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INTERVIEW OF KEITH BAKER

TAKEN ON BEHALF OF

THE UNITED STATES DEPARTMENT OF JUSTICE

IN OKLAHOMA CITY, OKLAHOMA

ON JULY 15, 2008

A P P E A R A N C E S

FOR THE DEPARTMENT OF JUSTICE:

STEVEN K. MULLINS  
Assistant United States Attorney  
Western District of Oklahoma  
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ALSO PRESENT:

AASHISH BHARGAVA



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REPORTED BY: KASEY D. EGELSTON, CSR

1 MR. MULLINS: Okay. We're here  
2 today to investigate a matter referred to the  
3 Department of Justice by the Office of Special  
4 Counsel. It has to do with allegations by a  
5 complainant by the name of Tamarah Grimes.

6 My name is Steven Mullins. I'm  
7 the Civil Chief of the United States Attorney's  
8 Office in the Western District of Oklahoma.

9 With me -- would you introduce  
10 yourself for the record?

11 MR. BHARGAVA: My name is Aashish  
12 Bhargava. I'm a law student at Oklahoma  
13 University College of Law.

14 MR. MULLINS: And for the record,  
15 would you spell your name?

16 MR. BHARGAVA: A-a-s-h-i-s-h,  
17 first name. Last name is B-h-a-r-g-a-v-a.

18 MR. MULLINS: All right. And  
19 then, for the record, would you introduce  
20 yourself, please, Mr. Baker?

21 MR. BAKER: Yes, sir, my name is  
22 Keith Baker. I'm a special agent with the FBI  
23 in Montgomery RA, Mobile division.

24 MR. MULLINS: All right. Mr.  
25 Baker, we would like to ask you a series of

1 questions. If you could please respond to them  
2 in a complete manner, we would appreciate it.

3 Go ahead.

4 MR. BHARGAVA: Did you participate  
5 in any direct verbal communication with any  
6 juror in the Siegelman case during the trial of  
7 that matter?

8 MR. BAKER: No.

9 MR. BHARGAVA: Did you participate  
10 in any written communication with any juror in  
11 the Siegelman case during the trial of that  
12 matter?

13 MR. BAKER: No.

14 MR. BHARGAVA: Did you participate  
15 in any indirect verbal communication with any  
16 juror in the Siegelman case during the trial of  
17 that matter, through court personnel?

18 MR. BAKER: No.

19 MR. BHARGAVA: Did you participate  
20 in any indirect verbal communication with any  
21 juror in the Siegelman case during the trial of  
22 that matter, through the marshals?

23 MR. BAKER: No.

24 MR. BHARGAVA: Are you aware of  
25 any member of the trial team having any direct

1 verbal communication with any juror in the  
2 Siegelman case during the trial of that matter?

3 MR. BAKER: I am not.

4 MR. BHARGAVA: Are you aware of  
5 any member of the trial team having any written  
6 communication with any juror in the Siegelman  
7 case during the trial of that matter?

8 MR. BAKER: No.

9 MR. BHARGAVA: Are you aware of  
10 any member of the trial team having any indirect  
11 verbal communication with any juror in the  
12 Siegelman case during the trial of that matter,  
13 through court personnel?

14 MR. BAKER: No.

15 MR. BHARGAVA: Are you aware of  
16 any member of the trial team having any indirect  
17 verbal communication with any juror in the  
18 Siegelman case during the trial of that matter,  
19 through the marshals?

20 MR. BAKER: No.

21 MR. BHARGAVA: Should I read the  
22 e-mail?

23 MR. MULLINS: Yes.

24 MR. BHARGAVA: Okay. Ms. Grimes  
25 provided an e-mail, as we discussed. It's dated

1 Thursday, June 15, 2006, at about 4:57 p.m. It  
2 was from Patricia Watson and was sent to Tamarah  
3 Grimes. The subject line reads: "Really sweet  
4 gesture."

5 The body of the e-mail reads, in  
6 relevant part: "I just saw Keith in the hall.  
7 The jurors kept sending out messages through the  
8 marshals. A couple of them wanted to know if he  
9 was married."

10 Now, I'm going to ask you a couple  
11 of questions about the e-mail.

12 Do you know Patricia Watson?

13 MR. BAKER: Yes. Formerly  
14 Patricia Snider; right?

15 MR. BHARGAVA: Yes.

16 MR. BAKER: Okay.

17 MR. BHARGAVA: Well, as you know,  
18 Ms. Watson was a Civil Chief. Was she the  
19 government prosecutor assigned to the Siegelman  
20 case?

21 MR. BAKER: Not to my knowledge,  
22 no.

23 MR. BHARGAVA: Did you ever see  
24 Ms. Watson in the courtroom during the trial of  
25 the Siegelman case?

1 MR. BAKER: Not that I recall.

2 MR. BHARGAVA: Do you know Tamarah  
3 Grimes?

4 MR. BAKER: Yes, I do.

5 MR. BHARGAVA: Did Ms. Grimes have  
6 any support role in the courtroom during the  
7 Siegelman case?

8 MR. BAKER: Not that I'm aware of,  
9 no, sir.

10 MR. BHARGAVA: Did you ever see  
11 Ms. Grimes in the courtroom during the trial of  
12 the Siegelman case?

13 MR. BAKER: Not that I recall.

14 MR. BHARGAVA: On Thursday, June  
15 15, 2006, at what stage, if you can recall, was  
16 the Siegelman trial?

17 MR. BAKER: Well, from  
18 conversations with your office, the jury was at  
19 deliberation -- or began deliberation that day.

20 MR. BHARGAVA: Okay. Ms. Watson  
21 stated that she saw Keith in the hall.

22 Is she referring to you?

23 MR. BAKER: I would -- I would  
24 presume so. I'm friends with Tami. I don't  
25 know. You would have to ask her that. I do not

1 know.

2 MR. BHARGAVA: Do you remember a  
3 conversation with Ms. Watson on that day?

4 MR. BAKER: No.

5 MR. BHARGAVA: What was -- Ms.  
6 Watson reports that the jurors kept sending out  
7 messages through the marshals.

8 Is that accurate?

9 MR. BAKER: No. No messages were  
10 ever sent to me through the marshals, no.

11 MR. BHARGAVA: Okay. I'll just  
12 ask this again, and you can clarify it.

13 Are you aware of any message or  
14 messages that were sent by the jurors to the  
15 marshals, to anyone on the government trial  
16 team?

17 MR. BAKER: Written messages, no.

18 Let me say this. At one point,  
19 one of the court employees -- and whether it was  
20 in kidding or jest -- made this statement to me  
21 -- and I believe Debbie Shaw was with me, and I  
22 believe it was Melissa -- I'm not sure what  
23 Melissa's last name is; she works for the Court  
24 -- was laughing and said -- she didn't even  
25 specify -- she said, "The jurors want to know if

1 you're married."

2           Okay. I was told that. But  
3 that's all I was told. There were no notes  
4 passed, there were no communications sent back  
5 to the jury.

6           My response to Melissa -- I said,  
7 "It's obvious that I'm married. I've got my  
8 wedding ring on. I've been married for 20  
9 years."

10           And that was the end of it.

11           MR. BHARGAVA: Did you ever ask  
12 how that communication arose or anything like  
13 that?

14           MR. BAKER: No, I did not. I  
15 figured Melissa was just -- she and I have known  
16 each other for a long time. I figured she was  
17 just messing with me, so...

18           MR. BHARGAVA: Do you have any  
19 knowledge of what Ms. Grimes or Ms. Watson may  
20 be referring to in this e-mail exchange?

21           MR. BAKER: No.

22           MR. BHARGAVA: That's it. That's  
23 all of the questions I have.

24           MR. MULLINS: When you were being  
25 teased in the courtroom about your marital

1 status, did you have any indication that you  
2 were supposed to communicate back to the jury  
3 any specific information?

4 MR. BAKER: Absolutely not, no. I  
5 was not -- my understanding from that, Steve,  
6 was that it was a -- just a passing statement by  
7 Melissa. And no specific juror was ever even  
8 saying that statement. If a juror ever made the  
9 statement, I was never told that.

10 And definitely no notes ever  
11 passed between me and the juror or from the jury  
12 to me. It never happened.

13 MR. MULLINS: Is it possible that  
14 the court personnel was just joking with you and  
15 no communication with the jury was ever even  
16 made?

17 MR. BAKER: That's absolutely  
18 possible.

19 MR. MULLINS: Were you teased by  
20 this particular member of the court on a routine  
21 basis? Do you know her well?

22 MR. BAKER: Well, evidently not  
23 well enough that -- I can't give you her last  
24 name. But I've been in trial quite a few times  
25 and we tease each other every time we see each

1 other.

2 MR. MULLINS: All right. Did you  
3 expect your response to be communicated back to  
4 any juror by her?

5 MR. BAKER: No.

6 MR. MULLINS: The jurors in the  
7 Siegelman trial were generally sequestered. Can  
8 you tell me -- do you know anything about the  
9 sequestration of the jury?

10 MR. BAKER: The only thing I know  
11 is that the marshals would have them meet at a  
12 designated place, unknown to me, and they would  
13 convoy the jurors to the courthouse and they  
14 would take them home in the afternoons. And  
15 where they met at, I have no idea. I don't know  
16 where they picked them up from and where they  
17 dropped them off at.

18 MR. MULLINS: Were you aware that  
19 they brought marshals in from outside of Alabama  
20 to manage the jury during the Siegelman case?

21 MR. BAKER: Yes.

22 MR. MULLINS: Did you know any of  
23 the marshals that were actually in charge of the  
24 jury during the Siegelman case?

25 MR. BAKER: I knew the head

1 marshal, Pam Harding. I've known her for a long  
2 time. I've been here since 1997.

3 And Mike Bates -- I'm familiar  
4 with Mike Bates.

5 MR. MULLINS: Did you have any  
6 conversation with either of them about the jury  
7 during the Siegelman trial?

8 MR. BAKER: No. I mean, just  
9 general conversation. No specific conversation  
10 where I'm asking them to pass any notes or any  
11 communications to a juror, no.

12 MR. MULLINS: You were never  
13 approached even informally by any marshal?

14 MR. BAKER: No.

15 MR. MULLINS: On this e-mail, when  
16 she said she saw Keith in the hall, it said the  
17 jurors kept sending out messages through the  
18 marshals, do you think that's puffing or do you  
19 think that you basically said something that  
20 could have been misinterpreted?

21 MR. BAKER: I don't recall a  
22 conversation, Steve, so at this point, I -- like  
23 I said, my comment is I never had any  
24 conversation with any jurors, I never wrote any  
25 notes to any jurors, I never received any notes

1 from any jurors, and I never had any contact  
2 with any jurors.

3           Since the trial, to this date,  
4 I've never spoken to a juror, so...

5           I don't know how to answer that  
6 one other than that.

7           MR. MULLINS: All right. Do you  
8 know Patricia Watson well?

9           MR. BAKER: No.

10          MR. MULLINS: Okay.

11          MR. BAKER: I mean --

12          MR. MULLINS: I'm sorry. Go  
13 ahead.

14          MR. BAKER: I know her. She's  
15 been in this office a long time. But do we talk  
16 on a daily basis or weekly basis or monthly  
17 basis? No.

18          MR. MULLINS: Do you consider  
19 yourself a social friend with Ms. Watson?

20          MR. BAKER: No.

21          MR. MULLINS: Okay. I don't think  
22 we have any other questions. Do you have  
23 anything that you would like to add?

24          MR. BAKER: I just want to say  
25 this. At the time, Tami Grimes and I were

1 friends. Why she would say this? I don't know.  
2 I've even gave -- put this on the record. I've  
3 even given her football tickets to some of the  
4 SEC games, so she and Vallie could go to them.  
5 So why she would make these comments? She may  
6 have heard them, but there's no truth to them.

7 MR. MULLINS: All right. I  
8 appreciate it. Thank you for taking the time to  
9 talk with us.

10 MR. BAKER: Okay, sir. Thank you.

11 (Interview concluded at 10:09 a.m.)  
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C E R T I F I C A T E

STATE OF OKLAHOMA )  
 ) SS:  
COUNTY OF OKLAHOMA )

I, Kasey D. Egelston, a Certified Shorthand Reporter for the State of Oklahoma, certify that the foregoing interview was taken by me in stenotype and thereafter transcribed by computer, and is a true and correct transcript of the interview; that the interview was taken by me on July 15, 2008, at 10:00 a.m., at 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma; that I am not an attorney for or relative of either party, or otherwise interested in this action.

Witness my hand and seal of office on this 17th day of July 2008.

*Kasey D. Egelston*  
\_\_\_\_\_  
Kasey D. Egelston, CSR  
Oklahoma Certified Shorthand  
Reporter, CSR #1875

**S**



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# REPORTING & VIDEO, INC.

EXAMINATION OF VALLIE BYRDSONG  
TAKEN ON BEHALF OF THE UNITED STATES OF AMERICA  
IN OKLAHOMA CITY, OKLAHOMA

ON JULY 28, 2008

APPEARANCES

Steven K. Mullins  
Assistant United States Attorney  
210 West Park Avenue  
Oklahoma City, Oklahoma 73102

Ron Gallegos  
Assistant United States Attorney  
40 North Central Avenue  
Suite 1200  
Phoenix, Arizona 85004

Also present: Aashish Bhargava

REPORTED BY: MARTA MATTINGLY, CSR, CP, CM

2

1 VALLIE BYRDSONG  
 2 was examined and testified as follows, to-wit:  
 3 \*\*\*\*\*  
 4 MR. MULLINS: Mr. Byrdsong, let's  
 5 introduce ourselves at the table so that the record  
 6 will say who is present. Your name is?  
 7 THE WITNESS: Vallie Byrdsong.  
 8 MR. BHARGAVA: Aashish Bhargava.  
 9 MR. GALLEGOS: Ron Gallegos.  
 10 MR. MULLINS: Steve Mullins.  
 11 EXAMINATION  
 12 BY MR. MULLINS:  
 13 Q Let's kind of talk about some issues. You  
 14 are aware that some issues have been referred by the  
 15 Office of Special Counsel to the Department of  
 16 Justice for investigation, having generally to do  
 17 with the Siegelman case; is that correct?  
 18 A Yes, sir.  
 19 Q If you would describe your role in the  
 20 Siegelman case, what would that be?  
 21 A I was a tech support personnel and I also  
 22 had evidence management and kind of a paralegal role,  
 23 too.  
 24 Q Are you a government employee?  
 25 A No, I'm not. I'm a contractor.

3

1 Q Who did you work for during the Siegelman  
 2 case?  
 3 A When I was initially on the case, I worked  
 4 for Aspen System Corporation, a Maryland company. We  
 5 were acquired by Lockheed Martin. So I became a  
 6 Lockheed Martin employee about halfway through.  
 7 Q If you recall, when did you initially get  
 8 assigned to the Siegelman case?  
 9 A It would have been, I guess, late 2002,  
 10 early - late 2002.  
 11 Q How long did you work the case? When did  
 12 it complete?  
 13 A The trial ended the summer of 2006. So I  
 14 worked all the way through the summer of 2006, then  
 15 went home, with several interruptions during the  
 16 middle part of the case.  
 17 Q Can you describe those interruptions a  
 18 little bit, how long they were, why you were  
 19 interrupted?  
 20 A Well, at one point, I had decided I wanted  
 21 to go home. I got a new job position as a result of  
 22 being down there. I was allowed to go back to my  
 23 home office in Washington, D.C. And they sent down  
 24 two contractors to replace me. After a couple of  
 25 weeks, it was decided that they wanted me back, and

4

1 they put in a request to have me back.  
 2 Q You are saying "they" would be?  
 3 A The U.S. Attorney's Office personnel, the  
 4 attorneys who were on the case, J.B. Perrine and  
 5 Steve Feaga.  
 6 Q They wanted you to come back to  
 7 Montgomery?  
 8 A Correct.  
 9 Q So what happened then?  
 10 A I came back down. They told me that they  
 11 were going to start the grand jury, with the final  
 12 goal of going to trial. So that's what I began  
 13 working on.  
 14 Q Can you tell me why they wanted you back  
 15 instead of just the two contractors that they had to  
 16 replace you?  
 17 A My understanding was, one of the  
 18 contractors no longer wanted to work on the road.  
 19 She wanted to go back home. I guess she wasn't  
 20 adjusted for that kind of work. The other  
 21 contractor, she just didn't have the skill set they  
 22 were looking for.  
 23 Q Can you describe your skill set? What did  
 24 you do for the Siegelman case that basically helps?  
 25 A My background and my job is in database

5

1 management, software. We digitize all the evidence,  
 2 we scan documents, movies, audio files. And all of  
 3 this stuff had to be converted and processed so it  
 4 would go in our databases.  
 5 Then I also maintained our system of  
 6 evidence that we had out there, including subpoenaed  
 7 evidence, stuff we got from the state. We had FBI  
 8 records out there, too.  
 9 Q You keep saying "out there." Can you  
 10 describe -- has this been called the off-site  
 11 facility?  
 12 A That's correct.  
 13 Q What is this?  
 14 A We had an off-site facility at Maxwell Air  
 15 Force Base in one of the hangers out there. That's  
 16 where we sort of set up our scanning and document  
 17 storage area, plus workplace for the attorneys and  
 18 investigators.  
 19 Q Can you tell me basically, about how many  
 20 documents did you have to manage during this  
 21 investigation?  
 22 A By the end of it, I would say we were up  
 23 to maybe 2.8 million pages of scanned information,  
 24 plus a lot of movie files and some paper evidence  
 25 that we never scanned. And -- yeah.

6

1 Q So almost three million pieces of paper?

2 A About three million I would say.

3 Q Then you said you had various software

4 databases you maintained. What software programs

5 were you managing this case with?

6 A We used Summation for our main case

7 database. We also had CaseMap. We used Law 4.0 to

8 scan into. We also used some other types of

9 software, a video conversion software as the need

10 demanded. We used TextMap and one other software

11 related to TextMap, TimeMap. Those were the main

12 ones. I also had to use Concordance a little bit;

13 because we would get document submissions in

14 Concordance format and I would have to convert it

15 over to Summation.

16 Q Those generally are technical skills?

17 A Right.

18 Q You said you also had paralegal skills, in

19 essence, you managed discovery in the criminal case.

20 What is your educational background?

21 A My background, when I first started, when

22 I graduated, was in economics and a degree in

23 political science from the University of Maryland.

24 Q Those are bachelor's degrees?

25 A Bachelor's degrees, correct. While I was

7

1 out on this case, I began working on my master's

2 degree online, which was in the formation of

3 information assurance, with a focus on database.

4 Q Do you have that degree yet?

5 A Not yet, no.

6 How many other support staff did you have

7 off-site facility besides yourself?

8 It depends on when we are talking about.

9 Early on there were three people at the off-site,

10 there was myself, an Attorney General's Office

11 employee named Misty Cronnier.

12 Q Attorney general of Alabama?

13 A Of Alabama, correct. And a paralegal

14 named Amber Wetzel (phonetic). So we started off the

15 case. As time went on, at various points -

16 Q Who was the employer of Amber?

17 A She was also Lockheed Martin. She was a

18 contract paralegal. Aspen Systems I should say at

19 the time.

20 Amber left and a new paralegal came on

21 board for awhile, named Lisa Copeland. Then Lisa

22 left, and for a long time - well, Lisa left. At

23 that point when Lisa left, that was when the two

24 replacements came down.

25 Q Let's kind of talk about, from the

8

1 beginning of your involvement in 2002, until you

2 left - the approximate date of time you went back

3 for that two-week period, what is that approximate

4 date?

5 A I don't remember the date. It would have

6 been, I believe, in the fall of '04.

7 Q So for the first two years, from 2002

8 until 2004, is it fair to say that there were no

9 support people from the Middle District of Alabama

10 U.S. Attorney's Office that worked a support role in

11 the Siegelman case?

12 A That is correct.

13 Q So you were it? You were the only person

14 that has that institutional knowledge for that

15 two-year period?

16 A Yes.

17 Q Then you said you left for two years, or

18 two weeks, I'm sorry.

19 A About two or three weeks.

20 Q So then that was in 2004?

21 A Right.

22 Q So then how did the support differ in 2004

23 until the time the case was tried?

24 A For a long time, I was out there on my

25 own. Basically, it was a just a matter of, we were

9

1 still in the investigation phase, getting information

2 in, getting it digitized, pursuing various leads that

3 they wanted me to look at, do database searches and

4 coming up with reports and building our chronology.

5 At some point, I don't remember exactly

6 when, they talked about wanting to have somebody from

7 the U.S. Attorney's Office come out who could sort of

8 get someone from their office up to speed of what was

9 going on at the off-site.

10 Originally, I think it was going to be

11 Natalie, I can't remember her last name, but a

12 paralegal named Natalie that works with Debbie over

13 there.

14 Q Works with Debbie Shaw?

15 A Debbie Shaw at the U.S. Attorney's Office.

16 And it ended up being Tami Grimes. She came out at

17 some point.

18 Q That would have been in 2005?

19 A It would have been sometime in 2005, I

20 think, maybe summer of 2005. I'm not sure about

21 that.

22 Q She came out. And what was her role?

23 A Her role was to kind of be - her

24 background was from more the paralegal side. So her

25 role was to kind of become the paralegal and

10	<p>1 familiarize herself with the case, so she could be --</p> <p>2 have -- build up her body of knowledge about the case</p> <p>3 and be able to assist the attorneys in various</p> <p>4 paralegal roles that were out there.</p> <p>5 Q Because prior to that time, tell me if</p> <p>6 it's accurate, you performed basically two roles, an</p> <p>7 IT role and a paralegal role?</p> <p>8 A Right. I say paralegal role. Essentially</p> <p>9 my role out there, I think of managing the evidence,</p> <p>10 then coming up with reports and trying to summarize</p> <p>11 the evidence for the attorneys. I would do things</p> <p>12 like digest the grand jury testimony, that type of</p> <p>13 thing. So after Tami came in, that stuff was</p> <p>14 supposed to become more her area.</p> <p>15 Q Was it your understanding that she was</p> <p>16 also going to assume your IT functions?</p> <p>17 A No. But I was also told when she was</p> <p>18 brought on, that she had some knowledge of some of</p> <p>19 the programs. They mentioned CaseMap specifically.</p> <p>20 So my thought was, they were maybe thinking about</p> <p>21 maybe phasing me out a little bit and bringing Tami</p> <p>22 in, to sort of have her be the main person. That</p> <p>23 made sense to me; because I assumed they might want</p> <p>24 someone from their office to sort of be the lead on</p> <p>25 the thing.</p>	12
11	<p>1 Q Did you find that she had the necessary IT</p> <p>2 skills to basically manipulate the various databases</p> <p>3 that you were using?</p> <p>4 A Her skills mostly focused on CaseMap. She</p> <p>5 was a big fan of CaseMap and she had taken some</p> <p>6 courses at the NAC.</p> <p>7 Q NAC is the National Advocate Center, the</p> <p>8 training center for the Department of Justice?</p> <p>9 A Yes, sir. At the NAC, which is the</p> <p>10 training center, apparently they had had her build in</p> <p>11 a CaseMap case. So she felt like she was very</p> <p>12 familiar with it. She kind of wanted to move in the</p> <p>13 direction of moving more stuff into CaseMap, I guess.</p> <p>14 Q As an IT professional, did you find</p> <p>15 CaseMap as powerful a tool as Summation</p> <p>16 A CaseMap is a powerful tool for building a</p> <p>17 trial case, a case that is going to go to trial and</p> <p>18 finding links between various facts and individuals</p> <p>19 who are involved in the case.</p> <p>20 It is not a powerful enough document</p> <p>21 management tool, when you want to put all of your</p> <p>22 documents into that. I think the proof of that, is</p> <p>23 that the U.S. Attorney's Office and Department of</p> <p>24 Justice uses Concordance for big cases and Summation</p> <p>25 to a lesser extent. But CaseMap is meant for a</p>	13

