

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

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

TRIAL
VOLUME 7 - AM SESSION
SEPTEMBER 13, 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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Direct

Cross

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P R O C E E D I N G S

September 13, 2023

(9:01 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: Bailiff, please bring in
9 the jury.

10 (Senator members enter the Senate chambers)

11 PRESIDING OFFICER: Will our Senator come up
12 to lead us in prayer? Senator Flores today.

13 SENATOR FLORES: Thank you, Mr. President and
14 Members.

15 Let us pray. Heavenly Father, we come to you
16 this morning thankful to know the Holy Spirit surrounds us,
17 for where two or more are gathered in your honor, you are
18 present in our midst. Time and time again you continue to
19 love us as your imperfect children.

20 Lord, I ask you to forgive us our failures and
21 sins, and through your Son we are truly forgiven and washed
22 clean in your kingdom.

23 Lord, we thank you, for you, God alone, are
24 the way, the truth, and the life everlasting.

25 Father, we come to you this morning with

1 beating hearts. May we not dismiss the gravity of our
2 actions we have here today and may we seek your wisdom,
3 discernment, patience, and just understanding.

4 Father, we ask you to clear and calm our minds
5 to be ever present here so we may have pure intent in our
6 decision making. Amen.

7 PRESIDING OFFICER: Thank you, Senator.

8 You-all may be seated.

9 To both parties, there was the thought that we
10 may have to meet this morning. Did y'all work out whatever
11 y'all were going to work out on exhibits last night?

12 MR. HILTON: Your Honor, we're still working
13 through some of those issues. We didn't get exhibits from
14 them until this morning, and so we still have some questions
15 that we're working through. I think what we've discussed is
16 that we can address those at the first break, or at least
17 that's what we're working towards.

18 PRESIDING OFFICER: All right. Thank you.

19 Members, the time clock, the House has five
20 hours, 17 minutes, two seconds remaining, with all time that
21 we gave back yesterday added already into that. Respondent
22 has nine hours, 57 minutes, and 27 seconds remaining.

23 I want to remind the jurors that no phones are
24 to be used on the floor, even during breaks. There may have
25 been a little misunderstanding of that. If you are on a

1 break and you need to make a call, you need to leave the
2 chamber. No phones should be used behind the brass rail or
3 in the court setting during -- during the time we're in
4 session.

5 Mr. DeGuerin, are you up first this morning?

6 MR. DeGUERIN: No, Your Honor.

7 Mr. Donnelly.

8 PRESIDING OFFICER: Okay. Mr. Donnelly?

9 MS. GRAHAM: Mr. President, we call Laura
10 Olson to the stand.

11 PRESIDING OFFICER: Laura Olson? The bailiff
12 will bring Laura Olson.

13 MR. COGDELL: Judge, we need to approach one
14 second.

15 PRESIDING OFFICER: Yes.

16 Hold on, Bailiff. One second.

17 Please come up.

18 (Conference at the bench off the record)

19 PRESIDING OFFICER: Members, so you're clear
20 on the rules and the agreement that we made with both parties
21 before the trial, that witnesses must be given 24-hour
22 notice. And Ms. Olson was put on the list at 3:53 yesterday,
23 so she would not be eligible until 3:53 today.

24 And the same thing applies: Either side can
25 put on a witness on their list up till noon that they can

1 call in the morning the next morning; but after that, it's
2 when they put them on the list. The defense has someone on
3 the list for later this afternoon, for example, that they
4 can't call up until then if they choose to.

5 So with that, Mr. DeGuerin.

6 MR. DeGUERIN: Yes, Your Honor. Ms. Epley
7 will call Ray Chester as the next witness.

8 PRESIDING OFFICER: Bailiff will bring in Ray
9 Chester.

10 And, Members, the reason for that was so each
11 side can prepare for a witness in time when they appear.

12 (Ray Chester entered the Senate chamber)

13 PRESIDING OFFICER: Mr. Chester, if you'll
14 raise your right hand.

15 I do solemnly swear or affirm that the
16 evidence I give upon this Senate of the Texas impeachment
17 charges against Warren Keith Paxton, Jr. shall be the truth,
18 the whole truth, and nothing but the truth, so help me God?

19 THE WITNESS: I do.

20 PRESIDING OFFICER: Please have a seat. And
21 as we encourage everyone, be close to the mic as you can.

22 THE WITNESS: I'm sorry?

23 PRESIDING OFFICER: To be as close to the
24 microphone as you can be when you speak. Thank you.

25 MS. EPLEY: May I proceed?

1 PRESIDING OFFICER: You may proceed,
2 Ms. Epley.

3 MS. EPLEY: Thank you, Mr. President.

4 RAY CHESTER,
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. EPLEY:

8 Q. Please introduce yourself to the ladies and
9 gentlemen of the Senate.

10 A. My name is Ray Chester.

11 Q. And, Mr. Chester, what do you do for a living?

12 A. I'm an attorney in private practice. I'm a partner
13 at the Austin law firm of McGinnis Lochridge.

14 Q. Are you the same Ray Chester that we might have
15 heard connected to the Mitte Foundation and issues with the
16 Office of the Attorney General in 2020?

17 A. Yes. I've represented the Mitte Foundation since
18 2016.

19 Q. And where is the Mitte Foundation located?

20 A. Currently they're mainly located in Brownsville.

21 Q. Okay. What does the Mitte Foundation do?

22 A. Currently -- well, they were started by Roy Mitte
23 who grew up dirt poor in Brownsville and a self-made man.
24 It's -- it's actually a family foundation. It's not a public
25 charity. They don't -- they don't accept public donations.

1 And for many years, they mainly provided scholarships to
2 needy students. And in recent years, they've shifted their
3 focus back to Roy's hometown of Brownsville, and they've
4 developed the Mitte Cultural District in Brownsville.

5 Q. Who runs the Mitte Foundation now?

6 A. Roy's grandson, R.J. Mitte. R.J. was born with
7 cerebral palsy. You may know him as Walt Jr. from the TV
8 show Breaking Bad. He's an accomplished actor. More
9 importantly, he's an international spokesperson on
10 disabilities and the rights of the disabled. He's worked
11 with the United Nations, the State Department, United
12 Cerebral Palsy Foundation, and he gives motivational speeches
13 to students on anti-bullying and overcoming disabilities.

14 Q. Thank you, sir.

15 The Mitte Foundation has been disparaged
16 somewhat over the last couple of days in regards to prior
17 management. How long ago were those issues?

18 A. They were in the 2000s, and the Mitte Foundation
19 received a clean bill of health in 2011 and has been squeaky
20 clean ever since.

21 Q. Has management changed since that date?

22 A. Yes. The problems were Roy's son and R.J.'s dad --

23 Q. Let me interrupt you, Mr. Chester.

24 A. I'm sorry.

25 Q. I'm sorry. I'm on a time clock, and I expect they

1 might ask you those questions.

2 A. Okay.

3 Q. What I'm trying to determine is, is there any
4 rational basis given the change of management and the time
5 frame for the Office of the Attorney General to use those
6 issues to justify intervention?

7 MR. LITTLE: Objection --

8 A. None --

9 MR. LITTLE: Objection, Mr. President, calls
10 for speculation and improper opinion by this witness without
11 a predicate.

12 PRESIDING OFFICER: Overruled.

13 Q. (BY MS. EPLEY) You may answer the question.

14 A. None whatsoever.

15 Q. Let me turn your attention quickly then to the
16 settlement from World Class Holdings that we've heard in
17 detail. What was that settlement value?

18 A. We settled in July of 2019 for ten and a half
19 million dollars.

20 Q. After the breach of contract, what did the Office
21 of the Attorney General push you to settle for at mediation?

22 MR. LITTLE: Objection, hearsay.

23 PRESIDING OFFICER: Sustained.

24 MS. EPLEY: Your Honor, if I may. He was
25 present at the interactions. It's an operative fact, and

1 it's already in the record. There is no harm from the
2 hearsay.

3 PRESIDING OFFICER: I ruled.

4 MR. LITTLE: And, Mr. President, to be clear,
5 because this may come up again, all of these conversations
6 would be privileged under Texas Rule of Evidence 408 as
7 settlement discussions as well.

8 Q. (BY MS. EPLEY) Mr. Chester, would you or the Mitte
9 Foundation have an opinion as to whether or not you're
10 interested in waiving that privilege?

11 A. We are willing to waive that privilege.

12 Q. In that case, what would the results have been of
13 you agreeing to settle at the mediation with Darren McCarty?

14 MR. LITTLE: Objection, calls for speculation
15 and hearsay.

16 PRESIDING OFFICER: Overruled.

17 A. We would have received pennies on the dollar.

18 Q. (BY MS. EPLEY) Do you have an approximate value,
19 or do you recall the number that you were pushed to accept?

20 A. The only firm offer was --

21 MR. LITTLE: Objection, Mr. President,
22 hearsay.

23 MS. EPLEY: Your Honor, it's an admission by a
24 party opponent. It was an action on behalf of Ken Paxton by
25 the Office of the Attorney General, and it's integral to the

1 facts of this case.

2 MR. LITTLE: And there are -- there is no
3 evidence of that, none.

4 MS. EPLEY: The evidence comes from the
5 witness as it always does in trial.

6 PRESIDING OFFICER: One moment.

7 Overruled.

8 Q. (BY MS. EPLEY) Let me do it this way since
9 relevant facts are already in the record for the Senate to
10 consider.

11 What is the end result considering that you
12 were able to proceed with litigation?

13 A. We are poised to wrap up the litigation. The
14 partnership properties are under contract. Mitte stands to
15 receive approximately \$23 million.

16 Q. And when you say "stands to receive," is that up to
17 whether or not Nate Paul or World Class Holdings chooses to
18 pay you?

19 A. No. Fortunately, we're not depending on that
20 because that would be fruitless. We will be paid out of the
21 sales proceeds.

22 Q. So the \$23 million will come out of the sale of the
23 property itself without any decision-making on the part of
24 Nate Paul or World Class Holdings?

25 A. Correct.

1 Q. Is that a delta of almost \$18 million in loss if
2 you had taken prior deals?

3 MR. LITTLE: Objection, leading.

4 PRESIDING OFFICER: Sustained.

5 Q. (BY MS. EPLEY) What is the difference between
6 those values and where you ended up?

7 A. It's going to be about \$17 million more than we
8 were offered when the Attorney General was involved.

9 Q. Thank you.

10 MS. EPLEY: Pass the witness.

11 PRESIDING OFFICER: Mr. Little.

12 MR. LITTLE: Mr. President.

13 CROSS-EXAMINATION

14 BY MR. LITTLE:

15 Q. Mr. Chester, how much money did your client, the
16 Mitte Foundation, invest with Nate Paul?

17 A. Three million -- well, in these two projects,
18 three million dollars. There were some other projects as
19 well.

20 Q. Okay. But the three -- the projects that are at
21 issue in the litigation we are here to talk about, the Mitte
22 Foundation invested three million dollars in charitable funds
23 with Nate Paul, correct?

24 A. With family foundation funds, yes.

25 Q. Yes. And when we say "family foundation funds,"

1 those are funds that were committed by the family to the
2 charity, true?

3 A. Yes.

4 Q. Okay. And of those three million dollars that were
5 invested in this program with Nate Paul, which is -- it's
6 really a private equity real estate deal, right?

7 A. It's a limited partnership.

8 Q. Yeah, which we generally refer to as a private
9 equity deal, right?

10 A. There's a slight nuance difference, but it's
11 similar.

12 Q. Yeah, it's very similar. You -- you're in business
13 litigation, correct?

14 A. Yes.

15 Q. You've been in business litigation a long time,
16 right?

17 A. Yes.

18 Q. How many years?

19 A. Well, I've -- I've focused on commercial litigation
20 about the last ten years. Before that I did other things.

21 Q. Okay. I just want to make sure that I can
22 harmonize this for everybody. The Mitte Foundation invested
23 three million dollars with Nate Paul, and they're going to
24 get \$23 million back, right?

25 A. Right. We invested in 2010, 2011, yes, sir.

1 Q. Right. So who at the charity made the decision to
2 invest charitable funds in a private equity real estate deal?

3 A. That would have been the board at the time.

4 Q. And how many years did you say you've been doing
5 business litigation?

6 A. You know, full time, ten; off and on, my whole
7 career.

8 Q. Okay. Have you ever seen a charity make a three
9 million dollars investment in a private equity real estate
10 deal before this?

11 A. Yes, sir.

12 Q. Yeah? Do you remember the circumstance?

13 A. No. And I don't think it was exactly three
14 million, but I just don't think it's an uncommon occurrence.
15 They actually had four successful investments with Mr. Paul
16 before his troubles arose.

17 Q. I -- I want to make sure that the jury heard that
18 because I don't think I heard it very clearly. What did you
19 just say?

20 A. I said that they had a total of six investments,
21 and the first three they made money on. The fourth one he
22 tried to swindle them. They still made money. And now
23 there's two remaining.

24 Q. Okay. But the one that you're saying Nate Paul
25 tried to swindle them on, that's the one they're going to

1 make \$23 million -- they're going to make -- I'm sorry.

2 You're shaking your head at me.

3 A. No, I -- I may have misled you. The last two are
4 the ones that they're going to make 23 million on. The
5 fourth one was the one he tried to swindle them on.

6 Q. Okay. That has nothing to do with the litigation?

7 A. Not really, no.

8 Q. So the Mitte Foundations have been long-time -- the
9 Mitte Foundation has been a long-time investor with Nate Paul
10 before having anything to do with the Attorney General; is
11 that right?

12 A. Yes.

13 Q. Okay. During the pendency of your representation,
14 has leadership of the Mitte Foundation changed?

15 A. Yes.

16 Q. And do you know a man named Dilum -- Dilum
17 Chandrasoma?

18 A. I do.

19 Q. And he is no longer with the foundation; is that
20 right?

21 A. That's right.

22 Q. And what were the circumstances, Mr. Chester, under
23 which he exited that --

24 A. He was --

25 Q. -- foundation?

1 A. He was arrested in 2019 for a domestic incident.
2 The charges were later dropped, but we immediately asked him
3 to resign.

4 Q. He was accused of beating his wife and son, I
5 think?

6 A. I don't know the details, but it was some type of
7 domestic violence incident.

8 Q. Something like that?

9 A. Charges were dropped though.

10 Q. I see. On a -- on an affidavit of nonprosecution
11 I'm sure by his family, true?

12 A. I don't know, but we asked him to retire
13 nonetheless.

14 Q. Now, by the time the AG's Office intervened in your
15 pending action, your client had spent almost \$800,000 or so
16 with you, true?

