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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 - PM 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 Mary Oralia Berry,
CSR, RDR, CRR, CBC.

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1 CROSS-EXAMINATION (CONTINUED)

2 BY MR. BUZBEE:

3 Q. I want to make sure we're all on the same page
4 about what we're attempting to do here.

5 MR. BUZBEE: Erick, would you mind
6 putting in front of our senators Article X, please.

7 Q. (BY MR. BUZBEE) Drew, help me here a little
8 bit. Article X alleges constitutional bribery. Do you
9 see that?

10 A. Yes, sir, I do.

11 Q. It says in the second paragraph, Specifically,
12 Paxton benefited from Nate Paul providing renovations to
13 Paxton's home.

14 Did I read that right?

15 A. Yes, sir, you did.

16 Q. You understand that's the allegation being
17 made, right?

18 A. Yes, sir.

19 Q. Now, you had told us about a conversation you
20 heard at the Paxton's Tarrytown home, right?

21 A. Yes, sir.

22 Q. It was you, it was General Paxton, and it was
23 a gentleman named Kevin Wood in the kitchen, correct?

24 A. That is correct.

25 Q. Now, of course, you've -- you've told us all

1 that you never saw Nate Paul at General Paxton's
2 home, true?

3 A. That is correct.

4 Q. And you knew that the Paxton's home had water
5 damage, right?

6 A. Correct.

7 Q. And you knew Kevin Wood was the contractor,
8 right?

9 A. That is correct.

10 Q. And you knew that the Paxtons had decided to
11 do some additional renovations at the same time they
12 were fixing the water damage, right?

13 A. Yes, sir.

14 Q. And you say you were in the kitchen with
15 General Paxton and Kevin Wood and they were talking
16 about redoing the countertops, right?

17 A. That is correct.

18 Q. And the mention was that Angela wanted granite
19 countertops, right?

20 A. That General Paxton and her had both decided
21 they would like granite countertops, correct.

22 Q. And you said that at some point the cost of
23 that was mentioned to be \$20,000?

24 A. Yes, sir.

25 Q. Okay. And you can't tell us here whether the

1 Paxtons actually got these \$20,000 countertops, can you?

2 A. No, sir.

3 Q. Now, one way we could figure that out is for
4 all of us to go to the Paxton's home right now, couldn't
5 we?

6 A. Yes, sir.

7 MR. BUZBEE: I mean, Your Honor, we could
8 right now, if the Court would allow it, get on a bus and
9 drive over to Tarrytown and look at the Paxton's
10 countertops. Could we do that, Your Honor?

11 MS. EPLEY: Objection. Relevance, Your
12 Honor. He can bring in photographs if he chooses to
13 that were taken at a current time period.

14 PRESIDING OFFICER: I'm going to
15 overrule. He simply asked a question. That's something
16 I could do.

17 MR. BUZBEE: Yes, sir. And we make may a
18 motion in that regard. But maybe we can fix it in this
19 way, Your Honor.

20 Q. (BY MR. BUZBEE) We had previously looked at
21 an exhibit put into evidence by the House Board of
22 Managers.

23 MR. BUZBEE: Let's look at House Board of
24 Managers 703.

25 And, Erick, if you would, turn to the

1 fourth page of this exhibit that's in evidence.

2 Q. (BY MR. BUZBEE) We can see here, can we not,
3 that Kevin Wood has an e-mail that's sent on July 4th,
4 2020. Do you see that?

5 A. Yes, sir.

6 Q. And he attaches some pictures of the home at
7 that time -- point in time, right?

8 A. I can't see that, but I do see that there are
9 attachments.

10 MR. BUZBEE: Okay. Now let's turn over,
11 Erick, if we could, to the page Bates-stamped 29672
12 within that exhibit and pull that up so everybody can
13 see.

14 And try to -- try to bring that picture
15 up so we all can see it, Erick.

16 Q. (BY MR. BUZBEE) All right. Now, we can see
17 what that kitchen looked like as of July of 2020, can't
18 we?

19 A. Yes, sir.

20 Q. I want you to look very carefully at it. Can
21 you see the stove?

22 A. Yes, sir.

23 Q. Can you see the countertops?

24 A. It's a little bit grainy, but, yes.

25 Q. And that's how the house looked when you were

1 in that kitchen with General Paxton and with Kevin Wood;
2 isn't that right?

3 A. It was mostly covered up by renovations, but,
4 yes.

5 Q. Now -- so this is -- we'll call this "the
6 before," okay?

7 A. Yes, sir.

8 Q. This was the before, the suggestion that we're
9 going to make those countertops granite, right?

10 A. Yes.

11 Q. And we're going to redo the cabinetry, right?
12 That's another thing you mentioned?

13 A. Yes, sir.

14 MR. BUZBEE: All right. Now, let's go
15 back if we could to the picture that's in evidence and
16 marked as AG 371 and bring that up.

17 Erick has the most stressful job in this
18 trial. No pressure, Erick.

19 Q. (BY MR. BUZBEE) Okay. Here we have a picture
20 of that same kitchen; is that true?

21 A. It would appear so, yes.

22 Q. And you see the same countertops that you saw
23 in the previous picture, don't you?

24 A. It would appear so, yes.

25 Q. And you see the same cabinets as in the

1 previous picture, right?

2 A. Again, it would appear so.

3 Q. So the question, the question is --

4 MS. EPLEY: I'm going to object, Your
5 Honor, to relevance. I don't believe this is in the
6 packet that we're referencing. Mr. Buzbee can cite me
7 if I'm incorrect.

8 MR. BUZBEE: I have already said this is
9 in evidence at AG 371.

10 PRESIDING OFFICER: Overruled.

11 Q. (BY MR. BUZBEE) The question is when was
12 AG 371 taken, right?

13 A. Yes, sir.

14 Q. Because if this picture was taken on
15 August 22nd of 2023, then anybody with any common sense
16 would know that nothing was done to the cabinets or the
17 countertops, right?

18 A. That would be correct.

19 MR. BUZBEE: May I approach the witness,
20 Your Honor?

21 PRESIDING OFFICER: Yes, you may.

22 Q. (BY MR. BUZBEE) Before you testify about it,
23 just confirm with me that what you've been handed, which
24 is now --

25 MS. EPLEY: Objection, Your Honor, to

1 publishing a document that's not in evidence that he has
2 not attributed for the record.

3 MR. BUZBEE: I have not published
4 anything at this point, Your Honor.

5 MS. EPLEY: The picture is on the screen,
6 Mr. Buzbee.

7 MR. BUZBEE: That's the picture AG 371.
8 This is something different.

9 PRESIDING OFFICER: Overruled.

10 Q. (BY MR. BUZBEE) Now take a look at what I've
11 handed you, AG 1051. And would you confirm with me that
12 the picture you're holding in your hands is the same
13 picture that we see on the screen, which is AG 371?

14 A. It appears so, yes.

15 Q. And do you see the exhibit you're holding in
16 your hand has, in fact, the date and where the picture
17 was taken?

18 A. It does.

19 MR. BUZBEE: Your Honor, we offer AG 151
20 (sic).

21 PRESIDING OFFICER: Will you show it to
22 the defense?

23 MS. EPLEY: May I -- may I see a copy and
24 the date that was referenced?

25 PRESIDING OFFICER: It's coming to both

1 of us. We would like to have one.

2 MR. BUZBEE: Give a copy to the other
3 side.

4 PRESIDING OFFICER: Give it to them
5 first.

6 And you can give us a copy. Sir, you can
7 give us a copy.

8 That's the only one you have? Do you
9 have another copy?

10 MS. EPLEY: Mr. President, I don't want
11 to stave off his direct -- I mean cross, but I think
12 that I can clear something up if I can take Mr. Wicker
13 on a brief voir dire. I think he's been misled as to
14 the date and time of the photograph he originally
15 identified.

16 MR. BUZBEE: Again, Your Honor, I'm
17 asking this witness if he has now the date the picture
18 was taken on a cell phone, the exact same picture that's
19 already in evidence. It's not very hard. We're going
20 to get to the truth here.

21 PRESIDING OFFICER: Overruled.

22 Q. (BY MR. BUZBEE) Tell us, sir, the date of the
23 picture you have in your hand.

24 A. It states that it was Tuesday, August 22nd,
25 2023, at 4:50 p.m.

1 Q. And where was the picture taken?

2 A. It says Austin, Tarrytown.

3 MR. BUZBEE: Your Honor, we offer
4 AG 1051.

5 PRESIDING OFFICER: Do you object?

6 MS. EPLEY: I do, Your Honor. Objection.
7 Hearsay. He hasn't established a proper predicate to
8 make it relevant to this trial. It doesn't have an
9 address. And Mr. Wicker cannot say that he fairly and
10 accurately depicts something that he's actually seen.

11 PRESIDING OFFICER: Overruled.

12 MR. BUZBEE: Now, Erick, please publish
13 for the ladies and gentlemen of this distinguished jury
14 the picture of the Tarrytown Paxton home that was taken
15 in August of this year.

16 Q. (BY MR. BUZBEE) Do you see there, sir, that
17 the cabinets have never changed?

18 A. It would appear so, yes.

19 Q. Do you see there, sir --

20 MS. EPLEY: Mr. President --

21 Q. (BY MR. BUZBEE) -- that the countertops have
22 never changed?

23 MS. EPLEY: Mr. President, I'm sorry. I
24 must insist. He's provided metadata, but without any
25 source for it. I'm not trying to impugn his character,

1 but this is a court of law and he has to establish the
2 predicate for the information that's contained below.
3 He has not done that and he intends to rely upon it. It
4 is hearsay.

5 MR. BUZBEE: It's in evidence already,
6 Your Honor. You've ruled on it. It's in evidence.

7 MS. EPLEY: Your Honor, with all respect
8 to Mr. Buzbee, he's misleading you. The photograph is
9 in evidence. The information contained beneath it is
10 not. That's what he's asking you to do now.

11 MR. BUZBEE: Again, we can look back with
12 the court reporter, but I offered 1051. The Court
13 allowed it.

14 MS. EPLEY: In that case, Mr. President,
15 it is fully within your discretion to correct an error.
16 I'm not conceding that it is admitted, but if it were,
17 in light of the fact that he cannot establish that
18 anything beneath that photograph is true, and he intends
19 to dance upon it, I would ask that the Court help
20 correct that issue.

21 MR. BUZBEE: That picture, Your Honor, as
22 you can tell, is the same picture that's in evidence.
23 The only addition to it is now we know exactly when the
24 picture was taken and where it was taken.

25 MS. EPLEY: Which establishes the exact

1 issue, Your Honor. There is no one here who can
2 establish whether or not this picture was, in fact,
3 taken August 22nd, 2023. And any 12-year-old can create
4 that graphic on a computer.

5 MR. BUZBEE: Your Honor, this counsel --
6 this lawyer is suggesting that me, an officer of this
7 court, has somehow doctored a picture, when I've offered
8 to go over to the home right now and look at the kitchen
9 and it will look exactly like that.

10 Why would somebody who has an obligation
11 as a prosecutor to find the truth try to prevent the
12 truth from coming out? This is in evidence. The
13 picture is in evidence already. The Court has allowed
14 now the picture in evidence that shows when it was
15 taken. I would allow --

16 MS. EPLEY: I am not trying to impugn
17 anyone's character. I'm acting as a prosecutor and a
18 rule follower. And I expect to do that here so no
19 misimpressions are left with the Court.

20 PRESIDING OFFICER: This is allowed in
21 evidence.

22 MR. BUZBEE: Thank you, Your Honor.

23 PRESIDING OFFICER: Overruled.

24 (AG Exhibit 1051 admitted)

25 Q. (BY MR. BUZBEE) Now, you care about the

1 truth, don't you, Drew?

2 A. Yes, sir.

3 Q. You want the truth to come out?

4 A. I believe it has to.

5 Q. Yes. It's important, isn't it?

6 A. Yes, sir.

7 Q. And now we see that the picture of the Paxton
8 home, we can see that there were no work done on the
9 countertops, can't we?

10 A. Yes, we can.

11 Q. We can see that there was no work done on the
12 cabinetry, can't we?

13 A. Yes, sir.

14 Q. Pretty clear, isn't it?

15 A. From those images, yes.

16 Q. Accusing someone of bribery for accepting
17 granite countertops and new cabinetry is a very serious
18 allegation, isn't it?

19 A. I would agree.

20 Q. And you understand that Mr. Paxton,
21 General Paxton, has no obligation to prove anything,
22 right? He's being accused.

23 A. Yes, sir.

24 Q. He doesn't have to prove anything, does he?

25 A. Yes, sir.

1 Q. But we've proven that the countertops were not
2 altered in any way, haven't we?

3 A. The countertops appear to have not been
4 altered, that's correct.

5 Q. The cabinets have not been altered in any way,
6 have they?

7 A. It would appear that way, yes, sir.

8 Q. And, in fact, we've created a comparison
9 picture. It's Exhibit 1 -- or 1052, AG 1052.

10 MR. BUZBEE: May I approach?

11 Q. (BY MR. BUZBEE) And we agree, Drew, that 1052
12 that you're holding in your hands is a picture. The one
13 on the left is the one we just looked at, right?

14 A. Yes, sir.

15 Q. And the one on the right is the one we looked
16 at from Kevin Wood, right?

17 A. That is correct.

18 Q. And they're -- they're side by side on this
19 exhibit, true?

20 A. That is correct.

21 Q. And we know the one on the right was taken in
22 July of 2020, right?

23 A. Yes, sir.

24 Q. And we know the one on the -- on the left was
25 taken years later, August 2023, don't we?

1 A. Yes, sir.

2 MR. BUZBEE: We offer 1052.

3 PRESIDING OFFICER: Do you have a copy of
4 that? Would you please provide a copy?

5 MS. EPLEY: To -- to clarify, I see AG
6 371, and I see a House Board of Managers 73 on 1052.
7 Which one of these two photos is supposed to be 1051?

8 MR. BUZBEE: I'm not answering her
9 questions, Your Honor. I've offered this exhibit.

10 MS. EPLEY: Then I object to relevance.

11 MR. BUZBEE: This is a comparison, as
12 I've laid out with the witness. He's established the
13 relevance of this picture. It compares the one taken
14 years back in 2020 with the one taken last month. We
15 would offer it.

16 PRESIDING OFFICER: Overruled.

17 MR. BUZBEE: Would it be accepted, Your
18 Honor?

19 PRESIDING OFFICER: What is the number
20 again?

21 MR. BUZBEE: 1052.

22 PRESIDING OFFICER: 1052 is admitted into
23 evidence.

24 (AG Exhibit 1052 admitted)

25 MR. BUZBEE: Thank you, Your Honor.

1 Q. (BY MR. BUZBEE) So can we agree, Drew,
2 that -- that your concerns now have been put to bed, at
3 least with regard to the countertops and the cabinetry?

4 A. With regards to those two items yes, sir.

5 Q. I mean, now you're satisfied, right?

6 A. Yes, sir.

7 Q. Okay. Now, I want to show you some other
8 documents in evidence. I mean, it shouldn't be that --
9 that a friend -- a family member has to prove their
10 innocence, should it?

11 A. In -- in a court of law, my understanding is
12 that they're supposed to provide evidence to answer the
13 charges. The answer to your question is no, you're
14 innocent until proven guilty.

15 Q. Yeah.

16 MR. BUZBEE: AG Exhibit 332.

17 Thank you, Erick.

18 Q. (BY MR. BUZBEE) This is an invoice. Can you
19 tell us all the date of the invoice?

20 A. The date of the invoice is September 1st,
21 2020.

22 Q. And the invoice is from whom?

23 A. Cupertino Builders.

24 Q. I just want to keep -- keep that date in your
25 mind. September 1, 2020. Can you do that for me, Drew?

1 A. Yes, sir.

2 MR. BUZBEE: All right. Erick, go to AG
3 Exhibit 410.

4 Q. (BY MR. BUZBEE) Can you see the date there on
5 this USAA claims correspondence?

6 A. September 16th of 2020.

7 Q. So here we are 15 days after that invoice that
8 we saw previously?

9 A. Yes, sir.

10 MR. BUZBEE: And turn the page, Erick.

11 Q. (BY MR. BUZBEE) And we can see as of that
12 time the claim being made with regard -- or with USAA is
13 being administered?

14 A. Yes.

15 MR. BUZBEE: Okay. AG 428.

16 Q. (BY MR. BUZBEE) Drew, this is a document
17 that's in evidence from the state of Delaware. Do you
18 see that?

19 A. I do.

20 Q. And do you see it's a document related to
21 Cupertino Builders?

22 A. I do.

23 Q. And can we -- can we agree that that's the
24 same entity that we saw in the September 1, 2020,
25 invoice?

1 A. Yes, sir.

2 Q. And would you look at the very bottom line
3 that gives us the date that that company was
4 incorporated in the state of Delaware?

