



Office of the Deputy Attorney General
Washington, D.C. 20530

February 9, 2009

Mr. William Reukauf
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-08-0715

Dear Mr. Reukauf:

Pursuant to Special Counsel Scott Bloch's April 28, 2008 request to Attorney General Michael Mukasey, the United States Department of Justice has investigated various allegations of mismanagement and abuse of authority made by Tamarah Grimes against management officials in the United States Attorney's Office for the Middle District of Alabama (USAO). As required by 5 U.S.C. §1213(c), the Department submitted its report of investigation (ROI) to the Office of Special Counsel (OSC) on September 29, 2008. Attorney General Mukasey delegated his authority to me to review and sign the ROI.

After submitting its ROI to OSC, the Department reviewed additional evidence relevant to allegations made by Ms. Grimes. A summary of this supplemental investigation and the findings relevant thereto is contained in the enclosed Supplement to the Report of Investigation (Supplement).

The investigation was conducted by two experienced and senior Assistant United States Attorneys from two different United States Attorney's Offices. As set forth in detail in the ROI, and as confirmed in the Supplement, the record does not support a finding that USAO management officials violated any law, rule, or regulation, or engaged in gross mismanagement, a gross waste of funds, or an abuse of authority regarding Ms. Grimes' allegations. To the contrary, the evidence supports the factual assertions of the management officials in response to the allegations. Accordingly, the Department is unable to substantiate by preponderant evidence any of the allegations raised by Ms. Grimes and we consider the matter closed.

USOSC HQ DC 09FEB1

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If you have any questions concerning the investigation, the ROI, or the Supplement, please contact Jay Macklin, EOUSA General Counsel, at (202) 514-4024.

Sincerely,

A handwritten signature in black ink, appearing to read "David Margolis", written in a cursive style.

David Margolis
Acting Deputy Attorney General

Enclosure

cc: Catherine McMullen, Chief OSC Disclosure Unit
Jay Macklin, EOUSA General Counsel

SUPPLEMENT TO
REPORT OF INVESTIGATION
OSC File No. DI-08-0715

ALLEGATIONS REGARDING THE
UNITED STATES ATTORNEY'S OFFICE
FOR THE MIDDLE DISTRICT OF ALABAMA



February 2009

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I. Introduction

On April 28, 2008, The Honorable Scott J. Bloch, Special Counsel, Office of Special Counsel (OSC), requested that the Attorney General of the United States investigate certain disclosures of Tamarah Grimes regarding alleged improper conduct by management officials of the United States Attorney's Office for the Middle District of Alabama. OSC made this referral pursuant to 5 U.S.C. § 1212(a)(3).

In September 2008, the Department of Justice filed a report with OSC outlining its findings related to the investigation of the referred issues.

In November 2008, concerns were raised that the report of investigation might be incomplete since it did not include interviews with court personnel and United States Marshals charged with jury security duties during the trial of former Alabama Governor Don Siegleman.

The purpose of this Supplement to Report of Investigation, OSC File No. DI-08-0715, is to provide additional evidence obtained from those charged with jury supervision during the trial of former Alabama Governor Don Siegleman.¹

II. Findings of the Initial Investigation

The April 28, 2008, OSC referral identified five (5) areas for investigation by the Department of Justice. The first of the five (5) areas asked for the conclusion of the Department of Justice as to whether prosecutors in *U.S. v. Siegelman* committed a violation of law, rule, or regulation when they allegedly failed to disclose to the trial court improper contacts with jurors in the criminal trial. The OSC referral stated that it was alleged that "during the prosecution of a political corruption case against former Alabama Governor Don Siegelman and former HealthSouth CEO Richard Scrushy, the prosecutors were aware of improper behavior on the part of jurors yet did not disclose it to the judge." The specific improper behavior alleged was that a female juror, and perhaps others, was

¹ *U.S. v. Siegelman* refers to a federal prosecution of former Alabama Governor Don Siegelman and former HealthSouth CEO Richard Scrushy. Following a two-month trial, jurors on June 29, 2006, found Siegelman and Scrushy guilty of bribery, conspiracy, and mail fraud in a scheme in which Siegelman was accused of appointing Scrushy to an important hospital regulatory board in exchange for campaign contributions. Siegelman was also convicted of obstruction of justice for trying to cover up a gift from a lobbyist.

“passing notes to the U.S. Marshals in the courtroom” who thereafter passed the notes to the prosecutors. It was alleged that the passing of these written notes was not disclosed to the trial court.

After investigation of the allegations, it was concluded by the Department of Justice that there was no evidence to support the allegation that prosecutors in *U.S. v. Siegelman* committed a violation of law, rule, or regulation. The evidence demonstrated that there was no credible evidence of any improper external contact between jurors and prosecutors, and no credible evidence that any juror was exposed to any external influence.

Investigators interviewed each member of the government’s trial team. Each member of the government’s trial team denied that any communication was passed to, or received from, the *Siegelman* jury.

Review of the official trial transcript also provided evidence that the District Court Judge who presided over the trial had questioned each juror individually following the trial about improper contacts during the *Siegelman* trial. Each juror was individually questioned in open court about possible outside contacts, from any source, during the trial. Under oath, each juror specifically denied being involved in, or observing, any improper communications during the trial.

Department of Justice investigators determined that the probable genesis for the allegation of possible prosecutorial misconduct in the trial of *U.S. v. Siegelman* was likely an exaggerated rumor regarding a teasing incident in the courtroom between a Federal Bureau of Investigation Special Agent and the Court’s jury clerk. When interviewed, Ms. Grimes stated that she learned that messages had been passed from the jury to the prosecution team during conversations with First Assistant United States Attorney Patricia Watson and Vallie Byrdsong, a government contractor who assisted the prosecution during trial. Ms. Grimes stated she never attended the *Siegelman* trial and never saw physical evidence of any alleged messages. However, as evidence that such conversations occurred, Ms. Grimes provided a copy of an email exchange between herself and Ms. Watson. In the email exchange Ms. Watson made the following comment, “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.” Ms. Grimes responded, “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.”

First Assistant United States Attorney Watson was questioned about this email exchange. She testified that she wrote the email provided by Ms. Grimes. However, she stated that she did not observe the behavior attributed to the United States Marshals nor speak with any trial team member who recounted these events. She said she was simply recounting a rumor she heard. Ms. Watson said she had no actual information regarding the truth of the rumor and had never attended the *U.S. v. Siegelman* trial.

