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HEARING BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT
CJC NUMBERS 14-0557-DI, 14-0609-DI,
14-0617-DI, 14-0693-DI, AND 14-0795-DI

1 JUDGE CLIFFORD: Where do I sit?

2 UNIDENTIFIED SPEAKER: Sit right there.

3 JUDGE CLIFFORD: Okay.

4 UNIDENTIFIED SPEAKER: Just make sure you're --

5 JUDGE SEIDER: Good morning, Judge.

6 JUDGE CLIFFORD: Morning. How are y'all?

7 JUDGE SEIDER: Great. Please be seated.

8 JUDGE CLIFFORD: Yes, sir.

9 JUDGE SEIDER: If you'd like to unpack whatever
10 you need to, you're certainly --

11 JUDGE CLIFFORD: No, I've got it pretty much
12 laid out.

13 JUDGE SEIDER: All right. Well, I need to read
14 some items into predicate. Vicki, are we ready to go? All
15 right.

16 Good morning. Today is Friday, August 14th,
17 2015. My name is Steven Seider. I'm chair of the State
18 Commission on Judicial Conduct. We are here on nine complaints
19 concerning Judge Eric Clifford, 6th Judicial District Court of
20 Red River and Lamar Counties, Texas. I'll ask the members of
21 the Commission to introduce themselves for the record, and
22 we're going to begin, Judge, from my right to your left.

23 MR. RUSSELL: Good morning, Judge. My name's
24 David Russell and I am a Public Member from Hays County. I
25 would like to disclose to you that I have met you very briefly

1 when we were both moving our daughters into a dormitory at
2 Texas Christian University a long time ago.

3 JUDGE CLIFFORD: A long time ago.

4 MR. RUSSELL: Yeah. And they became roommates.

5 JUDGE CLIFFORD: Okay.

6 MR. RUSSELL: So, I just wanted to --

7 JUDGE CLIFFORD: Which daughter was this?

8 MR. RUSSELL: Mary and Jessica.

9 JUDGE CLIFFORD: Jessica. Okay.

10 MR. RUSSELL: And so, I wanted to let you know
11 that. And if you would like me to recuse, I would.

12 JUDGE CLIFFORD: No. No, no, no.

13 MR. RUSSELL: Thank you, sir.

14 JUDGE NARANJO: Good morning, Judge. My name is
15 Orlanda Naranjo and I'm a District Court Judge here in Austin,
16 Travis County.

17 JUDGE CLIFFORD: Okay.

18 JUDGE SPILLANE: Morning, Judge. My name is Ed
19 Spillane and I'm a Municipal Court Judge in College Station.

20 JUDGE CLIFFORD: Okay.

21 MS. JOHNSON: Patti Johnson. I'm a Public
22 Member from Canyon Lake which is Comal County.

23 JUDGE CLIFFORD: From where?

24 MS. JOHNSON: Canyon Lake.

25 JUDGE CLIFFORD: Okay.

1 MS. JOHNSON: Comal County.

2 JUDGE CLIFFORD: I understand.

3 MS. ERTZ: Morning. I'm Valerie Ertz, a Public
4 Member from Dallas.

5 JUDGE CLIFFORD: Okay.

6 JUDGE KURITA: I'm Sue Kurita and I'm a County
7 Court at Law Judge from El Paso, Texas.

8 JUDGE CLIFFORD: Right.

9 JUDGE BAKER: Morning, Judge. I'm Joel Baker.
10 I'm the County Judge in Smith County.

11 JUDGE CLIFFORD: Okay.

12 MR. BIVINS: Good morning, Judge. I'm Demetrius
13 Bivins. I'm an Attorney Member from Houston, Texas.

14 JUDGE CLIFFORD: All right.

15 JUSTICE LANG: Judge, I'm Doug Lang. I sit on
16 the Fifth Court of Appeals in Dallas.

17 JUDGE CLIFFORD: Okay.

18 JUDGE SEIDER: Judge, I'm a Justice of the Peace
19 in Dallas County. And, Judge, you have the right to be
20 represented by counsel. I know that you do not have counsel --

21 JUDGE CLIFFORD: I don't have counsel, no.

22 JUDGE SEIDER: And there's not anyone here at
23 your invitation in --

24 JUDGE CLIFFORD: No.

25 JUDGE SEIDER: I'll note for the record there

1 are no guests present. Judge Clifford, today you've been
2 provided additional written instructions concerning this
3 proceeding. Do you have any questions --

4 JUDGE CLIFFORD: No, sir.

5 JUDGE SEIDER: -- concerning those instructions?

6 JUDGE CLIFFORD: No, sir.

7 JUDGE SEIDER: Then if you would please stand
8 and raise your right hand, sir.

9 JUDGE CLIFFORD: Okay.

10 (Witness sworn.)

11 JUDGE SEIDER: All right. I'll now turn the
12 matter over to Commission Counsel Royce LeMoine. Royce.

13 EXAMINATION

14 BY MR. LEMOINE:

15 Q. Thank you, Judge, for being here today.

16 A. Yes, sir.

17 Q. We're here to discuss nine pending complaints that
18 were filed against you, and you've been provided a copy of
19 those complaints --

20 A. Yeah.

21 Q. -- is that correct? And have you had a chance to
22 review the responses you submitted to the Commissioners back in
23 November of 2014?

24 A. Yes, sir.

25 Q. Okay. And, also, your supplemented responses --

1 A. Yes, sir.

2 Q. -- from May of this year?

3 A. Yes, sir.

4 Q. First, I'd like to ask you some background questions.

5 A. Okay.

6 Q. You became the Judge of the 6th Judicial District

7 Court which serves Red River and Lamar Counties --

8 A. Uh-huh.

9 Q. -- in 2009. Is that correct?

10 A. That's correct.

11 Q. Okay. And this is the only bench that you've had?

12 A. Yes.

13 Q. And at one point, you were also the mayor of Paris,
14 Texas. Is that correct?

15 A. Yeah, for about six years.

16 Q. Okay. And you are also one of the founders of the
17 Lamar National Bank?

18 A. Yes.

19 Q. Okay. Now, do you -- does your court mostly handle
20 family- and criminal-type matters or --

21 A. The way it breaks down, my court handles 95 percent
22 of the felony cases in Lamar County. I handle 50 percent of
23 the felony cases in Red River County, along with Judge Lockhart
24 from Texarkana.

25 And the -- the family-law cases are broken down

1 -- it's supposed to be broken down 25 percent to me, 25 percent
2 to Judge Biard in the 62nd District Court, and 50 percent to
3 Bill Harris in the County Court at Law. Now, Judge Biard has
4 three other counties and he handles predominantly -- the Court
5 has always handled -- the 62nd has always handled the civil
6 cases, just like the 8th over in Hopkins County handles the
7 criminal cases over there.

8 Now, what has -- what has happened is, Judge
9 Biard is out of town an awful lot more than I am. So, I
10 probably get more than that 25 percent of the family-law cases.
11 I may get a third or a little bit more than that.

12 Q. Okay.

13 A. It's just because I'm always in the courtroom.

14 Q. Did you have any previous trial experience in
15 criminal cases prior to taking the bench?

16 A. Yes, sir.

17 Q. Okay. And you were licensed to practice law in 1973?

18 A. That's correct.

19 Q. And you graduated from St. Mary's University?

20 A. Graduated from St. Mary's.

21 Q. And you also have a Master's of Law degree from SMU?

22 A. Yes, sir.

23 Q. Okay. The first matter I'd like to go ahead and
24 discuss centers around the allegation -- and you can see up
25 here on the board behind us, but --

1 A. Okay.

2 Q. -- prior to February of 2015, on the website -- this
3 is the Lamar National --

4 A. Uh-huh.

5 Q. -- Bank website. You had listed -- you were listed
6 as a director and there was a picture of you with your name and
7 your judicial title.

8 A. Okay. I didn't know it, but...

9 Q. Okay. Well -- and we talked about that --

10 A. Yeah, we talked about it.

11 Q. Your judicial title has been removed since --

12 A. Yeah.

13 Q. -- we talked about this issue. Correct?

14 A. Yes.

15 Q. But you're still on the website and listed as a
16 director?

17 A. I am.

18 Q. Okay. And as of today -- we talked about how it's
19 been removed -- but do you feel -- the fact that you had your
20 judicial title listed on the website, do you feel that was a
21 violation of Canon 2B, which sets forth that using the prestige
22 of your office for personal gain by having you list --

23 A. It -- it could be. However, since I went on the
24 bench, the only thing I have to do with that bank is go to the
25 board meetings after hours once a month. I do not sit on any

1 loan committees. I do not get involved in personnel. I am
2 sitting there looking after a substantial investment. And I am
3 the last organizer of that bank that is still alive and I have
4 knowledge that no one else on the board has. And, in fact, it
5 came up this week on problems.

6 Q. And you said you had an interest in the bank worth
7 approximately 10- or 20-million dollars?

8 A. It's going to be 10, 12 million. Something like
9 that. I get \$250,000 a year in dividends from the bank. It's
10 a number-one rated CAMELS bank, and it's the eighth most
11 profitable bank in the State of Texas in earnings for the size
12 of the bank it is.

13 Q. So, is it fair to say that any increase in the
14 revenue from the bank is -- is going to increase the --

15 A. Sure.

16 Q. -- amount of money you make each year?

17 A. Sure.

18 Q. And do you have an opinion one way or the other as to
19 whether or not your position at the bank influences other local
20 attorneys or litigants to become members or do their banking at
21 Lamar National Bank?

22 A. None whatsoever.

23 Q. Are you aware of any attorneys that are members of
24 the bank that practice before you?

25 A. Not that I know of.

1 Q. Now, have you ever allowed your name to be used as a
2 reference for an attorney, or staff member, or litigant to
3 obtain a loan at the bank?

4 A. No.

5 Q. And you're still listed as a director, although this
6 has been taken down. But do you feel that you should be able
7 to still serve as a director of the bank pursuant to Canon 42?

8 A. Well, I am looking after my family's investment, and
9 it's a substantial investment in the bank. We -- we control
10 28 percent of the bank. There's another shareholder that
11 controls 28 percent of the bank. And at this time, we are
12 having our first change in top management in 25 years.

13 And you asked me if I came down last night or
14 this morning. We had a meeting to discuss the changing of the
15 top management in the bank. And it's a small-town bank. You
16 cannot just hire somebody out of Austin or Dallas because, if
17 you do, the next thing you know, you're going to -- you're
18 going to get killed. And the bank negligible -- when I say
19 negligible losses -- it's about a \$130-million bank. Our
20 losses last year were probably \$5,000.

21 Q. Are there more than ten people right now that have an
22 ownership interest in the bank?

23 A. There's more than ten that have an ownership
24 interest, but the family -- just like when I said I had
25 28 percent, that also includes my -- my parents' stock, my

1 brothers' and my sister's stock. There's actually about four
2 families that own the bank.

3 Q. And there's approximately 107 shareholders. Is that
4 correct?

5 A. There's not 107, I know for sure.

6 Q. How many are there at this point?

7 A. There's probably down around -- around 90 or 85.
8 Because it's a Subchapter S bank. And we, to get it Subchapter
9 S, had to get the -- you know, when the bank was chartered,
10 everybody thought it was real neat to buy their kids five
11 shares of stock. Well, there's tremendous tax advantages to be
12 a Subchapter S. And that was about a three-year project
13 gathering up Tommy's stock and Johnny's stock and all like
14 that.

15 Q. Have any shareholders or directors, employees of the
16 bank ever been before your court on litigation --

17 A. No.

18 Q. -- or in litigation? Not even in a family matter or
19 a criminal matter?

20 A. No.

21 Q. I'd like to talk and ask you some questions about
22 attorney David Turner. Apparently, he's a well-known attorney
23 in Lamar County?

24 A. Yeah, he's the one that ran against me.

25 Q. And he is currently on the County's wheel to be

1 assigned indigent criminal-defense cases, whether they're
2 felonies or misdemeanors. Is that correct?

3 A. No, he is not on the misdemeanor wheel.

4 Q. Just the felony wheel?

5 A. Only on the felony wheel. There is only one attorney
6 on the misdemeanor wheel total.

7 Q. So, based on your answer previously, were you not
8 aware that Mr. Turner and his wife Susan were members of the
9 bank?

10 A. I didn't -- I have no idea.

11 Q. And so, you have no information as to whether or not
12 they have a line of credit with the bank?

13 A. I have no idea.

14 Q. And Susan was a court reporter --

15 A. Yes.

16 Q. -- at one point? And she's retired. Is that
17 correct?

18 A. Yeah. She got corporal [sic] tunnel syndrome and
19 couldn't do the -- in fact, she was president of the state
20 court reporters association.

21 Q. And she recently ran for district clerk?

22 A. Uh-huh.

23 Q. And did you support her campaign?

24 A. I would -- I was hoping she would get elected, but I
25 did not go out and campaign for her or say anything about her,

1 and no signs in the yard, and no nothing.

2 Q. Okay. And you've known David Turner -- based on your
3 responses -- for 30 years essentially?

4 A. Yes.

5 Q. Okay. And you practiced with him in Fannin County?

6 A. No, I did not practice with him.

7 Q. Okay.

8 A. He practiced law for a number of years in Fannin
9 County. I knew who he was, and I knew -- Susan Turner was
10 about two years behind me in high school, and I knew David had
11 married her.

12 Q. Okay. Have y'all ever been co-counsel on a case?

13 A. No.

14 Q. Or even worked a case together prior --

15 A. No.

16 Q. -- to becoming a judge?

17 A. No. He ran against me for judge.

18 Q. Okay. Now, one of the complaints that was filed by
19 attorney Donald Haslam and Julie Wolfe dealt with a hearing --
20 a CPS placement hearing you had in June 6th, 2013, related to
21 the placement of Mr. Maggard's children. Do you recall that
22 case?

23 A. Yeah.

24 Q. Okay. And we've talked about this one, also, but
25 Mr. Maggard was charged second-degree felony charges, also, for

1 indecency with a child?

2 A. Indecent -- and aggravated sexual assault of a child.

3 Q. And his wife was also charged with indecency with a
4 child?

5 A. Yeah.

6 Q. And one of the complaints that Ms. Wolfe set forth
7 was that after that placement hearing, when Mr. Haslam and
8 Mr. Maggard left, she claimed you said the following: "I
9 cannot believe that guy. Do you know what that guy has been
10 charged with? He's been charged with so many counts of sexual
11 assault of a child -- his children -- he is going away for a
12 long time." Did you make that statement at all?

13 A. Well, what I said was -- Mr. Maggard was in --
14 confined to the Lamar County jail. And I think he eventually
15 got, like, a 20-, 30-year sentence. And Mr. Haslam was wanting
16 the input of Mr. Maggard on where these children should be
17 placed temporarily. And I told him at the time, I said, "Look,
18 Mr. Haslam, when your man is out on bond or the charges -- he's
19 found not guilty, then at that point in time we will start
20 listening to him on where these kids ought to be placed."

21 Q. When you made that statement, had it already been
22 determined that he was guilty, or was --

23 A. No. No, he was still sitting in jail and he had not
24 been able to make bond. And as I said, he never made bond. He
25 picked up about -- I think it's a 30-year sentence.

1 Q. Did you handle both the criminal case and the CPS
2 case?

3 A. I don't think I did the criminal case. It was -- if
4 I did the criminal case, it was a plea with a plea bargain.

5 But every Friday morning I handle the -- it's
6 just standard, at 9 o'clock on Friday morning that -- I'm
7 always in Lamar County, Judge Biard is never in Lamar County.
8 And whatever pleas are coming up, either I or Harris will
9 handle them, depending on how the schedules are falling.

10 Q. Okay. Well, then, let me go back to Ms. Wolfe's
11 statement. So, did you make the statement she alleges?

12 A. I don't recall making it. Now, let me tell you about
13 Ms. Wolfe.

14 Q. Okay.

15 A. Ms. Wolfe -- there is another case that's down here
16 and it is this Wright child. Ms. Wolfe is the girlfriend of
17 this child's father.

18 Q. Mr. Wright?

19 A. Yes. And that is -- now, Mr. Wright has already been
20 through five attorneys. And then the last attorney they hired,
21 he came to me, he says, "They want another judge. Will you
22 recuse yourself?" I said, "Sure, I will." Well, they've also
23 gone -- they've recused Bill Harris now and it's in Judge
24 Biard's court. And the gist of Ms. -- the problem Ms. Wolfe
25 has with her boyfriend is -- and I call this the karate kid

1 case -- is the -- the mother was joint managing conservator
2 with the right to designate the primary place of residence of
3 the child. Well, daddy takes the six-year-old --
4 six-and-a-half-year-old kid --

5 JUDGE SEIDER: Judge, I hate to interrupt, but
6 we really have -- we've got nine very --

7 JUDGE CLIFFORD: I know.

8 JUDGE SEIDER: -- specific issues and Counsel
9 needs to get through these.

10 JUDGE CLIFFORD: Okay. Fine. I'll bring it up
11 in a minute.

12 JUDGE SEIDER: As it becomes relevant --

13 JUDGE CLIFFORD: Okay.

14 JUDGE SEIDER: -- to the question, if it frames
15 it --

16 JUDGE CLIFFORD: Okay.

17 JUDGE SEIDER: -- then that would be
18 appropriate.

19 JUDGE CLIFFORD: All righty.

20 JUDGE SEIDER: All right. Thank you.

21 Q. (By Mr. LeMoine) Do you think, based on her
22 involvement in the case, that she may have fabricated what
23 she's claiming --

24 A. I wouldn't doubt it. She filed a grievance against
25 Jennifer Gibo, the petitioner's attorney. And I think she's

1 been instrumental in firing, like, three or four other
2 attorneys her boyfriend has had.

3 Q. Okay. And there was a motion to recuse -- to recuse
4 you filed in that case based on the allegations you made that
5 statement. Do you recall?

6 A. No, I do not.

7 Q. But you ended up voluntarily recusing yourself from
8 that case?

9 A. Yeah. Yeah.

10 Q. Okay. Let me go ahead and move on to -- let me go
11 ahead and move on to the allegations that were set forth
12 regarding the Erskine case.

13 A. Uh-huh.

14 Q. And that's the State versus Erskine. Apparently,
15 there was an argument she had with her husband. He was
16 intoxicated.

17 A. Oh --

18 Q. -- and she allegedly shot her husband?

19 A. I -- I made a statement -- and I did not have an
20 argument with her husband. The situation was that she -- the
21 husband was drunk, and he had cracked off about three rounds by
22 her head with a .45 a few days before, telling her to keep her
23 mouth shut.

24 There had been a storm and there was a tree down
25 on the power line to this house. And this man came up wanting

1 to cut the tree up for firewood. Well, the husband came out
2 and says -- thought he was with the Lamar County Electric --
3 and starts threatening to kill him because he doesn't have
4 power. And the guy says, "Whoa, whoa, I don't need firewood
5 this bad." Goes down the road, tells the Lamar County Electric
6 people, "There's a guy threatening to kill you up there."

7 And then, he was standing there drunk and naked,
8 and the wife, Mrs. Erskine, comes out on the front porch and
9 says, "Get in the house and quit acting like a fool." And his
10 comment to her was, "Well, I've warned you about smarting off
11 to me." And all I know is, apparently he went to get his gun
12 and she had her shotgun and killed him.

13 Q. Did you talk to law enforcement about this case
14 before it was filed in your court?

15 A. I heard law enforcement talking about it in the
16 bailiff's office.

17 Q. Okay. Were you ever -- you never went to the crime
18 scene or --

19 A. Oh, no. No, no, no. The investigator for the
20 sheriff's department was talking about that -- I was sitting in
21 the bailiff's office where a lot -- most people gather, and he
22 commented there were three bullet holes in the headboard where
23 he warned her not to smart off to him a few days before and
24 just cracked the rounds off and put the holes in the bullet
25 board [sic] -- in the headboard.

1 Q. Okay. Now, the basis for the allegation -- and there
2 was some press on it because you ended up voluntarily recusing
3 yourself in this case.

4 A. Yeah.

5 Q. But the allegations were that you went to a local
6 Kiwanis meeting --

7 A. I did mention it. I was just talking about how the
8 thing was -- and I shouldn't have said that. I said, "There
9 are some bullet holes in the headboard, what I have heard."

10 Q. Okay. Now, I want to kind of go down some of the
11 representations we have regarding the comments that was alleged
12 that you made. One of them was that you made a derogatory
13 statement regarding the victim, Mr. Erskine, and you called him
14 a "drunk" at that meeting. Do you remember --

15 A. No, I said --

16 Q. -- making that statement?

17 A. I said he was drunk.

18 Q. Do you remember making a statement to the effect
19 "some people need to be killed" --

20 A. No.

21 Q. -- while you were at that meeting? Do you remember
22 making any type of statement as to the fact that "The State
23 will never get an indictment in the case"?

24 A. No, I just -- I might have said, "If there's bullet
25 holes in the headboard, there may be a problem." And I think

1 the outcome of the case was she pled to 90 days in jail -- or
2 something like that -- she'd already served.

