

1 IN THE CIRCUIT COURT OF MARIES COUNTY, MISSOURI

2 CASE NO: 24MS-CC00043

3 CITY OF VIENNA,

4 Petitioner,

5 Vs.

6 SHERIFF HAROLD C. HEITMAN,

7 Respondent.

8 _____/

9

10 DEPOSITION OF

11 SHANNON THOMPSON

12

13 VOLUME I (Pages 1 - 80)

14

15 June 20, 2024

16 9:00 a.m. - 10:36 a.m.

17

18 Lauber Municipal Law

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20

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18
19
20
21
22
23
24
25

INDEX

EXAMINATIONS

PAGE

Direct Examination by Mr. Barrett	5
Cross-Examination by Mr. Nickolaus	73
Certificate of Reporter	76
Read Letter	77
Witness Signature	78
Errata	79
Court Memo	80

EXHIBIT INSTRUCTIONS

Exhibits were retained by Counsel for
Respondent.

EXHIBITS

PAGE

Exhibit 1	
03/26/2024 Sunshine Law Request	14
Exhibit 2	
03/27/2024 Records Request Response	14
Exhibit 3	
04/04/2024 Sunshine Request Reminder	15
Exhibit 4	
Undated letter and Envelope Postmarked April 10, 2024	15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

PAGE

Exhibit 5	
Sunshine Records - Sealed by Order of the	
Court	16
Exhibit 5A	
Belle File	48
Exhibit 5B	
Miscellaneous File	48
Exhibit 5C	
Sheriff File including Financial	48
Exhibit 6	
01/17/2024 Riverfront Times Article	22
Exhibit 7	
Facebook Screenshot	60

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
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19
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BY: MR. DAVID F. BARRETT
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ALSO PRESENT: CHRIS HEITMAN

1 Proceedings began at 9:00 a.m.:

2 COURT REPORTER: Would you raise your
3 right hand.

4 Do you solemnly swear that the testimony
5 you're about to give will be the truth, the whole
6 truth, and nothing but the truth?

7 THE WITNESS: Yes, ma'am.

8 Thereupon:

9 SHANNON THOMPSON
10 having been first duly sworn, was examined and
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BARRETT:

14 Q. Sir, would you please state your name.

15 A. Shannon Thompson.

16 Q. What is your occupation?

17 A. I'm the chief of police for the citizens
18 of Vienna.

19 MR. NICKOLAUS: Can we pause for a
20 second?

21 (Off the record.)

22 BY MR. BARRETT:

23 Q. Where did you do your basic law
24 enforcement training?

25 A. Missouri State Highway Patrol Academy in

1 **Jeff City.**

2 Q. Were you a trooper?

3 **A. No, no. They offered that --**

4 Q. Way back in the day?

5 **A. Way back in the day, yeah.**

6 Q. What year did you complete it?

7 **A. I would have -- the first one was in 1992.**

8 **Then I completed a 300-hour advanced course, I'm**
9 **going to say 1996.**

10 Q. And how long have you been the police
11 chief for Vienna?

12 **A. Fourteen years.**

13 Q. Is a condition of your employment as the
14 police chief holding a peace officer license from the
15 Department of Public Safety?

16 **A. Yes, sir.**

17 Q. Do you have any other employment?

18 **A. No, sir.**

19 Q. And what other law enforcement agencies
20 have you worked for since 1992?

21 **A. The Dixon Missouri Police Department and**
22 **the Maries County Sheriff's Office.**

23 Q. Have you been associated with any other
24 law enforcement agencies, for instance holding a
25 reserve commission, being a member of a task force,

1 or any of those sorts of things?

2 **A. I was a special deputy U.S. Marshal while**
3 **working for Walden Security at the Christopher Bond**
4 **Courthouse here in Jeff.**

5 Q. When was that?

6 **A. 2017 to 2019 I believe.**

7 Q. And talking just in very general terms,
8 what years were you with Dixon?

9 **A. Oh, my gosh.**

10 Q. Pre-2000?

11 **A. Yes.**

12 Q. Okay. How long were you with Dixon?

13 **A. Four years I think.**

14 Q. What was your position there?

15 **A. Deputy marshal.**

16 Q. And with Maries County what was your
17 position?

18 **A. I made detective.**

19 Q. And what years? Can you tell me
20 approximate years?

21 **A. That was probably '97 through 2008.**

22 Q. And you made detective, but can you tell
23 me --

24 **A. I started off as a road deputy and --**

25 Q. Where did you go from that?

1 **A. Road supervisor, then detective.**

2 Q. As the police chief in Vienna, how many
3 employees are you responsible for?

4 **A. Two full-time and three reserves.**

5 Q. Okay. Are those all peace officers?

6 **A. Yes.**

7 Q. You don't have a clerk or a secretary or
8 anything like that?

9 **A. Not for our department.**

10 Q. Do you share one with another department
11 within the City?

12 **A. The city clerk acts, as far as like bill
13 paying and so on and so forth.**

14 Q. Can you tell me how large Vienna is?
15 What's the population?

16 **A. 628.**

17 Q. How many square miles is it?

18 **A. I couldn't -- I don't know.**

19 Q. Okay. And we talked about the size of
20 your agency. Do you know how large Maries County is?

21 **A. Roughly eight to ten thousand people.**

22 Q. Do you know the square miles?

23 **A. 528.**

24 Q. Who's the -- I've seen it phrased both
25 ways, but in the city of Belle, do they have a

1 marshal or a police chief?

2 **A. They have a marshal.**

3 Q. Okay.

4 **A. Is the way I take it.**

5 Q. And who is that?

6 **A. Jerry Coburn.**

7 Q. Is Jerry J-e-r-r-y?

8 **A. Yes.**

9 Q. And Coburn's C-o-b-u-r-n?

10 **A. C-u -- C-o-b-o-r-n [sic] I believe.**

11 Q. Okay. Thank you. At one time it was
12 Sheriff Heitman, was it not?

13 **A. Years ago, yes.**

14 Q. Okay. Who is Mark Morgan?

15 **A. He's currently the sergeant for the Belle
16 Police Department.**

17 Q. Do you know who the candidates for sheriff
18 for Maries County are this year?

19 **A. Yes, sir.**

20 Q. Who are they?

21 **A. Scott John, Mark Morgan, T.J. Halle, and
22 Buddy Thompson.**

23 Q. I missed the second one. Scott John, T.J.
24 Halle, Buddy Thompson.

25 **A. Mark Morgan.**

1 Q. Mark Morgan.

2 A. Uh-huh.

3 Q. Are you related by blood or marriage to
4 Jerry Coburn?

5 A. No, sir.

6 Q. How about Mark Morgan?

7 A. No, sir.

8 Q. Scott John?

9 A. No, sir.

10 Q. T.J. Halle?

11 A. No, sir.

12 Q. Buddy Thompson?

13 A. He's a first cousin.

14 Q. The individuals I just named, and I'd be
15 glad to name them again, do you have any business
16 association with any of them?

17 A. No, sir.

18 Q. And have you ever had a social
19 relationship with any of them?

20 A. I mean, as far as barbecuing and that kind
21 of stuff?

22 Q. Sure.

23 A. I mean, family events with Buddy,
24 Christmas and whatnot.

25 Q. Okay. That's a given.

1 **A. Yeah, yeah. But no, not -- none of the**
2 **others.**

3 Q. Who is the City of Vienna's custodian of
4 records?

5 **A. It would be the city clerk.**

6 Q. And what is his name or her name?

7 **A. Now it's Angie Combs.**

8 Q. When did she begin?

9 **A. Two weeks ago.**

10 Q. Who was it previously?

11 **A. Karen Dudenhoeffer.**

12 MR. BARRETT: Off the record for a second.

13 (Off the record.)

