

10TH JUDICIAL DISTRICT COURT  
PARISH OF NATCHITOCHEs  
STATE OF LOUISIANA

NUMBER: C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

LOUISIANA STATE TROOPERS ASSOCIATION AND  
JAY OLIPHANT

Deposition of DAVID T. YOUNG, taken on  
Tuesday, June 25, 2019, before Leslie B. Doyle,  
Certified Court Reporter (LA #93096), at the Law  
Offices of Avant & Falcon, 429 Government Street,  
Baton Rouge, Louisiana, commencing at 12:56 p.m.

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1 APPEARANCES :

2

3 REPRESENTING THE PLAINTIFF :

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15

16 ALSO PRESENT :

17 MICHELE GIROIR  
18 JAY OLIPHANT  
19 CALVIN W. BRAXTON, SR.  
20 JAY O'QUINN

20

21

\* \* \*

22

23

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25

## 1 S T I P U L A T I O N

2

3 It is stipulated and agreed by and between  
4 all Counsel that the testimony of DAVID T. YOUNG, on  
5 June 25, 2019, is hereby being taken for discovery  
6 purposes and for any and all purposes authorized  
7 under the Louisiana Code of Civil Procedure.

8

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

13

14 All objections, except those as to the  
15 form of the question and the responsiveness of the  
16 answer, are considered reserved until trial or other  
17 use of the deposition.

18

19

20

21

22 \* \* \*

23 Leslie B. Doyle, Certified Court Reporter  
24 in and for the State of Louisiana, officiated in  
25 administering the oath to the witness.

1                                   DAVID T. YOUNG,  
2                   having been first duly sworn, was examined  
3                                   and testified as follows:

4   \* \* \*

5                                   MS. CRAFT: And I'm going to note  
6                                   again for the record my objection to the  
7                                   switching of any kind of corporate  
8                                   representative for the purposes of LSTA.  
9                                   We are reserving all objections, except as  
10                                  to the form of the question,  
11                                  responsiveness of the answer.

12   EXAMINATION

13 BY MS. CRAFT:

14                   Q. Mr. Young, as you know, my name is Jill  
15                   Craft. Off the record, if we need to take any kind  
16                   of break, let me know. We discussed that. And,  
17                   again, I'm going to remind you nods of the head yes  
18                   or no cannot be taken down by the reporter, so you  
19                   need to make sure to answer out loud. And as you  
20                   also know from me thus far, I'm going to ask you to  
21                   spell names, places and things.

22                   A. Sure.

23                   Q. Not to test your spelling. It's just much  
24                   easier for our reporter to get those down. Is that  
25                   fair enough?

1 A. Sure.

2 Q. Would you walk me through your educational  
3 background, sir, starting with where and when you  
4 graduated high school?

5 A. I graduated from Rummel -- Arch Bishop  
6 Rummel High School in Metairie, Louisiana, in 1966.

7 Q. Okay. And then any education beyond that?

8 A. Yes. I went to Northeast Louisiana -- to  
9 Northeast for one year and then transferred to  
10 Southeastern and completed my undergraduate  
11 education there.

12 Q. And what is your degree in?

13 A. It's in history and political science.

14 Q. And when did you get that -- those --

15 A. '70.

16 Q. Are they two degrees or one degree?

17 A. Two.

18 Q. Okay. And then any education beyond that?

19 A. I returned to Southeastern in nineteen  
20 seventy -- I'm going to guess -- five --

21 Q. Sure.

22 A. -- and got a two-year associate degree in  
23 computer science. Additionally, I spent three years  
24 in the school of Banking of the South, which was a  
25 summer school at LSU.

1 Q. And did you receive the certificate from  
2 the school of Banking of the South?

3 A. I did not. The bank I was with went  
4 bottom up before the -- before we completed the  
5 third year.

6 Q. Can you walk me through your employment  
7 history starting after college, please?

8 A. After college, my first job was working  
9 for a chemical testing -- a lab firm that was  
10 testing effluence of oil-related pits, both onshore  
11 and off.

12 Q. And who was that?

13 A. It was called Analysis Laboratories in  
14 Metairie, Louisiana.

15 Q. And how long did you work for those  
16 people?

17 A. About two -- about two years.

18 Q. So, roughly, from --

19 A. '70 to '72, '73. It might have been three  
20 years.

21 Q. And then where did you go?

22 A. I moved down to South Florida for about a  
23 year. I was -- I worked as a bartender. At the  
24 same time, I was also working trying to develop a  
25 magazine similar to our 225 here in the Baton Rouge



1 area, and then I returned, and when I returned is  
2 when I went over to Southeastern and pursued that  
3 second degree.

4 Q. Were you going full-time?

5 A. Yes.

6 Q. Okay. So you did not work during that  
7 two-year period?

8 A. I might have held a job at a gas station  
9 or something like that, but, no, not a -- I was not  
10 a full-time employee.

11 Q. And what was your next significant  
12 employment?

13 A. I graduated in 1976, '77, whenever that  
14 was. I went to work for Capital Bank here in Baton  
15 Rouge. I started out working in the computer  
16 programming department and then moved into the  
17 servicing department of the computer area. In other  
18 words, when -- we had a number of banks around the  
19 state who we would do their processing, and somebody  
20 who understood the transactional end of it would  
21 have to go in and explain to the bank and teach the  
22 banks how to make the system work, as well as to do  
23 troubleshooting from time to time.

24 Q. So you worked for those people for how  
25 long?

1 A. Till the bank failed in 1985.

2 Q. And then where did you go?

3 A. I went to Louisiana State University  
4 Alumni Association.

5 Q. And how long were you with the LSU Alumni  
6 Association?

7 A. Ten years.

8 Q. So that would be from '85 to '95?

9 A. You know, backing up the dates, I'm not  
10 sure. I think it was probably closer to about '87,  
11 but my math might be wrong. I might have been  
12 three, four years at one place instead of two or  
13 three. I'm not sure.

14 Q. And then you left the LSU Alumni  
15 Association and went where?

16 A. To work at the State Troopers Association.

17 Q. Which started when?

18 A. '98 or '99.

19 Q. What were the circumstances surrounding  
20 your leaving the LSU Alumni Association?

21 A. I had been there ten years. It was not a  
22 happy marriage, and it was time to leave.

23 Q. Did you leave, sir, under accusations that  
24 you had utilized LSU Alumni property and staff to  
25 construct a kitchen and do landscaping at your

1 house?

2 A. No.

3 Q. You're aware Mr. Braxton sits on the  
4 board, or did, for the LSU --

5 A. I am.

6 Q. -- Alumni Association?

7 A. But I was long gone by the time he got on  
8 that board. And, no, I was never accused of using  
9 any equipment or personnel.

10 Q. Were you aware of any complaints or  
11 accusations regarding your employment for the LSU  
12 Alumni Association leading up to your leaving?

13 A. Not to my knowledge.

14 Q. Were you asked to leave?

15 A. Yes.

16 Q. By whom?

17 A. By Charlie Roberts, who was the president  
18 at the time.

19 Q. And what did Mr. Roberts tell you?

20 A. He felt that -- he felt that I was not  
21 performing the duties appropriately. I had been ten  
22 years in the job, and I was more than happy to leave  
23 at that point. In fact, I had extended an offer to  
24 him to leave before he asked me to leave.

25 Q. Okay. And it's your sworn testimony that

1 there was no allegation that you had either taken  
2 supplies from the Cook Hotel or you had used assets  
3 for personal purposes at your residence?

4 A. The Cook Hotel didn't exist when I left.

5 Q. So there's no allegation that you're aware  
6 of --

7 A. No.

8 Q. Let me finish.

9 A. Oh.

10 Q. -- that you either misutilized, if that's  
11 a word, or utilized property at your personal  
12 residence for personal purposes, property belonging  
13 to either LSU or the alumni association?

14 A. I'm not aware of any of that.

15 Q. Understood. So then you went to the LSTA  
16 in 1998. Was it already an existing organization?

17 A. Yes. It's been in existence since '69.

18 Q. And who was the executive director when  
19 you went there?

20 A. David Devillier.

21 Q. And what position did you first hold at  
22 LSTA?

23 A. I did their fundraising and their magazine  
24 preparation, publishing of their magazine.

25 Q. And how long did you hold that position?

1 A. About two years.

2 Q. So that brings us roughly to the year  
3 2000?

4 A. 2000, 2001; yeah.

5 Q. And then where did you go, or what did you  
6 do?

7 A. Mr. Devillier left the employ of the  
8 association, and I was asked to stay on and take  
9 over his responsibilities.

10 Q. As the executive director?

11 A. Yes.

12 Q. And do you know anything about the  
13 circumstances behind Mr. Devillier leaving?

14 A. He had some issues politically with some  
15 members of the legislature and the governor at that  
16 time.

17 Q. You are a registered lobbyist; is that  
18 correct?

19 A. Yes.

20 Q. When did you become a registered lobbyist?

21 A. When I started working for the association  
22 as its executive director.

23 Q. So in 2000, roughly?

24 A. I would roughly say 2000 or 2001. I'm not  
25 sure.

1 Q. Do you hold any other certifications or  
2 licenses or degrees that we have not talked about?

3 A. No.

4 Q. At some point in time, sir, was there an  
5 issue while you've been at the LSTA regarding  
6 political contributions?

7 A. Yes, there was.

8 Q. And what can you tell me about that?

9 A. In 2015, we were accused of making  
10 political contributions to various state legislators  
11 and/or candidates for governor, and the checks were  
12 written by me, and I was reimbursed by the  
13 association.

14 Q. Were those donations made with the  
15 approval of the board?

16 A. The donations were made over the course of  
17 the period that -- from when they began, which was  
18 back in Kathleen Blanco's era, up to present with  
19 the advice and the direction of the board.

20 Q. So are you telling me that the board  
21 approved each political contribution you made from  
22 your personal account?

23 A. They did in the -- in the fact that every  
24 time I wrote a check, I submitted that check for  
25 reimbursement, and it had to be approved by the

1 president.

2 Q. Okay. But what about prior approval?  
3 Like, who picked the folks you were going to give  
4 money to?

5 A. Well, there was -- fair question. I think  
6 that there was a lot of discussion amongst the  
7 board, particularly the leadership of the board, the  
8 president and/or the treasurer, who had suggestions  
9 of who we might want to pay attention to. And I  
10 think, if you look at the list, you'll see that  
11 that's the case. We handled both sides of the  
12 aisle, primarily people who were involved in issues  
13 which were beneficial to the troopers, specifically  
14 retirement, which is one of the biggest -- biggest  
15 things that we were involved with.

16 Q. You said that there was some sort of  
17 complaint or accusation, if you will, in 2015. Who  
18 was the accusation by?

19 A. The accusation -- the original accusation  
20 was with Jessie Perry, P-E-R-R-Y.

21 Q. And then who else?

22 A. I'm not aware who else might have made --  
23 been joined into that.

24 Q. At some point in time, you were aware  
25 Cathy Derbonne, for example, raised some concerns,

1 correct?

2 A. Not to my recollection.

3 Q. At some point in time, you were aware that  
4 the State Police Commission raised some concerns?

5 A. Yes. Yes, I was aware.

6 Q. And how did you become aware of that?

7 A. I suppose I became -- I really don't  
8 recall how I became aware of it.

9 Q. Was this a pretty significant issue?

10 A. Well, it was to me personally.

11 Q. Was it, to your knowledge, a significant  
12 issue to the State Troopers Association?

13 A. It certainly was.

14 Q. And at some point in time, was there some  
15 sort of FBI involvement?

16 A. In that?

17 Q. Yes.

18 A. We were -- at one point in time, we were  
19 being investigated or asked questions by the FBI,  
20 State Police Commission and the Ethics Commission,  
21 all commingled, so to speak. We provided  
22 information to all three of those basically at the  
23 same per- -- same point in time.

24 Q. Okay. And so we have a clear  
25 understanding of timing, are you aware of an e-mail



1 that Mr. O'Quinn sent out to the membership in March  
2 28th, 2016, about the FBI being involved in  
3 investigating the political contribution issue?

4 A. I don't recollect that, no.

5 Q. Do you recall him sending out any e-mail  
6 that talked about requesting a 15-day extension to  
7 respond to a subpoena and provide information to the  
8 FBI relating to the political contribution issue?

9 A. I do not remember that.

10 Q. What was your understanding of what the  
11 FBI was investigating?

12 A. I think it was ancillary to their  
13 investigation of Colonel Edmonson, and there were  
14 allegations with regard to Colonel Edmonson that  
15 precede the LSTA to be doing his -- his will.

16 Q. You recall, do you not, that the FBI  
17 requested that you produce checks between October  
18 2015 and January 26th, 2016?

19 A. Yes. I suppose so. I don't know the  
20 dates that they asked for, but I know they asked for  
21 checks.

22 Q. Well, how many times on your watch has the  
23 LSTA been investigated by the FBI besides this one  
24 time?

25 A. None.

1 Q. Okay. And so you said, at some point in  
2 time, you were being investigated by the FBI, the  
3 State Police Commission and the Ethics Commission;  
4 is that correct?

5 A. All three of those were based on the -- on  
6 Mr. Perry's -- he sent letters to all three of  
7 those.

8 Q. The Ethics Commission, if I'm not  
9 mistaken, resulted in you executing a consent order  
10 on behalf of the State Troopers Association; is that  
11 right?

12 A. And myself.

13 Q. Right. That's Exhibit #12.

14 A. Yeah.

15 Q. That's the document you executed, right?

16 A. Yep. I think so. Let me look.

17 Q. Sure.

18 A. I'm pretty sure it is. Yes.

19 Q. And in that document, sir -- correct me if  
20 I'm wrong -- both you and the LSTA admitted that you  
21 had violated state law.

22 A. We did. We did admit that we had violated  
23 state law.

24 Q. And you did so by executing this document  
25 in November of 2016; is that right?

1           A.    I don't know.  I'm not sure.  2016  
2   November?

3           Q.    Yes, sir.

4           A.    Where is the date?  On the back page?

5           Q.    Yes, sir.  I believe it to be November  
6   9th.

7           A.    9th of -- 9 December -- 9 November 2016.  
8   Yes.

9           Q.    So when was the Ethics Commission issue  
10   first brought to the attention of the LSTA and  
11   yourself?

12          A.    The question came up on December the 8th,  
13   2015, in a meeting at Troop I in Lafayette.

14          Q.    Tell me about that.

15          A.    We were over there for a meeting.  We --

16          Q.    Who is "we"?

17          A.    I don't know if Jay was with me.  I  
18   believe Floyd was with me.

19          Q.    Okay.

20          A.    We went over there for that meeting.  
21   Mr. Perry made his accusations.  We didn't deny any  
22   of them.  We acknowledged that these things had  
23   occurred.  But similar to Mr. Braxton's situation,  
24   when I was taken on as the executive director and  
25   had to go through -- there was no training for me in

1 regard to lobbying and what was allowed and what was  
2 not allowed, just as he had not been trained when he  
3 got on the State Police Commission board.

4 Q. Well, sir. With all due respect, you had  
5 been a registered lobbyist in this state since the  
6 year 2000, and we're now talking about 16 years  
7 later. Are you telling me that you had no idea what  
8 your responsibilities as a lobbyist in this state  
9 were by then?

10 A. No, ma'am. I'm not telling you that. I'm  
11 telling you that at no point in time was I aware of  
12 that particular aspect, that I was not un- -- that I  
13 was not allowed to pay -- to make those  
14 contributions personally and then get reimbursed for  
15 them, because, in my way of thinking, I was not a  
16 lobbyist in the true sense of the word with  
17 multiple -- multiple accounts.

18 Q. Well, when you signed up to be a lobbyist  
19 for the State of Louisiana, you signed up where?

20 A. I have no idea where. I mean, I guess I  
21 signed up on a on-line document.

22 Q. Did you fill out paperwork like, what,  
23 with the Secretary of State? With whom?

24 A. I'm sure I -- I have no idea.

25 Q. Well, you're a registered lobbyist today,

1 right?

2 A. Yeah, I am.

3 Q. So who are you registered with?

4 A. I'm registered with the Ethics Commission,  
5 I guess. I really don't -- it may be the Secretary  
6 of State. I'm just not sure.

7 Q. Well, how do you -- how do you renew, if  
8 you do, your registration? Is that an annual thing?

9 A. It's an annual billing that comes from one  
10 of those two entities.

11 Q. And so are you telling me that when you  
12 first registered as a lobbyist with whoever it is  
13 you registered with, they did not at that time  
14 provide you the Louisiana Code of Governmental  
15 Ethics?

16 A. I'm telling you that I was not aware that  
17 I was not supposed to make those contributions.

18 Q. You serve troopers, correct?

19 A. Absolutely.

20 Q. And the troopers that you serve -- correct  
21 me if I'm wrong, but when they go to work for the  
22 State, they do receive ethics training, don't they?

23 A. I don't know. I sup- -- I can't answer  
24 that. I'm not a trooper and have never been.

25 Q. So in your mind's eye, this violation of

1 the law was just an ignorant mistake on your part?

2 A. Basically, yes. But it was one that I  
3 never denied. And I would also point out that,  
4 during the course of this period, the association  
5 was obligated to make reports to the IRS of all  
6 contributions, and we did that annually and fully,  
7 and listed each one of the contributions, as well as  
8 the -- as paid the taxes on those contributions.

9 Q. You did it at the time, or you went back  
10 and amended the return?

11 A. No. We filed it with our return each year  
12 as part of the -- of our tax return.

13 Q. And when you did so, when did you start  
14 doing these -- and I'm going to use the phrase  
15 "straw donations." In other words, you write --

16 A. Yeah.

17 Q. -- a personal check out of your account  
18 and then you get reimbursed from the trooper  
19 members. When did those start?

20 A. I don't recall.

21 Q. Ballpark. 2000, when you took over?

22 A. No. I -- I don't know when we made our  
23 first contribution. I really don't.

24 Q. Well, you were charged with the period of  
25 2015 to 2016, right?

1 A. Correct, correct.

2 Q. And do you know why there was a, quote,  
3 limitation, if you will, to the period of  
4 reach-back?

5 A. I have no clue.

6 Q. Did you, after you were initially charged,  
7 and then, of course, in conjunction with signing the  
8 consent decree, have to go back and amend any  
9 federal or state tax filings?

