

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

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

TRIAL
VOLUME 6 - AM SESSION
SEPTEMBER 12, 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.

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22 Representative Briscoe Cain
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P R O C E E D I N G S

SEPTEMBER 12, 2023

(10:07 a.m.)

1
2
3
4 THE BAILIFF: All rise. The Court of
5 Impeachment of the Texas Senate is now in session. The
6 Honorable Lieutenant Governor and President of the Senate Dan
7 Patrick now presiding.

8 PRESIDING OFFICER: Good morning, everyone.
9 Bailiff, if you will bring in the jury.

10 (Senator members enter the Senate chamber)

11 PRESIDING OFFICER: Good morning, everyone.
12 Will our prayer leader come up to pray?

13 Senator Blanco from El Paso.

14 SENATOR BLANCO: Let us pray. Heavenly
15 Father, we come before you today with humble hearts seeking
16 your guidance and your wisdom as we embark on our work. We
17 pray for strength and clarity of mind and ask that you grant
18 us the gift of strength and courage.

19 Your Word assures us in Isaiah 41:10, Fear not
20 for I am with you. Be not dismayed for I am your God. I
21 will strengthen you. I will help you. I will uphold you
22 with my righteous right hand.

23 Lord, we hold on to this promise knowing that
24 you are our source of unwavering courage. Strengthen our
25 resolve to trust in your plan even when the path before us

1 seems uncertain.

2 We also pray that we may be instruments of
3 your righteousness, discerning right from wrong and upholding
4 the principles of fairness and equality.

5 Lord, we thank you for being our ever-present
6 help in times of need and for the wisdom and the grace that
7 you provide. May we walk boldly in your light knowing that
8 you, by our side, we can conquer all obstacles.

9 We offer this prayer in Jesus' name. Amen.

10 PRESIDING OFFICER: Thank you, Senator. You
11 may be seated.

12 To the public and to the media and to the
13 members, we are beginning late this morning. The Court's
14 always ready at 9:00 a.m., but both the House and the defense
15 had issues they needed to bring forth to the Court, and so we
16 have walked through some of those issues.

17 Can I have both sides come to the bench,
18 please.

19 (Conference at the bench off the record)

20 PRESIDING OFFICER: The bailiff will bring in
21 Mr. Cammack.

22 (Witness enters the Senate Chamber)

23 PRESIDING OFFICER: Mr. Cammack, please raise
24 your right hand.

25 (The following oath was given to the witness)

1 PRESIDING OFFICER: I do solemnly swear that
2 the evidence I give upon this hearing by the Senate of Texas
3 of impeachment charges against Warren Kenneth Paxton, Jr.,
4 shall be the truth, the whole truth, and nothing but the
5 truth so help me God.

6 THE WITNESS: I do.

7 PRESIDING OFFICER: Please take your seat.

8 And before you begin, I've always been asked
9 by both sides -- I meant to do this earlier -- the time
10 clock. Presentation of the evidence, the House, nine hours,
11 19 minutes and 12 seconds left, 9:19:12.

12 Respondent, 12 hours, 14 minutes, and 15
13 seconds left. 12 hours, 14 minutes, and 15 seconds.

14 You may begin.

15 BRANDON RAYMOND CAMMACK,
16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HARDIN:

19 Q. Good morning.

20 A. Good morning, sir. How are you, sir?

21 Q. Is your microphone on, please, sir?

22 A. Can you hear me? Is that better?

23 Q. That's better.

24 A. Okay. Good morning.

25 Q. All right. Mr. Cammack, obviously, but state your

1 name for record, please.

2 A. My name is Brandon Raymond Cammack.

3 Q. And, Mr. Cammack, how old are you?

4 A. Thirty-seven, sir.

5 Q. And as we've gone through this -- you're doing
6 really well about leaning forward -- the microphone -- I
7 think that microphone and this one requires to be pretty
8 close. If you -- sometimes I may call it to your attention,
9 but I -- if you can just sort of try to keep it in mind, that
10 would be good.

11 A. Okay.

12 Q. Now, what is your profession?

13 A. I'm a lawyer.

14 Q. And can you take about a minute and a half, if you
15 don't mind, and sort of give us a little bit of your
16 background and experience, whatever got you to where you are
17 now.

18 A. Sure. I've been -- it all started -- I went to
19 school at the University of Houston for my undergrad. And I
20 went to the University of Houston Law School as well,
21 graduated in 2015.

22 During my time at U of H, I interned for the
23 Public Defender's Office in Harris County. I clerked for the
24 208th District Court in Harris County for Judge Denise
25 Collins. I -- when I graduated, I went out -- and my dad,

1 Sam Cammack, is also a criminal defense lawyer. I got out
2 and started working for him. I worked for him for about
3 three years and then went off on my own, and I've been on my
4 own, I guess, for the last five years now.

5 And then about last year or so, I partnered
6 with Ben Friedman, who is my business partner. We have a
7 criminal and a personal injury docket. I think I've
8 personally, at this point in my career, handled closed to 600
9 cases, probably tried 15 to 20 cases, somewhere in there.
10 Handled appeals up at the court of appeals in Houston. I've
11 argued at the Court of Criminal Appeals. And that's what I
12 do. That's how I got here.

13 Q. All right. Fine. When you say you graduated from
14 law school in 2015 -- and I believe you said you're 37?

15 A. That's correct.

16 Q. So did you do something in between undergraduate
17 and law school?

18 A. No, I -- no, I didn't, sir. I just went straight
19 into law school.

20 Q. Okay. So when you graduated from law school in
21 2015, you were what age?

22 A. I would have been, I guess, 29.

23 Q. All right. So I'm still trying to fit back.
24 Ordinarily you'd be 25 if you went straight for col- -- did
25 you do something before college or so?

1 A. I went to school for two years, and then I started
2 working for my grandfather Sam Cammack, Sr. -- Sam Cammack,
3 II, for his business, and then I took -- just took a few
4 years off, just focused on working and making a living and
5 then decided to go back to school at my dad's advice.

6 Q. Got you. So your grandfather was in what kind of
7 business?

8 A. He was a business owner. He did a variety of
9 things throughout his life, but he was a commercial real
10 estate developer and also owned a mortgage business, and so I
11 worked with him over there.

12 Q. How long did you work for him?

13 A. I was there, I would say, two to three years or so
14 and then decided to go back to school.

15 Q. All right. Now, as you are aware, the time frame
16 we're generally here about are events in the year 2020.

17 At that time, how long had you been a lawyer?

18 A. About five years.

19 Q. Okay. And, by the way, I think congratulations are
20 due. Did you just recently get married?

21 A. I got married to my beautiful wife, Terri, on
22 September 2nd, so...

23 Q. So you have been married now how long?

24 A. A week and a half. We didn't get to do a
25 honeymoon.

1 Q. And -- and is your wedding one thing that sort of
2 set the time frame as to when you might be available as a
3 witness in this case?

4 A. Yes, sir. That's why we didn't -- I'm here so we
5 didn't get to honeymoon. We'll do that next year.

6 Q. All right. Now, at the time that -- let's say in
7 the period of time of August of 2020, you had been a lawyer
8 about five years; is that right?

9 A. Yes, sir, that's correct.

10 Q. Had you had any federal practice at that time?

11 A. I believe at that time I was licensed in the
12 Southern District, but my practice was primarily in the
13 county and district court, state court cases.

14 Q. And was it at that time exclusively criminal?

15 A. Yes, sir, exclusively criminal.

16 Q. And you've added sort of a personal injury
17 component to it since 2020?

18 A. That's correct.

19 Q. All right. And -- and in your criminal practice
20 had you ever been a prosecutor?

21 A. No, sir.

22 Q. So had your experience been literally exclusively,
23 as you have described, doing criminal defense work?

24 A. That's correct.

25 Q. So if you hadn't been a prosecutor, is it fair to

1 assume that maybe you had never dealt with issuing grand jury
2 subpoenas or dealing with a grand jury in the role of a
3 prosecutor?

4 A. I had never issued grand jury subpoenas as a
5 defense lawyer.

6 Q. Okay. Now, you probably had prepared packets
7 representing people for grand jury, urging them that --
8 whatever your client's position was, correct?

9 A. Yes, sir. We've presented grand jury packets to
10 the grand jury through the DA's Office when we turned those
11 over.

12 Q. All right. Now, at the time -- can you tell us
13 when you first got involved in this case now? When did you
14 first hear from someone and whom was it?

15 A. I got -- well, it would actually be on my birthday
16 of 2020, August 22nd. That's when I first knew about
17 Mr. Paxton reaching out to me. I got a call from an unknown
18 number on that day. I think I was out to lunch with some
19 friends or something. And then later that -- that evening I
20 got a call from a gentleman named Michael Wynne, who I knew
21 through the Rotary Club, and said --

22 Q. Yeah.

23 A. -- Mr. Paxton had reached out to me.

24 Q. Excuse me. I didn't mean to interrupt on you.

25 Mr. Wynne -- was Mr. Wynne already a friend of

1 yours, or an acquaintance? Would you describe -- as of
2 August of 2020, how would you describe your relationship with
3 Mr. Wynne?

4 A. Just a -- an acquaintance. I knew Michael -- I've
5 been heavily involved in the Rotary Club, which is a
6 charitable organization. We have a downtown Rotary Club of
7 Houston. I've been involved with charities for, like, the
8 last six years I think. And he became a member of -- that
9 year.

10 And then I had worked with Michael -- he was a
11 chair of the Houston Bar Association. I was a member. And
12 he had reached out to me, I think, earlier this summer to do
13 a panel on how the courts would conduct business during
14 COVID-19. And so I -- I reached out to Judge Rosenthal,
15 Judge Susan Brown, Kelly Johnson, Judge Jordan, Herb Ritchie,
16 and there was a gentleman from Baker Botts. But we basically
17 did a Zoom panel on how we would conduct business. So
18 those -- that was my only interaction with Mr. Wynne.

19 Q. All right. Did you become -- as you got to know
20 him, did you become familiar with the fact that he was a
21 former federal prosecutor?

22 A. Yes, sir, I did.

23 Q. And what was your knowledge as to his background at
24 the time of this call that you just described that you got
25 from him?

1 A. Well, at that time I really didn't -- I didn't
2 really know much about his background other than -- you know,
3 other than just -- it was more just like when I would see him
4 in passing, you know, at a Rotary meeting, how are you doing?
5 I didn't really -- it wasn't like a friendship or anything
6 like that. I just knew him from those two settings.

7 Q. Now, you mentioned your father awhile ago was and
8 is a lawyer. But at the time that Mr. Wynne and, ultimately,
9 the Attorney General reached out to you, were you in a solo
10 practice or were -- were you with your father?

11 A. I was in a solo practice at the time.

12 Q. And did you have a secretary or anybody, a
13 paralegal or anybody helping you --

14 A. I had a legal assistant and I had -- I think at
15 that time I maybe had one other lawyer working for me. And
16 my older brother was in law school as well, and I -- I'd
17 sponsored his -- I think I sponsored his bar card as a
18 temporary bar card or something like that.

19 Q. All right. So that if you got involved into a case
20 that involved potentially a great number of documents,
21 witnesses, et cetera, the support you would have had would
22 have been what?

23 A. I don't understand the question.

24 Q. The support groups -- I mean, what kind of legal
25 support would you have had in order to be able to conduct an

1 investigation or something?

2 A. Well, the documents that I -- I mean, I received
3 just personally to my email.

4 Q. Okay. Now, tell me the nature of your call from
5 Mr. Wynne.

6 A. Mr. Wynne had reached out to me and told me that
7 Mr. Paxton was trying to get in touch with me. Didn't really
8 say anything more than that.