14 BY MR. BARRETT:

15 Q. And when did Ms. Dudenhoeffer serve?

16 **A. It's been approximately two years. I'm**
17 **not sure on dates.**

18 Q. Okay. Who was before Ms. Dudenhoeffer?

19 **A. It would have been Carrie Roberds.**

20 Q. How long ago did she start?

21 **A. Carrie?**

22 Q. Yes. Just so I'm not throwing you back,
23 my goal is to get back seven years.

24 **A. Sure. Oh, yeah, sure. I'm going to**
25 **say 20 -- she was there post-COVID so '20, '21, '22,**

1 **somewhere in there.**

2 Q. All right. And before that?

3 **A. Sherry James.**

4 Q. And how long did -- when did Ms. James's
5 responsibility begin?

6 **A. 2008.**

7 Q. All right. That gets us back to the time
8 period --

9 **A. Okay.**

10 Q. -- I wanted to be.

11 So Sherry James left sometime around
12 COVID. Carrie Roberds started. Carrie Roberds
13 lasted a couple of years. And Karen Dudenhoeffer
14 took the responsibility --

15 **A. Carrie was only there -- she was there
16 less than a year.**

17 Q. But then it was Karen Dudenhoeffer?

18 **A. Yes.**

19 Q. And up until -- she lasted until a couple
20 of weeks ago?

21 **A. Yeah.**

22 Q. When Ms. -- I'm sorry, is it Comber?

23 **A. Combs.**

24 Q. Combs.

25 **A. Ms. Combs would have been hired, she would**

1 have been hired the first -- or the council meeting
2 in May. And then she had to exit her former job and
3 begin training with this job. So it's -- she's been
4 there roughly -- she's been on the books roughly a
5 month. She's only been there in person starting to
6 train two, three weeks.

7 Q. Okay. We're talking in generalities.

8 A. Okay. Yeah.

9 Q. I appreciate it. How, if at all, does
10 your position as police chief interact with the
11 custodian of records?

12 A. I maintain the police records and whatnot
13 back in our office. And then she maintains personnel
14 files and so on and so forth in her office.

15 Q. And when we're talking about police
16 records, we're talking about things mentioned in the
17 Sunshine law: Incident reports, arrest reports,
18 those types of things.

19 A. Right.

20 Q. Investigative records.

21 A. Law enforcement records, yes.

22 Q. Okay. And so if you receive a Sunshine
23 request, do you typically respond to those, or do you
24 assist her in responding to them?

25 A. This is the first one so, you know.

1 Q. All right. Do you have any training in
2 the responsibilities of a custodian of records?

3 **A. No.**

4 Q. I'm going to show you what's been marked
5 as Exhibit 1.

6 (Exhibit 1 was previously marked.)

7 BY MR. BARRETT:

8 Q. Do you recognize that document?

9 **A. Yes, sir.**

10 Q. All right. I'm going to show you what's
11 been marked as Exhibit 2.

12 (Exhibit 2 was previously marked.)

13 BY MR. BARRETT:

14 Q. Do you recognize that document?

15 **A. Yes, sir.**

16 Q. In fact, you're the author of that
17 document. Is that right?

18 **A. That's correct.**

19 Q. And can you tell me how, if you're not the
20 custodian of records, it happened that you prepared
21 that document?

22 **A. To be honest with you, just unaware that
23 the clerk would have had to have responded.**

24 Q. All right. Just in the day-to-day
25 business, you take care of police records?

1 **A.** **In my office, that's --**

2 Q. That's what --

3 **A.** **Yes, sir.**

4 Q. That's what you do; it's your job?

5 **A.** **Yes, sir.**

6 Q. All right. And have you seen Exhibit 3
7 before?

8 **A.** **Yes.**

9 (Exhibit 3 was previously marked.)

10 BY MR. BARRETT:

11 Q. And Exhibit 4, is that a letter you wrote?

12 **A.** **Yes, sir.**

13 (Exhibit 4 was previously marked.)

14 BY MR. BARRETT:

15 Q. And that's your signature down at the
16 bottom?

17 **A.** **Yes, sir.**

18 Q. I notice the letter isn't dated, but
19 apparently it was delivered in an envelope that is
20 postmarked on April 10.

21 **A.** **Yes, sir.**

22 Q. Does that look about right to you?

23 **A.** **Yes, sir.**

24 Q. All right. Now, can we stick a sticker on
25 your stack, just so we're talking about the same

1 documents.

2 (Exhibit 5 was marked for identification.)

3 BY MR. BARRETT:

4 Q. Sir, sitting to your right is a stack of
5 documents that I have labeled Exhibit 5. The City's
6 attorney has told me that they are the documents that
7 are responsive to Exhibit 1. Is that correct?

8 **A. Remind me which one Exhibit 1 is. Sorry.**
9 **These are the requested ones is what you're asking?**

10 Q. Yes.

11 **A. Okay. I -- I assume so.**

12 Q. Have you had a chance to look at those
13 documents?

14 **A. That stack, no, sir.**

15 Q. Why don't you go ahead and take a look at
16 those?

17 While he's doing that, Counsel, these are
18 the same documents I looked at? They're in the same
19 order and all that sort of thing. Right?

20 MR. NICKOLAUS: Yes.

21 MR. BARRETT: Okay. Thank you.

22 MR. NICKOLAUS: Just for the record,
23 Exhibit 5 consists of three folders, each with a
24 stack of documents in it.

25 MR. BARRETT: That at some point we'll

1 Bates stamp. Thank you.

2 BY MR. BARRETT:

3 Q. All done?

4 A. **Yes, sir.**

5 Q. All right. So my question was are those
6 the documents that were responsive to the request in
7 Exhibit 1?

8 A. **Yes.**

9 Q. All right. Are there any documents that
10 are responsive to the request in Exhibit 1 that are
11 not in that stack of documents you just reviewed?

12 A. **Not that I'm aware of.**

13 Q. Do you have personal copies of any of
14 these documents?

15 A. **I have the original.**

16 Q. When I say personal copies, I mean a copy
17 that you do not keep as the police of -- chief of
18 police, but that you keep perhaps for your personal
19 records or at your home or anyplace other than a
20 place the custodian of records would have access to?

21 A. **I do keep a copy off-site in case
22 something was to happen in my office.**

23 Q. Okay.

24 MR. NICKOLAUS: I'll leave this open so
25 we can get air.

1 MR. BARRETT: We're off the record.

2 (Off the record.)

3 BY MR. BARRETT:

4 Q. The off-site records that you referred to,
5 Chief, where are those kept?

6 A. **On a thumb drive.**

7 Q. And where is the thumb drive kept?

8 A. **On my person normally.**

9 Q. All right. So if you're at home, it's at
10 home?

11 A. **Uh-huh.**

12 Q. Is that yes?

13 A. **Well -- I'm sorry.**

14 Q. Let's back up just a second. When you say
15 uh-huh, she gives me dirty looks even if you're not
16 aware of it.

17 A. **I'm sorry. I'm sorry. Yes. So normally
18 it's kept in my fire safe. If I leave home for an
19 extended period of time, I take it with me.**

20 Q. And I take it from the context there, the
21 fire safe is in your home?

22 A. **Yes.**

23 Q. Okay. Do you have personal copies of any
24 notes or drafts or other work product used to prepare
25 these documents?

1 **A. No, sir.**

2 Q. Back in the day I'm sure you well remember
3 since you and I have a day or two --

4 **A. Uh-huh.**

5 Q. -- we used to write things in notebooks
6 and make notes and things like that.

7 Now with computers --

8 **A. Yeah.**

9 Q. -- we tend to just type our thoughts
10 directly in.

11 **A. Yeah. That's -- for the most part. Or,**
12 **you know, we were both taught back in the day to**
13 **destroy your notes when your report's complete.**

14 Q. Actually I was born in a different place
15 so --

16 **A. Really?**

17 Q. -- when I cut my teeth, we saved our
18 notes.

19 **A. Really?**

20 Q. Because I was out in Los Angeles and in
21 California, we had a duty to preserve notes from the
22 very beginning.

23 **A. Really?**

24 Q. And when I left for law school after five
25 years on the job, I had a stack of notebooks --

1 **A. Wow.**

2 Q. -- in the back of my locker.

3 **A. Right.**

4 Q. We kept them all.

5 **A. Oh, wow.**

6 Q. So let's see. You've answered that
7 question. The documents in Exhibit 5, were they all
8 prepared on City computers using City software?