3 Q. Who was her attorney? David Turner?

4 A. Turner.

5 Q. Okay. And how did David Turner get appointed as her
6 attorney in that case?

7 A. I appointed him.

8 Q. Okay. Did she file she wanted an indigent --

9 A. Yeah.

10 Q. -- appointment?

11 A. Oh, yeah.

12 Q. Okay.

13 A. Yeah.

14 Q. Was there any documents in the file to show that he
15 was appointed based on her petition for indigency?

16 A. I'm sure there is.

17 Q. Okay.

18 A. I've basically, on the wheel, got two attorneys that
19 I can appoint to a murder case. I now have three.

20 Q. Okay.

21 A. And then I have some on -- we have had some on the
22 wheel that you could not appoint. It was going to be come --
23 come back from ineffective assistance of counsel the moment you
24 appoint them.

25 Q. And that was Turner, Coyle --

1 A. No, Coyle, you can't -- Turner, Starnes, and now Gibo
2 are the only ones that I am comfortable with in any form of
3 major case.

4 Q. Well, at that point, Gibo hadn't handled a --

5 A. No, at that point she wasn't on it at all. It was
6 Starnes or Turner.

7 Q. And was Haslam on that list, also, at the time?

8 A. I don't know if he was or wasn't at that time.

9 Q. Okay. Was your -- who's your current bailiff?

10 A. Ron Byers.

11 Q. And was -- do you know if he was at that local
12 Kiwanis meeting?

13 A. No.

14 Q. Okay.

15 UNIDENTIFIED SPEAKER: If he wasn't or --

16 JUDGE CLIFFORD: What?

17 UNIDENTIFIED SPEAKER: No, he wasn't? I didn't
18 understand.

19 JUDGE CLIFFORD: I'm sorry. What did you say,
20 ma'am?

21 UNIDENTIFIED SPEAKER: I didn't understand your
22 answer.

23 MR. LEMOINE: His answer was "no."

24 JUDGE CLIFFORD: He asked me if my bailiff was
25 at that meeting, and, no, he wasn't.

1 Q. (By Mr. LeMoine) Now, one of the other allegations
2 related to that case was that you had an ex-parte conversation
3 with David Turner in your office, and --

4 A. Turner comes into my office as does everybody else on
5 that wheel. I have -- I have lawyers in my office pretty much
6 on a constant basis when I'm there at the courthouse. There
7 really isn't any other place to go but the bailiff's office or
8 my office.

9 Q. Do you know if you were talking to him in your office
10 about the case -- the merits of the case?

11 A. If we talked about it, it was just, "I'm working on
12 it. I'm going to need" -- and he would say, "I'm going to need
13 some more investigation" -- "money for investigators," and
14 stuff like that.

15 Q. Okay. And did you read the two affidavits that I
16 provided you this morning from Laurie Pollard and the statement
17 from Ms. Drake?

18 A. Yeah.

19 Q. And you noted that their allegations were that you --
20 you were discussing with Mr. Turner the possible plea deal in
21 the case?

22 A. And we were also -- I didn't read it that way.

23 Q. Okay.

24 A. We've got a problem in the district attorney's
25 office.

1 Q. Okay.

2 A. Right now -- my bailiff told me the other day they
3 have a 27-percent conviction rate. They -- we've got a problem
4 with our district attorney who is drinking too much.

5 Q. That's Gary Young?

6 A. Yeah. They are not vetting their cases. They are
7 indicting cases without proper --

8 JUDGE SEIDER: If we could bring this right back
9 to where --

10 JUDGE CLIFFORD: Okay.

11 JUDGE SEIDER: -- we're talking about --

12 JUDGE CLIFFORD: Okay.

13 JUDGE SEIDER: -- and answer, please.

14 JUDGE CLIFFORD: All righty.

15 JUDGE SEIDER: Thank you.

16 Q. (By Mr. LeMoine) I'm going to go ahead and move on
17 to the case of the State versus Baker. And this is a case we
18 talked about where there's a complaint related to a motion to
19 revoke that was filed in that case.

20 A. Yes.

21 Q. Do you remember that?

22 A. I sure do.

23 Q. And the allegations stemmed on the basis that the
24 district attorney's office motioned at a hearing to dismiss the
25 complaint and told you that they were not going to call any

1 witnesses. And the allegation is that you called --

2 A. I did.

3 Q. -- the probation officer, questioned him --

4 A. I did.

5 Q. -- and then found the defendant guilty. Do you
6 recall that?

7 A. Yes, sir, I did that.

8 Q. Why did you do that?

9 A. Mr. Baker had been constantly flunking his drug cases
10 at my probation office.

11 Q. How did you find out that he was flunking the --

12 A. I was told he was flunking them, and I confirmed it
13 with a call to the probation office.

14 Q. Let me --

15 A. Nothing was ever done.

16 Q. Let me interrupt you right there. The indication I
17 got from you on the phone is you were notified by one of his
18 relatives.

19 A. That -- one of his relatives said he was tearing
20 around in the south part of the country constantly high on
21 drugs and the probation office wasn't doing anything about it.

22 Q. And you called Larry Jordan at the probation --

23 A. Yes.

24 Q. And what did you tell Larry Jordan?

25 A. I told him if he's flunking his tests, he needs to be

1 revoked -- if he's using drugs constantly, and he was.

2 Q. So, prior to that, there was not a motion to revoke
3 his probation filed?

4 A. No.

5 Q. So, after the State notified you that they were not
6 going to call any witnesses and dismiss the case --

7 A. They -- they decided they would do that as we walked
8 into the courtroom.

9 Q. Okay. And did they express to you concern to the
10 fact that you had spoken to the relative and/or the probation
11 department?

12 A. No. No.

13 Q. So, again, why did you -- why did you go ahead and
14 decide to call him as a witness and question him, yourself?

15 A. I was mad. I was mad. It does not look good on the
16 probation office when you have someone that is well known and
17 is being drug-tested monthly and flunking the drug test
18 monthly. And he is running around out in the county while
19 high, basically putting people in fear for their life.

20 Q. And in this case, after that happened, there was a
21 motion to recuse you get filed in that case. Is that correct?

22 A. I think so, yeah.

23 Q. Okay. And you voluntarily did so?

24 A. Yes.

25 Q. But did you speak to Judge Ovard about the motion to

1 recuse that was filed against you?

2 A. Yeah, sure did.

3 Q. What did Judge Ovard tell you about that?

4 A. He said, "Let somebody else do it." And I said,
5 "That's fine."

6 Q. Okay. Did he feel like you got too involved in the
7 case?

8 A. Probably.

9 Q. Okay. Another one of the allegations that were set
10 forth by Mr. Haslam deals with a case of the State versus
11 Bratcher. And we discussed this, also. It was a statement
12 allegedly made to Ms. Drake saying that "Bratcher needs to
13 serve 180 days of jail as a condition of his probation," and
14 that "he would have to serve every single day of that condition
15 because he deserved it." Do you remember making that
16 statement?

17 A. Well, what happened was, we had -- I had taken pleas
18 on two co-defendants. And the co-defendants were stealing --
19 it was a theft ring. And Mr. -- and the testimony I heard in
20 that case was, Mr. Bratcher was telling them where to go steal,
21 where to take the property, and then he would dispose of the
22 property.

23 Now, what I told Ms. Drake was -- and this had
24 been a week before this came up, or two weeks before -- I said
25 is, "If I hear the same testimony again that he is telling

1 these people" -- and we'd had multitudes of house burglaries,
2 automobile burglaries, car burglaries -- that I was not going
3 to be looking at any probation. Because we had the ring --
4 what I had heard was, the ringleader -- and I -- part of the
5 deal was, these same people that testified, they were going to
6 testify against their co-defendants.

7 Q. So, you made this statement to Ms. Drake?

8 A. Yeah. I told her, I said, "Look, from what I have
9 heard already from these prior cases" -- the co-defendants --
10 "that he is the man that is determining where to go get the
11 stuff, who to rob, when to rob it, and where to deliver it to."

12 Q. And you admitted that making that statement was an
13 error in judgment --

14 A. Yes, sir.

15 Q. -- in your response? And you ended up having to
16 recuse yourself after --

17 A. I recused myself, yeah.

18 Q. Okay. Now, as to the claim that you exhibit
19 favoritism in your appointments to -- of David Turner, one of
20 the cases that he was -- Mr. Haslam pointed to was the State
21 versus Mitzi Black. Do you recall that case?

22 A. I think I know who you're talking about.

23 Q. And Mr. Haslam -- if it helps out -- he represented
24 Mitzi Black on the misdemeanor matter and then another criminal
25 matter came up. And the response I got from you in -- to our

1 questions were that you appointed David Turner because Mitzi's
2 grandmother called you and was saying he's being a genuine
3 asshole and --

4 A. That's exactly right.

5 Q. Okay. And so --

6 A. Which is not unusual for that to happen.

7 Q. And so, do you appoint David Turner when relatives or
8 somebody calls?

9 A. No. I first started to appoint Jeff Starnes.

10 Q. In this case?

11 A. Well, I -- you know, that was -- it came down to
12 either Starnes or Turner.

13 Q. Okay. So, normally, would Mr. Haslam be representing
14 her in a second criminal matter if he's already representing
15 her in a misdemeanor matter?

16 A. Not necessarily.

17 Q. Okay.

18 A. Not necessarily.

19 Q. So, after you appointed -- and we talked about this.
20 After you appointed Mr. Haslam, what made you change your mind?

21 A. The mother coming to me and saying that he had
22 treated them like dogs, had talked down to them and been
23 abusive to them, and they just could not stand to deal with
24 him.

25 Q. So, you told her that you would have Mr. Turner

1 replace Mr. Haslam?

2 A. I told her I would make a substitution.

3 Q. Okay. Did you ever talk to Mitzi about making a
4 substitution or just the grandmother?

5 A. Just the grandmother.

6 Q. And Mitzi was an adult at that time. Correct?

7 A. Yeah.

8 Q. Now, this is the order that appoints Mr. Haslam as
9 her attorney in the second criminal matter, January 23rd. You
10 see that?

11 A. Uh-huh.

12 Q. And then the next day you appointed Mr. Turner, which
13 was January 24th.

14 A. Yeah.

15 Q. So, that phone call took place in a one-day period, I
16 guess?

17 A. No, they had been to see him.

18 Q. Okay.

19 A. They had been to see him.

20 Q. Before his appointment?

21 A. After he had been appointed, they went right out
22 there to see him.

23 Q. Okay.

24 A. And he just -- I don't know what he did, but he just
25 went off on them. Just -- but they -- they couldn't talk about

1 it and -- I mean, they couldn't get -- they could not converse.

2 Q. Okay. So, if you didn't make that decision to
3 appoint Mr. Turner to replace Mr. Haslam until after his
4 appointment, this e-mail right here dated one week prior,
5 January 17, 2014, what was the reason why your assistant sent
6 this e-mail to the clerk?

7 A. Let's see --

8 Q. It says, "Case on file has not been indicted. Judge
9 has asked that David Turner be appointed to represent her.
10 This has to do with Mitzi Edwards Black. She has a misdemeanor
11 that is pending with Don Haslam. I pointed this out to him but
12 he still wants Turner on the case." So, this is one week prior
13 to --

14 A. Yeah.

15 Q. -- that order. What was the reason for that e-mail?

16 A. Because they had already been out there dealing with
17 him on the misdemeanor.

18 Q. So, before the appointment --

19 A. Yes.

20 Q. -- they had talked to him about the other case?

21 A. Yes. Yes. They had already been out there talking
22 about the felony.

23 Q. Now, one of the things I've also presented to you
24 within the last week was spreadsheets from the county auditor's
25 office regarding his claim that you favor Mr. Turner in these

1 appointments. And we've talked about some of the numbers.
2 Could you give us a general reason as to why Mr. Turner's
3 income through these indigent case appointments is going to be
4 higher than these other attorneys?

5 A. Yeah. I've got -- Gibo is now handling murder cases
6 and things like that. But I had two people on the wheel that I
7 was comfortable with handling a murder case, and that's Jeff
8 Starnes and David Turner. I think Mr. Starnes is wanting to
9 run for district attorney or county attorney, and he's been
10 dodging me on the -- the appointments where you might -- the
11 publicity might not be too good in the paper if you were to
12 walk somebody out on a murder case.

13 And Turner, as I said, he was my opponent in the
14 election. And he handles the cases very efficiently, and
15 generally will have a very good outcome of the cases. And, you
16 know, he will come to me and say, "Well," -- he'll say, "I've
17 got to have this expert." He says, "The man is going to
18 plead," but he says, "I know there will be a writ back on him
19 within a year to a year-and-a-half." And David protects the
20 record. And even on a plea, he protects the record. But those
21 are the only two that I can count on to do a -- and Gibo now --
22 a credible job on a murder case.

23 Q. Okay. The time period that I sent the data on was
24 July 9, 2013, to September 2014.

25 A. Uh-huh.

1 Q. Which is about the time you're talking about. And
2 the numbers I have -- and I know you don't have the same
3 calculations, and you may not have calculated -- but I have
4 Mr. Turner receiving approximately \$82,000.

5 A. Yeah.

6 Q. Jerry Coyle, \$64,000.

7 A. Uh-huh.

8 Q. Diane Sprague, \$48,000. And then I had Mr. Haslam
9 receiving 30.

10 A. Yeah.

11 Q. So, you believe that because of these additional
12 appointments and murder cases, even though --

13 A. Oh --

14 Q. -- he's not on the misdemeanor list this --

15 A. At that time, Haslam was on the misdemeanor list,
16 too.

17 Q. Okay.

18 A. But he took himself off that. And I was shocked when
19 I saw how much Coyle had made. He -- you know, when we make
20 our court appointments -- generally, when I arraign the people,
21 two-thirds of the people will already have had an attorney
22 appointed to represent them. So, when I make -- and we're
23 indicting anywhere from 35 to 50 people a month. And we look
24 at it and, you know, when you've got -- we were down this
25 spring to three people on the wheel. And --

1 Q. Who were those three people?

2 A. Gibo, Turner, and Coyle, period. Starnes came up and
3 said, "I am so far behind that I do not" -- "take me off the
4 wheel until I can get caught up." Diane Sprague had a heart
5 attack and has never been back. And then -- and then Mike
6 Mosher came in and says, "I've got too much other stuff going.
7 Take me off the wheel." He had a flood in his office and he
8 decided he needed to pick some extra money up, so he came back
9 in. But the problem with Mr. Mosher is, Mr. Mosher has an
10 outside practice all over the country. And I was notified
11 yesterday, "Oh, by the way, Mike won't be back for a month.
12 He's gone to Europe."

13 Q. Now, during this time period in 2013, we also
14 discussed the fact that you at one point suspended Mr. Haslam
15 from the list and notated that it was until he could get caught
16 up on his cases.

17 A. Yeah.

18 Q. Okay. And when you did that, you did that through an
19 e-mail that you sent through your office management to --

20 A. I think she did. I don't know. What happens is --
21 and I have done the same thing with Starnes. If I look at a
22 court-appointed attorney and they've got 18 guys sitting down
23 in the jail and the jail's getting full, I will just say, "Hey,
24 hold off on the appointments until they can get caught up." A
25 lot of -- and I've done it with Starnes is we'll -- I call it a

1 cattle call. We will go down to the jail and bring every one
2 of his clients up to the courtroom with the prosecutor there
3 and see if we can get the things worked out.

4 But just -- when I was notified yesterday that
5 -- that Mosher was going to be gone for a month, well, I've got
6 arraignments coming Tuesday. And if he's going to be gone for
7 a month, then if I've got people in jail, they're going to sit
8 down there for six weeks waiting for him to get back and get
9 down there to them. And I'm having to juggle that -- the
10 census at the jail. When I became judge, we were running 200
11 people, which is our capacity at the jail. We got it down one
12 time to 108. We're about 140 right now. But if you do not
13 stay on top of that, you'll have the Jail Standards Commission
14 on the County for the jail being overcrowded. And I look at it
15 -- at the population down there every day. And I -- I know
16 Judge Harris looks at it every day.

17 Q. What is your understanding of the County's plan on
18 what needs to be done in order to suspend or remove an attorney
19 from the list?

20 A. The only thing I did when I took Haslam off the list
21 is -- I was in the hospital in Dallas. I had had an accident.
22 I had been there two months. Judge Harris came over --

23 Q. This is 2014. Correct?

24 A. 2014.

25 Q. Okay.

1 A. And says, "I cannot put up with him anymore. It is
2 got -- it has gotten to the point that I cannot deal with him
3 in any form or fashion."

4 Q. And back to my question, what does it take, though,
5 to remove him from the list? Is there a vote by the judges
6 that has to be -- needs to be made?

7 A. Well --

8 Q. Your understanding.

9 A. -- there's three judges.

10 Q. Right.

11 A. And two of us said he's got to be gone. And Harris
12 just says, "I want your permission to get him removed." And I
13 said, "You got it, Bill." But I was in no shape to go to Paris
14 or do anything, and I guess Harris called up and said take him
15 off.

16 Q. Now, I'd like to jump over to the complaint related
17 to the State's case versus David Charles Neeley.

18 A. Yeah.

19 Q. And David Charles Neeley -- from your representation
20 -- is a son of a former friend that worked on the council. Is
21 that --

22 A. He --

23 Q. -- correct?

24 A. His father wasn't a friend. And David is probably 15
25 years younger than me. It's one of these people I have known

1 all of my life. I had known his father as long as I could.
2 His father is dead. And David had worked on vehicles in
3 various mechanic shops in town 20 years.

4 Q. Does he work on your automobiles?

5 A. Yeah, every once in a while. Sure does.

6 Q. And do you have a collection of automobiles?

7 A. Yes, sir.

8 Q. Okay. One of the things I noted in your response is
9 that you indicated you appointed David Turner to be his
10 attorney in his criminal matter, and you did so because they
11 were both veterans?

12 A. Yes.

13 Q. Okay. Did you follow the wheel in that appointment,
14 or did you just --

15 A. I appointed --

16 Q. -- do that because they knew each --

17 A. I appointed Turner. I appointed Turner. I've talked
18 to the district clerk and they have told me that -- that the
19 computer sorts out -- if I appoint Starnes, it is logged into
20 the computer and then they miss an appointment and go like
21 that.

22 Q. This wasn't a murder case. This was a case where he
23 was --

24 A. It was a drug case.

25 Q. -- drug case, and he was riding your scooter at the

1 time?

2 A. Yeah, he -- he didn't have a license, but he rode it
3 down to -- and they picked him up.

4 Q. Okay. And you also indicated he ran errands for you,
5 and worked for Keith Flowers at one point, also?

6 A. Yeah. He still works for Keith Flowers.

7 Q. Does he live in the airport hangar that you have at
8 the --

9 A. He stayed there for a couple of weeks when he just
10 had -- he was on the streets.

11 Q. Was he paying rent or anything?

12 A. No. If you can stay in that place -- it's not the
13 Hilton hotel.

14 Q. So, the only financial relationship you had with him
15 was the fact that he worked on your cars --

16 A. Yeah.

17 Q. -- maybe, and you paid him?

18 A. Yeah.

19 Q. So, when his drug case came before your court, why
20 didn't you disqualify or recuse yourself in that case?

21 A. Well, I honestly -- I had nothing more to do with the
22 case. And it was a plea-bargain case and he -- and the reason
23 I appointed Turner is Neeley was a veteran, Turner was a
24 veteran. Neeley was also friends with another attorney in town
25 named A.W. Clem, and he works on his cars. And Mr. Clem's

1 sister-in-law was a retired bird colonel in the Marine Corps,
2 which, Neeley had put ten years in the Marine Corps. Well, he
3 was the last one out that lived when they blew up the barracks
4 in Beirut.

5 JUDGE SEIDER: Okay. Let's -- let's reel this
6 back in --

7 JUDGE CLIFFORD: Okay. Okay. Okay.

8 JUDGE SEIDER: -- so we're on target again,
9 please.

10 JUDGE CLIFFORD: All righty. I'm sorry.

11 JUDGE SEIDER: That's okay. We've got a lot of
12 business we need to --

13 JUDGE CLIFFORD: I understand.

14 JUDGE SEIDER: -- get through here, sir.

15 JUDGE CLIFFORD: I understand.

16 Q. (By Mr. LeMoine) So, would you agree, then, though,
17 Turner's appointment was not in compliance with the County's
18 plan?

19 A. Here's what happens: I have been assured by the
20 district clerk that if I make an appointment, it will even --
21 they will even it out for me on the appointments on the wheel.

22 Q. But you don't know if he was the next attorney on the
23 wheel at the time?

24 A. I don't know if he's the next attorney on the wheel.

25 Q. Okay.

1 A. I felt like he was the best attorney that could
2 handle the case.

3 Q. And is Mr. Neeley -- he's on probation, so is his
4 case still pending in your court?

5 A. Harris was where it went to. But I looked up one
6 Friday morning and there were seven or eight inmates and people
7 come up to plead on plea bargains, and he was sitting there and
8 I took the plea on him. I had nothing to do with the
9 negotiation or anything. I didn't have any idea what they were
10 going to do with him.

11 Q. Are you still the Judge of Record?

12 A. Yeah.

13 Q. And you haven't recused yourself in that case?

14 A. No, I haven't. I haven't had anything to do with the
15 case. It's -- basically, I oversee the 6th Judicial District
16 probation office. And the other judges has some input, but I
17 have the final say on the probation office.

