

IN THE SUPREME COURT OF TEXAS
Misc. Docket No. 17-_____

INQUIRY CONCERNING
CJC Nos. 15-0846-JP and 16-0393-JP

COMMISSION’S REQUEST FOR ORDER OF SUSPENSION OF JUDGE

TO THE HONORABLE SUPREME COURT OF TEXAS:

The State Commission on Judicial Conduct (the “Commission”) files this Motion to Suspend, without pay, the Honorable Hilary H. Green (“Judge Green”), Justice of the Peace for Precinct 7, Place 1, Houston, Harris County, Texas, and would show:

I. Background

The Commission’s mission statement, in its entirety, reads:

The mission of the State Commission on Judicial Conduct is to protect the public, promote public confidence in the integrity, independence, competence, and impartiality of the judiciary, and encourage judges to maintain high standards of conduct both on and off the bench.

The Commission accomplishes this mission through its investigation of allegations of judicial misconduct or incapacity. In cases where a judge is found to have engaged in misconduct or to be permanently incapacitated, the Texas Constitution authorizes the Commission to take appropriate disciplinary action, including issuing sanctions, censures, suspensions, or recommendations for removal from office.¹

¹ See <http://www.scjc.texas.gov/about/mission-statement.aspx>

Consistent with its mission, the Commission brings this action in along with Formal Proceedings instituted this day against Judge Green. The Commission seeks Judge Green's suspension until the Formal Proceedings against her are fully concluded. The Commission respectfully submits that the severity of Judge Green's admitted misconduct compels her immediate suspension.

II. Authority

Article 5, §1-a(6)A of the Texas Constitution provides, in pertinent part:

On the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or on the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office. The Supreme Court, after considering the record of such appearance and the recommendation of the Commission, may suspend the person from office with or without pay, pending final disposition of the charge.²

III. Factual and Procedural Background

Since assuming the bench in June of 2007, and at all times relevant hereto, Judge Green has been the Justice of the Peace for Precinct 7, Place 1, Houston, Harris County, Texas.

²Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges sets forth a procedure for the suspension of a judge using substantially the same language as that in the Texas Constitution.

On September 4, 2012, Al Vera (“Vera”) filed a complaint with the Commission against Judge Green for her failure to recuse herself from all cases involving Dwayne Jordon (“D. Jordon”) (CJC No. 13-0005-JP, attached as Ex. A). Vera’s complaint was based on an August 2012 Houston Chronicle article citing personal and financial ties between Judge Green, her husband Ronald Green, and D. Jordon.

On October 25, 2012, Ezekel Jordan (“E. Jordan”) filed a complaint against Judge Green for failing to recuse herself in an eviction case involving D. Jordon (CJC No. 13-0195-JP, attached as Ex. B).³ E. Jordan alleged Judge Green had a personal relationship with D. Jordon requiring her recusal. (Ex. B, p. 2).

In March 2014, Judge Green provided sworn responses to the Commission’s Letter of Inquiry into these matters (the “2014 Responses,” attached as Ex. C). Question 2 asked her to “describe the nature and extent of your relationship, if any, with Dwayne K. Jordan [sic].” Judge Green’s response included the following statement:

Once the renovations to our home were completed, I had no interaction with Dwayne Jordon, except for one time in 2009, or 2010, when my son was invited to a birthday party for Dwayne Jordon’s son....Other than this one event, I have had no contact with Dwayne Jordon outside of Court.

³ In September 2012, the Commission also received a complaint against Judge Green alleging that she had a personal relationship with Millie R. Lott requiring her recusal from an eviction case (CJC No. 13-0006-JP). The case did not involve D. Jordon, however, and the facts of that complaint do not otherwise overlap with the issues presented in this Motion to Suspend.

(Ex. C, p. 3). In response to a separate question asking Judge Green to provide the Commission “with any additional information...that you believe to be relevant to this matter,” Judge Green included the following statement:

Please be assured that any relationship with Dwayne Jordon and E. Jordon, Inc. was limited to the renovation of my house on Parkwood Drive. Other than as mentioned above, I have had no further business or social relationship with Dwayne Jordon or E. Jordon, Inc. since that transaction was concluded.

(Ex. C, p. 8).

After receiving Judge Green’s sworn representations in her 2014 Responses, the Commission dismissed the complaints against her at their June 2014 meeting.

A. The Commission’s June 2015 Complaint

In June of 2015, the Commission initiated a complaint against Judge Green based on a May 16, 2015, Houston Chronicle article which listed allegations made by Ronald Green against Judge Green in their divorce (CJC No. 15-0846-JP, attached as Ex. D). *Inter alia*, Ronald Green alleged that Judge Green was a longtime drug addict who abused prescription pills (Ex. D, p. 2), and that she had provided untruthful testimony to the Commission in 2014. (Ex. D, p. 7).

B. Claude Barnes’ Allegations

On January 6, 2016, Claude Barnes (“Barnes”) filed a complaint against Judge Green (CJC No. 16-0393-JP, attached as Ex. E). He alleged he helped her illegally

purchase Tussionex⁴ on the black market. Barnes also alleged that he consumed ecstasy and marijuana with Judge Green. (Ex. E, p. 2). He further alleged Judge Green's court officers took marijuana from a detainee in her courtroom and gave it to her. (Ex. E, p. 2). Barnes also alleged that he and Judge Green paid for sex with prostitutes on two separate occasions. (Ex. E, p. 2).

On May 24, 2016, Barnes provided the Commission with a sworn affidavit stating that Judge Green received help from her courtroom bailiff in obtaining Tussionex (attached as Ex. F, p. 2). Barnes stated in his affidavit that when he told her that doing so was "not smart," Judge Green told him that she and the bailiff "were being very careful" not to text "anything that anyone could understand" because they would use code words in their text messages like "nuts and bolts" to describe Tussionex and "cookie dough" for cocaine. (Ex. F, p. 2). Barnes stated Judge Green and he used the code word "skittles" for ecstasy, which they obtained and used three times and Judge Green paid for on two occasions. (Ex. F, p. 2). Barnes also stated Judge Green admitted she and a state senator used cocaine together. (Ex. F, p. 1).

In the sworn affidavit, Barnes also stated that he and Judge Green hired prostitutes on two occasions. (Ex. F, p. 2). He stated they used the website

⁴ Tussionex is a prescription medication used to treat coughs and other symptoms caused by the common cold or allergies. It contains a combination of hydrocodone and chlorpheniramine (an antihistamine). See <http://www.webmd.com/drugs/2/drug-55110/tussionex-oral/details>.

Backpage.com, and Judge Green paid a woman in Houston \$150 in cash for sexual services. (Ex. F, p. 2). Barnes stated he and Judge Green also hired a prostitute in Austin, and Judge Green paid her \$200 for her services. (Ex. F, p. 3).

On June 8, 2016, Barnes was deposed by Commission staff as well as Judge Green's attorney (attached as Ex. G). Barnes testified that he had been in a sexual relationship with Judge Green between 2010 and 2015. (Ex. G, p. 22 (depo p. 83 ln. 21 – p. 84 ln. 3)). In addition to the other allegations cited in his affidavit, he testified that Judge Green told him “one of the bailiffs” in her court took marijuana “off a kid in her courtroom.” (Ex. G, p. 10 (depo p. 34 ln. 9-24)).

C. The Commission's September 2016 Inquiries

On September 23, 2016, the Commission sent two Letters of Inquiry to Judge Green concerning the allegations. The first Letter of Inquiry (“QJ-1”)⁵ included substantive questions about Judge Green's alleged drug use. It also inquired into her history with D. Jordon, her bailiff, and Barnes, and included questions about the accuracy of her sworn testimony to the Commission in 2014. (Ex. H). The second Letter of Inquiry (“QJ-2”)⁶ included questions designed to determine whether the

⁵ The Commission's questions to Judge Green (QJ-1) sent September 23, 2016, along with her February 2, 2017, responses are attached as Ex. H.

⁶ The Commission's questions to Judge Green (QJ-2) originally sent on September 23, 2016, along with her November 21, 2016, responses are attached as Ex. I.

judge might be a candidate for participation in the Texas Lawyers Assistance Program (“TLAP”) for help with a potential substance abuse issue.

Responses to both Letters of Inquiry were originally due October 24, 2016, and extended by agreement until November 14, 2016, at the request of Judge Green’s counsel (attached as Ex. J).

D. Judge Green’s Incomplete and Delayed Responses to the 2016 Inquiries

On November 14, 2016, Judge Green sent a letter to the Commission without specifically responding to either QJ-1 or QJ-2 (attached as Ex. K). Citing her ongoing divorce and custody battle, Judge Green wrote that she “respectfully decline[s] to answer the Commission’s written questions at this time.” (Ex. K, p. 1). Instead, she indicated “it is my hope that my comments below, in narrative form, will offer some perspective relative to the allegations brought against me...” (Ex. K, p. 1).

With respect to her use and abuse of prescription cough medicine, Judge Green’s letter represented that she “began periodically to rely on prescription cough medicine” in 2009. (Ex. K, p. 2). Without indicating whether or not she had stopped using cough medicine, Judge Green wrote that she “sought medical treatment and intense counseling, and participated in self-help programs” without specifying any particular treatment, counselor, or program. (Ex. K, p. 2). Judge Green’s letter did

not comment on her relationship with either D. Jordon or her bailiff, nor did she address her consumption of marijuana or ecstasy. (Ex. K).

On November 21, 2016, Judge Green submitted written responses to QJ-2, but did not respond to QJ-1. In her responses to QJ-2, Judge Green failed to answer several questions relating to her alleged drug use and treatment. (Ex. I, p. 2-6). She expressly refused to undergo a psychological evaluation. (Ex. I, p. 6). She also did not provide her medical records for the past five years to the Commission, as requested. (Ex. I, p. 6).

The Commission met on December 7-8, 2016, to consider the evidence against Judge Green. At the time, the two Letters of Inquiry (QJ-1 and QJ-2) had been pending for seventy-five days, and were twenty-three days overdue as to the extended deadline of November 14, 2016.

Rather than take any specific disciplinary action at its December meeting, the Commission instead invited Judge Green to appear for a suspension hearing in February of 2017, where the Commission would consider whether to recommend to the Supreme Court that Judge Green be suspended from office pursuant to Texas Constitution, Art. V, Section 1-a(6)(A) and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges.

On January 10, 2017, the Commission sent Judge Green's counsel a subpoena to appear on February 8, 2017 (Ex. L), along with 461 pages of materials relevant to the investigation.

E. Judge Green's February 2017 Responses to QJ-1

On February 2, 2017, at 8:58 p.m., Judge Green's counsel submitted written responses to QJ-1 to the Commission (attached as Ex. H). At that point, QJ-1 had been pending for one hundred thirty-two days, was one hundred and one days late as to the original deadline and eighty days late as to the extended deadline.

Judge Green February 2017 submission included medical records and affidavits from some, but not all, of her medical providers. She provided some, but not all, medical records of Dr. Henderson (attached as Ex. M) and Dr. Berry (attached as Ex. N).⁷ She provided no medical records from Dr. Robert Hilliard, Dr. Cynthia McNeil, Dr. Melanie Parks or any of the emergency room doctors whom she alleges wrote her prescriptions for Tussionex. Judge Green did not provide a single Tussionex prescription, valid or otherwise, to the Commission.

⁷ As produced to the Commission by Judge Green, Dr. Berry's affidavit included notes from Judge Green's sessions and other medical records potentially covered by HIPAA, which are not included in Ex. N in an abundance of caution. The Commission is prepared to present these to the Court under seal, *in camera*, or by any other manner agreeable to the Court.

F. Judge Green Clarifies her Relationship with Jordan

In her February 2017 responses to QJ-1, Judge Green confirmed that she understood her answers were “made under oath, subject to penalty of perjury” when she responded to the Commission’s 2013 inquiry. (Ex. H, p. 5). She also characterized her original response to Question 2 of the Commission’s 2013 Letter of Inquiry regarding her relationship with D. Jordan as “incomplete.” (Ex. H, p. 5).

Judge Green indicated that her memory was “refreshed” through discovery obtained in her divorce, including D. Jordan’s deposition testimony. (Ex. H, p. 3) Consequently, Judge Green “realize[d] that I had more interactions with Mr. Jordan than I originally recalled and indicated in my response to the 2013 Questions.” (Ex. H, p. 6).

Judge Green’s 2017 responses to QJ-1 indicated that she had attended the funeral for D. Jordan’s grandfather in 2009. (Ex. H, p. 6).

In response to a question asking Judge Green “whether or not you had a prescription for each of the medications” obtained by Mr. Jordan on her behalf, Judge Green described the following chance encounter with Dr. Cynthia McNeil:

On another occasion, I recall when we were renting the house on Charleston Street in Houston, Texas, I was walking my son in the neighborhood. At that time, I was not feeling well. Mr. Jordan and a friend of his, Dr. Cynthia McNeil, were visiting on our street. Mr. Jordan introduced me to Dr. McNeil – we had a personal conversation about her performing a tubal ligation for me and what that would entail. She noticed I wasn’t feeling well and called in a prescription for antibiotics and Tussionex for me.

(Ex. H, p. 4).

Nonetheless, Judge Green maintained that the character of her relationship with D. Jordon was generally consistent with the representation she made to the Commission in 2014:

The nature of my relationship with Mr. Jordon at the time I responded to the 2013 Questions was that of a former contractor, and an acquaintance, meaning a person who was, for a short period of time, in my presence due to the fact that his company renovated our home and he was the general contractor on the renovation. He is not a close friend or even a friend of mine.

(Ex. H, p. 7).

G. Judge Green's Activities with Claude Barnes

Judge Green's 2017 Responses to QJ-1 confirmed she had a sexual relationship with Claude Barnes from February of 2009 to October of 2015. (Ex. H, p. 7). She also stated Barnes provided her with Tussionex "three to four times" between 2010 and 2013. (Ex. H, p. 7-8). She stated she paid him in cash for the drugs, and was physically present during two of the transactions, which took place "at a gas station on the southwest side of Houston." (Ex. H, p. 8).

Judge Green's 2017 Responses to QJ-1 stated Barnes provided her with marijuana "four or five times" between 2010 and early 2014, and ecstasy "two times" between 2009 and 2011. (Ex. H, p. 9).

H. Judge Green's Activities with her Assigned Bailiff

Judge Green's 2017 Responses to QJ-1 indicated that she engaged in sexually explicit communications with her bailiff between October 16, 2013, and March 25, 2014. (Ex. H, p. 10).

Judge Green's 2017 Responses to QJ-1 stated she asked her bailiff to help her obtain Tussionex, for which she was willing to pay \$500. (Ex. H, p. 13-14).

Judge Green's 2017 Responses to QJ-1 stated she engaged in text message communication with her bailiff using code words such as "bolts and screws" or "cookie dough" for Tussionex. (Ex. H, p. 13-14). Judge Green stated she gave \$500 to her bailiff to purchase Tussionex. (Ex. H, p. 14).⁸

Judge Green's February 2, 2017, submission in response to QJ-1 included an affidavit from her bailiff that referenced some (but not all) of the issues in the

⁸Through its investigation, the Commission obtained copies of hundreds of text messages between Judge Green and her assigned bailiff. The Commission excerpted key portions of these text messages and gave Judge Green the chance to explain them, which she did through current counsel on or about February 2, 2017, without objection. *See*, Ex. H, p. 10-18 (Qs 22-40). The Commission included all of the text messages obtained to Judge Green's current counsel along with the materials included with the subpoena served January 10, 2017. Judge Green was asked about the text messages during the hearing without objection. Prior to filing this Motion, Judge Green's counsel intimated to the Commission's outside counsel that they may consider the publication and use of these text messages in this public proceeding as a violation of a confidentiality order in the divorce proceeding between Judge Green and her husband, Ron Green, for the Commission.

To be clear, the Commission respectfully disagrees with counsel's premise; nonetheless, in an abundance of caution, the Commission has not included the text messages in its exhibits to this Motion. Instead, the Commission offers to tender them to the Court for *in camera* inspection, should the Court wish to review the original text messages and consider whether the Harris County court's order precludes these documents, obtained by Ron Green outside of the divorce proceeding with his wife, from being considered in this proceeding.

Commission's Letter of Inquiry, QJ-1 (attached as Ex. O). The affidavit only addressed the inappropriate sexual texting between the bailiff and Judge Green, and did not address Judge Green's attempts to obtain Tussionex or other illegal substances from the bailiff. (Ex. O). The affidavit also did not address the allegation that Judge Green's bailiff confiscated drugs from a defendant in her courtroom and gave them to her.

I. Judge Green's Testimony Before the Commission

On February 8, 2017, Judge Green appeared with counsel and testified before the Commission under oath (attached as Ex. P). During her appearance, Judge Green provided the following testimony:

- When asked whether she was "comfortable" that her 2014 sworn statement to the Commission regarding her relationship with Dwayne Jordon was an "accurate answer," she responded "No." (Ex. P, p. 28-29).
- She asked D. Jordon – a man she "hardly know[s]" – to pick up Tussionex prescription medicine for her. (Ex. P, p. 64).
- Regarding her chance encounter with Dr. McNeil and D. Jordon she described in her February 2017 QJ responses, Judge Green confirmed that she had "never met her before," but nonetheless Dr. McNeil called in prescriptions for Tussionex and antibiotics for her, and never went to Dr. McNeil's office afterwards. (Ex. P, p. 34-35).
- She started misusing Tussionex in 2009 "at night almost every night" to help her sleep after it was prescribed to her (Ex. P, p. 99).

- She acquired Tussionex a number of times by prescription, but did not get “30 prescriptions in four years.” (Ex. P, p. 79).
- She did not use Tussionex continuously for the entire four year period. (Ex. P, p. 80).
- In response to a Commissioner’s question “Did you doctor shop” for prescriptions for Tussionex during the four years she was using Tussionex, Judge Green conceded that she “may have done some of that, yes.” (Ex. P, p. 88).
- She tried alternatives to Tussionex through prescriptions from Dr. Melanie Parks.⁹ (Ex. P, p. 18).
- She never took more than one dose of Tussionex in a twenty-four hour period. (Ex. P, p. 23). However, in response to questioning by the Commission, she indicated that she had increased her dosage of Tussionex to achieve the same effect, saying “I probably did at some point start taking it more.” (Ex. P, p. 86-87).
- She weaned herself off of Tussionex by “taking less and less and less” in 2013. (Ex. P, p. 95-96).¹⁰
- She sought assistance from Dr. Kimberly Henderson¹¹ and Dr. Marilu Berry¹² to stop taking Tussionex, as she was suffering

⁹ Dr. Melanie Parks was arrested in August of 2016 for one count of conspiracy to unlawfully distribute controlled substances. She was accused of running an illegal pain management clinic. She still faces a 2014 charge of conspiracy to commit healthcare fraud. *See* <http://abc13.com/news/doctor-apprehended-in-dea-bust-appears-in-court/1484991/>.

¹⁰ Judge Green was inconsistent in her testimony regarding when she allegedly stopped abusing Tussionex. *Compare* Ex. P., p.17 (Q: “[W]hen is the last time that you took Tussionex by month and year roughly?” A: “I’m sorry. I don’t know that I could narrow it down to month. But I know that it was in 2013.”) and Ex. P., p. 96 (Q: “Did you seek out any type of assistance in stopping the use of the medicine?” A: “Yes, I did.” Q: “When – when did that happen?” A: “That probably happened early in 2014.”)

¹¹ In her affidavit, Dr. Kimberly Henderson describes herself as an Anesthesiologist and Pain Management Specialist. (Ex. M).

¹² In her affidavit, Dr. Marilu Berry describes herself as a licensed psychologist who specializes in treating patients with depression, stress, anxiety, grief, relationship problems, pain and other medical problems. (Ex. N).

from withdrawal symptoms including nausea, dehydration, restlessness and depression. (Ex. P, p. 86).

- Both Dr. Henderson and Dr. Berry diagnosed her with “misuse of medication,” rather than an addiction to prescription cough medicine. (Ex. P, p. 108).
- She last used Tussionex either in 2013 or 2014.¹³
- She has seen Dr. Berry continuously since April of 2014, but could not explain why the medical records provided to the Commission relating to her treatment with Dr. Berry do not include any visits between September of 2014 and December of 2016. (Ex. P, p. 46-49).
- She consistently maintained that her “misuse” of Tussionex had no effect on her professional life. (Ex. P, p. 72-74).
- She never paid for marijuana or ecstasy, but admitted that she used each of these substances with Claude Barnes on more than one occasion. (Ex. P, p. 24-26).
- That she had “not taken any action” to have her courtroom deputy removed or reassigned from her courtroom despite the fact she had previously participated in extensive sexualized text messaging and tried to purchase illegal drugs from him. He remains assigned to her court to this day. (Ex. P, p. 71-72).

During her testimony, Judge Green acknowledged that as a Justice of the Peace, she sat in judgment of litigants in her courtroom for engaging in the same type of behavior in which she was engaging:

Q. You also are involved in cases involving misdemeanor, class C misdemeanors. Correct?

¹³ The affidavit of Dr. Henderson states that Judge Green came to her in March of 2014 for help ending her usage of Tussionex. Similarly, Dr. Berry’s affidavit states that Judge Green was suffering from withdrawal symptoms in April of 2014. *See* fn. 10, *supra*, for discrepancies in Judge Green’s testimony as to whether she stopped using Tussionex in 2013 or 2014.

A. Absolutely.

Q. Okay.

A. Yes.

Q. And some of those cases would involve drugs. Correct?

A. Yes. Minors in possession, yes.

Q. Sure, minors in possession. And so I'm just thinking you're the judge and here you are abusing drugs. And you are sentencing people, fine -- fining them. You are taking away if you didn't driver's license if you had that jurisdiction, maybe not in your court. But you're making those decisions as a judge.

A. Right.

Q. And judging these people for the crimes that they have committed and yet you were committing that same crime.

A. Yes, ma'am.

(Ex. P, p. 68-69).

IV. Institution of Formal Proceedings

On May 3, 2017, the Commission filed a Notice of Formal Proceedings for the potential removal of Judge Green from the bench for her multiple violations of the Texas Penal Code and the Texas Health and Safety Code, her multiple violations of the Code of Judicial Conduct, and her willful or persistent conduct clearly inconsistent with the proper performance of her duties, and which cast public discredit on the judiciary and the administration of justice, in violation of Article V, § 1-a(6)A of the Texas Constitution.

V. Suspension

Pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, a copy of Barnes' Sworn Complaint (Ex. F) was filed with the Commission, Judge Green was provided notice (Ex. L) and an opportunity to appear and be heard before the Commission (Ex. P).

Based on the evidence before it, the Commission concluded that Judge Green engaged in willful violation of the Code of Judicial Conduct, willful and persistent conduct clearly inconsistent with the proper performance of her duties that cast public discredit upon the judiciary and on the administration of justice in the State of Texas. The Commission respectfully submits that this Court, too, will reach the same conclusion based on the facts before it.

The undisputed evidence is that Judge Green engaged in conduct fundamentally antithetical to that of a sitting judge.

Judge Green's pattern of deception to the Commission is incompatible with continuing to serve as a judge. She provided false testimony to the Commission both in 2014 and 2017. In 2014, she misrepresented and omitted significant facts about her relationship with D. Jordon to help conceal her illegal drug purchases and addiction. In 2017, she misrepresented the extent of her drug abuse to the point where she contradicted her own evidence. Multiple times, she swore to the

Commission her last use of Tussionex was sometime in 2013. But the affidavit of Dr. Henderson she provided to the Commission in February 2017, disputes her testimony:

In March 2014, she came in for an office visit indicating she needed help stopping the use of Tussinex [sic]. She informed me she had stopped her use of Tussinex [sic] to manage her medical condition several days earlier...As of April 2014, Patient was no longer taking Tussionex.

(Ex. M, p. 2).

Judge Green's nature and frequency of misconduct and criminal activity in her own courtroom is incompatible with continuing to serve as a judge. She not only misused Tussionex, but she illegally obtained and consumed marijuana and ecstasy with her former boyfriend, Claude Barnes. Judge Green also gave hundreds of dollars to her courtroom bailiff to purchase Tussionex for her. Her development of code words to conceal the illegal activity shows the criminality in her decision making.

Judge Green's inability to take responsibility for her actions and change her conduct is also incompatible with continuing to serve as a judge. She still calls her dependence on drugs simply "misuse" when the evidence shows a pattern of behavior much more serious. So serious, in fact, that she sought and obtained Tussionex illegally on the black market. The judge has not allowed complete access to her medical history for the Commission to determine whether she has an ongoing

addiction, or whether her representations to the Commission over the last four years are accurate.

To this day, Judge Green has apparently made no attempt to reassign the bailiff with whom she actively participated in an inappropriate sexual texting relation and whom she recruited to assist in illegal drug activity. She engaged the services of a peace officer to commit a criminal act, and indeed he was apparently willing to do so. Incredibly, Judge Green sees nothing wrong with the arrangement.

Judge Green's outright betrayal of the public's trust warrants her immediate suspension pending formal proceedings. Accordingly, the Commission recommends that the Texas Supreme Court order the immediate suspension of Judge Green from her office as Justice of the Peace, Precinct 7, Place 1, Houston, Harris County, Texas, without pay.

Prayer

WHEREFORE, premises considered, the Commission respectfully requests that, pursuant to Article 5, §1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, this Honorable Court issue an order suspending Judge Hilary H. Green, without pay, from her office as Justice of the Peace, Precinct 7, Place 1, Houston, Harris County, Texas, pending final disposition of the formal proceedings against her.

Respectfully submitted,

State Commission on Judicial Conduct

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By: Eric L. Vinson
Eric L. Vinson

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the “Commission’s Request for Order of Suspension of a Judge” has been served upon Judge Hilary H. Green, by and through her attorney of record, Mr. Charles Babcock, 1401 McKinney St., Suite 1900, Houston, Texas, 77010, on this the 3rd Day of May, 2017, via certified mail, return receipt requested, and by electronic mail.

By: Eric L. Vinson
Eric L. Vinson

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SEP 04 2012

STATE COMMISSION
ON JUDICIAL CONDUCT

24 August 2012

I WISH TO FILE A COMPLAINT AGAINST
HARRIS COUNTY JUSTICE OF THE PEACE
HILARY GREEN.

I WILL BEGIN THIS COMMUNICATION WITH
TWO STATEMENTS. FIRST, I RECOGNIZE THERE
ARE TWO SIDES TO EACH STORY, BUT THE
ENCLOSED NEWSPAPER ARTICLE IS MY ONLY
SOURCE OF INFORMATION IN TERMS OF MY
CONCERNS. SECOND, I DO NOT KNOW, NOR DO
I HAVE ANY KIND OF RELATIONSHIP WITH
ANY OF THE INDIVIDUALS MENTIONED IN
THE ARTICLE.

I CONTEND J. P. GREEN HAD A DUTY
TO RECUSE HERSELF IN ANY AND ALL
CASES INVOLVING HER NEXT DOOR NEIGHBOR,
MR JORDON, BECAUSE OF HER VERY CLOSE
AND APPARENTLY FRIENDLY ASSOCIATION
WITH MR. JORDON. IN ADDITION, ACCORDING
TO THE NEWSPAPER ARTICLE, J. P. GREEN
HAS RULED IN MATTERS THAT ARE OUTSIDE
OF HER LEGAL AREAS OF JURISDICTION.

I CALL UPON THIS COMMISSION TO
CONDUCT A THOUGHTFUL AND THOROUGH
INVESTIGATION INTO THE ACTIONS OF THE
JUDGE AS THEY RELATE TO MR.
DWAYNE K. JORDON.

AS A PRIVATE CITIZEN, I EXPECT
A HIGHER LEVEL OF CONDUCT FROM MY
ELECTED OFFICIALS.

THANK YOU FOR YOUR CONSIDERATION
IN THIS MATTER.

Respectfully,




AL VERA


P.S. I AM, OF COURSE, AVAILABLE IF
THE COMMISSION HAS ANY QUESTIONS
OF ME. PHONE 

Ethics issues arise in rulings by justice of the peace

City controller's wife ordered evictions despite her connections to felon

By Lise Olsen | August 18, 2012 | Updated: August 20, 2012 6:39am

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Photo By Karen Warren

City Controller Ronald Green and his wife, Justice of the Peace Hilary Green, arrive for the public swearing-in of Mayor Annise Parker in January 2010.



1 of 2

Elected Justice of the Peace Hilary Harmon Green repeatedly ordered the eviction of tenants and relatives on behalf of a five-time felon even though she and her husband, City Controller Ron Green, both had financial and personal ties to the home builder.

In one case involving Dwayne K. Jordan - a convicted thief who has admitted to repeatedly pilfering people's properties for his residential construction projects - Green evicted Jordan's own uncle despite a dispute over whether Jordan held ownership of the family home.

That ruling, which later was overturned by a county court, came in 2009 - the same year Green's husband, a lawyer, was paid an undisclosed amount of money to advise Jordan on his criminal case, meet with a Harris County prosecutor and recommend a defense attorney.

Through her clerk, Hilary Green refused to comment on why she did not recuse herself from more than a dozen matters involving Jordan, who has been her neighbor, her home renovation contractor and for whom her husband has served as a character witness in the pending real estate criminal case.

"Judicial ethics prohibit the Judge from discussing cases filed in this court," Green's chief clerk, Sheritta Johnson, wrote in a response to questions that the Houston Chronicle e-mailed to Green. "In accordance with the rules of ethics governing Judges, the Judge cannot speak with you about these cases. All information about each case is contained in the court case file."

Three separate requests for Green's comment were denied. The Chronicle reported last week that both Green and her husband supported leniency for the contractor con man in his pending sentencing on felony real estate theft charges.

More Information

Story: Houston city controller seeks leniency for con man

Story: Con man met his match in Houston matriarch

Interactive map: Real estate stolen in scam

Graphic: Stolen properties in Sunnyside

Video: Houston family fights to keep their property

Ron Green and Dwayne Jordan: A timeline

- 2003 Green, newly elected to the Houston City Council, spends \$150,000 trying to remodel his Riverside Terrace house but can't afford to finish; it sits uninhabitable.
- 2006 Green nearly loses house to foreclosure.
- 2007 Green and wife are living in rental home and meet Jordan, who is renovating the house next door.
- 2008 Green obtains \$508,000 bank loan to finish renovations on his Riverside Terrace home; Jordan is the builder named in the contract submitted to the bank.

- 2009 Jordon is targeted in criminal probe and hires Green, campaigning for city controller, as his first defense attorney.
 - 2009 Jordon is indicted for theft of properties from 2005-2007.
 - 2010 Jordon is charged with fraud in obtaining 2008 construction loans; case pending.
 - 2011 Jordon pleads guilty to felony theft in property scams.
 - 2012 Green testifies as Jordon's character witness; sentencing set for Aug. 24.
- Source: Court records and interviews

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Ruled on evictions

In the last four years, Hilary Green has ruled in mostly routine eviction cases involving Jordon's company, E. Jordon Inc., her own records show. As an active builder, Jordon owned dozens of properties in Precinct 7 where Green is one of two justices of the peace, a review of electronic docket records shows.

In at least 10 cases, Green ordered evictions after Jordon's tenants failed to timely pay rent - or dismissed eviction cases after tenants paid or moved - for duplexes that Jordon built and claimed to own, according to a Chronicle review of documents made available by Green's staff. In one recent case, however, Green ruled against Jordon in favor of a bank that acquired one of his properties through foreclosure.

In 2007, the year Green became a justice of the peace for Precinct 7, the Greens lived in a rental house next door to Jordon because their own home, which they nearly lost to foreclosure, was uninhabitable due to unfinished renovations they could no longer afford.

Impressed by the work Jordon was doing in their neighborhood, they agreed in 2008 to pay him more than \$200,000 to renovate their own house. Their contract with Jordon helped the Greens land a \$508,000 mortgage, though their house had an assessed value in 2008 of only one third that amount, according to Harris County tax records.

Ruled in family dispute

Ethically, Hilary Green should have recused herself on legal cases involving Jordon because of her other associations with him, said Lillian Hardwick, an Austin attorney and expert in judicial conduct who co-authored the authoritative Handbook of Texas Lawyer and Judicial Ethics.

Green's most unusual ruling favored Jordon in a family dispute over the ownership of his grandfather's house in 2009.

Jordon, who has five prior felony convictions for robbery, kidnapping, firearms, drugs and theft, was raised by his maternal grandfather, Ezekel Jordon Sr., who for decades owned a brick home on Simsbrook Drive only a block from Sims Bayou in Houston, according to records and family members.

But soon after the elder Jordon died in September 2009 at age 87, Dwayne Jordon changed the locks on his grandfather's house and later claimed to be the true owner by presenting two different wills and a deed that his uncle denounced as forgeries, according to documents filed in related court cases. Dwayne Jordon, who helped manage his grandfather's money, also had taken out a loan against his grandfather's house, according to interviews and public records.

Even before the funeral, Jordon filed an eviction case in Green's court against his uncle Ezekel Jordon Jr., his grandfather's only son, who had been living in the house for about month before the elder Jordon died.

Despite disputes over the ownership of the house and the authenticity of documents, Green ruled for Dwayne Jordon and later denied his uncle permission to re-enter the house to collect his personal property, court records show.

"She illegally evicted me," Ezekel Jordon Jr. told the Chronicle. "She would not let me say anything. ... I was trying to tell her that the will was fake and she would cut me off."

Jurisdiction question

Ezekel Jordon Jr. said Green never disclosed her relationship to his nephew in court, but he learned of it in a Chronicle article published last week. In November 2009, he won an appeal, according to an order signed by then-County Court at Law Judge Jack Cagle, now a county commissioner. Jordon

lacked authority to evict his uncle because he never legally established ownership of the property and therefore Green, as a justice of the peace, should not have ruled in the eviction case at all, according to arguments made in the appeal by Jordon's attorney with nonprofit Lonestar Legal Aid.

According to the Texas Government Code, justices of the peace do not have jurisdiction in matters where more than \$20,000 is at stake or in trials to resolve "title to land."

"Justices of the peace are not supposed to act in an eviction case when there's a dispute about title," said Rich Tomlinson, director of litigation at Lonestar Legal Aid.

Ezekel Jordon Jr., who was unemployed in 2009 after a recent drug possession conviction, said he was unable to afford a lawyer to fight his nephew's claim to the house by contesting the will and taking it to probate court. Instead, Dwayne Jordon quickly resold the house, records show. Lone Star Legal later provided copies of two versions of the disputed wills to the Harris County DA's office for a possible criminal investigation. "The signatures (of the deceased) on the documents do not match," Tomlinson said.

Jordon's attorney, Chip Lewis, said that Jordon's uncle agreed to give up his rights to the house after being compensated by a \$2,500 settlement. Lewis said he knew nothing about the will dispute.

Jordon is scheduled to be sentenced Friday in the court of Harris County District Judge David Mendoza after pleading guilty to felony theft for his role in a real estate scam. Two 2009 indictments describe how Jordon and an accomplice pilfered 23 different properties, mostly in Sunnyside neighborhoods, used forged deeds to take land from rightful owners and then built houses that were sold to others. Each man blames the other for the thefts.

Urging light sentence

None of the evictions handled by Green involved homes Dwayne Jordon built on stolen properties, according to a review of court records. But seven involved properties in a separate mortgage fraud scheme that is part of a pending 2010 felony criminal charge against Jordon, according to the indictment and a civil lawsuit filed against Jordon by his bank.

Hilary and Ron Green, one of the city's highest elected officials, appeared in court on Jordon's behalf in March. Ron Green described him as a family "friend" and has urged a lenient sentence for Jordon so that he can pay back his victims. Prosecutors are seeking at least 25 years to life in prison.

lise.olsen@chron.com

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State Commission on Judicial Conduct

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Received by [Signature]
OCT 25 2012
STATE COMMISSION ON JUDICIAL CONDUCT

Complaint Form

- If you are filing a complaint about more than one judge, please use a separate form for each judge.
You may complete this form online before printing.
Send the completed form and any additional pages or related documents to SCJC.

* Indicates required fields. Please note that faxed complaints will NOT be accepted.

*Your name: Ezekiel Jarvis Jordan
*Mailing Address: [Redacted]
*City, State Zip: Houston, Texas 77029
*Date of Birth: [Redacted] 55
Your Phones: Day ()
Cell/Other (832) [Redacted]

*Judge: Hilary Green
*Court Number: Precinct 7 Position 1
*City and County: Houston, Harris
Evening (832) [Redacted]
Best time to call you: 8AM to 4:30 PM A.M. P.M.

If your complaint involves a court case, please provide the following information:
Cause Number: EV71C0041863 Status of your case: Pending Concluded On appeal
Your attorney: Lone Star Legal Aid Elizabeth Lockett Opposing Attorney: None
Address: 1415 Fanning Street Address:
City/Zip: Houston, Texas 77002 City/Zip:
Phone Number(s): 713-652-0077 Phone Number(s):

PLEASE FILL IN ALL INFORMATION AVAILABLE FOR ANY WITNESSES (attach additional pages as needed)

Name: Annette Jordan
Address: [Redacted]
Phone Number(s): 832- [Redacted]

Name:
Address:
Phone Number(s):

What did this person witness? Everything about case.

What did this person witness?

If you are submitting documents, please provide copies, not originals.

I understand that as part of the Commission's investigation the judge may be provided a copy of this complaint. Please note - the Commission will do its best to maintain your confidentiality, if you so request. However, it may not be possible for us to pursue our investigation without revealing your identity at some point. If it is necessary to reveal your identity directly to the judge, we will advise you before proceeding.

*I request that my identity be kept confidential. Yes No

*Signature: Ezekiel Jordan *Date: 10/21/12

How did you hear about the State Commission on Judicial Conduct? (please select one) State Bar of Texas
Another State agency News media Attorney Friend Other:

Details of Complaint

Please type or print the factual details of your complaint in the space provided below. Please include the date(s) of the alleged misconduct. If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

*Date(s) of Alleged Misconduct of Judge: 9/23/2009, 10/13/2009, 10/20/2009

*Factual Details of your complaint against Judge:

- (1) J. P. Green illegally evicted me (Ezekiel Jordan Jr.)
- (2) J. P. Green ordered the eviction on behalf of Dwayne K. Jordan or E. Jordan Inc.
- (3) Dwayne K. Jordan should have had a lawyer because he at the time was there as E. Jordan Inc.
- (4) Most evictions for Dwayne K. Jordan or E. Jordan Inc. went thru J. P. Green's court on behalf of Dwayne K. Jordan or E. Jordan Inc.
- (5) Ethically Hilary Green should have recused herself on legal cases involving Dwayne K. Jordan or E. Jordan Inc. because of associations with him per the "Texas Lawyer and Judicial Ethics".
- (6) In 2008 the Greens paid Dwayne K. Jordan \$200,000 to renovate their own house. Their contract with Dwayne K. Jordan helped the Greens land a \$500,000 mortgage, their house was value at one third of that amount, according to Harris County Tax records.
- (7) Dwayne K. Jordan presented two different wills and a deed that was forgeries.
- (8) I had a dispute over Dwayne K. Jordan or E. Jordan Inc. held ownership of the family home. That ruling which later was over turned by a County Court.
- (9) J. P. Green also refused me to Judge Bayley's court for a writ of Re-entry but Judge Bayley send me back to J. P. Green's court. Judge Bayley also said this case should not be in J. P. Green's court because Dwayne K. Jordan was there on the behalf of E. Jordan Inc with no attorney.
- (10) Four days after my Dad died Dwayne K. Jordan was there to change the locks and evict me.
- (11) I pray the court do what needed to be done about this matter.

*Printed Name: Ezekiel J. Jordan Jr

*Signature: Ezekiel J. Jordan Jr.

*Date: 10/22/12

Revised 07/13/2009

Details of Complaint

Please type or print the factual details of your complaint in the space provided below. Please include the date(s) of the alleged misconduct. If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

*Date(s) of Alleged Misconduct of Judge: 9/23/2009, 10/13/2009, 10/20/2009

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- (9) J. P. Green also refused me to Judge Bayley's court for a writ of Re-entry but Judge Bayley send me back to J. P. Green's court. Judge Bayley also said this case should not be in J. P. Green's court because Dwayne K. Jordan was there on the behalf of E. Jordan Inc with no attorney.
- (10) Four days after my Dad died Dwayne K. Jordan was there to change the locks and evict me.
- (11) I pray the court do what needed to be done about this matter.

COPY

*Printed Name: Ezekel J. Jordan Jr

*Signature: Ezekel J. Jordan Jr

*Date: 10/22/12

Revised 07/13/2009

JUDGE HILARY H. GREEN

JUSTICE OF THE PEACE, PRECINCT 7, PLACE 1

5737 Cullen Blvd., Houston, Texas 77021 * (713) 747-3553 (phone)

March 28, 2014

By E-Mail seana.willing@scjc.state.tx.us

Ms. Seana Willing
Executive Director
State Commission on Judicial Conduct
P. O. Box 12265
Austin, Texas 78711-2265

Re: CJC Nos. 13-0005-JP, 13-0006-JP, 13-0195-JP
Complainants: Various

Dear Ms. Willing:

Please accept the following responses to the questions posed in your correspondence dated March 3, 2014, regarding complaints made by Al Vera (CJC No. 13-0005-JP), Michael Williams (CJC No. 13-0006-JP), and Ezekel Jordan (CJC No. 13-0195-JP) regarding handling of eviction matters involving properties connected to Dwayne K. Jordan and/or Millie Lott.

The response is due on March 28, 2014.

Because the case records are voluminous, if I can provide additional information or further explanation, please contact me and I will furnish same.

Respectfully,



Hilary H. Green

QJ-1

CJC Nos. 13-0005-JP, 13-0006-JP, 13-0195 JP
LETTER OF INQUIRY: HONORABLE HILARY H. GREEN

1. Please state the dates of your judicial service for all judicial offices you have held.

I was appointed to serve as Justice of the Peace Precinct 7 Place 1 on June 20, 2007, and have continued to serve in that capacity until the present time.

2. Please describe the nature and extent of your relationship, if any, with Dwayne K. Jordan.

I married Ronald C. Green in 2000, and we immediately leased a house on Charleston Street in Houston, Texas. In 2002, we purchased a house on Parkwood Drive with a mortgage through CitiFinancial. This house was built in 1950 and was uninhabitable at the time of purchase. We obtained a construction loan from Sterling Bank, employed an architect, and began the renovations with Ronald acting as the General Contractor.

Construction was interrupted in December of 2003 when Ronald was elected to Houston City Council At-Large Position Four. During the summer of 2006, we noticed that the house next door to us on Charleston Street was being remodeled by E. Jordon Inc. E. Jordon, Inc. was remodeling other homes in the area and we heard that this company's work was good. When the work on the house next door was completed, Dwayne K. Jordon, President of E. Jordon, Inc. moved into that house.

In 2008, Ronald and I were ready to resume the renovations on the Parkwood house. Continuing to hold the office of City Council Member, and having become the father of a then 3-year old son, Ronald could no longer act as General Contractor. Ronald's cousin was familiar with the work of E. Jordon, Inc. and also recommended that we consider that company for the renovations. Ronald obtained several bids to complete the remodeling, including one from E. Jordon, Inc. Ronald and I contacted Sterling Bank about continuing the construction, and Sterling Bank approved a new construction loan. A contract to complete the renovation of the Parkwood house was let to E. Jordon, Inc. As a part of this transaction, Sterling Bank paid off our existing mortgage to CitiFinancial, and included the balance of the original construction loan in the new financing. Sterling Bank monitored the progress of the job, and made all payments to the contractor pursuant to the construction loan agreement. The balance of the loan was funded on November 28, 2008 for the retainage owed to E. Jordon, Inc. With the renovations satisfactorily completed, Ronald and I secured permanent mortgage financing with Sterling Bank.

I had very little contact with Dwayne Jordan during the renovation. I was at the house only to observe the progress and the work that was being done. Dwayne Jordan was seldom, if ever, at the house when I was there. I did not socialize with Mr. Jordan during the renovation of our home.

Once the renovations to our home were completed, I had no interaction with Dwayne Jordan, except for one time in 2009, or 2010, when my son was invited to a birthday party for Dwayne Jordan's son. Ronald and I took him to the party. Other than this one event, I have had no contact with Dwayne Jordan outside of Court. As best I can recall, Dwayne Jordan only occasionally appeared as the representative of E. Jordan, Inc.

After our house was completed, Ronald continued to communicate with Dwayne Jordan, discussing such things as his suggestions for making repairs or other work to the house and his recommendations for companies to complete such projects. It was pursuant to these contacts that Ronald referred to Dwayne Jordan as his family "friend," which in reality, was more of a professional acquaintance.

On March 15, 2013, Ronald testified on behalf of Dwayne Jordan during the sentencing phase of Dwayne Jordan's criminal trial. Ronald in no way condoned the actions of Dwayne Jordan, but did not believe that the life sentence the State sought as punishment was appropriate.

I did not testify at Dwayne Jordan's trial, nor was I under subpoena to testify. I had no part in Dwayne Jordan's criminal proceeding other than to observe Ronald's testimony.

3. Please provide a list identifying all cases filed with, or transferred to, the Harris County Justice of the Peace Court for Precinct 7, Place 1, since you took office in which Dwayne K. Jordan was a litigant. Please include in that information the cause number, date of filing or transfer, the date of disposition (if applicable), the current status if not disposed, and the name and contact information for the opposing party and/or counsel for that party.

Dwayne Jordan, individually, was not a litigant in any case filed in Justice Court Precinct 7 Place 1 since June 20, 2007, the date I was appointed as Justice of the Peace Precinct 7 Place 1.

Attached is a listing of those cases filed in Justice Court Precinct 7 Place 1 since June 20, 2007, the date I was appointed as Justice of the Peace Precinct 7 Place 1, in which E. Jordan, Inc. was a litigant, together with the requested information.

4. Please respond to the allegations raised by the Complainants, some of which allegations have also been raised in media reports, concerning your relationship with Dwayne K. Jordan, and your failure to disclose that relationship when presiding over eviction cases that involved properties connected to Mr. Jordan.

I learned of Dwayne Jordan's indictment for False Statement to Obtain Credit on or about November 8, 2010. The last two eviction cases filed by E. Jordan, Inc. were filed on November 3, 2010, and both were dismissed on November 5, 2010.

E. Jordan, Inc. was a Texas corporation formed by Ezekel Jordan (Sr.) on August 10, 2004. Ezekel Jordan was Dwayne Jordan's grandfather.

My relationship with Dwayne Jordan was in his capacity as President of E. Jordan, Inc., the Contractor under the construction contract for improvements to the Parkwood house. My relationship with E. Jordan, Inc. was, at all times, an "arm's length" business transaction, except for the time Ronald and I took my son to a birthday party for Dwayne Jordan's son.

I am not in any way related to Dwayne Jordan, nor do I own any interest in, or am I employed by, or otherwise related to E. Jordan, Inc.

I have not been counsel in any case involving Dwayne Jordan or E. Jordan, Inc.

I have no direct, pecuniary, or property interest in Dwayne Jordan or E. Jordan, Inc.

I have no interest, either individually or as a fiduciary in any of the properties made the basis of eviction proceedings filed by Dwayne Jordan or E. Jordan, Inc. in Justice Court Precinct 7 Place 1.

As the judge, I have no partiality, bias, or prejudice, nor have I demonstrated such traits in favor of Dwayne Jordan or E. Jordan, Inc.

For these reasons, I believe there was no legal or ethical duty to disclose that Ronald and I had contracted with E. Jordan, Inc. for renovations to our home. That contract was overseen by Sterling Bank, and satisfactorily completed in November of 2008. Except for the son's birthday party, I have had no business or personal relationship with Dwayne Jordan or E. Jordan, Inc. since that time.

5. To the extent that you have not already addressed this concern in your responses to the previous question(s), please state whether and/or when you disclosed the nature of your relationship with Dwayne K. Jordan to any of the tenants who have been evicted from properties owned and/or managed by Mr. Jordan. Please provide court records supporting your response to this concern.

See responses to previous questions, above.

6. Please respond to the allegations raised by Complainants, some of which allegations have also been raised in media reports, concerning the eviction of Ezekel Jordan, Jr., a case over which it is alleged that you lacked jurisdiction due to disputed issues regarding ownership of the late Ezekel Jordan, Sr.'s property.

This question involves the proceedings in Case No. CV71C0041863, entitled "E. Jordan, Inc. vs. Ezekel Jordan Jr. and Sonya Jordan," filed on September 22, 2009. The records in this proceeding show that E. Jordan, Inc. sought possession only of property located at 3730 Simsbrook Drive, Houston, Texas. Citations issued and both Ezekel Jordan, Jr. and Sonya Jordan were personally served. The Citation notified the Defendants that trial was scheduled for September 28, 2009, at 8:30 a.m.

To the best of my recollection, this case was tried on September 28, 2009, with the Plaintiff and the Defendant, Ezekel Jordan Jr., present. Defendant, Sonya Jordan was served, but failed to appear. The Plaintiff presented a copy of a Warranty Deed with Vendor's Lien, dated April 11, 2005, from Ezekel Jordan, a/k/a Ezekel Jordan, as Grantor to E. Jordan, Inc., as Grantee. The Deed had fax notations from Startex Title, and contained a notation "prepared in the law office of Dennis J. Albright, Attorney for Woodforest National Bank." Ezekel Jordan, Jr. brought a copy of what he alleged was a Will of Ezekel Jordan, Sr. This document did not name a devisee. Based on the Deed, the property was not a part of the Estate of Ezekel Jordan, Sr., and I did not consider the document. From the evidence, I found that Dwayne Jordan had the right to possession of the property and entered Judgment on September 28, 2009. The Defendants appealed.

The appeal, Cause No. 950241, in County Civil Court at Law No. 1, resulted in a Take Nothing Judgment entered on November 16, 2009, wherein the Court ordered that Plaintiff, E. Jordan, Inc. take nothing against Defendants, Ezekel Jordan, Jr. and Sonja Jordan. The judgment made no specific recitation as to possession of the property.

In the meantime, on October 21, 2009, Ezekel Jordan, Jr. filed Plaintiff's Sworn Complaint for Reentry After Unlawful Lockout in Cause No. CV71C0042369, in the Justice Court Precinct 7 Place 1. Ezekel Jordan, Jr. admitted he did not move to the property until August 1, 2009. Finding no landlord-tenant relationship was established, I denied the application for a writ of re-entry on October 23, 2009. Ezekel Jordan, Jr. appealed.

(Records of the Harris County Appraisal District reflect that Tiffany Legier assumed ownership of 3730 Simsbrook Drive on April 28, 2010.)

The appeal in the re-entry case was filed in the County Civil Court at Law No. 4, Cause No. 951816. A Final Judgment was entered on July 13, 2010 wherein Ezekel J. Jordan (Jr.) was awarded \$2,689.98 and costs of court from Defendant, E. Jordan, Inc., with all other relief denied. There was no ruling on the re-entry claim.

See copies of the Deed, Will, and Judgments marked as Attachments Question No. 6.

7. In connection with the complaint filed by Michael Williams, please describe the nature and extent of your relationship, if any, with Millie Lott of Lott's Realtors.

Millie R. Lott, doing business as Lotts Realty Co., was the agent representing the Seller when Ronald and I purchased the Parkwood house in 2002. As Buyers, we were also represented by a real estate agent. My relationship with Millie R. Lott, either individually or doing business as Lotts Realty Co. was indirect, at best, and was limited to this one transaction which was an "arm's length" business transaction. I did not socialize with Millie R. Lott during the purchase of the Parkwood house, or afterward.

Specifically, I have no "outside of court relationship" with Millie R. Lott, either individually or doing business as Lotts Realty Co.

I have never been out to a ranch, either alone or with "the rest of the judges," to clean-up after, or enjoy the comfort of, Millie R. Lott.

I am not aware of, nor have I heard any "bragging" by Millie R. Lott about her relationship with me.

I never told the maintenance man, Frank, to have Ms. Lott call me.

I have never spoken to Ms. Lott about a case filed in Court, other than within the proceeding.

By Petition dated June 6, 2012, Millie R. Lott sued to evict Loretta Alexander in Cause No. EV71C0056640, alleging failure to pay rent for the months of May and June. Attached as an exhibit was a letter signed by Lori Johnson (sp) Case Manager for Catholic Charities advising Ms. Lott of a future payment of \$1,200 to be applied to rent on behalf of Ms. Alexander, with the notation, "Forged letter, talked with Mrs. Evette Fuentes on June 6, 2012." This case was dismissed as neither party appeared for trial.

By Petition dated July 5, 2012, Millie R. Lott, once again sued to evict Loretta Alexander in Cause No. EV71C0057175, alleging failure to pay rent for the months of April through the date of filing. As I recall, when this case came to trial on July 19, 2012, Ms. Lott presented an accounting showing that Ms. Alexander owed \$1,850.00 in past due rent. Evidence was also presented that \$2,400 was paid by the Child Care Council of Greater Houston (HPRP Account) for the months of April, May, June, and July, 2012. Then Ms. Alexander claimed that both she and the Child Care Council of Greater Houston (HPRP Account) paid April's rent. I recessed the case so that I could review the accounting, and the trial resumed on August 9, 2012. At that time evidence was presented that the Child Care Council of Greater Houston (HPRP Account) advised Ms. Alexander that her rent for August would not be paid due to a lack of funding. I asked Ms. Alexander if she had proof of her payment of rent for April. She had no evidence with her. I also asked her if she informed the Child Care Council of Greater Houston (HPRP Account) that she had already paid rent for April. I questioned Ms. Alexander as to why the Child Care Council of Greater Houston (HPRP Account) would pay for April if they knew she had already paid the rent for that month and she answered that she did not know. I asked her if she paid rent for August and she said that she had not. Based on the evidence and testimony, I

granted possession to Ms. Lott. I gave Ms. Alexander the benefit of the doubt relative to the payment of rent for April, and did not award Ms. Lott past due rent.

I am not in any way related to Millie R. Lott, individually or doing business as Lotts Realty Co.

I have not been counsel in any case or transaction involving Millie R. Lott, individually or doing business as Lotts Realty Co.

I have no direct, pecuniary, or property interest in Millie R. Lott, individually or doing business as Lotts Realty Co.

I have no interest, either individually or as a fiduciary, in any of the properties made the basis of an eviction proceeding filed by Millie R. Lott, individually, or doing business as Lotts Realty Co. in Justice Court Precinct 7 Place 1.

As the judge, I have no partiality, bias, or prejudice, nor have I demonstrated such traits in favor of Millie R. Lott, individually or doing business as Lotts Realty Co.

For these reasons, I believe there was no legal or ethical duty to disclose that Ronald and I purchased the Parkwood house in 2002, from a Seller for whom Millie R. Lott, doing business as Lotts Realty Co. was the real estate agent.

See copies of Letter, Accounting, HPRP Account Check and Villareal E-Mail marked as Attachments Question No. 7.

8. Please provide a list identifying all cases filed with, or transferred to, the Harris County Justice of the Peace Court for Precinct 7, Place 1, since you took office in which Millie Lott was a litigant. Please include in that information the cause number, date of filing or transfer, the date of disposition (if applicable), the current status if not disposed, and the name and contact information for the opposing party and/or counsel for that party.

Attached is a listing of those cases filed in Justice Court Precinct 7 Place 1 since June 20, 2007, the date I was appointed as Justice of the Peace Precinct 7 Place 1., in which Millie R. Lott, either individually or doing business as Lotts Realty Co. was a litigant, together with the requested information.

9. To the extent that you have not already addressed this concern in your responses to the previous question(s), please state whether and/or when you disclosed the nature of your relationship with Millie Lott to Mr. Williams and/or any of the other tenants who have been evicted from properties owned and/or managed by Ms. Lott. Please provide court records supporting your response to this concern.

I have reviewed the eviction cases brought by Millie R. Lott, individually, or doing business as Lotts Realty Co., and I did not find a case in which Michael E. Williams was named as a Defendant.

See responses to Question 7 above.

10. Please provide the Commission with any additional information or copies of documentation that you believe to be relevant to this matter. You may also include affidavits from fact witnesses.

I did not find a case filed in Justice Court Precinct 7 Place 1 in which Al Vera was a litigant.

Please be assured that any relationship with Dwayne Jordon and E. Jordon, Inc. was limited to the renovation of my house on Parkwood Drive. Other than as mentioned above, I have had no further business or social relationship with Dwayne Jordan or E. Jordan, Inc. since that transaction was concluded.

Please be assured that any relationship with Millie R. Lott, individually or doing business as Lotts Realty Co. was limited to the purchase of my home on Parkwood Drive, in Ms. Lott's capacity as agent for the Seller. I have had no further business relationship with Millie R. Lott, doing business as Lotts Realty Co. since that transaction was concluded. I have had no social relationship with Millie R. Lott, individually or doing business as Lotts Realty Co.

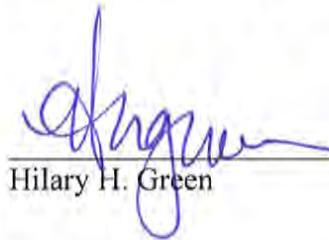
Evictions are an important part of the civil caseload of the justice courts. I take very seriously the rights and interests of all of the parties who are affected by a decision I make in an eviction case, and I do not make those decisions lightly. I make every effort to make my rulings based on the pleadings, evidence, and testimony at trial.

Please also be assured that, as a Justice of the Peace, I am very aware of *ex parte* communications, and take great care never to discuss a case pending in my court without all parties present.

If I can provide you with any other information or assurances, please do not hesitate to contact me.

Date:

March 27, 2014



Hilary H. Green

QJ-1
CJC Nos. 13-0005-JP, 13-0006-JP, 13-0195 JP
VERIFICATION

State of Texas X

County of Harris X

BEFORE ME, the undersigned authority, on this day personally appeared HILARY H. GREEN, who by me being first duly sworn, on her oath deposed and said that the above responses to the Commission's inquiries are based on personal knowledge, and are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on Hilary H. Green

Date: 3/27/14

Melissa Garte
NOTARY PUBLIC, State of Texas



HOUSTON

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HOUSTON

Divorce turns ugly for Ronald Green and Hilary Harmon Green

Houston city controller, justice of peace swap allegations

By Lise Olsen | May 16, 2015 | Updated: May 18, 2015 3:40pm

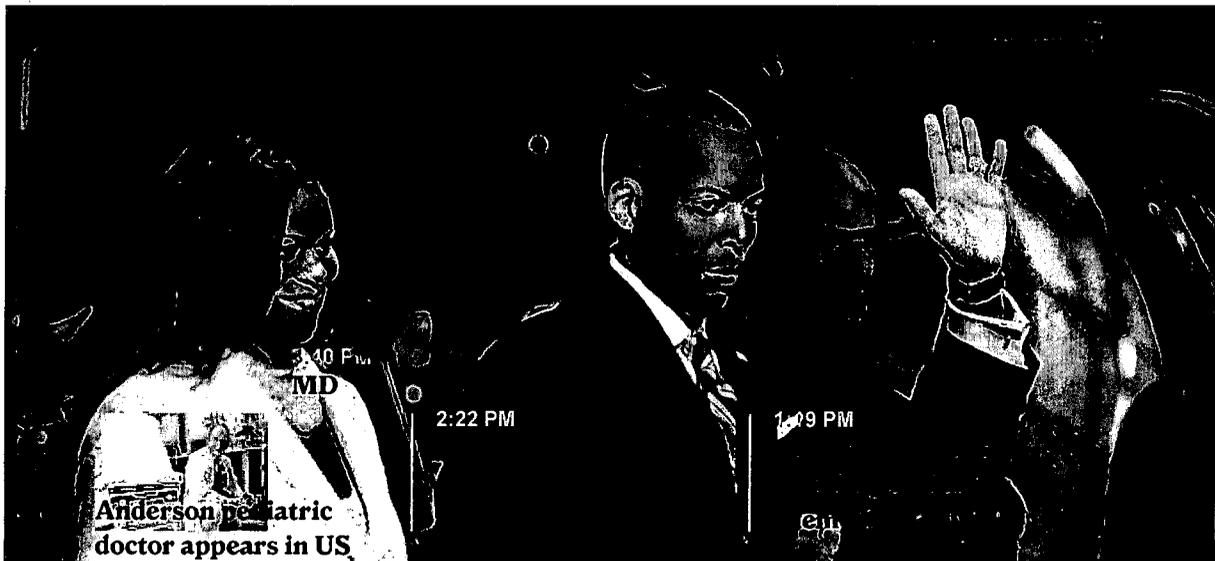




Photo: Karen Warren, Staff

The divorce trial of Precinct 7 Justice of the Peace Hilary Green and her husband, City Controller Ronald Green, shown in 2010, is set early next year.

A contentious divorce involving two well-known public officials, Houston City Controller Ronald C. Green, and his wife, Hilary Harmon Green, a justice of the peace in Harris County's Precinct 7, has reached a boiling point fraught with political intrigue and potential peril for both, given the nature of allegations they have levied against each other in family court.

Accusations of irresponsible, unethical and even illegal behavior have come fast and furious in an off-and-on Harris County legal battle that began when Hilary Green first filed for divorce in April 2014. The couple apparently reconciled and dropped the case two months later. But then Ron Green filed for divorce and their conflict escalated. The case is set for trial in early 2016.

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Ron Green, Houston's second-highest-ranked political official, has accused his wife of being a longtime drug addict who abuses



Anderson pediatric doctor appears in US

2:22 PM Part of Ship Channel closed after collision

1:19 PM Council approves doubling senior tax

prescription pills, has violated laws by "driving under the influence" and "operates daily with impaired judgment as evidenced by her presiding over cases in which she has ongoing sexual relationships with litigants and witnesses," according court documents that the Houston Chronicle obtained from the couple's pending Harris County case.

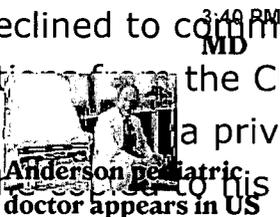
In a series of statements that the city controller provided under oath, Green described his judge wife as a lawbreaker who often endangered the lives of others with irresponsible acts, including "sexting in a courtroom full of children" and "crashing a vehicle into a house and a restaurant."

Hilary Green has accused her husband, a former councilman who since 2009 has served as Houston's elected financial watchdog, of concealing assets. He has admitted infidelity in court documents. Record show a judge ordered him to turn over checking account records, credit card reports, documents on his tax debts and reports on audits of the controllers' office that his wife had requested.

The Greens' responses

Records filed by both parties indicate that Ron Green, responsible for overseeing millions in city of Houston bond deals, is nearly broke and has had his city wages garnished for unpaid taxes. The couple jointly has three Bank of America accounts with a total of \$720 and only about \$1,500 in the accounts of The Green Firm LLP, the law firm they established together, according to Ron Green's court disclosures.

He declined to comment on any of the allegations in response to questions from the Chronicle. "My divorce, after a 24-year relationship, is a private matter," Green said by email in a response that he sent to his attorney. "It has no bearing on my role or job



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performance as a public servant. As a parent of a 9-year-old, I ask that you respect the privacy of my child and allow this process to resolve itself in court and not the media."

Hilary Harmon Green said through one of her attorneys, Kari A. Skinner, that her husband's allegations are "completely erroneous and false" and "not proper" partly because their dispute is a divorce and not a judicial misconduct case. Skinner is assisting John Van Ness in the matter.

"A divorce proceeding, especially with children involved, is a very sensitive process and should not be something that is discussed publicly," Skinner said in an email. "Hilary's primary concern is for the well-being of her child, and therefore, she would prefer that this matter remain as private as possible. As one of Judge Green's lawyer in this matter, I can tell you that like many divorce cases I have handled, this case has seen its share of emotional allegations being lodged. Rather than acknowledge, attack or defend allegations in the press, we deal with them in a court of law at the appropriate time, if and when necessary."

Both Greens, licensed attorneys and law partners married since 2000, have filed subpoenas and other requests seeking to obtain additional documents about their spouse's work activities, although it is not always clear how the records they seek are related to their divorce.

