YOU TO MOVE BACK, MR.
4 FAWER, SO YOU CAN LEAVE THAT WITH HIM, BUT WE ARE NOT GOING TO
5 PICK YOU UP ON THE RECORDING.

6 MR. FAWER: I'M SORRY?

7 THE COURT: I SAID WE WON'T BE ABLE TO PICK YOU UP
8 ON THE --

9 MR. FAWER: OH, I'M SORRY. YOU'RE RIGHT.

10 A. MY PERSONAL KNOWLEDGE IS THAT I DON'T KNOW WHERE THE
11 COMPUTER WAS OTHER THAN HAVING BEEN INFORMED BY MEMBERS OF MY
12 STAFF.

13 BY MR. FAWER:

14 Q. IF YOU'D LOOK AT THAT, IS IT FAIRLY CLEAR IN
15 PARAGRAPH -- YOU CAN READ IT. THAT IT'S -- ACCORDING TO THE
16 APPLICATION SIGNED BY SHANE EVANS, IT'S AT THE -- AT MR.
17 PAINTER'S -- STILL AT MR. PAINTER'S OFFICE, RIGHT?

18 A. THE WARRANT IS FOR MR. PAINTER'S OFFICE, YES, SIR.

19 Q. IS THE DELL COMPUTER LISTED AMONG THE THINGS THEY
20 WISH TO SEIZE?

21 A. YES, SIR.

22 Q. THAT'S A LIE.

23 A. I DISAGREE WITH THAT.

24 Q. YOU DO? AND WHAT PART OF IT DO YOU DISAGREE WITH?

25 A. WELL, THAT THAT'S A LIE, NO, SIR.

1 Q. WELL, LET'S PUT IT THIS WAY. IF SOMEBODY SWORE THAT
2 THE COMPUTER WAS AT THE PREMISES OF THE ATC COMMISSIONER'S
3 OFFICE AND, IN FACT, HE KNEW IT WAS NOT, WOULD YOU DEEM THAT A
4 LIE?

5 A. I -- SIR, I'M NOT GOING TO CHARACTERIZE IT AS A LIE
6 OR A MISTAKE OR ANYTHING ELSE, AND AS A MATTER OF FACT, I'M
7 GOING TO REMIND YOU THAT I DO NOT HAVE KNOWLEDGE OF WHERE THE
8 COMPUTER WAS AT THE TIME OTHER THAN BEING INFORMED SO BY MY
9 STAFF.

10 Q. I ACCEPT THAT.

11 A. SO I THINK THOSE QUESTIONS SHOULD BE POSED TO THE
12 PEOPLE WHO ACTUALLY EXECUTED AND APPLIED FOR THE WARRANT.

13 Q. YOU TOOK ISSUE WITH THE FACT THAT I CHARACTERIZED IT
14 AS A LIE, BUT THAT'S ON THE PREMISE THAT IT WAS NOT THERE
15 ANYMORE?

16 MS. JONES: YOUR HONOR, I OBJECT TO THIS ARGUING
17 ABOUT WHETHER IT'S A LIE OR WHETHER IT'S NOT A LIE. HE HAS
18 ANSWERED THE QUESTION.

19 THE COURT: WELL, HE HAS, BUT I DON'T THINK THAT WAS
20 HIS LAST QUESTION.

21 MR. FAWER: NO.

22 A. COULD YOU REPEAT THE LAST QUESTION, PLEASE?

23 BY MR. FAWER:

24 Q. THERE IS NO QUESTION THAT YOU'RE OPERATING ON THE
25 KNOWLEDGE NOW THAT ON THE EVENING OF AUGUST 13TH, YOUR STAFF

1 IN THE PERSON OF SHANE EVANS HAD REMOVED IT FROM THE CRIME
2 SCENE LOCATION, CORRECT?

3 A. UH-HUH.

4 Q. YET ON MAY -- ON THREE DAYS LATER ON THE 16TH, HE'S
5 SEEKING A WARRANT REPRESENTING TO A MAGISTRATE, OR TO A JUDGE,
6 THAT THAT COMPUTER IS STILL ON THOSE SEALED PREMISES; AM I
7 RIGHT?

8 A. I --

9 Q. READ THE DOCUMENT.

10 A. THE SEARCH WARRANT IS FOR THE OFFICE, SO I THINK
11 THAT'S A REASONABLE CONCLUSION, YES, SIR.

12 Q. AND THEN BASED ON THAT MISREPRESENTATION THAT THE
13 COURT, THE JUDGE --

14 MR. FAWER: MAY I, YOUR HONOR?

15 THE COURT: YES.

16 BY MR. FAWER:

17 Q. LOOK AT EXHIBIT 5.

18 THE COURT: WHY DON'T YOU HAND HIM A MIC?

19 MR. FAWER: THAT'S ALL RIGHT. I'LL GO BACK.

20 BY MR. FAWER:

21 Q. THE JUDGE, NOT KNOWING THAT THAT'S A
22 MISREPRESENTATION, GIVES JUDICIAL AUTHORIZATION TO SEIZE THE
23 COMPUTER AT THAT LOCATION, CORRECT?

24 A. EXCUSE ME, SIR, ONE MOMENT. I'M TRYING TO READ
25 THIS.

1 Q. FIRST PAGE AND THEN THE FINAL PARAGRAPH.

2 A. YES, SIR. I'M SORRY. IN WHICH PARAGRAPH?

3 Q. I THINK IT'S ON THE SECOND PAGE.

4 A. OKAY. YES, SIR. IT DOES INDICATE THAT THE WARRANT
5 IS TO BE FOR THE ITEMS LOCATED WITHIN THE OFFICES AT 8585
6 ARCHIVES AVENUE.

7 Q. INCLUDING VERY SPECIFICALLY THE DELL COMPUTER?

8 A. THAT'S CORRECT. THE WARRANT DOES REFER VERY
9 SPECIFICALLY TO THE COMPUTER.

10 Q. I HADN'T ASKED YOU, BUT THIS -- THE APPLICATION,
11 WHICH WAS, I THINK, EXHIBIT 4 --

12 A. YES, SIR.

13 Q. -- WAS SWORN TO UNDER OATH BY SHANE EVANS?

14 A. I BELIEVE THAT'S CORRECT, YES, SIR.

15 Q. AND KNOWING AS YOU DO THAT THE COMPUTER COULD NOT BE
16 AMONG THE THINGS SEIZED AT THE PREMISES, WHEN THE SEARCH
17 WARRANT WAS EXECUTED, YOU WOULD NOT EXPECT TO SEE THE COMPUTER
18 AMONG THE INVENTORY OR THE RETURN TO THE SEARCH WARRANT?

19 A. WELL, THAT'S NOT ENTIRELY TRUE, SIR, AND I DON'T
20 KNOW, MR. FAWER, YOU MAY BE AWARE, BUT SOMETIMES THE SEIZURE
21 OF AN ACTUAL CPU UNIT CAN BE DIFFERENT FROM THE ABILITY TO
22 ACTUALLY LOOK AT WHAT'S ON A HARD DRIVE. YOU NEED THE
23 WARRANT, NO MATTER WHERE THAT -- NO MATTER WHERE IT'S LOCATED,
24 YOU'RE GOING TO NEED THE WARRANT TO BE ABLE TO LOOK AT IT, SO
25 I'M NOT GOING TO -- I'M SORRY. WHICH DOCUMENT IS THIS?

1 Q. THIS IS THE --

2 A. THE IS THE RETURN.

3 Q. -- RETURN ON THE SEARCH WARRANT, CLAIMING THAT THE
4 COMPUTER WAS FOUND AT THE ADDRESS IT WAS NOT LOCATED AT,
5 RIGHT?

6 A. UH-HUH.

7 Q. ONCE AGAIN, THAT RETURN PREPARED BY THE SAME MEMBER
8 OF YOUR STAFF, SHANE EVANS?

9 A. THAT'S CORRECT.

10 Q. IF ANYONE KNEW -- IS IT FAIR TO SAY, MR. STREET, IF
11 ANYONE KNEW WHAT THE TRUTH WAS, IT WAS SHANE EVANS?

12 A. THAT'S CORRECT, SIR.

13 Q. YET HE REPRESENTED ON THE APPLICATION AND ON THE
14 RETURN THAT -- THAT THE COMPUTER WAS ON THE PREMISES AND THAT
15 IT HAD BEEN FOUND ON THE PREMISES? TWO LIES, RIGHT? WELL,
16 YOU WOULDN'T CALL THEM LIES?

