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TRANSCRIPTION OF RECORDED CONVERSATION

BETWEEN DAVID MAXWELL,

MICHAEL WYNNE AND NATE PAUL

JULY 21, 2020

(Duration: 1:17)

DISCLAIMER

The transcription and translation of the contents of this digital file recorded material are based upon the recording as heard on the particular electronic equipment used, the quality of the recording provided, the speaking speed, and the content of the conversation as understood by the reporter. Furthermore, proper names were spelled phonetically.

1                   MICHAEL WYNNE: Here's a few of  
2 my cards in case --

3                   DAVID MAXWELL: Okay.

4                   MICHAEL WYNNE: -- you've got to give  
5 them to anybody. My cellphone's on there. You  
6 can reach it 24/7.

7                   DAVID MAXWELL: All right.

8                   NATE PAUL: David, I was reading up --  
9 reading up today on your background. Obviously  
10 it's very impressive and --

11                   DAVID MAXWELL: You Googled me?

12                   NATE PAUL: Yeah. I came out very,  
13 very impressed. The story of allowing that  
14 vibration kind of -- you know, the -- because of  
15 the background before you got into law  
16 enforcement --

17                   DAVID MAXWELL: Yeah.

18                   NATE PAUL: -- and obviously just  
19 the -- you know, the tragic situation.

20                   DAVID MAXWELL: My sister?

21                   NATE PAUL: Yeah. I just, you know,  
22 wanted to just, you know --

23                   DAVID MAXWELL: Yeah. This -- I've  
24 got 48 years with the state.

25                   NATE PAUL: Yeah, yeah. Obviously

1 when y'all went to committee is just -- I really  
2 have a lot of respect for it because, like I said,  
3 you know, it's just amazing kind of --

4 DAVID MAXWELL: I appreciate that.

5 NATE PAUL: -- kind of what you've  
6 done. And, you know, I'm close -- so I work with  
7 my sister. We're extremely close. I can only  
8 imagine, obviously --

9 DAVID MAXWELL: Right.

10 NATE PAUL: -- what that was like, but  
11 obviously, you know, if you've made the --

12 DAVID MAXWELL: Well, it's a  
13 life-changing experience when you lose a loved one  
14 to, you know, a horrendous murder.

15 NATE PAUL: Yeah, a senseless crime,  
16 yeah.

17 DAVID MAXWELL: It took me 34 years to  
18 solve it, but I did.

19 NATE PAUL: Oh, I love the  
20 persistence. You know, it's just amazing to kind  
21 of see where you've been. You know, why your  
22 persistence is keeping people accountable. Right?

23 DAVID MAXWELL: Uh-huh, right.

24 NATE PAUL: I think it's -- you know,  
25 I just wanted to mention that to you but --

1 DAVID MAXWELL: All right.

2 NATE PAUL: -- we appreciate you  
3 getting together and on -- our time today.

4 DAVID MAXWELL: Okay.

5 NATE PAUL: I have my citizen, Michael  
6 Wynne. He's one of my attorneys and he's been  
7 working with this kind of -- this situation we're  
8 dealing with.

9 DAVID MAXWELL: Are you a civil  
10 attorney or criminal?

11 MICHAEL WYNNE: I started as civil.  
12 In 2000, I switched over to criminal. I was an  
13 assistant U.S. attorney at the time.

14 DAVID MAXWELL: Okay.

15 MICHAEL WYNNE: And --

16 DAVID MAXWELL: Where -- what office  
17 have you worked out of?

18 MICHAEL WYNNE: Southern District.

19 DAVID MAXWELL: Okay.

20 MICHAEL WYNNE: Gregg Sears took a  
21 chance on me, and I switched with a guy wanting to  
22 go to civil AUSA.

23 DAVID MAXWELL: Oh, yeah?

24 MICHAEL WYNNE: I became a criminal  
25 AUSA in 2000. I served for, oh, about 12 years

1 total. I've been in --

2 DAVID MAXWELL: And who was --

3 MICHAEL WYNNE: -- private practice.

4 DAVID MAXWELL: Who was your attorney  
5 general at the time?

6 MICHAEL WYNNE: Oh, let's see. The  
7 attorney general --

8 (Simultaneous crosstalk)

9 MICHAEL WYNNE: -- the first --

10 DAVID MAXWELL: Was (unintelligible)  
11 your --

12 MICHAEL WYNNE: Janet Reno first  
13 appointed me.

14 DAVID MAXWELL: I met Janet Reno.

15 MICHAEL WYNNE: Did you?

16 DAVID MAXWELL: Yeah, during the Waco  
17 deal.

18 MICHAEL WYNNE: Oh, that's right.

19 DAVID MAXWELL: Yes.

20 NATE PAUL: Yeah. I saw that you  
21 had -- you had worked on that.

22 DAVID MAXWELL: I'm one of the rangers  
23 that did the Waco investigation, and I met with  
24 her in Washington about it and discussed some of  
25 the issues I was having and she straightened them

1 out. She was a very nice lady.

2 MICHAEL WYNNE: I heard. I didn't  
3 have the pleasure. I met Al Gonzales when he was  
4 attorney general.

5 DAVID MAXWELL: And I met William  
6 Barr, too, all of the staff.

7 MICHAEL WYNNE: How is he doing?

8 DAVID MAXWELL: Well, I mean, I  
9 haven't talked to him since, but I met him when he  
10 was working for Bush. So yeah.

11 MICHAEL WYNNE: Jim Deatly appointed  
12 me the first time --

13 DAVID MAXWELL: Yeah.

14 MICHAEL WYNNE: -- as a U.S. attorney.  
15 And, yeah, he passed also --

16 DAVID MAXWELL: Right, yeah.

17 MICHAEL WYNNE: -- pretty tragically.  
18 But my favorite was Michael Shelby. Do you know  
19 Mike?

20 DAVID MAXWELL: I met Mike, yeah.

21 MICHAEL WYNNE: He was just a force.

22 DAVID MAXWELL: Yeah.

23 MICHAEL WYNNE: You would have liked  
24 Michael Shelby. I've got a photo of him up on my  
25 wall in the office. He's just -- he's a force of

1 nature --

2 DAVID MAXWELL: Yeah.

3 MICHAEL WYNNE: -- demanding  
4 perfection.

5 DAVID MAXWELL: Well, a lot of us are  
6 demanding.

7 MICHAEL WYNNE: Yeah.

8 DAVID MAXWELL: Not by force --

9 MICHAEL WYNNE: There's two people,  
10 Michael and Nate, in my life that make me better,  
11 yeah.

12 NATE PAUL: It will with y'all.  
13 Obviously, I mean, that's kind of the context and  
14 the background and what we're discussing today,  
15 this is an active part of -- as I was researching  
16 and learning more, you know, about yourself, and,  
17 I mean, we appreciate from our standpoint is kind  
18 of what -- with what -- the search that took place  
19 last year. You know, I guess --

20 DAVID MAXWELL: August 16th?

21 NATE PAUL: Correct, yeah. So, I  
22 mean, there were -- there were some searches that  
23 took place on August 14th and then some that took  
24 place on dates that are a little bit shaky, and  
25 that plays into kind of the story that's played

1 in.

2 And I think the biggest thing,  
3 obviously -- I've tried to put myself in your  
4 shoes and also Michael's background, being on --  
5 being on the other side, being a big prosecutor,  
6 that helps as we kind of identify -- to identify  
7 these things where there's certain things that may  
8 have been -- you know, were not kosher or not done  
9 right.

10 But then it crosses another line,  
11 obviously, whenever you're talking about changing  
12 documents and, you know, way more serious stuff, a  
13 tough aspect that went in and --

14 DAVID MAXWELL: So tell me -- well, I  
15 read your complaint with -- that you filed with  
16 Harris County, but most of the stuff you  
17 complained about is certainly within the law. So  
18 tell me -- tell me exactly what you're -- what  
19 you're alleging.

20 NATE PAUL: Yeah, correct.

21 DAVID MAXWELL: I mean, because you  
22 talk about being detained. Well, we can detain  
23 you at a search warrant.

24 NATE PAUL: Sure.

25 DAVID MAXWELL: You understand why?



1 Have you explained to him why we can  
2 do that?

3 Okay. So that's not a violation of  
4 your rights.

5 NATE PAUL: Correct.

6 DAVID MAXWELL: That's national  
7 security because if we're doing a search  
8 warrant -- and let's put it in a different  
9 perspective. Say I'm doing a search warrant and  
10 you've committed a murder or you -- let's say that  
11 you have committed a murder and we don't know  
12 where the body is --

13 NATE PAUL: Sure.

14 DAVID MAXWELL: -- and -- but we're  
15 looking for it and we've got several places we're  
16 going to search.

17 If we come in your house and we're  
18 doing the search warrant there for evidence on an  
19 evidence search warrant, we're not going to allow  
20 you to have phone contact --

21 NATE PAUL: True.

22 DAVID MAXWELL: -- or leave because  
23 you can destroy evidence.

24 And in a financial investigation, it's  
25 the same way. So they have the perfect legal

1 right to detain you until they're through with  
2 what they're doing --

3 NATE PAUL: Sure.

4 DAVID MAXWELL: -- and they're not  
5 going to tell you about where they're searching.  
6 They have no obligation to tell you that either.

7 NATE PAUL: You're saying -- yeah,  
8 within the premises.

9 DAVID MAXWELL: Huh?

10 NATE PAUL: Within the premises, yeah.

11 DAVID MAXWELL: You know, within -- if  
12 I have five search warrants and it's all on the  
13 investigation on you and I come in there and  
14 you're at the residence which I'm searching, I'm  
15 under no obligation to tell you where else I'm  
16 going to search because obviously it's a -- it's  
17 secret until we do it so it protects our ability  
18 to recover evidence.

19 NATE PAUL: Correct.

20 DAVID MAXWELL: Okay.

21 NATE PAUL: Yeah. You know, correct,  
22 and that would be -- if you look at, you know,  
23 just those aspects of the complaint, those are  
24 kind of at the high level overall kind of painting  
25 the picture. Look, it encompasses that.

1                   You know, for us, it wasn't even  
2 looking towards, you know, where things are  
3 problematic as far as what could be within the  
4 rule of law or whether we could be in the scope  
5 where it's even questionable because then you're  
6 talking about potential immunity or supremacy  
7 clause, et cetera.

8                   I think what we can probably do is  
9 let's talk about tax rule, clear cut evidence.

10                  DAVID MAXWELL: Okay.

11                  NATE PAUL: That's all I'm doing.

12                  DAVID MAXWELL: All right.

13                  NATE PAUL: And I was -- I was waiting  
14 until we got together in person to kind of go  
15 through all those aspects. And -- but then part  
16 of it is maybe the background, you know, and the  
17 framing that kind of all played into it.

18                  Well, the search with how it took  
19 place and kind of how it all happened, you know,  
20 with multiple locations -- Mike will give you his  
21 perspective, but we knew right out of the gate  
22 that something was seriously wrong, right, that it  
23 was -- you could tell that they had been fed some  
24 sort of story, some sort of information where it  
25 wasn't the case.

1                   And I'm sure people may say that, you  
2 know, in other situations, but we've given you the  
3 context of us understanding that there's some  
4 things that didn't quite add up, you know, first  
5 and foremost being that, you know, when counsel  
6 was reaching out to the AUSA on the matter, you  
7 know, very hard to get any sort of answers,  
8 clarity, et cetera. And there's a preexisting  
9 relationship where they knew him. And with --

10                   DAVID MAXWELL: All right. Well, then  
11 tell me exactly what you're talking about there.  
12 When you -- did you reach out to the  
13 U.S. attorney's office? Is that what you're  
14 saying?

15                   MICHAEL WYNNE: I have. I came into  
16 the case in mid January.

17                   DAVID MAXWELL: Oh, so you were -- you  
18 were asked to --

19                   MICHAEL WYNNE: So these events  
20 evolved. It came as a shock so Nate's reaching  
21 out to his tax counsel. I mean, who else? Who  
22 expects this?

23                   DAVID MAXWELL: Okay.

24                   MICHAEL WYNNE: So -- but the  
25 investigator happened to have the tax counsel's

1 number --

2 DAVID MAXWELL: Okay.

3 MICHAEL WYNNE: -- in Dallas.

4 NATE PAUL: Yeah. And so -- and with  
5 the first call that takes place when he was there,  
6 he was asking him about, you know, the search and,  
7 you know, why he's there and whatnot. Then  
8 obviously, looking back to things that could be --  
9 go either way, they're keeping their -- you know,  
10 keeping it close to their vest and not really  
11 saying anything.

12 But the first and foremost part was  
13 whenever one of the -- one of the officers, Rani  
14 Sabban, who's actually Texas State Securities  
15 Board, my legacy, he was there as a -- as a tax  
16 enforcement officer.

17 You know, when he's -- when he finally  
18 allows me to call counsel about two hours into the  
19 search, he tells counsel, you know, that -- he  
20 says, you know, "Why do you have him there? Do  
21 you have -- what's the search warrant for?"