Ron Green is term-limited and finishing his final year as city controller. On his website, Green describes himself as the city's "chief financial officer." His office, the website says, "superintends the fiscal affairs of the City. This includes conducting audits, managing investments and debt, preparing financial statements and providing leadership on policy issues pertaining to the City's financial



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3:40 PM MD

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health. The Controller thus serves as an independently elected 'financial watchdog' over City government's fiscal affairs."

Since June 20, 2007, Hilary Harmon Green has served as justice of the peace for Precinct 7 Place 1. Her cases include a mix of evictions, truancy matters and other minor disputes.

Several subpoenas

As part of their divorce, Ron Green has been seeking information on cases his wife handles as justice of the peace and specifically requested information about her interaction with officers assigned to her court and her decisions on matters involving a state legislator and a convicted con man as well as other associates he has named in subpoenas and other court records.

Green separately has subpoenaed a series of potential witnesses, including county court employees One possible witness mentioned in the documents is Dwayne Jordon, a contractor con man who befriended both Greens, did renovations on their house and obtained character references from both of them before being sentenced to prison in 2012 for a massive property scam that was the subject of a series of Houston Chronicle investigative reports.

Green also has subpoenaed state legislator Borris L. Miles, a former neighbor of the Green's, for phone records and "photographs and videos of Hilary H. Green." Records indicate the subpoena was served on Miles at his office on Almeda Road in Houston on Aug. 27, but he refused to sign. Miles did not respond Friday to a request for comment.

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Hilary Green has filed subpoenas seeking any correspondence about her husband's IRS debts, city ethics committee investigation reports about his office, and information on his campaign accounts



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and business activities. But court records show her husband has not been cooperative.

In March, the judge ordered Ron Green to produce the requested documents and ordered him to pay his wife's lawyers \$2,000 in sanctions for failing to respond to previous requests.

Green's most recent campaign filing from January indicates he has a contribution balance of \$28,563.47, far more than the assets he's disclosed in his private or law firm accounts

Hilary Green, in her subpoenas, has also asked for her husband's travel records. Travel records previously obtained by the Chronicle showed that in his first three years as controller from 2009-2012, Green had traveled out of town far more frequently at public expense than previous controllers - at times staying at five-star hotels in New York and flying first class, mainly for bond issues and conferences. In all, Green had billed for more than \$35,000 in expenses for out-of-town trips in his first three years as the city's elected financial watchdog - taking far more city-funded trips than Houston's better-known mayor.

By agreement, the couple is sharing custody of their child; Ron Green is still living at their home on Parkwood Drive and driving to work at City Hall in his 2011 Suburban. Hilary Harmon Green is still driving the 2007 Mercedes Benz to work at Precinct 7, where she remains one of two judges who hear eviction cases and minor court disputes. She has never been disciplined by the State Judicial Conduct Commission despite her husband's allegations, records show.

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Two different litigants in Green's court did file complaints against her that were reviewed between 2012-2014, according to records they supplied and interviews. But the State Judicial Conduct Commission took no public action in either matter, according to information complainants provided to the Houston Chronicle.

As part of their ongoing divorce dispute, Ron Green claimed under oath that his wife lied in her response to a state judicial misconduct review but did not provide any proof. At one point in the proceeding, he even filed a motion stating that judges were required to report any misconduct they discovered on the part of other judges. The judge denied the motion.

Lillian Hardwick, an Austin-based attorney and ethicist, said the serious nature of the allegations that Ron Green levied against his wife while acting as his own attorney could backfire on him and even result in disciplinary action by the State Bar of Texas if he's unable to prove them, since as an attorney he is considered "an officer of the court " and has an obligation to be truthful.



Lise Olsen

Investigative
Reporter, Houston

Chronicle

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Details of Complaint

Please type or print the factual details of your complaint in the space provided below. **Please include the date(s) of the alleged misconduct.** If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

*Date(s) of Alleged Misconduct of Judge: From 2/2010 - 6/2014

*Factual Details of your complaint against Judge:

IN JANUARY OF 2010, I WITNESS JUDGE HILARY GREEN SMOKE MARIJUANA AND ILLEGALLY PURCHASE TUSSIONEX SEVERAL TIMES. BETWEEN 2011 I ALSO WITNESS HER PAY FOR SEX FROM FEMALE ESCORTS AND CONSUME THE STREET DRUG ECSTASY. AGAIN IN 2012 AND 2013 I ONCE AGAIN WITNESS HER SMOKE MARIJUANA, ONE TWO DIFFERENT OCCASSION SHE PROVIDED IT. ON ONE OF THE INSTANCES SHE INFORMED ME THAT ONE OF HER COURT OFFICERS TOOK IT FROM A YOUNG MAN BEING DETAINED AND GAVE IT TO HER, SHE THEN GAVE IT TO ME.

*Printed Name: Claude L. Barnes

*Signature: Claude Barnes

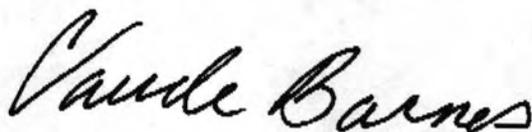
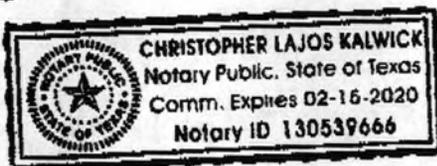
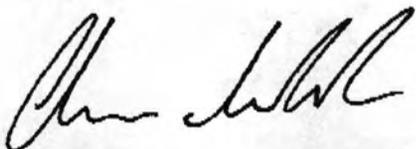
*Date: 12-31-2015

MAY 24 2016

On January 19th 2010 I was introduced to Judge Hilary C. Green by my cousin Allen Mitchell and Evon Scott. They both had informed me that Hilary Green a Judge wanted to meet me and smoke Marijuana with us. We met at Club Swagger and had a few drinks, she then ask me if I knew anything about Tussionex cough syrup and if I could locate some for her. I told her that I didn't but I could ask around. After leaving the club she text me as a reminder saying that the correct name was Tussionex so that I didn't forge. Later that week the four of us met over Allen Mitchells house and smoke Marijuana, that is when she told me that she and Boris Miles had used cocaine together previously. Two weeks later I let her know that I had found someone who had Tussionex and they wanted \$460 for it. She text me back saying that was not a problem. The next day she drove me to go and meet the person to go and get it. This occurred between six and eight times, between 2010 and 2014 until I refused to help her get anymore because of the way she began to act when she couldn't get a refill. She also informed me that on several occasions after I told her that I would no longer get her Tussionex for her, she began to get it from her former contractor and friend Dwayne Jordan. He had introduced her to an African pharmacist that he knew. Until one time she gave him \$600 to get the Tussionex and Jordan never came back with her drugs. She later on informed me that she spoke to the Judge that was sentencing Dwayne Jordan on his behalf and how she would not get in any trouble because of him and what he has done in her courts. Within the same period of time we smoked Marijuana on many occasions. On two times in particular she provided Marijuana for us, telling me that her friend one of the deputies from her courtroom took it off of a young man that was arrested in her court. The other time it was given to her by a family

member that she stated later on it was Ronald's cousin. She also informed that once Dwayne Jordan went to jail, she began to get fake prescriptions from her friend Dr. Melanie Parks whom she stated that she met her through Jack & Jill in order to get Tussionex. I then spoke to Melanie Parks myself about Hilary Green getting some help. Dr. Melanie Parks told that Hilary was coming back far too quickly and the pharmacist refused to fill her prescription. Hilary Green also informed me once the pharmacist began to question her about how frequently she was coming back for refills, she then began to get the prescriptions in her son's name Christopher R. Green Jr. from a Walgreens pharmacist on Almeda Dr in Houston Tx. She also told me that she was receiving help locating Tussionex from her bailiff Kelvin Davis. I informed that that was not smart, she then told me that she were being very careful not to text him anything that anyone could understand. She stated that they would use code words like nuts and bolts to describe Tussionex and cookie dough for cocaine. when I asked her if she was using cocaine she stated that it was not for her, but rather for a friend. A few months later, she then asked me if i could get hold of Ecstasy. On three different occasions we used Ecstasy, two times she paid for it and once I paid for it. Anytime we text about it we used the code word skittles. In 2011 we both showed interest in having a threesome, and went on Back Page looking for female escorts that Hilary Green stated that she would pay for. We text back and forth until we found a female escort to our liking. We got a room at the Crown Plaza on HWY 59 in Houston on 08/13/2011. When the escort arrived Hilary Green let her in, we talked for a few minutes discussing her price and smoking Marijuana. After that Hilary Green paid the escort \$150. and then the three of us had sex. The second time I traveled out of town with Hilary

Green to a Judges convention in Austin tx. We stayed at the Hilton Hotel on 6th street on 10/27/2011, again we went on Back Page called an escort. She came to the room, we drank talked for a few and then Hilary Green paid another escort \$200. We both had sex with her and then she left.



TRANSCRIPTION OF AUDIO RECORDING
ORAL TESTIMONY OF CLAUDE L. BARNES

JUNE 8, 2016

FILE NAME: 6-8-16-Barnes.mp3

In Re Hon. Hilary J. Green

CJC Nos. 16-0393-JP & 15-0846-JP

<p style="text-align: right;">Page 2</p> <p>1 (Beginning of audio at 00:00:00)</p> <p>2 MR. HIDALGO: Good morning.</p> <p>3 THE WITNESS: Morning.</p> <p>4 MR. HIDALGO: Today's June 8th, 2016.</p> <p>5 We're here to interview you regarding a complaint you</p> <p>6 have filed with the State Commission on Judicial</p> <p>7 Conduct. Before I proceed I want to place you under</p> <p>8 oath and then have you visit with our deputy director,</p> <p>9 Mr. Eric Vinson.</p> <p>10 Would you please raise your right hand?</p> <p>11 Do you solemnly swear and affirm that the testimony you</p> <p>12 are providing today is the truth, the whole truth and</p> <p>13 nothing but the truth so help you god?</p> <p>14 THE WITNESS: I do.</p> <p>15 MR. HIDALGO: Thank you.</p> <p>16 MR. VINSON: Mr. Barnes, good morning.</p> <p>17 Before we get into the interview and the questions today</p> <p>18 I want to talk a little housekeeping briefly.</p> <p>19 EXAMINATION</p> <p>20 BY MR. VINSON:</p> <p>21 Q. Although -- of course you understand that</p> <p>22 you're under oath today?</p> <p>23 A. I do.</p> <p>24 Q. And you've been through a more traditional</p> <p>25 deposition before. Is that correct?</p>	<p style="text-align: right;">Page 4</p> <p>1 a confidentiality or some type of privileged</p> <p>2 information, please feel free to raise it and I would do</p> <p>3 the same thing. But other than that I -- I can't</p> <p>4 imagine anything really. Forms of questions or hearsay</p> <p>5 or anything like that is really not going anything we're</p> <p>6 going -- we're going to hear. And that will make the --</p> <p>7 the process go a little more smoothly.</p> <p>8 So with that out of the way let me just</p> <p>9 cover with you a few ground rules about how -- how I'm</p> <p>10 going to proceed today and how to -- how I think we can</p> <p>11 make this process go -- go very smoothly.</p> <p>12 You mentioned that you have been deposed</p> <p>13 before. Is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Roughly how many times have you given</p> <p>16 deposition testimony would you say?</p> <p>17 A. Once.</p> <p>18 Q. All right. And you're doing an excellent job</p> <p>19 of it so far. But if you'll continue to please let me</p> <p>20 finish a question before you give an answer, by the same</p> <p>21 token I will let you finish your answer before I ask</p> <p>22 another question.</p> <p>23 Does that sound fair?</p> <p>24 A. Yes.</p> <p>25 Q. If I ask you a question that you don't</p>
<p style="text-align: right;">Page 3</p> <p>1 A. Yes.</p> <p>2 Q. This is going to resemble a deposition in a lot</p> <p>3 of ways. But in -- but in some certain ways that are</p> <p>4 relatively important it's not going to be treated as a</p> <p>5 traditional deposition.</p> <p>6 In particular, Mr. Hollingsworth and I</p> <p>7 have visited before we went on the record here and</p> <p>8 agreed that what's basically going to happen is I'm</p> <p>9 going to ask you a series of questions. I've got</p> <p>10 exhibits I'm going to mark and show to you. When I'm</p> <p>11 done Mr. Hollingsworth's going to have an opportunity to</p> <p>12 ask you some questions. He may have exhibits, whatever</p> <p>13 he'd like to do.</p> <p>14 But the most important housekeeping matter</p> <p>15 here is that all objections by both sides are going to</p> <p>16 be reserved. There won't be any waiver or anything like</p> <p>17 that because essentially what we're doing is in the</p> <p>18 normal sequence I would be interviewing you alone.</p> <p>19 And if -- and if you'd agreed to it,</p> <p>20 Mr. Hollingsworth might interview you alone and neither</p> <p>21 of us would even be there to object. And so we're --</p> <p>22 we're not going to -- we're not going to get into any</p> <p>23 objections here.</p> <p>24 I will say, if I -- if I ask a question</p> <p>25 that you believe touches on anything that it touches on</p>	<p style="text-align: right;">Page 5</p> <p>1 understand, please let me know that and I'll -- I'll do</p> <p>2 my best to rephrase the question, ask it from another</p> <p>3 direction and give you a chance to answer a question.</p> <p>4 Does that sound reasonable?</p> <p>5 A. Yes.</p> <p>6 Q. If you need to take a break for any reason -- I</p> <p>7 don't expect that we're going to be here too long. I</p> <p>8 don't know for sure. At least my own questioning I'm --</p> <p>9 I'm expecting to take somewhere 45 minutes to an hour or</p> <p>10 so.</p> <p>11 And -- but in any event, if you need to</p> <p>12 take a break for any reason, use the rest room, whatever</p> <p>13 you need to do, please let us know and -- and we can</p> <p>14 accommodate that. Okay?</p> <p>15 A. Okay.</p> <p>16 MR. HIDALGO: Talk that everybody speaks</p> <p>17 loudly so we --</p> <p>18 MR. VINSON: Okay.</p> <p>19 MR. HIDALGO: It can record.</p> <p>20 MR. VINSON: Ask him or me?</p> <p>21 MR. HIDALGO: No. No, just that</p> <p>22 everybody --</p> <p>23 MR. VINSON: Okay.</p> <p>24 MR. HIDALGO: -- speaks loudly so it will</p> <p>25 record.</p>

1 MR. VINSON: Right.
 2 **Q. (BY MR. VINSON) We are -- we are recording this**
 3 **on videotape. We do have audio recording. But we'll --**
 4 **everybody, including myself, to -- to speak up and**
 5 **project and make sure that -- that the audio recording**
 6 **transcribes everything appropriately. Okay?**
 7 A. Okay.
 8 **Q. You've taken an oath. You understand that,**
 9 **even though we're in a conference room here in an office**
 10 **building in downtown Houston, that's the same oath that**
 11 **you would take if you were testifying in front of a**
 12 **judge and a jury and the -- the weight of perjury is --**
 13 **is equally valid here as it would be in a courtroom.**
 14 **Do you understand that?**
 15 A. Yes, sir.
 16 **Q. All right. Let me ask you just very broadly.**
 17 **What did you do to prepare for -- we're**
 18 **going to call it a deposition again with the caveats**
 19 **previously provided.**
 20 **What did you do to prepare for this --**
 21 **this deposition today?**
 22 A. Nothing. I just showed up.
 23 **Q. Did you talk to anybody about what your**
 24 **testimony might be?**
 25 A. No.

1 **Q. Okay. You didn't talk to -- did you look at**
 2 **any documents or anything along that line to -- to**
 3 **prepare yourself?**
 4 A. Last night I read over my deposition.
 5 **Q. All right. Very well. Anything else you can**
 6 **think of that you did to prepare for today's dep?**
 7 A. No, sir.
 8 **Q. Today's process? All right. You of course**
 9 **filed a complaint with the Commission on Judicial**
 10 **Conduct. I believe it's dated December 31st, 2015. Is**
 11 **that correct?**
 12 A. Yes.
 13 **Q. And who was the subject of that complaint?**
 14 A. Judge Hilary Green.
 15 MR. VINSON: All right. And I've got a
 16 copy of the page from the complaint that describes the
 17 details of the complaint. I'm going to -- I'm realizing
 18 we don't have exhibit stickers. So I'll just mark on
 19 here. We're going to call this Barnes 1, provide you a
 20 copy of it.
 21 MR. HOLLINGSWORTH: Eric, I have premarked
 22 exhibits and they're marked --
 23 MR. VINSON: Oh.
 24 MR. HOLLINGSWORTH: -- 1 through --
 25 MR. VINSON: Okay.

1 MR. HOLLINGSWORTH: -- something.
 2 MR. VINSON: Uh-huh.
 3 MR. HOLLINGSWORTH: Is there a way that
 4 you could mark those --
 5 MR. VINSON: Letters?
 6 MR. HOLLINGSWORTH: Just something so that
 7 it makes sense that it's maybe your exhibit?
 8 MR. VINSON: Sure.
 9 MR. HOLLINGSWORTH: Maybe --
 10 MR. VINSON: CJ --
 11 MR. HOLLINGSWORTH: Whatever you want to
 12 say.
 13 MR. VINSON: Let's -- let's -- let's do it
 14 CJC 1 through --
 15 MR. HOLLINGSWORTH: That's great.
 16 MR. VINSON: Yeah, okay. That's -- that's
 17 fair because --
 18 MR. HOLLINGSWORTH: I just did -- did a
 19 pre-mark because I wasn't sure -- I didn't think we'd
 20 have a court reporter and just thought it would be
 21 easier.
 22 MR. VINSON: Not a problem.
 23 MR. HOLLINGSWORTH: Thanks.
 24 MR. VINSON: So with that caveat, CJC --
 25 Exhibit CJC 1 I'm providing you a copy and give a copy

1 to Mr. Hollingsworth as well.
 2 **Q. (BY MR. VINSON) Is that a copy of the details**
 3 **of the complaint that you filed about Judge Green?**
 4 A. Yes, it is.
 5 **Q. Okay. Before we get into the details of it,**
 6 **why did you -- why did you decide to file a complaint**
 7 **with the Judicial Conduct Commission about Judge Green?**
 8 A. I knew various things that she was doing on and
 9 off the bench that I knew wasn't legally.
 10 **Q. And some -- and you describe in the details of**
 11 **the complaint that -- that the date range started in**
 12 **February of 2010 and continued through June of 2014. Is**
 13 **that correct?**
 14 A. Yes.
 15 **Q. Now I guess what I'm -- what I'm particularly**
 16 **interested is why -- why on December 31st did you decide**
 17 **to file a complaint with the commission?**
 18 **Why didn't you file a complaint in 2010 or**
 19 **anywhere between 2010 and 2014?**
 20 A. There's a lot of stuff that I didn't know was
 21 going on behind my back.
 22 **Q. I see. What -- what kind of stuff?**
 23 A. Cheating, lying.
 24 **Q. Uh-huh.**
 25 A. Unprotected sex with numerous partners, more

- 1 cheating, more lying.
- 2 **Q. Okay. So this has to do with your relationship**
- 3 **with Judge Green. Is that correct?**
- 4 A. It started off that way.
- 5 **Q. All right. Let's -- let's back up a little**
- 6 **bit. Let me -- let me find out a little bit about**
- 7 **your -- your background and history.**
- 8 **What part of the world did you grow up in?**
- 9 A. New Jersey.
- 10 **Q. What part of New Jersey?**
- 11 A. Newark, New Jersey.
- 12 **Q. All right. What -- did you graduate from high**
- 13 **school?**
- 14 A. Yes, I did.
- 15 **Q. What high school did you graduate from?**
- 16 A. Malcolm X Shabazz High School.
- 17 **Q. And what year was that?**
- 18 A. '85.
- 19 **Q. Did you go to college?**
- 20 A. I did a year.
- 21 **Q. Where did you go to school?**
- 22 A. Essex County College.
- 23 **Q. And was that working towards an associate**
- 24 **degree of some sort?**
- 25 A. Correct.

- 1 **Q. Did you end up getting the associate's degree?**
- 2 A. No, I did not.
- 3 **Q. Where did you first -- did you go to the job**
- 4 **force after that?**
- 5 A. No, sir.
- 6 **Q. What did you do after your year in Essex County**
- 7 **College?**
- 8 A. Worked small jobs until I began cooking. I got
- 9 trained in West Orange, New Jersey, became a sous chef.
- 10 Then I moved to New York, worked in New York at a few
- 11 restaurants there.
- 12 **Q. What ultimately brought you to Texas?**
- 13 A. After 9-11 I got a job as the head chef of
- 14 Coca-Cola out here in their corporate office kitchen.
- 15 And myself, my fiancée at the time and my son, we moved
- 16 out here right -- like right after 9-11.
- 17 **Q. Okay. And you -- did you end up getting**
- 18 **married?**
- 19 A. No.
- 20 **Q. Have you ever been married?**
- 21 A. No, sir.
- 22 **Q. You mentioned you had a child?**
- 23 A. Yes.
- 24 **Q. How old?**
- 25 A. He's 18.

- 1 **Q. What is his name?**
- 2 A. Macai Barnes (phonetic).
- 3 **Q. All right. What is your current address?**
- 4 A. 11306 Wickersham Lane, Houston, Texas 77077.
- 5 **Q. What part of town is that?**
- 6 A. It's the Westchase area.
- 7 MR. HOLLINGSWORTH: Having a little bit of
- 8 a hard time hearing you.
- 9 THE WITNESS: Okay. I'm sorry. It's the
- 10 Westchase.
- 11 MR. HOLLINGSWORTH: And I -- it's okay.
- 12 I'm just having a little bit hard time. If you could
- 13 just speak up a tad, it would help me.
- 14 THE WITNESS: Okay.
- 15 MR. HOLLINGSWORTH: Thank you.
- 16 **Q. (BY MR. VINSON) How long have you lived at that**
- 17 **address?**
- 18 A. Off and on I'd say seven years.
- 19 **Q. When you say off and on where -- where else**
- 20 **have you lived?**
- 21 A. Round the corner on Hays Road, 2301 Hays Road.
- 22 **Q. Is the address on Wickersham a house or an**
- 23 **apartment?**
- 24 A. House.
- 25 **Q. Who owns that house?**

- 1 A. My mother.
- 2 **Q. I see. And who owns the house on Hays Road?**
- 3 A. That was my apartment.
- 4 **Q. Okay. So various times you've -- you've lived**
- 5 **with your mother and lived --**
- 6 A. Correct, and --
- 7 **Q. -- away from your mother?**
- 8 A. -- move out, right.
- 9 **Q. All right. Are you currently employed?**
- 10 A. Yes, I am.
- 11 **Q. What do you do?**
- 12 A. I just got employed at Talk Truth Radio and
- 13 it's an XM radio station.
- 14 **Q. What do you --**
- 15 A. And I'll be hosting a show on the afternoon
- 16 show.
- 17 **Q. And it's called Talk Truth?**
- 18 A. Talk Truth Radio. It's a new station.
- 19 **Q. Where is it on the dial?**
- 20 A. It's based out of New York. It's 107.
- 21 **Q. Okay. And so you're going to be a personality**
- 22 **on that show?**
- 23 A. Correct, sir.
- 24 **Q. When did you get that job?**
- 25 A. About two months ago, roughly two months ago.

- 1 **Q. Has it -- has it launched yet?**
 2 A. There are -- our live date will be June 29th.
 3 **Q. And what is the -- the subject of the show that**
 4 **you're going to have?**
 5 A. Talking the truth, whatever it may be, however
 6 you -- you know, however you feel, express yourself.
 7 **Q. Uh-huh.**
 8 A. And basically that's it. It's pretty
 9 self-explanatory.
 10 **Q. Okay. Do you have any experience in radio**
 11 **personality job like this?**
 12 A. No. But that was the whole objective. They --
 13 **Q. Uh-huh.**
 14 A. -- wanted common folk. They didn't want any
 15 notarized known personalities or anything like that.
 16 And a friend of mine's the president of the radio
 17 station and he said I'll be a perfect fit. I flew out
 18 to New Jersey in May, did my --
 19 **Q. Uh-huh.**
 20 A. -- auditions. I had to do seven auditions and
 21 they liked what they saw and offered me the position.
 22 **Q. So are you going to be broadcasting from New**
 23 **York or you broadcast from Houston?**
 24 A. From New York.
 25 **Q. Are you going to move up to New York?**

- 1 only two out here in our family and we don't hang
 2 together. So I went out with him that night. And he
 3 told me that a young lady wanted to meet me, she was
 4 looking -- her girlfriend actually stated that her
 5 girlfriend was looking to meet someone and wanted to
 6 smoke marijuana.
 7 At the time I did smoke marijuana.
 8 **Q. And I assume we're talking about Ms. Scott. Is**
 9 **that correct?**
 10 A. Correct, Yvonne Scott.
 11 **Q. And Ms. Scott was your cousin's wife or**
 12 **girlfriend?**
 13 A. No. They were having an affair as well. She
 14 was married and he wasn't.
 15 **Q. I see. So Ms. Scott was married to someone**
 16 **else?**
 17 A. Correct.
 18 **Q. Just -- who was Ms. Scott married to, if you**
 19 **know?**
 20 A. He was married to Ronald Green's best friend,
 21 which is Hilary's soon-to-be ex I guess. They were best
 22 friends. Craig Scott (phonetic) is his name.
 23 **Q. Craig Scott? Okay. And Craig and Ronald**
 24 **Green, who is Judge Green's husband, were friends?**
 25 A. Correct.

- 1 A. Correct.
 2 **Q. All right. Okay. So that's why you let us**
 3 **know that you were leaving the state, because you're**
 4 **going to be moving up to New York to do this show. Is**
 5 **that correct?**
 6 A. Correct, sir.
 7 **Q. I got you. All right. Let's go back to the**
 8 **details of your -- of your complaint that you filed at**
 9 **the very end of 2015.**
 10 **You start with the statement that back in**
 11 **January of 2010 you witnessed Judge Hilary Green smoke**
 12 **marijuana and illegally purchase Tussionex several time.**
 13 **Let's -- let's -- let's talk about those individually.**
 14 **When was the first time -- let me ask you**
 15 **this.**
 16 **How did you -- how did you meet Judge**
 17 **Green?**
 18 A. I met her through her best friend at the time,
 19 Yvonne Scott (phonetic), and my cousin Allen Mitchell
 20 (phonetic). My cousin had been after me a few weeks to
 21 hang with them. But I really didn't want to hang out
 22 with him. I didn't like how he partied so I was very
 23 reluctant to do so.
 24 One day in particular he showed up at my
 25 house and pretty much gave me a sad story how we're the

- 1 **Q. Okay. So you learned through Allen that Yvonne**
 2 **had a girlfriend who was looking to meet somebody?**
 3 A. Correct.
 4 **Q. And when did y'all first actually meet?**
 5 A. On February 10th.
 6 **Q. Okay.**
 7 A. February 19th. I apologize. February 19th --
 8 **Q. February nine --**
 9 A. -- 2010. February 19th, 2010.
 10 **Q. And tell me about -- tell me what you remember**
 11 **about that first meeting.**
 12 A. She -- Hilary was late showing up. So we went
 13 ahead to the club, which we were supposed to meet at
 14 Allen's house and smoke marijuana. But she was late.
 15 She was at a meeting or something so she opted to meet
 16 us at this little nightclub we used to go to called
 17 Swagger.
 18 **Q. Uh-huh.**
 19 A. And we met there. And we were in my car
 20 smoking when she pulled up. And I had noticed her
 21 before she had came to my car. So when she walked
 22 towards my car she got in the backseat. Allen was in
 23 the front seat. Yvonne was in the back. Hilary also
 24 got in the back.
 25 At that time she opted not to smoke. For

1 whatever reason she didn't do it. We continued the
 2 three of us. We smoked in my car. Hilary sat there.
 3 She didn't smoke. And then we went inside the -- the
 4 bar, had a few drinks, talked.
 5 And by the end of the evening before we
 6 left she had asked me had I ever heard of Tussionex. So
 7 I told her I never heard of it. And she explained to me
 8 what it was and that she needed to get hold of some.
 9 For whatever reason I just couldn't pronounce the name
 10 right.
 11 So when we left that evening we exchanged
 12 numbers. And as I drop Allen and Yvonne off to their
 13 vehicles back at Allen's house Hilary text me and let me
 14 know the correct name and spelling of it.
 15 **Q. So was it your understanding that Judge Green**
 16 **wanted you to get ahold of Tussionex for her?**
 17 A. Yes, sir.
 18 **Q. All right. And did you understand when you met**
 19 **Judge Green that she was married at the time?**
 20 A. Yes, I did.
 21 **Q. All right. Did you end up getting Tussionex**
 22 **for her?**
 23 A. Yes.
 24 **Q. How did you do that?**
 25 A. Illegally off the streets just asking around

1 A. Pentagroup Financial was a collection agency.
 2 They're defunct as of today.
 3 **Q. Okay. What did you do for them?**
 4 A. I was a collection agent.
 5 **Q. Do you know where Mr. Brown got the Tussionex?**
 6 A. He got it from his cousin.
 7 **Q. Any idea how his cousin was able to get**
 8 **Tussionex?**
 9 A. One particular time myself and Judge Green rode
 10 to the house where the guy lived and the guy's father
 11 came up from Beaumont with a bottle of it. So he was
 12 getting it from his dad. And they peeled the label off
 13 and they sold it.
 14 **Q. So the -- the first time you were able to get**
 15 **the Tussionex was through Curtis Brown?**
 16 A. Correct.
 17 **Q. It took two or three weeks or so after Judge**
 18 **Green had asked you to secure it. Is that correct?**
 19 A. Yes, sir.
 20 **Q. And do you remember how much you paid for it?**
 21 A. At that time the first initial time I think she
 22 paid like 480 dollars.
 23 **Q. For one bottle?**
 24 A. For one bottle.
 25 **Q. If you -- do you know if you were buying it**

1 for -- took quite a while because the brand of Tussionex
 2 that she wanted was very elusive, was most -- I never
 3 dabbled in that right there. So it was hard for me to
 4 get hold of it.
 5 But once I did I let her know. But it
 6 took at least two -- two, three weeks.
 7 **Q. And I -- I apologize for -- for not really**
 8 **knowing what it would take to get --**
 9 A. Okay.
 10 **Q. -- Tussionex off the street. But tell me when**
 11 **you said you were talking to people who were you talking**
 12 **to to get Tussionex?**
 13 A. Coworkers, next-door neighbors, guys on the
 14 corner. It's pretty hard to get. It's illegal brand of
 15 syrup which I'm almost sure they took off the shelf if
 16 I'm not correct.
 17 **Q. Who -- who ended up supplying you with the**
 18 **Tussionex?**
 19 A. Gentleman by the name of Curtis Brown.
 20 **Q. And how did you know Curtis Brown?**
 21 A. I worked with Curtis.
 22 **Q. Where did you work with him?**
 23 A. At Pentagroup Financial.
 24 **Q. And just briefly, what is Pentagroup Financial?**
 25 **What do they do?**

1 **legally from the pharmacy how much it would cost?**
 2 A. No, sir. I've never in my life bought any kind
 3 of syrup other than cough syrup off the shelves.
 4 **Q. Okay. Once -- where -- where -- where were**
 5 **you -- do you remember where you were physically when**
 6 **Curtis Brown delivered the Tussionex to you?**
 7 A. The first time he delivered it we went and met
 8 him. We went and met him at a Texaco gas station near
 9 his residence.
 10 **Q. And what part of town is that in?**
 11 A. This was right off by West Park Highway and
 12 Dairy Ashford.
 13 **Q. All right. Was there anyone besides you and**
 14 **Mr. Brown at this first transaction where he gave you**
 15 **the Tussionex?**
 16 A. Judge Green.
 17 **Q. Oh, Judge Green was with you that first time?**
 18 A. Correct.
 19 **Q. And did Judge bring -- Green bring the money?**
 20 A. Yes.
 21 **Q. And did she give the money to Mr. Brown?**
 22 A. She gave it to me and I handed it out the
 23 window.
 24 **Q. And Mr. Brown gave you the -- the Tussionex?**
 25 A. Correct, sir.

- 1 **Q. Now if you worked with Mr. Brown, why did you**
 2 **have to go to a Texaco to get the Tussionex?**
 3 **Why couldn't you just go to his house or**
 4 **just do it at the office?**
 5 A. Well, that's just where he said to meet. And I
 6 definitely wasn't trying to --
 7 **Q. Uh-huh.**
 8 A. -- do any kind of drug deals at my job.
 9 **Q. Uh-huh.**
 10 A. At that point in time he no longer worked there
 11 either.
 12 **Q. I see. So you -- you're at the Texaco. Whose**
 13 **car were you in at the time?**
 14 A. We're in Judge Green's car.
 15 **Q. And who was driving?**
 16 A. She was.
 17 **Q. What kind of car was that?**
 18 A. It was a black SUV.
 19 **Q. Do you remember what -- like a -- what brand it**
 20 **was?**
 21 A. I think it was a Escalade.
 22 **Q. Okay.**
 23 A. If not mistaken.
 24 **Q. So it was the two of y'all and Mr. Brown and he**
 25 **was there by himself?**

- 1 A. Correct.
 2 **Q. Remember roughly what time of night this was?**
 3 A. It was after I got off work. So that should
 4 have been like five or six.
 5 **Q. And what did y'all do after you got your hands**
 6 **on the Tussionex that first time from --**
 7 A. We went back to my house.
 8 **Q. Was this the house on Hays Road or the house on**
 9 **Wickersham?**
 10 A. Hays Road.
 11 **Q. And what did y'all do there?**
 12 A. Had drinks, had sex.
 13 **Q. Uh-huh. Did -- did judge -- did Judge Green**
 14 **consume any of the -- the Tussionex at that point?**
 15 A. Yes.
 16 **Q. Did you -- had you -- I guess what I'm trying**
 17 **to -- what I ought to ask you about is did Judge Green**
 18 **tell you about what Tussionex did for her, how long she**
 19 **had been doing it, why she was doing it.**
 20 **Did she give you any of that?**
 21 A. Yes.
 22 **Q. Can you tell me a little bit about that?**
 23 A. At first -- when she first initially started
 24 asking me to get it for her she told me she just needed
 25 it to get the sleep and she only did like a teaspoon at

- 1 night.
 2 **Q. Uh-huh.**
 3 A. As it went on -- I mean being a chef I can
 4 recognize a teaspoon worth from across the room. I've
 5 been doing it for 11 years. At one point in time I just
 6 saw her turn the bottle up. There was no longer
 7 teaspoons. It was just a swig.
 8 So I commented on it and she got upset and
 9 we left it at that. But the -- she told -- like I said,
 10 she told me it helped her sleep. But the effects that
 11 it was having in my opinion when she didn't have it is
 12 what prompted me to stop getting it for her.
 13 **Q. Was that -- was that time that y'all got the --**
 14 **the Tussionex from Mr. Brown the first time, was that**
 15 **the first time that you and Judge Green had sex?**
 16 A. No, sir.
 17 **Q. So you saw Judge Green between the time she**
 18 **asked you to get the Tussionex and the time you**
 19 **delivered it. Is that correct?**
 20 A. Yes.
 21 **Q. Can you tell me about the first time that**
 22 **you -- your relationship with Judge Green became**
 23 **romantic?**
 24 A. We went to a hotel. If I'm not mistaken, it
 25 was the Candlewood off I think it was Harwin (phonetic)

- 1 or West Park, somewhere over there.
 2 **Q. And did -- did y'all just have a date that**
 3 **night and...**
 4 A. Yeah. We went out and had drinks, had
 5 something to eat then went and got a hotel room.
 6 **Q. Uh-huh. And how long did your romantic**
 7 **relationship with Judge Green continue?**
 8 A. Five years.
 9 **Q. When did it end?**
 10 A. October 23rd of last year.
 11 **Q. What caused it to end?**
 12 A. Caught her cheating again.
 13 **Q. Had you caught her cheating before?**
 14 A. Yeah.
 15 **Q. Now she was married at the time that you first**
 16 **met her. Right?**
 17 A. Correct.
 18 **Q. And I guess what I'm trying to understand,**
 19 **what -- what were you expecting from Judge Green if**
 20 **she's married to another man and having a relationship**
 21 **with you?**
 22 **Did you expect her to be committed to you?**
 23 A. Well, that was our understanding, yes, that she
 24 was eventually going to leave Ronald.
 25 **Q. Uh-huh.**

- 1 A. And she and I were going to start off.
 2 **Q. Was that her idea or your idea?**
 3 A. It was a mutual discussion but --
 4 **Q. Uh-huh.**
 5 A. -- she talked about it more so than I did.
 6 **Q. Okay. You mentioned that your relationship**
 7 **ended in October of last year because Judge Green**
 8 **cheated on you. I think the word you used was again.**
 9 A. Correct.
 10 **Q. What was the first time that she cheated on**
 11 **you?**
 12 A. Well, our initial agreement was that I wouldn't
 13 sleep with anyone else. And she had told me on numerous
 14 occasions that her and Ronald's sex life was defunct, he
 15 was a homosexual and it was understood and they had an
 16 open relationship.
 17 **Q. I see.**
 18 A. One night I'm at my house and I'm having -- I
 19 play chess. So I had a few friends over playing chess
 20 and I get a phone call or text message saying he knows
 21 everything. So I initially wasn't going to respond to
 22 it.
 23 **Q. Uh-huh.**
 24 A. And later on the next day I found out that was
 25 not her texting me. That was Ronald. He got hold of

- 1 problem, she needed help, they were going to take her to
 2 a rehab and it was best that I left -- that we left each
 3 other alone.
 4 So I had a lot of respect for her mother.
 5 So I did exactly that. I never called her again from
 6 that day on. We never spoke. That went on for about
 7 four -- about four or five months. Then her girlfriend
 8 Melanie Parks (phonetic), we were still communicating.
 9 **Q. Uh-huh.**
 10 A. Her girlfriend Melanie Parks was sending me
 11 messages through -- via Hilary. Then one day Melanie
 12 told me she wanted to talk to me, Hilary wanted to talk
 13 to me. We talked. She was on vacation in New Jersey at
 14 the time when she called me.
 15 **Q. At the -- let me back up. She being Melanie or**
 16 **she being Judge Green?**
 17 A. She being Judge Green.
 18 **Q. Okay. So Judge Green called you while she was**
 19 **on vacation from -- in Jersey?**
 20 A. Correct, in --
 21 **Q. All right.**
 22 A. -- Montclair. We talked. She inquired whether
 23 or not I was seeing someone or not. I told her I was.
 24 She told me she was hurt and etcetera and that we would
 25 see each other when she got back to town. And that's

- 1 her phone. He -- well, she explained to me actually
 2 that he caught her at a hotel room with another
 3 gentleman.
 4 She had been lying to me for months saying
 5 she was going to Jack and Jill meetings, any kind of
 6 meeting you could think of every Sunday. And I had
 7 questioned her before about her sleeping with someone
 8 else. And she denied it of course. But when Ronald
 9 caught her everything came out.
 10 The next day I spoke to her me and her had
 11 a big argument on the phone. And she told me she slept
 12 with a gentleman by the name of Tony Bradford.
 13 **Q. Do you remember roughly like what month and**
 14 **year this -- this happened when --**
 15 A. This was two thousand and I think, if I'm not
 16 mistaken, either early 2014, maybe late 2013.
 17 **Q. Okay. Why didn't you just end the relationship**
 18 **with Judge Green at that point?**
 19 A. I ended it before or -- I did end it and we
 20 didn't see each other for about four or five months
 21 after the Tony Bradford incident. We didn't see each
 22 other for four or five months.
 23 I spoke to her mom. I was pretty irate.
 24 I was hurt. And her mom called me, kind of calmed
 25 things down, explained to me Hilary had a drug addiction

- 1 how we started seeing each other again.
 2 **Q. And so what time period is this that y'all got**
 3 **back together roughly?**
 4 A. Like I said, it was like four or five months we
 5 just didn't communicate at all. I didn't communicate
 6 with her.
 7 **Q. So we're like mid 2014 or so? Does that sound**
 8 **right?**
 9 A. It was in the summer. It was -- the weather
 10 was kind of warm because my birthday was coming up. So
 11 I would say around June or July.
 12 **Q. So June, July of 2014?**
 13 A. My birthday's in August. So I recall that very
 14 vividly.
 15 **Q. When is your birthday just...**
 16 A. August 10th.
 17 **Q. And what year were you born?**
 18 A. 1967.
 19 **Q. All right. We started down this trail when I**
 20 **asked you about the first time that you purchased**
 21 **Tussionex for Judge Green.**
 22 **When was the next time that you purchased**
 23 **Tussionex for Judge Green?**
 24 A. I would say roughly maybe two weeks later.
 25 **Q. And how did you -- how did you get another**

1 **bottle of Tussionex?**
 2 A. The same vehicle but this time -- the next time
 3 we purchased it the price went up. Each time that she
 4 would come back for more the frequency of it they were
 5 jacking the price up. So it went from, like I said, 450
 6 to the last bottle I recall it was like 680 dollars.
 7 **Q. Roughly how many bottles of Tussionex would**
 8 **you -- do you believe that you purchased or helped Judge**
 9 **Green purchase?**
 10 A. No more than eight times. I -- I -- I would
 11 say between six and eight times.
 12 **Q. All right. And during -- and -- and each time**
 13 **you bought them through your former coworker Mr. Brown.**
 14 **Is that correct?**
 15 A. Correct.
 16 **Q. And each time you went back, if I'm**
 17 **understanding what you're telling me, the cost was going**
 18 **up?**
 19 A. Yeah. They noticed that she started coming
 20 back --
 21 **Q. Uh-huh.**
 22 A. -- rapidly.
 23 **Q. Uh-huh.**
 24 A. And each time the price just kept going up.
 25 And I haggled about the price sometimes. But I knew

1 **times you observe Judge Green smoke marijuana?**
 2 A. I would say at least five times.
 3 **Q. Do you remember when the first time was?**
 4 A. The first time we went to my cousin Allen's
 5 house. This was roughly around when I first met her.
 6 Myself, my cousin Allen Mitchell, Yvonne Scott and Judge
 7 Green, we met at my cousin's house for drinks. And we
 8 were going to go out but we opted to stay in and just
 9 talk.
 10 **Q. Uh-huh.**
 11 A. And we were in his house smoking marijuana.
 12 **Q. And who supplied the marijuana? Do you know?**
 13 A. I did.
 14 **Q. And did you also pay for that marijuana?**
 15 A. Yes, I did.
 16 **Q. Did this happen before the first time you**
 17 **purchased Tussionex for Judge Green?**
 18 A. Yes, it did.
 19 **Q. You said it was roughly about five times that**
 20 **you observed Judge Green smoke marijuana. Is that**
 21 **correct?**
 22 A. Correct.
 23 **Q. Do you remember when the next time after this**
 24 **first time at your cousin's house that you observed**
 25 **Judge Green smoke marijuana?**

1 what they were doing.
 2 **Q. Did -- in terms of the delivery, did y'all do**
 3 **the same thing every time at the Texaco or did you have**
 4 **other ways?**
 5 A. One in particular time she and I was at my
 6 house. We both took a day off of work and we spent the
 7 day together. And Curtis was at work at the time so he
 8 brought the product directly to my house.
 9 **Q. And was -- did Judge Green actually supply the**
 10 **funds for each of those transactions?**
 11 A. Yes, sir, every time.
 12 **Q. Do you remember roughly the last time like what**
 13 **month and year it was that you purchased Tussionex or**
 14 **helped Judge Green --**
 15 A. I would say --
 16 **Q. -- purchase Tussionex?**
 17 A. I'm sorry. The last time I would say would be,
 18 like I say, maybe it's early 2014.
 19 **Q. So between roughly February-March 2010 and**
 20 **early 2014 between six and eight times you helped Judge**
 21 **Green purchase Tussionex. Is that correct?**
 22 A. Correct.
 23 **Q. And you also mentioned in -- back to your**
 24 **complaint, that you witnessed her smoke marijuana.**
 25 **Do you have any idea roughly how many**

1 A. She was at my house.
 2 **Q. And do you remember roughly what month and year**
 3 **it was when that happened?**
 4 A. Not particularly, no. I know it was nice. It
 5 was warm out. It was -- we were on my balcony.
 6 **Q. Uh-huh.**
 7 A. We went on my balcony when it was really nice
 8 weather out. And she and I was on my balcony smoking.
 9 **Q. And did you supply the marijuana?**
 10 A. Correct.
 11 **Q. And she didn't pay for that marijuana?**
 12 A. Not that time, no.
 13 **Q. Let me ask you this. Did you ever see a time**
 14 **or do you have any reason to believe that Judge Green**
 15 **purchased marijuana?**
 16 A. I don't know if she purchased it or not.
 17 **Q. Uh-huh.**
 18 A. I know she supplied it on two different
 19 occasions.
 20 **Q. Okay. When did -- when's the first time you**
 21 **remember Judge Green supplying you with marijuana?**
 22 A. The first time she came to my house she said I
 23 have a surprise for you. She called and she was on her
 24 way to my house. So I said okay. She wouldn't tell me
 25 what it was.

1 When she got to the house she pulled out
2 like a little Ziplock sandwich bag. And I don't know if
3 you know what they are. She had two blunts pre-rolled
4 already. I knew she didn't know how to roll. So I
5 asked her where she get it from. And she told me she
6 got it from Ronald's cousin.

7 Later on during our relationship she
8 showed me a few pictures of him stipulating that's who I
9 got the marijuana from in that picture. The second time
10 it was just in a bag. And I asked her where she got it
11 from. And she told me they took it off a kid in her
12 courtroom.

13 **Q. Did -- did you ask her what -- what she meant
14 by that, how -- how do you take marijuana off a kid in a
15 courtroom?**

16 A. They were arresting him.

17 **Q. I see. Well, obviously I -- I assume Judge
18 Green isn't physically arresting people.**

19 A. One of the bailiffs. She said my friend.

20 **Q. Okay.**

21 A. So one of the bailiffs took it off her court.

22 And she said my friend my -- the bailiff. She didn't
23 say who. But she definitely said my friend and one of
24 the bailiffs gave this to me.

25 **Q. And you don't know the name of that bailiff?**

1 A. No.

2 **Q. All right. Do you know the -- roughly the last
3 time it was that you observed Judge Green smoke
4 marijuana?**

5 A. I know we smoked in a hotel room when we went
6 out of town. We also smoked at the Crowne Plaza. I
7 would think the last time I saw her smoke was at my
8 house again.

9 **Q. Of the two times that Judge Green supplied the
10 marijuana you mentioned one time she told you that it
11 had come off a kid in her courtroom by way of her
12 bailiff.**

13 **Is that correct?**

14 A. Correct.

15 **Q. The other time she supplied it she said she got
16 it from her husband Ronald's cousin?**

17 A. Correct.

18 **Q. But I -- I guess she didn't tell you whether
19 she paid for it or not?**

20 A. No. She didn't tell me she paid for it.

21 **Q. All right. Have you ever seen Judge Green
22 consume the drug ecstasy?**

23 A. Yes.

24 **Q. How many times have you seen that?**

25 A. Three -- total I think it was three times.

1 **Q. Do you remember the first time that you saw
2 Judge Green consume the drug ecstasy?**

3 A. Yes.

4 **Q. When was that?**

5 A. We went to the Omni Hotel. We stayed the night
6 at the hotel. We went out and had drinks and we came
7 back and we took it. But it had no effect on it. So
8 that was like I guess the kind of inside joke between
9 her and I that we took it and it was like -- we both
10 said only thing -- I know I said only thing I can feel
11 is my feet tingling.

12 That was it. And it was kind of an inside
13 joke. That was the first time we took it. So it had no
14 effect.

15 **Q. So let me -- the Omni Hotel here in Houston?**

16 A. Correct.

17 **Q. And do you remember roughly what time of year
18 it was, what year it was?**

19 A. It was around November. It was getting cold.

20 **Q. Do you -- do you know whether it was 2011,
21 2010?**

22 A. 2011.

23 **Q. Whose idea was it to obtain ecstasy and take
24 ecstasy?**

25 A. It was a mutual. We both discussed it.

1 **Q. Uh-huh. I guess if you remember -- and you may
2 not remember. Who -- who between the two of y'all was
3 the first person to even float the idea? I mean
4 somebody has to say the word ecstasy.**

5 A. We talk about it -- for me --

6 **Q. Uh-huh.**

7 A. -- to sit here and say if she brought it up or
8 I brought it up I couldn't remember that.

9 **Q. That's fine. I probably should have told you
10 that at the beginning. If -- if I ask you a question
11 you don't remember, I don't want you to guess. You
12 know, just --**

13 A. Yeah.

14 **Q. -- tell me what you --**

15 A. I'm going --

16 **Q. -- remember.**

17 A. -- to just tell you what I know.

18 **Q. Yeah. That was the first time was in the Omni
19 Hotel. What was the second time you remember consuming
20 ecstasy with -- with --**

21 A. The second time was the time we got an escort.
22 She paid for an escort. And we stayed at the Crowne
23 Plaza and we both took it.

24 **Q. Now let me ask you. Why did y'all stay in
25 hotels here in town rather than just at your -- at your**

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1 **apartment?**
 2 A. At that time I had moved back to my mom's
 3 house.
 4 **Q. I see.**
 5 A. And it's one -- it was a getaway kind of.
 6 **Q. You mentioned that at the Crowne Plaza you and**
 7 **Judge Green consumed ecstasy. Is that correct?**
 8 A. Yes, sir.
 9 **Q. Who got the ecstasy?**
 10 A. She paid for it. I got it.
 11 **Q. Where did you get it?**
 12 A. From a young lady I knew named Sam just off the
 13 street.
 14 **Q. Is --**
 15 A. I used to work with Sam. I apologize.
 16 **Q. Okay.**
 17 A. I worked with her as well.
 18 **Q. How did you know that Sam had ecstasy?**
 19 A. It was just noted that's what Sam did.
 20 That's --
 21 **Q. Uh-huh.**
 22 A. -- what she had.
 23 **Q. Kind of a side business or something?**
 24 A. Yeah, pretty much. Yes, sir.
 25 **Q. How much did the ecstasy cost?**

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1 A. Seven dollars.
 2 **Q. Was Judge Green present when you did the**
 3 **transaction with Sam to buy the drugs?**
 4 A. No. She just gave me the money because I
 5 didn't get paid --
 6 **Q. Uh-huh.**
 7 A. -- that week. So I didn't have any money so
 8 she gave me the money.
 9 **Q. Did -- the second time y'all took the ecstasy**
 10 **did it have any effect on you?**
 11 A. Yes.
 12 **Q. When was the -- when was the third time that**
 13 **you took ecstasy with the judge?**
 14 A. We had went to -- got another hotel room.
 15 **Q. Uh-huh.**
 16 A. I'm almost sure it was in the same year, 2011,
 17 because Sam -- I worked with Sam for that one year.
 18 **Q. Uh-huh.**
 19 A. So any time I got it I got it directly from
 20 her. So it was that same year.
 21 **Q. And did -- were y'all in a hotel room again or**
 22 **where were you?**
 23 A. Yes. We were in a hotel room.
 24 **Q. Do you remember which hotel?**
 25 A. Crowne Plaza, the Omni and it was -- it was

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1 actually a motel. It wasn't a hotel.
 2 **Q. Uh-huh.**
 3 A. It was a motel down Westheimer we would meet --
 4 we would meet at. That was our little meeting spot. It
 5 was called the Palms Inn or something like that.
 6 **Q. Uh-huh.**
 7 A. And that was the third time.
 8 **Q. You mentioned the second time that you took**
 9 **ecstasy y'all secured an escort. Is that correct?**
 10 A. Correct.
 11 **Q. Was that the first time that you secured an**
 12 **escort with Judge Green?**
 13 A. Yes, sir.
 14 **Q. And by escort we're talking about a prostitute.**
 15 **Is that correct?**
 16 A. Correct, sir.
 17 **Q. And do you remember whose idea it was to hire a**
 18 **prostitute?**
 19 A. I had let her -- informed her to know that I
 20 had a threesome before and she seemed extremely
 21 interested in having one. For a couple of months it was
 22 like do you meet anybody, where will we get it from, do
 23 you know anybody, no, I don't, back and forth.
 24 One time in particular I was on the
 25 backpage looking at some classified. And when I'm

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1 scrolling through I saw escorts. So I told her about
 2 it. That following evening when she came to my house we
 3 looked on the computer, looked on backpage, start
 4 scrolling back and forth looking at escorts. And this
 5 went on for about maybe two weeks.
 6 We would text each other back and forth.
 7 I would find a picture of a escort to our liking. We
 8 had to both be attracted to her. I would send her the
 9 picture. If she didn't find the woman attractive or for
 10 whatever didn't like how she looked, she would let me
 11 know or, if she found someone that she deemed
 12 attractive, she would send it to me and I would let her
 13 know.
 14 And we kind of haggled back and forth
 15 until we narrowed it down to someone that we both deemed
 16 attractive. And we called her. The young lady came to
 17 the Crowne Plaza. And Hilary opened the door. I was on
 18 the bed already. I was -- I was smoking marijuana. I
 19 was sitting on the bed and was -- we had the room very
 20 dark. So when she opened the door I asked her how did
 21 the girl look because the girl went into the bathroom.
 22 **Q. Uh-huh.**
 23 A. And she said I don't know. I said what do you
 24 mean you don't know, you just let her in the room.
 25 **Q. Uh-huh.**

- 1 A. So she said well, she's cute.
 2 **Q. Uh-huh.**
 3 A. So when the girl came in she was a very
 4 attractive girl. The three of us sat. We smoked
 5 marijuana. We had a couple drinks and then three of us
 6 had sex.
 7 **Q. Uh-huh.**
 8 A. Hilary then paid the girl the 150 dollars. The
 9 agreement was, if I found the girl, she'd pay for it.
 10 **Q. Was that the only time that the two of y'all**
 11 **hired a prostitute?**
 12 A. No, sir.
 13 **Q. How many other times?**
 14 A. Just one more.
 15 **Q. Was that the one in Austin?**
 16 A. Correct.
 17 **Q. Do you remember roughly what month and year**
 18 **that was that you were in Austin?**
 19 A. Oh, I want to say 2012.
 20 **Q. And whose idea was it to hire a prostitute when**
 21 **the two of y'all were in Austin in 2012?**
 22 A. At that time it was her -- her idea.
 23 **Q. And did y'all use backpage to find somebody?**
 24 A. Correct.
 25 **Q. Who ended up paying for the prostitute in**

- 1 **Austin?**
 2 A. Judge Green.
 3 **Q. Did she pay in cash?**
 4 A. Yes.
 5 **Q. Do you remember the name of the prostitute**
 6 **in --**
 7 A. No, sir.
 8 **Q. -- Austin? Do you remember the name of the**
 9 **prostitute in Houston?**
 10 A. No, sir.
 11 **Q. Can what hotel were you in in Austin?**
 12 A. We stayed at the Hilton.
 13 **Q. Okay. Downtown?**
 14 A. Correct.
 15 **Q. Are you aware of any other times other than the**
 16 **one instance that you referred with the marijuana that**
 17 **Judge Green obtained drugs that were seized in her**
 18 **courtroom?**
 19 A. No, sir, just that one time.
 20 **Q. Did -- during your relationship with Judge**
 21 **Green did she ever tell you about a complaint that she**
 22 **had to address that was filed with the Judicial Conduct**
 23 **Commission?**
 24 A. Yes.
 25 **Q. In particular did she tell you about a**

- 1 **complaint about -- involving a man named Dwayne Jordan**
 2 **(phonetic)?**
 3 A. Yes.
 4 **Q. What did she tell you about that?**
 5 A. She told me that he had evicted someone out of
 6 their home illegally.
 7 **Q. Uh-huh.**
 8 A. And he came to her courtroom and, if I'm not
 9 mistaken, later on found out to be that was his uncle.
 10 He had forged the will or something to get the guy
 11 evicted out of his house.
 12 **Q. And what was -- what was her role in -- in that**
 13 **case?**
 14 **Why -- why was there a complaint about her**
 15 **in front of the Judicial Conduct Commission?**
 16 A. Well, from what she told me they thought she
 17 was in cahoots with him.
 18 **Q. With Mr. Jordan?**
 19 A. Correct.
 20 **Q. Did -- did she tell you one way or the other**
 21 **whether she was in cahoots with Mr. Jordan?**
 22 A. No. But what she did tell me when he had got
 23 locked up -- it was all in the papers and everything.
 24 And we sat and read it and everything. She showed me
 25 the article. She began to try to contact her. Several

- 1 times I was right next to her. Either he called or his
 2 mother and his fiancée called. And she would ignore the
 3 phone call. She wouldn't take them.
 4 One in particular time she said to me I'm
 5 not getting in trouble because I asked her why aren't
 6 you taking the calls. She said I'm not getting in
 7 trouble behind Dwayne, whatever he did he's on his own,
 8 I already met the judge for him and I said I'm not being
 9 bothered with him.
 10 **Q. I'm sorry. Already what the judge?**
 11 A. I met the judge for him.
 12 **Q. Do you -- do you know what she meant by that**
 13 **when she said I met the judge for him?**
 14 A. Now I do but at the time I didn't.
 15 **Q. Did -- did she ever tell you what she meant by**
 16 **with --**
 17 A. No.
 18 **Q. -- that phrase?**
 19 A. She didn't elaborate. She just said what she
 20 said.
 21 **Q. Okay. When you say that you know what she**
 22 **meant what do you -- what do you believe that she meant**
 23 **by that?**
 24 A. Well, later on I found out when I took my other
 25 deposition that this was a judgment those -- that was

1 over Dwayne Jordan's case.
 2 **Q. I see. And so you in your mind were putting**
 3 **the pieces together that when the judge says -- when**
 4 **Judge Green said she met with the judge she was talking**
 5 **about Judge --**
 6 A. For him.
 7 **Q. -- Mendoza (phonetic)?**
 8 A. She said I met with the judge for him.
 9 **Q. Yeah.**
 10 A. So that's what I assumed.
 11 **Q. Was that the only conversation you ever had**
 12 **with Judge Green about her talking to a judge on behalf**
 13 **of Mr. Jordan?**
 14 A. Yes, sir.
 15 **Q. Do you -- I guess you don't know what she told**
 16 **Judge Mendoza?**
 17 A. No, sir.
 18 **Q. Did -- did you understand from Judge Green what**
 19 **the nature of her relationship with Mr. Jordan was?**
 20 A. I asked her several times. One time she and I
 21 were in my bed laying in bed (unintelligible) and took
 22 the day off. And he kept calling her phone. She
 23 wouldn't answer it. So I told her why don't you answer
 24 the phone.
 25 So she wound up answering the phone and I

1 **been -- let me back up a little bit. I guess I didn't**
 2 **understand.**
 3 **I had assumed perhaps incorrectly that**
 4 **y'all stopped buying Tussionex because it just got too**
 5 **expensive.**
 6 A. No, sir.
 7 **Q. Why don't you tell me why you -- what your**
 8 **understanding is of why or how it was that judge --**
 9 **Judge Green stopped purchasing Tussionex.**
 10 A. One night in particular she called me. It was
 11 about two in the morning. I was asleep. And she called
 12 me and she was extremely erratic. She was crying. She
 13 was screaming. And I asked where was she.
 14 She was driving around the city of
 15 Houston, told me she couldn't sleep, she hadn't slept
 16 for days, she needed Tussionex, can I call Curtis. So
 17 I'm like it's two o'clock in the morning. And she was
 18 beside herself. And I talked to her for a few hours
 19 until I just couldn't -- I had to be to work at six in
 20 the morning.
 21 But what I did was the following day I
 22 told her that she needed to get some help and I would
 23 talk to her mom about it if she didn't get help. But I
 24 could not continue to help her get this seeing how it
 25 made her act. And the physical -- she had put on a lot

1 could hear very clearly because she was laying next to
 2 me. He began to talk about he got her some diet pills
 3 because he knew she picked up some weight. And my
 4 initial question was, if this guy's just your
 5 contractor, why is he calling you discussing your body.
 6 And she brushed it off. But she would always refer to
 7 him my builder this, my builder that.
 8 Eventually when she and I had broke up and
 9 we wound up getting back together I didn't make it that
 10 simple for her. She had a lot of explaining to do. And
 11 I had a lot of unanswered questions. When I asked her
 12 questions pertaining to the men that she was sleeping
 13 with other than myself and her husband she told me a few
 14 things.
 15 One of the things that she told me was
 16 that once I cut her off as far as getting Tussionex for
 17 her we had made an agreement. She said to me well, you
 18 still smoke marijuana. So I told her. I said I tell
 19 you what I'll do, I'll stop smoking marijuana if you
 20 stop doing Tussionex. And that was our agreement that
 21 we made. I stuck to it cold turkey.
 22 I had no idea that she was still going
 23 behind my back on that agreement getting Tussionex
 24 from -- which she winded up telling me Dwayne Jordan.
 25 **Q. And so what -- what time frame would this have**

1 of weight doing the Tussionex.
 2 And you could see -- I spoke to her -- a
 3 friend of mine that I worked with. He used to be hooked
 4 an Tussionex. And I sat and had a long conversation
 5 with him about the effects of it. And I came to her
 6 with it and told her, listen, I know a guy who was
 7 hooked on this for years and this is what he's telling
 8 me. She didn't want to hear it. So I just cut her off.
 9 I told her I can't do it anymore.
 10 Later on I found out that she had got it
 11 through Melanie Parks. She had got it through Dwayne
 12 Jordan. She came to my house and told me -- we were
 13 talking. I forgot how the conversation started. She
 14 said I have something to tell you but you're going to be
 15 mad at me. And I said what is it.
 16 She said that she had given Dwayne Jordan
 17 a couple hundred dollars to go get some Tussionex and he
 18 never came back with her money. And I was pissed off.
 19 I said I thought you told me that you quit doing it and
 20 I was pissed off the fact that she's still associating
 21 with Dwayne Jordan. And he gave -- gave her like half
 22 the money back. But he didn't -- I don't think he gave
 23 her the complete total sum what she gave him. But she
 24 did inform me she was getting it from him as well.
 25 **Q. And I guess the part of it that -- that you**

1 told me I think in response to a previous question was
 2 that y'all kind of made a pact --
 3 A. Yes.
 4 Q. When you -- when you cut Judge Green off and
 5 said you weren't -- at least you said you weren't going
 6 to buy any more Tussionex for her. She mentioned, well,
 7 you're still smoking marijuana.
 8 A. Yeah.
 9 Q. And you said, well, I'll stop the marijuana if
 10 you stop the Tussionex.
 11 A. Correct, sir.
 12 Q. And she told you yes?
 13 A. Yes.
 14 Q. But then you found out later that she had been
 15 getting Tussionex from Melanie Parks and Dwayne Jordan.
 16 Is that correct?
 17 A. Yes, sir.
 18 Q. And so what time period roughly was it that you
 19 understood from Judge Green that she'd been getting
 20 Tussionex from Dwayne Jordan?
 21 What years roughly?
 22 A. I would say 2013.
 23 Q. Uh-huh. Okay. Did you have text messages with
 24 Judge Green talking about, you know, cough medicine,
 25 Tussionex, marijuana, escorts, that --

1 A. Yes.
 2 Q. -- kind of stuff? What did y'all -- do you
 3 still have those telephones?
 4 A. No. She destroyed the phones.
 5 Q. And that was something that -- that y'all
 6 agreed on. Right?
 7 A. Yes.
 8 Q. Was it her idea to destroy the telephone or was
 9 it your idea?
 10 A. I told her I would give her the phone. I got
 11 tired of me threatening to tell on her.
 12 Q. Uh-huh.
 13 A. And it was just something looming over our
 14 relationship. One day I told her. I said you know what
 15 I'm going to do, I said I'm going to give you these
 16 phones because I'm tired of this hanging over our heads.
 17 And I gave her the phones. I took them to her house.
 18 But before I took them to her house we had
 19 a big blowout. So I had her text me saying that it was
 20 okay for me to come to her house and for -- and why was
 21 I coming there. So she text me back the response as I
 22 requested that she did. I had three cell phones.
 23 I was terrible with cell phones for a
 24 while so I just kept getting new phones. I had the very
 25 first cell phone that I had when I first met her with

1 all the text messages about Tussionex on it, escorts,
 2 drugs and two other cell phones that we had numerous
 3 conversations about certain things on the phones and I
 4 gave them to her.
 5 Q. Uh-huh.
 6 A. She took a hammer. She has a big -- at her
 7 place she had a big marble counter. She began to hit
 8 them with a hammer and glass is popping over everywhere.
 9 So I said look, put them in this plastic bag so glass
 10 doesn't pop over everywhere.
 11 Q. Uh-huh.
 12 A. And she proceeded to beat the phones until they
 13 were completely shattered. And we threw them in the
 14 dumpster and then we went and had lunch.
 15 Q. All right. I'm going to read you -- I don't
 16 want to make this part of the record. If the -- if the
 17 judge's counsel wishes to, that -- that will be up to
 18 her. But I'll just tell you what I'm reading from and
 19 ask you to comment on it.
 20 It's a sworn set of responses to a set of
 21 questions from the Judicial Conduct Commission that
 22 Judge Green signed on March 27th, 2014. Okay?
 23 A. Okay.
 24 Q. The question that is asked of Judge Green is
 25 please describe the nature and extent of your

1 relationship, if any, with Dwayne K. Jordan. And the
 2 answer is very long. I'm not going to read the whole
 3 answer because it would just take too long.
 4 A. Okay.
 5 Q. But there's one portion I want to -- I want to
 6 read out loud and have you -- ask you some questions
 7 about it. Okay?
 8 A. Okay.
 9 Q. Quote, once the renovations to our home were
 10 completed I had no interaction with Dwayne Jordan except
 11 for one time in 2009 or 2010 when my son was invited to
 12 a birthday party for Dwayne Jordan's son. Ronald and I
 13 took him to the party. Other than this one event I have
 14 had no contact with Dwayne Jordan outside of court. As
 15 best as -- as best I can recall, Dwayne Jordan only
 16 occasionally appeared as the representative of E.
 17 Jordan, Inc.
 18 Do you have any reason to believe that the
 19 statement, the sworn statement that Judge Green gave to
 20 the Judicial Conduct Commission in 2014 is accurate or
 21 inaccurate?
 22 A. Extremely inaccurate.
 23 Q. What do you base that on?
 24 A. Numerous conversations that I've sat next to
 25 her while they've had text messages, etcetera, like I

1 said, him getting the Tussionex for her, him introducing
 2 her she told me to a pharmacist that -- where she would
 3 get the Tussionex from.
 4 **Q. Let's break those down a little bit. Okay?**
 5 **You mentioned previously that you were --**
 6 **you and Judge Green were in bed together, Mr. Jordan was**
 7 **trying to contact her and she actually wasn't taking the**
 8 **calls at that point. Right?**
 9 A. Correct.
 10 **Q. In your answer you just gave me you made it --**
 11 **you gave the impression that you had actually witnessed**
 12 **her have a phone conversation with Mr. Jordan. Is that**
 13 **correct?**
 14 A. Yes, sir.
 15 **Q. Roughly how many times would you say that**
 16 **you -- you saw Judge Green on the phone with Mr. Jordan**
 17 **while the two of y'all were in the same --**
 18 A. I can only --
 19 **Q. -- location?**
 20 A. -- say, as far as the number I don't really
 21 want to put a number to it but what I can tell you is
 22 this. It got to the point where I -- me and her had
 23 several arguments about him calling and her talking to
 24 him while I'm there. So I -- it was quite a bit. It
 25 was enough to get me upset.