17 A. I'M NOT GOING TO ACCEPT THAT CHARACTERIZATION. I
18 THINK THAT QUESTION SHOULD BE POSED TO --

19 Q. I'M POSING IT TO YOU.

20 A. WELL, I'M NOT GOING TO ACCEPT THAT CHARACTERIZATION.

21 MS. JONES: YOUR HONOR, I OBJECT.

22 THE COURT: HE'S ANSWERED THE QUESTION, MR. FAWER.

23 MR. FAWER: OKAY.

24 BY MR. FAWER:

25 Q. OKAY. WHEN DID IT FIRST COME TO YOUR ATTENTION --

1 I'LL BE DONE WITH THIS AREA. WHEN DID IT COME TO YOUR
2 ATTENTION PRIOR TO MY ASKING YOU THESE QUESTIONS OF THE
3 APPLICATION AND THE RETURN REFLECTING THAT THE COMPUTER WAS
4 SOME PLACE IT WAS NOT?

5 A. QUITE HONESTLY, MR. FAWER, I'M NOT SURE.

6 Q. OKAY.

7 A. IT HAS BEEN THREE YEARS, AND I WOULD BE REMISS IF I
8 TRIED TO TELL YOU PRECISELY WHEN I BECAME AWARE OF THAT.

9 Q. DID YOU EVER DISCUSS THAT -- I DON'T WANT TO KNOW
10 THE SUBJECT OF THE ACTUAL CONVERSATION. DID YOU EVER DISCUSS
11 THOSE INACCURACIES WITH MR. EVANS, SHANE EVANS?

12 A. NO, SIR. WE DEFINITELY DID DISCUSS AT SOME POINT
13 ONCE THE EVIDENCE WAS OBTAINED, OBTAINING THE SEARCH WARRANT
14 TO HAVE THE RIGHT TO LOOK AT IT, AND THE REASONS FOR MAKING
15 SURE THAT NO ONE COULD REMOTELY ACCESS IT AND THAT SORT OF
16 THING, BUT IN TERMS OF THE SPECIFICS OF WHAT YOU JUST ASKED, I
17 DON'T RECALL SPECIFICALLY WHEN I BECAME AWARE OF THAT.

18 Q. JUST BEAR WITH ME A MOMENT.

19 A. YES, SIR.

20 Q. DID IT COME TO YOUR ATTENTION AT ANY TIME THAT AMONG
21 THE ITEMS SEIZED OR FOUND IN MR. PAINTER'S OFFICE ON THE DAY
22 OF THE SEARCH, WHICH WOULD HAVE BEEN AUGUST 17TH, DOES THAT
23 COMPORT WITH YOUR --

24 A. THAT SOUNDS CORRECT.

25 Q. I WILL REPRESENT THAT THAT'S --

1 A. YES, SIR.

2 Q. THE APPLICATION WAS THE 16TH, THE SEARCH ITSELF
3 OCCURRED ON THE 17TH.

4 A. I THINK THE RETURN IS DATED THE 17TH, YES, SIR.

5 Q. RIGHT. I THINK THAT'S TUESDAY, THE 17TH.

6 DID IT -- WERE YOU EVER ADVISED OF AN EXPENSIVE
7 CARTIER PEN HAVING BEEN FOUND IN A GIFT BOX FROM ADLER'S IN
8 THAT OFFICE?

9 A. I WAS INFORMED OF THAT. I DO RECALL IT BEING
10 SHORTLY AFTER THE WARRANT WAS EXECUTED, YES, SIR.

11 Q. AND WITH SOME NOTES FROM -- OSTENSIBLY FROM BILL
12 GOLDRING AND A MAN NAMED JOHN COLE?

13 A. THAT'S WHAT WE WERE INFORMED OF, YES, SIR.

14 Q. YOU KNOW WHO THEY WERE?

15 A. DID I KNOW WHO MR. GOLDRING WAS? I'VE NEVER MET MR.
16 GOLDRING, BUT IT'S MY UNDERSTANDING THAT -- AND I NEVER --
17 STILL TO THIS DAY, I'VE NEVER MEET HIM, BUT I UNDERSTAND HE'S
18 A LIQUOR DISTRIBUTOR, OWNS A LIQUOR DISTRIBUTING COMPANY.

19 Q. WHEN YOU -- I TAKE IT YOU LEARNED OF THE FINDING --
20 THE ALLEGED FINDING OF THIS PEN SHORTLY AFTER THE SEARCH
21 OCCURRED?

22 A. THAT'S CORRECT. MY RECOLLECTION IS THAT THERE WAS A
23 DISCUSSION AS TO WHETHER OR NOT IT VIOLATED ETHICS RULES AND
24 THAT A REFERRAL SHOULD BE MADE TO THE LOUISIANA ETHICS BOARD
25 TO DETERMINE WHETHER OR NOT THERE WERE ANY VIOLATIONS. AT

1 THAT POINT, THE FOCUS OF OUR INVESTIGATION WAS THE USE OF LAW
2 ENFORCEMENT DATABASES, AND SO I BELIEVE THAT WAS SORT OF A
3 COLLATERAL ISSUE FOR US, AND WE MADE A REFERRAL AT -- I'M NOT
4 SURE EXACTLY WHEN THE REFERRAL WAS MADE, BUT I DO REMEMBER
5 THAT A REFERRAL WAS MADE TO THE ETHICS BOARD AT THAT TIME.

6 Q. AND THE OUTCOME OF THAT, DO YOU KNOW?

7 A. I BELIEVE THAT THE -- I'M NOT EXACTLY SURE WHAT THE
8 OUTCOME -- I KNOW THAT THERE WERE NEVER ANY CHARGES FILED.
9 I'M NOT SURE AS TO WHAT -- I BELIEVE THE ETHICS BOARD RECORDS
10 WOULD BE THE BEST REFLECTION OF WHAT ACTUALLY OCCURRED THERE.

11 Q. IF THERE'S A RETURN ON SEIZED PROPERTY -- AND I'M
12 NOT SURE YOU HAVE THE WHOLE THING IN FRONT OF YOU -- I TAKE IT
13 YOU HAVE THE -- I'M NOT SURE WHICH DOCUMENT YOU'RE LOOKING AT.

14 A. WELL, I'M TRYING TO -- WELL, MAYBE ASK YOUR QUESTION
15 AND THEN I'LL PICK UP THE CORRECT DOCUMENT.

16 Q. SURE.

17 THERE ARE RETURNS ON THE ITEMS TAKEN FROM THE ATC
18 COMMISSIONER'S OFFICE, HAVE BEEN SUPPLIED TO US BY THE
19 GOVERNMENT, THE PROSECUTION. I DON'T -- LET ME SHOW YOU WHAT
20 I WILL MARK THEM.

21 MR. FAWER: I AM GOING TO MARK IT S1 AS THE STATE --
22 IS IT ALL RIGHT, YOUR HONOR, IF I MARK THEM S1 AS THE -- FROM
23 WHAT'S PART OF OUR MOTION TO DISMISS? EXCUSE ME, JUDGE?

24 THE COURT: I'M SORRY. I'M READING A NOTE. I NEED
25 TO TAKE A BREAK FOR A MOMENT.

1 MR. FAWER: THAT'S FINE, JUDGE.

2 THE COURT: AND THEN I'LL COME BACK AND LISTEN TO
3 YOUR QUESTION.

4 MR. FAWER: THANK YOU.

5 (WHEREUPON, THE COURT WAS IN RECESS.)

6 REPORTER'S NOTE: (MURPHY J. PAINTER, DEFENDANT, WAS
7 PRESENT IN COURT, REPRESENTED BY MICHAEL S. FAWER AND ALVIN
8 JOSEPH ROBERT, JR. M. PATRICIA JONES, CAM T. LE AND SHUBHRA
9 SHIVPURI, ASSISTANT UNITED STATES ATTORNEYS, WERE PRESENT IN
10 COURT.)