17 A. Right. Most of that after --

18 MS. EPLEY: Objection, Your Honor,
19 relevance.

20 PRESIDING OFFICER: Overruled.

21 A. Right. Most of that after Mr. Paul defaulted on a
22 settlement, yes.

23 Q. (BY MR. LITTLE) Okay. So just to be clear, your
24 law firm charged -- and I want to make sure that we have this
25 in order. These are charitable funds that the foundation is

1 paying you with, right?

2 A. Yes.

3 Q. And you had charged that client almost \$800,000,
4 right?

5 A. At reduced rates --

6 MS. EPLEY: Objection, Your Honor.

7 A. -- since it was a charity.

8 MS. EPLEY: I'm sorry. Objection, Your Honor,
9 relevance. If I could take him on a brief voir dire, I would
10 be able to establish why attorney's fees are irrelevant to
11 any conversation here.

12 MR. LITTLE: Mr. President, we don't voir dire
13 on relevance. The clear relevance of this is, this is how
14 the Mitte Foundation uses its money. It's at issue on
15 direct; it's at issue now.

16 PRESIDING OFFICER: Overruled.

17 MS. EPLEY: It is also recuperate --

18 PRESIDING OFFICER: Overruled.

19 Q. (BY MR. LITTLE) Okay. So you were charging, I
20 believe, \$450 an hour to the foundation, right?

21 A. At that time, yes.

22 Q. And that's well below your rack rate of 625 at the
23 time, right?

24 A. Might have been 715 at the time. But, yes, it was
25 well below my normal rate.

1 Q. And what's your rate now?

2 A. My standard rate is 715.

3 Q. Okay. And you had already -- by the point the
4 OAG's office intervened in the dispute, you had already gone
5 through a AAA arbitration, correct?

6 A. We were just getting going in a AAA arbitration.

7 Q. And I'm sorry, this is -- you and I are both
8 business litigators, so this may be a little inside baseball,
9 but AAA is American Arbitration Association, yes?

10 A. Right.

11 Q. Yes. And so what had happened was, you on behalf
12 of your client filed a AAA proceeding to arbitrate a dispute
13 with Nate Paul's businesses, right?

14 A. Actually, Nate Paul filed it, but yes.

15 Q. But you had counterclaims, right?

16 A. Yes, we did.

17 Q. And you prevailed, right?

18 A. We won, yes.

19 Q. But to be fair, you never gave the Attorney
20 General's Office notice of that proceeding as is required by
21 law, true?

22 A. I believe the law requires notice of a lawsuit, and
23 there was a lawsuit, and I was a little late giving them
24 notice.

25 Q. You were probably close to a year late, right,

1 something like that?

2 A. I --

3 Q. I'm not --

4 A. Yes. However, the lawsuit was dormant for most of
5 that year, but yes.

6 Q. I'm not being accusatory. You -- you just didn't
7 know.

8 A. I didn't know.

9 Q. Yeah.

10 A. The judge -- the judge told me -- she was the
11 former head of charitable trusts, and she said, Have you
12 given the AG's Office notice? I'm like, Oh, my God, and so I
13 sent it the next day.

14 Q. Of course, of course. So the pendency of the
15 intervention by the Attorney General's Office, it lasted a
16 total of about three months, right?

17 A. Approximately.

18 Q. Okay. Between us business litigators, three months
19 is nothing in the life of business litigation, is it?

20 A. Well, this has been going on five years, so I
21 recognize your point. But those were some crucial three
22 months that cost us a lot of time and money.

23 Q. Well, I want to talk about what happened during
24 that period of time. So at some point, the Office of the
25 Attorney General intervened, and that's -- well, why don't we

1 just go ahead and pull it out so everybody has it in the
2 record. I'm going to show you what's been previously marked
3 as Exhibit AG 156.

4 MR. LITTLE: May I approach the witness, Your
5 Honor?

6 PRESIDING OFFICER: Yes.

7 THE WITNESS: Am I doing okay with the
8 microphone?

9 PRESIDING OFFICER: Yes, you are. Very well.

10 THE WITNESS: Thank you.

11 MR. LITTLE: Now, if you would, Mr. Arroyo,
12 Exhibit AG 156. Thank you.

13 Q. (BY MR. LITTLE) And, Mr. Chester, just tell the
14 jury, when was this filed?

15 A. June 8th of 2020, ten days after the stay was
16 lifted.

17 Q. Okay. Now I'm going to hand you a really big
18 document.

19 A. Oh, my Lord.

20 Q. I know. That's what I said too.

21 Now, this is the transcript of the hearing on
22 your motion for sanctions, okay?

23 A. Okay. Which -- which one? We had about eight of
24 those.

25 Q. You got a bunch of them, right?

1 This one is from June 25, 2020, 17 days after
2 the AG's Office intervened.

3 A. Okay.

4 Q. It's marked as AG Exhibit 13.

5 PRESIDING OFFICER: Mr. Little, are you
6 entering this into evidence?

7 MR. LITTLE: I am, Mr. President. This is AG
8 Exhibit 13. We move for admission.

9 MS. EPLEY: No objection.

10 PRESIDING OFFICER: I was glad you say you
11 didn't want to read it. We would have been here for awhile.

12 No objection, enter 0013 into evidence.

13 (AG Exhibit No. 13 was admitted)

14 MR. LITTLE: Thank you.

15 Q. (BY MR. LITTLE) Now, Mr. Chester, as a litigator,
16 if the AG's Office were going to intervene to help Nate Paul,
17 your motion for sanctions and the receiver's motion for
18 contempt and sanctions is probably a pretty good time to do
19 it, huh?

20 A. I couldn't comment on that.

21 Q. Well, why don't you hold --

22 A. I'm not -- I'm not sure what you mean.

23 Q. This is 433 pages. Why don't you just hold this
24 booger up for the jury, if you would. Hold it up for them so
25 they can see it.

1 A. The transcript is only about a first third; the
2 rest of it's exhibits, but --

3 Q. Yes. And this was a lengthy hearing. You argued,
4 you introduced evidence, offered and admitted it, true?

5 A. Yes, sir. I did my best.

6 Q. It looks like you did. It looks you did a very
7 good job. You won this hearing, right?

8 A. I believe so, yes.

9 Q. Did the Office of the Attorney General fight for
10 Nate Paul on any of it?

11 A. Not in this hearing.

12 Q. They didn't try to keep them out of contempt; they
13 didn't try to keep them out of discovery sanctions, did they?

14 A. Not in this hearing.

15 Q. At some point in time toward the end of the June --
16 toward the end of June, so maybe about three weeks or so, two
17 to three weeks after the intervention, you were contacted
18 about doing a mediation by someone at the AG's Office, true?

19 A. I was contacted almost daily about that from --
20 from the moment the intervention was filed.

21 Q. And to be clear for the jury who may or may not be
22 civil litigators -- I know some of them are -- mediation is
23 just a formal settlement conference presided over by a
24 mediator, yes?

25 A. Right. This would have been our third one in this

1 case.

2 Q. Yes. And so what the AG's Office was proposing was
3 to have the parties, the Mitte Foundation and the Nate Paul
4 entities, come together with a mediator to see if they could
5 reach a settlement, true?

6 A. Yes. It would have been the third mediation, and
7 we had already settled the case. But yes, sir, you are
8 correct.

9 Q. Okay. And to be clear, one of -- you could not
10 settle the case, correct?

11 A. Explain, please.

12 Q. Yeah. You couldn't settle the case, and one of the
13 reasons was your other SEC attorneys or -- well, let me --
14 let me try to back into this a little bit differently.

15 How many lawyers do you have at McGinnis
16 Lochridge?

17 A. 70 or so.

18 Q. Do you have securities enforcement attorneys?

19 A. Securities enforcement attorneys, no, we do not.

20 Q. Okay. Do you have securities litigators at your
21 firm?

22 A. You're -- you're looking at him.

23 Q. I'm looking at him?

24 A. Yes, sir.

25 Q. You're a man of many talents, aren't you? So --

1 A. I know a little bit about everything and not a lot
2 about anything.

3 Q. That's great. Speaks very highly of you.

4 So, Mr. Chester, at this point in time, one of
5 the concerns that you had was back in 2019 when Nate Paul was
6 raided, the SEC had someone involved in that raid, true?

7 A. That was -- yes.

8 Q. And one of your concerns about settling the case by
9 the Mitte Foundation against Nate Paul and his entities was
10 that if the SEC sued Nate Paul and got a receiver appointed,
11 that receiver might try to disgorge the settlement, yes?

12 A. We call that clawback, and that was a concern.

13 Q. Yes. And it was a concern that you had and a very
14 good reason not to settle, true?

15 A. And I expressed that to the Attorney General's
16 Office on multiple occasions, yes, sir.

17 Q. To whom at the Attorney General's Office?

18 A. Josh Godbey and Darren McCarty.

19 Q. And Darren McCarty was -- well, you used a word to
20 describe him in your testimony before the House, right?

21 A. That was --

22 Q. What word did you use?

23 A. That was indiscreet.

24 Q. What word did you use to describe him?

25 A. It begins with an A and it ends with an E and it

1 has seven letters.

2 Q. Okay. But you don't have any evidence that Ken
3 Paxton ordered him to be an a-hole to you, do you?

4 A. Other than what Mr. McCarty told me.

5 Q. Oh, other than what Mr. McCarty told you, no?

6 A. Right.

7 Q. Okay. To be clear, maybe Darren McCarty was just
8 born that way, right?

9 A. Or maybe he was just doing what he was told.

10 Q. But you don't know either way, do you?

11 A. I don't know either way.

12 Q. I didn't think so.

13 At some point in time, bankruptcy entered the
14 discussion in this litigation, true?

15 A. Mr. Paul filed bankruptcy five minutes before the
16 deposition of his vice president of accounting, yes, sir.

17 Q. Okay. And what -- just tell the ladies and
18 gentlemen of the jury, what happens when you file a
19 bankruptcy petition on behalf of an entity in litigation?

20 A. There's an automatic stay in all litigation
21 involving that entity.

22 Q. Okay. I'm going to approach you with what has been
23 mark as Exhibit AG 212. And while I'm up there, I'm going to
24 give you AG 41, too to save time. Okay?

25 A. Okay.

1 MR. LITTLE: Mr. President, we move for
2 admission of Exhibits AG 212 and 41.

3 PRESIDING OFFICER: 41 has been preadmitted,
4 so it's on our books.

5 MR. LITTLE: Thank you, Mr. President.

6 PRESIDING OFFICER: 212, any objection?

7 MS. EPLEY: No, Your Honor. Like most
8 exhibits, these match things we would produce on our own.

9 MR. LITTLE: Mr. Arroyo, if you would, Exhibit
10 AG 212.

11 PRESIDING OFFICER: Please admit 212 into
12 evidence.

13 (AG Exhibit No. 212 was admitted)

14 Q. (BY MR. LITTLE) Exhibit 212 is a letter from you,
15 true?

16 A. Yes, sir.

17 Q. Okay. And you -- you're writing to Elizabeth
18 Deichmann. Who is Elizabeth Deichmann?

19 A. She was a court administrator for one of the judges
20 in Travis County district court.

21 Q. Okay. And you're notifying her of removing a -- a
22 briefing deadline, I guess, as a result of a bankruptcy
23 filing; is that right?

24 A. Yes. When -- as we discussed, when the automatic
25 stay kicks in and everything stops, but the judges don't

1 necessarily know that, so it's customary to notify them.

2 Q. Okay. So I just want to be clear. For one of the
3 months -- one of the three months that the AG was intervened
4 in this lawsuit, it was subject to the automatic stay, right?

5 A. Right, although we were litigating like crazy in
6 bankruptcy court.

7 Q. Yeah. But AG wasn't part of that, true?

8 A. I don't believe so.

9 Q. They were a noticed party, but they weren't part of
10 the litigation in bankruptcy court, true?

11 A. I don't believe they appeared in bankruptcy court.

12 Q. Okay. So to be fair, you're litigating with this
13 guy on behalf of the Mitte Foundation all over the place,
14 AAA, state district court, multiple -- multiple lawsuits,
15 bankruptcy court.

16 A. Eight appeals.

17 Q. Eight appeals. And all that's with charitable
18 money, right?

19 A. Yes, sir.

20 Q. Okay.

21 A. Trying to get our charitable money back, yes, sir.

22 Q. And -- I believe you. And it sounds like you're
23 going to get over seven times the initial capital outlay
24 back, right?

25 A. Long, hard fight, but yes, sir.

1 Q. Okay. And to be clear for the ladies and gentlemen
2 of the jury, in the previous two months before that
3 bankruptcy filing by Nate's entity -- Nate Paul's entity in
4 this litigation, the AG's Office was trying to foster a
5 settlement between the parties, true?

6 A. Yeah, they were trying to force a settlement on us.

7 Q. When you say "force," they can't force you to do
8 anything, can they?

9 A. They were applying pressure. They did not -- they
10 weren't successful, but they tried.

11 Q. They couldn't force you to do anything, could they?

12 A. I'll stand by my previous answer. They were
13 trying, but they could not force us.

14 Q. I appreciate your answer, but I need an answer to
15 my question.

16 A. Okay.

17 Q. The Office of the Attorney General could not force
18 you to settle anything, true?

19 A. No. Just pressure us.

20 MR. LITTLE: No further questions.

21 PRESIDING OFFICER: Redirect?

22 MS. EPLEY: No, Mr. President. Thank you.

23 PRESIDING OFFICER: Are both sides excusing
24 the witness?

25 MS. EPLEY: Yes, Your Honor.

1 MR. LITTLE: We release this witness.

2 PRESIDING OFFICER: Thank you.

3 THE WITNESS: Thank you, Mr. President.

4 MS. EPLEY: The House calls Andrew Wicker.

5 PRESIDING OFFICER: Bailiff, bring in Andrew
6 Wicker.

7 (Andrew Wicker entered the Senate chamber)

8 PRESIDING OFFICER: Mr. Wicker, please raise
9 your right hand.

10 I do solemnly swear or affirm that the
11 evidence I give upon this hearing by the Senate of Texas of
12 impeachment charges against Warren Keith Paxton, Jr. shall be
13 the truth, the whole truth, nothing but the truth, so help me
14 God?

15 THE WITNESS: I do.

16 PRESIDING OFFICER: Please be seated.

17 MS. EPLEY: May I proceed, Mr. President?

18 PRESIDING OFFICER: You may proceed.

19 MS. EPLEY: Thank you.

20 ANDREW JAMES WICKER,
21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. EPLEY:

24 Q. Please state your name for the record.

25 A. Andrew James Wicker.

1 Q. Mr. Wicker, it's a large room. Yeah.

2 A. Okay. Andrew James Wicker.

3 Q. Thank you. I appreciate it.

4 Tell us a little bit about your background.

5 Where did you grow up? Where did you go to school?

6 A. I went to school at Prestonwood Christian Academy.

7 That's where I graduated from high school. I grew up in

8 Prosper, Texas, a little town north of Frisco, Texas, in

9 north Dallas.