1 **Q. You also mentioned that you believe that Judge**
 2 **Green was having text messages back and forth with**
 3 **Mr. Jordan. Is that correct?**
 4 A. Yes, sir.
 5 **Q. How do you know that Judge Green was having a**
 6 **text conversation with Mr. Jordan?**
 7 A. Well, one time in particular I do recall she
 8 like this is Dwayne texting me, I'm going to text him
 9 back.
 10 **Q. I see. When you observed Judge Green having a**
 11 **phone call with Mr. Jordan obviously you could only hear**
 12 **her side of the conversation I assume.**
 13 A. Well, the time we were in bed I heard him
 14 because she was so close to me.
 15 **Q. Where --**
 16 A. Our heads were right here. So when she's
 17 talking to him you could clearly hear his voice through
 18 the phone.
 19 **Q. Okay. So there -- there was at least one**
 20 **conversation where you could hear both sides of the**
 21 **conversation?**
 22 A. Correct.
 23 **Q. At any time could you tell from the whatever**
 24 **portion of the conversation you could hear that the**
 25 **conversation was about Judge Green obtaining Tussionex**

1 **from Mr. Jordan?**
 2 A. No, sir.
 3 **Q. Was there any illegal activity at all in --**
 4 **that you heard in the conversations between Judge Green**
 5 **and Mr. Jordan?**
 6 A. No, sir. Only thing I can recollect is when
 7 she was calling him trying to get her money back and he
 8 wouldn't answer his phone.
 9 **Q. All right. So you told me that you -- you**
 10 **don't believe that the portion of the statement that**
 11 **Judge Green gave to the commission in 2014 is accurate**
 12 **because you observed her talking to Mr. Jordan on the**
 13 **telephone, you were in her presence when she told you**
 14 **she was texting with him.**
 15 **Are there any other instances that you can**
 16 **provide to me of contacts, communications that Judge**
 17 **Green had with Mr. Jordan after the renovations of their**
 18 **house had been completed?**
 19 A. Other than what I told you, no.
 20 **Q. Okay.**
 21 A. There is one. I apologize. I apologize --
 22 **Q. Okay.**
 23 A. -- profusely.
 24 **Q. That's okay.**
 25 A. She told me about a letter that was either

1 written to her house, written sent to her house and
 2 Ronald signed the letter but she knew about the letter.
 3 But when I asked her did she sign it she told me no, she
 4 didn't sign it, she saw it but she didn't sign it. She
 5 said Ronald signed it.
 6 **Q. I see. This is a letter that Ronald Green**
 7 **wrote on behalf of Mr. Jordan in connection with his**
 8 **criminal charge that he was --**
 9 A. I don't --
 10 **Q. -- defending?**
 11 A. -- know the content of the letter.
 12 **Q. Uh-huh.**
 13 A. For me to sit here and lie I'm not going --
 14 **Q. Yeah.**
 15 A. -- to do that.
 16 **Q. Sure.**
 17 A. But I know for a fact --
 18 **Q. Uh-huh.**
 19 A. -- she told me that Ronald signed a letter.
 20 She saw it but he signed it.
 21 **Q. Sure.**
 22 A. I asked her would he get in trouble by it. She
 23 said she didn't care.
 24 **Q. Yeah. And to be -- to be fair, that's --**
 25 **that's not a communication with Mr. Jordan. Right?**

1 **That's -- that's Ronald maybe doing --**
2 A. Right.
3 **Q. -- something to help Mr. Jordan.**
4 A. Well, I'm just telling you everything I know --
5 **Q. Yeah.**
6 A. -- about Jordan.
7 **Q. Perfect. Let me just make sure I understand**
8 **that the -- the what we might call the illegal -- the**
9 **street drugs?**
10 A. Uh-huh.
11 **Q. Let's -- let's call it illegal drugs that you**
12 **observed Judge Green actually consuming and taking**
13 **yourself also consuming and taking.**
14 **These drugs include marijuana, ecstasy and**
15 **Tussionex. Is that correct?**
16 A. Yes, sir.
17 **Q. Did y'all ever consume any other drugs,**
18 **cocaine?**
19 A. No.
20 **Q. Heroin, nothing?**
21 A. Not me, no.
22 **Q. Did you ever see Judge Green consuming any**
23 **other illegal --**
24 A. She told --
25 **Q. -- drugs?**

1 A. -- me about it. I never saw her.
2 **Q. What other drugs did she tell you about?**
3 A. Cocaine.
4 **Q. Did -- did -- so she told you she'd taken**
5 **cocaine?**
6 A. Yes.
7 **Q. Did she tell -- tell me what she told you**
8 **about --**
9 A. When I --
10 **Q. -- her cocaine --**
11 A. -- first met her she began to tell me numerous
12 guys that she slept with that were Ronald's friends.
13 One was a Boris Miles (phonetic) and the other one was
14 Kerrick Henney (phonetic). Now Boris Miles and Kerrick
15 Henney are good friends. And she told me slept with
16 both of them and they're Ronald's friends.
17 She told me the scenario where she
18 first -- her and Kerrick Henney first start seeing each
19 other. At the time she was seeing Boris. Her and a
20 girlfriend went over to Boris's house. They were
21 drinking. Boris wanted to swap women. He didn't want
22 Hilary anymore. He wanted her girlfriend.
23 **Q. Uh-huh.**
24 A. So he took her girlfriend upstairs. But before
25 they did that her and Boris sniffed cocaine together.

1 Hilary stayed downstairs with Kerrick. Boris took the
2 other young lady upstairs. But before that happened
3 they sniffed cocaine together.
4 **Q. Do you have any reason to believe that Judge**
5 **Green might have used her son's name to fill a**
6 **prescription for Tussionex that she was going to**
7 **consume?**
8 A. Yes.
9 **Q. What -- what do you know about that?**
10 A. Well, she told me. She said the pharmacist
11 turned her away because she came back too quick in
12 between refills.
13 **Q. Uh-huh.**
14 A. So she was going to get a prescription in her
15 son's name, get the doctor to give them some Tussionex
16 in her son's name because she could not get it in hers.
17 (Phone noise)
18 MR. VINSON: Sorry, that's me.
19 Let's go off the record. I'm -- I'm
20 pretty close to done. You want to stop that for a
21 second? You need a break or anything?
22 THE WITNESS: I'm fine.
23 MR. VINSON: Okay. Let's go back on.
24 **Q. (BY MR. VINSON) You were asked -- I guess -- I**
25 **assume you were subpoenaed to -- to give a deposition in**

1 **the divorce matter between Judge Green and her husband**
2 **Ronald.**
3 **Is that correct?**
4 A. Yes, sir.
5 **Q. Did you have a conversation with Judge Green**
6 **about the deposition that you were going to give before**
7 **it happened?**
8 A. When I was first I guess threatened to be
9 subpoenaed I spoke to her --
10 **Q. Uh-huh.**
11 A. -- about it. And her response was -- because I
12 told her I didn't want to go and lie in anyone's
13 courtroom. I've done a lot of things in my life. I'm
14 not going to court I'm lying.
15 So she told me, if I didn't want to lie,
16 stick to the story she was going to tell me, I could
17 plead the 5th.
18 **Q. Did she ever encourage you to lie?**
19 A. Underlying but I -- I was very adamant that I
20 wasn't going to do it.
21 **Q. Well --**
22 MR. HOLLINGSWORTH: I didn't understand.
23 MR. VINSON: Yeah.
24 MR. HOLLINGSWORTH: Say it again.
25 MR. VINSON: I think his words were

1 underlying but I was adamant that I wasn't going to do
 2 it. I think that was the --
 3 THE WITNESS: Correct.
 4 MR. VINSON: -- word. Is that right?
 5 MR. HOLLINGSWORTH: Underlying?
 6 THE WITNESS: Underlying meaning --
 7 MR. VINSON: I'm going to ask him about
 8 it.
 9 MR. HOLLINGSWORTH: Okay.
 10 THE WITNESS: Yeah.
 11 MR. VINSON: Yeah. I'm going --
 12 MR. HOLLINGSWORTH: No problem.
 13 MR. VINSON: -- to ask him.
 14 MR. HOLLINGSWORTH: Sorry.
 15 MR. VINSON: Yeah.
 16 **Q. (BY MR. VINSON) Okay. I -- I understand what**
 17 **you're telling me. You're telling me that it wouldn't**
 18 **matter what anyone said, did, told you, you were not**
 19 **going to lie under oath?**
 20 A. No, sir.
 21 **Q. I understand that part. My -- what I'm really**
 22 **interested in is whether and -- and the answer may be**
 23 **no. I don't -- I don't know.**
 24 A. Uh-huh.
 25 **Q. I wasn't there. But whether Judge Green ever**

1 A. -- that's when she said, well, if you're not
 2 going to lie, you can --
 3 **Q. Uh-huh.**
 4 A. -- take the 5th.
 5 **Q. Okay. So let's focus on the part where you --**
 6 **you're telling us that she encouraged you to lie under**
 7 **oath. What -- do you remember what words like what did**
 8 **she tell you, what did she say?**
 9 **Did she say don't tell them what we --**
 10 A. Well, so far as the time that she and I knew
 11 each other, where we knew each other from.
 12 **Q. Uh-huh.**
 13 A. I knew that was going to be a question. She
 14 knew it as well. And I said well, what did you tell
 15 them.
 16 **Q. Uh-huh.**
 17 A. And she -- she didn't tell me what she told
 18 them. I had no idea. And she said well, you can tell
 19 them whatever.
 20 **Q. Uh-huh.**
 21 A. And I said well, what's -- whatever.
 22 **Q. Uh-huh.**
 23 A. And then that's when she said well, you can
 24 lie, you don't have to tell them the truth.
 25 **Q. Uh-huh.**

1 **encouraged you to lie under oath.**
 2 A. She tried to.
 3 **Q. How did she do that?**
 4 A. She told me directly I don't have to tell the
 5 truth when I told her as far as me being subpoenaed
 6 because I got subpoenaed she said, well, you'd have to
 7 tell the truth. I said, well, I'm not lying. And she
 8 says to me all -- everyone else that's been subpoenaed
 9 is going to take the 5th.
 10 **Q. Uh-huh.**
 11 A. I can do that.
 12 **Q. Uh-huh. Well, I guess I need to understand.**
 13 **There's a big difference between someone taking the 5th**
 14 **and someone lying under oath. You understand that.**
 15 **Right?**
 16 A. Yes, sir.
 17 **Q. All right.**
 18 A. I understand completely.
 19 **Q. And what I'm trying to understand is did you**
 20 **understand Judge Green to be encouraging you to take the**
 21 **5th or be encouraging you to actively lie under oath?**
 22 A. Well, she tried to get me to lie in the
 23 beginning. She told me I could lie. But when I told
 24 her I wasn't going to lie --
 25 **Q. Uh-huh.**

1 A. And she make a reference to -- I hate quoting
 2 people when it's not the exact words. So please bear
 3 with me.
 4 **Q. Uh-huh.**
 5 A. So far as Ronald has his team and people are on
 6 my team. And it was basically saying, if you're on her
 7 team --
 8 **Q. Uh-huh.**
 9 A. -- then you'll do what needs to be done. And I
 10 let her know under no circumstances I'm going to get up
 11 in the courtroom and lie. I'm not going to do it.
 12 That's when she told me, well, if you don't feel
 13 comfortable lying --
 14 **Q. Uh-huh.**
 15 A. -- you can take the 5th.
 16 **Q. And did she use the word lying with you?**
 17 **Did --**
 18 A. Yes.
 19 **Q. -- she say that? Okay.**
 20 **All right. I'm going to -- I'm going**
 21 **to -- I'm going to take a break at this point, let**
 22 **Mr. Hollingsworth ask you some questions. I may have a**
 23 **little cleanup afterwards. But I very much appreciate**
 24 **your time. Is there -- I guess I should just ask you**
 25 **open-endedly.**

1 **Is there someone that you expected that**
 2 **we'd talk about today that we didn't talk about that you**
 3 **want the commission to understand, to know in this**
 4 **matter?**

5 A. Well, I'm -- I'm just looking at someone who
 6 does things across the bench who shouldn't be doing
 7 things she's doing, be it having inappropriate
 8 relationships with her bailiffs.

9 I also know that when I found out about
 10 her and her bailiff Davis I had accused her for about
 11 two years of something going on between them because of
 12 nature of their relationship, phone calls, late calls,
 13 stuff like that. She swore up and down nothing was
 14 happening. But I didn't believe it.

15 So when she and I got back together, so to
 16 speak, it was like she would tell me about one guy one
 17 week then two weeks later another guy. So eventually we
 18 came to Davis. She was in the shower one time. I
 19 grabbed her phone. Davis -- it was about 10:30 that
 20 night.

21 Davis is texting her telling her dress
 22 warm, it's going to be cold out tomorrow. So I said I
 23 thought you stopped text -- talking to him. She said
 24 well, this is about work. And I said no, he's telling
 25 you dress warm tomorrow, it's not work.

1 never told me about Davis until I saw her paperwork in
 2 her house. And that's when she confessed to sending the
 3 picture of her vagina to her bailiff in her courtroom.

4 **Q. Okay. So let me make sure I understand what --**

5 A. That's a lot.

6 **Q. -- we're talking about here. Sounds like**
 7 **there's three --**

8 A. Three different guys.

9 **Q. -- bailiffs or deputies. There's Davis,**
 10 **Robinson and Henney?**

11 A. Kerrick Henney is not a bailiff.

12 **Q. Kenny? Okay.**

13 A. Henney.

14 **Q. Hen -- Henney? Okay.**

15 A. Correct.

16 **Q. And what is -- what is Henney's role?**

17 A. Well, he was friend of their family. He's one
 18 of Ronald's friends.

19 **Q. Did he work anywhere -- in any capacity in her**
 20 **court at all?**

21 A. No. He --

22 **Q. Oh.**

23 A. He had a case in her court but he never -- he
 24 never worked in her court, not that I know of.

25 **Q. He had a case in her court?**

1 So she and I got into a big argument about
 2 it. So I told her under no circumstances -- I said
 3 other than work -- I said I understand he works with you
 4 but outside of work, if you're going to continue to deal
 5 with him, I don't want to deal with you. So she agreed
 6 not to deal with him anymore.

7 Well, one day she left me in her house.
 8 She went to work. All her depositions are out on the
 9 table. I got up and I started reading. So when she
 10 came in I said I thought that you said you and Davis had
 11 no relationship going on. And she lied to my face and
 12 said we don't. I said then why are you being questioned
 13 about sending him pictures of your vagina. And she says
 14 to me I thought I told you about that. And I said no,
 15 you never told me about this.

16 She also sent a picture of her vagina to
 17 another deputy in her court, Kerry Robinson (phonetic).
 18 She told me about that one. But she told me it was only
 19 two pictures that she sent of her vagina, to Kerry --
 20 Kerry Robinson and Kerrick Henney. The names are very
 21 similar. So when she first told me she tried to jumble
 22 them together because I got confused.

23 I'm like Kerrick, Kerry. I thought they
 24 were the same person until later on we got into another
 25 argument and kind of got to the bottom of it. But she

1 A. Yes.

2 **Q. As a -- as a party?**

3 A. Yes.

4 **Q. Do you know whether at the time he had a case**
 5 **in her court he was having any kind of romantic**
 6 **relationship with Judge Green?**

7 A. I'm almost certain of it.

8 **Q. And what do you base that on?**

9 A. From the things that she's told me.

10 **Q. What did she tell you about her relationship**
 11 **with --**

12 A. Well, she --

13 **Q. -- Mr. Henney?**

14 A. -- told me that he was Ronald's friend, she
 15 slept with him. She told me at one point in time that
 16 he was the -- a true father of a child, that Ronald was
 17 not her -- her kid's father. They had been seeing each
 18 other a few years. She was pregnant by him and that he
 19 had a case in her court before.

20 **Q. Do you know -- do you know --**

21 A. I don't --

22 **Q. Do you know when it was he had had a case in**
 23 **her court?**

24 A. I can't recall a year.

25 **Q. Did she -- did she tell you -- like was it --**

1 was it in her court while y'all were having a
 2 relationship or was she talking about like the history,
 3 some kind of past history?
 4 A. It might have been before us. But I got some
 5 information and I think I forwarded it off to Mr.
 6 Hidalgo regarding the case numbers, etcetera.
 7 Q. Okay. Kerry Robinson -- and so -- so that's
 8 Mr. Henney. Other than having maybe a case in front of
 9 the judge --
 10 A. Uh-huh.
 11 Q. -- the other two people are -- were bailiffs
 12 judge -- excuse me -- Bailiff Davis and Bailiff
 13 Robinson -- both were bailiffs in her court. Is that
 14 correct?
 15 A. I think Robinson is a constable or a sheriff --
 16 Q. Uh-huh.
 17 A. -- that had tickets in her court. Kelvin Davis
 18 (phonetic) works in her court with her.
 19 Q. Uh-huh. And you believe that Judge Green had
 20 some kind of sexual relationship with both of these
 21 gentlemen?
 22 A. From what she told me, yes.
 23 Q. And that's based on the words that she told
 24 you?
 25 A. Correct.

1 A. And when I confronted her about Davis she
 2 admitted to it.
 3 Q. You mentioned a couple times court documents
 4 and depositions. I'm trying to understand. Is that
 5 from the divorce matter?
 6 A. Correct.
 7 Q. Okay. And when you said earlier that she left
 8 a bunch of depositions around and you read the
 9 depositions, those were from the divorce matter.
 10 Is that correct?
 11 A. Correct, sir.
 12 MR. VINSON: All right. All right. Well,
 13 I'm going to -- oh, yeah.
 14 Q. (BY MR. VINSON) Was -- was it either Davis
 15 or -- I guess Davis was the only bailiff. Is that
 16 correct?
 17 A. She had two bailiffs.
 18 Q. Yeah. But -- but of the -- of the gentlemen
 19 that we're talking about that you believe Judge Green
 20 had a relationship with the plaintiff is judge (sic)
 21 Davis. Is that correct?
 22 A. Correct. That was the same bailiff that she
 23 was getting -- well, attempting -- I don't know if she
 24 got them or not -- attempting to get drugs from as well,
 25 as far as the Tussionex.

1 Q. And did she tell you that she had texted photos
 2 of herself to these gentlemen that --
 3 A. Yes.
 4 Q. -- were sexually explicit?
 5 A. Yes, sir.
 6 Q. Did you ever see any of the -- the texts or the
 7 photos that she sent?
 8 A. She -- under the impression that -- I said,
 9 well, I need to see these court documents. So she came
 10 home one day. I met her at her house and she had a
 11 bunch of court documents, depositions and everything
 12 that she was willing to show me because I wanted to know
 13 exactly what was going on.
 14 They were very faded. I worked in a law
 15 firm for a number of years so I know you don't bring
 16 faded documents anywhere.
 17 Q. Uh-huh.
 18 A. She gave me these faded documents. Obviously,
 19 the resolution was changed on them.
 20 Q. Uh-huh.
 21 A. But you could clearly see that she sent a
 22 picture of her vagina to Robinson or it might have been
 23 Kerrick Henney. I don't want to -- I know she sent
 24 pictures of her vagina. She told me she did as well.
 25 Q. All right.

1 Q. Oh, you believe that Judge Green was trying to
 2 get Tussionex from --
 3 A. I know so.
 4 Q. Okay. Let me -- let me finish. I'm not
 5 doubting -- I don't -- I wasn't there. I have to ask
 6 the question.
 7 A. Okay.
 8 Q. I don't know. You have reason to believe that
 9 Judge Green was attempting to get Tussionex from her
 10 bailiff Mr. Davis?
 11 A. Yes, sir.
 12 Q. And what is Mr. Davis's first name? Do you
 13 know?
 14 A. Kelvin.
 15 Q. And why do you believe that Judge Green was
 16 attempting to get Tussionex from her bailiff Kelvin
 17 Davis?
 18 A. Well, the night that I spoke on as far as me
 19 seeing him call her she kept saying she had some
 20 business with him.
 21 Q. Uh-huh.
 22 A. And we got into another argument. And then
 23 that's when she told me that she was attempting to
 24 get -- he was -- I was only trying to get Tussionex from
 25 him because I was accusing her of liking him.

1 **Q. Uh-huh.**
 2 A. And she specifically told me no, I don't like
 3 him, he's getting something for me. I'm like getting
 4 what. So when she told me it was the Tussionex she had
 5 asked him for Tussionex my exact words are you're
 6 stupid. I said why would you have your bailiff getting
 7 you Tussionex.
 8 **Q. Uh-huh.**
 9 A. I said what if Ronald gets hold of this.
 10 **Q. Uh-huh.**
 11 A. So she told me directly oh, we talk in codes.
 12 **Q. Uh-huh.**
 13 A. So I said what do you mean talk in codes. And
 14 she said well, we use nuts and bolts for Tussionex and
 15 cookie dough. When I asked her for cookie dough she
 16 said cocaine. I know she told me that she did cocaine
 17 with Boris before.
 18 **Q. Uh-huh.**
 19 A. So I asked her are you doing cocaine. She said
 20 no, it's for a friend. But I knew who the Tussionex was
 21 for.
 22 **Q. Was it Kelvin Davis who -- are -- do you know**
 23 **whether Kelvin Davis was the plaintiff who took the**
 24 **marijuana off of the individual in the courtroom and --**
 25 **and delivered it to Judge Green?**

1 A. She didn't say his name.
 2 **Q. Uh-huh.**
 3 A. But she constantly referred to him like she
 4 knew I didn't want to hear his name.
 5 **Q. Uh-huh.**
 6 A. So whenever she spoke of him she would say my
 7 friend.
 8 **Q. Uh-huh.**
 9 A. And she would refer to a bailiff but she would
 10 always say my friend. She did the same exact thing
 11 (unintelligible) so I only assume -- she never said his
 12 name. But I can only assume that's who she was talking
 13 about.
 14 **Q. You said she did the exact same thing what?**
 15 A. Refer to him as my friend.
 16 **Q. I see. And so she didn't specifically identify**
 17 **Davis as the individual who secured the marijuana**
 18 **that --**
 19 A. No, sir. She did not.
 20 MR. VINSON: All right. Okay. I think
 21 now we're -- I hate to (unintelligible) now we're
 22 actually done. So let's take a break and let -- let him
 23 move over or whatever you want to do, yeah. All right.
 24 MR. HOLLINGSWORTH: So we're back on
 25 camera, Mr. Barnes.

1 EXAMINATION
 2 BY MR. HOLLINGSWORTH:
 3 **Q. My name's Derek Hollingsworth. We shook hands**
 4 **off camera early on today. Right?**
 5 A. Yes, sir.
 6 **Q. Today's the first time we've ever met. Right?**
 7 A. Yes, sir.
 8 **Q. Okay. I'm an attorney. I represent Judge**
 9 **Hilary Green with respect to this Judicial Conduct**
 10 **Commission investigation. Okay?**
 11 A. Yes, sir.
 12 **Q. All right. And all I would ask is that you**
 13 **extend me the courtesy of listening to my questions and**
 14 **answering them as truthfully and honestly as you**
 15 **possibly can.**
 16 A. Okay.
 17 **Q. Is that fair?**
 18 A. Yes, sir.
 19 **Q. If there's anything I ask you don't understand,**
 20 **just tell me to repeat it. I'll do my best to make it**
 21 **clear.**
 22 A. Okay.
 23 **Q. All right. Because Mr. Vinson asked you a**
 24 **bunch of questions I might jump around a little just to**
 25 **kind of ask a few things that I thought of while he was**

1 **asking you questions. So we may skip just a bit so bear**
 2 **with me.**
 3 A. Okay.
 4 **Q. Going back to your background, you grew up in**
 5 **New Jersey?**
 6 A. Correct.
 7 **Q. All right. And then what -- when did you move**
 8 **to Houston?**
 9 A. Moved to Houston 12 years ago.
 10 **Q. Okay. So --**
 11 A. It was -- I don't know what year that was.
 12 I'll be honest with you. Wow, 2004.
 13 **Q. Okay. And what was it that brought you to**
 14 **Houston?**
 15 A. After 9-11 we just wanted to get out of New
 16 York area. It was just -- it wasn't the same so we came
 17 to Houston, visited some friends. We liked what we saw
 18 and we came back maybe six months later.
 19 **Q. Okay. And when you moved down here did you**
 20 **move with someone else?**
 21 A. Yes.
 22 **Q. Who was that?**
 23 A. Noel Johnson (phonetic) and Macai Barnes.
 24 **Q. All right. And Noel Johnson was your -- not**
 25 **your wife but was she a common law wife or --**

1 A. We were engaged at one time.
 2 **Q. Okay. And she was the mother of your child?**
 3 A. Is mother.
 4 **Q. Sorry, is --**
 5 A. Yeah.
 6 **Q. -- the mother of your child, of course.**
 7 A. Yeah.
 8 **Q. And I have to ask this question, Mr. Barnes.**
 9 **Have you been arrested before?**
 10 A. Yes.
 11 **Q. And have you served time in -- in prison?**
 12 A. Yes.
 13 **Q. How long did you serve in prison?**
 14 A. Six months.
 15 **Q. Okay. And was that as a result of a conviction**
 16 **for a cocaine charge?**
 17 A. From 1986, yes.
 18 **Q. Okay. I'm going to show you what I've marked**
 19 **as Exhibit 3 --**
 20 A. Okay.
 21 **Q. -- if I could to your deposition. And all my**
 22 **exhibits are just marked as an exhibit. So it just says**
 23 **Exhibit 3. I'm going to hand that to you and ask you if**
 24 **that is a true and accurate copy --**
 25 A. Yes.

1 **Q. -- of the conviction that you had for --**
 2 A. Yes. I have it here.
 3 **Q. Okay.**
 4 A. (unintelligible).
 5 **Q. And so let's just go over it very quickly if we**
 6 **could. Your full and legal name is Claude Lee Barnes**
 7 **Jr. as reflected on Exhibit 3?**
 8 A. Yes, sir.
 9 **Q. Okay. And so in approximately 1987 you were**
 10 **charged with -- and let me just finish.**
 11 **You were charged with distribution of**
 12 **cocaine, possession of cocaine, possession of cocaine**
 13 **with intent to distribute, distribution of cocaine,**
 14 **possession of a weapon namely a .22-caliber handgun and**
 15 **possession of something they call here dumb dumb**
 16 **bullets.**
 17 **Is that right?**
 18 A. Yes, sir.
 19 **Q. Okay. What are dumb dumb bullets?**
 20 A. To be honest with you, I have no idea.
 21 **Q. That's fine. And what happened was is you**
 22 **pled -- you reached a plea bargain. Is that right?**
 23 A. Correct, sir.
 24 **Q. All right. And you pled guilty to one of those**
 25 **six charges?**

1 A. Yes.
 2 **Q. And that -- that -- what you pled guilty to was**
 3 **distribution of cocaine?**
 4 A. Yes, sir.
 5 **Q. All right. And in return for that plea bargain**
 6 **you received a two-year probationary sentence?**
 7 A. Correct, sir.
 8 **Q. All right. And you actually pled guilty**
 9 **because you were guilty?**
 10 A. Yes, sir. I was.
 11 **Q. All right. And while you were on probation did**
 12 **you violate your probation and then have to go serve**
 13 **time in custody?**
 14 A. Correct. I did.
 15 **Q. And how long did you serve?**
 16 A. Six months.
 17 **Q. Okay. All right. So as we sit here today are**
 18 **you a convicted felon?**
 19 A. Yes, I am.
 20 **Q. Okay. You can't vote?**
 21 A. No. I voted.
 22 **Q. You can vote?**
 23 A. Yeah.
 24 **Q. Can --**
 25 A. I voted here.

1 **Q. Okay.**
 2 A. Yeah.
 3 **Q. You serve on a jury?**
 4 A. No, sir.
 5 **Q. Okay. Possess a firearm?**
 6 A. No, sir.
 7 **Q. Okay. And then tell me, is 832-388-2366 your**
 8 **current cell phone number?**
 9 A. Yes, it is.
 10 **Q. All right. And that's a cell phone number**
 11 **you've had for a number of years?**
 12 A. Correct.
 13 **Q. All right. So when we talk about some of the**
 14 **text messages that you refer to?**
 15 A. Uh-huh.
 16 **Q. Exchanging with Judge Green some of the text**
 17 **messages would have been with respect to that phone**
 18 **number?**
 19 A. Correct.
 20 **Q. All right. And that's a phone number, if I**
 21 **called you right now, would your cell phone ring on that**
 22 **phone number?**
 23 A. No, not today. I -- not today, no. I lost it
 24 two days ago. So I just explained to the gentleman here
 25 I went into the grocery store this morning and the clerk

- 1 gave it to me. I had it turned off so nobody could use
2 it. So I'll be getting it turned back on today.
- 3 **Q. All right.**
- 4 A. But future reference, if you called me, that
5 would be my number.
- 6 **Q. All right. So that's perfect explanation. But**
7 **if we wanted to reach you in the future, the number we**
8 **would call is 832-388-2366?**
- 9 A. Yes, sir. Correct.
- 10 **Q. All right. And you mentioned that you are**
11 **about to leave the state because you got a job offer to**
12 **go work with XM radio?**
- 13 A. Correct, sir.
- 14 **Q. And you're going to be on a radio talk show**
15 **that you're going to host?**
- 16 A. Yes.
- 17 **Q. Okay. And it's called?**
- 18 A. Talk Truth Radio.
- 19 **Q. Talk Truth Radio?**
- 20 A. Correct.
- 21 **Q. All right. And you're going to be broadcasting**
22 **out of New York City?**
- 23 A. Correct.
- 24 **Q. And are you the only person that's hosting the**
25 **radio or is it multiple people?**

- 1 A. It's multiple people.
- 2 **Q. All right. Who else is hosting it?**
- 3 A. No one you would know in particular.
- 4 **Q. That's okay.**
- 5 A. Okay. Rahid, Fresh, Masaya, Malisa, Ashley,
6 Asialee, Ms. Moore (all phonetic).
- 7 **Q. These are all people that are going to be on**
8 **the radio station?**
- 9 A. Correct.
- 10 **Q. Are you-all going to be there at the same time?**
- 11 A. No, sir. There's three to a slot.
- 12 **Q. Okay. So what time will your show come on?**
- 13 A. Two to six.
- 14 **Q. Okay. So you'll be there from two to six?**
- 15 A. Correct.
- 16 **Q. Will you be talking the whole time?**
- 17 A. Yes. And taking calls in different forums,
18 yes.
- 19 **Q. Mr. Barnes, skipping just a little bit?**
- 20 A. Uh-huh.
- 21 **Q. I think we -- you talked about earlier with**
22 **Mr. Vinson that you and Judge Green had a romantic**
23 **relationship for about five years.**
- 24 A. Correct.
- 25 **Q. All right. And that was from about 2010 to**

- 1 **2015?**
- 2 A. It was from February 9th when I first met her
3 2010 up until October 23rd of last year.
- 4 **Q. I take it that relationship in your mind at the**
5 **time was pretty serious?**
- 6 A. In both our minds.
- 7 **Q. Right. I mean you -- you were fond of each**
8 **other?**
- 9 A. Yeah.
- 10 **Q. You loved her?**
- 11 A. Yes.
- 12 **Q. You, in fact, hoped to get married to her?**
- 13 A. We talked about it.
- 14 **Q. That was something that you wanted as well?**
- 15 A. Yeah.
- 16 **Q. Was it as close of relationship you've had with**
17 **someone as anyone?**
- 18 A. Well, what do you mean? So far as women are
19 concerned?
- 20 **Q. Yes, sir.**
- 21 A. I would think so.
- 22 **Q. You were fond of her son Christopher?**
- 23 A. I've never met him.
- 24 **Q. So despite being that close for that long you**
25 **hadn't had an opportunity to meet Christopher?**

- 1 A. No, sir.
- 2 **Q. And was that due to the dynamic of your**
3 **relationship because she was married to Ron and -- and**
4 **candidly y'all were having an affair? Right?**
- 5 A. Also --
- 6 **Q. Is that right?**
- 7 A. Yes, sir.
- 8 **Q. Okay. And then what else did you want to say?**
- 9 A. Also, once they separated from what she told me
10 I was on some kind of list that I couldn't come around
11 her kid. So those two dynamics, that's what caused that
12 I would think.
- 13 **Q. How is it that you remember the specific date**
14 **that you first met her?**
- 15 A. Well, we always talk about that's our
16 anniversary date.
- 17 **Q. Okay. And so you remember February 19th, 2010**
18 **pretty vividly as the date you first met her?**
- 19 A. Yes, sir.
- 20 **Q. Okay. And did you know from the early time**
21 **when you met her that she was a sitting judge?**
- 22 A. The first night I found out, yes.
- 23 **Q. Okay. I take it when you dated you saw each**
24 **other pretty frequently.**
- 25 A. Very frequently.

- 1 **Q. About four times a week at least?**
 2 A. Yeah. Yes. I apologize.
 3 **Q. And Judge Green would sometimes buy you things.**
 4 **Is that fair?**
 5 A. We both bought each other things.
 6 **Q. Yeah. But she --**
 7 A. Yeah.
 8 **Q. -- helped you out financially, didn't she?**
 9 A. Yes.
 10 **Q. I mean you had some times when you were going**
 11 **through some rough financial times.**
 12 A. Correct.
 13 **Q. Is that fair?**
 14 A. Yes.
 15 **Q. Okay. She helped you pay your car note. Is**
 16 **that right?**
 17 A. Correct.
 18 **Q. She helped you with your rent?**
 19 A. Correct.
 20 **Q. She bought you clothes sometimes?**
 21 A. A shirt.
 22 **Q. Did she buy you the shirt you're wearing today?**
 23 A. No.
 24 **Q. Okay.**
 25 A. A -- I was going to wear it but no.

- 1 **Q. And you -- well, but you thought that in**
 2 **fairness. Right?**
 3 A. I did.
 4 **Q. And then you thought that she was being**
 5 **faithful to you. When I say she, Judge Green. Right?**
 6 A. From what she told me, yes.
 7 **Q. Yeah.**
 8 A. I can only go by what someone tells me.
 9 **Q. Right. And then later on what you've said is**
 10 **you learned or you believe that that was not true?**
 11 A. Well, I found that was definitely not true.
 12 **Q. Right. You -- you found out what you've said**
 13 **is you found out she was cheating on you. Right?**
 14 A. Yeah.
 15 **Q. And of course that -- just like any man, that**
 16 **would anger them.**
 17 A. Yeah.
 18 **Q. You got pretty pissed off?**
 19 A. Yeah.
 20 **Q. Take it personally?**
 21 A. I did.
 22 **Q. Probably were bitter and hurt?**
 23 A. Yeah.
 24 **Q. Okay. And of course -- is there something**
 25 **funny?**

- 1 **Q. Okay. Did she pay your phone bills?**
 2 A. One time.
 3 **Q. Okay. She would sometimes go to family events**
 4 **with you?**
 5 A. Well, my son's football game. That's not a
 6 family event but my son's football game.
 7 **Q. Okay. I mean I guess what I'm trying to figure**
 8 **out is with respect to the relationship you had under**
 9 **the dynamic you had --**
 10 A. Uh-huh.
 11 **Q. -- it was a pretty close and intimate**
 12 **relationship?**
 13 A. Yes.
 14 **Q. I mean you considered yourselves -- at least**
 15 **from your perspective you considered yourselves to be**
 16 **exclusive?**
 17 A. Well, I -- I would say yes and from what she
 18 told me which I found out not to be true later on that
 19 was the -- the same sentiment.
 20 **Q. Right. You -- you've said that earlier to**
 21 **Mr. Vinson that -- that you believed that you had a**
 22 **romantic and exclusive relationship.**
 23 A. Yeah. That's what --
 24 **Q. And --**
 25 A. -- I was led to believe.

- 1 A. Well, I'm just looking at the picture you're
 2 trying to paint of me but --
 3 **Q. I'm not --**
 4 A. -- go ahead.
 5 **Q. -- trying to paint a picture. I'm just -- just**
 6 **like Mr. Vinson, I'm just trying to ask you questions.**
 7 A. Okay.
 8 **Q. Right? May I do that?**
 9 A. Sure.
 10 **Q. Okay. And by the way, I don't -- when you say**
 11 **I'm trying to paint a picture of you what do you mean by**
 12 **that?**
 13 A. Well, when you say very bitter and hurt I mean
 14 that's obvious. For me to sit here and say I wasn't
 15 hurt that would be a boldface lie. And that's one thing
 16 I'm not a liar. I believe in the painful truth.
 17 **Q. Well, that's why I'm asking. I mean --**
 18 A. Okay.
 19 **Q. -- why do you think I'm trying to paint**
 20 **something if you're merely answering my questions**
 21 **according to you truthfully?**
 22 A. You're -- you're right.
 23 **Q. I mean isn't it fair to say in all fairness**
 24 **that you and Judge Green had a five-year relationship**
 25 **that you felt like she cheated on you -- and I'm not**

1 trying to say she did or didn't.
 2 But you certainly became -- you began to
 3 believe she was cheating on you?
 4 A. Uh-huh.
 5 Q. The relationship ended and that left you bitter
 6 and hurt?
 7 A. Yeah.
 8 Q. Right?
 9 A. That's an accurate depiction.
 10 Q. All right.
 11 A. Yes.
 12 Q. And it was at that time that you began to file
 13 complaint with the Judicial Conduct Commission, talk to
 14 her ex-husband Ron Green and began to say things that
 15 you knew about her that were private and that would hurt
 16 her.
 17 Isn't that right?
 18 A. Not entirely.
 19 Q. Okay. Which -- which part of it is right?
 20 A. Well, I began to talk to Ronald.
 21 Q. Right after basically in October of 2015 right
 22 around the time that y'all had your kind of final
 23 blow-up. Right?
 24 A. Yes.
 25 Q. All right. And you began to help Ronald and

1 right around that same time laying out some of that dirt
 2 that you said you knew. Right?
 3 A. Correct.
 4 Q. All right. And that was all the result of you
 5 being -- feeling like you were hurt and spurned by her.
 6 Right?
 7 A. No.
 8 Q. Well, you never did it before. Right?
 9 A. Well, no. I didn't do it before.
 10 Q. I mean can't we -- again, I'm not trying to
 11 trick you. But can't we agree --
 12 A. You can't trick me.
 13 Q. I know. I'm sure I can't. I'm trying to be
 14 fair here and get --
 15 A. Uh-huh.
 16 Q. What I want to understand is the first time
 17 that you ever decided to talk about this --
 18 A. Uh-huh.
 19 Q. -- was after you were angry with Judge Green
 20 over her cheating on you. Right?
 21 A. I wouldn't say it's the first time I decided to
 22 do it. It's the first time I actually did it. There
 23 was a few other times where we talked about it and she
 24 kind of talked me off and put it back in the box.
 25 And then once I gave her those cell phones

1 tell him things that you knew would help him with his
 2 divorce?
 3 A. Yeah.
 4 Q. And he accepted that, did he not?
 5 A. Yes.
 6 Q. I mean he was probably chomping at the bit to
 7 talk to someone like you because he was going through an
 8 incredibly bitter and nasty divorce and you could help
 9 him in his mind. Right?
 10 A. You would have to ask him that. I don't know
 11 the content of his mind.
 12 Q. But I'm asking you, your perception of that.
 13 Did he seem like he was pretty eager to talk to you?
 14 A. Yeah.
 15 Q. And you had a lot of dirt on Hilary, didn't
 16 you, on Judge Green?
 17 A. Enough.
 18 Q. I mean you've kind of talked about it today.
 19 Right?
 20 A. Yeah.
 21 Q. And so not only did you talk to Ronald Green --
 22 A. Uh-huh.
 23 Q. -- about the dirt that you knew on Judge Green?
 24 A. Uh-huh.
 25 Q. But you also filed a Judicial Conduct complaint

1 the change -- it was like automatic, just she changed.
 2 Once I gave her the cell phones, didn't have the
 3 evidence anymore, it became kind of loose from the hip.
 4 So...
 5 Q. So again, what I'm trying to find out is just
 6 from a -- from a time line perspective.
 7 A. Uh-huh.
 8 Q. The first time you talked to Ron Green and
 9 began to talk to him about Judge Hilary Green and right
 10 when you talked to the Judicial Conduct Commission
 11 about --
 12 A. Uh-huh.
 13 Q. -- things was in 2015 right after everything
 14 kind of exploded with --
 15 A. Correct.
 16 Q. Right? Just from a timing perspective?
 17 A. Yes. Correct.
 18 Q. And the reason you decided to do that is
 19 because you were angry at her over infidelity?
 20 A. Not only that, I will say -- like I said, I'm
 21 not a liar. So I can agree with a large part of what
 22 you just said. But the other part is you got a dirty
 23 judge on the bench in my opinion. That's just my
 24 opinion.
 25 Q. Okay.

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1 A. Someone --

2 **Q. So --**

3 A. -- sitting on the bench high, reckless judging

4 over people's lives waving a finger but you're doing the

5 same thing, you're telling people to stay in school and

6 don't get high and you're doing the same thing.

7 **Q. So couple things, have you ever appeared as a**

8 **party or a witness in Judge Green's court?**

9 A. No.

10 **Q. Okay. Have you ever physically been into Judge**

11 **Green's court?**

12 A. No.

13 **Q. Have you ever seen Judge Green on the bench**

14 **before?**

15 A. No.

16 **Q. Have you ever seen her interact with litigants**

17 **in her court?**

18 A. No but I've heard her.

19 **Q. Have -- how have you heard her?**

20 A. Well, she talked to me on the phone plenty

21 while she was on the bench.

22 **Q. Okay. She talked to you on the phone while she**

23 **was on the bench. But you were never there to see her**

24 **interact with anyone?**

25 A. No, sir.

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1 **Q. Okay. And so I guess you were concerned about**

2 **some of the ways that you say she behaved and her being**

3 **a, quote, dirty judge. Right?**

4 A. Correct.

5 **Q. Okay. But that is not something you decided to**

6 **speak about or tell anyone about until you broke up?**

7 A. Correct.

8 **Q. You said that your relationship with Judge**

9 **Green ended on October 23rd, 2015. You remember that**

10 **date specifically?**

11 A. Yes.

12 **Q. And why is that?**

13 A. Well, I look at my text messages on my phone

14 quite a bit, the nature of the conversation. And I

15 informed her that that would be our last day seeing each

16 other. We met at Starbucks in the Galleria. She drove

17 home and I went back to my house.

18 So on the way back to my house I called

19 her on her cell phone and I informed her this was our

20 last time seeing each other and I wanted to come by and

21 see her. We had sex. She told me -- and I quote -- I

22 didn't know this is our last time going to see each

23 other.

24 I went to her house. We had sex. The

25 very next day she was notified that I did a affidavit

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1 for Ronald. She text me, in big words, affidavit

2 really. And that was it.

3 **Q. Some of these texts that you've mentioned**

4 **during either talking to me or talking to Mr. Vinson?**

5 A. Uh-huh.

6 **Q. Do you have any of these texts?**

7 A. Yes, I do.

8 **Q. Okay. What do you have?**

9 A. Text message where she talks about destroying

10 the phones.

11 **Q. Okay. Where do you have those?**

12 A. I have them on a flash drive.

13 **Q. Okay. And so you have on a flash drive right**

14 **now a text message from Judge Green where she talks**

15 **about destroying phones?**

16 A. Yes, sir.

17 **Q. And what does it say?**

18 A. I can't quote it word for word.

19 **Q. Just do your best.**

20 A. It was an agreement -- because I told her I

21 wasn't coming to her house unless she invited me via

22 text. So she invited me via text and she discussed why

23 I was coming there.

24 **Q. Which was what?**

25 A. To --

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1 **Q. I mean what did she say. I'm just trying to**

2 **figure out --**

3 A. Okay, to --

4 **Q. -- what the text --**

5 A. -- give her the --

6 **Q. -- might say.**

7 A. -- phone so we could -- so she can destroy the

8 phones any way that she fit and I can watch her.

9 **Q. Okay. So in other words, you have a text**

10 **message -- and I -- I'm not trying to nail it down from**

11 **a quote.**

12 A. Uh-huh.

13 **Q. So let's be fair. I'll -- let's be fair about**

14 **that.**

15 A. Okay.

16 **Q. But you have a text message from Judge Green to**

17 **you that says come over to my house, bring your phones**

18 **so that I can destroy them in any way I see fit?**

19 A. Yes.

20 **Q. Okay. And so we can actually read that and**

21 **tell it's from her?**

22 A. Yes.

23 **Q. All right. What else besides that?**

24 A. You mean what other text --

25 **Q. Any --**

- 1 A. -- messages?
- 2 **Q. What other texts that would be -- support**
- 3 **anything you've said today?**
- 4 A. I can't recall right offhand. For me to sit
- 5 here and just try to throw some up in the air I can't
- 6 recall. I can recall that.
- 7 **Q. Okay. But you don't remember any other texts**
- 8 **that you have on a -- on a thumb drive or a flash drive**
- 9 **right now?**
- 10 A. Not in particularly, no.
- 11 **Q. Okay. And have you provided those text**
- 12 **messages to anyone?**
- 13 A. Yes.
- 14 **Q. Who?**
- 15 A. Mr. Hidalgo.
- 16 **Q. All right. What about Ron Green or his**
- 17 **attorney? Well, I guess he's representing himself.**
- 18 A. No. I haven't given it to him yet.
- 19 **Q. Okay.**
- 20 A. No.
- 21 **Q. Does he know you have them?**
- 22 A. Yes. He knows I have it.
- 23 **Q. And he knows you have them because you told**
- 24 **him?**
- 25 A. Yes.

- 1 **Q. All right. You've been actively assisting Ron**
- 2 **Green with his divorce against Hilary. Is that fair?**
- 3 A. I took a deposition.
- 4 **Q. I know you took a deposition.**
- 5 A. Uh-huh.
- 6 **Q. But you've been speaking with him and answering**
- 7 **his questions and providing him information?**
- 8 A. Well, I've spoken to him, yes. We've never
- 9 met.
- 10 **Q. You've never met in person?**
- 11 A. No, sir.
- 12 **Q. How many times have you spoken with him on the**
- 13 **phone?**
- 14 A. A few times.
- 15 **Q. More than 10?**
- 16 A. Around 10, maybe a little more.
- 17 **Q. More than 15?**
- 18 A. Around 10, maybe a little more.
- 19 **Q. Okay. I'm just trying to figure out is a**
- 20 **little more 15. I'm just getting an idea.**
- 21 A. In the earlier stages before I took a
- 22 deposition we spoke frequently.
- 23 **Q. Okay.**
- 24 A. After that slowed down. So for me to stamp a
- 25 number on it I wouldn't do that. I will say more than

- 1 10.
- 2 **Q. And the times you're talking with Ron Green are**
- 3 **you providing him information that he can use in his**
- 4 **divorce against Hilary?**
- 5 A. Well --
- 6 **Q. Against Judge Green? Sorry.**
- 7 A. I can only give him what I know -- talk about
- 8 what I know about. I don't know what else she does. I
- 9 don't see her anymore. We don't talk. So whatever she
- 10 does in her life or whomever else she was cheating
- 11 with -- I can only attest to what I know.
- 12 **Q. Right. But you're more than willing to share**
- 13 **what you know --**
- 14 A. Correct.
- 15 **Q. -- with Ron Green because you hope and believe**
- 16 **it will help him in his divorce against Judge Green. Is**
- 17 **that right?**
- 18 A. Well, if it does, it doesn't, you know, as I
- 19 spoke to him before, the most important thing in this
- 20 whole thing is your child. So I would never -- I don't
- 21 care what she's done to me never want to see her son
- 22 without his mom. That's important.
- 23 **Q. So you don't have any -- nothing that you've**
- 24 **done has -- has been with the desire to impact Judge**
- 25 **Green's custody of her son Christopher?**

- 1 A. I can only tell the truth. What --
- 2 **Q. That's not what I'm asking. I know that you've**
- 3 **said that a million --**
- 4 A. Yeah.
- 5 **Q. -- times that you can only tell the truth. I**
- 6 **got it.**
- 7 A. Okay.
- 8 **Q. I'm trying to ask you a question, which is: In**
- 9 **your conversations with Ron Green has it been your**
- 10 **intention to assist him in his divorce against Hilary?**
- 11 A. I will say yes.
- 12 **Q. Okay. Has it also been your intention to**
- 13 **assist Ron Green in his efforts to keep Judge Hilary**
- 14 **Green from having custody of Christopher, her son?**
- 15 A. No.
- 16 **Q. So you're saying that's not anything that's a**
- 17 **goal of yours?**
- 18 A. No. I know for a fact that Hilary loves her
- 19 son. I know that. Regardless of any bad blood between
- 20 us or not I know she loves her son. I've told him that
- 21 and I've told her that. So so far as me doing anything
- 22 to sever anyone from their child, that's not my goal,
- 23 no.
- 24 **Q. Okay. Is it your goal to try to get criminal**
- 25 **charges filed against Judge Hilary Green?**

- 1 A. I'm going to say this and you're going to say
2 you told me that already. So the best way I can answer
3 that is I'm just speaking the truth. If that comes out
4 of it, then that's of her dealing. You know, you --
- 5 **Q. Well, have you -- have you actively sought to
6 get criminal charges filed against Judge Hilary Green?**
- 7 A. I've only told what I know.
- 8 **Q. Well, that's not --**
- 9 A. I --
- 10 **Q. -- what I'm asking.**
- 11 A. Well --
- 12 **Q. I'm asking have you taken steps, sir.**
- 13 A. Uh-huh.
- 14 **Q. Have you gone to the DA's office?**
- 15 A. Yes, I have.
- 16 **Q. Okay. So you have taken your own steps to try
17 to get criminal charges filed against Judge Hilary
18 Green. Right?**
- 19 A. Yes.
- 20 **Q. Okay. Simple question.**
- 21 A. Okay.
- 22 **Q. So that is something that obviously is a goal
23 of yours. Right?**
- 24 A. Yes.
- 25 **Q. Right. And I get it you've said all I've done**

- 1 is go down there and tell the truth. But you're the one
2 that took -- supposedly took time out of your day --
- 3 A. Uh-huh.
- 4 **Q. -- to affirmatively go down to the DA's office
5 and speak with them. Right?**
- 6 A. Yes.
- 7 **Q. No one at the DA's office called you and said
8 come down here. Right?**
- 9 A. No.
- 10 **Q. Right. You did that on your own. Right?**
- 11 A. Yes.
- 12 **Q. Okay. And not only do it on -- did you do it
13 on your own, but you told Judge Hilary Green that you
14 were going to do this. Right?**
- 15 A. Yes.
- 16 **Q. And you threatened her that, if she didn't talk
17 to you and, quote, come clean with you, that you were
18 going to seek to get her charged with a crime. Right?**
- 19 A. From what I knew, yes.
- 20 **Q. Yes.**
- 21 A. From the information that I knew, yes.
- 22 **Q. And you repeatedly told her that, did you not?**
- 23 A. I wouldn't say repeatedly. I guess you
24 could --
- 25 **Q. What is your --**

- 1 A. -- say more --
- 2 **Q. -- definition of --**
- 3 A. Well, I guess --
- 4 **Q. Of repeatedly?**
- 5 A. -- you would say more than one occasion, yes.
6 I told her that, yes.
- 7 **Q. All right. You told her that when you talked
8 to her. You told her that in text messages that you
9 were going to get her charged with a crime. Right?**
- 10 A. Yes.
- 11 **Q. You told her that you were going to help Ron in
12 any way you could with his divorce. Right?**
- 13 A. I don't recall saying that.
- 14 **Q. You -- I'm not -- I'm not trying to quote. But
15 generally you told her that you were going to give Ron
16 information to help him in his divorce. Right?**
- 17 A. I never told her. I just did it.
- 18 **Q. When I say told I'm talking about texts or oral
19 communications.**
- 20 A. I don't recall it. So for me to sit here and
21 say I did something I'm not going to do that.
- 22 **Q. Okay. Well, you certainly told her that you
23 were going down to the DA's office and you were going to
24 file criminal charges if --**
- 25 A. Yes.

- 1 **Q. -- she didn't call you back and if she didn't
2 talk to you. Right?**
- 3 A. Not call me back, tell me the truth.
- 4 **Q. You wanted to talk with her and meet with her,
5 didn't you?**
- 6 A. She wanted to talk and meet with me as well.
- 7 **Q. But you were asking her call me, I want you to
8 come clean with me, all you have to do is talk with me
9 and I won't go down to the DA's office and file charges.
10 Weren't you saying those things to her?**
- 11 A. I don't recall those exact words.
- 12 **Q. I'm not saying exact words. I'm saying
13 generally --**
- 14 A. Okay.
- 15 **Q. -- that's what --**
- 16 A. In general.
- 17 **Q. -- you said to her. Right?**
- 18 A. Then I will say I told her to come clean with
19 me.
- 20 **Q. Or what?**
- 21 A. Or I was going to out her.
- 22 **Q. How?**
- 23 A. By tell -- doing what I'm doing right now,
24 telling the truth.
- 25 **Q. And going to the DA's office and getting her**

1 **charged with a crime. Right?**
 2 A. And go down to the DA's office and tell the
 3 truth about what I knew.
 4 **Q. You told her you were going to put her in jail.**
 5 A. I have no power authority to put someone in
 6 jail.
 7 **Q. I didn't say you did or didn't. I just said**
 8 **you said that.**
 9 A. I don't recall saying that.
 10 **Q. Okay. Did you physically assault Judge Hilary**
 11 **Green?**
 12 A. No.
 13 **Q. Have you ever hit her?**
 14 A. No.
 15 **Q. Did you come over to her home and confront her**
 16 **about your belief that she was cheating on you?**
 17 A. Yes, I did.
 18 **Q. And during that confrontation did you assault**
 19 **her in any way?**
 20 A. No.
 21 **Q. Did she have to call 911 or the police?**
 22 A. I came to her house one time. She never let me
 23 in. We never saw each other. From what she told me she
 24 didn't call the police. I know when I was on the phone
 25 with her I heard a walkie-talkie or something in the

1 **Q. Right? Now you're -- we're taking one small**
 2 **event out of context. Right?**
 3 A. I'm just going by what you said.
 4 **Q. What did you say that --**
 5 A. You said you angrily ended the relationship.
 6 That morning I wasn't angry.
 7 **Q. Right. But I'm -- I'm not trying to focus just**
 8 **on one morning.**
 9 A. Okay. I get you.
 10 **Q. The ending of your relationship, however long**
 11 **it was and the aftermath of --**
 12 A. Uh-huh.
 13 **Q. -- it there's a lot of anger.**
 14 A. Right.
 15 **Q. Is that fair?**
 16 A. Yeah.
 17 **Q. Okay. But it's your testimony that you never**
 18 **physically assaulted?**
 19 A. No, sir.
 20 **Q. You never grabbed her? You never hit her?**
 21 A. No.
 22 **Q. Ever?**
 23 A. Never.
 24 **Q. Okay. You mentioned that during your**
 25 **relationship with Judge Green there was a time or two I**

1 background.
 2 And she adamantly denied that she called
 3 the police. Now whether she did or not I have no idea.
 4 **Q. When was that?**
 5 A. This was in 2015.
 6 **Q. Near the end of your relationship?**
 7 A. Correct.
 8 **Q. All right. So in 2015 there's a lot going on.**
 9 **So let's just kind of break it down for a minute.**
 10 A. Uh-huh.
 11 **Q. 2015 you end your relationship with Judge**
 12 **Hilary Green. Right?**
 13 A. Correct.
 14 **Q. You end it in an angry way because of your**
 15 **belief that she's cheating on you. Right?**
 16 A. To be honest with you, the morning I left her
 17 house there was no anger.
 18 **Q. Well, there certainly was after that.**
 19 A. Well, after that, yeah. But when you say I
 20 ended it angrily that's not accurate. When we left
 21 we -- she thanked me for coming over. I told her this
 22 is our last time seeing each other and I left. So there
 23 was no anger at that --
 24 **Q. But that wasn't the end of it.**
 25 A. That wasn't the end of it, no.

1 **think that Ron Green texted you using Judge Hilary**
 2 **Green's phone and pretending to be Judge Hilary Green.**
 3 **Is that right?**
 4 A. One time.
 5 **Q. Okay. That was one time? And when was that?**
 6 A. Oh, wow. I can't narrow down the month.
 7 Whenever the date he caught her cheating with Anthony
 8 Bradford, whatever day that was I'm sure you could find
 9 out better than me.
 10 **Q. Can we -- can we try for a year first?**
 11 **Let's do a year. Do you think it was**
 12 **2015? 2014?**
 13 A. I will say 2014.
 14 **Q. And then is there a way for you to figure out**
 15 **what time of year?**
 16 A. No. I don't want to do that. I don't want to
 17 lie.
 18 **Q. Okay.**
 19 A. Or make up something that's not true.
 20 **Q. Okay. With respect to you talking with Ronald**
 21 **Green, did you -- I think you said earlier you reached**
 22 **out to Ronald Green first?**
 23 A. Correct.
 24 **Q. Did you pick up the phone and call him?**
 25 A. Yes.

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1 **Q. And what did you say to him in that first phone**
 2 **call? I don't need a quote, just generally.**
 3 A. I left a message. He didn't answer. I told
 4 him this is Claude Barnes, we need to talk, and I hung
 5 up.
 6 **Q. And then what?**
 7 A. And maybe a day or two later he called me back.
 8 **Q. Tell me about that conversation.**
 9 A. If I could recall, the first thing he said to
 10 me is I knew you'd be calling, she must have did
 11 something. And I said yeah. And I told him that she
 12 told me she had been sleeping with somebody unprotected
 13 a day before she slept with me.
 14 She had been lying about having been in
 15 her house and basically told him what I had experienced,
 16 the lies, you know, sort of putting two and two
 17 together. And then before I really got in deep he was
 18 like I need you to take a deposition.
 19 **Q. And so then did you continue to talk to him in**
 20 **preparation for that deposition?**
 21 A. Actually, no. I didn't. That -- when he said
 22 I need you to take a deposition I felt like he was
 23 trying to kind of cut me off like save it. So I didn't
 24 talk to him frequently after that. It took a minute for
 25 them -- for Kelly, his attorney, to contact me.

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1 **Q. Did she interview you?**
 2 A. Yes, she did.
 3 **Q. How many times?**
 4 A. Once.
 5 **Q. In person or over the phone?**
 6 A. In person.
 7 **Q. At her office?**
 8 A. Yes.
 9 **Q. Okay. How long was that interview?**
 10 A. Maybe an hour.
 11 **Q. Okay. And then after that did you speak with**
 12 **the attorney -- Kelly, is that her name?**
 13 A. Correct.
 14 **Q. Kelly or Ron before your depo again?**
 15 A. Yes.
 16 **Q. How many times?**
 17 A. I can't recall. It wasn't -- it wasn't a lot.
 18 **Q. Okay.**
 19 A. I spoke to Kelly maybe once or twice. I spoke
 20 to Ronald maybe four or five times.
 21 **Q. All before your depo?**
 22 A. Oh, wow. I will say -- let's say I spoke to
 23 Kelly twice. And if I spoke to Ronald five times, maybe
 24 two or three before the depo, twice after.
 25 **Q. Did Ron assist you in filing your Judicial**

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1 **Conduct complaint in any way?**
 2 A. No, sir.
 3 **Q. Did he suggest it?**
 4 A. No, sir.
 5 **Q. Did his attorney suggest it?**
 6 A. No, sir.
 7 **Q. So that was something you came up with on your**
 8 **own?**
 9 A. Yes, sir.
 10 **Q. How did you figure out how to do it?**
 11 A. Honestly, I Googled it.
 12 **Q. Okay.**
 13 A. What do you do in the case of a corrupt judge
 14 and a bunch of things came up. And I called and I
 15 called and I called until something came up. But no one
 16 ever assisted me at all.
 17 **Q. Did you tell Ronald Green you were going to do**
 18 **that?**
 19 A. Yes, I did.
 20 **Q. What was his reaction?**
 21 A. Do what you're going to do.
 22 **Q. Okay. But he never encouraged you to do it**
 23 **or --**
 24 A. Not --
 25 **Q. -- helped you in any way?**

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1 A. -- in one least bit.
 2 **Q. I'm going to hand you what I've marked as**
 3 **Exhibit 2 and just ask you if you could tell me what**
 4 **that is.**
 5 A. Okay. Looks like my statement that I sent.
 6 **Q. Okay.**
 7 A. To the Judicial Conduct. This is a screen shot
 8 of the time she and I had a threesome at the Crowne
 9 Plaza.
 10 **Q. And you're looking at a -- it's a -- it's a**
 11 **page here that's I think page four that's really hard to**
 12 **see because it's pretty blacked out?**
 13 A. Yeah.
 14 **Q. But then -- and then -- and after that there's**
 15 **a image of a receipt from a Crowne Plaza. Right?**
 16 A. Correct.
 17 **Q. And then I will tell you that after that**
 18 **there's a color copy that I believe -- well, you can**
 19 **tell me what this is. Actually, probably --**
 20 A. Well, this is a screen shot of the night that
 21 we stayed at Crowne Plaza. She reserved a room in her
 22 name, which is -- her maiden name Hilary Harmon.
 23 **Q. Okay.**
 24 A. And then I paid for it in cash the next
 25 morning.