11 THE COURT: ALL RIGHT. I'VE BEEN TOLD AS TO WHAT
12 YOU ASKED; YES, YOU MAY MARK IT.

13 MR. FAWER: AND I --

14 THE COURT: AND I APOLOGIZE. I WAS READING AN
15 E-MAIL AND I --

16 MR. FAWER: I THOUGHT YOU WERE READING A REAL-TIME
17 TRANSCRIPT.

18 THE COURT: NO. WE CAN DO THAT, THOUGH.

19 MR. FAWER: WELL, THAT'S WHAT I THOUGHT YOU WERE
20 DOING. THAT'S WHAT --

21 THE COURT: ALL RIGHT.

22 MR. FAWER: IN ANY EVENT, I THINK I'M GOING TO
23 WITHDRAW THE QUESTION THAT I WAS GOING TO ASK.

24 THE COURT: ALL RIGHT.

25 MR. FAWER: SO WE CAN SAVE SOME TIME.

1 THE COURT: ALL RIGHT.

2 MR. FAWER: I WAS GOING TO QUESTION MR. STREET ABOUT
3 A RETURN, BUT IT WAS NOT PREPARED BY THE OIG. IT WAS PREPARED
4 BY ATC. AT THE SAME TIME AS TO --

5 THE COURT: ALL RIGHT. WELL, YOU KNOW, WHAT I THINK
6 I'M GOING TO DO, AND LET YOU BOTH KNOW IT. I'M GOING TO
7 RENEGE ON GOING TILL 4:30. I THINK WE'LL FINISH WITH MR.
8 STREET AND CALL IT A DAY --

9 MR. FAWER: CALL IT A DAY.

10 THE COURT: -- AND COME BACK ON TUESDAY.

11 MR. FAWER: WE'LL EASILY, I BELIEVE, FINISH WITH MR.
12 STREET.

13 THE COURT: SIR?

14 MR. FAWER: WE'LL EASILY FINISH WITH MR. STREET.

15 THE COURT: ALL RIGHT. GO AHEAD.

16 MR. FAWER: UNLESS MS. JONES IS PROLONGED?

17 THE COURT: DOES THAT BREAK YOUR HEART?

18 MS. JONES: I WAS CRYING.

19 MR. FAWER: DO YOU WANT A NAPKIN OR A TISSUE OR
20 SOMETHING?

21 THE COURT: ALL RIGHT.

22 BY MR. FAWER:

23 Q. OKAY. JUST A COUPLE OF OTHER QUESTIONS, MR. STREET.

24 A. UH-HUH.

25 Q. THE OIG, THEIR JURIS -- WHAT IS THE JURISDICTION OF

1 OIG?

2 A. WE HAVE JURISDICTION OVER THE EXECUTIVE BRANCH OF
3 STATE GOVERNMENT, WHICH INCLUDES ALL OF THE STATE-WIDE ELECTED
4 OFFICIALS, ALL OF THE GOVERNOR'S CABINET AGENCIES, ALL OF THE
5 PUBLIC COLLEGES AND UNIVERSITIES, COMMUNITY AND TECHNICAL
6 COLLEGES, AND ALL OF THE BOARDS AND COMMISSIONS, AND THEN ANY
7 GRANTEE OR SUBGRANTEE OR CONTRACTOR OR SUBCONTRACTOR, SO,
8 BASICALLY, ANY STATE-WIDE APPOINTED OFFICIAL IS GOING TO FALL
9 WITHIN OIG JURISDICTION.

10 Q. AND YOUR FAILURE -- AND YOU, OBLIVIOUSLY, SINCE
11 YOU'VE BEEN THERE A SERIOUS PERIOD OF TIME, ARE FAMILIAR WITH
12 THOSE VARIOUS AGENCIES --

13 A. YES, SIR.

14 Q. -- OVER WHICH YOU HAVE JURISDICTION, AND ONE OF THEM
15 IS ATC?

16 A. THAT'S CORRECT, YES, SIR.

17 Q. AND THAT'S WHY YOU RAN AN INVESTIGATION?

18 A. THAT'S CORRECT.

19 Q. NOW, IT'S FAIR TO SAY, IS IT NOT, ATC HAS A LAW
20 ENFORCEMENT FUNCTION JUST LIKE YOU DO?

21 A. THEY DO.

22 Q. ATC HAS SUCH A --

23 A. THAT'S CORRECT, YES, SIR.

24 Q. OKAY. AND THAT'S IN ADDITION TO THEIR REGULATORY
25 FUNCTION; IS THAT RIGHT?

1 A. THAT'S CORRECT, YES, SIR.

2 Q. ONE OTHER AREA -- COULD YOU JUST BEAR WITH ME A
3 MOMENT?

4 I WANTED TO ASK YOU, MR. STREET, THERE HAS BEEN A
5 FAIR AMOUNT OF DISCOVERY IN THIS CASE -- IN THE COURSE OF --
6 WELL, BOTH SINCE ITS INCEPTION, BUT, AGAIN, THAT'S BEEN
7 INTENSIFIED, LET'S SAY, IN THE LAST MONTH, HAVE YOU PLAYED ANY
8 ROLE IN THAT DISCOVERY PROCESS WITH THE -- FROM BETWEEN THE --
9 ACTING AS -- IN RESPONSE TO ANY REQUEST FROM THE U.S.
10 ATTORNEY'S OFFICE?

11 A. NO, SIR, OTHER THAN TO -- NO, I DID SPEAK TO THE
12 U.S. ATTORNEY'S OFFICE ABOUT MY KNOWLEDGE OF THE MATTER, WHICH
13 YOU AND I HAVE GONE OVER TODAY.

14 Q. OKAY.

15 A. THE EVENTS OF AUGUST 13TH; BUT, OTHER THAN DIRECTING
16 MY STAFF TO COOPERATE FULLY WITH WHATEVER REQUESTS WOULD BE
17 OUT THERE, THAT'S IT.

18 Q. AND, FINALLY, THERE WAS A REPORT ISSUED IN FEBRUARY,
19 I BELIEVE, OF 2011 --

20 A. THAT'S CORRECT.

21 Q. -- ISSUED BY YOUR OFFICE --

22 A. THAT'S CORRECT.

23 Q. -- CONCERNING THIS VERY MATTER?

24 A. YES, SIR.

25 Q. THERE WAS NO STATE PROSECUTION, BUT THERE WAS A

1 FEDERAL PROSECUTION?

2 A. THAT'S CORRECT.

3 Q. THAT'S WHY WE'RE HERE. DID THERE COME A TIME WHEN
4 YOU WERE INVOLVED IN THE DECISION OF TURNING THE MATTER OVER
5 TO THE FEDERAL GOVERNMENT?

6 A. WE ACTUALLY GAVE COPIES OF THE REPORT BOTH TO HILLAR
7 MOORE, WHO'S THE EAST BATON ROUGE PARISH DISTRICT ATTORNEY AND
8 THE UNITED STATES ATTORNEY'S OFFICE, AND I BELIEVE THAT THEY
9 COMMUNICATED WITH ONE ANOTHER TO DETERMINE WHO WOULD HANDLE
10 THE MATTER, BUT THAT'S, AGAIN, OUTSIDE MY PERSONAL KNOWLEDGE.
11 I CAN TELL YOU WE MADE REFERRALS TO BOTH.

12 Q. AND DID YOU -- WAS THERE A CASE OF ANY -- YOUR
13 SIGNING OFF ON THAT, OR SIMPLY YOU GAVE THEM A COPY OF IT AS
14 YOU DID HILLARY MOORE [SIC], AND THE FEDERAL GOVERNMENT THEN
15 RAN WITH THE BULL?

