

THE SENATE OF THE STATE OF TEXAS
SITTING AS A HIGH COURT OF IMPEACHMENT

IN THE MATTER OF §
WARREN KENNETH §
PAXTON, JR. §

TRIAL
VOLUME 2 - AM SESSION
SEPTEMBER 6, 2023

The following proceedings came on to be heard in the
above-entitled cause in the Senate chambers before Lieutenant
Governor Dan Patrick, Presiding Officer, and Senate members.

Stenographically reported by Kim Cherry, CSR, RMR.

A P P E A R A N C E S

FOR THE TEXAS HOUSE OF REPRESENTATIVES BOARD OF
MANAGERS:

Mr. Rusty Hardin
Ms. Lara Hudgins Hollingsworth
Ms. Jennifer Brevorka
Ms. Megan Moore
Mr. Daniel Dutko
Ms. Leah M. Graham
Mr. Armstead Lewis
Ms. Aisha Dennis
RUSTY HARDIN & ASSOCIATES, LLP
1401 McKinney Street, Suite 2250
Houston, Texas 77010
(713) 652-9000
rhardin@rustyhardin.com

Mr. Dick DeGuerin
Mr. Mark White, III
DEGUERIN AND DICKSON
1018 Preston
Houston, Texas 77002
(713) 223-5959
ddeguerin@aol.com

Ms. Harriet O'Neill
LAW OFFICE OF HARRIET O'NEILL, PC
919 Congress Avenue, Suite 1400
Austin, Texas 78701
honeill@harrietonellllaw.com

Ms. Erin M. Epley
EPLEY LAW FIRM, LLC
1207 South Shepherd Drive
Houston, Texas 77019-3611
erin@epley-law.com

Mr. Mark E. Donnelly
PARKER, SANCHEZ, & DONNELLY, PLLC
700 Louisiana, Suite 2700
Houston, Texas 77002
mark@psd.law

Ms. Terese Buess
buesster@gmail.com

1 Ms. Donna Cameron
2 State Bar No. 03675050

3 Mr. Brian Benken
4 BENKEN LAW
5 1545 Heights Boulevard, Suite 900
6 Houston, Texas 77008
7 (713) 223-4051

8 Mr. Ross Garber
9 THE GARBER GROUP LLC
10 1300 I Street, N.W., Suite 400E
11 Washington, D.C. 20005
12 rgarber@thegarbergroup.com

13 Ms. Lisa Bowlin Hobbs
14 KUHN HOBBS PLLC
15 3307 Northland Drive, Suite 310
16 Austin, Texas 78731
17 lisa@kuhnhobbs.com

18 ALSO PRESENT:

19 HOUSE BOARD OF MANAGERS:

20 Representative Andrew Murr
21 Representative Ann Johnson
22 Representative Briscoe Cain
23 Representative Terry Canales
24 Representative Erin Gamez
25 Representative Charlie Geren
Representative Jeff Leach
Representative Oscar Longoria
Representative Morgan Meyer
Representative Joe Moody
Representative David Spiller
Representative Cody Vasut

1 FOR THE ATTORNEY GENERAL:

2 Mr. Tony Buzbee
3 Mr. Anthony Dolcefino
4 Mr. Colby Holler
5 THE BUZBEE LAW FIRM
6 JP Morgan Chase Tower
7 600 Travis Street, Suite 7500
8 Houston, Texas 77002
9 tbuzbee@txattorneys.com

10 Mr. Dan Cogdell
11 Mr. Anthony Osso
12 COGDELL LAW FIRM ☐
13 1000 Main Street, Suite 2300
14 Houston, Texas 77002 ☐
15 dan@cogdell-law.com

16 Mr. Judd E. Stone II
17 Mr. Christopher D. Hilton
18 Ms. Allison M. Collins
19 Ms. Amy S. Hilton
20 Ms. Kateland R. Jackson
21 Mr. Joseph N. Mazzara
22 STONE|HILTON PLLC ☐
23 1115 West Slaughter Lane
24 Austin, Texas 78748 ☐
25 (737) 465-3897☐
judd.e.stone@proton.me
christopher.d.hilton@proton.me
allison.collins23@proton.me
amy.s.hilton@proton.me
kateland.jackson@proton.me
joseph.mazzara86@proton.me

Mr. J. Mitchell Little
SCHEEF & STONE, LLP
2600 Network Boulevard, Suite 400
Frisco, Texas 75034
(214) 472-2140
mitch.little@solidcounsel.com

P R O C E E D I N G S

WEDNESDAY, SEPTEMBER 6, 2023

(Proceedings began at 9:46 a.m.)

THE BAILIFF: All rise. The Court of Impeachment of the Texas Senate is now in session. The Honorable Lieutenant Governor and President of the Senate Dan Patrick now presiding.

PRESIDING OFFICER: Good morning, everyone. The bailiff will bring in the jury.

(Senate members enter the Senate chamber)

PRESIDING OFFICER: We begin every day with a prayer.

Senator Campbell, please come forward.

SENATOR CAMPBELL: Let's go to the Lord in prayer. Gracious Heavenly Father, Lord God of Abraham, Isaac, and Jacob, bless this body, bless everybody in this chamber, for with your blessing we need nothing more. In Jesus' name, amen.

PRESIDING OFFICER: Thank you, Senator.

Y'all may be seated.

House Managers and Paxton defense team, I understand you have come to an agreement on exhibits.

MR. BUZBEE: That is true, Your Honor. Good morning.

PRESIDING OFFICER: Good morning.

1 MR. BUZBEE: We have a couple of our
2 colleagues that would like to read into the record, I
3 believe, the agreement, if we could do that.

4 PRESIDING OFFICER: Yes. Yes.

5 Please state your name.

6 MS. BREVORKA: Jennifer Brevorka.

7 PRESIDING OFFICER: Thank you, Jennifer.

8 MS. BREVORKA: The first ones that I'll read
9 are the Attorney General's exhibit numbers. And those that
10 we have agreed to preadmission are 4, 5, 11, 17, 19, 20, 21,
11 22, 24, 33, 37, 39, 40, 43, 44, 46, 47, 48, 56, 57, 69, 72,
12 74, 75, 87, 90, 95, 100, 103, 105, 107, 108, 109, 111, 112,
13 113, 121, 122, 127, 131, 134, 135, 136, 139, 143, 144, 146,
14 147, 151, 154, 155, 156, 164, 166, 169, 170, 174, 175, 182,
15 191, 192, 193, 194, 198, 203, 205, 211, 216, 227, 235, 241,
16 252, and 273.

17 I will now read the House Board of Managers
18 exhibits to which both sides have agreed to preadmission.

19 MR. BUZBEE: And, Your Honor, I'd like to
20 formerly offer the exhibits that my colleague just read out
21 into evidence and have them be accepted.

22 PRESIDING OFFICER: Accepted. Thank you.

23 (Attorney General Paxton Exhibit Nos. 4, 5,
24 11, 17, 19, 20, 21, 22, 24, 33, 37, 39, 40,
25 43, 44, 46, 47, 48, 56, 57, 69, 72, 74, 75,

1 87, 90, 95, 100, 103, 105, 107, 108, 109,
2 111, 112, 113, 121, 122, 127, 131, 134, 135,
3 136, 139, 143, 144, 146, 147, 151, 154, 155,
4 156, 164, 166, 169, 170, 174, 175, 182, 191,
5 192, 193, 194, 198, 203, 205, 211, 216, 227,
6 235, 241, 252, and 273 were admitted)

7 MR. BUZBEE: Thank you.

8 MS. BREVORKA: The House Board of Managers'
9 exhibits to which the parties have both agreed to
10 preadmission are 92, 126, 213, 291, 450, 457, 466, 516-A,
11 558, 45, 39, 233, 90, 110, 614, 109, 51, 305, 319, 389, 565,
12 134, 131, 130, 41, 145, 232, 210, 32, 36, 88, 162, 233, 239,
13 306, 357, 308, 309, 314, 375, 317, 319, 423, 434, 472, 163,
14 231, 227, 445, 71, 86, 77, 71, 62, 85, 67, 64, 91, 226, 90,
15 74, 96, 97, 98, 223, 225, 230, 290, 372, 137, 142, 578, 30,
16 115, 108, 104, 103, 293, 48, 376, 383, 565, 169, 131. That
17 is the list.

18 PRESIDING OFFICER: For the record, these
19 exhibits are admitted into evidence.

20 (House Managers' Exhibit Nos. 30, 32, 36, 39,
21 41, 45, 48, 51, 62, 64, 67, 71, 74, 77, 85,
22 86, 88, 90, 91, 92, 96, 97, 98, 103, 104,
23 108, 109, 110, 115, 126, 130, 131, 134, 137,
24 142, 145, 162, 163, 169, 210, 213, 223, 225,
25 226, 227, 230, 231, 232, 233, 239, 290, 291,

1 293, 305, 306, 308, 309, 314, 317, 319, 357,
2 372, 375, 376, 383, 389, 423, 434, 445, 450,
3 457, 466, 472, 516-A, 558, 565, 578, 614 were
4 admitted)

5 MS. BREVORKA: I'm sorry, sir?

6 PRESIDING OFFICER: I was -- just for the
7 record.

8 MS. BREVORKA: For the record?

9 PRESIDING OFFICER: All of these exhibits are
10 admitted into evidence.

11 MS. BREVORKA: Thank you, sir.

12 PRESIDING OFFICER: Thank you.

13 Yes?

14 SENATOR GUTIERREZ: We received the House
15 Managers' response on privilege, and it seems the last page
16 on several copies is missing on several of my colleagues'.

17 PRESIDING OFFICER: Let me take a look at
18 that.

19 MR. BUZBEE: Your Honor, may I be heard on
20 this?

21 PRESIDING OFFICER: Yes.

22 MR. BUZBEE: In the interest of time for Your
23 Honor and for our jurors, and because Attorney General Ken
24 Paxton has nothing to hide, we're going to withdraw our
25 objection and save us all a lot of time.

1 PRESIDING OFFICER: Mr. Buzbee, are you saying
2 you're withdrawing your objection to all documents that will
3 be submitted, or just to this one?

4 MR. BUZBEE: We're withdrawing our privilege
5 objection, the one that's been briefed, the one that we were
6 going to argue. The Attorney General has nothing to hide.

7 We will be focused on hearsay. We'll raise
8 hearsay issues that will come up, you know, question by
9 question. But as far as the issue about who holds the
10 privilege, whether something the Attorney General said was
11 privilege, which we believe it is, obviously, but we're going
12 to withdraw that so we can proceed with this trial

13 PRESIDING OFFICER: So to be clear, there will
14 be no further objection on privilege?

15 MR. BUZBEE: Correct.

16 PRESIDING OFFICER: Okay.

17 MR. BUZBEE: Now, again, Your Honor, just so
18 we're clear, I don't want you to think that I'm playing games
19 with you, obviously. Anything that a witness said or claims
20 to have said to Attorney General Paxton would be hearsay. I
21 know there's issues with regard to what Mr. Paxton might have
22 said, and they're going to argue that's non-hearsay, but
23 we're not going to make a privilege objection.

24 MR. HARDIN: Your Honor, may I be briefly
25 heard when you get ready? Before you rule, if I could be

1 heard just -- I don't have to be right this second, but --

2 PRESIDING OFFICER: Pardon?

3 MR. HARDIN: I think you were about to address
4 him. I just wanted to make sure I make an observation before
5 you rule.

6 PRESIDING OFFICER: You may make an
7 observation, Counselor.

8 MR. HARDIN: Thank you. For clarification, I
9 want to make sure some witnesses --

10 PRESIDING OFFICER: Speak up if you can.
11 Speak a little louder.

12 MR. HARDIN: Pardon me?

13 PRESIDING OFFICER: Just speak a little
14 louder.

15 MR. HARDIN: Sure. Some witnesses and their
16 lawyers have been concerned in light of the fact they were
17 afraid that the privilege was going to be claimed, and that
18 it was yesterday. So if I could have a clarification from
19 Mr. Buzbee, are we to understand that those lawyers are free
20 to tell their clients that the Attorney General's Office nor
21 Mr. Paxton are claiming privilege on any conversations they
22 had?

23 And I understand him to say they may still
24 object to those conversations on hearsay but that the lawyers
25 are free to advise their clients that the Attorney General's

1 Office -- they do not have to worry about the Attorney
2 General's Office or Mr. Paxton individually claiming
3 privilege on any of their conversations.

4 PRESIDING OFFICER: Mr. Buzbee?

5 MR. HILTON: Your Honor, I don't think we can
6 comment on what other lawyers should advise their clients,
7 and we certainly can't make any representations on behalf of
8 the Attorney General's Office right now given the
9 constitutional suspension.

10 What we're saying is that we, on behalf of
11 Attorney General Paxton, will not assert privilege objections
12 in response to their attempts to admit exhibits or in
13 response to witness testimony. There may be other objections
14 that we have to raise through the course of this trial, but
15 we are not going to burden the Court and burden the jurors
16 with deciding these extremely complex legal issues related to
17 the privileges that we've been discussing and that we briefed
18 last night. So we're withdrawing the motion that we filed
19 last night, and we're not going to continue to assert those
20 privileges.

21 MR. HARDIN: My problem is -- I don't want to
22 be obstreperous here, but this is important for everybody to
23 understand. I think witnesses and we have a right to expect
24 that this issue of privilege is dead. And if they're going
25 to head off a ruling by the Senate at-large or by the

1 president in his capacity temporarily but those people -- but
2 everybody is still uncertain as to whether they intend to
3 assert it in the future, that's our problem.

4 And we would hope and want -- intend to ask
5 that there be a ruling definitively from the Senate that that
6 privilege, whatever basis that we've urged, whether it's been
7 waived or on the law itself, so that people go forth --
8 forward knowing they're not going to have grievances filed
9 against them claiming they violated the privilege; they're
10 not going to be accused of violating the privilege. We need
11 a determination as to whether or not those people are safe
12 for the future.

13 MR. BUZBEE: Your Honor, I don't know how much
14 clearer we can make it. We can think about future fights and
15 argue about things that I don't think we're arguing about.
16 Attorney-client privilege, we're not raising that with regard
17 to Attorney General Paxton and the witnesses that they're
18 going to bring. I don't know how much more clearer I can
19 make that.

20 PRESIDING OFFICER: I think the Court is
21 satisfied with their withdrawal of their motion. They're not
22 going to raise privilege. If they do, then I will stop that.

23 MR. HARDIN: Thank you.

24 PRESIDING OFFICER: Bailiff, call Jeff Mateer
25 back to the witness stand.

1 Mr. Mateer, you're still under oath that you
2 took yesterday.

3 JEFFREY MATEER,
4 having been previously duly sworn, testified as follows:

5 DIRECT EXAMINATION (CONTINUED)

6 BY MR. HARDIN:

7 Q. Good morning.

8 A. Good morning, sir.

9 Q. Mr. Mateer, since you and I had a partial trial run
10 yesterday dealing with the circumstances and the microphone,
11 I've been informed by numerous people that I would back up
12 sometime from the microphone and no matter how loud it
13 sounded to me here, some people couldn't hear. So I'm going
14 to stay here.

15 By the same token, I want to make sure that you are
16 allowed to finish your answers; and you, in turn, will try to
17 answer only that one and trust that we get to the points of
18 concern. Let me -- that you're concerned.

19 Let me back up a moment. Is one reason that you
20 wanted to make sure that everything you knew about the things
21 as I went along and asked you questions is because this is
22 the first time in three years you've been able to tell your
23 side to the world?

24 A. Yes, sir.

25 Q. What's that been like for you in terms of

1 frustration? And so as you read and heard the allegations
2 about you and the others and who you supposedly were and who
3 you -- what you supposedly did and why, what's that been
4 like?

5 A. Well, you know, I guess --

6 Q. You need to pull the microphone to you now.

7 A. Okay. Sorry. Is that better?

8 I guess at a core, I mean, I am an advocate, and I
9 think one of the things is I believe in truth. And when you
10 hear people saying things that you know that aren't true, I
11 mean, your tendency is you want to correct that, but I was
12 advised that I shouldn't say anything. And so for -- since
13 the events that we've been discussing the last day --

14 Q. Without going into details -- excuse me. I
15 interrupted you. Go ahead.

16 A. No, I mean, I finished. I was pausing.

17 Q. And without going into details, have you been
18 introduced -- have you been interviewed over the years by law
19 enforcement about some of these matters?

20 A. I have been, yes.

21 Q. And were you asked by law enforcement -- though
22 they couldn't order you, were you asked by law enforcement to
23 not talk publicly about the matters you talked to them?

24 A. Yes.

25 Q. And you have followed that request?

1 A. To the best of my ability.

2 Q. That request doesn't apply here today. Do you
3 understand that?

4 A. I do understand that, sir.

5 Q. All right. I want to go now to some dates, and I'm
6 going to try about a time line. You know, I -- like you, but
7 not quite the number of years, quite a number of years more,
8 but like you as a trial lawyer, I've always relied on some
9 type of whiteboard or something that was on the wall or
10 what -- and for those of us who are still technologically
11 challenged, I'm going to try as we go forward here, when we
12 hit dates that are important, I'm going to mention them and
13 Ms. Manela is going to try to use the equipment over there to
14 make an entry that it will be on the iPad.