1 **Q. Okay. And then the last page?**
 2 A. This is another stay at the Crowne Plaza, the
 3 receipt.
 4 **Q. Okay. And can you just -- for purpose of the**
 5 **record tell me that the Crowne -- the two Crowne Plaza**
 6 **receipts are the same, one's just a more legible copy**
 7 **than the other?**
 8 A. No. They're different.
 9 **Q. Okay. Tell me how they're different.**
 10 A. The dates. We stayed at crown -- I never
 11 stayed at the Crowne Plaza, period.
 12 **Q. Okay.**
 13 A. Other than with her. The dates are completely
 14 different. One is for 6-9-2012.
 15 **Q. Okay. What's the other one?**
 16 A. And the other one -- I don't have my glasses.
 17 I'm sorry.
 18 **Q. Now look if you could -- well --**
 19 A. It's --
 20 **Q. Go ahead.**
 21 A. -- 8-13.
 22 **Q. All right. So the --**
 23 A. The dates are different.
 24 **Q. So -- I'm sorry. The screen shot that you're**
 25 **referring to, this color screen shot of a computer**

1 manager was out that day.
 2 So they told me to come back the very next
 3 day. And when I did he assisted me in getting the
 4 information that I needed.
 5 **Q. And so the manager did this?**
 6 A. Yes.
 7 **Q. So the -- so what we're looking at on this**
 8 **screen shot of Exhibit 2 is you going to the Crowne**
 9 **Plaza, the manager pulling up something on a computer**
 10 **and you taking a cell phone picture of it?**
 11 A. Yes.
 12 **Q. Okay. All right. And when did you do that?**
 13 A. Maybe like a week before I took my deposition.
 14 **Q. A week before you took your deposition in the**
 15 **divorce case?**
 16 A. Correct.
 17 **Q. All right. So if your deposition was taken**
 18 **December 7th, 2015, you would have taken a screen shot**
 19 **of this around December 1st?**
 20 A. Around. I don't know exact date but I know it
 21 was before.
 22 **Q. And why were you doing that?**
 23 A. To prove what I was saying was true.
 24 **Q. Okay. Did -- who suggested that you do that?**
 25 A. No one.

1 screen you're saying is a different date and a different
 2 stay at the Crowne Plaza?
 3 A. Yes, sir.
 4 **Q. Besides the receipt that is on the last page of**
 5 **this exhibit -- is that right?**
 6 A. Correct. Yes, sir.
 7 **Q. Two different dates?**
 8 A. Correct.
 9 **Q. And tell me the two different dates if you**
 10 **could, please.**
 11 A. One is -- date was August 13th.
 12 **Q. Okay. So the Crowne Plaza is August 13th.**
 13 **It's the screen shot of a computer screen?**
 14 A. Correct.
 15 **Q. And then the Crowne Plaza receipt like we --**
 16 **which is the last page of Exhibit 2 is --**
 17 A. Uh-huh.
 18 **Q. -- June 9th, 2012?**
 19 A. Correct.
 20 **Q. Okay. And how did that -- how did you get that**
 21 **screen shot?**
 22 A. I went to the Crowne Plaza and told them the
 23 information I was looking for to explain to them as I
 24 did to you I had only stayed there twice. So I wanted
 25 to know if they had some kind of records of it. The

1 **Q. Why did you want to prove that what you're**
 2 **saying is true?**
 3 A. Well, I don't want to come across as a liar or
 4 not credible. So I figured I better get some kind of
 5 proof.
 6 **Q. Why were you concerned about that?**
 7 A. Well, just normal human nature. If you say
 8 something like this dealing with this nature you better
 9 come across very credible.
 10 **Q. All right. So this was your and your idea**
 11 **alone to go do this?**
 12 A. Yes, sir.
 13 **Q. Okay. And -- and what you're saying is this**
 14 **screen shot that you took with your cell phone is meant**
 15 **to prove that you and Judge Green stayed in a hotel**
 16 **namely the Crowne Plaza on August the 13th of two**
 17 **thousand and --**
 18 A. It was the same year, 2012.
 19 **Q. And 12?**
 20 A. Correct.
 21 **Q. Okay.**
 22 A. This was the night that we had the escort. I
 23 knew for a fact that she -- that we stayed there. So
 24 that was my way of showing this is the date that we had
 25 the threesome.

1 **Q. Okay. All right. So back to your statement**
 2 **which is Exhibit 2 the first page?**
 3 A. Okay.
 4 **Q. Who prepared this for you?**
 5 A. I did.
 6 **Q. You did it yourself?**
 7 A. Yes.
 8 **Q. How did you do it?**
 9 A. On a PC.
 10 **Q. Okay. Where?**
 11 A. At my house.
 12 **Q. So at your -- at your house that's your mom's**
 13 **house or your apartment?**
 14 A. My mom's house.
 15 **Q. Okay. So you sat down on a PC at your mom's**
 16 **house and you typed this out yourself?**
 17 A. Correct.
 18 **Q. Okay. Did anyone proofread it for you?**
 19 A. No.
 20 **Q. Okay. You did it yourself?**
 21 A. Yes.
 22 **Q. So no one assisted you with this in any way,**
 23 **shape or form other than you?**
 24 A. Very personal, no, shut the door and just went
 25 at it myself.

1 **Q. Okay. And when did you prepare this?**
 2 A. Oh, the day I prepared it I sent it off to Mr.
 3 Hidalgo the next day. So I can't give you the exact
 4 date.
 5 **Q. Why did you prepare this?**
 6 A. Well, because they asked for a statement. They
 7 sent me an e-mail asking me to prepare a statement.
 8 **Q. And when you say they you mean --**
 9 A. Mr. Hidalgo.
 10 **Q. The Judicial Conduct Commission?**
 11 A. Correct.
 12 **Q. Mr. Hidalgo, who's the investigator for the --**
 13 A. Correct.
 14 **Q. Okay. So mister -- so the sequence of events**
 15 **just so far is on December the 31st of 2015 you submit a**
 16 **handwritten complaint to the Judicial Conduct Commission**
 17 **which we've referred to as --**
 18 MR. HOLLINGSWORTH: What did you mark it
 19 as, Eric?
 20 MR. VINSON: It was --
 21 MR. HOLLINGSWORTH: I know it's --
 22 MR. VINSON: -- CJC 1.
 23 MR. HOLLINGSWORTH: CJC 1.
 24 THE WITNESS: And also for the record, if
 25 I may, the way I --

1 MR. HOLLINGSWORTH: Do me a favor just for
 2 one sec.
 3 THE WITNESS: Okay.
 4 MR. HOLLINGSWORTH: Just so it's clear.
 5 **Q. (BY MR. HOLLINGSWORTH) You prepare a**
 6 **handwritten statement and submit that to the Judicial**
 7 **Conduct Commission?**
 8 A. Yes.
 9 **Q. On December 31st, 2015. Right?**
 10 A. Correct.
 11 **Q. And Mr. Vinson questioned you about that and**
 12 **marked it as CJC Exhibit 1. Right?**
 13 A. Yes.
 14 **Q. Okay. And then the next thing is -- I'm not**
 15 **saying it's the only next thing. But with respect to**
 16 **the Judicial Conduct Commission you prepare a**
 17 **typewritten statement that you swear to in front of a**
 18 **notary and submit to the Judicial Conduct Commission on**
 19 **May the 24th, 2016?**
 20 A. Correct.
 21 **Q. Okay. And that is what I've handed you as**
 22 **Exhibit 2?**
 23 A. Correct.
 24 **Q. Okay. You wanted to say something. What did**
 25 **you want --**

1 A. Yeah.
 2 **Q. -- to say?**
 3 A. Also, the way I prepared this, the statement
 4 that I submitted to the district attorney's office I
 5 read from that as well. I just got -- I think I did a
 6 little more detail in here.
 7 **Q. Say that again. I didn't catch you.**
 8 A. The statement that I submitted to the public
 9 integrity unit --
 10 **Q. Okay.**
 11 A. -- is what I basically got this from. So
 12 you'll see a lot of the same wording in there. But it
 13 was all me. No one coerced me or helped me out
 14 whatsoever.
 15 **Q. What came first, the statement to the district**
 16 **attorney's office or Exhibit 2?**
 17 A. District attorney's office first.
 18 **Q. Okay. And who did you meet with at the**
 19 **district attorney's office?**
 20 A. No one. The thing about that, they were pretty
 21 much avoiding me the whole time. They wouldn't talk to
 22 me. They wouldn't take my calls. Ms. Liz Tise sent me
 23 a letter, said they would meet with me. I called. On
 24 my phone log I had eight times I called her. She would
 25 not return any calls.

1 I went down there three times. They
2 wouldn't let me see anybody. Then I get a letter
3 saying, if they don't find anything within 90 days, then
4 they'll -- you know, they won't investigate it
5 basically. So they pretty much avoided me.

6 I got to the point where I spoke to a
7 Brandy Salazar (phonetic), which is Ms. Liz Tise's
8 assistant. I spoke to her well enough to know her
9 voice. When we call we didn't have to introduce each
10 other. We just start speaking.

11 But for whatever reason they were not
12 interested in hearing what I said. They said they would
13 investigate it. They never called me, never said
14 anything to me.

15 **Q. When did you go down there?**

16 A. Oh, goodness. Maybe like right after the
17 deposition when I took my deposition for the divorce
18 case.

19 **Q. So again, we -- you took your deposition
20 December 2015. You would have gone down sometime
21 shortly after that?**

22 A. Correct.

23 **Q. Somewhere at the end of 2015 and the beginning
24 of 2016?**

25 A. I will say the end of 2015.

1 **Q. Okay. And you -- you mentioned the name of
2 a -- I think a prosecutor. Is that --**

3 A. Liz Tise.

4 **Q. Liz T --**

5 A. T-I-S-E.

6 **Q. T-I-S-E?**

7 A. Correct.

8 **Q. Okay. Did you actually meet with Ms. Tise?**

9 A. She would not meet with me.

10 **Q. Did you see her? I mean --**

11 A. Never.

12 **Q. Okay. How do you know -- I mean how do you
13 know -- how do you get her name I guess.**

14 A. Well, on the letter she sent me.

15 **Q. What did she -- what letter did she send you?**

16 A. I could show you if you like.

17 **Q. Sure.**

18 A. Here's one from brandy Salazar.

19 **Q. Okay.**

20 A. And it was on a checklist. Those letters are
21 included on a checklist from my first complaint.

22 **Q. Are there any other letters that you received
23 from the district attorney's office that you have with
24 you?**

25 A. Just -- let me see something. I think that may

1 be it. Bear with me, please.

2 **Q. Okay.**

3 A. Here's one. Okay. No. And this here.

4 **Q. Okay.**

5 A. There you are.

6 **Q. Okay. All right. So this first letter it**

7 **looks like is dated November 23rd, 2015 which would be**
8 **before your deposition.**

9 A. Okay, then before.

10 **Q. And again, I want to say this. I'm not trying**
11 **to trick you about dates.**

12 A. No. I understand.

13 **Q. I'm just trying to clear them up.**

14 A. I understand. I'm confused. You're doing
15 better --

16 **Q. So --**

17 A. -- than me.

18 **Q. So the -- November 23rd, 2015 you receive a**
19 **letter from the Harris County District Attorney's**
20 **Office. It's signed by Natalie Tise.**

21 A. Natalie Tise, okay.

22 **Q. Okay. Assistant District Attorney in the**
23 **public integrity division.**

24 A. Okay.

25 **Q. All right? And it says greetings, this office**

1 is in receipt of your complaint against Judge Hilary
2 Green. In order to investigate your complaint we need
3 additional information from you. I am attaching a copy
4 of our checklist that needs to be filled out in full.
5 Please include any evidence you have to support your
6 allegations.

7 **Additionally, the affidavit you attached**
8 **to your recent correspondence is not signed and is not**
9 **notarized. In order to proceed we need a sworn**
10 **complaint from you.**

11 **Finally, please include a contact number**
12 **where you can be reached. And then, if you have any**
13 **questions, feel free to call me. Right?**

14 A. Correct.

15 MR. HOLLINGSWORTH: And I will in a minute
16 make a copy of these and we can mark them so that we
17 have them as part of the record here.

18 MR. VINSON: Sure.

19 **Q. (BY MR. HOLLINGSWORTH) So if this letter is to**
20 **you November 23rd and it references a complaint you**
21 **already filed, when do you think you filed the**
22 **complaint?**

23 A. For me to sit here and tell you a date, sir,

24 I -- I -- I couldn't.

25 **Q. That's fair.**

1 A. Yeah.

2 **Q. It's completely fair. Just give me an idea as**

3 **far as a month before or two months before, weeks**

4 **before.**

5 A. Maybe a month before.

6 **Q. Okay. So maybe October of 2015?**

7 A. Possibly.

8 **Q. Is that -- is that within the realm of fairness**

9 **if we say that or not?**

10 A. Yeah. I will say maybe October.

11 **Q. Okay. And October -- so October 2015 you go**

12 **down to the district attorney's office and did you**

13 **actually take a complaint with you and drop it off?**

14 A. Yes, I did.

15 **Q. And where -- where did you --**

16 A. No. No. No. I'm sorry. I mailed it.

17 **Q. Okay.**

18 A. I apologize. I --

19 **Q. That's okay.**

20 A. -- mailed it.

21 **Q. So but I guess what I'm trying to figure out is**

22 **just help me quickly or --**

23 A. Uh-huh.

24 **Q. You don't have to be quick. Help me with sort**

25 **of the chronology or the time line of what you did. If**

1 A. No, sir.

2 **Q. Okay. And you -- you have gone down to the**

3 **district attorney's office in person?**

4 A. Uh-huh.

5 **Q. Right? You have mailed things to them?**

6 A. Correct.

7 **Q. You have filled out whatever documents they've**

8 **sent you to fill out?**

9 A. Uh-huh.

10 **Q. And you have submitted all that to the district**

11 **attorney's office?**

12 A. Correct.

13 **Q. Okay.**

14 A. I also gave them this. I don't know if -- how

15 important this is. The gentleman who we got the

16 Tussionex from --

17 **Q. Okay.**

18 A. I got him on Facebook. And bear with me,

19 please. I had to blow it up. I didn't blow it up

20 properly so I apologize. But that's the gentleman that

21 we got the Tussionex from.

22 **Q. Okay. So what we have here is a piece of paper**

23 **and it says Claude Barnes. About how long ago was it --**

24 **when I use --**

25 A. Excuse my --

1 **we start in October 15 -- let me be clear just so you**

2 **know where I'm going.**

3 A. Uh-huh.

4 **Q. If we start in October 2015, help me understand**

5 **your various communications with the Harris County**

6 **District Attorney's Office and what you did.**

7 A. I will say that by the -- like I say, the end

8 of October I mailed that in. I contacted them. They

9 e-mailed me the information as far as a checklist.

10 **Q. Okay.**

11 A. Filled it out, had my statement on -- did my

12 statement. I forgot to have it notarized. I mailed it

13 in. So when they sent me a letter saying that they got

14 it but I needed to have my statement notarized I drove

15 downtown, got the letter from them, took it to a notary

16 office, brought it back to them. And that was about it.

17 **Q. Okay.**

18 A. Like I said, I called a few times, asked them

19 had they planned on interviewing me, Ms. Tise will get

20 in touch with you, Ms. Tise will get in touch with you,

21 no calls, no nothing, just they completely ignore you.

22 **Q. So no one from -- as far as you're concerned,**

23 **no one from the Harris County District Attorney's Office**

24 **followed up on your criminal complaint against Judge**

25 **Hilary Green?**

1 **Q. That's --**

2 A. Yeah. I typed my twice. I apologize.

3 **Q. That's okay. About how long ago was it when I**

4 **used that syrup my my judge friend -- I didn't text this**

5 **to your phone and then there's a --**

6 A. His response.

7 **Q. -- person named Curt Yola (phonetic). It's**

8 **been a min over a year. So this -- explain to me what**

9 **you're saying --**

10 A. This is --

11 **Q. -- that this piece of paper is meant to say or**

12 **do.**

13 A. This is a Face -- I apologize. This is a

14 Facebook -- a snapshot from Facebook --

15 **MR. HOLLINGSWORTH:** I want to make sure

16 that we mark that as well.

17 **THE WITNESS:** Okay. No problem.

18 **MR. HOLLINGSWORTH:** So...

19 A. The guy who we initially started getting the

20 Tussionex from I contact him on Facebook. I didn't want

21 to send that kind of message to his phone.

22 **MR. HOLLINGSWORTH:** Okay.

23 A. So I call -- I got at him on Facebook and that

24 was his response.

25 **Q. (BY MR. HOLLINGSWORTH) So this is -- is this**

1 **Curtis Brown?**
2 A. Correct.
3 **Q. All right. So Curt Yola you're saying is**
4 **Curtis Brown?**
5 A. Correct, sir.
6 **Q. And then Curt Yola, is that a fake name?**
7 A. I just know it's Curtis Brown. When I saw
8 Curt -- Curt Yola I don't know if that's a street name
9 or whatever (unintelligible).
10 **Q. Okay.**
11 A. That's the gentleman we got Tussionex from.
12 MR. HOLLINGSWORTH: I want to --
13 A. And he was --
14 MR. HOLLINGSWORTH: Sorry. Go ahead.
15 A. And he responded with that right there.
16 MR. HOLLINGSWORTH: Okay. I'm going to
17 make sure you get all this back. I'm just going to make
18 a copy of it.
19 THE WITNESS: Okay.
20 MR. HOLLINGSWORTH: And so that we have
21 it.
22 MR. VINSON: Can we maybe take a break?
23 Is now a good time or...
24 MR. HOLLINGSWORTH: In a minute.
25 MR. VINSON: Okay.

1 **in this packet?**
2 A. Yes.
3 **Q. And where is that?**
4 A. Here.
5 **Q. Okay. So you've handed me two pages now of**
6 **two -- two pages of documents that respond to the**
7 **checklist?**
8 A. Can I see it, please?
9 **Q. Yes, sir.**
10 A. The last part? Let me make sure it goes with
11 that. I'm almost certain this goes with that.
12 MR. HOLLINGSWORTH: Okay. All right. Let
13 me -- let's -- let's do go off the record so I can make
14 copies of this. And then we can -- that way it's easier
15 to talk about.
16 THE WITNESS: Okay.
17 MR. VINSON: Cool.
18 MR. HOLLINGSWORTH: And the rest room's
19 just down the hall (unintelligible).
20 THE WITNESS: Uh-huh.
21 MR. HOLLINGSWORTH: Mr. Barnes, we are
22 back on the record.
23 **Q. (BY MR. HOLLINGSWORTH) You obviously understand**
24 **you're still under oath and we're still asking**
25 **questions?**

1 **Q. (BY MR. HOLLINGSWORTH) So you've given me some**
2 **other documents. There's one that says this packet is a**
3 **follow-up on the allegation of misconduct that you**
4 **reported. And then they're sending you a checklist.**
5 **Did you complete that checklist?**
6 A. Yes, I did.
7 **Q. And did you send it back to them?**
8 A. Correct.
9 **Q. Okay. And it says at the end of this, although**
10 **this one -- this -- this is not dated. It says that**
11 **your complaint is on hold for 30 days unless you give**
12 **them more information.**
13 **And so what you -- you're saying is within**
14 **that 30 days you gave them more information?**
15 A. No. I gave them everything that I had.
16 **Q. Okay.**
17 A. I gave them everything that I had.
18 **Q. And so -- and then in here there's -- is the**
19 **actual packet?**
20 A. Correct.
21 **Q. That they're asking for information, checklist**
22 **for submitting a complaint to public integrity division**
23 **for review for criminal prosecution. Right?**
24 A. Correct.
25 **Q. And then did you -- did you fulfill everything**

1 A. I do.
2 **Q. Okay. I'm going to switch gears. We were --**
3 **we went off the record talking about some of the**
4 **documents and some of the actions you took to pursue**
5 **criminal charges against Judge Green. And we're having**
6 **those copied so that we can talk about them.**
7 **I want to switch gears just a little bit.**
8 **Let's go back to Exhibit 2, which is right in front of**
9 **you which is the statement that you prepared and sent to**
10 **the Judicial Conduct Commission.**
11 A. Correct.
12 **Q. Okay. Let's -- I'm going to go through it a**
13 **little bit and ask you a few questions about it.**
14 **You state in the first sentence that on**
15 **January 19th, 2010 you were introduced to Judge Green by**
16 **your cousin Allen Mitchell and Evan Scott. Right?**
17 A. Yvonne.
18 **Q. Okay. I'm sorry. Yvonne Scott?**
19 A. Correct.
20 **Q. And so the next sentence says they both had**
21 **informed me that Hilary Green, a judge, wanted to meet**
22 **me and smoke marijuana with us. Right?**
23 A. Correct.
24 **Q. So you're saying that -- I mean does it strike**
25 **you as odd that the first time Judge Hilary Green, a**

1 sitting judge, met you that she's saying to someone she
 2 doesn't know that she wants to smoke marijuana with you?
 3 A. Extremely odd, extremely odd.
 4 Q. Okay.
 5 A. If I may, when she first got in the car and
 6 opted not to smoke, I looked at my cousin because I'm
 7 about to kill him because I'm like thinking you got me
 8 in the car with a sitting judge, we're smoking marijuana
 9 in my car and she's saying she doesn't want to smoke all
 10 of a sudden.
 11 So he literally had to -- her and my
 12 cousin and Yvonne literally had to tell me to calm down.
 13 Q. Okay.
 14 A. So I found that very odd.
 15 MR. VINSON: Thanks.
 16 Q. (BY MR. HOLLINGSWORTH) But it's your testimony
 17 today that the very first time Judge Green, a sitting
 18 judge, met you that she expressed an interest through
 19 others in smoking marijuana with you?
 20 A. Yes.
 21 Q. Someone that she had never met before?
 22 A. Never --
 23 Q. Doesn't know?
 24 A. Never met her. She knew my cousin. Like I
 25 said previously, we were supposed to meet at my cousin's

1 conviction we went over earlier for cocaine, the only
 2 other thing you've ever been arrested for are traffic
 3 tickets?
 4 A. To my recollection, if you -- if you -- I'm
 5 saying, if you know something else that I don't
 6 recall -- but to my recollection -- I know we took the
 7 deposition or when I took the deposition Hilary's
 8 attorney brought up the fact that myself and Noel
 9 Johnson had an altercation -- this was years ago --
 10 chest bumping match -- she called the cops on me. And I
 11 left the house.
 12 But so far as any crimes or anything like
 13 that, never, just raised my son and lived my life. No.
 14 Q. Okay. So other than getting arrested for a
 15 traffic ticket warrant for unpaid tickets and the
 16 cocaine charge that we talked about?
 17 A. No.
 18 Q. No other thing?
 19 In your -- back to Exhibit 2, you're
 20 saying that not only did she for -- when she first met
 21 you the very first time met you talk about the fact that
 22 she wanted to use marijuana and she wanted your help
 23 getting Tussionex you're saying that even after she left
 24 that first meeting she texted you reminding you about
 25 the Tussionex and trying to spell it right?

1 house but Hilary was late. She --
 2 Q. Right.
 3 A. -- never showed up.
 4 Q. And also in that first meeting the first time
 5 she ever met you she -- she talked to you about getting
 6 Tussionex cough syrup?
 7 A. Correct.
 8 Q. And you put that in your statement?
 9 A. Correct.
 10 Q. Okay. Other than -- this is a little bit of a
 11 side issue. We went over your one criminal conviction
 12 for felony possession of cocaine or distribution of
 13 cocaine.
 14 Have you ever been arrested for anything
 15 else in your life?
 16 A. Tickets. Tickets, that's about it. That's all
 17 I can recall.
 18 Q. When you say tickets you mean what?
 19 A. Traffic tickets.
 20 Q. Why does one get arrested for traffic tickets?
 21 That's a little unusual.
 22 A. Well, if you have a warrant out for you for not
 23 paying your tickets and you get pulled over, you get
 24 arrested.
 25 Q. Okay. So what you're saying is, other than the

1 A. I kept saying it wrong for the reason -- I
 2 don't know -- I was in awe or whatever, kept saying it
 3 wrong. And she kept having to correct me like two or
 4 three times. So when we left I'm driving down 59 and
 5 her exact text message to me was it's called Tussionex,
 6 boo (phonetic). She spelled it out and that's what she
 7 sent to me.
 8 Q. Okay. And do we have any proof that that
 9 happened other than what you're saying?
 10 A. Well, it was on the phones that she destroyed
 11 so no.
 12 Q. Okay. So you don't have that text?
 13 A. No, sir. I do not.
 14 Q. Okay. And then I take it that Allen Mitchell
 15 and Yvonne Scott would be able to support what you're
 16 saying?
 17 A. Yes.
 18 Q. Okay. About the very first meeting?
 19 A. Correct. And --
 20 Q. And would be able to support what you're saying
 21 about the fact that Judge Green indicated to you in that
 22 first meeting she wanted to smoke marijuana?
 23 A. Yes.
 24 Q. And would they be able to support that she
 25 mentioned the Tussionex as well?

- 1 A. Yes.
- 2 **Q. Okay. And do you know whether they have been**
3 **interviewed by anyone?**
- 4 A. Not that I know of.
- 5 **Q. Do you know where they are these days?**
- 6 A. I think my cousin moved to Florida.
- 7 **Q. Okay.**
- 8 A. And as far as I know, Yvonne Scott still lives
9 here in Houston.
- 10 **Q. And have you talked to Yvonne about any of**
11 **this?**
- 12 A. No, sir. I have not.
- 13 **Q. Do you know whether Ron has?**
- 14 A. Not to my knowledge.
- 15 **Q. Okay. And then you say later that week the**
16 **four of us met over at Allen Mitchell's house and smoked**
17 **marijuana. And so again, other than your word there**
18 **would be -- and that's -- let me be fair with you. I'm**
19 **trying to find out from you what your view is about**
20 **things that would support what you're saying.**
- 21 A. I understand.
- 22 **Q. Okay? So what -- what other people could**
23 **support what you say there, that later that week the**
24 **four of us met over at Allen Mitchell's house to smoke**
25 **marijuana?**

- 1 A. It was just the four of us.
- 2 **Q. So it would be you, Judge Green and we're back**
3 **to Allen Mitchell and Yvonne Scott?**
- 4 A. Correct.
- 5 **Q. Okay. And then you say that is when she told**
6 **me that she and Boris Miles had used cocaine together**
7 **previously.**
- 8 A. Correct.
- 9 **Q. Were you the only person that heard her say**
10 **that or would Allen Mitchell and Yvonne Scott have heard**
11 **that?**
- 12 A. It was just her and I talking.
- 13 **Q. All right. So you would -- you two would be**
14 **the only witnesses to that?**
- 15 A. Correct.
- 16 **Q. All right. But we could go to Boris Miles and**
17 **ask him whether that, in fact, really occurred if we**
18 **wanted to try to find another witness. Right?**
- 19 A. Yeah.
- 20 **Q. All right. The next sentence in your statement**
21 **is two weeks later I let her know that I found someone**
22 **who had Tussionex and they wanted 460 dollars for it.**
23 **Right?**
- 24 A. Correct.
- 25 **Q. And this is I think when you said you had**

- 1 **somebody you worked with?**
- 2 A. Correct.
- 3 **Q. Who was that?**
- 4 A. Curtis Brown.
- 5 **Q. That was Curtis Brown?**
- 6 **And so you found someone that you could**
7 **buy illegal Tussionex from?**
- 8 A. Correct.
- 9 **Q. All right. And you mentioned that you had**
10 **never some -- some comment earlier I've never really**
11 **dabbled in that or messed around with that. You just**
12 **meant with Tussionex.**
- 13 **You'd certainly bought illegal drugs**
14 **before?**
- 15 A. Marijuana.
- 16 **Q. And cocaine?**
- 17 A. Yeah.
- 18 **Q. Anything else?**
- 19 A. No.
- 20 **Q. All right. So --**
- 21 A. Ecstasy.
- 22 **Q. And ecstasy?**
- 23 A. Yeah.
- 24 **Q. Anything else?**
- 25 A. No, sir.

- 1 **Q. All right.**
- 2 A. Never.
- 3 **Q. So if we were going to try to list the things**
4 **that you have dabbled in?**
- 5 A. Uh-huh.
- 6 **Q. We would say cocaine. Right?**
- 7 A. Uh-huh.
- 8 **Q. Which means you've purchased and distributed**
9 **cocaine?**
- 10 A. Actually, I didn't purchase the cocaine. It
11 was given to me so I didn't purchase it. I sold it to
12 be quite honest with you.
- 13 **Q. All right. So you were a drug dealer?**
- 14 A. At one -- I tried. It wasn't a very good
15 effort.
- 16 **Q. Okay.**
- 17 A. Yeah.
- 18 **Q. And -- well, you also purchased ecstasy for**
19 **someone else in your words. Right?**
- 20 A. Yeah.
- 21 **Q. And purchased marijuana?**
- 22 A. Yeah.
- 23 **Q. Purchased Tussionex?**
- 24 A. Correct.
- 25 **Q. Have I left anything out?**

- 1 A. That's it.
- 2 **Q. And so you say in here the next day she drove**
- 3 **me to go meet the person to go get it. This occurred**
- 4 **between six and eight times between 2010 and 2014.**
- 5 **Right?**
- 6 A. Correct.
- 7 **Q. And so, if we wanted to try to corroborate what**
- 8 **you're saying?**
- 9 A. Uh-huh.
- 10 **Q. The witnesses would be you, Judge Green and**
- 11 **Curtis Brown?**
- 12 A. Correct.
- 13 **Q. So Curtis Brown we'd have to go talk to him?**
- 14 A. You could.
- 15 **Q. And again, you've showed us this Facebook page**
- 16 **that you say is a Facebook page with him?**
- 17 A. Correct.
- 18 **Q. Okay. And you say that she got Tussionex**
- 19 **from -- after she got it from you you're saying that she**
- 20 **then got it from Dwayne Jordan?**
- 21 A. After I cut her off and told her I wouldn't get
- 22 any more for her.
- 23 **Q. And you believe this to be true because why?**
- 24 A. Because she told me.
- 25 **Q. All right. But you never saw that occur.**

- 1 never came back with her money. One time we sat at my
- 2 house and she was calling him because I was upset, keep
- 3 calling. And she called him three or four times, no
- 4 answer.
- 5 Then she also informed me later on that he
- 6 had introduced her to some pharmacist African guy and
- 7 that's how she was getting it as well.
- 8 **Q. When you say African guy, do you literally mean**
- 9 **a guy from Africa?**
- 10 A. Yeah.
- 11 **Q. Okay.**
- 12 A. That's -- that's what I assume. I mean --
- 13 **Q. Well, some people might say an African-American**
- 14 **gentleman to refer to a black gentleman. I'm just**
- 15 **trying to think if you mean just that or you mean**
- 16 **literally an African man.**
- 17 A. No. I know the difference between an African
- 18 and African-American.
- 19 **Q. I know. I'm just trying to make sure it's not**
- 20 **a typo or anything like that.**
- 21 A. I know the difference.
- 22 **Q. I --**
- 23 A. She said an African.
- 24 **Q. Okay. Do you know the name of that African**
- 25 **pharmacist?**

- 1 **You're saying she told you that occurred?**
- 2 A. Correct.
- 3 **Q. All right. You never talked to Dwayne Jordan**
- 4 **about it?**
- 5 A. Don't know the man.
- 6 **Q. Okay. You never saw it occur. You never any**
- 7 **of that?**
- 8 A. Nothing.
- 9 **Q. All right. Did you ever see her with Tussionex**
- 10 **that Dwayne Jordan had supposedly gotten her?**
- 11 A. I saw her with Tussionex. I don't know who got
- 12 it for her.
- 13 **Q. But in -- in point in time, though, I'm**
- 14 **thinking of in point in time.**
- 15 A. Oh, then no, sir.
- 16 **Q. Okay. He had introduced her to an African**
- 17 **pharmacist that he knew. What does that mean?**
- 18 A. Well, she told me that's how he was getting it
- 19 for her.
- 20 **Q. Okay. So again, this is just from Judge Green.**
- 21 **You're saying she told you that Dwayne Jordan had**
- 22 **introduced Judge Green to an African pharmacist and**
- 23 **that's how they were getting Tussionex?**
- 24 A. The first time -- I'm assuming it was the first
- 25 time -- she paid him some money to get it for her. He

- 1 A. No, sir. I do not.
- 2 **Q. Do you know any other details about that?**
- 3 A. Not to my knowledge. I can't recollect.
- 4 **Q. Okay. And so, again, this part about Dwayne**
- 5 **Jordan and the African pharmacist is not anything you**
- 6 **saw or observed yourself. It is something that you say**
- 7 **Judge Green told you?**
- 8 A. Something I knew she told me.
- 9 **Q. Okay. Then going on down your statement here?**
- 10 A. Uh-huh.
- 11 **Q. You say she later on informed me that she spoke**
- 12 **to the judge that was sentencing Dwayne Jordan on his**
- 13 **behalf. Right?**
- 14 **Is this again -- this is not something**
- 15 **that you saw or observed. This is something that you're**
- 16 **saying she told you?**
- 17 A. We met for drinks later that evening.
- 18 **Q. We meaning?**
- 19 A. Me and Hilary Green.
- 20 **Q. Okay.**
- 21 A. Met for drinks that evening, how is your day
- 22 going, what did you do today. And that's when she told
- 23 me. I didn't think nothing of it because I didn't know
- 24 the details of the case. So when she told me she met
- 25 with the judge for Jordan I never thought twice about

1 it.

2 **Q. What did she tell you?**

3 A. That she went and met with -- where the judge

4 for Jordan.

5 **Q. Judge Mendoza?**

6 A. She never said his name.

7 **Q. At the time she didn't say his name. Later you**

8 **learned the judge's name because you mentioned it**

9 **earlier?**

10 A. Yeah.

11 **Q. Okay.**

12 A. Later on I found out.

13 **Q. All right. So let -- I want to try to clarify**

14 **your statement.**

15 A. Uh-huh.

16 **Q. At the time you didn't know the judge's name.**

17 **But now you believe it to be Judge Mendoza is the judge**

18 **that sentenced and dealt with Dwayne Jordan?**

19 A. That's what I believed, yes.

20 **Q. And what you're saying is Judge Green told you**

21 **that she went and met with Judge Mendoza -- I know she**

22 **didn't mention his name. But I'm putting it together.**

23 A. Okay.

24 **Q. She told you that she went and spoke with and**

25 **met with in person Judge Mendoza and spoke about Dwayne**

1 **Jordan's pending case in his court?**

2 A. I'm going to give you her exact words and no

3 more and no less.

4 **Q. Yes, sir.**

5 A. I went and I met with the judge for Dwayne

6 Jordan.

7 **Q. Okay.**

8 A. That's all she said to me. I didn't think

9 twice about it. I just kept it moving.

10 **Q. So if we wanted to find out whether that really**

11 **occurred, we could talk to Judge Mendoza?**

12 A. If that's the judge she met with, then I would

13 assume so.

14 **Q. Okay. All right. And then in your statement**

15 **you claim that she -- Judge Green -- told you that one**

16 **of her -- that her friend one of the deputies in her**

17 **courtroom took marijuana off a young man that was**

18 **arrested in her court?**

19 A. Correct.

20 **Q. All right. You didn't -- again, you didn't see**

21 **that happen. You don't know whether it happened. But**

22 **she told you it happened. Is that fair?**

23 A. Fair. Very fair.

24 **Q. And did she say my friend, one of the deputies,**

25 **or did she say my friend?**

1 A. First she said my friend. And then once we

2 talked about it she let me know. Then she told me the

3 story behind it, one of the deputies took it off of one

4 of the kids that got arrested in the court.

5 **Q. Okay. Do the best you can and just tell me the**

6 **story that you say she told you.**

7 A. She first said my friend. That was --

8 **Q. Yes, sir.**

9 A. -- the first initial. So I started to talk to

10 her about it, where did you get it from because I'm

11 looking at it. I was like okay. And then that's when

12 she told me one of the deputies took it off this kid

13 that got arrested in our court.

14 **Q. Okay. Did she give you any details about how**

15 **that would happen or...**

16 A. No.

17 **Q. That was it?**

18 A. That was it.

19 **Q. Okay. And going on page two of your statement**

20 **near the top you said that she told you that she began**

21 **to get fake prescriptions from her friend Dr. Melanie**

22 **Parks whom she stated that she met through Jack and Jill**

23 **in order to get Tussionex. Right?**

24 A. Correct.

25 **Q. All right. So this is -- this is another thing**

1 **that you don't know personally. You're just saying this**

2 **is something she told you?**

3 A. No. I spoke to her about it and I spoke to

4 Melanie about it.

5 **Q. All right. So that -- that's helpful. Did**

6 **you -- you actually spoke with Melanie Parks?**

7 A. Correct.

8 **Q. And what did Melanie Parks tell you?**

9 A. Melanie Parks told me Hilary came back too

10 quick for a refill and she can't give her another one.

11 **Q. Okay. Anything else?**

12 A. Regarding the Tussionex?

13 **Q. Right.**

14 A. We talk -- me and Melanie talked quite a while.

15 But we talked about Hilary getting help, you know, the

16 effects, the way she was acting. Melanie was concerned

17 about that. I was as well. But she told me that she

18 can't continue to give her any more refills.

19 **Q. Did Melanie Parks tell you or confirm that she**

20 **began to get fake prescriptions?**

21 A. Yes.

22 **Q. So Dr. Melanie Parks confirmed that Dr. Parks**

23 **gave fake --**

24 A. That she --

25 **Q. -- prescriptions?**

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1 A. -- wrote Hilary a prescription, yes.

2 **Q. Fake prescriptions I'm saying. Because you**

3 **used the word --**

4 A. Well, when I say --

5 **Q. -- she began to get fake prescriptions from**

6 **her --**

7 A. When I say --

8 **Q. -- friend.**

9 A. -- fake, if I go to someone, they know that

10 I'm -- that's what we call -- I guess I was using street

11 lingo. I apologize.

12 If I go to someone and I know that, let's

13 say, you don't need Tussionex for any illness but you

14 just want it for your recreation, then I would consider

15 that a fake prescription.

16 **Q. Okay.**

17 A. You're not using it for your illness. You're

18 using it for recreation. So that's --

19 **Q. Okay.**

20 A. -- what I meant by that.

21 **Q. So did Hilary Green use the word fake**

22 **prescription?**

23 A. Not to my recollection she didn't use it.

24 **Q. Well, how did she describe it to you?**

25 A. Just Tussionex or her syrup.

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1 **Q. But I mean what I'm trying to understand, Mr.**

2 **Barnes, is you used the words she began -- let me just**

3 **say it. She also informed me that once Dwayne Jordan**

4 **went to jail she began to get fake prescriptions from**

5 **her friend Dr. Melanie Parks.**

6 **So did --**

7 A. Okay.

8 **Q. -- she use those words?**

9 A. She didn't use the word fake.

10 **Q. Okay.**

11 A. If that's what you're -- she used --

12 **Q. It is what I'm asking.**

13 A. -- the word -- okay. She didn't use the

14 word --

15 **Q. What did --**

16 A. -- fake.

17 **Q. -- she say then?**

18 A. I'm going to get my syrup.

19 **Q. Okay. From Dr. Melanie Parks?**

20 A. Correct.

21 **Q. All right.**

22 A. For my prescription.

23 **Q. Okay.**

24 A. I had only known that she had got it one time

25 from Melanie until I talked to Melanie. And then

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1 Melanie told me about it.

2 **Q. How many times did Melanie say she gave it?**

3 A. I can't recall. But for me to sit here and lie

4 and make up a number, I'm not going to do that.

5 **Q. All right.**

6 A. But from the conversation I would assume there

7 was more than once.

8 **Q. All right. And reading down in your statement**

9 **further, you say that Hilary Green informed you that she**

10 **would eventually get prescriptions in her son**

11 **Christopher's name. Right?**

12 A. Yes. Yes.

13 **Q. And it was your impression that she was doing**

14 **that not for Christopher but for her?**

15 A. Correct.

16 **Q. Did she tell you that or did you assume that?**

17 A. She told me that.

18 **Q. Okay. And that she was specific with you that**

19 **she got it from a Walgreens pharmacist on Alameda?**

20 A. Yes. That's where she normally went.

21 **Q. Okay. So again, if we wanted to think of ways**

22 **to go run this to ground?**

23 A. Uh-huh.

24 **Q. I suppose we could go to the pharmacy in**

25 **Alameda and see if there's a record of her getting or**

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1 **Christopher getting a prescription for Tussionex?**

2 A. I would assume so, yes.

3 **Q. Okay. Of course Tussionex is a legitimate**

4 **cough medicine prescribed to people sometimes when they**

5 **have medical issues. Right?**

6 A. I was under the impress -- I'm not a doctor

7 so --

8 **Q. I know --**

9 A. -- for me --

10 **Q. -- you're not.**

11 A. Yeah. So when you say a right I'm not sure.

12 But I was under the understanding, the research that I

13 did on it, that they took it off the shelves and made it

14 almost illegal to have.

15 **Q. Okay. So it's your impression that you can't**

16 **even get it with a prescription?**

17 A. From conversation that Hilary and I had, yes.

18 **Q. Okay.**

19 A. From -- from the research, my reading that I

20 had done but also based on the conversations that Hilary

21 and I had, it was almost like a -- the Maltese Falcon.

22 It was just the white whale, you're not going to find

23 it.

24 **Q. Legally or illegally or do you --**

25 A. Illegally was definitely hard.

- 1 **Q. Okay.**
 2 A. But from the conversation that I had I was
 3 under the impression that they were kind of phasing it
 4 out, they stopped making it.
 5 **Q. Okay. And then the next thing you -- you thing**
 6 **that she told you was that you say that Judge Green told**
 7 **you that she sought help getting Tussionex from her**
 8 **bailliff Kelvin Davis.**
 9 A. Correct.
 10 **Q. All right. And again, is this just something**
 11 **you don't know other than something she told you?**
 12 A. Something she told me.
 13 **Q. You -- you've never talked to Kelvin Davis**
 14 **about it? You don't know whether that's true?**
 15 A. Never, not that I -- my assumption, well, why
 16 would somebody make up something like that.
 17 **Q. I understand. Yeah. No. I understand what**
 18 **your assumption is. I'm just trying to -- again, I'm**
 19 **trying to get to the bottom of matching up --**
 20 A. I understand.
 21 **Q. -- proof with what you're saying.**
 22 A. Okay. I understand.
 23 **Q. Is that fair?**
 24 A. Fair.
 25 **Q. Okay.**

- 1 A. Very fair.
 2 **Q. And so did she tell you that there were text**
 3 **messages between her and Kelvin Davis?**
 4 A. Yes.
 5 **Q. All right. Where they would use code words you**
 6 **said?**
 7 A. Correct.
 8 **Q. Okay.**
 9 A. Just as we use code words for ecstasy.
 10 **Q. Okay. Speaking of ecstasy, that's the next**
 11 **thing in your statement Exhibit 2.**
 12 **You say on three different occasions we**
 13 **used ecstasy, two times she paid and one time I paid for**
 14 **it meaning you. Right?**
 15 A. Yes, sir.
 16 **Q. Okay. All three times you were the one who**
 17 **actually got the ecstasy?**
 18 A. Correct.
 19 **Q. All right. And you got it through a contact**
 20 **that you used to work with named Sam?**
 21 A. Sam, correct.
 22 **Q. Sam's a woman?**
 23 A. Correct.
 24 **Q. Okay. What's Sam's last name?**
 25 A. I couldn't tell you. It's been years since --

- 1 I couldn't tell you.
 2 **Q. Okay. And you said the ecstasy was seven**
 3 **dollars?**
 4 A. Correct.
 5 **Q. And so you couldn't afford to pay the seven**
 6 **bucks and so she did?**
 7 A. Well, I got paid in off week -- the weeks that
 8 she -- I was living from pillar to post, basically check
 9 to check.
 10 **Q. Okay.**
 11 A. So at the end of the day 14 dollars is gas
 12 money for me.
 13 **Q. All right.**
 14 A. So it's not that I couldn't afford it. I just
 15 had different priorities, if that's something you want,
 16 then you pay for it. And she opted to do so. The one
 17 time I had cash to do it I paid for it.
 18 **Q. And so was she -- are you saying that she was**
 19 **with you when you went and got it from Sam or would you**
 20 **go get it on your own?**
 21 A. One time she was with me. Twice I was by
 22 myself at work.
 23 **Q. So you would just get it at work from Sam?**
 24 A. Correct. And one time we went and met Sam off
 25 Dairy Ashford.

- 1 **Q. Dairy Ashford and where?**
 2 A. Dairy Ashford and like near the West Park.
 3 **Q. Okay.**
 4 A. Dairy Ashford and West Park in the same area
 5 basically where the Texaco station is where we met
 6 Curtis like a little apartment complex. I don't know
 7 the name of the street but there's a little apartment
 8 complex. And we sat in Hilary's car.
 9 Sam was late of course. And we sat in her
 10 car for about 20 minutes waiting for Sam. Sam pulled
 11 up, made the purchase and we left.
 12 **Q. Are you concerned at all about being under oath**
 13 **on video and sort of testifying about being a party**
 14 **to -- let me just ask the question -- acquiring**
 15 **marijuana, buying ecstasy, hiring prostitutes, those**
 16 **kinds of things?**
 17 **Does that concern you at all?**
 18 A. Well, I look at it like this. Whatever you do
 19 in the dark comes out in the light, you just be prepared
 20 for it, simple as that that's how I live my life. I'm
 21 not going to sit here and lie and say she did some
 22 thing -- I could lie. But I'm not going to do that.
 23 If she didn't do it, then she didn't do
 24 it. You know? If she did it, she did it. And I feel
 25 the same way about myself.

- 1 **Q. But the only time you felt that was after you**
 2 **broke up. I mean you did keep it --**
 3 A. Okay.
 4 **Q. Under your story you did keep it quiet for five**
 5 **years. Right?**
 6 A. Well, when -- yeah. When you're being lied to
 7 for five years and deceived and you don't know the whole
 8 story and you're bringing back unprotected sex and
 9 diseases and countless infections and you're bringing it
 10 to me, then yeah, I have a problem with that.
 11 You -- you get no quarters here. You get
 12 no loyalty from me. So you can label it as what you
 13 want, scorn, anger. Was I scorned? Yeah. Person comes
 14 sleep with you unprotected and got -- infect you, yeah,
 15 I got a problem.
 16 **Q. Are you saying that you had some kind of**
 17 **venereal disease?**
 18 A. Well, you know, she had -- she had numerous
 19 yeast infections.
 20 **Q. But that's not a venereal disease.**
 21 A. Well --
 22 **Q. What did she infect you with?**
 23 A. What I'm saying is this.
 24 **Q. No. No. No. Answer my question. What did**
 25 **she infect you with?**

- 1 A. Nothing.
 2 **Q. Okay. Then why --**
 3 A. Nothing.
 4 **Q. -- are you saying it?**
 5 A. So what I'm saying is the opportunity to infect
 6 me.
 7 **Q. Well --**
 8 A. I --
 9 **Q. -- have you ever slept with someone with --**
 10 **unprotected ever in your life?**
 11 A. Honestly, I --
 12 **Q. Yes, honestly.**
 13 A. -- got -- I got a kid by it.
 14 **Q. Right.**
 15 A. I got a kid by it. And I know who -- I'll put
 16 it like this.
 17 **Q. Have you ever slept with a prostitute?**
 18 A. No. That was my first time.
 19 **Q. But yet you knew how to go to the backpages and**
 20 **do that?**
 21 A. It was simple. You could do it. It's simple.
 22 You see escorts. You click on it. She did it. It's
 23 real simple.
 24 **Q. I thought you told Mr. Vinson that you had done**
 25 **that before, you knew how to do it because you had done**

- 1 **a three-way before with an escort.**
 2 A. No. No. You miss -- I said I had --
 3 **Q. I may --**
 4 A. -- a three-way before. I said I never went and
 5 get escorts.
 6 **Q. Okay. So the time that you did a three-way**
 7 **before --**
 8 A. I used protection.
 9 **Q. You used protection and it wasn't with an**
 10 **escort?**
 11 A. No, it was not.
 12 **Q. So it's certainly possible to do a three-way**
 13 **without an escort?**
 14 A. I would assume so but you use --
 15 **Q. Because you --**
 16 A. -- protect --
 17 **Q. -- did it?**
 18 A. Yeah. You use protection, though.
 19 **Q. Right.**
 20 A. Yeah. But when you're sleeping with different
 21 men and -- and getting all these infections and coming
 22 back to me and sleeping with me unprotected I got a
 23 problem with that. You put -- you're playing Russian
 24 roulette with my life.
 25 You know, if I was to sleep with someone

- 1 else, you use protection. You don't sleep with someone
 2 unprotected, tell you and then come back to you and
 3 sleep with you. Who does that?
 4 **Q. Okay.**
 5 A. Or when I'm sitting there looking at you bathe
 6 in vinegar for yeast infections and you're doing this
 7 right in front of me, who does that?
 8 **Q. I don't understand what you're saying.**
 9 A. Yeast infections are from being not clean.
 10 **Q. I understand that.**
 11 A. Okay.
 12 **Q. I'm trying to understand what your comment**
 13 **about --**
 14 A. Well, women use home remedies for apple --
 15 apple cider vinegar. That's how they clear it up.
 16 **Q. But -- but help me under -- I don't understand**
 17 **the context of what you're saying is.**
 18 A. What I'm saying is this. When you're bathing
 19 in apple cider vinegar right in front of me because
 20 you're sleeping with all these multiple partners.
 21 **Q. Okay.**
 22 A. And I'm seeing yeast infection medicine all
 23 over your bathroom you're disputing it and oh, it's
 24 because these tight jeans and -- I'm not thinking. You
 25 know, all right, maybe she's telling the truth.

1 But eventually when you tell me you have
 2 multiple sex partners and I know that you don't like to
 3 use protection and you're coming back to me sleeping
 4 with me then I have a problem with that. Yeah, I do.
 5 **Q. So just to under -- again, I'm trying to**
 6 **understand what you're saying, legitimately trying to**
 7 **understand what you're saying.**
 8 A. Uh-huh.
 9 **Q. Are you saying that Judge Green was cleaning**
 10 **herself with apple cider vinegar --**
 11 A. Yes.
 12 **Q. -- in front of you?**
 13 A. Yes.
 14 **Q. While you're there?**
 15 A. While I'm sitting right there.
 16 **Q. And --**
 17 A. She pours in her bathwater going through
 18 numerous jugs of apple cider vinegar.
 19 **Q. Okay.**
 20 A. Telling me this is fighting -- this fights
 21 cellulite. And the first couple times I bought it until
 22 I start looking for home remedies for apple cider
 23 vinegar. The first thing pops up is yeast infections.
 24 I go in our bathroom, yeast infection medicine spread
 25 all over the place.

1 **Q. And what you've done is you have attached --**
 2 **when you sent this statement to the Judicial Conduct**
 3 **Commission you attached a Crowne Plaza receipt to be**
 4 **able to show that this really occurred to try to**
 5 **corroborate what you're saying?**
 6 A. Correct, sir.
 7 **Q. All right. And that's the -- this receipt that**
 8 **you say shows a cash payment that was later paid with a**
 9 **credit card?**
 10 A. Correct.
 11 **Q. Okay. Do --**
 12 A. It was held with a credit card, paid with cash.
 13 I apologize.
 14 **Q. Say it again.**
 15 A. It was held with the credit card, paid with
 16 cash.
 17 **Q. All right. So do me a favor and look at the**
 18 **very last page of Exhibit 2, which is the Crowne Plaza**
 19 **receipt and --**
 20 A. Okay.
 21 **Q. -- tell me if you could what date it is.**
 22 A. This is the very last page --
 23 **Q. Where it says arrival and departure.**
 24 A. This page here. Correct?
 25 **Q. Yes, sir.**

1 **Q. Okay.**
 2 A. That only comes from being dirty down there.
 3 **Q. Okay. So back to your allegation about a**
 4 **threesome, you say that in 2011 in August in your --**
 5 **look at your affidavit if you would at the bottom of**
 6 **page two. We -- the bottom of page two.**
 7 A. Okay.
 8 **Q. Do you see the sentence we got a room at the**
 9 **Clown (sic) Plaza on Highway 59 in Houston on August 13,**
 10 **2011?**
 11 A. Correct.
 12 **Q. When the escort arrived Hilary Green let her**
 13 **in. We talked a few minutes discussing her price and**
 14 **smoking marijuana. After that Hilary Green paid the**
 15 **escort 150 dollars and then the three of us had sex.**
 16 A. Correct.
 17 **Q. Okay. So are you saying that that -- those**
 18 **sentences are completely true and accurate?**
 19 A. Correct, one hundred percent.
 20 **Q. Okay. And it's your -- you're saying that**
 21 **Judge Green not only knew that the woman who came in was**
 22 **a prostitute but actually paid her?**
 23 A. Yes.
 24 **Q. In cash?**
 25 A. Yes, volunteered to pay it.

1 A. This is the second time we stayed there. This
 2 was 2012, 6-9-2012.
 3 **Q. Okay. So is there another Crowne Plaza receipt**
 4 **in here that you say is going to be August 13th, 2011**
 5 **like you you said in your affidavit?**
 6 A. That would be this.
 7 **Q. The screen shot?**
 8 A. Correct.
 9 **Q. So you're saying that the screen shot**
 10 **represents the August 13th, 2011 stay?**
 11 A. Correct.
 12 **Q. And the other receipt --**
 13 A. Just me and her alone.
 14 **Q. Just shows another date?**
 15 A. Yeah. It's just me and her alone. We went to
 16 the -- we got a room alone --
 17 **Q. What does this have to do with anything? What**
 18 **does --**
 19 A. Just --
 20 **Q. -- the Crowne Plaza receipt showing cash paid**
 21 **have to do with anything?**
 22 A. Just to show that we were there.
 23 **Q. That you happened to be at a hotel room**
 24 **together?**
 25 A. To show that I wasn't making this up, that I

- 1 only stayed there twice. So I just had them give me
2 both times I stayed there.
- 3 **Q. But you don't reference in your affidavit the**
4 **second time you stayed there.**
- 5 A. Okay. I didn't. No, we were there alone. We
6 didn't have a threesome.
- 7 **Q. Well, sir, if you look at the screen shot date,**
8 **it shows an arrival --**
- 9 A. Uh-huh.
- 10 **Q. -- date. Do you see the screen shot? It's a**
11 **little hard to see but it --**
- 12 A. I don't have --
- 13 **Q. -- shows --**
- 14 A. -- my glasses on me so --
- 15 **Q. -- 6-9-12. So it matches the receipt.**
- 16 A. There's two stays we stayed there. This date
17 down here says August 13th.
- 18 **Q. You mean next to the word EXP date?**
- 19 A. That's her expiration date for her card.
- 20 **Q. Of her credit card?**
- 21 A. Okay. Yeah.
- 22 **Q. Sir, are you just making this up as we go**
23 **along?**
- 24 A. No, not at all. Not at all.
- 25 **Q. Are you sure?**

- 1 A. Positive, absolutely one hundred percent sure
2 positive.
- 3 **Q. Just as sure as you were that the date in your**
4 **affidavit was August 13th --**
- 5 A. Well --
- 6 **Q. -- 2011 --**
- 7 A. You know what?
- 8 **Q. -- in the exhibit that you --**
- 9 A. I put --
- 10 **Q. -- attached to it to corroborate what you're**
11 **saying is a completely and utterly and different date?**
- 12 A. I'll put it like this. I may have got days
13 confused but I know what happened.
- 14 **Q. Well, how could you get the dates confused if**
15 **you had the exhibits when you're creating your**
16 **affidavit?**
- 17 A. Okay. I got the dates confused. It's a human
18 error, a mistake.
- 19 **Q. But --**
- 20 A. I'm not -- that's not a lie. It's still not a
21 lie.
- 22 **Q. So what date did you stay at the Crowne Plaza?**
- 23 A. We stayed at the Crowne Plaza --
- 24 **Q. When you had a prostitute as you say there?**
25 **I'm trying to figure out --**

- 1 A. Okay.
- 2 **Q. -- what date --**
- 3 A. She called --
- 4 **Q. -- you're claiming is accurate.**
- 5 A. All right. Let me look at the dates. And I
6 cannot see this. So I apologize. What date does this
7 say here?
- 8 **Q. You tell me.**
- 9 A. I can't see. I don't have my glasses.
- 10 **Q. I believe it says 6-12-12.**
- 11 A. Then it's on the same date then. I got the
12 dates wrong. That's all.
- 13 **Q. But I thought you said it was two different**
14 **times.**
- 15 A. We stayed there twice.
- 16 **Q. I know. But you just told --**
- 17 A. Okay.
- 18 **Q. -- me a second ago that the Crowne Plaza**
19 **receipt --**
- 20 A. Uh-huh.
- 21 **Q. -- that is the last page of Exhibit 2 --**
- 22 A. Okay.
- 23 **Q. -- was a different date and that the screen**
24 **shot was the first date. Right?**
- 25 A. Okay.

- 1 **Q. That's what you told me. Right?**
- 2 A. That's exactly what I told you.
- 3 **Q. Now you're telling me something different. Is**
4 **that fair?**
- 5 A. Yeah. That's fair.
- 6 **Q. Okay. Now what you're saying is that the**
7 **screen shot --**
- 8 A. Uh-huh.
- 9 **Q. -- and the Crowne Plaza receipt are the same**
10 **date for the same stay. Right?**
- 11 A. I would have no idea. I would have to look at
12 it. Like I said --
- 13 **Q. Look at it.**
- 14 A. -- I don't -- I don't have my glasses on me. I
15 know --
- 16 **Q. Well, I will -- let's do this. I will**
17 **represent to you --**
- 18 A. Uh-huh.
- 19 **Q. -- that the screen shot --**
- 20 A. Uh-huh.
- 21 **Q. -- under the word that says arrival says 6-9-12**
22 **and it says -- it says departure --**
- 23 A. Then I'll put --
- 24 **Q. -- 6-10-12.**
- 25 A. I'll put it like this way. I know for a fact

1 this the night we stayed there. Now if I put the wrong
2 date on my statement, then I put the wrong date on my
3 statement.

4 **Q. Well, why -- where did you get that date,
5 8-13-11?**

6 A. 8-3-11 --

7 **Q. In your statement.**

8 A. Because I was looking at this here. I
9 thought --

10 **Q. At her --**

11 A. -- that was the --

12 **Q. The expiration date for --**

13 A. Yeah.

14 **Q. -- her credit card?**

15 A. That was a mistake on my behalf. I was looking
16 at the date on here. But I'm definitely not lying.

17 **Q. Pardon?**

18 A. I said but I'm definitely not lying.

19 **Q. You've told me that many times.**

20 A. Well...

21 **Q. What was the escort's name?**

22 A. I have no idea.

23 **Q. What did she look like?**

24 A. She was a black female maybe late 20s,
25 five-five. She saw her better than me. She let her in.

1 as we were leaving out of Austin I got a speeding ticket
2 driving her car. So I called Austin to check out when I
3 got that speeding ticket. It was the day before we had
4 the escort.

5 **Q. Okay. So your -- is it fair to say that you're
6 recreating the date because you remember independently
7 that you got a speeding ticket so you found out when the
8 speeding ticket was and you're saying, well, if I got
9 the speeding ticket then --**

10 A. Well, I'm not --

11 **Q. -- I know that -- I know that it was 10-27-11
12 when we stayed there?**

13 A. I'm not --

14 **Q. Is that fair?**

15 A. I'm not recreating anything. I'm just telling
16 you the facts.

17 **Q. Well, I can use a different word.**

18 A. Please do.

19 **Q. Okay. You're trying to recollect the date that
20 you stayed in Austin with Judge Green. If -- without
21 looking back at a speeding ticket you wouldn't be able
22 to remember that. Right?**

23 A. Correct.

24 **Q. So what you did is you tried to recollect that
25 date by going and looking at your speeding ticket and**

1 **Q. I mean you had sex with her.**

2 A. Yeah, I did.

3 **Q. So you didn't see her?**

4 A. It happens.

5 MR. VINSON: Hey Derek, when you get to a
6 stopping point let's take a lunch break or something.

7 MR. HOLLINGSWORTH: Okay.

8 MR. VINSON: It's 1:30 now.

9 MR. HOLLINGSWORTH: I'm going to finish
10 the statement first.

11 MR. VINSON: Sure.

12 **Q. (BY MR. HOLLINGSWORTH) And so you're saying
13 that another time that you and Judge Green got an escort
14 was in Austin?**

15 A. Correct.

16 **Q. All right. And that was when you -- are you
17 claiming that that date was accurate as you've said in
18 your affidavit that it's --**

19 A. That date is --

20 **Q. -- 10-27-11?**

21 A. That date was definitely accurate and I could
22 tell you how I know.

23 **Q. I want to know.**

24 A. I got a speeding ticket driving her car or
25 Ronald's car. We only stayed in Austin one night. So

1 **saying I remember that I got a speeding ticket on that
2 trip so it must have been 10-27-11?**

3 A. When we had the escort the night before so
4 correct.

5 **Q. Okay. And you're sure that you stayed at the
6 Hilton Hotel on 6th Street?**

7 A. I'm almost one hundred percent sure.

8 **Q. Okay. What does almost a hundred percent sure
9 mean?**

10 A. Well, I've only been to Austin once. And that
11 was in 2012.

12 **Q. Okay.**

13 A. So I don't know the exact street. I can't
14 remember the street but I know it was the Hilton.

15 **Q. Sorry. You've been to Austin one time. Was
16 this the one time with Judge Green?**

17 A. Yes.

18 **Q. And you said it was in August of 2012?**

19 A. Yeah.

20 **Q. But you said that you stayed at a Hilton Hotel
21 on 6th Street on October 27th, 2011. So how can that
22 be?**

23 A. You just said 12.

24 **Q. Right.**

25 A. I'm just agreeing with you. Now if you're

1 trying to trap my words --
 2 **Q. I'm not try --**
 3 A. I can --
 4 **Q. I'm just --**
 5 A. I can read. I don't have my glasses on.
 6 **Q. Well --**
 7 A. But I know that we -- it was the same year.
 8 **Q. Look on page three if you would, please, of**
 9 **your affidavit.**
 10 A. Okay. Let me look, please.
 11 **Q. What date did you say that you and Judge Green**
 12 **stayed at --**
 13 A. On 6th Street.
 14 **Q. -- the Hilton Hotel on 6th --**
 15 A. This was --
 16 **Q. -- Street?**
 17 A. -- 10-27-2011.
 18 **Q. Is that true or not true?**
 19 A. Yes. That's the date. That is the exact date,
 20 yes.
 21 **Q. Okay. What I want to ask you is -- you**
 22 **mentioned also that the only time you had ever been to**
 23 **Austin was in October of 2012.**
 24 A. Well, I misspoke on the 12 and the 11. I knew
 25 what date I got the ticket on.

1 **Q. Okay.**
 2 A. So that's what I'm going by.
 3 **Q. So is this date October 27th, 2011 you're**
 4 **saying is the accurate date?**
 5 A. Yes, sir.
 6 **Q. Okay. And that you're misremembering you're**
 7 **saying the 2012 visit?**
 8 A. Correct.
 9 **Q. That was really the 2011 visit?**
 10 A. Correct, sir.
 11 **Q. Okay.**
 12 A. I apologize.
 13 **Q. Do you remember the name -- you say that the**
 14 **trip in Austin was another instance when you hired an**
 15 **escort and paid 200 dollars. Right?**
 16 A. I didn't pay. She paid.
 17 **Q. Were you a party to it?**
 18 A. It was her money. We went in her pocketbook,
 19 got it out and gave it to her.
 20 **Q. Okay. But you -- you didn't participate?**
 21 A. In the sex?
 22 **Q. Yes.**
 23 A. Yes, I did.
 24 **Q. Okay. Do you remember the name of that person?**
 25 A. No, sir.