16 A. THAT'S CORRECT, AS FAR AS I KNOW, YES, SIR.

17 Q. OKAY. DID YOUR STAFF THEN PLAY A ROLE WITH RESPECT
18 TO THE FEDERAL INVESTIGATION ONCE IT GOT UNDERWAY?

19 A. YES, SIR. THEY'VE PARTICIPATED IN THE INVESTIGATION
20 THROUGHOUT THIS MATTER.

21 Q. WAS THERE ANY MEMBER OF THE STAFF DEPUTIZED IN ANY
22 WAY AS PART OF THE -- FOR THE DEPARTMENT OF JUSTICE TEAM?

23 MS. JONES: YOUR HONOR, IT SEEMS THAT MR. FAWER IS
24 TRYING TO GO INTO DISCOVERY MATTERS. YOU KNOW, HE SAYS HE'S
25 LIMITING HIMSELF TO THE MOTION TO DISMISS, BUT I HAVEN'T SEEN

1 ANY INDICATION OF THAT.

2 THE COURT: YES. WHERE IS IT RELEVANT?

3 MR. FAWER: I BEG YOUR PARDON?

4 THE COURT: WHERE IS THIS RELEVANT?

5 MR. FAWER: THERE HAS BEEN A FAIR AMOUNT OF

6 DISCUSSION ABOUT THE DISCOVERY PROCESS.

7 THE COURT: I KNOW. BUT . . .

8 MR. FAWER: AND I WAS JUST TRYING TO --

9 THE COURT: I SHOULD HAVE PROBABLY CUT THAT OFF
10 EARLIER.

11 MR. FAWER: YOU SHOULD PROBABLY CUT THAT OFF?

12 THE COURT: ON THE DISCOVERY ISSUE OF IT.

13 MR. FAWER: OH, WELL, THE --

14 THE COURT: WE ARE HERE ON THE SPOILIATION ISSUE.

15 MR. FAWER: OKAY.

16 THE COURT: MOVE ON.

17 MR. FAWER: LET ME JUST SEE IF THERE IS ANYTHING
18 ELSE. IF YOU WOULD LET ME JUST TALK TO MY TEAM, I THINK I MAY
19 BE THROUGH.

20 THE COURT: THANK YOU.

21 MR. FAWER: I TENDER THE WITNESS.

22 THE COURT: CROSS, MA'AM?

23 MS. JONES: YES, SIR.

24 EXAMINATION

25 BY MS. JONES:

1 Q. GOOD AFTERNOON, MR. STREET.

2 A. HELLO.

3 Q. I THINK YOU TESTIFIED ON DIRECT THAT YOUR STAFF DID
4 NOT ENTER THE PREMISES AFTER AUGUST 13TH, MEANING THE PREMISES
5 OF THE ATC OFFICE, BUT THEY DID GO BACK TO EXECUTE THE SEARCH
6 WARRANT?

7 A. YES, THAT'S CORRECT.

8 Q. AND THAT WAS ON OR ABOUT AUGUST 17TH, CORRECT?

9 A. YES, MA'AM, THAT'S CORRECT.

10 Q. NOW, I WANT TO DIRECT YOUR ATTENTION TO THE
11 APPLICATION FOR SEARCH WARRANT THAT MR. FAWER SHOWED YOU, AND
12 I THINK THAT THAT IS THE SAME -- I HAVE HIGHLIGHTED THE SAME
13 AREA THAT HE ASKED YOU TO LOOK AT, AND I'M GOING TO READ IT
14 OUT LOUD.

15 A. SURE.

16 Q. AND YOU LET ME KNOW IF IT READ IT INCORRECTLY, THAT
17 PROBABLE CAUSE DOES EXIST FOR THE ISSUANCE OF A SEARCH WARRANT
18 AUTHORIZING THE SEARCH OF THE OFFICE OF THE FORMER
19 COMMISSIONER OF THE LOUISIANA OFFICE OF ALCOHOL AND TOBACCO
20 CONTROL, LOUISIANA ATC, LOCATED WITHIN THE LOUISIANA ATC
21 OFFICE AT 8585 ARCHIVES AVENUE, SUITE 220, BATON ROUGE,
22 LOUISIANA, DELL DESKTOP COMPUTER, STATE OF LOUISIANA, WITH A
23 SPECIFIED ID NUMBER; DELL LAPTOP COMPUTER, STATE OF LOUISIANA
24 ID NUMBER SPECIFIED; BLACKBERRY TELEPHONE WITH A PIN
25 IDENTIFIED, AND STATE-ISSUED 2010 DODGE CHARGER VEHICLE WITH A

1 LICENSE IDENTIFIED, PREVIOUSLY UTILIZED BY MURPHY PAINTER IN
2 HIS DUTIES AS THE LOUISIANA ATC COMMISSIONER, WHERE EVIDENCE
3 OF THE CRIME OF STALKING AND COMPUTER TAMPERING, AS DEFINED IN
4 LOUISIANA REVISED STATUTE 14:40.2 AND 14:73.7 IS LOCATED, TO
5 WIT.

6 DID I READ IT CORRECTLY?

7 A. YES, MA'AM, YOU SURE DID.

8 Q. AND THEN THE ITEMS TO BE SEARCHED FOR ARE LISTED
9 UNDERNEATH?

10 A. THAT'S CORRECT.

11 Q. THE ITEMS AND LOCATION TO BE SEARCHED ARE LISTED UP
12 HERE (INDICATING), CORRECT?

13 A. THAT'S CORRECT, YES, MA'AM.

14 Q. SO IT AUTHORIZES THE SEARCH FIRST OF THE OFFICE AND
15 TELLS YOU WHERE THE OFFICE IS LOCATED?

16 A. YES, MA'AM.

17 Q. IT AUTHORIZES THE SEARCH OF THE DELL DESKTOP
18 COMPUTER AND IDENTIFIES IT BY A NUMBER, CORRECT?

19 A. THAT'S CORRECT.

20 Q. IT AUTHORIZES THE SEARCH OF THE DELL LAPTOP COMPUTER
21 AND IDENTIFIES IT BY A NUMBER?

22 A. CORRECT.

23 Q. AUTHORIZES THE SEARCH OF THE BLACKBERRY TELEPHONE
24 AND IDENTIFIES IT BY A NUMBER?

25 A. YES, MA'AM.

1 Q. AND A VEHICLE AND IDENTIFIES IT BY A LICENSE PLATE
2 NUMBER?

3 MR. FAWER: WE'LL STIPULATE THE VEHICLE WASN'T IN
4 THE OFFICE.

5 BY MS. JONES:

6 Q. THE VEHICLE WAS NOT IN THE ATC OFFICE, SUITE 220,
7 WAS IT?

8 A. NO, MA'AM.

9 Q. NOR WAS THE DELL DESKTOP COMPUTER, WAS IT?

10 A. NO, MA'AM.

11 Q. AND I DON'T KNOW WHETHER YOU -- DO YOU KNOW WHETHER
12 THE LAPTOP COMPUTER WAS LOCATED WITHIN THE OFFICE OR NOT?

13 A. I'M NOT POSITIVE OF THAT, MA'AM. IT'S BEST FOR ME
14 NOT TO SPECULATE.

15 Q. AND DO YOU KNOW WHERE THE BLACKBERRY WAS LOCATED?

16 A. YES, MA'AM, I DO. THE BLACKBERRY WAS GIVEN TO ME BY
17 STEPHEN WAGUESPACK AFTER MR. PAINTER'S
18 RESIGNATION/TERMINATION, WHATEVER IT'S CALLED, AND I ACTUALLY
19 DELIVERED THAT TO MY STAFF THAT EVENING AS WELL.

20 Q. DOES THIS PARAGRAPH INDICATE THAT THE BLACKBERRY WAS
21 LOCATED WITHIN THAT SUITE NUMBER?

22 A. NO, MA'AM.

23 Q. DOES IT INDICATE THAT THE DELL DESKTOP COMPUTER WAS
24 LOCATED WITHIN THAT SUITE NUMBER?

25 A. ON CLOSER REVIEW, NO, MA'AM, IT DOES NOT.

1 Q. OR THE VEHICLE?

2 A. ABSOLUTELY NOT.

3 Q. SO WHEN YOU LOOKED AT IT EARLIER ON DIRECT
4 EXAMINATION BY MR. FAWER, OR CROSS-EXAMINATION BY MR. FAWER,
5 YOUR QUICK READ WAS THAT IT INDICATED THEY WERE LOCATED WITHIN
6 THAT SUITE?