9 The call that I had gotten on my birthday from
10 Mr. Paxton was from an unknown number, so there was really no
11 way to call back, and then it wasn't until the next day that
12 I spoke with him.

13 Q. So as a date for the jury to have, the date that
14 you spoke with Mr. Paxton was what date?

15 A. That would have been August 23rd of 2020.

16 Q. And, by the way, up there, did you have with you --
17 not that -- did you have the invoice you ultimately sent to
18 the Attorney General's Office?

19 A. No, sir.

20 Q. Did you bring it to the stand with you?

21 A. No, sir. I don't have anything --

22 Q. All right.

23 A. -- in front of me.

24 Q. Do you -- do you want or need that as a point of
25 reference for dates? Or if you don't, that's fine. Or would

1 you like to have available a copy in order to periodically
2 check things? It's totally up to you.

3 A. I'll take it, sure.

4 Q. Pardon me?

5 A. I'll take it, yes, sir.

6 Q. Okay.

7 MR. COGDELL: Mr. Hardin, this is his bill?

8 MR. HARDIN: This is Exhibit 227, which I move
9 to introduce if it is not in evidence.

10 MR. COGDELL: No -- no objection.

11 PRESIDING OFFICER: Admit Exhibit 227 into
12 evidence.

13 (HBOM Exhibit No. 227 was admitted)

14 Q. (BY MR. HARDIN) Now, I'm not going to really
15 regularly be talking to you about this necessarily, but I'm
16 offering it to you as periodically if it helps you plug in
17 some dates.

18 A. Okay.

19 Q. Have you -- in a conversation previously, have you
20 sometimes referred to this to make sure you were comfortable
21 with certain dates?

22 A. Yes, sir. With respect to the dates, this would be
23 helpful --

24 Q. All right.

25 A. -- to try to help me remember.

1 Q. Now, let's go to the first -- by the way, did you
2 learn as you went along -- thank you, Stella -- that
3 Mr. Wynne was the one who recommended you to the Attorney
4 General?

5 A. Yes, sir. Mr. Paxton told me that when I met him.

6 Q. All right. So now let's go to that conversation,
7 your first conversation with the then Attorney General
8 Mr. Paxton.

9 Did you return his call or did he call you?

10 A. I believe I returned his call. I returned his call
11 the next day, and we spoke. And he asked me to -- he
12 said he would -- you know, he had gotten my name from Michael
13 Wynne. I think the words were, you know, your name was
14 dropped in the hat by Michael Wynne, and I'm looking to hire
15 someone to work on a criminal investigation. And we
16 scheduled a time for me to come out to Austin here to his
17 office.

18 Q. So five-year lawyer, solo practice, what was your
19 reaction?

20 A. I mean, I was -- I was excited because, you know,
21 it was the Attorney General's Office and so I was excited for
22 the opportunity to go out and meet him.

23 Q. All right. And did you do so?

24 A. I did.

25 Q. And when did you do it?

1 A. I believe that was August 26th. Our meeting was on
2 August 26th.

3 Q. All right. And in the August 26th meeting -- hold
4 on just a second.

5 All right. So tell me about that. Did you
6 drive up to Austin or up to here?

7 A. Yes, sir. I drove out to Austin.

8 Q. Did you go anywhere else first?

9 A. No, sir, just came straight to meet --

10 Q. Straight to the Attorney General's Office?

11 A. That's correct.

12 Q. All right. Describe for us that meeting.

13 A. So I -- I went in. I signed in in the front desk,
14 and then I went up to the floor where his office is. And I
15 think I waited around maybe 15 or 20 minutes, and then
16 Mr. Paxton came to the floor and we went into his office.
17 And then --

18 Q. All right. Who was in the initial meeting between
19 you and Mr. Paxton?

20 A. It was just me and Mr. Paxton in his office.

21 Q. Do you recall about what time of day you talked to
22 him?

23 A. I think that would have been -- I -- I don't recall
24 the exact time --

25 Q. All right.

1 A. -- but maybe around lunchtime, somewhere in there.

2 Q. Okay. Now, what did Mr. Paxton say?

3 A. So -- so before I got there, he had actually
4 reached out to me, like, through text messages and said, Can
5 you bring a resume with you? And I was, like, Well, I
6 haven't prepared a resume in a long time. But I went ahead
7 and prepared one and I brought my resume in. And then it was
8 kind of like, you know, our conversation we're having now,
9 where are you from, what do you do, your background. I gave
10 him my resume and just kind of pleasantries. And then he
11 said that he was looking to hire a special prosecutor to
12 investigate a criminal case where potentially there were
13 potential violations of the Texas Penal Code.

14 Q. And you mentioned special prosecutor. Was that his
15 word?

16 A. Yes, sir.

17 Q. And so, of course, you hadn't been hired at that
18 time, but later when you were, whenever you represented
19 yourself as a special prosecutor, where did that term come
20 from?

21 A. Mr. Paxton.

22 Q. All right. And did he tell you what the role of
23 this special prosecutor he was interviewing you for would be?

24 A. No, sir. Not -- I mean, not -- not really.

25 Q. Initially when he talked about this job, what did

1 you think it was going to entail?

2 A. My understanding -- well, this was just an
3 assumption. I was, like, well, if I'm going to be hired as a
4 special prosecutor, I would potentially be presenting the
5 case to a jury maybe at some point or presenting the case to
6 be charged.

7 Q. All right.

8 A. That was my initial impression.

9 Q. And he didn't tell you otherwise at that time?

10 A. That was -- like I said, sir, that was just my
11 assumption of what the job would entail.

12 Q. All right. And then how long would you estimate
13 you talked to him in this initial meeting in his office?

14 A. Roughly 15 or 20 minutes.

15 Q. Did he express anything -- any views about his own
16 staff or why he was hiring somebody from outside?

17 A. Yes, sir. He said that he was interviewing
18 multiple people -- considering multiple people for the
19 position and that he couldn't get his own -- his own staff
20 would not work on what he wanted them to work on.

21 Q. All right. He said they would not work on it?

22 A. That's correct. And he mentioned that, you know,
23 he just wanted to find out the truth and -- about what
24 happened.

25 Q. Okay. Do you recall anything else from the

1 conversation in that initial meeting?

2 A. No, sir. I mean, that's --

3 Q. All right. And then did you -- what happened after
4 you had this original meeting with him in his office by
5 himself?

6 A. He said, I want to introduce you to someone. I,
7 obviously, knew who Mr. Paxton was; and he said, I want to
8 introduce you to this first assistant, Jeff Mateer, whose
9 office was down the hall. So he walked me over there and
10 I -- I met with Mr. Mateer in his office, just Mr. Mateer and
11 I.

12 Q. And how would you characterize or describe
13 Mr. Mateer's reaction when he came in and introduced you?

14 A. It was the same type of conversation, pleasantries,
15 how are you. You know, I gave him my resume. You know, I
16 told him, you know, some -- the conversation kind of didn't
17 really get off the ground much, just like I'm here for the
18 special prosecutor -- to interview for the special prosecutor
19 position. And his attitude was kind of like disengaged about
20 it. He didn't really seem -- knew about it, but didn't
21 really seem interested in it. I'd say, you know, kind of
22 just like it was Mr. Paxton's own deal that he was focused
23 on.

24 Q. All right.

25 A. It wasn't an area -- obviously wasn't an area of

1 focus or concern for Mr. Mateer.

2 Q. Did it strike you in any way as if his
3 attitude was --

4 MR. COGDELL: Objection.

5 Q. (BY MR. HARDIN) -- well, this is -- this is
6 Mr. Paxton's deal? He's not that interested in it?

7 MR. COGDELL: Objection --

8 PRESIDING OFFICER: Sustained.

9 MR. COGDELL: Thank you.

10 Q. (BY MR. HARDIN) Tell me how it did strike you.

11 A. I'm sorry, sir?

12 Q. How did it strike you as to Mr. Mateer's
13 involvement in it?

14 A. Just he was just very disengaged about -- did not
15 seem interested in it at all, seemed like it was just kind of
16 a side deal that Mr. Paxton was working on. It was his own
17 focus. Mr. Mateer was not focused on it at all.

18 Q. How long would you think you were in Mr. Mateer's
19 office?

20 A. I'd say roughly 20 minutes.

21 Q. Had Mr. Paxton left you there by yourself with
22 Mr. Mateer?

23 A. Yes, sir.

24 Q. And then what happened after you finished meeting
25 Mr. Mateer?

1 A. I went back over to Mr. Paxton's office and he was
2 in there, just him and I. And, you know, I said goodbye.
3 Thank you for the opportunity. Thanks for calling me up.
4 And he said, Okay. We might be in touch with you. So I
5 drove back to Houston.

6 Q. All right. So how did -- how was it left when this
7 was all over in that first meeting?

8 A. How -- I'm sorry, how was it left?

9 Q. How was it left? What was supposed to happen next?

10 A. Well, I really didn't know. I mean, I looked at it
11 like, okay, I just interviewed with Mr. Paxton and the first
12 assistant, and so if they want to talk to me, they know how
13 to get in touch with me. That's --

14 Q. All right. So you left, obviously. What's the
15 next thing that happened in connection with this case?

16 A. I got a -- I got a text message from a gentleman
17 named Mr. Vassar a couple of days later asking me to set up a
18 time to meet with him.

19 Q. Do you recall the time -- the date or so that you
20 got the text message?

21 A. That would have been -- that would have been August
22 26th or -7th, I believe. It was just -- well, August 28th
23 maybe, 27th, 28th.

24 Q. I'm looking down at Exhibit 227, and I notice it
25 looks like the first time you charged was 9-3. So did you

1 have some -- did you choose not to bill the State for that
2 first meeting or two when you went up there?

3 A. That's correct. And also I'd like to say, that's
4 a -- that's a typo, that 9-3-20 date. The date that I
5 actually went out there for the meeting was 9-4-20. So I
6 made a typo there.

7 Q. Okay. All right. Now, at the -- once you got
8 back, you got the text from Mr. Vassar, what happened next?

9 A. So we scheduled a time to speak on the phone that
10 day. That's what the text message was about. And we got on
11 a call together.

12 Q. All right. And did you ultimately send a draft --
13 receive a contract or proposed contract from Mr. Vassar?

14 A. Yes, sir. He asked me for my email address on that
15 phone call, and, you know, I told him, you know, this is
16 about the special prosecutor position. He agreed. And then
17 he said, Well, I'm going to be -- I need your email address.
18 I'm going to be working on the contract for you.

19 Q. Okay. Did you receive that contract?

20 A. So, yes, sir, I did.

21 Q. When?

22 A. Well, I got the contract on -- on 9-3, September
23 3rd, but I didn't -- it must have got lost -- I get hundreds
24 of emails. It just got lost in the shuffle somewhere. So
25 Mr. Paxton actually reached out to me on 9-3 and said, Did

1 you get the contract, by text message. And I said no.
2 Because I was supposed to go out there on 9-4 to meet with
3 the complainant, Mr. Paul, and also Mr. Paxton.

4 So the short answer is I got the contract, I
5 just didn't see it that day. It got lost in the shuffle
6 somewhere.

7 Q. All right. So tell me about how this -- this
8 appointment or arrangement set up for 9-4. Whose idea was
9 that?

10 A. So I got -- I got a call from Mr. Paxton. And it
11 was kind of, like, Hey, we want you to do this job and --

12 Q. Excuse me for interrupting. Did you consider that
13 the notice to you that you'd now been hired?

14 A. Yes, because he said I would be getting a contract.
15 You got the job. And he asked me, you know, What -- what's
16 the hourly rate that you would charge to do this? And I
17 said, Well, I'll do it, you know, for \$300 an hour; and he
18 said, I think we can get that for you.