22 He says, "The search warrant is for  
23 the residence."

24 He says, "Do you have the search  
25 warrant -- do you have a search warrant for him as

1 a person or as the individual?"

2 He says, "No. We just have the search  
3 warrant for that -- for the residence."

4 So that's kind of the verbatim of kind  
5 of what was said in that sequence. And Chuck  
6 Meadows is the name of that attorney, who has been  
7 around 40-plus years. So he's mainly tax but has  
8 done white collar stuff so he's kind of  
9 (unintelligible). He's in -- he's in Dallas.

10 DAVID MAXWELL: All right.

11 NATE PAUL: And, you know, that part  
12 of the story comes back later because obviously  
13 there was -- he said there's no search warrant for  
14 him as a person and it would all come back. So  
15 months later what's in there popped up.

16 But essentially, when you look at the  
17 context of the search that took place, you know,  
18 there was three searches that took place that day  
19 that we're aware of, at my home, at the office,  
20 and the server room.

21 There's tons -- there's a ton of  
22 things that are questionable about it, meaning the  
23 validity of the documents, the search warrants  
24 that were presented to us days later. There was  
25 not any search warrants left at any of the

1 locations.

2 There were not any search warrants  
3 given to us at any of the -- at -- me or the  
4 persons at my home, they were never given a search  
5 warrant. They didn't leave one behind. At the  
6 office, they didn't -- one was requested. No one  
7 received one and they did not leave one behind.  
8 At the server room, same situation.

9 All right. At all three location, the  
10 same practice they did was after entering at the  
11 home, about 15 minutes after they were in, they  
12 sliced all the WiFi lines. They destroyed my  
13 camera system. So that happened at all three  
14 locations. So some of those aspects were -- we  
15 have some video that was destroyed when the  
16 property was destroyed on the front end.

17 But when we talk about, you know,  
18 having to clear some rights and wrongs and looking  
19 at -- you know, I've had kind of a lot of  
20 skepticism about, you know, the entire process  
21 because of what I've seen and what I've -- what  
22 we've gone through.

23 But one of the biggest keys that came  
24 up shortly after the search was, you know,  
25 whenever counsel -- you know, his co-counsel, you

1 know, Jeff Meadows and the folks were speaking  
2 with Alan Buie. They even sent a letter.  
3 He assured them. He says, "Look, you  
4 know, there were three searches. That's it.  
5 That's what took place. There were three  
6 searches." And he said, "That's what it consisted  
7 of."

8 From that point they're out of bound.  
9 And this is after -- at the end of that --  
10 throughout that day, the next day, the next week,  
11 you know, continuing on, right, because they're in  
12 Dallas. And I said, "We're trying to understand  
13 what you're looking for." And he really couldn't  
14 say.

15 And they obviously thought that was,  
16 you know, a little bit odd that he was being as --  
17 you know, non-committal on it because there's a  
18 preexisting relationship where they knew him and  
19 no one would say, kind of, "Here's what we're here  
20 to do."

21 And, like I said, as we're talking  
22 to -- we're just getting hard into the facts of  
23 it, the -- there was -- on August 27th, so that's,  
24 you know, less than two weeks later, one of my  
25 employees called to our-third party file storage



1 company, this company called Contego.

2 And he called them at 11:13 a.m. that  
3 morning to get a copy of our invoices because they  
4 hadn't sent the -- they hadn't sent the invoice,  
5 kind of the normal course of business. They don't  
6 pick up. They don't respond. And then about  
7 three hours later, he gets an email back that  
8 says, you know, "If you want your boxes, contact  
9 FBI Agent Preston Joy."

10 So then we said, "Okay. Another  
11 search took place we weren't aware of." And that  
12 became a big red flag because we were told  
13 obviously there were no others. Right? And  
14 counsel has told us -- you know, he said -- you  
15 know, he gave me the runaround. I wonder what  
16 else.

17 DAVID MAXWELL: And when did that  
18 search take place?

19 NATE PAUL: Well, according to the  
20 documents that the government submitted, you know,  
21 that we ended up getting into the facts, they  
22 claim that that search took place on August 22nd,  
23 August 27th and August 30th, so three different  
24 dates.

25 DAVID MAXWELL: Okay.

1                   NATE PAUL: And actually the 27th date  
2 says 2018. I'm not sure if that's a typographical  
3 error or not. But, you know, of course, that one  
4 we're finding out immediately, you know, or --  
5 well, one thing is in between his call -- this  
6 employee's call to -- and when he hears back three  
7 hours later, Rani Sabban and Preston Joy start  
8 calling him on his cellphone.

9                   MICHAEL WYNNE: Texas State Securities  
10 core investigator, task force officer, and the FBI  
11 agent.

12                   NATE PAUL: Yeah. And at that point  
13 they didn't -- they had been informed that, you  
14 know, all employees represented by counsel go  
15 through counsel, but they were reaching out to  
16 them directly. We started to realize something's  
17 wrong here.

18                   All right. So there was another  
19 counsel that was involved who represented Jeremy  
20 Stoler, this individual. And he starts reaching  
21 out to the agents and the file storage company  
22 with no response, no response on the 27th, no  
23 response on the 28th, no response on the 29th.  
24 And, well, we can't -- as the firm, we can't get  
25 ahold of anybody because we're saying, "What's

1 going on?"

2 DAVID MAXWELL: When you say "no  
3 response," you're trying to contact the FBI and  
4 the U.S. attorney's office?

5 NATE PAUL: The FBI, the U.S.  
6 attorney's office, the Texas Securities Board  
7 investigator and the file storage company as well.

8 MICHAEL WYNNE: Particularly the file  
9 storage company because it becomes pertinent in  
10 this time period that we're making a demand for  
11 the rest of the boxes and where are they and  
12 what's up.

13 The CEO of the file storage company,  
14 which is about a half an hour north of here, loads  
15 up a bunch of additional boxes somehow they didn't  
16 get, puts them in his truck and drives them to the  
17 FBI.

18 And you've got to question about a  
19 chain of evidence there. And he did the same  
20 thing with another box. You don't just have a  
21 search, come in. The other thing is they gave a  
22 copy to the storage company on the 16th, which is  
23 a Friday, let them stay all weekend to get their  
24 stories straight --

25 NATE PAUL: I'll carve into that one.

1 MICHAEL WYNNE: -- and then execute it  
2 on the 22nd. And then the guy comes and actually  
3 delivers it. Now, if you're trying to keep  
4 evidence straight, that's a lousy way to do it.

5 NATE PAUL: Yes. So what's --

6 DAVID MAXWELL: Well, that's something  
7 you handle in the courts. Right?

8 MICHAEL WYNNE: Well, a motion to  
9 suppress two years from now isn't --

10 DAVID MAXWELL: Yeah, that's right.

11 MICHAEL WYNNE: -- going to help me  
12 today.

13 DAVID MAXWELL: No.

14 MICHAEL WYNNE: That isn't going to  
15 help me today.

16 NATE PAUL: Well, let me carve -- let  
17 me carve the facts because we wouldn't be -- we  
18 wouldn't be sitting here if it wasn't clearcut.

19 DAVID MAXWELL: All right.

20 NATE PAUL: That's what plays into it.  
21 So obviously, you know, that was odd because I  
22 couldn't get with the state with -- no responses.  
23 Then on Friday, August 30th, that's the day that  
24 Duncan Levin, one of our counsel, finally connects  
25 with Preston Joy.

1                   And he says, "Hey, you know, you  
2 represent Jeremy Stoler individually?"

3                   He said, "Yes."

4                   He said, "Look, we don't know if these  
5 guys have done anything wrong. We've got a  
6 boatload of evidence. If you -- if your client  
7 can provide a way, you know, we might look at it  
8 differently."

9                   And he said, "Tell me about what's  
10 going on with this file storage company."

11                  He said, "No, no. We had a search  
12 warrant. Yeah, we had a search warrant. We came  
13 away through a search warrant."

14                  DAVID MAXWELL: Right.

15                  NATE PAUL: He says, "Can you please  
16 send me that search warrant today?"

17                  He said, "I'll email it to you."  
18 Never emailed it.

19                  And he follows up. On the 30th, he's  
20 following up. The reason why these dates are  
21 important is because it plays into what ended up  
22 happening, what we discovered.

23                  The 2nd, 3rd, 4th, no responses. And  
24 finally the afternoon of the 4th, late in the day,  
25 he responds and tells Duncan Levin -- you know, he

1 didn't respond to any -- he said he would send the  
2 search warrant. Never ended up sending it.

3 The file storage company told us they  
4 don't have one. They said, "We don't have a copy  
5 of it. If you want it, you've got to get it from,  
6 you know, the FBI."

7 And then he says, you know, "AUSA Alan  
8 Buie will give you a call."

9 Well, then Alan Buie tries calling him  
10 the next day. And he says, "Look, I need to --  
11 you know, this is my client."

12 He says, "I can't talk to you right  
13 away."

14 Now, all this time, in that 10-day  
15 period, my counsels are trying to get ahold of  
16 Alan Buie for a call because, you know, at that  
17 point, you know, it was -- became evident that he  
18 was clearly being -- you know, not moving it  
19 through and attempting communication just to have  
20 a discussion.

21 That's -- we're to September 5th.  
22 September 5th, they have the call scheduled at  
23 noon. On this --

24 DAVID MAXWELL: And the call is going  
25 to be between whom?

1 NATE PAUL: Three people on my legal  
2 team, three attorneys with the AUS -- the two  
3 AUSA's, Alan Buie or Houston. On that call, they  
4 said, "Hey, Alan, you know, we just want to  
5 clarify a few things. You've told us since  
6 August 14th that there were just three searches.  
7 Were there just three searches or was there other  
8 searches?" Right?

9 And it's a hum haw kind of a dance  
10 back and forth.

11 And continues on the call and he says,  
12 "Yes, there were just three searches."

13 And Jeff Meadows says, "Dammit, Alan.  
14 We know about the file storage company. We know  
15 about Contego. There was another search."

16 His response, "Okay. You got me.  
17 Who's the leak in my office?"

18 Word for word, affidavit from counsel,  
19 that's exactly how it happened. And he became a  
20 little testy at that point.

21 He said, "You know, you're sitting  
22 here. You just lied to us and told us that there  
23 wasn't another search and now there was. You  
24 know, we're going to be filing motions."

25 And he said, "Don't do that. Don't do

1 that. Don't file any motions with the court.

2 Don't file anything. I'll give you a copy of the  
3 search warrant for that one. You've got to give  
4 me a day."

5 DAVID MAXWELL: The file storage was  
6 not your company?

7 NATE PAUL: It's not my company.

8 DAVID MAXWELL: Okay. So -- all  
9 right.

10 NATE PAUL: It's not my company, but,  
11 you know, we're the tenant for the storage space  
12 and --

13 DAVID MAXWELL: You're a tenant,  
14 right, but it was not -- it's not your company.  
15 So you don't have care, custody and control of it.

16 NATE PAUL: I don't have control of  
17 the file storage company?

18 DAVID MAXWELL: Uh-huh.

19 NATE PAUL: No. I don't have control  
20 of the file storage company.

21 DAVID MAXWELL: So they served the  
22 search warrant on the person who does own it.  
23 Correct?

24 NATE PAUL: No, they did not. He --  
25 whenever we asked him for a copy of the search



1 warrant, he said at the time that he didn't have  
2 it, if we wanted it to contact Preston Joy.

3 DAVID MAXWELL: No. I understand, but  
4 I'm saying that when they did the search, they  
5 served whoever owns the company. They came out  
6 there and he gave them access under the search  
7 warrant and they're under the search warrant. Is  
8 that right?

9 NATE PAUL: Well, he's now saying he  
10 was served the search warrant, but at the time  
11 when we went to him, he said, "No. They came in  
12 here."

13 We said, "Do you have a copy of the  
14 search warrant that you were served with?"

15 He didn't have one. And this is the  
16 day that this happened.

17 DAVID MAXWELL: Okay. But --

18 NATE PAUL: But presumably they did.  
19 Presumably they did.

20 DAVID MAXWELL: But they had a search  
21 warrant at the time they did the search?

22 NATE PAUL: We don't know. The  
23 reality is we don't think there was a search  
24 warrant that existed at the time.

25 DAVID MAXWELL: Why do you think that?

1                   NATE PAUL: We'll carve into the  
2 specifics around why. One, if he had a search  
3 warrant, then why did the file storage company not  
4 get one? And when we were requesting it, why did  
5 he not send it? And through all this time, why  
6 was it still never sent?

7                   The call happens on September 5th. He  
8 says, "Give us a day. I'll get it to you. I need  
9 to get -- I need to get a motion to disclose so I  
10 can disclose this because of the search warrant."

11                  DAVID MAXWELL: Right.

12                  NATE PAUL: All right. Which he  
13 didn't need to get that on any of the other ones  
14 that took place. But he says, "I'll give it to  
15 you the next day."

16                  So our counsels --

17                  DAVID MAXWELL: I mean, it would  
18 probably be different simply because it wasn't  
19 your residence and it wasn't your business. And  
20 all this, as your counsel knows, is going to be a  
21 part of grand -- a part of grand jury.