10 A. No.

11 Q. And what about you, personally? Did you  
12 report it as income or in-kind donations on your  
13 returns?

14 A. No, I did not.

15 Q. Did you take a deduction personally for  
16 the contributions you made and then notate the fact  
17 that you were reimbursed?

18 A. No. Because political contributions are  
19 not allowed as tax deductions.

20 Q. So that would tell us, then, when it is  
21 you started making the contributions, right?  
22 Because you understand that has changed?

23 A. No, I don't.

24 Q. Okay. Were you present at a meeting of  
25 the Commission in January of 2016?

1           A.    I'm not sure if I was or not.  That's a  
2 long time ago.  I possibly could have been there,  
3 but I can't promise I was.

4           Q.    Do you recall in a meeting of the  
5 Commission, and I'm going to say January of 2016,  
6 that there was some questions of this straw  
7 donation --

8           A.    Uh-huh.

9           Q.    -- business that had been going on?  Do  
10 you remember being asked about that?

11          A.    Vaguely.

12          Q.    And do you remember telling the Commission  
13 at that time that, because there was an issue about  
14 the State employees not being able to make political  
15 contributions, that's why you made them through your  
16 personal account and then got reimbursed?

17          A.    What I under- -- my understanding is that  
18 the contributions made by the Louisiana State  
19 Troopers Association, which is a 501(c)(5)  
20 corporation, nonprofit corporation, was allowed to  
21 make contributions, and that when I made those  
22 contributions, they were on behalf of the LSTA, not  
23 individual troopers.

24          Q.    However, sir, you do agree that they were  
25 reimbursed by trooper money, right, State employees?



1           A.     They were reimbursed by Louisiana State  
2 Troopers Association money.

3           Q.     Do you remember at a meeting February  
4 11th, 2016, following what I understand to be the  
5 January meeting, where there were these questions  
6 raised about the political contributions, that my  
7 client refused to approve the minutes because he  
8 contended that there was important information and  
9 testimony you had given at the prior meeting that  
10 was not contained in the minutes?

11          A.     I don't remember that, but it certainly  
12 could have happened.

13          Q.     What was your reaction, or do you remember  
14 having a reaction to that?

15          A.     No. I don't remember the issue.

16          Q.     Do you recall any occasion where there  
17 were a gathering, if you will, at the State Police  
18 cafeteria -- present was Derrell Williams, Rodney  
19 Hyatt, Thurman Miller, Frank Besson, B-E-S-S-O-N,  
20 Charlie Dupuy and Cathy Flinchum, and also  
21 eventually Mike Edmonson -- where the subject was  
22 brought up about up getting Calvin Braxton because  
23 he was objecting to the political donations?

24          A.     No.

25          Q.     Did you ever hear anyone say that?

1           A.    No.  That reference you made is to the  
2 breakfast area, and the meeting -- it's not exactly  
3 a meeting.  It's just people having breakfast at the  
4 same time.  And, no, I don't remember ever having  
5 had that discussion with any of them.

6           Q.    How do you know it was a breakfast meeting  
7 as opposed to lunch or dinner?

8           A.    Because that's the only time I'd ever go  
9 over there would be in the morning, and I would go  
10 over there occasionally, not often, but when I did  
11 go, it was always for breakfast, and Colonel  
12 Edmonson was always 30 minutes behind everybody else  
13 attending -- you know, coming to have lunch --  
14 breakfast.

15          Q.    So it's your sworn testimony that not a  
16 single person raised any issue about getting Calvin  
17 Braxton or going after Calvin and his family or his  
18 daughter?

19                   MR. FALCON:  Are you talking about at  
20 a breakfast meeting at the --

21                   MS. CRAFT:  Yes.  Anywhere in the  
22 cafeteria.  I'll put it that way.

23          A.    Not to my recollection, no.

24          BY MS. CRAFT:

25          Q.    And much broader than that, at any time,

1 you never became aware of or heard anybody say  
2 anything about getting Calvin or Calvin and his  
3 family?

4 A. No. At the time, Mr. Braxton was not an  
5 issue. It was -- if -- it was me who was -- who was  
6 being looked at. Mr. Braxton had basically just  
7 gotten on the board.

8 Q. And I'm not confining that to a time. I'm  
9 talking about at any time. Are you aware of anybody  
10 making any kind of threats about getting Calvin or  
11 getting Calvin and his family or his daughter?

12 A. Not to my recollection.

13 Q. Never heard anything like that?

14 A. No.

15 Q. You received a subpoena, did you not, on  
16 behalf of the LSTA on or about April 5th or  
17 thereabouts 2016 for production of the contribution  
18 records?

19 A. If you say that's the date, I'll accept  
20 that.

21 Q. What was your reaction upon receiving that  
22 subpoena?

23 A. Let's get those as quickly as possible and  
24 get them out to the people who need them.

25 Q. So was this whole business about the

1 political contributions essentially a nonissue? You  
2 got the FBI involved, got subpoenas being issued.  
3 Wasn't important to you?

4 A. Hardly. Hardly was it not important to  
5 me. That's why I said we wanted to promptly get all  
6 the information available to those parties who were  
7 interested in it.

8 Q. Mr. Hyatt, was he on the LSTA board or  
9 affiliated with LSTA?

10 A. He was in fact, yes.

11 Q. And what was his position in early '16?

12 A. He was the president of the headquarters  
13 affiliate, headquarters affiliate being those  
14 offices who were located at HQ here in Baton Rouge  
15 versus one of the troops around the state. He was a  
16 board member --

17 Q. So he had --

18 A. -- by virtue of being the president of  
19 that troop.

20 Q. So he attended board meetings at LSTA?

21 A. Yes.

22 Q. Do y'all have them at LSTA?

23 A. Yes.

24 Q. Okay. And do you recall him ever being  
25 present when a discussion was had with respect to

1 Mr. Braxton and any of Mr. Braxton's alleged  
2 behavior?

3 A. Not him -- no, not particularly. I mean,  
4 I don't recall Rodney making comments particularly  
5 about anybody. That's the truth.

6 Q. Do you recall anyone affiliated with the  
7 LSTA making any comments about Mr. Braxton?

8 A. I know that Mr. Braxton was probably not  
9 the most popular person amongst the LSTA, but it had  
10 nothing to do with that. I think the issue that was  
11 being -- their concern had to do with he and Trooper  
12 Linebaugh.

13 Q. What makes you think that?

14 A. Because that was the -- that was the focus  
15 of everything that took place thereafter.

16 Q. Okay. Again, how do you know that? Were  
17 there conversations? Were there e-mails? Were  
18 there documents going around?

19 A. There were some -- no, there were no  
20 documents going around to my knowledge. There was  
21 no e-mails going around to my knowledge. There were  
22 conversations amongst many troopers regarding  
23 Mr. Braxton and Mr. Linebaugh.

24 Q. And when did those conversations start?

25 A. I would imagine sometime immediately after

1 the incident, which occurred on, what, December  
2 5th --

3 Q. I'm not asking you to guess.

4 A. -- 2015?

5 Q. So if you know --

6 A. I don't know.

7 Q. Okay. Fair enough.

8 Who are the troopers that you claim there  
9 were conversations among many?

10 A. I can't identify them because you'd get  
11 second-hand, third-hand information of parties  
12 saying, well, you know these guys were -- it's hard  
13 for me to tell you who said what when. All I --  
14 over the course of time, I'd hear troopers say  
15 things about the fact that Mr. Linebaugh was not  
16 being handled -- being serviced properly, and that  
17 was -- that was the way it was.

18 Q. Okay. Tell me the name of one trooper who  
19 relayed that information. And, again, we're in a  
20 deposition, so it doesn't matter to me if it's  
21 second, third, fourth or tenth-hand. I just want to  
22 know what you know.

23 A. I would imagine -- if you give me a second  
24 to try and recall. I think the first one who  
25 brought this up to us was Chris Wright, who is the

1 president of the Troop E affiliate in Alexandria.

2 Q. When?

3 A. Shortly after the incident occurred.

4 Q. What does that mean? Shortly, within a  
5 month, six months?

6 A. Oh, no. Within a matter of days. Within  
7 a matter of days.

8 Q. So tell me what you remember.

9 A. I was called by Chris and told that  
10 Mr. Linebaugh had written a DUI citation to  
11 Mr. Braxton's daughter, and that he was not --  
12 Mr. Braxton was unhappy with that result, and I --  
13 he wanted me to know that. Chris wanted me to know  
14 that.

15 Q. Did he give you any facts or circumstances  
16 or relay to you at any time any conversations that  
17 he claims to have had or witnessed with respect to  
18 Calvin Braxton himself?

19 A. No, ma'am.

20 Q. Okay. What else do you remember?

21 A. The concern was for the welfare of the  
22 trooper.

23 Q. Concern by whom?

24 A. By the LSTA. With the welfare of the  
25 trooper, and that's why I was contacted, because I

1 was the executive director of the association.

2 Q. Okay. You told me about one conversation  
3 with Chris Wright. Now you're telling me the  
4 concern was for the welfare of the trooper by the  
5 LSTA, so I'd like to know how we get from Mr. Wright  
6 to the whole LSTA.

7 A. When I say the LSTA, I don't mean all  
8 thousand members. I mean -- the organization's  
9 responsibility is to support the individuals who are  
10 members, and in this particular case, Mr. Linebaugh  
11 was the one who was being accused.

12 Q. Okay. That's what came from Chris Wright?

13 A. Correct.

14 Q. Anybody else?

15 A. At that time, no. That was it.

16 Q. At any time.

17 A. Yes. After that, I called -- called  
18 Mr. Linebaugh and assured him that the association  
19 was concerned about him, that we didn't want to  
20 leave him out to dry, and that we would take -- we  
21 would look into that particular incident. And at  
22 that point in time, I believe I contacted the  
23 Captain, Captain Oliphant, who is now Colonel  
24 Oliphant, and asked him about it, and he related to  
25 me basically the same information.



1 Q. What did he tell you?

2 A. That -- just what's in the incident  
3 report, basically.

4 Q. Tell me what you remember him telling you.

5 A. I can't say exactly what he told me. He  
6 told me that it occurred, that it occurred early in  
7 the morning, that he had contacted Mr. Braxton, and  
8 then Mr. Braxton was unhappy with Mr. Linebaugh.  
9 And I said, okay. And I think, after that, we  
10 brought Floyd into the loop.

11 Q. So what timeframe are we talking about?  
12 We got call No. 1 from Chris Wright. We got call  
13 No. 2 from -- where you initiate a call to  
14 Mr. Oliphant. When did you do that?

15 A. Sometime between the 5th and the 15th.  
16 How's that?

17 Q. Of December?

18 A. Yeah.

19 Q. Okay. So in your call to Mr. Oliphant, do  
20 you know if he made any notes of that?

21 A. Did he?

22 Q. Yeah.

23 A. He made notes of calls from me?

24 Q. Yes.

25 A. No. I'm not aware that he kept any

1 diaries.

2 Q. I'm going to show you Exhibit #14, which  
3 was produced pursuant to a public records request.  
4 So if I utilize your timeframe, which is sometime  
5 between the 5th and the 15th, that appears, it looks  
6 like to me, on page 2. Do you see any reference --

7 A. No.

8 Q. -- to receiving a call from you or the  
9 State Troopers Association or anything like that?

10 A. I do not.

11 Q. Did you make any records of --

12 A. No.

13 Q. -- anything relating to the situation?

14 MR. FALCON: You got to let her finish  
15 the question before you answer it.

16 THE WITNESS: Oh, okay.

17 A. No, I did not make any written or  
18 documented -- I didn't document it.

19 BY MS. CRAFT:

20 Q. So your sum total of information, as I  
21 understand it, that you claim to have received from  
22 Mr. Oliphant would have been confined to whatever  
23 occurred between December 5th and December 15th of  
24 2015, is that right, when you made that first call?

25 A. It would have been confined to the

1 December 5th incident, the stopping of his daughter,  
2 and then -- that's all it would have been about, and  
3 his reaction to that particular --

4 Q. That's what I'm asking you.

5 A. Yeah.

6 Q. Tell me what you remember this man down  
7 here at the end of the table telling you that --  
8 between December 5th and December 15th, 2015.

9 A. Whatever the date was that I had the  
10 conversation with Captain Oliphant, he told me  
11 exactly what I've already told you, that Mr. -- that  
12 the event occurred on -- early in the morning of the  
13 15th -- of the --

14 Q. So we're clear for the record, the event  
15 is the DWI arrest?

16 A. Yes. Yes. Correct.

17 Q. Okay.

18 A. And that, shortly thereafter, Mr. Braxton  
19 was unhappy with the result.

20 Q. What result?

21 A. That his daughter got a DUI.

22 Q. Okay.

23 A. And that some of the -- some of the  
24 dialogue between Mr. Braxton and the captain at that  
25 time indicated or implied that Mr. Braxton wanted

1 some type of -- I won't call it retaliation, but  
2 some type of handling of Mr. Linebaugh.

3 Q. Okay. And what did you tell Mr. Oliphant  
4 to do?

5 A. I couldn't tell him to do anything. I  
6 don't even -- I'm not even with the State Police, so  
7 I couldn't tell him what to do.

8 Q. Did you --

9 A. I wanted that information so that I could  
10 report it to our attorney so that, if something came  
11 up in the future, we were aware of it.

12 Q. You wanted what information?

13 A. What I just said, that this occurred on  
14 the 5th, that Mr. Braxton made responses or comments  
15 regarding Mr. Linebaugh, and basically what I just  
16 told you, that there was -- he was unhappy with  
17 that. He was unhappy with the result of the stop.

18 Q. Okay. And you asked Mr. Oliphant to put  
19 that information in some format for you so you could  
20 share it with your lawyer?

21 A. I don't think at that time I requested  
22 anything from him. I wanted to get a general  
23 overview of what was going on. Understand, this is  
24 not a unique situation. Just having Mr. Braxton's  
25 and Mr. Linebaugh's case -- this occurs from time to

1 time, and we always want to get the background  
2 information so that the attorney can have it on  
3 hand.

4 Q. For what?

5 A. If we have to defend a trooper, he's got  
6 to come before the board and ask for -- ask for  
7 support from the Troopers Association. All I do is  
8 direct the information to Floyd so that he's got  
9 some background if the issue ever comes up.

10 Q. So you would have written down this  
11 information to direct it to Mr. Falcon or maintain  
12 it for the board's consideration letter?

13 A. I might have.

14 Q. Later. Sorry.

15 A. I might have made some brief notes, but  
16 nothing that I can produce, because I don't even  
17 recall whether I did anything, shy of -- shy of just  
18 calling Floyd and asking him -- telling him what was  
19 going on. That happens frequently, I'll tell you.  
20 I'll talk to a trooper who's got a concern, and  
21 he'll tell me about it. And I'll say, okay, call  
22 Floyd, and I would give him his number. And then I  
23 would call Floyd and say, expect a call from in  
24 regard to.

25 Q. But that's not what happened here, sir.

1 You got a call from Chris Wright, and then you  
2 initiated the contact with Mr. Oliphant.

3 A. Yes.

4 Q. It wasn't a trooper calling you saying  
5 help, help, I got an issue?

6 A. No, that's correct. That's correct.

7 Q. So this was unique.

8 A. I won't term it unique, because all I was  
9 doing was following up with Wright's and Linebaugh's  
10 captain at the time.

11 Q. Do you remember at the time you spoke with  
12 Mr. Oliphant between December 5th and December 15th,  
13 2015, that Mr. Oliphant said anything about Calvin  
14 Braxton saying Commission members aren't to be  
15 touched?

16 A. No.

17 Q. He didn't say that?

18 A. I don't remember.

19 Q. Do you remember in your discussions with  
20 Mr. Oliphant that you indicated was between December  
21 5th and December 15th of 2015, that Mr. Oliphant  
22 told you that my client had requested or was  
23 insisting that Linebaugh be transferred somewhere?

24 A. Yes, I remember that.

25 Q. Tell me what you remember about that.

1           A.     My recollection was not that he was to be  
2 transferred somewhere, but that he was to be sent to  
3 New Orleans for some period of time to get his head  
4 straight before he came back to the Natchitoches  
5 area.

6           Q.     And did Mr. Oliphant tell you anything  
7 else about that head straight business?

8           A.     No.

9           Q.     Did he tell you anything else about  
10 Mr. Braxton's alleged statements to him?

11          A.     No, not to my recollection.

12          Q.     All right. Any other conversations with  
13 anyone else after you contacted Mr. Oliphant  
14 sometime between December 5th and December 15th?

15          A.     Any other conversations within the board?

16          Q.     Yeah, with anyone. I'm not --

17          A.     Yeah, within -- either with our attorney  
18 or within the board itself, there was a lot of  
19 interest by troopers in what had occurred and what  
20 we were -- what, if anything, we were doing about  
21 it. So, certainly, I shared with my board members  
22 some of it in a group and some of it individually.

23          Q.     Which board members?

24          A.     Well, the president, for one.

25          Q.     Mr. O'Quinn?

1 A. Yes.

2 Q. Uh-huh.

3 A. I would imagine Chris Wright, although I  
4 can't recall any individual particularly that I  
5 discussed it with. And then in the board meeting  
6 itself, I'm sure that I must have reported to them  
7 that this was all taking place.

8 Q. Okay. Aside from I'm sure that I must  
9 have, I'm asking for your best recollection. So,  
10 again, if you don't remember tell me --

11 A. I don't remember.

12 Q. -- I don't remember, because I don't want  
13 you to guess.

14 A. I understand. Then let's change the  
15 December 15th date because that was a guess. I have  
16 no idea when the -- when the actual conversation  
17 took place between December 5th. I know it took --  
18 after the 5th, but I don't know exactly if it was  
19 10th, 15th, 20th. Then we're getting into  
20 Christmas, and I kind of doubt it was over the  
21 Christmas holiday, so...

22 Q. Your conversation with Mr. Oliphant?

23 A. Yeah. I don't know the date of that.

24 Q. But you believe it was in December?

25 A. I believe it was probably in December,



1 yes.

2 Q. Probably, or it was in December?

3 A. I don't know.

4 Q. Okay. Now, your conversation with Chris  
5 Wright, which you said was the first indication --

6 A. Correct.

7 Q. -- that there was some alleged issue  
8 involving Mr. Braxton and his daughter's arrest,  
9 occurred within what time span after the arrest?