19 Q. Now, you might -- I'm just guessing, you correct me
20 if I'm wrong. In your criminal practice, customarily your
21 billing, were you charging people hourly ordinarily or was it
22 usually some type of flat-fee arrangement?

23 A. On criminal cases, flat fee; on personal injury
24 cases, contingency fee.

25 Q. So did you have experience in charging that fee of

1 300 an hour or were you just sort of guessing?

2 A. It wasn't guessing. I just was trying to consider,
3 you know, what was going to need to be done in the case.

4 Q. Okay. Okay.

5 A. I mean, and so I figured -- I landed on 300. I
6 thought that was fair.

7 Q. All right. Now, when you had that -- how long did
8 that phone call that you're describing? That was your
9 second -- was that your second call with Mr. Paxton?

10 A. Yes, sir.

11 Q. All right. And then how long did that call last?

12 A. I don't recall. It wasn't very long, a few minutes
13 maybe.

14 Q. You gave him your hourly rate. And then was there
15 an appointment made for when?

16 A. So there was an appointment made on -- for 9-4,
17 September 4th, 2020.

18 Q. Who picked that date?

19 A. We agreed to that date because I was going to meet
20 the complainant -- or Mr. Paul that morning. And so after --
21 you know, I'm in Houston, so there's -- I'm driving back and
22 forth. I try to do -- meet them both the same day, so...

23 Q. Had you already -- when did you receive Mr. Paul's
24 name as the person that you were going to be -- that you say
25 complainant. In other words, describe what you meant by that

1 when you said he was the complainant.

2 A. Well, he was the one who had made the complaint or
3 the allegations and so I viewed him as the complainant.

4 Q. All right. Had you seen any document as yet
5 connected with the case?

6 A. No, sir.

7 Q. And so do you recall when you first received
8 Mr. Paul's name?

9 A. That would have been from Michael Wynne when I set
10 the meeting up to go out there and visit with him for -- with
11 Mr. Wynne for the first time -- Mr. Paul for the first time.

12 Q. All right. Who set up the meeting with Mr. Paul?

13 A. Mr. Wynne.

14 Q. And did you inform the Attorney General that you
15 were going to also meet Mr. Paul before you met him on the
16 4th?

17 A. I did.

18 Q. When did you do that?

19 A. I don't recall. It was within one of those days.

20 Q. Would it have been -- would it have been the day
21 that you talked to him about coming up on the 4th?

22 A. Yes, sir.

23 Q. Okay. So did you inform him that he was going --
24 you were going first to Mr. Paul and then coming to the
25 Attorney General?

1 A. That's correct.

2 Q. So tell us about your first meeting with Mr. Paul.
3 How did that happen and where?

4 A. So I met Mr. Paul at his office with Michael Wynne.
5 And, yeah, I drove out here early in the morning. I met with
6 him for, I'd say, hour and a half, two hours. And that was
7 the initial time that I -- you know, I heard the allegations
8 about their complaint.

9 Q. Had you done any research on Mr. Paul, his
10 background, who he was, et cetera, before you had this first
11 meeting with him?

12 A. I think I may have Googled his name and read a
13 headline or something like that.

14 Q. But did you limit your looking into him to Google
15 him? Is that about the only thing you remember doing at that
16 stage?

17 A. Yes. I didn't look at any court records or
18 anything. I mean, that's all that I did.

19 Q. And what was your level of knowledge about him when
20 you first went to meet him on the --

21 A. That he was --

22 Q. -- 4th?

23 A. -- a commercial real estate developer here in
24 Austin.

25 Q. Okay. Did you see that he was -- that he had had a

1 search warrant executed on his house and business back in
2 August?

3 A. No, sir.

4 Q. So what was your level of knowledge of Mr. -- of
5 Mr. Paul at the time you met him that first time, whether you
6 got it from the Attorney General or anyone else?

7 A. I mean, I didn't know him, didn't know anything
8 about him.

9 Q. Okay. And where did you meet him?

10 A. At his office.

11 Q. Who was present during the meeting?

12 A. It was Mr. Paul and Mr. Wynne.

13 Q. All right. So what happened at the meeting?
14 Without going in necessarily at this time with what he said
15 to you, what was the nature of the bill -- who did most of
16 the talking in the meeting?

17 A. Nate Paul did most of the talking. And it was --
18 it was just a lot of information given to me in a short time
19 period.

20 Q. Well, how was he doing that? I mean, how were you
21 given information?

22 A. He was talking about -- he was just talking, trying
23 to tell me, you know, the circumstances surrounding the
24 search of his home.

25 Q. Did he make any presentation to you?

1 A. Towards the end, he showed me a copy of a search
2 warrant and an order, and that was kind of the gist of -- of
3 his complaint. He showed me this presentation on a pdf
4 document.

5 Q. And so if you had to estimate the time that you
6 visited with Mr. Paul at that time to get his -- whatever he
7 wanted to impart to you, how much of that hour and a half or
8 hour and 45 meeting was Mr. Paul talking to you?

9 A. I don't understand. Like a percentage --

10 Q. Yes.

11 A. -- type thing?

12 Q. Yes.

13 A. Let's just say he was talking the majority of the
14 time. Mr. Wynne was not --

15 Q. And -- and how would -- what was your first
16 impression of Mr. Paul? How would you describe what you saw
17 or listened to in this meeting?

18 A. Energetic, passionate, and had a lot of conviction,
19 kind of an aggressive attitude, you know, just very, you
20 know, energetic person.

21 Q. And what was your reaction when you left? Let me
22 ask you this: Did he basically give you his side of the
23 matter that you had been retained to investigate?

24 A. That's correct.

25 Q. And what was your reaction to it?

1 A. I mean, I was convinced by what I was shown in the
2 search warrant presentation and all that.

3 Q. So when you left, did you -- to go talk to the
4 Attorney General, what was your -- had you already formed a
5 personal belief as to what you thought was going on here?

6 A. No, not a personal belief. I -- I was just, like,
7 hey, if -- if what he's showing me on how the search warrant
8 was altered is true, this is a big deal.

9 Q. Okay. And did you at that time say to anybody or
10 think that it looks like they did some bad stuff?

11 A. I had not developed an opinion about it one way or
12 the other. I mean, that was my first time. You know, it was
13 kind of like drinking through a fire hose, just a ton of
14 information coming in a short time.

15 And I -- when I went to Mr. Paxton's office
16 after that, I told him it was convincing, and he agreed.

17 Q. Okay. So just let's move now to General Paxton --
18 your meeting with General Paxton on the 4th of September, was
19 it?

20 A. That's correct.

21 Q. What -- how long was that meeting? Where did you
22 meet with -- meet him?

23 A. So we arranged to meet at his office again, and the
24 meeting was, I think, roughly 20 minutes or so.

25 Q. And then what did Mr. Paxton say in that meeting?

1 A. So I told him I was convinced pretty -- it was a
2 convincing presentation of what he -- he agreed with that.
3 He also said that the people in his office who were not --
4 they weren't doing -- they weren't investigating the case.
5 They weren't working on it.

6 You know, at that point I had learned that
7 there were some federal agents and people, I guess, in
8 positions of power who were kind of involved in that, and he
9 made a comment that you need to have some guts to work on a
10 case like this. And I was fired up about the opportunity to
11 do it.

12 Q. So how would you describe to the jury and the Court
13 your level now of excitement? Now that you've got a little
14 bit of an idea of what -- what Mr. Paul says, you and the
15 Attorney General have agreed it's convincing, and you think
16 this is going to be a big deal. How -- how -- what was your
17 state of mind about that?

18 A. I was excited to be working on a project with the
19 Attorney General's Office.

20 Q. You were already there, right?

21 A. I mean, it's the chief law enforcement officer of
22 our state. And, you know, it wasn't about money or anything
23 like that. It was just an opportunity to do something new in
24 my career and -- and try to help out.

25 Q. All right. And when he said that you -- his people

1 weren't working on it, did he express anything about how he
2 felt about that to you or tell you whether they were not
3 working on it or they wouldn't work on it? In your own
4 words, what did he say?

5 A. Well, I just -- I don't recall specifically, but
6 he -- you know, he said that he couldn't get the people in
7 his office to work on this case.

8 Q. Okay. And did you leave that meeting with the
9 impression or feeling that his people were refusing to work
10 on it?

11 A. Yes. Yes, sir.

12 Q. Did you wonder, well, if they're not going to work
13 on it, why don't you fire them?

14 A. I mean, I --

15 Q. You didn't think about that?

16 A. No, sir.

17 Q. All right. Okay. Now, after that meeting -- did
18 that meeting get terminated a little early? Or tell me. You
19 said it was about 20 minutes.

20 A. He said he --

21 Q. Excuse me just a second. You've driven all the way
22 up from Houston from it -- for it. What happened to shorten
23 it a little bit?

24 A. He had to go to a press conference, and I was going
25 to take off. And he said, Well, why don't you just come over

1 there with me to the press conference. And so I went over
2 there with -- with him and with -- one of his staff came over
3 to the press conference. And then after that, we went back
4 to the office. I just kind of watched the press conference.

5 Q. All right. So now not only have you been hired by
6 the Attorney General, but you're going to a press conference
7 with him. How did that make you feel?

8 A. Well, I mean, I've been with my dad in press
9 conferences before in some of his high-profile cases, but it
10 was -- it was cool, yeah.

11 Q. Okay. All right. Now, did -- did you think
12 anything about -- let me back up.

13 So you had 20 minutes or so to talk to him
14 about the case. Did y'all talk about any of the facts in the
15 meeting before the press conference?

16 A. No. I -- I did not really have a full grasp on all
17 of the people that were involved and all of the facts of the
18 case at that point. Just --

19 Q. Now, what -- what was your impression or belief at
20 that time as to the occupations or nature of the people you
21 were supposed to investigate?

22 A. I knew that they were -- they were both local law
23 enforcement and some of them were federal law enforcement
24 officers at the time.

25 Q. Did you know that one of his allegations was about

1 a federal magistrate?

2 A. Yes, sir.

3 Q. What was your reaction to hearing he wanted you
4 involved -- investigate a federal judge?

5 A. My reaction to it was just hearing out their side
6 of the story. I didn't really have an opinion one way or the
7 other. However, if the allegations that they were making
8 were true, then that would be -- that would be serious.

9 Q. Okay. Now, did he talk about any -- any -- in that
10 conversation, any of -- either Mr. Paul or him, of any people
11 other than federal and local law enforcement being the people
12 he wanted investigated?

13 A. No, sir.

14 Q. After the press conference, did y'all -- how much
15 longer were you in the company of the Attorney General?

16 A. I think probably 15 or 20 minutes. We went -- we
17 went back to his office and finished up the conversation
18 there.

19 Q. Well, what happened in that conversation?

20 A. When we got back to the office -- excuse me. When
21 we got back to the office, I was -- I was a little bit
22 concerned because at the time I think I had roughly -- I'm in
23 A private practice. I think I had roughly 75 cases on my own
24 docket. And I told them, I'm, like, well, if I'm coming back
25 and forth between Houston and Austin, I -- you know, how am I

1 going to be able to do this? And he said, Well, look -- his
2 words were, If you can just get a wet ink copy of the
3 original search warrant, this may -- will be over pretty
4 quickly and if -- meaning that -- I'm sorry.

5 Q. No. Go ahead.

6 A. Well, just if what had been produced to Nate Paul
7 and his lawyers matched up with the original copy, it would
8 be over quickly. But, obviously, if there were discrepancies
9 between the original wet ink copy, in his words, then this
10 thing could drag out a little bit more.