22                  And so this is obviously an ongoing  
23 investigation, and you're not going to get any  
24 information because you're not a defendant. You  
25 have not been charged with anything.

1 NATE PAUL: No, no, no. Correct.

2 DAVID MAXWELL: So you don't have any  
3 right to discover.

4 NATE PAUL: Yeah, correct.

5 DAVID MAXWELL: And you don't have any  
6 right for them to disclose anything about the  
7 investigation to you. I mean, that's just the way  
8 investigations go. You can't get any information  
9 about it, and you shouldn't -- and your attorney  
10 knows this -- until and if they ever charge you.

11 If they do charge you, then you'll  
12 have the right to discovery, and that'll be  
13 regulated by federal law and not state law on how  
14 that works. Anyway, I'm just working through this  
15 with you mentally as we go along to -- so that you  
16 kind of understand how this thing works.

17 And obviously the federal side works  
18 different than the state side. We've got  
19 different rules we follow than the feds do. But  
20 if I'm doing an investigation on you and -- other  
21 than giving you a copy of the search warrant on  
22 something that we searched from you, you're not  
23 going to get any information from me.

24 NATE PAUL: That's correct. No, I  
25 don't -- I don't disagree.

1 DAVID MAXWELL: Yeah.

2 NATE PAUL: But, you know, actually if  
3 the documents have been changed or tinkered --

4 DAVID MAXWELL: Well, why do you think  
5 they're changed?

6 NATE PAUL: We've got -- there's a  
7 whole host of reasons why.

8 DAVID MAXWELL: All right. Let's talk  
9 about them.

10 NATE PAUL: Sure. Well, let me talk  
11 about the file storage company search warrants and  
12 that precedes kind of what happened from there.

13 So you're right. There's the amount  
14 of information we're going to get from them that  
15 plays in, you know, kind of some of the  
16 abnormalities and whatnot. But also, you know,  
17 back to knowing our legal process, the file  
18 storage company violated their contract with us on  
19 disclosing to us that they came there, every other  
20 reason under the sun, and so we sued them in civil  
21 arbitration.

22 All right. So we had -- you know,  
23 there's a civil --

24 DAVID MAXWELL: You're suing who?

25 NATE PAUL: With the file storage

1 company.

2 DAVID MAXWELL: File storage company.

3 Okay.

4 MICHAEL WYNNE: There's provisions  
5 there that clearly -- if there's a law enforcement  
6 inquiry, you are to give the tenant notice --

7 DAVID MAXWELL: Notice.

8 MICHAEL WYNNE: -- and an opportunity  
9 to seek a motion to quash --

10 DAVID MAXWELL: Sure.

11 MICHAEL WYNNE: -- or to do something.

12 DAVID MAXWELL: Right.

13 MICHAEL WYNNE: Make sure that  
14 there --

15 DAVID MAXWELL: And they didn't do it.

16 MICHAEL WYNNE: And make sure that  
17 you're only giving law enforcement --

18 DAVID MAXWELL: What they requested.

19 MICHAEL WYNNE: -- materials that's in  
20 Attachment B to the search warrant.

21 DAVID MAXWELL: Right.

22 MICHAEL WYNNE: And there's a lot of  
23 protocols and protections. And, in fact, we  
24 stored stuff at this location because of these  
25 extraordinary protections that are --

1 DAVID MAXWELL: That they provide.

2 NATE PAUL: Yes.

3 MICHAEL WYNNE: They -- most of what  
4 they store is HIPAA protected. It's Contego  
5 Health Information Management Systems. That's why  
6 they used them, because there's all these  
7 protocols.

8 If somebody comes and serves a  
9 subpoena, you're supposed to check and make sure  
10 because it's protected information.

11 DAVID MAXWELL: Sure.

12 MICHAEL WYNNE: They didn't do any of  
13 that.

14 DAVID MAXWELL: Right.

15 MICHAEL WYNNE: Not only did they not  
16 do anything, the guy puts the stuff in his truck  
17 and drives it over, you know. So, yeah, we sued  
18 them. You didn't do that right.

19 NATE PAUL: Yeah. Like I said, you  
20 know -- and one of our biggest complaints is we  
21 just want to know what happened, and they  
22 obviously stonewalled it. It wasn't until, you  
23 know, we sued him that we actually started getting  
24 some information even though they're still tough  
25 to get.

1 Here's what it's coming to, and here's  
2 where it sits today because obviously everything  
3 we've talked about so far, there's room -- there's  
4 wiggle room, which -- not room -- where there's  
5 not wiggle room is, you know, we went through a  
6 full discovery and he had produced documents that  
7 he received. Those don't match up.

8 DAVID MAXWELL: What doesn't match up?

9 NATE PAUL: Any of the dates or times,  
10 the story of how it happened, the receipt of  
11 documents.

12 DAVID MAXWELL: All right. You're  
13 going to have to explain to me --

14 NATE PAUL: Yeah. I'll walk you  
15 through -- I'll walk through the details --

16 DAVID MAXWELL: Okay.

17 NATE PAUL: -- of those aspects.

18 There's two things. One, we have, you  
19 know, documents he produced as part of the  
20 discovery. And, second, you know, we had a  
21 six-hour taped deposition, sworn oath testimony,  
22 from him of what's occurred and what happened with  
23 this. I mean, obviously from a -- where --

24 DAVID MAXWELL: So y'all do a  
25 deposition of the person who owns the holding

1 place and confirmed it with your lawsuit?

2 NATE PAUL: Right.

3 MICHAEL WYNNE: In the context of the  
4 arbitration. The arbitration provision under --

5 DAVID MAXWELL: Right, the  
6 arbitration.

7 MICHAEL WYNNE: -- the contract have  
8 this stuff. And he owns storage companies. So to  
9 say why he's storing stuff was because this was a  
10 special health information management --

11 DAVID MAXWELL: Sure.

12 MICHAEL WYNNE: -- company --

13 DAVID MAXWELL: Right.

14 MICHAEL WYNNE: -- that specialized in  
15 this.

16 DAVID MAXWELL: Okay.

17 NATE PAUL: Now -- and obviously one  
18 of the -- one of the big things that took place as  
19 we were doing it was -- we were just trying to get  
20 to the bottom of kind of what happened here  
21 because we didn't -- we still had no clue at that  
22 point where all of our stuff was, what they were  
23 still in possession of.

24 But what comes with that is  
25 communications, emails back and forth, call logs,



1 et cetera. And that's where -- I think if we put  
2 everything else aside and just carve into that  
3 part, I think that's where a lot of the story  
4 becomes more kind of clear as far as -- you know,  
5 it is a state violation for tampering with  
6 government records if things are modified or  
7 changed, whether you're a federal officer or a  
8 state officer. We believe so. Correct?

9 DAVID MAXWELL: So -- and it could be,  
10 yes.

11 NATE PAUL: Yeah. And then --

12 DAVID MAXWELL: Well, tell me what was  
13 modified.

14 NATE PAUL: Well, part of -- you  
15 know, there was -- there's a few different things  
16 that play in this, but one of the most concerning  
17 aspects of this all was -- so they talk about a  
18 search warrant being -- according to the  
19 government, all right, what they gave to us, they  
20 said they obtained a search warrant on  
21 August 16th. They executed it on August 22nd.  
22 There's a search warrant return, signed under  
23 penalty of perjury, that that's what it was.

24 The testimony from the file storage  
25 company was completely different. He said he was

1 served with a search warrant on August 16th. They  
2 came and said, "We're serve -- we're executing a  
3 search warrant." And they said, "Actually we'll  
4 come back in six days and we'll get the  
5 information."

6 Okay. That's definitely out of the  
7 norm, saying, "We're going to come issue a search  
8 warrant and not take any stuff." They came back  
9 to take the stuff on August 22nd.

10 And then as far as thereafter, on  
11 August 27th, the day we called, he discovers  
12 there's 18 more boxes and he puts them in his  
13 truck and says, "Hey, I'll come drop them off to  
14 you," and goes and delivers them to the FBI.

15 Now, the documents the FBI submitted,  
16 you know, with their search warrant return, it  
17 does not state that. It says they were seized  
18 at -- you know, seized as part of the search. On  
19 the 30th, there's another box delivered the same  
20 way.

21 And the reasons why some of these  
22 things play in is what they were showing to us on  
23 September 6th was a search warrant they said they  
24 got approved and was signed on August 16th, and it  
25 was executed on August 22nd. It's a -- it's a

1 different story from what the file storage company  
2 has said. So that's first and foremost.

3 The document that he ended up giving  
4 us on September 6th, you know, we -- you know,  
5 there's questions of the validity of that document  
6 and if it was changed. How do we know it was  
7 actually created and signed on August 16th versus,  
8 you know, was it not manufactured thereafter?

9 There's, you know, some questions  
10 around the validity of that document, what became  
11 of it, what plays into it from -- there's metadata  
12 on the actual document that shows it was created,  
13 you know, afterwards from a third-party forensic  
14 (unintelligible).

15 DAVID MAXWELL: You have metadata from  
16 what?

17 NATE PAUL: From the -- from the PDF  
18 they said -- they shared with us.

19 MICHAEL WYNNE: You can examine a PDF  
20 to determine when things were created and how, and  
21 we've done that.

22 NATE PAUL: So he --

23 DAVID MAXWELL: And so what does it  
24 say?

25 NATE PAUL: It says it was created on

1 September 6th, which is the day that they sent it  
2 to us.

3 DAVID MAXWELL: Okay. If you make  
4 any -- yeah. If you go into that document, it  
5 might change that date.

6 NATE PAUL: That would be a  
7 modification date. That was the creation date.

8 MICHAEL WYNNE: Those were controlled  
9 for.

10 NATE PAUL: Yes.

11 MICHAEL WYNNE: Those possibilities  
12 were controlled for and -- those were controlled  
13 for me and still --

14 NATE PAUL: Yeah. So what happens --

15 MICHAEL WYNNE: -- it was created  
16 that --

17 NATE PAUL: -- is there's a creation  
18 date and then any modif -- the way the -- from a  
19 technology standpoint, it will say "Creation date"  
20 but I'll see the modifications.

21 It will have the -- all the -- all  
22 the -- kind of the genesis about a document is  
23 embedded in that document, right, but it shows  
24 that. And, obviously, that call happened  
25 September 5th. The document is sent to us

1 September 6th.

2 DAVID MAXWELL: Right.

3 NATE PAUL: And this is saying, "Hey,  
4 we have this on this date."

5 DAVID MAXWELL: Do you have the  
6 document?

7 NATE PAUL: Yes, we do. And,  
8 secondarily, you know, part of the discovery was  
9 their -- the file storage company's CEO and  
10 through their counsel, they kind of made their  
11 pleadings, kind of their story.

12 And one of the parts that played in is  
13 that they stated they were served with a grand  
14 jury subpoena on August 30th, 2019.

15 DAVID MAXWELL: Okay.

16 NATE PAUL: And, you know, the grand  
17 jury subpoena confirmation from Alan Buie. So  
18 that's while this search, I guess, is still  
19 ongoing because it started on the 16th -- you  
20 know, you did a search warrant on the 16th and  
21 then you come back and you give information  
22 thereafter.

23 And when they supplied us a copy of  
24 that document -- you know, this is the physical  
25 document of the grand jury subpoena, which shows

1 that it was, you know, sent from Alan Buie to him  
2 on August 30th. His testimony is that he was --  
3 he was served with it on August 30th. The  
4 subpoena you'll see attached to it on the next  
5 page is dated September 9th, 2019. So there's --

6 MICHAEL WYNNE: Under their best day,  
7 you know, somebody's getting advanced notice of a  
8 grand jury subpoena that isn't even finished yet.

9 DAVID MAXWELL: I would imagine that  
10 when they did the search warrant they told him the  
11 same thing it says about the subpoena, that they  
12 can't disclose this. Did you ask them about that?

13 MICHAEL WYNNE: They can't disclose  
14 it? They -- that came through the arbitration  
15 lawsuit with Kenebel.

16 Now, what's peculiar here is typically  
17 if you're setting up to conduct a search warrant,  
18 you know, you need to get an affidavit and  
19 predicate the affidavit showing that World Class  
20 has leased the space, how long they've leased it,  
21 they've been making payments, there hadn't been  
22 any change. What? So it's right.

23 And so you issue that grand jury  
24 subpoena sometime before August 16th, which is the  
25 date of the search warrant, to make sure that

1 you've got all the information in your affidavit  
2 that you're searching the right place.

3 DAVID MAXWELL: Right.

4 MICHAEL WYNNE: Well, this postdates.

5 DAVID MAXWELL: Postdates.

6 MICHAEL WYNNE: You know, you do all  
7 this, search. You hire somebody to carry over the  
8 rest of the boxes. And then two weeks later, when  
9 he starts asking questions, his company starts  
10 asking questions, where is my stuff?