10 Q. Let me pause you for a moment.

11 A. Okay.

12 MS. EPLEY: Can y'all hear him well enough?

13 A. No? Okay. How about this?

14 Q. (BY MS. EPLEY) Thank you. Much better.

15 A. All right.

16 Q. Please, go ahead.

17 A. My name is Andrew James Wicker. I grew up in

18 Prosper, Texas. I grew up going to school at Prestonwood

19 Christian Academy which is where I graduated from high

20 school. I then continued on to go to SMU for undergrad, and

21 then I went on to a graduate degree at Georgetown University.

22 Q. Okay. Can you tell us a little bit about what

23 activities you were involved in in college or in -- while

24 getting your master's?

25 A. In terms of my involvement in college, my first job

1 was working for Don Huffines on his Senate campaign. And
2 then I continued on to later be involved with founding the
3 Young Americans for Freedom chapter at SMU where I served as
4 vice president. And then I helped refound the College
5 Republicans for SMU.

6 I ended up working with several student
7 organizations on a 9-11 flag memorial and pro-life memorial.
8 We had a tiff, I would say, with the administration. And so
9 I got involved in politics in that way. And then I continued
10 on to Georgetown and landed in D.C. for my graduation. And
11 then I went to work for General Paxton.

12 Q. Okay. Do you recall approximately what time or the
13 date that you went to work for Ken Paxton?

14 A. My employment with the OAG started September of
15 2019.

16 Q. How did you originally meet Mr. Paxton?

17 A. I had met General Paxton previously both as my
18 state senator but also as the Attorney General at various
19 Lincoln Reagan Day Dinners. In terms of my employment and
20 the opportunity to start working for him, I met him through
21 Marc Rylander who was a previous associate in North Texas in
22 terms of my community. And I was recommended for the
23 position by Marc Rylander to General Paxton. And that's
24 whenever I met him at the Marriott Marquis in D.C., and I was
25 hired.

1 Q. Okay. If Jeff Mateer was the first assistant, did
2 Mr. Rylander have a nickname as well?

3 A. He was known commonly as the first friend.

4 Q. Okay. And through that connection, you end up
5 working at the Office of the Attorney General in what role?
6 What did you do?

7 A. My title was executive aide to the Texas Attorney
8 General, and then I was also on the campaign staff as well.

9 Q. And what does an executive aide do?

10 A. My responsibilities expanded and contracted as --
11 as I also had to assume scheduling responsibilities. We had
12 two schedulers during my time there. Whenever we did not
13 have a scheduler, I assumed those responsibilities. But my
14 standard job responsibilities during -- whenever I was
15 performing the functions as an executive aide was to ensure
16 that the General was going to his schedule on time, that he
17 was prepared for those appointments, and that -- and that he
18 had all necessary documents and context to the -- to the
19 discussions that he was having for that day.

20 Q. That sounds like a great deal of access to the
21 Attorney General; is that fair?

22 A. Yes.

23 Q. Approximately how much time did you spend with each
24 other in any given day?

25 A. At least eight hours, normally closer to probably

1 ten.

2 Q. And was that just weekdays or weekends as well?

3 A. That would include weekends.

4 Q. How often was Attorney General Ken Paxton in
5 Houston -- I mean, in Austin in 2020?

6 A. This was during COVID. So after probably the first
7 three or four weeks of COVID setting in, he spent the
8 majority of his time in Austin starting in probably about
9 April, May time frame through the remainder of 2020.

10 Q. And where was Senator Angela Paxton?

11 A. She regularly split her time both between their
12 home in McKinney and in Austin.

13 Q. What was your relationship with the Paxtons
14 individually and as a couple?

15 A. Individually, I would call General Paxton as -- as
16 a friend. I spent a great deal of time with him. He and I
17 bonded over a good number of activities, such as watching
18 football, sometimes talking politics, but just -- just
19 talking life.

20 With Senator Paxton, I would say that she was
21 nothing but loving and caring. I think she also understood
22 that the demands of the job kept me away from my family. So
23 in many ways, she was kind and understanding in the way that
24 a mother would be normally.

25 As a couple, I would say that they were

1 incredibly welcoming and caring to me and always inclusive.

2 Q. So fair to say there's no animosity or bad blood
3 between you and the Paxtons?

4 A. Not from me, no.

5 Q. Are you part of some vast conspiracy to harm them?

6 A. No.

7 Q. Are you in league with TLR or the Bushes?

8 A. No.

9 Q. Are you here to tell the truth?

10 A. Yes.

11 Q. I'm going to turn your attention to Nate Paul. Are
12 you familiar with that name?

13 A. Yes.

14 Q. How so?

15 A. During 2020 I was introduced to Nate Paul, and
16 there were a number of activities and discussions that
17 revolved around Nate Paul throughout 2020.

18 Q. Can you tell me the first time you remember hearing
19 of Nate Paul or meeting him?

20 A. The first time I remember meeting Nate Paul would
21 have been February or March of 2020. General Paxton and I
22 met him for lunch at Terry Black's Barbecue.

23 Q. Was it just the three of you?

24 A. It was.

25 Q. And what was the topic of conversation?

1 MR. BUZBEE: Objection, hearsay.

2 MS. EPLEY: Your Honor --

3 PRESIDING OFFICER: Sustained.

4 MS. EPLEY: May I please respond? Anything
5 from Ken Paxton is an admission by a party opponent. Nate
6 Paul is very clearly tied to a conspiracy, at least in terms
7 of the evidence before this Senate, and Drew Wicker is
8 available for cross-examination. None of that evidence is
9 hearsay.

10 MR. BUZBEE: Again, Your Honor, the question
11 she asked, she did not specify who was talking. Anything
12 Nate Paul may or may not have said would be hearsay.

13 PRESIDING OFFICER: Sustained.

14 Q. (BY MS. EPLEY) In the course of getting to know
15 Nate Paul and Ken Paxton, as a friendship -- let me do this
16 differently.

17 How were the interactions between Nate Paul
18 and Ken Paxton?

19 A. I'm sorry. Can you state this question again?

20 Q. Yes, sir. What was the relationship like between
21 Nate Paul and Ken Paxton?

22 MR. BUZBEE: Objection, Your Honor,
23 speculation. He can -- he can testify about what he saw and
24 maybe what he heard from Ken Paxton, but that's the extent of
25 it.

1 MS. EPLEY: It's foundational evidence, Your
2 Honor. He can testify to his rational perception of the
3 facts.

4 PRESIDING OFFICER: Sustained.

5 Q. (BY MS. EPLEY) Did you see the two of these men
6 interact with one another?

7 A. Yes.

8 Q. And what did you see in terms of their demeanor?

9 A. A cordial relationship.

10 Q. Did Mr. Paxton look to be under pressure to you?

11 A. No.

12 Q. Now, I'm going to turn your attention to the second
13 time you had lunch with them. Do you recall that?

14 A. Yes.

15 Q. And where was that?

16 A. That was at Polvos downtown in Austin.

17 Q. Do you recall approximately when?

18 A. This would have been May-June time frame.

19 Q. Okay. And was anybody else present for that lunch?

20 A. Ryan Bangert.

21 Q. Does Mr. Bangert work for Attorney General Ken
22 Paxton at that point?

23 A. He did.

24 Q. Is he there in his personal capacity or as part of
25 his job duties?

1 A. He was asked by the General to attend as part of
2 his job responsibilities.

3 Q. And what was the topic of that conversation?

4 A. The Mitte Foundation.

5 Q. Did anything change in regards to what Mr. Paul
6 wanted between the first and the second lunch?

7 MR. BUZBEE: Objection, Your Honor. This
8 calls for hearsay again.

9 MS. EPLEY: Your Honor, if I may. I would
10 really appreciate it if you would look at 801(e)(2)(D)
11 specific to coconspirator statements.

12 MR. BUZBEE: Your Honor, there's no evidence
13 of any silly conspiracy. This is hearsay.

14 MS. EPLEY: This entire trial has been about a
15 conspiracy, Your Honor.

16 PRESIDING OFFICER: Sustained.

17 Q. (BY MS. EPLEY) Who paid for lunch?

18 A. Nate Paul.

19 Q. How did you perceive their demeanor and
20 interactions with one another, hostile or friendly?

21 A. Between Nate Paul and Ken Paxton?

22 Q. Yes, sir.

23 A. Friendly.

24 Q. What about Ryan Bangert? How was his demeanor?

25 A. Inquisitive.

1 Q. Did he seem to agree with what it is they wanted?

2 MR. BUZBEE: Objection, Your Honor,
3 speculation. We've heard already from Mr. Bangert.

4 MS. EPLEY: That is exactly why it's relevant,
5 Your Honor.

6 MR. BUZBEE: It's speculation.

7 MS. EPLEY: He attacked the credibility of
8 Mr. Bangert. So it is not only not hearsay because he's a
9 representative working for Attorney General Ken Paxton who
10 would have adopted a belief in or offered contrary
11 information to, in addition to that, it's a consistent
12 statement used to rehabilitate Ryan Bangert because of their
13 attacks.

14 MR. BUZBEE: Your Honor, I'm sorry to belabor
15 this, but Mr. Bangert testified. And to have this witness
16 tell us what Mr. Bangert's attitude was about some lunch
17 three or four years ago is just improper.

18 MS. EPLEY: Time frame has nothing to do with
19 exceptions to hearsay, Your Honor.

20 PRESIDING OFFICER: Overruled.

21 MS. EPLEY: Thank you.

22 Q. (BY MS. EPLEY) Can you please tell me what Ryan
23 Bangert was saying in response to this conversation?

24 MR. BUZBEE: Okay. Your Honor, now she
25 changed the question and she --

1 MS. EPLEY: I'm entitled to do that.

2 MR. BUZBEE: Let me finish my objection,
3 please.

4 Now she -- instead of the witness answering
5 the last question, now she's asked a clearly hearsay
6 question.

7 MS. EPLEY: I went more specifically at it
8 after the Court's ruling, which I'm entitled to do.

9 MR. BUZBEE: She cannot ask this witness what
10 Ryan Bangert said.

11 MS. EPLEY: I --

12 MR. BUZBEE: She just can't do that, and
13 that's what she just did.

14 PRESIDING OFFICER: Sustained.

15 MS. EPLEY: Thank you, Your Honor.

16 Q. (BY MS. EPLEY) I'm going to turn your attention to
17 the third lunch involving Nate Paul and Ken Paxton. Can you
18 tell me when that was?

19 A. This would have been June-July time frame.

20 Q. Of 2020?

21 A. Yes, ma'am.

22 Q. And who was present at that lunch?

23 A. General Paxton, myself, and Nate Paul.

24 Q. What was the topic of conversation for this lunch?

25 A. The FBI raid on Nate Paul's home and office.

1 Q. Specifically access to the affidavit underlying
2 that search warrant?

3 MR. BUZBEE: Objection, leading. And again,
4 Your Honor, I'm sorry to interrupt, but she's asking about
5 what Nate Paul said at a lunch. That's improper, and that
6 would be hearsay.

7 MS. EPLEY: Your Honor, may we approach?

8 PRESIDING OFFICER: You may approach.

9 (Conference at the bench off the record)

10 MS. EPLEY: Mr. President, I'm sorry to
11 interrupt, but I would like to ask for some time back and to
12 stop the clock, please.

13 PRESIDING OFFICER: The clock stopped when you
14 came up.

15 MS. EPLEY: Thank you.

16 (Pause in proceedings)

17 PRESIDING OFFICER: We will sustain the
18 objection.

19 MS. EPLEY: May I proceed?

20 Q. (BY MS. EPLEY) Outside of those three lunches in
21 which you ate with Nate Paul and Ken Paxton, did you have
22 occasion to be around them on other -- on other times, other
23 occasions?

24 A. Yes.

25 Q. And what kind of things would you do together?

1 Where would you see them together?

2 A. There were two types of instances. The first was
3 continued lunches, usually at Polvos. The second was meeting
4 at Nate Paul's place of business, and I -- I was not part of
5 those discussions whenever those did occur.

6 Q. So to make sure that I understand, there would be
7 times you were at lunch but not seated at the table and
8 eating with them?

9 A. That's correct.

10 Q. How many times did that occur?

11 A. Dozen, dozen and a half.

12 Q. And what about trips to Nate Paul's business, how
13 many times do you recall that happening?

14 A. At least a half dozen.

15 Q. Were you ever at Nate Paul's home?

16 A. No.

17 Q. And did you ever see Nate Paul join Ken Paxton at
18 the office?

19 A. Only once.

20 Q. Okay. We'll come back to that in a moment.

21 MS. EPLEY: Your Honor, at this time the House
22 offers House Exhibit 704, which is a public record. It is
23 already on file, and there's a business records affidavit
24 attached that has been on file with the Court and defense for
25 over 14 days.

1 PRESIDING OFFICER: Any objection once you
2 read that?

3 MR. BUZBEE: Your Honor, there's a facial --
4 facial problem on this exhibit. It claims an affidavit
5 proving up 12 pages of records, but apparently there's 23. I
6 don't know if there's anything in here that matters, but the
7 affidavit is improper and obviously inaccurate, unless
8 somebody wants to correct me.

9 MS. EPLEY: Your Honor, it's a record of the
10 Texas Department of Public Safety. And pursuant to the rules
11 related to public records, it would be incumbent upon
12 Mr. Buzbee to establish why he thinks the records would be
13 inaccurate. Also, the page count is likely attributable to
14 the fact that photographs were enlarged and attached.

15 MR. BUZBEE: Again, Your Honor, she's the
16 proponent of this document. It says it's 12 pages. It's not
17 12 pages. I mean, that right there gives us some element of
18 maybe it's not trustworthy and it's -- she's the proponent.
19 She needs to show us why the affidavit doesn't match the
20 documents attached. That's her job.

21 MS. EPLEY: Your Honor, I'm confident in my
22 response as it exists, but let me speak to my co-counsel out
23 of a moment of respect.

24 MR. BUZBEE: May I approach and give the Court
25 a copy of what I'm looking at?

1 MS. EPLEY: I would also add that at the
2 conclusion of each of the records is a notification that it's
3 a certified copy. It comes in in three different exceptions
4 to hearsay: business record, public record, and it's a
5 certified copy.

6 Additionally, I emphasize that the Attorney
7 General works for the State of Texas, and these are State of
8 Texas records. It's intellectually dishonest for him to
9 fight them.