15 And then at the end of your testimony, I want to
16 ask you to glance at the list of dates that we may put up
17 there and tell us whether those are true and accurate and
18 reflect your testimony about the events and dates that
19 occurred. Are you with me?

20 A. Okay. Yes, sir.

21 Q. Okay. Now, I want to apologize to you also in
22 asking these questions that one of the difficulties here is
23 about for every exhibit we show and discuss, it takes a
24 little bit of time, correct? And are you aware that we're on
25 some very strict time requirements here?

1 A. Yeah, I read the --

2 Q. You lost the microphone.

3 A. I've read the president's order.

4 Q. All right. If you pull it just a little bit
5 further, just the top of it, move that.

6 A. This way?

7 Q. There you go.

8 A. All right. Sorry.

9 Q. Right there. That's good.

10 All right. Now, for instance, we talked about the
11 date of July the 22nd of 2020 in which you had conversations
12 with the Attorney General. Do you recall?

13 A. Yes, I do recall.

14 Q. All right. And the original reason for that
15 meeting was what?

16 A. Well, the original reason was that the Attorney
17 General was going to appear in Travis County district court
18 on that day. And Darren McCarty, the deputy for civil
19 litigation, had advised me.

20 Q. All right. And so as the meeting started -- by the
21 time the meeting started, had you learned that Mr. McCarty, I
22 think you said yesterday, had already talked the Attorney
23 General out of it?

24 A. That is correct.

25 Q. Did you then still take the occasion of that

1 meeting to have several conversations with him?

2 MR. BUZBEE: Your Honor, I'm going to object.
3 Almost every question is leading, and I'm just going to ask
4 Mr. Hardin not lead this witness.

5 MR. HARDIN: I'll be glad not to.

6 PRESIDING OFFICER: Sustained.

7 MR. HARDIN: And I'll hopefully remember that
8 later.

9 Q. (BY MR. HARDIN) All right. Now, having said -- in
10 that particular meeting, what subjects did you want to make
11 sure that he understood what your position and concerns were?

12 A. I wanted to have a meeting with the Attorney
13 General to discuss why he was involving himself in the
14 affairs of Nate Paul; why would he, you know, an Attorney
15 General, want -- feel like he had to go to Travis County
16 district court on behalf of someone.

17 Q. All right. And by the time that July 22nd came
18 around of 2020, had you begun -- you, yourself, started to
19 have very much concerns about his relationship with Nate
20 Paul?

21 A. I had -- that memo reflects that I had already
22 raised concerns with the Attorney General. So this was
23 reiterating concerns that -- not only that I had, but all the
24 staff, all the senior staff had about being involved with
25 Mr. Paul and his companies.

1 MR. HARDIN: Can I have Exhibit 87 back up
2 please, Stella?

3 Q. (BY MR. HARDIN) Now, this is in evidence. It was
4 admitted yesterday. When did you prepare this memo that is
5 dated July the 22nd, 2020?

6 A. I prepared it that day.

7 Q. All right. I'm going to ask you to publish it to
8 the jury. And what I mean by that is I want you to read
9 relevant portions.

10 Well, first of all, the first two paragraphs talk
11 about what you have described, do they not, as the purpose --
12 the initial purpose of the meeting?

13 A. Correct.

14 Q. And in those two paragraphs, what is your testimony
15 as to whether it accurately describes your original concern?

16 A. It does.

17 Q. I would ask you then to read to the jury out loud
18 the last two paragraphs of this exhibit.

19 A. Okay.

20 MR. BUZBEE: Objection, Your Honor. The
21 document speaks for itself. It's on the screen of every
22 Senator here. I'm sure they can read it for themselves.

23 MR. HARDIN: That may be, but I'm allowed to
24 publish it and have the jury read it.

25 MR. BUZBEE: It is published because it's on

1 their screens.

2 PRESIDING OFFICER: Overruled. Continue.

3 MR. HARDIN: Thank you.

4 Q. (BY MR. HARDIN) Would you please.

5 A. Yes, sir. During the course of the meeting, I
6 relayed concerns that I previously raised to General
7 Paxton --

8 Q. Now, remember, I'm going to slow you down here for
9 her. She's got to get that.

10 A. That Yankee comes out in me occasionally. Let me
11 start again.

12 During the course of the meeting, I relayed
13 concerns that I had previously raised to General Paxton about
14 his personal involvement in any matters related to Mr. Paul.
15 General Paxton agreed that going forward, he would not have
16 any further personal involvement with any matters that this
17 office is handling that relate to Mr. Paul or his companies
18 and partnerships. Instead, as any -- as any other matter,
19 paren, civil or criminal, closed paren, our division
20 attorneys would handle as they deem appropriate with
21 oversight by their division chief and the appropriate
22 deputy.

23 Q. At the time you wrote that memo, had you become --
24 and had that conversation that you are memorializing, had you
25 become aware that he, in the Mitte Foundation case, had begun

1 going around the shop supervision and been dealing and
2 pressuring line employees?

3 A. I had.

4 Q. Is that, in fact, one of the things you're
5 referring to in the last sentence of that memo?

6 A. It is.

7 Q. And what's the problem with that?

8 A. Well, the problem is the office is being used for
9 the benefit of one person. It's not exercising its own
10 independent judgment. You have the Attorney General acting
11 on behalf of one person. And by this time I knew that he was
12 a campaign donor. And so that -- I mean that concerned me
13 because there have been allegations in the past made against
14 the office and against the Attorney General that he had taken
15 actions on behalf of campaign donors. So I was super
16 sensitive to that.

17 Q. If in fact -- in addition to being to the advantage
18 of a campaign donor, by definition, does that mean it was
19 also to the disadvantage of other citizens?

20 A. Absolutely.

21 Q. All right. Now, after July the 22nd, did you
22 discover whether or not he had kept -- let me back away. How
23 would you -- back up.

24 How would you describe his representation to you at
25 this meeting in terms of whether you considered it an actual

1 promise or commitment? How would you describe it?

2 A. I mean, I believed that he would allow the
3 professionals, the lawyers in the Office of Attorney General,
4 that they would do their jobs. And so I believed he would
5 commit -- I believed that he would do that as of July 22nd.
6 Let's say this, I hoped he would do that.

7 Q. Did you believe he had given you his word?

8 A. I did.

9 Q. And did you believe he would keep it?

10 A. I hoped he would keep it.

11 Q. Did you discover differently after that meeting?

12 A. I did.

13 Q. Do you recall the first time you became aware he
14 was continuing to pursue activities on behalf of Mr. Nate
15 Paul?

16 A. Yeah. What I recall is I think the first week in
17 August, I -- for the weekend, I rented a house out in east
18 Texas where I met my son and his wife, and we took the
19 weekend at a lake house. When I returned to the office on
20 Monday, I learned that the office had issued an opinion
21 letter with regard to foreclosures.

22 Q. Now, let me ask you, you were not involved in that
23 process, were you?

24 A. I was not involved at all and was not alerted to it
25 until after the fact.

1 Q. At the time that opinion was issued, what had the
2 unrelenting position of the Attorney General's Office been to
3 the public and anyone affected that asked for opinions as to
4 the issue of openness during COVID?

5 A. I was proud of the office and, quite frankly, proud
6 of the Attorney General. We were at the forefront of having
7 Texas reopen and to stop COVID restrictions. We did it with
8 regard to churches. We did it with regard to entertainment.
9 So we were the ones pushing to open Texas back up. That was
10 General Paxton's policy; that was the office's policy.

11 Q. What did you -- what was wrong, then, with this
12 opinion that -- wait a minute. You don't have to lean back.

13 A. I won't talk if I back up.

14 Q. Just bear with me. Okay?

15 What did you -- what was wrong, then, with this
16 opinion?

17 A. The opinion took the complete opposite view. It
18 was if Anthony Fauci had written it. And it was shut down,
19 you know, that you can't do outside foreclosure sales. I
20 remember coming back and talking to Mr. Bangert, like, what
21 was this? This is completely contrary.

22 Q. All right. So for those who believed that it
23 should shut down, that would have been a good opinion, right?

24 A. Well, I mean, but, again, this is August. This
25 isn't April. I mean, we've been through that. I mean, COVID

1 is March, the shutdown, the 14 days, we've been through that.
2 We had issued opinions with regard to churches that said, you
3 know, that no county judge can shut down a church, no
4 government can shut down a church. We had done that with
5 entertainment. I mean, this -- to me, this was in line with
6 all that.

7 Q. And my question is based no matter what side of
8 that issue a member of the public, Senate, or anyone else
9 came down on, are you testifying that to help Nate Paul,
10 Mr. Paxton directed an opinion that was totally contrary to
11 his and his administration's policy and his public statements
12 on a regular basis?

13 MR. BUZBEE: Your Honor, I'm sorry to
14 interrupt again, but that is leading, absolutely leading.

15 MR. HARDIN: I'll rephrase it.

16 PRESIDING OFFICER: Sustained. Please
17 rephrase.

18 MR. HARDIN: Thank you.

19 Q. (BY MR. HARDIN) Put it in your words as to
20 whether -- no matter which way one person came down on the
21 issue, what was the import of the seriousness of that
22 opinion?

23 A. Well, it was contrary to what I believed Attorney
24 General Paxton believed and what had been the office policy.
25 It was completely contrary. I mean, we were not for shutting

1 things down, certainly not shutting down outside foreclosure
2 sales.

3 Q. All right. Now, when the opinion on foreclosures
4 comes out, at that time were you aware of any -- any benefit
5 it might carry for Mr. Paxton -- I mean, for Mr. Paul?

6 A. That I do not remember.

7 Q. All right. So was your objection initially the
8 substance of what the opinion was?

9 A. That was my objection, the substance.

10 Q. And you were not aware one way or the other as to
11 whether it carried a side benefit to Mr. Paul?

12 A. Not during that week, which I guess was the first
13 full week of August.

14 Q. All right. Then after the August 1st, 2nd, 3rd
15 period of time, when is the next time you became concerned
16 about what Mr. Paxton was doing in terms of positions that
17 might aid a donor, Mr. Nate Paul?

18 A. Yeah. My wife and I went to Maine to visit my
19 daughter who works in Boston. On the first night there --
20 and we were at a cabin on Mount Desert Island. And sometime
21 during that evening, I got two texts from Mrs. Paxton,
22 Senator Paxton. And the first one was asking me --

23 MR. BUZBEE: Objection, Your Honor, hearsay.

24 MR. HARDIN: Let me -- let me -- let me try it
25 this way.

1 Q. (BY MR. HARDIN) Did you -- do you recall the date?

2 A. August 14th, 15th.

3 Q. August 14th, 15th. And did you get an inquiry from
4 anyone?

5 A. I did.

6 Q. And from whom was the inquiry from?

7 A. From Mrs. Paxton.

8 Q. From whom?

9 A. Mrs. Paxton.

10 Q. Mrs. Paxton. What was the nature of the inquiry?

11 MR. BUZBEE: Again, Your Honor, he's just
12 trying to get around what's clearly hearsay. He wants to
13 talk about what maybe Senator Paxton said to him via text.
14 That's hearsay.

15 PRESIDING OFFICER: Sustained.

16 Q. (BY MR. HARDIN) When you got that particular
17 message from her, did you become concerned about where --

18 MR. BUZBEE: Again, Your Honor --

19 MR. HARDIN: Let me just finish the
20 question.

21 Q. (BY MR. HARDIN) Did you become concerned about
22 where Mr. Paxton might be?

23 MR. BUZBEE: Again, Your Honor, I would object
24 to this as hearsay. He's trying it all different ways, but
25 it's still hearsay.

1 PRESIDING OFFICER: Sustained. Continue.

2 Q. (BY MR. HARDIN) Mr. Mateer, later did you get an
3 inquiry -- did you get a response that made you no longer
4 concerned?

5 A. Yes.

6 MR. BUZBEE: Again, Your Honor, I'm sorry to
7 keep interrupting. The witness knows this too. This is all
8 hearsay.

9 MR. HARDIN: That is not hearsay. I'm not
10 asking him for an answer on a matter trying to prove the
11 truth of the matter asserted outside of the courtroom, which,
12 of course, is what hearsay is. I've asked just simply about
13 his state of mind.

14 PRESIDING OFFICER: Overruled. Continue.

15 MR. HARDIN: Thank you.

16 Q. (BY MR. HARDIN) You can answer.

17 A. Yes, I was no longer concerned.

18 Q. But do you recall about what time that you got that
19 call?

20 A. I would have seen it the next morning, but in the
21 middle of the night.

22 Q. All right. Now, after that date, when is the next
23 time that you became concerned about Mr. Paxton's dealings
24 with Mr. Paul?

25 A. I think it then fast-forwards to sometime in

1 September.

2 Q. All right. Can you give me an idea -- by the way,
3 at the time that you were going through -- let's take the
4 first week in September. First week in September, can you
5 describe for the jury what your state of mind and concern was
6 by then in terms of Attorney General versus Mr. Nate Paul?

7 A. Well, the Attorney General had made a promise to
8 me --

9 Q. Keep your --

10 A. I'm sorry. The Attorney General had made a promise
11 to me and to other senior staff that he wouldn't have any
12 more dealings with Nate Paul. It became apparent by
13 September, in light of Mrs. Paxton's text, in light of the
14 foreclosures sale, that he wasn't -- he was not honoring that
15 commitment any longer.

16 Q. By that time, were you having any conversations
17 with -- without going into what was said at the time, were
18 you having any conversations with Mr. Penley about his
19 concerns over in the criminal justice area?

20 A. Yes.

21 Q. Without going into the conversations specifically,
22 what were your concerns?

23 A. The concerns were that Mr. Penley was attempting to
24 follow up on a request of Mr. Paul at the Attorney General's
25 urging to conduct an investigation with regard to Mr. Paul's

1 allegations that federal and state law enforcement had
2 engaged in improper conduct towards Mr. Paul.

3 Q. Now, we'll get to the facts of those kinds of
4 circumstances with other witnesses. But as of the time you
5 hit about the first week in September, had you had any --
6 were you involved in any of the details of investigating
7 Mr. Paul's allegations?

8 A. No.

9 Q. You, yourself?

10 A. I was not.

11 Q. All right.

12 MR. HARDIN: Your Honor, I left my glasses
13 over, if I could go get them.

14 Q. (BY MR. HARDIN) Let me ask you, if I can go back
15 to the latter part of August. In August of 2020, did you
16 have occasion to meet a man named Mr. Brandon Cammack?

17 A. I did.

18 Q. And what were the circumstances?

19 A. What I recall is I was in my office on the 8th
20 floor, probably with the door closed, probably working on
21 either Google or opioids, and either my assistant or actually
22 probably the Attorney General --

23 Q. I'm going to apologize. This is not your fault or
24 anything, but I need to kind of shorten --

25 A. I'm sorry.

1 Q. That's okay. So did you have occasion to meet him?
2 Where were you when you met him?

3 A. I was in my office on the 8th floor.

4 Q. All right. And how is it that you met Mr. Cammack?

5 A. The Attorney General brought him by my office.

6 Q. And I hope you understand, sir, going forward, I
7 really apologize when I interrupt you. Under the old days
8 without time limits, I would love to not have to do that,
9 okay? So I'm just apologizing --

10 PRESIDING OFFICER: Counselor, I remind you
11 that the parties agreed to the time limits. Continue.

12 MR. HARDIN: Thank you very much. I
13 appreciate it. And I want you to understand I'm not
14 complaining about them, I was just explaining them.

15 Q. (BY MR. HARDIN) All right. Now, how long did you
16 visit with him?

17 A. I mean, must have been 15, 20 minutes.

18 Q. Who brought him into your office?

19 A. The Attorney General, Mr. Paxton.

20 Q. And what -- do you recall what you talked to
21 Mr. Cammack about? Without saying what it was, do you recall
22 the conversation one way or another?

23 A. I mean, vaguely recall the conversation.

24 Q. Did you interview him at all?

25 A. It was not an interview.

1 Q. And did you offer him a job?

2 A. I did not offer him a job.

3 Q. And at that time did you have any idea that he was
4 going to later be employed by the Attorney General?

5 A. I did not.

6 Q. Okay. And so after that meeting, what was your
7 understanding as to whether Brandon Cammack was going to be
8 ultimately one day an employee of the Attorney General's
9 Office?

10 A. I had no expectation of that.

11 Q. All right. Now, after that meeting -- let's move
12 now into September. I want to -- at some time did you become
13 aware that the Attorney General wanted to hire Mr. Cammack?

14 A. I did become aware of that.

15 Q. How did you become aware?

16 A. I believe Mr. Penley told me and then sent me a
17 memo or an e-mail.

18 Q. All right. And did you, yourself, have a position
19 as to whether Mr. Cammack should be hired?

20 A. I supported Mr. Penley's position, which he did not
21 support him being hired.

22 Q. And the reason for not hiring Mr. Cammack was what?

23 A. Well, Mr. Cammack was a five-year lawyer who didn't
24 have any prosecutorial experience.

25 Q. And what was it the Attorney General wanted

1 Mr. Cammack to do?

2 A. He wanted him to, I guess, assist with or perhaps
3 lead an investigation into the allegations that Mr. Paul was
4 making against federal and state law enforcement.