10 A. I would say within a few days. Within a  
11 week.

12 Q. And did Mr. Wright share with you how he  
13 knew about the arrest?

14 A. Mr. Wright is the president of that  
15 affiliate. If one of the troopers has a concern, he  
16 would go to Mr. Wright as his LSTA representative.  
17 So that -- that's what I can tell you about that.  
18 That would be the natural chain for him to go to, is  
19 to go to his affiliate president.

20 Q. But my issue is not what the natural chain  
21 would be. My issue is what do you recall actually  
22 happening. Did Chris Wright tell you, for example,  
23 Mr. Oliphant complained to him first or  
24 Mr. Linebaugh came to him?

25 A. Never told me that Mr. Oliphant ever

1 complained to him. He told me that Mr. Linebaugh  
2 had complained -- had concerns about what occurred  
3 on December 5th because of the statements that --  
4 having him sent to New Orleans, et cetera, et  
5 cetera.

6 Q. Well, I need to know what the et cetera,  
7 et cetera is.

8 A. I've already said it all, I thought, but  
9 I'll try and say it again.

10 Q. Sure.

11 A. He told him that -- excuse me. He told  
12 me -- he told -- Linebaugh told Chris and Chris  
13 related to me that he was very concerned because he  
14 had stopped Mr. Braxton's daughter. She had gotten  
15 a DUI. Mr. Braxton was unhappy with that and was  
16 seeking some type of -- some type of result to --  
17 from Mr. Linebaugh.

18 Q. Here's why I'm asking.

19 A. Okay.

20 Q. See, I'm looking at Mr. Oliphant's notes  
21 from Exhibit #14, and as you can imagine, I've  
22 reviewed them. Have you too looked at these notes?

23 A. I never saw them until 9:30 this morning  
24 or 10:00 o'clock this morning.

25 Q. Okay. The reason that I'm asking is when

1 I go through Mr. Oliphant's timeframe, right, I see  
2 where he makes a reference -- and you can correct me  
3 if I'm wrong, but he makes a reference on December  
4 9th about having some sort of conversation with  
5 Linebaugh. Do you see that?

6 A. I do. I talked to Linebaugh about Calvin  
7 Braxton.

8 Q. Right. That's December 9th. December  
9 12th I see no reference about having any  
10 conversation with Linebaugh. Ditto with December  
11 14th. I don't, in fact, see anything where Oliphant  
12 ever went back to Linebaugh and said, Calvin has a  
13 problem with you, in his notes.

14 A. I can't answer that. You'll have to ask  
15 that of Mr. Oliphant.

16 Q. Well, I'm asking you, because you made the  
17 statement about the trooper being concerned about  
18 Calvin having some issue with the arrest, and I'm  
19 really just trying to peg down what you said, which  
20 was you believe you received the call from  
21 Mr. Wright within one week.

22 A. That's correct. I believe I did get a  
23 call from Mr. Wright within one week. He was  
24 concerned about Mr. Linebaugh, and he represented  
25 that to me. I then, in turn, reported that to

1 Floyd.

2 Q. And then you also called Mr. Oliphant?

3 A. I did call Mr. Oliphant at some point in  
4 time, and I can't say it was between the 5th and the  
5 15th. At some point in time, I contacted the  
6 captain and asked him about this, and that seems --  
7 would be certainly natural, because you certainly  
8 want to document anything that you hear so that it's  
9 not just third party rumor. You want to go back to  
10 somebody who will share the information accurately.  
11 And that's what I was trying to do, get some  
12 accurate information so that I could share with  
13 Floyd.

14 Q. Do you have a recollection of ever making  
15 any notes and then later destroying notes of your  
16 discussions?

17 A. No, ma'am. I'm sorry. I don't.

18 Q. Or e-mails?

19 A. No.

20 Q. The next notation I have in Exhibit #14 is  
21 January 7th, 2016, in which Mr. Oliphant relates  
22 that he had received a phone call from Cathy, with a  
23 C, Flinchum in Internal Affairs regarding a  
24 complaint filed by Calvin Braxton on Jayson  
25 Linebaugh.

1 MR. OXENHANDLER: What was the date?

2 MS. CRAFT: January 7th, 2016.

3 THE WITNESS: January 7th, 2016.

4 BY MS. CRAFT:

5 Q. Did you become aware of any complaint that  
6 Calvin allegedly filed with Internal Affairs on  
7 Jayson Linebaugh?

8 A. Not to my recollection.

9 Q. So this would have been information that  
10 Mr. Oliphant did not share with you?

11 A. No, ma'am, not to my recollection.

12 Q. Got it. The next entry I see is May 10th,  
13 2016, on the next page.

14 A. May 10th?

15 Q. Yes, sir.

16 A. Oh, okay.

17 Q. At this one, we have a reference to  
18 Mr. Oliphant being at the LSP awards ceremony and  
19 speaking with Lieutenant Rodney Hyatt. That's the  
20 entry I discussed at length with Mr. O'Quinn. Do  
21 you recall that?

22 A. Vaguely, but I couldn't read what you --  
23 y'all were talking about.

24 Q. Go ahead and read. Take your time.

25 A. What -- you know...

1           The event that he's referring to is during  
2 Police Week. May 10th would have been during Police  
3 Week, where we honor all the fallen troopers  
4 during -- and at the same time, there's an awards  
5 ceremony where certain troopers get awards,  
6 life-saving awards, courageous duty awards,  
7 whatever. I -- I'm not in this box. I'm not in  
8 here at all. If there was communication at that  
9 point between Mr. Linebaugh or Mr. Braxton -- not  
10 Mr. Braxton -- J.D. and Rodney Hyatt, I wasn't aware  
11 of it at all.

12           Q. Here's why I'm asking.

13           A. Okay.

14           Q. January 7th, there's an allegation.  
15 Mr. Oliphant says Cathy Flinchum says my client's  
16 filed an IA report. You say I never knew that; I  
17 didn't know. Then I fast-forward on Mr. Oliphant's  
18 timeframe on May 10th, where now he's got Lieutenant  
19 Hyatt talking to him about Calvin Braxton.

20           A. Uh-huh.

21           Q. And so I guess what I'm trying to figure  
22 out for my purposes, and perhaps you can help me,  
23 is, does that tell us that you spoke with  
24 Mr. Oliphant prior to January 7th, 2016, because  
25 that's when Mr. Oliphant says Flinchum told him

1 there was some IA complaint, which you say I never  
2 heard?

3 A. I wasn't aware that there was a complaint  
4 that went to IA about -- about whom? About  
5 Linebaugh, I guess, is who the complaint was about.  
6 No, I was not aware of that. You got to keep in  
7 mind that there's a lot of intercommunications  
8 between various members of State Police which I have  
9 no knowledge of. If Rodney Hyatt is the trooper on  
10 the compound and Cathy Flinchum is a trooper on the  
11 compound, then there certainly can be people under  
12 her command who would share that information with  
13 Rodney.

14 Q. With all due respect, sir, as I understand  
15 it, Cathy Flinchum was also one of those breakfast  
16 people that you would hang out with at the  
17 cafeteria. Am I right?

18 A. I would not term it hanging out, because I  
19 would go in there and not even sit at that  
20 particular table. I would go in there in the  
21 morning, if I had business with one of the people  
22 who was typically at that table, sit at the next  
23 table over, take -- have my breakfast, talk to them  
24 privately, ex parte just away from the group, and  
25 then go about my business.

1 Q. Okay. Mr. Oliphant, did he have some sort  
2 of position or relationship with LSTA besides being  
3 a member?

4 A. Not to my knowledge. He was never -- I  
5 don't think he was ever on the board or --

6 Q. Was he a delegate?

7 A. Delegates are chosen by the troops  
8 themselves and can vary from time to time. Five  
9 is -- typically, you get five delegates plus the  
10 president for the delegation for that troop at the  
11 annual convention. They're not required --

12 MS. CRAFT: I'm going to object to  
13 nonresponsive.

14 BY MS. CRAFT:

15 Q. Sir, my question was really simple, which  
16 was, was that man, Mr. Oliphant, to your knowledge,  
17 ever a delegate?

18 MR. FALCON: He said no. He didn't  
19 know --

20 MS. CRAFT: He didn't.

21 MR. FALCON: He did say that.

22 MS. CRAFT: No. He said he was never  
23 on the board.

24 A. Not to my knowledge.

25



1 BY MS. CRAFT:

2 Q. Thank you.

3 Now, do you know whether or not lieutenant  
4 Hyatt was affiliated with the LSTA?

5 A. Yes, he was.

6 Q. And was he on the board in May of 2016?

7 A. Yes, he was.

8 Q. And was he present when there were  
9 discussions had about Rodney Braxton -- I mean,  
10 sorry, about Mr. Braxton?

11 A. I would assume so, but -- where? Where  
12 are you talking about? At the breakfast table?

13 Q. At any time, sir.

14 A. I don't know what Rodney does every -- all  
15 the time.

16 Q. I'm asking you what you know, whether you  
17 heard from him or you were present and he was  
18 present and the subject was discussed. That's what  
19 I'm looking for.

20 A. There was conversations at the LSTA office  
21 during a board meeting about this particular  
22 incident, meaning the DUI citation, and Rodney was  
23 certainly in the meeting, as was I.

24 Q. Was that one meeting or more than one  
25 meeting?

1           A.    I have no recollection right now as to  
2 whether it was a meeting or more meetings.

3           Q.    Do you guys prepare an agenda for your  
4 meetings?

5           A.    We do, but that would not be normally an  
6 item that would be on the agenda, discussion of that  
7 particular issue.

8           Q.    And do you know if any such discussion was  
9 ever reflected in the minutes of the LSTA?

10          A.    I can't answer that.  I don't know whether  
11 or not the secretary ever posted it as an item from  
12 the minutes and whether it was accepted as such.

13          Q.    But you do have a recollection of it,  
14 meaning the arrest of Mr. Braxton's daughter, being  
15 discussed at at least one LSTA meeting?

16          A.    Yeah.  Correct.

17          Q.    And do you recall if Mr. O'Quinn and  
18 Mr. Hyatt were both present?

19          A.    Well, typically, I would imagine Jay would  
20 be present, because he was the president and running  
21 the meetings.  I don't run the meetings.  I just sit  
22 there and answer questions.  As to whether Mr. Hyatt  
23 was at the same meeting, I would -- typically,  
24 Rodney was at the meetings, but I can't state that  
25 they were at the same meeting at the same time.

1 Q. My question, sir, was pretty simple, and  
2 it was, do you have a recollection of Mr. O'Quinn  
3 and Mr. Hyatt being present --

4 A. No.

5 Q. Let me finish -- when Mr. Braxton and the  
6 arrest of his daughter was discussed?

7 A. No.

8 Q. Okay. So if we look at the entry made by  
9 Mr. Oliphant on May 10th, 2016, you've told us what  
10 the LSP awards ceremony is. He relates,  
11 Mr. Oliphant, that he had spoken with Lieutenant  
12 Rodney Hyatt about -- who asked about my interaction  
13 with Calvin Braxton of the LSP Commission.

14 By this point in time, May 10th, 2016, do  
15 you have any recollection of discussing with  
16 Mr. Hyatt or in his presence any interaction between  
17 Mr. Oliphant and Mr. Braxton?

18 A. No.

19 Q. Then Mr. Oliphant writes, we had some  
20 discussion about how he tried to get me to reassign  
21 Trooper Jayson Linebaugh.

22 Did you have any discussions with  
23 Mr. Hyatt, or were you in the presence of any  
24 discussions with Mr. Hyatt after May 10th, 2016,  
25 regarding Calvin Braxton and his interaction with

1 Mr. Oliphant?

2 A. No, ma'am.

3 Q. In this entry, Mr. Oliphant writes, he  
4 asked that I submit an affidavit to the LSTA in lieu  
5 of me having to testify before the LSP Commission.

6 Was there some sort of hearing coming up  
7 that you -- that the LSP Commission would have been  
8 involved with that you knew about?

9 A. No, ma'am. No, ma'am, not at all.

10 Q. You were present with Mr. O'Quinn's  
11 testimony; am I right?

12 A. Yeah. I think so.

13 Q. Where he talked about there being some  
14 sort of constitutional provision about removing  
15 Mr. Braxton and it had to come from the governor and  
16 there had to be a hearing. Was that discussion --

17 MR. FALCON: Before the governor is  
18 what he said --

19 MS. CRAFT: Yeah.

20 MR. FALCON: -- not before the LSP.

21 MS. CRAFT: I said some sort of  
22 hearing with the governor, whatever.

23 BY MS. CRAFT:

24 Q. Was that ever discussed among the LSTA  
25 people in your presence or by you?

1 A. Was what -- elaborate.

2 Q. Any kind of hearing to remove my client  
3 from the Commission.

4 A. The letter that Mr. Falcon wrote in July  
5 of 2016 itemized everything and went to the governor  
6 regarding the charges that were necessary to have a  
7 hearing over whether Mr. Braxton was able to serve  
8 on the board after that.

9 Q. So do you have any idea what Mr. Hyatt is  
10 talking about in terms of Mr. Oliphant testifying  
11 before the LSP Commission as reflected in the May  
12 10th note?

13 A. I do not.

14 Q. Was there an LSP hearing coming up?

15 A. There's typically one every -- LSP  
16 hearing?

17 Q. Sorry, yes.

18 A. You mean Commission?

19 Q. The Commission, uh-huh.

20 A. There's usually one every month.

21 Q. Well, let me ask you something. This  
22 timeframe we're speaking about, was there some issue  
23 about getting quorums for the State Police  
24 Commission that would be roughly the spring of 2016?

25 A. I don't recall that there was ever a

1 problem with quorums, but, then again, I'm not a  
2 member of the Commission, and I wasn't invited to go  
3 to the meetings. I only went when -- when it was  
4 necessary for me to be there. And, typically, if  
5 Jay went and Floyd went, I didn't go.

6 Q. So you don't recall there being a lack of  
7 quorum, for lack of a better phrase, for at least  
8 three months in a row of the State Police  
9 Commission?

10 A. There very well could have been, but  
11 not -- not that I was aware of, and if -- that's all  
12 I can tell you.

13 Q. So you never participated in any  
14 discussion, sir, about whether or not there was  
15 going to be or procuring a lack of quorum for the  
16 State Police Commission ever?

17 A. You mean intentionally keeping people away  
18 so that there would not be a quorum? Is that what  
19 you're implying?

20 Q. I didn't qualify it with intentionally,  
21 sir. I simply asked, so your under oath testimony,  
22 as I understand it, is that you had no idea there  
23 was any kind of lack of quorum or that there was  
24 anyone procuring a lack of quorum for the State  
25 Police Commission?

1           A.    I'm still not following you when you say  
2    procuring a lack of forum [sic].

3           Q.    Okay.  Well, let's just make it easy,  
4    then.  You're unaware of any time whatsoever where  
5    there was a discussion had about there being a lack  
6    of quorum for the State Police Commission?

7           A.    No.  I wasn't on the Commission.

8           Q.    Aside from your nonmembership on the  
9    Commission, my question was about any discussion  
10   had, sir.  Under oath, you don't know about any  
11   discussion that was being had about a lack of quorum  
12   on the State Police Commission?

13          A.    No.

14          Q.    Okay.  In this, Mr. Oliphant writes, I  
15   advised him I wouldn't have a problem at all  
16   testifying if needed, and either way would be okay  
17   with me.

18                Do you have any idea what Mr. Hyatt was  
19   referring to with respect to testimony from  
20   Mr. Oliphant sometime in May of 2016?

21          A.    I can't answer for Mr. Hyatt because I had  
22   no clue that this even occurred.

23          Q.    And you never discussed at any time with  
24   Mr. Hyatt any kind of hearing or procuring the  
25   removal of Mr. Braxton?

1           A.    No.  This is all totally new to me.  Knew  
2 nothing of this.

3           Q.    Okay.  But my question, sir, was not aimed  
4 at what you know about the document.  My question  
5 was, so you never had any discussion or conversation  
6 with Mr. Hyatt about the removal of my client?

7           A.    No.

8           Q.    Then Mr. Oliphant writes, I later sought  
9 the advice of Major Reeves and told him of my  
10 conversation with Hyatt.

11                   Did you ever have any conversations with  
12 Mr. Reeves about -- let me finish -- about my  
13 client?

14           A.    No, not to my recollection.  I've never  
15 spoken to Colonel Reeves, Major Reeves at the time,  
16 regarding Mr. Braxton or this incident.

17           Q.    Well, after you had the conversation with  
18 Mr. Wright and you had the conversation with  
19 Mr. Oliphant, you told me that there was one meeting  
20 where it was discussed at the LSTA office.

21           A.    Right.

22           Q.    Was it ever brought up again?

23           A.    You know, I'm sure it was, but I can't  
24 tell you if and when it was.  I would think that,  
25 yeah, there was probably more than one discussion.



1 There's a lot of ex parte communications going on at  
2 that table at any given time. And so if two or  
3 three of the members are discussing something, I'm  
4 not listening to that. I'm doing what -- it may be  
5 when I'm trying to research something that's in the  
6 minutes or something in a financial document.

7 Q. I understand. But, again, I don't want  
8 you to guess. What I want you to tell me is what  
9 you recall. Because here's what I want to do: I  
10 want to make sure I've pinned down what you're going  
11 to say today so that, whenever it is in the future,  
12 you're not going to tell me, well, you didn't ask me  
13 that question, Jill. So that's why I'm  
14 intentionally being wide open.

15 A. Very broad. And I can't answer it because  
16 I don't keep track of every conversation that's  
17 going on at the table at one time.

18 Q. I'm not talking about the table. I'm  
19 talking about any conversations after the one with  
20 Mr. Wright and the one that you said that you had  
21 with Mr. Oliphant, any other conversations for which  
22 you were present about Mr. Braxton. And you did  
23 mention, by the way, a meeting at the LSTA office.

24 A. And, again, I'm going to say that it  
25 wasn't necessarily discussion about Mr. Braxton per

1 se as much as it was that the State Police  
2 Commission -- it wasn't -- it wasn't about him.  
3 That's the point. It was about Linebaugh.

4 Q. Okay. So then let me retool my question  
5 using your lingo. Tell me every conversation you  
6 recall about Linebaugh.

7 A. I don't -- I can't tell you dates or  
8 times, but I know that there was more than one  
9 conversation that I was involved in regarding  
10 Trooper Linebaugh.