Mr. Byrdsong was interviewed regarding these allegations. Mr. Byrdsong stated that he was unaware of any communication with the jury and was of the opinion that no messages or notes were passed during the trial. However, Mr. Byrdsong did state that he was aware of a single instance when Federal Bureau of Investigation Special Agent Baker was teased by a member of the Court Clerk's office. Mr. Byrdsong stated that although he had not been present when this teasing incident occurred, he personally recounted the story to others playing "it up for great amusement." He testified that he "probably would have played it up even more than it actually was, just for the amusement factor."

III. Supplemental Investigation

In November 2008, the Department of Justice received permission from the Honorable Mark E. Fuller, Chief United States District Judge for the Middle District of Alabama, to speak to employees of the Court regarding allegations of improper jury communications during the *Siegelman* trial. Thereafter, Clerk of Court Debra P. Hackett was contacted regarding the allegations of improper jury contact. She authorized an interview of her Jury Administrator, Melissa F. Myers.

The United States Marshal for the Middle District of Alabama was contacted and advised of the allegations under investigation. United States Marshal Jessie Seroyer, Jr. offered his full cooperation and arranged for a visit to the district by a Department of Justice investigator.

On December 9, 2008, Assistant United States Attorney (AUSA) Steven K. Mullins visited the offices of the United States Marshal and United States District Court in Montgomery, Alabama. On that date, interviews were conducted of the following individuals:

A. United States Marshal for the Middle District of Alabama Jesse Seroyer, Jr. *See* Appendix AA, Interview of U.S. Marshal Seroyer.

B. Deputy United States Marshal Michael Bates. *See* Appendix BB, Interview of Deputy U.S. Marshal Bates.

C. Deputy United States Marshal Laura Irby. *See* Appendix CC, Interview of Deputy U.S. Marshal Irby.

D. Jury Administrator Melissa F. Myers. *See* Appendix DD, Interview of Myers.

Subsequently, AUSA Mullins also conducted interviews of additional Deputy United States Marshals who were involved in the supervision of the *Siegelman* trial. These individuals were:

E. Retired Deputy United States Marshal Pamela C. Harding. *See* Appendix EE, Interview of Harding;

F. Deputy United States Marshal John Devenny;²

G. Deputy United States Marshal Robin Stafford Romuiaiuk; and

H. Deputy United States Marshal Byron Schiesz.

IV. Summary of Supplemental Evidence

A. Testimony of the United States Marshals

On March 22, 2006, the Honorable Mark E. Fuller, Chief United States District Judge for the Middle District of Alabama entered an *Order For Partial Sequestration*. The *Order for Partial Sequestration* specifically charged the United States Marshals Service to make certain that no member of the jury “has any unauthorized contact with any outside person.”

In response to this order, United States Marshal Jesse Seroyer, Jr. formed a pre-planning operational team to develop a plan for jury security. This team was composed of himself, Supervising Marshal Pamela Harding, and Deputy Marshal Michael Bates. He

² Deputy United States Marshals John Devenny, Robin Stafford Romuiaiuk, and Byron Schiesz are not stationed in Montgomery, Alabama, and were not available for interviews on December 9 and 10, 2008. Due to their unavailability on these dates, their interviews were not transcribed by the contract court reporter. However, each was separately interviewed by telephone by the investigator. Each deputy fully cooperated with the investigation and freely discussed their experiences during the *Siegelman* case.

assigned Deputy Marshal Bates as the deputy in charge of the *Siegelman* case and tasked him with the daily oversight of the *Siegelman* jury. See Appendix AA, Interview of U.S. Marshal Seroyer, pp. 4-5.

As ordered by the trial court, the jury was partially sequestered. This meant that the jury was allowed to go home at night, but they were under constant United States Marshal oversight during the day. The jury was picked up at an undisclosed location each morning, brought to the courthouse in a government vehicle, and escorted at all times throughout the day. When not in the courtroom, the jury was confined to secure locations under the direct oversight of the marshals. See Appendix BB, Interview of Deputy Marshal Bates, pp. 3-7.

The marshals involved in the direct oversight of the jury were Deputy Marshal Michael Bates of the Middle District of Alabama and rotating deputy marshals from offices outside of Montgomery, Alabama. The rotating deputy marshals were Laura Irby, John Devenny, Robin Stafford Romuiaiuk, and Byron Schiesz. Daily supervision of the security of the jury was done by Marshal Seroyer and Supervising Deputy Harding. Marshal Seroyer was in the courtroom for almost every trial session, and Supervising Deputy Harding was present with the jury during most break periods. See Appendix AA, Interview of U.S. Marshal Seroyer, pp 6-8; See Appendix EE, Interview of Supervising Deputy Harding, pp 4-7.

All marshals involved in the jury security detail stated that they were not aware of any contact between the jury and any member of the prosecution, directly or indirectly, during the trial of the *Siegelman* matter. All marshals stated that they believed it would have been impossible for communications to have been passed between the jurors and the prosecution team. Each marshal denied passing written or oral messages between the jurors and the prosecution team. For example, United States Marshal Seroyer stated:

A. There is, to my – my opinion, there’s no factual basis for the allegations regarding the issues of notes being passed from one of the female jurors to any of the deputy marshals. And I say that because every morning we had deputy marshals that were – we had the jury partially sequestered, and we had deputy marshals all day with them. If there were any notes being passed from any of the jurors, it would have been a lunch menu that we passed out to them from the clerk’s office. It would not have been questions that they had regarding issues of something that they didn’t understand that was coming from one of the lawyers on the defense side or either the prosecution side.

See Appendix AA, Interview of U.S. Marshal Seroyer, p. 3.³

Deputy United States Marshal Michael Bates, who was in charge of the security detail and present with the jury at all times, strongly stated that no notes were passed between the jury and government trial team members. He stated:

Q. Where did you sit in the courtroom?

A. I sat in the corner by the jury box, you know.

Q. So would you have observed notes if they had attempted to pass them?

A. I would have, yes sir.

Q. Were you in the courtroom every day?

A. Yes sir.

...

Q. Do you believe that there's any factual basis for the allegations of notes or communications that were passed through the marshals to the prosecutors in this case?