10 (Pause in proceedings)

11 MS. EPLEY: Mr. President, while you're
12 considering, can I also ask that the clock be stopped and we
13 returned about ten minutes between the last two sections of
14 this? It's an excellent defense strategy, but it's slowing
15 us down since we agreed to all of their exhibits and they
16 would not for ours.

17 MR. BUZBEE: Your Honor, I'm -- I'm sorry.
18 I've got to -- I mean, this is important. First off, I've
19 been called intellectually dishonest because I look at an
20 affidavit that says 12 pages and it's 23 and now that we're
21 playing games because they're offering an exhibit that's
22 clearly not what they claim it is. So I -- I'm just making
23 my objections, and that's all I'm doing.

24 PRESIDING OFFICER: Yes. You stipulated it
25 was 12; it's 23.

1 MS. EPLEY: Yes.

2 PRESIDING OFFICER: So I am going to overrule
3 the objection because there are five large photographs that
4 may account for it and it is a government document, but I'm
5 not giving you back the time because if you had explained
6 this up front, we wouldn't be having this -- this issue.

7 MS. EPLEY: That seems fair, Mr. President.
8 I'll go faster.

9 PRESIDING OFFICER: Overruled. Here's your
10 document back.

11 MS. EPLEY: Stacey, would you turn to -- don't
12 publish it yet, but --

13 PRESIDING OFFICER: 704 is admitted into
14 evidence.

15 (HBOM Exhibit No. 704 was admitted)

16 MS. EPLEY: -- turn to the picture we
17 discussed.

18 Q. (BY MS. EPLEY) If we were to show you a picture of
19 Nate Paul, would you be able to identify him?

20 A. Yes.

21 Q. And are you going to feel like I've led you, or if
22 I show you the wrong picture, will you correct it?

23 A. Yes.

24 Q. Yes, you'll correct me?

25 A. Yes, I will correct you.

1 Q. Thank you, sir.

2 MS. EPLEY: Permission to publish?

3 PRESIDING OFFICER: Yes.

4 Q. (BY MS. EPLEY) Who do you see on the screen before
5 you?

6 A. That is Nate Paul.

7 Q. And is this the same person that was having lunch
8 with Ken Paxton on those occasions and whose office that you
9 visited?

10 A. It was.

11 Q. And is this the same person who is currently facing
12 charges in the federal courts?

13 MR. BUZBEE: Objection, hearsay and relevance.

14 PRESIDING OFFICER: Sustained.

15 Q. (BY MS. EPLEY) Is this the same person who was
16 discussing the Mitte Foundation in front of you?

17 MR. BUZBEE: Objection, hearsay. We've
18 already discussed this. This is hearsay.

19 MS. EPLEY: He was having the conversation
20 with Ken Paxton who is a party opponent, Your Honor. And
21 again, I would direct you to 803 -- or, excuse me, 801(e) --

22 PRESIDING OFFICER: Overruled.

23 MS. EPLEY: Thank you.

24 Q. (BY MS. EPLEY) Is this the same person who was
25 discussing Mitte with you and Ken Paxton?

1 A. Yes.

2 Q. The same person who discussed that in front of Ryan
3 Bangert?

4 A. Yes.

5 Q. And was he making requests or pressure upon the
6 office?

7 MR. BUZBEE: Objection, hearsay.

8 PRESIDING OFFICER: Overruled.

9 Q. (BY MS. EPLEY) What kind of things was he asking
10 the office to do?

11 MR. BUZBEE: Objection, Your Honor. That's
12 hearsay.

13 MS. EPLEY: Let me go back and do it exactly
14 the same way that he just overruled.

15 Q. (BY MS. EPLEY) Is this the same person who was
16 talking to Nate Paul and Ken Paxton about Mitte?

17 A. Yes.

18 Q. And what kind of things was he asking the office to
19 do?

20 MR. BUZBEE: Objection, assumes facts not in
21 evidence. No one's established he was asking for anything.
22 Hearsay.

23 Q. (BY MS. EPLEY) What was he asking of the office?

24 MR. BUZBEE: Again, Your Honor, she just asked
25 the exact same question. Hearsay and assumes facts not in

1 evidence.

2 MS. EPLEY: I understand why he doesn't want
3 this in, Your Honor, but can we stop the clock again?

4 PRESIDING OFFICER: No, we're not going to
5 stop the clock each moment we're having throughout the trial.
6 If there's a long delay, I will stop the clock and give you
7 time back.

8 I'm going to sustain the objection. And both
9 sides need to stop the ongoing speaking objections.

10 MS. EPLEY: Yes, Your Honor.

11 May I get a clarification? A moment ago it
12 was overruled and then sustained. Is Nate Paul going to be
13 considered a coconspirator for the purpose of this line of
14 questioning or not?

15 MR. BUZBEE: Your Honor, before you -- if I
16 could. A conspiracy requires an agreement. Can I take the
17 witness on voir dire to establish there's never an agreement?

18 A conspiracy at its heart requires an
19 agreement between two parties and then acts in furtherance of
20 the conspiracy. There's been no evidence whatsoever in this
21 trial, there can be no evidence in this trial of any
22 agreement between Nate Paul and Attorney General Paxton.
23 This witness will confirm that. I would like to take him on
24 voir dire to establish that, and we'll put an end to all
25 this.

1 MS. EPLEY: If I may clarify. It is not
2 incumbent on the sponsoring witness to establish conspiracy.
3 That is an obligation of the Court or the Presiding Officer.

4 This entire case has been about Nate Paul and
5 Ken Paxton. And I understand why they don't want it in, but
6 that goes to weight, not admissibility, and he can be crossed
7 on these issues.

8 MR. BUZBEE: If he --

9 MS. EPLEY: This entire trial has been about
10 Nate Paul and Ken Paxton.

11 MR. BUZBEE: Two questions, Your Honor, to
12 establish with this young man that there's never an
13 agreement; he never heard an agreement. No agreement, no
14 conspiracy, and we can quit talking about that. They can use
15 this word all day long like they've been, but they cannot
16 establish an agreement between Nate Paul and Ken Paxton.

17 MS. EPLEY: If I may.

18 PRESIDING OFFICER: We'll stop the clock for a
19 moment.

20 (Pause in proceedings)

21 PRESIDING OFFICER: Ms. Epley, Mr. Buzbee,
22 come up.

23 (Conference at the bench off the record.)

24 PRESIDING OFFICER: Ms. Epley, you may --
25 we've already ruled on that issue. You may move forward.

1 MS. EPLEY: Yes, Your Honor. Based on the --
2 the ruling, I will proceed.

3 Q. (BY MS. EPLEY) I'm going to turn your attention to
4 specific silos in the office. Are you comfortable with that
5 term? Do you know what I mean in terms of Mitte,
6 foreclosure, open records, and Brandon Cammack or the search
7 warrant?

8 A. Yes.

9 Q. Okay. Turning your attention to the open records
10 request, who was in charge of the division during that
11 relevant time period?

12 A. Ryan Vassar.

13 Q. And do you recall an occasion in which you were
14 asked to collect a file specific to an open records request?

15 A. Yes.

16 Q. What were you asked to do?

17 A. I was asked to pick up those documents from Ryan
18 Vassar and provide them to General Paxton.

19 Q. Did you do that?

20 A. Yes.

21 Q. What, if anything, do you recall about that
22 package?

23 A. I recall that it was in a sealed manila envelope,
24 and it had a CD with it.

25 Q. And when you say "CD," I know common parlance, but

1 can you explain specifically what you mean?

2 A. A compact disk to go into a computer to maintain
3 digital files.

4 Q. So something with structure to it that would hold
5 additional data?

6 A. Yes.

7 Q. Why do you remember it being there?

8 A. Because it was on the outside.

9 Q. Where did you take that file?

10 A. General Paxton.

11 Q. How long -- did it stay with General Paxton, or did
12 you collect it at some point?

13 A. I did collect it at some point.

14 Q. How long was it gone? How long was it with --

15 A. A week, a week and a half.

16 Q. After you collected the file, where did you return
17 it to?

18 A. Ryan Vassar.

19 Q. Do you recall during this time frame whether or not
20 you had done any pickups or deliveries involving Nate Paul
21 and Ken Paxton?

22 A. The deliveries that I made to Nate Paul took place
23 in May and June.

24 Q. Okay. And can you tell us about that?

25 A. There were three occurrences in which I met Nate

1 Paul to pick up or deliver items. The first was to deliver a
2 manila envelope. The second was to pick up the General's
3 phone that he had left at Nate Paul's office. And the third
4 was to pick up documents related to the Mitte Foundation to
5 deliver to Ryan Bangert.

6 Q. Now, you mentioned the delivery of a manila
7 envelope. Do you recall whether that was substantially
8 similar to the one that you had picked up from Ryan Vassar
9 and delivered to Ken Paxton?

10 A. I do not.

11 Q. Do you recall how heavy or thick the package was?

12 A. I do not.

13 Q. Could you use your fingers to demonstrate for the
14 Senators similar to the way you explained it to us the first
15 time? What is the smallest and largest it could have been?

16 A. The smallest that it could have been --

17 MR. BUZBEE: I object -- I'm sorry, Drew.

18 Your Honor, I object. He already said he
19 doesn't remember. Now he's just speculating.

20 PRESIDING OFFICER: Overruled.

21 Q. (BY MS. EPLEY) Please, go ahead.

22 A. The way I explained it to the House Impeachment
23 Managers was this size to this size.

24 Q. And do you recall whether or not that package had
25 any CDs attached to it?

1 A. I do not.

2 Q. Do you know if it contained any?

3 A. No.

4 Q. So would you be able to tell these Senators that it
5 was in any way substantially different than from what you
6 received from Ryan Vassar and delivered to Ken Paxton?

7 A. No.

8 Q. Okay. When we first spoke, do you recall
9 approximately when that was?

10 A. May.

11 Q. May?

12 A. May of this year.

13 Q. And did you want to speak with us?

14 A. No.

15 Q. What did you understand at the time -- whether you
16 were correct or incorrect, what did you understand we were
17 doing?

18 A. My understanding was that there were questions
19 about funding the settlement of the whistleblowers.

20 Q. And when you arrived, was it subsequent to a
21 subpoena?

22 A. It was.

23 Q. Was that necessary in order to have you attend?

24 A. It was.

25 Q. Did you arrive alone?

1 A. No.

2 Q. Who were you with?

3 A. My attorney.

4 Q. Who is your attorney?

5 A. Jon Evans.

6 Q. Is he present here today?

7 A. He is.

8 Q. And why did you retain Mr. Evans?

9 A. I retained Mr. Evans three years ago after the
10 events that occurred in the fall of 2020. I retained
11 Mr. Evans after being reached out to by the FBI. And after
12 being offered counsel by the Office of the Attorney General,
13 I chose to retain my own counsel that would look out for my
14 own interests.

15 Q. I want to make sure that I understand. At some
16 point, the Office of the Attorney General offered to provide
17 you an attorney?

18 A. Yes.

19 Q. Are you under the impression you had done anything
20 wrong?

21 A. No.

22 Q. Did the Office of the Attorney General indicate
23 whether or not they wanted you to speak to FBI?

24 A. They indicated that they would not like me to speak
25 to the FBI.

1 Q. And you said to protect your interests. What
2 concerns did you have about using their attorney as opposed
3 to your own?

4 A. I would assume that an attorney employed by the
5 Office of the Attorney General would look out for the
6 interests of that institution, but not for me.

7 Q. And did you feel then that your motives or your
8 interests were not aligned?

9 A. I didn't know that they were not aligned, but I
10 wanted to make sure that they were aligned to my interests.

11 Q. Okay. When we had you come in and speak to us in
12 May of 2023, what was your demeanor in your opinion when you
13 first came in? Were you forthcoming and happy to talk?

14 A. No.

15 Q. Were you honest to the best of your ability?

16 A. Yes.

17 Q. And was that statement consistent with the
18 testimony you're giving today?

19 A. Yes.

20 Q. And was it consistent with the testimony or at
21 least the statements you had provided three years before that
22 date?

23 A. Yes, they were.

24 Q. I saw you hesitate. Did you -- did you correct
25 yourself on your own at some point during the conversation

1 with us?

2 A. I did.

3 Q. What was that about?

4 A. The correction was a question by the House team
5 asking me whether or not I had delivered documents to Nate
6 Paul. Over the course of that discussion, I was asked about
7 it again, and I recalled that I had, in fact, done so. And I
8 have since verified with my attorney and with other law
9 enforcement officials that that is consistent with my
10 testimony from three years ago.

11 Q. Thank you, sir.

12 There was some implication that we had
13 threatened, or I think it was Mr. Buzbee talking about
14 squeezing you. Did you feel squeezed?

15 A. No.

16 Q. Did we threaten you at all?

17 A. No.

18 Q. Did we lead you or give you the answers?

19 A. No.

20 Q. So when you made that correction, why did you do
21 it?

22 A. I did so because I remembered something. And I had
23 misrepresented my testimony whenever I provided an incorrect
24 answer earlier, and so I sought to correct that.

25 Q. Thank you, sir.

1 I'm going to turn your attention then to the
2 foreclosure and specifically whether or not you overheard any
3 conversations involving Ken Paxton related to the
4 foreclosure.

5 A. Okay.

6 Q. Do you recall any conversations?

7 A. I recall one conversation.

8 Q. And what was that?

9 A. It was a conversation where I was in Ryan Bangert's
10 office and overheard he and Ryan Bangert discussing --

11 Q. Sorry, Drew. "He" who?

12 A. General Paxton and Ryan Bangert were discussing the
13 opinion, and General Paxton asked Mr. Bangert if he had been
14 able to reach out and contact an individual. Mr. Bangert
15 responded that this individual had not been helpful in the
16 matter that he had reached out about and --

17 Q. Let me pause you. Not helpful in what way? They
18 just declined to assist?

19 A. I'm -- I'm not completely aware, no.

20 Q. Okay. Go ahead.

21 A. The second part of that conversation was in which
22 the General expressed a desire to make sure that grandmothers
23 were not evicted from their homes, and that's where I learned
24 about the foreclosure opinion.

25 Q. Are you aware that there was a stay related to

1 residential homes at the time?

2 A. At the time I probably was.

3 Q. So the foreclosure letter would have impacted
4 commercial business, not residential?

5 MR. BUZBEE: Objection, leading and
6 speculation.

7 PRESIDING OFFICER: Sustained.

8 Q. (BY MS. EPLEY) I'm going to turn your attention to
9 the Omni Hotel in the summer of 2020. Were you familiar with
10 that hotel at that time?

11 A. I was.

12 Q. And why is that?

13 A. During the course of General Paxton's renovations
14 at his home, that's where he was staying in the interim.

15 Q. Okay. I'm going to come back to the renovations at
16 his home, but help me understand. Do you have any personal
17 knowledge of Mr. Paxton being at the Omni in the summer of
18 2020?