11 Q. Tell me about what you do remember.

12 A. That Trooper Linebaugh had written a  
13 ticket for DUI to Mr. Braxton's daughter. It  
14 resulted in some dissatisfaction on Mr. Braxton's  
15 behalf with the handling of the incident, and that  
16 Mr. Linebaugh was concerned about his future with  
17 State Police. He was a young trooper and was  
18 concerned that he was going to get fired.

19 Q. So did you ever talk to Mr. Linebaugh?

20 A. Once.

21 Q. When?

22 A. The first week right after I spoke to  
23 Chris Wright.

24 Q. Okay. So that was another conversation  
25 you had. What did Mr. Linebaugh tell you? What was

1 that conversation?

2 A. He didn't tell me a whole lot. I just  
3 tried to placate him and tell him that the L -- and  
4 I think I said this a little while ago -- that the  
5 LSTA would be there to support him if it got to that  
6 point and for him to just follow -- you know, follow  
7 the rules, do things the way they're supposed to be  
8 done, and let the -- let things follow its own  
9 course.

10 Q. Here's why I'm asking. As I understand  
11 this whole business, there was some concern about  
12 Trooper Linebaugh and, oh, my God, Calvin Braxton is  
13 going to do something to him. I'm looking at  
14 Mr. Oliphant's notes, right?

15 A. Uh-huh.

16 Q. And we just talked about this. The last  
17 entry he has about a conversation with Calvin  
18 Braxton before the report is issued is December  
19 14th. Now we're in May, and somebody, Mr. Hyatt, a  
20 member of your board, is talking about a hearing and  
21 an affidavit on behalf of the LSTA. So what I'm  
22 trying to figure is what happened between the last  
23 recorded conversation in December 14th and May 10th  
24 to where I got somebody on your board talking about  
25 getting an affidavit?

1           A.    I have no idea where he got that from.  
2           Honestly, I have no clue whatsoever.  He certainly  
3           didn't consult with me on it.  This is the first  
4           time I've ever seen anything regarding this is  
5           today.

6           Q.    Okay.

7                   MR. FALCON:  We're referring -- we're  
8                   referring to Exhibit #14.

9                   MS. CRAFT:  #14, yep.

10           A.    On May 10th, 2016, the paragraph regarding  
11           Hyatt.  I had no clue that Rodney ever had this  
12           conversation or what he was indicating or what his  
13           thoughts were.

14           BY MS. CRAFT:

15           Q.    Had a decision been made by either you or  
16           the LSTA by May of 2016 that either you or the LSTA  
17           was going to reach out to the governor and follow  
18           that constitutional provision seeking to have  
19           Mr. Braxton removed?

20           A.    No, ma'am.

21           Q.    So when was a decision made to do that?

22           A.    To reach out to the governor about the  
23           letter?

24           Q.    No, sir.

25           A.    To follow up about the letter?

1 Q. To seek about having Mr. Braxton removed.

2 A. The letter was drafted by Floyd, and I  
3 can't tell you when exactly he drafted the letter,  
4 but I believe it went out in July, July 16th of '16.

5 Q. It's attached to Exhibit #1, July 11th,  
6 2016. So when was a decision made --

7 A. July 11th.

8 Q. -- that the State Troopers Association  
9 would send the July 11th, 2016, letter?

10 A. Well, obviously, because of the way this  
11 is drafted, it had to be after Colonel Oliphant  
12 submitted his incident report, because it follows  
13 that virtually right down the line.

14 Q. So sometime between June 6th, 2016 -- and,  
15 here, you can keep this --

16 A. Oh, okay.

17 Q. -- because I'll be asking -- and July  
18 11th, 2016, you're telling me that the State  
19 Troopers Association and/or you made a decision that  
20 the letter would be sent to the governor, the July  
21 11th letter, right? Is that right?

22 A. I'm saying that between -- this could not  
23 have been prepared prior to the incident report  
24 which was --

25 Q. June 6th.

1 A. -- June 6th.

2 MR. FALCON: June 2nd.

3 MS. CRAFT: 2nd.

4 THE WITNESS: June 2nd.

5 MS. CRAFT: Is it 2nd?

6 MR. OXENHANDLER: June 2nd.

7 MS. CRAFT: Okay. Good. June 2nd.

8 BY MS. CRAFT:

9 Q. So are you telling me that sometime  
10 between June 2nd, 2016, and July 11th --

11 A. And July 11th.

12 Q. -- excuse me -- 2016, the LSTA board  
13 decided that it would have Mr. Falcon, on its  
14 behalf, send the July 11th letter?

15 A. Yes, ma'am.

16 Q. Okay. So was that in a board meeting?

17 A. I don't recall.

18 Q. When do you typically have your board  
19 meetings?

20 A. We don't have a particular schedule where  
21 it's every third Wednesday of the month. We have to  
22 accommodate people's schedules who are -- as you can  
23 appreciate, there's 11 troopers who are all on  
24 the -- out there, many of whom are on the road and  
25 who don't have a regular schedule. So we try and

1 coordinate a date where as many as possible can be  
2 in attendance at the meeting.

3 Q. So do you recall having a meeting between  
4 June 2nd, 2016, and July 11th, 2016?

5 A. I don't recall, no.

6 Q. And if I'm asking for records from LSTA,  
7 what do I need to ask for to find out when, if at  
8 all, you had a meeting during that time period?

9 A. I could probably -- we could check the  
10 minutes of what date -- if there was a meeting  
11 between the 2nd of June and the 11th of July in  
12 2016.

13 Q. Do you have a recollection of making note  
14 in the minutes about a decision by the LSTA board to  
15 send the July 11th letter?

16 A. A lot of the conversations were just that,  
17 they were conversations. Mr. Falcon discussed it  
18 with our president on more than one occasion.

19 Q. Mr. O'Quinn?

20 A. Yeah.

21 Q. How do you know that?

22 A. How do I know that he discussed it with  
23 Mr. O'Quinn?

24 Q. Yeah.

25 A. I guess I just know because I'd heard them

1 talking about it.

2 Q. So you were present?

3 A. I didn't say I was present. I said I had  
4 heard that they had talked about it.

5 Q. Heard from whom?

6 A. From either Floyd or from Jay, one or the  
7 other. But one of those two acknowledged that, you  
8 know, there was a -- that they had discussed it.

9 Q. So is it your testimony, then, that the  
10 decision to send the July 11th, 2016, letter was  
11 Mr. O'Quinn's choice and not the board and not you?

12 A. No, no, no, no, no.

13 Q. Well, whose decision was it to send this  
14 letter?

15 A. I would say it was the LSTA as a body. It  
16 was their decision to pass this along. Now, as  
17 whether -- whether Jay decided it or the board  
18 decided, we'd have to -- I'd have to go back and  
19 tell you if there was a meeting, and if there was a  
20 meeting, who was -- who was there and whether it's  
21 in the minutes that this was done, that this was  
22 decided upon. It may have been earlier than that.  
23 It may have been a month before that they decided to  
24 offer the letter, if and when this was ever posted.  
25 I don't know. I don't remember.



1 Q. Do you recall any discussion about having  
2 Mr. Oliphant prepare a report and then submitting it  
3 so it would become a public record, like Mr. O'Quinn  
4 said, and then the LSTA getting it through a public  
5 records request and then using it for some other  
6 purpose?

7 A. Only on the May 10th, 2016, note here from  
8 Rodney Hyatt from Oliphant's diary. That's the only  
9 time I'm aware of it.

10 Q. Okay. So other than what Mr. Oliphant  
11 wrote down, my question is, do you have a  
12 recollection of there being any discussion about  
13 getting Oliphant to write a report or anyone to  
14 write a report -- let me finish -- and submitting  
15 it, then it would become a public record, then LSTA  
16 would do a public records request and get it, and  
17 then they would submit some sort of correspondence  
18 to the governor?

19 A. Well, that's a good theory, but that's not  
20 how it was planned out. We didn't have a plan to do  
21 those things in that particular sequence order. I  
22 think once the -- once it was done -- and once the  
23 incident report was issued, then we were -- we heard  
24 that -- we were then made aware that it was a  
25 public -- that it had been done, and we asked for a

1 copy of it.

2 Q. So what was the plan?

3 A. We had no plan per se to do any of this.

4 This is -- there's another entity called State  
5 Police who also has involvement in the decision to  
6 do this, and I believe Colonel Oliphant, or at the  
7 time Captain Oliphant, was instructed by his  
8 superiors.

9 Q. How do you know that?

10 A. I think I read it right in here.

11 Q. Okay. Besides reading it in Exhibit #14,  
12 sir, I'm asking from your recollection. Because you  
13 said there was no plan per se. That sounds like  
14 qualifying language to me.

15 A. I'm not --

16 Q. And we know from Mr. O'Quinn there was  
17 indeed a discussion -- you sat through his  
18 deposition -- about once the report was posted, that  
19 it would be a public record, and then LSTA would  
20 request it, and then they would use that to send the  
21 letter. So I guess what I'm asking, whether you  
22 want to call it a plan or lemonade, would you tell  
23 me whether or not there was some discussion about  
24 how this thing, using your phrase, was going to  
25 proceed?

1           A.    I don't think that there was ever a plan  
2   to sequentially do any of this.  I think that the  
3   fact that Mr. Oliphant provided the document on June  
4   2nd, then Floyd made a public records request for  
5   the document.

6           Q.    Was it discussed in advance of the June  
7   report from Oliphant that that's what was going to  
8   happen?  Once the report was done, that LSTA was  
9   going to request it by a public records request?

10          A.    We were not aware that it was going to be  
11   done, so how could we make that -- we were not aware  
12   that Oliphant was going to be directed by Kevin  
13   Reeves to do this.

14          Q.    Well, you said that LSPI [sic] also had,  
15   and I'm paraphrasing, its own whatever it was you  
16   were trying to describe, and you said that at some  
17   point Oliphant was instructed by his superiors.

18          A.    I read it right here, and you told me not  
19   to.

20          Q.    Okay.  So --

21                   MR. FALCON:  "Right here" being the --

22                   MS. CRAFT:  Exhibit #14.

23                   MR. FALCON:  -- Exhibit #14.

24   BY MS. CRAFT:

25          Q.    So aside from you reading it today in

1 Exhibit #14, you had no idea whatsoever that  
2 Oliphant had ever been instructed by his superiors  
3 to prepare a report?

4 A. I was not aware that he was instructed by  
5 anyone in his chain of command to prepare the  
6 report.

7 Q. Understood. In the May 10th, 2016, entry,  
8 Mr. Oliphant writes, he told me, referring to  
9 Mr. Hyatt, to stand by on writing the letter to the  
10 LSTA and he would get with Lieutenant Colonel  
11 Staton, I think is how it's pronounced, for advice.

12 A. Where is my date on this one?

13 Q. Right here, May 10th. We're still on that  
14 same --

15 A. Oh, the same date?

16 Q. Yes, sir.

17 Do you remember having any conversations  
18 with Mr. Hyatt during this awards ceremony you told  
19 us about?

20 A. No, ma'am. I am -- my typical seat is on  
21 the far left of the building, and his typical seat  
22 is on the far right of the building. I didn't even  
23 see him at the ceremony.

24 Q. Did you see Oliphant?

25 A. Only in that he was in the group of

1 captains. If he was there, he was in the group of  
2 captains, who all sit together, the captains being  
3 those guys who are troop commanders. As well as  
4 other captains for other parts of State Police.

5 Q. The day of the awards ceremony, either  
6 before, during or after, do you recall having any  
7 discussions with anyone affiliated with LSTA about  
8 getting Oliphant to write the report and then LSTA  
9 would get it by a public records request?

10 A. No, ma'am. I was there as -- with a role.  
11 I did my role and I left. I didn't -- I didn't  
12 circulate. I didn't socialize. I came in. If I  
13 saw somebody on the way in, if I saw J.D. or  
14 somebody else, I told them hello, shook their hand,  
15 went to where I was supposed to be, sat down and  
16 waited, and then when it was over, I hightailed it  
17 out of there. There's a lot of folks in that  
18 building at that point in time. And on the way out,  
19 I congratulated a lot of the cadets and kept going.

20 Q. You mentioned Mr. Oliphant by his first  
21 name initials, J.D. Describe for me your  
22 relationship with him, please, sir.

23 A. I am -- I consider him -- we're friendly,  
24 as Jay has referred to it, but not friends. We have  
25 a common interest. He likes to bass fish. I like

1 to saltwater fish. We compare notes from time to  
2 time.

3 Q. Mr. Oliphant?

4 A. Mr. Oliphant likes to bass fish. I like  
5 to saltwater fish. We compare notes from time to  
6 time about fishing. I've recently discovered that  
7 his wife is pregnant with his soon-to-be child. In  
8 August, I believe, the baby is due, or September.

9 Q. So how often do you and J.D. compare notes  
10 about fishing?

11 A. Pretty -- if I see him, I ask him how his  
12 fishing. I think that's a -- that's a given. If I  
13 see J. -- if I see J.D., I'm going to say, how's  
14 your fishing; you been catching any bass.

15 Q. Do you ever call him on his cell phone?

16 A. I may have called him, but -- other than  
17 this particular call here that I claim to have made,  
18 what's not documented, I don't know. I don't call  
19 him too often. I have no reason to.

20 Q. You called him on his cell phone, sir?

21 A. I think so.

22 Q. You had his cell phone number?

23 A. Yes, ma'am.

24 Q. Okay. So we got some cell phone records  
25 yesterday, which were introduced as Exhibit #7, and

1 they spanned a period, as I understand it, from  
2 November 13th --

3 MR. FALCON: Of what year?

4 MS. CRAFT: I think 2015.

5 MR. OXENHANDLER: That's correct.

6 BY MS. CRAFT:

7 Q. -- to, it looks like, December 12th,  
8 right, 2015.

9 MR. OXENHANDLER: Whatever the last  
10 date is here on page A-5 of 67.

11 BY MS. CRAFT:

12 Q. What number did you call Mr. Oliphant  
13 from? Because that may help us narrow down the  
14 timeframe since we have the phone records.

15 A. Right. I was just thinking the same  
16 thing. What number did I call him on? I guess I  
17 called him on the 7547 number.

18 Q. What number is that?

19 A. His number, 471-7 --

20 Q. Sorry. What number did you call him from?

21 A. I'm looking right now to see if I spot my  
22 name any -- my number anywhere. It's this group  
23 right through here all the way to the back of here?  
24 Is that right?

25 MR. FALCON: Just take your time.

1 THE WITNESS: I'm going to.

2 BY MS. CRAFT:

3 Q. And for the record, while you're looking  
4 through, tell me the numbers that you use or would  
5 have used to contact Mr. Oliphant.

6 A. (225) 938-3221.

7 Q. Any other numbers, like the office number?

8 A. Not typically, no.

9 Q. What is the office number?

10 A. (225) 928-2000.

11 I got a question. It says, number called.  
12 Is that -- that's incoming calls would be -- that's  
13 the number that was --

14 MR. OXENHANDLER: Can I say there's  
15 incoming calls -- it says incoming, and  
16 then also, if it doesn't say incoming,  
17 that's --

18 MS. CRAFT: I know.

19 MR. OXENHANDLER: -- the person making  
20 the call.

21 MS. CRAFT: I'm aware. Yeah.

22 THE WITNESS: I want to know. Because  
23 I don't --

24 BY MS. CRAFT:

25 Q. I'm just looking for your number, and it



1 should be on there, or maybe not.

2 A. No, I'm pretty sure -- it should show up  
3 somewhere in December. (Reviewing document.) So  
4 it's going to -- I don't see it. We're talking  
5 about this phone, these numbers, starting here and  
6 going to the last page. Yes?

7 Q. I'm talking about the records that  
8 Mr. Oliphant produced yesterday --

9 A. Okay.

10 Q. -- that they questioned my client about,  
11 and it's from that November period to the December  
12 12th period.

13 MS. CRAFT: Is that correct?

14 MR. OXENHANDLER: Yes.

15 MS. CRAFT: December 12th of 2015.

16 MR. OXENHANDLER: Yes.

17 A. So I don't see any calls from my number,  
18 and it would have to have been in the latter part of  
19 that period. This is a -- this page is out of  
20 order. That's what got me confused. No, ma'am.  
21 I'm not in there through the 12th of December.

22 BY MS. CRAFT:

23 Q. Okay. So, again, other than I don't  
24 remember, you think it might have been sometime in  
25 December, but you're not sure?

1           A.    I feel -- I stated initially that it was  
2 probably in December, and I thought it was between  
3 the 5th and the 15th because that would allow ten  
4 days following the incident, but I can't swear to  
5 that, and you're the one who wanted me to only say  
6 what I knew, so I changed it.

7           Q.    You did what?  I'm sorry.

8           A.    I changed my comment and said -- not refer  
9 that it ended on the 15th of December.

10          Q.    Now, do you know who Katie Moore is?

11          A.    No, ma'am.

12          Q.    Do you know who Lee Zurik is?

13          A.    Only by his reputation.

14          Q.    Have you ever talked to him?

15          A.    Never.

16          Q.    I'm going to show you a document which  
17 we're going to mark and attach as Exhibit #15, and  
18 I'll represent to you, sir, these were some  
19 documents that I got -- public record requests that  
20 I believe I made to the governor's office.  If  
21 they're blank, they were blank in my production,  
22 too, and apparently to WWL.

23                    (Deposition Exhibit #15 was marked for  
24   identification.)

25                    My question, sir, is:  Are you aware of

1 any public records requests that Mr. Falcon  
2 submitted on behalf of LSTA in April of 2016 to the  
3 Commission?

4 A. There may have been one, but -- give me a  
5 second. I don't think it necessarily had anything  
6 to do with the Linebaugh issue.

7 Q. Well, do you know anything about what  
8 Mr. Falcon, on behalf of LSTA, would have been  
9 requesting from the State Police Commission in April  
10 of 2016?

11 A. As I said, there was two or three things  
12 going on at the same time, including the Ethics  
13 Commission investigation. Could have been that. I  
14 don't remember. I don't know what he was  
15 particularly requesting.