A. No sir.

³ The investigator found United States Marshal Seroyer particularly credible and fair in his supervision of the *Siegelman* trial. Marshal Seroyer is an African-American law enforcement officer particularly sensitive to the potential race issues that arose during the case due to the indictment of a prominent member of the African-American community (Defendant HealthSouth CEO Richard Scrushy). Additionally, although Marshal Seroyer was appointed by President Bush to the office of United States Marshal, he also had a longstanding personal relationship with Defendant Siegelman. In 1987, Marshal Seroyer was then-Alabama Attorney General Siegelman's chief investigator. Marshal Seroyer was also promoted to director of investigations by Attorney General Siegelman and a personal advisor to the Attorney General. When Marshal Seroyer took his oath of office as United States Marshal for the Middle District of Alabama, then-Governor Siegelman attended the ceremony.

Q. Why do you say that?

A. I – personally, I never saw any notes passed to anybody at any time other than after deliberation began. And that’s just routine. You pass notes to the Marshal Service; we in turn give them to the clerk of the court, who gives them to the Judge. And I’m sure all these notes are part of the record. But at no time were any notes passed in any other way or addressed to anybody other than the Judge.

Q. There’s an allegation in this case that communications might have gone, instead of through the marshals, but through a lady named Melissa in the court clerk’s office. Would you believe she had opportunity to take notes between the jurors and the prosecutors in this case?

A. No sir.

See Appendix BB, Interview of Deputy Marshal Bates, pp. 8-10.

All rotating Deputy U.S. Marshals involved in the Siegelman trial were interviewed and expressed the opinion that notes were not passed between the jury and the government prosecutors. These neutral, out-of-district marshals, were always present with the jury and believed that notes could not have been passed unseen by them. For example, Deputy Marshal Laura Irby stated:

Q. So just for the record, did you ever receive notes from the jurors to be passed to any other person during the Siegelman trial?

A. No

...

Q. And it never occurred, to your knowledge?

A. It never occurred, to my knowledge.

Q. Do you believe it would have been possible to have – the prosecutors, for example sat close to the jurors in the courtroom. Where did you sit in the courtroom?

A. I was probably two feet from the jury box at all times.

Q. Do you think it's possible that the jurors passed notes directly to the prosecutors while they were in the courtroom?

A. No.

Q. Why do you say that?

A. Because they were never over near the jury box, and I was between the prosecution and the jury box.

...

Q. Did you miss any days of the trial?

A. I did. Yes, I did, some of the final deliberations. I worked until the jury was deliberating, I believe.

Q. Did you ever miss any days in the courtroom?

A. Not that I recall. I don't think so.

Q. Did you ever hear any rumors about any communications, notes or otherwise, between jurors and any outside person?

A. No, not until this morning. Not until you briefed me on it. I have not heard anything.

Q. Do you think that any communications were made between jurors and any outside person?

A. No, I do not.

Q. Why do you say that?

A. Because the Marshal Service kept that-- and Melissa from the clerk's office, we kept them away from everybody. The juror room was three feet from the jury door, the room and the door for the jury to get out. The bathrooms are right there. No prosecution or defense attorneys ever attempted to open that door or even get close to the jury box. There was no room for them to be able to talk or pass notes, not that I've seen. And when they went out on breaks, there was all -- they were always

accompanied by the deputies, and there was nobody but the jurors where they took them.

See Appendix CC, Interview of Deputy U.S. Marshal Irby, pp. 8-10.

B. Testimony of the Jury Administrator

Melissa F. Myers is the Jury Administrator for the District Court in the Middle District of Alabama. She was the individual in the Court Clerk's office who was responsible for the administrative tasks associated with all Federal juries in the Middle District of Alabama. During the *Siegelman* trial, Ms. Myers was not in charge of the security of the jury. That was the job of the United States Marshals. She described her role as follows:

A. Basically, they [the *Siegelman* jury] were in the care of the marshals. The United States Marshals were - had a designated area for them to arrive at in the mornings. They transported them to the courthouse. At that point, the marshals brought them in. I had breakfast ready for them here. I fed them breakfast. I got them upstairs ... the marshals then proceeded to take them upstairs to get ready for the trial.

At that point, I took care to get their lunches ready and their midmorning snacks. So, you know, I was basically their maid for 11 - 11 weeks.

See Appendix DD, Interview of Myers, p. 4.

In her role as Jury Administrator, Ms. Myers was in frequent contact with the *Siegelman* jury. Since she observed them in both public and secure settings she was asked a series of questions regarding possible improper communications that might have occurred during the *Siegelman* trial. She denied observing or participating in improper communications. Her testimony was as follows:

Q. When you were with the jury, did you ever observe the jurors ever trying to attempt to communicate with anyone other than the marshals or the court personnel like yourself?

A. No.

Q. Do you believe they had very much opportunity to communicate with third parties, prosecutors, defense, or third parties outside the courtroom?

A. In my personal opinion, no.

Q. Why would you say that?

A. They were with either – I mean, the marshals were with them at all times. Even when they transported them to the restroom, they went as a group. The marshal stood there outside the restroom and, you know, did not allow anyone else to come into the restroom while they were there. I mean, they were pretty basically treated like children in the classroom. You know, they were escorted everywhere they went regardless of if it was from the restroom to where we were keeping them for lunch or breakfast.

...

Q. Did any of the jurors ever attempt to communicate through you to any third party?

A. No.

Q. Did you ever hear of any juror attempting to communicate outside the jury with a third party?

A. No.

Q. When you were with the jury — jurors, were the marshals always present?

A. Yes.

See Appendix DD, Interview of Myers, pp. 10-11.

There are allegations that the jurors may have discussed certain aspects regarding the personal appearance of the prosecution trial team in the *Siegelman* case prior to deliberations. Therefore, Ms. Myers was asked if she ever overheard the jurors discussing the *Siegelman* case during their breaks from the courtroom. She made the following comments:

Q. When you were in your daily and frequent contacts with the jurors, did you hear the jurors – overhear the jurors discussing the case in any way at all?

A. No. That was something that I started from the very beginning, that, you know, please don't discuss the case; don't ask me questions. And we try to do this with every juror. Because I'm not going to answer it, and I don't want anything to be said that we did discuss anything. So they never discussed the case. Their basic discussions with me were "what are we having for lunch today" - "don't you think we need to order breakfast and get that taken care of." With me, they were more concerned about when they were going to be paid, what we were going to eat the next day, and you know, just – personal questions as, you know, they were – "were we going to be taken care of today."

Q. Did you ever hear any of the members of the jury discussing members of the prosecution or the defense team?

A. Not to my recollection, no.

Q. While you were in the courtroom, did you ever hear the prosecutors – did they ever talk to you about the jury – ask you questions about the jury members?