9 **A. No.**

10 Q. Where else were they prepared?

11 **A. I did them on a laptop at my house**
12 **usually.**

13 Q. And whose laptop is that?

14 **A. Mine.**

15 Q. Has it been the same laptop throughout all
16 the seven years?

17 **A. Yes, sir.**

18 Q. As an aside, you're much luckier with
19 laptops than I am.

20 MR. NICKOLAUS: That's what I was just
21 whispering to him.

22 MR. BARRETT: Right.

23 BY MR. BARRETT:

24 Q. Now, some of these documents are not
25 documents of the City of Vienna. Is that right?

1 **A. True.**

2 MR. NICKOLAUS: I'm going to object.
3 These are all documents in the possession of the City
4 of Vienna.

5 MR. BARRETT: Absolutely correct. I will
6 with draw my inartfully-stated question.

7 BY MR. BARRETT:

8 Q. Did some of these documents originate
9 outside of the City of Vienna?

10 **A. Yes, sir.**

11 Q. For instance, there's a St. Louis County
12 traffic accident report in there.

13 **A. Yes, sir.**

14 Q. That's the one that just jumps to mind.

15 **A. Uh-huh.**

16 Q. You collected that as part of your work
17 even though it was prepared by somebody else?

18 **A. Yes.**

19 Q. Okay. Are the documents in Exhibit 5 true
20 copies of the documents of the City of Vienna?

21 **A. They appear to be.**

22 Q. And are they complete copies of the
23 records?

24 **A. They appear to be.**

25 MR. NICKOLAUS: I'm going to insert here.

1 As you and I have discussed, there are duplicates --

2 MR. BARRETT: Certainly.

3 MR. NICKOLAUS: -- for some of these
4 records that we were given that are not included in
5 Exhibit 5 because they're duplicates.

6 MR. BARRETT: Right. And a duplicate is
7 a duplicate.

8 MR. NICKOLAUS: Right.

9 MR. BARRETT: It may have been in a
10 different context or something like that, but I don't
11 care. All I want are the documents.

12 MR. NICKOLAUS: I just want the record to
13 be clear.

14 MR. BARRETT: No. I just want to make
15 sure you and me are in agreement because I think we
16 are, and the record ought to reflect that. Your
17 courtesies have been greatly appreciated.

18 BY MR. BARRETT:

19 Q. All right. So there are no documents
20 responsive to Exhibit 1 in possession of the City
21 that are not in Exhibit 5?

22 A. Yes, sir.

23 Q. I'm going to show you what I've marked as
24 Exhibit 6.

25 (Exhibit 6 was previously marked.)

1 BY MR. BARRETT:

2 Q. Have you ever seen a form of that document
3 before today?

4 A. **Yes, sir.**

5 Q. And can you tell us what it is?

6 A. **It's a report written by a journalist in
7 St. Louis, Missouri for Riverfront Times.**

8 Q. And his name is Ryan Krull. Is that
9 right?

10 A. **Yes, sir.**

11 Q. His name's up there at the very top of the
12 first page?

13 A. **Yes, sir.**

14 Q. Statements in the article are attributed
15 to you. Are they correct?

16 A. **Not exactly.**

17 Q. All right. I'm going to give you a red
18 pen.

19 A. **Uh-huh.**

20 Q. And you feel free to mark right on that
21 exhibit anything that is attributed to you that is
22 not correct or out of context or anything wrong with
23 it at all that you think is worth mentioning, I'd
24 like you to mark it. Take your time.

25 A. **Are you asking for me to mark out stuff**

1 **that I didn't tell him or?**

2 Q. Anything that's incorrect that you said
3 that he attributes to you, I want you to mark.

4 **A. Oh, okay.**

5 Q. We'll then go through in a little bit,
6 I'll take that marked-up one and we'll go through and
7 talk about each one of them individually. But I
8 don't want to interrupt you; I want to give you a
9 chance to read through it and mark it first. Okay?

10 MR. NICKOLAUS: To be clear, you're
11 asking him just to mark his statements?

12 MR. BARRETT: Yes.

13 **THE WITNESS: Okay.**

14 (Off the record.)

15 BY MR. BARRETT:

16 Q. All right. Chief, what was your question?

17 **A. We'd have to go back so I can see what it**
18 **says.**

19 **As far as a litany of allegations, that's**
20 **not my wording. He asked what the documents entailed**
21 **and I told him, but. So that's his words, not mine,**
22 **but.**

23 Q. Let's back up for just a second.

24 **A. Okay.**

25 Q. Inconveniently this document wasn't

1 numbered. Let's me fix that.

2 MR. NICKOLAUS: For the record, he's
3 adding page numbers.

4 BY MR. BARRETT:

5 Q. In blue ink in the bottom right corner.

6 A. **I'm sorry. I think there was more in the**
7 **back of that document.**

8 Q. All right. So while we're still on the
9 record, I have numbered the document pages 1
10 through 19. And we'll go off the record again while
11 you finish marking up anything you think is
12 appropriate.

13 (Off the record.)

14 BY MR. BARRETT:

15 Q. Back on the record.

16 Sir, you had an opportunity to go through
17 Exhibit 6 and mark any statements attributed to you
18 that you believe are incorrect. Is that right?

19 A. **Yes, sir.**

20 Q. All right. And if my eyes do not deceive
21 me, the only thing you have marked is on page 3, the
22 third paragraph, the second sentence which says, and
23 I quote, He writes that he'd become extremely
24 frustrated after making complaints to several State
25 agencies and trying to get someone to look into

1 Heitman for years, close quote.

2 What is inaccurate about that statement,
3 sir?

4 **A. Well, first off, it's not a quote.**

5 Q. No. I quoted the letter.

6 **A. Oh, okay. I didn't tell him that.**

7 Q. Okay.

8 **A. I had told him that this information had**
9 **been forwarded to State agencies without results, but**
10 **I didn't tell him that I'd been trying to get**
11 **somebody to look at him for years.**

12 Q. So the suggestion that you were extremely
13 frustrated must have been some sort of interpretation
14 of his?

15 **A. Where are you at, sir?**

16 Q. Right here.

17 **A. I think he took that from the letter --**

18 Q. Okay.

19 **A. -- to -- to the Attorney General's Office.**
20 **This is in the complaint to the Attorney**
21 **General's Office.**

22 Q. Okay.

23 **A. So I'm assuming --**

24 Q. We're talking about a third person here?

25 **A. Exactly. So I can't tell you what --**

1 where he believes he got that from, but I think that
2 he got that off of the written document.

3 Q. Okay. It certainly was not something you
4 said in conversation with him?

5 A. Not that I recall, no.

6 Q. Very good. Were you aware that Mr. Krull
7 recorded his conversations with you?

8 A. Yes, sir.

9 Q. Did you record the conversations that you
10 had with him?

11 A. No, sir.

12 Q. How do you know Mr. Krull?

13 A. Marvin Elmore's wife's attorney told him
14 he'd want to -- he'd want to come down here and talk
15 to these people.