11 And while he's asking those questions,  
12 the owner is trucking stuff over to the FBI  
13 instead of answering pursuant to the -- to the  
14 contract. And then you're covering your tracks  
15 later by sending a grand jury subpoena telling the  
16 guy, the storage unit, "Hey, don't worry, man.  
17 We're FBI. We're U.S. attorney. We've got your  
18 back. Don't worry about your obligation. Don't  
19 return his call. Just hold on, and we'll send you  
20 a grand jury subpoena August 30th, which matches  
21 up with the last day he got in his truck."

22 Now, the grand jury subpoena itself  
23 ain't issued until September 9th. Now, government  
24 attorneys, we all can talk about any grand jury  
25 subpoena we get. We walk out of the grand jury

1 room and blab to the press.

2 A government attorney under 6-C has to  
3 respect that grand jury process and can't be  
4 disclosing stuff, much less giving somebody a  
5 heads up. We're going to -- we're going to be  
6 serving a grand jury subpoena that's postdated  
7 here.

8 DAVID MAXWELL: Well, Michael, why  
9 didn't you go to office of inspector general with  
10 this?

11 NATE PAUL: Just so we --

12 MICHAEL WYNNE: I came in -- I came in  
13 in January. I don't know if you came in  
14 earlier --

15 NATE PAUL: Yeah.

16 MICHAEL WYNNE: -- but we didn't know  
17 each other.

18 NATE PAUL: But also we --

19 MICHAEL WYNNE: We didn't know each  
20 other.

21 NATE PAUL: But also we --

22 MICHAEL WYNNE: I mean, I know him  
23 through my brother-in-law.

24 NATE PAUL: Yeah.

25 MICHAEL WYNNE: My brother-in-law



1 knows a friend of his and we're talking over the  
2 holidays about stuff, and that's how I got  
3 involved in this. I'm in Houston. Oh, I would  
4 have gone way back when.

5 NATE PAUL: But also --

6 DAVID MAXWELL: Most of all --

7 NATE PAUL: But also -- but also --

8 DAVID MAXWELL: All of this is  
9 procedure stuff --

10 MICHAEL WYNNE: Yeah.

11 DAVID MAXWELL: -- that would be done  
12 at trial or with the office of inspector general.

13 MICHAEL WYNNE: We've talked about  
14 maybe doing that.

15 DAVID MAXWELL: I mean --

16 NATE PAUL: But also this -- we just  
17 got this last week.

18 MICHAEL WYNNE: And we -- they just  
19 got that.

20 NATE PAUL: This just came from  
21 discovery --

22 DAVID MAXWELL: Well, you realize that  
23 we're the State.

24 MICHAEL WYNNE: I know.

25 DAVID MAXWELL: And you're in the

1 wrong office, and you know that.

2 MICHAEL WYNNE: Well, I don't know  
3 about that because I studied the Penal Code --

4 DAVID MAXWELL: All right.

5 MICHAEL WYNNE: -- and the case law,  
6 and there is a state statute.

7 DAVID MAXWELL: There is a state  
8 statute.

9 MICHAEL WYNNE: So there's some  
10 precedent.

11 NATE PAUL: And there are  
12 state important law --

13 DAVID MAXWELL: Well, you also know  
14 that they're not going to share anything with us  
15 and don't have to. It's an ongoing grand jury  
16 investigation, a federal investigation.

17 Now, if you were the A -- the AUSA on  
18 this case and I came to you --

19 MICHAEL WYNNE: That's like --

20 DAVID MAXWELL: -- and I said,  
21 "Michael, I know y'all are doing this  
22 investigation on financial fraud. We've had a  
23 complaint from the defendant -- a possible  
24 defendant. I want to see your records," what are  
25 you going to tell me?

1 MICHAEL WYNNE: If I were the agency  
2 or the magistrate, "Michael, here it all is. I'll  
3 show it to you."

4 And I've asked I don't know how many  
5 times, and I get the door slammed in my face.

6 DAVID MAXWELL: I've never had that  
7 experience. I've been working with the feds for  
8 40 years.

9 MICHAEL WYNNE: I was in the feds for  
10 12 years. I always did that. That's why --  
11 that's why we're with you --

12 DAVID MAXWELL: Yeah.

13 MICHAEL WYNNE: -- because I called  
14 him. Alan and I went to law school together. We  
15 were in the same class.

16 I said, "Alan, what's up, man? Why  
17 won't you talk to me?"

18 And I don't know. We went to the  
19 magistrate's office, said, you know, "Could we  
20 just see the original copies of these things,  
21 match them up and compare them? What's wrong with  
22 that?"

23 And we got, "No," and he -- we get  
24 shoved out the door. So my concern is -- you  
25 know, and this was my concern as an AUSA,

1 especially early on when they switched me from  
2 civil to criminal, stuck me on the Concorde crash  
3 investigation.

4 DAVID MAXWELL: Yeah, yeah.

5 MICHAEL WYNNE: And then -- I did  
6 that. I investigated kind of the landlines on  
7 behalf of the French government. And the Dennis  
8 and Laramie, the people who died in Iowa in the --  
9 in the railroad car. And the nationwide Candyman  
10 case where there ended up being an error in the  
11 search warrant.

12 Jeff Benney was the -- I was a  
13 first-year federal prosecutor. I got a search  
14 warrant going out to 5,000 searches. And it says  
15 that if you press a key, you automatically get all  
16 the child porn that day. Turned out that wasn't  
17 true so I got a freaking error that the head of  
18 the computer crimes section with the FBI sticks in  
19 the search warrant that I present, and my ass is  
20 on the line.

21 Michael Shelby goes to bat for me. I  
22 was a first freaking year prosecutor. OPR comes  
23 down on me. I'm real sensitive to this stuff. My  
24 ass and my career -- and, you know, the only way  
25 you can screw up 10 years in AUSA is if you stick

1 your neck out on a case.

2 DAVID MAXWELL: That's true.

3 MICHAEL WYNNE: You go for the king.

4 You shoot to kill. And if you might have

5 missed -- and Alan missed. I know Alan from law

6 school. He missed. Then you're trying to cover

7 yourself any way you can. And that's what

8 happened. And that's why Alan didn't -- won't

9 have this conversation with me.

10 DAVID MAXWELL: I --

11 MICHAEL WYNNE: And that's why we're

12 here. That's why we're here.

13 NATE PAUL: That's why we're here.

14 MICHAEL WYNNE: That's why we're here.

15 NATE PAUL: They didn't --

16 DAVID MAXWELL: Show me what document

17 you think was altered.

18 NATE PAUL: All the search warrants.

19 I think all the search warrants were edited.

20 DAVID MAXWELL: Why do you think --

21 now, you think the original search warrants, which

22 were documents, were altered. Why?

23 NATE PAUL: Well, there's many reasons

24 behind it.

25 DAVID MAXWELL: Give me something

1 that's more than --

2 MICHAEL WYNNE: Okay. Here's why.

3 The predicate for these searches goes back to the  
4 Yassin investigation.

5 DAVID MAXWELL: The what?

6 MICHAEL WYNNE: Yassin back in 2012.

7 There's a reference to a nightclub down -- that he  
8 was going to purchase, Yassin.

9 NATE PAUL: It was to that building.

10 MICHAEL WYNNE: It was 2012.

11 DAVID MAXWELL: Yeah, I remember.

12 MICHAEL WYNNE: Alan Buie was on the  
13 scene as part of the tax case. All right. And  
14 they thought that they were going to recover some  
15 records relating to drug narcotic trafficking,  
16 including the particular folder relating to the  
17 closing of that transaction that didn't go  
18 through.

19 We know it because that's spelled out  
20 very clearly. That's one of the things. You've  
21 got boxes, boxes, boxes and then that transaction  
22 on the -- on the return. The questions that they  
23 asked him, the questions that they asked -- for  
24 instance, at the office, they talked to an  
25 African-American boy. They said, "Surely you know

1 where the drugs are."

2 They're going and asking and looking

3 for drugs and --

4 NATE PAUL: Guns.

5 MICHAEL WYNNE: -- or guns and

6 narcotics. Where are the guns? Where are the

7 narcotics? They look up the chimney. They ripped

8 the heads off the dolls looking for drugs.

9 Everything they do is consistent

10 with -- they have a OCDETF guy they bring in from

11 the Borag to do it. Everything is consistent with

12 a drug raid. They don't find it.

13 Something happens around the middle

14 of -- the middle of the search. Around

15 11:00 a.m., there's a change. Someone accesses --

16 Alan Buie, according to metadata accessing the

17 text of the search warrant document at 11:00 a.m.

18 in the middle of the search.

19 Why do you do that? You only do it if

20 you're in there -- if the affidavit -- if what

21 you're searching for and the predicate to the

22 search which you presented to the magistrate is

23 for guns and drugs and money.

24 That was the story, he's laundering

25 money through his companies. And you've got to

1 freaking act on if you switch it to something

2 else, if you switch it to a Ponzi scheme or some

3 type of securities fraud or something. That's

4 what happened.

5 NATE PAUL: In the extreme in all of

6 the --

7 MICHAEL WYNNE: That's what happened.

8 NATE PAUL: Every document that was

9 sent to us --

10 MICHAEL WYNNE: You save your freaking

11 face because you're already -- you're already --

12 you have the media there. You can't go back.

13 You've got another team poised to go into

14 another -- they were at the Frost Bank Tower.

15 They were going to go and do another investigation

16 for basically --

17 DAVID MAXWELL: That's where your

18 headquarters is. Right?

19 NATE PAUL: Those were our former

20 headquarters.

21 MICHAEL WYNNE: Well, there were --

22 there were two there. There was another team

23 getting ready to roll. As soon as they found the

24 binder and whatever else they did, hoping to get

25 it at Nate's house, that was the coup to go



1 execute -- and that team disbands at  
2 11:00 o'clock.

3 NATE PAUL: And the reason why -- so  
4 with the --

5 MICHAEL WYNNE: That team disbands.

6 DAVID MAXWELL: So let me ask you  
7 this. So when they go into Frost -- did they go  
8 into Frost and search or not?

9 MICHAEL WYNNE: No. They were waiting  
10 to go in.

11 DAVID MAXWELL: Huh?

12 MICHAEL WYNNE: They were waiting to  
13 go in to Frost. He moved in May to the  
14 Hirschfield Manor, which he's renovating. It's  
15 pretty freaking cool inside now, the way they're  
16 doing it.

17 NATE PAUL: And they searched that.

18 MICHAEL WYNNE: And they searched  
19 that, but they had a team ready at Frost. They  
20 knew damn well that he'd already moved. They were  
21 going to go search --

22 DAVID MAXWELL: So did --

23 MICHAEL WYNNE: -- Robert Smith.

24 DAVID MAXWELL: So did they do --

25 MICHAEL WYNNE: They were going to do

1 Robert Smith. They stood down because they didn't  
2 get the letter --

3 NATE PAUL: That's --

4 MICHAEL WYNNE: -- the predicate.

5 NATE PAUL: That's --

6 MICHAEL WYNNE: Robert Smith, the  
7 African-American guy. That's where they were  
8 going.

9 DAVID MAXWELL: So the three searches  
10 they did that day, what were they? Your house,  
11 obviously?

12 NATE PAUL: Yeah.

13 DAVID MAXWELL: What else?

14 NATE PAUL: Our office.

15 MICHAEL WYNNE: The new office at the  
16 mansion.

17 NATE PAUL: At Hirschfield, Lavaca.

18 DAVID MAXWELL: Okay.

19 NATE PAUL: And our server room, which  
20 is in another building we own on Congress.

21 DAVID MAXWELL: Were the phone calls,  
22 affidavits all the same for all three searches?

23 NATE PAUL: Yes.

24 DAVID MAXWELL: Okay.

25 NATE PAUL: So all of them were

1 identical. They were kind of the reason for --

2 DAVID MAXWELL: And was the phone call  
3 definitely set?

4 MICHAEL WYNNE: Somebody, based on my  
5 experience writing very, very complicated search  
6 warrants, did these in a haphazard, rushed  
7 fashion. They got, for instance, this -- they got  
8 the same drive, DF driver's license for different  
9 people. They got six-digit Zip codes.

10 There's other things that people --  
11 you don't -- you don't get those through -- if  
12 you're going to be searching these kind of  
13 high-profile searches, including on attorneys'  
14 offices, and cart away all the sexual harassment,  
15 slip and fall, all that stuff, in-house counsel,  
16 that needs -- and I know it needs -- I know how  
17 hard it is to get approved by the assistant  
18 attorney generals.

19 DAVID MAXWELL: Yeah.

20 MICHAEL WYNNE: It's tough to get a  
21 search of an attorney's office, and you have to  
22 show that you have exhausted -- you have exhausted  
23 all other possibilities and that you've done that.

24 That has to be in your PSAU  
25 memorandum. I have done this. I know the stuff

1 is there. I expect it may be attorney-client  
2 privileged. I know that because he has three  
3 in-house counsel that handle slip and falls,  
4 sexual harassments and all these other things, and  
5 we will be careful not to do that. And you get  
6 the assistant attorney general to sign it off, but  
7 they didn't do that.

8 DAVID MAXWELL: Right.

9 MICHAEL WYNNE: So that's why --  
10 that's why I'm concerned that the predicate was  
11 something else, and then there was scrambling on  
12 your feet to try to create some other case to  
13 justify a search that had already taken place.