18 Q. And how do you know Keith Flowers?

19 A. He is a bail bondsman in Paris, and I have known him
20 for years. I knew his grandfather. And we collect old cars
21 together, and just a friend.

22 Q. Did you help Mr. Neeley get a job with Mr. Flowers?

23 A. No. Mr. Neeley was working for Mr. Flowers and I
24 didn't even recognize who he was, he had such a beard and long
25 hair. And he came up to me and said, "Hey, don't you remember

1 me? I'm David Neeley."

2 Q. Now, in the case of the State versus Jessica
3 Mitchell, this case received some press because there was a
4 motion --

5 A. Yeah.

6 Q. -- to recuse you in this case. And what I'd like to
7 do is talk about some of the allegations that were set forth in
8 that recusal. And what the district attorney's office put in
9 that complaint was that Ms. Mitchell was having conversations
10 with others and she was saying a number of things. One of them
11 is that Judge Clifford told her he would not send her back to
12 prison.

13 A. No.

14 Q. Did you ever say that to Jessica Mitchell?

15 A. No. But I -- what I did say -- let me digress for
16 just a moment. She came in -- I would -- had gone down to pick
17 Keith up to eat lunch on a Saturday.

18 Q. At Dollins --

19 A. Dollins Bail Bonds.

20 Q. Okay.

21 A. She came in and paid on her boyfriend's bond. And I
22 looked at her and I recognized the boyfriend's name. And he
23 had been on about a three-year vendetta on his last girlfriend,
24 family violence, breaking into houses, assaults. And Turner
25 had represented the former girlfriend. And I just looked at

1 her, I said, "Ma'am, do you know this man?" He [sic] says,
2 "Yes." And I found out she had charges pending. I said, "I
3 want you to go see Mr. Turner. Your life is in danger."

4 Q. So, you referred her to Mr. Turner?

5 A. I referred her over there, yes, sir.

6 Q. Okay. And did you tell her to stay away from that
7 man?

8 A. Yes.

9 Q. And did you -- did you -- and you told her that --
10 did she -- did she request an indigent defense-counsel
11 appointment?

12 A. Oh, yeah. It was going to be, yeah.

13 Q. Okay. But she hadn't filed that yet when you --

14 A. I don't know if she had filed it or not. But I
15 wanted to get her in to see Turner before she got herself
16 killed.

17 Q. Now, you said she tried to talk to you about her case
18 but you told her you couldn't.

19 A. I didn't talk about her case. The only thing I said,
20 "Well, generally, first offenses are going to end up with some
21 sort of rehab if you don't have any other record." And that's
22 where I stopped, right there.

23 Q. Okay. One of the other allegations is that you
24 invited her and her son to the airport hangar?

25 A. No.

1 Q. Did not happen?

2 A. No. Now, my air -- I've got a pretty-large
3 collection of antique airplanes and the hangar doors are open.
4 There's a guy working out there every day. And they can come
5 -- people come out and go through my hangar on a daily basis.

6 Q. And one of the claims was also that you told her that
7 you would take care of her?

8 A. No.

9 Q. Did you ever tell her that you had sleep apnea?

10 A. I never told her that, but I -- it was pretty common
11 knowledge when I went to sleep in the courtroom one day. And
12 they did the sleep study and I had severe sleep apnea, and --
13 but everybody in the courthouse knew that.

14 Q. Now, she was also doing some part-time work for
15 Mr. Flowers in terms of cleaning?

16 A. I don't know what she was doing with him.

17 Q. Okay. Did you see her at Mr. Flowers' bail bond shop
18 more than once?

19 A. About twice.

20 Q. Did you ever go out to eat with her?

21 A. No.

22 Q. And after that motion to recuse was filed against
23 you, you voluntary recused yourself?

24 A. Sure.

25 Q. Even though you didn't make the statements that she

1 alleged?

2 A. I didn't want any part of that. You know, it turned
3 out that she apparently was abusing drugs very, very, very
4 heavily and I think she ended up going to prison.

5 Q. Well, one of the other complaints that Mr. Haslam
6 brought forward was his claim that you were using your judicial
7 letterhead in a dispute that you had related to reimbursement
8 for veterinary bills for your wife's dog.

9 A. My daughter's dog.

10 Q. Your daughter's dog. Okay.

11 A. Yeah.

12 Q. And this was Mr. Mattoon. The demand letter
13 apparently -- or, the letter that you sent him asked him to
14 reimburse you more than a thousand dollars --

15 A. Uh-huh.

16 Q. -- for these veterinary-bill expenses. And you agree
17 that you shouldn't have done that. Is that correct?

18 A. I shouldn't have done it. What, I walked in is, I
19 looked at Kathy, I said, "Kathy, this guy said he would pay for
20 the vet bills. He hasn't paid for the vet bills. Drop him a
21 note and tell him he needs to pay the vet bills."

22 Q. And you sent him two letters on your letterhead. Is
23 that correct?

24 A. I don't know what she sent them on. I don't -- I
25 just told her -- after he tore -- his dog tore the little-bitty

1 dog up -- and it was running loose on the street, and he was
2 drunk that night, and -- but he said -- the officer came by and
3 he said, "Well, he says he will pay everything." I said,
4 "Fine. That's all I want, is just to get the dog well."

5 Q. And so, Ms. Coker is your assistant. Correct?

6 A. Yes.

7 Q. And she's the one that drafted those two letters?

8 A. Yes.

9 Q. And you signed them and they were mailed out?

10 A. I doubt I signed them. I imagine she signed them.

11 Q. Okay.

12 A. All I wanted to say is, "Hey, you need to -- you need
13 to pay this."

14 Q. Now, one of the other claims deals with police
15 officer Forrest Bigler. And we've -- you and I had a
16 conversation prior to even getting the audio recording, but
17 your first response to me was that you had no conversation with
18 Mr. Bigler. Do you recall telling me that?

19 A. Yeah. And I -- I have conversations all the time.
20 And there was a situation going on -- there was fixing to be
21 some problems and I wanted it calmed down.

22 Q. And you've submitted a response to the Commission
23 acknowledging that you actually had that conversation --

24 A. Yeah.

25 Q. -- with Mr. Bigler. Correct?

1 A. Uh-huh.

2 Q. And do you feel your actions were a threat to
3 Mr. Bigler at any point?

4 A. Were what?

5 Q. A threat to him --

6 A. No.

7 Q. -- to control his children?

8 A. No.

9 Q. Did you ever call the juvenile probation department
10 after that conversation?

11 A. I may have.

12 Q. Do you know who you spoke to when you did?

13 A. It would be Darrell Bruce if I spoke to him. I can't
14 tell you if I did or didn't. I very likely picked the phone up
15 and called and said, "Darrell, there's a problem out here that
16 may escalate."

17 Q. Do you now regret having that meeting with
18 Mr. Bigler?

19 A. Yeah. Or that phone call.

20 Q. How would you have done things differently?

21 A. I would have just straight called the probation
22 officer and told him to get out there.

23 Q. Okay. Did you think about just advising your court
24 reporter to do that instead of you doing it? Because these
25 were relatives of hers. Right? Nieces and nephews?

1 A. Yeah. They were shoestring relatives. They weren't
2 -- they weren't close relatives. And what I was hearing was
3 there was a problem that could escalate, not just with kids but
4 with parents and everything else.

5 Q. Do you feel any of your actions -- obviously, some of
6 your actions have gotten a lot of press. Do you feel any of
7 your actions that we've discussed today has brought discredit
8 to the judiciary?

9 A. Not really. Not really. The -- I shouldn't have
10 mentioned about the bullet holes in the headboard on that
11 Erskine case.

12 Q. And I kind of want to take us back to -- because you
13 and I had a discussion on Wednesday, and you were getting ready
14 to get into this matter -- but one of the things you've been
15 telling me is that y'all are having a hard time with the
16 district attorney's office.

17 A. Yes, sir.

18 Q. They're not able to prosecute some of these cases.
19 And you've actually indicated to me that there's another judge
20 having to help law enforcement draft these warrants.

21 A. That's exactly right.

22 Q. Who is the judge that's actually having -- or helping
23 law enforcement?

24 A. Bill Harris.

25 Q. Bill Harris.

1 A. Who was the First Assistant D.A.

2 Q. Okay. And --

3 A. They'll have a murder case, they'll have something --
4 there's five attorneys in the D.A.'s office. No one will
5 answer the phone at night. They will not assist law
6 enforcement in any form or fashion. And they've got a dead
7 body laying there, they don't know what to do with it. And
8 they don't know how to draw the search warrants, be it for
9 evidence or what -- or to go into a building. And Harris ends
10 up having to go down and tell them what to do.

11 Q. And you indicated to me, also, that when Judge Harris
12 goes down and helps law enforcement, that you've instructed him
13 to come to your court?

14 A. I have asked him to.

15 Q. And what -- for what purpose? To sign the warrant?

16 A. To sign the warrants.

17 Q. Okay.

18 A. But that hasn't happened much.

19 Q. Do you feel it's appropriate for Judge Harris to go
20 down there and be helping law enforcement put this together?

21 A. Honestly, no. However -- however, there is no one
22 else there to do it.

23 MR. LEMOINE: I have no further questions.

24 JUDGE SEIDER: Judge, the Commission Members may
25 have some questions.

1 JUDGE CLIFFORD: Okay.

2 JUDGE SEIDER: We're going to begin again from
3 my right. Mr. Russell?

4 JUDGE CLIFFORD: All righty.

5 EXAMINATION

6 BY MR. RUSSELL:

7 Q. Thank you, Judge, for your appearance today. I'd
8 like to do this in two parts.

9 A. Okay.

10 Q. So, if you'll indulge me. First one --

11 A. Now, I'm a little hard of hearing. I've got my --

12 Q. Yeah. Is there anything we can do to get this mic
13 up?

14 A. It just came up then.

15 Q. Okay. All right. I'll talk real closely to it. I'd
16 just like to do this in two parts. First, I'd like to just ask
17 a yes-or-no question.

18 A. Okay.

19 Q. And then I'm going to -- I'll ask a follow-up. And
20 in that follow-up, you can --

21 A. Okay.

22 Q. -- you can expound if you don't mind. Is it possible
23 that due to the small-town environment in Paris and your very
24 long-term familiarity with so many people in the area, that you
25 may have become a little bit too casual in following proper due

1 process?

2 A. That is probably correct.

3 Q. Okay. Thank you. Do you believe that any of that
4 has resulted in you failing to follow any of the Canons of
5 Judicial Conduct?

6 A. No, sir.

7 Q. Okay. You can expound.

8 A. Well, I have lived in Paris since I was six years
9 old. I practiced law -- been practicing law there since 1975.
10 I practiced law for one year in Texarkana. I served on the
11 city council for nine years. I was mayor for six years. Very
12 seldom do I ever have a case come before me that I do not know
13 something about one, if not both, of the parties to the case.
14 And, you know, you look around and I know everybody that comes
15 into the court. I've been there -- I'm 66 years old. I've
16 lived there since I was six years old. And I know everybody
17 that comes into the court.

18 JUDGE SEIDER: Judge, I think the question was
19 specific about violating the Canons --

20 JUDGE CLIFFORD: No, I -- I don't -- I don't
21 think so, no, sir.

22 JUDGE SEIDER: Do you have any other response to
23 that question?

24 JUDGE CLIFFORD: No. No.

25 MR. RUSSELL: Thank you.

1 JUDGE CLIFFORD: Me knowing somebody doesn't
2 mean a hill of beans.

3 MR. RUSSELL: Thank you, sir.

4 JUDGE CLIFFORD: Okay.

5 EXAMINATION

6 BY JUDGE NARANJO:

7 Q. Judge, let me just ask a few questions, and it
8 relates to my understanding as Paris is a small town. What's
9 the population?

10 A. The population of Paris is 25,000 and it hadn't grown
11 in 30 years. The total population of the county is 50,000.
12 Red River County is 12,000.

13 Q. So, it's a small town.

14 A. It's a small town.

15 Q. And I think you've said you probably know everybody
16 that comes before you --

17 A. Yes, ma'am.

18 Q. -- in some form or fashion. You've known some people
19 longer. You know their kids, their grandkids.

20 A. I know them for three or four generations.

21 Q. And the fact that you have served in different
22 capacities, I understand, sir, of the citizens from mayor to
23 city council -- and you would agree, though, that those
24 positions are very different than a judicial position?

25 A. Yes, ma'am.

1 Q. Okay. And, so that the Canons require a very
2 different role for you --

3 A. Yes, ma'am.

4 Q. -- as a judge. And so, it seems like some of these
5 cases that you've had to recuse yourself is as a result of you
6 talking about the case that is before you, like at the Kiwanis
7 club, or knowing something about it that you overheard. And
8 you see how that is inappropriate --

9 A. Sure.

10 Q. -- for a judge?

11 A. Sure. But what happens is, if there is a murder
12 case, a rape case, or something like that, the moment you walk
13 into the courthouse the next day, you can't -- you can't walk
14 down the halls without people talking about it. I mean, it --
15 only way you can keep from not hearing about a case that -- a
16 major case -- would have earplugs in.

17 Q. Well, I understand that sometimes you have to tell
18 people, "Stop. Do not talk to me about the case. I cannot
19 talk to you about the" --

20 A. Yeah.

21 Q. -- you know. And I think that that's --

22 A. I do more listening than talking.

23 Q. But you understand that you --

24 A. Yeah.

25 Q. -- can't even listen about the case. I mean, that's

1 what I'm trying to say. As a judge, that the case may come
2 before you, and it's --

3 A. Yeah.

4 Q. -- very likely that it's going to come before you
5 when you have only two judges doing some of the -- doing the
6 felony cases and --

7 A. Well, Judge Biard will do a little bit of felony
8 cases, but --

9 Q. But the likelihood is --

10 A. The likelihood it's coming before me.

11 Q. So, but you understand you can't even hear about the
12 case. I mean, that's my point, is that you --

13 A. Yeah.

14 Q. -- have to understand that you cannot as a judge even
15 hear about the case that's going to be coming before you or --

16 A. On any case like that, makes it to the paper
17 instantly and --

18 Q. So, it's my understanding you're okay with people
19 talking to you about the case --

20 A. No, I don't --

21 Q. -- even though you're not supposed --

22 A. I don't go out and solicit them to talk to me.

23 People will just start talking. You know, if you've had a
24 vicious -- we've got six unsolved murders in Paris. One of
25 them a quadruple murder. And, you know --

1 Q. But my question to you, Judge, is that you -- you --
2 if somebody starts talking to you about the case, you don't
3 stop it and you don't see the inappropriateness of that as a
4 judge?

5 A. Well, of course, what you're hearing may have
6 absolutely nothing to do with the case at all. You know, the
7 rumors will start flying all over town instantly.

8 Q. I take it from your answer, no, you don't see a
9 problem with that?

10 A. I don't, no, ma'am.

11 Q. Okay.

12 A. I don't go out and inquire, but I will hear.

13 Q. All right. And the other thing relates to your
14 appointment process.

15 A. Uh-huh.

16 Q. Now, I understand the -- you know, every county has
17 to have a plan.

18 A. Right.

19 Q. And that the judges are required to follow that plan.
20 Now, you -- I understand from what you've said that you kind of
21 have delegated the appointment to your district clerk. Is that
22 what you're saying?

23 A. No, the district clerk runs the wheel.

24 Q. Okay.

25 A. Okay.

1 Q. But you go --

2 A. The computer --

3 Q. But you go off the wheel?

4 A. The computer is set up to equalize the number of
5 appointments for each attorney that is on the wheel.

6 Q. But it's clear from the evidence that it's not
7 working that way if you just look at the appointments of
8 Mr. Turner. So, let me just ask you, so you don't follow the
9 wheel?

10 A. Well, I've got two attorneys that can handle a major
11 case on the wheel.

12 Q. Okay. I thought you had Turner, Coyle, Sprague
13 and --

14 A. Coyle cannot handle a major case.

15 Q. But he's on the wheel?

16 A. He's on the wheel.

17 Q. So, he has met all of the requirements, you just
18 don't --

19 A. He's met the requirements, but if he were to try a
20 serious murder case, a child-sex case, it would be coming back
21 on appeal.

22 Q. And you feel the same way about Mr. Hasman [sic] --
23 Haslam?

24 A. He is so abrasive. And, frankly, he has real -- real
25 mental problems.

1 Q. But you still haven't taken him off the wheel? If
2 you --

3 A. We took him off.

4 Q. Okay. You took --

5 A. We took him off --

6 Q. Okay.

7 A. -- at Judge Harris's request.

8 Q. So, you're saying -- and I understand it's a small
9 town.

10 A. Yeah.

11 Q. And, you know, which is very different than Travis
12 County and all the other --

13 A. Over in Red River County I have one attorney, period,
14 for the whole county. I have to bring attorneys from Lamar
15 County over to Red River. And then when we were getting so
16 low, I had to get Dan Meehan out of Red River. I said, "Dan,
17 I'm going to have to have some help over here." And when we
18 did -- and when that didn't take care of it, I had to get on
19 the phone and call every attorney in town or corner them in my
20 office and say, "Look, we've got three people on the wheel.
21 They're indicting 40 people a month. I have got to have some
22 help here." And it took -- every one of them said -- and they
23 were competent to do it -- they said, "As long as you will make
24 sure the appointments" -- "I don't have to do all of them."

25 Q. Sure.

1 A. "I'll do my pro rata."

2 Q. So, I understand what you're saying --

3 A. Yeah.

4 Q. -- that you have very -- you just don't have a lot of
5 attorneys and it's a small community.

6 A. Yeah.

7 Q. I understand that and appreciate that. Let me just
8 ask you, if you appoint an attorney -- an attorney who's been
9 appointed to a misdemeanor, and then you've got that same
10 defendant who gets, then, maybe --

11 A. Generally, I will appoint the --

12 Q. The same --

13 A. -- I will -- they'll have a notation on the
14 arraignment docket that so-and-so, "Gibo is representing them
15 on a misdemeanor." And I would, in most cases, appoint the
16 same attorney on the felony case.

17 Q. And you didn't do that on the Mitzi case -- Mitzi
18 Black?

19 A. I did not do it because they had expressed to me and
20 had come by and said they could not deal with the man. He had
21 been extremely rude to them and talked down to them. They
22 could not deal with him. And I do on occasion -- I try my best
23 not to remove a court-appointed attorney but sometimes it gets
24 to the point you have to do it.

25 Q. And you feel you followed the proper procedure in

1 notifying --

2 A. Yeah.

3 Q. -- et cetera? Okay.

4 A. And it's -- I would say half of them, the attorneys
5 come to me and say, "Judge, I can't handle this guy. I cannot
6 communicate with this guy and it's" -- "take me off. Appoint
7 somebody else."

8 Q. Then let me -- let me ask you on the Neeley case, do
9 you --

10 A. The what?

11 Q. The Neeley case.

12 A. Uh-huh.

13 Q. The young man that I think lived in your hangar, and
14 worked on your car, and I think was driving some -- when --
15 your scooter --

16 A. Yeah.

17 Q. -- when he got stopped. All of that.

18 A. Yeah.

19 Q. Can you see how that -- you staying on that case,
20 that particular case, would appear to be inappropriate or --

21 A. I can see that. In retrospect, I shouldn't have
22 taken his plea. I didn't know what was happening on the case.
23 Harris was handling the case and I thought he was going to
24 plead before Harris. They showed up on a Friday morning with
25 about eight or nine other people and there he sat. And it was

1 a plea-bargain deal. I walked in and rubber-stamped the plea
2 bargain like I always do.

3 Q. But you would still stay on that case. Correct? I
4 mean, you would follow the probation and everything else?

5 A. Well, I'm not going to do -- if he had a motion to
6 revoke or something come up, I would not have anything in the
7 world to do with it.

8 Q. All right. Then the other question I have relates to
9 your directorship on Lamar National Bank. And, obviously, just
10 based on your testimony, it's a substantial --

11 A. Yes.

12 Q. -- ownership. And it's hard for me to believe that
13 you haven't had anybody who has been a director or involved in
14 some type of ownership in this -- in the bank that hasn't come
15 before you in some way.

16 A. Most of them -- most of those directors are not
17 criminals.

18 Q. Well, but you have family law. You do family, as
19 well. I mean --

20 A. I haven't had any family law. I tell you what, I had
21 -- Judge Biard handles most all of the -- he handles all of the
22 civil jury docket. I don't do any civil jury work in Lamar
23 County.

24 Q. But they have children. I mean, that's my whole
25 point. It may not be -- you may not have an 80-year-old, or

1 70-year-old, or 60-year-old that might be a criminal, but they
2 have family.

3 A. The closest thing I had to that was, the other day I
4 had a motion to recuse. And the other family is David Edzards.
5 And it was an old family-law case where David's cousin had
6 married the former -- the ex-wife. And they filed a motion to
7 recuse because David and I had -- I didn't even know who the --
8 you know, who the guy was. I never met him. Because we --
9 well, we control the bank. And I signed it immediately. I
10 said, "I understand completely."

11 Q. So, as it relates to Canon -- I'm sorry. Go back --
12 D -- Canon 3D(2) that says, "A judge shall not be an officer,
13 director, or manager of a publicly owned business. For
14 purposes of this Canon, a publicly owned business is a business
15 having more than ten owners who are not related to the judge by
16 affinity" -- I always have trouble with that word --
17 "consanguinity within the third degree of relationship."