A. No.

See Appendix DD, Interview of Myers, pp. 13-14.

During the initial investigation, two support prosecution team members reported that Ms. Myers communicated a comment to them that may have reflected an internal conversation in the jury room. Ms. Myers was specifically questioned about this communication with the prosecution team. She admitted that she made the statements attributed to her, but denied that they were actual statements of any juror. Her testimony was as follows:

Q. Can you tell me a little bit about that incident?

A. I remember coming into the courtroom. I don't remember if it was morning or afternoon. I had come in, brought midmorning snack or mid-afternoon – I don't remember, but for the jurors. And I had come into the courtroom. And I believe I stopped to ask Ms. Shaw [support employee for the prosecution] a question. Mr. Baker [FBI agent] came up. And I mean, there was – I am sure there was a

conversation there. He – he had been picking at – at me about, you know, this and that – your hair, your shirt, whatever.

Q. In a friendly way?

A. In a friendly way, yes. Yes, in a very friendly way as far as, you know, just trying to embarrass me. So in order to get him back and then see him red-faced and embarrassed, I – just made the comment that one of the jurors thought he was very cute. I did not – I do not recall saying whether it was male or female, whether that person was black, green, yellow, or blue. And at the time, the jurors were not in the courtroom. They were in the deliberation room, so I – no pointing, no saying where they sat or anything was done.

Mr. Baker at the time did get embarrassed. He turned as red as a tomato. He got embarrassed, he walked off, and he walked off. Of course, myself and Ms. Shaw got a good laugh out of it. And that was it. Never was mentioned again from me or from anyone else that I know of. It was done just to see him get embarrassed and to make a good laugh for the rest of us.

No juror ever told me that. It was something that I just kind of spouted out at the moment just to get him to hush and walk away. And the purpose was successful. I would say that.

Q. Was it based on anything that you heard in the jury room from any juror?

A. No, no. No juror ever came up to me, male or female, and said that Mr. Baker was a nice-looking gentleman. It never came up. That was me at the spur of the moment coming into the courtroom.

See Appendix DD, Interview of Myers, pp. 11-13.

Ms. Meyer felt strongly that the allegation that messages were passed between the jury and the government prosecution team was untrue. She added the following statement at the close of the interview regarding this issue:

A. Just in my personal opinion, I think the trial went very smoothly. And it was an all-in effort from the Marshal's office to the Judge - Judge Fuller and his staff and all working together to make sure that this was, you know, done correctly; the jurors were, you know, not in harm's way of any media or anything like that, outside connections. You know, as far as counsel on either side, you know, they - they

respected the jurors and what was put before them - of no contact. I don't think the prosecutors would have contacted any jurors any more than the defense counsel would have done it. So – and I don't think that the jurors would have tried to initiate any type of contact during the trial or after the trial.

See Appendix DD, Interview of Myers, pp. 17-18.

V. Supplemental Findings

Interviews of individuals in charge of the security of the *U.S. v. Siegelman* jury and the *Siegelman* jury administrator fully support the conclusions of the Department of Justice investigators which are contained in the Department's Report of Investigation dated September 29, 2008. The supplemental investigation found no evidence to support the allegation that prosecutors in *U.S. v. Siegelman* committed a violation of law, rule, or regulation. In fact, a review of the supplemental evidence strengthens the original conclusion that there was no improper external contact between jurors and prosecutors and that the jury was not exposed to any external influence.

VI. Planned Course of Action

Based on the supplemental evidence, it is the conclusion of the investigators that the record does not support a finding of improper conduct by the *U.S. v. Siegelman* prosecutors or those charged with the responsibility for jury security. To the contrary, the evidence strongly supports a conclusion that all individuals involved in the *Siegelman* trial conducted themselves in a professional manner.

ATTACHMENTS

AA

IN RE: TAMERAH GRIMES

* * * * *

INTERVIEW OF UNITED STATES MARSHAL JESSE
SEROYER, JR., taken before Mallory M. Johnson,
Certified Court Reporter and Commissioner for the
State of Alabama at Large, in the Federal Courthouse,
One Church Street, Montgomery, Alabama, on Tuesday,
December 9, 2008, commencing at approximately
9:52 a.m.

* * * * *

1 APPEARANCES

2 Mr. Steve K. Mullins
3 Assistant United States Attorney
4 UNITED STATES ATTORNEY'S OFFICE
5 WESTERN DISTRICT OF OKLAHOMA
6 210 W. Park Avenue
7 Suite 400
8 Oklahoma City, Oklahoma 73102

9 * * * * *

10 EXAMINATION

11 BY MR. MULLINS:

12 Q. Please state your name for the record.

13 A. Jesse Seroyer, Jr.

14 Q. And can you tell me what's your current job?

15 A. My current job is the United States Marshal
16 for the Middle District of Alabama.

17 Q. All right. And how long have you been
18 Marshal here?

19 A. This is my second term. For seven years in
20 April of 2009.

21 Q. All right. I want to talk to you a little
22 bit about the U.S. versus Siegelman trial. There's an
23 allegation that there was improper behavior. It was
24 alleged that a female juror and perhaps others were
25 passing notes to the U.S. Marshals in the courtroom,
who thereafter passed notes to the prosecutors in the
Siegelman case. And I've been asked by the Office of
Special Counsel to do an investigation into those

1 allegations and to determine if there's any factual
2 basis for those allegations and, if so, what
3 occurred.

4 A. Okay. There is, to my -- my opinion, there's
5 no factual allegations regarding the issues of notes
6 being passed from one of the female jurors to any of
7 the deputy marshals. And I say that because every
8 morning we had deputy marshals that were -- we had the
9 jury partially sequestered, and we had deputy marshals
10 all day with them.

11 If there were any notes being passed from any of
12 the jurors, it would have been a lunch menu that we
13 passed out to them from the clerk's office. It would
14 have been questions that they had regarding issues of
15 some that they didn't understand that was coming from
16 one of the lawyers on the defense side or either the
17 prosecution side.

18 But, basically, if that -- if that had occurred,
19 that note would have gone to the Judge by us from
20 the -- from -- from the jury to us to the Judge. As
21 far as I know, there were no notes ever passed that
22 were not brought to the attention of the Judge
23 regarding the lunch and regarding questions that they
24 might have had regarding questions concerning the
25 questioning that was coming from the prosecution or

1 the defense.