5 Q. What was the position of your criminal justice
6 division as to whether they wanted Mr. Cammack hired? I
7 mean, more specifically, Mr. Penley, what was his position?

8 A. Mr. Penley's position was he did not want
9 Mr. Cammack hired because he felt like he could do the job.

10 Q. And Mr. Maxwell's position?

11 A. The same.

12 Q. All right. Had that position been made clear to
13 the Attorney General?

14 A. Yes.

15 Q. Were you aware one way or the other as to whether
16 the Attorney General was then contacting other deputy levels
17 to try to get them to agree that Mr. Cammack be hired?

18 A. I learned that after the fact that that was the
19 case.

20 Q. And what would you tell the jury unanimously was
21 the position of the deputies as to whether Mr. Cammack would
22 be hired to conduct an investigation?

23 MR. BUZBEE: Objection, Your Honor, hearsay.
24 We're going to hear from Penley and Maxwell. They can tell
25 us their position.

1 PRESIDING OFFICER: Sustained.

2 Q. (BY MR. HARDIN) Let me ask you this: Did you,
3 yourself, ever have conversations with the Attorney General
4 expressing your opposition to Mr. Cammack being hired?

5 A. Several.

6 Q. Do you recall when those conversations were?

7 And that last answer, I think the microphone
8 missed it. There you go.

9 A. Several.

10 Q. And do you know when they were and where they were?

11 A. They would have been in September, and they would
12 have been in various locations. They would have been --

13 Q. All right. Where was the first conversation you
14 remember having with Mr. Paxton expressing your opposition to
15 Mr. Cammack being hired?

16 A. I don't know if it was the first one, but the first
17 one that I -- sitting here right now that I recall was I
18 remember I was driving to Houston, actually to The Woodlands,
19 for a Federal Society Leadership event, and the Attorney
20 General called me. He was on an airplane; I was driving.
21 And we had a discussion about Mr. Penley not being for hiring
22 Cammack.

23 Q. And can you give us a date for that conversation?

24 A. Yes. It was Friday, September 25th.

25 Q. All right. And on Friday, September 25th, you were

1 in your car. Who was with you?

2 A. My wife.

3 Q. And were you informed very quickly in the
4 conversation who was accompanying the Attorney General for
5 this September the 25th conversation?

6 A. Well, I know that the Attorney General was in
7 Washington, D.C. with Mr. McCarty, the deputy for civil lit,
8 for a -- I believe it was a Google meeting. And they were on
9 a plane coming -- they were literally on a plane coming back
10 from D.C.

11 Q. What did Mr. Paxton tell you in that phone
12 conversation?

13 A. Well, he was upset at Mr. Penley because Mr. Penley
14 had expressed that he was not in favor of hiring Mr. Cammack,
15 but the Attorney General wanted Mr. Penley to sign the
16 contract.

17 Q. Do you recall what he said and what tone he said it
18 in?

19 A. You know, I -- in my time, you know, over four
20 years and -- over four and a half years with the Attorney
21 General, I think he only raised his voice to me and we had a
22 heated discussion on two occasions. This was the first
23 occasion. He was not happy.

24 Q. And what did you tell him?

25 A. I told him I would support Mr. Penley --

1 MR. BUZBEE: Objection, Your Honor, hearsay.

2 MR. HARDIN: This is a response not being
3 offered for the truth of the matter, but that he simply
4 stated this to the Attorney General.

5 PRESIDING OFFICER: Overruled.

6 MR. HARDIN: We're not seeking to prove the
7 truth one way or the other. So my argument is it is not
8 hearsay.

9 PRESIDING OFFICER: Overruled.

10 MR. HARDIN: Thank you, Your Honor.

11 Q. (BY MR. HARDIN) Go ahead.

12 A. Yeah. I mean, so the Attorney General was upset
13 that Mr. Penley wouldn't sign the outside counsel contract
14 for Mr. Cammack.

15 Q. What did he want you to do as it applied to
16 Mr. Penley?

17 A. Well, he wanted me to talk to Mr. Penley and have
18 him sign the contract on this conversation.

19 Q. And what did you tell him as to whether you would
20 do that or not?

21 A. I told him I would not do that.

22 Q. And why did you tell him you would not do that?

23 A. Because I was going to back my deputy. Mark Penley
24 is a 20-plus year law enforcement prosecutor, and he told me
25 he could do the job that he was being requested to do.

1 Q. And then how long did you say that conversation
2 lasted?

3 A. It couldn't have been that long because he was on
4 an airplane, and I think he was told to get off.

5 Q. And then when is the next -- when was the next
6 conversation that you had with Mr. Paxton again about whether
7 Mr. Cammack should be hired?

8 A. Now, this was a -- this was in my office on the
9 following Monday, so that would have been the 28th.

10 Q. And on the 28th when you had this conversation,
11 what was said there and what were the circumstances?

12 A. Well, the Attorney General came into my office --
13 and actually he came in and he -- he didn't raise Cammack or
14 Penley. Instead -- and, again, I don't have a strong
15 recollection other than it wasn't those issue. So it was
16 probably he was updating me on the Google meeting, for
17 instance. And I said, But I understand you've got a problem.
18 One thing that I didn't say --

19 Q. I didn't understand that part. What did -- you
20 said this to him?

21 A. I said this to the Attorney General. So he didn't
22 raise the issue. And then I said to him -- I probably said
23 Ken. Ken, I understand you're upset with me.

24 Q. And how did you understand that? Where did that
25 come from?

1 A. Mr. Penley had met with Mr. Paxton.

2 Q. Without going into what they said, let's try to do
3 it this way. Were you aware of a meeting that Mr. Paxton had
4 with Mr. Penley on Saturday the 26th in McKinney?

5 A. I was aware.

6 Q. That would have been two days before you having a
7 conversation with him, is that right --

8 A. Yes.

9 Q. -- in your office?

10 A. Yes.

11 Q. So if we have the sequence of these conversations,
12 on the 25th did you say that you were driving to Houston --

13 A. Yes.

14 Q. -- and had the conversation with Mr. Paxton on the
15 phone?

16 A. Yes.

17 Q. All right. And then were you aware -- did you
18 inform -- without going into what you told him, did you
19 inform Mr. Penley on the 25th after your conversation with
20 Mr. Paxton of the contact -- content of the conversation with
21 Mr. Paxton?

22 MR. BUZBEE: Again, Your Honor, I hate to keep
23 interrupting, but every question is leading this witness.

24 PRESIDING OFFICER: Sustained. Continue.

25 Q. (BY MR. HARDIN) Let me ask you this: After you

1 got through with the phone conversation with Mr. Paxton on
2 the 25th that you've described, did you alert any member of
3 your staff to that conversation?

4 A. Yes.

5 MR. BUZBEE: Again, Your Honor, leading. If
6 he wanted to ask him, "What did you do thereafter," that
7 would not be leading. But he's just basically telling the
8 witness what he wants him to say. Leading.

9 MR. HARDIN: I don't know how that question
10 alerts him to anything other than my question is, did you
11 talk about that conversation with anyone else after you had
12 it? That's my question.

13 MR. BUZBEE: That's a different question, and
14 I have no objection to that one.

15 Q. (BY MR. HARDIN) Did you?

16 A. And the answer is yes.

17 Q. And whom did you talk to?

18 A. With Mark Penley.

19 Q. And when and where did you have that conversation
20 with Mr. Penley?

21 A. I was at the meeting, the Fed Soc meeting in The
22 Woodlands. It would have been that -- the evening, Saturday
23 evening.

24 Q. All right. And as a result of that conversation or
25 anything else, did you become aware that General Paxton had

1 arranged a meeting with Mr. Penley that was scheduled to
2 happen the next day?

3 A. Actually, I believe it happened that day. This was
4 after that meeting.

5 Q. You were aware he had one conversation?

6 A. Yes.

7 Q. And then after Mr. Penley had the conversation with
8 the Attorney General on the 25th, which followed your earlier
9 plane conversation with Mr. Paxton, did you become aware of a
10 meeting that Mr. Penley was to have with Mr. Paxton the next
11 day on Saturday the 26th?

12 MR. BUZBEE: Your Honor, objection, leading.
13 He's suggesting the answer to the question in the question,
14 which is classic leading, and I object to it.

15 PRESIDING OFFICER: Rephrase, please.

16 MR. HARDIN: Thank you.

17 Q. (BY MR. HARDIN) Do you have any knowledge from any
18 source of whether or not on Saturday the 26th --

19 A. Mr. Hardin, I took notes.

20 Q. Pardon me?

21 A. I took some notes --

22 Q. I know that.

23 A. -- that maybe would help refresh my memory, that I
24 made. So I think I provided those to everyone.

25 Q. I'm going to show you -- I can't put them on the

1 screen.

2 MR. HARDIN: Do we have a separate set of hard
3 copy?

4 And also can I ask, Your Honor, permission --
5 Ms. Brevorka, is 240 one of those that you agreed to,
6 exhibit? Okay. Ms. Brevorka, the question has been answered
7 by Stella. Thank you. All right. Thank you. Would you
8 provide a copy, please, to the President, please.

9 Q. (BY MR. HARDIN) All right. I'm going to ask you,
10 first of all, to look at these documents real quickly. We're
11 not going to talk about what's in the contents of them. I'm
12 going to ask you to look and, first of all, authenticate them
13 for me. Are these notes that you, yourself, prepared?

14 A. Yes.

15 Q. Keep your voice and microphone --

16 A. Yes.

17 Q. Okay. And when you did -- when did you prepare
18 these notes?

19 A. I prepared these notes on the Sunday after I
20 resigned.

21 Q. All right. And so this is after you had left; is
22 that correct?

23 A. That is correct, but I resigned -- I'm sorry.

24 Q. Go ahead.

25 A. I resigned on Friday the 2nd.

1 Q. Let's talk -- the 2nd. All right.

2 A. And these were written on Sunday morning the 4th.

3 Q. Now, I'm asking you to look and see if these notes
4 truly and accurately reflect the events that you were
5 recording as you remembered them on that Sunday over several
6 days. Do they?

7 And do these notes -- I want you to look at what we
8 were talking about. We were on the period of the 25th and
9 the 26th. I don't want you to tell me what your notes say.
10 I want you to read and see if that helps refresh your
11 recollection and then I may ask you some questions, but not
12 you reading the notes or anything. I'm going to ask you
13 about your memory.

14 Would you briefly read and review your memory?

15 A. Yes.

16 Okay. Mr. Hardin.

17 Q. All right. Does that help refresh your memory?

18 A. It does, sir.

19 Q. All right. I want to go back, then, to your -- you
20 put the notes -- just keep them there, but testify from what
21 you remember.

22 During your conversations with Mr. Paxton on the
23 25th, was there -- did you alert him to your feeling -- or
24 let me put it another way. Was there any contention by
25 Mr. Paxton that you had approved the hiring of Mr. Cammack?

1 A. Mr. Paxton said that -- Mr. Paxton said that to me
2 during that phone conversation.

3 Q. He said what?

4 A. He said, Well, you approved the hiring of Cammack.
5 And I said, Absolutely not.

6 Q. And has it been your contention from the very
7 beginning always that you did not approve of the hiring of
8 Mr. Cammack?

9 A. I never approved the hiring of Mr. Cammack.

10 Q. Was that -- how would you describe that part of
11 your conversation with Mr. Paxton when he suggested you had?

12 A. I think it's probably the first time I ever raised
13 my voice to the Attorney General in response to him raising
14 his voice to me.

15 Q. So we've got two raised voices, one on a plane and
16 one in a car?

17 A. Correct.

18 Q. Who was driving?

19 A. I was driving unfortunately.

20 Q. All right. Now, have you had a chance to look at
21 your notes and refresh your memory as to whether or not --
22 when and where, if you did, call Mr. Penley after that call?

23 A. Yes. I spoke to Mr. Penley twice, once on the 25th
24 and then I spoke to him again on the 26th.

25 Q. All right. And when you talked to him the 25th,

1 what -- do you have any memory as to whether or not you
2 learned he was going to meet with Mr. Paxton on the 26th?

3 A. I learned that he was going to meet with Mr. Paxton
4 on the 26th.

5 Q. And did you have concerns about that meeting?

6 A. I did, because my concern was -- my concern was
7 that General Paxton was going to fire Mr. Penley.

8 Q. So what did you urge Mr. Penley?

9 A. I told Mr. Penley, Do not --

10 MR. BUZBEE: Objection, hearsay.

11 MR. HARDIN: Okay. That's fair enough. I'll
12 withdraw it, Your Honor.

13 PRESIDING OFFICER: Sustained.

14 MR. HARDIN: I'll withdraw it. Thank you.

15 Q. (BY MR. HARDIN) And during the call, did you and
16 Mr. Paxton have any further conversation concerning why in
17 the world y'all were involved -- he was involved with
18 Mr. Paul?

19 A. During that conversation and then just briefly, but
20 certainly on the meeting the following Monday.

21 Q. On the 28th?

22 A. On the 28th.

23 Q. All right. So -- but in the call in the airport --
24 I mean, on the airplane, what I call the airplane call, did
25 you express any concern about why y'all were -- why he was

1 involved with Mr. Paul?

2 A. I mean, I recall that I, again, asked him -- this
3 wasn't the first time -- but, Ken, why are we involved in
4 this? What -- I mean, it just didn't -- it just didn't make
5 sense to me. Of all the things going on, why was -- why were
6 we involved?

7 Q. What do you mean with all this going on? What are
8 you talking about?

9 A. Well, by this time -- this is the end of September.
10 So by this time, we knew about -- we knew a lot more about
11 Nate Paul. We had learned a lot more about who he was, what
12 was being alleged against him. I mean, he was not a good guy
13 and had a lot of concerns about that. We knew about the
14 Attorney General wanting to appear in court on behalf of Nate
15 Paul by that time. We knew that he -- by that time, I knew
16 he had been pressuring the other deputies and actually other
17 line lawyers to do more on behalf of Nate Paul. So all this
18 was starting. By the end of September, all this is coming to
19 fruition.

20 And of course, this with Penley, Penley just simply
21 saying, I want to investigate it. I've asked him for -- Mark
22 Penley was a loyal person. I mean, he was Mr. Paxton's
23 friend for decades. And during one of these -- this call,
24 Ken actually says that Mark's lying, that Mark Penley is
25 lying. Well, I mean, that to me -- and sort of like the fact

1 that the Attorney General wanted to appear in court, hearing
2 Mr. Paxton saying that Mark Penley of all people was lying, I
3 mean, I just -- I mean, you have to know Mark Penley.

4 Q. Why -- why was that such an a-ha moment for you?

5 A. He --

6 Q. Hold on. What was that such an a-ha moment for
7 you?

8 A. Because my experience had never been Mark Penley --
9 I mean, he was -- he is honest to the fault, just absolutely
10 honest to the fault. And so when General Paxton says that
11 Mark Penley is lying, I just -- I mean, you know, bells and
12 whistles are going off that this is not good. This is bad.

13 Q. Did you become aware during -- after that
14 conversation -- do your notes help refresh your memory as to
15 whether you knew that Mr. Penley was then going to meet with
16 the Attorney General on the 26th?

17 A. I did know that.

18 Q. Without going into what Mr. Penley told you after
19 that meeting, did you have a conversation with Mr. Penley in
20 which he fills you in on the conversation with Attorney
21 General Paxton?

22 A. After Mr. Penley met with the Attorney General,
23 Mr. Penley called me.

24 Q. All right. Now, then after that Saturday the 26th,
25 what happened in terms of conversations with Mr. Paxton after

1 the -- on the morning of the 28th?

2 A. On the morning of the 28th, I was in my office, and
3 the Attorney General came in to meet with me.

4 Q. What did he want?

5 A. He -- my best recollection is the first part of the
6 conversation was about other cases, probably about Google
7 because he had just been in D.C. He was as friendly as ever.
8 I mean, it was the Ken Paxton that I had known for four-plus
9 years; very friendly, very communitive. And I was
10 actually -- I mean, I was actually surprised by that because
11 our last discussion had been so heated and then I knew about
12 what had occurred during the weekend. And I asked him --
13 because he had told Mr. Penley that he was frustrated with me
14 and compared -- compared me to my predecessor who had been
15 very frustrated at one time. And so I brought that up. The
16 Attorney General didn't bring it up in that meeting.

17 Q. What did you say?

18 A. I said --

19 MR. BUZBEE: Objection, hearsay.

20 MR. HARDIN: No, it's with Mr. Paxton. This
21 is a conversation between the two. There's really no hearsay
22 here with an admission against interest of Mr. Paxton that's
23 about to follow. It's a conversation the two of them had.

24 PRESIDING OFFICER: Overruled. Go ahead.

25 Q. (BY MR. HARDIN) Go ahead.

1 A. He doesn't -- he didn't address whether he was
2 frustrated with me. Instead, he expressed that he was
3 frustrated with Penley.

4 Q. What was he upset about again?

5 A. It was almost a replay of the conversation that we
6 had on Friday, the Friday before, except this one was -- it
7 was not a heated discussion. This was, you know, General
8 Paxton one-on-one, just the two of us. And he was -- he was
9 what I would say normal Ken Paxton. Just, I don't
10 understand, why won't Penley sign this?