18 A. Well, here's what -- I probably shouldn't be on the
19 board. Here's the situation: It was all -- I was the youngest
20 director at the time, youngest organizer. We have had
21 everybody die except for me, and I'm 66. And the continuity
22 has been -- somebody had to look over the continuity. And we
23 have had -- it comes up all the time, what happened back in
24 1981, '82, when property was acquired and things like that.

25 Q. I understand. But once you took on the role --

1 A. Yeah.

2 Q. -- as a judge --

3 A. I won't argue with you. I probably should have
4 gotten off there.

5 Q. Okay.

6 A. Only thing -- I minimize my contact at the bank, only
7 to the extent of going to the board meetings, seeing if they
8 made any money during the month. I do not sit on the -- on the
9 loan committee. I do not get involved in the actual running of
10 the bank. The only thing I do is, I look at top management. I
11 can't even tell you who works out there.

12 Q. All right. Thank you, sir.

13 A. Okay.

14 JUDGE SEIDER: Judge Spillane?

15 JUDGE SPILLANE: I don't have any questions but
16 I appreciate you being here.

17 JUDGE CLIFFORD: Okay. Thank you, sir.

18 JUDGE SEIDER: Ms. Johnson?

19 MS. JOHNSON: I have no questions. Thank you.

20 JUDGE CLIFFORD: Okay.

21 MS. ERTZ: No questions. Thank you.

22 JUDGE CLIFFORD: Okay.

23 JUDGE SEIDER: Judge, questions?

24 EXAMINATION

25 BY JUDGE KURITA:

1 Q. Judge, I understand that you're from a small town.
2 And, you know, as we've gone through these complaints, you've
3 admitted that maybe there was a better way --

4 A. Uh-huh.

5 Q. -- or maybe you shouldn't have. What can you do, or
6 what can you represent to me --

7 A. I'm going to be more careful. I'm going to be more
8 careful.

9 Now, there is one other underlying thing going
10 on right now in Paris. There is a year-and-a-half-old federal
11 investigation going on -- FBI, a reco investigation. There's
12 going to be some indictments of prominent people in town. My
13 sister-in-law, who is a CPA -- was with Price Waterhouse -- she
14 was head of the Paris Economic Development Corporation. And
15 they hired a guy named Danny Defenbaugh who was head of the FBI
16 office in --

17 Q. Are you telling us that there's something that we
18 should expect?

19 A. What I'm saying is, some of this stuff may come
20 directly from that. I think the perception is that I have got
21 this going. But it's -- it's been in the Dallas Morning News,
22 it's been on Channel 8 in Dallas. There's going to be some
23 indictments.

24 Q. But other than being more careful in the future, is
25 there anything else that you would do?

1 A. I'd just be more careful. You know --

2 Q. Judge, should you --

3 A. -- as I say, the only place when -- if you're not in
4 the courtroom, the only place the attorneys go will be -- the
5 defense attorneys, the State's attorneys -- is basically in my
6 office or about 40 foot down the hall in the bailiff's office.

7 Q. Thank you, sir.

8 A. Okay.

9 JUDGE BAKER: Thank you, Judge. I have no
10 questions.

11 JUDGE CLIFFORD: All righty.

12 EXAMINATION

13 BY MR. BIVINS:

14 Q. Judge, I have just a couple of questions.

15 A. Okay.

16 Q. What's the attorney population in the counties you
17 serve in?

18 A. About 16 or 17, 18.

19 Q. 18 attorneys?

20 A. Yeah.

21 Q. Okay.

22 A. And that's it. And about three -- and about three or
23 four of them do nothing but real estate, estate planning, and
24 stuff like that. And what happens is -- and I handle
25 50 percent of the CPS cases in Lamar County. I handle 100

1 percent of them in Red River County. Bill Harris handles the
2 other 50 percent. I handle half of the attorney-general cases
3 in Lamar County, and Judge Harris -- the child-support cases --
4 handles the other 50 percent. I -- I devote one morning a
5 month going over to AG court and presiding. And Harris and I
6 talked it over, and rather than use an associate judge -- if
7 they're going to put somebody in jail, we had to bless it
8 anyway.

9 Q. No, Judge, the issue I was looking at was the wheel.
10 How small your wheel is.

11 A. Well --

12 Q. That you only have two or three people. But I guess
13 if you only have 16 --

14 A. Well, we're up to five now.

15 Q. You have five on the wheel?

16 A. Five on the wheel. But one of them's assistant came
17 in yesterday and said, "Oh, by the way, Mike's going to be gone
18 for a month."

19 Q. But you only have two that are available for more
20 serious types of cases?

21 A. I now have three.

22 Q. You have three?

23 A. I now have three. I got one up to speed. We do have
24 a couple of young attorneys in town who -- Jeff Starnes' niece
25 has come back, and Jeff has told me that she -- Jeff gets his

1 court appointments, but he has a large private practice --
2 criminal practice -- and he is working his niece, Ms. Barbee,
3 in. And James Rodgers, who handles nothing -- I mean, he
4 handles everything -- has a young attorney in his office, and
5 he said, "Send him" -- "send some to me and I will get
6 Mr. Gains up to speed."

7 Q. Have y'all looked at the possibility -- given all the
8 conflicts that seem to happen with the few attorneys you have
9 on the wheel, have y'all looked at going outside of your county
10 for attorneys to put on the wheel or something?

11 A. We have -- well, last Friday Judge Harris called me.
12 We're getting so much CPS work, and with -- by the time you
13 have appointed an attorney ad litem for the kids, an attorney
14 for the momma, an attorney for the daddy, and -- or maybe four
15 daddies -- we run out of attorneys. And Harris called me, he
16 says, "What are we going to do?" I said, "Well, Bill, I can
17 get one from Red River County." And I can get some that appear
18 in my court in Red River County and they will come up here.

19 But it's always the CPS. It's -- I handle
20 15 CPS cases a month, Harris handles probably 15. Wednesday I
21 had three CPS cases, and they were all new cases. They all
22 involved methamphetamine, and they all involved small children
23 testing positive for meth at one year old.

24 Q. I would just -- looking at that as a potential
25 option, looking for attorneys outside of your county -- I mean,

1 I can't imagine other attorneys wouldn't be -- look at a
2 favorable opportunity to earn money when you have so many types
3 of cases available.

4 A. Sometimes they don't pay that well. Now, how I do
5 my -- I have a program set up on what the attorney's fees are
6 and how they're supposed to bill. Most of the attorneys will
7 bill according to that schedule, some will not. We will have
8 to adjust it if they don't.

9 Q. All right. Thank you, Judge.

10 A. Okay.

11 JUDGE SEIDER: Justice Lang.

12 EXAMINATION

13 BY JUSTICE LANG:

14 Q. Judge, you -- you responded to, I believe, the
15 Judge's question about being on the board of the bank --

16 A. Right.

17 Q. -- that you probably should have gotten off. Did I
18 understand that?

19 A. Yes, sir.

20 Q. Okay. You are still on the board?

21 A. I am still on the board. If y'all want me to, I will
22 get off. But we are having our first change in -- we're losing
23 both of our primary executive officers, the president and the
24 executive VP, the first of the year. And we're having to bring
25 in someone who is there right now. But it's a situation where

1 -- you know, I told them I have knowledge that they -- the
2 people --

3 Q. Let me just suggest this -- I mean, I represented
4 banks for 30 years before I went on the bench.

5 A. Yeah.

6 Q. I get what you're talking about. My sons are in
7 banking. But I guess the concern that we might have is that
8 this continues to go on. But I think an individual of your
9 experience and knowledge about this could somehow be related to
10 that board to give them that background, which I acknowledge is
11 very important. I think we're concerned about the Code and
12 we're concerned about the perception of the public. And that's
13 something that were to continual -- it's just a problem that's
14 not going away, you know?

15 A. Well, I can get off the board. I can get off the
16 board.

17 Q. That's -- that's --

18 A. However --

19 Q. We're not going to order that.

20 A. Yeah.

21 Q. That's not something that's before us this five
22 minutes. But if you say you're going to stay on the board,
23 that is certainly something --

24 A. But I have had --

25 Q. -- to consider.

1 A. I have never had any conflict, be it family law or
2 anything on -- concerning that bank. And I have not had any --
3 I don't even know who the employees are up there. I've been on
4 the bench for six-and-a-half years. I represented the bank
5 from its inception. And at that time, you know, I was in there
6 a couple of times a week. Now I do good to make it in there --
7 I do good to make it to ten board meetings a year, because I'll
8 be caught in court and I won't be able to go.

9 Q. Does that solve the problem? That you -- that led
10 you to believe you should have gotten off the board? I mean --

11 A. I'm sorry, sir. What did you say?

12 Q. Does all -- the considerations that you've just
13 explained in your last answer, does that solve the problem that
14 we asked you to address that we believe exists?

15 A. Honestly, I don't think it solves any problems at all
16 if I get off the board.

17 Q. No --

18 A. I still own 28 percent of the bank.

19 Q. I don't think anybody's suggesting that you have to
20 forfeit your interest.

21 A. Yeah, and --

22 Q. It's what a board member does.

23 A. Yeah.

24 Q. The legal responsibilities.

25 A. The only thing I do is go in there and look at senior

1 management, look at the bottom line. And I am on the
2 compensation committee where we determine what the pay for the
3 top officers are going to be. And I --

4 Q. But you -- but you're aware, sir, that as a member of
5 the board of the bank and listed, you know, in various places
6 that are public, that you as a sitting judge are on that board
7 --

8 A. Yeah.

9 Q. -- there are people, obviously, who are depositors at
10 that bank and borrowers from that bank who are likely to come
11 before you. Not that they do, necessarily, but --

12 A. They could. They could.

13 Q. -- and they know that.

14 A. I haven't seen anybody and I don't keep up with who
15 the depositors are.

16 Q. Exactly.

17 A. And I don't keep up -- the only time I ever see a
18 loan is if it's 8- or \$900,000 and it's presented by staff and
19 it's always approved.

20 Q. Okay. I don't have anything further at this time.
21 Thank you.

22 JUDGE SEIDER: Any other follow-up?

23 EXAMINATION

24 BY UNIDENTIFIED SPEAKER:

25 Q. Yes. Judge, I know you know, obviously, judges that

1 are in your surrounding counties and in your own county. Have
2 you ever enlisted assistance of a mentoring judge from another
3 county, a judge that you did not know during your -- either
4 prior to your taking the bench or during your time on the
5 bench?

6 A. Not the -- yes, I've talked to Judge Miller before
7 when he was the judge over in Red River County.

8 Q. For -- yeah, but I know that's a surrounding county.

9 A. Yeah, that's -- and I'm over -- they try to keep two
10 judges in each county to hold down if somebody has a conflict
11 so that the other judge can hear it.

12 Q. Okay. So, I guess my --

13 A. Now, I do talk to former --

14 Q. The answer is "no"?

15 A. -- still -- my former law partner, Scott McDowell,
16 who is still sitting as a visiting judge.

17 Q. Sir, I'm sorry. What I'm trying to find out is,
18 other than those judges with which you are familiar, have you
19 ever gone out and sought assistance because of a complaint or
20 something --

21 A. No.

22 Q. -- from another? Thank you.

23 A. No. No.

24 UNIDENTIFIED SPEAKER: Judge -- go ahead. Go
25 ahead.

EXAMINATION

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BY UNIDENTIFIED SPEAKER:

Q. Just very quick, but are you aware of the Canon 4D(2) that was referenced about not being a member of the board?

A. Yes. And I'm also aware that comes in there if it's solely for financial. And that's the only thing I do, is, I'm looking after a multimillion-dollar investment.

Q. So, you've read the Canons of --

A. Yes.

Q. You're aware of 4D(2)?

A. Yes.

Q. That's all. Thank you.

A. Yeah.

EXAMINATION

BY JUDGE SEIDER:

Q. Judge, there was -- I wanted to make sure that you completed your answer. Just as briefly as possible, you'd referred to an FBI investigation going on in your county. Are you -- have you received a target letter from --

A. No. No.

Q. -- your sister-in-law?

A. No. No.

Q. I didn't understand the --

A. Here's what happened: My sister-in-law was head of the Paris Economic Development Corporation. When she got in

1 there, they were bringing in about 1.3 million a year in -- in
2 tax revenues.

3 Q. Right. The main thing is how this relates to your --

4 A. Okay. Some -- well, like the man with the dog that
5 was hurt. That guy's boss may very well be indicted. They
6 were only -- they were spending 900,000 --

7 Q. How does this relate to you, Judge? That's the --

8 A. Other than it was my sister-in-law --

9 Q. That's --

10 A. -- that dug it up.

11 Q. Okay.

12 A. She dug it up.

13 JUDGE SEIDER: Judge, we're done with our
14 questioning. If you want to make a brief closing statement,
15 you're certainly welcome to do that.

16 JUDGE CLIFFORD: Okay. Well, only thing -- the
17 situation we have up there, we have a prosecutor's office when
18 I came into -- came to office that I thought was one of the
19 best ones I had ever seen in my life. And it was. Then Bill
20 Harris became County Court at Law Judge and it has progressed
21 down, down, down. And last week Harris called five misdemeanor
22 cases. The D.A. walked in and dismissed four of them and pled
23 the other one to seven days time served. They lost a case last
24 week -- sex-offender's duty to register. They lost that.
25 They've lost cases of driving while license suspended.

1 JUDGE SEIDER: But, Judge, we're not here about
2 that.

3 JUDGE CLIFFORD: I know.

4 JUDGE SEIDER: We have no authority over that,
5 so --

6 JUDGE CLIFFORD: What I'm saying is, I think
7 they're flopping around, trying to figure out why they're
8 losing their cases. I mean, when you've got a 27-percent
9 conviction rate, I'm scared to turn down a plea offer -- a plea
10 bargain. I turned one down on -- it was an aggravated sexual
11 assault of a child, and I just said, "I'm not going to sign off
12 on two years to do," and they lost the case. And I learned my
13 lesson. Don't turn them down on anything because they're
14 probably not going to win it.

15 JUDGE SEIDER: Anything else, sir?

16 JUDGE CLIFFORD: No.

17 JUDGE SEIDER: All right. Well, thank you for
18 your time and your attendance here. I know you came a very
19 long way this morning. You'll be hearing back from us in the
20 near future. Thank you so much, Judge.

21 JUDGE CLIFFORD: Okay. And I appreciate y'all
22 giving me this opportunity to talk to you, and I hope I haven't
23 bored you too much.

24 JUDGE SEIDER: No, sir. Have a safe travel.
25 Thank you for your service.

1 JUDGE CLIFFORD: Well, it's a -- we have a
2 different situation up there. The police chief was talking to
3 a -- there was no press involved -- the other day -- I wasn't
4 there -- and he made the statement, "Since there's no press
5 here, we do have an abnormally number" -- "high number of crazy
6 people here." And we do. And we are right now number nine in
7 the State of Texas for crime of the cities.

8 JUDGE SEIDER: Well, you better get back up
9 there, then.

10 JUDGE CLIFFORD: Hey -- and, you know, we took
11 Haslam off the wheel at Harris's request, and I looked up, I
12 said, "Bill, I know something's going to have to give."

13 JUDGE SEIDER: Thank you, Judge. Safe trip back
14 to Paris.

15 JUDGE CLIFFORD: Thank you. I guess I remember
16 your daughter.

17 MR. RUSSELL: Well, thank you. Jessica was a
18 very sweet girl and it was a pleasure to meet her.

19 JUDGE CLIFFORD: She just had a baby, 18-month
20 old.

21 MR. RUSSELL: Very nice. I haven't been aware
22 of what her status was.

23 JUDGE CLIFFORD: Oh, yeah. You know, I put all
24 my kids through TCU. And I was living pretty good until I
25 started doing that and then it was nearly a vow of poverty.

1 Okay.

2 JUDGE SEIDER: Thank you, Judge.

3 JUDGE CLIFFORD: Anything more I can add, give
4 me a call. And all I can say is, we do the best we can with
5 what we have up there. And I don't know what we do with these
6 limited number of attorneys. I mean, I have -- we had a
7 termination suit in Red River County two weeks ago. We had to
8 get attorneys out of Texarkana. And conflicts come up
9 constantly, because usually there's just not one person
10 committing a crime, there's four or five.

11 JUDGE SEIDER: Thank you, sir.

12 JUDGE CLIFFORD: All right. Thank y'all. And
13 I'm living proof of what John Wayne said. John Wayne said,
14 "Life is tough. It's even tougher when you're stupid." I got
15 on a scooter last summer with a ten-inch rear wheel and broke
16 my left leg and broke my arm. And my wife talks bad to me
17 every day because of it. Nice meeting y'all.

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1 THE STATE OF TEXAS)
2 COUNTY OF FANNIN)

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I, Gale H. Fiasco, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing contains a true and correct transcription, to the best of my ability, of the audio recording of the hearing before the State Commission on Judicial Conduct.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

WITNESS MY OFFICIAL HAND this the 23rd day of October, 2015.

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\$	72:8 28 [4] - 10:10, 10:11, 10:25, 67:18 2B [1] - 8:21	A	43:1 allegedly [2] - 17:18, 26:12 alleges [1] - 15:11 allowed [1] - 10:1 amount [1] - 9:16 AND [1] - 1:15 answer [9] - 12:7, 21:22, 21:23, 23:13, 47:5, 53:8, 67:13, 69:14, 70:17 antique [1] - 42:3 anyway [1] - 63:8 apnea [2] - 42:9, 42:12 appeal [1] - 54:21 Appeals [1] - 4:16 appear [2] - 57:20, 64:17 appearance [1] - 48:7 appoint [11] - 20:19, 20:22, 20:24, 28:7, 28:9, 30:3, 36:19, 56:8, 56:11, 56:15, 57:6 appointed [19] - 20:5, 20:7, 20:15, 28:1, 28:19, 28:20, 29:12, 29:21, 30:9, 32:22, 33:22, 36:9, 36:15, 36:17, 37:23, 56:9, 56:23, 64:13 appointment [11] - 20:10, 29:20, 30:4, 30:18, 36:13, 36:20, 38:17, 38:20, 41:11, 53:14, 53:21 appointments [12] - 27:19, 31:1, 31:3, 31:10, 32:12, 32:20, 33:24, 38:21, 54:5, 54:7, 55:24, 64:1 appoints [1] - 29:8 appreciate [3] - 56:7, 60:16, 72:21 appropriate [2] - 16:18, 47:19 approved [1] - 68:19 area [1] - 48:24 argue [1] - 60:3 argument [2] - 17:15, 17:20 arm [1] - 74:16 arraign [1] - 32:20 arraignment [1] - 56:14 arraignments [1] - 34:6 assault [3] - 14:2, 14:11, 72:11 assaults [1] - 40:24	asshole [1] - 28:3 assigned [1] - 12:1 assist [1] - 47:5 assistance [3] - 20:23, 69:2, 69:19 assistant [3] - 30:5, 44:5, 63:16 Assistant [1] - 47:1 associate [1] - 63:6 association [1] - 12:20 assured [1] - 38:19 attack [1] - 33:5 attendance [1] - 72:18 attorney [34] - 10:2, 11:22, 12:5, 13:19, 15:20, 16:25, 20:3, 20:6, 23:4, 29:9, 31:9, 32:21, 33:22, 34:18, 36:10, 37:24, 38:22, 38:24, 39:1, 54:5, 55:13, 55:19, 56:8, 56:16, 56:23, 62:16, 63:2, 64:4, 64:13, 64:14 Attorney [1] - 4:13 attorney's [5] - 22:24, 23:24, 40:8, 46:16, 65:5 attorney-general [1] - 63:2 attorneys [25] - 9:20, 9:23, 15:20, 17:2, 20:18, 31:4, 47:4, 54:10, 55:14, 56:5, 57:4, 62:4, 62:5, 62:19, 63:24, 64:8, 64:10, 64:15, 64:25, 65:1, 65:6, 74:6, 74:8, 75:11 audio [2] - 44:16, 75:8 auditor's [1] - 30:24 August [1] - 2:16 Austin [2] - 3:15, 10:16 authority [1] - 72:4 automobile [1] - 27:2 automobiles [2] - 36:4, 36:6 available [2] - 63:19, 65:3 aware [7] - 9:23, 12:8, 68:4, 70:3, 70:5, 70:10, 73:21 awful [1] - 7:9
1	3	A.W [1] - 37:25 ability [1] - 75:8 able [4] - 10:6, 14:24, 46:18, 67:8 abnormally [1] - 73:5 abrasive [1] - 54:24 absolutely [1] - 53:6 abusing [1] - 43:3 abusive [1] - 28:23 accident [1] - 34:21 according [1] - 65:7 acknowledge [1] - 66:10 acknowledging [1] - 44:23 acquired [1] - 59:24 acting [1] - 18:9 action [2] - 75:12, 75:14 actions [4] - 45:2, 46:5, 46:6, 46:7 actual [1] - 60:9 ad [1] - 64:13 add [1] - 74:3 additional [2] - 5:2, 32:11 address [1] - 67:14 adjust [1] - 65:8 admitted [2] - 27:12, 61:3 adult [1] - 29:6 advantages [1] - 11:11 advising [1] - 45:23 affidavits [1] - 22:15 affinity [1] - 59:16 AG [1] - 63:5 aggravated [2] - 14:2, 72:10 ago [3] - 3:2, 3:3, 74:7 agree [3] - 38:16, 43:16, 50:23 ahead [7] - 7:23, 17:10, 17:11, 23:16, 25:13, 69:24, 69:25 air [1] - 42:2 airplanes [1] - 42:3 airport [2] - 37:7, 41:24 alive [1] - 9:3 allegation [3] - 7:24, 19:1, 24:1 allegations [9] - 17:4, 17:11, 19:5, 22:1, 22:19, 23:23, 26:9, 40:7, 41:23 alleged [2] - 19:11,	B	
2	4		B	
20 [2] - 14:15, 36:3 20-million [1] - 9:7 200 [1] - 34:10 2009 [1] - 6:9 2013 [3] - 13:20, 31:24, 33:13 2014 [5] - 5:23, 30:5, 31:24, 34:23, 34:24 2015 [3] - 2:17, 8:2, 75:17 23rd [1] - 29:9 24th [1] - 29:13 25 [4] - 7:1, 7:10, 10:12 25,000 [1] - 50:10 27-percent [2] - 23:3,	72:8 28 [4] - 10:10, 10:11, 10:25, 67:18 2B [1] - 8:21			
	5			
	6			
	7			
	8			
	9			