14 NATE PAUL: Well, then -- and there's  
15 a couple of things that play into it.

16 MICHAEL WYNNE: And there's more to  
17 that.

18 NATE PAUL: Well, for example, so we  
19 said, "We want to see a copy of the actual search  
20 warrants because, you know, counsel is questioning  
21 the validity."

22 And at that point Ryan Harper, an  
23 AUSA, that said, "I'm opposed to that because if  
24 you're not hiding anything, then you show this."

25 He says, "Okay. I'm not opposed."

1 So we filed a motion. And we filed a  
2 motion, and what we came to learn after the fact  
3 was not only did you file an unopposed motion, it  
4 gets -- it moves pretty quickly if they file it.  
5 That was filed October 4th, and for some reason it  
6 was silent for two weeks and then filed again on  
7 October 17th.

8 And they notified counsel. "Hey,  
9 yeah, it's approved."

10 The clerk for the magistrate judge,  
11 Gerry Morris, one of our attorneys here who's part  
12 of the team, went to go get the documents. He  
13 gets in the middle of a little bit documents and  
14 they say, "These are the actual search warrant  
15 documents."

16 And, you know, we looked at them and  
17 said, "These look similar to what we have," but  
18 there were only three that were associated with  
19 the first search. And then there's the one for  
20 Contego.

21 Well, when Michael got involved, and  
22 he -- you know, when he said -- whenever he came  
23 onboard, he said, "Do we have an order to the  
24 actual copies?" He went to the courthouse and  
25 went to --

1 DAVID MAXWELL: Right.

2 NATE PAUL: Said, "Let me -- we have  
3 an -- we have an order."

4 DAVID MAXWELL: That's what I was  
5 going to say. You can just go to the courthouse  
6 and get them.

7 NATE PAUL: Yep. And she says, "We're  
8 not going to give them to you."

9 DAVID MAXWELL: Because? Are they  
10 sealed?

11 NATE PAUL: But it -- so the case was  
12 sealed.

13 MICHAEL WYNNE: But the search  
14 warrants themselves and the inventories, the  
15 person who is substum [phon], under Rule 41, gets  
16 those.

17 NATE PAUL: Yes. And it --

18 MICHAEL WYNNE: Not because it's  
19 illegal for us. No. They didn't give them to be  
20 nice.

21 NATE PAUL: But even bigger, though,  
22 Michael, we have a signed order from the judge --

23 DAVID MAXWELL: Yeah.

24 NATE PAUL: -- saying, "You have --  
25 no. You have a right to them." So --

1 DAVID MAXWELL: But does it give you  
2 the right to the search warrant and the inventory  
3 or the probable cause affidavit with the search  
4 warrant and the inventory?

5 MICHAEL WYNNE: Not the prob -- not  
6 the --

7 DAVID MAXWELL: So he doesn't --

8 MICHAEL WYNNE: Not the probable  
9 cause. What I got on August -- or February 28th  
10 after a hearing, and I said, "What I'd like to  
11 have, Your Honor, is the search warrant that was  
12 supposed to be left with us and the inventory."

13 And, you know, when you go back with  
14 the inventory and the returns, put the inventory  
15 on top of the returns --

16 DAVID MAXWELL: Right.

17 MICHAEL WYNNE: -- two weeks later,  
18 whenever it is, you attach another copy of the  
19 search warrant.

20 DAVID MAXWELL: Right.

21 MICHAEL WYNNE: And it's stamped, in  
22 this case, August 23rd.

23 So I initially went out to the -- to  
24 the clerk's office. With the clerk, I'm not  
25 getting very -- much help here. So I went up to

1 the magistrate's chamber.

2 I said, "Well, there has to be" -- and

3 he's telling me about these metadata things.

4 "Well, there has to be a copy with a signature on

5 it" --

6 NATE PAUL: Original.

7 MICHAEL WYNNE: -- "a wet ink or a

8 stamp or something. Can I just look at that and

9 compare it to what -- you know, what Gerry got

10 here? I'll look at them and we'll be done."

11 And they wouldn't do that. They set

12 it for a hearing. Go to the hearing. And I ask

13 under Rule 41, "I'd like" -- and I get, as a

14 matter of right, the original inventory --

15 DAVID MAXWELL: Right.

16 MICHAEL WYNNE: -- the original

17 August 12th search warrant.

18 He said, "All right. Come back

19 August -- come back at 4:00 o'clock. You'll get

20 them."

21 Well, I said, "Okay. That's great.

22 We'll be back at 4:00."

23 I open the thing up, and I get not

24 August 12th. What I get is a search warrant with

25 a peace warrant August 23rd. I get the copy that



1 was --

2 DAVID MAXWELL: You said August 12th.

3 You meant 22nd?

4 MICHAEL WYNNE: No, no, no. These --

5 NATE PAUL: These are for the first  
6 ones.

7 MICHAEL WYNNE: They're -- the search  
8 warrants for the house and the office and the  
9 server room are all dated August 12th. That's  
10 when they presented them, present the application.  
11 You get it stamped.

12 DAVID MAXWELL: Okay.

13 MICHAEL WYNNE: And then you go roll.

14 I said, "I want the August 12th. I  
15 don't want August 23rd, which is when you" --

16 NATE PAUL: Returned.

17 MICHAEL WYNNE: -- "when you did the  
18 return. And when you did the return, you filed  
19 another copy of the search warrant. I want the  
20 one that says August 12th, not August 23rd."

21 DAVID MAXWELL: Right.

22 MICHAEL WYNNE: So I go into the  
23 clerk's office at 4:00 and pick these up. I open  
24 it.

25 I say, "This still ain't it. Would

1 you, Clerk -- Deputy Clerk, call upstairs and --  
2 while I'm here? I've got to drive back to  
3 Houston. It's Friday. I've got a four-year-old  
4 daughter. Would you -- would you -- would you get  
5 the August 12th and print them out?"

6 And she gets the magistrate on the  
7 phone, and he goes freaking ballistic on me.  
8 "Mr. Wynne, next time you file a motion, make sure  
9 you're asking -- you're filing exactly what you  
10 want. You're lucky you got this. You're lucky  
11 I'm even -- I'm even on the phone or doing  
12 anything with you."

13 I said, "Your Honor, I just think  
14 maybe somebody made a mistake," and I just got  
15 blasted. I put it on speakerphone so everybody  
16 can hear. And I'm getting -- maybe I'm getting  
17 hometowned, but this is a little too far.

18 NATE PAUL: Well, let's tell him about  
19 the other thing that popped up.

20 MICHAEL WYNNE: So --

21 NATE PAUL: What we learned that day  
22 was there were three other search warrants.

23 MICHAEL WYNNE: They searched --

24 NATE PAUL: There were six.

25 MICHAEL WYNNE: -- him and his --

1 NATE PAUL: So then --

2 MICHAEL WYNNE: -- sister, who's a  
3 practicing attorney --

4 NATE PAUL: So then there's that --

5 MICHAEL WYNNE: -- the person.

6 NATE PAUL: Then they said we had --  
7 they had a search warrant for my vehicle, for me  
8 as a person -- or any of my property in the  
9 district where she was involved as a person  
10 entering the district.

11 And they -- and Alan Buie says, "Oh,  
12 yes. No. We did have three other search  
13 warrants, but they were just in case we needed  
14 them. You know, we preemptively got those."

15 DAVID MAXWELL: Right. They did not  
16 use them.

17 MICHAEL WYNNE: Well --

18 NATE PAUL: Well --

19 MICHAEL WYNNE: -- the problem is they  
20 did. They took things off of his person.

21 NATE PAUL: And their inventory that  
22 the --

23 MICHAEL WYNNE: More troubling to  
24 me -- and I did bring this up to Judge Lane, and  
25 he shot me down. He turned red faced and shot me

1 down, because based on my -- I've gotten search

2 warrants on judges, on attorneys, on people

3 running for Congress --

4 DAVID MAXWELL: Sure.

5 MICHAEL WYNNE: -- DA's. I did that.

6 To gain entry on it, you know, a freaking pain in

7 the neck.

8 But if you're getting a search warrant

9 to search the person of an attorney, Sheena, for

10 evidence of her, quote -- evidence of her state of

11 mind -- evidence of her state of mind, that's by

12 definition more private. Okay? And that --

13 that's what it is.

14 So did you -- and I -- in the hearing

15 on the 28th, I said, "Your Honor, it's my view,

16 based on my experience, that they would have had

17 to get PSEU, an assistant attorney general, to

18 search the person of an attorney for state of

19 mind."

20 And the attorney -- magistrate blows

21 freaking up, turns red. "This hearing is

22 adjourned. Mr. Wynne, you know you don't have a

23 remedy for that."

24 NATE PAUL: No. What he --

25 MICHAEL WYNNE: And he turns --

1 NATE PAUL: What he said was he  
2 said, "I don't know if they did anything wrong.  
3 That's on them if they did anything wrong."

4 MICHAEL WYNNE: And -- but the -- I  
5 was talking just like I am with you. I said,  
6 "This creates another issue, Your Honor. I want  
7 to, you know, nip it in the bud," and he just  
8 blows up.

9 The only explanation I have -- I've  
10 been doing this for 20 years -- is the magistrate  
11 didn't ask the right questions when the agent came  
12 in. The magistrate may not have read whatever is  
13 in that affidavit. He may have gone back and read  
14 it now and realized -- and I don't know -- may  
15 have realized there wasn't probable cause.

16 NATE PAUL: But the bigger problem --

17 MICHAEL WYNNE: And he may have  
18 realized, oops. She's an attorney. I shouldn't  
19 have done this.

20 NATE PAUL: Even bigger than that --

21 MICHAEL WYNNE: So that's why we're  
22 getting this.

23 NATE PAUL: Whenever we had the signed  
24 order to get a copy of all the warrants on -- in  
25 October and he goes there to get the file, there

1 was no mention, nothing of those in there.

2 Now, on February 28th, he was,

3 like, "Oh, yeah. No. There's these other ones,

4 too. You know, here's a copy of them. They're

5 unexecuted, but they're part of the file. They're

6 part of the same day file," but then they

7 stated -- so who is having control of that info?

8 DAVID MAXWELL: Well, I'm surprised

9 they gave you the copies of unexecuted search

10 warrants. They didn't search -- they didn't

11 execute them. They don't have to give them to

12 you.

13 MICHAEL WYNNE: Well, the -- they did.

14 DAVID MAXWELL: So, I mean, that's

15 something in your favor --

16 MICHAEL WYNNE: Oh, yeah. Oh, yeah.

17 DAVID MAXWELL: -- because they don't

18 have to do that.

19 MICHAEL WYNNE: Oh, yeah.

20 DAVID MAXWELL: That's part of the

21 investigation which is ongoing. So they are under

22 no obligation to tell you about it. So them not

23 telling you about it is not a problem. They don't

24 have to.

25 This is a criminal investigation, and

1 they don't have to give it to you because they  
2 didn't execute it. So they're not obligated under  
3 Chapter 41 to give you a copy of that. Right?

4 MICHAEL WYNNE: I'm just -- there's so  
5 many investigations, as we read in the paper  
6 almost every day, that have gone -- has gone  
7 south.

8 And the problem is your Michael Flynn's  
9 of the world. By the time you're exonerated, your  
10 life has been completely upturned. He's got three  
11 young kids, and they're getting all sorts of crap  
12 at school.

13 And I think -- in fact, I'm convinced  
14 that what happened here is they went down a wrong  
15 trail, but because it's public they can't say,  
16 "Oops. Sorry. We'll take it back."

17 NATE PAUL: And we're not one to  
18 (unintelligible) --

19 (Simultaneous crosstalk)

20 MICHAEL WYNNE: That's the problem. I  
21 don't think they're --

22 NATE PAUL: I don't --

23 MICHAEL WYNNE: I don't think they're  
24 evil people from the core.

25 NATE PAUL: Yeah.

1 MICHAEL WYNNE: They just got the --  
2 they listened to the wrong people and got it  
3 wrong, and they can't come forward and say,  
4 "Oops."

5 DAVID MAXWELL: But if they got it  
6 wrong, it's either going to go away or --

7 MICHAEL WYNNE: I know. But in the  
8 meantime, his kids really --

9 NATE PAUL: No, no, no. But even more  
10 than that -- like I can -- I can deal with that  
11 aspect. Right? But the question is -- you know,  
12 that's fine.

13 But when it comes to changing the  
14 documents that are being used. Right? Look, I  
15 understand. So really we're not trying to impede  
16 the investigation or anything like that.

17 DAVID MAXWELL: All right. So let's  
18 go back over what it is you think they changed.  
19 You're talking about, you know, they changed the  
20 date they signed it?

21 NATE PAUL: The entire search warrant  
22 that was on -- for the file storage company, we  
23 would -- it's fabricated. It was not -- did not  
24 exist when they said it did.

25 DAVID MAXWELL: You think they went



1 and did a search without a search warrant?