11 Q. What did he want you to do?

12 A. Well, he -- during -- during the conversation, I
13 attempted to explain to him something that I thought he
14 already understood, which is we have policies and procedures
15 at the Office of the Attorney General. We have an executive
16 approval memo process. And I tried to explain to the
17 Attorney General that, you know, that was there -- that
18 process is to protect him; it's to protect the agency. And
19 so the hire-an-outside-counsel contract where we're going to
20 spend money that the State has given us, that we have to go
21 through a formal process, part of that process has several
22 steps to it. And the Attorney General acted as if he didn't
23 understand that process.

24 Q. Was all of these conversations of these about
25 wanting Penley to sign the contract so that Mr. Cammack could

1 be an official employee on a mission for -- as outside
2 counsel to investigate things, complaints brought by
3 Mr. Paul?

4 A. Well, actually, what he wanted to do was Mr. Penley
5 to sign the memo, which Mr. Penley is just one of the persons
6 in the chain of command.

7 Q. We'll get to that. But was this a memo that would
8 authorize the outside-counsel contract for Mr. Cammack?

9 A. It would. And eventually it would be actually the
10 first assistant who would sign that contract under normal
11 procedures.

12 Q. All right. You mentioned earlier yesterday your
13 process for different hirings and things like that. Would
14 this have been a contract that had to go through about eight
15 of you to be approved?

16 A. I think that's correct. The memo would show that.
17 It went through several layers.

18 Q. And at that time -- what was your understanding as
19 to where the approval rested at that time? How far down the
20 chain or up the chain had it gotten?

21 A. It stopped at Mr. Penley.

22 Q. Had it gotten to you at all?

23 A. It had not gotten to me.

24 Q. Had you seen the contract?

25 A. I had not.

1 Q. Did you know whether or not a contract had already
2 been signed?

3 A. Signed, no, I had no idea.

4 Q. Did you know that it was pending and it had been
5 approved by certain levels until it got to Mr. Penley?

6 A. I mean, it would have to have been approved before
7 it got to Mr. Penley.

8 Q. All right. Now, when you had this conversation
9 with him, when it ended, how would you describe what the tone
10 was?

11 A. I mean, again, it was normal Ken Paxton. He asked
12 for copies of our policies and procedures. And so I asked
13 Lacey Mase, who is the deputy for administration, to gather
14 those for him. And at the end of the day, we provided them
15 to him. Actually, I think I gave it to his travel aide,
16 Mr. Wicker, and gave them to General Paxton.

17 Q. Did you have -- did he in that conversation tell
18 you what he wanted you to do with Mr. Penley and Mr. Maxwell?

19 A. I assumed -- in that conversation, no. I assumed
20 that we were back to Penley and Maxwell involved and
21 certainly Penley involved in the investigation.

22 Q. The conversation on the 28th, at any time did he
23 ever take the position that he wanted you to fire Mr. Penley
24 and Mr. Maxwell?

25 A. Not in the morning meeting.

1 Q. All right.

2 A. That was later.

3 Q. Okay. You've referred now to a later. So did you
4 have a second conversation on the 28th with Mr. Maxwell --
5 excuse me, with Mr. Paxton?

6 A. Yes, I did.

7 Q. And what was the occasion of that conversation?

8 A. It was -- my best guess is it was sometime after
9 9:00 p.m., because I was in my condo. And this was
10 completely contrary to the morning's conversation.

11 Q. In what way? How was it different?

12 A. This was the second time that Attorney General
13 Paxton was very upset, very angry.

14 Q. Did you form any opinion in your own mind in terms
15 of how he was acting as to what was going on here?

16 A. I believed he had been -- I believed he had been
17 drinking.

18 Q. All right. Did he sound like that to you?

19 A. I mean, again, the best you can tell over the
20 phone. It was so unlike any conversation I've ever had with
21 him.

22 Q. How would you characterize the conversation?

23 A. I mean, he was angry; he was upset. I felt like
24 perhaps there was someone else with him because he was
25 literally saying the same things that we now had discussed

1 two times before, repeating the same things but in an
2 agitated -- I thought maybe he was recording the
3 conversation. I mean, it was a horrible, horrible feeling,
4 especially for someone that --

5 Q. How long did that conversation last?

6 A. I mean, 10, 15 minutes.

7 Q. And in your situation, what was your response?

8 A. I mean, I didn't -- I was -- I did not get angry
9 with him. I was really confused. I was troubled because he
10 kept pressing the same things over and over again.

11 Q. And what were those things over and over again?

12 A. It was -- it all dealt with the hiring of
13 Mr. Cammack.

14 Q. And what did it have to do with Mr. Penley and
15 Mr. Maxwell?

16 A. Well, he -- at one point in that conversation he
17 wants me to fire them. And he says he's reviewed the
18 policies and procedures, and the first assistant can sign the
19 contract.

20 Q. I want to ask you about that. So did he suggest --
21 what did he suggest, if anything, about whether you could or
22 should sign the contract?

23 A. He suggested that I could and I should sign the
24 contract.

25 Q. And what did you say?

1 A. I said I would not sign the contract.

2 Q. Did you tell him why?

3 A. I said because I -- I'm a rule of law guy. I
4 believe in those -- those policies and procedures.

5 Q. And a schedule for that, if the contract would have
6 been approved, if Mr. Penley had approved, where would it go
7 next?

8 A. I think it goes up -- and we'd have to look at the
9 memo, but I think Ms. Mase has to approve it. I think it
10 then either goes up to either Missy or Ryan. It's a couple
11 before it reaches me, but the memo would be the best.

12 Q. Would it have to work its way up to Mr. Bangert for
13 sure before it got to you?

14 A. I believe so.

15 Q. All right. At the end of the day, did he -- do you
16 recall whether he ever said anything to you about whether --
17 ask you a question about anything having to do with what
18 if -- about him signing?

19 A. Yeah. He asked -- you know, now in retrospect I
20 think I understand why he asked it, but we had this
21 discussion about the policies and the procedures again. This
22 would have been at least the third time that we had it. He
23 urges me to sign it. And then at one point near the end of
24 the conversation he asks me the question, Well, what if I've
25 signed it? And I --

1 Q. What if he signed it?

2 A. Yeah. He asked me -- he asked me, Well, what if I
3 signed it already?

4 Q. Right. What if I've signed it?

5 MR. HARDIN: Stella, what if -- what if I
6 signed it. Thank you. Thank you. If you would put
7 that on --

8 Q. (BY MR. HARDIN) It would be the evening -- the
9 evening of 9-28, in that conversation he says to you, What if
10 I had already signed it?

11 A. What if I had already signed it.

12 Q. And you're certain of that?

13 A. Yes.

14 Q. All right. What did you tell him?

15 A. I told him that I would consider the contract void.

16 Q. Did he say to you he had already signed it?

17 A. He did not say that.

18 Q. Now, how much -- why would you consider a contract
19 void if the Attorney General signed it even if you were
20 opposed to it?

21 A. Because the policies and procedures were in place
22 in such a way to protect him and to protect the agency. If
23 he had gone so far outside our policies and procedures on
24 behalf of one person against the whole -- against your whole
25 staff pursuing -- pursuing a private matter using public

1 resources, I mean, to me that's just -- that has to be a void
2 contract.

3 Q. Well, do you think he had the authority to sign a
4 contract hiring Mr. Cammack?

5 A. I think the Attorney General has the authority to
6 sign contracts. I will say, however, that the policies and
7 procedures of the office, the Attorney General did not sign
8 many contracts.

9 Q. All right. Had you ever known him to sign one of
10 these types of contracts before?

11 A. Not an outside-counsel contract.

12 Q. But more to the point, do you think it was illegal
13 under any circumstances for him to do it or did you think it
14 was a violation of policy that had been running the
15 department since you were there?

16 A. Well, I thought it was wrong in this case knowing
17 everything I knew. That doesn't mean I don't believe the
18 Attorney General can't sign contracts, but I think --

19 MR. BUZBEE: Objection, nonresponsive. He
20 asked him whether it was legal for the Attorney General to
21 sign contracts. We would like to have an answer to that
22 question.

23 MR. HARDIN: He's giving his answer. There's
24 cross-examination for him to explore, in all due respect.

25 MR. BUZBEE: Nonresponsive, Your Honor.

1 PRESIDING OFFICER: Sustained.

2 MR. HARDIN: Thank you.

3 Q. (BY MR. HARDIN) Well, let me ask you this --

4 MR. BUZBEE: Your Honor, we'd like an answer
5 to the question then. Is it legal for the Attorney General
6 to sign a contract? That was the question.

7 MR. HARDIN: You know, as much as -- I've made
8 it this far in life without advice from Mr. Buzbee. I'm
9 going to try to make it the rest of my life. I'll ask my
10 questions; and if he objects, that's fine.

11 PRESIDING OFFICER: I believe you asked the
12 question.

13 MR. HARDIN: Yes, I'll be glad to. I was in
14 the process of trying to.

15 PRESIDING OFFICER: I believe you asked it.
16 Let me go look at the transcript.

17 MR. HARDIN: Thank you very much.

18 Q. (BY MR. HARDIN) When do you --

19 PRESIDING OFFICER: Hold on one second,
20 counsel, I'm looking at the transcript.

21 MR. HARDIN: Sure, sure.

22 PRESIDING OFFICER: You asked the question,
23 the witness can answer. Is it illegal for him to sign a
24 contract?

25 Q. (BY MR. HARDIN) Now, let me ask you this.

1 MR. BUZBEE: Actually, he needs to answer.

2 PRESIDING OFFICER: Counselor, you asked the
3 question. We've confirmed it on the transcript. The witness
4 will answer the question.

5 MR. HARDIN: Thank you very much.

6 A. Can you -- can you restate it? Because if the
7 question is can the Attorney General sign a contract, is that
8 illegal, and that's what I understand the question to be --

9 PRESIDING OFFICER: Counselor, restate the
10 question. You've asked it once. Restate the question.

11 MR. HARDIN: Thank you, Your Honor. I was
12 looking back to see what I asked.

13 PRESIDING OFFICER: It was line 21.

14 Q. (BY MR. HARDIN) I think the question that I see
15 that I asked through all that exchange was, do you think it
16 was illegal under -- was it a violation of policy that had
17 been running the department since you were there?

18 But my question -- let me try to break it down.
19 Did you have an opinion that it was --

20 MR. BUZBEE: Your Honor, I'm sorry to
21 interrupt. I'd like the witness to answer the question.

22 MR. HARDIN: I've withdrawn the question. I
23 will proceed to the next, with permission, of course, of the
24 Court.

25 PRESIDING OFFICER: You asked the question,

1 the witness hasn't answered.

2 MR. HARDIN: We don't know what the question
3 was anymore. I'm sorry.

4 MR. BUZBEE: Your Honor, he suggested that
5 it's illegal for the Attorney General of the State of Texas
6 to sign a contract. This witness knows it's not and he
7 should say so.

8 MR. HARDIN: And I have -- I'll be glad to ask
9 that question my way. I'll withdraw the question before and
10 with the Court's permission, proceed.

11 PRESIDING OFFICER: You may withdraw the
12 question.

13 MR. HARDIN: Thank you, Your Honor.

14 Q. (BY MR. HARDIN) Now, but I do want to proceed with
15 the topic. And that is did you believe -- or what was your
16 belief as to whether it was legally unlawful for him to sign
17 a contract and hire Mr. Paxton [sic] unilaterally, or did you
18 think it was a violation of your policy? Just explain to us
19 what your thought process was.

20 A. And I believe you mean Mr. Cammack.

21 Q. Pardon me?

22 A. You said Mr. -- hiring Mr. Paxton instead of
23 Mr. Cammack.

24 Q. I'm glad you're following me. You're right. With
25 that correction, Mr. Paxton. Back into the microphone so

1 that both of us -- there you go. What's your answer?

2 A. So I believed at that time in that conversation
3 with the Attorney General on the evening of September 28th
4 that not only did signing that contract -- if in fact the
5 Attorney General had signed it, I believed that it violated
6 our policies and procedures. But I also believed in the
7 circumstances of Mr. Cammack, knowing everything that we
8 knew, that it was unlawful.

9 Q. And why did you mean -- why did you think it was
10 unlawful in light of all the circumstances?

11 A. Because Mr. Cammack was being hired to do something
12 that I did not believe was in the interest of the State and
13 that there wasn't a -- I mean, the Attorney General is not
14 above the law. He has to comply with the law like all of us.
15 And so, again, knowing the whole circumstances at this point
16 in time, that's what I believed.

17 Q. What was your opinion, one way or the other, as to
18 whether -- if that signing of that contract was in pursuit of
19 an unlawful purpose, was it in your opinion, therefore,
20 unlawful?

21 A. Correct.

22 Q. All right. Now -- and the purpose in this matter,
23 were you aware of what your staff, meaning Mr. Penley and
24 Mr. Maxwell, believed as to whether what they were being
25 asked to do --

1 MR. BUZBEE: Objection, Your Honor, hearsay.
2 We're going to hear from both Mr. Maxwell and Mr. Penley.

3 Q. (BY MR. HARDIN) Whether what they were being -- do
4 you have an opinion or were you aware of one way or the
5 other --

6 PRESIDING OFFICER: Sustained.

7 Q. (BY MR. HARDIN) -- as to what their position was.
8 That's all I'm asking.

9 PRESIDING OFFICER: Repeat that question.

10 MR. HARDIN: Thank you.

11 Q. (BY MR. HARDIN) Were you aware at this time as to
12 what position Mr. Penley and Mr. Maxwell had taken as to
13 whether what they were being asked to do was unlawful?

14 MR. BUZBEE: Your Honor, can we hear from
15 Mr. Penley and Mr. Maxwell about their belief of this
16 contract rather than hear him tell us what they told him?
17 This is hearsay.

18 MR. HARDIN: I'm not asking for communication.
19 Excuse me. I think she was talking, I apologize.

20 PRESIDING OFFICER: Restate the question.

21 MR. HARDIN: Thank you.

22 Q. (BY MR. HARDIN) Were you aware at that time -- and
23 we are in September of -- 9-28 of 2020. Were you aware at
24 that time one way or the other as to whether -- what
25 Mr. Penley and Mr. Maxwell's position was as to whether or

1 not what the Attorney General and Mr. Paul were asking them
2 to do was lawful? Just whether you were aware of what their
3 opinion was. I'm not asking you if you were -- what it was.

4 MR. BUZBEE: Your Honor, I object to that.
5 He's suggested Mr. Paul was somehow talking about this
6 contract. There's no evidence of any of that. And the --
7 and, therefore, the question is vague and assumes facts that
8 certainly are not in evidence.

9 PRESIDING OFFICER: You can ask the question,
10 was he aware.

11 MR. HARDIN: That's all. Was he aware and not
12 what it was. I haven't asked him what it was.

13 A. I was aware.

14 Q. (BY MR. HARDIN) All right. And did that have
15 anything to do with your opinion as to what you were telling
16 the Attorney General and how resistant you were to what he
17 wanted to do?

18 A. Yes, it did.

19 Q. By the way --

20 A. Yes, it did.

21 Q. Thank you very much.

22 All right. Now, how did that conversation end?

23 A. It ended abruptly.

24 Q. And then I want to -- I want to try to move pretty
25 quickly here through these last matters. That was Monday the

1 28th, was it not?

2 A. Correct.

3 Q. On Tuesday the 29th, did you learn any new
4 information that concerned you greatly?

5 A. Yeah. I was in a conference call, a Zoom meeting
6 actually, involving all the chief deps across the country,
7 bipartisan meeting. We were dealing with opioids. And I got
8 an urgent message first from my assistant and then from
9 Ms. Mase, the deputy for admin, that there was an emergency.

10 Q. All right. And what did you do when you got that
11 call -- that message, excuse me?

12 A. I excused -- I think I was leading the meeting and
13 I excused myself from the meeting because Ms. Mase and
14 Ms. Hornsey wouldn't interrupt me unless it were really
15 something important because they knew I was on an important
16 call.

17 Q. What did you learn?

18 A. I learned that -- that a bank had called Ms. Mase
19 and informed her that --

20 MR. BUZBEE: Objection, hearsay.

21 MR. HARDIN: All right.

22 PRESIDING OFFICER: Sustained.

23 Q. (BY MR. HARDIN) You don't need to tell what you
24 did, but what did -- as a result of the phone call or the
25 conversation, did you talk to Ms. Mase or how did you find

1 out?

2 A. I talked to Ms. Mase.

3 Q. All right. And what were you concerned about then?

4 A. I was concerned that someone was -- that
5 Mr. Cammack was saying that he was working for the Office of
6 the Attorney General and was engaged in activities.

7 Q. What kind of activities?

8 A. He was serving subpoenas.

9 Q. What type of subpoenas?

10 A. He was serving -- seeking information from banks
11 that appeared to be related to Mr. Paul and his activities.

12 Q. And were they grand jury subpoenas?

13 A. They were grand jury subpoenas.

14 Q. Did you have any idea how or why he was obtaining
15 grand jury subpoenas?

16 A. Not on September 29th.

17 Q. All right. And at that time what did you do as a
18 result of getting that information?

19 A. I -- I debriefed with Ms. Mase. I believe at a
20 certain point Mr. Bangert, perhaps Mr. Brickman and some of
21 the other deputies were actually over here at the capitol
22 meeting with either the Governor's Office or the Lieutenant
23 Governor's Office. I don't remember.