2 Q. All right. Can you tell me a little bit --
3 when the Siegelman trial was indicted and you got
4 ready to set up security for the trial, can you tell
5 me a little bit how you set up security for the trial?

6 A. Sure. Basically, we had a pre-planning
7 operational plan just for that high-profile case. It
8 was done by my supervisor and by a designated person
9 that she designated to do it regarding the -- how
10 we would structure ourselves during the whole trial.
11 The jury was partially sequestered.

12 Q. Okay. And what do you mean partially
13 sequestered?

14 A. Partially sequestered means we didn't keep
15 them overnight. During the day, they were in our
16 custody the whole time. We had deputy marshals with
17 them from the time we picked them up at a designated
18 location in the morning, brought them to the
19 courthouse. And during the whole proceeding all day
20 long, you had deputy marshals with the jury. They
21 were given an hour for lunch. And during that time,
22 they were put in a -- placed in a room, a jury room in
23 the courthouse; and lunch was brought in, catered in
24 to them. And you had deputy marshals with them the
25 whole time. And they were never outside of -- outside

1 the courthouse without having deputy marshals being
2 present.

3 Q. All right. And can you tell me the names of
4 the marshals that were involved in the security of the
5 jury in the Siegelman trial?

6 A. Sure. We had Michael Bates, who is one of
7 the deputies in the district here; and Pam Harding,
8 who is the supervising deputy here in the district;
9 and myself. And we had Laura Irby that was one of the
10 deputies out of the office in Columbus, Georgia. And
11 we had two other deputies that came in from Mobile to
12 help with this trial.

13 They're no longer in Alabama. I think one is in
14 Memphis and the other one is in Kentucky, I believe.
15 And I'm sorry. Forgive me. I can't remember the
16 names of those kids, but they were -- they were being
17 supervised by our people in the district, Michael
18 Bates and Pam Harding. Pam Harding and Michael Bates
19 was with the jury all day long every day during the
20 trial.

21 Q. All right. Do you know if either Bates or
22 Harding had any kind of a personal relationship with
23 any of the prosecutors in the case?

24 A. All of us in the district know who the
25 prosecutors are. We know them on a personal basis.

1 Our office interact with the U.S. Attorney's office
2 all the time regarding cases, but on a professional
3 level. Given the importance of that trial and any
4 other trials that we are involved in, you know, we --
5 we keep it on a professional level. I mean, we -- we
6 talk from time to time with each other, but I don't
7 recall any inappropriate actions between our people
8 and the U.S. Attorney's people during the Siegelman
9 trial.

10 Q. Okay. Now, during the Siegelman trial, how
11 much did you observe the trial and the security that
12 was being given in the trial?

13 A. Every day. I was in the courtroom every day
14 during the trial. I observed most of the trial that
15 was the proceedings going on during the day every day
16 that they were here. I was -- I saw the jury come in
17 the morning, and I saw them leave late in the
18 afternoon. I assured the media, I assured the U.S.
19 Attorneys and the prosecutors that if they needed
20 anything, they could let us know and we would try our
21 best to provide whatever needs they had.

22 Q. Did you ever have any reports of any
23 suspicious activity by any of the jurors in passing
24 notes, trying to communicate outside the jury pool,
25 any of that kind of allegation?

1 A. No, we did not. I did not.

2 Q. Did you ever observe any behavior in the
3 courtroom where you thought that there was any attempt
4 to communicate with the jurors by either the
5 prosecutors or the defense or any third party?

6 A. I never observed any -- any of the
7 prosecutors nor the defense ever approach the jurors
8 to talk about anything at all other than, you know, if
9 they were questioning the witness on the stand, they
10 would turn to the jury and talk, but not directly.
11 You know, when you cross-examine a witness on the
12 stand, but no inappropriate conduct in my -- that I
13 observed at all.

14 Q. Were there any reports by any of the jurors
15 that anyone had tried to contact them?

16 A. No, there was none. We had no -- none of the
17 jurors ever reported to any of us that any person from
18 the prosecution side nor the defense side tried to
19 contact them at all. We had no one ever complain to
20 us regarding that.

21 Q. Now, how long was this trial?

22 A. It was a couple of months, I believe. It was
23 a long time. It was a long trial. It was really a
24 trial -- and -- and I apologize for the dates. I'm
25 not good at trying to remember how long it was, but I

1 believe it was a couple of months.

2 Q. Okay. And would there have been times when
3 the jurors would have had an opportunity, in your
4 opinion, to pass notes to the prosecutors without the
5 marshals even observing that note?

6 A. No. That would have been impossible. It
7 would have been impossible for that to happen. And
8 the reason I say that is because the marshal was in
9 the presence of the jury the entire time they were in
10 the courts, in the courthouse, from the morning until
11 the afternoon that -- the way they were taken back to
12 a designated area where they left and went home for
13 the night. And we never got any complaints or any
14 reports from the jurors regarding any outside contact
15 with anybody from the defense or the prosecution side.

16 Q. Did you ever have any occasion to talk to the
17 jurors themselves during the trial?

18 A. Basically, if they -- when they came in, in
19 the morning, I greeted them, spoke to them briefly,
20 and would ask, you know, did they have any concerns or
21 needs that they -- that we might be able to provide
22 for them. Other than that, no, I had no real contact
23 with them.

24 Q. Okay. Now, how about your other marshals,
25 either Bates or Harding?

1 A. I would say that it would be the same as my
2 contact with them. They -- they were there to provide
3 protection and to keep everybody else away from the
4 jury and to make sure that we kept all of them
5 together. And if they had any concerns, they would
6 have relayed it to either Pam or Michael, who at that
7 time probably would have contacted -- they would have
8 contacted me to get any matters or any issues settled
9 or any concerns worked out that a juror might have
10 had.

11 Q. There was a partial sequestration order
12 issued in this case by the chief judge.

13 A. That's correct.

14 Q. Did you help draft that order?

15 A. I think it was drafted by the chief judge.
16 We -- we told -- we all talked about it and agreed
17 that -- with the -- with the order.

18 Q. Okay. Now, you said they were met at
19 undisclosed locations in the mornings. When did the
20 prosecutors have the first opportunity to see the jury
21 during the day?

22 A. When they were brought into the courtroom.
23 That's the only time that they would have seen them,
24 when we -- when we seated them in the jury box.

25 Q. Okay. For example, could the prosecutors

1 have seen the jurors at breaks, for example, restroom
2 break or lunch breaks?