16 MR. FALCON: It says it on the second  
17 page.

18 MS. CRAFT: Well, that's what I was  
19 going to ask.

20 BY MS. CRAFT:

21 Q. There's an attachment that says,  
22 investigation into prohib, nothing else?

23 A. Prohibited contributions you think is what  
24 that is?

25 Q. I don't know, sir. I'm just asking. Do

1 you remember what Mr. Falcon was requesting on  
2 behalf of LSTA in April of 2016?

3 A. I do not.

4 Q. I'm going to attach this exhibit.

5 Do you -- were you aware of any documents  
6 that related in any fashion to Mr. Braxton or anyone  
7 on his behalf trying to get assistance with having a  
8 ticket taken care of?

9 A. No, ma'am.

10 Q. Was yesterday the first day you heard  
11 about that?

12 A. There's been a lot of things that have  
13 been revealing to me in the last two days that I  
14 wasn't aware of at all.

15 Q. So was yesterday the first day you heard  
16 anything about Mr. Braxton or folks on his behalf  
17 trying to get some sort of ticket fixed?

18 A. You're referring to Ms. Derbonne having  
19 tickets fixed in Florida, I think it was? I had  
20 never heard that.

21 Q. Until yesterday?

22 A. Until yesterday.

23 Q. And not just confined to Florida, but any  
24 ticket-fixing alleged --

25 A. Yeah. But, again, the only one that I can

1 recall had to do with -- from yesterday's comments  
2 was the documents that you had regarding the  
3 Florida -- State of Florida.

4 Q. So did the LSTA, to your knowledge, ever  
5 make any public records requests to the Commission  
6 seeking documents relating to ticket-fixing or  
7 letters submitted by Ms. Derbonne?

8 A. No, ma'am. I certainly wasn't aware of  
9 that. I wasn't aware that any of -- that the  
10 ticket-fixing -- I don't even like the word --  
11 occurred.

12 Q. In fact, you've had people call you for,  
13 quote, help on tickets, right?

14 A. Mostly legislators, yes.

15 Q. Sure. How often?

16 A. For a while, it was pretty frequently.

17 Q. And so when they call you for help on  
18 fixing their tickets, what did you do?

19 A. I'd tell them that I am not in a position,  
20 I'm not an officer, and I can't help them with that.

21 Q. Did you refer them to somebody?

22 A. I told them that if they knew a trooper,  
23 that they might want to talk to the trooper and get  
24 his advice on how to handle it.

25 Q. Did you give them anybody's number?

1 A. No.

2 Q. Who were some of these legislators that  
3 called you for help?

4 A. There was a fellow from New Orleans who  
5 called me more than probably everybody else put  
6 together. What the hell was his name? It will come  
7 to me in a minute. But he was from the Metairie/New  
8 Orleans area, right in that -- I'd have to go back  
9 and pull some of my old books with the pictures in  
10 it, but he used to call.

11 Q. Even after you told him --

12 A. Yeah.

13 Q. -- I can't help you?

14 A. Right.

15 Q. Any other legislators you remember?

16 A. He was -- no. He stuck out because the  
17 other ones would be respectful and say, okay,  
18 thanks, and move on. He kept coming back and back  
19 and back. What the heck was his name? I can't  
20 remember.

21 Q. Anybody else besides legislators that  
22 called you to help them fix a ticket?

23 A. No, ma'am. There may have been one or two  
24 people who called me for advice on what to do, and  
25 I'd primarily tell them, go to -- go to the

1 Assistant District Attorney who's got your case and  
2 talk to them before you go to court, see if there  
3 can be some type of pretrial intervention done.

4 Q. So you would give that advice in addition  
5 to, I can't help you, if you know a trooper, you  
6 might want to call them?

7 A. Well, it would -- if it would be someone  
8 who I knew on more of a personal level, that's what  
9 I would tell them; look, go ask the Assistant  
10 District Attorney in that area how you can get  
11 this -- get some relief on this thing. But, no. To  
12 someone who was just calling me off of a -- because  
13 they had my business card and they were a  
14 legislator, no. Those -- the name, I can't remember  
15 it.

16 Q. Okay. So when you had those discussions  
17 with folks calling you about ticket-fixing, did you  
18 ever reference to them, look, you might want to ask  
19 for a nonmoving violation?

20 A. I didn't know the procedure. I didn't  
21 know whether you can change a moving violation to a  
22 nonmoving violation. I don't know the rules of what  
23 troopers are allowed to do. I don't.

24 Q. When you referred them to the DA's office?

25 A. When I referred them to the DA's office, I

1 know that there's a program called pretrial  
2 intervention, and, typically, that you can go  
3 through pretrial intervention, and it keeps you from  
4 having that ticket on your record, and you pay the  
5 court costs, but you -- it doesn't impact your  
6 insurance record.

7 Q. And you know that how?

8 A. Just heard it over the years.

9 Q. There's another entry June 6th, 2016, and  
10 I'm at Line No. 1278.

11 A. Okay. Give me a second.

12 Q. See the line numbers on the left?

13 A. Yes, ma'am. 1278?

14 Q. Yep.

15 A. Okay.

16 Q. For the record, the line reads, the  
17 information above is supposed to be used in order to  
18 facilitate Calvin Braxton's removal from the LSP  
19 Commission. Do you see that?

20 A. I see that.

21 Q. And by this point in time, June of 2016,  
22 can you tell me whether or not there was some sort  
23 of plan, idea or scheme, if you will, to secure the  
24 removal of Calvin Braxton from the Commission?

25 A. Can I review what it says to get to that



1 point?

2 Q. Sure.

3 A. This appears to be a summary of everything  
4 that occurred from Friday, December 4th, to date in  
5 '16. I don't know where the colonel would have made  
6 that assumption.

7 Q. You have no idea?

8 A. No. I really don't.

9 Q. As far as you were concerned, the LSTA had  
10 nothing to do with trying to secure the removal of  
11 Mr. Braxton from the Commission?

12 A. As far as I was concerned, the LSTA  
13 wanted it looked at -- looked into because of the  
14 intimidation that they felt -- that we felt that  
15 Mr. Braxton had imposed on Trooper Linebaugh.

16 Q. Okay. That wasn't my question, but  
17 following what you just said, you're saying that you  
18 wanted -- the LSTA wanted it, quote, looked into.  
19 What does that mean exactly?

20 A. Let's go to this one here. I think that  
21 pretty much --

22 Q. To the July 11th, two thousand and --

23 A. To the July 11th letter that --

24 Q. Let me finish -- letter -- so we're clear  
25 on our record.

1 A. Are you finished?

2 Q. Yes, sir.

3 A. Okay. That this letter kind of speaks for  
4 what we wanted to have -- according to my  
5 understanding, explained by Floyd, we had to request  
6 this of the governor in order for there to be some  
7 type of a investigation into what occurred. This is  
8 it. This was that letter requesting that.

9 MS. CRAFT: Do you need to take a  
10 break, Floyd?

11 MR. FALCON: Yeah, let's take a break.

12 MS. CRAFT: Sure.

13 (Recess.)

14 BY MS. CRAFT:

15 Q. So we were talking about the July 11th,  
16 2016, letter.

17 A. Right.

18 Q. And I was asking you about whether or not  
19 there was some sort of -- plan is my word, but some  
20 sort of mechanism by which the State Troopers  
21 Association and/or you, or if it's Mr. O'Quinn  
22 individually, had some sort of notion of seeking the  
23 removal of Calvin Braxton from the Commission, and I  
24 think you told me no.

25 A. I don't believe that there was any --

1 well, I'm looking at the letter now, and we ask that  
2 you remove Calvin W. Braxton from his position as  
3 appointed member of the Louisiana State Police  
4 Commission. I guess I -- I guess I misstated, then,  
5 because that's exactly what we're requesting.

6 Q. And in that regard, if you look at the  
7 second paragraph of the July 11th letter, it says,  
8 we attach an official incident report --

9 A. Right.

10 Q. -- submitted to the Department of Public  
11 Safety and Corrections detailing the corrupt  
12 practices, the abuse and attempted abuse of his  
13 position by Commissioner Braxton.

14 Is that the official position of the LSTA,  
15 that my client engaged in corrupt practices, abuse  
16 and attempted abuse of his position?

17 A. Yes, ma'am.

18 Q. What corrupt practices did he engage in?

19 A. I can't answer that because I didn't write  
20 the letter, our attorney wrote it, and he would have  
21 to explain to you his translation of those words  
22 based on the requirements of Article X, Section  
23 43(D) of the Louisiana constitution.

24 Q. But certainly this letter, July 11th,  
25 before it was delivered, was discussed by the LSTA

1 board, right?

2 A. I'm sure that it was. I don't have -- I  
3 didn't go back and read each month's minutes to  
4 refresh my memory on this, honestly. I didn't do  
5 that.

6 Q. Now, this letter July 11th, 2016, how was  
7 it delivered to Governor Edwards? Because it  
8 doesn't have a Zip code, so I'm kind of thinking  
9 somebody hand-delivered it, but you tell me.

10 A. I have no idea. It was not -- it was not  
11 delivered by the LSTA. I would say it was probably  
12 delivered by Floyd or one of his employees.

13 Q. Is that a guess on your part?

14 A. Yes.

15 Q. Was there a discussion at the LSTA about  
16 hand-delivering this letter to the governor?

17 A. No.

18 Q. Likewise, it's copied to Cathy Derbonne,  
19 State Police Commission Members, Colonel Edmonson,  
20 Taylor Townsend, Lenore Feeney and Jay O'Quinn; do  
21 you see that?

22 A. I'm getting to it, yes.

23 Q. Why is Taylor Townsend copied on this  
24 letter?

25 A. I have no idea.

1 Q. The only involvement I understand Taylor  
2 Townsend had at this point in time, in July of 2016,  
3 was that he had been hired by Cathy Derbonne in her  
4 official capacity to investigate the political  
5 contributions. Are you aware of some other role  
6 that Mr. Townsend had in July of 2016 that would  
7 prompt his cc on this letter?

8 A. I am not aware of anything.

9 Q. So, again, why is Mr. Townsend cc'ed with  
10 this letter?

11 A. I still don't know.

12 Q. Did Mr. Townsend have any role with the  
13 State Police Commission, other than that which I  
14 described; he had been hired by Cathy Derbonne in  
15 her official capacity to investigate the political  
16 contributions of your organization and you?

17 A. I don't know.

18 Q. At some point in time, are you aware of  
19 any discussions with Mr. Townsend and/or Mr. Braxton  
20 about him agreeing, Mr. Braxton, to recuse himself  
21 from any board proceedings involving Linebaugh?

22 A. No, ma'am.

23 Q. Was there ever some sort of deal  
24 confected, like if Calvin just agrees that he'll  
25 recuse himself, then we'll just let this go?

1 A. No, not to my knowledge.

2 Q. So after not receiving a response to the  
3 July 11th, 2016, letter, are you telling me that the  
4 Commission then waited an entire year, until June  
5 19th, 2017, to resend its 2016 letter and  
6 Mr. Oliphant's report?

7 A. You said the Commission. You really  
8 meant --

9 Q. I meant you, LSTA.

10 A. -- Louisiana State Troopers Association?

11 Q. Yes, sir.

12 A. I have no idea why -- why there was any  
13 particular timeframe on it. Maybe they just  
14 waited -- maybe Floyd just waited that long hoping  
15 for a response.

16 Q. Well, sir. I'm asking you. Because if  
17 you flip to the other document, which is June 19th,  
18 2017 -- this way, this letter (indicating).

19 A. Okay.

20 Q. On that publication, or re-publication,  
21 such as it is, can you tell me why the LSTA waited  
22 an entire year?

23 A. No, I cannot.

24 Q. Do you recall there being any discussions  
25 between July 11th, 2016, and June 19th, 2017, about,

1 hey, we need the governor out of neutral, we need to  
2 get him moving forward, something needs to be done?

3 A. I do not recall any.

4 Q. Did you hear about any?

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

6 Q. Well, are you telling me, then, that it is  
7 your belief that Mr. Falcon acted unilaterally in  
8 sending the June 19th, 2017, letter --

9 A. No.

10 Q. -- or did he do it at the prompting of his  
11 client?

12 A. I'm sure he did it at the prompting of his  
13 client, the Louisiana State Troopers Association.  
14 Why -- you're asking the 11th of '16 versus June of  
15 '17. I don't know where the -- why it was 11  
16 months. I don't know.

17 Q. Well, who's the client contact --

18 A. Me.

19 Q. -- on behalf of LSTA?

20 A. Me and/or Jay.

21 Q. So do you have any recollection of you  
22 issuing some sort of instruction, hey, man, we  
23 haven't heard from the governor in a year, go ahead  
24 and send a follow-up?

25 A. I can't remember, but it would seem

1 logical that I would have, or that the LSTA would  
2 have.

3 Q. Well, let's see if we can figure that out.  
4 What exactly was happening at the State Police  
5 Commission in June of 2017? Wasn't that when  
6 Mr. Townsend was supposed to deliver his report and  
7 determine whether or not you all engaged in some  
8 violation of the law?

9 A. I'm not sure when Mr. Townsend made his  
10 findings. I don't know if it was '16 or '17,  
11 honestly.

12 Q. Well, in all candor, you do know that by  
13 the time Mr. Townsend, who is also cc'ed on this  
14 letter, delivered his findings, Mr. Braxton was off  
15 the board, Cathy Derbonne had been removed as  
16 executive director, and you had new people on that  
17 board, right, on that commission?

18 A. I suppose --

19 MR. FALCON: That he had new people on  
20 the board?

21 MS. CRAFT: Sorry. That there was new  
22 people on that board -- commission.

23 MR. FALCON: I didn't know we could  
24 appoint them. It certainly would have  
25 been a lot simpler.



1 MS. CRAFT: That's okay.

2 THE WITNESS: I think -- repeat what  
3 you -- repeat your question, please.

4 BY MS. CRAFT:

5 Q. By the time Mr. Townsend got around to  
6 delivering his report --

7 A. Uh-huh.

8 Q. -- on behalf of whoever, by that time,  
9 Calvin Braxton was off the board, Cathy Derbonne had  
10 been -- well, she had removed somehow as executive  
11 director. You had, I think, Lloyd Grafton quit, and  
12 you had -- there were new folks on the board, right?

13 A. Yes, that's correct.

14 Q. And so is it your testimony that this is  
15 all a coincidence? The eve before the meeting where  
16 Mr. Townsend is supposed to come in and say, this is  
17 what I found, you got this letter going back out to  
18 the governor, you got Mr. Townsend cc'ed on it, you  
19 got Cathy being pulled; that's all a coincidence?

20 A. I'm telling you that I believe it is, and  
21 the reason I say that is because Mr. Townsend's  
22 initial intent was to provide that report early in  
23 2017, and it kept getting backed up and backed up.  
24 So there was no awareness on our part as to when he  
25 was going to make his decision on that.

1 Q. Well, then how the heck did you know he  
2 wanted to deliver it early in 2017?

3 A. Because he announced that, or someone on  
4 the board announced that, that that was the -- that  
5 it wouldn't be heard or I won't have this available  
6 until a certain date.

7 Q. What date?

8 A. It was supposed to come out in -- again,  
9 like I said, my recollection was it was supposed to  
10 come out in the beginning of 2017. He appeared, if  
11 I'm not mistaken, every month at the meeting.

12 Q. He can't answer your questions.

13 A. Oh, that's right.

14 Q. You've got to answer mine.

15 A. Well, I think Mr. Townsend appeared at  
16 most every meeting after he was hired until he had  
17 his finding.

18 Q. Well, how do you know that if you didn't  
19 go to the meetings?

20 A. I am telling you I did go to -- I didn't  
21 say I went to all the meetings, but the ones I did  
22 go to, I saw Townsend.

23 Q. And so were you present when Mr. Townsend  
24 announced that he would not deliver his report early  
25 in 2017?

1 A. I believe so, yes.

2 Q. And did he give an indication as to what  
3 day he was going to deliver that report?

4 A. Not to my recollection.

5 Q. So if we go back and we look at the videos  
6 of these meetings and it indicates that the date was  
7 sometime on or after June 19th, 2017, you have no  
8 recollection to quibble with that?

9 A. No.

10 Q. And it's your sworn testimony that that is  
11 entirely coincidental that this second letter goes  
12 out June 19th, 2017, seeking to have Mr. Braxton  
13 removed from the board, it had nothing to do with  
14 Mr. Townsend getting around to finally announcing  
15 his findings?

16 A. That's correct.

17 Q. And you're telling me that neither you nor  
18 anyone you're aware of at LSTA had any discussion  
19 about, let's go ahead and reissue the letter on  
20 Calvin Braxton so we can get him off that board  
21 before Townsend issues his report?

22 A. That's correct.

23 Q. And so, again, I guess my question is: We  
24 are now, as of June 2017, 18 months after the last  
25 reported contact Mr. Oliphant says he had with

1 Calvin about Linebaugh. Nothing has happened in 18  
2 months involving Linebaugh. Explain to me why it is  
3 there's a rush 18 months later to get Calvin removed  
4 from that board. What was going on?

5 A. Ma'am, I'm going to be honest with you. I  
6 have no idea why this series of events appeared to  
7 be a coincidence or appeared to not be a  
8 coincidence. I really don't. I don't think there  
9 was ever a plan to time these things out, and,  
10 certainly, I was never told that by our attorney.

11 Q. Well, did you and Mr. O'Quinn have any  
12 discussions about why, in June of 2017, that the  
13 LSTA was going to re-publish its original letter and  
14 Mr. Oliphant's report?

15 A. No. We never had a discussion on that.

16 Q. And other than your conversation that you  
17 claim to have had with Mr. Oliphant, the last entry  
18 of which I believe he made on December 14th, 2015,  
19 was there any information, evidence or anything  
20 whatsoever that Calvin Braxton has said another word  
21 about Jayson Linebaugh?

22 A. No.

23 Q. So this threat that you claim he made  
24 about --

25 A. I didn't claim.

1 Q. I'm sorry -- that you claim you heard from  
2 Mr. Oliphant when you talked to him, would it be  
3 fair to say that whatever threat that was had abated  
4 in 18 months?

5 A. I can't judge what was a valid threat and  
6 what wasn't. All I was charged to do was to see to  
7 it that we protected Trooper Linebaugh. I spoke to  
8 Floyd Falcon about that and he took it up from  
9 there, letter of the -- letter of the 16th -- of  
10 2016, letter of 2017. He pursued those. There  
11 were -- as I've said before, there were many, many  
12 troopers who were un- -- who were disappointed in  
13 what had taken place, and that's just the fact. The  
14 rumors were rampant as to what was said, what wasn't  
15 said. We were trying to get to the -- to the  
16 answers, "we" being the LSTA.