19 A. I do.

20 Q. How is that?

21 A. I -- General Paxton called off his protective
22 detail for the time that he was staying at the Omni Hotel.
23 And as part of my job responsibilities, I picked him up and
24 dropped him off each day to the Omni Hotel.

25 Q. Did Mr. Paxton drop his security detail on few or

1 many occasions in 2020?

2 A. It came in spurts.

3 Q. Help me understand "spurts." What would that
4 frequency be?

5 A. There were times at which it was highly frequent
6 and I was his primary means of transportation, and there
7 other times at which we utilized the protective detail.

8 Q. And while we're on the topic so that I can move a
9 little faster, what about items being on a schedule? Was
10 everything he did through OAG or personally reflected on a
11 schedule?

12 A. No.

13 Q. Is the schedule supposed to contain the comings and
14 goings of the Attorney General?

15 A. More generally, yes.

16 Q. Why is that?

17 A. For the assistance of DPS specifically, I would
18 provide a two-week Outlook on the schedule so that they could
19 understand where appointments were, what time, who their POC
20 was at that place and time so that they coordinate security
21 efforts.

22 Q. And were there occasions in which Mr. Paxton's
23 plans were not contained on his schedule?

24 A. Yes.

25 Q. Specifically related to Nate Paul?

1 A. Yes.

2 Q. How do you know that?

3 A. Because I managed the schedule.

4 Q. Did you have concerns about that at the time?

5 A. No.

6 Q. At some point, did it become concerning enough to
7 you for you to speak to a supervisor?

8 A. Yes.

9 Q. Who was your supervisor?

10 A. Blake Brickman.

11 Q. And why would you go to Blake Brickman about such a
12 concern?

13 A. I was receiving some new requests in terms of both
14 transportation as well as documentation and scheduling, and I
15 was trying to understand the best way to handle that with my
16 boss, who was General Paxton.

17 Q. I'm going to return you back to the Omni. On one
18 occasion, were you there with your family?

19 A. Yes.

20 Q. Can you quickly tell the Senate why you were there
21 and for how long?

22 A. My family had come down for a weekend. I don't
23 recall if there was any special significance for that
24 occasion. They were down there to stay there for the
25 weekend. General Paxton was also there at that time due to

1 the renovations being conducted on his home. And they were
2 staying down there, and I chose to stay with them for that --
3 for the time that they were at that hotel as well.

4 Q. Did you have occasion to see Ken Paxton while you
5 were there?

6 A. I -- I did run into him, yes.

7 Q. Can you please tell us about that?

8 A. My mom and sister had gone up to the hotel room.
9 My father and I had run back to my apartment downtown. Upon
10 returning to the Omni Hotel and entering the lobby, we turned
11 right to go into the elevators. We had pushed the button,
12 and we were waiting on the elevators.

13 And on the other side of the door, my father
14 and I heard a lively discussion. Just to be clear, not
15 adversarial, just lively. And whenever the doors opened, two
16 individuals exited. One was General Paxton. He was in a --
17 he was in workout attire, and he told us that he was going to
18 the gym. The other individual was in a dress and high heels
19 and exited rather quickly. General Paxton walked out, shook
20 my hand as well as my father's. We spoke for a moment, and
21 then he told us he was going to work out.

22 Q. Was there anyone else on the elevator for which
23 that lively conversation could have included?

24 A. No.

25 Q. And what, if anything, did you notice about the

1 dynamic between the two, if anything at all?

2 A. I -- I couldn't overhear the conversation, but
3 whenever they exited, she quickly exited the elevator and
4 that was the only -- that was the only time I really saw them
5 interact in person.

6 Q. Did that cause any concern for you, or questions?

7 A. It did -- it did spur some questions.

8 Q. And who would you have directed those questions to?

9 A. I reached out to Marc Rylander about that.

10 Q. And why did you reach out to Marc Rylander?

11 A. Prior to coming to the Office of the Attorney
12 General, I had been informed that there had been --

13 MR. BUZBEE: Objection, hearsay.

14 PRESIDING OFFICER: Sustained.

15 Q. (BY MS. EPLEY) Did you have reason to think,
16 whether true or not true on the part of Mr. Rylander, this
17 might be something of interest to him?

18 MR. BUZBEE: Objection.

19 A. Yes.

20 MR. BUZBEE: Again, Your Honor, she's just
21 trying to ask a different way. This is based on hearsay.

22 PRESIDING OFFICER: Overruled.

23 Q. (BY MS. EPLEY) Did you have any reason to think
24 this might be of interest to him?

25 A. Yes.

1 Q. And was it?

2 A. Yes.

3 Q. Did he seem to understand who it was you had seen?

4 A. Yes.

5 Q. Did you receive a photograph to confirm?

6 A. Yes.

7 Q. Now, I'm not going to show you the same photograph,
8 but I am going to show you a person. Would you be able to
9 tell me if this was the person that you saw on the elevator?

10 A. Yes.

11 MS. EPLEY: May I approach? Oh, actually, so
12 used to government work, I forget we have technology. Can I
13 turn everyone's attention to 704? And, Stacey, would you
14 pull up the photograph, please?

15 Q. (BY MS. EPLEY) Do you recognize the person in this
16 picture, whether you know her name or not?

17 A. I do.

18 MS. EPLEY: For purposes of the record, the
19 person being depicted in the photograph is Laura Olson as
20 established by her Texas driver's license.

21 Thank you, Stacey.

22 Next, Your Honor, the House offers Exhibit
23 699. It is a business record as established by the affidavit
24 on the face. I'm confident that the page count will match
25 this time as there's no substantial photographs. And it has

1 been on record for over 14 days. And it is being admitted by
2 agreement, as I understand it.

3 PRESIDING OFFICER: Any objection?

4 MR. BUZBEE: No objection, Your Honor.

5 PRESIDING OFFICER: Admit Exhibit 699 into
6 evidence.

7 (HBOM Exhibit No. 699 was admitted)

8 Q. (BY MS. EPLEY) Now, Mr. Wicker, I'm not going to
9 have you do this, but inside of an apartment complex
10 application would it explain where you have lived before and
11 where you're going to live now? That didn't make sense.

12 Are you aware of the fact that application
13 leases will establish your prior address as well as your
14 current one?

15 A. Yes.

16 Q. And is the name on that record the same as the
17 driver's license Laura Olson?

18 A. It is.

19 Q. Is that the woman that you saw step off the
20 elevator with Ken Paxton?

21 A. It is.

22 Q. You mentioned home renovations. Do you remember
23 why those renovations were occurring?

24 A. There were storms late spring that caused water
25 damage to General Paxton's Austin home.

1 Q. Okay. I don't want you to give the address, but
2 could you give us the street name so that we're all familiar
3 with the fact that we're speaking about the same thing?

4 A. Margranita Crescent.

5 Q. So you said spring. Do you recall what month the
6 damage occurred in?

7 A. This probably would have occurred March-April time
8 frame.

9 Q. Okay. And do you know where the damage was?

10 A. To the best of my recollection, it was confined to
11 the master bedroom.

12 Q. Why would you know that?

13 A. I met with the insurance adjuster multiple times at
14 the request of General Paxton while he was out of town or in
15 other meetings.

16 Q. So there were occasions where you were authorized
17 on his behalf to conduct personal business; for example, the
18 adjustment of the insurance?

19 A. I was authorized to greet the insurance adjuster
20 and show them the home.

21 Q. Does that mean you would sometimes also receive
22 records related to the home renovation?

23 A. I can only think of one occurrence in which that
24 happened.

25 Q. And what was that?

1 A. I received an invoice that I had been included on
2 from The Steam Team.

3 Q. And are you aware as the adjuster that there are
4 some renovations that were done pursuant to the water damage
5 itself and covered by insurance?

6 A. I would assume so, yes.

7 Q. Okay.

8 MS. EPLEY: I'm going to turn everyone's
9 attention to House Exhibit 703. Again, it's a business
10 record. It's Cupertino Builders. There's a business records
11 affidavit, and it's been on file for over 14 days.

12 PRESIDING OFFICER: Any objection?

13 MR. BUZBEE: No, sir.

14 PRESIDING OFFICER: Admit 703 into evidence.

15 (HBOM Exhibit No. 703 was admitted)

16 MS. EPLEY: Stacey, would you please pull up
17 the face of the email that's attached.

18 Q. (BY MS. EPLEY) Mr. Wicker, do you recognize the
19 name of the individual who sent the email?

20 A. Kevin Wood.

21 Q. And who is Kevin Wood?

22 A. Kevin Wood was the lead contractor at the Paxton's
23 home renovation.

24 Q. Is he someone that you met personally?

25 A. He is.

1 Q. How many times did you see or speak with Kevin
2 Wood?

3 A. At least a half dozen.

4 Q. And do you see that on the two line is the name Raj
5 Kumar?

6 A. I see in -- yes, I do.

7 Q. And moving down further, do you see that Nate Paul
8 was the -- or npaul@worldclass.com was the person who emailed
9 Kevin Wood?

10 A. I do.

11 Q. Is the body of that email related to home items or
12 repairs, things that need to be doing -- done?

13 A. It would appear so, yes.

14 Q. I'm going to have Stacey then turn to the first
15 couple of pictures in the file. Let me see the next.

16 Does anything about the home being depicted
17 look familiar to you?

18 A. Several of these images do appear to be that that's
19 the Paxton's dining room.

20 Q. Are you wondering or are you sure?

21 A. No, I'm positive.

22 Q. Thank you. How many occasions -- on how many
23 occasions were you at the Margranita home in the summer of
24 2020 during renovations?

25 A. During the renovations, a half dozen.

1 Q. Okay. And do you recall any times that you were
2 present where Kevin Wood and Ken Paxton were both there?

3 A. I do.

4 Q. I'm going to turn your attention to a conversation
5 about the kitchen. Do you recall whether or not there was
6 any damage to that area of the home?

7 A. I do not.

8 Q. Would it make sense then that these are things
9 external to insurance coverage?

10 A. It would make sense.

11 Q. Were those ever -- is that an area of the home that
12 you ever discussed in regards to being an adjuster -- or
13 assisting the adjuster rather?

14 A. Not to my recollection.

15 Q. Okay. Can you walk us through any conversations
16 you overheard between Kevin Wood and Ken Paxton?

17 MR. BUZBEE: Objection, Your Honor. Anything
18 Kevin Wood may have said would be hearsay.

19 MS. EPLEY: At this stage, Your Honor, it's
20 not being offered for the truth, it's to set an anchor. I
21 will get more specific in a moment.

22 MR. BUZBEE: Again, Your Honor, the question
23 is very nonspecific. And anything she's going to ask about
24 what Kevin Wood may have said is hearsay.

25 MS. EPLEY: Your Honor, it is clear from the

1 course of the conversation that Kevin Wood was acting as a
2 service provider. At that point the truth doesn't matter.
3 At the point in which it does, it goes to his motive, intent,
4 and plan.

5 MR. BUZBEE: Again, Your Honor, you've
6 already -- she just said what Kevin Wood said wouldn't
7 matter. I agree. Hearsay and irrelevant.

8 MS. EPLEY: I didn't say it ultimately
9 wouldn't matter, Your Honor. It will matter very much.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MS. EPLEY) Did you -- did you get an idea as
12 to what the relationship was between Ken Paxton and Kevin
13 Wood?

14 A. Kevin Wood was the lead contractor on General
15 Paxton's home.

16 Q. And if Mr. Paxton then wanted additional things or
17 changes to the renovation, whom would he speak with?

18 A. Kevin Wood.

19 Q. Is there any other way Mr. Paxton would find out
20 the timing of renovations or the duration of renovations or
21 the cost of renovations other than Kevin Wood?

22 MR. BUZBEE: Objection, compound and
23 speculation. She is asking what Ken Paxton would do and what
24 he would know. That's pure speculation.

25 MS. EPLEY: It's an operative fact, Your

1 Honor. There's no other way for him to know it.

2 MR. BUZBEE: Again, she just asked what Ken
3 Paxton might know. That's speculation.

4 PRESIDING OFFICER: I'm going to overrule.
5 You can answer, if you know.

6 A. Not to my knowledge.

7 Q. (BY MS. EPLEY) I don't even remember the question
8 at this point, frankly. I might have to read it back.

9 At any point were there conversations about
10 changes to the property?

11 A. Yes.

12 Q. Isn't that the entire point of a contractor?

13 A. Yes.

14 Q. And at any point were there discussions about
15 particular items in the home?

16 A. Yes.

17 Q. Would what matters to you be whether a counter is
18 granite or not or whether the renovations are occurring at
19 this stage?

20 MR. BUZBEE: Objection, vague and relevance.

21 Q. (BY MS. EPLEY) Did you care what his countertops
22 were made of?

23 MR. BUZBEE: Again, Your Honor, what does it
24 matter whether young Drew Wicker cares about the countertops?
25 It's irrelevant.

1 PRESIDING OFFICER: Overruled.

2 Q. (BY MS. EPLEY) Did you care what the countertops
3 were made of?

4 A. No.

5 Q. Did anything about a conversation related to
6 countertops concern you?

7 MR. BUZBEE: Objection, hearsay.

8 MS. EPLEY: It is not being offered for the
9 truth of the matter asserted. There's no statement. It asks
10 if he overheard something he was concerned about.

11 MR. BUZBEE: She just asked for hearsay right
12 there, Your Honor. That's hearsay.

13 MS. EPLEY: No, Your Honor, it goes to state
14 of mind.

15 PRESIDING OFFICER: Overruled.

16 MS. EPLEY: Thank you.

17 Q. (BY MS. EPLEY) At some point did you hear
18 something that concerned you?

19 A. Yes.

20 Q. What was that?

21 MR. BUZBEE: Objection, hearsay.

22 MS. EPLEY: Your Honor, there's three places.
23 One, nucleus of operative facts because it goes to the center
24 of this. Specific to hearsay, it goes to state of mind.
25 There's no other way for General Paxton to know how long

1 something is going to take or what it will cost other than
2 speaking to his contractor. And, finally, it goes to Drew
3 Wicker's state of mind in regards to what he does next
4 because of what he heard whether the statement is true or
5 not.

6 MR. BUZBEE: Your Honor, we need to know who
7 she's talking about was speaking. She's -- I think she's
8 trying to elicit testimony about what this man heard a
9 contractor say who has been subpoenaed and who can come here
10 and testify. This is not the right witness for that.

11 PRESIDING OFFICER: I'm going to overrule.
12 You're not saying it's the truth of the matter, just the
13 statement was made.