24 Q. And so what -- and what did you do as far as them?

25 A. I called them back.

1 Q. All right. So when you called them back, where did
2 you call them back to?

3 A. Back to the 8th floor.

4 Q. And then was there a meeting?

5 A. There was a meeting.

6 Q. And as best you remember, who all did you have in
7 that meeting?

8 A. I know it was Mr. Bangert, Ms. Mase --

9 Q. And we're September the 29th?

10 A. September the 29th.

11 Q. Okay.

12 A. It was Mr. Bangert, Ms. Mase, Mr. Penley.
13 Mr. Maxwell was out of town. Ms. Cary was out of town.
14 Mr. Vassar, Mr. Brickman. I may be missing someone, but
15 that's the best of my recollection.

16 Q. And what was purpose of this meeting?

17 A. We were trying to figure out what was going on.

18 Q. What was your concern?

19 A. My concern was we had somebody out there that
20 wasn't part of our organization representing that he was an
21 official with the Attorney General's Office.

22 Q. Now, did you have any idea at that time whether or
23 not there was a signed contract between Mr. Paxton and
24 Mr. Cammack?

25 A. I had no idea.

1 Q. All right. Had you ever seen such a contract?

2 A. Not at that time.

3 Q. Had everybody ever suggested to you there was such
4 a signed contract?

5 A. Not at that time.

6 Q. All right. Now, what -- can you describe sort of
7 the atmosphere of this group? I mean, what's happening? I
8 want you to try to describe it for me without going into what
9 each person was saying.

10 A. I mean, we considered it sort of a crisis moment.
11 I mean, everything regarding Mr. Paul was kind of coming to a
12 head. And so at some point Mr. McCarty joined. I don't
13 think I had mentioned Mr. McCarty. And he wasn't in the
14 original meeting, but eventually he joins. And so it's
15 really the first time that each of the deputies started to
16 share -- and without getting into what they shared, but
17 started to share information concern -- each bits and pieces
18 about Mr. Paul and his activities with the Attorney General.

19 Q. What is your testimony, Mr. Mateer, as to whether
20 or not in many ways people shared different things that you
21 had never heard before?

22 A. I mean, I learned things in that meeting that I
23 hadn't known before.

24 Q. In terms of relationships with the Attorney General
25 and Mr. Paul?

1 A. Correct.

2 Q. All right. Do you have any explanation as to how
3 you, the first assistant, would not know what all had been
4 going on over the last nine months or so?

5 A. I mean, you know, quite frankly I beat myself up a
6 little bit. I felt like I probably should have known more.
7 But in my defense, we had a lot going on and the way -- I
8 mean, we believed, and I believe General Paxton believed, we
9 believed in letting our leaders lead. And so they were each
10 handling and managing their various divisions. And so I
11 would only know what I'm told. And this was really the first
12 time, with everybody in a room together, folks began to
13 share.

14 Q. How would you describe in terms of their alarm one
15 way or the other?

16 A. I mean, we were -- very serious.

17 Q. I want to go back to a subject and you know that
18 the allegations here -- and all this has been public -- about
19 an affair that Mr. Paxton had with another person.

20 A. Yes.

21 Q. When did you first -- before I go into questions
22 about it, I want you to explain or express in your own way
23 why that is relevant to the bigger picture of Mr. Paxton and
24 Mr. Paul in your mind, if it is.

25 A. No, it -- unfortunately, it is relevant.

1 Q. Stay with the microphone, please.

2 A. I'm sorry. Unfortunately, it is relevant. During
3 that week, the last week in the office -- and I have to wind
4 back, if I can, a little bit. I have to wind back a little
5 bit, if I can, Mr. Hardin.

6 I first became -- I, and other senior leadership in
7 the Office of the Attorney General, became aware that
8 Mr. Paxton was involved in an extramarital relationship
9 sometime in 2016.

10 Q. In when?

11 A. In 2016.

12 Q. All right.

13 A. Prior to -- that's incorrect. No, that is --

14 Q. And then --

15 A. I've got to get my -- it was before his -- I have
16 to think back to his reelection. It's his second -- his
17 first reelection.

18 Q. My question is: Did you become aware of it for the
19 first time in 2018?

20 A. 2018, that's when he was reelected. He was elected
21 in 2014 the first time, 2018 the second time. So it would
22 have been in August/September time period of 2018, before his
23 fall election.

24 Q. How did you become aware?

25 A. I think the first person I heard was someone in

1 D.C. that actually mentioned it.

2 MR. BUZBEE: Objection, hearsay, Your Honor.

3 And I'm also -- this was a prime example of counsel
4 suggesting the date to this witness. The witness -- and this
5 demonstrates the witness --

6 MR. HARDIN: The way -- pardon me. The way
7 this should work is simply state an objection. It is --

8 MR. BUZBEE: Objection to this is hearsay.

9 MR. HARDIN: Thank you. Let me --

10 PRESIDING OFFICER: Sustained.

11 MR. HARDIN: Thank you very much, Your
12 Honor.

13 Q. (BY MR. HARDIN) So let's go back. Were you
14 present at an occasion when Mr. Paxton confessed the affair
15 to members of his staff?

16 A. Yes. Mr. Paxton, Mrs. Paxton, Senator Paxton,
17 gathered senior staff from the Office of the Attorney General
18 and senior staff from the campaign. We had a meeting at the
19 campaign office in which Mr. Paxton revealed that he had been
20 engaged in an extramarital affair and asked for our
21 forgiveness.

22 Q. And was it a very emotional, sympathetic meeting?

23 A. It was a very emotional meeting, yes.

24 Q. And that was with both Mr. and Senator Paxton; is
25 that correct?

1 A. They were both in attendance, yes.

2 Q. And at that -- would it have been a general moment
3 of sympathy for the whole event?

4 A. Absolutely.

5 Q. All right. After that -- were there any assurances
6 and so made by Mr. Paxton at that time?

7 A. Yeah. I mean, Mr. Paxton apologized and then, you
8 know, using Christian terminology, I would say, he, you know,
9 repented. And I know that's a Christian term, but from my
10 perspective, that's what I believed.

11 Q. And was that really the tone and the way the whole
12 encounter --

13 A. It actually was. And, you know, then we moved on
14 and obviously with the expectation that that -- he had -- he
15 had made a mistake, he had apologized, and we were moving on
16 from it.

17 Q. When that meeting was over, did you -- what was
18 your assumption going forward as to whether that event was
19 over, the affair?

20 A. I mean, I assumed it was over because that's what
21 he said.

22 Q. When did you first become aware that it was not
23 over and how? Without what somebody told you, was there any
24 other personal -- I'm only asking you for a time, dates or
25 years, that you became aware that it was not over.

1 A. It wasn't until --

2 MR. BUZBEE: Your Honor, this is -- unless
3 Mr. Paxton told him something after that meeting, this is all
4 based on rumor or hearsay.

5 PRESIDING OFFICER: Sustained. Continue.

6 Q. (BY MR. HARDIN) In your own mind, did you
7 ultimately believe that it had resumed?

8 A. All during that --

9 MR. BUZBEE: That would be based on hearsay,
10 and it's not relevant what he believed about Mr. Paxton --

11 PRESIDING OFFICER: Just state your objection.
12 What is your objection?

13 MR. BUZBEE: Objection, hearsay and
14 relevance.

15 PRESIDING OFFICER: Sustained.

16 Q. (BY MR. HARDIN) All right. Why did you think, if
17 you believed the affair had resumed, that was relevant to be
18 of concern about the lieutenant -- about the Attorney General
19 and Mr. Paul?

20 A. Because it answered one of the questions that I
21 kept struggling with, is why would General Paxton jeopardize
22 all this great work that we had been doing in the Office of
23 the Attorney General? Why would he be engaged in these
24 activities on behalf of one person? I mean, all these
25 different things. And by this time we knew he had hired

1 Mr. Cammack. Why would he do this against his advice of
2 his -- the people who he trusted to run his office, including
3 me? And it answered that why question.

4 Q. Had you become aware by that time that the woman he
5 was having the affair with had been hired by Mr. Paul?

6 MR. BUZBEE: Objection, hearsay, Your Honor.

7 PRESIDING OFFICER: Overruled. You can
8 continue.

9 MR. HARDIN: Thank you.

10 A. I learned that -- that this person had been hired
11 by Mr. Paul that week.

12 Q. (BY MR. HARDIN) And why was that relevant to you?

13 A. Because it answered the question why is he engaging
14 in all these activities. And it was like --

15 Q. On behalf of Mr. Paul?

16 A. On behalf of Mr. Paul. Why is he engaged in this?
17 I mean, it seemed to me he was under undue influence. At
18 one -- at times I thought is he being blackmailed? I mean,
19 this was so unlike what I experienced with him for four
20 years. Like -- and this was part of it. There may have been
21 more, there may have been others, but this was certainly part
22 of it.

23 Q. Mr. Mateer, did you ultimately resign?

24 A. I did.

25 Q. When did you resign?

1 A. I resigned on that Friday, October 2nd.

2 Q. And I believe we have asked before, but let me make
3 sure I'm right. You did not sue and you do not have any suit
4 pending against either the Attorney's General's Office or
5 Mr. Paxton or anyone out of this; is that correct?

6 A. I do not.

7 Q. If you go back to the things -- what is your
8 testimony as to whether you learned a lot more that gave you
9 concern? Without going into what it was, on the 29th as all
10 of these deputies began to compare notes, what is your
11 testimony as to the very reluctant conclusion you came to?

12 A. I mean, by that time, the 29th -- because the next
13 day is when we go to the FBI and DOJ. By that time, I had --
14 I concluded that, you know, Mr. Paxton was engaged in conduct
15 that was immoral, unethical, and I had a good faith belief
16 that it was illegal.

17 Q. What did you -- what was your thought process as to
18 what you believed would happen if you did this? What do you
19 believe might happen to you and the others if you did come
20 forward?

21 A. I mean, I knew by that time that my tenure as first
22 assistant was coming to a quick end. So I knew that there
23 would be -- I mean, any time someone stands up, that there
24 could be consequences. So I knew I was in the process of
25 leaving the office.

1 Q. You, of course, were not here and did not hear the
2 opening statements in this case, did you?

3 A. I did not.

4 Q. Let me ask you this: How long by the September
5 29th and 30th had -- by then had you become aware that
6 different members of the top-level administrators in this
7 department had, in different ways, been trying to stop the
8 Attorney General from helping Mr. Paul?

9 MR. BUZBEE: Objection, leading.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. HARDIN) Did you have a thought process in
12 your own mind as to why you needed to go finally to law
13 enforcement?

14 A. I felt like we had been trying to protect
15 Mr. Paxton. On several occasions I had gone to him and,
16 really, my -- he had become -- I mean, he was my boss. He
17 had become a friend. I cared for him; I cared for Senator
18 Paxton. And I wanted him -- I wanted him -- I mean, I think
19 in one of the memos I say, Come clean. I mean, I wanted to
20 help --

21 Q. Come what?

22 A. Come clean.

23 Q. Microphone.

24 A. Come clean. I wanted to -- I mean, my job -- I
25 feel one of the jobs of the first assistant is to protect --

1 in addition to running the office was to protect the Attorney
2 General. And quite frankly, I obviously failed at that.
3 And -- but I came to the conclusion that Mr. Paul had enabled
4 Mr. Paxton, and despite my efforts, the other deputies'
5 efforts, we couldn't protect him because he didn't want to be
6 protected.

7 Q. As you ultimately made your decisions and as you
8 have learned and things that have happened soon, did you
9 change your mind as to whether or not General Paxton was
10 simply being blackmailed or something else? Did you
11 ultimately make a conclusion of what you believed,
12 reluctantly, about the conduct of the Attorney General?

13 A. Again, I -- in the end, I reached the conclusion
14 that Mr. Paul enabled him to engage in the conduct that
15 Mr. Paxton engaged in.

16 Q. What is your opinion as to whether or not a level
17 of responsibility the Attorney General had?

18 A. I mean, ultimately, the Attorney General was
19 responsible for his conduct.

20 MR. HARDIN: I'll pass the witness.

21 PRESIDING OFFICER: We'll take a ten-minute
22 break here.

23 (Break taken at 11:21 a.m. to 11:36 a.m.)

24 THE BAILIFF: All rise. The Texas Senate is
25 now in session.

1 PRESIDING OFFICER: Please be seated. We'll
2 have to wait until all the jurors get here.

3 Members, will all the jurors in the back
4 please come forward immediately.

5 We're missing one juror. Senator Miles and
6 Senator Kolkhorst. Okay.

7 Members of the jury, just a reminder, if we
8 take a ten-minute break, be here in ten minutes. Even if I'm
9 not here, I need the jury to be here because I don't like
10 walking out and not having the jury here, so just moving
11 forward as best we can.

12 Mr. Buzbee?

13 MR. BUZBEE: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. BUZBEE:

16 Q. Mr. Mateer, you told us Ken Paxton was your friend?

17 A. He became my friend, yes.

18 Q. And you were trying to protect him?

19 A. That's correct, sir.

20 Q. And you were trying to protect him from himself?

21 A. Correct.

22 Q. And when you found out that this young man, Brandon
23 Cammack, had sent a subpoena to a bank, you guys sent
24 everybody on the 8th floor home and had a meeting, right?

25 A. I don't recall sending everybody home. I do recall

1 we had a meeting.

2 Q. And in order to protect Ken Paxton, what you did
3 was then call the FBI, right?

4 A. That's --

5 Q. That's how you protected your friend?

6 A. That's not correct, sir.

7 Q. Did you not go to the FBI thereafter?

8 A. Not that day, sir.

9 Q. What day?

10 A. The next day, sir.

11 Q. Okay. Did you talk to Ken Paxton before you went
12 to the FBI?

13 A. General Paxton was out of state.

14 Q. Did you talk to Ken Paxton before you went to the
15 FBI?

16 A. I talked to him on the 28th, yes.

17 Q. After -- sir, listen, you found out about -- you
18 found out that Brandon Cammack had served a subpoena on a
19 bank, right? Right?

20 A. That is correct, yes.

21 Q. You thought it was a crisis situation, right?

22 A. That is correct, sir.

23 Q. You rallied the troops together and had a meeting,
24 right?

25 A. We had a meeting, yes, sir.

1 Q. The next day you went to the FBI?

2 A. We did, yes, sir.

3 Q. Did you after your meeting talk to Ken Paxton?

4 A. I did not talk to Ken Paxton.

5 Q. Okay. So in order to help your friend, a guy that
6 had given you a really plum of a job, instead of asking him
7 some questions, you instead circled up and decided to go to
8 the FBI. That's what happened, right?

9 A. I did have conversations with General Paxton.

10 Q. Not after that meeting, right?

11 A. Not after the meeting on the 29th, correct, sir.

12 Q. You had no clue that Brandon Cammack had received a
13 second referral from the DA's Office, did you?

14 A. I did not.

15 Q. You were wondering why they were serving subpoenas
16 on a bank when the complaint that you knew about had to do
17 with the FBI and the magistrate judge, right?

18 A. That's correct.

19 Q. You had no clue that there had been a second
20 referral from the DA's Office directly to Brandon Cammack;
21 isn't that right?

22 A. That's right. No one had shared that with us.

23 Q. So you thought this Cammack fellow is sending -- is
24 sending subpoenas to banks related to some FBI thing, right?

25 A. I didn't know what he was doing.

1 Q. You know how you could have found out? Do you know
2 how you could have found out? You could have picked up the
3 phone and called your boss and said, Hey, boss, what's up
4 with this Brandon Cammack? He's sent a subpoena to a bank.
5 And he could have told you, Well, I have the authority to
6 sign a contract because I am the elected AG, and he's sending
7 subpoenas based on a second referral. You could have done
8 that, right?

9 A. I could have done that.

10 Q. But instead what you did -- instead what you did
11 was rally your troops, get your stories together, and go to
12 the FBI; isn't that right?

13 A. That's not how I would characterize it.

14 Q. Did you also talk to Dick Trabulsi?

15 A. Not at that time, no.

16 Q. How soon after that did you talk to Dick Trabulsi?

17 You know who I'm talking about, don't you?

18 A. It's the --

19 Q. Tell us who he is.

20 A. I believe he's the leader of Texans for Lawsuit
21 Reform.

22 Q. Oh. He sent you a text, didn't he?

23 A. He sent me a text after I resigned.

24 Q. A text of support?

25 A. I got many texts of support. He was one of them,

1 yes.

2 Q. Where are your texts by the way?

3 A. I don't keep texts.

4 Q. What do you mean by that, you don't keep texts?

5 You deleted your texts?

6 A. After I left the Attorney General's Office, when
7 I'm no longer employed at the Attorney General's Office, I
8 didn't keep texts.

9 Q. You didn't think anybody might want to look at your
10 texts?

11 A. I adhere to zero -- excuse me, zero inbox policy,
12 and I think anybody who has ever worked for me knows that.

13 Q. Is that right?

14 A. That's right.

15 Q. So just so we're all clear and everybody that's
16 watching is clear, you were having conversations with the
17 leader of Texans for Lawsuit Reform who was showing support
18 for you after you had went to the FBI and resigned, right?