<p>66:10 bad [2] - 18:5, 74:16 Bail [1] - 40:19 baill [2] - 39:19, 42:17 bailliff [3] - 21:9, 21:24, 23:2 bailliff's [4] - 18:16, 18:21, 22:7, 62:6 baker [1] - 24:9 BAKER [2] - 4:9, 62:9 Baker [2] - 4:9, 23:17 bank [37] - 8:24, 9:3, 9:6, 9:9, 9:10, 9:11, 9:12, 9:14, 9:19, 9:24, 10:3, 10:7, 10:9, 10:10, 10:11, 10:15, 10:18, 10:19, 10:22, 11:2, 11:8, 11:9, 11:16, 12:9, 12:12, 58:14, 59:9, 60:6, 60:10, 65:15, 67:2, 67:4, 67:18, 68:5, 68:10 Bank [4] - 6:17, 8:5, 9:21, 58:9 banking [2] - 9:20, 66:7 banks [1] - 66:4 barbee [1] - 64:2 bargain [5] - 15:4, 37:22, 58:1, 58:2, 72:10 bargains [1] - 39:7 barracks [1] - 38:3 based [6] - 12:7, 13:2, 16:21, 17:4, 20:15, 58:10 basis [4] - 19:1, 22:6, 23:23, 42:5 beans [1] - 50:2 beard [1] - 39:24 became [4] - 3:4, 6:6, 34:10, 71:20 become [2] - 9:20, 48:25 becomes [1] - 16:12 becoming [1] - 13:16 BEFORE [1] - 1:12 begin [2] - 2:22, 48:2 behind [3] - 7:25, 13:10, 33:3 Beirut [1] - 38:4 bench [7] - 6:11, 7:15, 8:24, 66:4, 67:4, 69:4, 69:5 best [5] - 39:1, 56:22, 71:19, 74:4, 75:7 better [2] - 61:3, 73:8 Biard [6] - 7:2, 7:3, 7:9, 15:7, 52:7,</p>	<p>58:21 Biard's [1] - 15:24 Bigler [1] - 44:15 bigler [4] - 44:18, 44:25, 45:3, 45:18 Bill [7] - 7:3, 15:23, 35:13, 46:25, 64:16, 71:19, 73:12 bill [5] - 43:16, 46:24, 63:1, 65:6, 65:7 bills [4] - 43:8, 43:20, 43:21 bird [1] - 38:1 bit [3] - 7:11, 48:25, 52:7 bitty [1] - 43:25 BIVINS [2] - 4:12, 62:13 Bivins [1] - 4:13 Black [4] - 27:21, 27:24, 30:10, 56:18 bless [1] - 63:7 blew [1] - 38:3 board [20] - 7:25, 8:25, 9:4, 18:25, 59:19, 60:7, 65:15, 65:20, 65:21, 66:10, 66:15, 66:16, 66:22, 67:7, 67:10, 67:16, 67:22, 68:5, 68:6, 70:4 body [1] - 47:7 bond [5] - 14:18, 14:24, 40:21, 42:17 Bonds [1] - 40:19 bondsman [1] - 39:19 Bonham [1] - 75:22 bored [1] - 72:23 borrowers [1] - 68:10 boss [1] - 71:5 bottom [1] - 68:1 boyfriend [2] - 15:25, 17:2 boyfriend's [2] - 40:21, 40:22 Bratcher [3] - 26:11, 26:12, 26:20 breaking [1] - 40:24 breaks [1] - 6:21 brief [1] - 71:14 briefly [2] - 2:25, 70:17 bring [5] - 16:10, 23:8, 34:1, 55:14, 65:24 bringing [1] - 71:1 broke [2] - 74:15, 74:16 broken [2] - 6:25, 7:1 brothers [1] - 11:1 brought [2] - 43:6, 46:7</p>	<p>Bruce [1] - 45:13 building [1] - 47:9 bullet [5] - 18:22, 18:24, 19:9, 19:24, 46:10 burglaries [3] - 27:1, 27:2 business [4] - 38:12, 59:13, 59:14 but.. [1] - 8:8 buy [1] - 11:10 BY [9] - 5:14, 48:6, 50:6, 60:25, 62:13, 65:13, 68:24, 70:2, 70:15 Byers [1] - 21:10</p>	<p>37:19, 37:20, 37:22, 39:2, 39:4, 39:13, 39:15, 40:2, 40:3, 40:6, 41:17, 41:19, 46:11, 47:3, 49:12, 49:13, 51:6, 51:12, 51:15, 51:16, 51:18, 51:25, 52:1, 52:12, 52:15, 52:16, 52:19, 53:2, 53:6, 54:11, 54:14, 54:20, 56:16, 56:17, 57:8, 57:11, 57:19, 57:20, 57:22, 57:23, 58:3, 59:5, 71:23, 72:12 cases [34] - 6:22, 6:23, 6:25, 7:6, 7:7, 7:10, 7:15, 12:1, 23:6, 23:7, 24:9, 27:9, 27:20, 31:5, 31:14, 31:15, 32:12, 33:16, 46:18, 51:5, 52:6, 52:8, 56:15, 62:25, 63:2, 63:3, 63:20, 64:20, 64:21, 65:3, 71:22, 71:25, 72:8 casual [1] - 48:25 cattle [1] - 34:1 caught [4] - 33:4, 33:15, 33:24, 67:8 census [1] - 34:10 centers [1] - 7:24 certainly [3] - 2:10, 66:23, 71:15 Certified [1] - 75:5 certify [2] - 75:6, 75:10 cetera [1] - 57:3 chair [1] - 2:17 chance [1] - 5:21 change [3] - 10:12, 28:20, 65:22 changing [1] - 10:14 Channel [1] - 61:22 charged [4] - 13:25, 14:3, 14:10 charges [3] - 13:25, 14:18, 41:2 Charles [2] - 35:17, 35:19 chartered [1] - 11:9 chief [1] - 73:2 child [9] - 14:1, 14:2, 14:4, 14:11, 15:16, 16:3, 54:20, 63:3, 72:11 child's [1] - 15:17 child-sex [1] - 54:20 child-support [1] - 63:3</p>	<p>children [6] - 13:21, 14:11, 14:16, 45:7, 58:24, 64:22 Christian [1] - 3:2 cities [1] - 73:7 citizens [1] - 50:22 city [2] - 49:11, 50:23 civil [3] - 7:5, 58:22 CJC [1] - 1:14 claim [3] - 27:18, 30:25, 43:6 claimed [1] - 14:8 claiming [1] - 16:23 claims [2] - 42:6, 44:14 cleaning [1] - 42:15 clear [1] - 54:6 Clem [1] - 37:25 Clem's [1] - 37:25 clerk [6] - 12:21, 30:6, 36:18, 38:20, 53:21, 53:23 clients [1] - 34:2 CLIFFORD [62] - 2:1, 2:3, 2:6, 2:8, 2:11, 3:3, 3:5, 3:7, 3:9, 3:12, 3:17, 3:20, 3:23, 3:25, 4:2, 4:5, 4:8, 4:11, 4:14, 4:17, 4:21, 4:24, 5:4, 5:6, 5:9, 16:7, 16:10, 16:13, 16:16, 16:19, 21:16, 21:19, 21:24, 23:10, 23:12, 23:14, 38:7, 38:10, 38:13, 38:15, 48:1, 48:4, 49:20, 49:24, 50:1, 50:4, 60:17, 60:20, 60:22, 62:11, 71:16, 72:3, 72:6, 72:16, 72:21, 73:1, 73:10, 73:15, 73:19, 73:23, 74:3, 74:12 Clifford [3] - 2:19, 5:1, 40:11 close [1] - 46:2 closely [1] - 48:15 closest [1] - 59:3 closing [1] - 71:14 club [1] - 51:7 co [5] - 13:12, 26:18, 27:6, 27:9 co-counsel [1] - 13:12 co-defendants [4] - 26:18, 27:6, 27:9 Code [1] - 66:11 coker [1] - 44:5 collect [1] - 39:20 collection [2] - 36:6, 42:3</p>
C				
<p>calculated [1] - 32:3 calculations [1] - 32:3 calmed [1] - 44:21 CAMELS [1] - 9:10 campaign [2] - 12:23, 12:25 cannot [8] - 10:16, 14:9, 35:1, 35:2, 51:18, 52:14, 54:14, 57:5 Canon [6] - 8:21, 10:7, 59:11, 59:12, 59:14, 70:3 Canons [4] - 49:4, 49:19, 51:1, 70:8 Canyon [1] - 3:22 canyon [1] - 3:24 capacities [1] - 50:22 capacity [1] - 34:11 car [2] - 27:2, 57:14 care [2] - 42:7, 55:18 careful [4] - 61:7, 61:8, 61:24, 62:1 cars [3] - 37:15, 37:25, 39:20 Case [1] - 30:8 case [93] - 13:12, 13:14, 13:22, 15:1, 15:2, 15:3, 15:4, 15:15, 16:1, 16:22, 17:4, 17:8, 17:12, 18:13, 19:3, 19:23, 20:1, 20:6, 20:19, 21:3, 22:2, 22:10, 22:21, 23:17, 23:19, 25:6, 25:20, 25:21, 26:7, 26:10, 26:20, 27:21, 28:10, 30:12, 30:20, 31:3, 31:7, 31:12, 31:22, 35:17, 36:22, 36:24, 36:25,</p>	<p>calculated [1] - 32:3 calculations [1] - 32:3 calmed [1] - 44:21 CAMELS [1] - 9:10 campaign [2] - 12:23, 12:25 cannot [8] - 10:16, 14:9, 35:1, 35:2, 51:18, 52:14, 54:14, 57:5 Canon [6] - 8:21, 10:7, 59:11, 59:12, 59:14, 70:3 Canons [4] - 49:4, 49:19, 51:1, 70:8 Canyon [1] - 3:22 canyon [1] - 3:24 capacities [1] - 50:22 capacity [1] - 34:11 car [2] - 27:2, 57:14 care [2] - 42:7, 55:18 careful [4] - 61:7, 61:8, 61:24, 62:1 cars [3] - 37:15, 37:25, 39:20 Case [1] - 30:8 case [93] - 13:12, 13:14, 13:22, 15:1, 15:2, 15:3, 15:4, 15:15, 16:1, 16:22, 17:4, 17:8, 17:12, 18:13, 19:3, 19:23, 20:1, 20:6, 20:19, 21:3, 22:2, 22:10, 22:21, 23:17, 23:19, 25:6, 25:20, 25:21, 26:7, 26:10, 26:20, 27:21, 28:10, 30:12, 30:20, 31:3, 31:7, 31:12, 31:22, 35:17, 36:22, 36:24, 36:25,</p>	<p>calculated [1] - 32:3 calculations [1] - 32:3 calmed [1] - 44:21 CAMELS [1] - 9:10 campaign [2] - 12:23, 12:25 cannot [8] - 10:16, 14:9, 35:1, 35:2, 51:18, 52:14, 54:14, 57:5 Canon [6] - 8:21, 10:7, 59:11, 59:12, 59:14, 70:3 Canons [4] - 49:4, 49:19, 51:1, 70:8 Canyon [1] - 3:22 canyon [1] - 3:24 capacities [1] - 50:22 capacity [1] - 34:11 car [2] - 27:2, 57:14 care [2] - 42:7, 55:18 careful [4] - 61:7, 61:8, 61:24, 62:1 cars [3] - 37:15, 37:25, 39:20 Case [1] - 30:8 case [93] - 13:12, 13:14, 13:22, 15:1, 15:2, 15:3, 15:4, 15:15, 16:1, 16:22, 17:4, 17:8, 17:12, 18:13, 19:3, 19:23, 20:1, 20:6, 20:19, 21:3, 22:2, 22:10, 22:21, 23:17, 23:19, 25:6, 25:20, 25:21, 26:7, 26:10, 26:20, 27:21, 28:10, 30:12, 30:20, 31:3, 31:7, 31:12, 31:22, 35:17, 36:22, 36:24, 36:25,</p>	<p>calculated [1] - 32:3 calculations [1] - 32:3 calmed [1] - 44:21 CAMELS [1] - 9:10 campaign [2] - 12:23, 12:25 cannot [8] - 10:16, 14:9, 35:1, 35:2, 51:18, 52:14, 54:14, 57:5 Canon [6] - 8:21, 10:7, 59:11, 59:12, 59:14, 70:3 Canons [4] - 49:4, 49:19, 51:1, 70:8 Canyon [1] - 3:22 canyon [1] - 3:24 capacities [1] - 50:22 capacity [1] - 34:11 car [2] - 27:2, 57:14 care [2] - 42:7, 55:18 careful [4] - 61:7, 61:8, 61:24, 62:1 cars [3] - 37:15, 37:25, 39:20 Case [1] - 30:8 case [93] - 13:12, 13:14, 13:22, 15:1, 15:2, 15:3, 15:4, 15:15, 16:1, 16:22, 17:4, 17:8, 17:12, 18:13, 19:3, 19:23, 20:1, 20:6, 20:19, 21:3, 22:2, 22:10, 22:21, 23:17, 23:19, 25:6, 25:20, 25:21, 26:7, 26:10, 26:20, 27:21, 28:10, 30:12, 30:20, 31:3, 31:7, 31:12, 31:22, 35:17, 36:22, 36:24, 36:25,</p>	

<p>College [1] - 3:19 colonel [1] - 38:1 Comal [2] - 3:22, 4:1 comfortable [2] - 21:2, 31:7 coming [6] - 15:8, 28:21, 34:6, 52:10, 52:15, 54:20 comment [1] - 18:10 commented [1] - 18:22 comments [1] - 19:11 COMMISSION [1] - 1:13 Commission [7] - 2:18, 2:21, 5:12, 34:13, 44:22, 47:24, 75:9 Commissioners [1] - 5:22 committee [2] - 60:9, 68:2 committees [1] - 9:1 committing [1] - 74:10 common [1] - 42:10 communicate [1] - 57:6 community [1] - 56:5 compensation [1] - 68:2 competent [1] - 55:23 complaint [5] - 23:18, 23:25, 35:16, 40:9, 69:19 complaints [7] - 2:18, 5:17, 5:19, 13:18, 14:6, 43:5, 61:2 completed [1] - 70:17 completely [1] - 59:10 compliance [1] - 38:17 computer [4] - 36:19, 36:20, 54:2, 54:4 concern [2] - 25:9, 66:7 concerned [2] - 66:11, 66:12 concerning [4] - 2:19, 5:2, 5:5, 67:2 condition [2] - 26:13, 26:14 CONDUCT [1] - 1:13 Conduct [3] - 2:18, 49:5, 75:9 confined [1] - 14:14 confirmed [1] - 24:12 conflict [2] - 67:1, 69:10 conflicts [2] - 64:8, 74:8</p>	<p>consanguinity [1] - 59:17 conservator [1] - 16:1 consider [1] - 66:25 considerations [1] - 67:12 constant [1] - 22:6 constantly [4] - 24:9, 24:20, 25:1, 74:9 contact [1] - 60:6 contains [1] - 75:7 continual [1] - 66:13 continues [1] - 66:8 continuity [2] - 59:21, 59:22 control [3] - 10:9, 45:7, 59:9 controls [1] - 10:11 conversation [5] - 22:2, 44:16, 44:17, 44:23, 45:10 conversations [2] - 40:9, 44:19 converse [1] - 30:1 conviction [2] - 23:3, 72:9 copy [1] - 5:18 corner [1] - 55:19 corporal [1] - 12:18 Corporation [2] - 61:14, 70:25 Corps [2] - 38:1, 38:2 Correct [1] - 44:5 correct [19] - 5:21, 6:9, 6:10, 6:14, 7:18, 8:13, 11:4, 12:2, 12:17, 25:21, 29:6, 34:23, 35:23, 43:17, 43:23, 44:25, 49:2, 58:3, 75:7 council [3] - 35:20, 49:11, 50:23 counsel [7] - 4:20, 4:21, 13:12, 20:23, 41:10, 75:10 Counsel [2] - 5:12, 16:8 count [1] - 31:21 counties [3] - 7:4, 62:16, 69:1 Counties [2] - 2:20, 6:7 country [2] - 24:20, 33:10 counts [1] - 14:10 COUNTY [1] - 75:2 County [34] - 2:24, 3:16, 3:22, 4:1, 4:6, 4:10, 4:19, 6:22, 6:23, 7:3, 7:6, 11:23,</p>	<p>13:5, 13:9, 14:14, 15:7, 18:2, 18:5, 34:14, 50:12, 55:12, 55:13, 55:15, 58:23, 62:25, 63:1, 63:3, 64:17, 64:18, 69:7, 71:20, 74:7 county [13] - 25:18, 30:24, 31:9, 50:11, 53:16, 55:14, 64:9, 64:25, 69:1, 69:3, 69:8, 69:10, 70:18 County's [3] - 11:25, 34:17, 38:17 couple [4] - 37:9, 62:14, 63:24, 67:6 course [1] - 53:5 court [20] - 6:19, 6:21, 11:16, 12:14, 12:20, 15:24, 18:14, 32:20, 33:22, 37:19, 39:4, 45:23, 47:13, 49:15, 49:17, 56:23, 63:5, 64:1, 64:18, 67:8 Court [10] - 2:19, 3:15, 3:19, 4:7, 4:16, 6:7, 7:2, 7:3, 7:4, 71:20 court-appointed [2] - 33:22, 56:23 courthouse [3] - 22:6, 42:13, 51:13 courtroom [5] - 7:13, 25:8, 34:2, 42:11, 62:4 cousin [1] - 59:5 Coyle [7] - 20:25, 21:1, 32:6, 32:19, 33:2, 54:12, 54:14 CPA [1] - 61:13 CPS [7] - 13:20, 15:1, 62:25, 64:12, 64:19, 64:20, 64:21 cracked [2] - 17:21, 18:24 crazy [1] - 73:5 credible [1] - 31:22 credit [1] - 12:12 crime [3] - 18:17, 73:7, 74:10 criminal [14] - 6:20, 7:7, 7:15, 11:19, 12:1, 15:1, 15:3, 15:4, 27:24, 28:14, 29:9, 36:10, 59:1, 64:2 criminal-defense [1] - 12:1 criminal-type [1] - 6:20 criminals [1] - 58:17</p>	<p>CSR [1] - 75:21 current [1] - 21:9 cut [1] - 18:1</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.A [2] - 47:1, 71:22 D.A.'s [1] - 47:4 daddies [1] - 64:15 daddy [2] - 16:3, 64:14 daily [1] - 42:5 Dallas [7] - 4:4, 4:16, 4:19, 10:16, 34:21, 61:21, 61:22 Dan [2] - 55:16 danger [1] - 41:3 Danny [1] - 61:15 Darrell [2] - 45:13, 45:15 data [1] - 31:23 Date [1] - 75:21 dated [1] - 30:4 daughter [2] - 3:7, 73:16 daughter's [2] - 43:9, 43:10 daughters [1] - 3:1 David [21] - 2:24, 11:22, 13:2, 13:10, 20:3, 20:5, 22:3, 27:19, 28:1, 28:7, 30:9, 31:8, 31:19, 35:17, 35:19, 35:24, 36:2, 36:9, 40:1, 59:4, 59:7 David's [1] - 59:5 days [5] - 17:22, 18:23, 20:1, 26:13, 71:23 dead [2] - 36:2, 47:6 deal [7] - 22:20, 27:5, 28:23, 35:2, 56:20, 56:22, 58:1 dealing [1] - 30:16 deals [2] - 26:10, 44:14 dealt [1] - 13:19 decide [1] - 25:14 decided [2] - 25:7, 33:8 decision [1] - 30:2 Defenbaugh [1] - 61:15 defendant [2] - 24:5, 56:10 defendants [4] - 26:18, 27:6, 27:9 defense [3] - 12:1, 41:10, 62:5 defense-counsel [1] -</p>	<p>41:10 degree [3] - 7:21, 13:25, 59:17 delegated [1] - 53:21 deliver [1] - 27:11 demand [1] - 43:12 Demetrius [1] - 4:12 department [3] - 18:20, 25:11, 45:9 depositors [2] - 68:9, 68:15 derogatory [1] - 19:12 deserved [1] - 26:15 designate [1] - 16:2 determine [1] - 68:2 determined [1] - 14:22 determining [1] - 27:10 Development [2] - 61:14, 70:25 devote [1] - 63:4 Diane [2] - 32:8, 33:4 die [1] - 59:21 different [5] - 50:21, 50:24, 51:2, 55:11, 73:2 differently [1] - 45:20 digress [1] - 40:15 directly [1] - 61:20 director [7] - 8:6, 8:16, 10:5, 10:7, 58:13, 59:13, 59:20 directors [2] - 11:15, 58:16 directorship [1] - 58:9 disclose [1] - 2:25 discredit [1] - 46:7 discuss [3] - 5:17, 7:24, 10:14 discussed [3] - 26:11, 33:14, 46:7 discussing [1] - 22:20 discussion [1] - 46:13 dismiss [2] - 23:24, 25:6 dismissed [1] - 71:22 dispose [1] - 26:21 dispute [1] - 43:7 disqualify [1] - 37:20 District [5] - 2:19, 3:15, 6:6, 7:2, 39:15 district [11] - 12:21, 22:24, 23:4, 23:24, 31:9, 36:18, 38:20, 40:8, 46:16, 53:21, 53:23 dividends [1] - 9:9 docket [2] - 56:14, 58:22 documents [1] - 20:14</p>
---	--	---	---	--