17 Q. What troopers were disappointed and what  
18 was said?

19 A. Come on. This is repetitious. You know  
20 what I'm saying.

21 Q. Sir, you're making the statement about  
22 troopers. I'd like to know names so I can go talk  
23 to those people. That's why I'm asking you.

24 A. I can't give you names. You just hear --  
25 you hear that, you know, the troopers are rumbling

1 at this troop, or the troopers or unhappy over here,  
2 or these guys said this, or these -- I don't -- I  
3 don't write it down and go back and call everyone  
4 and say, hey, don't -- you know, I can't control  
5 that.

6 Q. So you can't give me the name of a single  
7 trooper beyond Mr. Wright and Mr. Oliphant that had  
8 any, that you describe, disappointment in what was  
9 said?

10 A. I cannot give you --

11 MR. FALCON: Mr. Linebaugh.

12 MS. CRAFT: Oh, right. And he did  
13 speak to him.

14 MR. FALCON: Mr. Linebaugh.

15 BY MS. CRAFT:

16 Q. Right. And you did speak to him, so you  
17 got three. Anybody else?

18 A. Not -- not that I can recall.

19 Q. Then you just made a statement, something  
20 about so we could get to the bottom of it.

21 A. Meaning the LSTA.

22 Q. Get to the bottom of what Calvin had said?

23 A. To get -- yeah, I suppose.

24 Q. Okay. So --

25 A. I'm -- yes. I --

1 Q. In 18 months, besides sending letters  
2 asking for my client to be removed from the  
3 Commission, explain to me what the LSTA did to,  
4 quote, get to the bottom of it.

5 A. We asked the governor to do an  
6 investigation. Now, that investigation was  
7 requested in June of 2016 --

8 Q. Sir --

9 A. -- or July of 2016.

10 Q. -- with all due respect, I'm looking at  
11 the letter. I do not see anywhere in the July 11th,  
12 2016, letter where the LSTA is asking for an  
13 investigation. What I do see is the LSTA saying  
14 that my client engaged in corrupt practices, abuse  
15 and attempted abuse of his position, and requesting  
16 that the governor specify or specification of  
17 charges prepared and served on my client and, after  
18 a public hearing, that he be removed from office for  
19 cause. I don't see where you or the LSTA made any  
20 request for the governor to, quote-unquote,  
21 investigate.

22 A. Well, the word --

23 Q. Where is that at in this letter?

24 A. The word "investigation" is not in this  
25 letter.

1 Q. Okay. So was there a private conversation  
2 with the governor; Dear, Governor, we're just  
3 kidding, don't remove him, investigate?

4 A. However, although the word is not in  
5 there, the whole second paragraph implies request  
6 for some type of an investigation, the whole  
7 quarter -- the whole thing does.

8 Q. Where?

9 A. Come on.

10 MR. FALCON: The letter speaks for  
11 itself, Jill.

12 BY MS. CRAFT:

13 Q. Okay. Because here's what I read in the  
14 second paragraph: Make sure we're on the same page.  
15 We attach an official incident report submitted to  
16 the Department of Safety and Corrections  
17 detailing -- that part I read, is that the paragraph  
18 you're referring to?

19 A. It is.

20 Q. And then the last sentence of it --  
21 there's only two sentences -- we ask that our office  
22 formulate written specifications of charges against  
23 Mr. Braxton and afford him an opportunity of a  
24 public hearing to address the charges, all as  
25 specified in Section 43(D) of Article X.



1           You're telling me that implies you wanted  
2 the governor to investigate?

3           A.    Well, certainly, if there's going to be a  
4 public hearing, that's going to be an investigation.  
5 Would you agree?

6           Q.    That's a guess on your part, sir?

7           A.    I'm asking you.

8           Q.    Sir, unfortunately, you get to answer the  
9 questions I ask, not the reverse.

10           Is that your sworn testimony? You think  
11 this paragraph --

12           A.    Yes.

13           Q.    -- was inviting the governor to do an  
14 investigation?

15           A.    Yes.

16           Q.    Okay. How about the next letter, the  
17 re-publicized letter, the one from June 19th, 2017?  
18 Where is there any request in here for an  
19 investigation by the governor?

20           A.    It refers to the letter of the previous  
21 year, July 11th, 2016. We have not received any  
22 type of formal response of the same.

23           I think what that's asking is that, are we  
24 going to -- are you going to take this up at all?  
25 We had never received any response whatsoever from

1 the governor's office that this had been received or  
2 acknowledged.

3 Q. Is that a guess on your part as to what  
4 you think those words mean?

5 A. Yes.

6 Q. Because you told me that nobody at the  
7 LSTA, to your recollection, voted or authorized the  
8 sending of the June 19th, 2017, letter; it was just  
9 sent, as far as you know.

10 A. I don't think I said that, did I?

11 Q. Was there a formal or informal discussion  
12 or vote, hey, Floyd, send another one?

13 A. I didn't -- I was not involved in a  
14 discussion of that.

15 Q. Did you hear about any such discussion?

16 A. I'm sure that at some point, I was advised  
17 that they would follow up -- that the attorney would  
18 follow up his initial letter.

19 Q. Aside from I'm sure and your guess, do you  
20 have a recollection?

21 A. No.

22 Q. Okay. Fair enough.

23 In the June 19th, 2017, letter, it says, I  
24 have been instructed to inquire of you as to whether  
25 or not you plan to proceed with specifications of

1 charges against Mr. Braxton and have this matter set  
2 for a public hearing, question mark.

3 Do you know who issued the instruction?

4 A. I do not.

5 Q. I'm going to show you a document which I'm  
6 going to mark and attach as Exhibit #16, and it's a  
7 pretty simple one. It's, again, one I got in a  
8 public records request. And in all candor, it's an  
9 e-mail from Lee Zurik at Fox 8 Live to Richard  
10 Carbo, C-A-R-B-O, Deputy Chief of Staff for Governor  
11 Edwards, dated July 14th, 2017.

12 Have you ever seen that before?

13 (Deposition Exhibit #16 was marked for  
14 identification.)

15 A. I have not.

16 Q. In it Mr. Zurik writes, I'm doing a story  
17 on Calvin Braxton, a member of the Louisiana State  
18 Police Commission. We received a report made by  
19 Captain Jay Oliphant to then Major Kevin Reeves  
20 about a December 5th, 2015, incident involving  
21 Mr. Braxton's daughter.

22 Do you see that?

23 A. Yes.

24 Q. Do you know how Lee Zurik received a  
25 report made by Captain Jay Oliphant to then Major

1 Kevin Reeves?

2 A. Do not know.

3 Q. Here's why I'm asking. Before I even  
4 filed this lawsuit, I filed a whole bunch of public  
5 records requests. I asked every single agency I  
6 could think of whether or not, including State  
7 Police, they had sent any communications to  
8 Mr. Zurik, to any news medias, to any news outlets,  
9 anything. And guess what I got? Bupkus. Do you  
10 have any idea --

11 MR. FALCON: You got what?

12 MS. CRAFT: Bupkus.

13 MR. FALCON: What does that mean?

14 MR. OXENHANDLER: For nothing.

15 MS. CRAFT: B-U-P-K-U-S. For nothing,  
16 right.

17 BY MS. CRAFT:

18 Q. Do you have any explanation as to how  
19 Mr. Zurik somehow got a copy of the report from  
20 Captain Oliphant to Major Kevin Reeves?

21 A. I do not.

22 Q. And is it your sworn testimony that, to  
23 your knowledge, no one affiliated with the LSTA had  
24 any involvement in getting information to Lee Zurik?

25 A. Absolutely. It is my testimony that no

1 one did that.

2 Q. And then what it says is, the report  
3 describes questionable alleged actions by  
4 Mr. Braxton. We also have e-mails that show traffic  
5 tickets received by Braxton or friends were being  
6 fixed at the request of Mr. Braxton by his  
7 assistant.

8 Do you have any idea how Mr. Zurik or  
9 anyone at Fox 8 would have gotten copies of any  
10 e-mails about ticket-fixing?

11 A. Since I have said earlier that I didn't --  
12 I was not even aware about the ticket-fixing, then,  
13 clearly, I'm not aware of how they were provided  
14 information on it.

15 Q. And with respect to this inquiry from  
16 Mr. Zurik, at which time he professes to be in  
17 possession of that report, do you have any  
18 explanation as to why? His inquiry is July 14th,  
19 which seems like it's on the heels of the letter --

20 A. Exactly.

21 Q. -- of June 19th, both in 2017. Do you  
22 know how that happened?

23 A. I do not.

24 Q. Did you hear that Lee Zurik was going to  
25 do some sort of investigation of Calvin Braxton?

1 A. I did not.

2 Q. Did you watch the report on TV?

3 A. I did not.

4 Q. Did you hear about it?

5 A. After the fact, I was told that there was  
6 one, but I was not aware of it before it occurred.

7 Q. How did you hear about it after the fact?

8 A. I think somebody in my neighborhood told  
9 me that they had seen it on TV, being aware that I  
10 was with the State Troopers Association.

11 Q. What else did they say about it?

12 A. I don't remember. I really don't.

13 Q. Do you know if that broadcast was made  
14 statewide, not just Fox 8 in New Orleans, but WAFB,  
15 its affiliate, here?

16 A. No, I don't.

17 Q. Did you receive any phone calls from  
18 troopers about Mr. Zurik's report?

19 A. Not a one.

20 Q. Did you talk to Mr. O'Quinn about it?

21 A. Mr. O'Quinn may have advised me because he  
22 gets the VUE TV. I don't. So he may have been the  
23 one who advised me that it was -- that it occurred.

24 Q. Have you personally ever had any  
25 conversations with Calvin Braxton?

1 A. Yes.

2 Q. What can you tell me about those?

3 A. When he first got on the board, I  
4 introduced myself. We talked about some common  
5 people who we knew, including Mr. Friedman,  
6 including Charlie Roberts, including some other  
7 people who he had -- he had relationships with  
8 through his contacts, as well as I. Mr. Friedman  
9 was in the banking business when I was with Capital  
10 Bank back in the '70s and '80s, and I had told him  
11 that I was aware of Mr. Friedman and that he was a  
12 fine fellow and had always treated me very fairly  
13 and very respectfully. I was a junior officer for  
14 the bank, and I believe at the time, he owned the  
15 bank and was very courteous to me.

16 Q. Did you ever ask Mr. Friedman or anyone on  
17 Mr. Friedman's behalf to procure free hotel rooms?

18 A. No.

19 Q. Do you know who Mr. Conn is at the  
20 Roosevelt Hotel?

21 A. I do not.

22 Q. Do you ever stay at the Roosevelt?

23 A. Never.

24 Q. Did you ever become aware of the  
25 superintendent of state police and other state

1 troopers requesting and/or receiving free hotel  
2 rooms in New Orleans?

3 A. I was aware that hotel rooms were provided  
4 to troopers during the Mardi Gras time. I also was  
5 aware that there were rooms provided for troopers  
6 after they established what is now called Troop N,  
7 which is the troop that has the 8th district or the  
8 French Quarter of New Orleans. Those rooms were  
9 provided by the hotel industry for the troopers who  
10 were being brought in to supplement the NOPD.

11 Q. Hotel rooms where?

12 A. At various hotels. I had no knowledge of  
13 the logistical information regarding that. All I  
14 know is that there -- I had heard that there were  
15 hotel rooms being provided by -- voluntarily by the  
16 hotels to bring the troopers into town.

17 Q. Were you aware of a bar being operated on  
18 the State Police property?

19 A. Yes.

20 Q. What can you tell me about it?

21 A. The bar was the result of -- it started  
22 out as a -- we were approached, meaning the LSTA was  
23 approached, by the Department because they had built  
24 this place called JESTC, Joint Emergency  
25 Transportation -- Training Service Center, Joint



1 Emergency Training Center, JESTC, Emergency Services  
2 Training Center. Once they built it, in the -- in  
3 the place was a hotel, if you will, a -- what they  
4 call the Student Development Center, where they did  
5 training. In that was three wings of hotel rooms.  
6 It also had a wing which had in it the -- both a  
7 dining area and a bar. They had it and was  
8 operating it, and the problem that they were having  
9 with it is that people were going off campus,  
10 bringing alcohol onto campus, which was a violation.

11 Q. Violation of what?

12 A. Violation of the rules of JESTC. They  
13 weren't allowed to bring alcohol onto the post.

14 MR. FALCON: Students you're talking  
15 about.

16 THE WITNESS: Sir?

17 MR. FALCON: Students.

18 THE WITNESS: Yeah. Right, right.

19 The students included not only  
20 troopers, but nontroopers who were brought  
21 in for training in other aspects of  
22 operations.

23 BY MS. CRAFT:

24 Q. Who at the Department approached LSTA?

25 A. I cannot tell you who ultimately was the

1 one, but the one I dealt with throughout the --  
2 throughout the transaction was Lieutenant Colonel  
3 Dane Morgan.

4 Q. I'm familiar with him.

5 A. He was --

6 Q. So when did he first approach LSTA?

7 A. I don't know the date that he actually  
8 approached us. Here it is right here. But we had  
9 a -- we confected a cooperative endeavor agreement.

10 Q. When?

11 A. Right here.

12 Q. And for the record, you're reviewing a  
13 document. Is that the cooperative endeavor  
14 agreement?

15 A. Yes, it is.

16 Q. And what's the date of that document?

17 A. I am going to tell you. The date of it  
18 was 8 April 2009.

19 Q. May I see, sir?

20 A. Ma'am?

21 Q. Can I see?

22 A. Oh, absolutely.

23 Q. Okay. So on the cooperative endeavor  
24 agreement, it was between LSTA Enterprises, L.L.C.  
25 What's that?

1           A.     We created LST Enterprises, L.L.C., as the  
2     entity to work through -- to work this cooperative  
3     endeavor agreement.

4           Q.     Okay.  And so LSTA, L.L.C., is a L.L.C.  
5     formed by the State Troopers Association, a  
6     nonprofit?

7                     MR. FALCON:  I think you misspelled --  
8     missaid it.

9                     MS. CRAFT:  Sorry.

10                    MR. FALCON:  LSTA Enterprises, L.L.C.

11     BY MS. CRAFT:

12           Q.     Enterprises, L.L.C.  That's an outfit  
13     formed by your nonprofit?

14           A.     Yes.

15           Q.     Okay.  So are you telling me that this  
16     cooperative endeavor agreement, which looks like,  
17     for notice purposes, it went to Colonel Mike  
18     Edmonson and to you, which has a signature April  
19     8th, 2002, looks like notarized by Ms. Giroir down  
20     at the end of there, Ms. Giroir -- you're telling me  
21     that this gave you the authority to operate a bar on  
22     State property?

23           A.     That is correct.

24           Q.     Who did it get approved by?

25           A.     Mike Edmonson.

1 Q. Okay. Who in the State approved it, like  
2 Procurement or Division of Administration?

3 A. I cannot answer. Maybe Ms. Giroir can.  
4 Maybe Mr. -- Colonel Edmonson can. This was the  
5 agreement that we were provided in order to be able  
6 to operate this bar.

7 Q. In that document I just looked at -- and,  
8 again, I'm not that fast of a reader, but I don't  
9 see in there where it allows you to operate a bar.  
10 I see where it allows you to bring in food and  
11 alcoholic beverages for an event. Did I miss it?  
12 On page 2, it looks like paragraph 3, I believe, is  
13 where I saw it.

14 A. I can only tell you -- if you want to look  
15 at it, you're welcome. I don't have an answer to  
16 that. This is what we were provided in order to  
17 operate the bar. The intent was to keep alcohol  
18 from being brought onto the post and then having no  
19 control over it. That was the desire of the  
20 Department. They provided us with the place to do  
21 it, and we agreed to try and see if it worked to  
22 have a working operation.

23 MS. CRAFT: Since the witness has  
24 referred to it, Mr. Falcon, do you mind if  
25 we attach that as Exhibit #17?

1 MR. FALCON: I'll be happy to make a  
2 copy for you to attach.

3 MS. CRAFT: Thank you.

4 BY MS. CRAFT:

5 Q. So, sir, again in the operation of the  
6 bar, is it your testimony that the LSTA Enterprises,  
7 L.L.C., provided the alcohol?

8 A. Before we did that, we had to go through  
9 numerous hoops within the state government in order  
10 to do that, including obtaining licenses.

11 Q. You have those with you, I see.

12 A. I have copies of those, also.

13 Q. May I see those, too?

14 A. Yes, you may. Okay. I think this is  
15 everything that you're seeking.

16 Q. And for the record, it looks like a permit  
17 from ABC for LSTA Enterprises, L.L.C. And was the  
18 location West Irene Road?

19 A. Yes, ma'am. That's on the -- on the JESTC  
20 property. That's the address.

21 Q. Okay. And you had licenses, it looks  
22 like, for 2009?

23 A. Correct.

24 Q. Did you get any license subsequent to  
25 2009?

1 A. No, ma'am. What we did was, the --

2 MS. CRAFT: Again, I'd like to attach  
3 these, Mr. Falcon, as Exhibit #18.

4 BY MS. CRAFT:

5 Q. So you got a license in 2009.

6 A. We got -- we got a temporary license in  
7 April or May of 2009, and then we got a permanent  
8 license for a one-year period. It was our intent to  
9 see if the bar was going to be a viable operation,  
10 so we went through one year. The bar was not  
11 viable. It had -- it had made \$9,000, as I think I  
12 heard yesterday. I don't remember the number, but  
13 we filed -- filed our IRS reports, et cetera, et  
14 cetera. But it was not a viable operation, and so  
15 we shut the bar down, and we no -- and we  
16 discontinued the -- we did not renew our license.

17 Q. In 2010?

18 A. Actually, I think the license itself was  
19 through the first day of -- through the end of  
20 January 2011, if I'm not mistaken.

21 Q. You have a 2009 license.

22 A. Temporary license.

23 Q. Right. And then you're telling me that  
24 you got a full license for a period all the way  
25 through the end of January of 2011?