5 A. It appears that the filing was April 16th of
6 2020.

7 Q. So what we know is, is in April of 2020
8 Cupertino Builders was incorporated in the state of
9 Delaware?

10 A. Yes, sir.

11 Q. And we know that months later it issued an
12 invoice to the Paxtons for work on their home?

13 A. That's correct.

14 MR. BUZBEE: Go back to the invoice,
15 please, Erick.

16 Go back to AG 332, Erick.

17 I just want to look at this invoice that
18 was issued September 1, 2020, okay. Turn to the second
19 page, Erick.

20 Q. (BY MR. BUZBEE) Do you see the total amount
21 invoiced to the Paxtons for the renovations of their
22 home?

23 A. \$121,817 (sic).

24 Q. Do you have a pen with you?

25 A. No, sir, I do not.

1 MR. BUZBEE: May I approach the witness?

2 PRESIDING OFFICER: Yes.

3 Q. (BY MR. BUZBEE) Drew, would you do me the
4 favor of writing down the amount of that invoice on your
5 postie note there? \$121,617.

6 A. Yes, sir.

7 Q. And we know, of course, that Cupertino
8 Builders was a Delaware corporation as of the time this
9 invoice was issued?

10 A. That is what it says.

11 MR. BUZBEE: Let's look now at AG
12 Exhibit 48. And turn, Erick, if you would, to the Bates
13 stamp EBT184. These are some texts messages between
14 General Paxton and a guy we may hear from in this case
15 named Chip Loper. All right?

16 And could you pull that text up, Erick.

17 Q. (BY MR. BUZBEE) We saw that invoice was due
18 on September 30th, 2020, right?

19 A. That is correct.

20 Q. And now we have a text from General Paxton to
21 his blind trust -- or his trustee of his trust
22 instructing him to make a payment, don't we?

23 A. That is what the text message says, yes.

24 Q. And confirm with me, if you would, that the
25 amount that Chip Loper, the trustee, is being instructed

1 to pay is exactly the amount that's on your postie note
2 that you just wrote.

3 A. I can confirm.

4 Q. Say it again?

5 A. I confirm that.

6 Q. Exact, right?

7 A. Yes, sir.

8 MR. BUZBEE: Erick, bring up AG
9 Exhibit 47.

10 Q. (BY MR. BUZBEE) So what we've seen so far,
11 Drew, is we've seen an invoice that's due on
12 September 30th, right?

13 A. Yes, sir.

14 Q. We've seen a text from Mr. Paxton to his
15 trustee instructing him to pay, right?

16 A. Yes, sir.

17 Q. And we know those amounts are the same, true?

18 A. Yes.

19 Q. And now what we have in front of us is a bank
20 statement from Prosperity Bank, right?

21 A. That is what it says.

22 Q. And would you please confirm with me -- go to
23 page -- we're looking at AG 47. Go to page 116, EBT116.

24 And would you confirm that the day
25 after -- the day after Mr. Paxton, General Paxton, sent

1 the text to his trustee that a wire was made from
2 Mr. Paxton's account of \$121,617?

3 A. I can.

4 Q. And is that the same number that you wrote on
5 your postie note?

6 A. Yes.

7 MR. BUZBEE: Now let's go to AG 333.

8 Q. (BY MR. BUZBEE) Do you see here that this is
9 another record from a bank BBVA?

10 A. I do not see BBVA -- oh, yes, I do. Okay. Up
11 there.

12 Q. Business Choice checking account?

13 A. Yes, sir.

14 Q. And can you confirm that that account received
15 a wire in the exact same amount as you wrote on your
16 postie note?

17 A. Yes.

18 Q. And it matches to the letter, to the penny,
19 the amount of the invoice?

20 A. Yes.

21 Q. And the amount of the wire out of the Paxton's
22 account?

23 A. I don't see where this says that this is the
24 Paxtons' account.

25 Q. Well, you saw the previous Paxtons' account.

1 What we've seen is the invoice, the wire out, and the
2 wire in, haven't we?

3 A. Yes.

4 Q. Okay. When you raised your concern because --
5 I mean, you -- you raised it first with some of the
6 folks in the office. Is that how it went?

7 A. I sought advice from a trusted individual who
8 brought me into the office first, yes.

9 Q. Is that Brickman?

10 A. No, sir. That was Marc Rylander.

11 Q. Okay. So you went to Rylander and said, Look,
12 I heard something. It sounds a little weird. What do I
13 do?

14 A. Yes.

15 Q. Because you -- you didn't know what to do
16 about it?

17 A. No, sir.

18 Q. And what he told you to do, Hey, just raise it
19 with General Paxton, right?

20 A. His advice was that if I was comfortable
21 raising it with General Paxton, that I do so. And that
22 I also inform Blake Brickman as my direct report.

23 Q. Okay. And he told that your understanding was
24 just wrong, didn't he?

25 A. That is what General Paxton said, yes.

1 Q. He also told you he appreciated you bringing
2 that to his attention, right?

3 A. That is correct.

4 Q. And -- and you accepted that, didn't you?

5 A. Yes.

6 Q. And it seemed logical, didn't it?

7 A. I still had some questions, but, yes, I did
8 take it at face value.

9 Q. And he never told you not to tell anybody, did
10 he?

11 A. No, sir.

12 Q. I mean, he never said, Hey, keep it on the
13 down low, Drew, did he?

14 A. No, sir.

15 Q. He told you specifically, Drew, I'm paying for
16 these renovations, but I appreciate you sharing that
17 with me, but that is not what this is, right?

18 A. Yes, sir.

19 Q. And you took his word for it, didn't you?

20 A. I took his word for it.

21 Q. Now, you don't have any personal knowledge
22 about any relationship General Paxton may or may not
23 have had with anyone named Laura Olson, do you?

24 A. I've only witnessed them together the one
25 time.

1 Q. So you don't have any personal knowledge about
2 their relationship other than you saw a woman come out
3 of an elevator, right?

4 A. I saw Laura Olson come out of an elevator,
5 yes.

6 Q. Okay. Now, these trusted people you -- you
7 mentioned in the office, you were talking to them often,
8 weren't you?

9 A. On a daily basis.

10 Q. Y'all were friends?

11 A. Yes.

12 Q. Did you know they took General Paxton's name
13 off the letterhead?

14 A. I don't know --

15 MS. EPLEY: Objection, Your Honor. Facts
16 not in evidence.

17 MR. BUZBEE: I'm asking --

18 MS. EPLEY: Proven to be false in the
19 course of this trial.

20 PRESIDING OFFICER: Sustained.

21 Q. (BY MR. BUZBEE) Did you ever discuss with
22 them taking General Paxton's name off his own
23 letterhead?

24 A. No.

25 MS. EPLEY: Objection, Your Honor.

1 Question calls for hearsay. And it's facts not in
2 evidence.

3 PRESIDING OFFICER: Sustained.

4 Q. (BY MR. BUZBEE) Now, just so we're clear, you
5 are not accusing or providing any evidence that
6 General Paxton did anything wrong in this case, are you?

7 A. The only evidence that I bring to the table is
8 what I overheard and what I have reported. That is it.

9 MR. BUZBEE: Pass the witness, Your
10 Honor.

11 PRESIDING OFFICER: Your witness.

12 MS. EPLEY: Thank you.

13 REDIRECT EXAMINATION

14 BY MS. EPLEY:

15 Q. Mr. Wicker, you sometimes ran personal errands
16 for General Paxton; is that right?

17 A. That is correct.

18 Q. When you did that, were you advised what --
19 which service you were using, the campaign fund money or
20 work money? Did you have to attribute where money was
21 spent or your time was spent?

22 A. I -- I wasn't compensated for most of those
23 services, so, no, I was not.

24 Q. Okay. Thank you.

25 The second, because Mr. Buzbee asked you

1 extensive questions, you had told us that the damage was
2 in the bedroom, correct?

3 A. Yes.

4 Q. And did you see actual renovations anywhere in
5 the home outside of the bedroom?

6 A. Yes.

7 Q. Is it fair to say if you knew people were
8 looking into your countertops and your cabinets, you
9 might choose at that point not to get them upgraded?

10 MR. BUZBEE: Objection. Speculation,
11 Your Honor.

12 PRESIDING OFFICER: Sustained.

13 Q. (BY MS. EPLEY) Okay. Do you know in the
14 course of working with the adjustor in looking at Steam
15 Clean and those groups that work for the insurance
16 side -- or let me do this differently.

17 Do you know that payments were made by
18 insurance?

19 A. I -- I do not know that firsthand, no.

20 Q. But we've all taken as a given, I think
21 through the course of talking to Mr. Buzbee, that more
22 further renovations were done, correct?

23 A. Yes. And that's what the document said.

24 Q. Okay. I want to clarify something else, and
25 I'm sorry to put you on the spot.

1 When Mr. Buzbee was showing you pictures
2 of the kitchen, do you have an independent memory now in
3 regards to what those granite -- I mean, what the
4 countertops looked like or are you taking his word for
5 it?

6 A. To the best of my recollection, those were the
7 countertops.

8 Q. I do not want to lead, so I'm going to ask you
9 a question only because of a prior conversation. The
10 answer doesn't really matter, but I want to clarify.

11 Didn't you say redo the granite
12 countertops when we first spoke, meaning what was being
13 changed may or may not be granite again?

14 A. That was a mistake on my part. And as I
15 mentioned to both you and Mr. Buzbee, I had to amend
16 that statement to be more consistent with other
17 statements made to law enforcement.

18 Q. I see. So you've already had a conversation
19 specific about this with Mr. Buzbee?

20 A. I did.

21 Q. Okay. Have you and I had this particular
22 conversation?

23 A. To the best of my recollection, yes.

24 Q. Okay. And so when you made that correction
25 for yourself, it's not because you were lying the first

1 time, right?

2 A. No.

3 Q. Okay. What is the most relevant part of that
4 conversation with Kevin Wood, the renovations which we
5 know took place, which people only know about because of
6 you, or the state of the cabinets and countertops?

7 MR. BUZBEE: Objection, Your Honor.
8 Leading, number one.

9 And number two, I don't think it's
10 appropriate to ask the witness what's most relevant.
11 That's the Court's job.

12 MS. EPLEY: I think I've made the point.
13 That's okay. I'll move on.

14 PRESIDING OFFICER: Sustained.

15 MS. EPLEY: Thank you.

16 Q. (BY MS. EPLEY) How many times did you hear
17 the phrase, "I'll have to check with Nate"?

18 A. Three times.

19 Q. Over the course of one day or multiple days?

20 A. In the course of one conversation.

21 Q. Thank you, sir.

22 Do you have any question, then, that on
23 three different occasions the response to a question
24 directed at Kevin Wood about financial impact of
25 renovations was, "I'll have to check with Nate"?

1 A. That is correct.

2 Q. Since you've already spoken to Mr. Buzbee, let
3 me ask you a few questions about that.

4 How did your conversation go? Did you
5 call him or did he call you?

6 A. Whenever we were -- in preparing for this
7 trial, every effort was made, whenever the House team
8 reached out to offer the same thing for the defense.
9 And it was in response to that in preparation for this
10 testimony here today that my counsel and I both reached
11 out to Mr. Buzbee's team to have a conversation prior to
12 me taking the stand.

13 Q. That's an honorable and fair thing to do.

14 Had you made prior effort -- efforts to
15 speak to Mr. Buzbee or Paxton's team?

16 A. My legal counsel had, yes.

17 Q. On your behalf?

18 A. Yes.

19 Q. And at any point until the last week did they
20 take you up on that?

21 A. They did not.

22 Q. He asked you a lot of questions about whether
23 or not you overheard an agreement between Nate Paul and
24 Ken Paxton. Do you recall that?

25 A. Yes.

1 Q. Do most people who are working together stand
2 on top of a mountain, hands on their hips, and say, I'll
3 do this for you if you'll give me X?

4 MR. BUZBEE: Objection, Your Honor.
5 That's an improper question. Leading. And --

6 PRESIDING OFFICER: Sustained.

7 MR. BUZBEE: Thank you, Your Honor.

8 Q. (BY MS. EPLEY) Do you -- do you understand
9 that law enforcement in this investigative body can use
10 circumstantial evidence --

11 MR. BUZBEE: Objection, Your Honor.

12 Q. (BY MS. EPLEY) -- to determine whether or not
13 there's a conspiracy?

14 MR. BUZBEE: I'm sorry to interrupt.
15 Objection. Improper question. Speculation.

16 PRESIDING OFFICER: Sustained.

17 MS. EPLEY: Yes, Your Honor.

18 Q. (BY MS. EPLEY) Let me do this differently
19 then. Do you have any memory of when the Paxtons moved
20 back into their home?

21 A. This would have been probably August/September
22 time frame, if I had to guess.

23 Q. Okay.

24 MS. EPLEY: May I approach the witness,
25 Your Honor?

1 PRESIDING OFFICER: Yes.

2 MS. EPLEY: For the record, I'm showing
3 him what's marked as 698 and not in evidence as a
4 document to refresh his recollection.

5 Q. (BY MS. EPLEY) Mr. Wicker, do you recognize
6 that?

7 A. I do. If you can just give me one second to
8 read it.

9 Q. Yes, sir.

10 MR. BUZBEE: Can I get a copy of that,
11 Your Honor?

12 PRESIDING OFFICER: He would like to have
13 a copy.

14 MS. EPLEY: I mean, in candor, there are
15 multiple copies over there, but I don't have them. May
16 I take his and pass it around?

17 PRESIDING OFFICER: Yes. Give it to the
18 defense first.

19 Let's stop the clock for a moment.

20 Are you ready?

21 MS. EPLEY: I am.

22 PRESIDING OFFICER: You can resume the
23 clock.

24 MS. EPLEY: Since we do have a copy for
25 everyone, I'm going to change course actually. This is

1 a text message that's included in 698, which is a set of
2 documents provided with the business records affidavit,
3 which have been provided to defense, and they've had
4 notice of it for over 14 days, at which point I would
5 move to admit 698.

6 MR. BUZBEE: I have no objection to this,
7 Your Honor.

8 PRESIDING OFFICER: The Court will admit
9 Exhibit 698 into evidence.

10 (HBOM Exhibit 698 admitted)

11 MS. EPLEY: And would you publish? Thank
12 you, Stacey.

13 Q. (BY MS. EPLEY) Who is this a conversation
14 between?

15 A. It -- this states to be a conversation between
16 myself, Marc Rylander, and Jeff Mateer.

17 Q. What is the date?

18 A. It appears to be July 19th of 2020.

19 Q. Okay. And do you see any reference to when
20 the Paxtons might be moving back into their home?

21 A. It appears that it was around that time frame.
22 And so judging by the context here, he had been storing
23 clothes at the AG's office, and we moved those back
24 around that time frame.

25 Q. Okay. So fair to say, then, the Paxtons' home

1 was at least renovated enough for them to return to it
2 in the middle of July?

3 A. Yes.

4 Q. And would it surprise you to know that nowhere
5 in those Cupertino records is there an invoice or
6 estimate at any time during June or July?

7 MR. BUZBEE: Leading, Your Honor.

8 THE WITNESS: I did not say that.

9 MR. BUZBEE: I'm going to have to object
10 to leading.

11 PRESIDING OFFICER: Sustained.

12 Q. (BY MS. EPLEY) Next, let me ask you -- let's
13 turn to item 683, which is already in evidence. And,
14 Mr. Wicker, I'm sorry to take advantage of you since
15 you're on the stand, but I need to recap a couple of
16 things Buzbee went through.

17 Tell me, if you would, the date on this
18 document.

19 A. September 30th of 2020.

20 Q. This document has been admitted as what we
21 refer to as the cease and desist letter. So notice to
22 Brandon Cammack to stop working.

23 Are you aware of that time frame in the
24 office?

25 A. I am.

1 Q. And do you know that Brandon Cammack reaches
2 out to Ken Paxton to let him know there are -- there are
3 problems?

4 A. I learned this later, yes.

5 Q. Okay. But does this e-mail corroborate what
6 you heard?

7 A. It does --

8 MR. BUZBEE: Objection, Your Honor. I'm
9 sorry. He just said he heard it later. That's hearsay.
10 Now she wants him to corroborate hearsay with something
11 else. Improper.

12 PRESIDING OFFICER: Sustained.

13 Q. (BY MS. EPLEY) Okay. Let's look at the
14 document itself. September 30th cease and desist letter
15 to Brandon Cammack. Let's look at item 130.

16 Do you see the date on this letter?

17 A. September -- September 30th, 2020.

18 MS. EPLEY: Is that 130?

19 Yes, ma'am, please.

20 I'm sorry, Stacey. Thank you.

21 Q. (BY MS. EPLEY) Do you see September 30th
22 referenced on this document as well?

23 A. I do.

24 Q. And in the records provided by Esther Blind
25 Trust, this is the first conversation about payment to

1 Cupertino. Would that surprise you?

2 A. I was not aware of the Esther Blind Trust, so
3 I'll take your word for it.

4 Q. So -- but September 30th, Brandon Cammack is
5 notified that there's a problem. Ken Paxton finds out.
6 And the first thing he does is tell the Esther Blind
7 Trust to send \$121,000 to someone else?