2 NATE PAUL: Correct.

3 DAVID MAXWELL: That's pretty hard to  
4 believe, and let me tell you why. You worked in  
5 the federal system. It has -- the FBI is not  
6 going to go out and do a search without the  
7 U.S. attorney's office involved. And the  
8 U.S. attorney's office is not going to do a search  
9 without a search warrant.

10 MICHAEL WYNNE: I have serious --  
11 well, that's why I am here with you today, because  
12 this suggests -- this suggests that that is  
13 plausible. It could have well happened here.  
14 They very well could have made a mistake, and it's  
15 something that warrants an investigation because  
16 it's inconsistent with everything else I've seen  
17 for the past 20 years.

18 DAVID MAXWELL: What I would say is  
19 that the office of inspector general is the one  
20 who would have access to it and can do it and get  
21 to the bottom of it. We're going to be very  
22 limited in what we can do.

23 MICHAEL WYNNE: Yeah.

24 DAVID MAXWELL: You know, I have  
25 problems getting copies of investigative reports

1 from the FBI that belong to me.

2 NATE PAUL: Yeah.

3 DAVID MAXWELL: I'd give them copies  
4 of my report and ask for it back, and then they  
5 don't want to give it back to me.

6 MICHAEL WYNNE: Well, I was hoping not  
7 to escalate it there to the degree that, you know,  
8 what I -- what I think is some people really need  
9 to save face and I go to OIG/OPR and I know how  
10 freaking miserable that is.

11 If there's a way we can do it without  
12 doing that, that's the preference, but maybe not.

13 DAVID MAXWELL: I don't think so,  
14 Michael. I mean --

15 MICHAEL WYNNE: I'd rather not go in  
16 over there because then --

17 DAVID MAXWELL: Michael --

18 NATE PAUL: Another question is  
19 whenever you look at this document the way it's  
20 covered, right, if you're serving this on someone  
21 on August 30th for a subpoena that's not signed  
22 until September 9th, there's two things that  
23 either happened.

24 One, you're serving it to them, and  
25 saying, "Hey, here's the heads up. This is coming

1 in 11 days," which is a clear violation under 6-E,

2 or did this document -- is this document real?

3 Does this exist or was it manufactured?"

4 DAVID MAXWELL: It's not unusual to

5 get issued a subpoena and not get it served right

6 away. We do that all the time.

7 NATE PAUL: No. Agreed. But -- no,

8 but he's serving it before it issued. He serves

9 this on August 30th. The subpoena is not issued

10 until September 9th.

11 DAVID MAXWELL: So he wrote the

12 letter.

13 NATE PAUL: And --

14 MICHAEL WYNNE: And sent the subpoena.

15 DAVID MAXWELL: And sent the subpoena.

16 MICHAEL WYNNE: Sent the subpoena.

17 NATE PAUL: And the --

18 MICHAEL WYNNE: Issued the subpoena --

19 (Simultaneous crosstalk)

20 MICHAEL WYNNE: Served the subpoena --

21 NATE PAUL: On August 3rd.

22 MICHAEL WYNNE: Served the subpoena

23 before it was --

24 DAVID MAXWELL: Okay. As far as these

25 are --

1 MICHAEL WYNNE: -- ever issued.

2 DAVID MAXWELL: Okay.

3 NATE PAUL: He received this on  
4 August 30th.

5 MICHAEL WYNNE: That's for --

6 NATE PAUL: He just wants his money.

7 MICHAEL WYNNE: -- the storage guy.

8 NATE PAUL: And it's in their  
9 pleadings.

10 MICHAEL WYNNE: And I know you can  
11 be -- that's flying a little too fast, at least  
12 for the grand jury.

13 NATE PAUL: And this is one of our --  
14 they put everything outside. This document alone,  
15 I would say, how do you serve this -- how do you  
16 serve a subpoena when it's not issued?

17 MICHAEL WYNNE: It's an election year,  
18 too. It's an election year. You want me to go to  
19 OIG in an election year right now in this  
20 environment? I mean, we'll do that but --

21 DAVID MAXWELL: I'm just -- I'm trying  
22 to help y'all.

23 MICHAEL WYNNE: Yeah. No, no.

24 NATE PAUL: I appreciate it.

25 DAVID MAXWELL: I don't -- I don't see

1 a path that we could help you find remedy under  
2 the state. Now, under the state, if we look to  
3 the statute, it's a third degree felony.

4 NATE PAUL: 37.09.

5 DAVID MAXWELL: Yeah. So, I mean, I  
6 under -- I've followed lots of cases on falsifying  
7 government documents in the past. It's going to  
8 be difficult for us to get the evidence if this  
9 did occur, if this is what happened, to be able to  
10 do that on the state level --

11 MICHAEL WYNNE: Yeah.

12 DAVID MAXWELL: -- because we're not  
13 going to have access to it.

14 MICHAEL WYNNE: Well, it's impossible  
15 for us to do it.

16 NATE PAUL: Well, let's -- but --

17 (Simultaneous crosstalk)

18 DAVID MAXWELL: I know, but I mean --

19 NATE PAUL: Look at some of the  
20 evidence we have on this one. Okay?

21 MICHAEL WYNNE: We have great --

22 NATE PAUL: Look, you can't falsify a  
23 doc -- you can't falsify it a little bit or a lot  
24 of it. You either falsified it or not, right,  
25 when it comes down to falsifying documents?

1 Right?

2 When it comes to the grand jury  
3 subpoena, obviously we got this legal process with  
4 the arbitration. We have it, you know, the  
5 letters, August 30th from the government and the  
6 subpoena is issued on September 9th.

7 We have -- clearly their own document  
8 states that they gave it to them ahead of time.  
9 The recipient, Contego, states both in their legal  
10 filings that they were served on August 30th. We  
11 have the video testimony where he says, "I was  
12 served on this August 30th."

13 How do you serve a subpoena that  
14 doesn't exist? That's a -- that's a -- when it  
15 comes to the evidence. Right? Well, that's a  
16 question that's -- we have the test -- we have the  
17 sworn testimony from the one witness who's  
18 involved, the recipient, saying he's received it  
19 on a different day.

20 The document says that and this says  
21 September 9th. I don't know how that's -- you  
22 know, how it's possible. How is that possible it  
23 happened if it hasn't been issued yet? Okay. I  
24 mean, when you think about from falsifying or  
25 tampering the document, something's wrong here,

1 clearly. Right?

2 DAVID MAXWELL: Yeah. I mean, I --

3 obviously that doesn't match.

4 NATE PAUL: Yeah. And his records

5 shows us this date. Their records says this date.

6 This says this date. Right? That's why this is

7 very, very troubling, all right, and we kind of

8 show there's other things where it can be a little

9 bit of wiggle room. I mean, that's a big problem.

10 I mean, there are other parts that

11 play into things that are just kind of black and

12 white, right, when the search warrant returns,

13 which we received, and there's a state employee

14 who signed them, you know, Rani Sabban from the

15 Texas State Securities Board.

16 He signed and certified search

17 warrants where he was not there. He was not

18 present. He's the one certifying it, but he was

19 in one location. And stating he left them with

20 two attorneys that didn't have a receipt from him,

21 and that's -- his search warrant return says he

22 needed to stay. He got this. The court gave

23 this.

24 DAVID MAXWELL: Right.

25 NATE PAUL: Our attorney was saying,

1 "He didn't leave that with us. This is -- it's  
2 incorrect."

3 All right? So those are kind of --  
4 I'm trying to give you the black and white ones.  
5 Right.

6 MICHAEL WYNNE: I understand.

7 NATE PAUL: And we understand all the  
8 hearsay. I don't even meddle in that. Right?  
9 When we have those, we said, "Okay. This is where  
10 when it comes to, you know, obviously getting a  
11 remedy or obviously bringing an issue up, right,  
12 when you look at -- under the state penal code and  
13 look under those, we have a lot of the, you know,  
14 kind of clearcut documents from them that we have  
15 received.

16 Obviously, you know, under the  
17 investigative coverage, right, you'll probably be  
18 able to uncover more, but for your own validation  
19 of everything that plays --

20 DAVID MAXWELL: It will have --  
21 they'll come after us and --

22 NATE PAUL: Yeah. But the good part  
23 is -- right, is when you have sworn testimony and  
24 you have the actual documents, right, those are  
25 the two -- obviously the main components that came



1 in.

2 With Rani Sabban, it's very, very  
3 troubling. Like I say, he's a state employee.  
4 Right? First and foremost, he lied about his name  
5 the date of the search, which was odd. He told us  
6 he was a different name, deputy agent, then later  
7 in the day he disclosed who he was. That's -- I  
8 know it's all going to have to be backed up from  
9 metadata.

10 DAVID MAXWELL: He's probably -- he's  
11 probably a TFO.

12 NATE PAUL: Yes, he was, a task force  
13 officer.

14 DAVID MAXWELL: Yeah.

15 NATE PAUL: Now, what's interesting  
16 and plays into this --

17 MICHAEL WYNNE: He gave the wrong  
18 actual proper name, too.

19 NATE PAUL: He said his name was David  
20 Hall and David Hall is another agent involved.

21 MICHAEL WYNNE: Right.

22 NATE PAUL: He and Rani Sabban were  
23 going to (unintelligible). Why he decided to do  
24 that and --

25 MICHAEL WYNNE: I know you can lie

1 about it, but --

2 DAVID MAXWELL: You can --

3 MICHAEL WYNNE: -- I mean, why bother  
4 with it? I do -- I don't know. A lot of these --

5 NATE PAUL: Yeah.

6 (Simultaneous crosstalk)

7 MICHAEL WYNNE: I mean, come on.

8 NATE PAUL: What's interesting is he's  
9 the only person who certified any of the documents  
10 that were returned. There's not one other FBI  
11 agent. There's a ton of agents involved. He's  
12 the only one who signed anything, the only one who  
13 signed any application, any affidavit, any --

14 DAVID MAXWELL: Typically -- yeah.  
15 Typically whoever signs the affidavit signs the  
16 returns.

17 NATE PAUL: Whether or not they're  
18 there.

19 DAVID MAXWELL: Whether or not they're  
20 there, they sign the returns. So --

21 NATE PAUL: But the returns also had  
22 wrong info --

23 MICHAEL WYNNE: Right.

24 NATE PAUL: -- saying that he left  
25 them with people he didn't leave them with.

1 DAVID MAXWELL: Yeah. That could be.

2 NATE PAUL: They didn't leave the  
3 return.

4 DAVID MAXWELL: There again, that's  
5 something you address in -- if and when you're  
6 ever indicted and you're charged with a criminal  
7 offense.

8 You know, what you guys are saying is  
9 that you have a real problem with the way they did  
10 their business. I can't change how they do their  
11 business. OIG can. I mean, the office of  
12 inspector general can do that.

13 NATE PAUL: So I think -- I  
14 think everybody agrees that we have a problem with  
15 the way they do their business, but I think most  
16 troubling is we have documents that, one, like  
17 this, couldn't be correct, like it's impossible to  
18 search --

19 DAVID MAXWELL: Well, this is -- this  
20 is -- if there is going to be a case here, it has  
21 to go through the Travis County DA's office.

22 NATE PAUL: Correct.

23 DAVID MAXWELL: Okay? I'll take a  
24 look at this and we'll talk to the DA's office and  
25 get their take on it. But they put it -- they

1 give it to us.

2 NATE PAUL: Correct.

3 DAVID MAXWELL: Because I know y'all  
4 filed over there. So what I'll have to do is --  
5 and get with the DA's office and talk to them  
6 about it.

7 NATE PAUL: Okay.

8 DAVID MAXWELL: Okay? But you --

9 MICHAEL WYNNE: Is there anything else  
10 we can give you to help this? He's cited a lot of  
11 things. It's a little hard to absorb it all.  
12 We've thrown out a lot of dates. It's very --

13 DAVID MAXWELL: Can you make copies of  
14 stuff that we -- we have talked about --

15 MICHAEL WYNNE: Yes.

16 DAVID MAXWELL: -- and that you have  
17 questions about?

18 MICHAEL WYNNE: Sure.

19 DAVID MAXWELL: And let me look at  
20 those.

21 MICHAEL WYNNE: Yeah. There's just,  
22 you know, a lot of stuff to it.

23 DAVID MAXWELL: I try to remember  
24 dates from, you know -- but yeah. I'd prefer that  
25 you give me copies of what you think and a

1 synopsis of why you think they're questionable.

2 MICHAEL WYNNE: Okay.

3 DAVID MAXWELL: Okay?

4 MICHAEL WYNNE: One of the things  
5 beside being a criminal defense lawyer I do most  
6 often is sort of corporate victim advocacy where  
7 you have some partner who was defrauded and then  
8 presenting that case; for instance, a hospital  
9 system that was embezzled by an employee or  
10 somebody else --

11 DAVID MAXWELL: Sure.

12 MICHAEL WYNNE: -- to a healthcare  
13 fraud. That's probably a third of my practice is  
14 doing that. And this is kind of that kind of  
15 category.