14	<p>1 A My role was to, as further orders we had,                  2 I would put together folders with the evidence that                  3 we wanted to use with them, and I would be on hand to                  4 grab -- I had the database with me in court and a                  5 printer we dragged in there. If we wanted -- if we                  6 were on cross and wanted to mark new exhibits, I                  7 would produce those. As far as giving the --                  8 especially Steve and J.B., I would give them whatever                  9 documents --                  10 Q The prosecutors in this case?                  11 A Right. I would give them both any of the                  12 documents they needed for a given witness. The night                  13 before, I would organize any copies that needed to                  14 get done for new exhibits or put together the witness                  15 folders for the next day.                  16 Q During the period basically 2004 until the                  17 trial began in I think 2006, during that period of                  18 time, it's been described to us that you worked more                  19 than a forty-hour week on a typical week; is that                  20 true?                  21 A Yes. The last -- especially in 2005 and                  22 '06. Leading up to the discovery phase, the grand                  23 jury phase, and the trial phase, I would say I worked                  24 more than a forty-hour week.                  25 Q What would be your normal time frame?</p>	16
15	<p>1 I knew it was an expense for them. That's part of                  2 the reason why I was careful how I billed my time and                  3 tried to make sure that the work they were getting                  4 out of me was worth it. And I think we did, we won.                  5 Q You did win.                  6 Can you tell me, was there anyone else                  7 that you were aware of in the Middle District of                  8 Alabama that could have done your job, if you had                  9 been sent home as a contractor, in essence, your                  10 contract terminated?                  11 A As far as the capabilities at the office,                  12 the person that comes to mind would be, there was an                  13 IT support guy named Tim at the U.S. Attorney's                  14 Office, he was responsible for the U.S. Attorney's                  15 Office, all their IT issues. And he would have had                  16 the technical knowledge or could have acquired the                  17 technical knowledge to do all the IT functions that I                  18 had to do off-site: maintain the network, setting up                  19 new terms with user accounts and printers, and some                  20 of the database stuff. I'm not sure what his                  21 background is, but I think he could have learned it.                  22 He was a very sharp guy. But he was the IT guy for                  23 the U.S. Attorney's Office and he would not have had                  24 time to do both jobs.                  25 Q Is there anyone else that comes to mind</p>	17
15	<p>1 A It just depends. I would bill for -- I                  2 would work enough to get everything done. I spent an                  3 awful lot of time at the off-site.                  4 But, in general, I wouldn't bill them more                  5 than forty hours a week for what I was doing out                  6 there. But that was mostly because of the amount of                  7 money spent out there, I felt like billing forty                  8 hours was fair; in the later part of the trial. But                  9 we still worked fifty hours, sixty hours, maybe per                  10 week, in the last two years.                  11 Q Some of the prosecutors reported that you                  12 worked so late, that you slept in your car many                  13 nights?                  14 A During the discovery phase, there were a                  15 couple of times when that happened, yes, and during                  16 the trial phase, too.                  17 Q One of the allegations that's been                  18 referred to us for investigation is that basically it                  19 was a waste of funds to hire you for this case. I                  20 understand you have a self-interest there; but can                  21 you tell me, do you believe as a taxpayer, it was a                  22 waste of funds to hire you to do this work for the                  23 Siegelman case?                  24 A No, I don't. I tried to make the work I                  25 put into it worth the expense of having me out there.</p>	<p>1 that could have taken your job and done it, in                  2 essence, as a savings for the government?                  3 A Not that I know of, of the people that                  4 were -- I don't know everyone that worked at the U.S.                  5 Attorney's Office, but not that I know of.                  6 MR. GALLEGOS: How about from an                  7 institutional knowledge standpoint of the case,                  8 talking three years into it, what about from that                  9 standpoint, was there anyone available?                  10 THE WITNESS: I don't think there was                  11 anyone who could have come out there and done the                  12 job, from an institutional knowledge standpoint.                  13 When they brought down the                  14 replacements for me, I was very concerned with -- put                  15 it this way, when I left there to go back to my                  16 office, I was half expecting that phone call, at some                  17 point I would be forced to come back there, because                  18 there just wasn't anybody left on the case who knew                  19 that degree of knowledge.                  20 Misty Cronnier, who was from the                  21 A.G.'s office, a year prior to that, she had -- we                  22 had very similar levels of institutional knowledge of                  23 the case. But then she left to get married. Even                  24 she really didn't have the information. So as far as                  25 federal employees, there just wasn't anyone out there</p>

18	<p>1 who had been out there long enough to know the stuff.</p> <p>2 Q (By Mr. Mullins) Let's describe your role</p> <p>3 at the trial of the Siegelman case. It's my</p> <p>4 understanding that the trial of the Siegelman case</p> <p>5 was divided up into sections for the various</p> <p>6 prosecutors; right?</p> <p>7 A Yes.</p> <p>8 Q Can you describe what those various roles</p> <p>9 were?</p> <p>10 A Louis Franklin had the HealthSouth and the</p> <p>11 CON board issue. Richard Pilger, who was the D.O.J.</p> <p>12 attorney from main justice, the public corruption</p> <p>13 section, he had the Jim Allen, RainLine issue. Then</p> <p>14 there was a whole interlocking set of issues that</p> <p>15 dealt with Lanny Young, the lobbyist involved in the</p> <p>16 case; Nick Bailey, aide to Governor Siegelman; then</p> <p>17 the governor, that dealt with various and sundry</p> <p>18 payments and benefits to Lanny Young and</p> <p>19 alternatively to the governor. That was handled</p> <p>20 mostly by Steve Feaga. Then J.B. Perrine had little</p> <p>21 parts of that.</p> <p>22 Plus, there was one attorney on the case</p> <p>23 from the A.G.'s Office who dealt with a probate --</p> <p>24 dealt with some issues that arose as a result of a</p> <p>25 race track up in Talladega. Again, all of those</p>	20
19	<p>1 retrieve that evidence quickly?</p> <p>2 A That is exactly correct.</p> <p>3 Q So as it fair in your estimation to say</p> <p>4 that you were invaluable to the trial of this case?</p> <p>5 A I would -- sure. I would say it would</p> <p>6 have been very difficult, it would have been</p> <p>7 difficult to conduct the case without the</p> <p>8 institutional knowledge that I had.</p> <p>9 Q During the trial, can you describe the</p> <p>10 layout of the courtroom, where you sat in</p> <p>11 relationship to the jury and the prosecutors?</p> <p>12 A The way the courtroom was, we were on the</p> <p>13 right-hand side of the courtroom if you are facing</p> <p>14 the judge. Our bench, they ran parallel with the</p> <p>15 side of the courtroom. We were closest to the jury.</p> <p>16 I sat on the upper -- the portion of the</p> <p>17 table closest to the front of the court with my back</p> <p>18 to the jury. I was actually very close to the</p> <p>19 jurors. I was probably the closest person to the</p> <p>20 jurors. Then the attorneys sat at various points,</p> <p>21 depending who was up that day, they sat at the table.</p> <p>22 Q Where did Ms. Shaw sit in relation to you?</p> <p>23 A She would sit back toward the benches, but</p> <p>24 within the gate of the court. So she was close to</p> <p>25 us, but up against the -- whatever that fence is.</p>	21
19	<p>1 things had to do with Lanny Young and his</p> <p>2 relationship with the governor. That was one</p> <p>3 section.</p> <p>4 Q Was there any one prosecutor that</p> <p>5 understood all the evidence in the Siegelman case?</p> <p>6 A I don't believe so. The problem was, the</p> <p>7 prosecutor originally on the case, Julia Weller, she</p> <p>8 was off the case by the time that Steve Feaga and</p> <p>9 J.B. started. Even the previous prosecutor from</p> <p>10 D.C., whose name I can't remember, but he was</p> <p>11 replaced by Richard Pilger. So there was really</p> <p>12 nobody from the earlier phase of the trial -- the</p> <p>13 earlier phase of the investigation, by the time the</p> <p>14 trial phase came around, who had been on it the</p> <p>15 entire time. So I was pretty much the only person</p> <p>16 who had been.</p> <p>17 Q So it would be fair to say, that at trial,</p> <p>18 you are the only person that had familiarity with all</p> <p>19 the evidence in the government's case?</p> <p>20 A I would say that's accurate. Barring --</p> <p>21 with the caveat, that there probably were some</p> <p>22 investigators, like I would say Bill Long, would be</p> <p>23 the person who was the next, most familiar, with the</p> <p>24 whole set of evidence.</p> <p>25 Q But Mr. Long wouldn't have the ability to</p>	<p>1 Q The bar, as we call it.</p> <p>2 A Yeah, the bar.</p> <p>3 Q During the trial, did you ever witness</p> <p>4 personally any passing of notes between any member of</p> <p>5 the prosecution or investigative team and the jury?</p> <p>6 A No.</p> <p>7 Q Did you ever witness the passing of notes</p> <p>8 indirectly, through a marshal or court personnel,</p> <p>9 between the jurors and any member of the prosecution</p> <p>10 investigation team?</p> <p>11 A No.</p> <p>12 Q Do you believe notes were ever passed?</p> <p>13 A No.</p> <p>14 Q During the trial, were you aware of any</p> <p>15 communications passed from the jurors to the</p> <p>16 prosecutors or from the prosecutors to the jurors?</p> <p>17 A No, not directly.</p> <p>18 Q Are you aware of any indirectly?</p> <p>19 A The only knowledge I have, and I'm not</p> <p>20 sure who told me --</p> <p>21 Q Is this knowledge or is this something you</p> <p>22 heard?</p> <p>23 A Something I heard.</p> <p>24 Q Let's go back and make sure. You never</p> <p>25 even saw anyone on the prosecution or the jury</p>

22

1 attempt to speak indirectly to each other?  
2 A No, sir.  
3 Q But you heard about such an occasion  
4 maybe?  
5 A Right.  
6 Q What did you hear?  
7 A The only thing I heard, essentially at  
8 some point, I remember someone teasing Agent Baker,  
9 saying that they had heard from someone that one of  
10 the jurors maybe thought he was cute or something.  
11 Q That's the extent of your knowledge?  
12 A Right. That's the extent of my knowledge.  
13 Q When you heard this conversation, someone  
14 was teasing Mr. Baker, do you remember who was  
15 teasing him?  
16 A I don't remember. But I remember -- the  
17 only person I know I remember being present as well  
18 was Debbie Shaw.  
19 Q Do you remember any prosecutor being  
20 present during this teasing?  
21 A No. I don't remember one way or the  
22 other. It's possible. But it would have occurred  
23 somewhere at the courthouse. But as far as who was  
24 present, I don't remember anyone else being there.  
25 Q Did you ever believe that it represented a

23

1 communication attempt by the jurors to the  
2 prosecutors --  
3 A No.  
4 Q -- or the prosecutors to the jurors?  
5 A No.  
6 Q How long was this trial?  
7 A Goodness. It was at least -- if you don't  
8 know the amount of time the jurors spent out, which  
9 was a considerable period of time, at least five or  
10 six weeks, I would say at least thirty days, maybe  
11 even more.  
12 Q During the five weeks, let's say, of the  
13 trial, did you ever see anyone on the prosecution  
14 team or anyone in the jury try to communicate  
15 nonverbally, wink at each other, wave at each other,  
16 smile at each other?  
17 A No.  
18 Q Did you ever tell Ms. Grimes that notes  
19 had been passed between the jurors and the  
20 prosecutors?  
21 A No.  
22 Q Did you ever relate to Ms. Grimes this one  
23 occasion that you heard about, that some juror might  
24 have thought that Mr. Baker was cute, did you tell  
25 Ms. Grimes that story?

24

1 A Yes. I'm sure I did at some point.  
2 Q What would you have said to her?  
3 A Honestly, I don't remember the  
4 information. But I would have played it up for great  
5 amusement; because she was friends with Baker, so she  
6 would have appreciated the story. I would have told  
7 her -- I probably would have played it up even more  
8 than what it actually was, just for the amusement  
9 factor.  
10 Q Just to make sure it's clear, you never  
11 even heard this conversation occur, any kind of  
12 conversation between Baker and someone saying that  
13 the jurors thought he was cute?  
14 A No. Yes. I heard about it later in the  
15 context of the teasing of Mr. Baker.  
16 Q And probably from Ms. Shaw?  
17 A I think that is correct.  
18 MR. BHARGAVA: Just to clarify, was  
19 the juror ever identified or was it just, there is a  
20 juror that thinks Mr. Baker's cute?  
21 THE WITNESS: I don't know if the  
22 juror was identified or if it was in the context of  
23 trying to guess which one it was. It may have  
24 been -- we may have speculated that it was -- I don't  
25 remember. At the time, I don't think they identified

25

1 the specific juror. But we may have at some point  
2 kind of joked about which one it was. I think that's  
3 what it was.  
4 MR. GALLEGOS: Did you ever tell Ms.  
5 Grimes that there was a juror or any jurors that were  
6 winking or smiling at the prosecution team?  
7 THE WITNESS: In the context of  
8 telling her about -- joking around with her about  
9 what we had heard about Baker, I don't remember what  
10 exactly I said to her. But I may have said something  
11 about -- I may have joked about that, Baker being  
12 Baker.  
13 But certainly as far as what actually  
14 happened, I never saw any of that. It wouldn't have  
15 come up in court. They just wouldn't have done it.  
16 MR. GALLEGOS: Do you know whether,  
17 though, you had a conversation with Ms. Grimes, in  
18 which you said that, that the members of the jury or  
19 a member of the jury was winking or smiling at the  
20 prosecution team?  
21 THE WITNESS: I honestly don't  
22 remember. But I kind of vaguely remember trying to  
23 play up the whole issue of the juror thing, thinking  
24 that Baker was cute. And I may have said something  
25 like -- kind of jokingly said something like: I bet

26

1 you the jurors are winking at him, or something like  
 2 that. But I don't remember that it ever actually  
 3 happened.  
 4 Q (By Mr. Mullins) You had a personal  
 5 relationship with Ms. Grimes, in the sense that you  
 6 would socialize with her.  
 7 A Sure.  
 8 Q You went to football games with her, for  
 9 example?  
 10 A Went to one football game.  
 11 Q Is it in this kind of a context that you  
 12 made these statements?  
 13 A This would have been later. The football  
 14 game would have been earlier. But it would have been  
 15 probably back at her office; because I would stop in  
 16 her office every once in awhile and let her know how  
 17 things were going at the trial. So it would have  
 18 been one of those after work kind of deals.  
 19 Q You would have puffed it a little bit just  
 20 for the amusement value of the story?  
 21 A I would say that's right.  
 22 MR. GALLEGOS: Did you ever talk to  
 23 Ms. Grimes, have a conversation with her, in which it  
 24 was discussed whether the conduct of the jurors  
 25 should be reported to the judge?

27

1 THE WITNESS: No.  
 2 Q (By Mr. Mullins) Do you believe that  
 3 there was any conduct in the trial of any kind that  
 4 was misconduct by any member of the prosecution team?  
 5 A No.  
 6 Q Do you believe there was any conduct that  
 7 could have at least been reported to the judge, that  
 8 was not reported during the Siegelman trial?  
 9 A No.  
 10 Q Were you present for post trial motions or  
 11 did your involvement as a contractor end when the  
 12 jury returned its verdict?  
 13 A My involvement continued on after the jury  
 14 returned the verdict for, I want to say, maybe two  
 15 weeks, two or three weeks; because I was shutting  
 16 down - they wanted me to go through the off-site and  
 17 get it organized enough so they could have someone  
 18 come out and archive the material that was out there,  
 19 get copies of the database made; because we were  
 20 still in trial mode. Everything was out and in use.  
 21 They wanted to get it to where we could shut it down.  
 22 So that's what I was doing when I was out there for  
 23 two or three weeks afterwards.  
 24 Q As I recall, this case went to the jury in  
 25 June 2006 and the verdict was returned in July maybe,

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1 or was it late June?  
 2 A I think it would have been in July. It  
 3 was about two weeks the jury was out, two or three  
 4 weeks.  
 5 Q So then your involvement would have been  
 6 over by August?  
 7 A Sometime in August is when I went back. I  
 8 don't remember the exact date. But I was back at  
 9 D.C., I would say, by late August, mid to late  
 10 August.  
 11 Q Was there an occasion that you returned to  
 12 the Middle District of Alabama in relationship to the  
 13 Siegelman case?  
 14 A Yes. It would have been, again, the  
 15 summer of 2007, late summer, maybe July. It would  
 16 have been July, I guess, 2007.  
 17 Q What was the occasion of your return?  
 18 A I was subpoenaed to go down to Alabama in  
 19 regards to the sentencing of Don Siegelman and  
 20 Richard Scrusby.  
 21 Q You were subpoenaed. Why were you  
 22 subpoenaed rather than coming back as a contractor?  
 23 A My understanding is and what I was told,  
 24 is they wanted me available to testify, specifically  
 25 I understood my role to be, any issue that came up

29

1 regarding the evidence in this case, evidentiary  
 2 matters that came up also in discovery; because,  
 3 again, even at that point, I was still the only  
 4 person who was familiar enough with the evidence to  
 5 talk about it thoroughly in court right on the spot.  
 6 Q Who discussed with you the possible  
 7 testimony that you were going to render at the  
 8 sentencing of the Siegelman case?  
 9 A Initially, I was subpoenaed and I was  
 10 trying to figure out what exactly was going to be the  
 11 deal. I spoke with Debbie Shaw and she said she  
 12 talked with Steve.  
 13 Q Steve who?  
 14 A Steve Feaga.  
 15 Q The prosecutor?  
 16 A The prosecutor, right. So we talked  
 17 briefly about it. He wanted me to come out there. I  
 18 think it was more like - I think my presence there  
 19 was kind of a safety blanket, you know, to make sure  
 20 all our i's were crossed and i's were dotted. But he  
 21 wanted me there just in case - I don't remember the  
 22 expression he used, maybe he said ankle, hip, pull me  
 23 out of the ankle holster, something like that.  
 24 Q So he wanted you to testify on issues of  
 25 discovery or production of documents?

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1 A That was discussed. But I think it  
 2 focused -- it was discovery and it was documents.  
 3 Then there was also another issue that came up  
 4 regarding a documentary that had been produced by the  
 5 other side, by Scrushy people, that had been put on  
 6 YouTube. They said they might want me to talk about  
 7 that.  
 8 As the sentencing approached, that was  
 9 going to be the main area I would be involved with.  
 10 And that's what -- those were sort of the two areas,  
 11 the evidentiary stuff, then the movie.  
 12 Q Were you ever called as a witness in the  
 13 sentencing?  
 14 A No, I wasn't.  
 15 Q Neither of those issues actually ever came  
 16 up in front of court at the sentencing?  
 17 A No specific evidentiary issues came up.  
 18 We had the database there in case we needed to do  
 19 some searches, but nothing of -- it just never came  
 20 up.  
 21 The judge was kind of moving through the  
 22 witnesses pretty quickly. So it never became an  
 23 issue. The movie, we ended up playing it, but,  
 24 again, it was never an issue -- the technical issues  
 25 behind it never came up. It was just allowed to be

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1 played, by stipulation, I guess.  
 2 Q So you were not required to be a witness?  
 3 A Correct.  
 4 Q Following the sentencing, you know the  
 procedure about how to be reimbursed as a federal  
 5 witness?  
 6 Yes.  
 7 That procedure is, that you give your  
 8 receipts to usually a Victim Witness coordinator or a  
 9 legal assistant and they get you paid?  
 10 A Correct.  
 11 Q Knowing that procedure, how did you go  
 12 about getting paid for your time as a witness when  
 13 you were subpoenaed for the sentencing of the  
 14 Siegelman trial?  
 15 A Unfortunately, I am sort of known for  
 16 being bad with reimbursement and getting receipts in.  
 17 In this case, I didn't do it right off the bat at the  
 18 time. I kind of waited awhile, let some weeks roll  
 19 by.  
 20 I eventually just decided that, Alabama  
 21 had been good to me, it was an important case for me,  
 22 and I had a lot of respect and liked the people there  
 23 and I just figured I would let it slide.  
 24 Q So you never filed any request for

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1 reimbursement as a witness for the Siegelman  
 2 sentencing?  
 3 A No. Not for the sentencing, no. The only  
 4 thing I did eventually, I think the following year on  
 5 my taxes, I believe I deducted it as an unreimbursed  
 6 employee expense, but that was it.  
 7 Q Did you ever have anyone from the Middle  
 8 District of Alabama call you and ask you if you were  
 9 going to send in your receipts?  
 10 A At one point, Debbie and I spoke.  
 11 Q Debbie Shaw?  
 12 A Debbie Shaw, on another matter entirely.  
 13 But she asked me, "Vallie, when are you going to do  
 14 your receipts?" I told her, "At some point I will  
 15 put it in." But I never actually did.  
 16 MR. MULLINS: Do you have any  
 17 questions?  
 18 MR. BHARGAVA: No.  
 19 MR. MULLINS: Do you have any  
 20 questions?  
 21 MR. GALLEGOS: No.  
 22 Q (By Mr. Mullins) Do you have any  
 23 statements you want to make? You have seen the  
 24 referral to the government and the charges that we've  
 25 been commissioned to investigate. Do you believe

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1 there's anything else you should say to us that we  
 2 have not asked?  
 3 A I would say only that working with the all  
 4 the individuals involved, Tami Grimes included, I  
 5 have nothing but respect for all of them. I think  
 6 that, based on what I've read there, I think Tami  
 7 must be -- I am not sure how she's come to the  
 8 conclusion that she had.  
 9 But to my mind, the attorneys I worked  
 10 with down there are some of the best I have worked  
 11 with anywhere. Certainly, they wouldn't be involved  
 12 in anything that was unethical or certainly not  
 13 something that rose to the level of some of the  
 14 charges that are in that document.  
 15 MR. GALLEGOS: Thank you.  
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1 CERTIFICATE

2

3 STATE OF OKLAHOMA )

) SS:

4 COUNTY OF OKLAHOMA )

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6

7

I, Marta Mattingly, CSR in and for the  
8 State of Oklahoma, certify that Vallie Byrdsong  
9 appeared before me and the above and foregoing  
10 examination was taken by me in stenotype and  
11 thereafter transcribed and is a true and correct  
12 transcript of the testimony of the witness; that the  
13 examination was taken on July 28, 2008, at 2:15 p.m.,  
14 in Oklahoma City, Oklahoma; that I am not an attorney  
15 for or a relative of either party, or otherwise  
16 interested in this action.

17 Witness my hand and seal of office on this  
18 14th day of August 2008.

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\_\_\_\_\_  
Marta Mattingly, CSR, CP, and  
CM for the State of Oklahoma

22

23

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**T**

IN RE: TAMERAH GRIMES

\* \* \* \* \*

INTERVIEW OF TAMERAH GRIMES, taken  
before Mallory M. Johnson, Court Reporter and  
Commissioner for the State of Alabama at Large,  
the U.S. Attorney's Office, 131 Clayton  
Street, Montgomery, Alabama, on Wednesday, June  
11, 2008, commencing at approximately 3:49 p.m.

\* \* \* \* \*

1 APPEARANCES

2 INTERVIEWERS:

3 Mr. Ronald Gallegos  
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13 \*\*\*\*\*

14 TAMARAH GRIMES

15 The witness, testified as follows:

16 EXAMINATION

17 BY MR. GALLEGOS:

18 Q. Tamarah, would you go ahead and just state  
19 who you are?

20 A. I am Tamarah Grimes.

21 Q. My name is Ron Gallegos. I'm the civil chief  
22 of the District of Arizona U.S. Attorney's  
23 Office in Phenix. To my left here is Steve

1 referred to the Department and which we've  
2 been given to look at. And so you may have  
3 submitted information about other things or  
4 other allegations. We won't be discussing  
5 those with you today at all.

6 A. Okay.

7 Q. So I just want to make sure you understand  
8 that we are limited in our scope of our  
9 inquiry. Okay?

10 A. Okay.

11 Q. First off, this isn't a deposition. It's just  
12 an interview. The court reporter is just  
13 taking down everything so we have a recording  
14 of it. But I did want to get a little  
15 history, a little employment history with the  
16 office here; not before that, but just when  
17 you joined the office, what position, what  
18 your duties were, that sort of thing.

19 A. Okay. I joined the U.S. Attorney's Office  
20 here on April 20th of 2003. My position is  
21 and was affirmative civil paralegal. My  
22 duties have not changed since I've been here.  
23 I have had a grade increase, two step

Mullins, who is the civil chief in the  
District of Oklahoma, Western District.

Okay.

and hopefully, you do know why you're here?

A.

Q. Steve and I have been selected to participate  
in an investigation. The Office of Special  
Counsel has referred some allegations that  
you made.

A. Yes.

Q. That you submitted to that office.

A. Yes.

Q. They referred them to the Department of  
Justice. And Steve and I have been selected  
to participate in that investigation and  
gather information; and that's why we're here  
today, to gather information about that. And  
hopefully, you can shed some light, further  
light on the information that we have already  
gathered.

Now, as far as the scope of our  
investigation, we are looking at five  
specific issues. That's all that's been

1 increases.

2 Q. Okay. When you joined the office, who was  
3 your supervisor?

4 A. His name was Kenneth Vines, and he has since  
5 retired.

6 Q. And your supervisor after Mr. Vines?

7 A. Was Patricia Snyder, who is now Patricia  
8 Watson, the first assistant.

9 Q. Okay. And I believe your supervisor now is  
10 Ken Doyle?

11 A. Steve Doyle.

12 Q. Steve Doyle. Steve Doyle. Okay.

13 Now, I want to go ahead and jump into  
14 the allegations that we're looking at and  
15 talk to you about those. The first  
16 allegation is -- relates to a jury issue, the  
17 Siegelman case, and the issue is prosecutors  
18 allegedly not disclosing inappropriate  
19 conduct of jurors that communicated to the  
20 prosecution team during the trial?

21 A. Yes.

22 Q. And so first off, I would like for you, if  
23 you would, to describe the case a little bit,-

1 just kind of a nutshell.  
2 A. The case is a political corruption case  
3 involving the former governor of the state of  
4 Alabama and an appointment that he made to  
5 the Certificate of Need Board of a gentleman  
6 named Richard Scrushy. That's the case.  
7 Q. Okay.  
8 A. It had a lot of different counts in it, but  
9 basically it's just a political corruption.  
10 Q. Was it a large case?  
11 A. It was large in manpower, large in  
12 investigation, large in counts. But, you  
13 know, it really came down to whether he acted  
14 improperly while he was in office.  
15 Q. Were there a lot of documents related to the  
16 case?  
17 A. Oh, there were millions of documents.  
18 Q. All right.  
19 A. Because they did not indict every part of the  
20 investigation. The investigation encompassed  
21 a lot more than what was actually indicted.  
22 Q. Okay. My understanding is that the case was  
23 housed off-site?