7 A. THAT'S CORRECT, YES, MA'AM.

8 Q. AND I WAS SHOWING YOU THE APPLICATION.

9 LET'S LOOK AT THE WARRANT. THE WARRANT IS WORDED IN
10 THE SAME WAY; IS THAT RIGHT?

11 A. YES, MA'AM.

12 Q. DID YOU HAVE ANY INDICATION THAT WHAT IS CONTAINED
13 IN THE APPLICATION IS A MISREPRESENTATION?

14 A. ABSOLUTELY NOT.

15 Q. LET'S LOOK AT THE RETURN TO THE SEARCH WARRANT THAT
16 MR. FAWER SHOWED YOU.

17 ALL RIGHT. IT INDICATES THAT --

18 MR. FAWER: DOES HE HAVE A COPY OF THAT?

19 THE WITNESS: I DO.

20 MS. JONES: IT'S ON THE SCREEN.

21 THE WITNESS: IT'S ON THE SCREEN RIGHT HERE.

22 BY MS. JONES:

23 Q. THE DATE OF ISSUANCE IS AUGUST 16TH OF 2010; DOES
24 THAT APPEAR CORRECT TO YOU?

25 A. YES, MA'AM, IT DOES.

1 Q. AND IT WAS EXECUTED ON AUGUST 17TH OF 2010?

2 A. YES, MA'AM.

3 Q. THERE IS A LIST OF ITEMS SEIZED HERE, CORRECT?

4 A. THAT'S CORRECT.

5 Q. AND THERE IS A COLUMN FOR THE LOCATION WHERE THE
6 ITEMS WERE FOUND, CORRECT?

7 A. THAT'S CORRECT, YES, MA'AM.

8 Q. THE FIRST ITEM IS THAT DELL DESKTOP COMPUTER THAT
9 WE'VE BEEN TALKING ABOUT; IS THAT RIGHT?

10 A. YES, MA'AM.

11 Q. IT INDICATES THAT IT WAS FOUND IN THE COMMISSIONER'S
12 OFFICE OF THE LOUISIANA ATC; IS THAT RIGHT?

13 A. THAT'S CORRECT.

14 Q. IS THAT WHERE YOU BELIEVE IT WAS FOUND?

15 A. YES, MA'AM.

16 Q. SO THERE'S NO MISREPRESENTATION HERE THAT YOU SEE
17 REGARDING THE DELL DESKTOP COMPUTER?

18 A. NO, MA'AM.

19 MS. JONES: NO FURTHER QUESTIONS, YOUR HONOR.

20 THE COURT: ANY REDIRECT, SIR?

21 MR. FAWER: JUST A COUPLE.

22 EXAMINATION

23 BY MR. FAWER:

24 Q. THE LAST DOCUMENT --

25 THE COURT: YOU ARE GOING TO HAVE TO GO BACK AND PUT

1 IT ON THE ELMO BACK ON THE OTHER PODIUM, PLEASE.

2 BY MR. FAWER:

3 Q. DO YOU SEE IT?

4 A. I DO, YES, SIR.

5 Q. NOW, THIS DOCUMENT IS A RETURN ON A SEARCH WARRANT
6 EXECUTED ON THE 17TH?

7 A. THAT'S CORRECT.

8 Q. DO YOU AND I HAVE A PROBLEM WITH THE ENGLISH
9 LANGUAGE WHEN IT SAYS "PURSUANT TO THE EFFECT OF THE SEARCH
10 WARRANT, IT WAS LOCATED AT THE COMMISSIONER'S OFFICE"?

11 MS. JONES: THAT'S ARGUMENTATIVE, YOUR HONOR.

12 THE COURT: HOLD ON. IT'S ARGUMENTATIVE?

13 MS. JONES: YES, SIR. I OBJECT TO ARGUING.

14 THE COURT: ALL RIGHT. REPHRASE YOUR QUESTION.
15 SUSTAINED.

16 BY MR. FAWER:

17 Q. THIS IS A RETURN ON A SEARCH WARRANT. THE SEARCH
18 HAS OCCURRED AT THE COMMISSIONER'S OFFICE, CORRECT?

19 A. THAT IS CORRECT, YES, SIR.

20 Q. AND IT VERY CLEARLY SAYS DELL OPTIPLEX COMPUTER TAG
21 NUMBER SO-AND-SO, LOCATED -- LOCATION FOUND; YOU UNDERSTAND
22 WHAT THAT MEANS?

23 A. ABSOLUTELY, YES, SIR.

24 Q. THAT MEANS, DOES IT NOT -- AND YOU TELL ME IF I'M
25 WRONG -- THAT PURSUANT TO THE SEARCH WARRANT, PURSUANT TO THE

1 WARRANT ON THE 17TH, WE FOUND IT, AND WE'RE TELLING YOU,
2 JUDGE, WE FOUND IT AT THE COMMISSIONER'S OFFICE; ISN'T THAT
3 WHAT IT SAYS?

4 A. YES, SIR. I DON'T THINK THERE'S ANY DISPUTE THAT
5 THE COMPUTER WAS FOUND IN MR. PAINTER'S OFFICE.

6 Q. NO, NO. PURSUANT -- WE WON'T DANCE ON THE HEAD OF A
7 PIN. WHAT IT SAYS IS THAT PURSUANT TO --

8 THE COURT: COME TO ONE PLACE OR THE OTHER.

9 BY MR. FAWER

10 Q. IT SAYS "PURSUANT TO THE SEARCH WARRANT." I KNOW
11 IT'S NOT GOOD TO THINK OF SOMETHING AS A LIE.

12 A. UH-HUH.

13 Q. BUT IT IS, BECAUSE THEY'RE SAYING -- AND THERE'S
14 DITTO MARKS FOR ALL THE OTHER THINGS.

15 A. I'M SORRY, MR. FAWER. YOU'RE SCREAMING.

16 THE COURT: HOLD ON.

17 A. COULD YOU PLEASE QUIET DOWN JUST A LITTLE?

18 Q. SURE. I'M SORRY. MY APOLOGIES.

19 A. I'LL BE GLAD TO ANSWER YOUR QUESTIONS, SIR.

20 MS. JONES: THE SCREAMING AND THE ARGUMENTIVE

21 NATURE OF THE QUESTION, THERE'S --

22 THE COURT: IT IS.

23 MR. FAWER --

24 MR. FAWER: I APOLOGIZE, JUDGE.

25 THE COURT: -- YOU ARE SCREAMING, SO MODERATE YOUR

1 VOICE.

2 BY MR. FAWER:

3 Q. SO WE DON'T DANCE ON THE HEAD OF THE PIN, THERE'S A
4 NUMBER OF ITEMS WHICH ARE DITTOED SHOWING PRECISELY WHERE,
5 PURSUANT TO THE SEARCH WARRANT, EACH OF THOSE ITEMS WAS FOUND;
6 AM I CORRECT?

7 A. THAT'S CORRECT, YES, SIR.

8 Q. EVERY OTHER ITEM WITH THE DITTOS WAS FOUND IN THE
9 OFFICE OF MR. PAINTER, RIGHT?

10 A. YES, SIR.

11 Q. THE DODGE WAS NOT?

12 A. NO, THE CAR WAS NOT, THAT'S VERY CLEAR.

13 Q. AND IT'S CLEARLY REFLECTED THAT IT WAS NOT?

14 A. OKAY. THAT THE . . .

15 Q. AM I CORRECT?

16 A. I'M SORRY. I'M LOOKING FOR THE PART OF THE RETURN
17 WE'RE REFERRING TO.

18 Q. IT'S AFTER THE DITTO MARKS.

19 A. OKAY. OH, THAT SAYS "THE LOCATION WHERE THE DELL
20 LAPTOP WAS FOUND."

21 Q. NO, NO, NO.

22 A. IT SAYS, "DELL LAPTOP COMPUTER, LOCATION FOUND, 2010
23 DODGE CHARGER."

24 Q. EXCUSE ME. MR. STREET, WE'RE TALKING ABOUT THE
25 DODGE.

1 **MS. JONES:** YOUR HONOR, I OBJECT. HE WAS TRYING TO
2 EXPLAIN WHAT IT SAYS IN ANSWER TO THE QUESTION AND MR. FAWER
3 IS TALKING OVER HIM.

4 **THE COURT:** REPHRASE YOUR QUESTION.

5 **BY MR. FAWER:**

6 **Q.** MY QUESTION -- AND I'LL GO BACK SO WE'RE LOOKING AT
7 THE SAME DOCUMENT.

8 **A.** SURE.

9 **Q.** THE SIXTH DOCUMENT DOWN, SIXTH ITEM DOWN.

10 **A.** UNDER "LOCATION," UNDER "ITEMS SEIZED" OR --

11 **Q.** RIGHT.

12 THAT'S THE SIXTH ITEM DOWN ON THAT --

13 **THE COURT:** YOU CAN PUT YOUR FINGER ON IT AND SHOW
14 HIM.

15 **A.** MAYBE YOU COULD SHOW ME WHERE YOU'RE REFERRING TO,
16 YES, SIR, THAT WOULD BE HELPFUL.

17 **BY MR. FAWER:**

18 **Q.** DO YOU SEE THE DITTO MARKS?