19 A. I had one text message that I received from
20 Mr. Trabulsi after I resigned.

21 Q. How did he have your phone number? I thought you
22 weren't the kind of person that would talk to people like
23 that. How did he have your phone number?

24 A. A lot of people have my phone number. Probably
25 General Paxton gave it to him at one time.

1 Q. You know we do have some of your texts, don't you?

2 A. I mean, I assume you do if others produced them,
3 yes, sir.

4 Q. Yeah, we don't have any from you because you say
5 that you delete them. Tell me how you delete them, by the
6 way, because that seems like a challenge. Do you delete
7 every text that's sent to you?

8 A. I look at e-mail, I look at text every day, okay,
9 within a 24-hour time period. If it requires an action, I
10 then note it as a to-do item. If it's unrelated to anything,
11 then I delete. That's just my -- that's been my policy for
12 years, sir.

13 Q. Wow. You're -- you worked for the government,
14 right?

15 A. Well, this was after I worked for the government.

16 Q. Right. After you had no longer -- you were no
17 longer working for the government, you deleted your texts, is
18 that what you're telling me? Or you delete them real time?

19 A. I delete them basically real time within a period
20 of time.

21 Q. Did anybody else in the office do that or was that
22 just your practice?

23 A. The other person that probably did that was the
24 Attorney General.

25 Q. You think so?

1 A. Yeah, I think so.

2 Q. Did he have a burner phone, by the way?

3 A. No. Someone mentioned that to me at one time.

4 Q. Who mentioned that? You read about that in the
5 newspaper?

6 A. No, I don't think I read about it in the newspaper.
7 It would have either been Mr. Wicker or Mr. Rylander.

8 Q. Mr. Wicker didn't mention it to you because he was
9 questioned. He said he didn't know what a burner phone was.
10 Who told you that he had a burner phone?

11 A. Again, my best recollection would have been
12 Mr. Wicker or Mr. Rylander.

13 Q. Did you ever see a burner phone?

14 A. I know the Attorney General had several phones. I
15 don't know, you know, a burner phone.

16 Q. You know what a burner phone is. This would be a
17 burner phone. You can go to 7-Eleven, you can buy it, use it
18 for a certain amount of minutes, you throw it in the trash.
19 That's called a burner phone.

20 A. Okay.

21 Q. Did you ever see Ken Paxton with a burner phone?

22 A. He had a flip phone.

23 Q. Did you ever see a burner phone, one that he bought
24 at 7-Eleven so he could do some sort of illicit business?

25 A. I don't know, sir.

1 Q. Okay. How about a secret e-mail address? Did you
2 ever see him with a secret e-mail address?

3 A. He had a Proton e-mail address.

4 Q. Didn't you have a Proton e-mail address?

5 A. I sure did, yes.

6 Q. Oh, goodness gracious. So he had the same kind of
7 e-mail address that you had?

8 A. Okay.

9 Q. We've been told that's a secret e-mail address, but
10 you had the same kind of e-mail address, didn't you?

11 A. I think a lot of people had them.

12 Q. Sure.

13 A. I think your co-counsel has one.

14 Q. They do have it. Do you know why people use the
15 Proton e-mail address?

16 A. Because -- well, I know why we did. Because we
17 were concerned that Google might be monitoring our
18 conversations. We were investigating Google.

19 Q. Right. And also Ken Paxton and several others went
20 to China, and they wanted to make sure that their e-mail did
21 not get hacked, right?

22 A. Okay. Correct.

23 Q. But yet this Board of Managers -- the House of
24 Managers claims that that's some kind of secret, weird thing
25 to do when everybody in the office was doing it; isn't that

1 right?

2 A. Well, I don't think everybody in the office was
3 doing it, but there were some, yes.

4 Q. Sure. Now, back to your texts. Just so the Court
5 is clear and the jurors are clear, your testimony is when you
6 receive a text, if it needs action, you note it, and
7 otherwise you delete it?

8 A. That's correct.

9 Q. And you still do that now?

10 A. I do.

11 Q. Well, the good news is Mr. Brickman didn't have
12 that same practice. Let's look at what is marked and in
13 evidence, AG 170.

14 MR. BUZBEE: And, Eric, if you don't mind, go
15 to -- the page is Brickman 187. Let's put it on the screen
16 so the jurors can see it.

17 Q. (BY MR. BUZBEE) What we're going to look at, sir,
18 is a text stream that you were on with Brickman and several
19 others, okay?

20 A. Okay.

21 Q. I need you to speak into the mic, please.

22 A. Yes, sir.

23 Q. Okay.

24 MR. BUZBEE: Eric, let me know when you're
25 ready. Go to 187, Eric. We were looking at AG Exhibit 170.

1 187.

2 Q. (BY MR. BUZBEE) All right. Here's a text you sent
3 at 3:02 p.m. on 9-29-2020; is that right?

4 A. That appears to be correct, sir.

5 Q. You said, We have a major problem. The kid has
6 served a subpoena on a bank. Showed up there in person at
7 the bank. Right?

8 A. That's what it says, sir.

9 Q. And you were thinking in your mind, why in the
10 devil is he serving a subpoena on the bank? Nate Paul's
11 complaint has to do with the FBI, right?

12 A. That was one of the things I was thinking, sir.

13 Q. Because you had no clue that there had been a
14 second referral, true?

15 A. I did not know there was a second referral at this
16 time.

17 Q. Now, is this the first time that you had found out
18 that the kid -- you're referring to Brandon Cammack, right?

19 A. I am referring to Mr. Cammack there.

20 Q. And you didn't say, hey, Brandon Cammack. You said
21 the kid. Everybody knew who you were talking about, right?

22 A. That's right.

23 Q. All right. So Cammack wasn't a surprise, was he?

24 A. Cammack wasn't a surprise in the sense that we knew
25 who he was, that's correct.

1 Q. Sure. And you actually got a copy of his contract
2 too, didn't you?

3 A. At some point I got a copy of the contract, but not
4 through the DocuSign, no, sir.

5 Q. Right. I mean, I know -- and we're going to talk
6 about your bureaucratic procedures. What did you call it,
7 your executive action memo? What do you call it?

8 A. Executive approval memo.

9 Q. Executive approval memo.

10 A. Uh-huh. Yes, sir.

11 Q. Some procedure in writing put in place of how
12 things should work at the AG's Office?

13 A. That's what it was, yes.

14 Q. Right. In some policy manual?

15 A. It's a policy, yes.

16 Q. Okay. It ain't the law, though, is it?

17 A. No, it's not the law.

18 Q. No. The power of the Attorney General derives from
19 the Texas Constitution; is that not true?

20 A. From the Texas Constitution and Texas law,
21 statutes.

22 Q. The Constitution is what gives the Attorney General
23 the power to act; isn't that right?

24 A. The Constitution and the statutes passed by the
25 legislature, yes.

1 Q. Your power to act, if any, derives directly from
2 the AG; isn't that right?

3 A. It's derived from the AG, but it's also
4 derived from the statutes.

5 Q. You're not authorized to take his name off his
6 letterhead, are you?

7 A. Am I authorized to take his name off the
8 letterhead?

9 Q. I'm sorry, is that a question or are you --

10 A. I'm repeating your question to make sure I
11 understand it. Could you restate it?

12 Q. I can absolutely restate it. You, as deputy, as
13 first assistant, are not authorized to remove your boss's
14 name from his letterhead, are you?

15 A. I don't know if that's true or not.

16 Q. Did you not look? I mean, aren't you a lawyer?
17 Isn't that something you better look at before you do it?

18 A. I don't recall doing it, sir.

19 Q. You don't recall sending correspondence with the
20 Attorney General's name removed?

21 A. I do not.

22 Q. You wouldn't have done that, would you?

23 A. By implication of your question, it must have
24 happened, but I don't remember.

25 Q. Oh, it happened. My question is, is that legal?

1 A. I don't -- I don't know it's illegal.

2 Q. Well, did you check before you guys were sending
3 correspondence without your boss's name on it?

4 A. I didn't personally check, no.

5 Q. Well, I thought you were a rule of law guy. Isn't
6 that what you told us, I'm a rule of law guy?

7 A. I am a rule of law guy.

8 Q. Okay. Rule of law guy, is it legal to send out
9 correspondence without your boss's name on it, official
10 correspondence from the AG's Office?

11 A. I don't think it's illegal, no.

12 Q. You don't think it's illegal?

13 A. I do not.

14 Q. Is that how you decide your legal analysis is by
15 just whether you think it is or not?

16 A. No. It would be based upon what I believed and
17 what I know about the law.

18 Q. Well, what do you base that on? What don't you --

19 A. What I believe is -- what I do recall is before I
20 became first assistant, the prior first assistant --
21 actually, one of the complaints that the Attorney General had
22 with the prior first assistant was that the original
23 letterhead didn't have Mr. Paxton's name on it.

24 Q. So you knew that the official letterhead, according
25 to General Paxton, had his name on it. That was his --

1 that's what he insisted upon, right?

2 A. Well, he insisted on it. I don't know about the
3 word "official."

4 Q. And yet you were party to correspondence where his
5 name was removed?

6 A. That I don't know, sir; but if you're saying that,
7 then I must have been.

8 Q. Well, let's make sure we're all clear that you did
9 get the contract because it's in the text even.

10 MR. BUZBEE: Eric, turn to same exhibit, AG
11 170, go to Brickman 180.

12 Q. (BY MR. BUZBEE) Vassar texted you a copy of the
13 executed contract, didn't he?

14 A. Looks like on October 1st.

15 Q. Yep. Did you go back then -- was that the same day
16 you met with the FBI?

17 A. No.

18 Q. What day did you meet with the FBI?

19 A. I believe we met with the FBI on the 30th, sir.

20 Q. Okay. So you -- did you go back to the FBI and
21 say, Hey, you know what? I made a mistake. There actually
22 is a contract. My boss signed it, and there's a second
23 referral. Did you do that?

24 A. Not on October 1st.

25 Q. You went to the FBI uninformed; isn't that true?

1 A. No, I wouldn't say that, sir.

2 Q. I just want to try to get the time line because the
3 jurors may wonder. You spoke to the FBI about -- what did
4 you call it, a good faith belief that a crime had occurred?
5 Is that what you said? Did you -- did you go to the FBI with
6 a good faith belief that a crime had occurred? Is that what
7 you told us?

8 A. That's correct.

9 Q. Okay. And that was on October the 1st?

10 A. No, sir.

11 Q. What day?

12 A. That was on the 30th.

13 Q. September the 30th?

14 A. Yes.

15 Q. Okay. That's when -- you called Mr. Sutton before
16 that, right?

17 A. I didn't, no.

18 Q. What --

19 A. I had not, no.

20 Q. One of you did?

21 A. I believe that's true, yes.

22 Q. One of the group called Mr. Sutton before that,
23 right?

24 A. I believe that's true.

25 Q. Okay. We'll get to that in a minute.

1 So on September 30th, you went to the FBI and you
2 made your good faith complaint, right?

3 A. We told the FBI the knowledge that we had.

4 Q. Did you then go back and give them a copy of the
5 actual signed contract from the duly elected Attorney
6 General?

7 A. I did not.

8 Q. You did not?

9 A. I did not.

10 Q. Did you go back and tell them, Hey, you know what?
11 There was actually a second referral that didn't even come
12 into our office. It in effect went directly from the DA's
13 Office of Travis County directly to Brandon Cammack. Did you
14 tell them that?

15 A. Not on October 1st.

16 Q. Did you tell them at some point?

17 A. I think at some point we did tell them that, yes.

18 Q. Did they indict Ken Paxton?

19 A. As far as I know, they have not.

20 Q. Okay. Let's see. Let's try to get our time line
21 right. That was September of 2020, and this is September of
22 2023. It's been three years?

23 A. Your math is correct.

24 Q. So in three years they've done nothing with the
25 information that you provided them that's the subject of this

1 impeachment, right?

2 A. I don't know what they've done, sir. You can ask
3 them.

4 Q. Well, they certainly are pretty good about letting
5 us know if somebody's been indicted, aren't they?

6 A. That's your area. I would assume we would -- well,
7 actually, I don't know.

8 Q. Okay.

9 MR. BUZBEE: Your Honor, I know you were
10 concerned about timing. This might be a good break for me if
11 you want to do it. It's up to you, though, of course. It's
12 noon. I'm getting ready to go into another topic, and it's
13 going to take some time.

14 PRESIDING OFFICER: You have a good half hour,
15 45 minutes.

16 MR. BUZBEE: Okay. I'm all for it.

17 PRESIDING OFFICER: Keep going.

18 Q. (BY MR. BUZBEE) You know, before I get into some
19 of these others areas like the Mitte Foundation, which you
20 approved of the intervention, right?

21 A. I did approve, yes, sir.

22 Q. The Mitte Foundation where you approved to
23 investigate them, right?

24 A. I did sign that memo, yes.

25 Q. I mean, let's just make sure we're all clear here.

1 One of the Articles of Impeachment -- in fact the very first
2 Article of Impeachment has to do with the -- the AG's Office
3 intervening in the Mitte Foundation lawsuit, right?

4 A. If you say so, I'll accept that.

5 Q. Well, I know you're a rule of law guy. Let's look
6 at Article I, make sure we're all clear. Article I of the
7 impeachment, first article. Just confirm with me, if you
8 would, Mr. Mateer, that that is, in fact, the very first
9 Article of Impeachment that we're here arguing about.

10 A. Correct, sir.

11 Q. And just so we're all clear for our jurors, you,
12 Jeffrey Mateer, approved, along with multiple other people in
13 the office, of that particular intervention; is that true?

14 A. Yes, sir.

15 Q. Okay. We're going to come back to that.

16 I believe you have said that you resigned and it
17 was on October 2nd, 2020, right?

18 A. That's correct, sir.

19 Q. You resigned because there was no longer a trust
20 between yourself and General Paxton?

21 A. That is true, sir.

22 Q. And we know that on September 30th, after talking
23 to -- or at least some of you talking to a lawyer, you went
24 to the FBI to make a good faith report that you thought a
25 crime had been committed?

1 A. Yes, we went to the FBI on September 30th. That is
2 correct, sir.

3 Q. Where else did you go? Who else did you talk to?

4 A. Later that day we had a meeting with the Office of
5 the Governor.

6 Q. Wait a minute. So we're all clear about this,
7 you -- you had a meeting with the Office of the Governor? Is
8 that what you just told us?

9 A. Yeah. We had -- we met with the Office of the
10 Governor sometimes weekly, sometimes every other week, but
11 that was normal course. The Governor was our largest client.

12 Q. Right. I'm just trying to figure this out. You
13 didn't talk to -- after your meeting, you didn't talk to Ken
14 Paxton. You instead spoke to, one, the FBI; two, the Office
15 of the Governor. Who else did you speak to?

16 A. I'm not recalling anyone else.

17 Q. Well, we know you got a text of support from TLR,
18 right?

19 A. That was after I resigned, sir.

20 Q. Did you talk to George P. Bush?

21 A. I've never talked to George P. Bush.

22 Q. Never?

23 A. Never.

24 Q. Can you tell us why he just recently -- or I guess
25 sometime in May applied to renew his law license?

1 A. I have no idea. I've never talked to George P.
2 Bush.

3 Q. Okay. We'll come back to that too.

4 Do you recall that at some point after you resigned
5 that they did an inventory of your office?

6 A. I -- yes.

7 Q. And you're a guy that keeps journals, aren't you?

8 A. I keep notes, yes.

9 Q. Okay. Where are your notes in the time frame that
10 you're here to testify about?

11 A. At some point I began using a program called
12 OneNote. I had gotten -- the office had provided me with an
13 iPad with a -- the pencil, Apple pencil. And I started --
14 from my one-on-one meetings I started a practice that
15 actually I do even through today, although I now use a
16 different program, but I used a program called OneNote. I
17 mean, whenever my written notes end, that's when I started
18 using OneNote. And those were on my iPad that I turned in
19 when I resigned. And I think it's a Microsoft -- I'm not a
20 tech guy either. I think it's a Microsoft Word -- Microsoft
21 product that was part of the Word suite. And so when I
22 turned in -- and it did link to my computer and my iPad, sir.

23 Q. I don't really understand anything you just said.
24 I'm trying to figure out where your notes are.

25 A. Well, you're -- well, you're not representing the

1 Office of Attorney General. The Office of Attorney General
2 would have those notes.

3 Q. No.

4 A. They're on OneNote.

5 Q. Sir, sorry to interrupt you.

6 A. I'm sorry.

7 Q. You wiped it clean.

8 A. I wouldn't know how to wipe something clean, sir.

9 Q. Well, you know how to delete texts. That's for
10 sure, right?

11 A. That's just hitting delete and having automatic
12 delete on your device.

13 MR. BUZBEE: Eric, let's look at AG Exhibit
14 127 and go to Exhibit 36 within that exhibit. I hope that's
15 not too confusing.

16 Q. (BY MR. BUZBEE) This document is in evidence, and
17 we're going to look at what was found in your office and what
18 was not found after you left.