A. Yes, it was.  
Where was that at?  
It was housed at Maxwell Air Force Base in an  
unheated warehouse. I think it belonged to  
the Civil Air Patrol previously.  
Q. Okay. I want you to describe what you  
believe happened that you think was  
inappropriate.  
A. I actually brought the e-mail with me. I  
didn't know that you want -- if you would  
want it.  
MR. MULLINS: No, we do. We appreciate  
that.  
Q. Yes.  
A. Yeah. I do bring it; and if I may just give  
it to you, it will give you a nutshell right  
then and there. I didn't know what you would  
want, so I just brought a few things.  
MR. MULLINS: We want whatever you  
have. Everything.  
A. I was going to say, I should have brought  
more, then. This is the e-mail at issue.  
Q. Now, is this your only copy?

1 A. You may have that copy.  
2 Q. We may have this copy?  
3 MR. MULLINS: Like any good paralegal,  
4 she doesn't ever give us an  
5 original.  
6 Q. Yes. That's what I figured, but I thought I  
7 should ask. Okay. And this is an e-mail --  
8 A. Yes.  
9 Q. -- that occurred, looks like all of it is on  
10 June 15th, 2006?  
11 A. Yes.  
12 Q. Between yourself and Patricia Watson?  
13 A. Yes.  
14 MR. GALLEGOS: Let's go off the record.  
15 (Off-the-record discussion)  
16 MR. GALLEGOS: Back on the record.  
17 Q. In the e-mail, it looks like -- and I'm going  
18 to go ahead and just read it for the record,  
19 at least the second part of it. This is from  
20 Patricia Watson to you?  
21 A. Yes.  
22 Q. And what she says is, "That is really sweet  
23 and true. I'm glad he did that. Several

1 times while you were at the NAC, I would bump  
2 into him in the hall, and he would always ask  
3 about you. Is Tammy in her office? What's  
4 Tammy doing? And he looked so disappointed  
5 when he learned you weren't in.  
6 I just saw Keith in the hall. The  
7 jurors kept sending out messages through the  
8 marshals. A couple of them wanted to know if  
9 he was married."  
10 Now, the first line -- or second line  
11 where it says, "I'm glad he did that," who is  
12 that referring to?  
13 A. It's referring to Vallie Byrdson, who was  
14 the male contract employee who was hired to  
15 do the lit support work at the off-site  
16 facility at the Siegelman case.  
17 Q. And when Patricia Watson says, "That is  
18 really sweet and true," she is referring to  
19 his complimenting you about working on the  
20 case?  
21 A. Yes. He's complimenting me about the work I  
22 had done on the case. And he actually told  
23 me that they used my work on the Certificate

1 of Need Board issue all through the trial  
2 because it was very easy for reference. When  
3 the defense would make comments about things  
4 and they would want a quick reference, they  
5 would just look at my chart. And it was  
6 actually the only area that we were  
7 successful in the prosecution was on the  
8 certificate of need issue.  
9 Q. The second paragraph of that e-mail says, "I  
10 just saw Keith in the hall." Who is Keith?  
11 A. Keith Baker is an FBI agent assigned to the  
12 Siegelman prosecution.  
13 Q. The second sentence of the e-mail says, "The  
14 jurors kept sending out messages through the  
15 marshals."  
16 A. Yes.  
17 Q. What do you know about that?  
18 A. I know that Patricia Watson's first husband  
19 was a marshal. His name is J.C. Hamilton.  
20 And I know that the marshals-- there was  
21 some conversation among the marshals and  
22 among the prosecution staff, namely Debbie  
23 Shaw and Louis Franklin. Louis Franklin was

1 employee, had already told me some of these  
2 things. And she wanted to know about that.  
3 And I said, Yes, you know, he did tell me  
4 about it. And he told me specifically that  
5 there was a juror, as it says in here, that  
6 they called Flipper because she was a  
7 gymnast. And she would sit in the jury box  
8 with her feet propped up on the bar. And  
9 kind of, you know, flirt and do different --  
10 different things with Keith Baker, who was  
11 sitting at the prosecution table.  
12 Q. Now, did you attend the trial?  
13 A. No.  
14 Q. Any part of it?  
15 A. No.  
16 Q. The comment about -- about the jurors'  
17 conduct during the trial, where did that  
18 information come from?  
19 A. It came from Vallie Byrdsong and Patricia  
20 Watson.  
21 Q. From both of them?  
22 A. Both of them.  
23 Q. Let's start with your -- was there more than

the acting U.S. attorney for the case, and he  
is the criminal chief. Debbie Shaw is his  
very close, personal friend and his  
secretary. And there were some conversations  
between all of them while the case was going  
on before deliberations began about a couple  
of the jurors who thought that Keith Baker  
was so cute. And there was some flirtation  
going on, nonverbal flirtation except for  
what was sent through the marshals during the  
trial.  
9  
10  
11  
12 Q. Now, how did you aware of this?  
13 A. Patricia Watson told me, and Vallie Byrdsong  
14 told me. Actually two separate people told  
15 me about that.  
16 Q. So Ms. Watson told you or you had a  
17 conversation in addition to this e-mail with  
18 her?  
19 A. Yes. Yes.  
20 Q. And when was that?  
21 A. It would have been shortly after this e-mail  
22 when we discussed it, you know, further.  
23 Because Vallie Byrdsong, the contract

1 one conversation with Vallie Byrdsong about  
2 this?  
3 A. There were several conversations about the --  
4 the juror -- the jurors that were on their  
5 side. You know, we've got a couple that are  
6 on our side. Of course, you can't really  
7 ever tell who's on our side, but, you know,  
8 they felt like there were a couple that were  
9 on their side because --  
10 Q. It's always a guess, isn't it.  
11 A. It is. It's always a guess. And so, you  
12 know -- because there was some flirtatious  
13 behavior and, you know, some winking and  
14 some, you know, smiling and things that they  
15 discerned to be they're on our side.  
16 Q. Okay. So they were interpreting it that way?  
17 A. Yes.  
18 Q. Okay. Tell me about the first conversation  
19 you had with Vallie about it. If you can  
20 tell me as much as you recall about what he  
21 said exactly.  
22 A. Well, we went to lunch, as we did frequently,  
23 after I was removed from the case. And we --

1 would catch up on things. You know, how are  
2 things going, you know. And he would say,  
3 oh, we used this of yours and we used that of  
4 yours. And he would kind of keep me, you  
5 know, apprised of how things were going; who  
6 was fighting, who was not getting along. You  
7 know, just basically just gossip is what it  
8 was. And he -- he told me the first time  
9 about the gymnast named Katie Langer, was her  
10 name. Not the gymnast, the juror who was the  
11 gymnast who they called Flipper. He told me  
12 about her in the beginning, that she was very  
13 communicative with them and, you know, that  
14 he really felt strongly, you know, that she  
15 was on their side and with them.  
16 Q. Now, when he said that he was  
17 communicating -- that she was communicating,  
18 was that nonverbal or what did he say? How  
19 did she communicate?  
20 A. Winking and smiling and sending -- he said  
21 sending notes. Let's see. What does she  
22 say. She says sending messages. He said  
23 sending notes. Sending notes through the

1 for the man, also?  
2 MS. GRIMES: No. Just for the girl.  
3 Q. Tell me about your conversation with Patricia  
4 Watson. The first conversation you had with  
5 her about this issue, about this one juror  
6 communicating, how did that take place?  
7 A. It was after this e-mail, because this was  
8 the day that deliberations began. And  
9 deliberations were very long. And there was  
10 some concern that he might not be convicted.  
11 So we had several conversations about it.  
12 And I asked her about this particular young  
13 lady and the man, you know, who were  
14 supposedly on our side. And I asked her, I  
15 said well, you know, how were they as they  
16 got closer to deliberations? Did they  
17 change? Are they still -- and she said, oh,  
18 yeah, you know, right on up to the -- right  
19 on up to the time that they went in to  
20 deliberations, you know, she was -- she was  
21 the same. She was still sending messages.  
22 Q. Now, when you say sending messages, I want to  
23 make sure we're clear. Are you talking about

marshals, whom I assume to be the courtroom  
security. I don't know if they're actually  
marshals.  
Q. So Vallie Byrdsong actually said that  
the juror was sending notes?  
A. Yes, to the prosecution team.  
Q. To the prosecution team. Okay.  
A. And he actually said they all knew it. They  
laughed about it. They thought it was funny.  
10 Q. Did you have other discussions with Vallie  
11 about this particular topic, this one  
12 particular juror?  
13 A. He would mention her almost every time. He  
14 mentioned her and he mentioned, I believe, a  
15 man. There was also a man who they felt was  
16 with them. He did not, you know, of course,  
17 engage in the same flirtatious behavior, but  
18 he would indicate to them, you know, by  
19 nodding to them, smiling to them. Those  
20 kinds of things that would make him -- he'd  
21 never been to trial before, now -- make him  
22 believe that they were with them.  
23 MR. MULLINS: Do they have a nickname

1 nonverbal communication or are you talking  
2 about physical messages?  
3 A. I understood these to be physical messages.  
4 Patricia never said notes. She never said  
5 written notes. I understood this to say to  
6 the marshal, you know, the juror speaking to  
7 the marshal, hey, you know, he's cute. Ask  
8 him if he's married, you know, or those kinds  
9 of things. Just because that's what's  
10 written in here.  
11 Q. Okay. So you understood it to be just  
12 verbally communicating to the marshal and the  
13 marshal verbally communicating to the  
14 prosecution team?  
15 A. That's what I understood it to mean.  
16 Q. Did you have more than one conversation with  
17 Ms. Watson?  
18 A. I had a lot of conversations with her.  
19 Q. About this?  
20 A. About various things, you know, to do with  
21 the Siegelman prosecution.  
22 Q. How about this particular issue on this juror  
23 issue.

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1 A. I don't recall if we had more than one verbal  
2 after this written. I don't recall.  
3 Q. You indicated that Ms. Watson had been  
4 married to a deputy marshal by the name of  
5 Hamilton?  
6 A. Yes.  
7 Q. Do you know whether Deputy Marshal Hamilton  
8 was involved at all in the Siegelman trial?  
9 A. I do not.  
10 Q. Again, I want to make sure it's clear. Is it  
11 your understanding from what you know that  
12 the communications between this juror and the  
13 prosecution team were verbal? In other  
14 words, juror spoke to marshal service;  
15 marshal service spoke to prosecution team?  
16 A. It is my understanding from Ms. Watson that  
17 that was the mode of communication. It was  
18 my understanding from Mr. Byrdsong, the  
19 contract employee, that it was passing notes.  
20 Q. Written notes?  
21 A. Written notes.  
22 Q. Okay. Now, you indicated that -- in your  
23 submission to the Office of Special Counsel

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that these communications were not disclosed  
to the Court or to the defense team?  
That's correct.  
How do you know that?  
A. I talked to Ms. Watson about that. I said, you  
know, don't you have to report communication  
with a juror to the judge? Aren't you  
required to do that? And she said no, you  
know, not something like this. I said okay.  
Q. Did you talk to anyone else about that issue,  
about whether it should be reported?  
A. I talked to Mr. Byrdsong about it, to Vallie  
Byrdsong about it. I did not talk to anyone  
other than those two, to Ms. Watson and to  
Mr. Byrdsong.  
MR. MULLINS: What leads you to believe  
that it's required to disclose the  
conversations to the Court?  
MS. GRIMES: It has always been my  
understanding that you don't have  
any kind of communication with  
jurors. You know, you don't -- if  
you see them in the hall, you

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1 don't speak to them. You don't  
2 get on the same elevator with  
3 them. It seems to me like any  
4 kind of communication that is  
5 outside of the Court's knowledge  
6 is -- is not something you should  
7 do.  
8 MR. MULLINS: Okay. For example, if  
9 I'm doing a trial and you're a  
10 juror and you smile at me, I don't  
11 have to report that.  
12 MS. GRIMES: No.  
13 MR. MULLINS: So if it's nonverbal  
14 communication, I don't have to  
15 report it. But if there are the  
16 notes that you're talking about,  
17 is that what you think triggers  
18 the duty?  
19 MS. GRIMES: I think if you're sending  
20 messages through the marshals, I  
21 would -- I mean, to me, you know,  
22 that's clear to me that that is  
23 something that you need to report.

Page 21

1 MR. MULLINS: Okay. And that's what  
2 I'm making sure I understand.  
3 MS. GRIMES: You know, a smile, a wink,  
4 you know, anything else, I mean,  
5 that's not necessarily something  
6 that you, you know, would be  
7 concerned about. But when you're  
8 communicating with the prosecution  
9 team --  
10 MR. MULLINS: Through the marshal or  
11 through a note --  
12 MS. GRIMES: Through the marshal or  
13 through a note, either way, to me,  
14 that is clearly outside the  
15 boundary of what's acceptable, in  
16 my experience.  
17 MR. MULLINS: No, that's fine. I'm not  
18 saying I disagree with you. Do  
19 you have any cases or anything  
20 like that that you could point us  
21 to that would show us the  
22 standard?  
23 MS. GRIMES: No, I do not.

1 MR. MULLINS: Because I like my  
2 paralegals to do my work for me.  
3 MR. GALLEGOS: And he's not changing  
4 now.  
5 Q. (Mr. Gallegos continuing:) Other than Vallie  
6 and Patricia Watson, during this period of  
7 time, did you talk to anybody else about this  
8 issue of the verbal communication or the note  
9 passing with anyone else in the office?  
10 A. Not that I recall.  
11 MR. MULLINS: Is there anything else  
12 you know about this that we should  
13 know?  
14 MS. GRIMES: That's all I know.  
15 MR. MULLINS: Thank you, because we're  
16 not all that skilled sometimes.  
17 And sometimes you'd say, you've  
18 got to ask this question, too.  
19 MS. GRIMES: That's all I know about  
20 it.  
21 Q. The second issue that we're looking at --  
22 allegation that you've made relates to the  
23 cost of the contract employee, Vallie

1 Ms. Langer and another juror that were  
2 inappropriate in some aspect. I don't  
3 remember the specifics about that. But there  
4 was also an admission in a hearing that they  
5 had on the subject where Ms. Langer admitted  
6 to bringing things off the internet into the  
7 jury room. And the defense wanted  
8 Ms. Langer's internet service provider to be  
9 subpoenaed to evaluate that, and the judge  
10 would not allow it.  
11 A couple of weeks after the trial, there  
12 was an article in The Montgomery Advertiser,  
13 a fairly large article, which discussed  
14 Ms. Langer, that same juror who came here to  
15 the U.S. Attorney's Office to visit with  
16 prosecutors and discuss a potential career in  
17 being a prosecutor in the legal environment.  
18 And that's all.  
19 MR. MULLINS: As a followup to that,  
20 did you see her ever come here or  
21 did you just read about this in  
22 the article?  
23 MS. GRIMES: I read about it in the

1 Byrdsong, to the office.  
2 A. Can we back up one second?  
3 You bet.  
4 and you might want to go off the record for  
5 ask this because I don't want to go  
6 out of the scope.  
7 MR. GALLEGOS: Okay. Let's go off the  
8 record.  
9 (Off-the-record discussion)  
10 MR. MULLINS: Why don't you put those  
11 statements on the record so we  
12 understand.  
13 MS. GRIMES: Okay.  
14 Q. Go ahead. You would like to go ahead and add  
15 more to what you have already said about this  
16 issue?  
17 A. Yes.  
18 Q. Go ahead.  
19 A. This particular juror that they called the  
20 gymnast, nicknamed the gymnast, was a young  
21 lady named Katie Langer. And in posttrial  
22 motions, the defense raised several, several  
23 issues about e-mail communications between

1 newspaper. There was kind of a  
2 buzz in the office about it, you  
3 know, a behind-the-scenes buzz,  
4 you know. "Can you believe that  
5 juror is here?" I'm whispering.  
6 Sorry. You know, but it was that  
7 kind of thing, which is what  
8 prompted me to read it; because I,  
9 you know, probably would have  
10 never read it before.  
11 MR. MULLINS: Okay.  
12 MS. GRIMES: And I do have a copy of  
13 it, but I don't have it.  
14 MR. MULLINS: Here? Do you know what  
15 month it would have been  
16 published?  
17 MS. GRIMES: Yeah. It would have been  
18 July. It was in July.  
19 MR. MULLINS: July of 2007?  
20 MS. GRIMES: Of 2006. 2006.  
21 Q. Okay. Do you recall whether the article  
22 indicated if she had any legal training?  
23 A. She had no legal training. She did not.

1 Q. Okay. The second -- the second issue relates  
2 to the contract employee, Vallie Byrdsong?  
3 A. Yes.  
4 Q. And Mr. Byrdsong was on the Siegelman case?  
5 A. Yes.  
6 Q. And do you know when he began to work on the  
7 case?  
8 A. He began to work on the case, I believe, in  
9 2001 or 2002.  
10 Q. And why was he retained?  
11 A. I don't know.  
12 Q. Do you know what his duties were related to  
13 the case?  
14 A. He did the litigation support. He managed  
15 the documents. There were -- there were  
16 millions of documents, and he scanned them in  
17 and kept them in a certain order; set up a  
18 system where he could find them and pull them  
19 up, you know, just standard good support  
20 work.  
21 Q. At some point in time -- well, do you know  
22 how he was paid?  
23 A. I know he was a contract employee through a

1 of 2005, and maybe July; whenever the  
2 contract came up. I'm not sure if it was  
3 three month or six months or if they just did  
4 it when they ran out of money. I don't know.  
5 I just know that at some point, she had asked  
6 me to write a follow-up justification along  
7 the same lines that -- you know, that he  
8 needed to stay here to teach me. But at that  
9 point, I had already learned his system.  
10 Q. What system was that?  
11 A. He used Summation to keep track of the  
12 different documents, you know, which --  
13 Summation is fine. It's just kind of an  
14 older program. Now we use more CaseMap and  
15 Concordance and databases like that. But he  
16 used Summation, and he just organized them by  
17 potential indictment, you know, count one,  
18 count so and so, on down the line.  
19 Q. Up until this point, was Mr. Byrdsong  
20 completing these duties as assigned? He was  
21 entering the documents into this database and  
22 doing what he needed to do as far as you  
23 know?

1 company that was called Aspen at that time.  
It has since changed, and I don't know the  
new name of it. But he was paid by special  
contract where Retta Goss, the AO here, would  
the contract, and she would write a  
justification to keep him. When I was  
assigned to the case, she asked me to write  
the justification a couple of times. And I  
asked her, you know, well, what do I -- what  
are we justifying? And she said, We're  
justifying keeping Vallie Byrdsong here long  
enough for him to teach you his system;  
because his contract cost a lot of money, and  
we have made a promise to Washington that we  
will train someone from the office to -- to  
do that work. So I actually wrote the  
justification for that two times. So I know  
the contract was renewed periodically, and  
every time it had to have a justification  
written for it.  
21 Q. What time frame was this, then, when you  
22 wrote the justifications?  
23 A. I wrote the justifications probably in April

1 A. As far as I know.  
2 Q. At some point in time, you got involved in  
3 the case?  
4 A. Yes. In April of 2005.  
5 Q. And how did that come about?  
6 A. I got an e-mail one morning from Patricia  
7 Watson. Patricia Snyder was her name then,  
8 so I don't want to be confusing; but it's  
9 Watson now, so I'm going to call her Watson.  
10 Q. That's fine.  
11 A. I got an e-mail from her and she said, you  
12 know, I'm assigning you to the big case,  
13 which is what they called it. And I need you  
14 to go out there immediately. I have a copy  
15 of that, also.  
16 MR. MULLINS: Here?  
17 MS. GRIMES: Here.  
18 MR. MULLINS: Yeah, that would be  
19 great.  
20 A. It's kind of messed up, but it will work.  
21 Q. Thank you. Okay. So this is an e-mail from  
22 Patricia Watson to Steven Doyle. And it  
23 indicates that you are going to -- you've

1 agreed to work on the big case. And it  
2 appears that the reason for that is it has  
3 ACE potential; is that correct?  
4 A. That's correct.  
5 Q. So were your duties far as your duties  
6 related to the Siegelman case related to the  
7 ACE side of the case?  
8 A. That was not my understanding. Like I said,  
9 no one consulted me before, you know, sending  
10 me out there or anything. Just one day. I  
11 got that e-mail, and the follow-up  
12 conversation was this. This was with Retta  
13 Goss, Patricia Watson and Sherri Hamilton,  
14 who is the budget officer. They told me that  
15 they could not keep this contract for  
16 Vallie -- Vallie Byrdsong going, that it was  
17 just too expensive. We were on continuing  
18 resolutions at the time, and they were having  
19 to go back and get more money and more money  
20 and more money. And Retta always talks in  
21 terms of Washington; so I don't know who that  
22 is, but I'm going to tell it like she tells  
23 it. She said, Washington is telling us that

1 -Watson and Sherri Hamilton -- they all told  
2 me that he was going to really resist me on  
3 this because he wanted to keep Vallie  
4 Byrdsong. He was comfortable with Vallie  
5 Byrdsong and he wanted to keep Vallie  
6 Byrdsong, but that was not an option because  
7 this was strictly a budgetary decision. And  
8 I said, Okay. And she said, You need to call  
9 and tell him you're coming out and kind of  
10 give him a little history of your background.  
11 Tell him, you know, you're going to come out  
12 and help him.

13 And, you know, I was so excited. I  
14 mean, I was really excited because I've  
15 worked on a lot of cases, but I've never  
16 worked on a case like this. And I was, you  
17 know, really looking forward to doing it. So  
18 I was excited.

19 So she gave me his cell phone number.  
20 And I called him and I told him who I was,  
21 and, you know, tried to kind of say, you  
22 know, I'm -- I'm going to come out, you know,  
23 and help you guys and do whatever you need.

1 we have to have someone in-house to do that.  
2 And we do have people in-house to do that, so  
3 we've selected you to go out there and take  
4 on the lit support duties.

5 Q. When did you go out there?  
6 A. I went out there about -- I'm going to say it  
7 was about the 9th, maybe, of April; because I  
8 had some things going on with the health care  
9 fraud case that I was trying to finish up in  
10 the days before that. So it was somewhere  
11 right around that period of time.

12 Q. Did you have any other ACE cases that you  
13 were working on?

14 A. I had two, two -- two ACE cases. One of them,  
15 the one that I was actually working on, the  
16 health care fraud one, it's still around.  
17 It's still floating around.

18 Q. So what happened when you went out there?  
19 Did you receive training or what occurred?

20 A. The first thing that occurred is Patricia  
21 instructed me to call Steve Feaga, who is the  
22 lead prosecutor on the case. And they all  
23 told me -- they being Retta Goss, Patricia

1 And, you know, I have a lot of background in  
2 litigation. I've worked in litigation about  
3 15 years before coming to the government.  
4 And, you know, I've done just about  
5 everything. You name it, I've done it. If I  
6 haven't done it, I'll learn how to do it.  
7 You know, I'm just really excited and honored  
8 to be able to come and work with you. And he  
9 was like, Oh, yeah. Well, okay. I was like,  
10 Oh, that didn't sound good. But, you know, I  
11 blew it off. I'm like, okay. You know, he  
12 doesn't know me.

13 So he gave me directions, and I wrote  
14 them down to go out there. And the first day  
15 I got out there, it was actually just Vallie  
16 Byrdsong. And he came and let me in and  
17 showed me where to sit, which was right next  
18 to him. And he was kind of showing me how  
19 he, you know, did things. Showing me how he  
20 scanned, the scanning program he used and  
21 Summation and all of that.

22 And we were talking about how it could  
23 be done. And what they told me -- they being

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1 Retta, Patricia and Sherri Hamilton -- was  
2 that they wanted to go out there and take  
3 whatever he was doing in Summation and  
4 convert it into CaseMap or Concordance  
5 because I teach CaseMap. That's kind of my  
6 bag.  
7 And so I go out there and I'm like,  
8 Well, can we put some of this in CaseMap?  
9 And he's, Oh, I don't like CaseMap. You  
10 know, I don't want to do CaseMap. I'm like,  
11 Okay. You know, that's fine. We don't -- we  
12 don't have to do this. I'm thinking, you  
13 know, we can just, you know, move along and  
14 everybody get along.  
15 And Vallie said to me, he said, Well, I  
16 hope you get to stick around for a while. I  
17 said, Oh, well, I will. And he said, Well,  
18 the last two women who have been here haven't  
19 been able to stick around. I said, I work  
20 for DOJ. You know, I mean, that's never  
21 going to happen in DOJ. I'll be fine.  
22 Q. It is your understanding -- how was Vallie  
23 paid? I know you said it was on a specific

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contract. But that was paid by the office  
here?  
The office here to his employer, which was  
at the time.  
Q. y.  
A. The contract company.  
Q. And the justifications were to seek  
additional budget funding from DOJ to pay for  
the contract? Is that what the office was  
doing?  
A. Yes.  
Q. Now, Vallie Byrdsong stayed on the case;  
correct?  
A. Yes.  
Q. And your understanding is he wasn't going to  
be staying on the case; is that right?  
A. Yes, that's what they told me.  
Q. What changed?  
A. You know, that's hard for me to say, because  
I'm not in management. I mean, I can answer  
that from my perspective, but I can't give  
you the technical details of what changed.  
Q. Okay.