19 **A.** I SEE THAT UNDER THE COLUMN THAT SAYS "LOCATION
20 FOUND."

21 **Q.** RIGHT.

22 AND AFTER IT CAME THE DODGE CHARGER, RIGHT?

23 **A.** RIGHT. THAT'S LISTED UNDER "LOCATION FOUND," ITEM
24 SEIZED IS THE DELL LAPTOP COMPUTER, INDICATING THAT IT WAS
25 FOUND IN THE 2010 DODGE CHARGER.

1 Q. WHAT? THE DELL -- WE'RE NOT TALKING ABOUT THE
2 LAPTOP.

3 THE CLERK: MR. FAWER, WOULD YOU MOVE THE
4 MICROPHONE?

5 BY MR. FAWER:

6 Q. I AM UNDERSTANDING NOW WHAT YOU ARE SAYING.

7 A. YES, SIR.

8 Q. THAT THE DELL LAPTOP WAS FOUND IN THE DODGE CHARGER.

9 THE COURT: YOU HAVE TO GO TO THE MIC.

10 BY MR. FAWER:

11 Q. YOU'RE NOT SUGGESTING TO ME, ARE YOU, THAT WHAT'S
12 BEEN -- IS IT NOT WHAT'S REPRESENTED HERE THAT THE DELL
13 OPTIPLEX COMPUTER WAS FOUND PURSUANT TO THE SEARCH WARRANT, OR
14 THE SEARCH CONDUCTED PURSUANT TO THE WARRANT, AT THE OFFICE OF
15 THE COMMISSIONER?

16 A. THE -- I BELIEVE THAT THE -- WHERE IT SAYS "LOCATION
17 FOUND," IT WAS, IN FACT, FOUND IN MR. PAINTER'S OFFICE. AS TO
18 WHEN IT CAME INTO OUR POSSESSION, THAT'S UNCLEAR FROM THIS
19 DOCUMENT, BUT I THINK IT'S BEEN ESTABLISHED THAT IT WAS SEIZED
20 PRIOR TO, SO I DON'T UNDERSTAND THE --

21 Q. WHAT DATE -- THIS IS A RETURN OF AN EVENT DONE --

22 A. THE DATE IS VERY CLEARLY REFLECTED, MR. FAWER.

23 MS. JONES: OBJECTION.

24 THE COURT: HOLD ON. WHAT'S YOUR OBJECTION?

25 MS. JONES: I OBJECT TO GOING DOWN THIS LINE OF

1 QUESTIONING ANYMORE. IT'S BEEN ASKED AND ANSWERED. I DON'T
2 THINK WE ARE GETTING ANYWHERE BY HAVING MR. FAWER ARGUE WITH
3 MR. STREET ABOUT THE MEANING OF THE DOCUMENT. HE HAS SAID
4 WHAT HE THINKS IT IS. MR. FAWER DISAGREES. I THINK WE CAN
5 MOVE ON.

6 MR. FAWER: I APPRECIATE THE INSTRUCTION.
7 MAY I CONTINUE, JUDGE?

8 THE COURT: YOU CAN ASK YOUR QUESTION.

9 MR. FAWER: SURE.

10 THE COURT: AND THEN ALLOW HIM TO ANSWER, AND THEN
11 WE'RE GOING TO MOVE ON.

12 BY MR. FAWER:

13 Q. IT MAY SEEM PICAYUNE TO YOU, BUT THE RETURN --

14 A. I'M SORRY. WHAT IS THAT? IT MAY SEEM WHAT?

15 Q. PICAYUNE. THE JUDGE WILL DEFINE IT FOR YOU.

16 A. VERY WELL. I MIGHT NEED HIM TO.

17 THE COURT: VERY SMALL.

18 THE WITNESS: OKAY. THANK YOU, SIR. I APPRECIATE
19 IT.

20 BY MR. FAWER

21 Q. LIKE THE TIMES PICAYUNE?

22 A. I KNOW. THAT'S THE ONLY REFERENCE THAT I'VE HEARD
23 OF THAT.

24 Q. THERE ARE OTHERS.

25 IN ANY EVENT, THIS IS A FORMAL RETURN OF A SEARCH

1 CONDUCTED ON A SPECIFIC DATE, AUGUST 17TH.

2 A. YES, SIR.

3 Q. AND IT'S REFLECTING, IS IT NOT, FOR ANYONE WHO'S
4 READING THIS DOCUMENT AS IF THE DELL COMPUTER ON AUGUST 17TH
5 WAS FOUND AT THE COMMISSIONER'S OFFICE?

6 A. I BELIEVE THE DOCUMENT SAYS WHAT IT SAYS, MR. FAWER.

7 Q. ALL RIGHT. SO YOU CAN'T ANSWER THAT QUESTION? I
8 KNOW THE DOCUMENT SAYS -- ISN'T THAT A FAIR READING OF THE
9 DOCUMENT?

10 A. I DON'T THINK THAT IT'S REQUIRED TO BE READ FAIRLY
11 OR UNFAIRLY. IT SAYS WHAT IT SAYS.

12 Q. AND IT SAYS IT WAS FOUND OR LOCATED --

13 THE COURT: WE ARE ARGUING NOW. YOU JUST DISAGREE.

14 MR. FAWER: I HAVE NO OTHER QUESTIONS.

15 THE COURT: ALL RIGHT.

16 MS. JONES: YOUR HONOR, I HAD TOLD MR. FAWER THAT
17 MR. STREET WAS ONE OF THE WITNESSES THAT I WANTED TO CALL FOR
18 VERY BRIEF TESTIMONY WITH REGARD TO THE RESPONSE TO THE OIG
19 REPORT WHILE HE'S HERE. IT'S JUST A FEW QUESTIONS. SHOULD WE
20 PURSUE THAT?

21 THE COURT: I DON'T MIND DOING THAT. WE WILL SHIFT
22 GEARS, UNLESS MR. STREET WANTS TO KEEP COMING BACK.

23 EXAMINATION

24 BY MS. JONES:

25 Q. MR. STREET, YOUR OFFICE, I THINK YOU'VE ALREADY

1 INDICATED, ISSUED A REPORT IN THIS MATTER IN FEBRUARY OF 2011;
2 IS THAT CORRECT?

3 A. THAT'S CORRECT.

4 Q. BEFORE DOING SO, WAS MR. PAINTER GIVEN AN
5 OPPORTUNITY TO RESPOND TO THE REPORT?

6 A. YES, MA'AM, HE WAS.

7 Q. AND WAS A RESPONSE SUBMITTED?

8 A. YES, MA'AM, IT WAS.

9 Q. HOW WAS THAT DONE?

10 A. I BELIEVE -- AND I'VE GOT TO THINK BACK TO 2011 --
11 BUT WE PRESENTED A DRAFT REPORT TO MR. PAINTER AND HIS
12 ATTORNEYS SOMEWHERE AROUND NOVEMBER OF 2010. THEY WERE GIVEN
13 AN OPPORTUNITY TO REVIEW THAT, AND AT SOME POINT, SOME DRAFTS
14 WENT BACK AND FORTH. MEANWHILE, AGAINST THE BACKDROP OF THIS
15 WAS SOME CIVIL LITIGATION CONCERNING A PUBLIC RECORDS' REQUEST
16 AND THERE WAS A HEARING SET IN JANUARY, SO WE DELAYED THE
17 PROCESS UNTIL JUDGE CALDWELL IN THE 19TH JDC COULD RULE ON
18 THAT MATTER, AND THEN A RESPONSE, A FORMAL RESPONSE, WAS
19 ACTUALLY SUBMITTED BY THE BREAZEALE SACHSE FIRM UNDER BERNIE
20 BOUDREAUX'S SIGNATURE AND THAT RESPONSE WAS ATTACHED IN PURE
21 FORM AS AN EXHIBIT TO THE INSPECTOR GENERAL'S REPORT.