16 DAVID MAXWELL: Why do you have HIPAA  
17 stuff? Is that on your employees or --

18 NATE PAUL: Well, yeah. HIPAA stuff  
19 is we just -- we have 400-plus employees so we've  
20 got --

21 DAVID MAXWELL: So it's all on your  
22 employees?

23 NATE PAUL: Yeah, but the --

24 DAVID MAXWELL: Yeah.

25 NATE PAUL: The storage company, the

1 file record company, they have records for  
2 government agencies, for --

3 DAVID MAXWELL: Yeah.

4 NATE PAUL: -- everything else.  
5 Right. So --

6 MICHAEL WYNNE: I mention that because  
7 when I first saw it, I said, "Oh, he owns the  
8 storage." So I said, "Why don't you store your  
9 own stuff in your own storage facility?"

10 Well, he doesn't because he wants a  
11 specialized storage facility. If you're looking  
12 in Austin, you're thinking, all right. I've got  
13 to find somebody who's really, really good,  
14 somebody who handles HIPAA stuff properly, is on  
15 the ball and has great security. That's where I'm  
16 going to go with my most sensitive stuff. I'm not  
17 just going to put it in my storage facility. Go  
18 with that. They're the experts.

19 DAVID MAXWELL: Yeah.

20 MICHAEL WYNNE: And that's why we were  
21 so upset, or he was, with the expert that we  
22 specifically chose because you market you do all  
23 this stuff, and if you get a subpoena from anybody  
24 you call and you say --

25 DAVID MAXWELL: Right. This is

1 what --

2 MICHAEL WYNNE: -- 11 -- what the --  
3 and that's why he was so mad, because he  
4 specifically selected them because they handled  
5 HIPAA stuff.

6 Well, do you do other stuff, too?  
7 Yeah, we do. So let's -- what other sensitive  
8 stuff?

9 (Simultaneous crosstalk)

10 NATE PAUL: I didn't mention --

11 MICHAEL WYNNE: He's got all sorts of  
12 other --

13 NATE PAUL: I didn't mention there's  
14 10 to 15 phone calls between the FBI agents and  
15 the file search company before they produce these  
16 documents back to us.

17 MICHAEL WYNNE: Why didn't they pick  
18 up and say, you know, "Hey, World Class, these  
19 guys are coming and looking at your stuff. We  
20 promised we wouldn't show anybody"? Just a call.  
21 Just a call.

22 DAVID MAXWELL: I'm sure they -- I'm  
23 sure they scared him.

24 NATE PAUL: Oh, yeah. Oh, yeah.  
25 There's emails where he --

1 DAVID MAXWELL: Showed him the --

2 MICHAEL WYNNE: Well, that's why he --

3 that's why he wanted to cover.

4 DAVID MAXWELL: Yeah.

5 MICHAEL WYNNE: That's why they wanted

6 to cover. "We've got your back, buddy. Don't

7 worry about it."

8 NATE PAUL: Well, there's also emails

9 where he emailed the FBI agent and says, "Hey, I

10 lied to him. I told him that you came here two

11 weeks ago and did it."

12 He goes, "You did the right thing."

13 MICHAEL WYNNE: Right.

14 NATE PAUL: Those are pretty -- you

15 know, whenever he had just delivered boxes to them

16 five days before. "I told him you came and

17 searched here two weeks ago."

18 And so they're corroborating when the

19 phone calls are --

20 DAVID MAXWELL: So they ended up

21 backing the subpoena with a search warrant, I'm

22 assuming?

23 MICHAEL WYNNE: But -- no. Actually

24 they had the search warrant first and they tried

25 to back the search warrant up with a subpoena,



1 which is ass backwards.

2 DAVID MAXWELL: A subpoena doesn't do  
3 any good for a search warrant.

4 MICHAEL WYNNE: No.

5 NATE PAUL: No.

6 MICHAEL WYNNE: This is -- this is an  
7 effort to try to --

8 DAVID MAXWELL: No. This doesn't help  
9 them --

10 MICHAEL WYNNE: Why are you -- why are  
11 you doing that?

12 DAVID MAXWELL: Because --

13 MICHAEL WYNNE: Because you sign --

14 DAVID MAXWELL: You get the  
15 information on the search -- on a subpoena, you'll  
16 block it, you know. You had -- if you go into  
17 search warrants, you can't block that.

18 MICHAEL WYNNE: You go into search  
19 warrants --

20 NATE PAUL: That's not --

21 MICHAEL WYNNE: -- first and then you  
22 try to paper it with this.

23 DAVID MAXWELL: That doesn't do  
24 them --

25 MICHAEL WYNNE: No, it doesn't do them

1 any, but why would they ever do that --

2 DAVID MAXWELL: I don't know.

3 MICHAEL WYNNE: -- unless they're  
4 trying to --

5 NATE PAUL: Unless they didn't exist.

6 MICHAEL WYNNE: Unless they, you  
7 know --

8 NATE PAUL: And the serving of all  
9 these --

10 DAVID MAXWELL: I don't -- I don't  
11 believe it. You're not going to get a judge,  
12 AUSA, FBI, all these people to go into somebody  
13 without a search warrant. I don't believe that  
14 and you don't either.

15 MICHAEL WYNNE: Well, the question is  
16 did the FBI agents go there informally and conduct  
17 some side search without the AUSA and judge or  
18 anybody else knowing about it or, more likely, did  
19 the task force officer who has a background as a  
20 Wal-Mart loss prevention officer -- that's what he  
21 was before he got this spot. Did he do some of  
22 these funky things without authority of the  
23 magistrate?

24 But I don't think there's a magistrate  
25 in the world that's going to authorize the search

1 without -- you know, without -- this type of  
2 search warrant, or even an AUSA. Alan ain't going  
3 to do it, but some of the people working under,  
4 yeah, they probably did.

5 And, you know, I wouldn't clearly be  
6 here unless -- you know, I scratched my head and  
7 said, "There's something funky looking here." And  
8 I don't know what the remedy is. We wait two  
9 years on a suppression, yeah, we win every fucking  
10 suppression motion, everything is taken it from  
11 everywhere, but in the meantime there's a lot of  
12 stuff, damage to personal --

13 NATE PAUL: Well, very personal. The  
14 way I look at it also it's his word -- his word --

15 MICHAEL WYNNE: Part of it --

16 NATE PAUL: Am I concerned about the  
17 allegations? No. We know we didn't do anything  
18 wrong and we know that Lotzee was legitimate, the  
19 way they went about it. They've never spoken to  
20 us since.

21 There's been a lot of our inbound  
22 questioning to them and there's been huge other  
23 mistakes, random return of things that were had  
24 and a lot of parts that are very, very  
25 questionable.

1 DAVID MAXWELL: Well --

2 NATE PAUL: But all that aside -- you  
3 know, all that aside, right, the bigger picture in  
4 here is there's -- and there's a lot more out  
5 there. We can get you copies of it, which would  
6 have made this a lot more clear. If they're -- if  
7 they're willing to change these documents here,  
8 how widespread is this practice?

9 MICHAEL WYNNE: Right. And it's hard  
10 to find. I mean, he had to spend I don't know how  
11 many all-nighters finding the metadata and he's a  
12 pro at it. I couldn't begin to describe the tech.  
13 He's 20 years younger than me, believe it or not.  
14 And he can do the stuff I can't, but --

15 DAVID MAXWELL: You know, that would  
16 be one of my kids.

17 MICHAEL WYNNE: I couldn't do the  
18 metadata, but he showed me the different things  
19 that are moved around.

20 DAVID MAXWELL: Well, we have -- we  
21 have experts to do that.

22 MICHAEL WYNNE: Okay. I couldn't do  
23 that.

24 DAVID MAXWELL: We have a forensics  
25 section that does nothing but computers and phones

1 and stuff like that.

2 MICHAEL WYNNE: It's pretty cool when  
3 you -- when he breaks it down.

4 DAVID MAXWELL: Yeah. The only thing  
5 that I can see -- I can look at this and I can  
6 talk to the DA's office and see where we get. I  
7 don't know what that gets you, though.

8 MICHAEL WYNNE: Well, it gets me going  
9 to the office of inspector general and say, "We  
10 have exhausted all remedies here. I hate to bring  
11 this up in an election year, but here we are."

12 DAVID MAXWELL: We'll see. I mean, I  
13 don't -- I'm just telling you from my experience  
14 we're going to get stonewalled.

15 MICHAEL WYNNE: Yeah.

16 DAVID MAXWELL: And I can go to the  
17 DA's office. And understand this. And you know  
18 this, but you don't, they can choose to do it or  
19 they can choose not to, and that is totally at  
20 their discretion and we have no control over it.  
21 If we present them the best case in the world,  
22 they can say, "No, thank you."

23 NATE PAUL: Yeah. So...

24 DAVID MAXWELL: And so, you know,  
25 Mike, I'm just -- you know I'm telling you the

1 truth.

2 MICHAEL WYNNE: I know. I mean, it's

3 an uphill battle. That's why we --

4 DAVID MAXWELL: I'm telling you now.

5 MICHAEL WYNNE: It's a huge uphill

6 battle.

7 DAVID MAXWELL: So I'll look at this.

8 MICHAEL WYNNE: You know, I'm --

9 that's why we're grateful you're even giving us

10 the time here.

11 DAVID MAXWELL: I'll look and see.

12 MICHAEL WYNNE: It's an uphill battle.

13 DAVID MAXWELL: And I want the

14 information on the metadata that you say was

15 changed.

16 NATE PAUL: All right.

17 DAVID MAXWELL: And I'll look at that.

18 NATE PAUL: Okay. And we used it

19 for -- on the other documents that were -- some of

20 them we haven't covered yet today but --

21 DAVID MAXWELL: Okay.

22 NATE PAUL: -- they fit into the same

23 mold where, you know, I think you'll --

24 DAVID MAXWELL: Don't give me stuff I

25 don't have any use for. Okay?

1 NATE PAUL: Oh, no, no, no. We're  
2 only going to give you the things where --

3 MICHAEL WYNNE: You got it.

4 NATE PAUL: Yeah.

5 DAVID MAXWELL: All right. I don't  
6 have a lot of hope that anything's going to come  
7 of this. I think that y'all belong in the office  
8 of inspector general's, and that would be my  
9 recommendation because I can't change or mitigate  
10 anything that's gone on. That's all in the  
11 federal system and y'all know what the recourse  
12 is.

13 NATE PAUL: Oh, yeah, we do. It would  
14 be -- the article will be -- if it's out there and  
15 you have the information that sees that, you know,  
16 they -- there's some additional aspects where we  
17 know what you need. Right? If we have clear  
18 evidence of tampering with a document --

19 DAVID MAXWELL: Maybe I can get some  
20 answers for you.

21 NATE PAUL: Yeah. That would --

22 DAVID MAXWELL: All right?

23 MICHAEL WYNNE: And maybe we're wrong,  
24 but I don't think so.

25 DAVID MAXWELL: Okay. I don't know.

1 MICHAEL WYNNE: I -- but even our  
2 having this conversation helps me, you know, when  
3 I go to the OIG and say, "Hey, you know, we talked  
4 to head of law enforcement" --

5 DAVID MAXWELL: Right.

6 MICHAEL WYNNE: -- "for the state of  
7 Texas and he told us to come to you. If we're  
8 completely out of our mind, he wouldn't have told  
9 us to come to you."

10 DAVID MAXWELL: Right.

11 MICHAEL WYNNE: So that helps me out a  
12 little bit.

13 DAVID MAXWELL: No. I think that -- I  
14 think that's where you need to go. You have --  
15 you have too many -- you raise too many questions  
16 that you'll have answers for and all -- most of it  
17 is procedural and I can't get involved. I mean, I  
18 have no control over that.

19 MICHAEL WYNNE: Yeah, I know.

20 DAVID MAXWELL: Everybody's in the  
21 wrong place for you to do that.

22 MICHAEL WYNNE: Oh, no, no. Agree.

23 DAVID MAXWELL: So I will look at this  
24 and I will look at the metadata just to see what  
25 our people tell me about it because I pay a lot of



1 money to get them trained and they will know.

2 Okay?

3 NATE PAUL: That's good.

4 DAVID MAXWELL: But then we'll -- I'll  
5 sit down with the DA. And if we have something,  
6 we do. If we don't, and they say no, that's as  
7 far as I can go with it.

8 MICHAEL WYNNE: And one of the things,  
9 you know, that Ben will focus on if I was in his  
10 spot or backed into a corner, you know, this  
11 was -- by our even pursuing these types of things  
12 and raising questions that we're somehow  
13 obstructing justice.

14 Now, we're not contacting any  
15 potential witnesses. We sued Kenebel, but  
16 immediately he told the AUSA and the AUSA got  
17 (unintelligible) and search warrants. He's fair  
18 game. But I don't think that our raising these  
19 kinds of questions, talking to you, talking to Ken  
20 or whoever, is any way of obstruction. We're just  
21 trying to figure out what happened.

22 DAVID MAXWELL: I understand, but  
23 they're going to think that that's what we're  
24 doing is trying to obstruct a federal  
25 investigation.

1                   MICHAEL WYNNE: I don't -- I know  
2 it's -- you can argue both points, but I would --  
3 that's why I wanted to come to you today so we  
4 could vocalize that to you.