1 **Q. Do you remember any -- tell me what she looked**
 2 **like.**
 3 A. Tall, light-skinned female, talked a lot, told
 4 us she had two kids at home she had to hurry up and get
 5 back home to. We looked at each other like she was
 6 crazy. We called it a drive-through because it didn't
 7 compare to the first one. We both didn't enjoy the
 8 second one.
 9 **Q. How did you -- so the -- what you -- you**
 10 **described in some detail with Mr. Vinson that when you**
 11 **picked the first one y'all went back and forth of the**
 12 **backpages and spent a lot of time. Right?**
 13 A. Yes, sir.
 14 **Q. So how did you get this one if you're in Austin**
 15 **so quickly?**
 16 A. Backpage.
 17 **Q. So you just got on backpage -- describe it to**
 18 **me real quick.**
 19 A. Okay, went on backpage before --
 20 **Q. While you're in Austin?**
 21 A. Yeah.
 22 **Q. Okay. Go ahead.**
 23 A. Went on backpage, we scrolled looking through,
 24 looking through until we found one to our liking, called
 25 her, set up a time. She went to her meeting. She had

1 some kind of meeting. And when she got back later that
 2 evening went out to eat, went back to the room and met
 3 the escort.
 4 MR. HOLLINGSWORTH: Okay. Let's take a
 5 break.
 6 MR. VINSON: Okay. What's good lunch
 7 around here?
 8 MR. HOLLINGSWORTH: I just Park Shops it.
 9 **Q. (BY MR. HOLLINGSWORTH) Mr. Barnes, we took a**
 10 **lunch break and we're back on camera now.**
 11 **You understand that we're still part of**
 12 **the same proceeding, you're still under oath, all that**
 13 **stuff?**
 14 A. Yes, sir.
 15 **Q. Okay. Little bit earlier before lunch I was**
 16 **asking you about some of your correspondence with the**
 17 **Harris County District Attorney's Office. And you took**
 18 **out of a blue folder that you brought with you today**
 19 **some documents and gave them to me which I copied and**
 20 **marked as exhibits.**
 21 **So I'm going to just talk with you**
 22 **hopefully briefly about those right now. Okay?**
 23 A. Okay.
 24 **Q. All right. So I'm going to hand you Exhibit 26**
 25 **and ask you, is this a letter dated November 23rd, 2015**

1 that you received from the Harris County District
 2 Attorney's Office as a result of you going down or
 3 submitting a criminal complaint regarding Judge Hilary
 4 Green?
 5 A. Yes, it is.
 6 Q. Okay. And so can we agree that, if this letter
 7 is dated November 23rd, 2015, that you would have
 8 submitted your criminal complaint you thought
 9 approximately in October 2015?
 10 A. Correct.
 11 Q. Okay. And I read it earlier so I won't read it
 12 again. But essentially they are writing you back in
 13 response to what you gave them or filed with them asking
 14 you for more information?
 15 A. Correct, sir.
 16 Q. Okay. And did you, indeed, after you received
 17 this letter Exhibit 26 did you provide them more
 18 information?
 19 A. Yes, I did.
 20 Q. Okay. I'm going to hand you Exhibit 27. So we
 21 go from -- we go from Exhibit 26 to Exhibit 27. Is
 22 Exhibit 27 the next piece of correspondence you receive
 23 from the DA's office in relation to your complaint if
 24 you know?
 25 A. I'm not sure I received a few letters from

1 Q. Okay. And was this January 6th letter sent to
 2 you because of you asking the DA's office what's going
 3 on with my complaint?
 4 A. I asked them what did I need to fill out. And
 5 they told me what I needed to fill out and they told me
 6 they would send it to me.
 7 Q. Okay. Is this after you had gone down to the
 8 DA's office in person one or more times?
 9 A. No, sir.
 10 Q. This was before then?
 11 A. Correct. I --
 12 Q. So just to be clear so I'm clear, the
 13 January -- the January 6th, 2016 letter that's Exhibit
 14 27 with the checklist, you're getting this before you
 15 physically have gone down to the DA's office in attempts
 16 to meet with people?
 17 A. Correct.
 18 Q. Okay.
 19 A. What I did was I mailed it in but I forgot to
 20 have it notarized. So they told me I could come get it
 21 and just take it somewhere downtown, have it notarized
 22 and bring it back to their office. So that's what I
 23 did.
 24 Q. And that's -- that's Exhibit 26 I think if
 25 we're just -- I'm trying to be logical here if it makes

1 them. They sent me the same document twice one time.
 2 So I'm not sure exactly in what order I received this.
 3 Q. Okay. But Exhibit 27 certainly is after the
 4 November 23rd letter in Exhibit 26. Right?
 5 A. Correct.
 6 Q. I mean just looking at the dates?
 7 A. Yes, sir.
 8 Q. Okay. And so here what they're doing is giving
 9 you a public integrity checklist which includes a list
 10 of items that they want from you in order for you to
 11 pursue your criminal complaint against Judge Green?
 12 A. Correct.
 13 Q. Okay. And I think what you told me is you
 14 looked through this checklist and you created a response
 15 and submitted that to the DA's office.
 16 A. Correct.
 17 Q. All right. And did you ask for this checklist
 18 or did they just send it to you or how did it come to
 19 be?
 20 A. They told me they would send it to me. They
 21 e-mailed it to me and then they mailed me one, a
 22 regular -- first I waited for one in the mail and I told
 23 them I never received it. And then they e-mailed me the
 24 same documentation. I printed it out and then I think
 25 like two days later I got one in the mail as well.

1 sense. You don't have to agree.
 2 But Exhibit 26 it basically is saying we
 3 need additional information, one of the things is an
 4 affidavit needs to be notarized. Right?
 5 A. Correct.
 6 Q. Okay. And then they send you this checklist
 7 which you then fill out or respond to?
 8 A. Correct.
 9 Q. Okay. And then Exhibit 28 I'm handing you. I
 10 believe you gave this to me earlier and said this is
 11 your response to their checklist.
 12 A. Correct.
 13 Q. Their meaning Harris County DA's office?
 14 A. Correct.
 15 Q. Okay. You prepared this yourself?
 16 A. Yes, sir.
 17 Q. Nobody helped you?
 18 A. No one helped me.
 19 Q. And if you look at page two of this, this looks
 20 very similar to at least some parts of it the affidavit
 21 that you submitted or the statement that you submitted
 22 to the Judicial Conduct Commission.
 23 A. Correct, sir.
 24 Q. Are they both similar documents?
 25 A. Correct.

1 **Q. Okay. Okay. And then Exhibit 29 is not in my**
 2 **understanding -- I'm going to hand you Exhibit 29. My**
 3 **understanding is this is not actually related to the**
 4 **information with the district attorney's office. This**
 5 **is something that you --**
 6 A. No. I gave them this as well.
 7 **Q. Okay. Then -- all right. Thank you. So go**
 8 **ahead and tell me about Exhibit 29, please.**
 9 A. This is a Facebook text message that I took a
 10 screen shot of from the gentleman Curtis Brown who
 11 initially got the Tussionex from. And this was his
 12 response on Facebook. I took a snapshot of it and I
 13 gave this to the district attorney's office as well.
 14 **Q. Had you given this to the Judicial Conduct**
 15 **Commission?**
 16 A. Yes.
 17 **Q. Before today?**
 18 A. Yes.
 19 **Q. Okay. Is there any -- other than Exhibit 29**
 20 **just because it's -- there's no way to tell it's a**
 21 **screen shot. There's no Facebook heading or anything**
 22 **like that.**
 23 **Is there -- is there any other document**
 24 **that you printed off that would make it -- that would**
 25 **make us comfortable --**

1 A. I think I have a copy of it on my phone. I'm
 2 not sure. My phone is not working right now.
 3 **Q. Okay.**
 4 A. But I can possibly pull it up. I mean I can't
 5 make a call on my phone. I can do like Tango, FaceTime.
 6 I can't actually make a call. But I think I do have a
 7 screen shot of that on my phone.
 8 **Q. Okay. But it -- but I'm -- that's fair and I**
 9 **appreciate that.**
 10 **Is there any document that you've printed**
 11 **out or that you have other than Exhibit 29 that would**
 12 **show this information but be able to link it to an**
 13 **actual Facebook page?**
 14 A. I think I have at home.
 15 **Q. You have a printout at home?**
 16 A. I'm almost sure with his picture and my picture
 17 on it as well saying Facebook.
 18 **Q. Okay. And have you given that to the Judicial**
 19 **Conduct Commission?**
 20 A. No. I just -- I gave that to the -- the DA's
 21 office.
 22 **Q. Okay. All right. And the person listed on**
 23 **here -- we said this earlier -- is Curt Yola. You're**
 24 **saying that Curt Yola is Curtis Brown?**
 25 A. Correct.

1 **Q. And you're saying that Curt Yola AKA Curtis**
 2 **Brown is the person that you procured Tussionex from?**
 3 A. Correct.
 4 MR. HOLLINGSWORTH: Okay. You can set
 5 that aside. Apologize for the delay. I just assume not
 6 turn the camera off just so we don't have to go back on.
 7 I'm just looking at a couple notes.
 8 MR. VINSON: Okay. Take your time.
 9 MR. HOLLINGSWORTH: So just bear with me.
 10 MR. VINSON: I think Vic (unintelligible).
 11 THE WITNESS: I'm just enjoying the view.
 12 MR. VINSON: Yeah. It's nice.
 13 **Q. (BY MR. HOLLINGSWORTH) I do want to follow up**
 14 **on a conversation you had with Mr. Vinson. One of the**
 15 **things that Mr. Vinson asked you -- he read from a**
 16 **document, remember, and he said I'm quoting something**
 17 **about that he said Judge Green said under oath.**
 18 **Do you remember him --**
 19 A. Yes, sir. I do.
 20 **Q. -- reading that and then asking you your --**
 21 **basically your take on it?**
 22 A. Correct.
 23 **Q. Okay. Just to get us back to where we were --**
 24 MR. HOLLINGSWORTH: Actually, Eric, do you
 25 have that that I -- I don't want to introduce it,

1 actually. But I do just want to -- I don't have a copy
 2 of it and if I could just read from it, it would be
 3 easier.
 4 MR. VINSON: Absolutely. That's the
 5 whole --
 6 MR. HOLLINGSWORTH: Thank you so much.
 7 **Q. (BY MR. HOLLINGSWORTH) So the conversations**
 8 **that you or the -- I guess the conversation that you**
 9 **discussed with Mr. Vinson that you say that you**
 10 **overheard between Judge Green and Mr. Jordan, that's**
 11 **what I want to talk about.**
 12 A. Okay.
 13 **Q. What was the date of that conversation?**
 14 A. I could not remember the date. I know it was
 15 relatively close to when she and I first met.
 16 **Q. Okay.**
 17 A. So I can't give you an accurate date. But I
 18 would say it was roughly around the first two or three
 19 months that we were dealing with other.
 20 **Q. Okay. So it would have been somewhere around**
 21 **early 2010?**
 22 A. No. We met, what, February 2010.
 23 **Q. Yes, sir.**
 24 A. So I guess March, April, May, maybe in May.
 25 **Q. Is it -- is it possible that y'all met and**

1 **began to interact with each other in 2009?**
 2 A. No, sir, not at all.
 3 **Q. How is it that you're so comfortable with that?**
 4 A. Well, me and Hilary made conversation on
 5 numerous occasions about our, quote/unquote, anniversary
 6 day, the day that we met. We talked about it
 7 extensively, went over the conversation of how we met,
 8 what was said around us. So we've had a conversation
 9 several times.
 10 **Q. Okay. And you're -- it's not possible for you**
 11 **to be mistaken about that date?**
 12 A. No, sir. Not at all.
 13 **Q. Okay. But what you're saying is that the**
 14 **conversation that you say you overheard between**
 15 **Mr. Jordan and Hilary Green was early on in your**
 16 **relationship?**
 17 A. Yes, sir.
 18 **Q. So it would have been early 2010 if you're date**
 19 **is correct about when you met?**
 20 A. Yeah.
 21 **Q. Okay. Did you witness, overhear anything, any**
 22 **other interaction between her and Mr. Jordan other than**
 23 **that phone conversation?**
 24 A. None that I can recall particularly. But --
 25 **Q. Okay.**

1 A. -- she's been in front of me and talked to him
 2 on the phone several times.
 3 **Q. And when was that? Around that same time?**
 4 A. Yeah, around that same time. So I got to the
 5 point where I told her, you know, I'm -- I felt in my
 6 heart -- because one night I stayed the night at her
 7 house while Ronald was out of town. And in particular
 8 this is what really kind of made me feel this way.
 9 She started talk in her sleep. And she
 10 made mention of a friend of hers that owned a
 11 construction company and he had a daughter. And I
 12 thought she was talking to me. So I said what did you
 13 say. And she woke up and was like what are you talking
 14 about. And I said you were just talking in your sleep
 15 about one of your friends who owned a construction
 16 company.
 17 And she told me she didn't know what I was
 18 talking about, whatever. We both went back to sleep.
 19 But then later on she started getting more and more
 20 calls from this guy. That's when I thought something
 21 was going on with them. I do recall one time in
 22 particular she discussed something about the window.
 23 I want to get it as best I -- the window
 24 in her living room kind of crooked. He built the house
 25 and the window was kind of crooked. So I -- I went to

1 her house and I pointed it out to her. She said she
 2 never noticed it before. So she brought that to his
 3 attention one time in a conversation they had with I was
 4 there.
 5 **Q. That would have had to do with the renovations**
 6 **to the home?**
 7 A. Well, I don't know if it was renovated or he
 8 built it or whatever but --
 9 **Q. But either -- either --**
 10 A. Either --
 11 **Q. Either renovations or building it but**
 12 **construction on the -- on her --**
 13 A. Yeah.
 14 **Q. -- home?**
 15 A. They were talking about something else and I
 16 told her to -- I tapped her and told her tell him about
 17 the window. They were talking about something entirely
 18 different. I can't remember the conversation. But I --
 19 I do recall that.
 20 **Q. Okay. You told Mr. Vinson earlier that when**
 21 **you were subpoenaed by Ron Green to testify in the**
 22 **divorce case that you had a conversation with Hilary**
 23 **Green about you being subpoenaed.**
 24 **Is that -- is that accurate?**
 25 A. Well, not entirely.

1 **Q. Okay. Then -- then correct it for me.**
 2 A. I was working at Greenberg, Grant and Richards
 3 in Galleria law --
 4 **Q. Say it again.**
 5 A. I was working at Greenberg, Grant and Richards
 6 in the Galleria.
 7 **Q. Okay.**
 8 A. And --
 9 **Q. Is that a law firm?**
 10 A. Yeah, correct.
 11 And she had informed me of different
 12 parties Ronald was subpoenaing. And I was like the only
 13 one that hadn't got subpoenaed yet partially because I
 14 was ducking the guy with the subpoena. So I got tired
 15 of looking out my door every time. So I called her and
 16 told her I'm tired of, you know, ducking.
 17 **Q. Uh-huh.**
 18 A. So she said, well, just take the subpoena. So
 19 I said okay. So I got served. The gentleman was very
 20 nice. We had a good conversation. So I called her and
 21 told her I got the subpoena.
 22 Later on she and I spoke and this was a
 23 conversation that we had at her house. I do recall
 24 where we were. We are at her apartment. And she
 25 basically informed me that everybody that was on her

1 side or with -- as far as Ronald was subpoenaing was
 2 going to take the 5th.
 3 And I can't tell you exactly how the
 4 conversation went. But basically the gist of the
 5 conversation, well, you could -- you could lie and tell
 6 them this. And I told her I'm not -- I'm not lying.
 7 And then she said, well, if you don't feel comfortable
 8 lying, you can always take the 5th like everybody else,
 9 basically.
 10 **Q. So let's do this as best you can. When are you**
 11 **saying this conversation occurred?**
 12 A. After I was served my first subpoena. I was
 13 served twice.
 14 **Q. So if we -- if we know that your deposition was**
 15 **on December 7th of 2015 -- right?**
 16 A. Well, what I'm getting at is this. I was
 17 served twice.
 18 **Q. No. No. No. That's why I'm trying to**
 19 **recreate the date. Maybe you know.**
 20 A. Well, what I'm saying is the first time I was
 21 served a subpoena no one ever called me to go to court
 22 or take a deposition. It was just like nothing ever
 23 happened. So a few months went by and then I got served
 24 again.
 25 The second time I got served, that's when

1 I went.
 2 **Q. Right. So I guess what I'm trying to do is**
 3 **figure out a time of when this conversation would have**
 4 **occurred. If -- if we know that you were deposed --**
 5 A. Uh-huh.
 6 **Q. -- on December 7th of 2015, I take it that**
 7 **you're saying this conversation occurred before that.**
 8 A. Yes, sir. Definitely.
 9 **Q. And so do your best to tell me when.**
 10 A. It was a few months. I mean for me to -- I
 11 would say about -- if I could recollect when I worked at
 12 Greenberg, Grant and Richards, that will help because I
 13 didn't work there long. I left Regents and Associates
 14 (phonetic) on August -- I think it was 2014.
 15 So it might have been close to two
 16 thousand -- either late 2014 or early 2015 I'm thinking
 17 it was maybe.
 18 **Q. Well --**
 19 A. As far as the first subpoena.
 20 **Q. Okay.**
 21 A. That's what I'm trying to do the math on.
 22 **Q. Okay.**
 23 A. I'm looking at where I left my job, my Regents
 24 and Associates in 2014 in July. So it was right after
 25 that because I transitioned immediately to my job which

1 was right across the street.
 2 **Q. Okay.**
 3 A. I want to say 2014, sir, to be honest with you.
 4 **Q. All right. So the -- I just want to do the**
 5 **best we can. I know you've slept since then.**
 6 **But the conversation that you're telling**
 7 **us --**
 8 A. Uh-huh.
 9 **Q. -- that you had with Judge Hilary Green -- and**
 10 **you said it was in her apartment?**
 11 A. Correct.
 12 **Q. And you think that that conversation occurred**
 13 **in 2014?**
 14 A. Either late '14 or early '15. It was very soon
 15 after because we were at her house unpacking.
 16 **Q. So it was before y'all broke up?**
 17 A. No. This was after we got back together.
 18 **Q. I know y'all -- yeah. Right. But the -- the**
 19 **final breakup -- the final breakup's in October of 2015.**
 20 A. Yeah. It was before then definitely.
 21 **Q. Okay.**
 22 A. Because I was helping her unpack when we was
 23 having this conversation.
 24 **Q. Right. Okay.**
 25 A. So she had just moved into her apartment.

1 So --
 2 **Q. Was anyone else a witness or that can just --**
 3 **that can corroborate --**
 4 A. No.
 5 **Q. -- what you're saying other than you?**
 6 A. No, sir.
 7 **Q. Okay. And I take it are you saying that you --**
 8 **you didn't take the 5th in your deposition. Right?**
 9 A. No, sir. I did not.
 10 **Q. Okay. And you -- you're saying you didn't lie**
 11 **in your deposition?**
 12 A. No, sir. Absolutely not.
 13 **Q. All right.**
 14 A. A legal -- if I may, a legal word was taught to
 15 me by her that I -- I -- well, I never knew, omit. So
 16 that was -- that was one of the words that was said to
 17 me as well.
 18 **Q. Well, do -- do your best to -- let's do this.**
 19 **Do your best to tell us what you're saying Judge Hilary**
 20 **Green said to you.**
 21 A. If you don't lie, you can omit. And if you
 22 feel uncomfortable doing that, you can take the 5th.
 23 **Q. Okay. Anything else?**
 24 A. Not to my recollection. If I recall it, I'll
 25 definitely let you know before I leave this room. But

1 not to my recollection.
 2 **Q. Okay.**
 3 A. That word omit was not in my vocabulary up
 4 until she said it to me.
 5 **Q. How many -- how many text messages do you think**
 6 **that you sent Judge Hilary Green from around October of**
 7 **2015 until January or February of 2016 where you're**
 8 **constantly sending her text messages kind of threatening**
 9 **her about I'm --**
 10 A. If you --
 11 **Q. -- going to the --**
 12 A. -- told me --
 13 **Q. -- DA's office, etcetera?**
 14 A. If you told me it was over a hundred, I -- I'd
 15 probably agree with you.
 16 **Q. Would you be surprised it was over 200?**
 17 A. No.
 18 **Q. You were constantly sending her text messages**
 19 **every day?**
 20 A. Yes.
 21 **Q. Many times multiple times a day?**
 22 A. Yes.
 23 **Q. They were angry and ugly text messages. Right?**
 24 A. Yes.
 25 **Q. They certainly made a lot of very personal**

1 **remarks about her?**
 2 A. Okay.
 3 **Q. Is that right?**
 4 A. Yes, definitely.
 5 **Q. I mean they -- you told her many times that, if**
 6 **she didn't come clean with you and talk with you, that**
 7 **you were going to make sure that she was put in jail,**
 8 **that you were going to the DA's office, that you were**
 9 **going to help Ron in the divorce.**
 10 A. Possibly. I don't recall those words but
 11 possibly. Most likely I did. That's how I felt.
 12 **Q. And -- and that's what you did. You -- those**
 13 **weren't idle threats. Right?**
 14 **I mean you not only texted her that that's**
 15 **what you were going to do. That's what you did.**
 16 A. I'm a man of my word. If I say -- unlike a lot
 17 of people don't stick to their word. If I say I'll do
 18 something, most likely I did it. So I'm not going to
 19 sit here and deny it.
 20 **Q. Okay. I'm going to hand you Exhibit 6 and ask**
 21 **you if this is a text message that you sent to Judge**
 22 **Green.**
 23 A. Okay (unintelligible).
 24 **Q. The number at the top --**
 25 A. That's my phone.

1 **Q. -- is your number. Right?**
 2 A. Yes, sir.
 3 **Q. Those are your words. Right?**
 4 A. I'll mention all the money (unintelligible)
 5 wasted (unintelligible) be honest, yeah, this is mine
 6 definitely. I remember that.
 7 **Q. You can keep it. And this -- this -- your**
 8 **words to her on Saturday at 9:22 p.m. are, you know, I'm**
 9 **sitting here thinking you've got to be mad as shit at**
 10 **yourself right now with all the things you've got going**
 11 **on, your battle with Ronald, the election all the money**
 12 **your parents wasted on, etcetera.**
 13 **All you had to do is be honest with me and**
 14 **go your own way like I've asked you on plenty of**
 15 **occasions or keep your legs closed. Now you're about to**
 16 **lose everything for being so damn arrogant and sneaky.**
 17 **You have to feel like the dumbest asshole in the whole**
 18 **world right now, LOL.**
 19 **Laugh out loud. Right?**
 20 A. Correct.
 21 **Q. I'm going to hand you what I've marked as**
 22 **Exhibit 7 and ask you the same question. Is this**
 23 **another text -- series of text messages you sent to**
 24 **Judge Green?**
 25 A. That's my number, if I was you I'd turn

1 (unintelligible) yeah, definitely.
 2 **Q. Okay. And what you say here in Exhibit 7 this**
 3 **is one where you're letting her know that, if she**
 4 **doesn't talk to you and come -- become honest, you're**
 5 **going to file criminal charges against her. Right?**
 6 A. Correct.
 7 **Q. You say all jokes aside I really wish you'd**
 8 **come to your senses and talk to me before Monday. All I**
 9 **want is to be honest with me and I'll walk away. That's**
 10 **more important to me.**
 11 **You say that. Right?**
 12 A. Correct.
 13 **Q. And so in this text message what you're telling**
 14 **her, if she'll just talk to you and be honest, you're**
 15 **not going to do any of the things you're doing today.**
 16 A. I'm --
 17 **Q. You're not going to go to the DA's office.**
 18 **You're not going to file a Judicial Conduct complaint.**
 19 **You're not going to do anything?**
 20 A. Most likely if that's what I wrote that's how I
 21 was feeling at that time. But feelings change.
 22 **Q. Right. Your feelings clearly change because**
 23 **she ignored you.**
 24 A. No. She didn't ignore me. She just wouldn't
 25 be honest with me.

1 **Q. Well --**
 2 A. We spoke. We talked.
 3 **Q. But she wouldn't do --**
 4 A. We had --
 5 **Q. -- whatever --**
 6 A. -- sex.
 7 **Q. -- you wanted her to do?**
 8 A. Be honest, no. And I can't deny this. I
 9 mean...
 10 **Q. And you say next I will be going down to 1201**
 11 **Franklin Street at -- in the morning at nine a.m. sharp.**
 12 A. That's supposed to be are.
 13 **Q. I think are you sure -- I'll read it the way --**
 14 **I tell you what. I know what it says since it's there.**
 15 **I'll read it the way I think you mean it and if I**
 16 **don't --**
 17 A. Uh-huh.
 18 **Q. -- then -- are you sure that you wish to handle**
 19 **things this way.**
 20 **You said that to her. Right?**
 21 A. Yes, sir.
 22 **Q. 1201 Franklin Street is?**
 23 A. Devon Alexander, District Attorney.
 24 **Q. Devon Anderson?**
 25 A. Devon Anderson.

1 **Q. Yeah.**
 2 A. I apologize.
 3 **Q. That's the district attorney's office?**
 4 A. Correct.
 5 **Q. You're saying I'm going down to file criminal**
 6 **charges against you if you don't do something?**
 7 A. File a complaint.
 8 **Q. Right. You sent these text messages to her --**
 9 **were you in Houston at the time?**
 10 A. Yes.
 11 **Q. Okay. And this would have been in 2015?**
 12 A. Correct.
 13 **Q. Okay. Let's look at Exhibit 8. It's another**
 14 **series of texts you sent her.**
 15 A. Okay (unintelligible) attorney (unintelligible)
 16 turn in tomorrow --
 17 **Q. Read that out loud for me if you would.**
 18 A. I have a checklist from Devon Anderson,
 19 District Attorney, that I'm about to fill out and turn
 20 in tomorrow to the department of public integrity. I
 21 don't want to but I will. If there's anything you want
 22 to say -- there's anything you want to say to me.
 23 **Q. Did you send that to her?**
 24 A. Yes.
 25 **Q. Why?**

1 A. Because I wanted the truth and she's a habitual
 2 liar.
 3 **Q. You wanted her to tell you something that you**
 4 **felt like you already knew?**
 5 A. Well, feelings -- like I said once again,
 6 feelings change. So for me to feel like I know
 7 something that just proves that you don't know anything.
 8 So I'd rather hear it from the horse's mouth than not
 9 hear it at all.
 10 **Q. So I take it, if she had called you and said**
 11 **all right, I -- and then whatever you think she did --**
 12 **none of this would have happened. You would never have**
 13 **said all --**
 14 A. I --
 15 **Q. -- these things you've said today?**
 16 A. I can't predict the future. So for me to
 17 say --
 18 **Q. But that's the way you felt right then?**
 19 A. Well, that's just the way I felt.
 20 **Q. I know.**
 21 A. Like I said.
 22 **Q. That's what I'm asking you. You felt right**
 23 **then when you set this -- sent this text that, if she**
 24 **had called you --**
 25 A. Uh-huh.

1 **Q. -- and admitted to what you thought she did,**
 2 **you would never have done the things you're doing and**
 3 **saying today.**
 4 A. I mean to be --
 5 **Q. Is that fair?**
 6 A. -- honest with you -- no, it's not. To be --
 7 **Q. Why? You said it, didn't you?**
 8 A. Well, if you let me answer the question.
 9 **Q. Okay.**
 10 A. In my heart of hearts I knew I was going to rat
 11 her out anyway.
 12 **Q. Then why were you doing this?**
 13 A. To get my answers, for self-satisfaction, to
 14 get some kind of closure that she would not give to you.
 15 You be with somebody for five years, find out they're a
 16 completely different person than what you thought they
 17 was, you meet their representative, not them.
 18 So this is more so for my own personal
 19 closure. But I had it in my mind already I knew what I
 20 was going to do.
 21 **Q. So all this things about her calling you and**
 22 **talking to you, you won't do it, that's -- those are**
 23 **lies?**
 24 A. Well, I wouldn't say lies. I will say half and
 25 half that's how I felt. I mean in a situation like this

1 you're torn, bottom line you're torn. So --
 2 **Q. Can you read the next page?**
 3 A. Sure.
 4 **Q. So you attach -- you take a screen shot, right,**
 5 **of the letter that we talked about earlier from the --**
 6 **from Devon Anderson and you attach to the -- to this**
 7 **text.**
 8 A. Okay.
 9 **Q. Right? In Exhibit 8? And then the next --**
 10 **next page just right there the next page you say so you**
 11 **don't think I'm making this up.**
 12 A. Correct.
 13 **Q. Right?**
 14 A. I remember that.
 15 **Q. And then you're dumb, all I wanted is the**
 16 **truth, you're about to lose everything that matters to**
 17 **you over lying and cheating and you won't even help**
 18 **yourself, I will never understand that.**
 19 A. Correct.
 20 **Q. These are words of an angry, bitter man.**
 21 **Right?**
 22 A. Well, that's your opinion.
 23 **Q. I'm asking -- I don't -- it's not my opinion.**
 24 **I'm trying to see --**
 25 A. Well, you're saying --

1 **Q. -- if you agree with it.**
 2 A. You're saying right. And I disagree with you.
 3 **Q. So do not believe these are words from an**
 4 **angry, bitter man?**
 5 A. Well, depends on who you ask.
 6 **Q. I'm asking you.**
 7 A. Well, I'm telling you I --
 8 **Q. Did you --**
 9 A. -- disagree.
 10 **Q. -- feel angry and bitter at the time when you**
 11 **sent this?**
 12 A. Angry.
 13 **Q. But not bitter?**
 14 A. Not bitter.
 15 **Q. So just angry? These are the words of an angry**
 16 **man?**
 17 A. Yes.
 18 **Q. Okay. Just so we're on the same page. Let's**
 19 **look at Exhibit 9.**
 20 A. Okay. Give it to me. I can see that already,
 21 ole MLK.
 22 **Q. Did you send this one?**
 23 A. Yes, I did.
 24 **Q. All right. Read this, please.**
 25 A. Okay. It says saddest part -- sad part is you

1 fucked up your entire life or you're fucking your entire
 2 life up (unintelligible) career ruining --
 3 **Q. I can't hear you. I'm sorry.**
 4 A. Okay. It's just -- I'm sorry. My -- my eyes
 5 are horrible.
 6 **Q. You want me to read it?**
 7 A. Would you, please? My eyes are horrible.
 8 **Q. Sad part is you fucked up your entire -- you**
 9 **fucked your entire life up, ruined your career over a**
 10 **N-I-G-G-A that's either married and can't fuck, don't**
 11 **really want you, just saying whatever to get some pussy.**
 12 **You have to look at yourself in the mirror and feel**
 13 **like, damn, I'm giving Devon Anderson everything I have.**
 14 **You're looking at federal time for the**
 15 **Tussionex alone. Hold your kid tight because Ronald's**
 16 **going to get custody and you get a cell mate after I let**
 17 **the truth -- truth is in quotation marks -- be none -- I**
 18 **think it means known.**
 19 A. Known, yeah.
 20 **Q. About all the shit you've done. Did you write**
 21 **that?**
 22 A. Yes, I did.
 23 **Q. And so you're threatening to put her in prison.**
 24 **Right?**
 25 A. Well, let me make this clear to you.

1 **Q. You don't have to make it clear.**
 2 A. Well --
 3 **Q. You can answer it yes or no. Are you**
 4 **threatening her with this text to get her in federal**
 5 **prison?**
 6 A. I don't have the authority to put someone in
 7 prison.
 8 **Q. So the answer's no?**
 9 A. Do I have the authority to put someone in
 10 prison?
 11 **Q. Did you say it?**
 12 A. I said it, yeah.
 13 **Q. Okay. So -- and it's a threat. Right?**
 14 A. You could call it --
 15 **Q. Whether it's --**
 16 A. -- what you want.
 17 **Q. Whether you can do it or not it's a threat?**
 18 A. It's the truth.
 19 **Q. So I thought you couldn't do it.**
 20 A. No. I'm saying so far as what I'm saying what
 21 she did, lie and everything.
 22 **Q. Well --**
 23 A. So far as me putting someone in prison, I don't
 24 have that authority unless you know something that I
 25 don't.

- 1 **Q. Hold your kid tight because Ronald's going to**
 2 **get custody -- I asked you early in this process and --**
 3 A. Uh-huh.
 4 **Q. -- you went on this whole long thing about what**
 5 **a good mom she is, you have no desire for her to lose**
 6 **custody of Christopher.**
 7 A. Uh-huh.
 8 **Q. But right here, sir, in Exhibit 9 in a text**
 9 **you're threatening her that you're going to help her**
 10 **lose custody. Right?**
 11 A. Well, what else did I say to you? I said
 12 feelings change.
 13 **Q. So now you feel like --**
 14 A. Well --
 15 **Q. At the time you wrote this --**
 16 A. When -- you know --
 17 **Q. -- that's how you felt?**
 18 A. At the time I was angry.
 19 **Q. Okay.**
 20 A. I told you that. I'm not --
 21 **Q. All right.**
 22 A. -- going to lie about it.
 23 **Q. And then the next page you attach a picture of**
 24 **Dr. King?**
 25 A. Correct.

- 1 **Q. Shooting the bird?**
 2 A. Correct.
 3 **Q. Okay. And it says I know Michael never helped**
 4 **you paint your place, I heard him with my own two ears**
 5 **say he didn't, liar.**
 6 **Is Michael someone with whom you felt like**
 7 **she was having a sexual relationship?**
 8 A. No. She --
 9 **Q. Okay.**
 10 A. Michael is -- would you like to know?
 11 **Q. That's all right.**
 12 A. Okay.
 13 **Q. So -- and then at the end, I've been in the**
 14 **district attorney office all damn day and then it -- I**
 15 **don't have the next page.**
 16 **Is that true? Had you been at the**
 17 **district attorney's office that day?**
 18 A. Yeah.
 19 **Q. Let's look at 18.**
 20 A. Please.
 21 **Q. Did you write this and send this to Judge**
 22 **Green?**
 23 A. Okay. (unintelligible) my attorney
 24 (unintelligible) DA (unintelligible) -- yeah, I wrote
 25 this.

- 1 **Q. Okay. All of these are around the same time**
 2 **period. Right?**
 3 A. Basically, yeah.
 4 **Q. Right. They're all around the end -- the end**
 5 **of 2015 beginning of 2016?**
 6 A. I would say the end of 2015.
 7 **Q. Right. All of them are sent by you while**
 8 **you're in Houston to Judge Green while she's in Houston?**
 9 A. Correct.
 10 **Q. In Harris County, Texas?**
 11 A. Correct. Well, I don't know exactly where she
 12 was at but I know where I was.
 13 **Q. Okay.**
 14 A. Yeah.
 15 **Q. Once my attorney -- I'm reading Exhibit 18.**
 16 **Once my attorney gives this shit to Ronald's attorney --**
 17 **by the way, did you have an attorney?**
 18 A. I had it for a minute but then I told her I
 19 wouldn't need her.
 20 **Q. Who was it?**
 21 A. No one you know.
 22 **Q. I don't care. Who is it?**
 23 A. No one you know, Lia Hayes.
 24 **Q. Spell it.**
 25 A. Lia, L-I-A H-A-Y-E-S.

- 1 **Q. Where is that person?**
 2 A. I have no idea right now. She moved.
 3 **Q. And -- oh, okay. You're not making that name**
 4 **up?**
 5 A. No.
 6 **Q. That's somebody registered with the State Bar**
 7 **of Texas?**
 8 A. Yeah.
 9 **Q. Okay. All right. Once my attorney gives this**
 10 **shit to Ronald's attorney and the DA you're fucked, I'm**
 11 **a going to give you one more chance to tell me the**
 12 **truth. You can run but you can't hide. You do realize**
 13 **you might be going to jail. Two things I know for sure,**
 14 **you're scared shitless and dumb as hell, you need to**
 15 **think about what I'm saying and talk to me soon.**
 16 **Did you write that?**
 17 A. Correct. I did one hundred percent.
 18 **Q. Are we still on the same page that these are**
 19 **words of an angry man?**
 20 A. Yeah.
 21 **Q. These are words of someone threatening over and**
 22 **over Judge Green?**
 23 A. Okay.
 24 **Q. Yes?**
 25 A. I was angry. I don't consider them threats.

1 **Q. Are you harassing her by sending these?**
 2 A. She was responding to me as well calling --
 3 **Q. Were you harassing her by sending these over**
 4 **and over, over 200 text messages?**
 5 A. I don't think so.
 6 **Q. Well, did you -- what were you trying to**
 7 **accomplish?**
 8 A. To get to the truth.
 9 **Q. By what?**
 10 A. By sending text message, communicating.
 11 **Q. So these are -- these are just communications**
 12 **just like you'd communicate with anyone?**
 13 A. No, not anyone.
 14 **Q. Okay. Let's look at some more of these**
 15 **communications.**
 16 A. Please.
 17 **Q. Let's look at Exhibit 4.**
 18 A. Oh, yeah.
 19 **Q. Is this another one that you sent her?**
 20 A. Okay. That's mine.
 21 **Q. All right you. You sent this to Judge Green?**
 22 A. Correct.
 23 **Q. All in this same time. Right?**
 24 A. Correct.
 25 **Q. That we've been talking about?**

1 **Q. But you can say it?**
 2 A. I can say it. Those are --
 3 **Q. You said it.**
 4 A. -- words, 1st Amendment.
 5 **Q. Right? Were you --**
 6 A. Freedom of speech.
 7 **Q. -- joking?**
 8 A. No, I was not joking.
 9 **Q. Okay. So you meant what you said and you meant**
 10 **for her to read it?**
 11 A. Yeah.
 12 **Q. And you meant for her to react to it?**
 13 A. Okay.
 14 **Q. Yes?**
 15 A. I still can't put her in jail.
 16 **Q. But you tried. You went down to the Harris**
 17 **County District Attorney's Office --**
 18 A. My --
 19 **Q. -- and filed all the documents that they asked**
 20 **you for with the -- with the intent of --**
 21 A. Well --
 22 **Q. -- trying to put her in jail. Right?**
 23 A. If she wasn't guilty, she wouldn't have
 24 anything to worry about.
 25 **Q. But you don't believe she's -- that she's not**

1 A. Correct.
 2 **Q. This one says one last try and then I'm**
 3 **e-mailing yesterday's info and tonight's.**
 4 **And then another text after that, only a**
 5 **filthy whore would do what you did, I know you was**
 6 **fucking someone the entire time, last year and even**
 7 **before with no protection and lying about it all.**
 8 **You're a dirty, nasty bitch who needs to be locked away**
 9 **like a rabid dog for public safety before you infect**
 10 **someone with AIDS. And trust me when I say, if I have**
 11 **anything to do with it, you're going to jail.**
 12 **Did you say that?**
 13 A. Yes, sir. I did.
 14 **Q. Okay. Do you consider this a threat?**
 15 A. No. This is how I felt.
 16 **Q. I know it's how you felt. Do you consider it a**
 17 **threat?**
 18 A. I said no.
 19 **Q. You're threatening her with jail. Right?**
 20 A. I can't put her in jail.
 21 **Q. No. But you're threatening -- but you're**
 22 **certainly threatening it.**
 23 A. Well, I can't threaten anybody with jail.
 24 That's like me telling you I'm going to lock you up. I
 25 can't do it.

1 **guilty, do you?**
 2 A. She's not.
 3 **Q. Right. So your intent is to try to get her put**
 4 **in jail. Right?**
 5 A. Well, you obviously believe she's innocent.
 6 You're representing her.
 7 **Q. What does that have to do with anything? I'm**
 8 **asking you the questions, sir. Can you just answer**
 9 **them?**
 10 A. I'm answering.
 11 **Q. You're not. With -- respectfully, you're not.**
 12 A. What do you want to know?
 13 **Q. I want to know what I'm asking you.**
 14 A. Which is?
 15 **Q. I'm being pretty freaking clear about this.**
 16 A. Ask the question again, please.
 17 **Q. All right. Your intent --**
 18 A. Uh-huh.
 19 **Q. -- in doing these things, sending her text**
 20 **messages and going down to the DA's office was --**
 21 A. Uh-huh.
 22 **Q. -- to try to be a step in the process of**
 23 **getting her put in jail. Correct?**
 24 A. I -- I -- I don't think so, no.
 25 **Q. Then why did you do it?**

- 1 A. I was angry. I told you.
 2 **Q. So then did you make it all up, it really**
 3 **wasn't about her going to jail?**
 4 A. Well, whether she goes to jail or not honestly
 5 right now the way I feel today I could care less.
 6 **Q. Then why are you doing it?**
 7 A. Because I'm committed to something, exposing
 8 her for who she is.
 9 **Q. You're committed to getting even with her**
 10 **because you think she cheated on you.**
 11 A. Okay.
 12 **Q. Right?**
 13 A. Think --
 14 **Q. And what you have done, sir --**
 15 A. Uh-huh.
 16 **Q. Is make up a bunch of lies about her because**
 17 **you're angry with her.**
 18 A. Are you --
 19 **Q. Correct?**
 20 A. -- sure?
 21 **Q. I'm asking you. Isn't that right?**
 22 A. No. That's absolutely one hundred percent
 23 wrong.
 24 **Q. Okay. Let's look at Exhibit 5.**
 25 A. Knock it out.

- 1 sleeping with and you come back to me.
 2 **Q. Let's look at -- we already looked at that one.**
 3 **Let's look at Exhibit 10. Did you write that one to**
 4 **her?**
 5 A. I'm sure I did.
 6 **Q. Well, take a look at it first.**
 7 A. Just (unintelligible) -- yeah. This is the
 8 gentlemen she told me she slept with are.
 9 **Q. Did you write this to her?**
 10 A. Yes, I did.
 11 **Q. And you sent it to her?**
 12 A. Yes, I did.
 13 **Q. And it says just found out Darrell Grayson**
 14 **(phonetic) is the dude you was fucking behind my back,**
 15 **you dirty hoe. Your friends ain't your friends. I**
 16 **can't wait to testify against your lying ass. I'm**
 17 **telling everything I know.**
 18 **That's why you was washing your filthy-ass**
 19 **pussy in vinegar to get rid of yeast infections instead**
 20 **of going to a doctor. You're a disgusting rat and a**
 21 **junky.**
 22 **You wrote that. Right?**
 23 A. Yes, I did.
 24 **Q. And you sent that to her?**
 25 A. Correct.

- 1 **Q. Can you read this one? Will your glasses allow**
 2 **you to read this one or not?**
 3 A. If you please?
 4 **Q. You want me to read it?**
 5 A. Please. You're doing a great job.
 6 **Q. You -- is this from you?**
 7 A. If my number's up there, yes.
 8 **Q. So is this from you to her?**
 9 A. Yes.
 10 **Q. And what it says -- I'll just save us the**
 11 **time -- you are the absolute worst piece of shit in the**
 12 **world. Calling you a nasty whore is being kind. If you**
 13 **died of AIDS, I would not be surprised.**
 14 **You wrote that to her. Right?**
 15 A. Correct.
 16 **Q. Okay. Was this -- what were you trying to**
 17 **accomplish here?**
 18 A. To let her know what she was doing was foul.
 19 **Q. Pardon?**
 20 A. To let her know what she was doing, the way she
 21 was living is foul and the way she's going around
 22 sleeping with men unprotected and coming back to me I
 23 have a -- I have a child to raise. I got a kid to
 24 raise. And you're doing something like that, sleeping
 25 with god knows how many men, no telling who they

- 1 **Q. Okay. Let's look at 11. I want to know if you**
 2 **sent -- if you wrote this and sent this to Judge Green.**
 3 A. Let's see (unintelligible) yes, I did.
 4 **Q. Okay. This one says from you to Judge Green I**
 5 **hope you're laying with your new N-I-G-G-A tonight**
 6 **enjoying yourself because tomorrow I have to meet my**
 7 **attorney at 10 a.m. but I'm going to get to her office**
 8 **at nine a.m. and when I do we're going straight to**
 9 **Franklin Street -- that's the DA's office. Right?**
 10 A. Uh-huh.
 11 **Q. That's what you meant. Right?**
 12 A. Correct.
 13 **Q. I will not let sleep hit my eyes until I tell**
 14 **every fucking thing I saw you do and everything you told**
 15 **me you did. They going to have to kick me out of their**
 16 **office or tell me to slow down. Although it's not**
 17 **admissible in court, I'm volunteering to take a**
 18 **polygraph for the DA I'm not lying about nothing.**
 19 **Did you write that?**
 20 A. I absolutely did.
 21 **Q. I'm going to show you Exhibit 12 and ask if**
 22 **this is another one you wrote and sent to her.**
 23 A. Okay. Correct. I did.
 24 **Q. Okay. And this one says that you wrote the**
 25 **Judge Green and sent to her, I understand you was**

1 telling Tony Bradford the quickest way through a fire is
 2 to run through it, which was something I taught you, and
 3 you loved him and how y'all would be together.
 4 **You done fucked up, headed to the DA's**
 5 **office right now. And you was fucking Tony old ass**
 6 **every Sunday and told me you fucked him twice, you nasty**
 7 **bitch.**
 8 **You wrote that?**
 9 A. I definitely did.
 10 **Q. By the way, in all these text messages we've**
 11 **gone through so far where's her response? Where's --**
 12 **you said she was responding I thought. Where are they?**
 13 A. You call people. You don't communicate through
 14 text.
 15 **Q. So you're sending texts and what your story is**
 16 **that she's calling you?**
 17 A. And I called her. She called me. We spoke in
 18 the midst of these.
 19 **Q. But there's no text messages from her so far.**
 20 **Right?**
 21 A. No. Well, she was smarter than me.
 22 **Q. Well, you do know that she sent you one text**
 23 **during the midst of these you're sitting here saying I**
 24 **did nothing wrong, quit texting me. Right?**
 25 A. Yeah. But she --

1 up families and lost yours, dumb ass. You are in big
 2 fucking trouble, you piece of shit.
 3 **Two things I know for certain. One is**
 4 **between what Ronald and I have you'll never have custody**
 5 **of your son. Two, when the DA is done you'll never be a**
 6 **judge or be able to practice law anywhere on this planet**
 7 **again.**
 8 **You wrote that. Right?**
 9 A. I definitely wrote that.
 10 **Q. This really shows the type of person that is**
 11 **the complainant to the Judicial Conduct Commission.**
 12 **Right?**
 13 A. Was one of us hurt? They're -- they're men.
 14 They're normal people. Everybody gets hurt. I'm sure
 15 you got hurt before.
 16 **Q. I can assure you that I have never in my entire**
 17 **life sent texts like this to any human being.**
 18 A. Well, I can assure you you never let a woman do
 19 that to you either.
 20 **Q. You can't assure me of anything, sir.**
 21 A. Well, you can -- neither can you.
 22 **Q. Let's look at Exhibit 14. Did you send that**
 23 **one?**
 24 A. Absolutely.
 25 **Q. Starts off truly fucked three-way from Sunday,**

1 **Q. You remember that, don't you?**
 2 A. I remember that. But I --
 3 **Q. Okay.**
 4 A. -- also remember the text she sent me saying --
 5 **Q. Hold on.**
 6 A. -- she destroyed the phones.
 7 **Q. You're not answering my question.**
 8 A. I said I remember. That's --
 9 **Q. Good.**
 10 A. -- loud and clear.
 11 **Q. All right. Then -- and up didn't stop, did**
 12 **you?**
 13 A. No, I didn't.
 14 **Q. You kept going?**
 15 A. Correct.
 16 **Q. With all these vile texts that you sent her.**
 17 **Right?**
 18 A. All of them.
 19 **Q. Okay. Let's look at Exhibit 13. Did you send**
 20 **this one to her?**
 21 A. Absolutely.
 22 **Q. Okay. What it says is it's -- the first one's**
 23 **cut off. It says FAA, question mark. And it says you**
 24 **stupid bitch, I saw that on your phone. You're a filthy**
 25 **cum-drinking whore, fucking with married men, breaking**

1 you nasty slut, I can't -- I can't not wait to see you
 2 in court. That twinkle in my eye will be, quote, got
 3 'em, I can't wrap my head around all this shit. You
 4 lied straight to my face about everything.
 5 **You are an evil person, Hilary. But it's**
 6 **all coming out into the light. And everything happens**
 7 **to you, you deserve it. God does not like ugly and you**
 8 **are hideous, un -- unworthy to be a mother. And I can**
 9 **only pray they lock you up.**
 10 **You wrote that. Right?**
 11 A. I definitely wrote that.
 12 **Q. This is Exhibit 15. Is that the same one?**
 13 A. No. It's a different one.
 14 **Q. Yeah. Sorry. Did you send this one, this text**
 15 **message to Judge Green?**
 16 A. Absolutely.
 17 **Q. And again, all in the same time, all in Harris**
 18 **County. Right?**
 19 A. I could not tell you if it was the same time.
 20 **Q. Well, somewhere at the end of 2015 or early**
 21 **2016?**
 22 A. Correct.
 23 **Q. Right?**
 24 A. Yes. Absolutely.
 25 **Q. Okay. The sad part is, if you would have been**

1 honest with me from the beginning, which I always knew
 2 you wasn't, I would have forgiven you and none of this
 3 would be happening. That's why I never trusted or was
 4 able to let things go because I knew you wasn't telling
 5 me the truth. But back when all this shit jumped off I
 6 would have definitely forgave you, hell, even six months
 7 ago but not now.

8 You wrote that?

9 A. Yes.

10 Q. And you meant it?

11 A. Yes.

12 Q. Okay. Let's look at Exhibit 16. This one's
 13 sideways I don't know why.

14 A. Okay.

15 Q. Did you write this and send this to Judge
 16 Green?

17 A. Yes, I did.

18 Q. And it says I'm sure you know by now my depo as
 19 you guys put is set for December 7th, 2015 at two
 20 o'clock sharp. Once I open my mouth there will be no
 21 mediation. So your lawyer can hang that shit up. Trust
 22 me when I say I'm the captain now.

23 I want an apology from you. And if y'all
 24 think pushing it back is helping, I got a trick up my
 25 sleeve no one will see coming. You've done so much shit

1 A. Houston Chronicle.

2 Q. Right. So now you're -- you're turning up the
 3 dial a little bit more. We've threatened stuff about
 4 divorce. We've threatened Judicial Conduct. We
 5 threatened jail time. Now we're threatening to go to
 6 the press. Right?

7 A. Uh-huh.

8 Q. Is that a yes?

9 A. Yes.

10 Q. Let's look at -- hold on. Let's look at 22.
 11 Is this another text that you sent her?

12 A. Okay. Definitely my phone number. Definitely
 13 wrote that.

14 Q. Okay. And it says I don't know why but I'm
 15 about to take my foot out of yo ass, answer the phone.
 16 And by the way, it's because you're calling her. Right?
 17 That's why you say answer the phone, because you're
 18 calling her?

19 A. Sometimes I would text her answer the phone
 20 before I called her.

21 Q. But here --

22 A. I'm not sure.

23 Q. Okay. And not only, Mr. Barnes, would you call
 24 her with your caller ID. Sometimes you would block your
 25 caller ID. Right?

1 you forgot 90 percent of what I know.

2 Did you write that?

3 A. I absolutely --

4 Q. What's the trick up your sleeve you're talking
 5 about?

6 A. I couldn't tell you to be honest with you.

7 Q. Did you just make it up?

8 A. I doubt if I made it up. I was probably
 9 thinking of something. I can't think of it right
 10 offhand. But this is definitely me.

11 Q. Is this you, Exhibit 17?

12 A. Yes. You want to read this, please?

13 Q. So here you write to Judge Green -- you start
 14 involving her parents. Right?

15 And if your parents don't know about you
 16 bringing me weed, paying for prostitutes and eating
 17 pussy, they will when I'm done. Everyone in Texas will
 18 because I got a date with Lisa and text messages for
 19 days. Whenever you're ready to talk to me just call,
 20 until then nothing but pressure. And then okay, have it
 21 your way.

22 A. Definitely wrote that.

23 Q. Lisa is?

24 A. Lisa Olsen.

25 Q. Who is with the --

1 A. Not block it.

2 Q. You would spoof it?

3 A. Spoof it.

4 Q. All right. What you did is you downloaded an
 5 app that allows you to create a fake phone number --

6 A. Correct.

7 Q. -- on your phone so that the caller ID of the
 8 recipient makes it look like --

9 A. Another number.

10 Q. -- someone else is calling. Right?

11 A. Correct.

12 Q. And what you did is you would put in a number
 13 like for her court or her parents or something like that
 14 so that she would answer the phone.

15 A. I don't know her parents' number but I did the
 16 courtroom before, yes, I did.

17 Q. All right. So you spoof called her and
 18 inserted the number of her court so that she would
 19 answer the phone?

20 A. Correct.

21 Q. You really wanted to talk with her?

22 A. I wanted some answers. After five years of
 23 dealing with five years worth of lies and only thing you
 24 get is hey, I had unprotected sex with a guy on the
 25 couch Tuesday, yeah, I wanted some answers.

1 **Q. Hell hath no fury like a woman scorned in this**
2 **case?**
3 A. Are you referring to me as a woman?
4 **Q. No. But you're pretty upset.**
5 A. Not anymore.
6 **Q. But then certainly --**
7 A. Then --
8 **Q. -- at the time that you went to Ron, at the**
9 **time you filed your complaint with the Judicial Conduct**
10 **Commission, at the time you went to the DA's office you**
11 **and I can agree that you were about as angry as you've**
12 **probably ever been?**
13 A. No. I've been much angrier. You don't know
14 where I've been and what I've been through to make a
15 statement like that you have no knowledge of. But I was
16 very -- if I could replace the word anger as hurt, that
17 would be a better description of it.
18 But for you to say this is probably as
19 angry as you've ever been, I had a child that was killed
20 in a car accident. So you don't know me. So for you to
21 say that, no.
22 **Q. I had no idea that you had a child in a car**
23 **accident and I don't mean to compare that tragedy with**
24 **this. So --**
25 A. This is nothing compared to then. But to say I

1 of it at that point in time. I hadn't given the DA's
2 office anything. At least I don't -- I don't think I
3 did but I --
4 **Q. And you did reach out to Lisa Olsen. Right.**
5 A. I did absolutely --
6 **Q. You talked to the Chronicle?**
7 A. Correct.
8 **Q. You told Lisa Olsen about your beliefs and**
9 **thoughts?**
10 A. Well, I --
11 **Q. Right?**
12 A. I was under no order not to talk to anyone.
13 **Q. I didn't say it was that you weren't.**
14 A. So --
15 **Q. I'm just saying, in fact, you did.**
16 A. In fact, I did.
17 **Q. Who else in the media have you contacted about**
18 **Judge Green?**
19 A. Lisa Olsen.
20 **Q. Who else?**
21 A. Lisa Olsen to my knowledge unless there's
22 somebody else.
23 **Q. Only you would know.**
24 A. Well, I'm telling you.
25 **Q. So who else? Anybody else?**

1 was hurt oh, definitely. When you're lied to from a
2 woman for five years who comes between you and your
3 family and does malicious things, things that could take
4 your life, sleeping with people unprotected, yeah, I
5 was -- I was hurt. But where I am now, two different
6 people.
7 **Q. So let's read this. I don't know why but I'm**
8 **about to take my foot out of yo ass -- this is Exhibit**
9 **22. You need to think about your license to practice**
10 **law, Judicial Conduct Commission?**
11 A. Correct.
12 **Q. Your job, Judicial Conduct Commission and**
13 **custody, Harris County DA's Office and jail time, Harris**
14 **County DA's Office. Right?**
15 A. Correct.
16 **Q. Don't let bad advice and pride get the better**
17 **of you. I haven't given Ronald or the DA anything I**
18 **have yet. But I'm looking real sexy to them both. All**
19 **I want is for you to be honest.**
20 **You wrote that. Right?**
21 A. Absolutely.
22 **Q. So at the time you wrote this had you not**
23 **really given Ronald and the DA's office anything or are**
24 **you just saying that so she'll call you?**
25 A. I think I spoke to Ronald. That was the extent

1 A. No.
2 **Q. Okay.**
3 A. Now who she talked to I have -- I'm not privy
4 to that. I spoke to Lisa a few times.
5 **Q. How many times?**
6 A. I say about three times.
7 **Q. In person or on the phone?**
8 A. On the phone twice, once in person but the
9 second we met I got an emergency. I had to leave.
10 MR. HOLLINGSWORTH: Let's take a break.
11 Mr. Barnes, we're -- we took a short
12 break. I'm finished with my questions today. I'll
13 reserve any others I have until another time. Thank
14 you.
15 THE WITNESS: Thank you.
16 FURTHER EXAMINATION
17 BY MR. VINSON:
18 **Q. Mr. Barnes, Eric Vinson again. Just -- just**
19 **one quick thing that I -- I'm a little confused about**
20 **the time line involving your observation of Judge Green**
21 **with Mr. Jordan. Okay?**
22 A. Okay.
23 **Q. If I understood your testimony in -- in**
24 **response to Mr. Hollingsworth's questions, you said that**
25 **most of that interaction happened early on in your time**

1 with your relationship with Judge Green.
 2 Is that correct?
 3 A. Correct.
 4 Q. Now I'm trying to put something together. If I
 5 remember correctly, when I was asking you questions
 6 about your experience with -- with Mr. Jordan and his
 7 role in Judge Green's life?
 8 A. Uh-huh.
 9 Q. If I understood you correctly, you told me that
 10 after you stopped buying or helping Judge Green obtain
 11 Tussionex that's when she went to Mr. Jordan. Is that
 12 correct?
 13 A. Correct. That's what I was told.
 14 Q. And -- and that obviously didn't happen in the
 15 first three months of your relationship with Judge
 16 Green. Right?
 17 A. No, sir.
 18 Q. And so help me understand -- and maybe there's
 19 not -- maybe I'm just missing something. But did you
 20 observe Judge Green have conversations with Mr. Jordan
 21 in -- in her attempts to get Tussionex from Mr. Jordan?
 22 A. No. I didn't observe the conversation. The
 23 only thing she said to me was that she gave him couple
 24 hundred dollars to get it and he never came back with
 25 her money.

1 Q. And what time period?
 2 Was this early in the relationship or
 3 later?
 4 A. Later.
 5 Q. Okay. So you still believe that even though
 6 you didn't see it after those first three months of
 7 conversations between Judge Green and Mr. Jordan you had
 8 reason to believe that she was still interacting with
 9 him for at least a couple years after that.
 10 Is that about right?
 11 A. This is what I was told, yes.
 12 Q. And told by Judge Green?
 13 A. Correct.
 14 MR. VINSON: All right. All right.
 15 That -- that's -- I just wanted to clear that piece up.
 16 THE WITNESS: All right.
 17 MR. VINSON: All right. Thank you, sir.
 18 MR. HOLLINGSWORTH: Real -- real quick.
 19 FURTHER EXAMINATION
 20 BY MR. HOLLINGSWORTH:
 21 Q. How -- what's your understanding of how Judge
 22 Green would communicate with Mr. Jordan if he were in
 23 jail.
 24 A. I have no idea.
 25 Q. Well, how -- I'm just trying to think. How is

1 it possible --
 2 A. I have --
 3 Q. -- for -- let me finish the question and you're
 4 welcome to respond.
 5 But how -- how is it even possible that
 6 she communicated with him and supposedly he got
 7 Tussionex for her if he was in jail?
 8 A. I have no idea when he was locked up. Only
 9 thing I can go by is what she told me. She told me, if
 10 I quit smoking marijuana, she would stop doing
 11 Tussionex. That was the deal we made.
 12 Later on she came back and told me you're
 13 going to be mad at me. And I said why. She said -- and
 14 I quote -- I gave Dwayne Jordan some money to get me
 15 some Tussionex and he never came back with it. At that
 16 point in time Dwayne Jordan's name wasn't even allowed
 17 to be mentioned around me. So I have no idea where he
 18 was or anything.
 19 MR. HOLLINGSWORTH: Okay. All right.
 20 Thank you.
 21 Eric, anything else?
 22 MR. VINSON: Nothing else from me at this
 23 point. Thank you.
 24 MR. HOLLINGSWORTH: Okay. Thanks.
 25 MR. VINSON: All right. Appreciate the --

1 THE WITNESS: All right.
 2 MR. VINSON: -- hospitality.
 3 THE WITNESS: And these are yours.
 4 MR. HOLLINGSWORTH: Leave those here.
 5 (End of audio at 03:03:36)
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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3

4 I, David Bateman, the undersigned Certified
5 Shorthand Reporter in and for the State of Texas,
6 certify that the foregoing pages are a true and correct
7 transcription of the audio recording to the best of my
8 ability to understand and decipher the words and
9 identify the speakers based on information provided.

10 I further certify that I am neither attorney or
11 counsel for, related to, nor employed by any parties to
12 the action in which this testimony is taken and,
13 further, that I am not a relative or employee of any
14 counsel employed by the parties hereto or financially
15 interested in the action.

16 SUBSCRIBED AND SWORN TO under my hand of seal of
17 office on this the ___ day of _____, 2016.

18
19 
20



21 David Bateman, Texas CSR #7578
22 Expiration of Cert.: 12-31-2017

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QJ-1
CJC No. 15-0821-JP & 16-0393-JP
LETTER OF INQUIRY: JUDGE HILARY GREEN

1. Please state the dates of your judicial service.

June 20, 2007 to the present

Re: Dwayne Jordon

2. Please refer to the photograph attached as Ex. CJC-1, pg. 3 when you respond to the following:

- a. Please identify the people that appear in the photograph and, with respect to the individual around whom you have your arm, include a detailed description of your relationship.

Myself and Dwayne Jordon's mother. I do not have a relationship with her. I met her when Ron and I took our son to a birthday party for Mr. Jordon's son. This is where the photograph was taken.

- b. Please indicate the approximate date and time the photograph was taken.

Based on the approximate age of my son in the photograph labeled Ex. CJC-2, this photograph was likely taken sometime in 2009 or 2010.

- c. Please identify and describe the location where the photograph was taken, including the name of the owner of the property.

As far as I can recall, at a ranch, which I am assumed was owned by Mr. Jordon

- d. Please describe the event at which this photograph was taken, including a detailed description of your relationship with or connection to the host(s) of this event.

A birthday party for Mr. Jordon's son. I do not recall but I assume Mr. Jordon was the host. For a description of my relationship with Mr. Jordon, please see response to Question 12(d)(vi) below.

- e. Please indicate whether Dwayne Jordon was present at this event.

I do not recall but I assume Mr. Jordon was present.

3. Please refer to the photograph attached hereto as Ex. CJC-2, pg. 3 when you respond to the following:

- a. Please identify the people who appear in the photograph and describe your relationship with each.

Ronald Green (my husband), Christopher Green (my son), and I

- b. Please indicate the approximate date and time the photograph was taken.

Based on the approximate age of my son, approximately in 2009 or 2010

- c. Please indicate the approximate age of the child when this photograph was taken.

Approximately 4 or 5 years old

- d. Please identify and describe the location at which the photograph was taken, including the name of the owner of the property.

As far as I can recall, at a ranch located, which I assumed was owned by Mr. Jordon

- e. Please describe the event at which this photograph was taken, including a detailed description of your relationship with or connection to the host(s) of the event.

A birthday party for Mr. Jordon's son. I do not recall but I assume Mr. Jordon was the host. For a description of my relationship with Mr. Jordon, please see response to Question 12(d)(vi) below.

- f. Please indicate whether Dwayne Jordon was present at this event.

I assume Mr. Jordon was present.

4. Please refer to the photograph attached hereto as Ex. CJC-1, pg.4 when you respond to the following:

- a. Please indicate the approximate date and time the photograph was taken.

Approximately September 2009; I do not recall the day.

- b. Please identify and describe the location at which the photograph was taken.

A church in Houston. I do not recall the name or location.