3 A. They would not have been able to see them at
4 lunch breaks because they were in one of the jury
5 rooms with a deputy marshal on the door. And if
6 they -- if they probably had seen them walking to the
7 restroom, they was escorted by a deputy to the
8 restrooms and escorted back. So they never was out of
9 the presence of any one of our deputies.

10 And most -- and most of our jury rooms, the way
11 they are designed, they have restrooms on the inside
12 of the jury rooms. So they wouldn't have had no
13 reason to be out in a nonsecure space away from us at
14 all.

15 Q. And they were brought in on a bus, as I
16 understand, in the mornings?

17 A. They were brought in in a van that we had,
18 yeah.

19 Q. And so they were brought into a secure space
20 directly into the courthouse?

21 A. Directly into the courthouse, escorted by
22 marshals into the courthouse, into the courtroom, and
23 back into the deliberation room -- jury room.

24 Q. Now, in the courtroom, the prosecutor's table
25 is by the jury box?

1 A. That's correct.

2 Q. Where do the marshals sit?

3 A. The marshals sat right next to the jury box.
4 They had a seat. And we had two marshals, two deputy
5 marshals. And from time to time, we had CSOs and
6 myself would be in the back of the courtroom. So you
7 had -- no one was allowed in the courtroom once the
8 jury the -- once a witness was on the stand. And once
9 you came into the courtroom until the judge dismissed
10 you for -- for a break, you were not allowed to
11 leave. So the whole entire time, the jury was being
12 monitored by our people, our deputy marshals.

13 Q. Would there have been any way, in your
14 opinion, that a juror could have passed a note to the
15 prosecutor sitting at the table within feet of them at
16 the jury box without being observed by one of the
17 deputy marshals?

18 A. That could not have happened. They could not
19 have done that at all.

20 Q. There's an allegation in this case that one
21 of the court's personnel by the name of Melissa
22 communicated a message from the jurors to the
23 prosecutors. Do you believe that that couldn't have
24 happened?

25 A. Mr. Mullins, I find it hard to believe that

1 could have happened. I haven't spoken with Melissa
2 regarding that. I -- I think -- regard the court
3 clerks and this office to be very professional. And,
4 you know, I find it really hard to believe that that
5 happened.

6 Q. All right. But Melissa would have at least
7 had access to the jury at various times during the
8 day?

9 A. She would have because she provided lunch for
10 the jurors. She would come up to make sure we had
11 everybody in court during the morning when we came
12 in. I think from time to time, they provided
13 breakfast, some snacks for them during the morning
14 break, but never outside the presence of the
15 marshals. I mean, we would have -- some of the
16 deputies would have been present during the entire
17 time.

18 Q. So even if messages had been given to
19 Melissa, you believe the marshals would have overheard
20 or at least seen that message being passed?

21 A. Absolutely. I find it hard to believe that a
22 juror would have given Melissa something that she
23 would not have brought to the attention of the
24 marshals.

25 Q. Now, at the end of this trial, there were

1 allegations of jury misconduct with e-mails. Do you
2 recall that information?

3 A. I do recall that. When these allegations
4 occurred, we -- we got myself, Deputy Harding --
5 Supervisor Harding involved, and also postal
6 inspectors involved in it. We passed this information
7 along to the defense and the prosecution side and
8 apprised the Judge of it. And the e-mails were
9 investigated by the postal inspector and found
10 unfounded. They were -- they were e-mails that
11 were -- from what I recall, that were not related to
12 the jurors at all.

13 Q. All right. Would you believe that that would
14 have been the actions -- if notes had been passed
15 during the trial, you believe you would have
16 immediately brought those to the attention of the
17 Judge?

18 A. Absolutely. I think if any allegations had
19 occurred during the entire trial, given the
20 significance of this trial and people involved in it,
21 regarding any trial in the courts, federal courts
22 here, we would have brought it to the attention of the
23 Judge.

24 Q. Let me ask you this question. This was a
25 high-profile case partly because of the political

1 affiliations of the individuals involved. Have you
2 noticed in the Marshal Service that either Mr. Bates
3 or Ms. Harding had any particular persuasion that
4 affected their job?

5 A. Absolutely none. I regard Deputy Bates and
6 Deputy Harding as being true professionals. From my
7 personal knowledge of them, they have no political --
8 had no political affiliation with either side, either
9 the prosecution side or the defense side. I don't
10 even know whether -- I know they knew who the
11 defendants were by -- by knowing them; but as far as
12 their personal affiliation with them, I don't think
13 they had any at all.

14 Q. All right. Now, you're appointed by the
15 Republican administration as the U.S. Marshal; is that
16 correct?

17 A. That's correct.

18 Q. Do you have any animus towards Siegelman or
19 any historical dealings with Siegelman?

20 A. Yes, sir. In 1987, I was Siegelman's chief
21 investigator and promoted to director of
22 investigations while he was in the Attorney General's
23 Office. I was advisor to the Attorney General for his
24 term in the Attorney General's Office. I was in the
25 Attorney General's Office for 20 -- 16 years through

1 five attorney generals, both Republicans and
2 Democrats, hired by a Democrat, worked for two
3 Democrats and worked for two Republicans in the
4 office. I've always viewed my position as being a
5 position of -- a nonpartisan position, basically where
6 you come in and you just basically do what the law
7 require you to do.

8 Personally, I had no personal affiliation with
9 Siegelman during the trial. I treated him with
10 respect, like I would do everyone else; but I always
11 kept it on a professional level during the trial.

12 Q. Is there any other statement that you think
13 you would want to make on the record about these
14 allegations?

15 A. I think the allegations are false. I think
16 all the deputies and -- in this trial and the court
17 clerk's personnel conducted themselves as
18 professionals. We had a high regard for the
19 significance of this trial as far as from the
20 professional side, as far as the prosecution and the
21 defense. We wanted to make sure that there were no
22 allegations of inappropriate conduct on our part as
23 well as the part of the jury. Our responsibility was
24 to protect the integrity of the Court and protect the
25 integrity of the jury. And I think that we lived up

1 to our expectations.

2 Q. Thank you. Anything else you wanted me to
3 make sure of?

4 A. That's it. I mean, you know, I didn't want
5 to leave out anything regarding my affiliation with
6 the Siegelman Administration. He had a -- you know,
7 it is what it is.

8 Q. Sure. All right. I appreciate it.

9 (The interview concluded at

10 10:09 a.m.)