8 A. Okay.

9 Q. I'm going to turn your attention to item 223.

10 MS. EPLEY: I think this is also not in
11 evidence. So do not -- yet.

12 It isn't? I got thumbs-up from this
13 side.

14 In that case will you pull up item 223.
15 Can I have you scroll down, Stacey, to the return?

16 Q. (BY MS. EPLEY) Do you recall General Paxton
17 being out of town at the end of September, early
18 October, as the whistleblowers are coming forward and
19 law enforcement is being notified that they're concerned
20 he's accepting bribes and misusing the office?

21 MR. BUZBEE: Your Honor, I --

22 MS. EPLEY: These questions are no
23 different than the way --

24 MR. BUZBEE: If I could, without being
25 interrupted.

1 Your Honor, this is outside the scope. I
2 just want to flag that for the Court. I'm going to let
3 her do this because I want to talk about a few of these
4 things that are outside as well.

5 PRESIDING OFFICER: It is outside the
6 scope, but he's not objecting, so he'll be able to do
7 the same.

8 MS. EPLEY: Yes, Your Honor. If it would
9 have been helpful that I took extensive notes,
10 Mr. Buzbee opened up all of these doors for me.

11 Yes, sir. Thank you.

12 PRESIDING OFFICER: You're both out of
13 scope. Okay. You're both free.

14 Q. (BY MS. EPLEY) On October 1st, do you know
15 where General Paxton was in regards to the office? Did
16 he come in?

17 A. No, ma'am.

18 Q. And I'm going to have Stacey scroll down a
19 little.

20 Are these texts between you and Jeff
21 Mateer?

22 A. I -- can -- can you scroll up? Yes. Yes.

23 Q. And what is it that you understood on
24 October 1st was happening with the general?

25 A. I really didn't have an understanding at that

1 time.

2 Q. Did you think anything about the fact that he
3 wasn't there or didn't want you to let people know what
4 he was doing?

5 MR. BUZBEE: Objection, Your Honor.
6 Leading. And he's already said he doesn't know.

7 MS. EPLEY: I'm going to --

8 PRESIDING OFFICER: Sustained.

9 MS. EPLEY: I'm going to read from a
10 document because it is in evidence.

11 Q. (BY MS. EPLEY) It says he has a lot to do out
12 of the office and that I'm to tell anyone that asks that
13 I don't know where he is.

14 Is he telling you to lie?

15 A. I don't know that he's asking me to lie, just
16 to state that I don't know where he is.

17 MS. EPLEY: Stacey, if you would, please
18 turn to Exhibit 131.

19 Pause for a moment.

20 Q. (BY MS. EPLEY) In the upper left-hand corner,
21 do you see that this account is affiliated with the
22 Esther Blind Trust?

23 A. I do.

24 Q. The same organization that was being told to
25 make payment the day before by text, at least according

1 to the documents in evidence before you?

2 A. Yes.

3 Q. Do you see --

4 MS. EPLEY: Scroll down for me.

5 Q. (BY MS. EPLEY) Do you see that same \$121,000
6 payment -- \$617 being made as it was requested by
7 Ken Paxton?

8 A. I do.

9 Q. And do you see who the recipient is?

10 A. Cupertino Builders LLC.

11 MS. EPLEY: Ms. Stacey, if you'll pull up
12 703 for me, please. I would like to see page 21.

13 Q. (BY MS. EPLEY) Mr. Wicker, do you see who is
14 supposed to be the account holder on these documents?
15 It's under Business Choice Checking, Specifically
16 Choice?

17 A. Cupertino Builders LLC.

18 Q. And do you see the first line in the
19 transaction sheet?

20 A. It shows an incoming wire in the amount of
21 \$121,617.

22 Q. Consistent with Cupertino being paid for
23 remodeling or doing work at Ken Paxton's house, if
24 that's what he has alleged, correct?

25 A. Yes, ma'am.

1 Q. Let's turn to page 3.

2 These are the same records that include
3 Kevin Wood, the contractor who you personally met, who
4 helped facilitate whatever upgrades Ken Paxton might
5 want, a person whose e-mail address suggests he's Nate
6 at World Class, and an individual named Raj Kumar; is
7 that correct?

8 A. Yes, ma'am.

9 MS. EPLEY: Stacey, may we see the face
10 of the business record affidavit.

11 Q. (BY MS. EPLEY) Do you see before you that the
12 business records we've been referencing and that already
13 are admitted belong to Cupertino Builders?

14 A. Yes.

15 Q. Would it surprise you to know that as
16 Mr. Buzbee pointed out, it's when they were in Delaware
17 and before they opened a Texas affiliate? Would you
18 have any reason to be surprised by that?

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

21 PRESIDING OFFICER: Sustained.

22 Q. (BY MS. EPLEY) Do you also see that the
23 individual otherwise referred to as Raj Kumar is in here
24 named -- I'm going to -- I'm going to butcher it,
25 frankly, on the second page, Narsimha Raju Sagiraju?

1 A. I do see that.

2 Q. It was a valiant effort. I saw your smile.

3 MS. EPLEY: Next, Stacey, may we see
4 page 16.

5 Q. (BY MS. EPLEY) Is this the same invoice
6 Mr. Buzbee showed you a moment ago?

7 A. It appears to be, yes.

8 Q. The same invoice that he splashed in his press
9 conference for representation of General Paxton?

10 MR. BUZBEE: Objection, Your Honor.
11 Improper question. He's talking about a press -- she's
12 talking about a press conference? I mean, that's not
13 proper.

14 PRESIDING OFFICER: I'm going to sustain.
15 Rephrase.

16 MS. EPLEY: Stacey, if you would for me,
17 please turn to page 22.

18 Q. (BY MS. EPLEY) Now, Mr. Wicker, in all of the
19 records before you, if there had been payments or
20 estimates or supplies or timelines or communication in
21 regard to payment in any way in regards to Ken Paxton
22 and Cupertino, don't you think Mr. Buzbee would have
23 pointed it out?

24 MR. BUZBEE: Objection, Your Honor.
25 Leading.

1 PRESIDING OFFICER: Sustained.

2 Q. (BY MS. EPLEY) Then the very last thing I
3 would like to ask you is this: In regards to the
4 document, the invoice we had just looked at, this
5 document is the metadata that was provided by Cupertino.
6 It is already admitted into evidence. Please tell me
7 what date that invoice was created.

8 A. October 20 -- October 1st, 2020, at 7:50 p.m.
9 Central Standard Time.

10 Q. After the whistleblowers, after he knows that
11 you're aware of the renovations, after a cease and
12 desist, after directing payment, only after all of those
13 things does he get the first piece of documentation that
14 would in any way credit that it was valid?

15 MR. BUZBEE: Objection. Leading.

16 PRESIDING OFFICER: Sustained.

17 Q. (BY MS. EPLEY) I guess I'll end where the
18 defense began. There are no coincidences in Austin.
19 But the next piece I think --

20 MR. BUZBEE: Objection to the sidebar.

21 PRESIDING OFFICER: We've heard a lot of
22 sidebars in this, a little bit of sidebars. I'll give
23 you a sidebar. They've had a few.

24 MR. BUZBEE: One sidebar.

25 PRESIDING OFFICER: Overruled.

1 You're even now on sidebars. Okay.

2 MS. EPLEY: The very last piece -- I wish
3 I could have ended there, but I need to get in the Uber
4 records we discussed yesterday. The Court had already
5 said that they could be admitted, after extensive
6 arguments between both sides. I just failed to offer on
7 the record for their admission.

8 PRESIDING OFFICER: Go ahead.

9 MS. EPLEY: House moves to admit item --
10 I'm sorry -- 700.

11 PRESIDING OFFICER: 700 will be -- we've
12 already settled that, right, 700 -- yesterday. 700 will
13 be admitted into evidence.

14 (HBOM Exhibit 700 admitted)

15 MR. BUZBEE: Your Honor, can we be heard
16 on that? I think we have -- I didn't know this -- this
17 would not be the right witness for this, but can we be
18 heard on those records?

19 MR. STONE: Can we --

20 PRESIDING OFFICER: Yes.

21 MS. EPLEY: We spoke extensively, and the
22 Court ruled yesterday.

23 MR. STONE: Your Honor, we saw -- I
24 apologize.

25 MS. EPLEY: I'm going to object to using

1 the time. And may we approach?

2 PRESIDING OFFICER: We'll -- we'll stop
3 the clock for a moment. Approach.

4 (At the bench, off the record)

5 PRESIDING OFFICER: The Court will come
6 back to order.

7 Where were we?

8 Ms. Epley, were you up here? I think you
9 were.

10 So when we last left -- and restart the
11 clock -- you were asking to admit 700.

12 MS. EPLEY: Yes, Your Honor.

13 PRESIDING OFFICER: There was an
14 objection. We've looked at the two documents. I ruled
15 that in yesterday. We see that they are similar. And
16 so 700 is admitted into evidence.

17 (HBOM Exhibit 700 admitted)

18 MS. EPLEY: Thank you, Mr. President.
19 Pass the witness.

20 MR. BUZBEE: Erick, would you do me the
21 service of putting on the screen what's in evidence
22 House Exhibit 571.

23 MS. EPLEY: Objection, Your Honor. I
24 don't believe this document has been admitted.

25 MR. BUZBEE: We offer 571 if it's not in

1 evidence.

2 MS. EPLEY: I would ask that he take it
3 off the screen, Your Honor.

4 PRESIDING OFFICER: Yeah. Take it off
5 the screen for now, Erick.

6 We all know Erick.

7 MR. BUZBEE: We love Erick.

8 PRESIDING OFFICER: And everyone knows
9 Stacey.

10 MR. BUZBEE: It's actually in evidence,
11 I'm told.

12 PRESIDING OFFICER: We're checking. You
13 don't have it? We'll check.

14 Just the House or AG's?

15 MR. BUZBEE: House Board of Managers
16 Exhibit 571.

17 PRESIDING OFFICER: That is -- Ms. Epley,
18 it is in evidence, according to our records.

19 MR. BUZBEE: Thank you, Your Honor.

20 MS. EPLEY: Very good. Thank you.

21 PRESIDING OFFICER: All right.

22 MR. BUZBEE: Put it on the screen, Erick.
23 And make it big. And make sure you capture the time and
24 date of this text.

25 Get the date too, Erick.

1 I'm going to need somebody to confirm the
2 date. Penley 5.

3 RECROSS-EXAMINATION

4 BY MR. BUZBEE:

5 Q. As we're getting this date, can you see there
6 that there's a text sent from Jeff Mateer to
7 General Paxton where he tells the general that yesterday
8 each of the individuals on this text made a good faith
9 report of violations of law?

10 A. I can.

11 Q. Do you know what date that was done?

12 A. I do not.

13 Q. Okay. If this text was sent on October 1st,
14 because we know they went to the FBI on September 30th,
15 that means they -- they were sending this text the day
16 after, correct?

17 A. Yes.

18 Q. On October 1st, 2020. Make sense?

19 A. Yes.

20 Q. So on October the 1st, 2020, Jeff Mateer,
21 along with several other individuals, sent this text to
22 General Paxton, right?

23 A. That is what it appears to be, yes.

24 MR. BUZBEE: Now, let's look back now, if
25 we could, Erick, at the date and time that the general

1 instructed his trustee to wire the money to pay for his
2 home renovations.

3 Q. (BY MR. BUZBEE) You heard the suggestion, I'm
4 sure, Drew. You heard they suggested he only did that
5 because he knew that his people had went to the FBI?

6 MS. EPLEY: Objection. Compound. I
7 don't understand the question.

8 PRESIDING OFFICER: Overruled.

9 Q. (BY MR. BUZBEE) Yes. You heard that
10 suggestion, didn't you, Drew, that the general learned
11 that his -- a few of his subordinates went to the FBI,
12 therefore, he hurriedly sent a text to pay for his house
13 repairs? You heard that?

14 A. That was the insinuation in the last line of
15 questioning, yes.

16 Q. That's what she was insinuating, wasn't it?

17 A. That was what I understood, yes.

18 Q. But the truth is, if we look at AG Exhibit 48
19 and we go to EBT184, could you just tell us all so we'll
20 be clear about how the timing actually was. What was
21 the time and date of when the general instructed his
22 trustee to pay for his home renovations?

23 A. September 30th.

24 Q. And that's also the same date that the invoice
25 was due, right?

1 A. That is what the invoice said was due, yes.

2 Q. Okay. And can we agree that September 30th,
3 2020, is before October 1, 2020?

4 A. Yes, sir.

5 Q. Now, when we talked previously, I failed to
6 ask you something that's real important.

7 First, did these folks -- how many times
8 did you interview with these folks over there to the
9 right?

10 A. I've spoken with them three times in
11 preparation for this.

12 Q. Okay. And the only reason you spoke to me is
13 because you felt it would be fair that -- to let me have
14 a chance to talk to you as well after you had talked to
15 them?

16 A. Any time they reached out, I reciprocated and
17 extended the same offer.

18 Q. Okay. Did they ever show you any of the
19 documents I showed you today?

20 A. Not to my recollection, no.

21 Q. They didn't show you the bank wire showing
22 that General Paxton and Angela Paxton paid for their
23 renovations?

24 A. Not to my recollection.

25 Q. They didn't show you the -- the text message

1 to the trustee instructing the payment?

2 A. Not to my recollection.

3 Q. They didn't show you the document showing that
4 the -- the wire was actually received by the contractor?

5 A. Not to my recollection.

6 Q. Did you ever wonder why they didn't do that?

7 MS. EPLEY: Objection, Your Honor.

8 Question calls for speculation.

9 PRESIDING OFFICER: Sustained.

10 Q. (BY MR. BUZBEE) There was a suggestion that
11 you delivered some kind of document to Nate Paul. Do
12 you remember that suggestion?

13 A. Yes.

14 Q. You said it was a manila envelope?

15 A. Yes.

16 Q. You -- you had told us that you picked up an
17 envelope from Vassar that had a -- a CD taped to it?

18 A. I don't recall that it was taped.

19 Q. It was inside of it?

20 A. No, sir. It was on the exterior.

21 Q. On the exterior of the envelope?

22 A. Yes.

23 Q. You know for sure you didn't deliver that
24 envelope to Nate Paul, don't you?

25 A. Not that envelope, no.

1 Q. Okay. Let's be clear. Whatever Vassar gave
2 you that was checked out -- you didn't check anything
3 out, did you?

4 A. No, sir. There were signatures on the
5 document, but I don't recall checking anything out.

6 Q. Right. Vassar gave you something that you
7 gave to the general, right?

8 A. That is correct.

9 Q. And that particular document had a CD on the
10 outside of the envelope?

11 A. That is correct.

12 Q. And that certainly was not the envelope
13 delivered to Nate Paul, was it?

14 MS. EPLEY: Objection. Question calls
15 for speculation. And lack of foundation based on
16 Drew Wicker's previous testimony.

17 PRESIDING OFFICER: Sustained.

18 Q. (BY MR. BUZBEE) Did the document or the
19 envelope that you delivered to Nate Paul, was it -- did
20 it have a CD on the exterior?

21 A. It did not have a CD on the exterior.

22 Q. Okay. And just so we're clear, you never met
23 Nate Paul in the dark of night in an alleyway and
24 delivered anything, did you?

25 A. No, sir. It was in the afternoon.

1 Q. In -- in the light of day?

2 A. Yes.

3 Q. It wasn't a secret at all, was it?

4 A. No, sir.

5 Q. You did hear some conversations between
6 Nate Paul and General Paxton, didn't you?

7 A. Yes.

8 Q. Let's focus on what you heard. One of the
9 things that was discussed was whether the raid by the
10 federal agents --

11 MS. EPLEY: Your Honor, objection.

12 Normally I wouldn't mind, but since I tried to elicit
13 this exact testimony and don't want to waste the
14 senators' -- waste the senators' time with the second
15 redirect, I must object to hearsay.

16 MR. BUZBEE: It's already -- she already
17 asked this question, Your Honor. I'm just clarifying
18 what she asked this young man.

19 MS. EPLEY: I did ask it. And he
20 objected, despite me being absolutely certain it would
21 come in. And at this point he doesn't have the same
22 exception because Ken Paxton is not his party opponent.

23 PRESIDING OFFICER: Sustained.

24 Q. (BY MR. BUZBEE) Sir, you know that the focus
25 of the conversation was whether the raid was just; isn't

1 that true?

2 MS. EPLEY: Objection. Question calls
3 for hearsay.

4 PRESIDING OFFICER: Sustained.

5 Q. (BY MR. BUZBEE) You know that the -- the
6 discussion that they had was whether the FBI had
7 followed the rules, right?