19 MR. BUZBEE: Eric, we're going to Exhibit 36
20 within that exhibit. Almost there. Now, go to the fourth
21 page of that exhibit. We're looking at Exhibit 127, Exhibit
22 36 to that exhibit, page 3.

23 Q. (BY MR. BUZBEE) Now, you can see that in your
24 office there was an inventory made, right?

25 A. Correct.

1 Q. And we can see that you're a guy that kept a
2 journal, right?

3 A. I kept notes, yes, sir.

4 Q. And we can see that these notes --

5 MR. BUZBEE: If you flip back to the page
6 prior, Eric.

7 Q. (BY MR. BUZBEE) You can see they go from 2018
8 January and they go all the way to June of 2020, right? June
9 of 2020. That's where they stop; isn't that right?

10 A. That's what that reflects, yes.

11 Q. Where are they?

12 A. Where are what, sir?

13 Q. The notes that are missing.

14 A. Again, sir, I began using a program called OneNote.
15 And OneNote, what it does -- I know you don't understand.
16 But OneNote, what it does is it's an electronic note-taking
17 system. And you can do it by -- and what I had -- the way I
18 had it organized was, I had civil lit, I had child support, I
19 had admin, I had criminal justice, I had law enforcement.
20 And so that was a tab. And so it let me more effectively
21 organize my notes by deputy. When I turned in my machines,
22 OneNote was there. It may still be there. I don't know.
23 When I turned in, I lost access.

24 Q. Who is Jordan Berry?

25 A. Jordan Berry is a political consultant who is a

1 political consultant for Mr. Paxton, among others.

2 Q. Among who others?

3 A. Good question. Probably some individuals in this
4 room. I don't know all his clients, so I would be guessing.

5 Q. You don't know who Jordan Berry represents?

6 A. I don't know all of his clients. I mean, in this
7 room, maybe Senator Middleton, I think.

8 Q. I don't want to talk about the Senators. I'm
9 talking about other entities that Jordan Berry may represent.
10 Do you know of any?

11 A. Other entities that Jordan Berry may represent. I
12 know he represents members of the House.

13 Q. Entities.

14 A. Entities. I don't know, sir.

15 Q. Don't know. Okay.

16 So I just -- I guess we kind of all got to know,
17 when you went to the FBI, what crime did you have this
18 so-called good faith belief had occurred?

19 A. The good faith belief that we believed had occurred
20 was I believed that he potentially could have been subject to
21 blackmail. And as a result, he was taking illegal actions on
22 behalf of what we then knew was a campaign donor, but he was
23 taking actions on behalf of Mr. Paul.

24 Q. You believed he was being blackmailed?

25 A. At one point I actually believed he was being

1 blackmailed, sir.

2 Q. So you didn't think he was committing a crime; you
3 thought somebody was committing a crime against him?

4 A. At one point in time I believed that, yes, sir.

5 Q. And that's why you went to the FBI?

6 A. Well, eventually we went because I had tried on
7 several occasions to have -- as I think in one of my memos
8 says you probably have on here, I said -- I asked him -- I
9 mean, I really wanted him to come clean. I even said, Are
10 you under undue influence, sir?

11 Q. And he said no.

12 A. He did say no, yes.

13 Q. He never said, Oh, I'm being blackmailed. I'm
14 under undue influence.

15 A. But his actions didn't reveal that. I mean, when
16 we found out that this woman that he had had the affair with
17 from years ago that had moved up to Austin and was now
18 employed by Mr. Paul and that he was taking these unusual
19 actions --

20 Q. Did you --

21 A. -- it just didn't make sense to me, Mr. Buzbee.

22 Q. I hear you. You made some assumptions, did you
23 not? You made some assumptions?

24 A. I made some reasonable assumptions, yes, sir.

25 Q. You made some assumptions, right?

1 A. I made some -- yes.

2 Q. Okay. And you know that sometimes assumptions are
3 wrong, right?

4 A. I remember that Odd Couple episode. We're probably
5 similar age. Probably no one else gets that, Mr. Buzbee.

6 Q. You believed he may have a potential conflict of
7 interest. That's what you said at some point, right?

8 A. You'd have to refresh my memory on that, sir.

9 Q. You said, I do not have any specific evidence,
10 right?

11 A. You'd have to refresh my memory, sir.

12 Q. Let me ask you something. When you -- do you
13 remember there was a hearing in Travis County district court
14 where you testified?

15 A. That by Zoom, I believe, yes.

16 Q. Yeah.

17 A. I was subpoenaed.

18 Q. And you were asked point-blank -- let me make sure
19 I get this exactly right because this might be something
20 that's important to our jurors. You were asked under oath
21 whether you believed the AG was engaged in ongoing criminal
22 activity in connection with Nate Paul. Do you remember being
23 asked that question?

24 A. I don't think that's the question I was asked, sir.

25 Q. You don't think that was what was asked?

1 A. I do not think that was the question that was
2 asked.

3 Q. Okay. Do you remember -- what question do you
4 think was asked? Just so we can -- maybe we can refresh your
5 recollection.

6 A. I'd love to see the transcript. That would be the
7 best evidence.

8 Q. Were you ever asked whether you believe that Ken
9 Paxton was engaged in criminal activity?

10 A. I don't believe I was ever asked that question
11 during that hearing.

12 Q. Okay. You believe you were asked about the AG's
13 Office itself?

14 A. The best -- again, if I could look at the
15 transcript, that would tell us all what was asked.

16 Q. Let's do that. We're going to look at the
17 transcript from Travis County district court, the 250th
18 Judicial District, a hearing that was held on the 1st day of
19 March, 2021.

20 MR. BUZBEE: We're going to turn to page 189
21 of that transcript, Eric.

22 Q. (BY MR. BUZBEE) You were asked point-blank under
23 oath, six months after you had went to the FBI, this
24 question.

25 MR. BUZBEE: Line 15, page 189, Eric.

1 Q. (BY MR. BUZBEE) I'm going to read it. You make
2 sure -- tell me if I read it right. And did you come to
3 believe that the Office of Attorney General was being engaged
4 in ongoing criminal activity in connection with Nate Paul?

5 That was the question, correct?

6 A. Which is different than the question you asked me.

7 Q. That's why we're looking at it.

8 A. I know.

9 Q. That was the question you were asked, true?

10 A. That is true. Yes, sir, you read it correctly.

11 Q. Let's look at what your answer was, page 190, line
12 15. You said -- tell us what you said. If you don't want me
13 to read it, you can read your testimony yourself.

14 MR. HARDIN: Objection. I don't believe this
15 is in evidence, Your Honor. I stand to be corrected. If so,
16 I'll withdraw the concern, but I don't believe it's in
17 evidence.

18 MR. BUZBEE: This is House Board of Managers'
19 Exhibit 466 that was offered and received by this Court.
20 We're looking at page 190, line 15.

21 Q. (BY MR. BUZBEE) You said: And I know it called
22 for yes or no, but it's a question that it's hard to give a
23 yes or no. So that makes it difficult for me as -- as -- as
24 the witness. But I would say it is -- it could have led to
25 that. Certainly, it's -- did I have concerns? I had --

1 MR. HARDIN: Pardon me. I apologize again,
2 Mr. Buzbee. Excuse me, please. I think this comes under the
3 heading of -- it is one, of course, of our exhibits. I don't
4 object to it being introduced, but I don't believe it has.
5 It is not one of those that was agreed to by the parties. If
6 you recall, they wouldn't originally agree to any of our
7 exhibits and then we reached agreements we read in this
8 morning. I don't think it's one of them. So if he wants to
9 offer it, I'm not going to object, but I don't believe this
10 document is in evidence.

11 PRESIDING OFFICER: Would you like to offer
12 it?

13 MR. BUZBEE: Well, first, it's in evidence.
14 But just to satisfy my co-counsel or a colleague over there,
15 I'll offer it again.

16 PRESIDING OFFICER: He did not object.

17 MR. BUZBEE: Yeah.

18 PRESIDING OFFICER: It's admitted into
19 evidence.

20 (House Managers' Exhibit No. 466 was
21 admitted)

22 MR. HARDIN: Thank you.

23 Q. (BY MR. BUZBEE) Now, let's focus on this document
24 that's in evidence. You were asked point-blank -- and this
25 is six months -- I mean, come on, six months after you left

1 the office, six months after you had went to the FBI. This
2 is -- this is after some of your colleagues had filed a very
3 public lawsuit, right?

4 A. Correct.

5 Q. And this is even after that you had been
6 interviewed in the press, right?

7 A. I believe one time, yes.

8 Q. Yeah. And all kinds of things were going on in the
9 press about these so-called whistleblowers and crimes and all
10 kinds of things. And then here you are placed under oath in
11 March of 2021. And you were asked point-blank whether you
12 believed the Office of the AG was engaged -- had been engaged
13 in ongoing criminal activity in relation to Nate Paul, and
14 you couldn't even give an answer, could you?

15 A. With regard to the Office of Attorney General,
16 correct.

17 Q. You're making some distinction between the Office
18 and the AG himself?

19 A. Yes, sir.

20 Q. Okay. Because you didn't want to say that you had
21 been engaged in criminal activity, right?

22 A. I don't believe -- no.

23 Q. I mean, part of the so-called criminal activity is
24 the Mitte intervention, isn't it? And you were dead and in
25 the middle of that, weren't you?

1 A. I approved the executive memorandum.

2 Q. Isn't it ironic that the first witness called in
3 this case for the House on the first Articles of Impeachment
4 that was passed, that this witness, you, approved that
5 intervention? Isn't that ironic?

6 A. I don't know, sir.

7 Q. Don't you think that really reflects -- kind of
8 reflects the whole House's case, that they put you up here as
9 the witness to tell us how bad Ken Paxton was, and on the
10 very first Article, you approved it? Isn't that ironic?

11 A. The irony I guess is lost on me, sir.

12 Q. Is it?

13 A. It is.

14 Q. Before I get to some of these other more difficult
15 topics, would you help us -- and we have people watching and,
16 of course, some of our jurors are not lawyers. I want to
17 talk to you about the burden of proof. You know what the
18 burden of proof is, right? You know what that concept means?

19 A. I do, yes.

20 Q. Okay. There's one burden called more likely than
21 not. You understand that concept?

22 A. Okay. Yes.

23 Q. What does that mean?

24 A. Whether a fact is more likely than not, like the
25 preponderance of the evidence.

1 Q. Yep. And that's the easiest standard of proof if
2 you're somebody advocating for something, right?

3 A. That's the normal standard in a civil court.

4 Q. Okay. Let's focus --

5 A. With some exceptions.

6 Q. Sure. There are --

7 MR. HARDIN: Objection.

8 PRESIDING OFFICER: Turn your microphone on,
9 please.

10 MR. HARDIN: There we go. Thank you. I'm
11 sorry.

12 He's not being offered as an expert on the
13 burden of proof, and that's something for the jury to decide
14 in their own mind. His view of what it is or not, he didn't
15 bring these charges. The House Managers did. He's not here
16 for that purpose. It's unfair for him -- and irrelevant for
17 him to be being asked what his definition of the burden -- in
18 fact I must say I've never heard that done before. And so I
19 object to it as being totally irrelevant and improper for
20 this witness to be even cross-examined about it. What
21 difference does it make what he thinks the burden of proof
22 is? It's what they think the burden of proof is.

23 MR. BUZBEE: Wait a minute, Your Honor. With
24 all due respect, this counsel asked this man many times about
25 his opinion on whether a law has been broken, many times.

1 And so I'm entitled to ask him about the burden of proof,
2 especially on illegality which, remember, he stood up
3 there -- or sat up there and said that Ken Paxton signing a
4 contract was illegal. So you can't open the door and then
5 close it now.

6 MR. HARDIN: He has not testified as to what
7 this jury ought to do or how they ought to look at the burden
8 of proof. He was asked whether or not he thought the conduct
9 was unlawful. He said he did, but the burden of proof has
10 nothing to do with it. Those are two different things. The
11 burden of proof is decided by the jurors out there, not this
12 man or any other witness.

13 MR. BUZBEE: I'm entitled to explore why he
14 would say something like that, like in his -- what is the
15 burden of proof? And I'm going to get to that if I quit
16 being interrupted.

17 PRESIDING OFFICER: Overruled. You opened
18 that door.

19 Q. (BY MR. BUZBEE) Now, let's talk about the burden
20 in this case for the Senators, our jurors. Beyond a
21 reasonable doubt, what does that mean?

22 A. It means what it says. It means that you don't
23 have any reasonable doubt.

24 Q. In other words, any doubts I have are not
25 reasonable?

1 A. I'm not a criminal lawyer, but that's, you know,
2 beyond a reasonable doubt.

3 Q. When you went to the FBI and you offered up a good
4 faith belief that Ken Paxton had been engaged in criminal
5 activity, in your mind, was that beyond a reasonable doubt?

6 A. I didn't think about that at all, sir.

7 Q. You just suspected; isn't that true?

8 A. I didn't think about the burden of proof at all in
9 those conversations.

10 Q. You know, I would think that you, if you're --
11 you've portrayed yourself, and I'm not challenging that, that
12 you were a good and trusted friend, a good and trusted
13 advisor, a good and trusted confidant in some cases, right,
14 to Ken Paxton?

15 A. I don't know about confident.

16 Q. Well, you -- confidant.

17 A. Confidant. Sorry about that. Sometimes my speech
18 impediment comes through. I apologize.

19 Q. No worries. I'm not picking on you. I just want
20 to make sure you understand the concept.

21 I mean, you've told us, the entire public, that you
22 had a meeting with Ken Paxton and he talked about his
23 marriage. Told us that, right?

24 A. Well, Mr. Paxton and Mrs. Paxton had a meeting with
25 senior staff and talked about their marriage, yes.

1 Q. Okay. So I guess it brings me to the point,
2 wouldn't you want to make sure that you are absolutely sure
3 that Ken Paxton was doing something untoward and illegal
4 before you went to the FBI? Wouldn't that be what a trusted
5 confidant would do? Somebody who's a trusted friend,
6 somebody who's been trusted to run the office, at least you
7 should make yourself sure. You know what, before I do
8 this -- because when I pull that trigger, when I do that, all
9 bets are off. You even said, I knew when I did that, I
10 wouldn't be the first deputy again, right?

11 A. First assistant, yes.

12 Q. First assistant. So wouldn't -- shouldn't you be
13 sure before you do that?

14 A. Sir, we were very -- we were confident.

15 Q. You were confident?

16 A. Yes, sir.

17 Q. You thought that Nate Paul had made repairs on his
18 home?

19 A. I had been told that, yes.

20 Q. Who told you that?

21 A. I believe, again, it was either Mr. Wicker or
22 Mr. Rylander.

23 Q. You think that Mr. Wicker said that to somebody?

24 A. Yeah. I -- again, it was either Mr. Wicker or
25 Mr. Rylander.

1 Q. Seems to me that would be so important you would
2 remember who told you that. I mean, you're telling me
3 somebody told me my boss was having a campaign donor pay for
4 renovations of his house, and you can't even tell us who told
5 you that?

6 A. Well, I said I believe it's Mr. Wicker or
7 Mr. Rylander, sir.

8 Q. So if it's not Mr. Wicker, because it wasn't,
9 you're saying it would be Mr. Rylander?

10 A. Yes, sir.

11 Q. Okay. You ever play the telephone game with your
12 kids?

13 A. I played the telephone game in youth group, yes,
14 sir, not with my kids.

15 Q. Okay. Well, how many kids you got?

16 A. I've got three.

17 Q. I've got four, so sometimes I play the telephone
18 game. And you know what that is, right?

19 A. I do, yes, sir.

20 Q. Okay. That's the game where somebody whispers
21 something to somebody else, and then they turn around and
22 whisper something to somebody else, and then they turn around
23 and whisper something to somebody else, and so on and so on,
24 and then they let the last person repeat what they think they
25 were told.

1 A. Yes, sir.

2 Q. And sometimes it's comical how different the story
3 is that's been passed from person to person to person and
4 person, right?

5 A. Yes, sir.

6 Q. Yeah. That's what happened here.

7 A. I don't know.

8 Q. A stray comment from Drew -- that Drew Wicker
9 claims he heard that he misunderstood, you, a trusted
10 advisor, a trusted friend, you believed that Nate Paul had
11 paid for the renovations of Ken Paxton's home.

12 A. I believed that that was possible, yes, sir.

13 Q. Do you know that it's not true?

14 A. I do not know that it's not true.

15 Q. Have you ever tried to find out?

16 A. No, I went to -- that's why we went to law
17 enforcement for them to find out.

18 Q. Why didn't you just ask Ken Paxton?

19 A. I had resigned.

20 Q. Uh-huh. You know, he could have shown -- he could
21 have shown you the invoices, the wires, the receipts, the
22 samples. You didn't ask him?

23 A. Well, I saw them because you had a press conference
24 where you had them. That's --

25 Q. Oh, I've only shown a few. I'm going to show them

1 all in this trial.

2 A. Okay. I haven't seen them, no, sir.

3 Q. How many times have you told people that Ken Paxton
4 had somebody pay for the renovations of his home? How many
5 times have you said that to people?