22 Q. AND I THINK YOU MENTIONED BEFORE THE FINAL RESPONSE
23 WAS SUBMITTED, THERE WAS A DRAFT RESPONSE SUBMITTED?

24 A. THAT'S CORRECT, YES, MA'AM. I BELIEVE THAT WAS
25 AROUND DECEMBER OF 2010.

1 Q. WAS THAT ALSO SUBMITTED BY MR. BOUDREAUX?

2 A. IT WAS.

3 Q. AND LET ME SHOW YOU UNITED STATE'S EXHIBIT HEARING
4 11.

5 DO YOU RECOGNIZE THIS EXHIBIT, UNITED STATE'S
6 HEARING 11, MR. STREET?

7 A. YES, MA'AM, I DO.

8 Q. WHAT IS IT?

9 A. THAT'S AN E-MAIL FROM GREG PHARES, WHO IS THE OIG
10 CHIEF INVESTIGATOR, SENT TO MS. CATHERINE BELL AND TO BERNIE
11 BOUDREAUX OF THE BREAZEALE SACHSE FIRM, COPIED TO MYSELF AND
12 ROBERT COLLINS, WHO AT THE TIME WAS SERVING AS OIG GENERAL
13 COUNSEL. THE SUBJECT OF THE E-MAIL WAS THE MURPHY PAINTER,
14 OIG CASE NUMBER CRIMINAL -- OR CID-11-007, AND THE E-MAIL IS
15 FROM GREG TO MR. BOUDREAUX, INDICATING THAT -- THANKING HIM
16 FOR SUBMITTING A DRAFT RESPONSE TO THE OIG REPORT AND
17 CONFIRMING THEIR PREVIOUS DISCUSSION THAT THE OIG WOULD NOT
18 RELEASE THE REPORT UNTIL AFTER THE JANUARY 12TH HEARING BEFORE
19 JUDGE CALDWELL.

20 Q. AND THEN BELOW THE E-MAIL FROM INVESTIGATOR PHARES
21 TO YOU IS THE -- IS AN E-MAIL TO MR. PHARES FROM CATHERINE
22 BELL WHICH IS FORWARDING THE CORRESPONDENCE; IS THAT CORRECT?

23 A. THAT'S CORRECT, YES, MA'AM.

24 Q. AND IT HAS CARBON COPIES TO MR. BOUDREAUX, TO COMISH
25 MJP, TO JORDAN FAIRCLOTH AND TO MURPHY FOSTER?

1 A. THAT'S CORRECT, YES, MA'AM.

2 Q. DO YOU KNOW WHO COMISH MJP IS?

3 A. I BELIEVE THAT'S MR. PAINTER.

4 MS. JONES: YOUR HONOR, I MOVE FOR ADMISSION OF
5 UNITED STATE'S EXHIBIT HEARING 11.

6 THE COURT: ANY OBJECTION?

7 MR. FAWER: NO OBJECTION.

8 THE COURT: ALL RIGHT. THEN 11 IS ADMITTED.

9 BY MS. JONES:

10 Q. AND, MR. STREET, NOW I'M SHOWING YOU UNITED STATE'S
11 EXHIBIT HEARING 12.

12 DO YOU SEE UNITED STATE'S EXHIBIT HEARING 12?

13 A. I DO, YES, MA'AM.

14 Q. AND DO YOU RECOGNIZE THAT?

15 A. I DO.

16 Q. WHAT IS IT?

17 A. THAT'S A LETTER DATED DECEMBER 17TH, 2010, ON
18 BREAZEALE SACHSE & WILSON LETTERHEAD. THE LETTER IS FROM MR.
19 BERNIE BOUDREAUX, ADDRESSED TO GREG PHARES OF OUR OFFICE.
20 AGAIN, IT SAYS OFFICE OF THE GOVERNOR, OFFICE OF STATE
21 INSPECTOR GENERAL. IT HAS A RE: CAPTION OF MURPHY PAINTER AND
22 OIG CASE NUMBER, ALONG WITH THE BREAZEALE SACHSE FILE NUMBER,
23 AND THE SUBSTANCE OF THE LETTER IS MR. BOUDREAUX INDICATING TO
24 GREG, PLEASE FIND ENCLOSED A DRAFT RESPONSE -- THE WORD
25 "DRAFT" IS IN ALL CAPS -- RELATIVE TO THE DRAFT INVESTIGATIVE

1 REPORT OF OIG -- AGAIN, THE WORD DRAFT, AND AT THE TIME, THERE
2 HAD BEEN DISCUSSIONS ABOUT TRYING TO GET THROUGH THE
3 LITIGATION AND GET INFORMATION THAT HAD BEEN REQUESTED PRIOR
4 TO OUR RELEASE OF THE REPORT.

5 Q. AND DOES MR. BOUDREAUX INDICATE THAT THE RESPONSE IS
6 BY MR. PAINTER?

7 A. IT DOES.

8 Q. DOES IT INDICATE THAT BREAZEALE SACHSE & WILSON ARE
9 ACTING AS MR. PAINTER'S ATTORNEYS?

10 A. YES, IT DOES.

11 Q. AND THEN LET ME SHOW YOU THE SECOND PAGE. DOES IT
12 HAVE CARBON COPIES TO MR. PAINTER, MR. FOSTER, JORDAN
13 FAIRCLOTH AND FRANK HOLTHAUS?

14 A. IT DOES.

15 Q. THEN THE FOLLOWING PAGES CONSIST OF THE DRAFT
16 RESPONSE, CORRECT?

17 A. YES. I DO RECOGNIZE THAT DOCUMENT, YES, MA'AM.

18 Q. AND IT INDICATES THAT IT IS FROM COUNSEL FOR MURPHY
19 PAINTER --

20 A. THAT'S CORRECT.

21 Q. -- ON DECEMBER 17TH OF 2010?

22 A. YES, MA'AM.

23 Q. ONCE THE REPORT WAS ACTUALLY ISSUED, YOU SAID THAT
24 THE FINAL RESPONSE THAT WAS SUBMITTED BY MR. BOUDREAUX ON MR.
25 PAINTER'S BEHALF WAS ATTACHED TO THE REPORT?

1 A. YES, MA'AM, IT IS.

2 Q. SO THAT RESPONSE WAS A PART OF PUBLIC RECORD?

3 A. THAT'S CORRECT.

4 Q. DID YOU CONTINUE TO HAVE CONTACT WITH MR. PAINTER'S
5 ATTORNEYS AFTER THE SUBMISSION OF THE RESPONSE TO YOUR REPORT?

6 A. YES, MA'AM, I BELIEVE SO. BUT I WOULD TRY TO --
7 GOSH, I'M STARTING TO GET A LITTLE FUZZY ON THE DATES, BECAUSE
8 I KNOW WE GOT SUED A COUPLE OF TIMES AND HAD TO GO COURT. I
9 DON'T RECALL THE EXACT DATES, BUT THERE WAS INTERACTION, I
10 BELIEVE, AND I JUST -- NOW, AS FAR AS AFTER THE -- I DON'T
11 RECALL SPECIFICALLY.

12 Q. OKAY. FAIR ENOUGH.

13 DO YOU RECALL WHETHER YOU HAD ANY CONTACT WITH MR.
14 PAINTER PERSONALLY?

15 A. YES, MA'AM. WE RECEIVED LETTERS FROM MR. PAINTER
16 WITH VARIOUS PUBLIC RECORDS' REQUESTS, AND AT ONE POINT -- AND
17 NOW MY RECOLLECTION IS REFRESHED -- I DID SEND A LETTER TO
18 MURPHY FOSTER, AND I WANT TO SAY IT WAS AROUND APRIL OF 2011,
19 INDICATING TO HIM THAT MR. PAINTER WAS COMMUNICATING
20 INDEPENDENTLY WITH -- OR ATTEMPTING TO COMMUNICATE
21 INDEPENDENTLY WITH OIG, AND THAT BECAUSE WE KNEW THAT HE WAS
22 REPRESENTED BY COUNSEL, WE DIDN'T WANT TO COMMUNICATE DIRECTLY
23 WITH HIM. SO I ENCLOSED A COPY OF MR. PAINTER'S LETTER AND
24 SENT THAT, ALONG WITH A COVER LETTER, TO MURPHY FOSTER, ASKING
25 HIM TO PLEASE DIRECT ALL FURTHER COMMUNICATION WITH OUR OFFICE

1 THROUGH COUNSEL .

2 Q. DID MR. PAINTER EVER COMMUNICATE WITH YOU, EITHER
3 PERSONALLY OR THROUGH COUNSEL, TO REQUEST THAT THE RESPONSE BE
4 WITHDRAWN, AMENDED, CORRECTED, SUPPLEMENTED, OR REDACTED IN
5 ANY WAY?