8 MS. EPLEY: Objection. Question calls
9 for hearsay.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. BUZBEE) You know that Mr. Paxton --
12 General Paxton's discussion was whether the feds had
13 violated the law; isn't that right?

14 MS. EPLEY: Objection. Question calls
15 for hearsay.

16 MR. BUZBEE: Again, Your Honor, we've
17 heard -- he talked all about what Ken Paxton has said,
18 and I'm entitled to explore that, exactly what was said.

19 MS. EPLEY: He successfully shut down
20 this entire line of questioning, whether he should or
21 shouldn't have, and he shouldn't be given the latitude
22 now because he does not have an exception to hearsay.

23 PRESIDING OFFICER: Overruled.

24 Q. (BY MR. BUZBEE) You know that what your boss
25 was saying was whether Nate Paul had been unfairly

1 targeted, right?

2 A. In the discussions that I was privy to, Nate
3 Paul did most of the talking.

4 Q. Whether he had been unjustly targeted, right?

5 A. That was the concern that he had expressed.

6 Q. Because you know sometimes the legal system
7 gets politicized, don't you?

8 MS. EPLEY: Objection. Relevance.

9 MR. BUZBEE: He was asked this by the
10 Board of Managers, Your Honor.

11 PRESIDING OFFICER: Overruled.

12 Q. (BY MR. BUZBEE) You know that sometimes the
13 legal system gets politicized, don't you?

14 A. Yes, sir.

15 Q. And Mr. Paxton, General Paxton's concern was
16 whether there had been a miscarriage of justice; isn't
17 that right?

18 MS. EPLEY: Objection. Question calls
19 for speculation.

20 MR. BUZBEE: He said it in his own words,
21 Your Honor.

22 MS. EPLEY: He can't say that in his own
23 words, Your Honor.

24 PRESIDING OFFICER: Sustained.

25 Q. (BY MR. BUZBEE) Now, you knew that

1 General Paxton had some distrust of DPS, didn't you?

2 MS. EPLEY: Objection. Relevance and
3 hearsay.

4 PRESIDING OFFICER: Overruled.

5 Q. (BY MR. BUZBEE) You knew that, didn't you?

6 A. I did.

7 Q. You never heard General Paxton say he was
8 going to do anything for Nate Paul; isn't that true?

9 A. He never stated that he would take any action
10 directly on his behalf, no.

11 Q. Now, there was some suggestion about something
12 that you delivered in a manila envelope, right?

13 A. Yes, sir.

14 Q. Was it like this one?

15 A. Yes, sir.

16 Q. Just like this?

17 A. Very, very similar, if not the same.

18 Q. You don't know what was inside of it?

19 A. No, sir. I did not look.

20 Q. You have -- you have no evidence to offer
21 about what was in the envelope?

22 A. No.

23 MS. EPLEY: Objection. Asked and
24 answered.

25 THE WITNESS: I do not.

1 PRESIDING OFFICER: Overruled.

2 Q. (BY MR. BUZBEE) You do know, of course, that
3 it was a couple of pages at most, right?

4 A. What I stated was that I am -- I do not recall
5 the thickness of the document.

6 Q. Was it this thick?

7 A. Again, sir, I do not recall.

8 Q. You can't say that it was anything near this
9 thick, can you?

10 A. I can't say.

11 MS. EPLEY: Objection, Your Honor.
12 Inconsistent with his prior testimony. He's
13 mischaracterizing the evidence. Mr. Wicker used his
14 fingers to show roughly, I don't know, 2 centimeters to
15 an inch in thickness, which is consistent with what is
16 in Tony Buzbee's hands.

17 MR. BUZBEE: I appreciate all the
18 speaking objections you asked us not to do, but I would
19 like to finish up so we can get on down the road.

20 PRESIDING OFFICER: Overruled.

21 Go ahead.

22 Q. (BY MR. BUZBEE) Now, could it be -- let me
23 ask you: Did you ever exchange texts with Nate Paul?

24 A. I don't recall any text exchanges, no.

25 MR. BUZBEE: May I approach the witness,

1 Your Honor?

2 PRESIDING OFFICER: You may.

3 Q. (BY MR. BUZBEE) Would your texts refresh your
4 recollection?

5 A. If there are any, yes.

6 Q. Now, you've had a chance to look at the
7 document. Without testifying what's in the document,
8 does that refresh your recollection?

9 A. Yes.

10 Q. Okay. You had told us that that packet -- not
11 a packet. The manila envelope you delivered was
12 sometime in the summer, maybe even in the fall, right?

13 A. No, sir. The testimony that I provided was
14 summer.

15 Q. Summer. June perhaps, right?

16 A. Yes, sir. Earlier in the day I stated that it
17 was likely May or June.

18 Q. And that text you had that you were exchanging
19 with Nate Paul was in June of 2020; isn't that true?

20 A. Yes.

21 Q. And you exchanged texts with Nate Paul before
22 you delivered an envelope just like this one, didn't
23 you?

24 MS. EPLEY: Objection, Your Honor.

25 MR. BUZBEE: I'm asking the man a

1 question. I'm entitled to an answer.

2 PRESIDING OFFICER: Overruled.

3 Q. (BY MR. BUZBEE) You exchanged texts with him
4 before you delivered an envelope just like this one;
5 isn't that true?

6 MS. EPLEY: Objection, Your Honor. It
7 assumes facts not in evidence.

8 MR. BUZBEE: I want to --

9 MS. EPLEY: He needs to be very clear
10 about the time line and Mr. Buzbee --

11 PRESIDING OFFICER: Overruled.

12 Q. (BY MR. BUZBEE) Didn't you?

13 A. I don't recall whether or not this text
14 message occurred before delivery or after.

15 Q. Can we agree that the -- that you were texting
16 Nate Paul about Dick Weekley?

17 A. That is what the text messages show, yes.

18 Q. Can we agree that you delivered to Nate Paul
19 information about an event Dick Weekley was holding
20 because Dick Weekley was trying to get Nate Paul to
21 donate money to Texans for Lawsuit Reform?

22 A. No, sir.

23 Q. You don't remember that?

24 A. No, sir, I do not.

25 Q. Can we agree that that text that you're

1 holding in your hand confirms that you were texting
2 information about Dick Weekley to Nate Paul?

3 A. It does.

4 MR. BUZBEE: Your Honor, with that, I
5 pass the witness.

6 MS. EPLEY: The briefest of redirects,
7 please, Mr. President.

8 MR. BUZBEE: You don't get one.

9 PRESIDING OFFICER: You're back up.

10 MS. EPLEY: May I proceed?

11 PRESIDING OFFICER: You may.

12 FURTHER REDIRECT EXAMINATION

13 BY MS. EPLEY:

14 Q. Is the conversation you had with Dick Weekley,
15 if it existed at all, something that would have to be
16 delivered by hand to Nate Paul?

17 A. No.

18 Q. What was it? What was the construct -- the
19 construct of the conversation?

20 A. The conversation that I had had with Dick
21 Weekley was with General Paxton on his -- Dick Weekley's
22 back porch, in which we were engaging in a fundraising
23 conversation. I do not recall Nate Paul having been
24 mentioned. And if it was any information tied to TLR, I
25 don't see why that couldn't have been sent via e-mail,

1 if that's the question.

2 Q. So it's completely made up in regards to this
3 to your knowledge?

4 MR. BUZBEE: Objection. Leading. And
5 also, Your Honor, I'm just curious, are we going to keep
6 questioning the witness? Are you going to give extra
7 turns like this?

8 PRESIDING OFFICER: You'll get one more
9 cross and then we're done, Mr. Buzbee.

10 MR. BUZBEE: Okay. Thank you.

11 PRESIDING OFFICER: This is the first
12 time we've gone to two redirects, and you'll have a
13 chance to recross. But I thought the lateness of the
14 trial we'd allow it.

15 I think you smiled knowing I'm sustaining
16 his objection.

17 MS. EPLEY: I did. Thank you,
18 Mr. President.

19 Q. (BY MS. EPLEY) Do you have any reason to
20 think that this story Mr. Buzbee has told you has
21 anything to do with that manila envelope?

22 MR. BUZBEE: Objection. Leading.

23 Q. (BY MS. EPLEY) Do you?

24 PRESIDING OFFICER: Sustained.

25 Try another way.

1 MS. EPLEY: Thank you.

2 Q. (BY MS. EPLEY) Did you ever need to deliver
3 an invitation from David Weekley to Nate Paul?

4 A. Not to my knowledge.

5 MS. EPLEY: Pass.

6 FURTHER RECROSS-EXAMINATION

7 BY MR. BUZBEE:

8 Q. The truth is you don't know what you
9 delivered, do you?

10 A. That is correct.

11 MR. BUZBEE: Pass the witness, Your
12 Honor.

13 PRESIDING OFFICER: Well, both of you --
14 can we dismiss the witness -- excuse the witness,
15 rather?

16 MS. EPLEY: I think -- yes.

17 MR. BUZBEE: Subject to recall.

18 PRESIDING OFFICER: Subject to recall.

19 You're excused subject to recall. Thank
20 you.

21 (Witness left the Senate chamber)

22 PRESIDING OFFICER: Mr. Hardin, who
23 should we have the bailiff bring in?

24 MR. HARDIN: I'm sorry?

25 PRESIDING OFFICER: Which witness are you

1 calling?

2 MR. HARDIN: Mr. Blake Brickman, please,
3 Your Honor.

4 PRESIDING OFFICER: The bailiff will
5 bring in Mr. Blake Brickman.

6 MR. HARDIN: Mr. Buzbee, are these your
7 documents up here? Is any of this yours?

8 PRESIDING OFFICER: Mr. Hardin, as we
9 move forward, we're going to break around 3:30 for a
10 short break, just for planning purposes.

11 (Witness entered the Senate chamber)

12 PRESIDING OFFICER: Raise your right
13 hand.

14 (Witness was sworn by Presiding Officer)

15 PRESIDING OFFICER: Please be seated.
16 Speak close to the mic and speak up.

17 Mr. Hardin, you're on the clock.

18 MR. HARDIN: Thank you.

19 JAMES BLAKE BRICKMAN,

20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. HARDIN:

23 Q. State your name -- full name, please.

24 A. James Blake Brickman, but I go by "Blake."

25 Q. How are you presently employed?

1 A. I work here in Austin at a venture capital
2 firm.

3 Q. I'm going to move pretty fast with you here,
4 but I don't want you --

5 PRESIDING OFFICER: You need to move
6 closer to the mic.

7 MR. HARDIN: Yeah, you -- you need to
8 come through.

9 Q. (BY MR. HARDIN) I'm going to move pretty fast
10 here with you, but I don't want you to speak fast. I'm
11 just explaining to you they'll come kind of hot and
12 heavy, okay.

13 Would you give me an idea of where you
14 grew up, your college, and your jobs before you got to
15 the AG's office?

16 A. I grew up in Dallas, Texas. I went to
17 Vanderbilt University. And I went to the University of
18 Kentucky College of Law.

19 Q. And when you finished -- and during the time
20 that you were going to school, did you go to law school
21 at night school?

22 A. Yes, sir. I was the chief of staff for United
23 States Senator Jim Bunning in Washington D.C., and I
24 went to night law school during that time.

25 Q. And did you work -- did you work for another

1 politician before you came back to Texas?

2 A. Yes. I was Governor Matt Bevin from
3 Kentucky's chief of staff from 2015 to 2019.

4 Q. My memory is that Governor Bevin was
5 considered a pretty conservative governor, was he not?

6 A. He was probably the most conservative governor
7 in the country.

8 Q. Is that the history of your public employment?

9 A. It is.

10 Q. All right.

11 A. Senator Jim Bunning was also known as the most
12 conservative senator at the time. Rand Paul took his
13 seat when he retired.

14 Q. All right. Now, when you came back to Dallas,
15 what year did you come back and how did you end up at
16 the AG's office?

17 A. I came back in the end of 2019. I interviewed
18 for a position as deputy attorney general with Jeff
19 Mateer and Attorney General Ken Paxton in December of
20 2019, when they personally recruited me to come back to
21 Texas.

22 Q. And did General Paxton himself interview you
23 and ask you come back and come?

24 A. He did. I met with General Paxton early in
25 2019 in Austin. And then after Christmas in 2019 he

1 offered me the job when we had lunch at Campisi's in
2 Dallas together.

3 MR. HARDIN: May I have Attorney General
4 Exhibit 170?

5 THE WITNESS: Can I move this closer?

6 PRESIDING OFFICER: Sure.

7 MR. HARDIN: I think it should be either
8 right after or right before that, Stacey. I didn't have
9 the page number.

10 Thank you.

11 Q. (BY MR. HARDIN) Would you read that, please,
12 out loud?

13 A. This is a message from General Ken Paxton to
14 me.

15 Q. Dated what date?

16 A. January 11th, 2020.

17 Q. Is this right before you started or had you
18 actually started?

19 A. This is two weeks before I started, so --

20 Q. Go ahead.

21 A. I got a text from both Tommy and Doug Deason,
22 both singing your praises. I think highly of both those
23 guys so you keep good company. I am looking forward to
24 your coming to work with us. You are going to fit in
25 great and be a tremendous asset to our team.

1 Q. And that is -- is that -- with that kind of
2 endorsement, is that the way you began working for
3 Judge -- not Judge -- for Attorney General Paxton?

4 A. It is. Tommy Hicks is who he's referring to,
5 who at the time was the co-chairman of the RNC and a
6 very close friend of Donald Trump, Jr. Doug Deason is a
7 conservative philanthropist in Dallas who is well-known
8 in the Republican party.

9 Q. All right. Now, when you began, what was your
10 position?

11 A. I was in charge of policy and strategic
12 initiatives, but because I had not waived into the Texas
13 Bar, my title initially was not deputy attorney general
14 because I did not waive in until about June of 2020.

15 Q. All right. When was the first time that you
16 heard the name Nate Paul?

17 A. Sometime in either late March 20 -- March of
18 2020 or early April of 2020.

19 Q. And without going into what was said, did you
20 have a conversation with the young man that was called
21 "the body man"?

22 A. I had a conversation with Drew Wicker.
23 Drew Wicker came to me.

24 Q. And where was Drew Wicker's position in
25 relation to you?

1 A. Drew Wicker reported directly to me.

2 Q. All right. And was Mr. Wicker concerned?

3 A. He was very concerned.

4 Q. And did he report to you his basis of his
5 concern?

6 A. He did.

7 Q. And what did you tell him?

8 MR. BUZBEE: Objection. Hearsay.

9 MR. HARDIN: That's fine. We'll just
10 move right along.

11 Q. (BY MR. HARDIN) At -- did you give him some
12 advice? Just yes or no.

13 A. Yes.

14 Q. All right. And later did he inform you that
15 he had followed through on that advice?

16 A. Yes.

17 MR. BUZBEE: Objection, Your Honor.
18 Hearsay.

19 MR. HARDIN: All right.

20 PRESIDING OFFICER: Sustained.

21 Q. (BY MR. HARDIN) Did you become aware
22 ultimately of who it was that he was concerned about?

23 A. Attorney General Paxton was meeting privately
24 with a man named Nate Paul without his security detail
25 present and without the meetings being on his personal

1 calendar -- on his official calendar.

2 Q. And was Drew concerned about him periodically
3 getting rid of the security detail?

4 MR. BUZBEE: Your Honor, I'm sorry, I
5 object. We heard from Drew Wicker. This is hearsay.

6 PRESIDING OFFICER: Sustained.

7 Q. (BY MR. HARDIN) My only question was did he
8 relay his concerns about that matter, without telling me
9 what they were?

10 A. Yes.

11 Q. All right. Now, I want to move now to
12 September of 2020. Over a period of time, without going
13 into detail, had you become familiar with and heard the
14 Nate Paul in connection with other matters from several
15 different or multiple occasions?

16 A. Yes, sir.

17 MR. BUZBEE: Objection. Leading and
18 hearsay.

19 MR. HARDIN: That's not leading. I just
20 asked whether he did. He could have said no. He could
21 have said yes.

22 PRESIDING OFFICER: Overruled.

23 MR. HARDIN: Thank you.

24 Q. (BY MR. HARDIN) Now, by the time we hit
25 September the 29th, what was your state of mind as to

1 what your concerns were about Mr. -- about Mr. Paul?

2 A. I was extremely concerned about Mr. Paxton's
3 conduct. My office was about 5 feet away from Attorney
4 General Ken Paxton's office. And what I saw over the
5 course of those three, four, or five months, the summer
6 of 2020, I was very concerned that Mr. Paxton was
7 breaking the law.

8 Q. I want to go back -- if I may step away to get
9 an exhibit. But first I want to ask you about your
10 relationship up until the summer when you started having
11 concerns with the attorney general.