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1 A. Are you interested in that?  
2 Q. Sure. Tell me your perspective.  
3 A. From my perspective, it was a male group.  
4 There were 12 males. There were no females.  
5 None at all. And Mr. Feaga, the chief  
6 prosecutor, he's a very -- he's a military  
7 guy, and he's very man's man. Always talks  
8 to the men. He would come in. Hello, men.  
9 Let's meet, men. And that -- that's his  
10 comfort zone. And I think having me there  
11 was outside of his comfort zone.  
12 I found out that there was another legal  
13 assistant here named Janie Crooks, and she  
14 was actually assigned here to the executive  
15 suites. She was hired in October of 2002  
16 specifically to go out there and take over  
17 that job, because her background was in  
18 Summation. She was always a paralegal, and  
19 she came here from Texas. And her background  
20 was, you know, much the same, scanning,  
21 organizing, keeping documents; but it was  
22 specifically in Summation. And they never  
23 allowed her to go out there. Not ever.

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1 Q. How do you know she was hired for that  
2 purpose?  
3 A. She told me that. She told me that, and  
4 Debbie Shaw told me that. But that would be  
5 going into another subject, and I don't know  
6 if you really want to go into that.  
7 Q. Now, the -- you were told that you were going  
8 to be taking over for Vallie Byrdsong?  
9 A. Yes.  
10 Q. Because he wasn't going to be continuing on  
11 the case?  
12 A. Yes.  
13 Q. Because of funding issues, correct?  
14 A. Yes, to eliminate that expense because we  
15 were in continuing resolutions. And there  
16 were people on staff who could do it.  
17 Q. So when-- when there was funding secured to  
18 keep him on, was there any reason for anyone  
19 else to take over that task?  
20 A. Well, other than it was an unnecessary  
21 expense. Because you had a lady named Glenna  
22 Ryals, who initially worked on it. She was  
23 fulltime on staff. You had Janie Crooks who

1 was hired to do it. She was fulltime on  
2 staff. You had Natalie Seagers who works in  
3 the criminal division. She's a legal  
4 assistant there. She's qualified to do it.  
5 And you have me who has very little work to  
6 do and is proficient in that area. So we're  
7 all free to the government because they're  
8 already paying us.  
9 Q. In a sense free to the government?  
10 A. Yeah, we're free to the government.  
11 Q. During the time, however, when you were there  
12 and after you left from being at the off-site  
13 and working on the case, Mr. Byrdsong was  
14 fully engaged in working the case, though? I  
15 mean, he was working the case, correct?  
16 A. He worked the case. He worked a lot of  
17 personal things also for the prosecutors out  
18 there. I mean, he was just kind of an  
19 all-around, do-it-all kind of guy.  
20 Q. When you say personal things, what do you  
21 mean?  
22 A. Like, he would do promotion packets for  
23 Mr. Feaga. Mr. Feaga has a JAG job, you

1 and, you know, Vallie goes and picks her up  
2 and, you know, takes care of her and does  
3 just basically anything. Gets the coffee in  
4 the morning, brings the donuts, you know.  
5 Does whatever they want. And one time when I  
6 was there, I said, Vallie, don't you want me  
7 to give you some money for this? And he  
8 goes, no, I'm on per diem. I was like, must  
9 be nice.  
10 Q. During this time, though, was he fully  
11 engaged as far as working on the Siegelman  
12 case? I mean, there was plenty to do?  
13 A. Plenty to do.  
14 Q. I know what you said about that someone else  
15 could have done the job out there, someone  
16 that was already within the U.S. Attorney's  
17 Office. But did the cost of having  
18 Mr. Byrdsong work on the case out there have  
19 an adverse impact on the office itself?  
20 A. I would not know about that.  
21 Q. None that you know of?  
22 A. None that I know of. I don't know either way  
23 or the other.

1 know, as a second employment. And he was at  
2 one point working on getting a promotion of  
3 some sort. And Vallie was working on that,  
4 he was asking me to help him, you know,  
5 me assistance on a photograph, getting  
6 a photograph loaded and, you know, the  
7 resolution correctly and all of that kind of  
8 thing.  
9 On another occasion, he -- I'm from  
10 Birmingham. I'm not from Montgomery. And he  
11 asked me -- he was trying to find directions  
12 for somewhere that Mr. Feaga was going on the  
13 weekend in Birmingham, and he couldn't find  
14 it anywhere. And he said, I've looked  
15 everywhere, and I can't find it. Can you  
16 tell me where this place is. And I said,  
17 Sure. What is it? And he told me the name  
18 of it. I said, Well, that's -- that's not  
19 the name of it. That's what it's referred  
20 to. But this is the name of it, and I told  
21 him where it was and he found the  
22 directions.  
23 And Mr. Feaga's daughter had a flat tire

1 Q. Now, as far as having a contract employee or  
2 having contract employees do certain things,  
3 or expert, that's not out of the ordinary of  
4 an office to do, correct?  
5 A. No, it is not.  
6 Q. What you're saying is the duration of this  
7 contract was --  
8 A. What I'm saying is when I came for the  
9 government, when I came to work for the  
10 government and I was assigned as an  
11 affirmative civil enforcement, I had  
12 extensive training on fraud and violations of  
13 the false claims act. And in my training, it  
14 is my understanding that when you file a  
15 claim with the Government and you're asking  
16 for money and your justification for that is  
17 false and you know it is false, then that's a  
18 false claim against the Government. So to  
19 me, it seemed more like a fraud than it did  
20 just a wasted expenditure. When you know  
21 what you're saying is not true but you want  
22 to get the money anyway from the Government,  
23 then, to me, that's a fraud issue. That's

1 not a --  
 2 Q. What was said that was untrue?  
 3 A. That there was no one in the district who  
 4 could do it, who could perform these duties  
 5 except Mr. Byrdsong.  
 6 Q. And was that part of the justifications --  
 7 one of the justifications that you wrote?  
 8 A. No. No. The justifications that I wrote  
 9 were -- were that he should -- his contract  
 10 should be extended long enough to teach me  
 11 his systems so that his expense could be  
 12 eliminated.  
 13 Q. So what -- were there justifications you  
 14 believe were untrue that were submitted?  
 15 A. Yes.  
 16 Q. And have you seen those justifications?  
 17 A. No.  
 18 Q. How do you know that there was justifications  
 19 that were submitted that were not true?  
 20 A. Because Retta Goss told me. The AO here told  
 21 me.  
 22 Q. Okay. What did she tell you exactly?  
 23 A. She told me that she -- she said we -- this

1 and in asset forfeiture.  
 2 MR. MULLINS: Do you have any others?  
 3 MS. GRIMES: Not that I'm aware of.  
 4 MR. MULLINS: Okay. Do you believe  
 5 those are false?  
 6 MS. GRIMES: No. I think they have  
 7 legitimate duties, you know, that  
 8 are fulfilled. You know, with --  
 9 with Mr. Byrdsong, I mean, I -- I  
 10 don't want to step outside the  
 11 scope of the area.  
 12 MR. MULLINS: I understand.  
 13 MS. GRIMES: But let me just say there  
 14 were -- there were a lot of things  
 15 to be considered in Mr. Byrdsong's  
 16 case.  
 17 Q. Well, did it benefit the office -- I  
 18 understand what you're saying about other  
 19 people being able to do the work and that  
 20 sort of thing, and the cost; but would it  
 21 benefit the office to have Mr. Byrdsong doing  
 22 the work over at the off-site?  
 23 A. No.

was before, you know, they got me to go out  
 there and during the time they were getting  
 me to go out there. She said, We have got to  
 rid of that expense. I have made  
 promises. I have made promises to Washington  
 that we will eliminate that expense because  
 we do have people on staff who can do it.  
 8 Q. But you don't know -- you, yourself, don't  
 9 have personal knowledge as to what the  
 10 justification said in order to get funding  
 11 for -- continued funding for Mr. Byrdsong?  
 12 A. No.  
 13 MR. MULLINS: I don't know this office  
 14 very well. Like our office, our  
 15 asset forfeiture people are  
 16 contractors. Some FLU people are  
 17 contractors in some of the  
 18 offices. Do you have other  
 19 contractors here in Montgomery?  
 20 MS. GRIMES: We do.  
 21 MR. MULLINS: What other areas are you  
 22 contracting for?  
 23 MS. GRIMES: We have contractors in FLU

1 Q. Why not?  
 2 A. Because it could have been done by me. It  
 3 could have been done by Janie Crooks. It  
 4 could have been done by Natalie or Glenna.  
 5 Q. I know other people could do it, but  
 6 obviously, an office has so many resources.  
 7 And we always all want more resources, right?  
 8 A. Sure. Sure.  
 9 Q. And, so, how was it not a benefit to have a  
 10 person out of the off-site fulfilling these  
 11 duties and doing this work? Did that not  
 12 benefit the office?  
 13 A. You know, I don't know how to answer that.  
 14 You know, you have me, a person who is a  
 15 GS-12. And I'm sitting here at the office  
 16 doing nothing. Does it seem beneficial that,  
 17 you know, I would be here doing nothing,  
 18 getting a GS-12 pay, and, yet, they're paying  
 19 for a contractor to do something that I could  
 20 do?  
 21 Q. And so basically, you were not engaged  
 22 fulltime in the office here?  
 23 A. No.

1 Q. At some point in time, you stopped -- you  
2 were not working on the Siegelman case?  
3 A. Yes.  
4 Q. How did that take place? What happened  
5 there?  
6 A. I was removed from working on the Siegelman  
7 case on December 1st of 2005 by Louis  
8 Franklin, who was the acting U.S. attorney.  
9 His reasoning that he gave to me was because  
10 I complained of gender-based harassment and  
11 hostile work environment and reprisal to too  
12 many people and too much.  
13 Q. And was this a face-to-face discussion?  
14 A. It was.  
15 Q. Was there anything in writing communicated to  
16 you?  
17 A. No.  
18 Q. When did this conversation take place?  
19 A. December 1st, 2005.  
20 Q. Was anybody else present?  
21 A. No. But before I had my conversation with  
22 Mr. Franklin, Vallie Byrdsong had already  
23 told me what he was going to say. He said, I

1 if you can tell me what the problem is, I  
2 know we can work it out. And I asked Retta  
3 Goss, I asked Patricia Watson. I asked Louis  
4 Franklin numerous times, please let me -- you  
5 know, please let me just talk to him. And he  
6 always said no. That would not be a good  
7 idea.  
8 MR. MULLINS: Can I ask one question  
9 before we move off that one? Was  
10 Vallie Byrdsong competent? Did we  
11 get what we paid for?  
12 MS. GRIMES: I think you did get what  
13 you paid for. I mean, he was  
14 using a little bit of outdated  
15 technology, and he was not using  
16 what we call DOJ sanctioned  
17 technology. But he was adequately  
18 scanning the documents and keeping  
19 up with them. I think his  
20 disadvantage was he had never been  
21 to trial before. He did not -- he  
22 had no trial experience.  
23 MR. MULLINS: Okay. That's all I've

1 just want to give you a heads up. You know,  
2 they're going to take you off the case. This  
3 after they sent me to the toxic waste  
4  
5 Q. s --  
6 A. It's Emelle. It's spelled E-M-E-L-L-E, but  
7 it's pronounced ML, like the initials ML.  
8 Q. So Vallie told you that you were going to be  
9 removed from the case before you talked to  
10 Mr. Franklin?  
11 A. Yes.  
12 Q. Did Vallie tell you why you were being  
13 removed? Why -- did he have knowledge of why  
14 you were being removed?  
15 A. He said because Mr. Feaga did not want me on  
16 the case.  
17 Q. Did you ever have a conversation with  
18 Mr. Feaga about that?  
19 A. I tried. I asked so many times, and -- you  
20 know, because I felt that it might be the  
21 best thing to just sit down and say, you  
22 know, I'm honored to work with you and I'll  
23 do whatever you want me to do. And you know,

1 got.  
2 Q. Anything else about this particular issue  
3 that you wanted to mention I haven't asked  
4 you about?  
5 A. No.  
6 Q. All right. The third allegation relates to  
7 victim impact funds allegedly being used to  
8 pay for Vallie Byrdsong to attend the  
9 Siegelman sentencing?  
10 A. Yes.  
11 Q. Why don't you tell me what you know about  
12 that.  
13 A. Well, Vallie Byrdsong came to my office on  
14 the Friday after the sentencing, and he asked  
15 me if I was coming to the party at Louis  
16 Franklin's house that night. And I said,  
17 Well, I haven't been invited, so I guess I'm  
18 not going. And he said, You ought to come  
19 anyway. You're part of the team. You've  
20 always been part of the team. And I said,  
21 Well, have you been here all week? And he  
22 said, Yeah, I've been here all week and I'm  
23 staying over tonight so I can go to the

1 party. And he said, They brought me in on  
2 victim witness funds. And I said, Well, are  
3 you a victim? And he said, Well, maybe. I  
4 said, Are you a witness? And he said, No.  
5 No, but I'm part of the team and they said I  
6 deserve to be here. I said, Okay. Good for  
7 you. Glad you got to come. Because I like  
8 Vallie, you know. He's a good guy.  
9 Q. Did you have conversations with anyone else  
10 about -- about how he was brought to the  
11 sentencing, for the sentencing, how he was  
12 paid if he was paid, or anything like that?  
13 A. No, I did not.  
14 Q. Did you see any documentation related to  
15 that?  
16 A. No, I did not. Let me take that back. I did  
17 mention it to Retta Goss, the AO here. I did  
18 mention to her that -- that I was upset that  
19 they would have this big party and invite  
20 Vallie and fly him in from DC and not even  
21 give me an invitation after I had worked so  
22 hard on the case. I did say that to her.  
23 Q. Do you know if Vallie was ever paid or

1 office's mission that you know of?  
2 A. Again, for my personal standards, I would not  
3 utilize funds that are intended for one thing  
4 for something that they are not. Now, maybe  
5 that's done all the time. I don't know. I'm  
6 not in management. But it seems to me that  
7 if you have funds that are designated for  
8 victim witness, then that's what they should  
9 be used for is victim witness.  
10 Q. All right. So if he was -- if he was to be a  
11 witness -- if he was needed to be a witness  
12 or possible witness for the sentencing, then  
13 using victim witness funds would not be  
14 inappropriate?  
15 A. No. But that's not what he said to me about  
16 why he was here. He said to me that he was  
17 here because he was part of the team, and  
18 they felt he deserved to be here. They being  
19 the prosecution team.  
20 Q. Do you know whether the office received any  
21 benefit from Vallie being here during the  
22 week of sentencing? Do you know?  
23 A. I don't know.

1 reimbursed -- do you know whether Vallie was  
2 ever paid or whether his expenses were  
3 reimbursed for coming to the Siegelman  
4 sentencing?  
5 A. I don't know. He mentioned to me that his  
6 boss was very upset with him, that his boss  
7 did not want him to leave and come down for  
8 this and that he might not have a job when he  
9 got back. And that's all he told me about  
10 it.  
11 Q. Why were they so upset?  
12 A. Because he had moved on to another job, you  
13 know, and they didn't want to give him a week  
14 off to come back down here.  
15 Q. Did you ever talk to any of the prosecutors  
16 or prosecution team as to why Vallie was  
17 brought back for the Siegelman sentencing?  
18 A. No I never did.  
19 Q. Do you know what he did during the week he  
20 was here for the sentencing?  
21 A. No, I do not.  
22 Q. Now, the fact that he came to the sentencing,  
23 did that have any adverse impact on the

1 Q. Is it unusual for the office to have agents  
2 or perhaps even experts attend defendants'  
3 sentencings for one reason or another?  
4 A. As far as I know, it is.  
5 Q. It's regularly done?  
6 A. No. As far as I know, it's not regularly  
7 done.  
8 MR. MULLINS: Have you worked a lot in  
9 criminal, too?  
10 MS. GRIMES: No.  
11 MR. MULLINS: So what are you basing  
12 that on? I'm just asking.  
13 MS. GRIMES: On civil.  
14 MR. MULLINS: On how we do it in  
15 civil?  
16 MS. GRIMES: Yeah, how we do it in  
17 civil.  
18 Q. So you haven't attended a lot of -- have you  
19 attended any criminal sentencings?  
20 A. Yes, I have. But just, you know, not a lot  
21 of --  
22 Q. All right. Anything else about this one that  
23 I haven't asked about that you think we

1 should know?  
2 A. No.  
3 Q. Let's good on to the fourth allegation we're  
4 looking at, is alleged obstruction of the  
5 investigation of DOJ's Office of Professional  
6 Responsibility. And this relates to an  
7 investigation related to Randolph Neeley?  
8 A. Yes.  
9 Q. Why don't you tell me what you know about  
10 that.  
11 A. At the time, Patricia Watson was my civil  
12 chief. And she came by my office and she  
13 said that OPR was going to be in the district  
14 the next day to conduct an investigation into  
15 an OPR complaint about Rand. And she asked  
16 me -- she said, Leura does not want certain  
17 things to be discussed with the -- with the  
18 investigators. She does not want the fact  
19 that he was arrested while he was in  
20 California to be brought up, and she does not  
21 want the fact that he lunged across the table  
22 at me to be brought up. And she said, I need  
23 to know if you will agree not the mention

1 Q. This incident involving Mr. Neeley in  
2 California, how did you become aware of that?  
3 A. Ms. Watson told me about it.  
4 Q. When was that? Can you recall?  
5 A. It would have been in 2004. It was -- it was  
6 on a case that we were defending an agency  
7 for an automobile accident. And our expert  
8 was in California, and Rand traveled to  
9 California to meet with him and see his  
10 reconstruction and go over some of the  
11 testimony with him. And while he was there,  
12 he got arrested for public intoxication, and  
13 it was something that was not supposed to be  
14 discussed around the office. And she told me  
15 not to tell anyone, and I never told anyone.  
16 Q. Did you have any conversation with anyone  
17 else about it around this same time frame  
18 or --  
19 A. No.  
20 Q. And how did you learn about -- well, first  
21 describe -- you mentioned a lunging  
22 incident.  
23 A. Uh-huh.

1 those things. And I said, Well, I will agree  
2 not to volunteer the information, but I can't  
3 agree to -- if they ask me directly -- if  
4 they ask me a direct question, I'm not going  
5 to lie about it. I'm going to -- I'm going  
6 to be truthful about it.  
7 And the next day, the investigators came  
8 and left, and they didn't interview me. I  
9 asked Patricia, I said, Well, why didn't they  
10 interview me? I thought you said they were  
11 going to interview me. And she said, Oh, we  
12 took you off the witness list.  
13 Q. Okay. When Ms. Watson said "we", who was she  
14 referring to, did you understand?  
15 A. She was referring to herself and Ms. Canary,  
16 and -- because I said, Why would you do  
17 that? And she said, Well, you know, Leura  
18 has a sweet spot for Rand.  
19 Q. And so she said that herself and Ms. Canary  
20 took you off the witness list?  
21 A. Yes.  
22 Q. Now did you ever see a witness list?  
23 A. No.

1 Q. Why don't you tell me more about that.  
2 A. There was an occasion where Rand was going  
3 through some personal issues in his life.  
4 And he -- he -- he missed some deadlines for  
5 the Court. That's what triggered the OPR is  
6 because there was an adverse ruling where the  
7 judge dismissed the case because Rand had  
8 missed a deadline on the case, and so she had  
9 to counsel him about that. And Rand can be  
10 very volatile under certain circumstances.  
11 And so she was kind of worried, and she told  
12 me, I'm a little bit worried. I think I'm  
13 going to have Louis Franklin sit in with me.  
14 And I said, Well, you know Louis and Rand are  
15 really close, right? She said, Yeah, I know  
16 they're really close. So I'm thinking, you  
17 know, that that will probably be the best  
18 thing to do.  
19 So she said that she was sitting on one  
20 side of the table, and Rand and Louis were  
21 sitting on the other side of the table. And  
22 as she tried to counsel him about what had  
23 happened, that he stood up and started to

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1 yell at her. And he was very forceful. I  
2 don't remember what she said he said, but he  
3 was very forceful. And he lunged across the  
4 table, and she was afraid that he was going  
5 to actually physically strike her. But Louis  
6 got him to sit back down. Calmed him down  
7 and got him to sit down. And Leura did not  
8 want that reported to OPR.  
9 Q. And was it Ms. Watson -- she's the one that  
10 informed you of this?  
11 A. Yes, she did.  
12 Q. Do you know what the substance of the OPR  
13 investigation was about? What the  
14 investigation was by OPR?  
15 A. I know that it was triggered over the  
16 dismissal of a case. And when they had to  
17 write -- and they, I mean Patricia on behalf  
18 of Ms. Canary -- had to write the letter, the  
19 referral letter saying, you know, well, these  
20 are the things that he did, and, you know --  
21 she included everything, and I don't remember  
22 what everything was. And I remember the  
23 intoxication thing, and I remember the

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1 lunging incident because those were  
2 specifically directed to me about you don't  
3 talk about this. And I remember the reason  
4 it was started in the beginning, but I  
5 don't remember everything that was in it.  
6 I know that Ms. Canary asked  
7 Ms. Watson to change the letter several times  
8 to decrease the impact on -- on Mr. Neeley,  
9 on Rand. And Ms. Watson was not happy with  
10 that. And she was complaining to me that  
11 Leura was letting him get by with a slap on  
12 the wrist, and he should have had a more  
13 significant punishment that would deter his  
14 future conduct of this sort.  
15 Q. Now, did you see a first draft, original  
16 draft or referral letter or some kind of  
17 written document that had the incidents in  
18 them?  
19 A. I did.  
20 MR. MULLINS: I'm sorry. You did or  
21 did not?  
22 MS. GRIMES: I did.  
23 MR. MULLINS: Do you have copies of

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1 those?  
2 MS. GRIMES: Oh, no.  
3 MR. MULLINS: I was just hoping you had  
4 other stuff there.  
5 MS. GRIMES: Oh, no.  
6 Q. We're always trying. And that was provided  
7 to you by Ms. Watson?  
8 A. Yes. And she stood there while I read it to  
9 get my opinion on whether I thought it was  
10 too harsh or what I thought about it. And  
11 then she took it back.  
12 Q. Okay. And I want to make sure that I  
13 understand correctly. Were the incidents in  
14 California and the -- you've called it the  
15 lunging incident -- were those included in  
16 that original draft or not?  
17 A. They were not. This was after it had been  
18 watered down. And what Ms. Watson wanted to  
19 do was -- Ms. Canary wanted it to be no days  
20 off or one day off without pay or whatever.  
21 Ms. Watson felt particularly concerned about  
22 the lunging incident. She was particularly  
23 concerned about that. And she felt like he

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1 should have a more significant punishment for  
2 that. She really -- she did not take a side  
3 on the arrest. You know, she -- she really  
4 didn't have anything to say about that. But  
5 the lunging incident was of particular  
6 concern to her. And so she was trying to  
7 make the letter as forceful as she could make  
8 it but still in compliance with what  
9 Ms. Canary had directed her to do.  
10 Q. Did the incident in California have anything  
11 to do with the dismissal of this case you're  
12 talking about?  
13 A. No.  
14 Q. Did the lunging incident have anything to do  
15 with the dismissal of that case either?  
16 A. Only in the context that it was a general --  
17 this was a general counseling, and all of the  
18 things were brought up. He -- he had signed  
19 her name to a pleading and filed it, because  
20 she -- she would not have approved the  
21 settlement. It was a case that she wanted to  
22 settle. And she did not want to settle it.  
23 And it involved the bill of cost, waiving the

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1 bill of cost, and she did not want to do  
2 that. And he knew she did not want to do  
3 that, so he signed her name to a pleading and  
4 filed it in court. Then when she was  
5 counseling him about that, he said that she  
6 was a liar. He called her a liar and said, I  
7 never did that. And it kind of escalated  
8 from that point.  
9 MR. MULLINS: And did you hear this  
10 conversation?  
11 MS. GRIMES: No. This is Patricia  
12 repeating the conversation to me.  
13 Q. Do you know what information was collected by  
14 OPR related to the investigation of the  
15 dismissal of the case?  
16 A. I do not. I just know that they interviewed  
17 people in the district. I don't know what  
18 documentation they got.  
19 Q. The investigation was about a dismissal of  
20 the case and Mr. Neeley missing a deadline.  
21 In what way did the management obstruct that  
22 investigation? Do you know?  
23 A. They obstructed the investigation by

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1 preventing potentially damaging information  
2 from being included in the investigation.  
3 There were a number of things included in the  
4 investigation. I do not know what all of  
5 the things were. I may have known at one time,  
6 but that's been four years ago. And there  
7 were -- there were several allegations that  
8 were included in that. I know what triggered  
9 it, but I don't know all of the things that  
10 were in there at the time. And the only  
11 reason, like I said, that the two stick out  
12 in my mind is because those were the two that  
13 she specifically asked me about.  
14 Q. So do you know whether OPR was investigating  
15 the California incident or the lunging  
16 incident?  
17 A. No, they were not.  
18 Q. Do you know whether OPR was able to gather  
19 the information it needed concerning what  
20 they were investigating, the dismissal of the  
21 case?  
22 A. I believe, as Ms. Watson put it, they were  
23 allowed to know what Ms. Canary wanted them

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1 to know about the investigation.  
2 Q. Again, you don't know what information they  
3 gathered?  
4 A. I do not.  
5 Q. Do you think the incident in California and  
6 the lunging incident were important for OPR  
7 to know in relation to this dismissal of this  
8 case?  
9 A. Absolutely.  
10 Q. How is that? Why is that?  
11 A. I believe that they -- the conduct of an AUSA  
12 is absolutely relevant to his position. I  
13 mean, pretty much we, being Department of  
14 Justice employees, we have to conduct  
15 ourselves in a -- we have to hold ourselves  
16 to a higher standard, would be how I would  
17 look at it. And if you have an AUSA who was  
18 intoxicated and arrested for that, then, to  
19 me, what you should do is you should come to  
20 work the next Monday and say, I've got to  
21 tell you something, you know. I got arrested  
22 this weekend for -- you know, and we need to  
23 report it to whomever. But I'm just being

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1 honest with you. That is my understanding of  
2 how the Department of Justice operates.  
3 Q. Okay. Let me re-ask my question. And I'm  
4 not saying that -- that conduct, I'm not  
5 saying one way or the other whether it's  
6 professional, unprofessional, violates any  
7 rule or regulation or whatever. But I did  
8 want to ask whether those two incidents were  
9 relevant to what OPR was investigating, the  
10 issue of the dismissal of the case and  
11 missing the court's deadline. That's what I  
12 wanted -- I'm not saying that that conduct  
13 isn't --  
14 A. See, I don't know what the scope of their  
15 investigation was.  
16 Q. Okay.  
17 A. I know what triggered the investigation, as I  
18 understand it from Ms. Watson. I mean, you  
19 know, I'm not in management. I'm not on the  
20 inside track of anything other than if  
21 someone chooses to share something with me.  
22 Q. Since you don't know the scope of the OPR  
23 investigation, you don't -- you don't know

1 what they would have been asking you about,  
 2 if they had interviewed you, do you?  
 3 A. Well, I am supposing that since Ms. Watson  
 4 took the time to come by and warn me not to  
 5 bring up those two things that it's likely  
 6 that those could have been excluded or  
 7 included or had some relevance. If there was  
 8 no relevance, she would have never said  
 9 anything to me about it at all, nor would she  
 10 have dropped me from the witness list.  
 11 Q. And if they weren't -- if those two incidents  
 12 weren't included, then that information, at  
 13 least for purposes of that investigation,  
 14 wouldn't have been relevant?  
 15 A. No.  
 16 Q. Do you know what the result of the OPR  
 17 investigation was? What came out?  
 18 A. I used to know. I don't know any longer. It  
 19 was -- it was a short period without pay.  
 20 Three days or something like that. Don't  
 21 hold me to that. I'm not for certain.  
 22 Q. How did you find out about what the results  
 23 of the investigation were?