<p>dodging [1] - 31:10 dog [7] - 43:8, 43:9, 43:10, 43:25, 44:1, 44:4, 71:4 dogs [1] - 28:22 dollar [1] - 70:7 dollars [2] - 9:7, 43:14 Dollins [1] - 40:18 dollins [1] - 40:19 Don [1] - 30:11 Donald [1] - 13:19 done [8] - 24:15, 33:21, 33:25, 34:18, 43:17, 43:18, 45:20, 71:13 doors [1] - 42:3 dormitory [1] - 3:1 doubt [2] - 16:24, 44:10 Doug [1] - 4:15 down [35] - 6:21, 6:25, 7:1, 10:6, 10:13, 11:7, 15:15, 17:24, 18:5, 19:10, 28:11, 28:22, 32:24, 33:22, 34:1, 34:8, 34:9, 34:11, 34:15, 37:3, 40:16, 44:21, 47:10, 47:12, 47:20, 51:14, 56:21, 62:6, 69:10, 71:21, 72:9, 72:10, 72:13 draft [1] - 46:20 drafted [1] - 44:7 drake [4] - 22:17, 26:12, 26:23, 27:7 draw [1] - 47:8 drinking [1] - 23:4 driving [2] - 57:14, 71:25 drop [1] - 43:20 drug [6] - 24:9, 25:17, 36:24, 36:25, 37:19 drug-tested [1] - 25:17 drugs [3] - 24:21, 25:1, 43:3 drunk [5] - 17:21, 18:7, 19:14, 19:17, 44:2 due [2] - 48:23, 48:25 dug [2] - 71:10, 71:12 during [4] - 33:13, 60:8, 69:3, 69:4 duty [1] - 71:24</p>	<p>earn [1] - 65:2 earnings [1] - 9:11 earplugs [1] - 51:16 eat [2] - 40:17, 42:20 Economic [2] - 61:14, 70:25 Ed [1] - 3:18 Edwards [1] - 30:10 Edzards [1] - 59:4 effect [1] - 19:18 efficiently [1] - 31:14 eight [2] - 39:6, 57:25 eighth [1] - 9:10 either [3] - 15:8, 28:12, 69:3 EI [1] - 4:7 electd [1] - 12:24 election [1] - 31:14 Electric [2] - 18:2, 18:5 employed [1] - 75:11 employees [2] - 11:15, 67:3 end [1] - 41:20 ended [4] - 17:7, 19:2, 27:15, 43:4 ends [1] - 47:9 enforcement [7] - 18:13, 18:15, 46:20, 46:23, 47:6, 47:12, 47:20 enlisted [1] - 69:2 environment [1] - 48:23 equalize [1] - 54:4 Eric [1] - 2:19 errands [1] - 37:4 error [1] - 27:13 Erskine [5] - 17:12, 17:14, 18:8, 19:13, 46:11 ERTZ [2] - 4:3, 60:21 Ertz [1] - 4:3 escalate [2] - 45:16, 46:3 essentially [1] - 13:3 estate [2] - 62:23 et [1] - 57:3 Europe [1] - 33:12 eventually [1] - 14:14 evidence [2] - 47:9, 54:6 ex [2] - 22:2, 59:6 ex-parte [1] - 22:2 ex-wife [1] - 59:6 exactly [3] - 28:4, 46:21, 68:16 EXAMINATION [9] - 5:13, 48:5, 50:5,</p>	<p>60:24, 62:12, 65:12, 68:23, 70:1, 70:14 except [1] - 59:21 executive [2] - 65:23, 65:24 exhibit [1] - 27:18 exists [1] - 67:14 expect [1] - 61:18 expenses [1] - 43:16 experience [2] - 7:14, 66:9 expert [1] - 31:17 Expiration [1] - 75:21 explained [1] - 67:13 expound [2] - 48:22, 49:7 express [1] - 25:9 expressed [1] - 56:19 extent [1] - 60:7 extra [1] - 33:8 extremely [1] - 56:21</p>	<p>12:4, 12:5, 13:25, 30:22, 52:6, 52:7, 56:16 felt [1] - 39:1 few [4] - 17:22, 18:23, 50:7, 64:8 Fiasco [1] - 75:5 FIASCO [1] - 75:20 Fifth [1] - 4:16 figure [1] - 72:7 file [3] - 20:8, 20:14, 30:8 filed [13] - 5:18, 13:18, 16:24, 17:4, 18:14, 23:19, 25:3, 25:21, 26:1, 41:13, 41:14, 42:22, 59:6 final [1] - 39:17 financial [2] - 37:14, 70:6 financially [1] - 75:13 Fine [1] - 44:4 fine [2] - 16:10, 26:5 firewood [2] - 18:1, 18:4 firing [1] - 17:1 First [1] - 47:1 first [10] - 6:4, 7:23, 10:12, 28:9, 41:20, 44:17, 48:10, 48:16, 65:22, 65:24 five [9] - 11:10, 15:20, 47:4, 63:14, 63:15, 63:16, 66:21, 71:21, 74:10 fixing [1] - 44:20 flood [1] - 33:7 flopping [1] - 72:7 Flowers [6] - 37:5, 37:6, 39:18, 39:22, 39:23, 42:15 Flowers' [1] - 42:17 flunking [5] - 24:9, 24:11, 24:12, 24:25, 25:17 flying [1] - 53:7 follow [8] - 36:13, 48:19, 48:20, 49:4, 53:19, 54:8, 58:4, 68:22 follow-up [3] - 48:19, 48:20, 68:22 followed [1] - 56:25 following [2] - 14:8, 48:25 fool [1] - 18:9 foot [1] - 62:6 foregoing [1] - 75:6 forfeit [1] - 67:20 form [4] - 21:2, 35:3,</p>	<p>47:6, 50:18 former [5] - 35:20, 40:25, 59:6, 69:13, 69:15 Forrest [1] - 44:15 forth [5] - 8:21, 14:6, 17:11, 26:10, 40:7 forward [1] - 43:6 founders [1] - 6:16 four [7] - 11:1, 17:1, 50:20, 62:23, 64:14, 71:22, 74:10 frames [1] - 16:14 frankly [1] - 54:24 Friday [6] - 2:16, 15:5, 15:6, 39:6, 57:24, 64:11 friend [3] - 35:20, 35:24, 39:21 friends [1] - 37:24 front [1] - 18:8 full [1] - 33:23 future [2] - 61:24, 72:20</p>
<p style="text-align: center;">E</p> <p>e-mail [4] - 30:4, 30:6, 30:15, 33:19</p>		F		G
		<p>fabricated [1] - 16:22 fact [8] - 8:19, 9:4, 12:19, 19:22, 25:10, 33:14, 37:15, 50:21 failing [1] - 49:4 fair [1] - 9:13 falling [1] - 15:9 familiar [1] - 69:18 familiarity [1] - 48:24 families [1] - 11:2 family [13] - 6:20, 6:25, 7:10, 10:24, 11:18, 40:24, 58:18, 58:20, 59:2, 59:4, 59:5, 67:1 family's [1] - 10:8 family-law [3] - 6:25, 7:10, 59:5 Fannin [2] - 13:5, 13:8 FANNIN [1] - 75:2 far [1] - 33:3 fashion [3] - 35:3, 47:6, 50:18 father [4] - 15:17, 35:24, 36:1, 36:2 favor [1] - 30:25 favorable [1] - 65:2 favoritism [1] - 27:19 FBI [3] - 61:11, 61:15, 70:18 far [1] - 25:19 February [1] - 8:2 federal [1] - 61:10 fees [1] - 65:5 felonies [1] - 12:2 felony [9] - 6:22, 6:23,</p>	<p>generations [1] - 50:20 genuine [1] - 28:2 Gibo [7] - 16:25, 21:1, 21:4, 31:5, 31:21, 33:2, 56:14 girl [1] - 73:18 girlfriend [3] - 15:16, 40:23, 40:25 gist [1] - 15:24 given [1] - 64:7 graduated [2] - 7:19, 7:20 grandfather [1] - 39:20 grandkids [1] - 50:19 grandmother [3] - 28:2, 29:4, 29:5 great [1] - 2:7 grievance [1] - 16:24 grown [1] - 50:10 guess [6] - 29:16,</p>	

<p>35:14, 63:12, 66:7, 69:12, 73:15 guests [1] - 5:1 guilty [3] - 14:19, 14:22, 24:5 gun [1] - 18:11 guy [10] - 14:9, 18:4, 18:6, 42:4, 43:19, 57:5, 57:6, 59:8, 61:15 guys [1] - 33:22</p>	<p>Hays [1] - 2:24 head [4] - 17:22, 61:14, 61:15, 70:24 headboard [5] - 18:22, 18:25, 19:9, 19:25, 46:10 hear [5] - 26:25, 52:11, 52:15, 53:12, 69:11 heard [5] - 18:15, 19:9, 26:19, 27:4, 27:9 HEARING [1] - 1:12 hearing [11] - 13:19, 13:20, 14:7, 23:24, 46:2, 48:11, 51:15, 53:5, 72:19, 75:8, 75:12 heart [1] - 33:4 heavily [1] - 43:4 help [4] - 39:22, 46:20, 55:17, 55:22 helping [2] - 46:22, 47:20 helps [2] - 27:23, 47:12 hereby [1] - 75:6 herself [1] - 41:15 high [4] - 13:10, 24:20, 25:19, 73:5 higher [1] - 31:4 hill [1] - 50:2 Hilton [1] - 37:13 himself [1] - 32:18 hire [1] - 10:16 hired [2] - 15:20, 61:15 hold [2] - 33:24, 69:10 holes [5] - 18:22, 18:24, 19:9, 19:25, 46:10 honestly [3] - 37:21, 47:21, 67:15 hope [1] - 72:22 hoping [1] - 12:24 Hopkins [1] - 7:6 hospital [1] - 34:21 hotel [1] - 37:13 hours [1] - 8:25 house [3] - 17:25, 18:9, 27:1 houses [1] - 40:24 Houston [1] - 4:13 hurt [1] - 71:5 husband [5] - 17:15, 17:18, 17:20, 17:21, 18:1</p>	<p style="text-align: center;">I</p> <p>idea [3] - 12:10, 12:13, 39:9 imagine [2] - 44:10, 65:1 immediately [1] - 59:9 important [1] - 66:11 inappropriate [2] - 51:8, 57:20 inappropriateness [1] - 53:3 inception [1] - 67:5 inch [1] - 74:15 includes [1] - 10:25 income [1] - 31:3 increase [2] - 9:13, 9:14 indecenty [2] - 14:1, 14:3 Indecent [1] - 14:2 indicated [4] - 36:9, 37:4, 46:19, 47:11 indication [1] - 24:16 indicted [2] - 30:8, 71:5 indicting [3] - 23:7, 32:23, 55:21 indictment [1] - 19:23 indictments [2] - 61:12, 61:23 indigency [1] - 20:15 indigent [4] - 12:1, 20:8, 31:3, 41:10 individual [1] - 66:8 indulge [1] - 48:10 ineffective [1] - 20:23 influences [1] - 9:19 information [1] - 12:11 inmates [1] - 39:6 input [2] - 14:16, 39:16 inquire [1] - 53:12 instantly [2] - 52:17, 53:7 instead [1] - 45:24 instructed [1] - 47:12 instructions [2] - 5:2, 5:5 instrumental [1] - 17:1 interest [4] - 9:6, 10:22, 10:24, 67:20 interested [1] - 75:13 interrupt [2] - 16:5, 24:16 intoxicated [1] - 17:16 introduce [1] - 2:21</p>	<p>investigation [4] - 22:13, 61:11, 70:18 investigator [1] - 18:19 investigators [1] - 22:13 investment [4] - 9:2, 10:8, 10:9, 70:7 invitation [1] - 4:23 invited [1] - 41:24 involved [7] - 9:1, 26:6, 58:13, 60:9, 64:22, 73:3 involvement [1] - 16:22 issue [2] - 8:13, 63:9 issues [1] - 16:8 items [1] - 2:14</p>	<p>16:14, 16:16, 16:17, 16:19, 16:20, 21:16, 21:19, 21:24, 23:8, 23:10, 23:11, 23:12, 23:13, 23:14, 23:15, 38:5, 38:7, 38:8, 38:10, 38:11, 38:13, 38:14, 38:15, 47:24, 48:1, 48:2, 48:4, 49:18, 49:20, 49:22, 49:24, 50:1, 50:4, 50:6, 60:14, 60:15, 60:17, 60:18, 60:20, 60:22, 60:23, 60:25, 62:9, 62:11, 65:11, 68:22, 70:15, 71:13, 71:16, 72:1, 72:3, 72:4, 72:6, 72:15, 72:16, 72:17, 72:21, 72:24, 73:1, 73:8, 73:10, 73:13, 73:15, 73:19, 73:23, 74:2, 74:3, 74:11, 74:12</p>
<p style="text-align: center;">H</p> <p>hair [1] - 39:25 half [6] - 16:4, 31:19, 57:4, 61:10, 63:2, 67:4 hall [1] - 62:6 halls [1] - 51:14 hand [1] - 5:8 HAND [1] - 75:16 handle [13] - 6:19, 6:22, 15:1, 15:5, 15:9, 39:2, 54:10, 54:14, 57:5, 62:24, 62:25, 63:2, 64:19 handled [3] - 7:5, 21:4 handles [11] - 6:21, 7:4, 7:6, 31:14, 58:21, 63:1, 63:4, 64:3, 64:4, 64:20 handling [3] - 31:5, 31:7, 57:23 hangar [5] - 37:7, 41:24, 42:3, 42:5, 57:13 hard [3] - 46:15, 48:11, 58:12 Harris [23] - 7:3, 15:8, 15:23, 34:16, 34:22, 35:11, 35:14, 39:5, 46:24, 46:25, 47:9, 47:11, 47:19, 57:23, 57:24, 63:1, 63:3, 63:5, 64:11, 64:15, 64:20, 71:20, 71:21 Harris's [2] - 55:7, 73:11 Haslam [9] - 13:19, 21:7, 28:13, 29:8, 30:11, 32:15, 34:20, 54:23, 73:11 haslam [12] - 14:7, 14:15, 14:18, 26:10, 27:20, 27:23, 28:20, 29:1, 30:3, 32:8, 33:14, 43:5 Hasman [1] - 54:22 hate [1] - 16:5</p>	<p style="text-align: center;">J</p> <p>jail [11] - 14:14, 14:23, 20:1, 26:13, 33:23, 34:1, 34:7, 34:10, 34:11, 34:14, 63:7 Jail [1] - 34:13 jail's [1] - 33:23 James [1] - 64:3 January [3] - 29:9, 29:13, 30:5 Jeff [5] - 28:9, 31:7, 63:24, 63:25 Jennifer [1] - 16:25 Jerry [1] - 32:6 Jessica [5] - 3:8, 3:9, 40:2, 40:14, 73:17 job [2] - 31:22, 39:22 Joel [1] - 4:9 John [2] - 74:13 Johnny's [1] - 11:13 JOHNSON [4] - 3:21, 3:24, 4:1, 60:19 Johnson [2] - 3:21, 60:18 joint [1] - 16:1 Jordan [2] - 24:22, 24:24 JUDGE [114] - 2:1, 2:3, 2:5, 2:6, 2:7, 2:8, 2:9, 2:11, 2:13, 3:3, 3:5, 3:7, 3:9, 3:12, 3:14, 3:17, 3:18, 3:20, 3:23, 3:25, 4:2, 4:5, 4:6, 4:8, 4:9, 4:11, 4:14, 4:17, 4:18, 4:21, 4:22, 4:24, 4:25, 5:4, 5:5, 5:6, 5:7, 5:9, 5:11, 16:5, 16:7, 16:8, 16:10, 16:12, 16:13,</p>	<p style="text-align: center;">J</p> <p>judge [35] - 4:15, 4:18, 5:1, 13:16, 13:17, 15:21, 16:5, 30:8, 34:10, 34:22, 46:19, 46:22, 50:7, 51:4, 51:10, 52:1, 52:14, 53:4, 59:12, 59:15, 60:2, 61:1, 62:2, 62:14, 63:6, 65:14, 68:6, 69:2, 69:3, 69:7, 69:11, 69:16, 69:24, 70:16, 71:13 Judge [51] - 2:5, 2:19, 2:22, 2:23, 3:14, 3:15, 3:18, 3:19, 4:7, 4:9, 4:10, 4:12, 4:19, 5:15, 6:6, 6:23, 7:2, 7:3, 7:8, 15:7, 15:23, 25:25, 26:3, 34:16, 39:11, 40:11, 47:11, 47:19, 47:24, 48:7, 49:18, 52:7, 53:1, 55:7, 57:5, 58:21, 60:14, 60:23, 62:9, 63:3, 63:9, 64:11, 65:9, 68:25, 69:6, 71:7, 71:20, 72:1, 72:20, 73:13, 74:2 Judge's [1] - 65:15 judges [8] - 35:5, 35:9, 39:16, 52:5, 53:19, 68:25, 69:10, 69:18 judgment [1] - 27:13 judicial [5] - 8:7, 8:11, 8:20, 43:6, 50:24 JUDICIAL [1] - 1:13</p>		