5                   NATE PAUL: Yeah. We, in turn --

6                   MICHAEL WYNNE: And we have no  
7 interest --

8                   NATE PAUL: We've been --

9                   (Simultaneous crosstalk)

10                  MICHAEL WYNNE: No interest in getting  
11 involved --

12                  NATE PAUL: -- without any --

13                  MICHAEL WYNNE: Work's been in the  
14 procedure. Right?

15                  NATE PAUL: I think part of the reason  
16 why --

17                  MICHAEL WYNNE: It's in the procedure.

18                  NATE PAUL: And part of the reason why  
19 I came to this standpoint is, you know, whenever  
20 in June right before -- when we got this and we  
21 got some of the other aspects that came in, we  
22 said, "Okay. Wait a second. Now, this is a  
23 different issue." Right?

24                                 We weren't going down that path  
25 before. Obviously whenever we see documents where

1 it's highly in question, and saying, "Hey,  
2 that's -- would we be -- we'd be aware of a crime,  
3 right, that we failed to do -- report it. Right?

4 That happened -- yeah. Has it  
5 happened to me? Have I also had involvement?  
6 Yeah, it does. It's kind of two issues separate  
7 and apart. Their investigation is ongoing.  
8 Right?

9 If there's people who created  
10 documents that were false, whatnot, that's an  
11 additional item and that's obviously why we  
12 brought it forth.

13 MICHAEL WYNNE: Yeah.

14 NATE PAUL: It was not to impede  
15 but to -- you know, we want to be aware of  
16 something. Are we aware that it's wrong and not  
17 say anything about it?

18 MICHAEL WYNNE: Let me -- let me try  
19 again. The investigation -- quote, federal  
20 investigation has to relate to events in the past  
21 because there has to be a search warrant relating  
22 to trans --

23 DAVID MAXWELL: Sure.

24 MICHAEL WYNNE: -- business  
25 transactions that investors defrauded or not

1 defrauded --

2 DAVID MAXWELL: Right.

3 MICHAEL WYNNE: -- in the past. All  
4 right. An obstruction would be getting rid of  
5 documents, papering those transactions or talking  
6 to the individuals involved in those transactions,  
7 victims who feel like they got misrepresentations  
8 and prospectuses from various investments.

9 Well, we ain't doing any of that,  
10 going into the past. What we're doing is trying  
11 to find out the present. And if -- you know, if  
12 they follow the right procedures under Rule 41 and  
13 6-C and if there's a possibility the documents  
14 that were presented to the court were inaccurate,  
15 an obstruction would be going back and talking to  
16 those guys, the investors, who say they were in  
17 default, if there are any, and trying to get their  
18 sort of stories straight, but we ain't doing that  
19 and we're not getting rid of any documents that  
20 may have papered those transactions. If anything,  
21 we're trying to collect those.

22 DAVID MAXWELL: Yeah.

23 MICHAEL WYNNE: So if there is any  
24 whispers or anything like that, it's simply not  
25 what's going on. I ain't going to be part of any

1 shit like that. If he asked me to do it, I ain't  
2 going to be part of his shit like that.

3 DAVID MAXWELL: Okay.

4 MICHAEL WYNNE: Okay. It's not worth  
5 it.

6 DAVID MAXWELL: And I'm not going to  
7 be a part of obstructing someone else in this  
8 case.

9 MICHAEL WYNNE: No. We're not  
10 obstructing their investigation.

11 NATE PAUL: No, no.

12 MICHAEL WYNNE: They can investigate  
13 all they want to investigate. Whatever support  
14 necessary to supports it, whether it's right or  
15 wrong, whether he defaults on something or not, is  
16 completely irrelevant to this.

17 After all of this is, you know, how  
18 they went about it and whether they filed the  
19 proper procedures and whether they abused the  
20 grand jury system or whether they had a search  
21 warrant for one thing and they had to switch  
22 midstream when they realized they didn't --  
23 couldn't find it. That's -- that has nothing to  
24 do -- that has nothing to do with a proper  
25 investigation. It has nothing to do with the

1 substance of their investigation.

2 DAVID MAXWELL: Right.

3 MICHAEL WYNNE: It has to do with  
4 them, not the investigation.

5 DAVID MAXWELL: And that's  
6 something --

7 MICHAEL WYNNE: So I imagine those  
8 conversations have taken place.

9 DAVID MAXWELL: Right.

10 MICHAEL WYNNE: They've got to be  
11 taking place. And that's why I want to try to  
12 make sure that we make it clear that we have no  
13 interest in obstructing the investigation.

14 He did what he did or he didn't do  
15 what he didn't do, and that can include laundering  
16 money for, you know, the Zetas. Who cares? All  
17 right. We're worried about his -- you've got to  
18 follow the procedure. Okay?

19 DAVID MAXWELL: Yeah. No. I think  
20 that's -- OIG is where you go with that.

21 MICHAEL WYNNE: That's the life that  
22 goes on, you know, obstruction, obstruction,  
23 obstruction. I think what's going on here -- and  
24 I've been through enough of these that I walked in  
25 my real life.

1 I wired up a judge, talked to a DA  
2 once. I know the freaking life. Okay?

3 DAVID MAXWELL: Yeah.

4 MICHAEL WYNNE: I know it to a T.

5 DAVID MAXWELL: Yeah.

6 MICHAEL WYNNE: And I ain't going to  
7 cross it.

8 DAVID MAXWELL: Good. Yeah. Me  
9 either.

10 MICHAEL WYNNE: So I just wanted to  
11 make sure that message is clear.

12 DAVID MAXWELL: And I appreciate that.

13 MICHAEL WYNNE: I will not let the  
14 line be crossed.

15 DAVID MAXWELL: All right. Good.

16 MICHAEL WYNNE: I'll walk away from  
17 this stuff before I do that.

18 DAVID MAXWELL: Okay. Well, I think  
19 we have an understanding.

20 MICHAEL WYNNE: Okay.

21 DAVID MAXWELL: But I think that's  
22 what you need to do, Mike, is --

23 MICHAEL WYNNE: All right.

24 DAVID MAXWELL: And then I'll get with  
25 the DA on this and we'll take a look at it and

1 we'll go from there.

2                   MICHAEL WYNNE: Okay. Did you know  
3 Bruce Marshall with the Rangers?

4                   DAVID MAXWELL: Bruce, yeah.

5                   MICHAEL WYNNE: Okay. We worked  
6 together on a couple of matters, including  
7 Kendleton, taking down the city (unintelligible).  
8 I worked with him.

9                   DAVID MAXWELL: You did?

10                  MICHAEL WYNNE: Yeah. I tried that  
11 case.

12                  DAVID MAXWELL: Yeah. I gave it to  
13 Mike.

14                  MICHAEL WYNNE: Oh.

15                  DAVID MAXWELL: I mean Bruce.

16                  MICHAEL WYNNE: Yeah. No. I ended up  
17 trying the case.

18                  DAVID MAXWELL: Yeah. I worked it  
19 first. I did a couple of 3-C's before they got  
20 rid of -- before those came in and then they -- of  
21 course they got me and a half into the state and  
22 they had 30-something reserve deputies out there.  
23 I can tell you all kind of stories about  
24 Kendleton.

25                  MICHAEL WYNNE: They have a little



1 stretch of 59.

2 DAVID MAXWELL: Yeah. Yeah, they did.

3 MICHAEL WYNNE: Speed entrapment. The  
4 other guy who flipped his burning warrants in his  
5 barbecue grill.

6 NATE PAUL: Were you -- were you from  
7 Bay City?

8 DAVID MAXWELL: I was in Bay City.

9 NATE PAUL: You were in Bay City.  
10 Okay.

11 DAVID MAXWELL: Yeah. I'm actually  
12 from Baytown.

13 NATE PAUL: Oh, you are? Okay. So  
14 I'm from Victoria.

15 DAVID MAXWELL: Victoria?

16 NATE PAUL: I was born and raised in  
17 Victoria.

18 DAVID MAXWELL: I was a ranger in Bay  
19 City for 13 years and I was a ranger in Baytown  
20 before that in the Houston area.

21 NATE PAUL: Yeah. I owned -- I sell  
22 storage in Baytown.

23 DAVID MAXWELL: Huh?

24 NATE PAUL: I sold storage --

25 DAVID MAXWELL: Yeah, yeah.

1 They're --

2 NATE PAUL: -- there in Baytown and --

3 DAVID MAXWELL: I was born and  
4 raised -- born and raised there. My daughter and  
5 her family are still there.

6 NATE PAUL: Okay.

7 MICHAEL WYNNE: Do you keep up with  
8 Bruce by any chance? He's got --

9 DAVID MAXWELL: I have --

10 MICHAEL WYNNE: -- to be retired now.

11 DAVID MAXWELL: Oh, he's retired,  
12 yeah, yeah. He retired and he went to work for  
13 the Fort Bend County DA's office as chief of their  
14 investigators.

15 MICHAEL WYNNE: Oh, okay.

16 DAVID MAXWELL: And then quit that a  
17 couple of years ago. And, yeah, as far as I know,  
18 he's just being retired now.

19 MICHAEL WYNNE: Oh.

20 DAVID MAXWELL: Yeah. I gave that  
21 crappy case to him. You want it? Here it is.  
22 Well, I mean, it was just -- it was always  
23 something with Kendleton. Like I say, I got rid  
24 of two police chiefs before that one and then  
25 started working that one and then Bruce got

1 involved in it, so yeah.

2 MICHAEL WYNNE: I enjoyed working with  
3 him. He was a very fine agent.

4 DAVID MAXWELL: Good guy. Really good  
5 guy.

6 MICHAEL WYNNE: Yeah.

7 DAVID MAXWELL: Yeah. What did --  
8 what did he get? You know he had -- he was  
9 operating on (unintelligible).

10 MICHAEL WYNNE: It's (unintelligible).

11 DAVID MAXWELL: Because we -- I found  
12 a criminal record on him from probably 1959 with  
13 his fingerprints where he had another name.

14 MICHAEL WYNNE: Oh.

15 DAVID MAXWELL: Yeah.

16 MICHAEL WYNNE: Oh, Shaman, I think he  
17 got -- Lee Munchin got six years. It's been a  
18 long time.

19 DAVID MAXWELL: Yeah.

20 MICHAEL WYNNE: A long time. I think  
21 about it every time I drive through there.

22 DAVID MAXWELL: I do, too. He -- one  
23 of his little officers caught me coming through  
24 there one night. I had been at the execution of  
25 Karla Faye Tucker. Karla Faye Tucker was a female

1 who was an axe murderess. She was the first  
2 female to be executed since the Civil War. So I  
3 was there for that.

4 And I had had a guy in Wharton  
5 actually, a triple murder that I had worked a  
6 couple of weeks before and I got a confession  
7 from, and he tried to kill me, and so we had him  
8 there in jail. And when I was at the execution,  
9 he hung himself so I was going back to Wharton  
10 about 1:00 o'clock in the morning to go work that  
11 in-custody death and one of the guys stops me.

12 I slowed down going through there  
13 because I didn't want to have to mess with them.  
14 Right? Well, he stops me not in the city but in  
15 Wharton County. He didn't stop me until I got in  
16 Wharton County, which is against -- it's illegal.  
17 You can't do that. It's his jurisdiction to  
18 understand that.

19 He comes up. And I said, "What did  
20 you stop me for?"

21 "Ugh, ugh, you have a license plate  
22 light out."

23 I said, "I do not." I said, "You  
24 know, if I wasn't going to work a homicide right  
25 now, I'd have you -- haul your car off and I would

1 put your ass in jail."

2 I said, "You'd better not ever do this  
3 again, stop somebody outside of your jurisdiction  
4 for a BS charge."

5 "Yes, sir. I'm sorry."

6 (Simultaneous crosstalk)

7 MICHAEL WYNNE: Yeah.

8 DAVID MAXWELL: We went to see -- I  
9 took the DA. We went to see a man the next  
10 morning.

11 I told him, "Next time this happens,  
12 you're going to jail."

13 MICHAEL WYNNE: Well, he did.

14 DAVID MAXWELL: Yeah.

15 MICHAEL WYNNE: Eventually he did.

16 DAVID MAXWELL: Well, I'm glad to --  
17 I'm glad to meet you.

18 MICHAEL WYNNE: Good to me you.

19 NATE PAUL: Thank you. I appreciate  
20 it.

21 DAVID MAXWELL: Okay.

22 NATE PAUL: Thank you very much.

23 DAVID MAXWELL: You take care.

24 (End of digital recording)

25

1 THE STATE OF TEXAS )

2 COUNTY OF HARRIS )

3

4 I, Diana Ramos, Certified Shorthand  
5 Reporter in and for the State of Texas, do hereby  
6 certify that the above and foregoing is a correct  
7 transcription from the audio recording provided to  
8 me in the above-entitled matter, taken down by me  
9 in machine shorthand and later reduced to  
10 typewritten form to the best of my ability.

11 Certified to by me this 12th day of  
12 August, 2023.

13

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