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REPORTER'S CERTIFICATE

STATE OF ALABAMA

MONTGOMERY COUNTY

I, Mallory M. Johnson, Certified Court Reporter and Commissioner for the State of Alabama at Large, hereby certify that on Tuesday, December 9, 2008, I reported the interview of UNITED STATES MARSHAL JESSE SEROYER, JR., and that pages 2 through 16 contain a true and accurate transcription of the proceedings set out herein.

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

This 31st day of December, 2008.

MALLORY M. JOHNSON, COURT REPORTER
And Commissioner for the
State of Alabama at Large
CCR No. 443, Expires 09/30/09

MY COMMISSION EXPIRES: 2/24/09

BB

IN RE: TAMERAH GRIMES

* * * * *

INTERVIEW OF DEPUTY MARSHAL MICHAEL BATES
before Mallory M. Johnson, Certified Court Reporter
and Commissioner for the State of Alabama at Large, in
the Federal Courthouse, One Church Street, Montgomery,
Alabama, on Tuesday, December 9, 2008, commencing at
approximately 10:44 a.m.

* * * * *

1 APPEARANCES

2 Mr. Steve K. Mullins
3 Assistant United States Attorney
4 UNITED STATE ATTORNEY'S OFFICE
5 WESTERN DISTRICT OF OKLAHOMA
6 210 W. Park Avenue
7 Suite 400
8 Oklahoma City, Oklahoma 73102

9 * * * * *

10 EXAMINATION

11 BY MR. MULLINS:

12 Q. Can you please state your name for the
13 record.

14 A. Michael Bates, B-A-T-E-S.

15 Q. And what is your current job or title?

16 A. Deputy United States Marshal, criminal
17 investigator.

18 Q. And how long have you been in the Marshal's
19 office?

20 A. Approximately 25 years.

21 Q. And how long have you been in Montgomery?

22 A. 17, 17 or 18.

23 Q. Okay. And during your time here, did you
24 have any occasion to be involved in the trial that
25 I'll refer to as U.S. versus Siegelman?

A. I did.

Q. And can you tell me, what was your first
involvement with the case U.S. versus Siegelman?

1 A. I was deputy in charge of the production of
2 the jurors and wrote the operational plan, you know,
3 for the jurors, how they would be handled, logistics
4 of the movements and personal -- any kind of issues
5 that came up with the jurors during the trial.

6 Q. Okay.

7 A. I was responsible for getting them to the
8 courthouse every morning and getting back -- getting
9 them back to their vehicles each afternoon after the
10 trial.

11 Q. And in this case, there was a partial
12 sequestration order entered by the Judge.

13 A. That's correct.

14 Q. Did you help draft that order?

15 A. Some of it.

16 Q. Okay. In your operational plan, you helped
17 draft it?

18 A. We saw what he had planned and what he had
19 requested from the Marshal Service; and we fashioned
20 our plan around that, his request.

21 Q. Okay. Can you -- can you kind of describe
22 what that plan was for security of the jury?

23 A. Well, security of the jury, that we would
24 meet at different locations each morning away from the
25 courthouse and we would transport them. We had two

1 prisoner -- not prisoner vans -- rental vans. And we
2 would bring them in each morning. They would -- the
3 clerk of the court --

4 Q. Did you actually meet them at their --

5 A. Vehicles.

6 Q. Vehicles. And when you met them in the
7 mornings, did you ever have any time when you found
8 that they were being interviewed by third parties, by
9 the press --

10 A. Absolutely not.

11 Q. -- by the defense or by the prosecutors?

12 A. No, sir.

13 Q. And did you ever have any reports of any
14 contacts that were made to the jurors at the place
15 where you picked them up?

16 A. No, sir.

17 Q. Okay. You picked them up and you brought
18 them in. What did you do then?

19 A. They were -- they had breakfast for them
20 here. They catered the lunch to them. On a couple of
21 occasions, we took them out for lunch, two or three
22 times; but for the most part, once they got here to
23 the federal building each morning, they remained here
24 the entire day. And then after court was adjourned
25 for the afternoon, we would load them back into the

1 vans, take them back to their vehicles, drop them off,
2 remain at the location until they had all cleared the
3 area.

4 Q. When you brought them to the building, did
5 they have an opportunity when they first arrived to
6 mingle with any third parties or prosecutors or
7 defense attorneys?

8 A. No, sir.

9 Q. Why not?

10 A. Because we brought them in the rear entrance,
11 which is a secured entrance, to the Marshal's office;
12 brought them through the metal detectors at the rear
13 of the building where all the packages and all --
14 everything comes in. And then we would take them
15 through -- the back way through to the clerk's office,
16 which they went into the jury assembly room or the
17 area they had prepared for them. And that's where
18 they would eat their breakfast and everything.

19 But they had no contact with anybody other than
20 the clerk's office, which would have the breakfast for
21 them, bring it in, and U.S. -- U.S.M.S. personnel.

22 Q. Okay. Now, how many people did you keep with
23 them? Like at breakfast time, how many marshals were
24 with them at that time?

25 A. Three.

1 Q. Okay. Do you know who those people were?

2 A. Different times. The thing rotated. It was
3 a three-week assignment. Laura Irby, John Devenney.
4 Robin Stafford, and Byron Schiesz.

5 Q. Rotated?

6 A. Were the ones. That was the core group that
7 worked the -- the entire trial.

8 Q. And you had other people rotate in from time
9 to time?

10 A. Well, they rotated. That was the group that
11 rotated in. That was the personnel that --

12 Q. Where were they from?

13 A. Byron and Robin were from Mobile. John
14 Devenney was from Macon, Georgia. And Laura Irby was
15 from Columbus, Georgia, Middle District.

16 Q. And how did you get those people assigned to
17 this case?

18 A. Through the Marshal Service, request
19 personnel for special assignments; and then they would
20 send out an e-mail and people would respond. And then
21 once the money was appropriated for the special
22 assignment, then they would come in and work the
23 detail for three weeks and then rotate and then we
24 would have two more come in.

25 Q. And they were with -- they were with them in

1 the mornings. Did you have any local marshals
2 assigned to them at that time, too?

3 A. Only myself.

4 Q. Okay. Were you with them each day?

5 A. I was.

6 Q. Now, in the morning, you said they were there
7 with the court clerk. Was it possible that they gave
8 notes to the court's clerk office to pass to the
9 prosecutors at breakfast or any other time during the
10 day?

11 A. No, sir. I don't think that would be
12 possible because the only thing the clerk did was just
13 get the breakfast. And they would bring it in and it
14 would be set up. I don't know that they had -- they
15 had very limited contact with the clerks.