11 Q. So what did you think you were going to do
12 originally then?

13 And, by the way, had you ever heard the
14 phrase -- and maybe it's very common -- "I had a wet copy"?
15 What -- is that what he said, a wet copy?

16 A. A wet ink copy.

17 Q. What does that mean? What did you take it to mean?

18 A. Just the original search warrants that were signed
19 off by the judge had, you know, a wet ink signature on it.

20 Q. Okay.

21 A. Not the scanned pdf version.

22 Q. All right. So what did you walk out of that
23 meeting, heading back in a car to Houston, did you think your
24 mission was?

25 A. So we really didn't go into the scope of my -- of

1 the work. At that point -- it wasn't until I actually got --
2 so the copy of the contract had been sitting in my inbox. So
3 when I get back home and I read my contract and see that the
4 scope is limited to like more of an investigative role, then
5 I'm like, okay, well, I'm a lawyer, I'm just going to collect
6 evidence, review evidence that's presented to me, and draw
7 some type of conclusion. Either corroborate what the
8 allegation is or contradict that and put it in a brief and
9 submit it. So I knew at that point once I read my contract,
10 that I wouldn't be trying a case or anything like that. It
11 was limited in scope.

12 MR. HARDIN: Can you put the -- the
13 original -- the contract up and go to the Addendum A, please.
14 I believe the contract is in evidence in several ways.

15 MR. COGDELL: Is this in, Mr. Hardin? Do you
16 know?

17 MR. HARDIN: Pardon me?

18 MR. COGDELL: Is it in?

19 MR. HARDIN: I think it is.

20 MR. COGDELL: I'm not contradicting you. I
21 just don't know.

22 MR. HARDIN: I'll check. Hold on a second.

23 MR. COGDELL: Can we get an exhibit number,
24 Rusty?

25 MR. HARDIN: 160.

1 PRESIDING OFFICER: It is in.

2 MR. HARDIN: It's House 160, and it's in
3 evidence.

4 MR. COGDELL: Thank you.

5 Q. (BY MR. HARDIN) Now, do you recognize what I --
6 this particular excerpt from the contract?

7 A. Yes, sir.

8 Q. All right. And when you --

9 MR. HARDIN: If you could scroll up -- yeah.
10 That's going to be good.

11 Q. (BY MR. HARDIN) When you -- can you explain to the
12 jury what you realized your scope was more limited when you
13 saw this, I take it you're saying, than you originally
14 imagined your role would be?

15 A. Just in an investigative role. And then my
16 ultimate goal or job at the end of this would be to prepare a
17 report of my findings and give that to the Attorney General's
18 Office. And whatever they do with it is --

19 Q. And was this scope different than what you
20 understood it to be when you originally talked to the
21 Attorney General?

22 A. This was different than what I had, I guess, come
23 up with my mind, you know --

24 Q. Can you --

25 A. -- what I would be doing.

1 Q. Can you -- have -- tell us what lines or sentences
2 there, Mr. Cammack, so she can highlight exactly what you
3 noticed when you saw that it was changed -- a little bit
4 changed in the scope of what you could do.

5 A. Can I have a second just to look at this and read
6 it?

7 Q. So, for instance, do you see the sentence, if you
8 would, "prepare a report documenting any potential criminal
9 charges that may be discovered in the course of the
10 investigation"? Do you see that? And before it.

11 A. But that's the -- yes, sir. So that's like the
12 report I was referring to.

13 Q. Okay. And that is a more restricted role -- is it
14 your testimony that's really a more restricted role than you
15 understood from the Attorney General you were originally
16 going to have?

17 A. I'm sorry. Could you repeat the question?

18 Q. Is that a more restricted role than you originally
19 thought you were going to have when you talked to the
20 Attorney General?

21 A. Yes, sir.

22 Q. Okay. Now, you notice it says, Notwithstanding
23 anything to the contrary contained in this outside counsel
24 contract. Outside counsel shall conduct this investigation
25 only as consistent with the complaint referred to the OAG and

1 only as directed by the OAG, correct?

2 So were you -- who did you believe you were
3 being hired by?

4 A. The Office of the Attorney General.

5 Q. Did you have any contact with the district
6 attorney's office?

7 A. No, sir.

8 Q. Did you ever at any time during this representation
9 think you were working for the district attorney's office?

10 A. No, sir.

11 Q. Throughout your representation in this matter, whom
12 did you think -- or whom -- who hired you and whom did you
13 think you were working for?

14 A. The Office of the Attorney General.

15 Q. All right. And in turn throughout all of this, who
16 in the Attorney General's Office in a position of
17 responsibility did you consistently have your contact with?

18 A. The only person I reported to was Mr. Paxton at his
19 direction.

20 Q. Okay. Now, do you see, Except for outside
21 counsel's duty to provide a post-investigation report, this
22 outside-counsel contract expressly excludes legal services
23 relating to any other post-investigation activities
24 including, but not limited to, indictment and prosecution?

25 Had you, yourself, looked into the law that

1 talked about the jurisdiction -- respective jurisdictions of
2 a district attorney's office and the Attorney General's
3 Office?

4 A. No, sir.

5 Q. Did you ever?

6 A. No, sir.

7 Q. Okay. In this particular matter, what event did
8 you think you were going to be investigating?

9 A. The -- the referral from Travis County DA's Office
10 with respect to this allegedly unlawful search.

11 Q. All right. And then later did you -- did you
12 receive another referral, what's been called referral number
13 two?

14 A. Yes, sir.

15 Q. Now, that's dated September the 23rd. Do you
16 happen to recall when you received it?

17 A. I think I got that on 9-24.

18 Q. Okay.

19 A. On an email from a -- from the Travis County DA's
20 Office.

21 Q. And was that a totally different matter than you
22 were originally hired to investigate?

23 A. Yes, sir.

24 Q. When you got that, what was your response?

25 A. Well, I read through it and I just -- I don't

1 remember when I spoke with Mr. Paul and Mr. Wynne at the
2 meeting, if it was before or after that. But when I got it,
3 it was related to some type of alleged mortgage fraud where
4 these lenders were wrongfully foreclosing on his properties
5 and then trying to sell it at the auction. I -- I don't
6 recall any more detail than that.

7 Q. All right. And when you looked at that one, of
8 course, who was the complainant, the person who was
9 complaining about the criminal conduct and wanted it
10 investigated?

11 A. It was also Nate Paul.

12 Q. Now, when you looked at it, did you see that it was
13 essentially a complaint about civil litigation matters?

14 A. Are you -- I'm sorry. Could you repeat it?

15 Q. Yeah. And I'm really only asking about your
16 mindset --

17 A. Yes, sir.

18 Q. -- not one way -- one way or the other.

19 A. Okay.

20 Q. Did you notice whether it actually was a complaint
21 about civil litigation matters in bankruptcy court?

22 A. Well, I wasn't looking at it through that lens at
23 all. And to be frank with you, I -- I didn't have any
24 experience in handling any type of mortgage fraud or
25 prosecuting any type of potential white-collar crime in that

1 way.

2 Q. All right. So did you just sort of put it aside
3 and not ultimately do anything with it?

4 A. No, sir, that -- that's not true.

5 Q. Okay. Well, tell me, in your words.

6 A. Well, I spoke with Mr. Paxton about the referral
7 because I wasn't sure if my scope of my contract covered
8 that.

9 Q. Certainly.

10 A. And so, you know, he said that it did. And so I
11 was like, well, I'm going to rise to the occasion, I'm going
12 to figure this out.

13 Q. All right. So let me see if we can go through the
14 mindset or experience for you.

15 You see a referral on a separate matter which
16 is not the one you were originally hired for, correct?

17 A. Yes, sir.

18 Q. And you receive it on September 24th. And you
19 notice it's an allegation of mortgage fraud occurred in
20 bankruptcy court. You see that?

21 A. Yes, sir.

22 Q. So how did you find out what the Attorney General
23 felt about it? Did you call him?

24 A. Yes, sir. I mean, I -- I -- I'm sorry, but I don't
25 remember the exact date.

1 Q. That's okay.

2 A. But I asked him -- I know for sure that I asked him
3 if that was covered within the scope of my contract, and he
4 said yes.

5 Q. Do you remember when that conversation was and what
6 the rest of the conversation was?

7 A. I would just have to give you an approximation. It
8 was roughly around the time that I received the contract on
9 9-24, either the day before or day after or the day of,
10 somewhere in that 23 to 25th range.

11 Q. And do you recall what the occasion of that
12 conversation with him was somewhere around the 24th of
13 September? Did you call him explicitly for that -- about
14 whether this was -- this referral number two was in your
15 contract or were there other things that y'all talked about
16 as well?

17 A. I -- I don't recall the entire nature of that
18 specific call.

19 Q. Okay. Did you notice when you looked at referral
20 two, that one of the people he was refer -- that he was
21 asking to be criminally investigated was a federal bankruptcy
22 judge named Tony Davis?

23 A. No, sir.

24 Q. You -- you didn't notice at that time?

25 A. No, sir.

1 Q. Okay. Did that referral, just like the first
2 referral, have a list of people that Mr. Paul claimed were
3 people of interest?

4 A. It did, yes, sir.

5 Q. All right. And did it list these people -- do you
6 recall whether, when it listed them, whether it listed
7 actually personal data, like their address and their phone
8 numbers?

9 A. I don't recall if that was in the referral or not.

10 Q. All right. You don't remember whether that was in
11 referral number two; is that what you're saying?

12 A. Yes, sir.

13 Q. All right. Was that the case in referral number
14 one?

15 A. Yes, sir. There were some -- there were names and,
16 I believe, some demographic information --

17 Q. All right.

18 A. -- in the first one. I just -- I don't recall.

19 Q. Now, in referral number -- let's go back now to the
20 period a little before September 24th when we were talking
21 about the original referral.

22 After you returned -- did you receive any type
23 of documents and materials to -- materials to review when you
24 left the meeting with both -- with Mr. Paul back on the 4th
25 of September?

1 A. Yes, sir.

2 Q. Can -- can you tell us what kind of materials he
3 gave you that you took back to Houston to review?

4 A. So I -- I had taken my handwritten notes from the
5 meeting back with me, and then I also received like a little
6 five- or six-page document that appeared to be some type of
7 time line of events giving -- giving Mr. Nate Paul's version
8 about what happened.

9 Q. All right. Now, did you take that just as his
10 version?

11 A. Yes, sir.

12 Q. All right. But when you left there, what did
13 you -- did you have -- when you left there and then on the
14 4th and after your meeting with the Attorney General, had you
15 developed sort of a game plan in your own mind as to how you
16 were going to do the investigation?

17 A. So I did. I was trying to consider, you know, how
18 to -- to get information to either corroborate or contradict
19 what was being said.

20 Q. All right. And -- and did you -- tell us how you
21 viewed the role of Mr. Paul and his lawyer Mr. Wynne in this,
22 in terms of how they were -- what role were they to play in
23 the upcoming investigation?

24 A. Well, I viewed Mr. Paul as the complainant. He's
25 the one who was complaining of these allegations. And then,

1 you know, Mr. Wynne was his attorney in some other separate
2 matter.

3 Q. Did you -- how did you view your role as the
4 Attorney General as -- did you look at them almost as a
5 client in terms of sharing -- them sharing information with
6 you and all? How would you describe that in your own words?

7 A. With -- I'm sorry, with who?

8 Q. With Mr. Paul.

9 A. Okay.

10 Q. And, of course, Mr. Wynne is his lawyer, but in
11 your view of the -- did you consider yourself as like a
12 prosecutor and a citizen had come in and made a complaint?