12 Was there a particular occasion back in
13 the spring in which the attorney general sought to
14 praise you?

15 A. Yes, sir. Attorney General Paxton and I had a
16 very good relationship for the first few months I was in
17 the office.

18 Q. All right.

19 MR. HARDIN: May I step over here, Your
20 Honor?

21 May I approach the witness, Your Honor?

22 Q. (BY MR. HARDIN) Now, would you identify the
23 exhibit I just showed you, which is obviously a book.
24 And what exhibit number, just for identification
25 purposes, is it?

1 A. It's Exhibit 705.

2 Q. And what is the title of the book?

3 A. The book is called *Scalia Speaks* by Antonin
4 Scalia, Justice Scalia.

5 Q. And where did you get that book?

6 A. Attorney General Ken Paxton gave this book to
7 me in front of 40 or 50 of the most senior employees in
8 the Office of Attorney General in May of 2020.

9 Q. When did he give you -- in May. That's what I
10 was going to ask you.

11 Did he inscribe it?

12 A. He did.

13 Q. Is the inscription in the first page?

14 A. It is.

15 Q. What did he say?

16 A. Would you like me to read it?

17 Q. Yes.

18 A. Blake, I am so grateful you joined our team at
19 the Texas AG's office. You have been an amazing
20 addition. I'm confident that you will continue to make
21 a difference for our office and all of Texans.

22 Blessings, Ken Paxton.

23 Q. Thank you.

24 How would you characterize whether that
25 is an accurate description of the way he talks to and

1 about you up through the month of May of 2000 -- of
2 2020?

3 A. It was accurate.

4 Q. All right. Was there a particular event that
5 you'd been involved in on behalf of somebody that led
6 him to -- to be giving you that book and an award?

7 A. Yes, sir.

8 Q. What was it?

9 A. This was early May of 2020. And if you
10 remember, that was at the very beginning of the COVID
11 pandemic. And there was a situation in the DFW
12 Metroplex where I'm from where there was a hairdresser
13 named Shelley Luther who was put in Dallas County jail
14 because she violated a stay-at-home order so she could
15 provide for her family.

16 Q. How does that involve you?

17 A. I went to Attorney General Ken Paxton and
18 said, Sir, this is wrong that this is happening in this
19 country.

20 Q. And what was his reaction?

21 A. He said, Well, what -- what can we do about
22 it?

23 Q. And you said?

24 A. I said, You should speak out about this. This
25 is wrong. Use your bully pulpit.

1 And he did.

2 Q. And as a result, what was his reaction to
3 that?

4 A. He did several interviews. He was on Fox News
5 talking about this. Tucker Carlson even praised him.

6 Q. And then --

7 A. In early May of 2020. So he was very happy.
8 And this was my idea.

9 Q. And, of course, there were other public
10 officials that didn't -- that also spoke up around that
11 same time, correct?

12 A. There were many others after the fact, yes.

13 Q. All right. And so as a result, what was the
14 attorney general, of you having suggested that to him
15 and it turning out well, how was his attitude toward you
16 as you entered June of 2000 -- of 2020?

17 A. It was great. That's why he gave me the book.
18 He had never done this before, is what he told the
19 entire staff. He had never made an award like this ever
20 before.

21 Q. All right. Now, let's go to September
22 the 29th, September 30th of 2020. You said you had
23 become concerned. You expressed some of those concerns.

24 What was the focus and what was giving
25 rise to it for you personally in September the 29th and

1 30th of 2020?

2 A. I witnessed Attorney General Ken Paxton do
3 brazen things on behalf of Nate Paul. He abused the
4 entire Office of the Attorney General of Texas to
5 benefit Nate Paul. And it got worse and worse and worse
6 as the year progressed.

7 Q. Were you one of those who went to the FBI on
8 September the 30th?

9 A. Yes, sir.

10 Q. And are you also one of those that has been
11 colloquially called a "whistleblower"?

12 A. Yes, sir.

13 Q. Well, when you went to the FBI, did you go
14 with other persons?

15 A. There were seven of the most senior staffers
16 at the Office of Attorney General. We went together.

17 Q. Now, there seems to be some confusion in some
18 parts of the world as to what evidence is. Did y'all
19 take evidence with you?

20 A. We did.

21 Q. And what did you take in the form of evidence
22 to talk to the FBI?

23 A. Again, this is the seven most senior people in
24 the agency. We took firsthand personal knowledge of
25 Ken Paxton's illegal, immoral, and unethical conduct to

1 federal law enforcement officers.

2 Q. You took yourselves?

3 A. Yes.

4 Q. And did y'all -- can you describe the meeting
5 as to what y'all did?

6 A. Sure. There -- the meeting lasted several
7 hours. I don't remember exactly how much, but we all
8 went around the table and shared our concerns with
9 Ken Paxton's conduct.

10 Q. Is that evidence?

11 A. It is.

12 Q. Did you give eyewitness accounts of what you
13 observed?

14 A. Yes.

15 Q. Would it be just like an eyewitness account of
16 somebody seeing a robbery?

17 A. Yes.

18 Q. All right. Sometimes the victims of robbery
19 don't have any documents on them, do they?

20 A. Correct.

21 Q. All right. But at the end of that time, had
22 each of the seven of you provided your evidence of what
23 you believed was inappropriate and wrongful conduct by
24 the attorney general?

25 A. We did.

1 Q. All right. And at that time had you seen the
2 grand jury subpoenas that were issued?

3 A. I had seen one or two, but not all of them.

4 Q. All right. And then, after that meeting, were
5 you present when it was decided to send a letter to --
6 actually, who did y'all send letters to? Let me put it
7 that way.

8 A. We sent a letter to Greg Simpson, who is the
9 head of HR for OAG.

10 Q. Now, if it keeps being -- I thought it was
11 dead, but not -- I guess not. It keeps being a
12 suggestion that somebody removed a letterhead from a
13 letter that you sent; is that true?

14 A. I don't even know what that is referring to.

15 Q. All right. Did you see -- was a letter sent
16 without General Paxton's name on it?

17 A. I believe the letter we sent had the attorney
18 general's crest on it.

19 Q. All right. Did -- what was the practice there
20 as far as letters that you had?

21 A. I don't recall ever discussing letterhead at
22 all with any of my colleagues when we signed the letter.

23 Q. All right. Did you have letters with --
24 regular letters that were printed and available with the
25 seal but not his name on it?

1 MR. BUZBEE: Objection. Leading.

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

3 A. Yes.

4 MR. BUZBEE: Your Honor, can we get a --

5 PRESIDING OFFICER: That was sustained.

6 MR. BUZBEE: Thank you.

7 PRESIDING OFFICER: Rephrase.

8 MR. HARDIN: Thank you.

9 Q. (BY MR. HARDIN) Tell me what kind of
10 letterhead you had there.

11 A. There were many different types of letterhead.
12 I -- I don't even recall letterhead being a topic of
13 discussion at all amongst our colleagues.

14 Q. Well, did any of y'all move -- did you have
15 any knowledge or evidence or any belief regarding
16 whether somebody messed with the letterhead of a letter?

17 A. None at all.

18 Q. All right. If somebody has tried to keep
19 saying it and saying it and saying it, would that be
20 true or untrue?

21 A. Not true.

22 Q. Now, after the 30th, and then on the 1st, did
23 each of you attempt to visit with the attorney general?

24 A. We did.

25 Q. And what was his response?

1 A. That he was out of the office and would not
2 meet with us but that we could e-mail him our concerns.
3 He said that back to us in a text message.

4 Q. All right. So then after -- after it
5 happened, there was some public -- were there some
6 public releases, some of -- Mr. Mateer resigned and so,
7 correct?

8 A. Jeff Mateer resigned on -- I believe it was
9 Friday, October 2nd --

10 Q. All right. Now -- what happened?

11 A. -- 2020.

12 Q. What happened with you after these events?
13 Did you resign?

14 A. I did not.

15 Q. And what happened? What was your -- what was
16 your circumstances going forward?

17 A. I showed up for work.

18 Q. And when you went to work, what were the
19 circumstances?

20 A. Monday, October 5th, was the very first time I
21 ever met a man named Brent Webster, who Attorney General
22 Ken Paxton had hired to be the first assistant. We had
23 a meeting previously scheduled at 9:00 a.m. that morning
24 about the legislative affairs team, of which I was
25 involved with. The very first thing that Brent Webster

1 did in that meeting to me was he threw me out of the
2 meeting.

3 Q. All right. And then what happened next?

4 A. I went back to my office. And Brent Webster
5 came into my office with a woman who was armed and kept
6 threatening me to meet with him.

7 Q. What did you say?

8 A. I said --

9 MR. BUZBEE: Objection. Hearsay.

10 MR. HARDIN: All right. Fair enough.

11 PRESIDING OFFICER: Sustained.

12 MR. HARDIN: Fair enough.

13 Q. (BY MR. HARDIN) So then did you have a
14 conversation with him?

15 A. I did.

16 Q. And did you have a meeting with him?

17 A. I told Brent Webster that --

18 MR. BUZBEE: Objection. Hearsay.

19 MR. HARDIN: That's fine. If he doesn't
20 want to know, that's fine.

21 PRESIDING OFFICER: Sustained.

22 Q. (BY MR. HARDIN) Let me -- let me go -- after
23 that conversation, how much longer did you stay employed
24 with the attorney general's office?

25 A. I was terminated October 20th, 2020, so that

1 would be 15 days.

2 Q. Briefly can you describe the circumstances of
3 the environment for you there before they ultimately
4 terminated you?

5 A. It was an extremely hostile work environment.
6 They had -- like I mentioned earlier, Brent showed up in
7 my office with a woman with a gun. They asked me to
8 take my cell phone to the car. They removed me from
9 access to Attorney General Paxton's schedule, which I
10 oversaw. They hired apparently another scheduler
11 without asking me. They sent a letter to the entire
12 House of Representatives in response to a request by
13 Jeff Leach that they did not even show me before they
14 sent out, even though I oversaw the legislative team.

15 I could go on.

16 Q. All right. Let me ask you this.

17 MR. HARDIN: Can I have 576 and 3350. I
18 believe they're in evidence, but I want to check before
19 you put them up.

20 PRESIDING OFFICER: We don't have 576 on
21 our list.

22 MR. HARDIN: All right. I think she's
23 getting copies, Your Honor.

24 PRESIDING OFFICER: What was the other
25 number?

1 MR. HARDIN: The other -- the two numbers
2 were 576 and 3350.

3 And I'll -- I'll represent they are the
4 letter that Mr. Leach sent. And -- and the second
5 exhibit is the response from General Paxton.

6 PRESIDING OFFICER: Let me give them a
7 short moment to look at them.

8 Any objection?

9 MR. BUZBEE: Just taking a look, Your
10 Honor. Just a second.

11 PRESIDING OFFICER: Sure. Take your
12 time.

13 MR. BUZBEE: I guess no objection, Your
14 Honor.

15 PRESIDING OFFICER: Admit Exhibit 350 and
16 576 into evidence.

17 (HBOM Exhibits 350 and 576 admitted)

18 MR. HARDIN: All right. Can we have 576,
19 please?

20 PRESIDING OFFICER: Hold on, Mr. Hardin.
21 You offered 3350. Did you mean 350? Because what we
22 received was 350.

23 MR. HARDIN: Well, it was 350, I think.
24 Well, let me look and see. Can I look and see?

25 PRESIDING OFFICER: Sure, you can.

1 MR. HARDIN: Just a moment, Counsel.

2 PRESIDING OFFICER: So it is 350, I
3 overheard. So admit 350 and 576 into evidence.

4 You may continue.

5 Q. (BY MR. HARDIN) Now, can you just -- we won't
6 go through the whole letter, but let's, if we can,
7 scroll up please.

8 If you look at it -- excuse me. This is
9 a letter, October the 9th, is it not, you were still
10 employed? Were you still employed or not?

11 A. Yes, sir, I was still employed.

12 Q. All right. And Mr. Leach at that time, did
13 you know what his position was in the House?

14 A. Mr. Leach was the chairman of the committee
15 that had direct oversight over the Office of Attorney
16 General.

17 Q. Got you.

18 MR. HARDIN: And in that capacity, if we
19 scroll up, please. Actually go to the next page, I
20 believe it is. Thank you.

21 If you could do the top of it.

22 Again, in October the 9th, can we go up?
23 Just scroll up just a little bit. The last paragraph,
24 I'll publish it with you to make sure I do it correctly.

25 Q. (BY MR. HARDIN) Irrespective of that

1 decision, by way of this letter, I formally request that
2 you provide a written report as to what specific steps
3 are being taken by you and your newly appointed first
4 assistant attorney general, Brent Webster, to ensure
5 that the effective operations of the agency continue in
6 full force and effect, without delay, without
7 interference, and without interruption. I would ask
8 that such a report could be provided to all members of
9 the Legislature within seven days.

10 Now, in the paragraphs before, did Mr. --
11 what did Mr. Leach lay out for him before he came to
12 that final, if you can just -- just describe it?

13 A. Mr. Leach appeared to be concerned about the
14 state of the Office of Attorney General in light of the
15 fact that our allegations had been public at this time.

16 Q. All right. And so was this an opportunity to
17 ask the attorney general to respond to those
18 allegations --

19 A. It was.

20 Q. -- that had become public; is that right?

21 A. That's right.

22 Q. All right. Thank you.

23 MR. HARDIN: And now, Stacey, if I can
24 have 350, please -- that's 350.

25 If I can have 576.

1 Pardon me?

2 Q. (BY MR. HARDIN) All right. Now, if you
3 would, look at this letter. Do you recall this letter?

4 A. I do.

5 Q. And in his answer that he gives, how many
6 pages -- scroll through it, please.

7 Does he respond in any way specifically
8 with Chairman Leach's request for an explanation and
9 idea as to what is going forward to correct it?

10 A. No, but he does lie to Representative Leach
11 and the other members of the House.

12 Q. Can you -- can you point out where it's untrue
13 and what he said?

14 A. The very first line. The very first line he
15 says that we made false claims. We did not make false
16 claims.

17 Q. All right. Anywhere else?

18 Do you take issue with anything else?

19 A. On the second page, the second-to-last
20 paragraph, Attorney General Ken Paxton says, OAG's
21 regular business is moving forward at full capacity.

22 That is 100 percent false.

23 Q. All right. You're talking about the condition
24 of the office after y'all left?

25 A. That's correct.

1 Q. All right. I want to move on, but my only
2 question to you is at anywhere in this letter that you
3 read does he really address Chairman Leach's questions?

4 A. He does not.

5 Q. Okay. Now, what was the occasion exactly --
6 how were you terminated? What were the circumstances?

7 A. Brent Webster, who is the first assistant at
8 the time, called me into his office. There was another
9 woman there named -- I believe her name was Shelli
10 Gustafson. And he asked me if I would like to have
11 severance or if I wanted to be terminated.

12 And I told him, Brent, I've done nothing
13 wrong. I'm not going to resign to take severance.

14 So he terminated me.

15 Q. All right. Now, at some time after that, did
16 you and three others of the senior staff file a lawsuit?

17 A. We did.

18 Q. And is that lawsuit still pending?

19 A. It is.

20 Q. Was that lawsuit -- was there any attempt to
21 settle that lawsuit? And if so, when?

22 A. There was no attempt to settle the lawsuit
23 prior to Ken Paxton's re-election in 2022.

24 Q. I won't ask you that.

25 What date approximately or what month did

1 y'all file your lawsuit?

2 A. It was sometime in mid-November of 2020, if I
3 recall correctly. November of 2020.

4 Q. All right. When you filed that lawsuit in
5 November of '20, you were about a year away from the
6 election, were you not?

7 A. Two years.

8 Q. Two years away from the election, excuse me.

9 And during that period of time, what
10 happened with the lawsuit?

11 A. Attorney General Ken Paxton tied up our case
12 for two years, making the absurd legal argument that the
13 whistleblower law does not apply to him. He filed what
14 is called a plea to the jurisdiction, which effectively
15 stopped discovery in our case for over two years.

16 Q. So as of the election of November 22nd, was --
17 had there been any discovery or ability to legally lay
18 out the evidence or allegations in your lawsuit?

19 A. No.

20 Q. Now, once the election in November of '22 --
21 of 2020 was over -- or '22, excuse me, how was it the
22 settlement conversation started? How did that get
23 started?

24 A. Sometime in late January of 2023, so earlier
25 this year, Ken Paxton's lawyers called our lawyers and

1 said that they would like to discuss settlement and
2 mediation. So the idea of settlement --

3 Q. Stop. Stop. This is good. He's about to
4 jump up. I want him to save his energy.

5 MR. BUZBEE: Thank you.

6 Q. (BY MR. HARDIN) So he -- at the time that
7 he's -- they initiated settlement discussions, had there
8 ever been any settlement discussions prior to that?

9 A. No.

10 Q. Had there ever been any indication while the
11 lawsuit was pending and the election was in the future,
12 during that two years, was there ever any indication or
13 suggestion that the -- about a possible settlement?