- c. Please describe the event at which this photograph was taken, including a detailed description of your connection to the event and relationship with its host(s).

My husband was out of town and asked me to attend the funeral of Mr. Jordon's grandfather. Please refer to my response to Question 12(d)(vi) regarding my relationship with Mr. Jordon who I assume was the host.

- d. Please indicate whether Dwayne Jordon was present at this event.

I do not recall.

5. Please provide the approximate month and year in which Dwayne Jordon completed the renovations to your house.

Early 2010. While the balance of the loan funded on November 28, 2008, I recall that

there was some damage to the property from Hurricane Ike that affected the renovation. I also recall that Ronald and I hosted Thanksgiving in 2009 at the house but there were still parts of the property that were incomplete, and still being renovated by E. Jordon, Inc. By way of example and not as a complete list of the incomplete items, I recall that during Thanksgiving, we had to park on the street because the driveway was incomplete, and that the fireplace was incomplete. In 2012, we had issues with the foundation of the house that needed to be repaired. We contacted E. Jordon, Inc., which had worked on the foundation, but could not reach anyone so another company did the repairs.

6. Have you lived next door to Dwayne Jordon at any time? If so, please provide the approximate dates during which you lived next to Mr. Jordon.

Yes; sometime between 2006 and 2008.

7. After the renovations to your house were completed, did Dwayne Jordon ever run errands for you? If so, please describe the nature of these errands and the approximate months and years he did so.

After attending Mr. Jordon's deposition, my memory was refreshed – He did pick up prescriptions for me from the Walgreens pharmacy near my house when I was sick at home, and he was at the property in his capacity as general contractor for E. Jordon Inc. As far as I can recall, this would have occurred during the time E. Jordon, Inc. was completing the renovations on our house but after we had already moved into the house. I don't recall the exact months – the years would have been 2008 – 2009. I recall that I was diagnosed with acute pneumonia in 2008 or 2009, and that was probably at least one occasion I was sick at home. I do not recall Mr. Jordon running errands for me after the renovations were completed.

8. Did Dwayne Jordon ever provide you with prescription medication (including without limitation Tussionex)? If so, please indicate:

Yes.

- a. the specific prescription medications and the approximate number of times each was provided;

He picked up prescription cough medicine (Tussionex) and antibiotics for me on about three to four occasions that I can recall.

- b. the first and last dates on which he delivered a prescription medication to you;

Sometime between 2008 and 2009 while E. Jordon, Inc. was renovating my house

- c. whether or not you had a prescription for each of the medications and, if so, the prescribing doctor;

I always had a prescription for the medication that Mr. Jordon picked up for me. During that time period, I believe I was still seeing my OB/Gyn, Dr. Robert Hilliard so he may have prescribed the medication for me. I also recall having to go to the emergency room at what was then Methodist ER on Rice Blvd, and the ER physician wrote a prescription for Tussionex and antibiotics to treat the

illness I had at that time. On another occasion, I recall when we were renting the house on Charleston Street in Houston, Texas, I was walking my son in the neighborhood. At that time, I was not feeling well. Mr. Jordon and a friend of his, Dr. Cynthia McNeil, were visiting on our street. Mr. Jordon introduced me to Dr. McNeil – we had a personal conversation about her performing a tubal ligation for me and what that would entail. She noticed I wasn't feeling well and called in a prescription for antibiotics and Tussionex for me.

- d. where he obtained the medications; and

I recall that on most of those occasions, the medication was obtained from the Walgreens or CVS locations on Scott Street and Old Spanish Trail. I did try to retrieve those records to obtain the prescribing doctors, but each pharmacy has a company policy that such records are not kept after seven years. I vaguely remember that Mr. Jordon picked up a prescription for either Tussionex or antibiotics for me from a pharmacy a friend of his owned and/or operated.

- e. how the medications were paid for, and by whom.

As far as I recall, I paid for the medications in cash – I either gave the money to Mr. Jordon before he went to the pharmacy to pick up the medications or reimbursed him thereafter.

9. Did Dwayne Jordon ever provide you with nonprescription or “street” drugs (including without limitation marijuana, ecstasy, cocaine, heroin, or methamphetamine/crystal meth)? If so, please indicate:

No.

- a. the specific drugs and the approximate number of times each was provided;

N/A

- b. the first and last dates on which he provided you with a nonprescription drug;

N/A

- c. where he obtained these drugs; and

N/A

- d. how much was paid for these drugs and by whom.

N/A

10. Did you sign or authorize another person to sign a letter in support of Dwayne Jordon in connection with the sentencing phase of his criminal trial in Judge Mendoza's court? If so, please provide a copy of the letter.

No.

11. Did you visit with Judge Mendoza in his chambers before Mr. Jordon was sentenced? If so, please answer the following questions:

The question implies that I met with Judge Mendoza about Mr. Jordon, and that is not true.

- a. Why did you meet with Judge Mendoza?

As a member of the Harris County judiciary, I have met with Judge Mendoza and other Judges on numerous matters unrelated to Mr. Jordon.

- b. Did you meet with any other Harris County Criminal District Judges around this time period for similar reasons? If so, please identify each judge you met with, and the reason for each visit.

Yes, on matters unrelated to Mr. Jordon. As part of the effort referenced in Question 11(a), I also visited with Judge Spradling Hughes and Judge Hill.

- c. With whom, if anyone, did you discuss your intent to meet with Judge Mendoza in advance of your meeting?

Janet Marton, a Harris County attorney who was assigned to the JP Courts at the time

- d. Did you record your meeting with Judge Mendoza? If so, please provide a copy of the audio recording.

No

12. In 2013, the Commission sent you a letter of inquiry in connection with CJC case numbers 13-0005-JP et al (the "2013 Questions"). Please refer to your responses to the 2013 Questions, attached hereto as Exhibit CJC-1, pages 6-14, when responding to the following:

- a. Please confirm or deny that your signature appears on CJC-1, page 13.

Confirm

- b. When you provided your responses to the Commission's 2013 Questions, did you understand that they were made under oath, subject to penalty of perjury?

Yes

- c. Is any portion of the following representation you made in response Question 2 of the 2013 Questions false: "[o]nce the renovations to our home were completed, I had no interaction with Dwayne Jordon, except for one time in 2009, or 2010, when my son was invited to a birthday party for Dwayne Jordon's son... Other than this one event, I have had no contact with Dwayne Jordon outside of Court"?

The answer is incomplete as outlined in my response to Question 12(d)(vi).

- d. If any portion of the quoted statement in 12(c), above, is false, please respond to the following:
- i. Which portion(s) of the statement are false?

After my memory was refreshed from documents and deposition testimony provided in my divorce after I responded to the 2013 questions, I realize that I did have additional interactions with Mr. Jordon during and after the renovations on my house were completed. I forgot about the funeral of his grandfather and the few errands that he ran for me five or six years before I answered the 2013 Questions. Furthermore, Mr. Jordon's mother called me sometime in 2014 and Mr. Jordon mailed two letters to my house while he was incarcerated. I don't recall the exact date of those letters but they were after my response to the 2013 Questions. The first letter included some false allegations and a plea for money. The second letter amounted to an apology for the first letter.

- ii. For each false statement, did you know it was false at the time you made it?

I answered the 2013 Questions truthfully based on my knowledge and recollection at the time. I did not knowingly supply the Commission with an untruthful statement.

- iii. Was it your hope that the Commission would believe your statement that you had "no connection" with Mr. Jordon (other than in court and at a single birthday party) after the renovations to your home were completed in November 2008?

At the time I responded to the 2013 Questions, it was my intention to provide the Commission with a complete and truthful response, which is what I endeavored to do to the best of my recollection at that time. Only after my memory was refreshed during my divorce proceedings, particularly during the exchange of discovery responses and documents, and the deposition testimony of Mr. Jordon, did I realize that I had more interactions with Mr. Jordon than I originally recalled and indicated in my response to the 2013 Questions. However, the tenor of my response to those questions regarding the extent of my relationship with Mr. Jordon remains the same.

- iv. Did you consult with anyone, including an attorney, about the nature of your relationship with Mr. Jordon before you provided this answer to the Commission? If so, who?

While the County Attorney assigned to the JP courts at that time did assist me with responding to the 2013 Questions, I do not recall specifically consulting with her or anyone else about the nature of my relationship with Mr. Jordon.

- v. Please provide a detailed explanation as to why you provided a false statement to the Commission.

Please see my response to Question 12(d)(iii) above

- vi. Please provide a fully accurate answer to the following question: "Please describe the nature and extent of your relationship, if any, with Dwayne K. Jordon."

Mr. Jordon was the President of E. Jordon, Inc., the company that performed the renovations on the house Ronald and I purchased on Parkwood Drive in Houston, Texas. Sometime between 2006 and 2008, Mr. Jordon completed renovations on and moved into a house located next door to the house Ronald and I were renting at the time on Charleston Street in Houston, Texas. I recall at least one occasion when I ran into Mr. Jordon and another neighbor, Dr. Cynthia McNeil, in the neighborhood on Charleston Street, and we conversed. I also recall attending a birthday party for his son with Ronald and our son, and attending the funeral of his grandfather at Ronald's request as he was out of town. After we moved into the house on Parkwood Drive but before the renovations were completed, I recall that on a few occasions when I was sick at home, and it would have been difficult for me to leave the house, Mr. Jordon as a courtesy picked up a few prescriptions from the Walgreens or CVS pharmacy located a few blocks from the house. On one occasion, he picked up a prescription on my behalf from the pharmacy of one of his friends who either owned or operated the pharmacy. I also recall having had other discrete interactions with Mr. Jordon and/or his family, such as the time his mother attempted to contact me via telephone on his behalf while he was incarcerated, or the two letters that he sent to my home while he was incarcerated. Although I recall that either Ronald or Mr. Jordon asked that I write a letter of support for Mr. Jordon during the sentencing phase of his trial, I did not write any such letter or authorize anyone else to write or submit any such letter on my behalf. Mr. Jordon only appeared in court on approximately two/three occasions. On all other occasions, a representative of E. Jordon Inc. appeared on its behalf. On one occasion, Mr. Jordon appeared as a Defendant – a judgment was signed in favor of the plaintiff/bank. The nature of my relationship with Mr. Jordon at the time I responded to the 2013 Questions was that of a former contractor, and an acquaintance, meaning a person who was, for a short period of time, in my presence due to the fact that his company renovated our home and he was the general contractor on the renovation. He is not a close friend or even a friend of mine. Since that time, I have had minimal interactions with Mr. Jordon. At some point during his incarceration, his mother attempted to contact me on his behalf. On two or three occasions, he mailed a letter to my home, which I did not respond to.

Re: Claude Barnes

13. Did you at any time have a sexual relationship with Claude Barnes? If so, please provide the approximate dates the relationship started and ended.

Yes; approximately February 2009 until October 2015

14. Did Claude Barnes ever provide you with prescription medication (including without limitation Tussionex)? If so, please indicate:

Yes

- a. the specific prescription medications and the approximate number of times each was provided;

Tussionex brand prescription cough medicine; three to four times

- b. each and every date on which he delivered a prescription medication to you;

I cannot recall the specific dates. To the best of my recollection, he provided me with Tussionex sometime between 2010 and 2013.

- c. whether or not he had a prescription for each of the medications and, if so, the prescribing doctor;

No

- d. where he obtained the medications;

From a friend named Curtis Brown

- e. how the medications were paid for and by whom;

I paid for the Tussionex with cash.

- f. whether you were ever present when he obtained a prescription for any of these medications and, if so, your role in obtaining the prescription, if any;

N/A

- g. whether you were ever present when he procured a medication with a prescription and if so, your role in procuring the medication, if any, and the time of day and the locale at which the medication was procured; and

N/A

- h. whether you were ever present when he procured prescription medication without a prescription and if so, your role in obtaining the medication, if any; the time of day and the locale at which the medication was procured; a physical description of the seller of the medication, including a description of the vehicle the seller was driving; and a description of the vehicle you were using at the time, including the name of the owner.

Yes; I provided the cash used to purchase the Tussionex. I was present on two occasions. To the best of my recollection, it was in the afternoon, Mr. Barnes and I met his friend at a gas station on the southwest side of Houston. I do not recall the vehicle of the seller. The seller was a tall, African-American male. Mr. Barnes and I used my vehicle, a 2007 Mercedes. I am the owner of this vehicle.

15. At any point in time, was there ever a prescription bottle of pills containing hydrocodone prescribed to Mr. Barnes in your dresser drawer? If so, please answer the following:

No, not to my knowledge.

- a. how did the bottle of pills get there?

N/A

- b. Did you consume any pills from this prescription bottle? If so, how many did you take? If not, why was the prescription bottle in your dresser drawer?

N/A

- c. Did you destroy the pills in this prescription bottle and/or the bottle itself? Did you destroy any other pills prescribed for Claude Barnes or the bottle containing them? If so, how, when and why did you do so?

N/A

16. Did Mr. Barnes ever provide you with any nonprescription or “street” drugs (including without limitation marijuana, ecstasy, cocaine, heroin, or methamphetamine/crystal meth)? If so, please indicate:

Yes

- a. the specific drugs and approximate number of times each was provided;

Marijuana—four or five times

Ecstasy—two times

- b. the first and last dates on which he provided you with nonprescription drugs;

Marijuana—around 2010 (first time) and early 2014 (last time)

Ecstasy—late 2009 (first time) and sometime in 2011 (last time)

- c. where he obtained these drugs;

Marijuana—unknown

Ecstasy—He told me a woman at work

- d. how much was paid for these drugs; and

Unknown

- e. who paid for these drugs.

I did not pay for them. I do not know how or whether Mr. Barnes paid for them.

17. Did you and Mr. Barnes ever travel to Austin, Texas together? If so, when approximately did this occur and where did you two stay?

Yes; I believe it was the Hilton in 2013

18. At any point in time during your relationship with Mr. Barnes, did you and/or Mr. Barnes engage the services of a prostitute? If so, how many times did you do so, and who paid for each such engagement?

I did not engage the services of a prostitute. I do not know if or whether Mr. Barnes did so.

19. Did you ever use any nonprescription or “street” drugs in the presence of Mr. Barnes (including without limitation marijuana, ecstasy, cocaine, heroin, or methamphetamine/crystal meth)? If so, please identify the specific drugs you used with Mr. Barnes, the approximate dates and times of each such use, how you and/or Mr. Barnes obtained the drugs, and whether you paid for any of these drugs.

See my response to Question 16.

20. Did you ever tell Mr. Barnes that you were not honest with the Commission regarding your history with Mr. Jordon?

No

21. Did you ever destroy a phone previously owned by Mr. Barnes? If so, please describe the manner in which you destroyed a phone owned by Mr. Barnes, as well as the reasons you did so.

No

Re: Kelvin Davis

22. Please describe your personal and professional relationship with Kelvin Davis, including the approximate date on which you met Mr. Davis and the dates he served in your court as bailiff.

Deputy Kelvin Davis has been the Bailiff in the court for a number of years and is currently serving in the same capacity. I do not recall the date he started but it was after I was appointed to the court in June 2007.

23. Have you ever received a graphically sexual text message from Mr. Davis? If so, what was your response?

Yes. Between approximately October 16, 2013 and March 25, 2014, I received 50 text messages from Mr. Davis of a sexual nature. Sometime in 2014, I told Deputy Davis that he should not send me text messages of that nature and he complied. Prior to my request that he discontinue this behavior, I responded to his text messages of a sexual nature, and the Commission has a copy of my responses.

24. Have you ever discouraged Mr. Davis from sending you graphic sexual text messages? If so, when and what specifically did you communicate to Mr. Davis? What was his response?

Yes; in 2014, I discouraged Deputy Davis from sending me such text messages. I do not recall exactly what I communicated, but the general tenor was that our exchange of text messages of a sexual nature was inappropriate and must cease. He obliged and so did I. As of 2014, I have not exchanged any such text messages with Deputy Davis.

25. Please provide the Commission with copies of all text messages exchanged between you and Mr. Davis.

Please see attached as Attachment A the text messages in my possession that I exchanged with Deputy Davis.

26. Please review the following text message exchanges and respond to the questions that follow:

- a. [Mr. Davis]: “Gm judge pls forgive me for my own personal fantasies about u must have been on my mind before I when to sleep last night omg bc I had a dam field day with u, I dreamed I was playing with ur toes and u said in my dream thats enough of that in ur mommy voice u need to be eaten this pussy and judge u opened up those legs and u cum all in my face it was so real that I thought it was real .. lol what a wonderful time with you I had ...” [errors, shorthand and ellipses in orig.]

[Judge Green]: “Wow! That sounds like a very good dream/fantasy. You know I’m all about oral and this good good. [sic]”

Questions regarding the exchange:

(1) Did you send the highlighted text to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Did you ever engage in a sexual relationship with Mr. Davis? If so, for what period of time?

No

(4) If you engaged in a sexual relationship with Mr. Davis, did he provide you with drugs in exchange for sex? If so, what drugs did he provide to you?

No

- b. [Mr. Davis]: “I bee waning to lick that pussy fr u for the longest time .” [shorthand and errors in orig.]

[Judge Green]: “Oh really?! Hmmm”

[Mr. Davis]: “U have everything in one place ur clerks, abd ur pussy eater .. looking into ur eyes I would probably nut all ovr myself..” [errors, shorthand and ellipses in orig.]

[Judge Green]: “Naaaaahhhh....I’m sure you would have it all under control.”

[Mr. Davis]: “ur eyes shawty are a masterpiece you have those bedroom eyes and those milk dudes nipples .. and that fat juicy ass pussy of ur .. oh and ur toes I love..” [shorthand, errors and ellipses in orig.]

[Mr. Davis]: “The way you walk shawty u cant hide it I be imaging my lips around ur pearl tone somthings Nutting all in my face uh hh”
“Judt me looking at ur feet gets my dick hard ..”

“I’ll do anything to suck that pussy ..” [shorthand, errors and ellipses in orig.]

[Judge Green]: “Anything?”
“Licking is better than sucking”

[Mr. Davis]: “Any thing !!”
“Lick it suck it how ever u like it .”
“Ill slid down a mountain of razor’s and dive into a pool of alcohol for that ..”
[shorthand, errors and ellipses in orig.]

[Judge Green]: “I like it licked and it’s always wet. Don’t know what that’s about, but it is.”

[Mr. Davis]: “When I lick pussy I keeps my pussy dry ...”
“I’ll suck all cum that why it be so dry ...” [errors and ellipses in orig.]

[Judge Green]: “Oh ok – I don’t know, once you open those floodgates, boo it’s on”

[Mr. Davis]: “Love it ... dam I love it .. hard just thking about ya ..”
“I would love to lick that pussy fir the bk and you high fr some dro are some lean..”
[shorthand, errors and ellipses in orig.]

[Judge Green]: “Wow!!! Dro? Hmmmmm”

[Mr. Davis]: “That gud [sic] shit ..” [ellipses in orig.]

[Judge Green]: “Yes it is.....”

[Mr. Davis] “That shit will have u opening those pussy lips wide open for me then..”

[Judge Green]: “How did you know that’s what happens?”

Questions regarding the exchange:

(1) Did you send the highlighted texts to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Did you understand the term “dro” to refer to a form of marijuana? If not, what did you understand the term to mean, and please explain what you meant when you agreed with Mr. Davis’ statement that it was “that [good] shit”?

Yes. I had heard it was a better type of marijuana.

27. Did you ever engage in text message communications with Mr. Davis using code words to refer to drugs? If so, please describe all code words you used, and what drug each code word referred to.

We would refer to prescription cough medicine as “bolts and screws” or “cookie dough.”

28. Please review the following text message exchange and respond to the questions that follow:

[Mr. Davis] “[L]over boy says he has some bolts and screws I told him that the price was not same judge ..”

[Judge Green]: “Lol! I bet lover boy was stunned. I don’t mind paying, but I think some reduction is in order. Also, you need to tell lover boy to give you a broker’s fee. Ask him how much”

[Mr. Davis] “Let me call him .. I’m not worry about me judge I’m more concern about u and ur rest .. he’s having his 8th grandchild today” [shorthand, errors and ellipses in orig.]

[Judge Green]: “Wow!”
“I betta not have 8 grandchildren, you either”

[Mr. Davis] “Lol..”
“How much can you pay tomorrow ... Judge”

[Judge Green]: “HmMMMM” [Mr.

Davis] “I no [sic] right”

[Judge Green]: “Let me figure this out...”

[Mr. Davis] “No let me do it for u !! And ill get bk with ya” “How about 5 cents judge”

[Judge Green]: “Oops. – I’m sorry – just looking at my phone – ok, 5 cents it is. Only if they give you 10%”

[Mr. Davis] “I doubt it judge every man for himself in tha game but its all good long as u get and satisfy ..” [shorthand, errors and ellipses in orig.]

[Judge Green]: “Ok – I guess. Will bring \$ tomorrow morning.”

Questions regarding this exchange:

(1) Did you send the highlighted texts to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who is the person referred to as “lover boy” in these texts?

A friend of Deputy Davis. I do not know his name.

(4) What did you understand Mr. Lewis' use of the term "bolts and screws" to refer to?

prescription cough medicine.

(5) How much money did you understand "5 cents" to represent?

\$500

(6) Did you in fact bring money to Mr. Davis? If so, how much?

Yes

(7) What did you receive in exchange for your money ("5 cents")?

Nothing

(8) Why did you suggest that Mr. Davis receive "10%" of the value of the transaction? What, specifically, did Mr. Davis do to deserve 10% of the value of this transaction?

Mr. Davis tried to see if he could assist me.

29. Please review the following text message you sent on December 8, 2013, at 6:58 p.m. to Mr. Davis and respond to the questions that follow:

"How are you feeling? A friend of mine looking for the cookie dough your friend has, told her finder's fee involved – she's ok with that – let me know" [shorthand, errors and ellipses in orig.]

Questions regarding this text message:

(1) Did you send this text to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who is the "friend of mine" you refer to in this text message?

It was me.

(4) Who is the individual you identified as Mr. Davis' "friend"?

A friend of Mr. Davis. I do not know his name.

(5) What did you mean by the term "cookie dough"? If you meant something other than literal cookie dough, why did you not simply refer to it by name?

Prescription cough medicine

(6) Why would there be a “finder’s fee” in this transaction, and who would it go to?

Mr. Davis tried to see if he could assist me.

(7) Did you obtain “cookie dough” through Mr. Davis? If so, what specifically did you obtain from Mr. Davis? What did you do with it?

No

(8) Please share with the Commission everything you told your friend about the nature of the transaction he or she was contemplating.

There was no “friend.”

30. Please review the following text message you sent on December 15, 2013, at approximately 7:46 p.m. to Mr. Davis and respond to the questions that follow:

“Ugh! I feel awful. 2 has the flu and I’m thinking he gave it to me. Had to marry some folks outside yesterday. On another note, did you hear back from lover boy? My friend asked me about it last night at the comedy club. How are you? How is Kenya?”

Questions regarding this text message:

(1) Did you send this text to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who is the “friend” who “asked me about it last night” you refer to in this text message?

It was me.

(4) What, specifically, were you hoping to find out from Mr. Davis regarding the contemplated transaction between your friend and “lover boy”?

Whether I could obtain prescription cough medicine without a prescription

(5) Who is the individual you identified as “lover boy”?

Lover boy is a friend of Deputy Davis. I do not know his name.

(6) Please describe the substance of your conversation with your “friend” at the comedy club regarding the transaction he or she was seeking with Mr. Davis. Please include in your answer, as best you can recall, precisely what your friend asked you about at the comedy club that evening that prompted you to text Mr. Davis.

N/A

31. Did you text Mr. Davis again on or about December 31, 2013, asking him whether he had

heard back from “lover boy” on the “cookie dough”? If so, please respond the following questions:

Yes

(1) Who is “lover boy”?

Lover boy is a friend of Deputy Davis.

(2) What did you mean by the term “cookie dough”?

Prescription cough medicine

32. Please review the following text message you sent on or about Sunday, February 9, 2014, at approximately 4:26 p.m. to Mr. Davis and respond to the questions that follow:

“How was St. James? You heard from lover boy?”

Questions regarding this text message:

(1) Did you send this text to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who is the individual you identify as “lover boy”? If you know his real name, please provide it.

Lover boy is a friend of Deputy Davis. I do not know his real name.

(4) Why did you ask Mr. Davis about “lover boy”? What were you hoping to hear?

Whether he could obtain prescription cough medicine without a prescription

(5) What business did you, Mr. Davis, and the person you identified as “lover boy” have together?

None

33. Please review the following text message exchanges sent on February 10, 2014, and respond to the questions that follow:

[Mr. Davis] “Hey there babygirl didn’t know u was there I though ur door were just opened .. how is it going ?”

[Judge Green]: “It’s going ok – in line at chik fill a with 2. He’s asleep in the front seat.”

[Mr. Davis] “Hig him fr me lol... lover boy says his sister knows someone that has some bolts and nuts to call him tonight ..” [shorthand, errors and ellipses in orig.]

[Judge Green]: “Ok great – will let her know”

Questions regarding this exchange:

(1) Did you send the highlighted texts to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who is the person referred to as “2” in these texts?

My son Christopher

(4) What did you understand “bolts and nuts” to refer to?

Prescription cough medicine

(5) When you used the phrase “will let her know,” who were you referring to? What, specifically, did you tell her about “bolts and nuts”?

I do not recall.

34. Regarding the text message you sent to Mr. Davis on or about February 20, 2014, which states “Ok thanks – any word from lover boy? Saw my friend on Sunday, I was supposed to ask you Monday, with all I have going on, totally forgot,” please respond to the following questions:

(1) Did you send this text to Mr. Davis?

Yes

(2) Was Mr. Davis your courtroom bailiff at the time?

Yes

(3) Who was the “friend” you “saw on Sunday”? Where did the two of you see each other?

It was me

(4) What was your friend hoping to find out from Mr. Davis regarding “lover boy”?

N/A

35. Did you or your friend ever obtain “cookie dough,” “bolts and screws,” and/or “bolts and nuts” from Mr. Davis or his “friend”? If so, for each transaction, please identify (1) the substance acquired; (2) the price paid; and (3) the approximate date of the transaction.

No

36. Did you ever discuss “cookie dough,” “bolts and screws,” or “bolts and nuts” with Mr. Davis in person or on the telephone? If so, approximately how many times did you do so? If in person, where did these conversations take place?

I probably mentioned it to him during an office social gathering at my home.

37. Did you ever involve Mr. Davis in any attempt(s) to obtain nonprescription or “street” drugs (including without limitation marijuana, ecstasy, cocaine, heroin, or methamphetamine/crystal meth)? If so, please describe, as best as you can recall, the substance of the conversations between you and Mr. Davis, including the approximate dates on which they occurred. If you ever obtained nonprescription drugs with the help of Mr. Davis, please describe which drugs, how much you paid for each, and the dates on which you obtained the drugs.

No

38. Did you ever involve Mr. Davis in any attempt(s) to obtain prescription medication without a prescription, including without limitation pills or cough syrup with codeine? If so, please describe, as best as you can recall, the substance of these conversations between you and Mr. Davis, including the approximate dates on which they occurred. If you ever obtained any prescription medication without a prescription with the help of Mr. Davis, please describe which medications, how much you paid for each, and the dates on which you obtained these drugs.

Yes; please refer to the text messages exchanged between Deputy Davis and I prior to March 2014. I did not receive any medication (via a prescription or otherwise) from Deputy Davis. I did not ever receive cough syrup with codeine with or without a prescription from anyone. I am allergic to codeine and have been for as long as I can remember.

39. What is the protocol in the event one of your bailiffs discovers that a person in your courtroom is carrying contraband of some sort?

I do not know. I am not made aware of such offenses when they occur.

40. Did Mr. Davis ever confiscate prescription medication or other kinds of drugs from a person in your courtroom and if so, did he ever give you the substances confiscated? If this occurred, please indicate the number of times and the approximate dates on which this happened, the specific medications or drugs given to you by Mr. Davis in this manner, whether you consumed the medications or drugs, and if not, what you did with them.

No

Re: Laura Espinosa

41. Please describe your personal and professional relationship with Laura Espinosa.

Laura Espinosa was the Assistant Chief Clerk of the court.

42. Please indicate the period of time Laura Espinosa has been employed in your courtroom and in what capacity.

I do not recall. She currently works for the Harris County District Attorney's Office.

43. Did you ever consume medications prescribed for Ms. Espinosa, including without limitation medications containing hydrocodone? If so, please describe how you obtained medications prescribed for Ms. Espinosa.

No

44. Please refer to the photograph attached as CJC-1, pg. 15 when answering the following:

a. Did you acquire the prescription bottle in the photograph from Ms. Espinosa and, if not, from whom? Please explain how this prescription bottle came to be in your house, and describe where it was kept in your house.

Yes. Ms. Espinosa donated it along with other medications and items to a project on behalf of the Houston Links, Inc. The organization donated medication, toiletries, baby items, dried milk and medical supplies to the Dr. Edith Irby Jones Clinic in Haiti. Approximately 10 women, along with myself, packed and inventoried approximately 30 boxes of medical supplies in the media room of my house on Parkwood Drive in Houston, Texas. After we packed the boxes, but before they were shipped, we learned that U.S. customs would not accept expired medical supplies, nor prescription medication. Approximately 5 women and I then unpacked the boxes and removed what we learned U.S. Customs would not accept. In the essence of time, I had the other volunteers leave the unshipped items in my media room – I intended to discard the items at a later time or to donate them to another charity that would accept them.

b. Roughly how many pills were in this bottle when you acquired it?

I do not know.

c. Did you consume any of the pills from this bottle? If so, how many?

No

d. Did you provide Ms. Espinosa any form of consideration for this bottle of pills? If so, what consideration did you provide?

No

e. Did you destroy any of the pills contained in this prescription bottle and/or the bottle itself? If so, why, how and when did you do so?

No

Re: Lisa Patterson/Ashley Jefferson

45. Please describe your personal and professional relationship with Lisa Patterson.

Assuming that the Commission meant to refer to Lisa Peterson, not Lisa Patterson, Ms. Peterson is a clerk who has worked for the court for a number of years.

46. Please describe your personal and professional relationship with Ashley Jefferson.

None. She is Ms. Peterson's daughter.

47. Please indicate the period of time Lisa Patterson has been employed in your courtroom, and in what capacity.

See my response to Question 45

48. Did Lisa Patterson ever provide you with prescription medications that were prescribed to her or Ashley Jefferson? If so, please describe all such medications.

Yes

49. Please refer to the photograph attached as CJC-1, page 16 when you respond to the following:

- a. Did you acquire the prescription bottle in the photograph from Ms. Patterson and, if not, from whom? Please explain how this prescription bottle came to be in your house, and describe where it was kept in your house.

Yes. At some point, but to the best of my recollection, I do not recall what month or year, all of the staff in the court and I came down with what we self-diagnosed as a stomach virus. Mrs. Peterson believed she was the first one to spread the virus to us, as her daughter Ashley Jefferson was recently diagnosed with a stomach virus. Mrs. Peterson offered me the medicine prescribed to her daughter, Ashley Jefferson, as she no longer needed it. I accepted the bottle, brought it home, and placed it on my counter in my bathroom. I never opened the bottle.

- b. Roughly how many pills were in the prescription bottle when you acquired it?

I do not know.

- c. Did you consume any of the pills from this prescription bottle? If so, how many?

No

- d. Did you provide Ms. Patterson any form of consideration for this bottle of pills? If so, what consideration did you provide?

No

- e. Did you destroy any of the pills contained in this prescription bottle and/or the bottle itself? If so, why, how and when did you do so?

No

50. Did you obtain prescriptions from Dr. Melanie Parks? If so, please provide a list of each and every prescription provided to you by Dr. Parks that includes the following information: name of the medication and the date on which it was prescribed; the number

of pills or volume of liquid prescribed; the refill status of the prescription; and the pharmacy at which you filled the prescription.

Yes; between 2009 and 2013, she prescribed birth control pills, topical acne medication, Tussionex, ambin, and medication to treat candida. These prescriptions were likely filled at either the Walgreens or CVS pharmacy near my home.

51. Please provide the transcript of your deposition, including exhibits, from your divorce proceeding.

See Exhibit CJC-2 page 59 through 119 of the Commission's exhibits

52. Please provide your interrogatory responses, including any verification page, from your divorce proceeding.

See Email from Derek Hollingsworth to Eric Vinson dated November 28, 2016.

53. Please provide the Commission with any additional information that you believe to be relevant. You may include sworn statements or affidavits from individuals in support of your responses.

An affidavit from Dr. Kimberly Henderson, Dr. Marilu Berry, and Deputy Kelvin Davis are included with these responses.

VERIFICATION

CJC No. 15-0846-JP; 16-0393-JP

State of Texas §

§

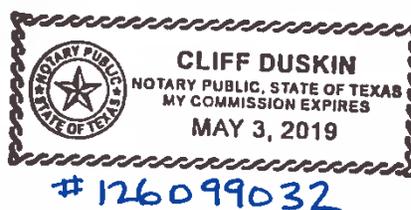
County of Harris §

Before me, the undersigned authority, on this day, personally appeared Hilary Green who by me being first duly sworn, on her oath deposed and said that the above responses to the Commission's inquiries are based on personal knowledge, and are true and correct.


Hilary Green

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 2ND day of February, 2017 by Hilary Green.


NOTARY PUBLIC, IN AND FOR
THE STATE OF TEXAS



CJC No. 15-0821-JP & 16-0393-JP

**Judge Hilary Green's Responses to
September 23, 2016 Letter of Inquiry (QJ-2)**

1. In the past 5 years, have you experienced a significant change in your life, such as the death of a loved one, serious injury or illness, or loss of a personal relationship? If so, please describe the event(s) to the best of your recollection.

Yes, my son and I have been going through a very contentious divorce since 2014.

2. Please describe the condition of your mental health during the past 5 years, in as much detail as possible. Specifically, have you suffered from:

- a. Depression?

Yes.

- b. Bursts of anger directed at yourself, loved ones, colleagues, litigants or court staff?

No.

- c. Isolation?

Yes.

- d. Confusion?

Yes.

- e. Memory lapses?

No.

f. Paranoia?

No.

g. Dramatic mood swings?

No.

3. In the past 5 years, has anyone close to you (such as a colleague, family member, friend, or other confidante) approached you about his/her concerns for your mental and/or physical well-being? If so, please describe the circumstances and your response.

Yes, my parents have been and are very concerned about my emotional health in light of the abuse and harassment I have experienced from my husband. My family is worried about the amount of stress this investigation has caused. My family is also concerned about my physical health based upon my husband's history of physical abuse. My counselor reviewed safety plans with me and I continue to work through the affect of abuse.

4. Are you currently taking any prescribed medications? If so, please identify the prescription by name, dosage, purpose of the medication, prescribing physician and date/time of treatment.

Yes, Effexor for mild depression associated with an ongoing and contentious divorce. The medication was prescribed by Dr. Mariette Pierre. I don't recall when she first prescribed this medication. I take one 75 mg capsule a day.

5. Have you ever received a diagnosis of or been assessed or treated for alcohol abuse, medication abuse (prescription or over-the-counter), or for some other type of substance abuse? If so, please identify when, where and by whom.

Yes, see narrative.

6. Do you consume alcoholic beverages?

Yes.

7. If your answer to Question No. 6 is "yes," please respond to the following questions concerning your consumption of alcoholic beverages. If your answer is "no," you may skip to Question No. 8.

a. How many times per week do you consume alcoholic beverages?

Approximately once every 2/3 weeks.

b. What types of alcoholic beverages do you consume?

Mostly wine.

c. How many alcoholic drinks do you typically consume each day?

NA

d. How many alcoholic drinks do you typically consume each week?

NA

e. Have you ever felt you should cut down on your consumption of alcoholic beverages? Please explain.

No.

f. Have people annoyed or angered you by criticizing your alcohol consumption?

No.

g. Have you ever felt guilty about your alcohol consumption?

No.

h. Have you ever consumed an alcoholic beverage in the morning to steady your nerves or to get rid of a hangover?

No.

8. When is the last time that you used an illegal substance? What drug?

See narrative.

9. If you don't currently use an illegal substance or abuse prescription drugs do you still get a craving for the substance or drug?

No.

10. Please list all of the substances that you have used recreationally and specify the last date used of each.

See narrative.

11. Have you ever been dependent on prescription or illegal substance use? Which drugs and when was the last time used?

See narrative.

12. Have you used prescription drugs more than you were instructed by your physician? If so, which drug(s), when and for how long?

Yes, Tussonex (prescription cough medicine) I am not sure of the exact periods of misuse.

13. Have you ever been assessed or treated for substance abuse or dependence?

Yes.

14. Has a psychologist, psychiatrist, or mental health counselor treated you? If so, when, where, by whom and describe the issues that led to your treatment.

Yes, see narrative.

15. Have you ever been treated for substance abuse, chemical dependency, or prescription drug abuse? If so, when, and where and by whom?

Yes, see narrative.

16. Have you ever been arrested for a drug- and/or alcohol-related offense?

No.

17. Have you ever been treated for a psychological or psychiatric problem or diagnosis? If so, please describe the problem or diagnosis, treatment and current status.

No.

18. Have you ever been prescribed any anti-depressant medications or mood stabilizers? If so, please identify the medication or treatment by name, dosage, purpose, prescribing physician, and date/time of treatment.

Yes, Effexor 75 mg a day, prescribed for mild depression.

19. Do you believe that you may be suffering from a physical and/or mental disability or condition that is seriously affecting or interfering with your ability to perform the functions of your office? Please explain your answer.

No.

20. Have you been hospitalized in the last five years? If so, please identify when and where, and specify the dates of and reason(s) for said hospitalization.

Yes, biopsy 2016 Methodist Hospital, lithotripsy 2015 St. Luke's Hospital.

21. Please describe the frequency and duration of any vacations or personal time you have taken off in the past two years. Please include a brief description of how you spent each vacation or time off.

I have used approximately 16 days of visiting judges over the last two years for various meetings, conferences, sick time and personal time.

22. If asked to do so by the Commission, would you be willing to meet with a mentor judge appointed by the Commission to discuss the issues and concerns raised by these complaints in a confidential setting, and allow that mentor judge to report back to the Commission his/her findings? Please explain your answer.

Yes.

23. If asked to do so by the Commission, would you be willing to undergo a medical and/or psychological evaluation?

No.

24. Please provide the Commission with medical records, or a waiver to obtain those records, from your treating physician, as well as from any medical or mental health professional who has consulted with you and/or treated you for a physical or psychological health condition in the past 5 years.

25. Please provide the Commission with any additional information that you believe to be relevant. You may include sworn statements or affidavits from individuals in support of your responses.

See narrative.

Aligne
(Judge's signature)

11/21/16
(Date)

Hilary H. Green
(Printed Name)

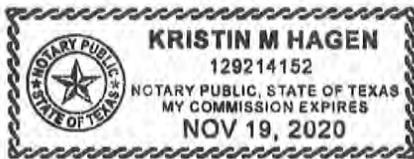
VERIFICATION

CJC No. 15-0846-JP; 16-0393-JP

State of Texas §
 §
County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared JUDGE HILLARY GREEN, who by me being first duly sworn, on her oath deposed and said that the above responses to the Commission's inquiries are based on personal knowledge, and are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, on this 21st day of November, 2016.



Kristin M. Hagen

Notary Public in and for
The State of TEXAS

From: Eric Vinson
Sent: Tuesday, October 18, 2016 5:54 PM
To: 'Derek Hollingsworth'
Subject: RE: CJC 15-0846 & 16-0393-JP

Derek –

We agree to your requested extension to November 14, 2016. Thanks.



Eric Vinson
Deputy Director
State Commission on Judicial Conduct
P.O. Box 12265 | Austin, Texas 78711
Office: 512.463-5533 | Fax: 512.463-0511
www.scjc.texas.gov

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From: Derek Hollingsworth [mailto:dhollingsworth@rustyhardin.com]
Sent: Tuesday, October 18, 2016 3:04 PM
To: Eric Vinson <Eric.Vinson@scjc.texas.gov>
Subject: RE: CJC 15-0846 & 16-0393-JP

Eric,

Could we please have additional time to respond to these questions? Some of the timing issues are due to my schedule on other matters, but some has to do with the volume of questions to be answered (by my count, there are over 100 questions, including subparts). If you are agreeable, I would ask that our date to respond be extended to November 14, 2016. Thanks in advance and please let me know if you are agreeable.

Derek S. Hollingsworth
Partner
Rusty Hardin & Associates
5 Houston Center
1401 McKinney, Suite 2250
Houston, Texas 77010
713-652-9000 (main)
713-586-3890 (direct)
713-652-9800 (fax)
dhollingsworth@rustyhardin.com
www.rustyhardin.com

From: Eric Vinson [mailto:Eric.Vinson@scjc.texas.gov]
Sent: Friday, September 23, 2016 5:14 PM

000001

To: Derek Hollingsworth <dhollingsworth@rustyhardin.com>

Subject: CJC 15-0846 & 16-0393-JP

Derek –

I am sending a PDF version of QJs – Questions to the Judge – for Judge Green, along with a low-resolution copy of the exhibits.

Hardcopies of all of these materials will also be in the mail to you Monday morning. We would appreciate the Judge's responses on or before **October 24, 2016**.

Please let me know if I can be of any assistance in the interim. Thank you.



Eric Vinson

Deputy Director
State Commission on Judicial Conduct
P.O. Box 12265 | Austin, Texas 78711
Office: 512.463-5533 | Fax: 512.463-0511
www.scjc.texas.gov

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November 14, 2016

Ms. Seana Willing
Executive Director
State Commission on Judicial Conduct

Re: CJC No. 15-0821-JP & 16-0393-JP

Dear Ms. Willing:

I am writing to address the September 23, 2016 questions submitted to me through my attorney. Please know that I have the utmost respect for the Commission and the important role it plays in our profession. However, I am currently in the midst of a brutal and sometimes public divorce and custody battle with my husband, Ronald Green. He has publicly and privately made clear that he will do everything possible to ruin me personally and professionally. To this end, I understand that he has been providing information to the Commission, either directly or through Claude Barnes, with whom I had an extramarital affair.

Although preferentially set twice, my divorce trial has been rescheduled for February 2017. In light of all of these factors, I respectfully decline to answer the Commission's written questions at this time. Further, it is my hope that my comments below, in narrative form, will offer some perspective relative to the allegations brought against me by Ronald Green and Claude Barnes.

Approximately eight years ago, my marriage to Ronald Green became exceedingly dysfunctional, and culminated with my husband confessing to several acts of homosexuality. This not only undermined our marriage, but it also destroyed my self-esteem and my moral compass. It was at that time that my true role in our marriage became clear. While I took our marriage and relationship seriously, legitimizing and validating Ronald Green's public persona was the priority. As time progressed, the incidents of abandonment, concealment, lies, and mental and emotional abuse became unbearable. For example, I learned of our tax debt by receiving notice from Harris County Payroll of my garnished wages.

Ms. Seana Willing
State Commission on Judicial Conduct
November 14, 2016
Page 2 of 4

Later, I was personally served at our home with a notice of levy on our bank accounts by an Internal Revenue Service Representative. Our financial situation deteriorated to a point where a lien was placed on our property and foreclosure proceedings were filed by our mortgagee.

In 2009, I became involved in a regrettable and dangerous extra-marital relationship with Claude Barnes. I also began periodically to rely on prescription cough medicine that was initially prescribed to me for the treatment of acute pneumonia. Although I never once took this medication during the day, I frequently took it at night in order to sleep. I now realize that my relationship with Claude Barnes and my use of cough medication to sleep was my reaction to both the emotional abuse I was suffering in my marriage and the deterioration of the marriage itself. I also know that it was an inappropriate and unhealthy response.

I eventually realized that I could not jeopardize my ability to care for my son, Christopher, who is my first priority. With this in mind, I distanced myself from Claude Barnes and I undertook to restore myself both physically and emotionally. I sought medical treatment and intense counseling, and participated in self-help programs. I took these steps voluntarily, recognizing that I did not need to be a victim and that my self-worth did not depend on others. I worked through my issues to resolve my challenges. I came out of treatment and counseling a stronger person. I continue, to this day, periodically to attend counseling to stay the course of my emotional health. I have also submitted and continue to submit to drug testing in our divorce proceeding and each test has been negative.

The changes in me as a result of these efforts, together with the support of my parents, friends, and the community, seemed only to make my husband more angry and abusive, and a healthy relationship became impossible. In 2014, my marriage to Ronald Green was unbearable and I filed for divorce. Under duress from Ronald, I agreed to a nonsuit and tried reconciliation. I told myself that I was saving both my son and my family from the harshness of divorce, and made every effort to effect that reconciliation. While Ronald and I were involved in marital counseling (less than four months after I begrudgingly agreed to the non-suit), Ronald

Ms. Seana Willing
State Commission on Judicial Conduct
November 14, 2016
Page 3 of 4

filed for divorce and demanded sole custody of our son. He undertook to invade my privacy, accessing my e-mail accounts, my personal files, and my personal and county-issued cell phones. Ronald immediately and openly threatened to destroy me, my integrity, and my career. He vowed to have me removed from my cherished position as Justice of the Peace, as he made public the most intimate details of our marriage and my life.

Even after I ended my relationship with Claude Barnes, Claude never accepted that our relationship ended. He continued to contact me, making threats which escalated to violence. Claude, having joined forces with Ronald, went so far as to contact the Harris County District Attorney's Office in an attempt to have charges brought against me (the District Attorney's Office took no action). Unsuccessful in the criminal arena, Ronald repeatedly threatened to have various persons in Precinct 7 file complaints with the Commission, and he encouraged Claude Barnes to do the same. Ronald admitted doing this during one of our family court hearings.

I faced a slate of some seven opponents in my re-election campaign and I was forced into a run-off election. During the primary, Ronald openly supported and worked for my opponent. Despite the viciousness of my opponent's campaign rhetoric, the citizens of Precinct 7 nominated me as their candidate for Justice of the Peace Precinct 7 Place 1.

I want to make clear that I have never allowed any of my family and personal issues to affect my service on the Bench. At no time have I ever been impaired while on the Bench, nor have I ever let my personal challenges affect the decisions, rulings, and judgments I made from the Bench. My personal challenges were in reaction to the emotional abuse I experienced during my marriage. I have not demonstrated incompetence in my judicial duties and I have not brought any public discord, discredit, or embarrassment to the Bench. I am proud that in November of 2015, the Harris County Justices of the Peace unanimously elected me their Presiding Judge.

Ms. Seana Willing
State Commission on Judicial Conduct
November 14, 2016
Page 4 of 4

I dealt with my personal challenges in a private, voluntary, and effective manner. I took my well-being and my treatment seriously, and I sought the help of a therapist. I have not further engaged in any detrimental behavior, nor have I repeated inappropriate reactions in the face of ongoing and continued difficulties with Ronald Green and Claude Barnes. I continue to participate in counseling, which has been invaluable in sustaining me through this very difficult time.

I offer this narrative not as an excuse for mishandling issues in my personal life, but as an explanation for the challenges I faced and resolved. I continue to govern myself and am willing to continue my personal counseling treatment, both for my emotional health and to reinforce those strategies to prevent any further negative reactions to the continued stress of my divorce. Furthermore, I am incredibly concerned about protecting the confidentiality of the pending allegations before the Commission, protecting my interests in the divorce proceeding, and protecting the welfare of my son from the vicious allegations brought by Ronald Green and Claude Barnes.

I most humbly and readily admit to errors in judgment concerning my personal and private life. I in no way condone my actions, nor do I take my missteps lightly. I have repeatedly expressed remorse for my behavior and have taken the steps necessary to address the underlying issues so inappropriate and unhealthy responses will never happen again. While this investigation has and will continue to present a financial burden, I remain committed to responding appropriately and keeping an open dialogue with the Commission.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Hillary Green", with a long horizontal flourish extending to the right.

Judge Hillary Green

State Commission on Judicial Conduct

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Executive Director
Seana Willing

January 10, 2017

CONFIDENTIAL

VIA ELECTRONIC MAIL & REGULAR USPS MAIL

Honorable Hilary H. Green
c/o Jamila M. Brinson & Charles L. Babcock, IV
Jackson Walker, L.L.P.
1401 McKinney St., Suite 1900
Houston, TX 77010

Re: CJC Nos. 15-0846-JP & 16-0393-JP

Dear Judge Green:

During its regularly scheduled meeting on **December 7, 2016**, the State Commission on Judicial Conduct considered the matters about which you have previously been written. After thorough review and discussion, the Commission has ordered you to appear before it on **Wednesday, February 8, 2017 at 2:00 p.m.** in the Commission's offices located in the William P. Clements, Jr. Building, 300 West 15th Street, Suite 415, Austin, Texas. A map has been enclosed for your convenience in finding the location of the hearing.

Please be advised that the judge's appearance will be in connection with a suspension hearing pursuant to Rules 6 and 15b of the Texas Procedural Rules for the Removal or Retirement of Judges. Specifically, Rule 15b provides:

Upon the filing with the Commission of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission (under Rule 6), may recommend to the Supreme Court the suspension of such person from office.

An appearance before the Commission is governed by Section 33.022 of the Texas Government Code. The date and time of the hearing are reserved to allow you the opportunity to assist the Commission in gaining a more complete understanding of the facts and circumstances surrounding the matters that forms the basis of the above-referenced complaints. Please be

advised that your testimony will be under oath and may be used in subsequent proceedings. You have the right to be represented by an attorney, to invite guests to observe the hearing, or to open the hearing to the public. Since only your testimony will be admitted at the time of the hearing please be sure to reduce the testimony of any witnesses to writing and submit their affidavits and any supporting documentation to the Commission in advance of the hearing.

Due to heightened security procedures initiated for all State office buildings, it is now required that all those entering the Clements building without a proper security pass sign a public visitor's log. In order to protect your confidentiality, it is critical that you complete and return the enclosed Attendance Confirmation form no later than **Wednesday, February 1, 2017**, in order for the proper security passes to be issued for you and any guests that you have invited to attend.

The passes will allow you and your guest access into the building without signing the visitor's log, which is a public record.

The hearing will take place during a regularly scheduled Commission meeting; therefore, it is the Commission's policy that no requests for a continuance of the hearing will be entertained unless good cause is shown. You must confirm your attendance in writing no later than **Wednesday, February 1, 2017**. Please note that the Commission has issued a subpoena to compel your attendance at this hearing. Your attorneys have represented to us that they will accept service of the subpoena on your behalf; therefore, a copy of the subpoena has been enclosed. Please be sure that you and/or your attorneys sign the second page of the subpoena and return it to us immediately upon receipt.

Failure to attend or to provide in a timely manner a good cause reason for your failure to attend will not prevent the Commission from taking action on these pending complaints and could result in the Commission initiating an additional complaint against you for failure to cooperate with the Commission, which is prohibited under Section 33.001(b)(5) of the Texas Government Code.

Enclosed for your review and use at the hearing is a thumb drive containing all of the documents, excluding any work product prepared by Commission staff, which will be provided to the Commission for its consideration in the above-referenced matters. The documents have been Bates-stamped (**pages 1-461**) to assist you and the Commission in referring to specific documents during your appearance.

In reviewing those documents, should you determine that additional documents, court records, witness statements, or other evidence would be relevant, please submit them to this office no later than, **Wednesday, February 1, 2017**, and retain at least one copy for your reference at the hearing. **After that date, you must provide fifteen (15) copies of anything additional you wish to submit for consideration**, with the understanding that the Commission has the discretion to refuse to accept any evidence submitted on or after the date of the hearing.

In the absence of any additional documentation that you provide before the hearing, the documents enclosed represent the scope of the Commission's inquiry into your conduct. Should additional areas of inquiry become known to the Commission, you will be notified in writing before the date of the hearing.

At the conclusion of the hearing, the Commission may vote to dismiss this matter, issue a private or public sanction against you, order that you obtain additional education, or recommend to the Texas Supreme Court that you be suspended from office, with or without pay, while formal proceedings are initiated against you. In some situations, the Commission may postpone

its decision if further investigation or other interim action is deemed appropriate. You will be informed in writing of the Commission's decision as soon as that information is available.

If you have any questions or need additional information, do not hesitate to contact me.

Thank you in advance for your time and consideration.

Sincerely,

ORIGINAL SIGNED BY

Seana Willing
Executive Director

SBW/sw
Enclosures

State Commission on Judicial Conduct



ATTENDANCE CONFIRMATION

Honorable Hilary H. Green
Justice of the Peace, Precinct 7, Place 1
Houston, Harris County

CJC NOS. 15-0846-JP & 16-0393-JP

I confirm my attendance at the hearing scheduled before the State Commission on Judicial Conduct on, **Wednesday, February 8, 2017, at 2:00 p.m.**

The following persons will accompany me to the hearing:

1. Attorney:

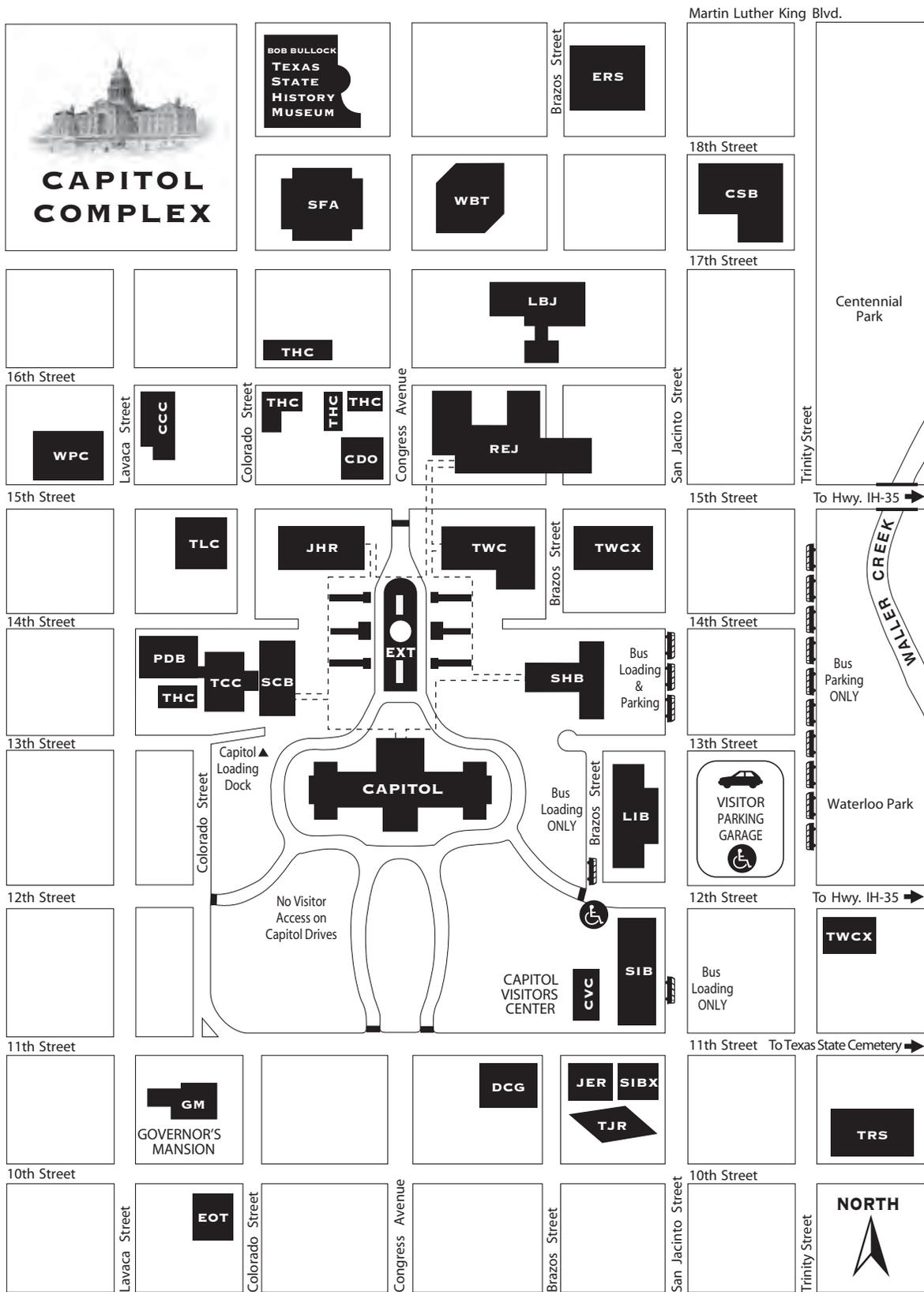
(Attorney Name)

(Attorney Address, City, State & Zip)

2. Guests: (names only required)

Signed this _____ day of _____, 2017.

HONORABLE HILARY H. GREEN



CAPITOL COMPLEX

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> CCC Capitol Complex Child Care Center CVC Capitol Visitors Center CDO Capitol District Office CSB Central Services Building DCG Dewitt C. Greer EOT Ernest O. Thompson ERS Employee Retirement System EXT Capitol Extension (Underground) GM Governor's Mansion JER James Earl Rudder | <ul style="list-style-type: none"> JHR John H. Reagan LBJ Lyndon B. Johnson LIB Lorenzo de Zavala State Archives and Library PDB Price Daniel Sr. Building REJ Robert E. Johnson SCB Supreme Court Building SFA Stephen F. Austin SHB Sam Houston Building SIB State Insurance Building SIBX State Insurance Building Annex | <ul style="list-style-type: none"> TCC Tom C. Clark TJR Thomas Jefferson Rusk TRS Teacher Retirement System THC Texas Historical Commission TSHM Bob Bullock Texas State History Museum TWC Texas Workforce Commission TWCX Texas Workforce Commission Annex TLC Texas Law Center WBT William B. Travis WPC William P. Clements, Jr. |
|--|---|--|



**ISSUED IN THE NAME OF THE STATE OF TEXAS
BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT**

SUBPOENA

[Section 33.024, Texas Government Code]

INQUIRY RELATING TO A JUDGE (CJC NOs.15-0846-JP & 16-0393-JP)

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER OF THE STATE OF TEXAS:

GREETINGS:

You are commanded to summon:

NAME: Honorable Hilary H. Green
ADDRESS: Justice of the Peace, Precinct 7, Place 1
5737 Cullen Blvd.
CITY, COUNTY, STATE, ZIP: Houston, Harris County, Texas 77021
TELEPHONE NO.: 713/747-3553
FACSIMILE: 713/437-4094

to attend and personally appear and testify before the Commission at a suspension hearing pursuant to Rule 15b of the Texas Procedural Rules for the Removal or Retirement of Judges to be conducted at **2:00 p.m. on Wednesday, February 8, 2017**, in the Commission's offices at the William P. Clements Building, located at 300 West 15th Street, Suite 415, Austin, Texas, then and there to testify and the truth to speak in the above-styled and numbered cause and there to remain until released by the Commission.

This subpoena was issued at the request of Deputy Director Eric Vinson, for the State Commission on Judicial Conduct, 300 W. 15th Street, Suite 415, Austin, Texas, who can be reached at (512) 463-5533.

Issued this the 6th day of January, 2017, at 11:10 a.m.

By: Valerie E Ertz
Honorable Valerie E. Ertz, Chair
State Commission on Judicial Conduct

CONTEMPT: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COMMISSION AS SET FORTH IN SECTION 33.025 OF THE TEXAS GOVERNMENT CODE.

OFFICER'S RETURN

Came to hand the ___ day of January, 2017, at _____ o'clock, __.m., and executed the ___ day of January, 2017, at _____ o'clock, __.m., by delivering to the within named Hilary H. Green, in person, a true copy of this Subpoena.

Harris County, Texas

Accepted and Witness Fee Waived:

By: _____
Jamila Brinson, Esquire
Attorney for Hilary H. Green

5. While treating the Patient, she attended several office visits, and I never on any occasion witnessed her impaired or under the influence of Tussionex or any other drug or alcohol. To my knowledge, the Patient continued working full-time during her treatment, and I did not recommend that she stop working because in my medical opinion, it did not appear that she was incapable of handling her daily job duties.

6. In March 2014, she came in for an office visit indicating she needed help stopping the use of Tussionex. She informed me she had stopped her use of Tussionex to manage her medical condition several days earlier. Based upon my assessment of the Patient, she had symptoms consistent with moderate physiologic withdrawal from opioid use. I discussed options to assist her with handling her moderate physiologic withdrawal symptoms, and ultimately decided to prescribe her Suboxone. It is a medication that is used to manage physiologic withdrawal symptoms for people who have been opiate dependent and whose symptoms are difficult to manage without help or assistance. The Patient received the first dose of the medication in my office. However, the Patient reacted negatively to the medication, and we had to call Mr. Green to come and pick her up. Over the course of one to two weeks, I prescribed a lower dosage of Suboxone to the Patient, and then a different medication, but it appears she still had problems tolerating the new medication because by the time she returned for a follow up office visit, she had stopped taking it. As of April 2014, Patient was no longer taking Tussionex. During her May 2014 office visit, the Patient exhibited no physiologic withdrawal symptoms. I ordered a urine screening of the Patient, and her results were negative for any opioid. The Patient was doing much better so I informed her that she could see me as needed. The last time I saw the Patient was during the May 2014 office visit.

7. As part of her treatment, I referred the Patient to see a psychologist so that she could address the stressors she had identified in her life, namely, her ongoing marital difficulties with Ronald Green. I typically refer patients to two psychologists, one of them being Dr. Marilu Berry, a psychologist who specializes in working with adults with depression, stress, anxiety, family problems, chronic pain, and other medical problems. When last seen for follow up, the Patient had started counseling with Dr. Berry, and had been seen for several sessions.

FURTHER AFFIANT SAYETH NOT.



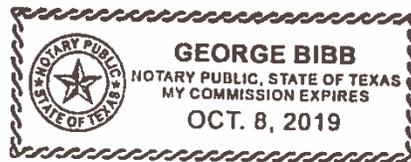
Kimberly Henderson, M.D.

SWORN TO AND SUBSCRIBED before me on the 2 day of February, 2017.



Notary Public, State of Texas
George Bibb
Notary's printed name.

My commission expires:



CURRICULUM VITAE

NAME: Kimberly L. Henderson, M.D.

ADDRESS: 1315 St. Joseph Parkway
Suite1003
Houston, Texas 77002

DATE OF BIRTH: July 15, 1959

UNDERGRADUATE EDUCATION:

1981 B.S. cum laude
Spelman College
Atlanta, Georgia

GRADUATE EDUCATION:

1985 M.D.
Howard University
Washington, D.C.

POSTGRADUATE EDUCATION:

1985-1986 Internal Medicine-Categorical
Los Angeles County
University of Southern California
Medical Center
Los Angeles, California

1986-1987 Department of Anesthesiology
Howard University Hospital
Washington, D.C.

1987-1990 Department of Anesthesiology
Providence Hospital
Southfield, Michigan
(Included 12 months training in acute and
chronic pain management)

1991-1992 Fellow
University Center for Pain Medicine
Department of Anesthesiology
University of Texas Health Science Center
Houston, Texas

BOARD CERTIFICATION:

2000-2010

Diplomate, American Board of
Anesthesiology

2002-2012

Diplomate, American Board of Pain
Medicine

MAINTENANCE OF CERTIFICATION:

1/2011-12/2020

American Board of Anesthesiology

4/2012-4/2022

American Board of Pain Medicine

PROFESSIONAL SOCIETY MEMBERSHIPS:

Harris County Medical Society
Texas Medical Association
American Pain Society (APS)
International Association for the Study of
Pain (IASP)
American Academy of Pain Medicine
(AAPM)

RESEARCH:

“Development of a Chronic Screening Tool for Use in a Primary Care
Setting”, Pfizer Chronic Pain Study Protocol NRA 9450004. Kendel International.
Co-Investigator. 07/17/02 – 06/30/2003. \$45,000.00.

PUBLICATIONS:

Abstracts:

Novy DM (Organizer/Co-Chair). Nelson DV (Organizer/Co-Chair), Artmann S,
Finnegan R, Henderson K, and Gallagher H: External resources for assisting pain
patients: Social Security Administration, rehabilitation commissions, and
workers' compensation (Summary). Proceedings of the 12th Annual Meeting of
the American Pain Society, Orlando, Florida, November 1993.