6 A. I don't know if I've ever said that until you asked
7 me the question.

8 Q. You wouldn't say that to somebody, would you?

9 A. I don't have a recollection of saying it.

10 Q. I mean, you shouldn't say it, should you?

11 A. Shouldn't say it?

12 Q. In other words, if you don't know it's true, you
13 shouldn't be out there repeating it, should you?

14 A. I don't believe I've been repeating it.

15 Q. Okay. I think you said, if I'm not mistaken -- let
16 me just ask you point-blank: Do you remember you talked
17 about your potential concerns about the office? Remember
18 that question?

19 A. From the transcript?

20 Q. Yeah. Do you remember that?

21 A. Yes, sir.

22 Q. Okay. You have said that in 2020 you became aware
23 that Nate Paul had donated to Ken Paxton's campaign; is that
24 right?

25 A. That's when I became aware of that campaign

1 contribution.

2 Q. When you became aware, you learned, I'm sure, that
3 that one campaign donation was actually made in October of
4 2018, right?

5 A. That's correct.

6 Q. And you learned that that October 2018 campaign
7 donation was \$25,000, right?

8 A. That is correct, sir.

9 Q. And that Nate Paul -- or that Nate Paul was a
10 campaign donor played a part in your belief that Ken Paxton
11 was engaged in unlawful conduct with regard to Nate Paul,
12 right?

13 A. That was part, yes.

14 Q. Okay. So let's make sure we ferret that out a
15 little bit. You learned in 2020 of a campaign donation
16 almost two years before, right?

17 A. That's correct, sir.

18 Q. And that -- the fact that a donation had been made
19 two years prior played a part in your belief that Ken Paxton
20 was doing something wrong with regard to Nate Paul; is that
21 right?

22 A. That was part, yes.

23 Q. Okay. Do you know who else he gave money to?

24 A. Who else Nate Paul gave money to?

25 Q. Did you check?

1 A. No. That wasn't my concern.

2 Q. Do you know how much money Ken Paxton raised in
3 2018 for his campaign?

4 A. I did at the time. I know it was several million
5 dollars.

6 Q. What did you say?

7 A. I knew -- I would have known the number at the
8 time. I know it was several million dollars.

9 Q. Where is that --

10 MR. BUZBEE: Where is that blowup? You have
11 it blown up?

12 Q. (BY MR. BUZBEE) Do you know what percentage --
13 what percentage of -- in 2018, what percentage Nate Paul's
14 campaign contribution was with regard to the total amount
15 raised by Ken Paxton?

16 A. Well, if your math is correct on this
17 demonstrative, it's there, but I wouldn't have known that
18 then, no.

19 Q. .37 percent, right?

20 A. That's what your demonstrative says.

21 Q. In 2018 Ken Paxton raised \$6.7 million. Did you
22 know that?

23 A. I would have known that at the time, yes, sir.

24 Q. You checked into that?

25 A. No. He would have told me.

1 Q. And Nate Paul donated 25,000 of that, right?

2 A. I know Nate Paul donated 25,000, yes.

3 Q. And the illegal activity that you complain about or
4 at least you claim you had a good faith belief had occurred
5 is .37 percent of that?

6 A. If that is the correct math, I have no reason to
7 dispute you on the math.

8 Q. So let me just make sure I'm clear. When somebody
9 feels aggrieved and they came to the AG's Office to get help,
10 that's the job of the AG's Office, right, to help
11 constituents?

12 A. That's part of our job, yes.

13 Q. I mean, isn't that what we taxpayers are paying
14 for?

15 A. That's part of our job, yes.

16 Q. So when somebody feels aggrieved in some way, they
17 don't know where to turn, and they go to the AG's Office, do
18 you check to see if they're a donor of some sort?

19 A. We -- because of allegations made in the past
20 against Attorney General Paxton, we were very sensitive when
21 we were asked to do things on behalf of folks who had
22 contributed to his campaign. So, yes, we were concerned
23 about things like that.

24 Q. You were. So that's -- you decide whether you're
25 going to do your job --

1 A. No, sir.

2 Q. Let me finish my question, please, if you don't
3 mind.

4 A. I'm sorry. I apologize.

5 Q. No worries. You decide whether you're going to do
6 your job based on whether the person has donated to your
7 boss? Is that what you're telling me?

8 A. I'm not telling you that, sir, no.

9 Q. Okay. You look at someone with a jaundiced eye if
10 they're asking for assistance and they've also given money to
11 the elected official that you're working for?

12 A. No. No, sir.

13 Q. You're skeptical of somebody who's just asking for
14 help how to deal with a situation and you're skeptical
15 because they might also be a campaign donor?

16 A. No, not skeptical, no, sir.

17 Q. Okay. But you already told us that Nate Paul, as a
18 campaign donor, played a part in your belief that Ken Paxton
19 was engaged in unlawful conduct. That's what you said under
20 oath, right?

21 A. That's correct, sir.

22 Q. Is it possible, Mr. Mateer, that you jumped to a
23 lot of conclusions really fast?

24 A. I don't believe so, sir.

25 Q. And you could have -- you could have put all this

1 to bed if you would have just talked to your boss?

2 A. I attempted to talk to him starting probably in
3 June, July, August, September.

4 Q. No.

5 A. I did.

6 Q. Take it easy now.

7 A. I did talk to him, sir.

8 Q. Take it easy. You could have -- once you met up
9 with the rest of your colleagues on the 8th floor, you could
10 have then, as the leader -- you were the leader, right, of
11 the group?

12 A. I was the first assistant.

13 Q. Yeah, you're the leader?

14 A. First among equals, yes.

15 Q. You even said in your testimony, you said, Look,
16 I -- I managed the day-to-day business in that office.
17 Remember saying that?

18 A. I did manage the day-to-day office.

19 Q. And I control the office, remember saying that?

20 A. Control the office. I don't know if I said it in
21 that way, sir.

22 Q. We'll get to it.

23 A. Okay.

24 Q. But you as the leader, once you heard all these
25 foolishness concerns, some of which you might have believed,

1 some of which you didn't, your job at that point in time was
2 to go to the boss; isn't that right?

3 A. I had tried to go to the boss.

4 Q. Is it because you wanted to be the Attorney
5 General? Is that what was going on?

6 A. Anybody who knows me, Mr. Buzbee, knows that that
7 is not one of my ambitions. I had my dream job. I came to
8 help Ken Paxton, came down here, a city I didn't want to move
9 to.

10 Q. Wait. Your dream job is to be a federal judge, and
11 that got squelched; isn't that right?

12 A. No. Actually, my dream job has always been to be
13 at First Liberty.

14 Q. Weren't you supposed to be a federal judge and then
15 the two Senators objected to you?

16 A. What two Senators, sir?

17 Q. The two that would have the ability to object to
18 you. You know who I'm talking about.

19 A. You're talking about our Senators?

20 Q. Yes.

21 A. They didn't object to me.

22 Q. They didn't?

23 A. No. Senator Cruz certainly didn't.

24 Q. Well, somehow something went awry and you're not a
25 federal judge, are you?

1 A. That's absolutely true. My nomination was
2 withdrawn by President Trump.

3 Q. Yeah. And that's the job you really wanted, right?

4 A. That was -- I did want to be a federal judge.

5 Q. Sure.

6 A. But my dream job was First Liberty.

7 Q. Okay. Now, I understand that you took the place of
8 Chip Roy; is that right?

9 A. That's correct.

10 Q. Chip Roy was the first assistant before you?

11 A. That's correct, sir.

12 Q. Okay. And you mentioned kind of in passing that
13 Ken Paxton at some point became unhappy with Chip Roy?

14 A. That's correct.

15 Q. That Chip Roy was not doing what he wanted him to
16 do?

17 A. That's correct.

18 Q. And he felt the same way about you during the
19 conversation about Cammack, right?

20 A. The Attorney General never expressed that to me --

21 Q. But you told --

22 A. -- has never expressed that to me.

23 Q. I'm sorry. You told us all that he compared you to
24 Chip Roy, remember?

25 A. What I said was Mr. Penley said that.

1 Q. Penley said that Paxton had said that?

2 A. And I asked the Attorney General whether he was
3 frustrated with me, and he didn't respond about being
4 frustrated with me.

5 Q. Have you seen the second referral from the DA's
6 Office to the AG's Office?

7 A. I may have.

8 Q. Why would you have seen it at this point?

9 A. I had a conversation with Margaret Moore after I
10 resigned and may have seen it during that conversation, who
11 was the Travis County District Attorney at the time.

12 Q. Yeah, I know who she was.

13 Listen, because we're running up against the lunch
14 hour, I want to focus on Mitte real quick so we can just put
15 this Mitte thing to bed, okay? Are you going to help me
16 here?

17 A. You're asking the questions. I'll answer them.

18 Q. Okay. Let's look at AG Exhibit 151. It's in
19 evidence. And just so the members of the jury understand how
20 the office worked, there's some policy or procedure there
21 that you described as executive action?

22 A. It's approval. The title is there, Mr. Buzbee.
23 See executive approval civil litigation -- he just --

24 Q. Oh, executive --

25 A. He highlighted it for us.

1 Q. Sorry. Executive Approval Civil Litigation
2 Memorandum?

3 A. Yes.

4 Q. Okay. We see here the letterhead. Letterhead is
5 Ken Paxton?

6 A. I see that.

7 Q. Okay. And basically, it takes us through various
8 people within the bowels of the AG's Office who would approve
9 something like this, right?

10 A. It starts with someone in the division and goes its
11 way up, yes, sir.

12 Q. And this is just found in some policy manual
13 somewhere, right?

14 A. Well, it was a policy of the office.

15 Q. Is it written down?

16 A. It is written down, sir.

17 Q. Okay. Now, so let's just look. With regard to
18 intervention on behalf of the public interest in charity, we
19 have a sign-off of Mary Henderson, who's a senior attorney,
20 right?

21 A. Correct.

22 Q. We have, looks like, Josh Godbey, who is the chief
23 of the financial litigation and charitable trust division,
24 right?

25 A. That's correct, sir.

1 Q. We have also signed off here Darren McCarty, who
2 is -- what is he? For civil litigation, head of civil
3 litigation?

4 A. He's the deputy attorney general for civil
5 litigation.

6 Q. And then at the top of the chain is your name where
7 you signed off on June 8th of 2020, correct?

8 A. That is correct, sir.

9 Q. And, of course, all of these people here that we
10 see on Exhibit 151 derive their authority from the Attorney
11 General; isn't that right?

12 A. From the Attorney General and the statutes and the
13 Constitution, yes.

14 Q. I mean, it doesn't matter whether you think it's a
15 good idea or not. He, the Attorney General, is the
16 decision-maker ultimately; isn't that true?

17 A. And that authority is delegated down to and
18 through.

19 Q. I understand you can delegate authority, but you
20 can also take it back, can't you?

21 A. I think that's correct, sir.

22 Q. Right. So let's make sure we're clear. Any
23 authority you had only existed as long as you serve the
24 Attorney General; isn't that right?

25 A. I think the Government Code gives the first

1 assistant authority when the Attorney General is absent.

2 Q. When he's absent?

3 A. That's correct.

4 Q. Right. Not when he's on a business trip doing work
5 on a case for Google. You don't get to just say, Oh, he's
6 out of town, now I'm in charge. That ain't how it works, is
7 it?

8 A. I certainly never did that, sir.

9 Q. Yeah. And you better not do that because that
10 would get you fired, right? I mean, if you were to do that,
11 that should be a fireable offense, right?

12 A. Again, as long as the Attorney General were
13 exercising his proper authority as well pursuant to the
14 Constitution and the laws.

15 Q. Let's look at why the person that generated this
16 Executive Approval Civil Litigation Memorandum, let's look at
17 why they thought it was the right thing to do to intervene
18 into this Mitte litigation.

19 MR. BUZBEE: Turn over, if you would, to page
20 2 of this document, Eric.

21 Q. (BY MR. BUZBEE) It goes on for several pages with
22 the justification as to why it's a good idea for the AG's
23 Office to intervene; is that true?

24 A. That's the purpose of the memo, to set forth the
25 reasons why to take an action.

1 Q. Did you review it before you signed it?

2 A. I did.

3 Q. Did you have the opportunity to say, you know, I
4 don't think that's sufficient justification?

5 A. I would have had that, yes.

6 Q. And can we agree that even if you thought it wasn't
7 a good idea, that you could be overruled by your boss?

8 A. Yes.

9 Q. Okay. Just so we're clear on that, I want to make
10 sure everybody hears that, that even if -- let's just say as
11 an example, using the Mitte intervention as an example, if
12 you had looked at this and said, You know what? I don't
13 think this detailed memo that goes into line by line of all
14 the problems that the Mitte -- the Mitte Foundation has had,
15 I don't think that's sufficient justification to intervene,
16 and you said, You know what, I'm not going to sign that, the
17 Attorney General could overrule that however he chose; isn't
18 that right?

19 A. I believe that's correct.

20 Q. Because you're not in charge, are you?

21 A. Ultimately, the elected official is the Attorney
22 General.

23 Q. Because you've never gotten any votes, have you?

24 A. No.

25 Q. You didn't get 4.2 million votes, did you?

1 A. I've never run for any office, sir.

2 Q. He did.

3 A. Never any desire.

4 Q. He did, right?

5 A. He did.

6 Q. He's the one that's elected, right?

7 A. He is elected.

8 Q. He's the boss, true?

9 A. He is ultimately, yes.

10 Q. And you serve at his pleasure; isn't that right?

11 A. The first assistant serves at the Attorney
12 General's pleasure.

13 Q. You're a political appointee; isn't that right?

14 A. That's correct.

15 Q. And if he doesn't trust you anymore, then you're
16 out the door; isn't that right?

17 A. That's correct.

18 Q. And that's how it works with political appointees,
19 isn't it?

20 A. That's correct.

21 Q. It's at will. When he doesn't trust you anymore,
22 you leave, right?

23 A. Or vice versa, yes.

24 Q. Sure. Let's look at all the problems with the
25 Mitte Foundation.

1 MR. BUZBEE: Go, Eric, if you would, to page 4
2 where they're laid out -- the bullet points are laid out, the
3 justification of the intervention by the AG's Office.

4 Q. (BY MR. BUZBEE) Do you see them there?

5 A. I see the allegations, yes, sir.

6 Q. And are those sufficient still in your mind for the
7 intervention?

8 A. Again, I approved that memo at the time, yes, sir.

9 Q. You stand by it today, don't you?

10 A. That I approved the memo on that day, yes.

11 Q. Okay. Nobody tricked you to get your signature,
12 did they?

13 A. No one on that date tricked me, yes, sir.

14 Q. Okay. And we can see all the problems. Apparently
15 or allegedly the former chairman attempted to conjure a sale
16 of the investment properties in a self-dealing transaction.
17 See that bullet point?

18 A. I see it there, sir.

19 Q. It says that they hadn't filed the proper IRS
20 forms. See that?

21 A. That fourth bullet point?

22 Q. Yes, sir.

23 A. I see what it says.

24 Q. They refused to disclose certain fee agreements,
25 right?

1 A. I see that bullet point, sir.

2 Q. You knew, of course, that one of the individuals
3 who had been involved had gotten in trouble criminally. You
4 knew that, didn't you?

5 A. I don't know if I knew that, sir.

6 Q. You don't remember that?

7 A. I do not remember that.

8 Q. Okay. You know, there's been some saying here,
9 let's -- I want to make sure we're -- because we're putting
10 Article I to bed, which I think puts the whole case to bed.
11 But look at Article I. Impeachment Article I, please.

12 It starts off, it says, Protection of Charitable
13 Organization. Do you see that there?

14 A. One second. At the top, yes, I see it.

15 Q. Sorry.

16 A. Sorry about that.

17 Q. I'm kind of doing you like --

18 A. I was reading the paragraph, not the --

19 Q. That's false in itself, isn't it?

20 A. What --

21 Q. The AG's Office is not there to protect charitable
22 organizations, is it?

23 A. No, I think that is part of our role.

24 Q. It's there by statute. It says, By statute, the
25 authority to intervene is to protect the public interest in

1 charity; isn't that true?

2 A. I think that's what that means.

3 Q. That's a whole different thing than protecting
4 charities, isn't it?

5 A. No, I don't -- I don't think so, sir.

6 Q. I mean, the reason for the intervention is because
7 they thought the people within the charity were doing things
8 that were wrong, and so we're protecting the public's
9 interest in the charity, correct?

10 A. I think -- I don't think they're necessarily
11 exclusive, sir.

12 Q. You also authorized -- you also authorized an
13 investigation of the Mitte Foundation, didn't you?

14 A. I remember seeing those documents, yes, sir.

15 MR. BUZBEE: I didn't know what time you
16 wanted to do lunch. Is it now? This is a good time to break
17 for me if you want to.

18 PRESIDING OFFICER: Good time for you?

19 MR. BUZBEE: Yes, sir.

20 PRESIDING OFFICER: All right. We will break
21 until 1:30, 45 minutes.

22 (Recessed for lunch at 12:42 p.m.)
23
24
25

C E R T I F I C A T E

THE STATE OF TEXAS) (

COUNTY OF TRAVIS) (

I, Kim Cherry, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

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

Certified to by me this 6th day of September, 2023.

/s/ Kim Cherry

KIM CHERRY, CSR, RMR
Texas Certified Shorthand Reporter
CSR No. #4650 Expires: 7/31/24
kcherry.csr@gmail.com