14 MS. EPLEY: That's at this point, Your Honor.
15 Mr. President, thank you.

16 Q. (BY MS. EPLEY) Did you hear -- what did you hear
17 that concerned you?

18 A. Kevin Wood stated that he would check with Nate on
19 several of the items.

20 Q. Now, was that about how long something would take
21 or when something would be delivered?

22 A. No, sir, it was -- no, ma'am, it was with regards
23 to cost.

24 Q. Now, if Kevin Wood is a contractor who is trying to
25 make money on his own, why would he need to check with

1 anyone?

2 MR. BUZBEE: Objection, speculation.

3 PRESIDING OFFICER: Sustained.

4 Q. (BY MS. EPLEY) So let's back up a little bit.
5 What would he have to check with Nate on specifically?
6 Please tell us in detail what you recall.

7 A. He was stating that he would need to check with
8 Nate on the cost of countertops and renovations to the
9 cabinetry in the kitchen.

10 Q. I'm going to be very specific. Did he have to
11 check on the cost or did he have to check on -- did -- did
12 Mr. Wood seem to already understand what the cost would be?

13 A. Yes.

14 Q. And what was the cost?

15 A. He mentioned the total of \$20,000.

16 Q. For what?

17 A. For the cabinetry and the countertops.

18 Q. And what was Ken Paxton's response, that he wanted
19 to do it or did not want to do it?

20 A. He stated that he would like to move forward.

21 Q. And then what was said by Kevin Wood?

22 A. He said I would check with Nate.

23 Q. Did you relay that conversation to anyone?

24 A. I relayed it to two individuals.

25 Q. Were either of them people who worked above you at

1 the Office of the Attorney General?

2 A. Yes.

3 Q. Were you relaying the information to be salacious
4 or for another reason?

5 A. I was seeking advice.

6 Q. And who did you speak to?

7 A. I spoke to Marc Rylander and Blake Brickman.

8 Q. What did Marc Rylander or Blake Brickman advise you
9 to do?

10 MR. BUZBEE: Objection, hearsay.

11 MS. EPLEY: Your Honor, they're --

12 PRESIDING OFFICER: Sustained.

13 Q. (BY MS. EPLEY) Okay. What did you do after
14 speaking to Marc Rylander and Blake Brickman?

15 A. I spoke to General Paxton.

16 Q. What did you say to Mr. -- General Paxton?

17 A. I asked him about the conversation that I had
18 overheard, and I stated that I walked away with a certain
19 impression. And that --

20 Q. Let me pause you. With what impression?

21 A. I walked away with the impression that Nate Paul
22 was involved in the renovations of General Paxton's home.

23 Q. What concerns did you have about that?

24 A. Given the fact that we were working on several
25 items related to Mr. Paul, it felt as though there might be

1 an inappropriate relationship there.

2 Q. Were you that clear with the General?

3 A. Yes.

4 Q. And what happened?

5 A. He stated that he appreciated me bringing his
6 concern to him and that he then assured me that that was, in
7 fact, not the case.

8 Q. Did his explanation absolve all concerns?

9 A. No.

10 Q. How did you feel at the conclusion of that
11 conversation?

12 A. Still uneasy, but I never discussed it after that
13 with him.

14 Q. Okay. Are you aware of the fact that we've issued
15 subpoenas for Kevin Wood for him to address these issues and
16 that he does not intend to testify before this Court?

17 MR. BUZBEE: Objection, speculation. She's
18 just testifying now.

19 PRESIDING OFFICER: Sustained.

20 Q. (BY MS. EPLEY) Did you spend much time at the
21 Paxton home after that?

22 A. Not much, no.

23 Q. Why not?

24 A. It was a mix of ongoing renovations, increased
25 travel, and just lack of request to be there.

1 Q. Okay. Did you feel comfortable about the home or
2 being present at the home?

3 A. Not always, no.

4 Q. Why is that?

5 A. There was still some lingering concerns over the
6 questions that I had asked the General, but I had not
7 followed up on those concerns.

8 Q. In the summer of 2020, prior to the whistleblowing
9 allegations, did you have an opinion as to the veracity or
10 the truthfulness of Mark Penley?

11 A. Yes.

12 Q. And what was it?

13 A. He seemed to be an individual of the utmost
14 integrity.

15 Q. And did you have an opinion as to the credibility
16 or truthfulness of Jeff Mateer?

17 A. Yes.

18 MR. BUZBEE: Your Honor, I'm sorry. It's not
19 proper for one witness to talk about whether another witness
20 is truthful. That's just not how it works. That's --

21 MS. EPLEY: It absolutely is, Your Honor.

22 MR. BUZBEE: Please let me finish and quit
23 interrupting, please.

24 Your Honor, it's not proper for one witness to
25 sit up on the stand and say this person is truthful, this

1 person is truth -- that's not how it works. It's improper.
2 I object.

3 MS. EPLEY: That's -- he's absolutely right in
4 a vacuum. I would have no authority to talk about the
5 character of truthfulness as a primary rule and I wouldn't
6 infringe it. But once he attacks their credibility, Rule
7 405(a)(1) allows me to establish by reputation or opinion a
8 relevant character trait; in this case, truthfulness.

9 MR. BUZBEE: That's not how it works, Your
10 Honor.

11 MS. EPLEY: Yes, it is.

12 MR. BUZBEE: Anyway, you don't -- this is not
13 how it works, Your Honor. You don't get to get up here and
14 bring one witness and talk about the veracity of all the
15 other witnesses. Now, if she feels like Mr. Penley's
16 veracity was challenged on some particular statement, then
17 she brings a statement to try to -- a different statement to
18 try to rehabilitate him, but she don't do it with this
19 witness.

20 MS. EPLEY: You can do it with any witness,
21 Your Honor.

22 PRESIDING OFFICER: We'll sustain the
23 objection.

24 Q. (BY MS. EPLEY) How did you communicate with Ken
25 Paxton in 2020?

1 A. Through email and text message and phone calls.

2 Q. How many cell phones did Ken Paxton have?

3 A. He had two primary, and he later obtained two more
4 cell phones.

5 Q. I learned through the course of opening that I used
6 the term "burner phone" incorrectly. Apparently they have to
7 be cheap and from 7-Eleven. What would you call extra phones
8 that most people don't know about?

9 A. Extra phones.

10 Q. Okay. So two primary phones, two extra phones?

11 A. Yes, ma'am.

12 Q. Do you have the phone number of his personal phone?

13 A. I do.

14 Q. And would you give us the last four digits of that,
15 please?

16 A. The cell phone is 8128.

17 Q. And what about his work phone?

18 A. 0220.

19 Q. Can you describe for us physically what the other
20 two phones look like?

21 A. The other two phones being the extra phones?

22 Q. That's correct.

23 A. Okay. The other two phones, one was a Samsung
24 Galaxy Fold, the other was a red iPhone.

25 Q. You mentioned that you also communicated with him

1 by email. Outside of work email, did he have another?

2 A. He did.

3 Q. What kind of account was that?

4 A. It was a Proton Mail.

5 Q. And do you know how the Proton account was set up?

6 A. It was set up through the OAG's office.

7 Q. Why was that?

8 A. We went to China.

9 Q. So it was safer to discuss business on that phone
10 than it would be for a Chinese hacker to get into a personal
11 cell or a work cell, correct?

12 A. Yes.

13 Q. But do you also know that their headquarters are
14 out of the United States?

15 A. I believe they're in Switzerland.

16 Q. And so they wouldn't be subsequent [sic] to a
17 search warrant and are not provided as part of a public
18 records request to the OAG?

19 MR. BUZBEE: Objection, speculation, Your
20 Honor.

21 PRESIDING OFFICER: Sustained.

22 Q. (BY MS. EPLEY) And are you familiar with something
23 called Signal?

24 A. I am.

25 Q. What is that?

1 A. It is an encrypted messaging app.

2 Q. Encrypted also making it safer, correct?

3 A. Yes.

4 Q. Are you aware that they, too, are housed out of the
5 country not subsequent to -- or not under the pressures of a
6 subpoena and not provided by the OAG?

7 MR. BUZBEE: Again, Your Honor, this is just
8 her testifying what she thinks Signal is. This witness
9 doesn't know this. It's speculation and improper.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MS. EPLEY) At any point did General Paxton ask
12 to use technology that you provided?

13 A. Yes.

14 Q. What was that?

15 A. He used my personal cell phone.

16 Q. How many times did the General use your personal
17 cell phone?

18 A. At least three to four.

19 Q. Were you able to hear those conversations or who
20 they were with?

21 A. I was not.

22 Q. Were you able to determine after you got your
23 property back why he needed your phone?

24 A. No.

25 Q. Why not?

1 A. Whenever I received my cellular device back, the
2 call log had been wiped.

3 Q. And did he use anything of yours other than your
4 cell phone?

5 A. No.

6 Q. Do you recall after the whistleblowers the --
7 Mr. Paxton asking to use your laptop?

8 A. Yes.

9 Q. What was that about?

10 A. That was a request -- he was working on a letter to
11 the Inspector General of the United States.

12 Q. Can you anchor that in time for us? What had just
13 occurred?

14 A. This was late October, and this would have been
15 after the whistleblower complaint.

16 Q. And do you know -- what were you asked to do?

17 A. I was asked -- General Paxton handed me a hard copy
18 of a document and asked me -- asked me to transcribe the
19 events outlined in the document in the form of a letter to
20 the Inspector General.

21 Q. And by "hard copy," you mean like what I have here?

22 A. Yes.

23 Q. So not handwriting, but typewritten?

24 A. Yes.

25 Q. Why would you needed to be provided a typewritten

1 copy of anything that's already in electronic format?

2 MR. BUZBEE: Objection, speculation.

3 PRESIDING OFFICER: Overruled.

4 Q. (BY MS. EPLEY) Why would you need to be provided a
5 hand copy of anything that's already in electronic format?

6 A. I don't know.

7 Q. And what were you asked to do? Transcribe you
8 said?

9 A. Yes.

10 Q. Were you making additions or deletions?

11 A. I did make several additions, yes.

12 Q. What kind of additions?

13 A. Since it was asked to be in the format of a letter
14 to Inspector General Horowitz, it was addressed to Inspector
15 General Horowitz. There was a slight introduction that I had
16 been asked to include. And then the sign-off was asked to be
17 as General Paxton.

18 MS. EPLEY: At this time I offer House Exhibit
19 573. This is part of the Office of the Attorney General
20 records. There is a business record affidavit. It has been
21 on file for greater than 14 days.

22 PRESIDING OFFICER: Any objection?

23 MR. BUZBEE: No objection, Your Honor.

24 PRESIDING OFFICER: Please admit Exhibit 573
25 to evidence -- into evidence.

1 (HBOM Exhibit No. 573 was admitted)

2 Q. (BY MS. EPLEY) Mr. Wicker, will you take a moment
3 and look at the body of that letter and let me know if you
4 recognize it?

5 A. This is the letter that I was asked to write for
6 Inspector General Horowitz.

7 Q. So if I turn you to the top where you add, "Dear
8 Mr. Horowitz," you typed that in?

9 A. Yes.

10 Q. Do you know who that is?

11 A. He was or is the Inspector General of the United
12 States.

13 Q. We've heard about the Office of the Inspector
14 General throughout this trial. Do you know whether or not
15 that's the appropriate person to go to if you want to make
16 complaints about federal prosecutors or federal agents?

17 A. That is my understanding, yes.

18 Q. At any point prior to the whistleblower situation,
19 had Ken Paxton talked to you about or in your presence about
20 the Office of the Attorney General [sic]?

21 A. About the Office of the Attorney General, yes.

22 Q. Had he ever suggested going there or that they were
23 the correct place to bring this complaint?

24 A. He -- he had not mentioned that to me, no.

25 Q. In fact, do you know that he didn't want to take it

1 to OIG prior to that?

2 MR. BUZBEE: Objection, speculation.

3 PRESIDING OFFICER: Overruled.

4 Q. (BY MS. EPLEY) Do you know whether or not he
5 wanted to take Nate Paul's complaint to the OIG prior to the
6 whistleblowers coming forward?

7 A. I do not.

8 Q. And then once you look at this letter, I'm going to
9 turn you down to the bottom in regards to the allegations
10 made by Nate Paul, and I'm going to go quickly. Do these
11 amount to things like not getting to use the restroom?

12 A. It did.

13 Q. And when you drafted it, did you realize part of
14 Nate Paul's big federal complaint is that he couldn't call
15 his attorney except from using an agent's cell phone?

16 A. Yes.

17 Q. And that he was not allowed to call for counsel and
18 that's why they provided him a cell phone?

19 A. Yes.

20 Q. Are you aware that the only allegations he makes --
21 well, let me do this differently. Where were you when you
22 were helping type this up for the General?

23 A. This letter was written in the Office of the
24 Attorney General.

25 Q. On what laptop?

1 A. My state laptop.

2 Q. And what did you do with the laptop after typing up
3 the letter?

4 A. I followed up with General Paxton about having
5 completed the transcribed letter.

6 Q. And then what?

7 A. And I asked him what he'd like to do with it.

8 Q. And what was the response?

9 A. He said that he had several insertions that he
10 would like to make and that he would let me know about when
11 he needed it.

12 Q. Did he have you email him or put it into a USB
13 drive?

14 A. Not to my recollection, no.

15 Q. What did he do?

16 A. He asked me to bring my state laptop to his Austin
17 home so that he could work on the letter.

18 Q. And did he make changes to your knowledge?

19 A. To my knowledge, no.

20 Q. Okay. After -- after drafting the letter for the
21 Attorney General, do you know whether or not the letter was
22 ever sent to OIG?

23 A. I do not.

24 Q. Let me turn your attention then to the conclusion
25 of your career there. What was the status of your job?

1 A. The status was that I was both the scheduler as
2 well as the executive aide.

3 Q. Well, I mean, at the end, in October of 2020
4 leading into November. Were you offered a promotion? Were
5 you offered a change in job function?

6 A. I was.

7 Q. And what was that?

8 A. General Paxton had expressed an interest in myself
9 taking on greater responsibilities with regards to certain
10 policy areas. And that I would continue with my present job
11 responsibilities but also take on the additional
12 policy-related responsibilities.

13 Q. And at some point you mentioned the FBI had reached
14 out to you and you make Ken Paxton aware of that; is that
15 accurate?

16 A. Yes.

17 Q. And what did he do?

18 A. General Paxton's question that he asked me was why.

19 Q. Did you have a response for him?

20 A. No, I did not.

21 Q. What, if anything, did he direct you to do?

22 A. He -- he did not direct me to do anything at that
23 time.

24 Q. Did he take you anywhere?

25 A. Not at that time, no.

1 Q. Okay. Ultimately -- you say "not at that time."
2 So what happens next in regards to that?

3 A. The next discussion I had with a member of the AG
4 staff regarding the FBI was Brent Webster requested to meet
5 with me.