16 Q. Who is Marvin Elmore?

17 A. Marvin Elmore is an inmate that died
18 shortly after being released from the Maries County
19 jail.

20 Q. And he was married to a woman named?

21 A. Linda.

22 Q. Linda Elmore?

23 A. Yes, sir.

24 Q. And do you know what her attorney's name
25 is?

1 **A.** **It began as Jim Thomas and then it became**
2 **Waldron.**

3 Q. And which one suggested you talk to
4 Mr. Krull?

5 **A.** **Waldron.**

6 Q. And what is Waldron's first name, do you
7 know or is --

8 **A.** **It's something different. We -- he goes**
9 **by Jack, but that's not his legal first name is my**
10 **understanding.**

11 Q. But Jack Waldron is the attorney I'd be
12 looking for --

13 **A.** **Yes, sir.**

14 Q. -- if I wanted to talk to him.

15 **A.** **Yeah.**

16 Q. Now, I've noticed -- I want to talk about
17 this letter to the attorney general.

18 **A.** **Yes, sir.**

19 Q. You wrote that?

20 **A.** **Yes, sir.**

21 Q. And I understand from the article that
22 it's a five-page letter?

23 **A.** **Probably.**

24 Q. Okay. Haven't counted them lately?

25 **A.** **No.**

1 Q. Was it on City letterhead?

2 A. Yes, sir.

3 Q. Was it signed by you like Exhibit 4 was as
4 police chief?

5 A. Yes, sir.

6 Q. Who was it copied to, if you recall?

7 A. Our City attorney.

8 Q. Anyone else?

9 A. No, sir.

10 Q. All right. And I've looked through
11 Exhibit 5, I like to think diligently --

12 A. Okay.

13 Q. -- but I don't see any letter to the
14 attorney general in there.

15 Have I missed it? Yes, I missed it?

16 MR. NICKOLAUS: Yes, you missed it.

17 THE WITNESS: I was going to say, I think
18 it's in there.

19 BY MR. BARRETT:

20 Q. Did you see it in the stack today?

21 A. Yes, sir.

22 Q. Can you give me the envelope that it's in
23 or the folder that's it's in?

24 MR. NICKOLAUS: Let's --

25 MR. BARRETT: There it is.

1 MR. NICKOLAUS: Yeah.

2 MR. BARRETT: It is the third document in
3 the set. All right. And it has redactions. Is that
4 right? There were parts of it that were blacked out?

5 MR. NICKOLAUS: There's an unredacted
6 one.

7 **THE WITNESS: Yeah. There's a second one**
8 **in there.**

9 MR. NICKOLAUS: Might be that.

10 MR. BARRETT: Oh, this one. All right.
11 Actually that was one of my questions too.

12 BY MR. BARRETT:

13 Q. The third document, the one with the
14 redactions --

15 **A. Uh-huh.**

16 Q. -- actually has your signature on it, does
17 it not?

18 **A. It's a copy of the first one.**

19 Q. Well, what I noticed, this one that is
20 printed in color that is further down in the stack
21 doesn't have your signature.

22 **A. The original went to the attorney general,**
23 **and I kept that in a file copy. So when I print it,**
24 **it doesn't have the signature on it.**

25 Q. But have you also kept a copy of the

1 signed version that you sent to the attorney general?

2 **A. I don't think I kept a signed copy.**

3 Q. All right. Do you know how your signature
4 on that third document that we looked at in this
5 stack, how it happens to have your signature? I'm
6 just trying to understand how the recordkeeping
7 works.

8 **A. I'll have to be honest with you. I**
9 **don't -- I made a copy of that original, so I guess I**
10 **did, probably what I forwarded to Mr. Nickolaus was**
11 **just off the thumb drive.**

12 Q. Okay.

13 **A. So I didn't make him a photocopy of the**
14 **original. Does that make sense? That's what I'm**
15 **thinking happened.**

16 Q. Okay. Was that written on your laptop at
17 home or was that written at City Hall or do you have
18 any idea?

19 **A. That one I think was written at City Hall.**

20 Q. Who delivered it to the -- or strike that.
21 How was it delivered to the attorney
22 general?

23 **A. By U.S. mail --**

24 Q. And who --

25 **A. -- and email.**

1 Q. And who paid for the postage?

2 **A. The City of Vienna.**

3 Q. Where are the copies kept?

4 **A. Copies kept for?**

5 Q. Of that letter.

6 **A. They should be in my folder at the office.**

7 Q. All right. I want to make sure I
8 understand this. At some level we have your backup
9 copies that are on a thumb drive that is usually in
10 the fire safe at your home. Is that right?

11 **A. One of them. The other one is in the safe**
12 **at the office.**

13 Q. You have another thumb drive that you keep
14 at the safe at the office?

15 **A. Yes, sir. Well, if fire --**

16 Q. Okay.

17 **A. -- or whatever happens to it, then**
18 **there's -- that's the only reason for keeping an**
19 **extra copy --**

20 Q. Sure.

21 **A. -- off-site.**

22 Q. I'm a big fan of backup copies, let me
23 tell you.

24 **A. Right. Right.**

25 Q. Then you have your police department

1 records.

2 **A. Uh-huh.**

3 Q. Are the police department records kept in
4 paper form or electronically or both?

5 **A. Paper form for the most part.**

6 Q. Okay. And this file that you referred to
7 that has the letter to Attorney General Bailey --

8 **A. Uh-huh.**

9 Q. -- what file would that be?

10 **A. It's a folder like this.**

11 Q. All right. Just a manila folder?

12 **A. That I keep in a locked file cabinet in my
13 office.**

14 Q. And what is -- how is that file labeled,
15 if at all?

16 **A. I'd have to go back and look at it to tell
17 you.**

18 Q. Okay. What is in it besides the letter to
19 the attorney general?

20 **A. Just the supporting documents that's been
21 brought to me to generate that letter.**

22 Q. Okay. And are any of the documents that
23 were used to generate that letter not in Exhibit 5?

24 **A. No, sir.**

25 Q. In the article it talks about three

1 different fires that the reporter associated with
2 Sheriff Heitman. Do you recall?

3 **A. There is -- there was mention, and I think**
4 **he already had that information if I remember right,**
5 **but.**

6 Q. Okay.

7 **A. I -- I didn't have direct information**
8 **about the fires.**

9 Q. All right.

10 **A. So I don't know where he gained that**
11 **information. I knew that there's allegations of**
12 **fires, but I didn't have any direct information**
13 **regarding those fires.**

14 Q. None of the fires occurred within the city
15 of Vienna?

16 **A. No, sir.**

17 Q. Do you have copies of the -- of any
18 reports regarding those fires?

19 **A. No, sir.**

20 Q. For instance, it's my understanding that
21 the state fire marshal prepared reports in one or
22 more of the incidents. Do you have any copies of
23 those?

24 **A. No, sir.**

25 Q. Do you have any reports from any of the

1 fire departments or fire districts that responded to
2 the events?

3 **A. No, sir.**

4 Q. The article refers to insurance fraud or
5 Sheriff Heitman committing insurance fraud. Can you
6 tell me what that was referring to?

7 MR. NICKOLAUS: I'm going to object as
8 being hearsay. He's already stated that he has -- he
9 didn't write the article.

10 BY MR. BARRETT:

11 Q. I understand. Answer to the best of your
12 ability, Chief.

13 **A. Could you repeat the question please.**

14 MR. BARRETT: Could we have it read back.

15 COURT REPORTER: "Question: The article
16 refers to insurance fraud or Sheriff Heitman
17 committing insurance fraud. Can you tell me what
18 that was referring to."

19 **THE WITNESS: It's referring to some of**
20 **the documents that's in Exhibit No. 5.**

21 BY MR. BARRETT:

22 Q. Which ones specifically please?

23 **A. Did you number the documents?**

24 Q. I did not.

25 MR. NICKOLAUS: Nor did I.

1 **THE WITNESS: Okay. I can go and tell**
2 **you how many -- how far down in the --**

3 BY MR. BARRETT:

4 Q. Can you tell me what they are? Perhaps I
5 can find them myself.

6 **A. They're accident reports, vehicle accident**
7 **reports.**

8 Q. All right. One that stands out in my mind
9 was an accident report that occurred in St. Louis
10 County.

11 **A. Uh-huh. Yes, sir.**

12 Q. Okay. And is that what you're talking
13 about?

14 **A. One of them, yes.**

15 Q. Okay. Were there other accident reports
16 in there?

17 **A. Yes, sir.**

18 Q. And where were -- tell me about them.
19 Where did they occur, who was involved, that type of
20 thing.

21 MR. NICKOLAUS: I'm going to -- I'm going
22 to object. First of all --

23 MR. BARRETT: Fair enough.

24 MR. NICKOLAUS: -- it's hearsay.

25 Second of all I think we're getting into

1 violating the Court's order.

2 MR. BARRETT: Okay.

3 BY MR. BARRETT:

4 Q. All right. Why don't we go ahead and take
5 that into consideration. Would you find in Exhibit 5
6 for me the other traffic accident reports that you're
7 referring to.