16 Q. Okay. Then you would take them to the
17 courtroom; is that correct?

18 A. That's correct.

19 Q. Now, when they were in the courtroom, the
20 prosecutors sat relatively close to the jury. Is
21 there any possibility that the jurors could have
22 passed notes directly to the prosecutors in the
23 courtroom?

24 A. No, sir.

25 Q. Why do you say that?

1 A. Well, the proximity to the prosecutors in the
2 jury box is probably 10, 15 feet. They never left the
3 jury box other than to go back into the jury room, you
4 know. They -- they didn't have any contact or, you
5 know, they went not in close enough proximity to the
6 prosecutors to pass notes.

7 Q. And where did you sit in the courtroom?

8 A. I sit in the corner by the jury box, you
9 know.

10 Q. So would you have observed notes if they had
11 attempted to pass them?

12 A. I would have, yes, sir.

13 Q. Were you in the courtroom every day?

14 A. Yes, sir.

15 Q. Now, when they left, say, for bathroom
16 breaks, did they have any opportunity to see the
17 prosecutors, the defense attorneys, or any third
18 parties at the time they took breaks?

19 A. No, sir.

20 Q. Why do you say that?

21 A. Because the jury room where they stayed and
22 the restrooms, the door exit was right where I sat.
23 So they would step out of the jury box into that door
24 into the jury assembly room. And then the restrooms
25 are there. They -- they never went out into the

1 courtroom, I mean into the floor of the courtroom.

2 Q. Did you ever have any reports, since you
3 supervised this detail, of any attempts to contact the
4 jurors or any attempts by the jurors to contact
5 others?

6 A. No, sir.

7 Q. Do you believe that there's any factual basis
8 for the allegations of notes or communications were
9 passed through the marshals to the prosecutors in this
10 case?

11 A. No, sir.

12 Q. Why do you say that?

13 A. I -- personally, I never saw any notes passed
14 to anybody at any time other than after deliberation
15 began. And that's just routine. You pass notes to
16 the Marshal Service; we in turn give them to the clerk
17 of the Court, who gives them to the Judge. And I'm
18 sure all these notes are part of the record. But at
19 no time were any notes passed in any other way or
20 addressed to anybody other than the Judge.

21 Q. There's an allegation in this case that
22 communications might have gone, instead of through the
23 marshals, but through a lady named Melissa in the
24 court clerk's office. Would you believe she had
25 opportunity to take notes between the jurors and the

1 prosecutors in this case?

2 A. No, sir.

3 Q. Why do you say that?

4 A. The notes -- the notes that I gave her were
5 always from -- directed to the judge, I mean. And
6 that was -- that's the way, you know, that it
7 operates. And so any note that I gave her would have
8 been immediately turned over to the Judge for a
9 response from the Judge.

10 Q. And that would have been during
11 deliberations, not during the trial?

12 A. At any time. At any time they had a question
13 of the Judge or anything like that. I mean, all
14 correspondence, notes, issues, matters, were all
15 addressed to the Judge.

16 Q. And you believe those are all part of the
17 record if they occurred?

18 A. If they occurred, yes, sir.

19 Q. Do you recall that after deliberations, there
20 were allegations of jury tampering and e-mails being
21 passed between the jurors? Do you recall those --
22 those allegations in this case?

23 A. I recall the allegations.

24 Q. What do you know about those?

25 A. Just other than they said there was some

1 e-mails or something to that effect, but that's all I
2 know about that.

3 Q. Okay. This was a kind of high-profile case,
4 and some people believe it has political overtones.
5 Do you have any strong political feelings about this
6 trial?

7 A. I'm sorry. I don't quite understand the
8 question.

9 Q. Do you have strong political feelings about
10 the people that were indicted in this case? Do you
11 have, for example, any past contacts with Siegelman or
12 Scrushy or any of the others?

13 A. No, sir.

14 Q. Do you have any strong personal contacts with
15 any of the prosecutors that were involved in this
16 case?

17 A. No, sir.

18 Q. Do you -- did you have any -- do you, for
19 example, have any social relationships with anyone in
20 the U.S. Attorney's Office?

21 A. No, sir.

22 Q. The Marshal, who is in charge of this
23 investigation, was appointed by a Republican
24 administration. Have you ever seen him be influenced
25 by his politics in his supervision of the details of

1 the Marshal's office?

2 A. No, sir.

3 Q. Do you believe he's subject to influence by
4 either the prosecutor or the defendants in this trial?

5 A. No, sir.

6 Q. Do you believe that -- do you have any
7 explanation as to why such allegations may have been
8 rumored in this case? Do you think there's any
9 basis? Do you have any idea where it comes from?

10 A. No, sir. I have no idea why these
11 allegations would have been made or, you know, brought
12 forth or whatever.

13 Q. Do you believe there's any basis at for these
14 allegations in truth?

15 A. Not to my knowledge, no, sir.

16 Q. Do you have anything else that you would like
17 to add that you think would be of benefit to this
18 inquiry?

19 A. No, sir, not -- not as I can think of. I
20 don't have anything to add other than the fact that
21 there was, you know, no problems during the trial, no
22 problems during the deliberations. There was not an
23 excessive amount of notes or anything like that as for
24 as questions, things like that. You know, it was just
25 pretty routine. I mean, it was a high-profile trial;

1 but it was still, you know, a routine trial.

2 Q. You don't remember anybody talking about
3 anything being out of the ordinary among your staff?

4 A. No, sir.

5 Q. Or among your jurors?

6 A. Absolutely not.

7 MR. MULLINS: Thank you. I appreciate it.

8 (The interview concluded at
9 10:56 a.m.)

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2 REPORTER'S CERTIFICATE

3 STATE OF ALABAMA

4 MONTGOMERY COUNTY

5 I, Mallory M. Johnson, Certified Court Reporter
6 and Commissioner for the State of Alabama at Large,
7 hereby certify that on Tuesday, December 9, 2008, I
8 reported the interview of DEPUTY MARSHAL MICHAEL
9 BATES, and that pages 2 through 13 contain a true and
10 accurate transcription of the proceedings set out
11 herein.

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

15 This 31st day of December, 2008.
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19

20 MALLORY M. JOHNSON, COURT REPORTER
21 And Commissioner for the
22 State of Alabama at Large
Alabama License Number: 443
Expires 09/30/09

23 MY COMMISSION EXPIRES: 2/24/09
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25