<p>Judicial [6] - 2:18, 2:19, 6:6, 39:15, 49:5, 75:9</p> <p>judiciary [1] - 46:8</p> <p>juggle [1] - 34:9</p> <p>Julie [1] - 13:19</p> <p>July [1] - 31:24</p> <p>jump [1] - 35:16</p> <p>June [1] - 13:20</p> <p>jury [2] - 58:22</p> <p>JUSTICE [2] - 4:15, 65:13</p> <p>Justice [2] - 4:18, 65:11</p> <p>juvenile [1] - 45:9</p>	<p>large [2] - 42:2, 64:1</p> <p>Larry [2] - 24:22, 24:24</p> <p>last [12] - 9:3, 10:13, 10:20, 15:20, 30:24, 38:3, 40:23, 64:11, 67:13, 71:21, 71:23, 74:15</p> <p>Laurie [1] - 22:16</p> <p>law [24] - 6:25, 7:10, 7:17, 13:8, 18:13, 18:15, 38:1, 46:20, 46:23, 47:5, 47:12, 47:20, 49:9, 49:10, 58:18, 58:20, 59:5, 61:13, 67:1, 69:15, 70:21, 70:24, 71:8</p> <p>Law [4] - 4:7, 7:3, 7:21, 71:20</p> <p>lawyers [1] - 22:5</p> <p>laying [1] - 47:7</p> <p>learned [1] - 72:12</p> <p>led [1] - 67:9</p> <p>left [3] - 2:22, 14:8, 74:16</p> <p>leg [1] - 74:16</p> <p>legal [1] - 67:24</p> <p>LeMoine [5] - 5:12, 16:21, 22:1, 23:16, 38:16</p> <p>LEMOINE [3] - 5:14, 21:23, 47:23</p> <p>lesson [1] - 72:13</p> <p>letter [3] - 43:12, 43:13, 70:19</p> <p>letterhead [2] - 43:7, 43:22</p> <p>letters [2] - 43:22, 44:7</p> <p>license [2] - 37:2, 71:25</p> <p>licensed [1] - 7:17</p> <p>Life [1] - 74:14</p> <p>life [4] - 25:19, 36:1, 41:3, 71:19</p> <p>likelihood [2] - 52:9, 52:10</p> <p>likely [3] - 45:14, 52:4, 68:10</p> <p>limited [1] - 74:6</p> <p>line [3] - 12:12, 17:25, 68:1</p> <p>list [8] - 8:22, 21:7, 32:14, 32:15, 33:15, 34:19, 34:20, 35:5</p> <p>listed [6] - 8:5, 8:15, 8:20, 10:5, 68:5</p> <p>listen [1] - 51:25</p> <p>listening [2] - 14:20, 51:22</p>	<p>litem [1] - 64:13</p> <p>litigant [1] - 10:2</p> <p>litigants [1] - 9:20</p> <p>litigation [2] - 11:16, 11:18</p> <p>little-bitty [1] - 43:25</p> <p>live [1] - 37:7</p> <p>lived [4] - 38:3, 49:8, 49:16, 57:13</p> <p>living [2] - 73:24, 74:13</p> <p>loan [4] - 9:1, 10:3, 60:9, 68:18</p> <p>local [3] - 9:19, 19:5, 21:11</p> <p>Lockhart [1] - 6:23</p> <p>logged [1] - 36:19</p> <p>long-term [1] - 48:24</p> <p>look [11] - 25:15, 32:23, 33:21, 34:14, 49:14, 54:7, 59:22, 60:10, 65:1, 67:25, 68:1</p> <p>Look [3] - 14:17, 27:8, 55:20</p> <p>looked [7] - 39:5, 40:22, 40:25, 43:19, 64:7, 64:9, 73:11</p> <p>looking [7] - 9:2, 10:8, 27:3, 63:9, 64:24, 64:25, 70:7</p> <p>looks [1] - 34:16</p> <p>loose [1] - 44:1</p> <p>losing [2] - 65:22, 72:8</p> <p>losses [2] - 10:19, 10:20</p> <p>lost [4] - 71:23, 71:24, 71:25, 72:12</p> <p>low [1] - 55:16</p> <p>lunch [1] - 40:17</p>	<p>41:7, 56:20, 57:13, 71:4</p> <p>management [5] - 10:12, 10:15, 33:19, 60:10, 68:1</p> <p>manager [1] - 59:13</p> <p>managing [1] - 16:1</p> <p>Marine [2] - 38:1, 38:2</p> <p>married [2] - 13:11, 59:6</p> <p>Mary [1] - 3:8</p> <p>Mary's [2] - 7:19, 7:20</p> <p>Master's [1] - 7:21</p> <p>matter [11] - 5:12, 7:23, 11:18, 11:19, 27:24, 27:25, 28:14, 28:15, 29:9, 36:10, 46:14</p> <p>matters [1] - 6:20</p> <p>Mattoon [1] - 43:12</p> <p>mayor [3] - 6:13, 49:11, 50:22</p> <p>McDowell [1] - 69:15</p> <p>mean [14] - 30:1, 50:2, 51:14, 51:25, 52:12, 58:4, 58:19, 58:24, 64:3, 64:25, 66:3, 67:10, 72:8, 74:6</p> <p>mechanic [1] - 36:3</p> <p>Meehan [1] - 55:16</p> <p>meet [1] - 73:18</p> <p>meeting [8] - 10:14, 19:6, 19:14, 19:21, 21:12, 21:25, 45:17, 74:17</p> <p>meetings [3] - 8:25, 60:7, 67:7</p> <p>Member [4] - 2:24, 3:22, 4:4, 4:13</p> <p>member [4] - 10:2, 67:22, 68:4, 70:4</p> <p>members [4] - 2:20, 9:20, 9:23, 12:8</p> <p>Members [1] - 47:24</p> <p>mental [1] - 54:25</p> <p>mention [1] - 19:7</p> <p>mentioned [1] - 46:10</p> <p>mentoring [1] - 69:2</p> <p>merits [1] - 22:10</p> <p>met [4] - 2:25, 54:17, 54:19, 59:8</p> <p>meth [1] - 64:23</p> <p>methamphetamine [1] - 64:22</p> <p>mic [1] - 48:12</p> <p>might [5] - 19:24, 31:10, 31:11, 59:1, 66:7</p> <p>Mike [2] - 33:5, 33:11</p> <p>Mike's [1] - 63:17</p>	<p>Miller [1] - 69:6</p> <p>million [2] - 9:8, 71:1</p> <p>mind [2] - 28:20, 48:22</p> <p>minimize [1] - 60:6</p> <p>minute [1] - 16:11</p> <p>minutes [1] - 66:22</p> <p>misdeemeanor [11] - 12:3, 12:6, 27:24, 28:15, 30:10, 30:17, 32:14, 32:15, 56:9, 56:15, 71:21</p> <p>misdeemeanors [1] - 12:2</p> <p>miss [1] - 36:20</p> <p>Mitchell [3] - 40:3, 40:9, 40:14</p> <p>Mitzi [7] - 27:21, 27:24, 29:3, 29:6, 30:10, 56:17</p> <p>Mitzi's [1] - 28:1</p> <p>moment [3] - 20:23, 40:16, 51:12</p> <p>momma [1] - 64:14</p> <p>money [5] - 9:16, 22:13, 33:8, 60:8, 65:2</p> <p>month [10] - 8:25, 32:23, 33:11, 34:5, 34:7, 55:21, 60:8, 63:5, 63:18, 64:20</p> <p>monthly [2] - 25:17, 25:18</p> <p>months [1] - 34:22</p> <p>morning [17] - 2:5, 2:6, 2:16, 2:23, 3:14, 3:18, 4:3, 4:9, 4:12, 10:14, 15:5, 15:6, 22:16, 39:6, 57:24, 63:4, 72:19</p> <p>Morning [1] - 61:21</p> <p>Mosher [4] - 33:6, 33:9, 34:5</p> <p>most [7] - 9:10, 18:21, 56:15, 58:16, 58:21, 65:6</p> <p>mostly [1] - 6:19</p> <p>mother [2] - 16:1, 28:21</p> <p>motion [10] - 17:3, 23:18, 25:2, 25:21, 25:25, 40:4, 42:22, 58:5, 59:4, 59:6</p> <p>motioned [1] - 23:24</p> <p>mouth [1] - 17:23</p> <p>move [3] - 17:10, 17:11, 23:16</p> <p>moving [1] - 3:1</p> <p>MR [16] - 2:23, 3:4, 3:6, 3:8, 3:10, 3:13,</p>
K				
<p>karate [1] - 15:25</p> <p>Kathy [2] - 43:19</p> <p>keep [5] - 17:22, 51:15, 68:14, 68:17, 69:9</p> <p>Keith [4] - 37:5, 37:6, 39:18, 40:17</p> <p>kid [2] - 15:25, 16:4</p> <p>kids [6] - 11:10, 14:20, 46:3, 50:19, 64:13, 73:24</p> <p>kill [2] - 18:3, 18:6</p> <p>killed [4] - 10:18, 18:12, 19:19, 41:16</p> <p>kind [3] - 19:10, 46:12, 53:20</p> <p>Kiwanis [3] - 19:6, 21:12, 51:6</p> <p>knowing [2] - 50:1, 51:7</p> <p>knowledge [4] - 9:4, 42:11, 66:1, 66:9</p> <p>known [7] - 11:22, 13:2, 25:16, 35:25, 36:1, 39:19, 50:18</p> <p>KURITA [2] - 4:6, 60:25</p> <p>Kurita [1] - 4:6</p>				
L				
<p>laid [1] - 2:12</p> <p>Lake [2] - 3:22, 3:24</p> <p>Lamar [17] - 2:20, 6:7, 6:17, 6:22, 8:3, 9:21, 11:23, 14:14, 15:7, 18:2, 18:5, 55:14, 58:9, 58:22, 62:25, 63:3</p> <p>Lane [1] - 75:22</p> <p>LANG [2] - 4:15, 65:13</p> <p>Lang [2] - 4:15, 65:11</p>				
		M		
		<p>ma'am [5] - 21:20, 50:17, 50:25, 51:3, 53:10</p> <p>Ma'am [1] - 41:1</p> <p>mad [2] - 25:15</p> <p>Maggard [4] - 13:25, 14:8, 14:13, 14:16</p> <p>Maggard's [1] - 13:21</p> <p>mail [4] - 30:4, 30:6, 30:15, 33:19</p> <p>mailed [1] - 44:9</p> <p>main [1] - 71:3</p> <p>major [4] - 21:3, 51:16, 54:10, 54:14</p> <p>man [9] - 14:18, 17:25, 27:10, 31:17, 41:1,</p>		

<p>4:12, 5:14, 21:23, 47:23, 48:6, 49:25, 50:3, 62:13, 73:17, 73:21</p> <p>MS [6] - 3:21, 3:24, 4:1, 4:3, 60:19, 60:21</p> <p>multimillion [1] - 70:7</p> <p>multimillion-dollar [1] - 70:7</p> <p>multitudes [1] - 27:1</p> <p>Municipal [1] - 3:19</p> <p>murder [11] - 20:19, 31:5, 31:7, 31:12, 31:22, 32:12, 36:22, 47:3, 51:11, 52:25, 54:20</p> <p>murders [1] - 52:24</p> <p>MY [1] - 75:16</p>	<p>next [5] - 10:17, 29:12, 38:22, 38:24, 51:13</p> <p>nice [2] - 73:21, 74:17</p> <p>niece [2] - 63:24, 64:2</p> <p>nieces [1] - 45:25</p> <p>night [3] - 10:13, 44:2, 47:5</p> <p>nine [6] - 2:18, 5:17, 16:6, 49:11, 57:25, 73:6</p> <p>none [1] - 9:22</p> <p>normally [1] - 28:13</p> <p>notated [1] - 33:15</p> <p>notation [1] - 56:13</p> <p>note [2] - 4:25, 43:21</p> <p>noted [2] - 22:19, 36:8</p> <p>nothing [7] - 13:1, 24:15, 37:21, 39:8, 53:6, 62:23, 64:3</p> <p>notified [4] - 24:17, 25:5, 33:10, 34:4</p> <p>notifying [1] - 57:1</p> <p>November [1] - 5:23</p> <p>number [8] - 9:10, 13:8, 40:10, 54:4, 73:5, 73:6, 74:6</p> <p>number-one [1] - 9:10</p> <p>numbers [2] - 31:1, 32:2</p> <p>NUMBERS [1] - 1:14</p>	<p>49:16, 59:5, 61:10, 64:23, 73:20</p> <p>ON [1] - 1:13</p> <p>once [4] - 8:25, 36:5, 42:18, 59:25</p> <p>one [55] - 6:13, 6:16, 9:4, 9:10, 9:18, 11:24, 12:5, 12:16, 13:18, 13:24, 14:6, 19:12, 22:1, 24:17, 24:19, 26:9, 27:19, 29:15, 30:4, 30:12, 30:23, 33:14, 34:1, 34:11, 35:25, 36:8, 37:5, 38:3, 39:5, 40:10, 41:23, 42:6, 42:11, 43:5, 44:7, 44:14, 46:14, 47:4, 47:21, 48:10, 49:10, 49:13, 52:24, 55:13, 55:22, 61:9, 63:4, 63:16, 63:23, 64:17, 64:23, 71:18, 71:23, 72:10, 74:9</p> <p>one-day [1] - 29:15</p> <p>ones [2] - 21:2, 71:19</p> <p>open [1] - 42:3</p> <p>opinion [1] - 9:18</p> <p>opponent [1] - 31:13</p> <p>opportunity [2] - 65:2, 72:22</p> <p>option [1] - 64:25</p> <p>order [4] - 29:8, 30:15, 34:18, 66:19</p> <p>organizer [2] - 9:3, 59:20</p> <p>Orlinda [1] - 3:15</p> <p>otherwise [1] - 75:13</p> <p>ought [1] - 14:20</p> <p>outcome [3] - 20:1, 31:15, 75:13</p> <p>outside [3] - 33:10, 64:9, 64:25</p> <p>Ovard [2] - 25:25, 26:3</p> <p>overcrowded [1] - 34:14</p> <p>overheard [1] - 51:7</p> <p>oversee [1] - 39:15</p> <p>own [3] - 11:2, 67:18, 69:1</p> <p>owned [2] - 59:13, 59:14</p> <p>owners [1] - 59:15</p> <p>ownership [4] - 10:22, 10:23, 58:12, 58:14</p>	<p>paper [2] - 31:11, 52:16</p> <p>parents [1] - 46:4</p> <p>parents' [1] - 10:25</p> <p>Paris [12] - 6:13, 35:13, 39:19, 48:23, 49:8, 50:8, 50:10, 52:24, 61:10, 61:14, 70:25, 73:14</p> <p>part [4] - 24:20, 27:4, 42:14, 43:2</p> <p>part-time [1] - 42:14</p> <p>parte [1] - 22:2</p> <p>particular [1] - 57:20</p> <p>parties [2] - 49:13, 75:11</p> <p>partner [1] - 69:15</p> <p>parts [2] - 48:8, 48:16</p> <p>Paso [1] - 4:7</p> <p>Patti [1] - 3:21</p> <p>pay [6] - 43:19, 43:21, 44:3, 44:13, 65:4, 68:2</p> <p>paying [1] - 37:11</p> <p>Peace [1] - 4:18</p> <p>pending [4] - 5:17, 30:11, 39:4, 41:2</p> <p>people [32] - 10:21, 18:6, 18:21, 19:19, 25:19, 27:1, 27:5, 31:6, 32:20, 32:21, 32:23, 32:25, 33:1, 34:7, 34:11, 35:25, 39:6, 42:5, 48:24, 50:18, 51:14, 51:18, 52:18, 52:23, 55:20, 55:21, 57:25, 61:12, 63:12, 66:2, 68:9, 73:6</p> <p>percent [14] - 6:21, 6:22, 7:1, 7:2, 7:10, 10:10, 10:11, 10:25, 62:25, 63:1, 63:2, 63:4, 67:18</p> <p>perception [2] - 61:20, 66:12</p> <p>period [5] - 29:15, 31:23, 33:2, 33:13, 55:13</p> <p>permission [1] - 35:12</p> <p>person [1] - 74:9</p> <p>personal [1] - 8:22</p> <p>personnel [1] - 9:1</p> <p>petition [1] - 20:15</p> <p>petitioner's [1] - 16:25</p> <p>phone [6] - 24:17, 29:15, 45:14, 45:19, 47:5, 55:19</p> <p>pick [2] - 33:8, 40:16</p> <p>picked [3] - 14:25,</p>	<p>37:3, 45:14</p> <p>picture [1] - 8:6</p> <p>place [6] - 16:2, 22:7, 29:15, 37:12, 62:3, 62:4</p> <p>placed [2] - 14:17, 14:20</p> <p>placement [3] - 13:20, 13:21, 14:7</p> <p>places [1] - 68:5</p> <p>plan [4] - 34:17, 38:18, 53:17, 53:19</p> <p>planning [1] - 62:23</p> <p>plea [12] - 15:4, 22:20, 31:20, 37:22, 39:7, 39:8, 57:22, 58:1, 72:9</p> <p>plea-bargain [2] - 37:22, 58:1</p> <p>plead [3] - 31:18, 39:7, 57:24</p> <p>pleas [2] - 15:8, 26:17</p> <p>pleasure [1] - 73:18</p> <p>pled [2] - 20:1, 71:22</p> <p>point [13] - 6:13, 11:6, 12:16, 14:19, 21:4, 21:5, 33:14, 35:2, 37:5, 45:3, 52:12, 56:24, 58:25</p> <p>pointed [2] - 27:20, 30:11</p> <p>police [2] - 44:14, 73:2</p> <p>Pollard [1] - 22:16</p> <p>population [5] - 34:15, 50:9, 50:10, 50:11, 62:16</p> <p>porch [1] - 18:8</p> <p>position [2] - 9:19, 50:24</p> <p>positions [1] - 50:24</p> <p>positive [1] - 64:23</p> <p>possibility [1] - 64:7</p> <p>possible [3] - 22:20, 48:22, 70:17</p> <p>potential [1] - 64:24</p> <p>poverty [1] - 73:25</p> <p>power [2] - 17:25, 18:4</p> <p>practice [6] - 7:17, 9:24, 13:6, 33:10, 64:1, 64:2</p> <p>practiced [4] - 13:5, 13:8, 49:9, 49:10</p> <p>practicing [1] - 49:9</p> <p>predicate [1] - 2:14</p> <p>predominantly [1] - 7:4</p> <p>present [1] - 5:1</p> <p>presented [2] - 30:23, 68:18</p>
N				
<p>naked [1] - 18:7</p> <p>name [6] - 2:17, 3:14, 3:18, 8:6, 10:1, 40:22</p> <p>name's [1] - 2:23</p> <p>named [2] - 37:25, 61:15</p> <p>NARANJO [2] - 3:14, 50:6</p> <p>Naranjo [1] - 3:15</p> <p>National [4] - 6:17, 8:3, 9:21, 58:9</p> <p>near [1] - 72:20</p> <p>nearly [1] - 73:25</p> <p>neat [1] - 11:10</p> <p>necessarily [3] - 28:16, 28:18, 68:11</p> <p>need [9] - 2:10, 2:13, 18:4, 19:19, 22:12, 38:12, 44:12</p> <p>needed [1] - 33:8</p> <p>needs [6] - 16:9, 24:25, 26:12, 34:18, 35:6, 43:21</p> <p>Neeley [11] - 35:17, 35:19, 37:23, 37:24, 38:2, 39:3, 39:22, 39:23, 40:1, 57:8, 57:11</p> <p>negligible [2] - 10:18, 10:19</p> <p>negotiation [1] - 39:9</p> <p>nephews [1] - 45:25</p> <p>never [8] - 14:24, 15:7, 18:17, 19:23, 33:5, 42:10, 59:8, 67:1</p> <p>new [1] - 64:21</p> <p>News [1] - 61:21</p>	O	P		