1 Q. Okay. Second, you're a Department of Justice  
 2 employee, so I'm assuming you know what we  
 3 know. But do you know what OPR investigates?  
 4 Do you know the scope of their authority?  
 5 A. I do not know.  
 6 Q. Okay. If I told you that if somebody was  
 7 arrested, that was in the authority of the IG  
 8 and if somebody misses a deadline, that's in  
 9 the authority of the OPR, would that surprise  
 10 you?  
 11 A. No.  
 12 Q. So if somebody was arrested is not within the  
 13 authority of the OPR, do you think it's wrong  
 14 to tell you not to tell OPR about stuff  
 15 that's not in their shop?  
 16 A. No, not in that context.  
 17 MR. MULLINS: Okay. Thanks.  
 18 EXAMINATION  
 19 BY MR. GALLEGOS:  
 20 Q. Do you know what occurred as far as the  
 21 incident in California with Mr. Neeley, what  
 22 the eventual outcome was?  
 23 A. Ms. Watson told me that Louis Franklin had

A. Ms. Watson told me.  
 Q. So as far as you know, as far as action taken  
 3 against Mr. Neeley, it was a couple of  
 4 -- something like that, a couple of days  
 at pay?  
 A. It was something she referred to as a slap on  
 the wrist. And it was a short period of  
 8 time. That's all I recall. I don't think it  
 9 was a week. I think it was like a couple of  
 10 days. Maybe three days.  
 11 MR. GALLEGOS: Steve, did you have  
 12 anything?  
 13 MR. MULLINS: Just a couple, if I  
 14 could.  
 15 EXAMINATION  
 16 BY MR. MULLINS:  
 17 Q. You were saying that you think that the  
 18 standard for an employee is to come back and  
 19 self-report if they get arrested. Is it your  
 20 understanding that Mr. Neeley did not self-  
 21 report?  
 22 A. I'm not sure. I'm not sure whether he did or  
 23 not.

1 been able to contact someone and get it taken  
 2 care of. I don't know what taken care of  
 3 meant, but it's over, whatever that means.  
 4 Q. So that's the extent of what you know about  
 5 it?  
 6 A. That's the extent of what I know.  
 7 Q. Anything else you wanted to say about that  
 8 issue?  
 9 A. No.  
 10 Q. The fifth and final issue, thank goodness.  
 11 This relates to the alleged initiation of a  
 12 criminal investigation of you and retaliation  
 13 for participating in protected activity?  
 14 A. Yes.  
 15 Q. And tell me what you know about that.  
 16 MR. MULLINS: Let me -- let me make  
 17 sure we kind of scope this down.  
 18 MS. GRIMES: Okay.  
 19 MR. MULLINS: Because I want to make  
 20 sure you don't get yourself into  
 21 any trouble. All we really want  
 22 to know is what actions did this  
 23 office take that you believe that

1 resulted in your referral for a  
2 criminal investigation. Don't  
3 tell me anything about the  
4 investigation or about what your  
5 response would be to it. We  
6 don't -- we don't want to put you  
7 in a box. This is not what this  
8 is about. But we want to know if  
9 you think somebody here abused  
10 their authority. So that's what  
11 we're looking at. Does that make  
12 sense?

13 MS. GRIMES: It makes sense.

14 MR. MULLINS: We're not trying to trick  
15 you here, come in and say, ah, you  
16 said this.

17 MS. GRIMES: To answer your question,  
18 absolutely someone in this office  
19 used their influence to  
20 wrongfully, I might add, turn me  
21 over for criminal investigation to  
22 OIG. I will say to you that I do  
23 not know what I'm alleged to have

1 work in criminal, but I can tell you this is  
2 not the procedure. The OIG agent called me  
3 out of the blue. He said, You are subject of  
4 a criminal investigation. And of course, I  
5 said, For what? You know, for what? What  
6 have I done? Well, I'm not going to tell  
7 you that. And I'm like, Well, if you want an  
8 interview from me, you're going to need to  
9 tell me that. You know, what have I done? I  
10 mean, what am I alleged to have done? He  
11 said, Well, your case has already been  
12 assigned to an AUSA. I said, That's not the  
13 way it happens. You don't assign a case to  
14 an AUSA and then have an investigation. you  
15 have an investigation, and then you assign it  
16 to an AUSA. I said, what AUSA is it assigned  
17 to? Well, I'm not going to tell you that.  
18 I'm like, So you're not going to tell me what  
19 it is that I have done? No. And you're not  
20 going to tell me what it is that -- who's  
21 assigned to the case? No, I'm not going to  
22 tell you anything. When are you going to be  
23 available for an interview? I said, I'm

1 done. I do not know what statute,  
2 rule, regulation, policy or  
3 procedure that I am alleged to  
4 have violated. I have asked for  
that information over and over and over  
again.

7 A. I was forced to come in and give a recorded  
8 statement to an OIG official, a special  
9 agent. He would not tell me what it is that  
10 I have allegedly done. But I've done  
11 nothing. I have nothing to hide. You know,  
12 I can sit here and tell you as much as you  
13 want to know or as little as you want to  
14 know.

15 But I can tell you that this is  
16 absolutely a retaliatory thing. There is no  
17 basis for this. Someone reached out and made  
18 this happen. And I think at a minimum, at a  
19 minimum, someone should have said, well, you  
20 know, you are suspected of violating this.  
21 You are suspected of having done this. But  
22 that's not what they did. They -- they told  
23 me -- this is not the procedure. I do not

1 going to be available for an interview when  
2 you tell me what I'm charged with.  
3 And basically, it went on like that  
4 for -- and I didn't let it go. That was  
5 December 17th. I called every 30 days. What  
6 is the status? You know, where --

7 Q. You called the IG?

8 A. I called the IG. I called the EEO office,  
9 you know, which it arose out of a mediation.  
10 So I called them. You know, I called  
11 everybody. And I'm like, I want someone to  
12 tell me why I am the subject of a criminal  
13 investigation. I want to know. What have I  
14 done? And no one would ever tell me, ever.

15 So in March -- it was actually right  
16 after I had my accident. I fell through the  
17 ceiling of my home. And right after that, I  
18 got a call from Patricia Watson, or she  
19 called me when I was here in the office. And  
20 she said, I need for you to come in and  
21 have -- and sit for an interview with OIG.  
22 And I said, Why? Why? What -- what have I  
23 done? What am I being charged with? Can you

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1 give me a regulation, a rule, a policy,  
2 anything? Just tell me what it is that I'm  
3 supposed to have done.  
4 Well, I had learned that it had  
5 something to do with some alleged tape  
6 recordings. I said, Okay. Let me hear the  
7 tape recording. You know, if I've made a  
8 tape recording, I would like to hear what it  
9 is, because I know that I haven't made any  
10 tape recording.  
11 So she said, Either you come in and sit  
12 for this interview, or you will be  
13 terminated. Period. And I said, Well what  
14 about my rights? I mean, how can you -- how  
15 can you make me? And she said, You're a  
16 federal employee. You don't have any rights.  
17 And I came in, and I gave the interview and  
18 that's all I know.  
19 Q. Okay. Going back, though, to the beginning.  
20 Who referred it, and how do you know that  
21 someone from this office did?  
22 A. Because my EEO counselor told me that.  
23 MR. MULLINS: Okay. This is what I

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1 want to know. What were you  
2 told?  
3 MS. GRIMES: I was told that at the  
4 mediation the -- well, I've been  
5 told two things. So this is kind  
6 of -- one is going to run into the  
7 other. I was told one thing by  
8 the EEO counselor, and I was told  
9 something that kind of supplements  
10 that by the OIG agent during the  
11 interview. And it was recorded,  
12 so there will be a record of that.  
13 I was told that during the  
14 interview or during the mediation,  
15 when the mediator, who is supposed  
16 to be a neutral party, went to  
17 meet with management that they  
18 actually discussed, you know, how  
19 to get these recordings that they  
20 believed existed. Now, at this  
21 time, I'm really not understanding  
22 that they're talking about taped  
23 recordings. I'm thinking they're

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1 talking about recordings. Because  
2 I'm prolific recorder, you know.  
3 Or, you know, documentor, notator.  
4 Whatever. But the -- the mediator  
5 used the determine recordings.  
6 And I'm thinking in terms of  
7 recordings. And so I used the  
8 term recordings back to her.  
9 So at that time, the U.S.  
10 Attorney, Leura Canary, is the  
11 person who wanted to refer me to  
12 OIG.  
13 Q. Okay. Who told you that and how do you know  
14 it?  
15 A. The mediator told me that. Not the mediator,  
16 the EEO counselor.  
17 EXAMINATION  
18 BY MR. MULLINS:  
19 Q. Who is that?  
20 A. Her name is Michelle Crawford.  
21 Q. So Michelle Crawford told you. She was in  
22 the room?  
23 A. She wasn't in the room. She's talking with

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1 Rita Sampson, who is the assistant director.  
2 Q. I know Rita.  
3 A. You know Rita?  
4 Q. Sure.  
5 A. I have the highest respect for Rita. And it  
6 really hurts me to have to -- you know, to  
7 say things about her. But I just have to.  
8 I mean, it's me. This is my life and my  
9 livelihood.  
10 And I have the highest respect for her,  
11 but she used to be with the Office of General  
12 Counsel. And she still maintains, you know,  
13 a pretty nice relationship with them like  
14 most people do.  
15 Q. Right.  
16 A. And I think there was some communication, and  
17 somehow it came about that my counselor, who  
18 is an attorney advisor there at the EEO,  
19 became aware of the information. Ms. Sampson  
20 said to me that it was a knee jerk. It was  
21 just a knee jerk, that everybody wishes they  
22 could take it back, but they can't take it  
23 back. That doesn't really do me any good,

1 you know, at this point. I mean, at this  
2 point in my federal career, I am the person  
3 who was turned over for criminal  
4 investigation. You know, I still don't know  
5 if I'm going to be indictment for whatever.  
6 I mean, I don't know anything. I mean, I've  
7 been living for six months just waiting for  
8 the shoe to fall, waiting to see what's going  
9 to happen.

10 And I am an honest person. I mean, I  
11 would never commit a crime. I mean, it's not  
12 my -- it's not who I am. It's not what I'm  
13 about. And I'm appalled. I am just  
14 completely appalled and embarrassed by this,  
15 because I virtually can't go anywhere that  
16 it's not going to follow me. Even if I don't  
17 get arrested and hauled off to jail, you  
18 know, I mean, it's still -- I'm going to be  
19 the one. I'm going to be that troublemaker  
20 girl. And I -- you know, I never wanted it  
21 to be this way. I know I'm telling you more  
22 than you really want to know.

23 MR. GALLEGOS: No. We appreciate it.

1 A. Yes.  
2 Q. Your counselor said she didn't hear it, but  
3 you're tell me that Rita heard it? I'm not  
4 sure I understand exactly what you were told  
5 about what Ms. Canary did.

6 A. I was told that Ms. Canary is the person who  
7 wanted to turn me over for criminal  
8 investigation.

9 Q. Okay. And who told you that?

10 A. That was Michelle Crawford, my EEO.

11 Q. And can you tell me generally what she said  
12 to you?

13 A. She said that they all wish they could take  
14 it back now. And I'm assuming that they're  
15 talking about the whole group that was  
16 present (inaudible).

17 THE REPORTER: I'm going to need you to  
18 speak up because of the thunder  
19 and the rain.

20 (Off-the-record discussion)

21 MR. MULLINS: And I'm not trying to  
22 make it hard on you.

23 MS. GRIMES: I know. And really, I

1 A. But, you know, really, what I've thought more  
2 about this is that if I could turn back time,  
3 I would listen so carefully when my parents  
4 and my grandparents tried to tell me what you  
5 thought the right thing is the thing that's  
6 going to hurt you most. Because I think that  
7 in my opinion, when I file these, I was doing  
8 what I think -- what I thought and what I  
9 think is the right thing. But it has brought  
10 me enormous grief. Enormous grief.

11 And, you know, the OIG investigation  
12 is -- you know, to me, that's the top of the  
13 line. Because, you know, I'm a person of  
14 integrity, and I -- I just -- I'm just so  
15 hurt. And I'm afraid. You know, I'm afraid  
16 of what's going to happen to me. And it's  
17 just -- you know, it's not what I had  
18 anticipated. I was just trying to do the  
19 right thing.

20 Q. Okay. And I appreciate that. I'm not trying  
21 to minimize that at all. But I still need to  
22 go back to the beginning. So at the  
23 beginning, you talked to your counselor.

1 never intended to break down about  
2 it, but it's a sensitive thing for  
3 me.

4 MR. GALLEGOS: Let's take a break just  
5 a second.

6 (Brief recess)

7 Q. (Mr. Mullins continuing:) Okay. Your  
8 counselor told you that they were sorry that  
9 they --

10 A. Had turned it over.

11 Q. -- had turned it over. And you think the  
12 "they" is, or are, the people that were at  
13 the mediation?

14 A. Yes.

15 Q. And one of those person at the mediation  
16 was --

17 A. Leura Canary.

18 Q. The U.S. Attorney?

19 A. Yes.

20 Q. So is that all the evidence that you have  
21 that Ms. Canary is the one at the mediation  
22 that turned you over?

23 A. No.

1 Q. Okay.  
2 A. No.  
3 Q. What else do you know?  
4 A. And like I said, there's an actual interview  
5 of this. So you can get this, I'm sure.  
6 Q. Okay.  
7 A. When we had my OIG interview, we -- the agent  
8 tried very, very hard to get me to say that I  
9 had tapes. He tried everything he could try.  
10 And one of the things that he said to me was,  
11 Well, you know, they all have notes that say  
12 the same things. They all have notes that  
13 say that you had these tapes. And --  
14 Q. They, again, are the people in mediation?  
15 A. The people in mediation. Let me tell you who  
16 that is. That would be Ms. Canary,  
17 Ms. Watson, the mediator, and someone from  
18 general counsel named Fred Menner.  
19 Q. Fred Menner?  
20 A. So those were the four that were in the  
21 group. So when I talked to the Office of  
22 General Counsel -- Special Agent Ron Gossard  
23 is his name. When I talked to him, he said,

1 professional. I appreciate that.  
2 Q. Okay.  
3 A. But they did tell me -- that would be my EEO  
4 specialist, Michelle Crawford -- did tell me  
5 that it was Ms. Canary's idea to turn me  
6 over; but it was actually Fred Menner, the  
7 Office of General Counsel guy, who set the  
8 wheels in motion. I don't know how he did  
9 that. I don't know what he did that, but it  
10 was at Ms. Canary's direction.  
11 Q. And that's what we're asking. Do you have  
12 any other information on that.  
13 A. No, I do not. That's all I have.  
14 Q. And where is your counselor located? Where  
15 would I find her?  
16 A. She's at EOUSA in D.C. The EEO. She's no  
17 longer my counselor, but she was then. She's  
18 an attorney advisor.  
19 MR. MULLINS: Do you have anything else  
20 on that?  
21  
22  
23

EXAMINATION

Well, you know, they all had notes that said  
the same thing. I mean, you know, they all  
at in there and, you know, they talked  
at, you know, how they could get this  
information from you. And he said that  
night -- the reason they stayed over that  
night -- because they continued it as an  
additional night. He said that night, the  
reason they stayed over was so that when you  
call the mediator, she could come down and  
meet management and Mr. Gossard -- I mean,  
Mr. Menner -- in the lobby, and they could  
discuss how they were going to use that to  
get you.  
15 Q. Who said that?  
16 A. The OIG special agent.  
17 Q. During the meeting? And that was recorded?  
18 A. That was recorded. And then he -- you know,  
19 he said, Well, and I also went and talked to  
20 the mediator on my -- you know, before we  
21 came here, and she and I discussed how you  
22 were going to try to wiggle out of this. I  
23 said, Well, you know, that's real

1 BY MR. GALLEGOS:  
2 Q. Could I get -- wanted to make sure I was  
3 clear on the issue of the use of the term  
4 recording.  
5 A. Yes.  
6 Q. Kind of go over that one more time about you  
7 said what to who, who said what to you, that  
8 type of thing, which was kind of the subject  
9 of this?  
10 A. Certainly. You know I can't tell you word  
11 for I said this, she said that.  
12 Q. Right. I understand that.  
13 A. This is my best recollection, as I've tried  
14 to go back and put it together after I  
15 learned what the basis for this was. And  
16 what I recall about it was that she wanted to  
17 know how do you keep up with all of this?  
18 You know, how do you know these dates? You  
19 know, what is your evidence? It was always  
20 about the evidence. What is your evidence  
21 about this? I said, Well, you know, I -- I  
22 keep really good notes. I mean, when  
23 something happens, especially during that

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1 time, I always make a note of it.  
2 Another habit I have is like you have  
3 note pads there; I never throw away note  
4 pads. So, like, if I'm making notes about  
5 something, and then two days later I have a  
6 later meeting, I'll just flip it over and  
7 keep those. And so I never throw them away.  
8 I have stacks and stacks and stacks. So I  
9 have records of things that I don't even  
10 remember making records of.  
11 Q. Surely.  
12 A. And when I started having to pull all of this  
13 together, of course, I went through all of  
14 those. And I can almost give you a day by  
15 day chronologically of what happened, where I  
16 was, you know, what was said. And especially  
17 when there were some very abusive things  
18 going on in my career at the off-site, I kept  
19 very careful notes of that. At some point  
20 the mediator referred to those as recordings.  
21 Recordings. And so I referred to those as  
22 recordings. I mean, I'm just, you know,  
23 going with the flow here. And I'm not really

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1 thinking, you know, that that's going to be  
2 maybe turned into something else. And I  
3 can't believe that it was turned into  
4 something else, because we were clearly  
5 talking about writings. Things like just  
6 writings. That's all I could -- that's my  
7 explanation. Nobody told me that. That's  
8 the only thing that I can think of that  
9 could possibly have triggered this. Because  
10 I do -- I do very clearly remember the point  
11 at which she started referring to them as  
12 recordings because I thought how odd. What  
13 an odd term. But I went with it. I said  
14 recordings, too.  
15 MR. GALLEGOS: Okay. Thank you.  
16 MR. MULLINS: Anything else? I  
17 appreciate your taking time to  
18 come in. If you think of other  
19 things that are related to one of  
20 our five topics -- because that's  
21 all we can talk about. But feel  
22 free to send me something. If you  
23 want to send me a letter or an

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1 e-mail, we'll make sure we have  
2 that in the record. You may have  
3 other documents that you find that  
4 you want to give to us; we want to  
5 make sure that we get them because  
6 we have to do a full gathering of  
7 all the evidence and then make a  
8 report to the Office of Special  
9 Counsel. And then my  
10 understanding is we make the  
11 report, and then you have a chance  
12 to respond to that report, and  
13 then OSC does what they want.  
14 So that's kind of how we  
15 understand our job. So as much as  
16 you can give us would be helpful,  
17 and we'll make sure it's in the  
18 report.  
19 MS. GRIMES: Okay. I will definitely do  
20 that. And you have given me  
21 things to think about. I mean,  
22 you know, I'm not much of a  
23 question asker. I mean,

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1 generally, if somebody says to  
2 me this, I mean, I'm not one of  
3 those people that goes, well, why  
4 would you do that? Well, where  
5 did you get that from? You know,  
6 I'm just kind of like okay, you  
7 know. All right. I won't say  
8 anything. Okay. You know, I  
9 mean, I just don't -- so you've  
10 given me a lot to think about with  
11 some of your questions.  
12 MR. GALLEGOS: And as Steve said, don't  
13 hesitate if there's things that  
14 you go back and, oh, I should have  
15 told him this or I have this  
16 document or whatever.  
17 MS. GRIMES: Okay.  
18 MR. GALLEGOS: Make sure you give that  
19 to Steve.  
20 MR. MULLINS: I appreciate it.  
21 (The interview concluded  
22 at 5:35 p.m.)  
23 \* \* \* END OF INTERVIEW \* \* \*

1 REPORTER'S CERTIFICATE  
2 STATE OF ALABAMA  
3 MONTGOMERY COUNTY  
4 I, Mallory M. Johnson, Certified Court  
5 Reporter and Commissioner for the State of  
6 Alabama at Large, hereby certify that on  
7 Wednesday, June 11, 2008, I reported the  
8 interview of TAMARAH GRIMES, and that pages  
9 2 through 89 contain a true and accurate  
10 transcription of the interview of said witness  
11 by counsel.

12 I further certify that I am neither of kin  
13 nor of counsel to any of the parties to said  
14 cause, nor in any manner interested in the  
15 results thereof.