Letters to the Editor:

Pivalizza EG, Henderson KL, Craig AL: Discrepancy between the
thromboelastograph and prothrombin time. Anesthesiology 84:1262, 1996.

AFFIDAVIT OF MARILU P. BERRY, PhD

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Marilu P. Berry, PhD, known to me to be the person whose name is subscribed hereto, and after being by me duly sworn, deposed and stated as follows:

1. “My name is Marilu P. Berry. I am over 21 years of age and competent in all respects to testify to the matters stated herein all of which are within my personal knowledge and are true and correct.

2. I am a licensed Psychologist, and I obtained my PhD in Counseling Psychology from Texas A&M University in 1998. For several years, I was an assistant professor for the UT-Houston Medical School and worked as an attending Psychologist at the UT-Hermann Pain Center, and have a great deal of experience in working with individuals who are suffering. Since October 2005, I have maintained a general adult psychotherapy practice in Houston, Texas. My primary office is located at 6565 West Loop South, Suite 760, Bellaire, Texas 77401. I specialize in treating adults with depression, stress, anxiety, grief, relationship problems, pain, and other medical problems. Please refer to my website located at <http://home.earthlink.net/~marilu.berry/> for further details on my professional qualifications.

3. In April of 2014, I began to treat Judge Hilary Green (“Judge Green”) through individual psychotherapy sessions. She and her husband Ronald Green (“Mr. Green”) were going through a contentious divorce. She was exhausted, worried and saddened by Mr. Green’s continual threats to her of jail time for her medication misuse.

4. I continue to treat Judge Green. I have counseled her on the context in which her medication misuse occurred, and ways to cope with the environmental stressors that led to the misuse, including her contentious relationship with Mr. Green and their continuing divorce. When I first saw her she was depressed, anxious, and frustrated about her unhappy marriage and his mistreatment of her. The medication helped her to sleep but didn't make her problems go away. I have also counseled her about how to handle the threats and harassment from her former lover, Claude Barnes, including daily, nasty text messages from him to Judge Green, so that she does not revert to medication misuse. Judge Green reported in some of her sessions that she has had to submit to drug screenings at the request of Mr. Green in their divorce proceedings, and that all of those tests have been negative. Throughout all of the above, Judge Green has been compliant, taken responsibility for her actions, and seemed open to learning healthier ways to cope.

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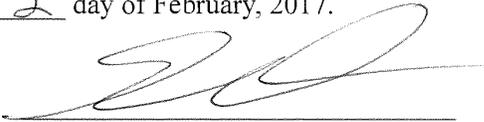
5. While counseling Judge Green, I have never on any occasion witnessed her to be visibly impaired or under the influence of alcohol or drugs. During her sessions, she reported that she realized she made some bad choices, including self-medicating, to deal with the problems with her abusive husband. A true and correct copy of my notes from Judge Green's counseling sessions are included with this affidavit as Exhibit A."

FURTHER AFFIANT SAYETH NOT.



Marilu Price Berry, PhD

SWORN TO AND SUBSCRIBED before me on the 2 day of February, 2017.

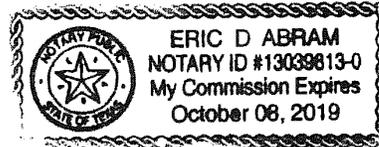


Notary Public, State of Texas

ERIC D. ABRAM

Notary's printed name:

My commission expires: OCT 8, 2019



AFFIDAVIT OF KELVIN DAVIS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kelvin Davis, known to me to be the person whose name is subscribed hereto, and after being by me duly sworn, deposed and stated as follows:

1. "My name is Kelvin Davis. I am over 21 years of age and competent in all respects to testify to the matters stated herein all of which are within my personal knowledge and are true and correct.

2. Between approximately October 16, 2013 and March 25, 2014, I sent approximately 50 text messages of a sexual nature to Hilary Green ("Judge Green"). Judge Green did not do anything to start these messages. I was the person who sent her such messages. Almost all of the text messages to Judge Green of this nature were sent to her on the weekends or after regular court hours. At some point, Judge Green informed me that it was inappropriate for me to send her such messages, and requested that all of other communications remain professional. I agreed. Since that time, all text message and other communications between Judge Green and I have been of a professional but friendly nature and tone. The staff at the court is like one big family; we have gotten to know one another's families, we all get along and enjoy working with one another. I have enjoyed working for the court for several years.

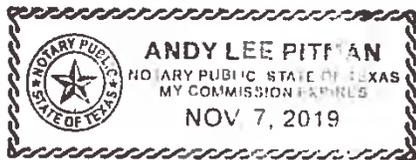
3. I acknowledge that the 50 text messages I sent to Judge Green during the time period identified above were inappropriate. However, that was the extent of any inappropriate behavior between Judge Green and I. We never had a sexual relationship."

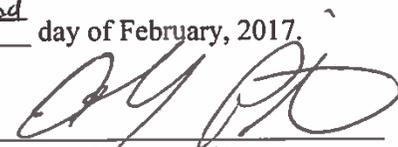
FURTHER AFFIANT SAYETH NOT.



Kelvin Davis

SWORN TO AND SUBSCRIBED before me on the 2nd day of February, 2017.





Notary Public, State of Texas
Andy Pitman
Notary's printed name:

My commission expires: Nov. 7, 2019

TRANSCRIPTION OF AUDIO RECORDING

FILE NAME: Green, 15-0846JP.mp3

STATE COMMISSION ON JUDICIAL CONDUCT

SUSPENSION HEARING

FEBRUARY 8, 2017

RE: HON. HILARY H. GREEN

JUSTICE OF THE PEACE, PRECINCT 7, PLACE 1

HOUSTON, HARRIS COUNTY, TEXAS

1 (Beginning of audio at 00:00:00)

2 UNIDENTIFIED SPEAKER: Just make sure you
3 keep the mic up close --

4 UNIDENTIFIED SPEAKER: Yeah.

5 UNIDENTIFIED SPEAKER: The bright green
6 light.

7 UNIDENTIFIED SPEAKER: Okay. Tell --

8 CHAIR ERTZ: Good afternoon, judge.

9 Please --

10 JUDGE GREEN: Good afternoon.

11 CHAIR ERTZ: -- have a seat and --

12 UNIDENTIFIED SPEAKER: Thank you.

13 CHAIR ERTZ: -- I'll give you a minute to
14 get settled.

15 JUDGE GREEN: Yes, ma'am.

16 CHAIR ERTZ: And again, I'll remind both
17 of you if you'll please make sure that the microphone is
18 close to you when you -- so that we can hear you.

19 All right. Good afternoon. Today is
20 Wednesday, February 8th, 2017. I'm Valerie Ertz and I'm
21 chair of the State Commission on Judicial Conduct.

22 We're here today for CJC Number 15-0846-JP
23 and 16-0393-JP concerning --

24 UNIDENTIFIED SPEAKER: Thank you.

25 CHAIR ERTZ: -- Judge Hilary H. Green,

1 Justice of the Peace, Precinct 7, Place 1, Houston,
2 Harris County.

3 Please be advised that this is a
4 suspension hearing conducted pursuant to rule 6 and 15B
5 of the Texas Procedural Rules for the removal or
6 retirement of judges. Please be advised that your
7 testimony will be under oath and may be used in
8 subsequent proceedings.

9 At this time, judge, I'll ask the
10 commission members to introduce themselves and I'll
11 start to my right.

12 JUDGE GREEN: Okay.

13 HON. WOYTEK: Good afternoon to you-all.
14 I'm Tramer Woytek, county judge, Lavaca County.

15 HON. NARANJO: Good afternoon. My name is
16 Orlinda Naranjo and I'm a district court judge here in
17 Travis County.

18 MS. JOHNSON: I'm Patti Johnson. I'm a
19 public member from Comal County.

20 HON. LANG: Judge, counsel, I'm Doug Lang.
21 I sit on the 5th District Court of Appeals in Dallas.

22 MR. RUSSELL: Good afternoon. I'm David
23 Russell, public member from Hays County.

24 HON. HALL: Judge, counsel, my name is
25 David Hall. I'm a county court at law judge from

1 Sweetwater, Texas.

2 HON. WILEY: I'm Catherine Wylie, judge
3 for the City of Houston.

4 CHAIR ERTZ: Judge Green, would you please
5 identify yourself for the record?

6 JUDGE GREEN: Yes, ma'am, Hilary H. Green,
7 justice of the peace for Precinct 7 Place 1.

8 CHAIR ERTZ: Thank you very much. And you
9 have the right to be represented by counsel. And I note
10 that you do.

11 Counsels, would you please introduce
12 yourself for the record?

13 MR. BABCOCK: Yes. My name is Charles. I
14 go by Chip Babcock. And my colleague is Jamila Brinson.
15 We're both at the law firm of Jackson Walker.

16 And just for the record I made a request
17 to -- to make a brief less than 10-minute opening
18 statement. I understand that was denied?

19 CHAIR ERTZ: Yes, sir. We'll go through
20 the proceeding and you'll have an opportunity for a
21 closing statement.

22 MR. BABCOCK: Thank you.

23 CHAIR ERTZ: Yes. Yes. All right.
24 Counsel, at any time you may consult with your client
25 before she answers a question or makes a statement. You

1 may ask questions of your client if you wish after the
2 commission members have completed their questioning.
3 And you're cautioned not to present testimony.

4 And again as I said, at the end you and/or
5 your client will have the opportunity to make a closing
6 statement.

7 Judge Green, anyone else here present at
8 your request?

9 JUDGE GREEN: No, ma'am.

10 CHAIR ERTZ: Okay. Today you've been
11 provided with additional written instructions concerning
12 this proceeding. Do you have any comments or questions
13 regarding those instructions?

14 JUDGE GREEN: No, ma'am.

15 CHAIR ERTZ: Okay. At this time would you
16 please stand and raise your right hand?

17 JUDGE GREEN: Yes, ma'am.

18 CHAIR ERTZ: Do you solemnly swear to tell
19 the truth, the whole truth and nothing but the truth so
20 help you god?

21 JUDGE GREEN: I do.

22 CHAIR ERTZ: Thank you very much. Please
23 have a seat, the microphone to you and at this time
24 we'll turn this matter over to our deputy director Eric
25 Vinson.

1 MR. VINSON: Good afternoon, Judge Green.

2 JUDGE GREEN: Good afternoon.

3 EXAMINATION

4 BY MR. VINSON:

5 Q. I'd like to start by giving the commission a
6 little bit about your background, particularly in the
7 professional and educational setting.

8 Can you just tell them where you went to
9 college and law school and what years you graduated?

10 A. Sure. I went to the University of Houston and
11 graduated in 1993 with a BBA in finance and went to
12 Texas southern university Law School and graduated with
13 a jurisdoctorate in -- I'm sorry -- 1998.

14 Q. All right. And can you just give an overview
15 of your legal career before you became a judge?

16 A. Yes. My legal career started in practicing for
17 myself and then quickly going to David Black and
18 associates, which is in-house counsel for State Farm
19 insurance, did litigation work there, went to the
20 plaintiff side.

21 And then upon my husband becoming a public
22 or an elected official I sort of took over his federal
23 practice.

24 Q. Is --

25 A. And then thereafter went to what is now Liberty

1 Mutual in-house counsel, back then was SafeCo.

2 Q. Okay.

3 A. And then was appointed by commissioner -- the
4 late Commissioner El Franco Lee.

5 Q. And that was to the current position that you
6 hold, Precinct 7 Place 1?

7 A. Yes, sir.

8 Q. And then you ran, of course, for re-election
9 after that?

10 A. Yes, sir.

11 Q. What year was that that you were appointed?

12 A. In 2007.

13 Q. And you've remained in that bench from 2007
14 to -- to today -- today. Is that correct?

15 A. Yes, sir.

16 Q. All right. Let's talk a little bit in very
17 broad strokes about the overview of the complaints that
18 have been made initiated in some part by the commission
19 as well as -- as others.

20 In 2012 you received -- the commission
21 received three complaints that you dealt with, two of
22 which had to do with your relationship with a man named
23 Dwayne Jordan.

24 Is that correct?

25 A. I don't know when the -- I assume they received

1 them in 2012. I received it in 2013 I believe.

2 Q. Okay. That's -- I think that's accurate.

3 A. Okay.

4 Q. And then you gave the commission some
5 information in response to your request for information.
6 And the commission dismissed those complaints against
7 you in 2014. Is that correct?

8 A. I believe that was the year, yes, sir.

9 Q. Okay. And then in -- you understand that in
10 May of 2015 the Houston Chronicle published a news
11 article about the divorce that had been filed between
12 you and your husband and it cited in the report some of
13 the allegations in the divorce, including allegations of
14 drug addiction, allegations relating again to Mr. Jordan
15 and an allegation that you had not been accurate or
16 forthright with the commission.

17 You understand that that article was
18 published. Is that correct?

19 A. Yes. I understand.

20 Q. Yeah. And you understand that based on that
21 article the commission initiated a complaint against you
22 to investigate whether there was any truth to those
23 allegations?

24 A. Yes, sir. I understand.

25 Q. Okay. And you also understand separately that

1 a man named Claude Barnes in January of 2016 filed a
2 complaint against you with various allegations,
3 including that you and he had participated in purchasing
4 and consuming a prescription cough syrup called
5 Tussionex, that the two of you had engaged in
6 purchasing, obtaining and consuming certain street drugs
7 along with a host of other allegations.

8 You understand that Mr. Barnes filed that
9 complaint against the commission?

10 **A.** Against myself with the commission, yes, sir.

11 MR. VINSON: Yes. Okay.

12 UNIDENTIFIED SPEAKER: Could I ask for a
13 clarification?

14 MR. VINSON: Of course.

15 UNIDENTIFIED SPEAKER: Did you have a date
16 that you set on that?

17 MR. VINSON: I can give you the date if --
18 if that's important. Mr. Barnes' complaint appears to
19 have been received on January 3rd. He dated it 12-21
20 but it looks like it wasn't processed until January. Is
21 that --

22 UNIDENTIFIED SPEAKER: Yeah. I was -- I
23 was looking at the date he made it. Thank you.

24 MR. VINSON: Sure.

25 **Q.** **(BY MR. VINSON)** And you're also aware that as

1 part of the investigation Mr. Barnes, the complainant in
2 the 2016 complaint, filed an affidavit swearing to
3 various of the allegations and you've been given a copy
4 of that.

5 Is that correct?

6 A. I'm sorry. I'm confused. The 2016 complaint?

7 MR. VINSON: Sure. I'm pulling it up on
8 the screen here.

9 JUDGE GREEN: Okay.

10 Q. (BY MR. VINSON) This is a -- this is an
11 affidavit received on May 24th, 2016. It's entitled
12 CJC6 page 432 of the materials ultimately signed by --
13 and your copy won't have the highlighting I'll just tell
14 you -- signed and verified by Claude Barnes and
15 notarized by Christopher Calwick (phonetic).

16 That's a document you've seen before?

17 A. Yes. I've seen it, yes.

18 Q. All right. All right. Let's talk about the
19 investigation that the commission initiated in support
20 of both its own complaint and the complaint filed by
21 Mr. Barnes.

22 You understand that the commission staff
23 counsel sent you what we call internally QJs, questions
24 to the judge, in September of '16. Is that correct?

25 A. Yes, sir.

1 Q. And there was an initial due date. But
2 eventually by agreement the deadline was extended to
3 November 14th of 2016.

4 Do you recall that?

5 A. I do, yes.

6 Q. And ultimately on November 14th you provided
7 instead of a specific set of responses to the QJs you
8 wrote a four-page letter that you delivered through your
9 counsel, prior counsel, to the commission.

10 Is that correct?

11 A. That is correct.

12 Q. And about a week later on November 21st you
13 provided a set of responses to what we're going to call
14 QJ2, which are what we might call the TLAP questions.

15 Do you recall doing that?

16 A. I do, yes, sir.

17 Q. And you understand that based on those
18 materials the commission met in December of 2016 and
19 voted to initiate the proceeding we're in right now,
20 which is a potential suspension hearing for you.

21 You understand that?

22 A. I do.

23 Q. Okay. And then last week, Thursday evening
24 around nine p.m. your counsel forwarded to our office
25 some additional materials that we had not previously

1 received, including responses to the Q -- the
2 substantive QJs, QJ1.

3 Is that correct? Yes?

4 A. Yes.

5 Q. Okay. As -- and that included a number of
6 attachments. There were some text messages with
7 Mr. Davis, some drug test results, couple of affidavits,
8 three affidavits and then you also included the copies
9 of your previous answers to the QJ2, the TLAP questions
10 as well as your November 14th letter.

11 Is that correct?

12 A. Yes. That's my understanding, sir.

13 Q. Okay. So the universe of information that the
14 commission has before it from you includes now the
15 responses to the QJs, the materials attached to the QJs
16 as well as your responses to QJ2, the TLAP questions
17 and -- and the letter that you forwarded in November.

18 Is that -- is that correct?

19 A. Yes, sir. It is.

20 Q. All right. Let's look at -- and your QJs I
21 have had a chance since -- since they came in on
22 Thursday to review them. And I do think it helps
23 narrow.

24 What I want to do is kind of walk through
25 the areas where there may be something disputed and the

1 areas that there -- there aren't any disputes. Okay?

2 A. Okay. Yes, sir.

3 Q. And I'm -- I'm going to start on the subject of
4 the allegations of -- of illegal -- alleged illegal
5 conduct. All right?

6 A. Okay. Yes, sir.

7 Q. The first one I'm going to start with is the
8 allegation relating to your obtaining through illegal
9 channels a prescription cough syrup and I -- I'm not
10 sure if I'm actually pronouncing it correctly.

11 Is it Tussionex?

12 Is there another way to pronounce it?

13 A. I don't know.

14 Q. Okay.

15 A. I don't know.

16 Q. Can I call it Tussionex and --

17 A. Yes.

18 Q. -- we'll both pretend --

19 A. Yes.

20 Q. -- like I'm saying it right?

21 A. Yes.

22 Q. Okay. You -- as I understand it, you are open
23 with the commission that at some point you had a -- some
24 form of an addiction to the prescription cough syrup
25 Tussionex.

1 Is that correct?

2 A. Regrettably so, yes.

3 Q. And Tussionex is a prescription cough syrup.

4 Is that correct?

5 A. Yes, sir.

6 Q. And it contains a -- it has a lot of
7 ingredients in it. But -- but one of the main things it
8 has in it -- I think the thing that makes it a
9 prescription cough syrup as opposed to an
10 over-the-counter is the fact that it also includes a
11 drug called hydrocodone.

12 Is that correct?

13 A. I don't -- I don't know what makes it
14 prescription.

15 Q. Okay.

16 A. No, I don't.

17 Q. That's -- that's fair.

18 A. I'm sorry.

19 Q. No. That -- that's okay. When -- looking back
20 as we sit here today when do you first believe that you
21 developed something of a problem or an addiction to
22 Tussionex as opposed to using it for its intended
23 purposes?

24 What -- just by year when did that first
25 happen?

1 **A. I believe that I began misusing that medication**
2 **in --**

3 UNIDENTIFIED SPEAKER: Is your mic on? I
4 don't think it is.

5 JUDGE GREEN: You can't hear?

6 MR. VINSON: Yeah.

7 UNIDENTIFIED SPEAKER: I'm just --

8 MR. VINSON: It is on. It's -- it's --
9 it's very weak.

10 JUDGE GREEN: I'm sorry. Hold on.

11 MR. VINSON: Yeah.

12 JUDGE GREEN: The button went off. Okay.
13 Can you hear me now better?

14 UNIDENTIFIED SPEAKER: Yes.

15 JUDGE GREEN: I'm sorry.

16 MR. VINSON: That's much better. Thank
17 you.

18 JUDGE GREEN: Let me pull it just a little
19 bit closer.

20 MR. VINSON: Yeah.

21 JUDGE GREEN: I'm sorry.

22 **A. I -- I wouldn't say that -- unfortunately, I**
23 **began misusing that medication after it was prescribed**
24 **to me probably in 2009 or '10.**

25 **Q. (BY MR. VINSON) Okay. And when you say you**

1 were misusing the medication can -- can you give us some
2 sense of what you were using the medication for instead
3 of its intended purpose?

4 A. Sure. Yes, I can. I became very reliant on it
5 to go to sleep at night. Initially I was diagnosed with
6 pneumonia and then later through my physician with some
7 septum, sinus septum issue. And so that is exactly
8 the -- the initial reason I was taking the medication.

9 And then as time went on it became
10 increasingly difficult for me to sleep at night.

11 Q. So if I'm understanding what you're telling us,
12 it was that you have -- you used the Tussionex
13 originally to help you sleep at night and when you tried
14 to sleep without the Tussionex it got harder and harder.

15 A. No. Originally I used it because I had the
16 illness. And --

17 Q. Yes.

18 A. -- then it became more about getting the rest
19 at night.

20 Q. Okay.

21 A. Because of that.

22 Q. Did you ever take Tussionex during the day?
23 Was that ever something you did?

24 A. No. That would have been impossible to do.

25 Q. I see. So Tussionex has the effect of making

1 you drowsy and sleepy?

2 A. Yes, it does.

3 Q. Okay. And so I assume -- well, let me just ask
4 you.

5 Did you ever use Tussionex in a -- in a
6 way we might call recreationally? Did you ever --

7 A. You mean --

8 Q. -- use it for --

9 A. -- not for --

10 Q. Yes.

11 A. You mean not to sleep at night?

12 Q. Right.

13 A. No.

14 Q. Okay.

15 A. No, I did not.

16 Q. What -- when is the last time that you took
17 Tussionex by month and year roughly?

18 A. I'm sorry. I don't know that I could narrow it
19 down to month. But I know that it was in 2013.

20 Q. 2013 you believe?

21 A. Yes.

22 Q. Okay.

23 A. I believe it was as far as I can recall 2013.

24 Q. And -- and what is it that prompted you to
25 suspend your use of the Tussionex at that point?

1 A. Well, I realized that it was an inappropriate
2 response to major stressors and traumatic events in my
3 life. It's certainly not a good way to go to sleep
4 every night. It didn't make the stressors or traumatic
5 events any better. And I knew that in order to take
6 care of my son and to continue professionally I needed
7 to not take that anymore.

8 Q. And did you ever consult a doctor or any other
9 resource as an alternative therapeutic method to help
10 you sleep to substitute for the Tussionex some other,
11 you know, sleeping medication or something like that?

12 A. Yes, I did.

13 Q. Okay. Who -- can you tell the commission
14 what -- what steps and efforts you made to find an
15 appropriate substitute for Tussionex to help you sleep?

16 A. I at some point went to a physician named
17 Dr. Melanie Parks. And she immediately prescribed
18 Ambien for me, which did not work well at all for me.

19 Q. Okay. Did you have a reaction to it or did it
20 just not help you sleep?

21 A. Yes, I had a reaction to it.

22 Q. Okay. Did you and Dr. Parks or any other
23 physician try some other sleep medication in -- instead
24 of or meant to replace the Tussionex?

25 A. As I recall, when I went to Dr. Henderson in

1 2013 she gave me some other sleep medication. And I
2 can't remember exactly what it was. By that point I was
3 pretty much against taking any sleep medication. So
4 when that didn't really work for me I decided that
5 perhaps exercising or doing something else before I go
6 to bed would be better.

7 Q. Okay. And, of course, is -- if I'm
8 understanding what you're telling us, the -- the
9 original time that you ever were introduced to Tussionex
10 was with a pneumonia diagnosis that you received.

11 A. Yes. In the ER, yes.

12 Q. Okay. And so from that point -- for some
13 period of time after that, of course, you were obtaining
14 Tussionex legally through the use of prescriptions for
15 some period of time.

16 Is that correct?

17 A. That is correct, yes.

18 Q. And then at some period of time you ended up
19 looking to other sources that are not the sort of
20 traditional channels -- we might call them street
21 sources -- for Tussionex.

22 Is that correct?

23 A. Yes.

24 Q. And when is the first time that you sought to
25 obtain or did -- let me ask it this way.

1 When is the first time that you obtained
2 Tussionex through a source other than through a valid
3 prescription at a pharmacy?

4 A. I'm sorry. I think I would have to have a
5 prescription to get it from a pharmacy.

6 Q. Right. My -- I'm sorry. I probably didn't ask
7 the question very well.

8 A. Okay.

9 Q. What I'm trying --

10 A. I just want to make sure that I answer it.

11 Q. No. You're -- you're doing fine.

12 A. Concisely.

13 Q. What I'm trying to get at is when is the first
14 time that you bought Tussionex -- let me just ask it
15 this way -- anywhere other than a pharmacy?

16 A. I would say probably sometime late in 2009 or
17 early 2010 as I can -- it's -- recall. It's been seven
18 years so I'm not a hundred percent sure but around that
19 time.

20 Q. And where was the -- where was the first
21 transaction? Tell -- tell us about that.

22 What -- how did you obtain Tussionex from
23 somewhere other than a pharmacy in 2009 or 2010?

24 A. I would say that the first time probably was
25 through Claude Barnes.

1 Q. All right.

2 A. And he had -- I'm sorry. Do you want me to
3 continue?

4 Q. Yeah. Yeah. Please.

5 A. Okay. And he had a friend that somehow -- I
6 don't know how but either could get it or had it.

7 Q. And this was -- these -- these bottles of
8 Tussionex that you obtained through Claude Barnes'
9 connection came at -- came at quite a steep cost, is
10 that correct, in --

11 A. Yeah.

12 Q. -- dollars?

13 A. Yes. That's correct.

14 Q. And let's just -- just back up for just a
15 minute. We -- I don't think we've introduced
16 Mr. Barnes.

17 Can you tell who -- tell the commission
18 who Claude Barnes was in your life in -- in a -- in
19 broad strokes.

20 A. He was a person that I had an affair, a
21 relationship with during my marriage.

22 Q. When did that relationship start? In what
23 year?

24 A. I believe it was 2009, in February of 2009.

25 Q. And how did you meet Mr. Barnes?

1 A. Through a friend. He was a friend of my
2 friend's friend. I can't --

3 Q. Several -- several steps but there was a
4 connection --

5 A. Sure.

6 Q. -- eventually between and then the two of y'all
7 met and --

8 A. Sure.

9 Q. -- started a relationship. And that lasted I
10 believe until 2015. Is that correct?

11 A. Yes, sir.

12 Q. Sometime in the fall?

13 A. Yes, sir.

14 Q. Okay. And Mr. Barnes helped you obtain -- I
15 believe according to your testimony at least in
16 responses to the QJs approximately three or four times
17 he helped you obtain cough syrup through his connection.

18 Is that correct?

19 A. Yes.

20 Q. And --

21 A. I'm sorry. How many times did you say?

22 Q. I -- I recall three to four. But if I -- if
23 I've misquoted you, please -- please correct me.

24 A. I believe it was three to four, yes.

25 Q. Okay. And did you ever obtain Tussionex other

1 than from a pharmacy or Mr. Barnes?

2 A. No.

3 Q. Okay. How long would a bottle of Tussionex
4 last you?

5 Were you taking one dose per evening even
6 throughout the addiction or were you ever taking more
7 than one dose?

8 A. How long -- I'm sorry. Could you ask --

9 Q. Sure.

10 A. -- the question again?

11 Q. I think I asked you two questions there.
12 Let's -- let's break it up.

13 A. Okay.

14 Q. Throughout the time that you were using
15 Tussionex was there ever any time that you took more
16 than one dose in a 24-hour period?

17 A. No.

18 Q. And so how long would a bottle of Tussionex
19 last you in terms of if you took one every night?

20 Roughly how many doses were in a bottle?

21 A. It depends on what -- what size the bottle. I
22 think there was like an 8-ounce and some other kind of
23 ounce.

24 Q. And the times that -- at least on a couple of
25 occasions when Mr. Barnes helped you obtain Tussionex he

1 had a connection and you-all drove your car to a place
2 somewhere near 59, Southwest Houston?

3 A. Yes, sir.

4 Q. And he actually did the physical purchasing but
5 he was using your money. Is that correct?

6 A. Yes.

7 Q. And --

8 A. Unfortunately, yes.

9 Q. And you had driven -- you-all had driven in
10 your car to those transactions. Is that correct?

11 A. Yes. That's correct.

12 Q. And you have also informed the commission
13 through your answers to the QJs that indeed you did
14 consume both marijuana and ecstasy with Mr. Barnes. Is
15 that correct?

16 A. Unfortunately, yes.

17 Q. And it was approximately again three to four
18 occasions that that happened. Is that correct?

19 A. I would have to look back on that.

20 Q. Sure.

21 A. Sorry.

22 Q. Go ahead. Look at it if you need to.

23 A. I don't know where that part is.

24 Q. Look at --

25 A. Oh, wait.

1 Q. -- page --

2 A. I see it. I see it.

3 Q. Yeah, page nine. I'm sorry. I -- I -- you're
4 right. There is a difference here.

5 With respect to marijuana it's your
6 testimony before the commission that you and Mr. Barnes
7 consumed marijuana on four or five occasions. Is that
8 correct?

9 A. Yes.

10 Q. And that you consumed ecstasy on two different
11 occasions. Is that correct?

12 A. Yes.

13 Q. And the first time that you consumed marijuana
14 was roughly 2010 and the last time was sometime in 2014.
15 Is that correct?

16 A. Yes, early in 2014.

17 Q. Sure. And then the ecstasy the first time was
18 sometime late 2009 and the last time was sometime late
19 in 2011.

20 Is that correct?

21 A. No. It just says first time was in 2009 and
22 sometime in 2011.

23 Q. Okay. Thank you for that clarification.

24 So now Mr. Barnes -- you were in his
25 deposition when he testified that -- that at least on --

1 on one -- more than one occasion you actually paid for
2 the marijuana that the two of y'all consumed.

3 You heard him testify to that?

4 A. Yes. I believe I -- I may not have an
5 independent recollection. But I -- I don't have any
6 reason to think that's not what he said.

7 Q. Yeah. And it's in the transcript as well.

8 A. Sure. Sure.

9 Q. And -- and if I'm understanding what you're
10 telling the commission in your QJs, you -- you do
11 dispute that you ever paid for either the ecstasy or the
12 marijuana that you-all consumed.

13 Is that correct?

14 A. That is correct.

15 Q. Now Mr. Barnes has also levied some other
16 allegations against you. And I just want to put them on
17 the table but understanding that these are ones that you
18 dispute and I want to just make -- make sure we're clear
19 on that.

20 A. Okay.

21 Q. Mr. Barnes alleged through his affidavit as
22 well as his deposition that the two of y'all hired
23 escorts, prostitutes, one in -- in Houston and one in
24 Austin and you dispute that anything like that happened.

25 Is that correct?

1 A. That's true, sir. I absolutely did not do
2 that.

3 Q. Okay. And Mr. Barnes, he also testified that
4 you told him some -- some story or accounting of an
5 event where a detainee in your court somebody -- a
6 bailiff presumably obtained some kind of drugs or other
7 contraband from the individual and ultimately gave them
8 to you.

9 Is it your testimony to this commission
10 that anything along those lines is not -- not accurate
11 and you dispute that?

12 A. That is absolutely not true.

13 Q. Okay. Let's -- let's move forward here to your
14 relationship and history with Mr. Dwayne Jordan. Okay?

15 A. Okay.

16 Q. We touched on it briefly earlier. Mr. Jordan
17 was the -- was somebody just for the commission's
18 background who came into your life quite innocently. He
19 was your contractor who did renovations on the house
20 that you and your husband had.

21 Is that correct?

22 A. That's correct.

23 Q. And so that would have been sometime I -- if I
24 get the dates wrong, please correct me -- sometime in
25 2006 to 2008?

1 A. No.

2 Q. Okay. When was that?

3 A. He started -- I believe he started the
4 renovations on the home in 2008.

5 Q. '8?

6 A. 2006 is -- is -- to '8 is when he lived next
7 door to us.

8 Q. Okay.

9 A. And re-did the house next door to ours.

10 Q. All right. And we talked briefly about the
11 allegations about the complaints that were levied
12 against you that you responded to, inquiries from the
13 commission in March of 2014. And I'm going to pull it
14 up on the screen here so we can all look at it together.

15 Okay. Question two that was sent to you
16 by commission staff in -- relating to those three
17 complaints from -- that were actually filed in 2012
18 asked you to please describe the nature and extent of
19 your relationship, if any, with Dwayne K. Jordan.

20 And you -- you've given, you know, quite
21 a -- an accounting here. And then you told the
22 commission -- we're going to start in the first little
23 red box paragraph -- I had very little contact with
24 Dwayne Jordan during the renovation. I was at the house
25 only to observe the progress and the work that was being

1 done. Dwayne Jordan was seldom, if ever, at the house
2 when I was there. I did not socialize with Mr. Jordan
3 during the renovation of our home.

4 A. Okay.

5 Q. You remember swearing to that in 2014?

6 A. Yes, I do.

7 Q. And are you still comfortable that that's an
8 accurate answer?

9 A. No. I -- I had my memory refreshed by his
10 deposition only --

11 Q. Sure.

12 A. -- in the divorce.

13 Q. Sure. And so we'll get to -- I'm going to give
14 you a chance to talk about that.

15 A. Okay.

16 Q. But -- but just to lay the ground work, that
17 was the statement. And then the other one is the next
18 paragraph about stating that after the -- the
19 renovations were -- were completed you had no
20 interaction with Mr. Jordan other than a birthday party
21 that your children both attended and the two of y'all
22 were at.

23 Okay. Now in December of 2015 Mr. Jordan
24 testified in your divorce matter. Is that correct in --
25 by deposition?

1 A. Yes. I'm sorry.

2 Q. I'm sorry. Yeah.

3 A. Yes.

4 Q. Yes.

5 A. Yes.

6 Q. And --

7 A. I'm sorry.

8 Q. And he testified -- and we're going -- this is
9 I think what you were alluding to. He refreshed your
10 recollection that there were -- he was not ever specific
11 about the number of times that it happened. But he did
12 testify that he on occasion ran errands for you,
13 including picking up prescriptions for you when you
14 asked him to do so.

15 A. That's correct.

16 Q. Yeah. And on the same subject Mr. Barnes,
17 you -- you're aware of his testimony that while the two
18 of y'all were engaged in a relationship Mr. Barnes was
19 concerned that you and Mr. Jordan might also be having a
20 relationship based on the frequency of the context and
21 interactions that he was observing.

22 Do you -- do you remember him testifying
23 to that?

24 A. I do remember him testifying to that.

25 Q. Is it your testimony that Mr. Barnes is not

1 accurate when he relayed that information to us?

2 A. Absolutely. Dwayne Jordan was incarcerated at
3 the time.

4 Q. Okay.

5 A. I would not have been able to communicate with
6 him during that time.

7 Q. All right. So I want to go to again what you
8 were alluding to, your -- your updated answer about
9 Mr. Jordan. I've highlighted on the screen here. I
10 don't know if it's -- wow, that's bad.

11 A. I can -- I can read it.

12 Q. You can read it?

13 A. Yes.

14 Q. Okay. You can either read that out loud or you
15 can explain to the commission how it was that you came
16 to remember that Mr. Jordan had some role in obtaining
17 or delivering prescription drugs to you from a -- from a
18 pharmacy.

19 Can you -- it's up to you. You can either
20 read the answer or --

21 A. I'll just --

22 Q. Sure.

23 A. I'll read it.

24 Q. Sure.

25 A. After attending Mr. Jordan's deposition my

1 memory was refreshed. He did pick up prescriptions for
2 me from Walgreens pharmacy near my house when I was sick
3 at home and he was at the property in his capacity as
4 general contractor for E. Jordan, Inc.

5 As far as I can recall, this would have
6 been -- this would have occurred during the time E.
7 Jordan Inc. was completing the renovations on our house
8 but after we had already moved into the house. I don't
9 recall the exact months. The years would have been
10 2008-2009.

11 I do recall that I was diagnosed with
12 acute pneumonia in 2008 or 2009 and that was probably at
13 least one occasion that I was sick at home. I do not
14 recall Mr. Jordan running errands for me after the
15 renovations were completed.

16 Q. You also told us about an interaction in
17 response to -- and I'm sorry we have to jump around a
18 little bit here.

19 A. Okay.

20 Q. Question 8 asked did Dwayne Jordan ever provide
21 you with prescription medication, including the
22 imitation Tussionex, if so, please indicate. And there
23 were a number of requests. Part C asked whether or not
24 you had a prescription for each of the medications and,
25 if so, the prescribing doctor.

1 Can -- and I focused -- I want to bring
2 your attention to the -- what's yellow on my screen,
3 some sort of strange yellow gray up here.

4 Can you tell the commission about this
5 chance encounter you had with -- with Mr. Jordan and a
6 doctor named Dr. McNeil, please?

7 A. I'm sorry. Hold on one second just so I can --

8 Q. Sure.

9 A. -- read. That's certainly not the entirety of
10 the paragraph but.

11 Q. No. No, it's not. And if you feel like we're
12 leaving something important out, we can read the whole
13 thing.

14 A. Okay. I would prefer --

15 Q. Okay.

16 A. -- that. I'm just going to read from here if
17 that's okay.

18 Q. Sure.

19 A. I can see it a little bit better.

20 Q. Absolutely.

21 A. I always had a prescription for the medication
22 that Mr. Jordan picked up for me. During that time
23 period I believe I was still seeing my OB-GYN,
24 Dr. Robert Hillyard. So he may have prescribed the
25 medication for me. I also recall having to go to the

1 emergency room that was then Methodist ER on Rice
2 Boulevard and the ER physician wrote a prescription for
3 Tussionex and antibiotics to treat the illness I had at
4 the time.

5 On another occasion I recall when we were
6 renting the house on Charleston Street in Houston, Texas
7 I was walking my son in the neighborhood. At that time
8 I was not feeling well. Mr. Jordan and a friend of his,
9 Dr. Cynthia McNeil, were visiting on our street.
10 Mr. Jordan introduced me to Dr. McNeil. We had a
11 personal conversation about her performing a tubal
12 ligation for me and what that would entail. She noticed
13 I wasn't feeling well and called in a prescription for
14 antibiotics and Tussionex for me.

15 Q. Did she literally call in a prescription for
16 antibiotics and Tussionex based on that instant from the
17 street or was there a subsequent follow-up visit where
18 these --

19 A. No.

20 Q. -- prescriptions came?

21 A. No. She -- I never went to her office.

22 Q. So at that -- after meeting her on the street
23 she called in antibiotics and Tussionex, a prescription
24 for these --

25 A. Right.

1 Q. -- things for you? And --

2 A. Yes.

3 Q. -- previous to this I assume the two of y'all
4 had never met. Is that correct?

5 A. I had never met her before.

6 Q. Okay. Let's -- let's move on to your
7 relationship with a man named Kelvin Davis. Mister --
8 Mr. Davis is currently your bailiff. Is that correct?

9 A. Yes. For the court, yes.

10 Q. Sure. He's -- he's --

11 A. He doesn't --

12 Q. He --

13 A. -- work for me. He works for the constable.

14 Q. That's right. He's employed by a different
15 entity. He is not one of your direct reports. He's
16 employed by the constable. But he is assigned to your
17 courtroom.

18 Is that correct?

19 A. Yes.

20 Q. And how long has he been serving in that role?

21 A. He wasn't there when I got there but maybe -- I
22 don't remember when he started, maybe 2010 or '11.

23 Q. Okay. And did you -- did you know him before
24 he was assigned to your courtroom or was he a stranger
25 to you when -- when he first arrived in your courtroom?

1 A. No. He was a stranger to me. I didn't know
2 him.

3 Q. We asked you some questions about some of your
4 texts with Mr. Davis. And we -- we noticed that there
5 was some continued use in a bundle of text messages
6 certain terms that weren't -- weren't clear to us what
7 they meant. There were -- one of the terms were some
8 variation of bolts and screws. And then there was
9 another use of the term cookie dough.

10 Can you explain to the commission why you
11 were texting with your bailiff using the terms cookie
12 dough and bolts and screws?

13 A. Yes, I can. Unfortunately, I asked him if he
14 was able to get that particular cough medicine. And
15 it -- those were the words that we used for that
16 medication.

17 Q. Okay. So when was it that you first approached
18 Mr. Davis in person about the possibility of him helping
19 you obtain Tussionex through some means other than a
20 prescription?

21 A. I believe it was at an event that I had for all
22 the employees of the court at my home. I can't remember
23 the exact year. I'm sorry.

24 Q. Had you previously solicited from anyone other
25 than Mr. Barnes the -- the possibility of obtaining

1 Tussionex through a means other than through a valid
2 prescription at a pharmacy?

3 A. No, sir.

4 Q. And why did you think that Mr. Davis would be a
5 potential source for you of illicit Tussionex?

6 A. As I recall, I'm not sure why I thought that.
7 I'm not sure if he told me about somebody who worked
8 somewhere. I'm not exactly sure. I can't recall why I
9 thought he would be...

10 Q. What was his response in person when you asked
11 him, hey, I'm -- I'm looking for Tussionex, I -- I'm out
12 of prescriptions, I need more? What was his reaction to
13 you when you introduced this idea to him?

14 A. I can't say exactly what he said. But I -- I
15 was -- I left there believing that he was going to try
16 to do so.

17 Q. Was it at this -- in this discussion that
18 you-all came up with the code words that you would use
19 to discuss this matter?

20 A. No.

21 Q. Okay.

22 A. That came I -- I would think that would come
23 much later.

24 Q. All right. So tell -- walk me through the
25 sequence of events between your first discussion with

1 Kelvin Davis about obtaining prescription cough syrup
2 Tussionex and the text messages between you-all where
3 code is used to discuss this matter.

4 How -- walk me through the steps of how
5 that came to pass.

6 A. Sure. As -- as far as I can recall, I -- that
7 was during a time when I was having difficulty and was,
8 like I said, responding to matters at my home. I asked
9 him if that's something that he thought he could get.
10 At that time I don't think he knew what it was. And I
11 guess he indicated that he would check around.

12 At some point -- and I don't know what
13 discussion we had. At some point we began talking about
14 it via text. He told me how much he thought it might be
15 because he had a friend. And it's very -- just in the
16 way of background, it's very expensive and it's not very
17 easy to get.

18 So he told me that I would have to have
19 the money before anything. And so I did come -- at some
20 point give him some money and -- but I never received
21 anything in return except my money back.

22 Q. I see. So you -- the transaction as
23 contemplated got through the negotiated step of how much
24 is it going to cost. It got through the step of here is
25 the money I'm -- I'm giving you the money, I'm wanting

1 you to give me the Tussionex.

2 But, in fact, Mr. Davis's source was not
3 able to actually deliver on the Tussionex. And so
4 Mr. Davis gave you your money back.

5 Is that correct?

6 A. Yes.

7 Q. And was there ever any other time for any
8 reason at all that you and Mr. Davis exchanged cash
9 outside of the courtroom?

10 A. Can you repeat that question?

11 Q. Sure. Well, let me ask you this.

12 A. Okay.

13 Q. Do you know roughly what month and year it was
14 that you gave Mr. Davis money for the purpose of
15 obtaining Tussionex that ultimately the money was
16 returned to you without -- without getting the Tussionex
17 itself?

18 A. I don't. I'm sorry.

19 Q. Do you know what year it was?

20 A. No. I'm sorry. I don't.

21 Q. Do --

22 A. Well, he's a --

23 Q. Okay. So --

24 A. I'm sorry. Let me clarify.

25 Q. Sure.

1 A. I don't recall. But it -- it wasn't -- I
2 didn't ask him for it and pay for it and then he gave it
3 back to me in 2016. It was very close to when I asked
4 for it. So it wasn't years apart. Let me say that.

5 Q. I want to double-check.

6 A. Okay.

7 Q. It was 2016 that -- last year that you tried to
8 get Tussionex?

9 A. No. No.

10 Q. Okay.

11 A. I'm saying he didn't return the money back
12 years later. It would have been close to when I asked.

13 Q. Okay. Okay. So some -- some time measured in
14 months or -- excuse me -- weeks that --

15 A. Yes.

16 Q. -- you got the money back? Okay. But -- but
17 you don't know what year it was that that transaction
18 was contemplated, funded but not consummated? You don't
19 know what year that was?

20 A. No. I would have to...

21 Q. And my follow-up question is: Did you at any
22 point other than this one transaction that you guys were
23 contemplating ever give Mr. Davis cash for any reason at
24 all, valid or otherwise?

25 A. I'm sure I did give him cash for other things.

1 Q. What kind of other transactions were you
2 involved with Mr. Davis where you were exchanging cash?

3 A. I think routinely he sells the -- oh, I
4 can't -- the chocolate covered almonds. So we -- I paid
5 for that for the whole office on a regular basis.

6 Q. I see. So for -- for office snacks and treats
7 he -- he picks them up, pays for them and you pay him
8 back?

9 A. He has a friend who's about 90 who makes cakes.
10 I'm sure I've purchased a number of those as well.

11 Q. I see. And why was it that sometimes you would
12 talk to mister -- you and Mr. Davis would talk directly
13 about purchasing, you know, the nuts and bolts, bolts
14 and screws, and sometimes you referred to the use of a
15 friend?

16 Why did -- why did you sometimes use the
17 idea that it wasn't you who was looking for these
18 materials, it was a friend?

19 A. Because I didn't -- I did not want to pester or
20 bother Mr. Davis often. And so I made it sound like it
21 was a friend. In actuality, it was -- unfortunately, it
22 was me.

23 Q. And why did you use different code not only
24 bolts and screws but also cookie dough for the same
25 targeted item, in this case cough syrup?

1 A. I don't know. We just had a host of -- of
2 different words. And I do believe that at some point
3 someone was selling cookie dough, actual cookie dough at
4 the office. So that may have been where that came from
5 that I did purchase.

6 Q. Are you aware that the term cookie dough is a
7 particular type of -- there's a type of marijuana
8 referred to as cookie dough? Is that something you had
9 ever heard before?

10 A. I've never heard that before in my life.

11 Q. You understand that part of what led to the
12 initiation of the complaint against you by the
13 commission was the potential concern that your -- that
14 your 2014 answers to the commission, particularly about
15 Mr. Jordan, were something less than fully accurate.

16 You understand that?

17 A. I do understand that, yes, sir.

18 Q. With the clarifications that we've gone through
19 are there any other clarifications you'd like to make
20 about those responses that you gave to the commission in
21 2014 with respect to Mr. Jordan?

22 A. No.

23 Q. I want to go over some of the exhibits that
24 were attached to your QJs, these -- the specific
25 exhibits here. I'm going to start with the text

1 messages to Mr. Davis.

2 A. Uh-huh.

3 Q. Okay. And I -- the questions here are pretty
4 straightforward. Number one, I note that the -- that
5 the -- they are in chronological sequence starting on
6 December 23rd, 2015 and primarily actually substantively
7 they start in January of 2016 and they continue through
8 a relatively recent date.

9 Is that correct?

10 A. Yes.

11 Q. I just have a technical question. And you may
12 or may not know the answer to this. I'm seeing this
13 labeled as conversations with Mary Ann and the sender
14 rather than Mr. Davis appears to be somebody named Mary
15 Ann.

16 Can you help me understand what that's
17 about?

18 A. Yes. I'm not very technologically advanced.
19 And so I'm not sure how that ended up under Mary Ann,
20 how his number ended up under Mary Ann in my phone. I
21 just never changed it.

22 Q. I see. So --

23 A. Mary Ann is a friend of mine who lives in
24 California. But somehow -- I don't know if I -- when I
25 got a new phone I don't know but the numbers -- I just

1 never changed it back.

2 Q. I understand. Okay. And do you know
3 technically why it was that when you reached back into
4 your phone you were only able to go back substantively
5 to January 1st, 2016 and not farther back in time?

6 A. Because I don't believe I had this phone.

7 Q. I see. So this --

8 A. I had to get a new -- my phone dropped and
9 cracked and I don't -- I don't think all of that was
10 saved. But when they downloaded them I don't know if
11 they went to the -- I don't know if that was on the
12 cloud or not.

13 Q. Did your -- did your law firm help you with
14 gathering these -- these?

15 A. Yes.

16 Q. Okay. Sure. And are these all the texts with
17 Mr. Davis for this time period, no deletions, no
18 alterations, nothing's been left out, this is the
19 universe of text messages with Mr. Davis?

20 A. Yes.

21 Q. Okay. And to be clear, for the text messages
22 that -- from the prior time there were clearly highly
23 sexual conversations going on between you and Mr. Davis.
24 Is that correct?

25 A. That is correct.

1 Q. And I understand from your recent answers that
2 you had a conversation with Mr. Davis in 2014 and asked
3 him to stop doing that.

4 Is that correct?

5 A. Yes, that is.

6 Q. And he's complied with that request?

7 A. Yes, he has.

8 Q. Okay. I want to briefly touch on -- you gave
9 us some copies of some drug test results. Are there --
10 are there any other drug test results that you've been
11 given during this time period that you didn't include?

12 A. No. Those are all the ones I've taken --

13 Q. I see.

14 A. -- I provided.

15 Q. Okay. And all those --

16 MS. BRINSON: Excuse me. I would like to
17 clarify that. We do have her most -- her most recent
18 drug test that we received. I believe it was yesterday.

19 MR. VINSON: Okay.

20 MS. BRINSON: So that was not provided.

21 MR. VINSON: Okay.

22 MS. BRINSON: We can provide that to you.

23 MR. VINSON: I assume it's clean. The --

24 MS. BRINSON: That's correct.

25 MR. VINSON: These were all clean --

1 MS. BRINSON: It was --

2 MR. VINSON: -- tests.

3 MS. BRINSON: -- negative. And I have
4 copies for the judge.

5 MR. VINSON: Okay.

6 JUDGE GREEN: I'm sorry. I didn't know
7 you didn't have that.

8 MR. VINSON: That's okay. I mean, if it
9 came yesterday, I don't -- no one's going to --

10 JUDGE GREEN: It just took -- Super Bowl
11 pushed everything back in Houston. So...

12 MR. VINSON: Oh, sure. Sure. It's fine.

13 I just want to make sure that -- that what
14 the commission has is the universe of -- of information
15 on certain topics.

16 Q. (BY MR. VINSON) You gave an affidavit of
17 Mary -- am I pronouncing this correctly, Mary Lou Berry?
18 Mary Lou, is that her name?

19 A. Mary Lou, yes.

20 Q. Okay. And she's a PhD psychologist. Is that
21 correct?

22 A. That is correct.

23 MR. VINSON: This is on page 537 of the
24 materials. Whoops. Sorry. These are her notes.

25 JUDGE GREEN: I'm sorry. I will have to

1 turn to read this.

2 MR. VINSON: Okay. I'm not going to ask
3 you specific questions about --

4 JUDGE GREEN: Okay.

5 MR. VINSON: -- her -- her report other
6 than to -- to ask you.

7 Q. (BY MR. VINSON) If I understand what she's
8 saying is that she started seeing you in April of 2014.
9 Is that correct?

10 A. I -- I would have to look and see. Yes.

11 Q. Yeah.

12 A. And she says that, yes.

13 Q. And have you seen her continuously since April
14 of 2014?

15 A. Yes, I have.

16 Q. Okay.

17 A. Up to most recently as last Tuesday.

18 Q. And there was never any kind of meaningful
19 break in -- in the times that you've seen her. Is that
20 correct?

21 A. There's probably been a few months where I did
22 not see her just because of scheduling. She was out of
23 town.

24 Q. Okay. Sure.

25 A. They -- she has a lot of times where she's

1 either working in a hospital or does counseling for
2 children or...

3 Q. Understood. Not -- I mean --

4 A. Sure.

5 Q. -- with some regularity you've been seeing her
6 consistently since 2014. Is that correct?

7 A. Yes.

8 Q. Okay.

9 A. Yes, sir.

10 Q. And you may not know the answer to this
11 question. I -- I just want to -- I have to ask because
12 I -- I'm a little confused.

13 A. Yes.

14 Q. All right. As we scroll down we're seeing here
15 these are the notes from your meetings, visiting with
16 her. We go into August of 2014, September of 2014. And
17 this is -- these are the documents we got Thursday
18 night, Green 0054, 9-22-14. And then the next note is
19 from December of 2016.

20 A. I noticed that last night.

21 Q. Okay.

22 A. And I -- I assume that -- I know I didn't go a
23 whole year without seeing her. I'm not sure why it's
24 not included.

25 Q. Because --

1 A. Except that it may have been omitted.

2 Q. We're looking at a two-year -- more than a
3 two-year gap, right, between September and December of
4 2016? Is that correct?

5 A. Right. I -- I'm positive that I saw her. And
6 I -- I do know that she made a mistake with regard to --
7 as everybody did, between '16 and '17. So I'm not sure
8 if --

9 Q. Help me understand what you're telling us.

10 A. I think her next entry says '16 too.

11 Q. Uh-huh. Oh, I -- well, I --

12 A. I think she went back and changed it.

13 Q. Sure. Sure. I don't -- I don't -- no one's
14 going to -- we all write checks and --

15 A. Yeah.

16 Q. -- know about that. But you're not able to
17 explain to the commission why her notes end --

18 A. No.

19 Q. -- in September of -- you would expect there to
20 be --

21 A. Absolutely. And I've --

22 MR. VINSON: Yeah. Let me --

23 MR. BABCOCK: Let him finish.

24 MR. VINSON: -- finish the question.

25 JUDGE GREEN: I'm sorry.

1 MR. VINSON: Yeah. We -- we know --

2 JUDGE GREEN: Sorry.

3 MR. VINSON: -- what -- we know what we're
4 saying but let me finish the question.

5 Q. (BY MR. VINSON) You would -- based on your
6 experience with seeing this caregiver you would expect
7 to see records between September 22nd, 2014 and December
8 14th, 2016.

9 Is that correct?

10 A. Yes, sir. It is.

11 Q. And you can -- you can swear to the commission
12 in no uncertain terms that, in fact, you saw her
13 multiple times between September 22nd, 2014 and December
14 14th, 2016.

15 Is that correct?

16 A. Yes, I did.

17 Q. Okay. You also provided -- let's move forward
18 here to the affidavit of Mr. Davis.

19 And did you -- did you visit with
20 Mr. Davis about what was going to be included in his
21 affidavit?

22 A. No, I did not.

23 Q. You -- did you leave that to your attorneys?

24 A. Yes, I did.

25 Q. Have you looked at the affidavit?

1 A. Briefly, yes.

2 Q. Did you notice that it solely addresses the
3 sexual texting between the two of y'all and doesn't
4 address at all the allegations relating to the
5 contemplated purchase of nuts and screws or cookie
6 dough?

7 A. Did I notice that?

8 Q. Yes.

9 A. Yes.

10 Q. Do you know why Mr. Davis was not asked to
11 address this issue in his affidavit?

12 A. No.

13 Q. Okay. Let's go -- you -- you included in your
14 last submission your letter to the commission that you
15 sent on November 14th, 2016 and you also included your
16 responses to QJ2, the TLAP questions.

17 Is that correct?

18 A. Yes, sir. It is.

19 Q. I want to go over some of the answers to the --
20 to the QJ2, the TLAP questions, make --

21 A. Yes.

22 Q. -- sure that they're the answers you want the
23 commission to hear from you.

24 A. Okay.

25 Q. Question five asked -- and this is on page

1 550 -- have you ever received a diagnosis of or been
2 assessed or treated for alcohol abuse, medication abuse,
3 parents, prescription or over the counter, closed parents,
4 or for some other type of substance abuse? If so,
5 please identify when, where and by whom.

6 Your answer was yes, see narrative.

7 And I assume by that you're referring to
8 the November 14th, 2016 letter. Is that correct?

9 A. Yes, sir.

10 Q. And you'll agree with me that your letter
11 actually does not include any specific information about
12 medication abuse in terms of when, where and by whom.
13 Is that correct?

14 A. I -- I assume that's correct.

15 Q. I mean we can look at the letter if you'd like
16 to. And if you -- and if you can -- do you have a copy
17 of the letter?

18 Do we need to go over it?

19 A. No.

20 MS. BRINSON: Here.

21 JUDGE GREEN: I'm just -- I'm just looking
22 for the part.

23 MR. VINSON: Sure.

24 JUDGE GREEN: Okay. I've looked at it.

25 Q. (BY MR. VINSON) Okay. And --

1 A. I would agree with you that it does not
2 specifically. But I do refer to seeing a mental health
3 professional. I did not know exactly what their notes
4 would indicate as to whether or not they called it abuse
5 or misuse or dependence or -- I wasn't sure exactly what
6 they used as a professional term.

7 MR. VINSON: Okay.

8 MR. BABCOCK: Can I just have a conference
9 for a second?

10 MR. VINSON: Of course. You might turn
11 the mic off.

12 JUDGE GREEN: Okay. I'm ready. I'm
13 sorry.

14 Q. (BY MR. VINSON) Okay. Is there anything you
15 want to clarify? No?

16 A. No. I just -- I didn't refer to it directly.

17 Q. Yeah. Okay. Question 8 asked when is the last
18 time that you used an illegal substance and what drug.

19 Your answer was see narrative.

20 Will you agree with me that your narrative
21 does not provide the information about when the last
22 time was that you used an illegal substance nor what
23 drug?

24 JUDGE GREEN: Hold on one second. I'm
25 sorry. I'm reading.

1 MR. VINSON: Sure.

2 UNIDENTIFIED SPEAKER: Now when -- where
3 does the narrative begin? What -- what page number?

4 MR. VINSON: There are -- there are
5 several copies. But the cleanest one is located in the
6 supplemental report here.

7 UNIDENTIFIED SPEAKER: Yeah. Five
8 something you said?

9 MR. VINSON: Yeah. J2 in your original
10 materials is on page 470. It's J2. And then it was
11 included again in the supplemental materials.

12 A. I do --

13 JUDGE GREEN: Are -- are you ready? I'm
14 sorry.

15 MR. VINSON: Yes. Yes.

16 A. Okay. I do refer to it indirectly on page --
17 what is marked 59 in the third paragraph down. I don't
18 give an actual date or time.

19 Q. (BY MR. VINSON) Okay. So on 59 the third
20 paragraph, is that the one starting I eventually
21 realized?

22 A. Yes.

23 Q. Okay. Which -- which sentence are you
24 referring the commission to?

25 A. Just the paragraph in general.

1 Q. All right. Let's just read this out loud.

2 I eventually realized that I could not
3 jeopardize my ability to care for my son Christopher,
4 who is my first priority. With this in mind I distanced
5 myself from Claude Barnes and I undertook to restore
6 myself both physically and emotionally. I sought
7 medical treatment and intense counseling and
8 participated in self-help programs.

9 I took these steps voluntarily recognizing
10 that I did not need to be a victim and that my
11 self-worth did not depend on others. I worked through
12 my issues to resolve my challenges. I came out of
13 treatment and counseling a stronger person.

14 I continue to this day periodically to
15 attend counseling to stay the course of my emotional
16 health. I have also submitted and continue to submit to
17 drug testing in our divorce proceeding and each test has
18 been negative.

19 And I guess -- I mean you'll agree with me
20 that while I understand the message that you were
21 conveying in that paragraph it does not have information
22 about the last time you used an illegal substance nor --
23 nor what drug.

24 A. No. But I certainly refer to the tests. And I
25 assume they had all the particular dates on them.

1 Q. Okay. I have a similar question for what was
2 originally question 10 in QJ2, which was: Please list
3 all the substances that you have used recreationally and
4 specify the last date used of each.

5 And again you've referred us to the
6 narrative.

7 But you'll agree with me that there's no
8 specific information about what substances you used
9 recreationally nor information about what date was each
10 of those may have been last used.

11 Is that correct?

12 JUDGE GREEN: I'm sorry. I'm reading
13 again.

14 MR. VINSON: Sure.

15 JUDGE GREEN: Just give me a second.

16 A. As I read here, no, it does not give the
17 specific drug nor the date.

18 Q. (BY MR. VINSON) Question 14 asked has a
19 psychologist, psychiatrist or mental health counselor
20 treated you, if so, when, where, by whom and describe
21 the issues that led to your treatment.

22 You'll agree with me at least the
23 narrative that you provided in November 2016 does not
24 provide any of those specific details asked for in that
25 question.

1 Is that correct?

2 A. No. I -- I don't agree. I think it gives
3 information that I did receive counseling. Some of the
4 specific information, no, unfortunately.

5 Q. Yeah.

6 A. Apologetically is not provided.

7 Q. Yeah. You did answer the first part of the --
8 the QJ, has a -- has someone treated, answer, yes.
9 That's clearly conveyed in the letter that you received
10 counseling.

11 But the second part, when, where, by whom,
12 there's no information in the letter to that effect. Is
13 that correct?

14 A. That's correct.

15 Q. Okay. Question 15 asked have you ever been
16 treated for substance abuse, chemical dependency,
17 etcetera, when, where, by whom.

18 We basically have the same situation,
19 answer to the first part, yes, you have indicated that
20 you've been treated for that but no specific information
21 is provided in the narrative as -- in terms of when,
22 where and by whom. Correct?

23 A. That's correct. As I look back on these, I
24 believe that I was anticipating at least that these
25 notes from Dr. Berry and Dr. Henderson would have been

1 attached to these. And now I see that they are not.
2 And so I think when I was answering these questions I
3 anticipated that they would be. And unfortunately, I'm
4 assuming they were not.

5 MR. VINSON: Oops, going the wrong way.
6 Let's go look at -- I want to look at the notes of
7 Dr. Berry.

8 Q. (BY MR. VINSON) Her note from this year,
9 January 31st, 2017, says patient running late. I'm not
10 sure what that two and a -- and a degree sign means --
11 coming from court, discussed upcoming court case and
12 patient signed ROI -- I assume that's a release of
13 information -- for me to talk to her lawyer, copy in
14 chart.

15 Was that in connection with your divorce
16 proceeding or was that in connection with the records
17 that were released that were provided to the commission
18 Thursday night?

19 A. Which part, the upcoming court case?

20 Q. Yes, the release of information that you-all
21 discussed.

22 A. I think it was for both.

23 Q. Okay. I want to go back to the very end of the
24 questions here. Question 23 asked if asked to do so by
25 the commission, would you be willing to undergo a

1 medical and/or psychological evaluation.

2 The answer you gave in November of 2016
3 was no.

4 Is that still your answer today?

5 A. No. I -- I meant with regard to medical
6 because I provided that information. I certainly have
7 been evaluated by a psychologist. But I would certainly
8 be willing to undergo another one at the commission's
9 request.

10 Q. And then question 24 asked -- it's long. It
11 asked for either copies of your medical records or a
12 waiver. And there's no information in response to
13 question 24 there.

14 Do you see that?

15 A. Yes, I see that.

16 Q. Can you help the commission understand what --
17 what your intended message was or whether that was an
18 oversight or what -- what -- what are they to glean from
19 that?

20 A. I -- I'm sorry. I believe that may have been
21 an oversight. I -- as long as it's narrow, I did not
22 feel like all of my medical records, OB, otherwise,
23 would have been appropriate. I did provide the most
24 recent information I had regarding my medical in some
25 other question I believe.

1 Q. You did that in November 2014 or you did that
2 last -- last week?

3 A. No. I believe I provided that. There was a
4 question about me either being in the hospital or most
5 treated for something, surgeries, something.

6 Q. Okay.

7 A. And I provided both the biopsy and the
8 lithotripsy.

9 Q. Okay. You provided substantive answers to QJs
10 that were delivered to you in September of 2016. You
11 delivered those last week.

12 Is there some reason that you didn't
13 deliver them to us in November of last year so we could
14 process those in anticipation of the fact that your case
15 was going to be considered by the commission at the
16 December meeting?

17 A. Yes, sir.

18 Q. Could you explain to the commission what --
19 what your hope was there?

20 A. Yes. I -- not necessarily a hope but I try to
21 listen to what people who were trying to help me say and
22 do what they say. And now that I have a different law
23 firm they have a different theory and strategy regarding
24 this case.

25 So as soon as they let me know that I

1 endeavored to answer the questions as quickly as
2 possible.

3 Q. Okay. And -- I guess before your counsel came
4 on board am I to understand that you'd made no effort to
5 try and come up with draft responses to the QJs?