1           A.    You tell me.  You can read it better than  
2    me.

3           Q.    This is your license?

4           A.    No.  That's a report that we've gotten  
5    from the -- from them as to the status of the bar.

6           Q.    There is a report that you had generated  
7    yesterday at 2:05 p.m.?

8           A.    Correct, correct.  Because I didn't find  
9    anything in the file regarding when the actual date  
10   of the closing was, so we had this printed out.

11          Q.    So after January 31st, 2011, are you  
12   telling me there was no more liquor served at this  
13   bar on public --

14          A.    No.

15          Q.    -- property?

16          A.    No, ma'am.  I'm telling you that after  
17   2011, there was no more bar.  There was no more bar  
18   for sale -- liquor for sale after that period.

19                   MS. CRAFT:  I'd like to attach this as  
20                   #18.

21                   MR. FALCON:  Sure.

22   BY MS. CRAFT:

23          Q.    So you were just giving it away?

24          A.    We weren't giving it away.  At that point  
25   in time, whatever liquor was left on the property,

1 we left it there for the use of LSP -- let me -- let  
2 me step back a step, and understand that the only --  
3 it wasn't just Louisiana State Police who were  
4 utilizing that particular -- the SDC, the Student  
5 Development Center, and JESTC. There were outside  
6 parties who were also going to the thing, and there  
7 were also third parties who were doing training on  
8 the -- on the compound. Specifically, there was a  
9 company called Black -- Triple Canopy. Triple  
10 Canopy is similar to Black Water. It trains, if  
11 you -- for lack of a better word, it trains  
12 mercenaries. They were bringing people in who were  
13 being trained for various jobs and then shipping  
14 them overseas.

15 Q. Okay. So you're telling me after January  
16 31st, 2011, on public property in the State of  
17 Louisiana, LSTA Enterprises, L.L.C., continued to  
18 give away or gave away alcohol until when?

19 A. We would give the alcohol --

20 Q. Sir, I'm sorry, until when?

21 A. I understand what you're saying.

22 Q. Uh-huh.

23 A. We would give -- we would accommodate  
24 requests from the colonel, Colonel Edmonson. He'd  
25 say, I'm having a party of the -- let's see. What



1 was one of -- he had various parties of people who  
2 he'd bring out to there. He'd bring out all of the  
3 captains and above for a qualification day, where  
4 they all shot. They all shot and qualified their  
5 weapons.

6 Q. With alcohol?

7 A. No. After that was over, they were  
8 brought in for dinner, and then the bar was open for  
9 them to have a cocktail.

10 Q. Free?

11 A. Free. The colonel made a request for us  
12 to provide the liquor. We did.

13 Q. How did you pay for it?

14 A. Out of our funds.

15 Q. Out of LSTA funds?

16 A. Yes.

17 Q. LST Enterprises, L.L.C., funds?

18 A. Well, LSTA funds at that time, because  
19 LSTA Enterprises was no longer. So if he asked  
20 for -- if he asked for a case of liquor, various  
21 liquors, we would go buy a case of liquor and carry  
22 it out there for the particular event.

23 Q. You would buy or you would get it from  
24 Mr. Goldring or both?

25 A. We never bought anything from

1 Mr. Goldring. We used -- we used local vendors for  
2 both beer and liquor and never -- never approached  
3 Mr. Goldring at all for any of his alcohol.

4 Q. What about the bartender Mr. O'Quinn  
5 talked about? Who paid her?

6 A. She was paid out of the profits of the  
7 bar. She was only there, what, six, nine months?

8 Q. What profits? You made, you said --

9 A. I just told you we reported \$9,000 in  
10 income.

11 Q. Through January 31st, 2011?

12 A. Correct.

13 Q. After that, you're telling me it's free?

14 A. There was no bartender after that. If  
15 there was -- don't make this out -- this is not  
16 sinister. We would provide it. They would have  
17 a -- somebody there who would mix drinks for them at  
18 their -- at their event, meaning the colonel would  
19 have somebody else from State Police mixing drinks.

20 Q. So you're telling me that the bar was only  
21 open for events?

22 A. Correct.

23 Q. So when Mr. O'Quinn said that he went and  
24 there was a bartender who was the daughter of a  
25 retired trooper -- as I understood it, that was

1 fairly recent vintage -- that was for some event?

2 A. Yeah.

3 MR. FALCON: I'm going to object.

4 Mr. O'Quinn didn't say when that occurred.

5 MS. CRAFT: I understand.

6 MR. FALCON: So what you interpret it  
7 to be is on you, but he didn't say when it  
8 occurred.

9 MS. CRAFT: Got it.

10 BY MS. CRAFT:

11 Q. Well, Mr. Braxton, for sure, said that he  
12 was at the bar with a bartender in 2015.

13 A. And the bartender was not a young lady. I  
14 think --

15 Q. Who was it?

16 A. I think he said it was an elderly retired  
17 trooper.

18 Q. So who was paying him?

19 A. Nobody was paying him.

20 Q. But Mr. Braxton said it wasn't for some  
21 sort of event. Was this bar open besides events?

22 A. No, ma'am. If it -- it was not open for  
23 any events. The liquor we put in there was locked  
24 away. When they had an event, they'd unlock the  
25 cabinet, they'd serve the liquor, they'd lock the

1 cabinets again.

2 Q. You're aware, are you not, that an issue  
3 was raised about the operation of the bar at the  
4 State Police Commission?

5 A. In 2016.

6 Q. '15 and '16.

7 A. Yeah.

8 Q. And you were there when Mr. Braxton said,  
9 wait a minute, it's operational, I just had a drink  
10 there last night.

11 A. I believe him. He probably did, but it  
12 wasn't sponsored by the LSTA. All we had done was  
13 given the liquor to the Department when they used it  
14 for the events, for the -- for these special events.

15 Q. You gave liquor to the State of Louisiana?

16 A. Yeah.

17 Q. You gave a gift to the State of Louisiana?

18 A. Yep.

19 Q. And how was that accomplished?

20 A. We went to the store, we bought the  
21 liquor, we put it in a box, we carried it out there,  
22 put it behind the counter in the bar, and that was  
23 it.

24 Q. Who is the "we"?

25 A. The LSTA.

1 Q. My question for you is, sir, then if  
2 that's the case, explain to me how it is a state  
3 agency is allowed to accept a donation of liquor.

4 A. We were asked by the colonel to provide  
5 it, and we accommodated him.

6 Q. I get that's what you were asked to do,  
7 sir, but explain to me how it is the State of  
8 Louisiana was receiving a donation of liquor.

9 A. I cannot.

10 Q. So besides it being Mr. Edmonson's  
11 responsibility, was Mr. O'Quinn right that Charlie  
12 Dupuy had cocktails up there, too?

13 A. I'm sure that, at one point in time, every  
14 member of the command staff, meaning everybody who  
15 was out there for various events, was offered the  
16 opportunity to have a beer or a cocktail.

17 Q. Free?

18 A. Free.

19 Q. And are you aware of whether or not  
20 there's a prohibition against State employees  
21 receiving free meals and free booze?

22 A. I'm not aware that there was an issue in  
23 this -- no. I wasn't aware that they were not  
24 allowed to have that cocktail.

25 Q. Well, when Calvin spoke up and the

1 Commission is looking at it, you guys shut it down,  
2 right?

3 A. No, ma'am. We shut down in 2010. I think  
4 he said he was there in 2016, so it had been shut  
5 down as a bar for a long time. The liquor was still  
6 there. From time to time, the colonel would call  
7 and ask us to help him out by bringing more liquor  
8 for a particular event that he had. I'm trying --  
9 there was one group that he was the head of, IA --  
10 what is it called? Does anybody remember the --

11 Q. You can't ask questions, sir.

12 A. International Association of Chiefs of  
13 Police, IACP. And he would -- he had them all out  
14 there for one or two events and they were  
15 overnighted. They stayed overnight in the  
16 dormitories or the hotel rooms, as you will. They  
17 were served meals, and they were -- they had the  
18 cocktail party.

19 Q. Okay. So has that discontinued? Has the  
20 liquor been removed?

21 A. Yes, all gone.

22 Q. And when did that happen?

23 A. It -- I don't have a date. I'm not sure  
24 the actual date.

25 Q. Why did that happen?

1           A.     It happened because, when Colonel Reeves  
2     took over, he said, I want -- I don't want this to  
3     happen anymore.

4           Q.     Was that because an issue had been raised  
5     about the propriety of that arrangement?

6           A.     I am unaware that that was ever an issue  
7     with Colonel Reeves.

8           Q.     No, I'm sorry.  Period.  An issue with  
9     Ethics, an issue with State Procurement, an issue  
10    with Division of Administration, an issue with the  
11    governor's office.  The receipt by a public body of  
12    donations of liquor, you're telling me you were  
13    unaware that was an issue at all?

14          A.     I'm telling you that we accommodated the  
15    colonel when he requested the liquor.  I would  
16    imagine that he's got to be the one to account for  
17    that.

18          Q.     Did you drink out there?

19          A.     Did I ever -- I had a couple beers, but  
20    I'm not a big drinker.

21          Q.     So who was out there when you drank out  
22    there?

23          A.     On one occasion, I was out there for this  
24    IACP group.  On one time, I was out there when the  
25    command staff had their command meeting and meal and

1 then -- and the qualification.

2 Q. Now, with respect to the hotel, did the  
3 LSTA or LSTA Enterprises, L.L.C., have any role in  
4 running the hotel?

5 A. None whatsoever.

6 Q. And who ran the hotel?

7 A. The hotel was operated by the -- by the  
8 people who were working on the -- on JESTC, at  
9 JESTC.

10 Q. State employees?

11 A. State employees.

12 Q. And was it your understanding that folks  
13 stayed free and State employees cleaned up after  
14 them?

15 A. I had no knowledge of how it was being  
16 handled. I was not involved in it in any way, shape  
17 or form.

18 Q. You never stayed there?

19 A. Never stayed there. I may have stayed  
20 there one night. Yes, I did.

21 Q. For what? You're not a law enforcement  
22 officer, are you?

23 A. I was asked to stay when I was out there,  
24 not for IACP, but for the -- for one of the command  
25 staff meetings that I went to. Or, wait, I take



1 that back. I take it back. The time I was there  
2 was when the LSTA had a meeting out there and we  
3 paid our way.

4 Q. You paid your way for what?

5 A. For the rooms that we were staying in.

6 Q. You paid who?

7 A. We paid JESTC. Whatever they sent us the  
8 bill for, we paid them for the rooms that we were --  
9 used. There was 11 of us. We were out there for a  
10 board meeting.

11 Q. Did you pay them for the food and liquor,  
12 too?

13 A. We didn't. The -- I'm not aware that we  
14 had to pay for the liquor. And as far as the food  
15 is concerned, I think the food was given to us by  
16 the -- no, we may have paid for it, too. I just  
17 don't -- I don't truly remember.

18 Q. What year was that?

19 A. Oh, God. I'd have to go back and check,  
20 but it's been a few years. It was when -- it was  
21 when Colonel Edmonson was in office, so he's been  
22 out of office close to four years now, isn't he?

23 Q. And so, from your perspective, it's your  
24 testimony that when Reeves took over, then that's  
25 when the bar operation, whatever it was, stopped

1 because Reeves said no?

2 A. No. I'm saying that the bar operation  
3 stopped in 2011. Now, it ended --

4 Q. Sorry. The free liquor portion.

5 A. After that, the liquor that was still  
6 there was left there, and then from time to time,  
7 when there was a special event, we were asked to  
8 provide liquor for that event, and we did.

9 Q. "We" being LSTA?

10 A. "We" being the LSTA.

11 Q. And you would go buy bottles of liquor and  
12 take them to State property?

13 A. Yes.

14 Q. To be given away to State employees?

15 A. To be given away to whoever was at the  
16 meeting of the -- that was being held. In many  
17 cases, it was out -- it was not State employees.

18 Q. Well, right. But there were occasions it  
19 was State employees.

20 A. Sometimes there were. Not my call.

21 Q. Do you know if the Ethics Commission  
22 looked into that?

23 A. I do not.

24 Q. Do you know whether or not there's any  
25 provision in State ethics law that precludes an

1 operation like that on State property, giving away  
2 liquor to State employees?

3 A. I do not. I do not.

4 Q. We were talking about discussions with  
5 Mr. Braxton. Other than the ones that you've  
6 described, did you have any other conversations with  
7 him?

8 A. At some point in time, when he was very  
9 angry about the letters, I guess, or the accusations  
10 that had been thrust upon him, he confronted me  
11 twice in the same day.

12 Q. Where?

13 A. Once when I was standing at a urinal in  
14 the men's room.

15 Q. Where?

16 A. In the building where we had the meeting,  
17 our annual -- our week -- or monthly meeting. I  
18 happened to be in the restroom and he had -- he was  
19 leaving, and he came up behind me and he started  
20 telling me about what had happened, and he was not  
21 happy, and, of course, I was not in a position to  
22 respond.

23 Q. What building and what monthly meetings  
24 are you talking about?

25 A. I believe the monthly meeting was of the

1 State Police Commission, and I believe the building  
2 was called finance. It's the finance building.

3 It's the --

4 Q. Right. The State Police Commission was  
5 actually conducting its meetings on State property;  
6 is that right?

7 A. Correct, correct.

8 Q. And that's where the executive director  
9 had her office, on State property?

10 A. That's correct. That's correct.

11 Q. Understood. And so do you remember which  
12 meeting it was that my client talked to you in the  
13 bathroom?

14 A. It could have been -- no, I don't. I  
15 don't remember what month it was. I know he was  
16 pretty upset, agitated about everything that had  
17 occurred. And then when we got -- we went back into  
18 the board room or to the meeting room, I took my  
19 seat again, and then they -- when they -- the  
20 meeting was over, he came back and approached me  
21 at -- in front of my chair. I was standing up, and  
22 he approached me again and was very agitated about  
23 the situation that had occurred.

24 Q. What situation?

25 A. The incident with his daughter.

1 Q. Okay. And so can you tell me any of the  
2 words that my client used to you?

3 A. He was rather volumous [sic]. He was  
4 rather loud, and he was unhappy, and he expressed  
5 his dissatisfaction with what had taken place. Now,  
6 I don't remember the exact words that he used, but  
7 he was not happy. And, in fact, if -- Ms. Derbonne  
8 came over and asked him to tone down, to stop the --  
9 stop hollering and just move on.

10 Q. So sitting here, you can't tell me any of  
11 the words that my client used to you?

12 A. No, I really can't. I mean, I listened to  
13 him, and I knew what he was talking about, but I  
14 can't tell you that that was -- that he -- what he  
15 said, his exact words. I can't.

16 Q. Did you ever ask Mr. Oliphant to prepare a  
17 report?

18 A. I believe I did, and I believe I stated  
19 that, that I asked him at some point in time to  
20 prepare a report. I thought I did.

21 Q. Nope. When did you ask him to prepare a  
22 report?

23 A. I don't have any idea when, but I thought  
24 I -- I asked him if we could -- I think I did,  
25 because it seems to me that when this all occurred,

1 it only seems logical, as I thought I said at the  
2 time, that we document anything that's -- anything  
3 that's being stated, and I think I asked him for  
4 documentation of what had occurred.

5 Q. Was that during the one phone conversation  
6 you had with him or some other conversation?

7 A. It may have been during the conversation  
8 that I had with J.D. in December.

9 Q. Is that a guess on your part?

10 A. Yes.

11 Q. Did you ask him twice to prepare a report?

12 A. I don't remember.

13 Q. Do you recall asking him more than one  
14 time to prepare a report?

15 A. I don't remember.

16 Q. And when you said -- when you asked him --  
17 you say you did ask him to prepare a report, the one  
18 time you do recall, you said it was for the purposes  
19 of documentation?

20 A. Yes. I wanted -- if -- I wanted to know  
21 that if something was being -- if someone was being  
22 accused, that there was document- -- that I wanted  
23 to hear it -- I didn't want it just word of mouth.  
24 I wanted to see a document so that I had something  
25 to carry forward. Is there something wrong with

1 that?

2 MR. FALCON: David, you don't ask  
3 questions of her.

4 THE WITNESS: Oh, I'm sorry.

5 MR. FALCON: Let's take another break,  
6 please.

7 MS. CRAFT: Sure.

8 (Recess.)

9 BY MS. CRAFT:

10 Q. As I understand your testimony, you do  
11 admit that you asked Mr. Oliphant to prepare a  
12 report.

13 A. I seem to recollect that, yes.

14 Q. So when, earlier in your deposition, you  
15 said you would never do that because it's not  
16 something you could do, were you mistaken?

17 A. No. I think I was not -- I never ordered  
18 him to provide us a report. I may have requested  
19 that he do it, but I didn't -- I can't make him do  
20 anything.

21 Q. Okay. So your testimony is that you  
22 requested it, but didn't order it?

23 A. Correct.

24 Q. As a lobbyist, you have to submit lobbying  
25 reports; is that right?

1 A. Yes.

2 Q. And you have to report if you take anybody  
3 to dinner, right?

4 A. Correct.

5 Q. And the threshold, as I understand it, is  
6 25 bucks, or is that wrong?

7 A. No, it's closer to 60.

8 Q. 60?

9 A. (Nods head.)

10 Q. Yes?

11 A. Yes.

12 Q. And at the time the operation of -- and  
13 I'm going to call it the free liquor zone, up until  
14 '16. When the free liquor zone was being operated,  
15 as a lobbyist, did you report that you were giving  
16 free liquor?

17 A. I did not.

18 Q. Did your organization -- or did the  
19 organization, LSTA Enterprises, L.L.C., report that  
20 it was giving free liquor?

21 A. It did not because L.L. -- there was no  
22 more L.L.C. I mean, it was gone. The LSTA was the  
23 entity at that point.

24 Q. So how many years did the LSTA provide the  
25 free liquor to the free liquor zone?



1           A.    It continued until -- basically, till when  
2 Edmonson departed.

3           Q.    So it started when and ended when? Just  
4 the LSTA, not LSTA Enterprises.

5           A.    No, I understand. I understand. But if  
6 '11 -- if in 2011 the bar was closed and the liquor  
7 was left there, then it was from the point -- that  
8 point in time forward to whenever Colonel Edmonson  
9 left, which was -- I'm not sure when. '16?

10          Q.    So did the LSTA ever file any disclosures  
11 about providing free liquor?

12          A.    No. We gave the liquor to the colonel,  
13 and when we gave the liquor to the colonel, he then  
14 used it for his purposes of entertainment, so that  
15 was it, and -- yeah, that's it.