14 A. Never.

15 Q. All right. Do you know of any circumstances
16 that changed and led to their reaching out to you to
17 discuss the settlement?

18 A. Ken Paxton was re-elected.

19 Q. Was he re-elected without knowing anything --
20 without the public being told any of the real facts and
21 so in the discovery with depositions or so?

22 A. I would say it's even worse than that. I
23 think Ken Paxton lied to the public for two years about
24 our case. So not only did we not have discovery, he did
25 the opposite and lied to the public about our

1 allegations.

2 Q. Let me ask you, if you can -- then what I want
3 to do is to go to Exhibit 469. I want to move to
4 introduce 469 and 470, but I first want to ask a couple
5 of questions about it.

6 With the original settlement that
7 everybody has heard a good deal about, was there a
8 proposal that you actually personally individually held
9 up from reaching a settlement?

10 A. I did not go to the mediation.

11 Q. Hold on.

12 A. I never --

13 Q. Hold on. we're going to try to do this in a
14 question-and-answer way.

15 So was there a suggestion of a mediation
16 sometime in February?

17 A. Yes.

18 Q. All right. And who all went to that
19 mediation?

20 A. My other three co-plaintiffs went:
21 Mark Penley, David Maxwell, and Ryan Vassar.

22 Q. And out of that mediation, did the three of
23 them reach a settlement?

24 A. They did.

25 Q. And what was this amount that they settled

1 for?

2 A. \$3.3 million.

3 Q. Why did you not go to the mediation?

4 A. Because I did not want to settle the case.

5 Q. Why did you not want to settle the case?

6 A. Because I wanted to be vindicated for what
7 happened to me and my colleagues, and I did not want to
8 settle the case. What happened to us should never ever
9 happen to any other public servant in Texas.

10 MR. BUZBEE: Objection. Nonresponsive at
11 this point.

12 PRESIDING OFFICER: All right.
13 Sustained.

14 Q. (BY MR. HARDIN) All right. Moving on. Now,
15 when you -- did you have conditions for money as to how
16 much money you wanted or anything?

17 A. No, sir.

18 Q. Did you even give them a figure?

19 A. I never gave them a figure.

20 Q. What happened after the mediation when three
21 had settled and the attorney general had settled, did
22 you see pressure or response or any attempts to pay you
23 more money to get you to settle?

24 A. Yes. What happened was, is the parties came
25 to me and said, Okay, Mr. Brickman, what would it

1 take --

2 MR. BUZBEE: Your Honor, I'm sorry to
3 object. These are Rule 408 settlement discussions,
4 number one.

5 PRESIDING OFFICER: Sustained.

6 MR. BUZBEE: And number two --

7 MR. HARDIN: Your Honor, I move to
8 introduce Exhibits 469 and 470.

9 PRESIDING OFFICER: Was there any
10 objection? I don't believe there was.

11 MR. BUZBEE: I need to see those.

12 PRESIDING OFFICER: We need to see those.

13 MR. BUZBEE: If these are Rule 408
14 settlement discussions, that would be my objection.

15 Q. (BY MR. HARDIN) Do you have those exhibits in
16 front of you?

17 A. I do.

18 MR. HARDIN: For the record and the
19 Court, they're not in evidence yet.

20 PRESIDING OFFICER: I have 470 and 469.

21 MR. HARDIN: Yes, sir. I move to
22 introduce.

23 MR. BUZBEE: Same objection. Not only
24 are they hearsay, but it's protected communications
25 under Rule 408 settlement discussions.

1 MR. HARDIN: Your Honor, there's nothing
2 protected. These documents have already been public in
3 numerous ways.

4 MR. BUZBEE: The trial is here in the
5 court, not in the public. In this Court, Your Honor,
6 these are inadmissible.

7 MR. HARDIN: That's fine. The objection
8 is invalid, Your Honor. These are documents that --

9 PRESIDING OFFICER: Give me a moment.

10 MR. HARDIN: Sure.

11 PRESIDING OFFICER: Give me a moment.

12 MR. HARDIN: I know. I know.

13 PRESIDING OFFICER: Under 408, I sustain
14 the objection.

15 MR. HARDIN: Pardon me, Your Honor?

16 PRESIDING OFFICER: I said we looked at
17 408, we sustain the objection. I believe that was your
18 objection.

19 MR. BUZBEE: That was my objection.

20 PRESIDING OFFICER: Rule 408.

21 MR. HARDIN: Yes, sir. These were not,
22 though, for the liability of the claim. I believe that
23 is what we are speaking about as far as 408. These --
24 these statements show what he himself -- they offered
25 him. If you look at --

1 MR. BUZBEE: Your Honor, I am going to
2 object just to relating what the documents say and renew
3 the objection that's already been ruled upon.

4 PRESIDING OFFICER: I sustained it.

5 Move forward.

6 Q. (BY MR. HARDIN) Well, did you have conditions
7 for not -- for not agreeing?

8 MR. BUZBEE: Objection. Same objection.

9 MR. HARDIN: He has a right to tell what
10 his objection as far as settling --

11 (Simultaneous crosstalk)

12 PRESIDING OFFICER: Hold on. Hold on.

13 MR. HARDIN: Here's my problem.

14 PRESIDING OFFICER: You're talking over
15 each other. I can't hear and they can't hear.

16 MR. HARDIN: All right.

17 PRESIDING OFFICER: So what was your
18 response to his objection?

19 MR. HARDIN: I asked him for what was his
20 response to their offer. This is an outward offer.
21 This is not a mediation offer. None of this has to do
22 with mediation now. They settled their mediation, and
23 now the lawsuit is still pending. He rejected it. They
24 came to him with a proposed --

25 MR. BUZBEE: Your Honor, again, he's

1 speaking --

2 PRESIDING OFFICER: Hold on. Hold on.
3 Hold on. Hold on, Mr. Buzbee. Hold on.

4 MR. HARDIN: This is the problem with
5 eating up the time, Your Honor. This is a really
6 serious objection.

7 PRESIDING OFFICER: I'll give you -- give
8 them two minutes back here, okay.

9 So your objection is, Mr. Buzbee?

10 MR. BUZBEE: Rule 408, textbook. This is
11 improper, not admissible.

12 MR. HARDIN: He just used up a minute and
13 a half on an objection that has no validity.

14 PRESIDING OFFICER: You need to restate
15 your question.

16 MR. HARDIN: Sure.

17 Q. (BY MR. HARDIN) What -- were you making
18 demands on them for whether you would ever agree to
19 consider settlement?

20 MR. BUZBEE: Same objection.

21 Q. (BY MR. HARDIN) Don't tell me --

22 A. I told --

23 Q. No, no, no, no, no.

24 PRESIDING OFFICER: Overruled.

25 Q. (BY MR. HARDIN) All right. Now, the answer

1 first would be yes or no. And then depending on that
2 answer, I'll ask you the next question.

3 A. Could you please ask the question again?

4 Q. Sure. Did you make demands on them that would
5 have to be fulfilled before you would ever settle?

6 A. I did.

7 MR. BUZBEE: Same objection, Your Honor.
8 That's Rule 408.

9 MR. HARDIN: Your Honor, this is what he
10 said, what his conditions were. I will -- I can even
11 ask it.

12 Q. (BY MR. HARDIN) What were your conditions
13 that you demanded before you ever would settle?

14 MR. BUZBEE: Your Honor, Rule 408.

15 PRESIDING OFFICER: Mr. Buzbee, we agreed
16 with you --

17 MR. BUZBEE: Thank you.

18 PRESIDING OFFICER: -- on the first two
19 objections on 408. Not on this one.

20 Overruled.

21 Go ahead.

22 MR. HARDIN: Thank you.

23 THE WITNESS: Is the question what were
24 my conditions to settle?

25 Q. (BY MR. HARDIN) Yes. What were your

1 conditions before you would agree to settle?

2 A. I told --

3 MR. BUZBEE: Hearsay.

4 A. -- the office of the attorney general that I
5 would settle --

6 MR. HARDIN: Hold on. Hold on,
7 everybody. Let him speak, please.

8 PRESIDING OFFICER: Sustained on that
9 one.

10 Go ahead and rephrase.

11 I sustained that objection. Rephrase.

12 Q. (BY MR. HARDIN) I wanted to know what your
13 conditions were, not what you told them. Okay?

14 A. Fine.

15 Q. That's the -- hold on. That's the basis of
16 the objection.

17 What were your conditions before you
18 would ever agree to consider settling?

19 A. I had three.

20 Q. What were they?

21 A. Ken Paxton apologize for calling us rogue
22 employees and admit that we did what we thought was
23 right, was the first one.

24 Q. That's number one.

25 A. The second one was the Third Court of Appeals

1 had ruled in our favor that the whistleblower law
2 applies, and I wanted him to agree not to move to
3 dismiss that.

4 Q. In other words, you had a winning opinion on
5 an intermediate court level, and you wanted an agreement
6 that they wouldn't challenge that agreement. That
7 ruling?

8 A. I did, because I wanted future Texas public
9 servants to know that the whistleblower law applies in
10 this state.

11 Q. All right. And what was your third demand?

12 A. That Attorney General Ken Paxton remove a
13 disparaging statement where he called us rogue
14 employees. It was on the OAG website.

15 Q. In response to that, instead of those
16 conditions, were you offered more money if you wanted
17 that instead?

18 MR. BUZBEE: Objection. Rule 408, Your
19 Honor.

20 PRESIDING OFFICER: I'll sustain that
21 objection.

22 Q. (BY MR. HARDIN) Were you offered more money?

23 A. Yes.

24 MR. BUZBEE: Objection, Your Honor.

25 THE WITNESS: Well, I was offered --

1 MR. HARDIN: Wait a minute. Wait a
2 minute. He's got an objection on the table.

3 MR. BUZBEE: Objection.

4 MR. HARDIN: Hold on.

5 PRESIDING OFFICER: Sustained.

6 Q. (BY MR. HARDIN) Well, did -- ultimately, were
7 you willing to consider yourself, your own state of
8 mind, were you willing to consider more money instead of
9 those three objections --

10 A. I was --

11 Q. -- the three objectives that you had?

12 A. I was not.

13 Q. All right. And was that communicated to the
14 other side?

15 A. It was.

16 Q. Now, ultimately, does Exhibit 470 set out this
17 ultimate settlement that was pending that is being
18 considered by the House? Is that actually a document
19 that has been presented to the House of Representatives?

20 A. It is.

21 Q. Or is it the settlement that is actually under
22 consideration that the House, instead of paying right
23 away, launched an investigation of?

24 A. It is.

25 Q. Is that a public document?

1 A. It is.

2 MR. HARDIN: Again, Your Honor, in all
3 due respect, we offer Exhibit 470, please.

4 MR. BUZBEE: Objection.

5 PRESIDING OFFICER: Objection to 470?

6 MR. BUZBEE: Yes, Your Honor. It's -- as
7 you can see, it's a mediated agreement proposed which
8 falls under a privilege, as the Court knows. Moreover,
9 it's hearsay.

10 MR. HARDIN: Your Honor, that -- excuse
11 me. Go ahead. I'm sorry.

12 What I was going to say is, is it -- that
13 is tacked onto the settlement that occurred with the
14 others. It was not produced by mediation. He never
15 attended a mediation. He never engaged in the mediation
16 process.

17 What they did was they just simply put
18 the final agreement on there once he agreed not to
19 object, and they add on those three conditions that he
20 required in order to represent the whole final
21 settlement that affected everyone.

22 PRESIDING OFFICER: Hold on.

23 Mr. Hardin, is this a public document?

24 MR. HARDIN: Yes, sir.

25 I say that. Make sure I'm not

1 overstating that.

2 PRESIDING OFFICER: Yeah. Make sure
3 you're not overstating that.

4 MR. HARDIN: I'm getting yes, it's being
5 pulled off the Internet, is it not?

6 It's on the Internet. I would point out,
7 too, I think 4(b) -- 408(2)(b) points out that the Court
8 can admit one either way, on your own -- on your own if
9 you think it affects some type of issue in the case.

10 I can assure you that Mr. Buzbee will be
11 talking about having sued and being settled on cross.
12 That would be something that would come under that.

13 PRESIDING OFFICER: Overrule the
14 objection.

15 MR. HARDIN: All right.

16 Q. (BY MR. HARDIN) Now --

17 PRESIDING OFFICER: The Exhibits 470 --

18 MR. HARDIN: Thank you, Your Honor.

19 PRESIDING OFFICER: -- and 469 are
20 admitted into evidence.

21 (HBOM Exhibits 469 & 470 admitted)

22 Q. (BY MR. HARDIN) All right. Now, just to be
23 sure the record is clear, you never participated in a
24 mediated settlement agreement, did you?

25 A. I did not.

1 Q. All right. Now, I want you -- if we scroll
2 down and look at the bottom of this, scroll to it.
3 Number 2 says what?

4 A. OAG will permanently remove this press release
5 from its website.

6 Q. And that press release was what? Is that the
7 one in which you -- what -- what was that press release?

8 A. This was the press release where Attorney
9 General Ken Paxton called me and my colleagues rogue
10 employees.

11 Q. Number 3.

12 A. Would you like me to read it?

13 Q. Read it.

14 A. A recital in the settlement agreement will
15 state whereas Attorney General Ken Paxton accepts that
16 plaintiffs acted in a manner that they thought was right
17 and apologizes for referring to them as, quote, rogue
18 employees, end quote.

19 Q. And then number 4, would you read that?

20 A. The parties will not ask that the Third Court
21 of Appeals opinion issued October 21, 2021, be
22 withdrawn.

23 Q. And that -- is that the settlement that is now
24 still pending before the House for approval?

25 A. It is.

1 MR. HARDIN: You can take that down.

2 Q. (BY MR. HARDIN) Now, I want to --

3 PRESIDING OFFICER: Mr. Hardin, about how
4 long do you expect to go, Mr. Hardin?

5 MR. HARDIN: I'm sorry?

6 PRESIDING OFFICER: About how much longer
7 do you expect to go? They've been on -- the jurors have
8 been sitting for two hours.

9 MR. HARDIN: I'm hoping to do about
10 another 14 or 15 minutes.

11 PRESIDING OFFICER: Members, I think you
12 can make it for another 14 minutes. Okay. I see nods
13 from the jurors. Continue.

14 MR. HARDIN: Thank you, Your Honor.

15 Q. (BY MR. HARDIN) If I can now, I want to
16 move -- there was an attorney general report issued, was
17 it not, that sometime in '21, setting out the attorney
18 general's side of what happened here?

19 A. In August of 2021 the attorney general put out
20 a report.

21 MR. HARDIN: I believe Attorney General
22 127 is in evidence. I'm sure it is.

23 MR. BUZBEE: It is.

24 MR. HARDIN: But I just -- I want to be
25 certain.

1 MR. BUZBEE: It is. I put it in
2 evidence.

3 MR. HARDIN: All right.

4 Q. (BY MR. HARDIN) Now, would you identify --
5 the front page -- if you've read this report, can you
6 just describe it for you -- in gentle descriptive
7 language, please. Would you?

8 A. This is the report that the Office of Attorney
9 General put out clearing itself of wrongdoing.

10 Q. All right. This is -- was represented as some
11 type of independent report, right?

12 A. Yes.

13 Q. And then you discovered, based on public
14 statements, it was actually prepared by Mr. Webster, the
15 first assistant?

16 A. That's correct.

17 Q. Okay. In this report, have I asked you just
18 to take several -- three or four examples of things that
19 you disagree with? Have I asked you to do that?

20 A. Yes.

21 Q. All right. What I -- what I wanted to ask you
22 is, in this report, how would you describe your reaction
23 to it as accurately as the terms of what happened in these
24 matters involving Nate Paul?

25 A. I would call this report a whitewash full of

1 lies --

2 Q. All right.

3 A. -- and omissions.

4 Q. Now, if I may, let's just go over to page 5
5 and do this real quickly. If I asked you to pick four
6 or five samples, can you just do that for me. And would
7 you look on page 5 and see as to the first claim.

8 What is -- what is untrue about that
9 claim? Do you see where I'm at?

10 A. It says, On two prior occasions involving
11 Nate Paul's interests, the open records division sided
12 with the government agency against disclosing to
13 Nate Paul.

14 That is not true. There was an open
15 records decision that took no opinion as to the release
16 of the documents.

17 Q. What about the second claim?

18 A. If you start with the sentence, Most relevant
19 here --

20 MR. BUZBEE: Your Honor, I'm sorry to
21 interrupt. This witness -- this witness was not
22 involved in the open records decision. He was not
23 involved in the Mitte intervention, at least certainly
24 not directly involved.

25 And for him to go through, and without

1 taking away counsel's time, and go line by line of a
2 report about things that he wasn't involved in, that
3 would not be proper. So maybe with respect to the
4 second claim, maybe he has some personal knowledge, but
5 everything else, he has none.