16 This 24th day of June, 2008.  
17  
18  
19

20 MALLORY M. JOHNSON, COURT REPORTER  
21 And Commissioner for the  
22 State of Alabama at Large

23 Alabama License Number: 443  
Expires 09/30/08  
MY COMMISSION EXPIRES: 2/24/09

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EXAMINATION OF DEBBIE SHAW  
TAKEN ON BEHALF OF THE UNITED STATES OF AMERICA  
IN OKLAHOMA CITY, OKLAHOMA

ON JULY 28, 2008

APPEARANCES

Steven K. Mullins  
Assistant United States Attorney  
210 W. Park Avenue  
Oklahoma City, Oklahoma 73102

Ron Gallegos  
Assistant United States Attorney  
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Phoenix, Arizona 85004

Also present: Aashish Bhargava

REPORTED BY: MARTA MATTINGLY, CSR, CP, CM

2	<p>1 DEBBIE SHAW</p> <p>2 was examined and testified as follows, to-wit:</p> <p>3 *****</p> <p>4 EXAMINATION</p> <p>5 BY MR. GALLEGOS:</p> <p>6 Q Good morning.</p> <p>7 A Good afternoon.</p> <p>8 Q I guess it is afternoon here. I'm still</p> <p>9 on Arizona time. My name is Ron Gallegos. I am the</p> <p>10 civil chief, U.S. Attorney's Office in Phoenix,</p> <p>11 Arizona. Here with me is Steve Mullins, who is a</p> <p>12 civil chief, U.S. Attorney's Office here in Oklahoma</p> <p>13 City and --</p> <p>14 MR. BHARGAVA: Aashish Bhargava.</p> <p>15 Q (By Mr. Gallegos) Would you state your</p> <p>16 name?</p> <p>17 A Debbie Shaw.</p> <p>18 Q Your employer?</p> <p>19 A U.S. Attorney's Office for the Middle</p> <p>20 District of Alabama.</p> <p>21 Q As you know, the reason we are here is an</p> <p>22 employee of your office, Tami Grimes, has submitted a</p> <p>23 complaint and with that complaint has various</p> <p>24 allegations that we would like to discuss with you.</p> <p>25 We have received a referral to the</p>	4
3	<p>1 case actually got opened until maybe '03, I think.</p> <p>2 Just a public corruption case.</p> <p>3 Q Were you involved in any way in that case?</p> <p>4 A Yes, sir. I actually think I did the very</p> <p>5 first subpoena that went out when it was opened under</p> <p>6 GH Construction in 2001.</p> <p>7 Q At that time, you were the supervisory</p> <p>8 legal assistant in the office?</p> <p>9 A Mr. Franklin became the chief of the</p> <p>10 criminal division in September of '01. And I started</p> <p>11 working, then I became his secretary. But when I did</p> <p>12 the subpoenas for it, there was another AUSA whose</p> <p>13 name the GH Construction was working under. I worked</p> <p>14 for him then, and that's when I did the subpoenas.</p> <p>15 But I've kind of been on it the whole way through.</p> <p>16 Q Did you attend the trial of the Siegelman</p> <p>17 case?</p> <p>18 A Every single day.</p> <p>19 Q There has been an allegation in the</p> <p>20 complaint submitted by Ms. Grimes regarding</p> <p>21 possibility of communications between a juror or</p> <p>22 jurors and the prosecution team. That's what I</p> <p>23 wanted to ask you. Are you aware of any time there</p> <p>24 being any written communication between any of the</p> <p>25 jurors and the prosecution team?</p>	5
3	<p>1 Department of Justice from the Office of Special</p> <p>2 Counsel. We've been tasked with gathering</p> <p>3 information regarding that complaint. So that's why</p> <p>4 we are here today.</p> <p>5 If you would, talk to me -- let me know</p> <p>6 when you started your employment with the office</p> <p>7 there?</p> <p>8 A In December of 1982.</p> <p>9 Q What is your position or title there?</p> <p>10 A My title is supervisory legal assistant in</p> <p>11 the criminal division. I work for Louis Franklin.</p> <p>12 He is the chief of the criminal division.</p> <p>13 Q How long have you had that title,</p> <p>14 approximately?</p> <p>15 A Seven or eight years. I've been in the</p> <p>16 criminal division since June of '87.</p> <p>17 Q Are you familiar with what's called the</p> <p>18 Siegelman case?</p> <p>19 A Yes, sir.</p> <p>20 Q Would you just tell me a real thumbnail</p> <p>21 sketch of what that case was about, just general?</p> <p>22 A We opened it in 2001. It was actually</p> <p>23 opened under the name of GH Construction Company,</p> <p>24 because of some articles had been in the newspaper</p> <p>25 about no bid contracts. I don't think the Siegelman</p>	<p>1 A No, sir.</p> <p>2 Q When I say between the jurors and the</p> <p>3 prosecution team, were there ever any written</p> <p>4 communications passed by anyone, whether it be court</p> <p>5 personnel, whether it be U.S. Marshal Service</p> <p>6 employees, or anyone, of any written communication</p> <p>7 between the jurors and the prosecution team?</p> <p>8 A No, sir. Not that I'm aware of.</p> <p>9 Q How about verbal communications? Are you</p> <p>10 aware of any verbal communications that occurred</p> <p>11 between any of the jurors and the prosecution team?</p> <p>12 A No, sir. I know that at one point, and I</p> <p>13 think it was early on in the trial, the jury was not</p> <p>14 in the box, they were on a break. The jury</p> <p>15 coordinator came out from the back. There's an agent</p> <p>16 with the FBI, Keith Baker, one of the case agents.</p> <p>17 We were all sitting there. We sat -- it was him, then</p> <p>18 me, then another FBI agent right inside the rail.</p> <p>19 She came out, and I think if I remember</p> <p>20 right, she kind of punched him in the arm and she</p> <p>21 said, "I heard some of the jurors talking, they think</p> <p>22 you're cute, they were wondering if you were</p> <p>23 married." We all got a big laugh out of it. Keith</p> <p>24 turned beet red, held his hand up, said, "It's not</p> <p>25 exactly a secret, I wear a ring." For all I know,</p>

6

1 she was just picking at him. I don't know if they  
2 actually said that or not. She just said it. They  
3 picked at each other that way through the whole  
4 trial.

5 Q Were you aware of any other issues related  
6 to the jury and any comments they may have made  
7 regarding the prosecution team during the trial?

8 A No, sir.

9 Q So as far as you know, you don't know  
10 whether the jurors even made that comment, that the  
11 jury coordinator talked about?

12 A No, I don't. She could have just been  
13 messing with him, picking on him.

14 Q Are you aware of any other nonwritten,  
15 nonverbal communications, made by the jurors to the  
16 prosecution team? When I say nonwritten, nonverbal,  
17 I am talking about, oh, gestures, such as winking or  
18 smiling, that was directed toward the prosecution  
19 team?

20 A No.

21 MR. MULLINS: Can you tell me, what  
22 is the name of the jury coordinator that made that  
23 comment?

24 THE WITNESS: Her name is Melissa,  
25 and if you hadn't asked me, I could have told you her

7

1 last name. Melissa -- I can't think of her last  
2 name. I'm sorry.

3 MR. MULLINS: Was the jury  
4 sequestered during this time, during the trial of the  
5 Siegelman case?

6 THE WITNESS: They were partially  
7 sequestered.

8 MR. MULLINS: Can you explain to me  
9 what that means?

10 THE WITNESS: Sure. And I think  
11 there was even an order done on it by the judge.  
12 They met, picked a different place everyday during  
13 the trial, don't know where it was. They would meet,  
14 leave all their cars, the marshals picked them up in  
15 vans, they brought them to the back of the  
16 courthouse. They didn't come in and out through the  
17 front doors of the courthouse. They went in and out  
18 through the clerk's office. They ate breakfast  
19 together everyday, they ate lunch together everyday,  
20 and they either ordered in, and sometimes the  
21 marshals would make special arrangements to take them  
22 somewhere in town. They had their breaks together.

23 Like here, during regular trials, the jury  
24 is using the public restrooms during breaks and all  
25 that. That didn't happen with this trial. And there

8

1 were always marshals with them. There was one  
2 marshal who was in charge of the jury. And he was in  
3 there with them everyday. And then they had visiting  
4 marshals, who came from other districts.

5 I think the first two came and stayed for  
6 two or three weeks, then they had some others that  
7 came and stayed for two or three weeks. They had  
8 visiting marshals. Then at the end of the day, they  
9 were taken out through the back and taken back to  
10 their cars.

11 Q So would it have been very difficult for  
12 the prosecution team to have had any kind of  
13 communication with the jurors?

14 A I don't see how they could have. The  
15 marshals were with them all the time. And we were  
16 right up on them. I mean, here is the prosecution  
17 table, here is the jury box, and you had all of these  
18 lawyers. There were so many lawyers on the defense  
19 side, they needed so much room. So there's no way.  
20 You would have to have had the marshals in -- you  
21 would have had to have the visiting marshals who  
22 didn't know us from Adam passing notes to a jury in  
23 an extremely high profile case.

24 MR. MULLINS: You don't believe that  
25 happened?

9

1 THE WITNESS: Absolutely not.

2 Q (By Mr. Gallegos) You are not aware of  
3 any verbal or written communication passed from the  
4 jurors to the prosecution team via the marshals?

5 A No.

6 MR. MULLINS: When the junior  
7 coordinator teased Agent Baker about him being  
8 good-looking or if he was married, did he make any  
9 comment and say: Well, tell this to the jury, or:  
10 Say something to the jury? Did he try to pass a  
11 communication?

12 THE WITNESS: Absolutely not.  
13 Seriously, he turned beet red, because, of course, we  
14 all started dying laughing. And he held his hand up,  
15 because he wears a wedding ring, he said, "It's not  
16 exactly a secret, I don't know why they had to ask, I  
17 have a ring on."

18 But, no, he did not send any message  
19 back or say: Tell them this or tell them that, no,  
20 he did not.

21 MR. BHARGAVA: Did the jury  
22 coordinator identify which jury member she was  
23 talking about?

24 THE WITNESS: No.

25 MR. BHARGAVA: She just said there

<p style="text-align: right;">10</p> <p>1 was a jury member?</p> <p>2 THE WITNESS: If I remember right,</p> <p>3 she just said, "I heard some of the jurors talking,</p> <p>4 they think you're cute, they were wondering if you</p> <p>5 were married." Like I say, I don't even know if they</p> <p>6 really said it. She could have just been teasing</p> <p>7 him.</p> <p>8 MR. MULLINS: But it was no more</p> <p>9 specific than that?</p> <p>10 THE WITNESS: No. It was not.</p> <p>11 Q (By Mr. Gallegos) You had mentioned that</p> <p>12 you somewhat teased Agent Baker about this. Is it</p> <p>13 following -- was that done -- who was around when</p> <p>14 that was occurring?</p> <p>15 A If I remember right, it was -- Keith sat</p> <p>16 on the end right here, as they would have come in</p> <p>17 right here. It was Keith, then me, then it was Jim</p> <p>18 Murry. We had permission to have two agents sitting</p> <p>19 at the table during the trial, because it was such a</p> <p>20 large trial. And Jim Murry -- I think Jim was</p> <p>21 sitting there. And I think Vallie may have overheard</p> <p>22 it, because Vallie sat -- we had two tables set up</p> <p>23 like this. And Vallie would sit back here with his</p> <p>24 computer and Vallie was closest to us. I think</p> <p>25 Vallie was in his chair, but I'm not positive. I</p>	<p style="text-align: right;">12</p> <p>1 jury room. We were mostly in this one room back</p> <p>2 here. But during lunch, we kind of all spread out</p> <p>3 and we could be in all of those different rooms,</p> <p>4 different people, different days. Does that make</p> <p>5 sense?</p> <p>6 MR. MULLINS: Yes. So if we were</p> <p>7 told, for example, Mr. Feaga and Mr. Franklin, that</p> <p>8 they had never even heard about this type of a</p> <p>9 conversation, do you think that's probably accurate?</p> <p>10 THE WITNESS: If they told you that,</p> <p>11 yes, I do. A lot of times, too, during lunch, the</p> <p>12 lawyers would get together and talk about things that</p> <p>13 had happened and what might happen and all of that,</p> <p>14 and Keith, Jim Murry, Vallie -- always not Vallie,</p> <p>15 because sometimes he was looking stuff up on the</p> <p>16 computer for them. But we were in another room</p> <p>17 eating, doing whatever. It was not uncommon at all</p> <p>18 for us to be spread out among all of those rooms.</p> <p>19 Q (By Mr. Gallegos) Were there very many</p> <p>20 conversations or teasing of Agent Baker about this</p> <p>21 that went on through the trial or was this kind of a</p> <p>22 one shot thing?</p> <p>23 A It was kind of a one shot thing. The</p> <p>24 trial was extremely stressful. And there were other</p> <p>25 things that took its place.</p>
<p style="text-align: right;">11</p> <p>1 don't think it was a break and I don't think the</p> <p>2 lawyers were in there; because I know the jury was</p> <p>3 not in the box.</p> <p>4 Q The jury was not present?</p> <p>5 A No. They were not. It was during a</p> <p>6 break.</p> <p>7 Q Were there any conversations or teasing</p> <p>8 of Agent Baker following this one day, when, say, you</p> <p>9 were back at the off-site or back at trial?</p> <p>10 A I think maybe during lunch, yeah, we</p> <p>11 teased Keith about it a little bit.</p> <p>12 MR. MULLINS: Is it possible that the</p> <p>13 prosecutors didn't even know this had occurred?</p> <p>14 THE WITNESS: It's possible. I just</p> <p>15 don't remember if they did or not. The grand jury</p> <p>16 suite that we used during the trial, the grand jury</p> <p>17 room was at the very back and we never went in there</p> <p>18 because it was locked, except for when grand jury was</p> <p>19 in session.</p> <p>20 But when you walk into the little</p> <p>21 suite of offices, there's a room here, like a</p> <p>22 reception room kind of, and there's two conference</p> <p>23 rooms over here. Then you have to go through another</p> <p>24 door, then there's a conference room back here. If</p> <p>25 you kept on going, you would have gone to the grand</p>	<p style="text-align: right;">13</p> <p>1 MR. BHARGAVA: Did the jury</p> <p>2 coordinator ever bring it up again or was it just one</p> <p>3 instance?</p> <p>4 THE WITNESS: Not that I remember. I</p> <p>5 don't think she did.</p> <p>6 Q (By Mr. Gallegos) We are going to move on</p> <p>7 to another topic. It relates to contract services on</p> <p>8 the Siegelman case. Do you know Vallie Byrdsong?</p> <p>9 A I do.</p> <p>10 Q Who is he?</p> <p>11 A Vallie was the contract employee. First</p> <p>12 it was Vallie, and I can't remember her name; another</p> <p>13 girl came down. I don't know if the company changed,</p> <p>14 but at the end, it was Aspen. And I don't know if</p> <p>15 that was the company's name all the way through or</p> <p>16 not, but that's who the contract was with.</p> <p>17 Vallie was here almost from the get-go,</p> <p>18 scanning in all the exhibits. Vallie got -- we had</p> <p>19 an off-site for this trial and that's where Vallie</p> <p>20 was. I didn't see him on a daily basis.</p> <p>21 Q So he did his scanning of documents into</p> <p>22 the database, is that what his job was?</p> <p>23 A Right. And there was a name of whatever</p> <p>24 program he used and I just can't think of it.</p> <p>25 Q Is it possibly Summation?</p>

<p style="text-align: right;">14</p> <p>1 A Possibly.</p> <p>2 Q You just don't recall?</p> <p>3 A No.</p> <p>4 Q How about as far as prosecutors, was there</p> <p>5 one prosecutor who was on the case throughout the</p> <p>6 entire time it was open in the office?</p> <p>7 A No. I wish I could remember -- Julie</p> <p>8 Weller had initially set the off-site up. She was</p> <p>9 the first assistant at the time and she worked on it</p> <p>10 and she was out there.</p> <p>11 Then she -- they adopted a baby and she</p> <p>12 resigned to stay home and take care of the baby.</p> <p>13 Then Charlie Niven, who had been on it at some point,</p> <p>14 he retired.</p> <p>15 And I think that Mr. Franklin and Mr.</p> <p>16 Feaga and Mr. Perrine started working on it in 2004.</p> <p>17 Mr. Franklin didn't really go out to the off-site</p> <p>18 almost on a daily basis until it got closer to</p> <p>19 indictment and trial. But Mr. Feaga and Mr. Perrine</p> <p>20 was out there -- I would say that Mr. Perrine spent</p> <p>21 the most time with Vallie.</p> <p>22 Q Were there any other support personnel</p> <p>23 from the U.S. Attorney's Office there that worked on</p> <p>24 the case throughout the time it was open until it</p> <p>25 went through trial?</p>	<p style="text-align: right;">16</p> <p>1 A I don't think that there's anybody else in</p> <p>2 this office that could have done it. Vallie was the</p> <p>3 man. During the trial, Mr. Feaga or Mr. Franklin, we</p> <p>4 began to ask a witness a question, Vallie would know</p> <p>5 what he was fixing to ask, he would know what exhibit</p> <p>6 he would want brought up. Vallie would have it</p> <p>7 sitting on his screen, waiting on him to ask it to be</p> <p>8 admitted, for them to publish it to the jury. Vallie</p> <p>9 was -- it was amazing.</p> <p>10 Q Are you aware that at one point in time</p> <p>11 there was talk about having to replace Vallie or not</p> <p>12 be able to retain him because of budget concerns?</p> <p>13 A I know that at one point, if I remember</p> <p>14 right, I think Vallie's company pulled him back,</p> <p>15 pulled him away, and he left for a week or two or</p> <p>16 something. They sent some ladies down here in his</p> <p>17 place. I think they stayed for maybe a week and</p> <p>18 said: We can't do that, and they sent Vallie back.</p> <p>19 I know at times Mr. Franklin and Ms. Goss</p> <p>20 would have to -- when you renew a contract, they</p> <p>21 would have to write another justification for Vallie,</p> <p>22 so that he could stay.</p> <p>23 MR. MULLINS: You say two ladies came</p> <p>24 down and said they couldn't do this. Was it because</p> <p>25 the work was too hard or because of other reasons?</p>
<p style="text-align: right;">15</p> <p>1 A Tami Grimes was out there, I think, for</p> <p>2 about four months. I didn't go out there five or six</p> <p>3 times, grand total. We would have different</p> <p>4 deadlines.</p> <p>5 Before we indicted, we all, and I mean a</p> <p>6 lot of us, agents, an attorney from public integrity,</p> <p>7 we all sat down at a table about this long and we</p> <p>8 went over the indictment line by line, word by word,</p> <p>9 trying to catch typos, make sure it was all good. I</p> <p>10 was out there then and I was the only support staff</p> <p>11 out there.</p> <p>12 We had a deadline on discovery. I was out</p> <p>13 there then. We had a deadline on getting exhibit and</p> <p>14 exhibit lists and copies of all of that and I was out</p> <p>15 there then. But we didn't have a person dedicated</p> <p>16 from here.</p> <p>17 Q So is it fair to say that Vallie Byrdsong</p> <p>18 was the only person that had worked kind of on the</p> <p>19 case and had seen and kind of gathered the</p> <p>20 information throughout, you know, from its inception</p> <p>21 through trial?</p> <p>22 A Absolutely.</p> <p>23 Q What are your impressions of the service</p> <p>24 that Vallie provided in prosecuting and at trial of</p> <p>25 the case?</p>	<p style="text-align: right;">17</p> <p>1 THE WITNESS: No. It was always my</p> <p>2 understanding that they couldn't do the work. It was</p> <p>3 too much. It was a large volume.</p> <p>4 Q (By Mr. Gallegos) Were they kind of</p> <p>5 overwhelmed?</p> <p>6 A I think so.</p> <p>7 Q If Vallie could not have been retained and</p> <p>8 keep working on the case, would it have been</p> <p>9 detrimental to the prosecution of the case, do you</p> <p>10 think?</p> <p>11 A Yes, it would have. If they had made</p> <p>12 Vallie leave, I don't know what we would have done.</p> <p>13 I seriously don't. He was on it longer than anybody.</p> <p>14 Like I say, he was on it before Mr. Feaga, Mr.</p> <p>15 Franklin, and Mr. Perrine even got on it and he knew</p> <p>16 everything about it.</p> <p>17 Q So not only did Vallie's retention as a</p> <p>18 contract employee to continue on the case not</p> <p>19 adversely affect the office, but it was a benefit to</p> <p>20 the prosecution of this large case?</p> <p>21 A Absolutely. There is no way we could have</p> <p>22 done it without Vallie. And I would have liked for</p> <p>23 Vallie to have a full-time job in our office. But</p> <p>24 Vallie was not interested in Montgomery, Alabama.</p> <p>25 There was --</p>

18

1 MR. MULLINS: Was there any – go  
2 ahead.  
3 THE WITNESS: I've been here almost  
4 twenty-six years. I couldn't have come close to  
5 doing what Vallie did. There were nights he slept at  
6 that God awful off-site. There was nobody else that  
7 could have done it. There's no way.  
8 Q (By Mr. Gallegos) So you don't think  
9 there's anyone else in your office that could have  
10 provided the service he provided?  
11 A Not in the way Vallie provided it, no.  
12 MR. MULLINS: How would you describe  
13 the technical expertise of your support staff in your  
14 office?  
15 THE WITNESS: Can you hold on just a  
16 minute? They're vacuuming right outside the door and  
17 I can't hear you. Can you hold on?  
18 MR. MULLINS: Surely.  
19 (Short break)  
20 THE WITNESS: I'm sorry. Go ahead.  
21 MR. MULLINS: If you could, could you  
22 describe, among the support personnel in your office,  
23 what the level of technical expertise is, as compared  
24 to Vallie's technical expertise?  
25 THE WITNESS: At the time Vallie

20

1 What occurred there?  
2 A This was a difficult case. A lot things  
3 happened that never happened in other trials. We  
4 didn't have any idea what the defense would try to  
5 do. Vallie is the only one who knew a lot of the  
6 things. Vallie is the only one who knew those  
7 exhibits. And we are talking at least a million  
8 documents. I wish I remembered the total number of  
9 documents. There's someone who knows.  
10 For all we know, the defense could have  
11 said: I have never seen that, I have never seen it.  
12 Vallie would have been able to tell them exactly what  
13 they had, when they got it, when we sent it to them.  
14 We had to have Vallie there. They could have called  
15 witnesses. We didn't know what they were going to  
16 do. We had to have Vallie there.  
17 Q Was he subpoenaed to attend the  
18 sentencing?  
19 A He was. Mr. Franklin had talked to the  
20 company he works for. And they wanted Vallie paid  
21 under the contract. The contract was over, because  
22 it took a year for them to get sentenced. They were  
23 found guilty at the end of June '06, they weren't  
24 sentenced until the end of June '07. The contract  
25 was over.

19

1 first started in the criminal division, it was me,  
2 and we had, if I remember right, three other legal  
3 assistants. One has been here since 1989. And they  
4 all had three AUSA's that they worked for. None of  
5 them had the kind of computer and technological  
6 knowledge that Vallie did. We just have never used  
7 it in this district. There's nobody that could have  
8 done it.  
9 Even if there were and you had taken  
10 one of the legal assistants out there to try to do  
11 what Vallie did, then our office would have suffered;  
12 because at that time, we all had three AUSA's that we  
13 worked for, because the office kept right on going  
14 during the trial. Grand jury was still meeting,  
15 other cases were still being indicted, we were going  
16 to trial. There's no way we could have done it.  
17 Q (By Mr. Gallegos) Ms. Shaw, I wanted to  
18 go on to the next topic, that deals with the  
19 sentencing phase of the Siegelman case.  
20 Did Vallie Birdsong return for the  
21 sentencing?  
22 A He did.  
23 Q Did he attend the sentencing?  
24 A He did.  
25 Q Why did he return for the sentencing?

21

1 Mr. Franklin and Ms. Goss talked to, I  
2 think her name was Tawana Fox, facilities, or  
3 something like that, with the department. She said  
4 they can't get paid under the contract, the contract  
5 is over.  
6 At some point I think with her, the  
7 discussion came up with sending Vallie a subpoena and  
8 his company would have to let him come. And he did.  
9 They sent him a subpoena and he came.  
10 Q was he subpoenaed as a witness or possible  
11 witness of the sentencing phase?  
12 A There was some discussion that Vallie  
13 might have to testify. Depending on what the defense  
14 claimed, if they claimed they didn't have something,  
15 they never received it, they didn't have it, I think  
16 there was some discussion that they might have to put  
17 Vallie on the stand to refute that.  
18 Q So it was definitely discussed that he was  
19 a possible witness during the sentencing, depending  
20 on what the defense did?  
21 A Exactly  
22 Q Was it your understanding that his  
23 expenses to comply with the subpoena and come to the  
24 sentencing phase would be paid out of the Victim  
25 Witness Fund?

22

1 A Yes. Right. Just like anybody else who  
 2 got a subpoena.  
 3 Q Do you know whether he was reimbursed for  
 4 his expenses for coming to the sentencing?  
 5 A He was not. It hit me, I don't know, a  
 6 month or two after the sentencing was over, that  
 7 Vallie never filled out the paperwork to get an OBD-3  
 8 done. I never saw a copy of his OBD-3 come back to  
 9 of the office. There were several times that I  
 10 thought: I need to stop and ask Vallie. I felt bad,  
 11 did he have to pay for it out of his pocket.  
 12 At some point, I talked to Vallie and I  
 13 said, "Vallie, did you ever do the paperwork to get  
 14 reimbursed?" He said, "No. My company went on to  
 15 pay me," so he didn't put in to get reimbursed for  
 16 it.  
 17 MR. MULLINS: Can you tell us just  
 18 for clarification of your statement, you mentioned  
 19 the OBD-3 form. Can you explain what that is, in  
 20 case someone wanted to read your interview?  
 21 THE WITNESS: It's the fact witness  
 22 voucher. It's where they put their expenses, how  
 23 much their airline ticket cost, how much per diem  
 24 they got. It's a fact witness voucher.  
 25 MR. MULLINS: At your office, that

23

1 normally is turned in through you, you manage it,  
 2 take it to the marshals to get it paid?  
 3 THE WITNESS: No. It's always  
 4 different. We have a victim witness coordinator and  
 5 she does most of them. But on the night, when the  
 6 sentencing was over, that Thursday night, I think it  
 7 was about 8:00 or so by the time we got finished, and  
 8 she was not here. In cases like that, where she is  
 9 already gone and the legal assistant is here, we have  
 10 just a little form that we made up in our office.  
 11 And we will fill it out and get the receipts and we  
 12 gave it to her to do the OBD-3. And Vallie never  
 13 gave me all of his stuff and I never gave it to her  
 14 to do the OBD-3. I even checked on the OBD-3s just  
 15 to make sure and I called the marshal's office to  
 16 make sure he didn't get reimbursed.  
 17 MR. MULLINS: What did the marshals  
 18 tell you?  
 19 THE WITNESS: I think the last time  
 20 they paid a Byrdsong was in 1992.  
 21 MR. MULLINS: Did you also check with  
 22 your Victim's Witness coordinator to see if he turned  
 23 in the voucher through them?  
 24 THE WITNESS: I did and he had not.  
 25 MR. BHARGAVA: Ms. Grimes, in her

24

1 statement or her complaint, she says that she was  
 2 asked to go to the trial site to replace Mr.  
 3 Byrdsong. Is that accurate?  
 4 THE WITNESS: Not that I know of. I  
 5 think Vallie was out there the entire time she was  
 6 out there.  
 7 MR. BHARGAVA: Because you mentioned  
 8 that she was a support staff for the Siegelman case.  
 9 THE WITNESS: She was helping Vallie.  
 10 MR. BHARGAVA: So she wasn't asked to  
 11 replace him?  
 12 THE WITNESS: Not that I know of. I  
 13 don't think so.  
 14 MR. MULLINS: Could she have? Did  
 15 she have the skills to replace Vallie Byrdsong?  
 16 THE WITNESS: Not that I know of.  
 17 MR. GALLEGOS: How about --  
 18 THE WITNESS: I'm sorry, Vallie was  
 19 there from the very beginning. This thing, like for  
 20 the trial, it got divided like four different parts.  
 21 And this part was Mr. Feaga, this part was Mr.  
 22 Franklin, this part was Mr. Perrine, and this part  
 23 was Mr. Pilger from the department. And there were  
 24 so many documents that went to different parts.  
 25 Vallie was the only one who was there

25

1 from the get-go. Vallie knew that stuff in his head.  
 2 They could ask them during a lunch break about  
 3 something and Vallie would tell them what it was,  
 4 where it was, what the exhibit number was. It was  
 5 amazing. And I just don't think anybody here could  
 6 have done that.  
 7 MR. MULLINS: You said Ms. Grimes had  
 8 been on the off-site for a few months. Did she also  
 9 help the prosecution team in the courtroom during the  
 10 trial of the Siegelman matter?  
 11 THE WITNESS: No. She was never in  
 12 the courtroom to my knowledge. And there was an  
 13 overflow courtroom. We were in the ceremonial  
 14 courtroom that holds the most people, then they had a  
 15 courtroom at the other end of the courthouse set up  
 16 with cameras and all, and they called it an overflow  
 17 courtroom; because in that courtroom you could get up  
 18 and come and go. And that's where a lot of the  
 19 reporters sat. They were typing on their computers  
 20 and that kind of thing.  
 21 If she was there, I don't know. She  
 22 was never in the courtroom. I did the exhibit list,  
 23 what got admitted and when it got admitted, if there  
 24 were any objections and all of that, and she was  
 25 never there and she didn't help.