6 A. NO, MA'AM.

7 AND TO FURTHER CLARIFY, AT SOME POINT, AND I'M NOT
8 SURE OF THE EXACT DATE, MR. PAINTER WAS NO LONGER REPRESENTED
9 BY THE BREAZEALE SACHSE FIRM, AND HE CONTINUED TO SUBMIT
10 PUBLIC RECORDS' REQUESTS TO OUR OFFICE, WHICH WE RESPONDED TO.
11 WE ALWAYS SENT SOMETHING IN WRITING TO HIM.

12 Q. SO HE DID THAT DIRECTLY WITHOUT COUNSEL?

13 A. DIRECTLY WITHOUT COUNSEL, YES, MA'AM. BUT AT NO
14 POINT WERE WE EVER ASKED TO AMEND THE RESPONSE, OR WAS THERE
15 NEVER ANY SORT OF REQUEST TO WITHDRAW OR AMEND IT AT ANY POINT
16 OF TIME, EVEN TO THIS DAY.

17 Q. THANK YOU. I HAVE NO FURTHER QUESTIONS.

18 A. THANK YOU.

19 THE COURT: ANY QUESTIONS, MR. FAWER?

20 MS. JONES: YOUR HONOR, I WOULD MOVE TO ADMIT -- I
21 DON'T THINK I MOVED TO ADMIT THE SECOND ONE, UNITED STATE'S
22 EXHIBIT HEARING 12.

23 THE COURT: YOU DID NOT.

24 IS THERE ANY OBJECTION TO 12, THE DRAFT REPORT?

25 MR. FAWER: NO, YOUR HONOR.

1 THE COURT: ALL RIGHT.

2 MR. FAWER: TWELVE IS THE FINAL -- LET ME JUST MAKE
3 SURE OF SOMETHING.

4 THE COURT: ALL RIGHT.

5 MR. FAWER: THAT'S THE DRAFT, RIGHT?

6 THE COURT: YES. IT'S ADMITTED.

7 EXAMINATION

8 BY MR. FAWER:

9 Q. YOU WERE NOT PRESENT IN COURT WHEN MR. BOUDREAUX
10 TESTIFIED ABOUT THIS, DID YOU?

11 A. NO, SIR.

12 Q. AND YOU'RE UNAWARE OF WHAT HIS TESTIMONY IS IN THIS
13 --

14 A. NO, SIR, I'M UNDER SEQUESTRATION.

15 Q. I UNDERSTAND THAT.

16 A. NO, SIR.

17 Q. AND YOU'RE NOT PRIVY TO WHETHER OR NOT MURPHY
18 PAINTER EVER GAVE BERNIE BOUDREAUX AUTHORIZATION TO SUBMIT A
19 RESPONSE, ARE YOU?

20 A. NO, SIR.

21 Q. YOU'RE NOT PRIVY AS TO WHETHER BERNIE BOUDREAUX EVER
22 SHOWED THIS DOCUMENT TO MURPHY PAINTER, CORRECT?

23 A. NO, SIR.

24 Q. PRIOR TO SUBMISSION, CORRECT?

25 A. NO, SIR, I WOULDN'T KNOW THAT.

1 Q. YOU HAVE NO KNOWLEDGE?

2 A. NO, SIR, NO KNOWLEDGE WHATSOEVER OF THAT.

3 Q. AND THERE CAME A POINT, I TAKE IT, AFTER -- YOU WERE
4 ISSUED THE REPORT, I BELIEVE, FEBRUARY 17TH OR THEREABOUTS?

5 A. THAT'S CORRECT.

6 Q. OF 2010?

7 A. 2011.

8 Q. I MEAN, 2011.

9 A. YES, SIR.

10 Q. BEG YOUR PARDON.

11 AND WAS IT BEFORE OR AFTER THAT THAT YOU RECALL MR.
12 PAINTER WAS NO LONGER REPRESENTED BY MR. BOUDREAUX IN THE
13 BREAZEALE FIRM?

14 A. I BELIEVE IT WAS AFTER THAT.

15 Q. HOW LONG AFTER THAT?

16 A. I DON'T RECALL THE PRECISE TIME. I DO REMEMBER IN
17 APRIL OF 2011, SENDING A LETTER TO MR. FOSTER WHEN WE RECEIVED
18 A DIRECT COMMUNICATION FROM MR. PAINTER, BUT AFTER -- I'M NOT
19 SURE WHEN THAT RELATIONSHIP ENDED, WHEN THE LEGAL
20 REPRESENTATION ENDED.

21 Q. OBVIOUSLY, IT'S WITHIN 60 DAYS OF YOUR REPORT?

22 A. I WOULD NOT HAVE KNOWN THE --

23 Q. NO, I UNDERSTAND, BUT -- I'M SORRY I INTERRUPTED
24 YOU.

25 A. I WOULD NOT HAVE KNOWN EXACTLY WHEN THAT

1 RELATIONSHIP ENDED. I DO KNOW THAT -- I MAY NOT HAVE BEEN
2 AWARE THAT IT WAS OVER WITH AT THAT TIME, THAT'S WHY WE SENT
3 THE LETTER TO MR. FOSTER, SO I WOULD NOT HAVE PERSONAL
4 KNOWLEDGE AT ALL OF WHEN THAT RELATIONSHIP TERMINATED.

5 Q. THE FIRST TIME YOU HAD A DIRECT COMMUNICATION WAS IN
6 APRIL FROM MR. PAINTER?

7 A. THAT I -- I THINK THAT'S TRUE.

8 Q. ALL RIGHT.

9 A. I'D HAVE TO GO BACK AND VERIFY IT, BUT I REMEMBER
10 THE LETTER THAT I SENT TO MURPHY FOSTER WAS IN APRIL OF 2011.

11 Q. WELL, IF YOUR LETTER TO MURPHY FOSTER WAS IN APRIL,
12 THEN IT HAD TO BE BEFORE THAT, THAT THE FREEDOM OF INFORMATION
13 ACT REQUEST BY MURPHY PAINTER INDIVIDUALLY WAS RECEIVED?

14 A. I MAY HAVE SENT THE LETTER OUT, EITHER WITH --
15 EITHER THE SAME DAY OR THE NEXT DAY.

16 Q. FAIR ENOUGH.

17 A. SO IT WAS PROBABLY BOTH IN APRIL.

18 Q. WHICH WAS WITHIN 60 DAYS, APPROXIMATELY --

19 A. THAT WOULD HAVE BEEN WITHIN 60 DAYS, YES, SIR.

20 Q. WAIT, LET ME FINISH THE QUESTION.

21 A. I APOLOGIZE.

22 Q. WITHIN 60 DAYS OF YOUR HAVING ISSUED THE REPORT,
23 RIGHT?

24 A. YES, SIR.

25 Q. AND IT WAS PRIOR TO THAT THAT BERNIE BOUDREAUX

1 SUBMITTED HIS RESPONSE TO THE REPORT?

2 A. OH, YES, SIR.

3 Q. ACTUALLY, IT WAS A RESPONSE TO THE DRAFT BECAUSE
4 THAT -- HIS FINAL RESPONSE CAME BEFORE YOU ISSUED THE FULL
5 REPORT?

6 A. YES, SIR, IT WOULD HAVE HAD TO.

7 Q. BEAR WITH ME A MOMENT.

8 NO OTHER QUESTIONS. THANK YOU.

9 THE COURT: ALL RIGHT. ANY REDIRECT, MA'AM?

10 MS. JONES: NO, YOUR HONOR.

11 THE COURT: ALL RIGHT. YOU MAY STEP DOWN, MR.

12 STREET.

13 THE WITNESS: THANK YOU, JUDGE.

14 THE COURT: IS THERE ANY NEED FOR MR. STREET TO
15 REMAIN ON CALL OR ANYTHING?

16 MS. JONES: NO, YOUR HONOR. NOT BY THE UNITED
17 STATES.

18 THE COURT: ALL RIGHT. YOU'RE JUST NOT TO DISCUSS
19 YOUR TESTIMONY WITH ANYONE OTHER THAN THE ATTORNEYS IN THIS
20 CASE.

21 THE WITNESS: THANK YOU, JUDGE.

22 REPORTER'S NOTE: (END OF EXCERPT.)

23 C E R T I F I C A T E

24 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
25 FROM THE RECORD OF THE PROCEEDINGS IN THE ABOVE-ENTITLED

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NUMBERED MATTER.

Shannon Thompson

SHANNON L. THOMPSON, CCR

OFFICIAL COURT REPORTER