6 MR. HARDIN: I -- that may be one of the
7 more imaginative objections I've heard throughout this
8 entire trial.

9 MR. BUZBEE: I feel -- I feel --

10 MR. HARDIN: What I would point -- excuse
11 me.

12 What I would point out is I -- if I -- if
13 I want to go through -- he did have contact with
14 Mr. Mitte. Why I just went by it, because they've heard
15 a million things about the Mitte case. But all he's
16 been asked is are they true or untrue. He's got that
17 wonderful art of screaming cross-examination. He can
18 use every bit of it he wants, okay.

19 But this issue here is simply does he
20 believe that is an untrue statement. He can challenge
21 him as to what his basis is on cross.

22 PRESIDING OFFICER: Overruled.

23 MR. HARDIN: Thank you.

24 Q. (BY MR. HARDIN) On this number 2 here, where
25 it says, AG Paxton's involvement is consistent with his

1 predecessors and in line with his required duties and
2 legal obligations as Attorney General of Texas, most
3 relevant here, the position taken by the AG in this
4 litigation was adverse to Nate Paul and in support of a
5 higher settlement amount to be paid by Nate Paul to the
6 Mitte Foundation, as opposed to the prospect of
7 continued and costly litigation that would
8 disproportionately benefit the charity's court-appointed
9 receiver and its lawyer.

10 Is that a truthful statement?

11 A. It is not a truthful statement.

12 Q. And did you actually have an occasion to be
13 asked by the attorney general to review the Mitte file
14 at one time?

15 A. I did.

16 Q. All right. The third claim, this informal
17 guidance letter regarding foreclosure sales written by
18 Bangert was made in response to request for disaster
19 counsel advice from Texas Senator Bryan Hughes during
20 the height of the pandemic and not for the benefit of
21 Nate Paul.

22 Is that a true or untrue statement?

23 MR. BUZBEE: Objection. Personal
24 knowledge, Your Honor.

25 PRESIDING OFFICER: Object -- I mean,

1 overruled. I'm sorry.

2 MR. HARDIN: Thank you.

3 Q. (BY MR. HARDIN) Is that a true or untrue
4 statement?

5 A. It is an untrue statement. The foreclosure
6 opinion was for Nate Paul's benefit.

7 Q. Matter of fact, the foreclosure opinion that
8 said that foreclosures could not be conducted at that
9 time because of the limit on people in the COVID
10 situation, was that actually even totally inconsistent
11 with what the attorney general had just done recently?

12 A. It was entirely -- this opinion was entirely
13 inconsistent from prior opinions that our office put
14 out. This was a time --

15 Q. Hold on.

16 A. I'm sorry.

17 Q. Are you familiar with a particular event some
18 weeks right before the opinion of August 1st or 2nd
19 concerning foreclosures?

20 A. One month before this opinion came out
21 Attorney General Ken Paxton held a fundraiser in Dallas
22 outdoors, and a month later issued an opinion saying
23 that foreclosure sales could not continue outdoors.

24 Q. Can we go to page 6, please.

25 Look at the top. Cammack legally --

1 Cammack -- Cammack legally and properly exercised
2 authority delegated to him by both AG Paxton and the
3 TCDAO. Cammack was designated as outside counsel for
4 OAG by AG Paxton, and he was also knowingly appointed as
5 a special prosecutor by the Travis County DA's Office.

6 Is that a true or untrue statement?

7 A. It is false.

8 Q. All right. Would you tell the jury whether
9 these -- these that you've labeled untrue statements
10 that we've just gone through for just a couple of
11 minutes, whether they are typical of this report or
12 unique to this -- to this report?

13 A. I'm not sure I understand the question.

14 Q. Are there other misstatements in this report?

15 A. There are many other misstatements in the
16 report. These are just a few samples of the
17 misstatements in this report.

18 Q. All right.

19 MR. HARDIN: Your Honor, I've got to get
20 a couple of things together. Can I renege and we take a
21 break now? I will be through shortly after you return.

22 PRESIDING OFFICER: Yes. Before we
23 break, could both parties come up for a second.

24 (At the bench, off the record)

25 PRESIDING OFFICER: Members of the Jury,

1 I have to conduct a hearing outside the presence of the
2 jury. So you're on a break until further notice. And
3 we'll call you back. I don't think it will take very
4 long, but don't go far.

5 (Recess from 3:46 p.m. to 4:22 p.m.)

6 (Chambers hearing from 4:22 p.m. to
7 4:40 p.m. in separate volume)

8 (Recess from 4:40 p.m. to 4:52 p.m.)

9 PRESIDING OFFICER: Bailiff can bring the
10 witness back in.

11 Members, for the record, the House Board
12 of Managers called Laura Olson. She is present but has
13 been deemed unavailable to testify. As soon as we get
14 the witness in, we can continue.

15 SENATOR: We couldn't hear.

16 PRESIDING OFFICER: I said the House
17 Board of Managers called Laura Olson. She is present
18 but not -- but has been deemed unavailable to testify.

19 SENATOR: What does that mean?

20 SENATOR: Can we have a statement? The
21 Court doesn't understand what that means?

22 PRESIDING OFFICER: A statement has been
23 made by the Court. It says what it means. Both sides
24 have agreed to that statement. both statements (sic)
25 have agreed to that statement.

1 (Witness entered Senate chamber)

2 PRESIDING OFFICER: I did not mean to be
3 short with you, Senator. I am just -- I'm not
4 amplifying the orders we give. It's stating what both
5 sides agreed to in writing.

6 Mr. Hardin, you can continue.

7 MR. HARDIN: Thank you, Your Honor.

8 Stacey --

9 Q. (BY MR. HARDIN) Well, first of all, very
10 quickly, let me ask you: Were you familiar with the
11 House situation in terms of the attorney general and the
12 fact that they were having construction and they had to
13 move out for a while and so on?

14 A. I was --

15 Q. The microphone --

16 A. I'm not sure it's on.

17 Q. There you go.

18 A. Yes, sir, I was.

19 Q. All right. And you've testified earlier that
20 the attorney general's office was right next to you. In
21 addition to that, would -- would you regularly get
22 reports from and -- and follow information from
23 Mr. Wicker?

24 A. Yes. The scheduler and the executive
25 assistant, Mr. Wicker, both reported directly to me.

1 Q. And do they give documents to you as to what
2 they're doing or anything like that?

3 A. They did, and we met weekly.

4 Q. All right. And so from your own personal
5 knowledge, do you know when the attorney general moved
6 back into his house?

7 A. I do.

8 Q. When was that?

9 A. Sometime around mid-July, around the 18th or
10 19th of July.

11 Q. All right. Now, were you also aware of the
12 name of who was -- the company that was doing the -- the
13 work on it?

14 A. Recently I became aware of that company's
15 name.

16 Q. Well, at some time, did you actually do some
17 research into that person on your own after you were
18 terminated?

19 A. I did.

20 Q. And at the end of the day, the names -- you,
21 of course, know Mr. Nate Paul. Were you familiar with
22 the name Kevin Wood?

23 A. Yes.

24 Q. And were you -- the name of a -- a person who
25 went by a name of Raj Kukar (sic)?

1 A. Yes.

2 Q. And have you reviewed certain materials
3 concerning those people's names?

4 A. I have.

5 MR. HARDIN: I'm going to ask you if you
6 would, Stacey, this -- this exhibit is already in, Your
7 Honor. I think the -- the defense put in Exhibit 134.
8 It's already in. And they put it en masse. And that
9 production included the pictures. I believe this -- it
10 was the production by Mr. Wood.

11 PRESIDING OFFICER: Yes.

12 MR. HARDIN: Okay.

13 Could you put up Exhibit Wood --
14 Bates-stamped 16 -- Exhibit 134.050. Could you put it
15 up with the Bates stamp 6211, please, Stacey.

16 Q. (BY MR. HARDIN) Now, I'm going to publish it
17 for you and ask you a couple of questions.

18 First of all, the -- Kevin Wood, were you
19 familiar with the fact that he was the main worker or in
20 charge of the work that was going on at the house?

21 A. Yes.

22 MR. BUZBEE: I want to object, Your
23 Honor. He said he learned this later. He had no
24 personal knowledge at the time this happened.

25 PRESIDING OFFICER: Sustained.

1 Q. (BY MR. HARDIN) This particular document that
2 the -- the defense put into evidence says, Nate, worked
3 yesterday 7:00 a.m. to 10:00 p.m. Got home and fell
4 asleep. Going right now to start guys on K job.

5 Mr. Kujar's (sic) last name begins with a
6 K, does it not?

7 A. Raj Kumar.

8 Q. Kumar.

9 And Mr. Kumar's company is what?

10 A. Cupertino Builders.

11 Q. All right. Then guys at Ben White Concrete
12 asked for help. After I check on the 3M guys, I can get
13 e-mail more detailed schedule. Does your house look
14 okay for Father's Day tomorrow or does it need cut?

15 And this particular e-mail produced by
16 Mr. Wood was sent to whom?

17 A. To Nate Paul.

18 Q. Now, it lists a series of things here. Would
19 you read those off of things that are to be done?

20 A. Sat, subfloor. Sunday, subfloor.

21 Q. Slow down. Go ahead.

22 A. Monday, restore old floor. Tuesday, new
23 floor. Wednesday, new floor, landscape front, and fix
24 irrigation. Thursday, new floor, new fans, and
25 fixtures, finish landscape. Friday, finish new floor,

1 finish electrical. Saturday, seal all floors up.

2 Sunday, clean up.

3 Q. Can you imagine any reason that the man doing
4 the work on the attorney general's house would need to
5 be informing Nate Paul of the schedule and the work
6 being done?

7 A. I cannot.

8 MR. BUZBEE: I'm sorry, Your Honor. He's
9 assuming that this has anything to do with Ken Paxton's
10 home. This is not the witness for this. I object.

11 MR. HARDIN: This -- these -- these
12 documents -- these are actually taken -- let me make
13 sure I don't falsely accuse you. Hold on.

14 Q. (BY MR. HARDIN) Is he seriously contending --
15 we'll take some time out. I don't want to.

16 This is an exhibit he produced -- he
17 produced. He used photos in this -- this deal. He
18 wanted photos of the house.

19 My question is I don't want to falsely
20 accuse Mr. Buzbee, but is he seriously as an officer of
21 the Court contending there's any question as to whether
22 or not the -- the documents in Exhibit 134 have to do
23 with Mr. Paxton's house?

24 MR. BUZBEE: Your Honor, I'll -- I'll
25 respond to that. And yes, he has accused me of a lot of

1 things throughout this trial, but I'm not too concerned
2 about it.

3 You can see from the e-mail itself a fair
4 reading is this man is working on multiple different
5 jobs, and this witness has no ability to tell us what
6 these things and whose job that is. This guy was also
7 apparently a landscaper and was doing different jobs,
8 and we don't know -- we know that some of the pictures
9 obviously are of the kitchen in the Paxton home, but we
10 don't know, and this is not the witness to be asking
11 about the renovations because he doesn't know anything
12 about the renovations.

13 MR. HARDIN: My -- my question was, is he
14 contending seriously -- he hasn't answered it yet --
15 that this -- these documents do not have anything to do
16 with Mr. Paxton's house? If so, we'll try to prove that
17 up later. I don't believe he said that.

18 MR. BUZBEE: I didn't come here to answer
19 his questions, Your Honor.

20 PRESIDING OFFICER: I was going to say --

21 MR. BUZBEE: Thank you.

22 PRESIDING OFFICER: -- it's not his --
23 you're not asking him questions. He made an objection.
24 He explained it. You made an objection.

25 MR. HARDIN: Thank you.

1 PRESIDING OFFICER: I'm going to sustain
2 the objection.

3 MR. HARDIN: Is the Court ruling -- all
4 right. Thank you.

5 If I can now, Stacey, would you put up
6 exhibit with the Bates stamp 6212. The last exhibit was
7 620.

8 This one is dated -- actually -- I -- I
9 thought 622 was the next exhibit. These would be 6212.
10 6215 is what I really mean to have up now, Stacey. I'm
11 sorry.

12 Q. (BY MR. HARDIN) The date of this one, please,
13 sir?

14 A. July 4th, 2020.

15 Q. And this one is from Mr. Nate Paul to
16 Mr. Kevin Wood, is it not?

17 A. It is.

18 Q. Nate Paul tells Kevin Wood what?

19 A. Great. Can you send me pics?

20 Q. Kevin Wood responds what to him?

21 A. Guys, just finished applying second coat of
22 sealer.

23 MR. HARDIN: Stacey, I'm sure that I was
24 wrong. My mistake. But I wanted to see if 76 -- 6211
25 and 6212. If you will tell me which you put up first,

1 and I'll put up the other one now. I don't know whether
2 I gave you the wrong number.

3 Pardon me?

4 MS. MANELA: This is 6212.

5 MR. HARDIN: All right. Is that what you
6 put up first?

7 All right. Thank you.

8 Then 6212, please.

9 Q. (BY MR. HARDIN) This is on the 22nd of June.
10 And to Mr. Kevin Wood, he's responding on top of an
11 e-mail from -- we just read, the one on June 20th. Do
12 you see that?

13 A. I do.

14 Q. And this is Kevin Wood to whom?

15 A. Raj, Nate's guy, Raj Kumar.

16 Q. All right. Raj Kumar is the president and CEO
17 of the company that built -- did the renovations,
18 correct?

19 A. Correct.

20 Q. And then below that, this is Kevin to -- he's
21 forwarding Kevin to Nate Paul. So, essentially, what's
22 happened with this -- with this e-mail? How does it
23 begin? Kevin Wood forwarding the e-mail? You tell me.

24 A. The initial e-mail is Kevin Wood to Nate Paul
25 on June 20th. And then it's forwarded from Kevin Wood

1 to Raj Kumar on June 22nd of 2020.

2 Q. So we now have, have we not, or have we,
3 communications between the man doing the actual
4 on-the-site construction updating Nate Paul, and then
5 the man on the site doing the construction communicating
6 with the owner of the company that's doing the
7 construction, correct?

8 A. We do, that's correct.

9 Q. And so in these messages back and forth, if
10 they are, in fact, communicating about Mr. -- the
11 lieutenant -- excuse me -- the --

12 PRESIDING OFFICER: No problem, Senator.
13 No problem, Senator.

14 MR. HARDIN: I'll put general, if I have
15 to.

16 Q. (BY MR. HARDIN) The attorney general. The
17 people doing the work on the attorney general's house
18 are all communicating among themselves, are they not?

19 A. That's correct.

20 Q. And they're communicating about the attorney
21 general's house, are they not?

22 A. That's correct.

23 MR. HARDIN: Now, I want to look at, if
24 we can, 6216, please.

25 Actually -- actually do 6215, Stacey,

1 please.

2 Q. (BY MR. HARDIN) Now, this one is dated -- the
3 other two were the 20th of June and the 24th of June.
4 And this one is dated July the 4th, is it not?

5 A. That's correct.

6 Q. And it's from whom to whom?

7 A. From Kevin Wood to Nate Paul.

8 Q. And -- and Nate Paul says what to Mr. Kevin
9 Wood?

10 A. Great. Can you send me pics?

11 Q. And he's saying that in response to Kevin Wood
12 telling him what on Saturday, July 4th?

13 A. Guys, just finished applying second coat of
14 sealer.

15 MR. HARDIN: Stacey, 6216, please.

16 On July the 4th, in response to an e-mail
17 asking from -- from Mr. -- from Mr. Paul -- can you put
18 together, please, Stacey, a side-by-side, 6216 and 6215.

19 Q. (BY MR. HARDIN) So on July the 4th, on the
20 left, the one we just went over, Nate Paul asked
21 Kevin Wood to send him pictures of the work they're
22 doing, correct?

23 A. Correct.

24 Q. And then if you go over to the right,
25 Kevin Wood does what on the same day, on July the 4th?

1 A. He sends him the photos.

2 Q. He says, does he not -- does he not -- at this
3 time Kevin Wood includes Nate Paul and Raj Kumar on --
4 both of them on multiple pictures of the house, correct?

5 A. Correct.

6 Q. Do you have any idea why those three would be
7 communicating like that if Nate Paul had nothing to do
8 with the attorney general's house?

9 MR. BUZBEE: Objection. Speculation.

10 PRESIDING OFFICER: Sustained.

11 Q. (BY MR. HARDIN) Now, after you were
12 terminated, did you start doing some of your -- and, of
13 course, y'all had a lawsuit starting when?

14 A. November of 2020.

15 Q. Okay. Did you yourself start looking to see
16 if you could find information that would help your
17 lawyers, and your lawyers for information, and so on?
18 Did you come into -- discover a receiver's report that
19 had to do with Nate Paul's businesses?