6 A. No, that's not true.

7 Q. Okay. When -- when did you --

8 A. I came up with the responses.

9 Q. When did you first do that?

10 A. Oh, it would have been before they were due.

11 Q. Okay. And your counsel made an appearance on
12 December 21st of last year. Is that correct?

13 A. My current, yes.

14 Q. Yeah. But it took until last Thursday to
15 finish answering that you'd drafted before December
16 21st. Am I understanding that?

17 A. Well, the law firm that I had before I was
18 instructed not to answer, although I went through every
19 single question. And then when I did obtain current
20 counsel, like I said, they had a different theory.

21 Q. Okay. What is it that you're hoping the
22 commission will do with this matter, in terms of
23 suspending you or otherwise sanctioning you for the --
24 the allegations that are in play here?

25 A. My hope is that the commission would look at

1 all of the -- all of the surrounding circumstances and
2 that they would understand that the acts that I engaged
3 in were certainly improper and I realize that and
4 inappropriate in many senses of the word.

5 And I did what I could to fix that and my
6 hope is that they would not suspend me and see that I've
7 done my best to get back to my old self and to fix that
8 situation the best that I could and to move on and to
9 know that this in no way affected what I did on the
10 bench or my judgment on the bench.

11 MR. VINSON: Thank you, Judge Green. I
12 have no further questions. Madame chair, I turn it back
13 over to the commission.

14 CHAIR ERTZ: Okay. Thank you very much.
15 At this time, judge, the commissioners will have an
16 opportunity to ask you questions. So they will state
17 their name and then ask a question. And we'll start
18 over here to my right.

19 JUDGE GREEN: Yes, ma'am.

20 HON. WOYTEK: I have no questions.

21 JUDGE GREEN: Okay.

22 HON. WOYTEK: Thank you.

23 HON. NARANJO: Judge, I have quite a few
24 questions of you. All right?

25 JUDGE GREEN: Sure.

1 HON. NARANJO: And this is Orlinda Naranjo
2 again. I'm a district court judge here in Travis
3 County.

4 JUDGE GREEN: Yes, ma'am.

5 EXAMINATION

6 BY HON. NARANJO:

7 Q. And so I understand you got on the bench in
8 2007 and -- and -- and so you -- you've been re-elected
9 three times.

10 Is that correct?

11 A. Yes. '8, '12 and then '16, yes.

12 Q. And let me start first with the -- the
13 gentleman Mr. Jordan.

14 A. Yes, ma'am.

15 Q. Now it's my understanding that based on your
16 supplemental response you're -- you're stating to the --
17 your testimony here today is that you recalled after
18 reviewing his deposition that you had more of a
19 relationship than you testified to before us back in
20 2014.

21 Is that correct?

22 A. I had more interaction with him, yes.

23 Q. Well, apparently he not only did remodeling of
24 your home but he also was a neighbor. Correct?

25 A. Not -- not to the remodeled home. I'm sorry.

1 Q. But it -- a home that you live in he --

2 A. Yes.

3 Q. -- was a neighbor?

4 A. Yes, he was.

5 Q. And then he remodeled your home in I think you
6 said on several occasions, one with the foundation and
7 then something else?

8 A. Yes, ma'am.

9 Q. Okay. And then -- and this person that you
10 didn't hardly know you allowed him to go pick up
11 prescription drugs for you?

12 A. Yes, ma'am.

13 Q. And then is it true that he was convicted --
14 what was he convicted of? Do you know?

15 A. Yes. I'm not a hundred percent sure but it was
16 a property crime.

17 Q. Okay. And -- and that would have been
18 approximately when was that conviction? Do you know
19 approximately when?

20 A. I want to say he was sentenced in 2012.

21 Q. And didn't you provide a character reference
22 for -- for him?

23 A. No, I did not.

24 Q. Okay. So you deny that?

25 A. Yes.

1 Q. Okay. I understand that that was an allegation
2 made in your divorce.

3 A. Yes, it was.

4 Q. Okay. But -- and then as it relates to the
5 divorce, were the -- since I'm a district court judge I
6 do family law as well. And so if there were allegations
7 being raised by one spouse related to the abuse of
8 drugs, then the court would order drug testing.

9 So were those drug testing -- did the
10 court order drug testing in your divorce proceeding?

11 A. They were not court ordered, no. There was no
12 allegations of drugs with regard -- in mediation only.
13 I'm not sure there was anything made available to the
14 judge. But they were not court ordered.

15 Q. It sounded like in the -- in the at least
16 newspaper reports they were reporting drugs and so --
17 that your husband was accusing you of -- in some of the
18 allegations we have before us.

19 A. Yes, ma'am.

20 Q. But --

21 A. That's --

22 Q. -- you're saying that the drug testing -- the
23 judge during your divorce did not order that you take
24 drugs?

25 A. No, she --

1 Q. Drug tests?

2 A. No, she did not.

3 Q. And you don't recall whether your husband
4 raised that issue with the judge related to possession
5 or conservatorship?

6 A. He has not.

7 Q. As it relates to the -- and I appreciate the
8 fact that you have admitted you abused and were addicted
9 to the prescription drug cough syrup.

10 A. Uh-huh.

11 Q. And part of that -- what is your understanding
12 of the side effects and -- that you had from using that
13 drug?

14 A. My understanding physically --

15 Q. Yeah, physically.

16 A. The -- one of the side effects is becoming
17 dependent on the medication.

18 Q. Sure.

19 A. And it makes you sleepy. And that's all I
20 understood. There may be more. I just don't know what
21 they are.

22 Q. So you didn't educate yourself nor have you
23 learned of those side effects or symptoms that you --
24 that you may have had while you were under the -- while
25 you were taking these drugs during your treatment?

1 A. Well, I'm sure that I was aware of those two at
2 least, yes. And -- but I don't believe -- at least the
3 physicians nor the counselor never said, for instance, I
4 would have some long-term effect or --

5 Q. Well, my concern --

6 A. -- physical --

7 Q. -- is the same -- is the fact that those --
8 some of the symptoms or that you may have as a result of
9 taking the drug impact your -- your mental abilities and
10 impact -- you know, it also impacts -- it has dizziness,
11 that -- those kinds of things that one might see if
12 somebody is under the influence.

13 A. Yes, ma'am.

14 Q. So I'm assuming that since you were trying to
15 find drugs while you were in the court, the courthouse
16 through your bailiff -- isn't that right, the bailiff?

17 Isn't Davis the bailiff?

18 A. Yes.

19 Q. Okay. That -- that you would have been taking
20 the drugs not only at night but also during the day?

21 A. No, ma'am. As I indicated before, I couldn't
22 take it during the day.

23 Q. And you -- so you want the jury -- I mean the
24 jury -- you want the judges -- I'm sorry -- the
25 commissioners to believe that you didn't take it during

1 the day, that you only took it at night?

2 A. Only at night to sleep, absolutely not, could
3 not have.

4 Q. So the addiction was only night related?

5 A. Well, that's why it's considered misuse in all
6 of the records I have because it was only sleep related.

7 Q. Okay. Now I understand as a JP you would be
8 taking -- you hander -- handle truancy.

9 A. Yes, used to.

10 Q. Used to? So -- yeah. Okay. So we made a lot
11 of changes on truancy issues and perhaps also juvenile
12 issues related. Okay.

13 A. Yes.

14 Q. So as you know many of those cases also involve
15 kids who are using drugs.

16 A. Yes.

17 Q. You also as a JP were involved in cases
18 involving suspension of driver's license? You have that
19 authority and I don't know if your court specifically
20 does.

21 A. No, we don't.

22 Q. Okay. You also are involved in cases involving
23 misdemeanor, class C misdemeanors. Correct?

24 A. Absolutely.

25 Q. Okay.

1 A. Yes.

2 Q. And some of those cases would involve drugs.
3 Correct?

4 A. Yes. Minors in possession, yes.

5 Q. Sure, minors in possession. And so I'm just
6 thinking you're the judge and here you are abusing
7 drugs. And you are sentencing people, fine -- fining
8 them. You are taking away if you didn't driver's
9 license if you had that jurisdiction, maybe not in your
10 court. But you're making those decisions as a judge.

11 A. Right.

12 Q. And judging these people for the crimes that
13 they have committed and yet you were committing that
14 same crime.

15 A. Yes, ma'am.

16 Q. And how -- so I'm just -- and for a suspension
17 we've got to look at your -- how does your continued
18 service not jeopardize the interested parties either
19 involved in court proceedings before you or -- you know,
20 or how does your continued service not impair the public
21 confidence in our system?

22 A. Yes, ma'am. And if I may speak to that?

23 Q. Yes.

24 A. Yes. I thank god was able to undergo
25 counseling a number of years ago and recognized how

1 inappropriate all of that was. I can honestly say,
2 though, that it did not have -- impair me in anywhere --
3 in any way with regard to making judgments from the
4 bench. Personally, absolutely, in my personal life,
5 yes.

6 For me work obviously was a -- was a great
7 outlet for me. And I feel as though I'm a totally
8 different person now. I have been able to find other
9 ways to deal with what I was dealing with then and still
10 dealing with and realize that that was not a good
11 response and an inappropriate reaction to what was
12 happening.

13 And those acts I take full responsibility
14 for and apologize for and I feel as though that is
15 behind me through counseling and my M.D., my doctor.

16 Q. And I'm always happy to hear, you know, when
17 somebody is making -- is committed to their recovery.
18 I'm always happy to hear that in family law cases or
19 whatever cases. So it's always good to hear.

20 My understanding from your testimony is
21 that you misused this narcotic drug -- that's a
22 narcotic -- between 2009 and 2013.

23 A. Yes, ma'am.

24 Q. So during that time frame has any -- had there
25 been any actions either by lawyers or parties asserting

1 your -- that perhaps the actions you took during that
2 time frame was improper or that you were under the
3 influence at the time?

4 A. Not at all.

5 Q. Is Mr. Davis still employed by you?

6 A. I don't -- he's employed by the constable's
7 office. And yes, he is.

8 Q. Is he still working in your court?

9 A. Yes, he is.

10 Q. And you haven't taken any action to maybe move
11 him to another court?

12 A. No. Just by way of background, the constable's
13 office is sort of broken down into different
14 departments. And so there's about I think three or four
15 in the court division. And they do rotate. So when one
16 person is sick or whatever they rotate to the two
17 courts.

18 So he's not always there. There's times
19 when others are there. But no, I have not taken any
20 action to have him removed or reassigned.

21 Q. Do you see how that would be -- looks improper
22 to have a person you've exchanged those kind of sexual
23 messages back and forth as well as asking him to buy you
24 or locate drugs for you?

25 A. Yes, ma'am. I do. I understand how it looks

1 optically, yes, I do. And --

2 Q. What do you mean optically?

3 A. How it looks. And I -- you know, because I
4 asked him to stop, I stopped and haven't since. I
5 didn't really feel like it was my place to ask for him
6 to be reassigned since he certainly isn't employed by
7 me. But that's something I certainly -- I would
8 entertain.

9 HON. NARANJO: I believe that's all the
10 questions I have. Thank you.

11 JUDGE GREEN: Thank you.

12 MS. JOHNSON: I have no questions.

13 HON. LANG: Your Honor, I'm Doug Lang
14 again. I have a few questions.

15 JUDGE GREEN: Yes, sir.

16 EXAMINATION

17 BY HON. LANG:

18 Q. During this period of time that you were
19 talking to Judge Naranjo about taking Tussionex from
20 2009 to 2013 you took it to sleep. Right?

21 A. Yes, sir.

22 Q. And you took it every night?

23 A. Yes, sir.

24 Q. Is it -- would it be fair to say that taking
25 this drug night after night when you woke up in the

1 morning you had some cloudiness of mind?

2 A. Respectfully I really did not feel like I was
3 cloudy, no. I felt like I could go to work and not be
4 sleepy and make good judgment. I did feel like I could
5 do that or else I wouldn't -- I certainly would not have
6 gone or done something different.

7 Q. I -- I'm not an expert on addiction. But I am
8 advised by people that addiction creates a cycle and it
9 creates cloudiness of mind. But whether it's
10 substantial or (unintelligible) Tussionex you don't see
11 that as having occurred to you that you were -- had
12 lingering effects the next day that drew you back to the
13 drug that night?

14 A. Right. Yes, sir. As I understand it from the
15 physician, it's a -- I don't know exactly what this
16 means. But it's a drug that has a short half-life. So
17 it's not something that stays in your system for a long
18 time as I understand it.

19 But I did not have -- I did not feel
20 cloudy or sleepy or like I couldn't think or I couldn't
21 go to work and make a decision --

22 Q. So --

23 A. -- at that time.

24 Q. -- would you say then that it would not have
25 had an effect such as some of us have had alcohol and it

1 lingers the next day? You say that there's nothing like
2 that that you experienced?

3 A. No, not like with alcohol. I've seen that.

4 Q. I'm not understanding exactly the status of
5 your divorce action.

6 A. Sure.

7 Q. Is that completed?

8 A. No. Reset for the fourth time for April 3rd.

9 Q. So that's been going on --

10 A. Yes.

11 Q. -- how many years?

12 A. And we had -- three. And we have a young son.

13 Q. The other thing I'm not sure I want to ask you
14 about --

15 A. Sure.

16 Q. -- the texts that we saw with Mr. Davis and
17 your request that he secure Tussionex for you. How many
18 times did you request that he buy you Tussionex or you
19 actually bought it from him?

20 A. No, I never -- I didn't buy it from him. But
21 how many times did I request it?

22 Q. Yes, ma'am.

23 A. I would say maybe two or three times.

24 Q. And so it's your testimony that he was unable
25 to secure it for you?

1 A. Right.

2 Q. Those two or three times that you asked him?

3 A. Yes.

4 Q. And you actually gave him money at one point to
5 actually make the purchase for you?

6 A. Yes.

7 Q. Did you -- did you make -- did you deliver
8 those funds to him those two or three times or just
9 once?

10 A. No. I don't think it would have been two or
11 three. It may have been two, more than once.

12 Q. Uh-huh.

13 A. But I think I was starting to realize that it
14 was somewhat of a lost cause at the end.

15 Q. But you actually gave him funds on --

16 A. Yes, I did.

17 Q. -- those two times?

18 A. Yes, I did, sir.

19 Q. You indicated earlier this afternoon -- and I
20 think I got this right -- that you said you have done
21 your best to get back to your old self.

22 Did I get that right?

23 A. Yes, sir.

24 Q. Could you tell us what that is?

25 A. Oh, absolutely.

1 Q. What you've done --

2 A. Yes.

3 Q. -- to try to get back to your old self.

4 A. Yes, sir. One thing I've done, of course, in
5 addition to the counseling and the -- and seeing my M.D.
6 on a regular basis is to do some reading about -- to
7 educate myself on the stressors, first of all, and to
8 educate myself about different ways to cope with
9 sleeplessness.

10 And I've found a number of ways and have
11 gotten fairly involved in yoga. It may not look like it
12 but I do yoga on a regular basis. And I've also done
13 some research on what -- how to combat stress, not
14 necessarily only sleeplessness but how to handle and
15 juggle.

16 And then, of course, the counselor gives
17 me -- she gave me about three books to read that deal
18 with this one particular issue among others. And I've
19 also surrounded myself with people who encourage and
20 support and also doing a lot of church, too.

21 Q. Are you currently taking any medications?

22 A. Yes. I listed them. I take Effexor and I want
23 to say it's 75 milligrams.

24 Q. Is that an antidepressant or what is it?

25 A. Yeah. I think it's an antidepressant. It

1 helps with anxiety, too. It's not a narcotic. I do
2 have to have I believe a prescription from my PCP for
3 it, though.

4 Q. Do you currently drink alcohol on any type of
5 regular basis?

6 A. Not regularly, no, maybe once every two to
7 three weeks or so.

8 Q. And to what degree?

9 A. Oh, not very much. I'm not very much into
10 alcohol, maybe wine.

11 Q. Do you smoke cigarettes?

12 A. No, I don't.

13 HON. LANG: Pass.

14 MR. RUSSELL: Yes, judge. Again, I'm
15 David Russell.

16 JUDGE GREEN: Yes, sir.

17 EXAMINATION

18 BY MR. RUSSELL:

19 Q. Little clarification to understand that I --
20 whether or not I heard correctly what Justice Lang
21 was -- was asking.

22 How long did you take the Tussionex?

23 A. I probably began misusing it probably in about
24 2009 and -- okay.

25 Q. And continued how long?

1 A. Until about 2013.

2 Q. So some four years?

3 A. Yes.

4 Q. Okay. How many of the -- the -- you -- I think
5 you had mentioned 8-ounce bottles. Right?

6 How many of those bottles did you acquire
7 by prescription?

8 A. Of the 8-ounce bottles?

9 Q. Or -- that's what it comes in. I've taken it.

10 A. Oh, okay. I -- how many did I -- I can't say
11 how many by prescription. Quite a few by prescription.

12 Q. Okay. It's my understanding that -- Justice
13 Lang was asking about fogginess.

14 A. Yes.

15 Q. I've taken that drug. I detest that drug
16 because it made me feel that way and it was very
17 difficult to function. And I just told doctors I won't
18 take that. Okay?

19 So at least I have reacted that way. But
20 I also understand that there's some 48 table --
21 teaspoons in an 8-ounce bottle and a teaspoon is about
22 the dose that I understand.

23 Over four years that would be
24 approximately 30 bottles. Okay? So you're telling us I
25 believe that you only acquired it without a prescription

1 three or four times?

2 A. Right. It -- it's very --

3 Q. It's --

4 A. It's very difficult to get otherwise.

5 Q. But this means that you had a four-year period
6 of almost continuously being prescribed Tussionex over
7 and over and over up to 25 times maybe?

8 A. Are you asking me how many prescriptions?

9 Q. If my calculations are right, it would take
10 some 30 bottles to cover four years if you're taking it
11 as you testified, every single night.

12 A. Well, I believe if I recall correctly --
13 respectfully, I believe that it was prescribed in two
14 8-ounce bottles for me I believe. And I didn't have it
15 continuously, of course. You know, the insurance is not
16 going to cover it after -- you know, within -- you can
17 only take it as prescribed and then the insurance
18 wouldn't cover it before that time when you weren't
19 supposed to take it anymore -- I mean or when you -- if
20 you weren't taking it as prescribed, they would not
21 cover it.

22 And so I -- I didn't have it all the time.
23 I wouldn't say that I was able to get 30 prescriptions
24 in four years. So I --

25 Q. Okay. So you -- so you --

1 A. I went periods --

2 Q. -- got a --

3 A. -- where I --

4 Q. -- prescription and then you had a refill. Is
5 that what you meant by two bottles at a time? I've
6 never gotten more than one bottle because it's a
7 controlled drug.

8 A. Yes. That's what I mean. I would have a
9 refill. But I didn't have it all the time. Like I
10 didn't go consistently without -- seamlessly, so to
11 speak.

12 Q. It's just confusing to figure out how you could
13 have taken it every single night with so few bottles
14 if -- if you understand.

15 A. Yes, sir.

16 Q. Okay. I'd like to go back to the question of
17 when you were texting with Mr. Kelvin Davis and you used
18 the terms cookie dough and bolts and screws.

19 Tell me again why you used those terms
20 rather than simply Tussionex or cough syrup.

21 A. Well, I believe that it -- because I didn't
22 want anybody to know. And, you know, I was embarrassed
23 about it. I was ashamed. It was something that, you
24 know, I knew was not the right thing to do. And so --

25 Q. So you wanted to avoid being -- having the

1 illegality of what you were doing revealed?

2 A. Yes.

3 Q. Okay. Thank you. And it was a little bit
4 unclear as to how you even came to understand what those
5 terms meant because you said you began using it in
6 conversation. But I wasn't sure. Where did you learn
7 that?

8 Was it simply you look it up and say
9 where -- what's a code word?

10 A. Oh, no. I didn't -- we didn't -- I didn't look
11 up anything. I --

12 Q. But somebody told you then?

13 A. No. It was just something we used. I don't
14 know what -- what other meaning any of those words would
15 have.

16 Q. Okay. And -- and so when you are answering the
17 questions I believe I heard you say when asked about
18 using the terms cookie dough and bolts and screws that
19 you made a comment that you just had a host of terms
20 that you used.

21 So what were the other terms? Because two
22 isn't a host. So obviously there are more other terms
23 that you were using for things. What were those hosts
24 of things?

25 A. I believe it was limited to either nuts and

1 bolts or screws and then cookie dough. That's it.

2 Q. But the implication in saying a host of terms
3 implies way more than just that.

4 A. We never referred to it by anything other than
5 those terms.

6 Q. Did you refer to anything by other code words?

7 A. No. No. No. There was nothing else that I
8 would have needed to have referred to in code.

9 Q. In any context, in any text have you used other
10 code words for behaviors to disguise the behavior?

11 A. I'm sorry. Can you repeat the question?

12 Q. There are other issues that have been raised
13 regarding your behavior. Are there other code words
14 that you might have been thinking about when you said
15 host of terms that did not relate to a substance but
16 related to behavior?

17 A. I'm sorry, sir. Not that I can recall.

18 Q. Thank you. And then finally, do you believe
19 that any of the behaviors have been described in the
20 complaints that have been filed before us reflect poorly
21 on the judiciary?

22 A. I would say that, yes, there are some acts,
23 some behaviors that reflect poorly. But whether they
24 actually discredited the judiciary I would have to say
25 no. All of this came out before I was elected. It was

1 in the newspaper. It's on the Internet. I don't think
2 any one of these gentlemen has made it a secret about
3 what they thought I did and what I did. So --

4 Q. But you were elected in 2008 first?

5 A. First.

6 Q. And the behaviors discussed in these complaints
7 occurred after that. So if you're a representative of
8 the judiciary, do you not believe that any of those
9 behaviors would reflect poorly on the judiciary?

10 A. No. I didn't -- no. I do. I do. I think --
11 I guess my point is, yes, I -- I would think they would
12 reflect poorly on the judiciary, yes.

13 HON. LANG: Thank you.

14 HON. HALL: Judge Green, I -- we have a
15 lot of information. I just want to make sure I
16 understand.

17 EXAMINATION

18 BY HON. HALL:

19 Q. In addition to Tussionex you used ecstasy and
20 marijuana during this same period of time. Is that
21 right? Between 2009 and 2013 I mean.

22 A. Yes.

23 Q. And --

24 A. Let me just confirm. I'm sorry. I just want
25 to make sure because I believe there was a 2014.

1 Q. Okay. And I -- it may be that...

2 A. Yes. Under 16B.

3 Q. The -- the other thing I wanted to ask about
4 was the meeting with Mr. Jordan and Dr. McNeil.

5 A. Yes, sir.

6 Q. Did Dr. McNeil initially prescribe you that
7 Tussionex or did it -- did the other physician, your OB
8 or whoever it was, prescribe it before Dr. McNeil?

9 Who --

10 A. My --

11 Q. -- prescribed it first?

12 A. My OB did.

13 Q. Okay. And Dr. McNeil -- did Dr. McNeil do any
14 kind of an examination of you or --

15 A. No.

16 Q. -- your records or anything?

17 A. I'm sorry?

18 Q. Did you ever see Dr. McNeil outside of in the
19 street?

20 A. No, I did not.

21 Q. And did Dr. McNeil perform any examination of
22 you before she prescribed you that drug?

23 A. No. No, she didn't.

24 Q. Did you pay Dr. McNeil for her medical --

25 A. No.

1 Q. -- opinion?

2 A. I did not.

3 Q. And it said in your answers I believe that that
4 occurred at least once. Did you meet with Dr. McNeil or
5 Mr. Jordan in the -- to get Dr. McNeil to prescribe you
6 that medicine more than once?

7 A. No, sir.

8 Q. She just prescribed you that one time?

9 A. Yes. I believe that we left that street soon
10 thereafter.

11 HON. HALL: I pass the witness.

12 CHAIR ERTZ: Thank you, Judge Hall.

13 HON. HALL: Excuse me. David Hall, judge.
14 And I didn't re-introduce myself.

15 JUDGE GREEN: That's okay.

16 HON. HALL: I should have.

17 HON. WILEY: Judge, Catherine Wylie.

18 JUDGE GREEN: Yes, ma'am.

19 HON. WILEY: I just have a few questions.

20 EXAMINATION

21 BY HON. WYLIE:

22 Q. One of the -- well, Tussionex is an opioid
23 and --

24 A. Yes, ma'am.

25 Q. -- it has quite a few side effects, some of

1 which are confusion, mood change, anxiety and trouble
2 concentrating.

3 Do you think that you would have been in a
4 condition to recognize any of those side effects after
5 taking that the night before and being on the bench the
6 next day?

7 A. Yes. I think I would have -- I think I would
8 have recognized if I was confused or --

9 Q. Anxious?

10 A. -- anxious.

11 Q. Mood changes, all of those things, that's quite
12 a -- quite a bit.

13 A. Yes.

14 Q. Okay. Did you go through withdrawals when you
15 got off the Tussionex?

16 A. I believe my medical records indicate that I
17 did, yes.

18 Q. What -- what were your symptoms of your
19 withdrawals?

20 A. If I can recall correctly, I was extremely
21 nauseated, extremely dehydrated, restlessness and some
22 depression.

23 Q. Okay. As you started taking the Tussionex did
24 you have to increase the dosage to get the same effect
25 that you did originally with the prescribed -- with the

1 first prescription?

2 A. I probably did at some point start taking it
3 more.

4 Q. Okay. And did that account for the need for
5 you to go elsewhere to get it because your prescriptions
6 could not be refilled?

7 A. Yes.

8 Q. Okay.

9 A. I probably started taking -- let me go back. I
10 probably started taking it -- taking more of it when I
11 took it.

12 Q. Because you weren't getting the effects of
13 originally what you were getting because it was in your
14 system already?

15 A. Yes, ma'am.

16 Q. When you -- and I assume that when you couldn't
17 get the prescriptions anymore because your insurance
18 company wouldn't cover it because it wasn't time to get
19 a refill on it that either they wouldn't prescribe it --
20 I mean they wouldn't fill it because no refill was
21 available or it wasn't time or did there also come a
22 time when your OB-GYN that originally prescribed it said
23 I'm not giving it to you anymore?

24 A. No. It was -- it would have been the insurance
25 portion.

1 Q. Okay. So at no time during that four-year
2 period did your OB-GYN talk to you about this is
3 probably not a good idea you're on this?

4 A. I'm -- in my answers I indicated that he may
5 have -- he was going to be -- he was one of the
6 physicians that prescribed it to me.

7 Q. Okay.

8 A. So I'm -- I would say that I didn't see him the
9 whole four years.

10 Q. Okay. So other than your OB-GYN and Dr. McNeil
11 how many other doctors prescribed that medication for
12 you? Do you recollect?

13 A. I don't. I tried to get the information from
14 Walgreens but they have a seven-year destruction policy
15 on those. So I tried to get the exact doctors, when,
16 where, how much and all of that. But I could not.

17 Q. Can you guesstimate about how -- how -- I mean
18 is it three? Is it seven?

19 A. No. It -- over four years maybe two or three.

20 Q. Okay. So did you doctor shop for that?

21 A. I may have done some of that, yes.

22 Q. That sounds like what Dr. McNeil was, you were
23 just shopping for that.

24 I guess my last question is, you know, as
25 judges we're -- we're looked at -- we're held to a

1 higher standard. And sometimes those are difficult
2 standards and the person looking -- they're difficult to
3 live up to those standards a lot of times.

4 Do you think that you have disappointed
5 your community in the way that you have behaved on the
6 bench?

7 A. Not -- no, not in the way that I've behaved on
8 the bench. No, I don't.

9 Q. Okay. So you feel like -- I'm sorry to
10 interrupt you. Go ahead.

11 A. That's okay. Certainly I've disappointed many
12 in how I've acted in my personal life, yes.

13 Q. Okay. So you don't think at any point in time
14 you had an inability to make a decision that you maybe
15 made on the bench?

16 A. An inability to --

17 Q. Uh-huh.

18 A. -- make a decision?

19 Q. You were confused, you know, had trouble
20 concentrating, anxious, you know, any of those symptoms?

21 Do you ever believe that you had any of
22 those side effect symptoms when you were on the bench
23 and you made decisions in that -- in that -- while you
24 were in that state of mind?

25 A. I can honestly say I think I've probably been

1 anxious in making a decision before, absolutely. And
2 I'm sure that I've been confused. And I can honestly
3 say, though, that I would probably put more on the
4 things that were going on in my life at that time as
5 opposed to being -- having any sort of residual from the
6 medication. And I don't want anybody to think I didn't
7 think there was any side effect to it. Absolutely --

8 Q. Sure.

9 A. -- there were.

10 HON. WILEY: Thank you very much, judge.

11 CHAIR ERTZ: Judge, this is Valerie Ertz.
12 I just have one question.

13 EXAMINATION

14 BY CHAIR ERTZ:

15 Q. I think you mentioned that now you realize that
16 the drug affected your health, affected your personal
17 life. But it did not affect your job performance.

18 So how -- how can that -- how can that --
19 explain that to me.

20 A. Sure.

21 Q. How it can affect everything but your job.

22 A. Well, I -- I take great pride in making sure
23 that I do my best to make decisions and consider both
24 sides as I'm sure all of us do. I think that for a long
25 time my work and cases were a huge outlet for me.

1 So I went to work and performed and then
2 when I got home is when all of those stressors came
3 rushing back. And so I -- I did my best to make sure
4 that I performed at work to the level, you know, that
5 I -- that was acceptable. And then, of course, in my
6 personal and private life the decisions I made were not
7 appropriate or proper.

8 I've never -- I didn't have a situation
9 where my staff was either complaining about me at least.
10 I feel like I was there holding court. I hold court the
11 same way I do now as I did then. Yes, I had a whole lot
12 going on and it was difficult for me to process
13 everything in my personal life.

14 But I really did my best to make sure that
15 I performed at work. It was something that sort of
16 preoccupied my mind.

17 CHAIR ERTZ: Thank you very much. Any
18 further comments or questions from the commissioners?

19 HON. NARANJO: I just -- this is Judge
20 Orlinda Naranjo. Let me turn this on again -- Judge
21 Orlinda Naranjo.

22 FURTHER EXAMINATION

23 BY HON. NARANJO:

24 Q. If I understand correctly, there was a question
25 to you by Mr. Vinson indicating that you had not agreed

1 to sign a release for your medical records and you were
2 thinking, well, this is psychological more than medical.

3 But the medical records might indicate to
4 us how often a doctor prescribed the medication. And I
5 think that that goes to the commissioners --
6 commissioners questions.

7 So you understand how important a release
8 would have -- would have been for us to have gotten
9 those medical records, not just your psychological
10 records that relate to what you're doing now for
11 treatment, etcetera?

12 A. No. I did not understand that at the time, no.

13 Q. But you're saying you would -- you would be
14 willing to -- to sign a release both for psychological
15 and medical now that you understand what the medical
16 would show?

17 A. Yes. I'm -- the only thing I'm worried about
18 is --

19 Q. Sure. You can (unintelligible) we don't
20 want -- but the -- but you're saying even your OB is the
21 one that prescribe it -- prescribe it. So we'd have to
22 get those records.

23 A. Right. I guess my current OB if -- you know, I
24 don't have a problem with signing a medical release, no.
25 Do I want everybody to know when I dilated for my

1 C-section? No. That -- you know, or how much I weigh,
2 you know, those -- those things, no. But if we can --
3 I'm certainly fine with that.

4 Q. And you didn't do an IOP. Right? You
5 didn't -- did you get a -- did you for treatment do an
6 IOP, the intensive outpatient for -- outpatient for drug
7 addiction?

8 A. I don't know what that is, IOP.

9 Q. Intensive outpatient, a program that relates to
10 drug addictions.

11 A. No.

12 Q. Okay.

13 A. No.

14 HON. NARANJO: I don't have any further
15 questions.

16 CHAIR ERTZ: Okay.

17 JUDGE GREEN: I'm sorry. I don't -- let
18 me go back. Is that something where you go to a place?
19 I've never heard it referred to as IOP. But I want to
20 make sure that I understand what you're asking me.

21 HON. NARANJO: Usually there are half-days
22 for 30 days or -- or you're there 24 hours for --

23 JUDGE GREEN: Oh, no.

24 HON. NARANJO: -- 30 days. That would be
25 the in-patient. The outpatient is usually four hours a

1 day, sometimes longer for 30 to 60 days.

2 JUDGE GREEN: No.

3 HON. NARANJO: Okay. All right. Thank
4 you.

5 CHAIR ERTZ: Thank you. No further
6 questions.

7 All right. At this time, Mr. Babcock,
8 would you like to ask your client questions?

9 MR. BABCOCK: Yes. Would you give us like
10 two or three minutes to confer a bit? Would that be all
11 right?

12 CHAIR ERTZ: Sure.

13 MR. BABCOCK: Thank you.

14 CHAIR ERTZ: Mr. Babcock, we are back on
15 the record. And at this time would you -- I'm sorry.
16 We did interrupt. You were going to ask or say
17 something?

18 MR. BABCOCK: No. I was just going to say
19 something that -- since Mr. Vinson has been asking her
20 questions we thought it was only appropriate to have
21 somebody that rhymed with Vinson so Ms. Brinson is going
22 to ask the questions.

23 CHAIR ERTZ: Thank you.

24 MR. BABCOCK: And with that
25 introduction...

1 CHAIR ERTZ: Great. Thank you very much.

2 UNIDENTIFIED SPEAKER: (unintelligible)

3 Babcock doesn't rhyme.

4 MS. BRINSON: Okay. Do you want me to go
5 over here?

6 UNIDENTIFIED SPEAKER: You might pull

7 that --

8 UNIDENTIFIED SPEAKER: Put it real close.

9 UNIDENTIFIED SPEAKER: -- real close to
10 you. Is it bright green?

11 MS. BRINSON: Yes.

12 CHAIR ERTZ: Yeah.

13 MS. BRINSON: Okay.

14 CHAIR ERTZ: Perfect. Thank you.

15 EXAMINATION

16 BY MS. BRINSON:

17 Q. Okay. Judge Green, you testified before the
18 commission a few minutes ago that you stopped the usage
19 of the Tussionex, the prescription cough medicine, in
20 2013.

21 Is that right?

22 A. Yes, ma'am.

23 Q. When did you -- how did you stop using the
24 prescription cough medicine?

25 A. I just sort of stopped. I just started taking

1 less and less and less.

2 Q. Did you seek out any type of assistance in
3 stopping the use of the medicine?

4 A. Yes, I did.

5 Q. When -- when did that happen?

6 A. That probably happened early in 2014.

7 Q. Who did you go and see?

8 A. Dr. Kimberly Henderson.

9 Q. Okay. I'm going to refer you to the affidavit
10 that Dr. Henderson submitted.

11 A. Okay.

12 Q. And it is Green number 0039 and 0040.

13 A. Okay.

14 Q. Are you familiar with that affidavit?

15 A. Yes, ma'am.

16 Q. When does Dr. Henderson say that you came to
17 see her the first time?

18 A. It says in July 2013.

19 Q. Is that date incorrect?

20 A. No.

21 Q. Does that -- do you recall going to see her?

22 A. Yes, I do.

23 Q. Okay. And why -- why did you go and see Dr.
24 Henderson in July of 2013?

25 A. I went to see her because she is -- came up as

1 a specialist and I was having, of course, all of the
2 symptoms, nasal drip and sinus pain and all of that. So
3 I went to her to see if there's some sort of alternative
4 or something that could be done about the illness.

5 Q. Okay. What conditions are you referring to
6 when you say you had nasal drip and sinus?

7 A. She sent me to a specialist and they diagnosed
8 me with a deviated septum.

9 Q. And how did that kind of impact on your --
10 nasal drip and the --

11 A. Yes. And it caused me to cough quite a bit.
12 But I realized that I needed to not take Tussionex
13 anymore.

14 Q. So were you taking Tussionex for the -- the
15 cough?

16 A. Yes, ma'am.

17 Q. How often were you experiencing this cough?

18 A. Oh, it was every night as soon as I laid down.

19 Q. Okay. Was it preventing you -- like what kind
20 of impact was it having on your -- on you, the cough,
21 the persistent cough you described?

22 A. It kept me from sleeping at night. It was just
23 generally disruptive.

24 Q. Is that one of the reasons why you went to see
25 Dr. Henderson?

1 A. Yes, ma'am.

2 Q. And so were you -- let me ask you this.

3 How long had you been experiencing the
4 persistent cough?

5 A. For years.

6 Q. Would you say that some of your use of the
7 Tussionex was to treat the persistent cough?

8 A. Yes, ma'am.

9 Q. You mentioned during your testimony that you
10 had gotten a prescription for Tussionex to treat
11 pneumonia and that was in -- sometime in 2009.

12 Is that about right?

13 A. 2008 or '9.

14 Q. Okay. Did you have any other medical
15 conditions for which you -- for which Tussionex was
16 prescribed to you?

17 A. Just the cough.

18 Q. I mean other than pneumonia did you have any
19 other medical conditions for which Tussionex was
20 prescribed?

21 A. No.

22 Q. And then you went to see Dr. Henderson in 2013
23 to treat the persistent cough?

24 A. Yes, ma'am.

25 Q. You also testified that you used the Tussionex

1 or I think there was some discrepancy. Let's clarify.

2 How often did you use the Tussionex when
3 you began to use it in 2009?

4 A. At night almost every night.

5 Q. And how were you getting the prescriptions for
6 the prescription cough medicine?

7 A. Through my doctors mostly.

8 Q. Were they -- were they providing them for
9 any -- the treatment for any particular condition?

10 A. I -- yes. I believe they were providing it to
11 treat the coughing I had.

12 Q. And you said you had it for years. Can you be
13 more specific how long you had the persistent cough?

14 A. I mean it was just something that I dealt with
15 for a number of years and then found out there was some
16 sinus issue.

17 MS. BRINSON: Okay. I'll refer you back
18 to the affidavit of Dr. Henderson. She says -- if you
19 flip over to the other side -- and I'm sorry I don't
20 have copy before me. But she says --

21 MR. VINSON: Am I going the way you
22 needed? Tell me -- tell me what you want and I'll put
23 it up.

24 MS. BRINSON: Oh, perfect. Thank you.

25 MR. VINSON: Yeah.

1 Q. (BY MS. BRINSON) In paragraph seven of her
2 affidavit she states that she refers you to a
3 psychologist so that she could -- so that you, Judge
4 Green, could address the stressors that you had
5 identified in your life, namely your ongoing marital
6 difficulties with Ronald Green.

7 Am I reading that correctly?

8 A. Yes, ma'am.

9 Q. So if you went to see Dr. Henderson to treat
10 you for the nasal cough -- excuse me -- for the nasal
11 drip and the chronic nighttime cough, why would she have
12 referred you to a psychologist?

13 A. Because I'm sure that I was explaining to her
14 that I was becoming reliant and dependent on it. So in
15 addition to whatever she prescribed in an effort to make
16 sure that I didn't take it any longer she felt like I
17 needed counseling at the same time.

18 Q. Okay. And when she refers generally to the
19 stressors in your life, namely your ongoing marital
20 difficulties with Ronald Green, what stressors is she
21 referring to?

22 A. I think most notably she's referring to the
23 fact that I found out that he was having same-sex
24 activity.

25 Q. Okay. And when you say same-sex activity can

1 you -- can you expound on that just a little bit?

2 A. Yes. At some point I was getting rumors about
3 my husband being with men. And then his behavior
4 started to match the rumors. And then finally he told
5 me that that was the case.

6 Q. When -- okay. Let's take it bit by bit. When
7 did --

8 A. Okay.

9 Q. -- you -- when did the rumors begin that your
10 husband was -- well, let me clarify.

11 When you say there were rumors that your
12 husband was with men what do you mean by that?

13 A. This is very difficult to talk about but that
14 he was homosexual I guess.

15 Q. Okay. So he was having relationships with men?

16 A. Yes, ma'am.

17 Q. Okay. And would that include sexual
18 relationships?

19 A. Yes.

20 Q. Okay. And so when would you say the rumors
21 began with regard to that?

22 A. I would say the rumors have been there since we
23 got married.

24 Q. And --

25 A. In 2000.

1 Q. You got married in 2000? And when you say that
2 his activity, his acts started to reflect the rumors
3 what do you mean by that?

4 A. The absenteeism for the home, just constant
5 travel and travel with one particular person that worked
6 in his office.

7 Q. Was -- when you say constant travel how often
8 would he travel?

9 A. I think in preparation for another proceeding
10 we counted 65 times in 2013 that he was traveling.

11 Q. When you refer to him traveling with one
12 particular person what was the sex -- what is the sex of
13 that person?

14 A. He's a male person.

15 Q. Do you know this person personally?

16 A. Yes, I do, only through him working in his
17 office.

18 Q. Okay. So this -- this male worked in your
19 husband -- works in your husband's office?

20 A. I don't think he works there anymore.

21 Q. Okay.

22 A. At the time he did.

23 Q. Are there any other stressors that Dr.
24 Henderson was referring to in her affidavit?

25 A. Probably his constant threatening of me and

1 threatening to go public and threatening to cause me to
2 lose my job, those are probably other stressors she's
3 referring to.

4 Q. Okay. So let's take each one. When you said
5 him threatening of you in what way was he threatening?

6 A. Physically threatening.

7 Q. And when you refer to him threatening to go
8 public what do you mean by that?

9 A. Threatening to do what he did, to put it in the
10 newspaper and on the Internet.

11 Q. To put what in the newspaper?

12 A. Just the issues that I was having with regard
13 to misuse, some made up, some not with regard to the
14 affair that I had as well as whatever else he put in the
15 newspaper.

16 Q. Okay. So let's take each one. So you say with
17 regard to what he stated in the newspaper.

18 Are you -- which -- are you referring to
19 the Houston Chronicle article?

20 A. Yes, ma'am.

21 MS. BRINSON: Okay. So let's look at
22 that. I'll hand this one to you since I have one. And
23 we're on page 17 of the commission's exhibits?

24 MR. VINSON: Yeah.

25 JUDGE GREEN: Okay. Thank you.

1 MS. BRINSON: Uh-huh.

2 Q. (BY MS. BRINSON) Okay. So it's a little
3 difficult to read. But on the bottom of page 18 --

4 A. Uh-huh.

5 MR. VINSON: Is that it?

6 MS. BRINSON: Yes. Thank you.

7 Q. (BY MS. BRINSON) It says that he accused you of
8 being a long-time drug addict who abuses prescription
9 pills, has violated laws by driving under the influence
10 and operates daily with impaired judgment as evidenced
11 by your presiding over cases in which you have ongoing
12 sexual relationships with litigants and witnesses.

13 Is that what you were referring to with
14 him going public?

15 A. Yes, ma'am.

16 Q. Okay. Let's take each one.

17 A. Okay.

18 Q. Are you a long-time drug addict who abuses
19 prescription pills?

20 A. No. I don't believe so.

21 Q. Have you ever taken or have you ever abused
22 prescription pills?

23 A. I don't believe so.

24 Q. And to be clear, I'm not talking about the
25 prescription cough medicine.

1 A. Right.

2 Q. Medicines --

3 A. That's what I thought.

4 Q. Abuses prescription pills?

5 A. That's what I thought.

6 Q. Okay. So when he states or when he states --

7 it says he accuses you -- he accuses of you abusing

8 prescription pills have you ever abused prescription

9 pills?

10 A. No.

11 Q. Then he states you violated or he accuse you of

12 violating laws by driving under the influence and

13 operating daily with impaired judgment as evidenced by

14 your presiding over cases in which you have ongoing

15 sexual relationships with litigants.

16 Have you ever driven under the influence?

17 A. No, ma'am. I have -- I ran into the side of my

18 house. I scraped it with my rear-view mirror, yes. I

19 did do that.

20 Q. Were you under the influence at that point?

21 A. No.

22 Q. When did you -- when did that event occur?

23 A. I believe that was in 2013.

24 Q. How did you come to run into the side of your

25 house?

1 A. Our house was all brick on one side and open on
2 the other but it's very snug. So one car has to drive
3 next to the brick wall and I scraped my rear-view mirror
4 on that wall.

5 Q. Okay. And so on page 19 in that second full
6 paragraph it goes on to say that Mr. Green alleges that
7 you sexted in the courtroom full of children and crash a
8 vehicle into a house and a restaurant.

9 When he references crashing a vehicle into
10 a house have you ever crashed a vehicle into a house
11 other than when you scraped your rear-view mirror?

12 A. No, I haven't.

13 Q. And -- excuse me. Not your rear-view mirror.
14 What mirror was it that you scraped?

15 A. My side mirror.

16 Q. Okay.

17 A. It would have been to my right.

18 Q. Have you ever crashed into a restaurant?

19 A. No. I did hit the call box at Sonic.

20 Q. And when did that occur?

21 A. That was in 2013.

22 Q. How did you come to hit the call box at Sonic?

23 A. I just underestimated how much space was again
24 between the rear-view mirror and the call box at Sonic.

25 Q. Were you under the influence of any drugs or

1 alcohol when either of those events occurred?

2 A. No, ma'am.

3 Q. Okay. Going back to that first paragraph, he
4 also references or accuses you of operating daily with
5 impaired judgment as evidenced by you presiding over
6 cases in which you have ongoing sexual relationships
7 with litigants and witnesses.

8 Have you ever had any ongoing sexual
9 relationships with -- with litigants or witnesses?

10 A. No.

11 Q. In the second paragraph he refers to sexting in
12 the courtroom full of children. Have you ever sexted in
13 a courtroom full of children?

14 A. No, ma'am.

15 Q. Okay. So those were the -- the bulk of the
16 allegations?

17 A. Yes, ma'am.

18 Q. Okay. So when you're referring to him going
19 public what was he threatening to go public about?

20 A. He was threatening to go public about the
21 misuse of the medication as well as the people that he
22 subpoenaed in our divorce and his allegations regarding
23 my judgment.

24 Q. Okay. I'm going to take each one. So with the
25 misuse of the medication did any of your doctors and --

1 you know, before what you submitted was an affidavit
2 from Dr. Henderson and from Dr. Mary Lou Berry.

3 Did either one of those doctors or any
4 other doctor diagnose you with being addicted to
5 prescription cough medicine?

6 A. No.

7 Q. How did -- I guess what did they diagnose you
8 with?

9 A. I believe the diagnosis is misuse of
10 medication.

11 Q. And how did they -- why -- how do they
12 distinguish addiction versus misuse of the prescription
13 cough medicine?

14 A. I think addiction would have involved someone
15 who was taking it all the time as opposed to someone who
16 was taking it at night.

17 Q. Okay. And so taking it at night and you -- you
18 described sometimes every night -- that would not fall
19 into the category of addiction per your physicians?

20 A. I think that because I was taking it to sleep
21 then it's considered a misuse because there's some other
22 use for it other than clearing up your sinuses or your
23 cough. But I think because it's not round-the-clock
24 they considered it misuse or dependence as opposed to
25 addiction.

1 Q. Did you ever take that prescription cough
2 medicine, the Tussionex, during the day?

3 A. No, ma'am.

4 Q. Did you ever feel like you needed to take it
5 during the day?

6 A. No, ma'am.

7 Q. Why would you have taken the prescription cough
8 medicine to sleep as opposed to just taking an
9 over-the-counter sleep aid?

10 A. I guess because I felt like it was the one
11 thing that worked for me.

12 Q. And why -- why were you having a problem
13 sleeping?

14 A. I think it had a lot to do with the stress I
15 was having in my life at the time and my inability to
16 properly cope with those stressors.

17 Q. And the stressors you're referring back to your
18 discoveries about your husband's homosexuality and his
19 threatening to go public with your medication misuse.

20 Is that right?

21 A. Yes, ma'am.

22 Q. Okay. With regard to your responses to the
23 QJ1s, those responses were submitted last week. Is that
24 right?

25 MR. VINSON: The amended?

1 Q. (BY MS. BRINSON) Those were amended last week.
2 Is that right?

3 A. Yes, ma'am.

4 Q. Did you ever try to respond to the QJ1s prior
5 to last week's submission to the commission?

6 A. With my prior counsel I did review the
7 questions.

8 Q. And did you submit any kind of response with
9 regard to the QJ1s?

10 A. To them I did, yes.

11 Q. Would that have been this -- the narrative that
12 Mr. Vinson referred?

13 A. No.

14 Q. The November 2016 narrative, I'll let you see
15 it.

16 A. In addition to the narrative I did give them
17 some answers to the questions.

18 Q. Okay. What -- did you ever submit those
19 answers to the commission?

20 A. No.

21 Q. Okay. So all that you submitted at the time
22 the QJ1s were due was the narrative. Is that right?

23 A. Yes, ma'am.

24 Q. Okay. And what was your -- why -- what was
25 your purpose? What were you trying to convey in the --

1 in the narrative?

2 A. Well, I think by submitting the narrative and
3 expectedly the medical information that I was sort of
4 painting a picture about what happened.

5 Q. And when you say what happened what are you
6 referring to?

7 A. About the acts and omissions on my behalf that
8 the commission asked about.

9 Q. Did you address every act or omission included
10 in the QJ1s in your narrative?

11 A. I wouldn't say not all -- every one.

12 Q. And why did you not -- why did you not address
13 the additional questions that were put in QJ1?

14 A. I tried to do what I was instructed taking into
15 consideration all of the circumstances.

16 Q. Okay. So the -- the amended responses that you
17 gave last week to the QJ1s would you say that that was
18 your attempt to provide complete information?

19 A. Yes, ma'am.

20 Q. Okay. And when Mr. Vinson asked you, you know,
21 if you had a draft that you had previously prepared of
22 the QJ1s, why did it take so long to submit the actual
23 amended answers?

24 A. Well, I think once I received information that
25 counsel had a different theory or different way of

1 handling it as soon as I discovered that I provided the
2 answers.

3 JUDGE GREEN: I'm so sorry. I need to use
4 the rest room. I'm so sorry. I just (unintelligible).

5 MS. BRINSON: The commission -- if I may,
6 Judge Green is asking for a bathroom break.

7 JUDGE GREEN: I'm so sorry. I have to
8 use -- I've been sitting here like holding it. I'm
9 sorry.

10 CHAIR ERTZ: Yeah, that's great.

11 MR. BABCOCK: Thank you.

12 CHAIR ERTZ: We can do --

13 JUDGE GREEN: Sorry.

14 CHAIR ERTZ: -- a five-minute break.

15 JUDGE GREEN: Yeah. I'm just run --

16 UNIDENTIFIED SPEAKER: Yeah.

17 MR. BABCOCK: Be great because I need one.

18 MS. BRINSON: We'll make a closing
19 argument if that's okay with the commission.

20 MR. BABCOCK: Yeah. I'll probably have 15
21 minutes to close, to make a closing argument. So we're
22 probably talking about another half-hour.

23 CHAIR ERTZ: Okay. Can we -- can we speed
24 up that process and ask questions that are related to
25 this case?

1 MR. BABCOCK: Yeah. We just slashed her
2 outline.

3 MS. BRINSON: Okay. Okay, judge.

4 Q. (BY MS. BRINSON) When was the last time that
5 you took a drug test?

6 A. I think it was last Wednesday.

7 Q. Okay.

8 A. I want to say that's the 1st of February.

9 MS. BRINSON: And those results we have
10 and we would like to make sure that it's put into the
11 record.

12 CHAIR ERTZ: Yes, ma'am.

13 Q. (BY MS. BRINSON) What were the results of
14 the -- the test that you took last week?

15 A. They were negative.

16 Q. And so the -- the -- the drug screen that you
17 took and the date -- it was collected on February 1st,
18 2007 (sic) and the results for all drugs listed -- for
19 all drugs it was listed as negative.

20 Is that right?

21 A. 2017, yes, ma'am.

22 UNIDENTIFIED SPEAKER: Just real quick, is
23 that a hair follicle or is that urine?

24 MS. BRINSON: This is a urine.

25 UNIDENTIFIED SPEAKER: Okay. Thank you.

1 MR. VINSON: And are you asking the
2 commission to include this as part of the record?

3 MR. BABCOCK: Yes.

4 MR. VINSON: Can you give me a copy so we
5 can do that?

6 MS. BRINSON: Sure. I handed one to
7 the --

8 UNIDENTIFIED SPEAKER: Is this -- oh, I'm
9 sorry. You gave me all 15. I'm sorry.

10 MS. BRINSON: Yes.

11 UNIDENTIFIED SPEAKER: Give him all 15.

12 UNIDENTIFIED SPEAKER: Oh, these are 15
13 copies?

14 MS. BRINSON: Correct.

15 UNIDENTIFIED SPEAKER: I get it. Thank
16 you.

17 UNIDENTIFIED SPEAKER: We'll just take it
18 (unintelligible).

19 MS. BRINSON: May I continue?

20 CHAIR ERTZ: Yes.

21 MS. BRINSON: Okay.

22 CHAIR ERTZ: Go ahead.

23 MS. BRINSON: Okay.

24 Q. (BY MS. BRINSON) With regard to your husband
25 Ronald Green and the role that he played as you

1 described it as, you know, the stressors in your life
2 that led to your misuse of the medication of the
3 prescription cough medicine let's talk now about the
4 period of the -- your most recent re-election.

5 When were you -- when were you re-elected?

6 A. In -- formally in 2016 November.

7 Q. Okay. At the primary level of the -- of the
8 election did you have an opponent?

9 A. Yes, I did.

10 Q. What was her name?

11 A. Her name was Sheryl Thornton.

12 Q. Okay. What role did your husband play in -- if
13 any, in the re-election and in Ms. Thornton's --

14 A. Well, she -- he was openly supporting her,
15 involved in some campaign activity such as block walking
16 and I believe that he had a lot to do with her mail
17 piece that went out to the residents of Precinct 7.

18 Q. Okay. I'm handing you a document. Let me know
19 if you recognize it.

20 A. I do.

21 Q. Okay. And what is the document?

22 A. It's the mail piece that went out to virtually
23 all of the residents of Precinct 7.

24 Q. Okay. And what does the -- the mail piece say?

25 A. One side, this side, says Hilary Green threw

1 people out of their homes on behalf of her felon friend,
2 are you next.

3 Q. Okay. And the backside, what does that say?

4 A. Oh, sorry. The first paragraph?

5 Q. Or just kind of generally.

6 A. Oh, okay.

7 Q. I'm sorry.

8 A. It just talks about how I ordered eviction of
9 tenants and relatives on behalf of a five-time felon, a
10 convicted thief and that I evicted Dwayne Jordan's uncle
11 despite a dispute regarding ownership of the home.

12 Q. Do you believe that your husband had any role
13 in this flyer and the information contained in this
14 flyer?

15 A. Yes, I do.

16 MS. BRINSON: We would like to enter the
17 flyer into --

18 MR. VINSON: May I ask just what -- what
19 purpose this is being offered for. We don't have
20 admissibility criteria but I -- I'm just -- I'm at a
21 complete loss as to what this has to do with any of the
22 allegations that the judge is addressing. We'll add
23 anything you want to the record.

24 MS. BRINSON: Sure.

25 MR. VINSON: But I'm trying to understand

1 so -- so -- so the commission can understand what is --
2 what is the purpose? What issue before the commission
3 does this evidence make more or less likely so that they
4 can understand what -- what -- what this goes to.

5 MS. BRINSON: Right. We're trying to help
6 the commission to understand what were the confounding
7 factors happening with the judge at the time of her
8 described medication misuse. You know, she talks about
9 the stressors happening.

10 MR. VINSON: This is 2016. Right?

11 MS. BRINSON: Correct. But we're -- it
12 basically was continuing and it's also relevant with
13 regard to -- with regard to local government code
14 87.001, which basically states that an officer may not
15 be removed under this chapter for any act the officer
16 committed before election to office.

17 And so we wanted to establish for the
18 court, you know, when she was re-elected and the -- the
19 margin by which she was re-elected despite the fact that
20 all of this information had been out in the public
21 through the Houston Chronicle article of May 2015.

22 MR. VINSON: Okay. I don't -- I don't
23 think there's any dispute about the dates of election
24 and -- and whatnot. Those are -- those things are
25 facts. The law that you're citing we -- we can -- we

1 can address.

2 But I'm not sure -- and again, I'm not
3 trying to clip your wings.

4 MS. BRINSON: Sure. No problem.

5 MR. VINSON: Yeah.

6 MS. BRINSON: Chip is going to address
7 specifically the relevancy of the statute in his
8 closing.

9 MR. VINSON: Okay.

10 MS. BRINSON: Are you okay with that?

11 CHAIR ERTZ: I would just encourage you to
12 use your time to ask relevant questions of the points
13 that we have addressed.

14 MS. BRINSON: I understand, madame chair.

15 MR. BABCOCK: Just (unintelligible).

16 MS. BRINSON: Okay.

17 Q. (BY MS. BRINSON) So with regard to -- and let
18 me just clarify. With regard to the election and the
19 primary when did the prime election occur?

20 A. The original was March 2016 and then the
21 run-off was May 2016.

22 Q. And you won obviously the -- the run-off
23 election?

24 A. Yes, ma'am.

25 Q. What was the margin by which you won the

1 election, the run-off? Excuse me.

2 A. I think it was just over 13 percent.

3 Q. Okay. And did you have an opponent in the
4 general election?

5 A. No, I did not.

6 Q. And by what percentage point did you win the
7 general election?

8 A. I think it was 86 percent.

9 MS. BRINSON: Okay. Okay. Thank you,
10 judge.

11 JUDGE GREEN: Thank you.

12 MS. BRINSON: I'm going to pass the mic to
13 my colleague.

14 CHAIR ERTZ: Okay. Thank you very much.
15 Mr. Babcock?

16 MR. BABCOCK: Yes. Thank you, madame
17 chair and members of the commission and Mr. Vinson.

18 One of the reasons for the flyer and the
19 Houston Chronicle article were -- was, of course,
20 because of this Chapter 87.01 which applies to justices
21 of the peace and the -- it's a -- it's a simple statute
22 that says an officer -- meaning a JP like Judge Green --
23 may not be removed under this chapter for an act the
24 officer committed before election to office.

25 And there's case law in that. But I

1 know -- I don't think you're going to seek to remove
2 her. But since this is a removal proceeding I wanted to
3 bring that to the attention of the commission and
4 further that -- even though the statute doesn't require
5 it, it just occurred to me, if the electorate is
6 ignorant about the -- all the charges against Judge
7 Green that the commission is considering, that maybe
8 somehow the statute doesn't make a lot of sense.

9 It's not in the statute. But here all of
10 the charges were out there in the public. They were in
11 this flyer. They're in the Houston Chronicle article.
12 And Judge Green's husband made it a point that
13 everything that you're considering is -- was in the
14 community and the community, which is a small -- this
15 precinct is relatively small and it's a close community.

16 And that community voted overwhelmingly --
17 she had seven primary -- six primary opponents. And she
18 got into a run-off. And in the run-off this -- this
19 community voted fairly decisively, 13 and a half points,
20 to return her to office. And she was unopposed in the
21 general election.

22 This impacts something that was -- that
23 you asked Judge Green about, didn't -- you know, didn't
24 your activities bring discredit to the judiciary and
25 to -- to your office. And at least in this community it

1 did not because these charges were in the public domain
2 and they were refuted by her as she has before you
3 today, some of them. And then some of them she has
4 candidly admitted. So that's -- that's why we brought
5 this up.

6 I think it is also pertinent to see who
7 her accusers are. One, Mr. Barnes, is a jolted lover.
8 You know, hell hath no fury like a woman scorned.
9 Apparently in this day and age that doesn't -- isn't
10 confined to women. You will note in his -- in his
11 deposition he admits in the -- in the statement before
12 the commission, the commission staff he admits that this
13 complaint he filed a few weeks after they ended -- she
14 ended -- Judge Green ended the relationship and he was
15 bitter, angry, mad and filed these things, some of which
16 he made up, others of which were true as the judge has
17 mitted -- admitted.

18 Then we have the -- the allegations of
19 somebody who's in prison, is a committed -- convicted
20 felon. And then -- and importantly -- we have
21 allegations that are orchestrated by her husband. And
22 they're orchestrated through -- through use of the
23 discovery process. Talk about something that's
24 relevant, Judge Naranjo has sure -- from doing family
25 law, is any of this conceivably relevant when he doesn't

1 even bring up the drug issue? Is it -- you know, all
2 this business, is it conceivably relevant to a family
3 law case? Maybe, maybe not.

4 But -- but he has used this discovery to
5 try to get her job. And why does he want to get her
6 job? Because he wants custody of the child. And why
7 does he want to get her suspended? Because he wants to
8 be able to use that in the divorce proceeding to get
9 custody of the child.

10 That's -- this is the real world. That's
11 what's going on here. The community is not dissatisfied
12 with this woman's conduct in office. They are not
13 dissatisfied with how she's doing her job. She has not
14 been impaired on the bench. And there's no evidence --
15 there is not a single shred of evidence that she is.

16 I heard Judge Naranjo talk about
17 mistakenly that you're the jury. And in a sense you are
18 the jury. And if you -- if I had been permitted to do
19 voir dire and Mr. Russell had admitted taking the very
20 same drug and I -- and having a side effect, which the
21 witness, Judge Green, said she did not receive, I would
22 have challenged you for cause. And I think perhaps a
23 district judge might have -- have granted that motion.

24 I -- I don't have that -- that challenge
25 here. But I would ask you to think about whether you

1 should recuse yourself, Mr. Russell, from this because
2 of your personal experience with this drug which you
3 said in your questioning that you hate and that it makes
4 you -- makes you foggy.

5 There certainly has been conduct that
6 Judge Green could not be proud of, should not be proud
7 of and the commission should deal with. And you have
8 ample tools within which to deal with that without
9 bringing it into the divorce proceeding and without it
10 showing up in the Houston Chronicle.

11 It would be an absolute miscarriage of
12 justice if Judge Green was suspended from a position
13 that she is doing well now having self -- having sought
14 help, having listed all the things that she is doing to
15 be the kind of person that she always was.

16 My goodness, think about the stress that
17 she was under, some of it brought on by herself. But
18 think about the stress that she was under when her
19 husband of many years, who is a prominent person in
20 Houston himself -- he was the city controller at the
21 time the -- all these trips are taking place. There was
22 articles about that in the Chronicle as well with this
23 male individual in his office.

24 Think about the stress that that would put
25 you under if you were in a similar position. I like to

1 think I would have handled it differently. I suspect
2 all of you would have handled it differently. This
3 woman was not strong enough to. But she was strong
4 enough to get help. And she was strong enough to right
5 the ship. And she is strong enough to continue her job.
6 And she should do so without -- without this commission
7 inserting itself in a way that will be harmful to her
8 and her child, who is 11 years old.

9 I thank the commission very much for
10 listening to us. The questions were obviously
11 perceptive and within the -- within the commission's
12 realm of legitimate concern. And we very much
13 appreciate everything that you're doing for us and we
14 look forward to your decision in this.

15 And I -- if I can answer any questions,
16 I'd be happy to do so. That's all I have to say.

17 CHAIR ERTZ: Okay. Thank you very much.
18 Judge Green, Mr. Babcock, Ms. Brinson, thank you very,
19 very much for coming today. We appreciate it.

20 And Judge Green, do you have any final
21 statement you would like to make?

22 JUDGE GREEN: No. Just I would like to
23 say that I am deeply sorry for the acts and that I -- I
24 hope that this commission as it has taken as much time
25 as it has will do so in considering all the facts and

1 circumstances and also that I remain open to whatever
2 other than removal or suspension at the commission would
3 suggest.

4 CHAIR ERTZ: Thank you very much. If
5 there's no further comments or questions, this hearing
6 is closed. Thank you very much.

7 MR. BABCOCK: Thank you very much.

8 JUDGE GREEN: Thank you.

9 (End of audio at 02:31:56)

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REPORTER'S CERTIFICATE
TRANSCRIPTION OF AUDIO RECORDING

I, David Bateman, the undersigned Certified Shorthand Reporter in and for the State of Texas, certify that the foregoing pages are a true and correct transcription of the audio recording to the best of my ability to understand and decipher the words and identify the speakers based on information provided.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand of seal of office on this the ___ day of _____, 2017.

David Bateman



David Bateman, Texas CSR #7578
Expiration of Cert.: 12-31-2017

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