6 Q. And what, if anything, did Brent Webster have to
7 say on behalf of the Office of the Attorney General?

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

9 PRESIDING OFFICER: Sustained.

10 Q. (BY MS. EPLEY) Was he working in his official
11 capacity as a representative or employee of the Office of the
12 Attorney General?

13 A. That is my understanding, yes.

14 MS. EPLEY: Same question, Your Honor,
15 subsequent to 801(e)(D) which is specific to representatives
16 or employees. Brent Webster is making the comment to
17 Mr. Wicker in his capacity as an employee of Ken Paxton.

18 MR. BUZBEE: Same objection, Your Honor.
19 We've established in this trial you can't -- that's not how
20 it works. She cannot just come up here and ask him what
21 somebody else said other than General Paxton himself.

22 MS. EPLEY: You can when he's being directed
23 as part of his employment.

24 MR. BUZBEE: He's not an employee of Ken
25 Paxton.

1 PRESIDING OFFICER: He's an agent of Ken
2 Paxton, so we'll overrule.

3 MS. EPLEY: Thank you.

4 Q. (BY MS. EPLEY) What, if anything, did Brent
5 Webster tell you?

6 A. Mr. Webster said that he understood that the FBI
7 had reached out to me and that I should not respond.

8 Q. Did he tell you why?

9 A. He said that I ran the risk of incriminating
10 myself.

11 Q. And did he then bring you back to Ken Paxton?

12 A. Eventually, yes.

13 Q. And what was that conversation about?

14 A. He believed that there was an opportunity to assert
15 attorney-client privilege.

16 Q. So he, too, wanted to prevent you from speaking to
17 FBI?

18 A. It certainly seems that way, yes.

19 Q. And were you asked to speak to anyone else about
20 this?

21 A. Lesley French.

22 Q. And what did she tell you to do?

23 A. Lesley French advised me that she had been through
24 something similar and that there was nothing to worry about;
25 that the AG's Office would provide me with counsel while I

1 met with the FBI and that there is no need for me to bring my
2 own counsel.

3 Q. What was your response?

4 A. My response was that I would feel more comfortable
5 retaining my own counsel that would look out for my
6 interests.

7 Q. Why did you respond that way?

8 A. Because that's where I would have been felt --
9 that's how I would have felt comfortable in that instance.

10 Q. After all of this, what decision do you ultimately
11 make about this promotion?

12 A. The conversation that occurred regarding the
13 promotion was all at once and this was actually -- I informed
14 General Paxton that I would not be taking the promotion, but
15 I would gladly accept the responsibilities.

16 Q. Why -- why were you making that distinction?

17 A. I did not want the General to have the appearance
18 of having offered me anything in light of the FBI reaching
19 out.

20 Q. So you were trying to protect the appearance of
21 what that would look like for General Paxton?

22 A. For General Paxton and myself.

23 Q. Thank you. Did you ultimately put in your notice
24 and quit?

25 A. I did resign, yes.

1 Q. Was that on November 2nd, 2020?

2 A. If I recall correctly, yes.

3 Q. Makes sense then that payments would stop; is that
4 correct?

5 A. Yes.

6 Q. And did they stop from the Office of the Attorney
7 General?

8 A. They did.

9 Q. Did they stop overall?

10 A. No.

11 Q. What else were you provided?

12 A. I was -- I was continued to be provided a monthly
13 stipend by the campaign.

14 Q. Did you notify Ken Paxton's campaign that you were
15 still receiving money and that you should not be?

16 A. No. I had let them know that I was leaving and to
17 cut off my access to both the email and the calendar and that
18 I should cease receiving stipends.

19 Q. When did you cease receiving stipends?

20 A. Not until the following year.

21 Q. And what, if anything, did you do with that extra
22 money that you had been provided?

23 A. Michele Smith had sent me a W-2 with that amount.
24 I contacted her not understanding that I continued to be
25 paid. I asked her what I should do with the money and if

1 General Paxton would like it back. She reached out to
2 General Paxton who informed her to tell me to keep it. And I
3 stated, no problem, and I went ahead and donated the money
4 back.

5 Q. They told you to keep it, and you donated it back?

6 A. Yes.

7 Q. Why did you do that?

8 A. I didn't do the work.

9 Q. How did you feel about receiving money from Ken
10 Paxton's campaign after you ceased employment and in light of
11 all the facts relevant today?

12 A. I have no reason to believe that it was with
13 malicious intent. It might have been an innocent mistake.

14 Q. I think maybe more specifically I'm talking about
15 your character. What made you return it?

16 A. I didn't put in the work and I was -- I did not
17 want any instance -- I didn't want it to appear as though I
18 might have any conflict of interest if anything like this
19 ever came about.

20 MS. EPLEY: Thank you, sir. Pass the witness.

21 PRESIDING OFFICER: We're going to take a
22 break now. And, Members, we went longer in this section, so
23 we'll take a 20-minute break, and then we'll go until 12:30.
24 We'll move lunch 12:30 to 1:30 today. So be back here at 15
25 minutes after 11:00.

1 (Break taken from 10:54 a.m. to 11:32 a.m.)

2 PRESIDING OFFICER: We have a motion to be
3 brought in court by the House Managers I understand.

4 MS. GRAHAM: Mr. President, yes, we would like
5 to present a motion for reconsideration and amendment of the
6 Senate Rule 27 and 38.

7 PRESIDING OFFICER: Please bring it forward.

8 MS. GRAHAM: Yes, sir.

9 (Motion delivered to the Court)

10 PRESIDING OFFICER: I'm not going to read the
11 whole motion, Members. You will have an opportunity to do
12 that later. In short, they want to amend the rules so that
13 after deliberations when you vote for acquittal or
14 conviction, if you vote for conviction, it automatically
15 prevents the Attorney General from serving in office again.
16 They want to combine that. That's what the motion is.

17 It has to lay out for 24 hours. It's 11:30.
18 So we would not take it up until 11:30 tomorrow, and that
19 will come to you to do with as you decide. You can table it;
20 you can take it up; whatever you decide. So I wanted you to
21 be aware of that motion because that's the proper procedure
22 if the parties are making a motion to bring it to me and for
23 me to share it with you.

24 Mr. Buzbee.

25 MR. BUZBEE: Thank you, Your Honor.

CROSS-EXAMINATION

1
2 BY MR. BUZBEE:

3 Q. Is it okay if I call you Drew?

4 A. Yes, sir.

5 Q. Turn your mic on there.

6 A. There we go. Is this better?

7 Q. Okay?

8 A. Yes, sir, that is okay.

9 Q. I hope you don't think I'm being disrespectful. I
10 just --

11 A. No. Go ahead.

12 Q. We did -- we did speak on the phone a couple of
13 nights ago?

14 A. Yes, sir.

15 Q. Okay. And you also talked to these folks over here
16 as well?

17 A. Yes, sir.

18 Q. Okay. I want to clear something up. You were --
19 when you were working as an aide to General Paxton, you were
20 getting paid not only from the State, but also from his
21 campaign.

22 A. Yes, sir, that is correct.

23 Q. Because you were doing some things not only for the
24 State, but you were doing other business for General Paxton?

25 A. Correct.

1 Q. And so it would make sense that you would be paid
2 by both entities?

3 A. Yes, sir.

4 Q. And as I understand it, you were getting paid
5 direct deposit by the campaign?

6 A. Yes, sir.

7 Q. Okay. So just to clear this up, when -- when you
8 decided to leave the AG's Office and go and work in your
9 family's business, somebody forgot to turn off your direct
10 deposit from the campaign.

11 A. Yes, sir.

12 Q. It wasn't somebody, like, still giving you checks,
13 it was just an automatic direct deposit.

14 MS. EPLEY: Objection, speculation.

15 Q. (BY MR. BUZBEE) I mean, you know how you were --
16 how you were getting paid in your own bank account, don't
17 you?

18 PRESIDING OFFICER: I'll sustain the
19 objection, but you can ask again.

20 Q. (BY MR. BUZBEE) You know how you were getting
21 paid. It was a direct deposit into your bank account, wasn't
22 it?

23 A. That's correct.

24 Q. And it just continued until you raised the issue,
25 and then you gave the money back, right?

1 MS. EPLEY: Objection, speculation.

2 MR. BUZBEE: We've already heard from this.

3 PRESIDING OFFICER: Overruled.

4 Q. (BY MR. BUZBEE) Isn't that what happened when it
5 was figured out? General Paxton said, Well, just keep --
6 keep the money, Drew. And you decided, no, the better thing
7 to do is just give it back to the campaign, right?

8 A. That is correct.

9 Q. Okay. These -- you talked about three lunches in
10 your direct, did you not?

11 A. I did.

12 Q. These were at restaurants?

13 A. Yes, sir.

14 Q. In a public place?

15 A. Yes, sir.

16 Q. Was anybody hiding or -- or in a secret, dark back
17 room?

18 A. Not to my knowledge.

19 Q. Anybody that walked in the restaurant could see
20 General Paxton there, could see you there, could see whoever
21 he was having lunch with there, right?

22 A. That is correct.

23 Q. Wasn't anything secret about that at all, was
24 there?

25 A. No, sir.

1 Q. Okay. I want to make sure the Members understand,
2 Drew, because this is some things that you not only told the
3 House when you were interviewed, but you also told me the
4 other night on the phone.

5 When you were working for General Paxton, you
6 almost considered him family, didn't you?

7 A. That is correct.

8 Q. You have no animosity towards the Paxtons, do you?

9 A. I do not.

10 Q. And you told me you loved the General, right?

11 A. That is correct.

12 Q. And you also said you appreciate everything that
13 General Paxton did for you.

14 A. Correct.

15 Q. The Paxtons used to joke that you were -- you were
16 a second son, didn't they?

17 A. They did.

18 Q. You told me that you and General Paxton were very
19 close.

20 A. That's correct.

21 Q. Are you accusing -- and I don't think you are, I
22 just want to make it clear because you were probably with
23 General Paxton more than anyone else during that time frame
24 that you were working for him, weren't you?

25 A. Yes.

1 Q. I mean, I want to make it clear. I think the
2 Senators know, but just for the public, sometimes you -- you
3 would be what's called a body man? You ever heard that term?

4 A. Yes, I've heard that term.

5 Q. Yeah. And basically you're with your boss all the
6 time until he releases you for the day.

7 A. That is correct.

8 Q. So you would have been spending more time with
9 General Paxton than anyone else, right?

10 A. Yes.

11 Q. More so than even his wife, Angela.

12 A. Yes.

13 Q. You're not accusing him of bribery, are you?

14 A. I am not.

15 Q. Let's be clear. The guy that spent more time --
16 and that's you, Drew -- with General Paxton than anyone else
17 during the time frame that we're here to talk about is
18 absolutely not accusing General Paxton of doing anything
19 wrong at all, are you?

20 A. I'm not accusing anybody of anything, no.

21 Q. Okay. You also were with General Paxton when he
22 traveled, right?

23 A. That's correct.

24 Q. And just so -- and I know you've read some of these
25 press reports, haven't you?

1 A. I've done my best to stay away from any sort of
2 media. I've had some people say some things to me, but I've
3 tried to shut that down as soon as it's come up.

4 Q. And I know it's hard to ignore some of this stuff
5 in the newspaper, but you know that there's been an
6 allegation that General Paxton had a secret email address?

7 A. I believe you mentioned that to me on the call the
8 other day, yes.

9 Q. And you and I know that the reason he had that
10 Proton address, that email address, was because he was
11 traveling to China.

12 A. That's correct.

13 Q. And the reason be -- and that was something set up
14 for him by the IT department at the Office of Attorney
15 General.

16 A. That is correct.

17 Q. And that email address was to prevent the Chinese
18 from hacking into his cell -- or into his email, right?

19 A. Correct.

20 Q. Okay. And other people in the office had that same
21 type of email address, didn't they?

22 A. I don't know how many others, but yes.

23 Q. Okay. Do you remember the suggestion of burner
24 phones?

25 A. I've -- Ms. -- Ms. Epley mentioned it earlier, but

1 yes.

2 Q. Yeah. It was -- and I know you probably haven't
3 been reading the newspaper, but let's just go ahead and get
4 this out of the way. If a burner phone is a phone, a plastic
5 phone that you can buy at a convenience store with a certain
6 amount of minutes and when it's over, you break it and throw
7 it in the trash, General Paxton never had anything like that,
8 did he?

9 A. Not to my knowledge, no.

10 Q. He never had any burner phone, did he?

11 A. Not under that definition, no, sir.

12 Q. Okay. You told the House you could not speculate
13 as to what relationship Nate Paul had with General Paxton;
14 isn't that right?

15 A. I stated that I believed that they -- that they
16 were friends, yes, but I wouldn't speculate beyond that.

17 Q. Yeah. That's all you know, right?

18 A. Yes.

19 Q. Okay. One thing you do know, that you never were
20 in the presence of General Paxton when he and Nate Paul made
21 any kind of agreement; isn't that right?

22 A. That is correct.

23 Q. I mean, let's be clear. They've been throwing
24 around this word "conspiracy" for literally a week and almost
25 a half. And you were the man who was with General Paxton

1 more than anyone else, and you can say definitively you never
2 saw Nate Paul and General Paxton reach any sort of agreement
3 whatsoever; isn't that right?

4 A. No, sir.

5 Q. Is that right?

6 A. For the conversations I was privy to, that is an
7 accurate statement, yes, sir.

8 Q. Okay. You don't have any actual knowledge that
9 Nate Paul ever did anything for General Paxton other than buy
10 a lunch; isn't that right?

11 A. That is correct.

12 Q. Let's be clear. The man that was with General
13 Paxton more than anyone else is testifying under oath that
14 you have no evidence, no knowledge that Nate Paul ever did
15 anything for General Paxton other than buy a lunch; isn't
16 that true?

17 A. That is correct.

18 Q. Now, you have seen some speculation in the
19 newspaper and the press, haven't you?

20 A. Prior to this trial, yes.

21 Q. Yeah. And I want to -- and I'm not picking on you,
22 Drew, because I think you can tell that I'm fond of you and I
23 like you. But I want you to know that this whole idea of the
24 house renovations, everybody says it came from you. Do you
25 know anything about who paid for General Paxton's home

1 renovations?

2 A. Not directly, no.

3 Q. All you have is one stray comment, right?

4 A. Across multiple instances, yes.

5 Q. And you were concerned about it and you went and
6 raised it with your boss, right?

7 A. That is correct.

8 Q. And he was very clear with you, that is not what's
9 going on here; isn't that right?

10 A. That is what he stated to me, yes.

11 Q. Okay. When you interviewed with the House
12 Managers, did they ever bother to show you the receipts,
13 bills, payments related to General Paxton's house
14 renovations?