13 A. I viewed him as a complainant in the case and just
14 in the same way that if a client hires me for a case and they
15 bring in a banker's box full of documents and information,
16 I'm going to go through it. And so I didn't think that it
17 was unusual that I would be getting information from the
18 complainant and his attorney. And as I got that information,
19 you know, I thought this was the same information that
20 Mr. Penley had had.

21 Q. Yes. Had you met Mr. Penley?

22 A. No, sir.

23 Q. Did you ever meet him?

24 A. No, sir.

25 Q. All right. So when you originally were hired by

1 the Attorney General, did you make a certain assumption as to
2 what your role and Mr. Penley's would be?

3 A. Well, I thought I would meet Mr. Penley at some
4 point. I remember -- I asked Mr. Paxton in that first -- or
5 that second meeting if -- if I'd be meeting -- you know,
6 if -- am I going to talk to him? Does he have a file that I
7 can start working with?

8 And his response was, yeah, I think he's out
9 of town and -- but he had a file on his desk. So I did
10 assume at some point that I would meet Mr. Penley and take a
11 look at his file.

12 Q. Well, did you assume originally that you would be
13 working with the Attorney General's staff as you gathered
14 information and that that would mean that you'd be working
15 with the division head?

16 A. I did. I mean, obviously, as a solo practitioner I
17 don't have access to a lot of the resources that government
18 offices has. And so I thought at some point I would be
19 dealing with or meeting with some of these individuals.

20 Q. Right. And so did you just assume that Mr. Penley
21 was being kept informed as to what was going on here?

22 A. I didn't really think about that at the time.

23 Q. Okay. Fair enough. But at any time -- how many
24 times did you ask Mr. Paxton about either meeting Mr. Penley
25 or -- or getting some information or getting some support

1 from the Attorney General's Office?

2 MR. COGDELL: I'm sorry. I didn't understand
3 the question, Mr. Hardin. Can you -- can you repeat your
4 question, Rusty? I didn't hear it. I'm sorry.

5 MR. HARDIN: Sure.

6 Q. (BY MR. HARDIN) How many times did you ask
7 Mr. Paxton about either meeting Mr. Penley or getting some
8 information or getting some support from the Attorney
9 General's Office?

10 MR. COGDELL: Thank you.

11 A. I asked -- it's kind of two parts. With Mr. --
12 with respect to Mr. Penley, I had only talked to him about
13 Mr. Penley maybe twice. And then -- that was early on. And
14 then that's when I was asking about was there a file? I'm
15 like, you know, how do I get in touch with him on this deal?

16 And then as far as getting support from the
17 office, I think I asked probably four or five times over the
18 course of this three-and-a-half-week period when this all
19 happened, well, can I get a badge? Can I get credentials?
20 Which I never got, but I repeatedly asked for those things.

21 Q. (BY MR. HARDIN) And what was the Attorney
22 General's response each time?

23 A. I think initially his response was, okay, we'll
24 have to get somebody to work on that or we'll get it to you.
25 It was just never -- I never got a firm answer on when I

1 would be getting those things. I knew I would need it when
2 it came to issuing subpoenas and things like that.

3 Q. Yeah. So what things were you asking him for?
4 You ask -- let's start with Mr. Penley. Each time that you
5 asked him or mentioned Mr. Penley, did he have some reason
6 not to put you in touch with Mr. Penley?

7 A. The only thing that I asked about Mr. Penley was
8 did he have a file and will I be meeting with him? To which
9 his response was, he's out of town and his file is on the
10 desk. I just thought in my mind that I would eventually meet
11 with him to discuss this case. I mean, I don't know anything
12 about any of these people in that office, and so I'm like, I
13 didn't know -- I didn't know anything going on. So...

14 Q. How did you -- how did you know Mr. Penley? Just
15 looking at a flowchart? How did you know about him?

16 A. I knew -- I knew the name from -- from Mr. Wynne
17 and Mr. Paul in that first meeting.

18 Q. Did Mr. Wynne and Mr. Paul -- were they critical of
19 Mr. Penley in that first meeting?

20 A. Yes.

21 Q. What did they say?

22 A. Well, they -- they said that Mr. Penley said that
23 there was no information that could be presented to them --
24 to him that would make him believe that a federal official
25 broke the law in the way that they claimed.

1 Q. All right. And this conversation with him was
2 September -- that was the one September 4th?

3 A. Yes, sir.

4 Q. Okay. Now, did you think that was a little strange
5 that they didn't want to deal with the head of the division
6 in the Attorney General's Office?

7 A. My understanding was that they had met with him one
8 time.

9 Q. That's all, just one time.

10 A. Yes, sir, that's what I was told.

11 Q. Is that what they -- is that what they told you?

12 A. Yes, sir. And he refused to look into it. And
13 then that was kind of reinforced by the fact that Mr. Paxton
14 said that he couldn't get anyone in his office to work on the
15 case.

16 Q. All right. So in your conversations with them and
17 as your investigation, were you ever told or informed that
18 they actually met with Mr. Paul three times?

19 MR. COGDELL: Excuse me, Your Honor. The
20 "them," objection, hearsay. That includes other people other
21 than Mr. Paxton.

22 PRESIDING OFFICER: Sustained.

23 Q. (BY MR. HARDIN) Let me ask you this: Did you ever
24 learn from Mr. Paul, Mr. Wynne, or Attorney General Paxton
25 that Mr. Penley --

1 MR. COGDELL: Excuse me. Excuse me, same
2 exact objection.

3 MR. HARDIN: Let me just finish, please.

4 MR. COGDELL: I'm sorry.

5 Q. (BY MR. HARDIN) That Mr. Penley or Mr. David
6 Maxwell met with Mr. Paul and Mr. Wynne three times?

7 MR. COGDELL: Okay. That's both multifarious
8 and hearsay.

9 PRESIDING OFFICER: Sustained.

10 Q. (BY MR. HARDIN) Did you ever learn that
11 Mr. Penley -- did you learn anything from any source about
12 how often Mr. Penley was trying to get Mr. Wynne to provide
13 further documents?

14 MR. COGDELL: Objection.

15 MR. HARDIN: The objection is only is -- was
16 he aware of anything like that.

17 MR. COGDELL: Objection, hearsay. The
18 question was, did you learn from any source. Objection,
19 hearsay.

20 MR. HARDIN: I'm only --

21 PRESIDING OFFICER: Overruled.

22 MR. HARDIN: Thank you.

23 Q. (BY MR. HARDIN) Were you?

24 A. I'm sorry. Could you please repeat the question?

25 Q. Sure. Were you ever aware from any source that

1 Mr. Penley after three meetings was continuing to try to
2 find -- get documents from Mr. Wynne? Did you ever hear that
3 from anybody?

4 A. I did.

5 MR. COGDELL: Objection. I'm sorry.

6 THE WITNESS: I'm sorry.

7 MR. COGDELL: Objection, hearsay.

8 I apologize. Sorry, Mr. Cammack. Sorry,
9 Rusty.

10 Objection, hearsay.

11 PRESIDING OFFICER: Sustained.

12 Q. (BY MR. HARDIN) In your mind what was your
13 understanding from any source of the level of involvement of
14 Mr. Penley and Mr. Maxwell in this investigation?

15 MR. COGDELL: The -- I'm sorry, Rusty, the
16 level of --

17 MR. HARDIN: I've not asked -- I'm not asking
18 for any statements or anything. I'm asking what his
19 understanding and mindset was.

20 MR. COGDELL: I understand. I just didn't --
21 you said "the level of," and then the word trailed off. I'm
22 sorry if I'm being difficult.

23 MR. HARDIN: How sorry are you?

24 MR. COGDELL: Pretty sorry. Sorry enough.

25 MR. HARDIN: All right. I -- my question, I

1 think, stands, Your Honor. I simply want to know what his
2 state of mind and level of knowledge was because it has a lot
3 to do with what he does later.

4 PRESIDING OFFICER: I didn't hear an objection
5 actually. I just heard him say he couldn't --

6 MR. HARDIN: I didn't either.

7 PRESIDING OFFICER: He just said he couldn't
8 hear you.

9 MR. COGDELL: I just didn't understand the
10 question. That question as asked, I'm fine. Go ahead.

11 MR. HARDIN: Is your microphone on?

12 MR. COGDELL: Well, he's reading it. I can't
13 read that far. Okay. I'm sorry.

14 MR. HARDIN: Thank you.

15 Q. (BY MR. HARDIN) Now, in the -- at the end of the
16 day, what was your level of knowledge about this?

17 A. So I was told early on by Mr. Paxton that the
18 people in his office weren't doing what he asked them to do.
19 That's why he was considering hiring outside counsel.

20 Q. Right.

21 A. And then towards the end of September, in this
22 three-and-a-half-week period, I was told by Michael Wynne
23 that Mr. Penley had reached out to him, kind of out of the
24 clear blue, for documents. And then I asked Mr. Paxton about
25 that when I spoke with him, and he said, Well, I told him to

1 stand down. He's not working on this case. You are.

2 Q. That who should stand down?

3 A. Mr. Penley.

4 Q. General Paxton told you that Mr. Penley should
5 stand down, he wasn't involved in the case anymore?

6 A. That's correct. And that was my only other time
7 that I knew about any of his involvement.

8 Q. All right. Do you recall when that conversation
9 was and where you were?

10 A. It would have been a phone call towards the end of
11 September.

12 Q. All right. Thank you. Now, let's go back. After
13 the 4th, I assume you started reviewing the materials you had
14 received?

15 A. Yes, sir.

16 Q. Tell us about how you proceeded in your
17 investigation then.

18 A. All right. So I was still trying to get my arms
19 around what was alleged and all of the folks that were
20 involved in it and trying to figure out -- since I -- you
21 know, I didn't really have any information -- what
22 information I would be able to obtain. And just started kind
23 of thinking of the way to do this would be to -- to do grand
24 jury subpoenas to get information regarding like phone calls
25 and things between the individuals involved in that

1 first referral.

2 Q. All right. Now, by the way, did you -- did you,
3 during this period of time, Mr. Cammack, consult with any
4 other people you thought might have had these types of
5 investigations before to sort of get an idea of how to -- how
6 to proceed?

7 A. No, sir. No, sir.

8 Q. This is not something you had done before, correct?

9 A. I had not ever done this before.

10 Q. Okay. Now, by the way, in your communications with
11 the Attorney General, how were you communicating with him?
12 By phone, by text, by email? Could you describe the forms of
13 communication y'all used?

14 A. So we spoke by phone and through text message, and
15 then throughout this process I continually forwarded emails
16 to him as something would come up or I would get some
17 information.

18 Q. Well, did you use any kind of encrypted
19 communications?

20 A. Yeah. I think about the middle of the month he
21 asked me to use the Signal app, which I wasn't really
22 familiar with at the time. I just thought it was like a
23 WhatsApp or just like --

24 Q. You were unfamiliar with Signal app at that time?

25 A. I had never used it before.

1 Q. All right. And -- and how did that come about that
2 he wanted you to communicate with him using Signal app?

3 A. He asked me on a phone call to download the app and
4 use that.

5 Q. Did you go on the Internet to look and see what a
6 Signal app was?

7 A. No, sir, I just downloaded the app.

8 Q. Okay. And do you recall what the nature of the
9 conversation was in which he asked you to start using Signal
10 app?

11 A. It would have been a call where we were talking
12 just generally about the case, kind of the status of it and
13 what was going on. It wasn't -- I do remember it was not a
14 phone call specifically about using that app.