16          Q.    Okay. When you say, when we gave it to  
17 the colonel, are you telling me you drove up to the  
18 colonel's house and said, look, here's what you  
19 ordered, or you took it out to the facility,  
20 unloaded it and put it in the bar?

21          A.    I think I said before that we would drive  
22 it out there and give it to him -- give it to the  
23 facility, and they would lock it up for the -- for  
24 the event.

25          Q.    So at no time in 2015 or '16 did this

1 liquor zone have regular hours?

2 A. Correct.

3 Q. Was it the same retired trooper who worked  
4 out there?

5 A. I had no control over who that might have  
6 been at any given -- at any point in time. The --  
7 if there was a -- if there was a retired trooper  
8 there, he was on his -- he was doing it on his own.  
9 I mean, I can't answer that. That was between he  
10 and the colonel, I guess, I suppose.

11 Q. I don't want to be insensitive, but I do  
12 need to ask a question. I understand recently,  
13 without going into any details, that you have been  
14 charged with some sort of crime.

15 A. Yes.

16 Q. My question is, in conjunction with the  
17 charge of the crime, do you believe your own  
18 reputation has been impaired?

19 A. Well, certainly.

20 Q. Why is that?

21 A. Because anytime you're charged with a  
22 crime, it's going to impugn your reputation.

23 Q. Even though nobody has come up to you and  
24 said, hey, I don't like you anymore, I'm not going  
25 to associate with you anymore, you believe that to

1 be true by virtue of being charged with a crime?

2 A. I know that I have been criticized by  
3 members of my own association for being involved in  
4 an activity, and I regret it deeply, but it's over  
5 and there's nothing I can do to -- you can't unring  
6 the bell.

7 Q. In the community at large, do you think  
8 the fact that you were charged with a crime has  
9 impaired your reputation?

10 A. I do not.

11 Q. You don't?

12 A. I do not. I think that most people don't  
13 even -- don't even know what's going on with that.  
14 I mean, certainly, the small article that was in the  
15 paper, as well as on TV, does not represent the  
16 entire thing, but I don't think -- it was on the  
17 news one day, I believe, maybe two days.

18 Q. So you think that had no impact on your  
19 reputation in the community at large?

20 A. At large, no. I've been contacted by  
21 people who I've done business with before and since,  
22 and none of them have indicated anything but support  
23 for me.

24 MS. CRAFT: That's all I have.

25

1 MR. OXENHANDLER: I just have a couple  
2 questions. May I go?

3 MR. FALCON: Sure. Go ahead.

4 MR. OXENHANDLER: I'm going to come up  
5 here because it's kind of far away.

6 MR. FALCON: Do you want to sit here?

7 MR. OXENHANDLER: Oh, no. I'm good.  
8 Thank you.

9 EXAMINATION

10 BY MR. OXENHANDLER:

11 Q. Mr. Young, I'm Steve Oxenhandler, and I  
12 represent Colonel Oliphant, J.D. Can you --

13 MR. OXENHANDLER: Do you have Exhibit  
14 #1 handy?

15 MS. CRAFT: No, but you have one?

16 MR. FALCON: This is -- yeah.

17 MR. OXENHANDLER: Right.

18 BY MR. OXENHANDLER:

19 Q. If you could turn to the July 11th, 2016,  
20 letter. Looking at Exhibit #1, and we're looking at  
21 specifically the July 11th --

22 A. Uh-huh.

23 Q. -- 2016, letter, that you're familiar  
24 with. Did J.D. or Colonel Oliphant ever approach  
25 you and request that you attach his June 2nd, 2016,

1 incident report to this 7/11/2016 letter?

2 A. No, sir.

3 Q. Did Colonel Oliphant ever help the LSTA or  
4 you or, as far as you know, anyone else who helped  
5 draft the July 11th, 2016, letter -- did Colonel  
6 Oliphant help with the drafting of this letter?

7 A. No, sir.

8 Q. Did Colonel Oliphant encourage you to send  
9 the July 11th, 2016, letter to Governor Edwards?

10 A. No, sir.

11 Q. And there's 20 points here. There's point  
12 1 through 20 on pages 1 to 2. Did J.D. or Colonel  
13 Oliphant help draft any of the -- or did you get any  
14 input from Colonel Oliphant on drafting those 20  
15 points?

16 A. No, sir.

17 Q. And I'm going to turn now to the June  
18 9th -- June 19th, 2017, letter, that's also a part  
19 of Exhibit #1. I'm going to ask you the same series  
20 of questions.

21 Did Colonel Oliphant ask you or anyone at  
22 the LSTA to attach the -- his June 2nd, 2016,  
23 incident report to the June 19th, 2017, letter?

24 A. No, sir.

25 Q. Did Colonel Oliphant help the LSTA or you

1 or anyone working for the LSTA draft this June 19th,  
2 2017, letter?

3 A. No, sir.

4 Q. Did Colonel Oliphant encourage you to send  
5 the June 19th, 2017, letter?

6 A. No, sir.

7 Q. And you -- thank you. You mentioned  
8 earlier that you may have asked Colonel Oliphant to  
9 write a report of the incident involving the  
10 December 5th, 2015, arrest of Mr. Braxton's  
11 daughter, and then earlier you testified that -- you  
12 said that you would like him to document it. Would  
13 it be more accurate to say that you asked whether --  
14 Colonel Oliphant to document what happened?

15 MS. CRAFT: Object to the form.

16 A. Yes. That was what my intent was trying  
17 to say, is that I wanted something more than just  
18 hearing it. I wanted it written so that I could  
19 refer to it.

20 MS. CRAFT: Objection, nonresponsive.

21 MR. OXENHANDLER: Thank you. That's  
22 good. Thank you.

23 MR. FALCON: That's it?

24 MR. OXENHANDLER: Yes. Thank you.

25 EXAMINATION

1 BY MR. FALCON:

2 Q. David, did the LSTA, to your knowledge,  
3 ever suggest or request of anyone that Mr. Braxton  
4 be charged with a crime?

5 A. No, sir.

6 Q. Did you or anyone you know go to the  
7 Attorney General's office and request the Attorney  
8 General's office to charge Mr. Braxton with any type  
9 of crime?

10 A. No, sir.

11 Q. Did you or anybody on behalf of the LSTA  
12 go to the District Attorney in East Baton Rouge  
13 Parish and request that Mr. Braxton be charged with  
14 any type of crime?

15 A. No, sir.

16 Q. Did you or anybody on behalf of the LSTA  
17 go to the DA or any law enforcement in north  
18 Louisiana, specifically Natchitoches Parish, but not  
19 limited to Natchitoches Parish, any DA in that area,  
20 that Mr. Braxton be charged with any type of crime?

21 A. No, sir.

22 Q. Was it ever your intent that Mr. Braxton  
23 should be charged with a crime?

24 MS. CRAFT: Object to the form. You  
25 can answer it.

1 THE WITNESS: Answer it anyway?

2 MR. OXENHANDLER: Yeah.

3 A. There was never our intent to have  
4 Mr. Braxton charged or accused of any criminal  
5 activity.

6 BY MR. FALCON:

7 Q. Did you ever send any communication to Lee  
8 Zurik --

9 A. No.

10 Q. -- relative to Mr. Braxton?

11 A. No, sir.

12 Q. Did you -- or do you know of anybody with  
13 the LSTA that sent any documents to Lee Zurik  
14 regarding Mr. Braxton?

15 A. No, sir.

16 Q. Okay. Did you have any knowledge,  
17 other -- since this lawsuit started, did you have  
18 any knowledge about Cathy Derbonne seeking to use  
19 paper or the letterhead of the Louisiana State  
20 Commission to write a letter on behalf of  
21 Mr. Braxton?

22 A. No, sir.

23 Q. Did you learn -- did you learn about that  
24 as a result of the Zurik efforts?

25 A. I didn't see the Zurik efforts.



1 Q. But is that when you -- is that about the  
2 time you heard about it for the first time?

3 A. The first time I heard about it was when I  
4 saw the documents on this table either yesterday or  
5 today. I was not -- I was not aware at all of the  
6 ticket issue.

7 Q. And do you know whether or not anybody on  
8 behalf of the LSTA sent a copy of the -- either of  
9 the two letters I report -- I wrote or the report  
10 prepared -- the report prepared by Colonel --

11 A. Oliphant.

12 Q. -- Oliphant regarding the situation, send  
13 it to any other news media or any other newspaper  
14 operation relative to Mr. Braxton?

15 A. No, sir.

16 Q. Did you instruct anybody to send it to any  
17 news organization or news reporter?

18 A. No, sir.

19 Q. Do you know how Mr. Zurik got a copy of  
20 the report?

21 A. I do not.

22 Q. Ms. Craft refers to the letters that we  
23 wrote as being a publication. Were they letters to  
24 a particular individual, or were they published in  
25 any type of news media or news organization?

1           A.     The two documents that you're referring to  
2     are the June 6th -- June 2nd -- I don't know what  
3     date -- and the July --

4           Q.     The two letters I wrote.

5           A.     Okay.

6           Q.     One was in July of '16.

7           A.     Okay.

8           Q.     The other one was in June of '17.

9           A.     They were letters. They were  
10    communications. They were not meant for public --

11          Q.     And who were they addressed to?

12          A.     They were addressed to the governor of  
13    Louisiana.

14          Q.     And who -- did you look at the  
15    constitutional article to determine who is the  
16    person that is to make determinations regarding  
17    removals of Commission members?

18          A.     I believe I saw that yesterday. I believe  
19    he showed it to me yesterday.

20                   MR. FALCON: That's all the questions  
21                   I have.

22                   MS. CRAFT: I have a few follow-up.

23                   THE WITNESS: Okay.

24                                FURTHER EXAMINATION

25                   BY MS. CRAFT:

1 Q. You were asked some questions by counsel,  
2 and it had to do with the drafting of the July 11th,  
3 2016, letter and the June 19th, 2017, letters.

4 A. Yeah.

5 Q. You answered affirmatively that you knew  
6 for certain that there was not an intent as it  
7 relates to either letter, and my question to you is,  
8 sir, how do you know that when you told me under  
9 oath that you didn't know how these got drafted, you  
10 didn't see drafts, and you had no participation in  
11 that? Was that a guess on your part, sir?

12 A. I'm going to repeat, I don't know who  
13 might have reviewed these articles or drafted these  
14 articles.

15 Q. You mean the letters?

16 A. The letters. I mean, Floyd did them. I  
17 know that. Who else reviewed them -- but I think  
18 his question was slightly different, wasn't it, in  
19 terms of what he asked me with regard to these? Can  
20 you -- can I ask him?

21 Q. No, sir.

22 A. I don't remember what exactly his question  
23 was, but I tried to answer it as truthfully as I  
24 could.

25

1           Q.     But for the record, when you told me in  
2 this deposition that you didn't know how the letters  
3 got drafted, you didn't know how things got put into  
4 them or didn't get put into them, that was the  
5 truth, correct?

6           A.     That is correct. I didn't have any -- any  
7 input into the drafting of these letters.

8           Q.     So when you make the statement, quote,  
9 there was never our intent to charge my client with  
10 a crime or accuse him of a crime, you're not  
11 speaking from who actually drafted the letters; it's  
12 just a guess on your part, because you don't know  
13 what the intent was, right?

14          A.     Well, I don't -- what the intent of the  
15 letter was, I can't answer, but I can tell you this:  
16 It was never our intent, meaning the LSTA, to seek  
17 to have Mr. Braxton criminally charged for any of  
18 this.

19          Q.     How can you speak for the LSTA when you  
20 told me under oath you don't even remember what was  
21 discussed about Mr. Braxton or the sending of the  
22 letters and the LSTA or any meetings? How can you  
23 say that?

24          A.     I can say that based on the fact that I  
25 think that if something of that level of seriousness

1 was occurring, that it would -- I would recall it.  
2 It would -- it would stick out in my mind. We were  
3 going to try and nail him. We were going to try and  
4 nail him criminally. We never did that. There was  
5 never -- to my recollection, there was never any  
6 discussion.

7 Q. Again, guess on your part; you just don't  
8 remember there being a discussion, correct?

9 A. Correct.

10 Q. Got it. Now, with respect to the sending  
11 of the letters to the governor, you started to say  
12 something about it not being meant for publication  
13 and then your lawyer asked you a question. So  
14 here's my question to you: You fully understand and  
15 appreciate that when you send correspondence to the  
16 governor and to every member of the State Police  
17 Commission, that makes that document a public  
18 record; you know that, right?

19 A. Actually, I guess anything that goes  
20 before the governor or through the State Police  
21 Commission becomes public record.

22 Q. Well, you know that because we talked in  
23 your deposition about the --

24 A. Uh-huh.

25 Q. -- April 2016 public records request that

1 the LSTA lawyers submitted --

2 A. Right.

3 Q. -- to the Commission, right?

4 A. Yeah.

5 Q. Okay. Now, the other thing was, you were  
6 asked a question about were you shown the  
7 constitutional article about who could take action  
8 to remove my client from the board, right?

9 A. Correct.

10 Q. Here's my question to you: Mr. Townsend  
11 doesn't have any authority to remove my client from  
12 the board, to your knowledge, right?

13 A. Not to my knowledge.

14 Q. Ms. Feeney doesn't have the authority to  
15 remove my client from the board, right?

16 A. That is correct.

17 Q. Mr. O'Quinn doesn't have the authority to  
18 remove my client from the board; is that correct?

19 A. He does not, but he also is a director --  
20 or the president of the Troopers Association.

21 Q. Got it.

22 A. And this letter is written on behalf of  
23 the Troopers Association.

24 Q. Got it.

25 A. So he should have the right to know

1 exactly what the letter says.

2 Q. Right. But the Commission members, who  
3 are cc'ed in the 2016 letter, they don't have any  
4 right under Article X, Section 43(D) to remove my  
5 client from the Commission, right? That's not  
6 within their purview.

7 A. Okay.

8 Q. Right?

9 A. I suppose. I suppose you're right.  
10 Again, I'm -- it's not my expertise. But, yes,  
11 you're correct. They're not able to remove him from  
12 the board.

13 Q. So sending it to all these people beyond  
14 the governor, who is referenced in Article X,  
15 Section 43, was just extra, right?

16 A. That's your -- that's your opinion. I  
17 don't have an opinion on that. Can I make a  
18 comment, though?

19 Q. Sure.

20 A. You're looking at Taylor Townsend and  
21 Lenore Feeney, who were the attorneys for the  
22 Commission. Certainly, they would -- they would  
23 have a right to have a copy of this letter.

24 Q. Says who?

25 A. It would seem to me, if they're the

1 attorneys for the Commission, I would think that  
2 they would -- they would want to know what was being  
3 said or accused. And they're the same two down  
4 here, you know, down in seven -- they're on here  
5 again in the next -- in the next letter, the '16.

6 Q. So when I asked you earlier in your  
7 deposition why those people were cc'ed and you told  
8 me I don't know because I didn't write it, are you  
9 now telling me that you have some explanation as to  
10 why they too were sent a copy of the letter?

11 A. I think you had brought out the fact that  
12 there were other people on here, and I'm telling you  
13 that Mr. O'Quinn is the president of the  
14 association, and he has a right to see the letter,  
15 and I would think that the two attorneys for the  
16 State Police Commission, likewise, have a right to  
17 see the letter. When I addressed you, I was talking  
18 more about the State Police Commission members,  
19 Michael Edmonson, even -- well, Cathy Derbonne was  
20 the chairman of -- or, rather, the -- whatever her  
21 title was.

22 Q. Again, so now your testimony is that the  
23 reason Lenore and the reason that Taylor received  
24 copies of the letter is because they were attorneys  
25 for the Commission?



1 A. That's exactly what I said.

2 Q. Okay. And you got that understanding from  
3 what participation role you had in the drafting and  
4 the cc'ing of the letters?

5 A. No participation role in those. Just  
6 from -- to me, it seems like common sense that  
7 attorneys for all the parties involved would be --  
8 would have a -- should have a copy of the document.

9 Q. A guess on your part?

10 A. Ma'am?

11 Q. A guess on your part?

12 A. Yes.

13 MS. CRAFT: Thank you. That's all I  
14 have.

15 COURT REPORTER: Mr. Falcon, reading  
16 and signing?

17 MR. FALCON: Yes.

18 (Deposition Exhibits #17 and #18 were marked for  
19 identification.)

20 (DEPOSITION CONCLUDED AT 3:59 P.M.)

21

22

23

24

25

## 1 R E P O R T E R ' S C E R T I F I C A T E

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

5 I, Leslie B. Doyle, Certified Court  
6 Reporter (LA Certificate #93096), in and for the  
7 State of Louisiana, as the officer before whom this  
8 testimony was taken, do hereby certify that DAVID T.  
9 YOUNG, after having been duly sworn by me upon  
10 authority of R.S. 37:2554, did testify as herein  
11 before set forth in the foregoing 145 pages; that  
12 this testimony was reported by me in the stenotype  
13 reporting method, was prepared and transcribed by me  
14 or under my personal direction and supervision, and  
15 is a true and correct transcript to the best of my  
16 ability and understanding; that the transcript has  
17 been prepared in compliance with transcript format  
18 guidelines required by statute or by rules of the  
19 board, that I have acted in compliance with the  
20 prohibition on contractual relationships, as defined  
21 by Louisiana Code of Civil Procedure Article 1434  
22 and in rules and advisory opinions of the board.

23 I further certify that I am not related to  
24 counsel or to the parties herein, nor am I otherwise  
25 interested in the outcome of this matter.

1 Signed this \_\_\_ day of \_\_\_\_\_, 2019.  
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4 \_\_\_\_\_  
5 LESLIE B. DOYLE, RPR, RMR, RDR  
6 Certified Court Reporter  
7 LA Certificate #93096  
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WITNESS' CERTIFICATE

I, DAVID T. YOUNG, the undersigned, do hereby certify that I have read the foregoing deposition taken on June 25, 2019, and it contains a true and accurate transcript of the testimony given by me:

CHECK ONE BOX BELOW:

- Without correction.
- With corrections as reflected on the Errata Sheet(s)

\_\_\_\_\_

DAVID T. YOUNG

\_\_\_\_\_

DATE

REPORTED BY: LESLIE B. DOYLE, RPR, RMR, RDR