8 A. Now, this was collected -- this doesn't
9 directly relate to Mr. Heitman.

10 Q. Okay.

11 A. That -- if that makes any sense.

12 Q. Sure. Okay. And so what we're talking
13 about there was a --

14 MR. NICKOLAUS: I'm going to object. We
15 can't be describing what's in those documents.

16 BY MR. BARRETT:

17 Q. Let me think about how to address that.
18 Are there any others?

19 A. No.

20 Q. Okay. You can go ahead and put it back.
21 And I saw that you were to preserve the order. Both
22 Mr. Nickolaus and I greatly appreciate that.

23 A. As do I normally.

24 Q. Did you provide any of the documents in
25 Exhibit 5 to the reporter?

1 **A. Yes.**

2 Q. Which ones?

3 **A. I'd have to go through and sort them all**
4 **out.**

5 Q. We're actually going to go through them in
6 a little bit, so I'll hold that question.

7 Who is the prosecuting attorney of Maries
8 County?

9 **A. Richard Anthony Skouby.**

10 Q. And how long have you known Mr. Skouby.

11 **A. Twenty, 25 years probably.**

12 Q. Are you related to him by blood or
13 marriage?

14 **A. No, sir.**

15 Q. Have you ever had any business association
16 with him?

17 **A. No, sir.**

18 Q. Have you ever had any social relationship
19 with him?

20 **A. No, sir.**

21 Q. Ever been a guest in his home?

22 **A. No, sir.**

23 Q. Have he ever been a guest in your home?

24 **A. No, sir.**

25 Q. Have you presented the document -- have

1 you presented documents responsive to Exhibit 1 to
2 any other Maries County prosecutor?

3 **A. No, sir.**

4 Q. Can you tell me the difference, Chief, as
5 I look through these documents, I see some that are
6 captioned Vienna Police Department that have police
7 department case numbers on them. I assume those are
8 reports of your agency?

9 **A. If -- if they were in our jurisdiction and
10 we did a criminal investigation, they would be
11 assigned a case number.**

12 Q. All right. And can you tell me what the
13 difference is with the documents that are labeled
14 Synopsis?

15 **A. Most of those I did not have jurisdiction
16 to investigate, but the information needed documented
17 so I did it as a synopsis.**

18 Q. All right. The documents that were police
19 reports, have those been presented -- let me back up
20 a second.

21 How long has Mr. Skouby been the
22 prosecuting attorney?

23 **A. I think he was elected in '20.**

24 Q. So he would have started in '21?

25 **A. Well, he's not running this round. '22**

1 then maybe.

2 Q. Okay. Were the documents in Exhibit 5
3 that are police reports --

4 A. Uh-huh.

5 Q. -- presented to Mr. Skouby for his review?

6 A. No, sir. Let me clarify. Vienna police
7 reports -- well, none of them have been, no, sir.

8 Q. Can you tell me why not.

9 A. Well, I take that back. I made a mistake.

10 Q. I thought you might have.

11 A. Yeah, I made a mistake. There's a -- I
12 don't know what the case number is on it.

13 Q. Feel free to look.

14 A. Okay. But it was turned in and
15 declined. It would have been Vienna Police Case No.
16 VPD 23-0023. The police report was given to the
17 prosecuting attorney; however, no probable cause
18 statement or any of that, charging documents, was
19 forwarded to him.

20 Q. Who prepared the documents labeled
21 Synopsis?

22 A. I did.

23 Q. How are they recorded, if at all, in the
24 City's records?

25 A. On the thumb drive and in paper.

1 Q. In the files in that locked cabinet you
2 talked about?

3 **A. Yes, sir.**

4 Q. And where are they kept? The places we
5 talked about; the file cabinets in our office?

6 **A. Yes, sir.**

7 Q. And then the two thumb drives, one in the
8 safe at the office, one in the safe at your home?

9 **A. Yes, sir.**

10 Q. Have any of the documents titled Synopsis
11 ever been presented to the Maries County prosecutor?

12 **A. No, sir.**

13 Q. Can you tell me how that St. Louis County
14 traffic collision report that we've talked about was
15 obtained?

16 **A. It was provided to me.**

17 Q. By whom?

18 **A. That's in those documents there.**

19 Q. Do you know who, or would you have to
20 look?

21 **A. I know who, but.**

22 Q. Who was it?

23 **A. That's, I think, covered by people who
24 want to stay anonymous.**

25 Q. And I'm not interested in that.

1 **A. Uh-huh.**

2 Q. You're in a deposition. You're under oath
3 and you're bound to answer my questions. Can you
4 tell me --

5 **A. As long as I lawfully can.**

6 MR. NICKOLAUS: Objection. The documents
7 speak for themselves, so it's hearsay. And second of
8 all, I think it's violating the Court order, talking
9 about what's in those documents.

10 MR. BARRETT: All right. Why don't we go
11 ahead and excuse Sheriff Heitman then for a minute.

12 MR. CHRIS HEITMAN: Want me to close the
13 door behind me?

14 MR. BARRETT: We'll open it when we're
15 ready for you, Chris.

16 BY MR. BARRETT:

17 Q. All right. So I repeat my question. Who
18 gave the document --

19 MR. NICKOLAUS: I'm going to repeat my
20 objection and direct him not to answer. He's not
21 going to discuss what's in the documents.

22 MR. BARRETT: Okay. That's all we need to
23 get to. The judge will make the decision.

24 MR. NICKOLAUS: I'll go --

25 MR. BARRETT: Well, tell you what, let's

1 kick him out again. There's a couple things here
2 we're probably going to do. Yeah, that was me.

3 BY MR. BARRETT:

4 Q. There's an incident related in the
5 documents, I believe it's a synopsis that talks about
6 a person who was a minor at the time whose initials
7 are C.F. Do you know who I'm talking about?

8 A. **You'd probably have to tell me which
9 document you're talking about.**

10 Q. All right. There is a document in there
11 that talks about a fellow by the name of C.F. Do you
12 recall that document?

13 A. **There's several documents in there with
14 that name.**

15 Q. Okay. There's one in particular that
16 refers to when he was a minor. Do you know which
17 document I'm talking about?

18 A. **Again, I think there's two or three that
19 make mention of him being under age.**

20 Q. And there's one specifically that says
21 that he was sexually abused. Do you recall that one?

22 A. **It was alleged, yes.**

23 Q. All right. And I don't see any report to
24 the Child Abuse and Neglect Hotline regarding that
25 matter. When did you report that to the Child Abuse

1 and Neglect Hotline?

2 **A. I did not because when I received the**
3 **information, he was already an adult.**

4 Q. And it's your understanding that if he had
5 come of age, you were excused from the
6 responsibilities of a mandated reporter?

7 **A. The -- some of these incidents have**
8 **been investigate -- or have been turned into Child**
9 **Abuse Neglect Hotline and nothing --**

10 Q. And nothing?

11 **A. And nothing -- nothing resulted from it.**

12 Q. All right. And in your view, that means
13 that your duties as a mandatory reporter were not
14 invoked?

15 **A. I don't believe so. Not on that one. Not**
16 **mine. Other -- other folks may have been involved,**
17 **but.**

18 Q. Who is Caleb John?

19 **A. Caleb John is the son of the chief deputy,**
20 **Scott John.**

21 Q. And he's one of the candidates for
22 sheriff?

23 **A. No, sir. Well, Scott John is, yes.**

24 Q. And would you agree that Sheriff Heitman
25 has the authority to appoint jailers?

1 **A. Yes.**

2 Q. Would you agree that jailers are allowed
3 to carry firearms?

4 **A. I believe they have to be properly trained**
5 **to do so, but after that, then yes.**

6 Q. Do you have any knowledge of the scope or
7 nature of the training?

8 **A. No.**

9 Q. Would you agree that a peace officer can
10 take whoever they wish to assist them in handling a
11 call?

12 **A. No.**

13 Q. Is there anything in the Riverfront Times
14 article about the minor we talked about, C.F.?

15 **A. I don't believe so.**

16 Q. Did you provide any information about C.F.
17 to the reporter?

18 **A. In regards to?**

19 Q. Anything?

20 **A. Yes.**

21 Q. What did you tell the reporter about?

22 **A. The reporter. He was involved in -- in**
23 **the vehicle -- the vehicle collision.**

24 Q. Okay. And do you have any idea why that
25 wasn't in the article?

1 **A. No, sir.**

2 Q. That was what I expected.

3 Is there anything in the Riverfront Times
4 article about Caleb John?

5 MR. NICKOLAUS: Again, objection;
6 hearsay.

7 You can answer.

8 **THE WITNESS: I'm sorry?**

9 MR. NICKOLAUS: You can answer if you
10 know the answer.

11 **THE WITNESS: Oh, not that I'm aware of.**

12 BY MR. BARRETT:

13 Q. Did you provide -- did you provide
14 information to the reporter about Caleb John?

15 **A. No.**

16 Q. Other than your letter to the attorney
17 general and the documents in Exhibit 5, what other
18 tangible items did you give to the reporter?