15 Q. And what type of email address did you -- did you
16 use with him?

17 A. What do you mean?

18 Q. Well, do you recall what the email address was?

19 A. No, sir.

20 Q. Was it an official Attorney General's Office email
21 address?

22 A. Oh, I see what you mean. No, sir.

23 Q. All right. What -- what was it?

24 A. His email address was -- it was a Proton mail
25 address --

1 Q. All right.

2 A. -- that I was sent -- that I was given.

3 Q. Had you used Proton before?

4 A. No, sir.

5 Q. Had you ever heard of Proton?

6 A. I had heard of it. I've never used it.

7 Q. Okay. Now, in addition, what about the phones?

8 What type of phone number did you have that you would
9 communicate with him?

10 A. He -- I had the original number that he had first
11 called me on. And then I think later he gave me another
12 number. Around that time I was getting -- getting calls from
13 unknown numbers or it would say "potential spam." You know,
14 you get those types of calls. And I was like, well, I don't
15 want to miss the Attorney General's number, so I got myself a
16 separate number and gave it to him. That way I knew when
17 that phone rang, that was Mr. Paxton calling.

18 Q. So you -- are you saying that you ultimately got a
19 phone that was totally dedicated to phone conversations with
20 the Attorney General of the State of Texas and that's the
21 only number that you communicated with on that phone?

22 A. Yes, sir.

23 Q. And you did that why?

24 A. Because I didn't want to miss a call from an
25 unknown number or a spam likely call or -- you know when you

1 get those spam calls, I didn't want to have that come up and
2 miss an important call, so...

3 Q. Did he use those -- did he use multiple phone
4 numbers with you?

5 A. Yes, sir.

6 Q. How many?

7 A. Two numbers.

8 Q. Okay. And were either of those official Attorney
9 General lines?

10 A. I believe they were cell phone numbers. I don't
11 believe they were office numbers.

12 Q. All right. In fact, when was the first time that
13 you ever learned what the official email address or the
14 Attorney General office email address was of the Attorney
15 General that you were dealing with all this time?

16 A. The first time that I ever saw his governmental
17 email address?

18 Q. Yes.

19 A. Was when I got a cease and desist letter from Jeff
20 Mateer.

21 Q. And when was that?

22 A. That would have been, I believe, August 1st or 2nd.

23 Q. And how was it that you saw what the Attorney
24 General's official email address was?

25 A. They were all copied on the email, all the

1 gentlemen. Mr. -- Mr. Vassar, I think, was one of them,
2 and --

3 Q. Was that first time, when you got your cease and
4 desist letter, the first time you ever knew of any official
5 communication form of communicating with the Attorney General
6 whether it was through text or email or phone?

7 A. I thought all of my communications with him were
8 official, but that was the first time that I saw his
9 governmental email address.

10 Q. All right.

11 A. Yes, sir.

12 Q. Now, when you -- did you trust the Attorney
13 General?

14 A. Yes, sir.

15 Q. Were you flattered about him reaching out to you?

16 A. Yes, sir.

17 Q. Did you trust Michael Wynne?

18 A. Yes, sir.

19 Q. Did you appreciate him referring you to the
20 Attorney General?

21 A. I did, yes, sir.

22 Q. Okay. And did you always trust Michael Wynne to
23 have your best interest at heart and try to help you?

24 A. Yes, sir. I didn't have any reason not to trust
25 him. I knew that he was Nate Paul's lawyer.

1 Q. Okay. Did you trust Nate Paul?

2 A. I didn't really know Nate Paul. I just was trying
3 to do my job.

4 Q. All right. Now, let's move to the period of the
5 middle of September.

6 After you came back, you had all your material
7 from the 4th that you had gotten from Nate Paul. What did
8 you do after that?

9 A. So around this time I'm -- I had a conversation
10 with Mr. Paxton because I wanted to try to get the
11 individuals named in that first referral, like, call logs and
12 email logs showing whether or not these people had been
13 talking around the time that the search had taken place.

14 And so being that it's sensitive since they
15 are federal agents and there's some people in power there, I
16 thought that the grand jury subpoena would be a discreet way
17 to get that information and so I brought that up to
18 Mr. Paxton.

19 Q. And do you recall when this conversation was?

20 A. I believe it was around -- we had talked about it
21 from early on in the month, like within that first week of
22 September, but the conversations kind of continued going on
23 until about the middle of the month, about September 14th.

24 Q. Okay. Now, at that time what was Mr. -- what did
25 you say to Mr. Paxton and what did he say to you?

1 A. I told him I think we should try to do grand jury
2 subpoenas being that this is a discreet way to get
3 information. Grand jury proceedings are private and secret
4 proceedings and so we'd be able to get information that way
5 without raising any kind of alarms or causing some type of,
6 you know, panic about the situation. And he said it was a
7 smart idea.

8 Q. So he endorsed it?

9 A. Yes, sir.

10 Q. Did either of you talk about the fact that if you
11 issued grand jury subpoenas for a claimed offense that
12 Mr. Paul was presenting to you, that the recipients of those
13 grand jury subpoenas would know what was going on or have
14 questions or be maybe even alarmed? Did y'all discuss that
15 at all?

16 MR. COGDELL: Excuse me. Objection,
17 leading.

18 MR. HARDIN: I think I gave him several --

19 PRESIDING OFFICER: Sustained.

20 Q. (BY MR. HARDIN) Did you -- did y'all talk about
21 the possible reaction of people that got these subpoenas?

22 A. No, sir.

23 Q. Later you issued subpoenas, did you not, for credit
24 unions and banks and stuff like that, correct?

25 A. Yes, sir.

1 Q. Was there any conversation between you and the
2 Attorney General about how those people might feel when they
3 got those grand jury's?

4 A. No, sir.

5 Q. Did you become later aware -- I mean, we'll get to
6 who all that was on there -- of -- that some of these
7 subpoenas were going to lawyers or people that were opposing
8 Mr. Paul in litigation? Were you aware that that's who some
9 of the people were?

10 A. No, sir.

11 Q. Okay. Well, then let's get to what you know.

12 When you talked to the Attorney General back
13 about downloading the app and everything, were you also
14 talking to him at that time about trying to seek credentials
15 and other types of things that you needed for what you were
16 doing?

17 A. Yes, sir. I needed --

18 Q. When -- when did you first start asking for those
19 types of things?

20 A. In my first meeting with him on September 4th. And
21 then I asked about it again, like, as I'm approaching the
22 time where I need to be -- at the time I'm doing the
23 applications for these subpoenas.

24 Q. What -- what did you ask him for?

25 A. An email address, am I going to get some type of

1 badge or some credentials, like -- because I'm going to be
2 approaching people with legal documents and I need something
3 to show that I have the authority to do that.

4 Q. What did he say?

5 A. We're working on it.

6 Q. Now, you assumed, did you not, that, of course, it
7 would be perfectly fine to give you those things because it
8 would be of public record and there was nothing wrong with
9 it, correct?

10 A. I expected to get that.

11 Q. Yes. And you expected him to believe you were
12 going to need that, did you not, in your investigation?

13 A. Yes. And I ended up -- did -- I did need it.

14 Q. How many times do you think you asked the Attorney
15 General for these official documents?

16 A. It would have had to have been four or five times
17 over the course of a month.

18 Q. And each time you asked him for them, what was his
19 response?

20 A. We're working on it. We'll get it to you.

21 Q. At some time did you begin to wonder why they would
22 not give you any kind of official documents to show your
23 status?

24 A. No. You know, I don't know the -- I don't know how
25 the office operates within the Attorney General's Office. I

1 wasn't sure if there was a bunch of red tape to go through.
2 I -- I didn't know any of that. I just knew that I would
3 need it to do what he was asking me to do.

4 Q. Right. We always hear about the slowness of
5 bureaucracy and government agencies. Is that the kind of
6 thing you just thought was going on?

7 A. Yes, sir.

8 Q. Okay. So it never occurred to you that maybe he
9 didn't want them to be public?

10 MR. COGDELL: Objection, leading and assuming
11 facts not in evidence.

12 PRESIDING OFFICER: Sustained.

13 Q. (BY MR. HARDIN) Did it ever occur to you -- did
14 you ever have the thought or wonder, is -- don't they want
15 this public or what? Did you have that kind of thought
16 process?

17 A. I wasn't thinking about anything like that.

18 Q. Okay. Fair enough.

19 Now, when you mentioned the grand jury
20 possibility to the Attorney General, in that conversation --
21 and you think that conversation was when, roughly?

22 A. That would have been around -- I know I spoke with
23 him about it on -- on September 6th because I have a note
24 here on this invoice, but the middle of the month around
25 September 14th.

1 Q. Okay.

2 A. There were a couple of conversations where I was
3 just kind of trying to figure my way through this.

4 Q. Now, you, of course, as you mentioned before, had
5 never done a grand jury investigation, correct?

6 A. That is correct.

7 Q. So did you ask him some questions that -- the
8 Attorney General some questions to try to help you in that
9 respect?

10 First of all, did you assume that maybe he
11 would know these kind of answers?

12 A. Yes, sir.

13 THE WITNESS: I am so sorry. Judge, is there
14 any way I can use the public restroom and take a break?

15 PRESIDING OFFICER: All right. We'll stand at
16 ease for ten minutes.

17 THE WITNESS: Sorry about that.

18 PRESIDING OFFICER: No. We'll give you ten
19 minutes. The witness may step down.

20 MR. HARDIN: Thank you, Judge.

21 (Break taken from 11:24 a.m. to 11:29 a.m.)

22 PRESIDING OFFICER: Court will come to order.
23 And hold on one moment, Mr. Hardin, for all the jurors to be
24 seated again.

25 Q. (BY MR. HARDIN) Mr. Cammack --

1 PRESIDING OFFICER: Hold on one second.
2 They're not all in their seats.

3 MR. HARDIN: Sorry, Your Honor.

4 PRESIDING OFFICER: Looks like we're short two
5 members.

6 Mr. Hughes and Mr. Miles -- Senator Miles,
7 Senator Hughes, please come forward.

8 We're one juror short, so we're going to wait.
9 We're texting him now.

10 (Pause in proceedings)

11 PRESIDING OFFICER: Mr. Hardin, you may
12 resume.

13 MR. HARDIN: Thank you, Your Honor.

14 Q. (BY MR. HARDIN) All right. Mr. Cammack, I want to
15 go to, if I may, when you were asking him and talking to him
16 about the grand jury subpoenas.

17 During that conversation -- and you -- you've
18 mentioned that you asked him about credentials. How did you
19 go about trying to find out how to do a grand jury -- issuing
20 and using grand jury subpoenas? What did you do?

21 A. Yes, sir.

22 Q. Your microphone.

23 A. Yes, sir. So I asked Mr. Paxton -- you know, at
24 this point he's like, it's a smart idea, this is the way that
25 we should proceed. So the next question is, okay, well,

1 how -- how do we do this? Because I wasn't sure whether the
2 Attorney General's Office had their own special grand jury in
3 session for cases or if we would do it through a county, like
4 Travis County grand jury. And so I didn't know the answer to
5 that.

6 He said he didn't know the answer to that. He
7 would need to find out. And, you know, I think he had
8 indicated to me at that time, you know, he wasn't a criminal
9 lawyer and most of his experience was in business law, so he
10 would find out which -- which grand jury that we would --

11 Q. And did you find out?

12 A. He reached back out to me around the middle of the
13 month, maybe a day or so after, and told me that we would be
14 going through the Travis County grand jury.

15 Q. But the AG himself called you back and told you
16 that?

17 A. Yes, sir.

18 Q. And -- and then what did you do?

19 A. So my next step was to reach out to Travis County
20 District Attorney's Office. And it was kind of weird because
21 I -- before I even had an opportunity to do that, I get a
22 message or a voicemail that Michael Wynne had sent me saying
23 this is the person that you need to contact over there.