1 MR. MULLINS: All right.  
2 Q (By Mr. Gallegos) Do you have any idea  
3 whether Ms. Grimes prepared anything such as an  
4 exhibit or chart that was utilized at trial?  
5 A This is just my memory. I don't think we  
6 had any charts, other than the one that Mr. Feaga did  
7 during the trial. I don't remember there ever being  
8 any pre-made charts. Not that I know of.  
9 MR. BHARGAVA: Can you recall any  
10 reason why she was pulled from her support position?  
11 THE WITNESS: Why she was sent from  
12 here out there?  
13 MR. BHARGAVA: No. Why she was  
14 taken -  
15 MR. MULLINS: Why she was sent back?  
16 Q (By Mr. Gallegos) Why she came back to  
17 the office?  
18 A She wasn't sent back. She just quit going  
19 on her own.  
20 Q How do you know that?  
21 A From talking to Mr. Franklin.  
22 MR. GALLEGOS: I believe we are  
23 finished. I would like to thank you for your  
24 cooperation. Appreciate it.  
25

1 CERTIFICATE  
2  
3 STATE OF OKLAHOMA )  
4 ) SS:  
5 COUNTY OF OKLAHOMA )  
6  
7 I, Marta Mattingly, CSR in and for the  
8 State of Oklahoma, certify that Debbie Shaw appeared  
9 via teleconference and the above and foregoing  
10 deposition was taken by me in stenotype and  
11 thereafter transcribed and is a true and correct  
12 transcript of the testimony of the witness; that the  
13 examination was taken on July 28, 2008, at 1:00 p.m.,  
14 at the U.S. Attorney's Office, Oklahoma City,  
15 Oklahoma; that I am not an attorney for or a relative  
16 of either party, or otherwise interested in this  
17 action.  
18 Witness my hand and seal of office on this  
19 15th day of August 2008.  
20  
21  
22  
23 Marta Mattingly, CSR, CP, and  
24 CM for the State of Oklahoma  
25

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**V**

## DECLARATION OF PATRICIA A. WATSON

I, Patricia A. Watson, in my personal capacity, make the following declaration under penalty of perjury. This declaration addresses five issues that have been referred to the Department of Justice for investigation pursuant to the Office of Special Counsel's referral letter dated April 28, 2008. It also responds to specific allegations made against me by the complainant, Tamarah Grimes.

1. **Whether prosecutors in a recent public corruption case committed violations of law, rule, or regulation when they allegedly failed to disclose contacts with jurors in the criminal trial:**

I adopt and incorporate by reference the Official Written Reply of the U.S. Attorney's Office for the Middle District of Alabama (USAO) to the extent it replies to the first issue under investigation, set out above. In addition, I respond as follows:

Ms. Grimes presents as evidence of her first allegation an interoffice email communication between her and myself exchanged on about June 25, 2005.<sup>1</sup> The email reads in pertinent part:

[Watson:] I just saw Keith in the hall. The jurors kept sending out messages through the marshals. A couple of them wanted to know if he was married.

[Grimes:] Yeah, that's what Vallie said. He said one girl was a gymnast and they called her "Flipper" because she apparently did back flips to entertain the jurors. Flipper was very interested in Keith.

Significantly, neither Ms. Grimes nor myself attended a single day of the trial. Consequently, neither of us had any firsthand, personal knowledge of the matters related in the email.

Moreover, my information had come from another person who had not attended a day of the trial and who had no personal knowledge regarding those matters. The information had been relayed to me by Ms. Grimes. When Ms. Grimes responded that Vallie had told her the same thing, I remembered that it was Ms. Grimes who had told me about the jurors allegedly

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<sup>1</sup> For purposes of this declaration, I am assuming, without conceding, the authenticity of the email Ms. Grimes has produced. At the time of the June 15, 2005, email, the USAO's email software allowed a recipient of an email to change the text of the sender's email and save the email with the changes, making the revised text appear to be that of the sender. I do not recall the exact wording of the email and cannot confirm or deny the authenticity of the email. Since I had no personal knowledge of the matter relayed and I have since learned that the representations attributed to me are inaccurate and not factual, the authenticity of the email is inconsequential.

conversing about whether or not an FBI agent on the case was married. Once I came to that realization, I walked to Ms. Grimes's office and apologized for sending her an email that repeated information learned from her. I explained that I had a lot on my mind and had simply forgotten that she was the source, or words to that effect. She shrugged and said she understood. That was the extent of our conversation regarding the email and, to the best of my recollection, information and belief, we never discussed the topic again. Unbeknownst to me, Ms. Grimes retained a copy of the email and produced it four years later to support her allegations of misconduct.

When Ms. Grimes stated to me that the jurors were sending messages through the marshals, that would not have concerned me or signaled to me that there was any inappropriate behavior. I was aware that the jurors were sequestered while the trial was ongoing. Consequently, the only way they could communicate their needs or concerns to the court or courtroom personnel was through messages delivered to the Deputy U.S. Marshals assigned to them.

Ms. Grimes claims that she learned the information from Vallie Byrdson, a contract employee who provided litigation support on the case and attended the trial. I have never spoken with Mr. Byrdson about the statements she attributed to him. I did not hear him tell her that or any words to that effect. Also, I have never heard these statements or similar allegations from any source other than Ms. Grimes, and, based upon recent experiences with her, I do not consider her a truthful person.

After our one conversation in which I told Ms. Grimes the information in the email came from her, I forgot all about the email. In fact, later when Ms. Grimes asserted there was such an email, I could not recall whether there was or was not and asked General Counsel's Office to conduct a search for the email. At the time of the email in 2005, I did not mention Ms. Grimes's representations to the prosecutors, as they were occupied with the trial and I personally did not view her statements, even if true, as evidence of any improper conduct.

In April 2008, I was provided with a copy of the June 15, 2005, email by EOUSA, pursuant to my request. At that time, I showed the email to the prosecutors. They conducted an inquiry into the accuracy of the representations contained in the email as they related to the trial juror. The inquiry disclosed that the statements were not accurate and did not fairly represent the facts. That is the extent of my knowledge concerning the trial juror comments attributed to me in the June 15, 2005, email.

The June 15, 2005, email is not accurate. The prosecutors were not involved in it, knew nothing about it, and did nothing wrong.

In regards to the first issue under investigation, I also dispute and respond to the following statements of Ms. Grimes taken directly from her June 11, 2008, interview transcript:

**Grimes's Allegations:** "I know that Patricia Watson's first husband was a marshal." (Grimes Interview, p. 10, lines 18-19).

**My Response:** Ms. Grimes is correct in her assertion that I was formerly married to a Deputy U.S. Marshal (DUSM), but that is the extent of the accuracy of her assertions and/or suggestions. We divorced in 1993, about twelve years before the email in question, and we have each since remarried other people. I told Ms. Grimes that we were formerly married at a time during which Ms. Grimes posed as my friend.

Ms. Grimes mentions my former relationship with this deputy marshal to somehow lend credence to the misstatements contained in my June 15, 2005, email or to insinuate that I had "inside" knowledge. However, I am aware of no responsibilities that this deputy marshal had in connection with the trial jurors, nor am I aware of any contact he had or may have had with any of the jurors. We have been divorced since 1993, and my contact with my former husband, as Ms. Grimes is fully aware, is and has been extremely limited. I have not had any discussions with this deputy marshal at any time regarding the trial jurors on the public corruption case. I am not aware of any contact he had with the trial or the jurors. Any implication or insinuation by Ms. Grimes to the contrary is inaccurate and completely untruthful on Ms. Grimes's part.

**Grimes's Allegations:** "And there were some conversations between all of them while the case was going on before deliberations began about a couple of the jurors who thought that Keith Baker was so cute. And there was some flirtation going on, nonverbal flirtation except for what was sent through the marshals during the trial. ... Patricia Watson told me, and Vallie Byrdsong told me." [Investigator:] "So Ms. Watson told you or you had a conversation in addition to this e-mail with her?" [Grimes:] "Yes. Yes. ... It would have been shortly after this e-mail when we discussed it, you know, further." (Grimes Interview, p. 11, lines 4-22).

**My Response:** These statements are untrue. After the email, we had only one conversation regarding the comments in the email. That conversation was the one I described above, in which I apologized for sending Ms. Grimes an email containing information that had come from her. We had no further discussions regarding the email or the trial jurors.

I have never heard any allegation of nonverbal flirtation before reading Ms. Grimes's June 2008 interview. I do not recollect her telling me of any nonverbal flirtation at the time of the trial, and I have never heard that allegation from anyone other than Ms. Grimes. I find it implausible that nonverbal flirtation such as winking and smiling would have gone unnoticed by the judge, courtroom deputies, law clerks, staff attorneys, prosecutors, defendants, numerous defense attorneys, Deputy U.S. Marshals, and the other jurors, particularly flirtation as blatant as Ms. Grimes alleges. Moreover, Ms. Grimes was aware that I never attended the trial in question and, therefore, could not have witnessed the information she attributes to me.

**Grimes's Allegations:** [Investigator:] "The comment about – about the jurors' conduct during the trial, where did that information come from?" [Grimes:] "It came from Vallie Byrdsong and

Patricia Watson.” (Grimes Interview, p.12, lines 16-22).

**My Response:** I did not make statements to Ms. Grimes beyond those appearing in the June 15, 2005, email, other than clarifying to her shortly after the email that the information had come from her alone. I have no personal knowledge regarding any alleged contacts between Mr. Baker and the trial jurors, directly or indirectly. An inquiry by the prosecutors in April 2008 disclosed that there were no such contacts between Mr. Baker and the trial jurors.

**Grimes’s Allegations:** [Investigator:] “Tell me about your conversation with Patricia Watson. ...” [Grimes:] “It was after this e-mail, because this was the day that deliberations began. And deliberations were very long. And there was some concern that he might not be convicted. So we had several conversations about it. And I asked her about this particular young lady and the man, you know, who were supposedly on our side. And I asked her, I said well, you know, how were they as they got closer to deliberations? Did they change? Are they still – and she said, oh, yeah, you know, right on up to the – right on up to the time that they went in to deliberations, you know, she was – she was the same. She was still sending messages.” [Investigator:] “Now, when you say sending messages, I want to make sure we’re clear. Are you talking about nonverbal communication or are you talking about physical messages?” [Grimes:] “I understood these to be physical messages. Patricia never said notes. She never said written notes. I understood this to say the marshal, you know, the juror speaking to the marshal, hey, you know, he’s cute. Ask him if he’s married, you know, or those kinds of things. Just because that’s what’s written in here.” (Grimes Interview, p. 16, lines 3-23; p. 17, lines 1-10).

**My Response:** Ms. Grimes’s allegations are untrue. The conversations she alleges did not occur. We never discussed the substance of the email beyond my apology for sending her information she had conveyed to me. If she asked me if there was anything improper about what she had told me, my response would have been I saw nothing improper based upon the facts she relayed to me. I understood that the Deputy U.S. Marshals had to remain in close proximity to the jurors to be available to transmit the jurors’ requests or concerns to the court because the jurors had been partially sequestered. I understood Ms. Grimes to imply that the marshals overheard two jurors discussing amongst themselves whether Mr. Baker was married and later mentioned that to Mr. Baker. I was never told by Ms. Grimes or was not otherwise under the impression that Mr. Baker made any effort to communicate with the jurors and/or the jurors to communicate with Mr. Baker. My understanding from the prosecutors’ inquiry in April 2008 is that there were no direct or indirect communications between Mr. Baker and any juror.

2. **Whether management officials in the MDAL committed gross mismanagement or a gross waste of funds by allegedly causing the government to unnecessarily incur the salary, per diem, and travel expenses for a contract employee hired to assist in the trial of a recent document intensive public corruption case.**

I have no personal knowledge regarding this issue beyond the USAO’s Official Written

Reply, which is adopted and incorporated herein by reference. I had no direct involvement in hiring or requesting to hire the contract employee, all of which pre-dated my arrival at the USAO in April 2003. I did not work with the contract employee directly and had no direct involvement in drafting justifications for requests for funding for the contract employee, though I possibly may have reviewed some of the latter ones (post-April 2004) to suggest grammatical, typographical and/or stylistic edits.

In addition, I dispute and/or respond to Ms. Grimes's June 11, 2008, interview as follows:

**Grimes's Allegations:** "I got an e-mail from [Ms. Watson] and she said, you know, I'm assigning you to the big case, which is what they called it. And I need you to go out there immediately. I have a copy of that. ... Like I said, no one consulted me before, you know, sending me out there or anything. Just one day, I got that e-mail ... ." (Grimes Interview, p. 29, lines 11-15; p. 30, lines 10-11).

**My Response:** Ms. Grimes misstates my email, which speaks for itself. It is untrue that no one consulted with her before sending her to the offsite. I sat down with Ms. Grimes and explained the assignment and asked if she was interested. She responded that she was very interested and expressed excitement about the assignment. Only after she said she was interested did I propose the arrangement to the Acting U.S. Attorney on the case and her supervisor, the Civil Chief. The fact that I consulted with her is reflected in an April 6, 2005, email to the Civil Chief, Stephen Doyle, which states, "I wanted to let you know that Tami has agreed to work on the big case ... . Tami is excited about it as well." As reflected in my email, I had spoken with Tami about the project, and she had agreed to work on the case and expressed excitement to me about it. I also mentioned in the email the ACE potential of the case.

**Grimes's Allegations:** "The first thing that occurred is Patricia instructed me to call [the prosecutor on the case]. And they all told me – they being ... Patricia Watson ... – they all told me that he was going to really resist me on this because he wanted to keep [the contract employee], but that was not an option because this was strictly a budgetary decision." (Grimes Interview, p. 31, lines 20-23; p. 32, lines 1-7).

**My Response:** I did not tell Ms. Grimes that the attorney on the case would resist her.

**Grimes's Allegations:** "And we were talking about how it could be done. And what they told me – they being ... Patricia ... was that they wanted to go out there and take whatever [the contract employee] was doing in Summation and convert it into CaseMap or Concordance because I teach CaseMap. That's kind of my bag." (Grimes Interview, p. 33, lines 22-23; p. 34, lines 1-6).

**My Response:** I never told Ms. Grimes to convert the contract employee's data from his program to hers. I had no idea which software the contract employee was using. I had no idea which software Ms. Grimes prefers. I have never been to the offsite and at no time worked directly on

the case. All Ms. Grimes was asked to do was to learn the contract employee's methods, program and system of record-keeping so that she could take over for him if his funding was ever cut and the USAO was unable to keep him on the case. In addition, she was asked to work on the ACE aspects of the case so that if the USAO was permitted to keep the contract employee on board, as the USAO hoped, Ms. Grimes's efforts on the case would be fruitful and productive, resulting in a win-win situation.

**Grimes's Allegations:** "There were 12 males. There were no females." (Grimes Interview, p. 36, line 4).

**My Response:** I do not believe this statement is accurate. I believe that a lawyer named Jenny Garrett also worked on the case and was at the offsite during the times that Ms. Grimes was there.

**Grimes's Allegations:** [Investigator:] "Now, the – you were told that you were going to be taking over for Vallie Byrdson?" [Grimes:] "Yes." [Investigator:] "Because he wasn't going to be continuing on the case?" [Grimes:] "Yes." [Investigator:] "Because of funding issues, correct?" [Grimes:] "Yes, to eliminate that expense because we were in continuing resolutions." (Grimes Interview, p. 37, lines 7-16).

**My Response:** Ms. Grimes was told by me that she needed to learn the contract employee's system for inputting, maintaining, accessing and searching the documents so that she could take over for him, should the USAO lose funding needed to allow him to remain on the case. The loss of funding was a possibility, not an absolute certainty. The USAO was trying to get additional funding to maintain the contract employee and, in the end, was successful in doing so. Based on our conversations, it was clear to me that Ms. Grimes was aware of the USAO's efforts in this regard, and knew that the loss of the contract employee was only a possibility, not a certainty.

3. **Whether management officials in the MDAL committed a violation of law, rule, or regulation when they allegedly improperly used victim impact funds to pay for a federal contractor's transportation and per diem expenses to attend the sentencing of defendants in a recent public corruption case:**

I adopt and incorporate by reference the USAO's Official Written Reply. I have no personal knowledge regarding this issue beyond what is in the Official Written Reply.

In addition, I dispute and respond to Ms. Grimes's allegations as follows:

**Grimes's Allegations:** "And [the contract employee] said, They brought me in on victim witness funds." (Grimes Interview, p. 50, lines 1-2).

**My Response:** No victim witness or government funds of any kind were used to pay the cost to transport the contract employee to or from the district or for his per diem in connection with the

sentencing hearing. The contract employee paid those sums out of his own pocket, to the best of my information and belief. These allegations are simply untrue and made by Ms. Grimes without regard to their truth or falsity.

4. **Whether management officials in the MDAL committed an abuse of authority when they allegedly obstructed an investigation by the Department of Justice Office of Professional Responsibility (OPR):**

I adopt and incorporate the USAO's Official Written Reply as it relates to issue 4. In addition, I dispute and respond to Ms. Grimes's allegations as follows:

**Grimes's Allegations:** "At the time, Patricia Watson was my civil chief. And she came by my office and she said that OPR was going to be in the district the next day to conduct an investigation into an OPR complaint about [an employee]. And she asked me – she said, [the U.S. Attorney] does not want certain things to be discussed with the – with the investigators. She does not want the fact that he was arrested while he was in California to be brought up, and she does not want the fact that he lunged across the table at me to be brought up. And she said, I need to know if you will agree not to mention those things." (Grimes Interview, p. 54, lines 11-23; p. 55, lines 1).

**My Response:** Ms. Grimes's allegations are not true. I spoke with her and all other employees who were potential witnesses in the OPR investigation. I told Ms. Grimes and the other employees that they might be contacted by OPR in regards to an ongoing OPR investigation. I advised them that the investigation did not concern them or any acts of wrongdoing alleged against them; that they were not the subjects of the OPR investigation; but that if they were contacted, they had a duty to cooperate and needed to answer any questions posed to them fully and honestly. I told them each to tell the truth. *See* 28 C.F.R. § 45.13 (Department employees have duty to cooperate fully with OIG and OPR and shall respond to questions posed during the course of an investigation; refusal to cooperate could lead to disciplinary action). That was the extent of my conversation with each potential witness employee, including Ms. Grimes. I never instructed any employee – Ms. Grimes included – to keep any matter from OPR or to refrain from mentioning any particular incident(s) or matter(s). I instructed Ms. Grimes and the other employees to answer any questions posed to them fully and to tell the truth.

Also, the U.S. Attorney never told me that she did not want certain things discussed with the OPR investigators and, consequently, I never made any such statement to Ms. Grimes.

**Grimes's Allegations:** [Grimes:] "And the next day, the investigators came and left, and they didn't interview me. I asked Patricia, I said, Well, why didn't they interview me? I thought you said they were going to interview me. And she said, Oh, we took you off the witness list. ... I said, Why would you do that? And she said, Well, you know, [the U.S. Attorney] has a sweet spot for [the employee]." [Investigator:] "And so she said that herself and [the U.S. Attorney] took you off the witness list?" [Grimes:] "Yes." (Grimes Interview, p. 55, lines 7-21).

**My Response:** I never asked Ms. Grimes to mention or to refrain from mentioning any topic or topics during the course of the OPR investigation and/or if interviewed by the OPR investigators. I told her she had a duty to cooperate, to answer any questions posed fully and to tell the truth.

I provided Ms. Grimes's name to the OPR investigators as a potential witness in the investigation. The OPR investigators determined who they would or would not interview. I had no input into that decision. Neither I nor the U.S. Attorney "took [Ms. Grimes] off the witness list." That simply did not occur. Moreover, since it did not occur, I did not and would not have told Ms. Grimes that we removed her from the witness list. Also, I did not tell Ms. Grimes that we removed her from the witness list because "Leura has a sweet spot for Rand." Ms. Grimes's allegations are untrue. They are also nonsensical. It was the USAO, through me, that referred the employee to OPR in the first instance. If management of the USAO was trying to obstruct the OPR investigation, as Ms. Grimes alleges, management simply would not have made the OPR referral. Alternatively, I would simply not have provided Ms. Grimes's name to the OPR investigators as a potential witness. Ms. Grimes's claims are ludicrous and false.

**Grimes's Allegations:** [Investigator:] "This incident involving [the employee] in California, how did you become aware of that?" [Grimes:] "Ms. Watson told me about it." (Grimes Interview, p. 56, lines 1-3).

**My Response:** I did not tell Ms. Grimes about any incident in California involving the employee. Ms. Grimes told me about it. I asked her how she knew, and she said the employee had confided in her about it. To the best of my knowledge, the incident occurred while I was a line Assistant U.S. Attorney at the USAO. I did not know about it until Ms. Grimes mentioned it to me. At that time, I reported the matter to management. I was advised that the employee had self-reported, and the matter had been handled by the management team then in place in accordance with EOUSA's and/or GCO's guidance.

**Grimes's Allegations:** "So she [Ms. Watson] said that she was sitting on one side of the table, and [the employee] and [the manager] were sitting on the other side of the table. And as she tried to counsel him about what had happened, that he stood up and started to yell at her. And he was very forceful. I don't remember what she said he said, but he was very forceful. And he lunged across the table, and she was afraid that he was going to actually physically strike her. But Louis got him to sit back down. Calmed him down and got him to sit down. And [the U.S. Attorney] did not want that reported to OPR." (Grimes Interview, p. 57, lines 19-23; p. 58, lines 1-8).

**My Response:** Ms. Grimes has mischaracterized the facts. During the course of a conference with the employee, the employee stood up. Another manager was present and he also stood, placing his hand on the employee's shoulder. The employee immediately sat back down. The employee never yelled and was not forceful. The employee's conduct startled me, as I viewed it as out of character for the employee. Over the course of the many years I've known him, I have never believed the employee to be "very volatile," as Ms. Grimes describes. He is extremely mild mannered and personable.

To the extent I may have ever described the incident as the employee having "lunged" at me, I was mistaken. The employee did not "lunge" at me and has never "lunged" at me.

The U.S. Attorney never instructed me not to report the employee's conduct to OPR. She never expressed any opinions about what matters should or should not be referred. She left the referral entirely to my discretion working with GCO. I did not consider the employee standing during a conference with me "[e]vidence and non-frivolous allegations of serious misconduct by [a Department attorney] that relate[d] to the exercise of [his] authority to investigate, litigate, or provide legal advice" that needed to be reported to OPR. For this reason, I did not include the matter in the OPR referral. I alone made that decision and never discussed the decision with the U.S. Attorney or anyone else.

**Grimes's Allegations:** "But I know that [the U.S. Attorney] asked Ms. Watson to change the [OPR referral] letter several times to decrease the impact on – on [the employee]. And Ms. Watson was not happy with that. And she was complaining to me that [the U.S. Attorney] was letting him get by with a slap on the wrist, and he should have had a more significant punishment that would deter his future conduct of this sort." (Grimes Interview, p. 59, lines 6-14).

**My Response:** The U.S. Attorney did not make any substantive changes to the OPR referral letter. She reviewed the OPR referral letter I drafted and approved it virtually as drafted and made no changes to "decrease the impact on" the employee, as alleged. Moreover, when a referral is sent to OPR, the agency does not make any conclusions or recommendations to OPR regarding discipline. The letter only sets out the basic facts about the matters that are being referred. Therefore, I do not understand Ms. Grimes's allegations regarding my alleged disagreement with the U.S. Attorney over punishment.