<p>president [2] - 12:19, 65:23</p> <p>presiding [1] - 63:5</p> <p>press [5] - 19:2, 40:3, 46:6, 73:3, 73:4</p> <p>prestige [1] - 8:21</p> <p>pretty [5] - 2:11, 22:5, 42:2, 42:10, 73:24</p> <p>pretty-large [1] - 42:2</p> <p>previous [1] - 7:14</p> <p>previously [1] - 12:7</p> <p>Price [1] - 61:13</p> <p>primary [2] - 16:2, 65:23</p> <p>prison [2] - 40:12, 43:4</p> <p>private [1] - 64:1</p> <p>pro [1] - 56:1</p> <p>probation [16] - 24:3, 24:10, 24:13, 24:21, 24:22, 25:3, 25:10, 25:16, 26:13, 27:3, 39:3, 39:16, 39:17, 45:9, 45:21, 58:4</p> <p>problem [11] - 15:24, 19:25, 22:24, 23:3, 33:9, 45:15, 46:3, 53:9, 66:13, 67:9, 67:13</p> <p>problems [4] - 9:5, 44:21, 54:25, 67:15</p> <p>procedure [1] - 56:25</p> <p>proceeding [1] - 5:3</p> <p>process [2] - 49:1, 53:14</p> <p>profitable [1] - 9:11</p> <p>program [1] - 65:5</p> <p>progressed [1] - 71:20</p> <p>project [1] - 11:12</p> <p>prominent [1] - 61:12</p> <p>proof [1] - 74:13</p> <p>proper [3] - 23:7, 48:25, 56:25</p> <p>property [3] - 26:21, 26:22, 59:24</p> <p>prosecute [1] - 46:18</p> <p>prosecutor [1] - 34:2</p> <p>prosecutor's [1] - 71:17</p> <p>protects [2] - 31:19, 31:20</p> <p>provided [3] - 5:2, 5:18, 22:16</p> <p>public [2] - 66:12, 68:6</p> <p>Public [3] - 2:24, 3:21, 4:3</p> <p>publicity [1] - 31:11</p> <p>publicly [2] - 59:13, 59:14</p>	<p>purpose [1] - 47:15</p> <p>purposes [1] - 59:14</p> <p>pursuant [1] - 10:7</p> <p>put [8] - 18:24, 35:1, 38:2, 40:8, 47:20, 63:7, 64:10, 73:23</p> <p>putting [1] - 25:19</p> <p style="text-align: center;">Q</p> <p>quadruple [1] - 52:25</p> <p>questioned [1] - 24:3</p> <p>questioning [1] - 71:14</p> <p>questions [13] - 5:3, 6:4, 11:21, 28:1, 47:23, 47:25, 50:7, 60:15, 60:19, 60:21, 60:23, 62:10, 62:14</p> <p>quick [1] - 70:3</p> <p>quit [1] - 18:9</p> <p style="text-align: center;">R</p> <p>raise [1] - 5:8</p> <p>ran [4] - 11:24, 12:21, 13:17, 37:4</p> <p>rape [1] - 51:12</p> <p>rata [1] - 56:1</p> <p>rate [2] - 23:3, 72:9</p> <p>rated [1] - 9:10</p> <p>rather [1] - 63:6</p> <p>read [4] - 2:13, 22:15, 22:22, 70:8</p> <p>ready [2] - 2:14, 46:13</p> <p>real [5] - 11:10, 48:15, 54:24, 62:23</p> <p>really [4] - 16:6, 22:7, 46:9</p> <p>rear [1] - 74:15</p> <p>reason [4] - 30:5, 30:15, 31:2, 37:22</p> <p>received [2] - 40:3, 70:19</p> <p>receiving [2] - 32:4, 32:9</p> <p>recently [1] - 12:21</p> <p>reco [1] - 61:11</p> <p>recognize [1] - 39:24</p> <p>recognized [1] - 40:22</p> <p>record [5] - 2:21, 4:25, 31:20, 41:21</p> <p>Record [1] - 39:11</p> <p>recording [2] - 44:16, 75:8</p> <p>recusal [1] - 40:8</p> <p>recuse [13] - 3:11, 15:22, 17:3, 25:21, 26:1, 27:16, 37:20, 40:6, 42:22, 51:5,</p>	<p>59:4, 59:7</p> <p>recused [4] - 15:23, 27:17, 39:13, 42:23</p> <p>recusing [2] - 17:7, 19:2</p> <p>Red [11] - 2:20, 6:7, 6:23, 55:13, 55:15, 55:16, 63:1, 64:17, 64:18, 69:7, 74:7</p> <p>red [1] - 50:12</p> <p>reel [1] - 38:5</p> <p>reference [1] - 10:2</p> <p>referenced [1] - 70:4</p> <p>referred [3] - 41:4, 41:5, 70:18</p> <p>regarding [4] - 17:12, 19:11, 19:13, 30:25</p> <p>register [1] - 71:24</p> <p>regret [1] - 45:17</p> <p>rehab [1] - 41:21</p> <p>reimburse [1] - 43:14</p> <p>reimbursement [1] - 43:7</p> <p>relate [1] - 71:7</p> <p>related [8] - 13:20, 22:2, 23:18, 35:16, 43:7, 59:15, 66:9, 75:10</p> <p>relates [5] - 50:8, 53:13, 58:8, 59:11, 71:3</p> <p>relationship [2] - 37:14, 59:17</p> <p>relative [1] - 25:10</p> <p>relatives [6] - 24:18, 24:19, 28:7, 45:25, 46:1, 46:2</p> <p>relevant [1] - 16:12</p> <p>remember [7] - 19:14, 19:18, 19:21, 23:21, 26:15, 39:25, 73:15</p> <p>remove [3] - 34:18, 35:5, 56:23</p> <p>removed [3] - 8:11, 8:19, 35:12</p> <p>rent [1] - 37:11</p> <p>replace [2] - 29:1, 30:3</p> <p>reporter [2] - 12:14, 45:24</p> <p>Reporter [1] - 75:5</p> <p>reporters [1] - 12:20</p> <p>represent [3] - 30:9, 32:22, 61:6</p> <p>representation [1] - 35:19</p> <p>representations [1] - 19:11</p> <p>represented [5] - 4:20, 27:23, 40:25, 66:3,</p>	<p>67:4</p> <p>representing [3] - 28:13, 28:14, 56:14</p> <p>request [3] - 41:10, 55:7, 73:11</p> <p>require [1] - 51:1</p> <p>required [1] - 53:19</p> <p>requirements [2] - 54:17, 54:19</p> <p>residence [1] - 16:2</p> <p>responded [1] - 65:14</p> <p>response [6] - 27:15, 27:25, 36:8, 44:17, 44:22, 49:22</p> <p>responses [3] - 5:22, 5:25, 13:3</p> <p>responsibilities [1] - 67:24</p> <p>result [1] - 51:5</p> <p>resulted [1] - 49:4</p> <p>retired [2] - 12:16, 38:1</p> <p>retrospect [1] - 57:21</p> <p>revenue [1] - 9:14</p> <p>revenues [1] - 71:2</p> <p>review [1] - 5:22</p> <p>revoke [3] - 23:19, 25:2, 58:6</p> <p>revoked [1] - 25:1</p> <p>riding [1] - 36:25</p> <p>rightly [5] - 16:19, 23:14, 38:10, 48:4, 62:11</p> <p>ring [2] - 26:19, 27:3</p> <p>ringleader [1] - 27:4</p> <p>River [12] - 2:20, 6:7, 6:23, 50:12, 55:13, 55:15, 55:16, 63:1, 64:17, 64:18, 69:7, 74:7</p> <p>road [1] - 18:5</p> <p>rob [2] - 27:11</p> <p>rode [1] - 37:2</p> <p>Rodgers [1] - 64:3</p> <p>role [2] - 51:2, 59:25</p> <p>Ron [1] - 21:10</p> <p>roommates [1] - 3:4</p> <p>rounds [2] - 17:21, 18:24</p> <p>Royce [2] - 5:12</p> <p>rubber [1] - 58:1</p> <p>rubber-stamped [1] - 58:1</p> <p>rude [1] - 56:21</p> <p>rumors [1] - 53:7</p> <p>run [2] - 31:9, 64:15</p> <p>running [4] - 25:18, 34:10, 44:1, 60:9</p> <p>runs [1] - 53:23</p>	<p>RUSSELL [11] - 2:23, 3:4, 3:6, 3:8, 3:10, 3:13, 48:6, 49:25, 50:3, 73:17, 73:21</p> <p>Russell [2] - 2:24, 48:3</p> <p style="text-align: center;">S</p> <p>safe [2] - 72:24, 73:13</p> <p>sat [1] - 57:25</p> <p>Saturday [1] - 40:17</p> <p>saw [1] - 32:19</p> <p>scared [1] - 72:9</p> <p>scene [1] - 18:18</p> <p>schedule [1] - 65:7</p> <p>schedules [1] - 15:9</p> <p>school [1] - 13:10</p> <p>scooter [3] - 36:25, 57:15, 74:15</p> <p>Scott [1] - 69:15</p> <p>search [1] - 47:8</p> <p>seated [1] - 2:7</p> <p>second [3] - 13:25, 28:14, 29:9</p> <p>second-degree [1] - 13:25</p> <p>see [16] - 7:24, 29:10, 29:17, 29:19, 29:22, 30:7, 34:3, 41:3, 41:15, 42:17, 51:8, 53:3, 53:8, 57:19, 57:21, 68:17</p> <p>seeing [1] - 60:7</p> <p>seem [1] - 64:8</p> <p>SEIDER [44] - 2:5, 2:7, 2:9, 2:13, 4:18, 4:22, 4:25, 5:5, 5:7, 5:11, 16:5, 16:8, 16:12, 16:14, 16:17, 16:20, 23:8, 23:11, 23:13, 23:15, 38:5, 38:8, 38:11, 38:14, 47:24, 48:2, 49:18, 49:22, 60:14, 60:18, 60:23, 65:11, 68:22, 70:15, 71:13, 72:1, 72:4, 72:15, 72:17, 72:24, 73:8, 73:13, 74:2, 74:11</p> <p>Seider [1] - 2:17</p> <p>seldom [1] - 49:12</p> <p>send [2] - 40:11, 64:5</p> <p>Send [1] - 64:5</p> <p>senior [1] - 67:25</p> <p>sent [6] - 30:5, 31:23, 33:19, 43:13, 43:22, 43:24</p> <p>sentence [2] - 14:15, 14:25</p>
--	--	---	---	---

<p>September [1] - 31:24 serious [2] - 54:20, 63:20 serve [4] - 10:7, 26:13, 26:14, 62:17 served [4] - 20:2, 49:10, 50:21, 71:23 serves [1] - 6:7 service [1] - 72:25 set [6] - 14:6, 17:11, 26:9, 40:7, 54:4, 65:5 sets [1] - 8:21 seven [2] - 39:6, 71:23 severe [1] - 42:12 sex [2] - 54:20, 71:24 sex-offender's [1] - 71:24 sexual [3] - 14:2, 14:10, 72:10 shall [1] - 59:12 shape [1] - 35:13 shareholder [1] - 10:10 shareholders [2] - 11:3, 11:15 shares [1] - 11:11 sheriff's [1] - 18:20 shocked [1] - 32:18 shoestring [1] - 46:1 shop [1] - 42:17 shops [1] - 36:3 Shore [1] - 75:22 Shorthand [1] - 75:5 shot [1] - 17:18 shotgun [1] - 18:12 show [1] - 20:14 showed [1] - 57:24 shut [1] - 17:23 sic [4] - 12:18, 18:25, 41:1, 54:22 sign [3] - 47:15, 47:16, 72:11 signed [4] - 44:9, 44:10, 59:9 signs [1] - 13:1 single [1] - 26:14 sister [5] - 38:1, 61:13, 70:21, 70:24, 71:8 sister's [1] - 11:1 sister-in-law [5] - 38:1, 61:13, 70:21, 70:24, 71:8 sit [6] - 2:1, 2:2, 4:15, 8:25, 34:7, 60:8 sitting [7] - 9:2, 14:23, 18:20, 33:22, 39:7, 68:6, 69:16</p>	<p>situation [6] - 17:20, 44:20, 59:19, 65:25, 71:17, 73:2 six [9] - 6:15, 16:3, 16:4, 34:8, 49:8, 49:11, 49:16, 52:24, 67:4 six-and-a-half [1] - 67:4 six-and-a-half-year-old [1] - 16:4 six-year-old [1] - 16:3 size [1] - 9:11 sleep [4] - 42:9, 42:11, 42:12 small [10] - 10:15, 48:23, 50:8, 50:13, 50:14, 55:8, 56:5, 61:1, 63:10, 64:22 small-town [2] - 10:15, 48:23 smart [1] - 18:23 smarting [1] - 18:10 Smith [1] - 4:10 SMU [1] - 7:21 so-and-so [1] - 56:14 solely [1] - 70:6 solicit [1] - 52:22 solve [2] - 67:9, 67:13 solves [1] - 67:15 someone [2] - 25:16, 65:25 something's [1] - 73:12 sometimes [3] - 51:17, 56:23, 65:4 son [2] - 35:20, 41:24 sons [1] - 66:6 sorry [5] - 21:19, 38:10, 59:11, 67:11, 69:17 sort [1] - 41:21 sorts [1] - 36:19 sought [1] - 69:19 south [1] - 24:20 SPEAKER [8] - 2:2, 2:4, 21:15, 21:17, 21:21, 68:24, 69:24, 70:2 specific [2] - 16:8, 49:19 speed [2] - 63:23, 64:6 spending [1] - 71:6 SPILLANE [2] - 3:18, 60:15 Spillane [2] - 3:19, 60:14 spoken [1] - 25:10 Sprague [3] - 32:8, 33:4, 54:12</p>	<p>spreadsheets [1] - 30:24 spring [1] - 32:25 St [2] - 7:19, 7:20 staff [2] - 10:2, 68:18 stamped [1] - 58:1 stand [2] - 5:7, 28:23 standard [1] - 15:6 Standards [1] - 34:13 standing [1] - 18:7 Starnes [10] - 21:1, 21:6, 28:9, 28:12, 31:8, 33:2, 33:21, 33:25, 36:19 Starnes' [1] - 63:24 start [3] - 14:19, 52:23, 53:7 started [2] - 28:9, 73:25 starts [2] - 18:3, 53:2 state [1] - 12:19 STATE [2] - 1:13, 75:1 State [12] - 2:17, 9:11, 17:14, 19:22, 23:17, 25:5, 26:10, 27:20, 40:2, 73:7, 75:6, 75:8 State's [2] - 35:17, 62:5 statement [17] - 14:12, 14:21, 15:11, 17:5, 17:19, 19:13, 19:16, 19:18, 19:22, 22:16, 26:11, 26:16, 27:7, 27:12, 71:14, 73:4 statements [1] - 42:25 Station [1] - 3:19 status [1] - 73:22 stay [5] - 34:13, 37:12, 41:6, 58:3, 66:22 stayed [1] - 37:9 staying [1] - 57:19 steal [1] - 26:20 stealing [1] - 26:18 stemmed [1] - 23:23 Steven [1] - 2:17 still [16] - 8:15, 9:3, 10:5, 10:7, 14:23, 30:12, 37:6, 39:4, 39:11, 55:1, 58:3, 65:20, 65:21, 67:18, 69:15, 69:16 stock [5] - 10:25, 11:1, 11:11, 11:13 Stop [1] - 51:18 stop [1] - 53:3 stopped [2] - 41:22, 57:17 storm [1] - 17:24 straight [1] - 45:21</p>	<p>street [1] - 44:1 streets [1] - 37:10 study [1] - 42:12 stuff [5] - 22:14, 27:11, 33:6, 61:19, 62:24 stupid [1] - 74:14 Subchapter [3] - 11:8, 11:12 submitted [2] - 5:22, 44:22 substantial [3] - 9:2, 10:9, 58:10 substitution [2] - 29:2, 29:4 Sue [1] - 4:6 suggest [1] - 66:3 suggesting [1] - 67:19 suit [1] - 74:7 summer [1] - 74:15 supplemented [1] - 5:25 support [2] - 12:23, 63:3 supposed [3] - 7:1, 52:21, 65:6 surrounding [2] - 69:1, 69:8 Susan [3] - 12:8, 12:14, 13:9 suspend [1] - 34:18 suspended [2] - 33:14, 71:25 sweet [1] - 73:18 sworn [1] - 5:10 syndrome [1] - 12:18</p>	<p>Texarkana [3] - 6:24, 49:10, 74:8 Texas [10] - 2:20, 3:2, 4:7, 4:13, 6:14, 9:11, 73:7, 75:6, 75:21, 75:22 TEXAS [1] - 75:1 THE [2] - 1:12, 75:1 theft [1] - 26:19 them's [1] - 63:16 themselves [1] - 2:21 they've [5] - 15:22, 15:23, 33:22, 47:6, 71:25 third [2] - 7:11, 59:17 thirds [1] - 32:21 thousand [1] - 43:14 threat [2] - 45:2, 45:5 threatening [2] - 18:3, 18:6 three [19] - 7:4, 11:12, 17:1, 17:21, 18:22, 20:19, 32:25, 33:1, 35:9, 40:23, 50:20, 55:20, 62:22, 63:12, 63:21, 63:22, 63:23, 64:21 three-year [2] - 11:12, 40:23 title [3] - 8:7, 8:11, 8:20 today [6] - 2:16, 5:1, 5:15, 8:18, 46:7, 48:7 together [3] - 13:14, 39:21, 47:20 Tommy's [1] - 11:13 took [10] - 29:15, 32:18, 34:20, 39:8, 55:3, 55:4, 55:5, 55:22, 59:25, 73:10 top [5] - 10:12, 10:15, 34:13, 60:10, 68:3 toe [2] - 43:25 total [2] - 12:6, 50:11 tough [1] - 74:14 tougher [1] - 74:14 town [14] - 7:9, 10:15, 36:3, 37:24, 48:23, 50:8, 50:13, 50:14, 53:7, 55:9, 55:19, 61:1, 61:12, 63:24 transcription [1] - 75:7 travel [1] - 72:24 Travis [2] - 3:16, 55:11 treated [1] - 28:22 tree [2] - 17:24, 18:1 tremendous [1] - 11:11</p>
T				
<p>talks [1] - 74:16 target [2] - 38:8, 70:19 tax [2] - 11:11, 71:2 TCU [1] - 73:24 tearing [1] - 24:19 temporarily [1] - 14:17 ten [6] - 10:21, 10:23, 38:2, 59:15, 67:7, 74:15 ten-inch [1] - 74:15 term [1] - 48:24 termination [1] - 74:7 terms [1] - 42:15 test [1] - 25:17 tested [1] - 25:17 testified [1] - 27:5 testify [1] - 27:6 testimony [3] - 26:19, 26:25, 58:10 testing [1] - 64:23 tests [1] - 24:25</p>				

<p>trial [1] - 7:14 tried [1] - 41:17 trip [1] - 73:13 trouble [1] - 59:16 true [1] - 75:7 try [3] - 54:19, 56:22, 69:9 trying [3] - 52:1, 69:17, 72:7 Tuesday [1] - 34:6 tunnel [1] - 12:18 turn [3] - 5:11, 72:9, 72:13 turned [2] - 43:2, 72:10 Turner [28] - 11:22, 13:2, 13:9, 20:3, 20:5, 20:25, 21:1, 21:6, 22:3, 22:20, 27:19, 28:1, 28:7, 28:12, 30:9, 30:12, 30:25, 31:8, 31:13, 33:2, 36:9, 36:17, 37:23, 40:24, 41:15, 54:12 turner [10] - 12:8, 20:4, 22:4, 28:25, 29:12, 30:3, 32:4, 41:3, 41:4, 54:8 turner's [1] - 31:2 Turner's [1] - 38:17 twice [1] - 42:19 two [21] - 13:10, 20:18, 22:15, 26:18, 26:24, 31:6, 31:21, 32:21, 34:22, 35:11, 43:22, 44:7, 48:8, 48:16, 52:5, 54:10, 63:12, 63:19, 69:9, 72:12, 74:7 two-thirds [1] - 32:21 type [3] - 6:20, 19:22, 58:14 types [2] - 63:20, 65:2</p>	<p>18:1, 18:6, 19:2, 26:24, 27:15, 27:25, 33:2, 33:4, 33:8, 33:16, 33:24, 34:2, 35:1, 35:14, 37:3, 38:3, 39:5, 39:7, 39:25, 40:17, 41:20, 43:4, 44:1, 45:14, 47:10, 48:13, 48:14, 48:19, 48:20, 54:4, 57:24, 58:6, 59:23, 63:14, 63:23, 64:6, 64:18, 65:5, 67:3, 68:14, 68:17, 68:22, 71:10, 71:12, 71:17, 73:2, 73:8, 73:11, 74:5, 74:8</p>	<p>18:23 warrant [1] - 47:15 warrants [3] - 46:20, 47:8, 47:16 Waterhouse [1] - 61:13 Wayne [2] - 74:13 website [4] - 8:2, 8:5, 8:15, 8:20 Wednesday [2] - 46:13, 64:20 week [8] - 9:5, 26:24, 30:4, 30:12, 30:24, 67:6, 71:21, 71:24 weeks [4] - 26:24, 34:8, 37:9, 74:7 welcome [1] - 71:15 well-known [1] - 11:22 whatsoever [1] - 9:22 wheel [33] - 11:25, 12:3, 12:4, 12:5, 12:6, 20:18, 20:22, 22:5, 31:6, 32:25, 33:4, 33:7, 36:13, 38:21, 38:23, 38:24, 53:23, 54:3, 54:5, 54:9, 54:11, 54:15, 54:16, 55:1, 55:20, 63:9, 63:10, 63:15, 63:16, 64:9, 64:10, 73:11, 74:15 Whoa [1] - 18:4 whoa [1] - 18:4 whole [2] - 55:14, 58:24 wife [5] - 12:8, 14:3, 18:8, 59:6, 74:16 wife's [1] - 43:8 win [1] - 72:14 Witness [1] - 5:10 witness [1] - 25:14 WITNESS [1] - 75:16 witnesses [2] - 24:1, 25:6 Wolfe [1] - 13:19 wolfe [5] - 14:6, 15:13, 15:15, 15:16, 15:24 Wolfe's [1] - 15:10 word [1] - 59:16 works [3] - 37:6, 37:25, 60:11 world [1] - 58:7 worth [1] - 9:6 Wright [3] - 15:16, 15:18, 15:19 writ [1] - 31:18 written [1] - 5:2</p>	<p style="text-align: center;">Y</p> <p>y'all [9] - 2:6, 13:12, 46:15, 64:7, 64:9, 65:21, 72:21, 74:12, 74:17 yard [1] - 13:1 year [16] - 6:2, 9:9, 9:16, 10:20, 11:12, 16:3, 16:4, 31:19, 40:23, 49:10, 61:10, 64:23, 65:24, 67:7, 71:1 year-and-a-half [1] - 31:19 year-and-a-half-old [1] - 61:10 years [18] - 6:15, 10:12, 13:3, 13:8, 13:10, 35:25, 36:3, 38:2, 39:20, 49:8, 49:11, 49:15, 49:16, 50:11, 66:4, 67:4, 72:12 yes-or-no [1] - 48:17 yesterday [3] - 33:11, 34:4, 63:17 young [3] - 57:13, 63:24, 64:4 Young [1] - 23:5 younger [1] - 35:25 youngest [2] - 59:19, 59:20 yourself [9] - 15:22, 17:7, 19:3, 25:14, 27:16, 37:20, 39:13, 42:23, 51:5</p>
U	V	<p>Valerie [1] - 4:3 various [2] - 36:3, 68:5 vehicles [1] - 36:2 vendetta [1] - 40:23 versus [6] - 17:14, 23:17, 26:10, 27:21, 35:17, 40:2 vet [3] - 43:20, 43:21 veteran [2] - 37:23, 37:24 veterans [1] - 36:11 veterinary [2] - 43:8, 43:16 veterinary-bill [1] - 43:16 vetting [1] - 23:6 vicious [1] - 52:24 Vicki [1] - 2:14 victim [1] - 19:13 violating [1] - 49:19 violation [1] - 8:21 violence [1] - 40:24 visiting [1] - 69:16 voluntarily [3] - 17:7, 19:2, 25:23 voluntary [1] - 42:23 vote [1] - 35:5 vow [1] - 73:25 VP [1] - 65:24</p>	
<p>underlying [1] - 61:9 UNIDENTIFIED [8] - 2:2, 2:4, 21:15, 21:17, 21:21, 68:24, 69:24, 70:2 University [2] - 3:2, 7:19 unpack [1] - 2:9 unsolved [1] - 52:24 unusual [1] - 28:6 up [58] - 7:24, 9:5, 11:13, 14:25, 15:8, 16:10, 17:7, 17:25,</p>	W		
	<p>waiting [1] - 34:8 walk [3] - 31:12, 51:12, 51:13 walked [4] - 25:7, 43:18, 58:1, 71:22 wants [1] - 30:12 warned [2] - 18:10,</p>		