19 **A. Nothing I don't believe.**

20 Q. Were all of the documents from Exhibit 5
21 presented to the Attorney General's Office?

22 **A. No.**

23 Q. Other than your five-page letter, what
24 other documents in Exhibit 5 were not sent to the
25 attorney general?

1 **A. We'd just have to go through them.**

2 Q. Let's go ahead --

3 **A. And pull them out.**

4 MR. NICKOLAUS: Let's go off the record
5 for a second.

6 MR. BARRETT: Let me rephrase the
7 question.

8 MR. NICKOLAUS: I think it's all of this
9 file. This is off the record.

10 MR. BARRETT: Yeah.

11 (Off the record.)

12 MR. NICKOLAUS: Okay. So we've agreed by
13 the parties to divide Exhibit 5 into A, B, and C; 5A
14 being what we are calling the Belle file; 5B being
15 what we're calling the miscellaneous file --

16 MR. BARRETT: That's fine.

17 MR. NICKOLAUS: -- and 5C being --

18 MR. BARRETT: Sheriff's -- other
19 sheriff's financial is what I have it labeled as.

20 MR. NICKOLAUS: What's that?

21 MR. BARRETT: Sheriff's financial.

22 MR. NICKOLAUS: Why don't we say other
23 sheriff's stuff. I don't think it's all financial.

24 MR. BARRETT: Including financial.

25 MR. NICKOLAUS: Other sheriff including

1 financial.

2 MR. BARRETT: And that's by agreement.

3 MR. NICKOLAUS: Yes.

4 MR. BARRETT: No, I mean, I'm agreeing.

5 But I think we're all on the same page.

6 (Exhibits 5A, 5B, and 5C were marked for
7 identification.)

8 **THE WITNESS: I didn't figure out what --**

9 MR. NICKOLAUS: That's okay.

10 **THE WITNESS: I screwed this one up.**

11 MR. NICKOLAUS: Okay. Everything but
12 those two would have been sent to the Attorney
13 General's Office.

14 MR. BARRETT: All right.

15 MR. NICKOLAUS: So all of 5C except for
16 the two documents you're handing him?

17 **THE WITNESS: Yes, sir.**

18 BY MR. BARRETT:

19 Q. And just for the record, the two documents
20 you handed me, the first is captured Synopsis
21 Information received as of 11/20/23. And the second
22 is Synopsis and the first sentence begins, Regarding
23 the death of Marvin Elmore.

24 Are we in agreement, sir?

25 MR. NICKOLAUS: Uh-huh.

1 BY MR. BARRETT:

2 Q. Your counsel agreed. Do you agree?

3 A. Oh, yes. Sorry.

4 MR. NICKOLAUS: Do we want to put these
5 in a separate file?

6 MR. BARRETT: No.

7 MR. NICKOLAUS: Make 5A all the Attorney
8 General's Office?

9 MR. BARRETT: No, I can --

10 MR. NICKOLAUS: Okay.

11 MR. BARRETT: I can understand what two
12 things -- if you want to put them at the end of the
13 file or something, it might make it easier for us in
14 the long run. Because I have no doubt at all that at
15 some point you're going to give in and Bates stamp
16 them or image them or something.

17 MR. NICKOLAUS: Yeah.

18 BY MR. BARRETT:

19 Q. Okay. Why were those two documents not
20 included, sir?

21 A. One, I believe I made just to kind of keep
22 myself a timeline as to what I had done. And the
23 other one was information that had been requested or
24 released to Mr. Elmore's attorney.

25 Q. Okay. And I can tell from the context of

1 your answer which document is which.

2 **A. Okay.**

3 Q. Is that fair enough?

4 **A. Sure.**

5 Q. Okay. What other prosecuting authorities
6 have been presented with the records in Exhibit 5?

7 **A. No other prosecutor.**

8 Q. Have the documents in Exhibit 5 been
9 provided to any other person or entity?

10 **A. I fired off a letter to the Governor's**
11 **Office.**

12 Q. All right.

13 **A. Our attorney has them. And Riverfront**
14 **Times guy got a copy of the -- he doesn't have these**
15 **two, the stuff in these two folders. He got a copy**
16 **of --**

17 Q. Let me stop you for just a second. You
18 referred specifically to the governor and the
19 Riverfront Times reporter. And then you went to
20 using pronouns.

21 **A. I'm sorry. I'm sorry. Okay. So those**
22 **were provided the same documents as the attorney**
23 **general.**

24 Q. Okay. The governor and the Riverfront --

25 **A. And Mr. Krull, yes.**

1 Q. -- Times -- anyone besides the two of
2 them?

3 The state auditor comes to mind. Did you
4 send --

5 **A. I wrote a letter, but I did not send it.**

6 Q. And he didn't -- okay.

7 MR. NICKOLAUS: I'm going to jump in here
8 for a second. When -- if you don't mind, when you
9 refer --

10 MR. BARRETT: Of course not.

11 MR. NICKOLAUS: -- to the attorney,
12 you've had two different attorneys during this
13 period.

14 **THE WITNESS: City attorneys?**

15 MR. NICKOLAUS: Yes.

16 **THE WITNESS: Yes, I'm sorry.**

17 MR. NICKOLAUS: Who was the first City
18 attorney?

19 **THE WITNESS: Ross Bush.**

20 MR. NICKOLAUS: And he died.

21 **THE WITNESS: Yes, in February.**

22 MR. BARRETT: Tragedy.

23 MR. NICKOLAUS: And then I'm currently
24 the City attorney.

25 **THE WITNESS: Yes.**

1 MR. NICKOLAUS: Okay. I'm not really
2 sure when he says he sent to the attorney, which
3 attorney he's talking about.

4 MR. BARRETT: I think that's a perfectly
5 fair interlude, and I find it difficult to believe
6 that I would ever have a problem with you clarifying
7 something like that.

8 MR. NICKOLAUS: So let me just finish
9 then.

10 MR. BARRETT: Yeah.

11 MR. NICKOLAUS: When you say you sent it
12 to the attorney --

13 **THE WITNESS: I'm sorry. Mr. Bush.**

14 MR. NICKOLAUS: -- Mr. Bush got it.
15 And then of course now I have it.

16 **THE WITNESS: Yes, sir.**

17 MR. NICKOLAUS: All right. So you've
18 sent it to both of the attorneys.

19 **THE WITNESS: Yes.**

20 MR. NICKOLAUS: Do you have any idea what
21 happened to Mr. Bush's records?

22 **THE WITNESS: It's my -- I have no idea
23 where he stored them or how he kept his copies, so I
24 don't know.**

25 MR. NICKOLAUS: Has someone else taken

1 over his practice?

2 **THE WITNESS: No. He had an attorney**
3 **assist us with our traffic docket, but beyond that, I**
4 **don't think he -- I think he withdrew from all**
5 **practice except the City of Vienna.**

6 MR. BARRETT: Fair enough.

7 MR. NICKOLAUS: Let's go off the record
8 for a second.

9 (Off the record.)