20 A. I did.

21 Q. And did you, in fact, yourself obtain that
22 report and give it to us?

23 A. I did.

24 Q. I'm going to show you what has been -- and ask
25 that Stella give to the Court and the other side.

1 MR. HARDIN: This is a new exhibit, Your
2 Honor.

3 Q. (BY MR. HARDIN) Now, without talking about
4 the -- the internal parts of it, what did you discover?
5 How did you discover this receiver's report and where
6 was it filed?

7 MR. BUZBEE: Your Honor, I'm sorry to
8 interrupt. This, first time disclosed.

9 Number two, he's already admitted that he
10 didn't have any personal knowledge of this. He just
11 went and found it. He's not here as some kind of an
12 investigator. He's supposed to be telling us what his
13 personal knowledge is of things that occurred at the
14 AG's office. What they just handed us looks like to be
15 file stamped October 31st of 2022.

16 MR. HARDIN: Your Honor -- excuse me.
17 Are you finished?

18 MR. BUZBEE: He was out of the office
19 long before that.

20 MR. HARDIN: All right. Your Honor, if I
21 may respond.

22 PRESIDING OFFICER: Yes, you may respond.

23 MR. HARDIN: This is a receiver's report
24 filed in litigation in Harris County in the 165th
25 Judicial District Court. And what we have and what you

1 have is a certified report, a certified public document.
2 It's filed and now certified that it is a public record.
3 And it comes in under 8038 -- (a)(3).

4 MR. BUZBEE: Your Honor, first, it has to
5 be --

6 MR. HARDIN: It's relevant. Let me --

7 MR. BUZBEE: I thought you were finished.
8 Go ahead.

9 MR. HARDIN: Excuse me. Let me -- let me
10 finish, please.

11 Public records and it has factual
12 findings from a legally authorized investigation. And
13 the relevance of it is it deals with the extended cross
14 that Mr. Buzbee went through about the house and whether
15 or not it was legitimate and all of that. And that --
16 and that is addressed, not the -- not the -- the house,
17 but the investigation. It was clearly -- I respectfully
18 suggest it's admissible as a certified public document.

19 PRESIDING OFFICER: All right.

20 Mr. Buzbee.

21 MR. BUZBEE: Excuse me.

22 PRESIDING OFFICER: Can I answer?

23 Mr. Hardin, forgive me. I did not
24 understand what you said just now.

25 MR. HARDIN: Oh, okay. That would not be

1 the first.

2 PRESIDING OFFICER: Could you give me one
3 more try?

4 MR. HARDIN: Sure. And that won't be the
5 first.

6 This is a certified public document. It
7 is admissible without a sponsoring witness. If it is
8 relevant to the issue -- the matter that we're seeking
9 to introduce it in, then it comes in under 803(c)
10 without a sponsoring witness because it is certified as
11 a public document. It comes in under the public
12 documents exception to the hearsay rule.

13 And in this particular case, the reason
14 it is relevant, I will refer the Court, perhaps will
15 help you if you look on page -- if you use the -- and so
16 that you can yourself look, if you look at page 84,
17 Bates-stamped Brickman down below, 84, Brickman 85 in
18 particular. And it has to do with Mr. Nate Paul -- go
19 ahead.

20 PRESIDING OFFICER: Mr. Hardin, I
21 don't -- I don't see an 803(c). What am I missing?

22 MR. HARDIN: Okay. I'm sorry, she's
23 right.

24 What Jenny -- Ms. Brevorka is showing me
25 is you don't have the Brickman Bates stamp. That's how

1 we got it. So we then went and got a certified copy.
2 And so what you would be looking at is page 47 of the
3 report.

4 PRESIDING OFFICER: What I was asking the
5 question of why it could come in, 803(c), I don't see an
6 803(c).

7 MR. HARDIN: More particularly if I
8 could --

9 PRESIDING OFFICER: Excuse me. I don't
10 see an 803(c), unless I'm missing it. I see 803(1)
11 through (24).

12 MR. HARDIN: If we can, if you look at
13 page 72 --

14 PRESIDING OFFICER: I'm asking the first
15 question. I don't see an 803(c). I may not be looking
16 at the right --

17 MR. HARDIN: I guess you're right. If
18 you're looking at the Rule --

19 PRESIDING OFFICER: Yes, sir. I am.

20 MR. HARDIN: Okay. If you're looking at
21 the Rule, it's 8038(c). I've got a lot of help, and
22 obviously I need it.

23 We got 8038(a)(2) -- thank you, Dick --
24 and 8038(a)(3). If you look at those, I would represent
25 would make it very much --

1 PRESIDING OFFICER: You made me dangerous
2 here and made me start looking at these numbers, and
3 there's not an 803(c).

4 MR. HARDIN: Yeah. There is 808.

5 PRESIDING OFFICER: It's 808(c). Okay.

6 Now that I have the right number, I'm
7 going to overrule the objection. Thank you.

8 MR. BUZBEE: Your Honor, may I?

9 MR. HARDIN: Thank you very much.

10 MR. BUZBEE: Your Honor, my objection was
11 not hearsay. I mean, he's giving you a hearsay
12 exception, but I want the Court to note that this is a
13 report from a receiver appointed by the Court, his
14 opinion. It uses the word "opinion" multiple times in
15 the document, and it was done two years after the events
16 in question in this case. It has no relevance to this
17 case.

18 It's an opinion of somebody, Seth
19 Kretzer, out of Houston, who, if he had some opinion
20 that the Court found relevant, then he should come here
21 and be cross-examined. We can't cross-examine a report
22 from somebody who's not in court.

23 So, Your Honor, there's three or four
24 different reasons why something like this should not be
25 admitted, first of which is that it's years after the

1 events in question.

2 Two, it's written by a lawyer who has
3 been appointed to be receiver, and he -- it's filled
4 with his opinions about this and opinions about that,
5 which I guess would be some sort of expert-type opinion,
6 although we haven't qualified him as such. There's a
7 lot of reasons why this is improper.

8 And the last one, I think maybe the one
9 you might find most important, they put this on their
10 exhibit list yesterday, and I just got a copy of it
11 right now.

12 So how am I supposed to, 100 pages of
13 opinion by a receiver out of Houston, do anything with
14 this? This is completely improper under various -- for
15 various reasons.

16 MR. HARDIN: Your Honor, that's always
17 true of any publicly admitted document that comes in
18 without a speaker. That -- right now that doesn't have
19 a prepared cause -- he's free to subpoena any of these
20 witnesses. This talks about the very three people that
21 we were talking about and the arrangement that they
22 have.

23 MR. BUZBEE: They put it on the list
24 yesterday.

25 MR. HARDIN: I -- I tried to --

1 PRESIDING OFFICER: Okay, gentlemen,
2 stop. Let me -- I'm going to relook at this.

3 MR. HARDIN: Okay.

4 PRESIDING OFFICER: I based my ruling on
5 your exception.

6 MR. HARDIN: Thank you, Your Honor.

7 PRESIDING OFFICER: But he's brought some
8 other points.

9 MR. HARDIN: Thank you.

10 Q. (BY MR. HARDIN) Now, if I can --

11 PRESIDING OFFICER: I said, wait. Wait.
12 You can stop the clock for a moment.

13 MR. HARDIN: Thank you very much.

14 Your Honor, may I -- just information, I
15 was just informed, this actually -- this exhibit,
16 without being certified, was on our original witness
17 list. They have had the exhibit list. They have had
18 this exhibit notice for about a month and a half.

19 Pardon me, Your Honor. This may not
20 address what you're talking about. I just want it to be
21 clear on the record. Our original notice to them of
22 this exhibit was Exhibit 129 in the middle of August.

23 MR. BUZBEE: Did -- did you change the
24 number on the exhibit?

25 MR. HARDIN: We did not -- you know, we

1 did because the new one was certified. That one wasn't
2 certified, but it was this document.

3 We -- we listed this exhibit. They've --
4 that's what they've had since mid-August. And all we
5 did was introduce before you a certified copy of the
6 exhibit that we had previously done. I can -- I can
7 tender it to the Court, if the Court wants to -- to look
8 at it. Yeah. Okay.

9 PRESIDING OFFICER: On further review
10 with my legal team, it appears, looking at the document,
11 it contains double hearsay. So I'm reversing my ruling
12 and sustaining the objection.

13 Continue.

14 MR. HARDIN: Finally, Your Honor, we
15 move -- we move to introduce the grand jury subpoenas as
16 Exhibit 172. This is very bulky. These were the
17 subpoenas, the grand jury subpoenas that had been
18 mentioned throughout the case.

19 I'll tender it to Mr. Buzbee, and because
20 of the -- we just have one copy for you.

21 PRESIDING OFFICER: Did you resume the
22 clock?

23 THE TIMEKEEPER: I did, yes.

24 MR. HARDIN: Your Honor, these are --
25 just for the record, these are offered, all of the

1 Exhibits 172 through 185, then 187 through 209, and 218
2 and 220.

3 MR. BUZBEE: No objection.

4 PRESIDING OFFICER: You may continue.
5 Let me admit these.

6 MR. HARDIN: May I have just a moment to
7 see if that's --

8 PRESIDING OFFICER: Admit 172, 173, 174,
9 175, 176, 177, 178, 179, 180, 181-- 82, 83 -- 183, I'm
10 sorry, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194,
11 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205,
12 206, 207, 208, 209, 218, 220 into evidence.

13 (HBOM Exhibits 172-185, 187-209, 218 &
14 220 admitted)

15 MR. HARDIN: Thank you. Thank you very
16 much.

17 PRESIDING OFFICER: Yes, sir.

18 MR. HARDIN: One final question. Would
19 it be possible for -- for us to find out what sections
20 the Court considers double hearsay in case of that
21 report, later we could come back with bracketed -- not
22 to argue with you about the ruling of double hearsay,
23 but to maybe admit stuff that was not?

24 PRESIDING OFFICER: With all due respect,
25 we really did spend a lot of time on that, stopped the

1 clock. And on the advice of -- of four very wise people
2 up here to help me with that issue, I'm going to stay
3 with my ruling.

4 MR. HARDIN: I appreciate it, Your Honor.
5 If I have just a second --

6 PRESIDING OFFICER: Yes.

7 MR. HARDIN: If I could stop the clock to
8 confer, because I think we may be through. I just want
9 to make sure.

10 PRESIDING OFFICER: Sure.

11 MR. HARDIN: Your Honor, at this time the
12 House Managers rest.

13 (House Board of Managers rest)

14 MR. BUZBEE: He just rested without a
15 cross-examine. I can recall the witness, though. I'm
16 fine with that. We'll recall this man.

17 We will accept the rest, and that's how
18 it works.

19 MR. HARDIN: He's certainly right. I
20 mean, I want to concede he's absolutely right. I
21 apologize. I think he's entitled to his day in court.
22 Thank you.

23 PRESIDING OFFICER: So he's giving you
24 your cross-examination, if I'm understanding,
25 Mr. Hardin?

1 MR. HARDIN: Certainly.

2 MR. BUZBEE: Your Honor, we have some
3 motion practice we would like to take up with the Court
4 today.

5 PRESIDING OFFICER: All right.

6 MR. HARDIN: All right. Is he waiving
7 cross or --

8 MR. BUZBEE: I said I would recall this
9 witness in our case in chief, if there is a case in
10 chief needed from us. I would like to do some motion
11 practice today.

12 MR. HARDIN: Here's the problem: I
13 messed up and shouldn't have rested until he finished
14 his cross.

15 MR. BUZBEE: And yet you did.

16 MR. HARDIN: Excuse me.

17 Having this witness come back doesn't
18 make sense. It would seem to me the appropriate thing
19 for him to do is to cross this witness, and then if we
20 had an opportunity and took one on redirect. But it
21 usually should be when both of us have finished with
22 this witness and then we rest.

23 But the Court is having to put up with a
24 screw up by me. I apologize. But I would very
25 respectfully like for him to go and do his cross.

1 MR. BUZBEE: I don't have to do a cross.
2 He rested. I will recall this witness.

3 PRESIDING OFFICER: Mr. Hardin --

4 MR. HARDIN: He is waiving his cross for
5 this stage, if I understand. If that's the case,
6 there's no problem.

7 MR. BUZBEE: You rested, sir.

8 MR. HARDIN: Yes.

9 MR. BUZBEE: And I accept that.

10 PRESIDING OFFICER: Yes. You rested.

11 MR. HARDIN: That's fine. And if he
12 wants to put on his case now or he wants to argue a
13 motion, what's the Court's preference?

14 PRESIDING OFFICER: Well, it's now up to
15 him. You've rested. It's up to him to either recall
16 the witness or to make a motion or -- it's now his call.

17 MR. HARDIN: All right. May I ask what
18 about this witness? He's caught in the box.

19 MR. BUZBEE: He's asking for what?

20 PRESIDING OFFICER: He's asking about
21 this witness. Can he step down at this point?

22 MR. BUZBEE: Subject to recall, yes, sir.

23 PRESIDING OFFICER: Okay. You can step
24 down subject to recall.

25 MR. BUZBEE: Your Honor, we've seen, Your

1 Honor, the House's --

2 PRESIDING OFFICER: Let's wait until the
3 witness is out of the courtroom.

4 (Witness left the Senate chamber.)

5 PRESIDING OFFICER: Mr. Buzbee.

6 MR. BUZBEE: Yes, Your Honor.

7 As I understand from my colleagues, a
8 motion for directed verdict must be filed and in
9 writing. We have done that. We filed a motion for
10 directed verdict on each of the articles, and I think
11 we've also grouped some of the articles. I think those
12 are dispositive.

13 I would ask that the Court consider
14 those. I understand that the Senate would have to vote
15 on those. And I just want to inform the Court that
16 those motions have, in fact, been filed. And I don't
17 think you probably are interested in a bunch of oral
18 arguments so I'll stop it there.

19 PRESIDING OFFICER: So pursuant to the
20 rules adopted 25 to 3 by the senators, a motion for
21 directed verdict as a dispositive motion must be
22 submitted to the members of the Court for a vote, as you
23 stated. A motion for directed verdict is a challenge of
24 the sufficiency of the evidence. Therefore, these
25 motions will go to the senators.

1 Under the rules, it takes a majority of
2 the members present, that is 16 voting members who are
3 eligible to serve as jurors, to grant a motion. If the
4 motion fails to get a majority vote, the motion will be
5 denied.

6 MR. BUZBEE: Thank you, Your Honor. And
7 I'll sit down in here.

8 PRESIDING OFFICER: Do we have the
9 motions? They need to be presented up to the Court.

10 MR. HARDIN: Excuse me, Your Honor. It
11 has to be submitted in writing, does it not?

12 MR. BUZBEE: It was submitted in writing.
13 I think you --

14 PRESIDING OFFICER: In writing. We have
15 to receive it in writing.

16 MS. O'NEILL: Your Honor, we have a
17 cross-motion that we will be filing, that is being filed
18 as we speak. We would like to take that up at the bench
19 if we could.

20 PRESIDING OFFICER: So when would you
21 like to take that up?

22 MS. O'NEILL: Now would be fine, if we
23 could take it up, please.

24 PRESIDING OFFICER: So --

25 MR. BUZBEE: We need to get the Court a

1 paper copy, but just if -- we have, in fact, filed it
2 electronically with the Court.

3 PRESIDING OFFICER: Yeah. I need a paper
4 copy, as we did earlier with the other motion that was
5 filed.

6 MR. BUZBEE: Very well. We'll get on
7 that right now.

8 PRESIDING OFFICER: Sounds like you have
9 multiple ones. Thank you.

10 (At the bench, off the record)

11 PRESIDING OFFICER: Well, we're going to
12 stand at ease and -- for the jurors to meet. Okay. The
13 eligible jurors to meet.

14 (Recess from 5:37 p.m. to 6:09 p.m.)

15 (At the bench, off the record)

16 PRESIDING OFFICER: Members, after
17 consultation with the jurors and both parties, both
18 motions have been withdrawn, and the defense will now
19 call their first witness.

20 MR. STONE: Mr. President?

21 PRESIDING OFFICER: Yes.

22 MR. STONE: Mr. President, the attorney
23 general calls Professor Michael Gerhardt.

24 PRESIDING OFFICER: Bailiff, bring in
25 Professor Michael Gerhardt.

1 MR. DONNELLY: Mr. President, before we
2 proceed may we approach?

3 PRESIDING OFFICER: Yes, you may.

4 (At the bench, off the record)

5 PRESIDING OFFICER: members, since we're
6 having an elongated discussion up here, we're going to
7 adjourn for the day. Begin at 9:00 o'clock tomorrow
8 morning. Okay. See you at 9:00 o'clock tomorrow
9 morning. Okay.

10 (Proceedings adjourned at 6:36 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS)

COUNTY OF TRAVIS)

I, MARY ORALIA BERRY, Certified Shorthand Reporter in and for the State of Texas, Registered Diplomat Reporter, Certified Realtime Reporter, and Certified Realtime Captioner, 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/ *Mary Oralia Berry*

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