24 Q. How soon after you had the conversation with the
25 Attorney General that -- concerning the fact that it would be

1 a Travis County grand jury, how soon after that conversation
2 with the Attorney General did Mr. Wynne reach out and give
3 you a contact in the Travis County DA's Office?

4 A. I don't recall exactly, probably within 24 to 48
5 hours.

6 Q. Do you have any idea how Mr. Wynne would have known
7 that you were seeking that information?

8 A. I'm sorry?

9 Q. Had you told Mr. Wynne you were trying to find out
10 or did it just come in unsolicited?

11 A. No, I spoke with Mr. Wynne about -- about the grand
12 jury process.

13 Q. All right.

14 A. So he was aware -- you know, him and Nate Paul were
15 both aware that that's what -- how I was proceeding with
16 their investigation.

17 Q. When you got that information, did you reach out to
18 the Travis County grand jury?

19 A. I reached out to the Travis County District
20 Attorney's Office and spoke --

21 Q. Excuse me. I said grand jury. You're right. The
22 office. Excuse me. Go ahead.

23 A. I spoke with, I forget -- it was a nice woman. I
24 forget her name. She was -- she put me in touch with a
25 gentleman named Don Clemmer. And then Don Clemmer put me in

1 touch with, I guess, this -- this real sweet lady. I think
2 her name was Bailey. She might have been the grand jury
3 coordinator over there.

4 Q. Let me ask you this: Was the last name Molnar?
5 Does that sound --

6 A. That sounds -- that sounds like -- correct.

7 Q. Did you tell these folks that you were a special
8 prosecutor working with the Attorney General's Office?

9 A. Yes, sir.

10 Q. Okay. And as such you were asking assistance to
11 get some grand jury subpoenas?

12 A. Yes, sir.

13 Q. And did they help you get the grand jury subpoenas?

14 A. Yes, sir, they did.

15 Q. And let me ask you --

16 MR. HARDIN: At this time, Your Honor, I want
17 to move to introduce in mass -- I believe we informed counsel
18 on the other side -- Exhibit 257, which I'll represent is all
19 of Mr. Cammack's production in this matter to both sides.
20 These are the documents that he has -- he has produced to
21 lawyers on both sides, and I move to introduce them in toto.

22 PRESIDING OFFICER: Any objection?

23 MR. COGDELL: Yes and no. Yes.

24 PRESIDING OFFICER: Speak on the microphone,
25 please.

1 MR. COGDELL: Yes.

2 PRESIDING OFFICER: Still can't hear you.

3 MR. COGDELL: Object to 649, 691 --

4 MR. HARDIN: Dan, can I stop you for just a
5 second to explain to the Court?

6 We have given them excerpts -- it was too
7 voluminous to be carrying around the hard document here, but
8 what we did do -- it was about 2,000 pages. It was a lot.
9 What we then gone -- I've gone through and taken out excerpts
10 and put an exhibit number on them. But they are excerpts
11 from -- what I was seeking to do was introducing the whole
12 group and then taking out and putting an exhibit number on
13 those that we specifically were going to talk about.

14 Go ahead.

15 MR. COGDELL: I appreciate all of that,
16 Mr. President. But to be clear, we got an amended exhibit at
17 4:50 this morning which includes these, several of which I
18 will be objecting to, several of which I won't.

19 MR. HARDIN: Excuse me, are we going to start
20 getting into when we get stuff for them and what time of the
21 morning? I would just ask for --

22 PRESIDING OFFICER: Just stop right now.

23 MR. HARDIN: Yeah.

24 MR. COGDELL: Like I started to say, object to
25 649, 691, 687, 688, 689, 690, 686, and 650.

1 PRESIDING OFFICER: Reason for the objection?

2 MR. COGDELL: Sir?

3 PRESIDING OFFICER: You're objecting to those
4 documents? Okay.

5 MR. COGDELL: I am. Now, I do not have
6 objections to 677, 678, 679, 680, 681, 682, 683, 684, 685,
7 and 693.

8 The last sequence, Mr. President, I do not
9 have an objection to.

10 PRESIDING OFFICER: So let's go back to the
11 objection.

12 MR. COGDELL: Yes, sir.

13 PRESIDING OFFICER: I had asked you for a
14 reason for the objection to the --

15 MR. COGDELL: Yes, sir.

16 PRESIDING OFFICER: -- other documents.

17 MR. COGDELL: Yes, sir. The basis is hearsay
18 on each. And just so -- let me try to get them in order so
19 Mr. Hardin and I can literally be on the same page.

20 MR. HARDIN: Let me ask one more time, real
21 quickly, the ones you object to, Dan.

22 MR. COGDELL: Sure.

23 MR. HARDIN: Make sure I got all of them.

24 MR. COGDELL: Yes, sir. The ones I'm
25 objecting to are in order, Rusty, are: 649 -- that's the

1 work product, if you're with me. You want me to come over
2 there? I'm happy to do that if that's easier for you.

3 MR. HARDIN: No. Go ahead.

4 MR. COGDELL: 649, 650, 686, 687, 689, 690,
5 and 691.

6 MR. HARDIN: And the type of objection, Your
7 Honor, the basis?

8 MR. COGDELL: Hearsay. And I don't know if
9 you -- Judge, do you have -- Mr. President, do you have them
10 in front of you?

11 PRESIDING OFFICER: We don't have them.

12 MR. HARDIN: May I do this? May I do this?
13 Let me go right now to discuss the ones that he has no
14 objection to and ask that they be admitted.

15 MR. COGDELL: Sure.

16 PRESIDING OFFICER: Okay. We'll admit the
17 items that you have no objection to. And to be certain we
18 have those right numbers, would you repeat those numbers that
19 you do not object to?

20 MR. COGDELL: The numbers that I -- and I'm
21 not sure these are in order, but 677, no objection.

22 PRESIDING OFFICER: Yes. Okay.

23 MR. COGDELL: 678, no objection.

24 PRESIDING OFFICER: Yes.

25 MR. COGDELL: 680.

1 PRESIDING OFFICER: Yes.

2 MR. COGDELL: 681.

3 PRESIDING OFFICER: Uh-huh.

4 MR. COGDELL: 682.

5 PRESIDING OFFICER: Yes.

6 MR. COGDELL: 683.

7 PRESIDING OFFICER: Yes.

8 MR. COGDELL: 684.

9 PRESIDING OFFICER: Yes.

10 MR. COGDELL: 685.

11 PRESIDING OFFICER: Yes.

12 MR. COGDELL: And 693.

13 PRESIDING OFFICER: What about 679?

14 MR. HARDIN: All right.

15 PRESIDING OFFICER: Hold on one second. Just

16 checking this.

17 MR. COGDELL: You inquired on 679? I don't

18 have that one in front of me.

19 PRESIDING OFFICER: Okay. You originally said

20 you had no objection to 679, but you may have misspoken.

21 MR. COGDELL: I'm certainly capable of doing

22 that. No, 670 -- you're correct, Mr. President, 679, I --

23 we do object to 679.

24 PRESIDING OFFICER: Okay. So 679. So to the

25 court reporter -- and forgive my "uh-huh" for a moment there,

1 something I said the witnesses shouldn't do.

2 So to be clear to the court reporter, no
3 objection to 677, 678, 680, 681, 682, 683, 684, 685, 693.

4 And it's my understanding, Mr. Hardin, to
5 begin, you will just focus on those. And if you want to
6 refer to the others, you'll have to give us an answer on why
7 it's not hearsay at that time.

8 MR. HARDIN: That's correct. Your time --

9 PRESIDING OFFICER: I'm admitting -- so we are
10 admitting into evidence 677, 678, 679, 680 -- I'm sorry --
11 677, 678, not 679 at this time, 680, 681, 682, 683, 684, 685,
12 and 693.

13 (HBOM Exhibit Nos. 677, 678, 680, 681, 682,
14 683, 684, 685, and 693 were admitted)

15 MR. HARDIN: And, Your Honor, can I have ten
16 minutes' credit back because of the housekeeping we did here?

17 PRESIDING OFFICER: Did you say you needed ten
18 minutes?

19 MR. HARDIN: Can I have ten minutes' credit
20 back for the conversation we had --

21 PRESIDING OFFICER: I'll give you five.

22 MR. HARDIN: Thank you.

23 PRESIDING OFFICER: All right.

24 MR. HARDIN: All right. One has to take what
25 they can get.

1 Q. (BY MR. HARDIN) All right. Mr. Cammack --

2 A. Yes, sir.

3 Q. -- did you start receiving assistance to get these
4 grand jury subpoenas done as to who they would be from
5 Mr. Wynne?

6 A. Yes, sir.

7 Q. And is it still on? I didn't hear. Yeah.

8 A. Can you hear me?

9 Q. Yes.

10 A. Okay.

11 Q. Yeah. All right. And what form of assistance were
12 you getting from him?

13 A. Well, I -- I started to get a lot of information
14 from Mr. Paul and Mr. Wynne through emails. That included
15 the list of individuals who were, I guess, suspects or
16 somehow witnesses or somehow related to that first initial
17 referral.

18 Q. And were these people that were to be put on the
19 list of subpoenas?

20 A. Some of them were, yes, sir.

21 Q. All right. And were you receiving from Mr. Wynne,
22 regularly, information of people to include on the grand jury
23 subpoenas?

24 A. Yes, sir.

25 Q. Now, what was your thought process in terms of your

1 investigation as to why you would automatically put those
2 people on if they're asking? In your mind, you were doing
3 what?

4 A. Well, I didn't independently source any of these
5 individuals' name. I walk into a -- I walked into this
6 referral, and I'm just -- I'm given a lot of information
7 about different people who were involved and how they may be
8 related to that first referral. And so I trusted that that
9 was the information that -- that they were giving me was the
10 same information that the Attorney General's Office,
11 Mr. Penley, would have already had to conduct his
12 investigation.

13 Q. All right. So you assumed that you were just
14 getting information that already existed --

15 A. Yes, sir.

16 Q. -- in the hands of the OG -- the AG?

17 A. Yes, sir.

18 Q. But you hadn't talked to anyone in the AG, correct?

19 A. Other than Mr. Paxton, that's correct.

20 Q. All right. And each time that you had a course of
21 action in this case and thought you were going to do
22 something, did you have a practice of contacting the Attorney
23 General to update him?

24 A. Yes, sir.

25 Q. And so as you went along and gathered all of this

1 information from Mr. Wynne and Mr. Paul, were you keeping the
2 Attorney General involved -- informed of all this?

3 A. Yes, sir. I would discuss it on the phone, or
4 anytime I got, like, a document emailed me -- emailed to me
5 from Mr. Wynne, I would forward that onto the Attorney
6 General's email address. And then when we spoke again, if we
7 did, I would say, hey, you know, I sent you this or sent you
8 that.

9 Q. So let me see if I understand. Whenever you
10 received information from Mr. Wynne and/or Mr. Paul by email,
11 you would then forward that information to the Attorney
12 General?

13 A. The majority of the time, yes, sir.

14 Q. All right. So when they were sending you lists of
15 people that should be subpoenaed by the grand jury, were you
16 making sure you kept Mr. Paxton informed of that?

17 A. I'm sorry. Do you mean if, like, I sent that
18 information to him or just letting him know that I received
19 that information or --

20 Q. Just letting him know that you received that
21 information.

22 A. Yes, sir.

23 Q. All right. So would it be an accurate statement
24 that as you proceeded in this -- well, let me put it another
25 way.