10 BY MR. BARRETT:

11 Q. Chief, have any of the documents in
12 Exhibit 5 been provided to any of the candidates for
13 sheriff?

14 **A. No.**

15 Q. Have any of the candidates for sheriff
16 been allowed to review the documents that are in
17 Exhibit 5?

18 **A. No.**

19 Q. Have the documents in Exhibit 5 been
20 provided to any other reporter?

21 **A. No.**

22 Q. Are there any documents responsive to
23 Exhibit 1 that we have not talked about today?

24 **A. Not that I'm aware of.**

25 Q. Chief, I have a couple of technical

1 questions for you. Have you ever been convicted of a
2 criminal offense?

3 **A. No.**

4 Q. Has your peace officer license ever been
5 disciplined?

6 **A. No, sir.**

7 Q. The agencies that we talked about that you
8 left, Dixon and Maries County and the special deputy
9 position.

10 **A. Yes, sir.**

11 Q. Did you ever leave any of those positions
12 other than voluntarily?

13 **A. No, sir.**

14 Q. Could you tell me how your commission as a
15 deputy sheriff, whatever your job title actually was,
16 with Maries County was terminated?

17 **A. I terminated it.**

18 Q. And how did you do that?

19 **A. I resigned my commission.**

20 Q. And when was that?

21 **A. Would have been December 31st of 2008.**

22 Q. Was that the day before Sheriff Heitman
23 took office?

24 **A. It was.**

25 Q. And can you tell me why you chose to

1 resign your commission.

2 **A. I felt I had too many irons in the fire.**

3 Q. All right. And what were the other irons
4 that you had in the fire?

5 **A. I was working for the City of Vienna.**

6 Q. Were you already the police chief?

7 **A. Yes, sir. Yes, sir.**

8 Q. All right.

9 **A. Yeah. So I maintained a reserve**
10 **commission, but it just got too much.**

11 Q. There was a little transition there where
12 you left the sheriff's department full-time employ --

13 **A. I'm sorry. Yes. I resigned in 2000 -- in**
14 **July of 2008 to take a full-time position with the**
15 **City of Vienna.**

16 Q. So a very short time frame we're talking
17 about?

18 **A. Yeah.**

19 Q. Five months, six months?

20 **A. Yes, sir.**

21 Q. All right. And you had a reserve
22 commission that you chose to resign?

23 **A. Yes, sir.**

24 Q. And did you keep a copy of your
25 resignation letter, or was it done verbally?

1 **A. I wrote a letter, but it's been so long**
2 **ago, I didn't keep a copy of it.**

3 **Q. All right. At the time -- strike that.**
4 **Did your choosing to terminate your**
5 **reserve commission with the -- with Maries County**
6 **have anything to do with Sheriff Heitman being**
7 **elected?**

8 **A. I chose to terminate it and focus with**
9 **Vienna.**

10 **Q. So I take it to the answer to the question**
11 **is no?**

12 **A. Right.**

13 **Q. All right. It has been my experience in**
14 **some smaller communities that police officers also**
15 **maintain sheriff commissions so we don't run into**
16 **these issues about where exactly is the city line.**

17 **A. Right.**

18 **Q. Is that a fair description of how some**
19 **people operate?**

20 **A. They may. We found that State statute, if**
21 **you stop with your municipal charging and go to State**
22 **statute, our prosecutors normally picked it up.**

23 **Q. Fresh pursuit is --**

24 **A. Exactly.**

25 **Q. -- understood in Maries County?**

1 **A. Yes, sir. Yes.**

2 Q. Okay. And so there was no benefit to you
3 maintaining a county commission?

4 **A. No, sir.**

5 Q. Do any of your officers have county
6 commissions?

7 **A. No, sir.**

8 Q. Are you one of those one-commission
9 chiefs; you have my commission and not others?

10 **A. No, sir.**

11 Q. Or it just doesn't come up?

12 **A. No. I've had employees that have been
13 dual commissioned.**

14 Q. Different people have different policies
15 on that and that's why I ask.

16 **A. Right.**

17 Q. Chief, another weird question. Your
18 dining room or kitchen floor, is it vinyl or wood or
19 carpet?

20 MR. NICKOLAUS: I'm going to object for
21 relevance.

22 BY MR. BARRETT:

23 Q. Fair enough. Answer the question to the
24 best of your ability.

25 **A. It's wood.**

1 Q. Okay. There were some documents posted on
2 a Facebook page, and I am probably going to get the
3 name wrong, but Maries Countians for Accountability.

4 A. Uh-huh.

5 Q. Are you familiar with that Facebook page?

6 A. I've seen it.

7 Q. Do you know who operates it?

8 A. I got an idea.

9 Q. Okay. What's your suspicion?

10 A. I'd say they're anonymous for a reason, so
11 I'm going to keep that to myself.

12 Q. Okay. Chief, I'm going to ask you to
13 answer the question. This is a formal proceeding
14 before the circuit court.

15 MR. NICKOLAUS: I'm going to object on
16 the grounds it's calling for speculation.

17 THE WITNESS: I don't know for certain.

18 BY MR. BARRETT:

19 Q. Who do you believe it to be?

20 MR. NICKOLAUS: Same objection. Same
21 objection.

22 But go ahead and answer.

23 THE WITNESS: Like I said, I got a couple
24 suspicions, but I don't know for sure.

25 BY MR. BARRETT:

1 Q. Just tell me the names if you would
2 please.

3 **A. I know Mark Morgan's been accused of it.**

4 Q. All right.

5 **A. Lori Morgan's been accused of it.**

6 Q. Anyone else?

7 **A. No, sir.**

8 Q. But you have no personal knowledge?

9 **A. Like I said, I got a good idea.**

10 Q. Would your good idea vary from the names
11 that you just gave me?

12 **A. (Witness nodded head.)**

13 Q. And I see you're nodding. I take that as
14 an affirmative answer.

15 **A. Yes, sir.**

16 Q. So you know what my follow up is going to
17 be. And who's that?

18 **A. Uh-huh. I think my wife started it.**

19 Q. And what's your wife's name?

20 **A. Dana.**

21 Q. I'm sorry?

22 **A. Dana.**

23 Q. Same last name?

24 **A. Uh-huh.**

25 Q. And you've gone back to the uh-huh, so --

1 **A. I'm sorry.**

2 Q. -- those were both yes?

3 **A. Yes.**

4 Q. Okay. And, Chief, there's nothing wrong
5 with that. It happens all the time. You can ask
6 Mr. Nickolaus. People do that.

7 **A. Right.**

8 Q. It doesn't mean a thing and nobody thinks
9 a thing about it --

10 **A. Right.**

11 Q. -- other than we just need to fix it for
12 the record.

13 **A. Right.**

14 Q. I'm going to show you a document, and I
15 have a copy for your attorney. And are we on -- I
16 believe we're on Exhibit 7.

17 And, Nathan, I was not courteous enough to
18 label that for you.

19 (Exhibit 7 was marked for identification.)

20 BY MR. BARRETT:

21 Q. Sir, I'm going to show you what I've
22 marked as Exhibit 7.

23 **A. Uh-huh.**

24 Q. Do you recognize that document?

25 **A. Yes, sir.**

1 Q. In fact, it's one of the documents in
2 Exhibit 5. Is it not?

3 **A. Yes, sir.**

4 Q. And that document I will tell you was
5 printed from the Facebook page that we've been
6 discussing. Is that a -- do you know whose -- it
7 looks like it's sitting on a floor. Is that your
8 kitchen floor?