**Grimes's Allegations:** [Investigator:] "And that [OPR referral letter] was provided to you by Ms. Watson?" [Grimes:] "Yes. And she stood there while I read it to get my opinion on whether I thought it was too harsh or what I thought about it. And then she took it back." (Grimes Interview, p. 60, lines 6-11).

**My Response:** I dispute Ms. Grimes's allegation. I did not show the OPR referral letter to her and did not allow her to read it. At that time, she had access to my computer files as we were working together on a civil case. If she read the OPR referral letter, she was not authorized to do so.

**Grimes's Allegations:** [Investigator:] "Were the incidents in California and the – you've called it the lunging incident – were those included in the original draft or not?" [Grimes:] "They were not. This was after it had been watered down. And what Ms. Watson wanted to do was – [the U.S. Attorney] wanted it to be no days off or one day off without pay or whatever. ... And so [Ms. Watson] was trying to make the letter as forceful as she could make it but still in compliance with what [the U.S. Attorney] had directed her to do."

**My Response:** There was no "watering down" of the OPR referral. I drafted it and it remained virtually the same, with minor edits. It was approved by GCO and the U.S. Attorney without any substantial revisions. The U.S. Attorney never instructed me to include or to omit any particular incidents. Ms. Grimes's allegations are inaccurate. Moreover, the referral to OPR does not make any recommendations concerning punishment, such as "no days off" or "one day off without pay or whatever"; consequently, I do not understand her allegations to the extent they seem to imply that the district made a recommendation to OPR regarding punishment. I was not concerned about making the letter "as forceful" as I could make it; I was concerned about accurately portraying all of the relevant facts and fully complying with GCO's advice in making the referral. As mentioned, the U.S. Attorney never directed me as to the OPR referral; she left the matter entirely to my discretion working closely with GCO. Ms. Grimes's allegations are false.

**Grimes's Allegations:** "Then when she was counseling [the employee] about that, he said that she was a liar. He called her a liar and said, I never did that. And it kind of escalated from that point." (Grimes Interview, p. 62, lines 4-12).

**My Response:** I disagree with Ms. Grimes's version of the facts. The employee in question has never called me "a liar." This is a complete fabrication. Moreover, I never told Ms. Grimes or anyone else that the employee called me a liar, because that did not happen.

**Grimes's Allegations:** "[Management] obstructed the investigation by preventing potentially damaging information from being included in the investigation." (Grimes Interview, p. 62, line 23, p. 63, lines 1-2).

**My Response:** I disagree with Ms. Grimes's accusation. Management in no way obstructed the OPR investigation. Please see the Official Written Reply for a more detailed statement of my position, which is incorporated herein by reference. The OPR file which was produced during this investigation rebuts Ms. Grimes's claims by showing that I worked closely with GCO in preparing the referral letter and followed GCO's advice in determining which matters to include in the referral. Ms. Grimes is unable to point to any evidence of serious misconduct that related to the employee's exercise of his authority to investigate, litigate, or provide legal advice that I knew about but did not report to OPR.

**Grimes's Allegations:** "I believe, as Ms. Watson put it, they were allowed to know what [the U.S. Attorney] wanted them to know about the investigation." (Grimes Interview, p. 63, lines 22-23; p. 64, line 1).

**My Response:** I did not make this statement to Ms. Grimes. Moreover, it is not a true statement. The U.S. Attorney did not exercise any control over the investigation and played no role in deciding what evidence would come before OPR.

**Grimes's Allegations:** "... Ms. Watson took the time to come by and warn me not to bring up those two things ... ." (Grimes Interview, p. 66, lines 3-5).

**My Response:** I never “warned” Ms. Grimes not to bring up two things. I instructed her to cooperate, answer questions fully and tell the truth. I also did not “drop[] [her] from the witness list,” as alleged.

**Grimes’s Allegations:** [Investigator:] “How did you find out about what the results of the investigation were?” [Grimes:] “Ms. Watson told me.” (Grimes Interview, p. 66, lines 22-23; p. 67, line 1).

**My Response:** I never told Ms. Grimes the results of the OPR investigation. Ms. Grimes did at some point tell me that the employee had told her the outcome of his OPR investigation. She expressed disappointment in the outcome.

**Grimes’s Allegations:** [Investigator:] “So as far as you know, as far as the action taken against [the employee], it was a couple of days – something like that, a couple of days without pay?” [Grimes:] “It was something [Ms. Watson] referred to as a slap on the wrist. And it was a short period of time. That’s all I recall. I don’t think it was a week. I think it was like a couple of days. Maybe three days.” (Grimes Interview, p. 67, lines 2-10).

**My Response:** As you can see from the OPR file, no action was taken against the employee, and OPR cleared him of professional misconduct and/or the exercise of poor judgment. Ms. Grimes is completely wrong about the alleged outcome of the OPR referral. Furthermore, I did not refer to any punishment recommended by OPR as a “slap on the wrist.” Ms. Grimes’s statements are fabricated.

**Grimes’s Allegations:** [Investigator:] “Do you know what occurred as far as the incident in California with [the employee], what the eventual outcome was?” [Grimes:] “Ms. Watson told me that [the Criminal Chief] had been able to contact someone and get it taken care of. I don’t know what taken care of meant, but it’s over, whatever that means.” (Grimes Interview, p. 68, lines 20-23, p. 69, lines 1-3).

**My Response:** These allegations are completely untrue. I never knew the outcome of the incident in California. Also, before Ms. Grimes’s allegations, I never heard anyone allege that the Criminal Chief participated in any way in “taking care of” the California matter. Consequently, I did not and would not have told Ms. Grimes what she alleges I said.

**5. Whether management officials in the MDAL committed a violation of law, rule, or regulation, or an abuse of authority when they allegedly improperly initiated a criminal investigation of paralegal Tamarah Grimes in retaliation for participation in protected activity:**

I adopt and incorporate by reference the Official Written Reply of the USAO as it relates to the fifth and final issue. The Official Written Reply sets out my recollection of the events of the November 1-2, 2007, mediation in which I participated. Management officials of the USAO

did not initiate any criminal investigation of paralegal specialist Tamarah Grimes. Nonetheless, based upon Ms. Grimes's representations at the mediation, conveyed to management by the mediator with her authorization, it is my opinion that EOUSA was under an obligation based upon the governing regulations and USAM provisions to refer the matter to OIG. In addition, I dispute and respond to Ms. Grimes's allegations against me as follows:

**Grimes's Allegations:** "So in March – it was actually right after I had my accident. I fell through the ceiling of my home. And right after that, I got a call from Patricia Watson, or she called me when I was here in the office. And she said, I need for you to come in and have – and sit for an interview with OIG. And I said, Why? Why? What – what have I done? What am I being charged with? Can you give me a regulation, a rule, a policy, anything? Just tell me what it is that I'm supposed to have done. ... So she said, Either you come in and sit for this interview, or you will be terminated. Period. And I said, Well what about my rights? I mean, how can you – how can you make me? And she said, You're a federal employee. You don't have any rights. And I came in, and I gave the interview and that's all I know." (Grimes Interview, p. 73, lines 15-23, p. 74, lines 1-18).

**My Response:** First of all, Ms. Grimes was notified of the OIG interview before she had her accident. She received an email from me on March 20, 2008, advising her of the OIG interview on March 27. After that, she had her accident and sought to postpone the Thursday OIG interview, though she had on her own volition come to work on Monday and Tuesday, March 24 and 25.

Second, we did not have the conversation she describes in great detail. I sent her an email notice of the interview at EOUSA's direction. The email speaks for itself and does not contain the exchange described at length by Ms. Grimes. Ms. Grimes responded by email. Thereafter, I sent her a follow-up email regarding the interview schedule, and Ms. Grimes responded by email. I responded to her email, also by email, and conveyed the same message to her by voicemail. Ms. Grimes returned my telephone call, and we had our only conversation about the interview. In our telephone conversation, which I documented at the time, I advised Ms. Grimes that she needed to come to the office for the interview at 11:00, as the investigators would not go to her home. I explained that she could park in the handicapped spaces in front or under the building and take the elevator to the second floor lobby. The interview would take place in a conference room off the lobby. Ms. Grimes asked if this meant she was being denied access to the building. I told her no, that was not the case. I told her we were simply trying to make arrangements to accommodate her situation with her leg and make it easier for her to get in and out of the building, but that the interview could be conducted on the third floor, if she preferred. She responded that she would park out front in a handicapped space and come to the conference room off the second floor lobby. I have attached the email correspondence described above as Exhibit A to this declaration.

As you can see from the attached correspondence, which sets out our communications regarding the OIG interview and speak for themselves, I never told her the things she attributes to me. I certainly never told her she was a federal employee and had no rights, as she alleges. The

conversation she describes never happened.

**Grimes's Allegations:** [Grimes:] "[T]he U.S. Attorney ... is the person who wanted to refer me to OIG." [Investigator:] "Okay. Who told you that and how do you know it?" [Grimes:] "The mediator told me that. Not the mediator, the EEO counselor. ... Her name is Michelle Crawford." (Grimes Interview, p. 76, lines 9-20).

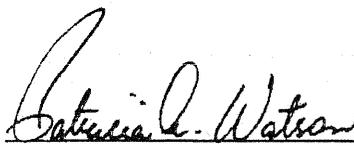
**My Response:** Ms. Grimes's allegation is not accurate. The U.S. Attorney is not the person who wanted to refer her to OIG. The referral came from EOUSA. I do not know the specific person at EOUSA who made the referral.

**Grimes's Allegations:** "It was [the U.S. Attorney's] idea to turn [her] over. ... [I]t was at [the U.S. Attorney's] direction." (Grimes Interview, p. 84, lines 5-10).

**My Response:** Ms. Grimes's allegations are untrue. The U.S. Attorney did not "turn [her] over" or direct Ms. Grimes's referral to OIG.

Pursuant to 28 U.S.C. § 1746:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



PATRICIA A. WATSON

Date: September 5, 2008

**Watson, Patricia (USAALM)**

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**From:** Watson, Patricia (USAALM)  
**Sent:** Thursday, March 20, 2008 4:44 PM  
**To:** Grimes, Tami T. (USAALM)

Tami:

I have been advised that OIG is going to interview you next Thursday, March 27. They will be in contact with you concerning the details. You have a duty to reply to the questions posed to you during this interview and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding. However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings. Moreover, both EOUSA and OIG have reviewed the non-disclosure agreement you signed as part of your EEO mediation (and the authorities cited therein), and have determined that the agreement does not apply to OIG investigations. Therefore, you have a duty to reply to the questions posed to you concerning the statements you made during the mediation in reference to audio recordings.

Patricia

**EXHIBIT A**

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Thursday, March 20, 2008 9:11 PM  
**To:** Watson, Patricia (USAALM)  
**Cc:** Crawford, Michele (USAEO); Sampson, Rita (USAEO)  
**Subject:** RE:

**Importance:** High

Dear Ms. Watson,

Thanks for the heads up. I guess that explains why Jim Dubois was so anxious to get the PP presentation by Monday. Good news travels fast in this office.

Even though the qui tam case is four years old and remains static, Mr. Doyle is extremely insistent that I prepare a Powerpoint presentation (per one of my few remaining REOs) for a qui tam meeting on Thursday. I have advised Mr. Doyle of the conflict. Since I have so few viable duties remaining in my work plan, i.e. duties that have not been re-assigned to AUSAs, I hope this will not be held against me on my performance evaluation.

I would assume that this communication is from you in your official capacity as First Assistant United States Attorney. Therefore, if you are going to advise me of my rights, it would be helpful if you would include all my rights, and not just the ones which serve your purpose. I understand that as a DOJ employee, I have an obligation to participate in any Administrative proceeding "fully and truthfully" as you stated. I also understand that in a Criminal proceeding, I have a right to due process of law and the right against self-incrimination. It has been more than three (3) months since I was notified by SA Ronald Gossard of DOJ-OIG that I was the subject of a criminal investigation, yet to date, no one has advised me of the charges against me, nor of the statute, regulation, rule or policy I have allegedly violated. And then here is those pesky little issues of probable cause and selective prosecution.

As breaching parties to the non-disclosure agreement and the deprivation of my civil rights and liberties which followed, it is neither ethical nor sufficient for EOUSA and OIG to further abridge my rights or to make any determinations as to the validity of the agreement. Certainly, it serves the purposes of OIG and EOUSA to make such a determination, but I will not agree to accept that determination and demand that this issue be referred to the Office of Special Counsel for determination. By copy of this e-mail, I am making that referral myself, with a hard copy to follow by Priority Mail tomorrow. Neither OIG nor EOUSA have an appropriate level of neutrality, disinterest or impartiality to conduct this investigation.

For instance, your claim that I have a duty to "reply to the questions posed to you concerning the statements you made during the mediation in reference to audio recordings." is completely without factual or evidentiary basis. Produce a copy of the alleged audio recording which forms the basis for this spurious allegation, or any irrefutable evidence at all, as probable cause for making such a claim.

Finally, if your position is that an OIG investigation is warranted into any allegations of criminal activity, then I would like to know why a criminal investigation has not been initiated into the fact, which can be easily documented, that this district filed false claims with the government for more than five (5) years to keep Vallie Byrdsong here when you had several full time district employees would could have performed the function without incurring hundreds of thousands of dollars in per diem and contract fees. I am pretty sure the term for that is "selective prosecution."

I am mindful of your concerns. If you feel that agency disciplinary action, including dismissal, is appropriate and warranted for the exercise of one's civil rights and civil liberties, then you should certainly proceed accordingly.

Sincerely,

Tami Grimes

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**From:** Watson, Patricia (USAALM)  
**Sent:** Thursday, March 20, 2008 4:44 PM  
**To:** Grimes, Tami T. (USAALM)  
**Subject:**

Tami:

I have been advised that OIG is going to interview you next Thursday, March 27. They will be in contact with you concerning the details. You have a duty to reply to the questions posed to you during this interview and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding. However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings. Moreover, both EOUSA and OIG have reviewed the non-disclosure agreement you signed as part of your EEO mediation (and the authorities cited therein), and have determined that the agreement does not apply to OIG investigations. Patricia

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Monday, March 24, 2008 10:04 AM  
**To:** Goss, Retta C. (USAALM)  
**Cc:** Doyle, Stephen M. (USAALM); Watson, Patricia (USAALM)  
**Subject:** RE: Third Floor bathrooms will be shut down for few hours. Please use the Second Floor bathrooms. Thank you. retta

**Importance:** High

Good morning,

I was involved in an accident Thursday evening which injured my right leg and hip. My doctor advised me to remain non-weight bearing, with very limited ambulation for 10 days. I thought that I could work here in the office and still comply with doctor's orders. However, after having just made the first trip to the 2<sup>nd</sup> floor to use the restroom, I realize that I cannot.

I am requesting permission to take my laptop and work from home. I have a valid doctor's excuse to do this.

Please let me know as soon as possible.

Thanks,

Tami Grimes

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**From:** Goss, Retta C. (USAALM)  
**Sent:** Monday, March 24, 2008 9:19 AM  
**To:** USAALM-ALL  
**Subject:** Third Floor bathrooms will be shut down for few hours. Please use the Second Floor bathrooms. Thank you. retta

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Tuesday, March 25, 2008 1:55 PM  
**To:** Doyle, Stephen M. (USAALM)  
**Cc:** Watson, Patricia (USAALM); Dubois, James J. (USAALM)  
**Subject:** RE: Status of Your Work

**Importance:** High

Good afternoon,

I have completed the first set of powerpoint slides on patient CB for Jim's presentation. Jim is not here at the moment. I have been in here all day, against medical advice to do this.

Even though you did not ask, in an effort to comply with my assigned duties as WRITTEN in my work plan, my review of the information provided from HHS-OIG Agent Metheny on this particular patient does not show that one of the cardiologists could not have been present at this time. In order to effectively evaluate the claims, as my work plan requires, I need access to the entire statistical sampling of records obtained by SA Metheny in digital form. I can import the Excel spreadsheet into a variety of litigation support software to effectively evaluate the data with an eye to detail.

In my opinion, this presentation on patient CB proves nothing. Dr. Mitchell did not have another scheduled cath procedure until 7:10 p.m.

I will move on to the third set, as the first two have contained flawed data.

We do not want to make this presentation to defense counsel on Thursday.

Sincerely,

Tami Grimes

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**From:** Doyle, Stephen M. (USAALM)  
**Sent:** Thursday, March 20, 2008 4:55 PM  
**To:** Grimes, Tami T. (USAALM)  
**Cc:** Watson, Patricia (USAALM)  
**Subject:** RE: Status of Your Work

Tami, if you plan to be off tomorrow please submit a leave slip. On the PowerPoint, Jim needs to see a few sample slides Mon afternoon. Tues at 2:00 is fine for the completed presentation.

Steve

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Thursday, March 20, 2008 4:26 PM  
**To:** Doyle, Stephen M. (USAALM)  
**Cc:** Watson, Patricia (USAALM); Crawford, Michele (USAEO); Sampson, Rita (USAEO)  
**Subject:** RE: Status of Your Work  
**Importance:** High

Dear Mr. Doyle,

The memorandum was completed on time and addresses all assigned paralegal projects which I am currently working on and the status of task. If there is something specific which you would like to address, please let me know.

It is now 4:15 p.m. on Thursday, March 20, 2008. Mr. Dubois and I have discussed this matter at length this afternoon. As I discussed with Mr. Dubois when he brought the documents to me a few moments ago, I will be out of the office tomorrow for a religious observance (Good Friday). Therefore, I will be unable to review the documents, prepare the pointpoint and meet a 2:00 p.m. deadline on Monday. I can, however, have the presentation prepared by 2:00 p.m. on Tuesday which will allow Mr. Dubois plenty of time to review it and make suggested changes.

Please let me know, before I leave at 5:00 p.m. this afternoon, if this is unacceptable to you.

Thank you,

Tami Grimes

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**From:** Doyle, Stephen M. (USAALM)  
**Sent:** Thursday, March 20, 2008 4:14 PM  
**To:** Grimes, Tami T. (USAALM)  
**Cc:** Watson, Patricia (USAALM)  
**Subject:** Status of Your Work

Tami, I am in receipt of the memorandum you handed me at about 5:00 yesterday. It was not what I asked for, but I will review it and respond as needed. In the meantime, please complete the PowerPoint presentation for the Heart Center case you are working on with Jim. The presentation is for a meeting with defense counsel on March 27, 2008. Please provide the proposed PowerPoint to Jim by 2:00 p.m. on Monday so that he has time to review it and make suggested changes. Let me know if you are unable to meet this deadline.

Steve

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Tuesday, March 25, 2008 6:26 PM  
**To:** Watson, Patricia (USAALM); Canary, Leura G. (USAALM)  
**Subject:** Revised Request for leave

Good evening,

This will revise my request for leave filed yesterday. I worked 7 hours in the office today with no lunch.

Tomorrow I am scheduled to see a specialist in Birmingham.

Thanks,

Tami

**Watson, Patricia (USAALM)**

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**From:** Watson, Patricia (USAALM)  
**Sent:** Wednesday, March 26, 2008 10:52 AM  
**To:** Grimes, Tami T. (USAALM)

Tami:

After we spoke yesterday afternoon, I learned that the OIG investigator, Special Agent Gossard, had been in contact with you yesterday morning and had advised that he will be here to interview you on Thursday, March 27, 2008, at 11:00 a.m. (CST). The interview will take place at our office. You are reminded that you have a duty to be here at that time and to reply to the questions posed to you during the interview. Please refer to my email of March 20, 2008, for additional pertinent information (attached).

Patricia



Untitled

**Tracking:**

**Recipient**  
Grimes, Tami T. (USAALM)

**Delivery**  
Delivered: 3/26/2008 10:52 AM

**Read**  
Read: 3/26/2008 11:05 AM

**Watson, Patricia (USAALM)**

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**From:** Watson, Patricia (USAALM)  
**Sent:** Thursday, March 20, 2008 4:44 PM  
**To:** Grimes, Tami T. (USAALM)

Tami:

I have been advised that OIG is going to interview you next Thursday, March 27. They will be in contact with you concerning the details. You have a duty to reply to the questions posed to you during this interview and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding. However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings. Moreover, both EOUSA and OIG have reviewed the non-disclosure agreement you signed as part of your EEO mediation (and the authorities cited therein), and have determined that the agreement does not apply to OIG investigations. Therefore, you have a duty to reply to the questions posed to you concerning the statements you made during the mediation in reference to audio recordings.

Patricia

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**To:** Watson, Patricia (USAALM)  
**Sent:** Wednesday, March 26, 2008 11:05 AM  
**Subject:** Read:

Your message

**To:** Grimes, Tami T. (USAALM)  
**Subject:**  
**Sent:** 3/26/2008 10:52 AM

was read on 3/26/2008 11:05 AM.

**Watson, Patricia (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Wednesday, March 26, 2008 8:25 PM  
**To:** Watson, Patricia (USAALM); Sampson, Rita (USAEO); Rosenblum, Jeff (USAEO); Crawford, Michele (USAEO); 'gr8expectations@earthlink.net'; Williams, Roger M. (OIG); Gossard, Ronald S. (OIG); Davis, Eddie D. (OIG); Robinson, Gail A. (OIG); 'tbiggs@osc.gov'; 'sholt@osc.gov'  
**Subject:** Re:  
**Importance:** High

Ms. Watson,

There is no such agreement for an interview at 11:00 am tomorrow as I am not on duty at that time (OIG Manual 226.8C). As you are aware, I was injured last week and ordered by my physician to be non-ambulatory for 10 days. In an effort to avoid continuing harassment and hostile work environment, I tried to complete a project for Jim Dubois by working one and one-half days this week. As a result, my injury has been exacerbated and an MRI will be required to determine the extent of the exacerbation.

Please note that 18 USC 1905 is a criminal statute and I hereby invoke both Garrity and constitutional protections as a citizen of the United States. As to my duty to fully cooperate with the alleged "administrative" inquiry, SA Gossard is invited to conduct the interview tomorrow at my home. At that time and place, I will perform my duty as a civil servant and provide testimony under threat of disciplinary action. My cooperation will be full and my testimony truthful despite the fact that it is given under duress.

Please be reminded that this offer to be interviewed at my home tomorrow, despite my physical distress, is an effort to be fully compliant with my duties as a federal employee and should in no way be viewed as a waiver of my rights under Garrity or The Constitution of the United States.

Please advise how you wish to proceed.

Sincerely,  
Tami Grimes

-----Original Message-----

**From:** Watson, Patricia (USAALM) <pwatson@usa.doj.gov>  
**To:** Grimes, Tami T. (USAALM) <TGrimes@usa.doj.gov>  
**Sent:** Wed Mar 26 10:51:45 2008  
**Subject:**

Tami:

After we spoke yesterday afternoon, I learned that the OIG investigator, Special Agent Gossard, had been in contact with you yesterday morning and had advised that he will be here to interview you on Thursday, March 27, 2008, at 11:00 a.m. (CST). The interview will take place at our office. You are reminded that you have a duty to be here at that time and to reply to the questions posed to you during the interview. Please refer to my email of March 20, 2008, for additional pertinent information (attached).

Patricia

<<Untitled>>

**Watson, Patricia (USAALM)**

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**From:** Watson, Patricia (USAALM)  
**Sent:** Thursday, March 27, 2008 9:32 AM  
**To:** Grimes, Tami T. (USAALM)  
**Subject:** RE:

Tami,

The agent is not going to come to your house. You need to come to the office at 11:00. You can park in the handicapped space in the parking lot below the building and take the elevator to the second floor lobby. The interview can take place in the victim-witness interview room directly off the lobby, across from the elevator.

Patricia

-----Original Message-----

**From:** Grimes, Tami T. (USAALM)  
**Sent:** Wednesday, March 26, 2008 8:25 PM  
**To:** Watson, Patricia (USAALM); Sampson, Rita (USAE0); Rosenblum, Jeff (USAE0); Crawford, Michele (USAE0); 'gr8xpectations@earthlink.net'; Williams, Roger M. (OIG); Gossard, Ronald S. (OIG); Davis, Eddie D. (OIG); Robinson, Gail A. (OIG); 'tbiggs@osc.gov'; 'sholt@osc.gov'  
**Subject:** Re:  
**Importance:** High

Ms. Watson,

There is no such agreement for an interview at 11:00 am tomorrow as I am not on duty at that time (OIG Manual 226.8C). As you are aware, I was injured last week and ordered by my physician to be non-ambulatory for 10 days. In an effort to avoid continuing harrassment and hostile work environment, I tried to complete a project for Jim Dubois by working one and one-half days this week. As a result, my injury has been exacerbated and an MRI will be required to determine the extent of the exacerbation.

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Please be reminded that this offer to be interviewed at my home tomorrow, despite my physical distress, is an effort to be fully compliant with my duties as a federal employee and should in no way be viewed as a waiver of ~~my rights under Garrity or The Constitution of the United States.~~

Please advise how you wish to proceed.

Sincerely,  
Tami Grimes

-----Original Message-----

**From:** Watson, Patricia (USAALM) <pwatson@usa.doj.gov>  
**To:** Grimes, Tami T. (USAALM) <TGrimes@usa.doj.gov>  
**Sent:** Wed Mar 26 10:51:45 2008  
**Subject:**

Tami:

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Patricia

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