15 A. No, sir.

16 Q. They are in evidence. Did you ever go with General
17 Paxton and Senator Paxton when they went to Home Depot?

18 A. No, sir.

19 Q. When they went to Lowe's?

20 A. No, sir.

21 Q. When they went to a different Lowe's?

22 A. No, sir.

23 Q. Were you ever with them when they were pricing
24 sinks and countertops?

25 A. No, sir.

1 Q. You did say in your -- in your testimony to the
2 House that General Paxton's -- I don't want to use the wrong
3 word, but he's close with his money.

4 A. Yes.

5 Q. I don't want to call him cheap because he's my
6 client, but -- but he pays attention to what he spends.

7 A. The word I would use is frugal.

8 Q. Frugal, good word. Okay. You believed, based on
9 what some people have told you or maybe what you read, that
10 General Paxton got granite countertops?

11 A. That was what I read in one news article, yes.

12 Q. Okay. Let's let that sink in. And when you read
13 that and when you connected it to the statement you say you
14 heard, you thought, Well, there it is, General Paxton got
15 granite countertops paid for by Nate Paul, right?

16 A. No, sir.

17 Q. You still didn't believe that, did you?

18 A. No, sir. In terms of the timing, I had already
19 made my statements to the House committee, and the article
20 that I read and the referencing now I believe came out after
21 that.

22 Q. Okay. And I'm not -- I'm not talking about that.
23 I just want to make sure that at some point in time you
24 believed that General Paxton had gotten granite countertops,
25 right?

1 A. I had heard that. I don't think I believed that,
2 no, sir.

3 Q. Do you believe it now?

4 A. No, sir.

5 MR. BUZBEE: Let's pull up, Erick, if you
6 will, Attorney General Exhibit 371.

7 Q. (BY MR. BUZBEE) You told us you had been in the
8 kitchen of the Paxtons' home in Austin?

9 A. I was.

10 Q. And that's in Tarrytown here in Austin?

11 A. That is my understanding what the neighborhood is
12 called, yes.

13 MR. BUZBEE: Okay. Can we pull that up,
14 Erick, please.

15 MS. EPLEY: Objection, Your Honor. Is this
16 already in evidence? And he hasn't established the relevant
17 time period, whether it was before or after.

18 MR. BUZBEE: I've already said this is in
19 evidence, Your Honor. It's AG 371.

20 PRESIDING OFFICER: Overruled.

21 Q. (BY MR. BUZBEE) Now, this picture, sir, was taken
22 before -- a few days before this trial started. Do you see
23 the countertops?

24 MS. EPLEY: Objection, assumes facts not in
25 evidence.

1 MR. BUZBEE: It's already been proved up, Your
2 Honor. We'll do it again.

3 MS. EPLEY: It has not been proven up. It is
4 a photograph, and it depicts exactly what it purports to
5 until or unless he lays a predicate for someone who can say
6 when it was taken.

7 MR. BUZBEE: If I could keep going, Your
8 Honor, we'll do all that.

9 PRESIDING OFFICER: Sustained.

10 Q. (BY MR. BUZBEE) Sir, do you see the kitchen, the
11 Paxton kitchen there?

12 A. I do.

13 Q. Do you see the countertops?

14 A. I do.

15 Q. Are those the same countertops that you saw when
16 you were in the Paxton kitchen?

17 A. Prior to the renovation, yes.

18 Q. Okay. Do you realize that that's the same
19 countertops as they exist today?

20 MS. EPLEY: Objection, facts not in evidence.
21 He doesn't have a predicate for that, and he's testifying to
22 the Senate.

23 MR. BUZBEE: Your Honor, this has already come
24 into evidence of the current picture of General Paxton's
25 kitchen. It's already in evidence.

1 MS. EPLEY: Mischaracterization of the
2 evidence, Your Honor. The photograph is in evidence, but
3 what it depicts has not been established. And Tony Buzbee
4 does not get to, no matter how hard he tries, establish the
5 time frame in which it was taken.

6 PRESIDING OFFICER: Sustained.

7 Q. (BY MR. BUZBEE) Is this how the kitchen looked
8 when you were in it?

9 A. Prior to the renovations, yes.

10 Q. Okay. Do you see the countertops?

11 A. I do.

12 Q. Do you see the stove?

13 A. I do.

14 Q. Do you see the cabinetry?

15 A. I do.

16 Q. Do you know how often the Paxtons went and priced
17 new stoves, new countertops, painting the cabinetry? Do you
18 know any of that?

19 MS. EPLEY: Objection, assumes facts not in
20 evidence. We don't know that they did that at all.

21 MR. BUZBEE: We're asking -- I'm asking him,
22 Your Honor. How can I establish if I don't ask him that?

23 PRESIDING OFFICER: Overruled.

24 Q. (BY MR. BUZBEE) Do you know how many times they
25 did that?

1 A. I do not.

2 Q. Wouldn't it be unfair to the Paxtons to suggest
3 that this picture here -- that these --

4 MS. EPLEY: Objection to relevance, the way
5 it's phrased --

6 MR. BUZBEE: If I could finish.

7 MS. EPLEY: -- your Honor. It's
8 inappropriate.

9 PRESIDING OFFICER: Let him finish his
10 question.

11 Q. (BY MR. BUZBEE) Do you know whether -- the
12 countertops that we see in this picture, do you know whether
13 they've ever changed?

14 A. I do not know if they've changed, no.

15 Q. Okay. In evidence is Exhibits 346 to 353. You
16 mentioned Steam Clean is one of the contractors, right?

17 A. Yes, sir.

18 Q. And you had to deal with them?

19 A. I believe I was copied on email correspondence.

20 Q. Okay. And did you know that there was more work
21 that the Paxtons wanted beyond what Steam Clean was going to
22 do?

23 A. I wasn't that involved in the detail of The Steam
24 Team.

25 Q. Okay. Did you -- you talked to us about how you

1 had some involvement with an insurance adjuster?

2 A. The involvement being that I showed him the home,
3 yes.

4 Q. And the insurance company was USAA?

5 A. I believe that's correct.

6 Q. Let's look at what's in evidence, AG Exhibit 1 --
7 410, second page.

8 MR. BUZBEE: Just catch the first page first,
9 Erick.

10 Q. (BY MR. BUZBEE) Can you confirm with me,
11 Mr. Wicker, Drew, that the date of this correspondence from
12 USAA is September 16th, 2020?

13 A. I can.

14 Q. And let's turn to the second page. Do you see that
15 the policyholder is Warren Paxton, your former boss?

16 A. Yes.

17 Q. Okay. And you see there's a claim number there?

18 A. I do.

19 Q. And do you see this explanation for the benefits
20 and the payments and the additional payments that are laid
21 out there?

22 A. That's what it appears to be, yes.

23 Q. And how often did you hear General Paxton complain
24 about how slow the insurance company was on his claim?

25 MS. EPLEY: Objection, Your Honor. What's

1 good for the goose is good for the gander. That's hearsay.

2 MR. BUZBEE: Exactly. We've been hearing from
3 General Paxton all trial.

4 MS. EPLEY: He's my -- he's our party
5 opponent, Your Honor, not his own. He cannot proffer
6 statements for Ken Paxton on his behalf from the stand. We
7 get to use them against him; he doesn't get to offer them for
8 you.

9 PRESIDING OFFICER: Sustained.

10 Q. (BY MR. BUZBEE) Do you see here, it says 32,000
11 total cash out to you for all other covered repairs. Do you
12 see that?

13 A. I do.

14 Q. Did you ever have any involvement in trying to
15 convince the mortgage company to release that check to the
16 Paxtons?

17 A. I don't recall that, no.

18 Q. Okay. Did you -- did you understand that there
19 were more repairs being made that Ken Paxton was claiming
20 were covered from a different contractor?

21 A. I'm not aware.

22 MS. EPLEY: Objection, assumes facts not in
23 evidence, and Counselor is testifying.

24 Q. (BY MR. BUZBEE) Did you know?

25 PRESIDING OFFICER: Sustained.

1 Q. (BY MR. BUZBEE) Did you know that there was a
2 different contractor doing some of the work in the Paxtons'
3 home?

4 MS. EPLEY: Objection. Mr. Buzbee, that's
5 twice the Judge has sustained the objection to facts not in
6 evidence.

7 MR. BUZBEE: He just testified to it in direct
8 that he dealt with Kevin Wood. That's in evidence.

9 MS. EPLEY: That's because it was a direct
10 relationship based on his rational perception of the facts.

11 Q. (BY MR. BUZBEE) Did you deal with Mr. Wood? Did
12 you see Mr. Wood at the home?

13 A. I did deal with Mr. Wood, yes.

14 Q. Did you know that he was doing repairs and
15 renovations to the home?

16 A. Yes.

17 Q. Did you know that he was, in fact, the second
18 contractor that's being referred to in the USAA docs?

19 A. No. I've never seen these documents.

20 Q. I'm trying to figure out --

21 MS. EPLEY: Objection, assumes facts not in
22 evidence. He's introduced a second contractor when all we
23 know is the first and Cupertino.

24 PRESIDING OFFICER: Overruled.

25 Q. (BY MR. BUZBEE) I'm trying to figure out how it

1 would be that -- that Nate Paul is paying for repairs when in
2 fact USAA is paying for some of them. You have any idea
3 about that?

4 A. General Paxton expressed to me that he was paying
5 things out of his own pocket as well as insurance.

6 Q. Exactly. You knew that, for instance, the sink
7 that they use -- that they put into the home, you know that
8 that sink was replaced, right?

9 MS. EPLEY: Objection, assumes facts not in
10 evidence.

11 MR. BUZBEE: I'm asking him, Your Honor. How
12 can we put it in evidence if I don't ask the witness?

13 PRESIDING OFFICER: Overruled.

14 MR. BUZBEE: Those are silly objections.

15 Q. (BY MR. BUZBEE) You know that they were trying to
16 replace their sink, right?

17 A. No, sir, I do not know that.

18 Q. Do you know what the sink looks like now?

19 A. No, sir.

20 Q. Do you know who paid for the sink?

21 A. No, sir.

22 MR. BUZBEE: Your Honor, we're going to offer
23 AG Exhibit 433, which is all of the pictures --

24 MS. EPLEY: Objection, Your Honor.

25 MR. BUZBEE: -- that Angela -- let me offer

1 the exhibit first. All of the pictures that Angela Paxton
2 had from her phone, all of these where they were at Lowe's
3 and Home Depot pricing repairs to their home that they -- and
4 they paid for out of their own pocket.

5 MS. EPLEY: Objection, Your Honor, assumes
6 facts not in evidence.

7 MR. BUZBEE: If I could finish.

8 PRESIDING OFFICER: Excuse me, Counselor, let
9 him finish. Okay. You'll have plenty of time to object.

10 MR. BUZBEE: Proven up with an affidavit from
11 Senator Paxton herself establishing that these are records
12 that they keep -- that they kept. And she confirms that they
13 are what they -- she say they are. And they're nonhearsay,
14 they're mostly just pictures.

15 MS. EPLEY: Your Honor, Mr. President, if I
16 may respond.

17 MR. BUZBEE: Be Exhibit 433, all the pictures
18 from Angela Paxton's phone.

19 MS. EPLEY: I am not calling Senator Paxton's
20 credibility on this issue --

21 PRESIDING OFFICER: Give me one second.

22 MS. EPLEY: -- into question.

23 PRESIDING OFFICER: Let me ask you. Do you
24 object?

25 MS. EPLEY: I do.

1 PRESIDING OFFICER: What basis?

2 MS. EPLEY: I am not calling the question --
3 the affidavit itself into question. What I am saying is
4 there is inadequate information in that packet to establish
5 it is relevant. For example, there are about 300 pages of
6 what looks like scrolling online shopping or photographs from
7 catalogs from Home Depot and Lowe's. They have no point of
8 relevance. You don't know when the pictures were taken or by
9 whom. So while she can establish they are her records, we do
10 not know what they imply. There's nothing to show us what
11 they fairly and accurately depict or when it was taken.

12 MR. BUZBEE: That's what the affidavit does.

13 PRESIDING OFFICER: Mr. Buzbee?

14 MR. BUZBEE: The affidavit specifically does
15 what she claims it doesn't do.

16 MS. EPLEY: She does not claim the time frame
17 or when the pictures were taken.

18 MR. BUZBEE: Right here, Your Honor.

19 PRESIDING OFFICER: Can I see the affidavit?

20 MR. BUZBEE: You may.

21 MS. EPLEY: Further, Mr. President, I would
22 point out that their business record affidavit has not been
23 on file for 14 days, and no metadata is included which would
24 have been easily provided if they had done a Cellebrite dump
25 of the cell phone.

1 One other point of order, Mr. President. The
2 defense has not followed the rules established by this body
3 in order to have a Senator testify which is de facto what is
4 happening by affidavit. I want to -- I want to encourage
5 everyone to realize I'm not questioning that she signed what
6 she believes to be a valid affidavit. It's that it is not in
7 compliance with the rules and it does not tell us what it
8 purports to depict.

9 MR. BUZBEE: Your Honor, our mission here --
10 this is Article X. Our mission here is to find the truth.
11 And they have alleged that Ken Paxton and Angela Paxton, a
12 member of this body, were bribed, that someone else paid for
13 their house repairs.

14 The documents you have in your hand directly
15 contradict that in and, in fact, prove the opposite. Those
16 are proved up by affidavit. The pictures fairly and
17 accurately represent pictures they were taking when they were
18 pricing at Lowe's and Home Depot. They also have pictures of
19 the house itself as it was undergoing renovations. And I'll
20 compare those pictures with the pictures of the home now to
21 demonstrate that all of the things Angela Paxton wanted, like
22 a new sink, she got --

23 MS. EPLEY: Objection, Your Honor.

24 MR. BUZBEE: If I could finish, Your Honor.

25 MS. EPLEY: Counsel continues to testify on

1 behalf of his client. It is inappropriate. I ask that we
2 approach and that the testimony be stricken and the Senators
3 asked to disregard. I am not attacking a Senator here, but
4 he has to follow the rules of evidence because this is a
5 court and we follow the rules.

6 PRESIDING OFFICER: Come on up. Come on up.

7 (Conference at the bench off the record)

8 PRESIDING OFFICER: Members, we'll take a
9 lunch break now. Be back at one o'clock.

10 (Recessed for lunch at 12:07 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 13th day of September, 2023.

/s/ Kim Cherry

KIM CHERRY, CSR, RMR
Texas Certified Shorthand Reporter
CSR No. #4650 Expires: 7/31/24
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