1 As you proceeded in your information -- in
2 your investigation and as you determined what to do with the
3 grand jury and what to do about grand jury subpoenas, were
4 you at each stage keeping the Attorney General informed?

5 A. Yes, sir.

6 Q. At any time did the Attorney General contact you
7 and say no, no, no, no, let's don't do that?

8 A. No, sir.

9 Q. So from your own state of mind, in every single
10 thing you did in this investigation, what is your testimony
11 to the jury as to whether you believed you had the full
12 support and agreement of the Attorney General of the State of
13 Texas?

14 A. That's true. I -- I did everything at his
15 supervision. Kept him informed on everything. When I
16 reached out to Travis County District Attorney's Office and
17 introduced myself regarding the grand jury subpoenas -- I
18 mean, I got affirmation the entire time that everything was
19 good, and no one said anything different until I, you know,
20 got a cease and desist letter at the end of --

21 Q. And so was one of your frustrations that you didn't
22 have anything official to tell people that's what you were
23 doing; is that correct?

24 A. That's right.

25 MR. COGDELL: Excuse me. Objection, leading.

1 THE WITNESS: I'm sorry.

2 MR. HARDIN: Well --

3 PRESIDING OFFICER: Sustained.

4 Q. (BY MR. HARDIN) Were you frustrated about not
5 having any identification and documents and means to tell
6 others in this outside world?

7 A. Yes. Because, I mean -- yes, sir.

8 Q. All right. And what was the reason? What was the
9 reason for being so frustrated?

10 A. Well, for example, when I issued -- I had some
11 subpoenas issued for Microsoft, and I got an email back
12 saying without a governmental email address, we can't execute
13 these subpoenas. So I knew that as I'm continuing to work in
14 the course of this deal that I would need to have some type
15 of identification, whether it's a governmental email address,
16 you know, some number. I don't know what their processes
17 are, but I knew that I would need some type of credential to
18 be able to do what I was asked to do.

19 Q. What were you subpoenaing Microsoft for?

20 A. Email records, I believe, for certain individuals
21 that were involved in that first referral.

22 Q. All right. So in the first referral, you were --
23 you were seeking email information, everything from Microsoft
24 about all of these individuals?

25 A. Whoever had, like, an Outlook email address.

1 Q. And in addition to the people involved in the
2 execution of the search warrant, were you receiving from
3 Mr. Wynne other names that should be added in?

4 A. I -- I don't recall all of the names that were on
5 the list.

6 Q. Oh, yeah. I'm not asking you what the names were.
7 But were you receiving during this time that you were
8 conducting the investigation continued lists and suggestions
9 of people to investigate and to list a grand jury subpoena
10 for?

11 A. Yes, sir.

12 Q. At this stage did you reach a stage of discomfort
13 that you were getting all of this information from the lawyer
14 of a man that you knew was already under investigation by law
15 enforcement?

16 A. I didn't know that -- that Mr. Paul was under
17 investigation at the time. I knew about this search,
18 obviously, but I didn't know that he was under any kind of --
19 at the time it would have been a current investigation.

20 And then just with respect to Michael Wynne, I
21 trust -- had no reason not to trust that Michael was giving
22 me information that he had already collected and that I
23 thought that the Attorney General's Office already had. So I
24 thought that whatever he gave me was for the purposes of
25 investigating that referral.

1 Q. Okay. I want you to -- I want you to look -- I put
2 some hard copies up there for you.

3 A. Yes, sir.

4 Q. It's in evidence now. Exhibit 678.

5 A. 678.

6 MR. HARDIN: And it's going to be Bates
7 stamp -- well, do you need the Bates stamp? No. Okay.
8 Thank you.

9 Q. (BY MR. HARDIN) Can you tell us what that is,
10 please?

11 A. So this is an email that I sent to Ryan Vassar
12 with -- so this is same day that I met with Mr. Paxton on
13 9-4, and I -- when I got back home, I signed the draft
14 contract that they sent me and sent it back, and I asked for
15 an executed copy back.

16 Mr. Vassar had asked me to see if there were
17 any kind of conflicts, so I reached out. I never had -- I
18 didn't have any clients that had any cases pending where the
19 AG's Office was opposing counsel, and I reached out to the
20 State Bar Ethics Hotline and said, hey, is this okay? You
21 know, I don't have any cases pending against them. And they
22 said it's fine, you know, congratulations on the job.

23 Q. All right. Trying to look at these -- I'm trying
24 to look at these subpoenas in terms of what's admitted. And
25 I want you, if you would, to turn to 681. I'm only going to

1 ask you -- not put it up because I believe that's one they --
2 no. That is one that's in evidence.

3 Can you help me out? Look at 681 and identify
4 this for the jury, please.

5 A. So this was an email from me to Michael Wynne and
6 it says Sample form, grand jury -- Google grand jury
7 subpoena.

8 Q. All right. And then look over to the -- why did
9 you send it to Michael Wynne?

10 A. Michael Wynne had initially -- so I had never
11 issued a grand jury subpoena before.

12 Q. Pardon me?

13 A. I had never done -- I had never issued a grand jury
14 subpoena before.

15 Q. Right.

16 A. And so I asked Michael -- once I put this draft
17 together, I said, Can you take a look at it -- it's the same
18 information that they had already given me -- and make sure
19 that the form here is correct?

20 Q. And so did Mr. Wynne respond to you and tell you it
21 was okay?

22 A. He said, Form is fine.

23 Q. And then what -- at the end of the day, what did
24 that help you do?

25 A. What did it -- I'm sorry, what did it help me do?

1 Q. Yes. Did that help you decide how you were going
2 to do the subpoenas and what language you were going to use
3 and everything?

4 A. I sent this to him. I mean, I knew he was a
5 federal prosecutor at this point in the past, you know,
6 Harvard educated. I just sent it to him to -- you know, does
7 the form look okay here. So it helped me to know that
8 this -- this was the right way to do it.

9 Q. All right.

10 MR. HARDIN: Your Honor, I'm looking here.
11 I'm having to order up the ones they've objected to. And
12 there are some of these that I very much want to get into
13 evidence, and I don't believe there is a legitimate
14 objection. I'm trying to figure out how to handle this
15 without taking any undue time now.

16 But, for instance, if I could -- do we have
17 hard copies for the Court, Stella, of these exhibits? Do we
18 have any more stacks?

19 Q. (BY MR. HARDIN) You have before you 691. Without
20 referring -- without -- without saying anything about what is
21 in its contents, I want you to identify for the record and
22 tell us what it is.

23 MR. COGDELL: Mr. Hardin, you said 691?

24 PRESIDING OFFICER: Yes.

25 MR. HARDIN: Yes. I wrote that down as one

1 you objected to.

2 MR. COGDELL: I don't have a 6- -- oh, I do
3 too. I stand corrected. Thank you.

4 PRESIDING OFFICER: We have that on the list
5 you objected to, correct?

6 MR. COGDELL: Yes, sir. I'm sorry.

7 PRESIDING OFFICER: Well, we're waiting for us
8 to see it. We don't have a copy before we can rule.

9 MR. COGDELL: Yes, sir.

10 Q. (BY MR. HARDIN) All right. Do you see 691? Would
11 you -- without talking about the internal contents yet, would
12 you describe what that document is?

13 A. This was an email from Michael Wynne on September
14 21st, 2020, with an attached Excel spreadsheet that appears
15 to have individuals' names listed there with various
16 demographic information.

17 Q. Does -- does it list -- does it list names,
18 addresses, and identifying data that had been blacked-out for
19 purposes of this exhibit, but does it list names, addresses,
20 and personal data of people to be investigated and included
21 on the grand jury subpoena?

22 A. Yes, sir.

23 Q. All right.

24 MR. HARDIN: I don't understand what the
25 objection was to that, Your Honor.

1 PRESIDING OFFICER: Well, again -- go ahead.
2 I'm sorry.

3 MR. COGDELL: The objection is hearsay. It's
4 not a list created by Mr. Cammack but by Mr. Wynne, and it is
5 being offered for the truth of the matter asserted because
6 they're going to --

7 MR. HARDIN: Your Honor -- go ahead, excuse
8 me. No, I thought you were through. Go ahead.

9 MR. COGDELL: That's okay. It is going to be
10 offered for the truth of the matter asserted because
11 they're -- they're going to be arguing that these were the
12 names ultimately where subpoenas were being used on. So
13 objection, hearsay.

14 MR. HARDIN: There are a series of these, Your
15 Honor, that, first of all, not offered for the truth of the
16 matter, only that it was provided to him. We are not
17 suggesting that these people should be and were witnesses for
18 the grand jury -- should have been a grand jury subpoena.

19 But more important part is, Article XVI is a
20 conspiracy article that says that General Paxton engaged in
21 conspiracy with others. We are not alleging that they
22 engaged in a conspiracy with Mr. Cammack. We are alleging
23 that he engaged in a conspiracy with Mr. Paul and Mr. Wynne.
24 And any statements that are made in pursuant of that
25 conspiracy would be admissible whether or not it is hearsay.

1 It's an exception to the hearsay rule.

2 I know I am springing that on the Court, and
3 you might want a moment to think about it or so. But that's
4 why, A, it's not hearsay; but, B, even it were -- was, it is
5 an act in furtherance of the conspiracy.

6 MR. COGDELL: They are admissible through the
7 testimony of a coconspirator, not through Mr. Cammack who Mr.
8 Hardin admits is not a coconspirator.

9 PRESIDING OFFICER: Give us a moment.

10 MR. HARDIN: Pardon me? Okay.

11 MR. COGDELL: And just -- Judge, while
12 you're -- Mr. President, while you're considering this, I
13 would -- I would -- based upon Mr. Hardin's argument for the
14 admissibility of it, there is no suggestion that General
15 Paxton created or participated in the creation or the
16 assimilation of this exhibit.

17 PRESIDING OFFICER: Okay. Give us a moment.

18 MR. HARDIN: Your Honor, if I may, there's a
19 business records affidavit, Exhibit 547, a business records
20 affidavit for all of Mr. Cammack's files. So the idea that
21 it's hearsay goes out the window. It would have to be -- it
22 would have to be kept out for some other reason. These are
23 all -- have been certified.

24 Can we bring up -- if you would like, I'll
25 bring up the affidavit for you to look at. 547.

1 MR. COGDELL: You can't put a business record
2 on something that is -- you can't make a coconspirator
3 statement admissible or whatever through a business records
4 affidavit.

5 PRESIDING OFFICER: As you said, Mr. Hardin,
6 you didn't mean to spring this on the Court at the last
7 second, but it has -- it is to us at the last second. I
8 think this is a good time for a lunch break.

9 MR. HARDIN: Sure.

10 PRESIDING OFFICER: And give us a chance to
11 review all this.

12 MR. COGDELL: And just for your edification,
13 Mr. President, I think the majority of these -- I think,
14 Rusty -- correct me if I'm wrong, but I think the ones we're
15 objecting to are very similar to -- our objection to these is
16 going to be consistent with the majority of the other ones
17 that you want in, right?

18 PRESIDING OFFICER: That was going to be my
19 next question. Is the objection on all of these --

20 MR. COGDELL: I don't know on all of them, but
21 most of them.

22 PRESIDING OFFICER: Most of them.

23 MR. HARDIN: Yeah. His objection would cover
24 those, and our response covers all those that were kept out
25 in his records.

1 PRESIDING OFFICER: Okay.

2 MR. HARDIN: Thank you.

3 PRESIDING OFFICE: We may reach out to you
4 during the lunch break. We may not. But we will come back
5 at 1:00 p.m.

6 The witness can be excused until 1:00 p.m. Be
7 back at 1:00.

8 (Recessed for lunch at 12:00 p.m.)

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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 12th 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