9 **A. Not my kitchen floor.**

10 Q. You don't have that kind of tile?

11 **A. No, sir.**

12 Q. Okay. Do you know whose it is? Do you
13 recognize the floor?

14 **A. It's -- it looks like tile.**

15 Q. Do you know whose floor it is? Do you
16 know -- well, strike that.

17 Do you know anyone who has tile like that
18 on their floor?

19 **A. Are you asking -- well, I'll be honest. I
20 took that picture --**

21 Q. Okay.

22 **A. -- if that's what you're asking.**

23 Q. Okay.

24 **A. But I don't know -- that's not my floor.**

25 Q. Do you remember whose floor it was?

1 **A.** **Huh-uh. I guess we made that at the**
2 **office, or I did.**

3 Q. How did it get to the Facebook page?

4 **A.** **I forwarded it to them.**

5 Q. Who did you forward it to?

6 **A.** **The Maries County for Accountability --**

7 Q. Okay. You just --

8 **A.** **-- Facebook thing.**

9 Q. Yeah. There's like this Messenger app
10 where --

11 **A.** **Right.**

12 Q. -- you can send stuff to them?

13 **A.** **Uh-huh.**

14 Q. All right. And that's yes?

15 **A.** **I'm sorry. I'm sorry. Yes.**

16 Q. It so easy when you're looking at each
17 other --

18 **A.** **Sure.**

19 Q. -- to fall into normal communications.

20 **A.** **Sure. Sure.**

21 Q. What else have you sent to them. Strike
22 that.

23 **A.** **No --**

24 Q. What else in Exhibit 5 have you sent to
25 them?

1 **A. Nothing.**

2 Q. What email address did you send that from?
3 Or was it from your Facebook account?

4 **A. Yeah, just through the Facebook Messenger**
5 **thing.**

6 Q. From your Facebook to their Facebook?

7 **A. Yes.**

8 Q. And is that a City Facebook page or is
9 that your personal Facebook page?

10 **A. Personal. City don't -- well, the City of**
11 **Vienna has a Facebook page, but I very seldom get on**
12 **it. Matter of fact I don't know much about Facebook**
13 **to be honest with you, so that's how -- that's about**
14 **how limited it gets right there.**

15 Q. There's two of us, brother. It seems to
16 me, and we can look to make sure, it seems to me the
17 Riverfront Times said you had made complaints to
18 several State agencies. We talked about the attorney
19 general. We talked about the governor.

20 **A. Uh-huh.**

21 Q. Who else would have had complaints from
22 you regarding Sheriff Heitman?

23 **A. No one. And that's why I struck that,**
24 **because I didn't --**

25 Q. That was -- it has been my experience, and

1 take that for what it's worth, that law enforcement
2 agencies, when it comes to personnel matters, share
3 information. For instance if the Cole County sheriff
4 arrested a Vienna police officer --

5 **A. Uh-huh.**

6 Q. -- they would likely share that
7 information with you.

8 Has that been your experience?

9 **A. Well, there's actually a deal through the**
10 **highway patrol that you'll get notified immediately**
11 **if that happens.**

12 Q. If someone -- right. The Rap Back --

13 **A. Yes.**

14 Q. -- Program.

15 **A. That's what it's called.**

16 Q. Okay. But they would typically share
17 reports with you that might even be closed. Is that
18 right?

19 **A. Sure.**

20 Q. Because we're talking about the
21 qualifications and do they have the proper character
22 to be a peace officer, you have to look at those
23 sorts of things.

24 **A. Right.**

25 Q. Is that right?

1 **A. Yeah.**

2 Q. And did you share any of the information
3 regarding Sheriff Heitman's deputies that are in
4 Exhibit 5 with them?

5 **A. With who?**

6 Q. Sheriff Heitman.

7 **A. No.**

8 Q. Why not?

9 **A. Well, for obvious reasons. I mean, it --**
10 **if there's an allegation against someone that you**
11 **work with, you don't -- I don't share that with -- if**
12 **it was one of my people, he wouldn't come and share**
13 **that with me because he would be afraid I would take**
14 **it back to my person. And that's -- so I don't share**
15 **information if there's something that comes up**
16 **against his person.**

17 **Now, I mean, if it's, you know, brought to**
18 **my attention if it's something that he would need to**
19 **know about, you know, he might want to take some**
20 **action on it or something. But I mean, we just**
21 **really never encountered a whole lot of that.**

22 Q. Do you think that's a reflection of your
23 personal relationship with Sheriff Heitman?

24 **A. No, sir. It's purely investigative.**

25 Q. Okay. If Chief Wilde, the police chief

1 here in Jefferson City, would you share information
2 with him if you had information about one of his
3 officers?

4 **A. Not if it's a criminal complaint that I'm**
5 **investigating, no.**

6 Q. How about the highway patrol, if you were
7 investigating a trooper, would you share that
8 information with the highway patrol?

9 **A. No, sir.**

10 MR. BARRETT: Let me see your note again.
11 No, the one you had in your book. That was -- okay.
12 Did you have another -- all right.

13 Chief, I greatly appreciate your
14 courtesies. I'm going to impose on you for a couple
15 more minutes. I want to visit with Chris. I want
16 to make sure that I have covered everything. I
17 think I have, but it's not unusual at all for
18 somebody to remind you of something. Why don't we
19 take about 10, 15 minutes.

20 (Off the record.)

21 BY MR. BARRETT:

22 Q. Back on the record. All right. So some
23 of the records in Exhibit 5 have been released to the
24 Riverfront Times?

25 **A. Yes, sir.**

1 Q. Some of the records in Exhibit 5 have been
2 released to the Maries Countians for Accountability?

3 A. One document, yes.

4 Q. Just that one that we looked at --

5 A. Yes.

6 Q. -- in Exhibit 7? Exhibit 7?

7 A. Oh, yes, yes.

8 Q. Okay. And have you discussed any of the
9 documents that are in Exhibit 5 with folks from the
10 Maries Countians for Accountability?

11 A. Just -- just what I provide -- I only
12 relayed to them what was provided to me when I got
13 that document.

14 Q. And have you and Mark Morgan ever
15 discussed any of the documents in Exhibit 5?

16 A. I don't believe so.

17 Q. Not once?

18 A. There would have been no need to.

19 Q. Okay. And how about --

20 A. No. I'm going to take that back. In the
21 last investigation -- none of this because he
22 doesn't -- we didn't have any need to talk about any
23 of that. Current investigations, he's -- he's had
24 information on, so yes, we've discussed it, but.

25 MR. NICKOLAUS: He's pointing to

1 Exhibit 5A.

2 BY MR. BARRETT:

3 Q. Okay.

4 A. Yeah. One of these.

5 Q. And that was the investigation that was
6 presented to Mr. Skouby that he refused to file?

7 A. No, sir. No, sir. He's never been
8 presented any information from that yet.

9 Q. All right.

10 MR. NICKOLAUS: Can I just jump in for a
11 second?

12 MR. BARRETT: Of course.

13 MR. NICKOLAUS: This, in Exhibit 7, these
14 documents in Exhibit 7, were those presented to
15 Mr. Skouby?

16 THE WITNESS: No, sir.

17 MR. NICKOLAUS: What did you present to
18 him? You presented one case to him?

19 THE WITNESS: Yes. The 240 -- 24
20 whatever the --

21 MR. BARRETT: You can -- it's not a
22 secret.

23 MR. NICKOLAUS: What was that one about?

24 THE WITNESS: That one was the one where
25 the clerk alleged that Ron Knoll had threatened to

1 kill her at the Dollar General. That's the only one
2 that Skouby has. And like I said, he already -- he
3 told patrol that he was not going to pursue that
4 before we got it completed. So I just wrote the
5 report and provided it to his office. I didn't -- I
6 didn't go ahead with a probable cause statement
7 because there was no -- he'd already made a
8 determination that he wasn't going to file on it.

9 BY MR. BARRETT:

10 Q. You'd already verbally talked about it
11 with him?

12 A. That's what he told the highway patrol,
13 so. We just -- we just went in with it. I went
14 ahead and provided it to him for information purposes
15 in case that cropped back up or whatever.

16 Q. And, in fact, this latest investigation
17 you were discussing with Mr. Nickolaus, Clay
18 Ridenhour is one of the witnesses in that, is he not?

19 A. I think that's part of the sealed
20 document.

21 Q. Well, that you were just talking about,
22 that -- he was a witness -- he's a witness in that
23 matter, is he not?

24 A. No.

25 MR. NICKOLAUS: We're not going into to

1 get into contents of that.

2 BY MR. BARRETT:

3 Q. That is something that -- no, I don't.
4 I'm looking for a witness here. I understand that
5 you interviewed a fellow claimed Clay Ridenhour
6 sometime in the last year or so. Is that true?

7 **A. That's in the protected documents here.**

8 Q. Okay. Well, let your attorney make that
9 objection if he wants to.

10 MR. NICKOLAUS: I am going to make an
11 objection.

12 BY MR. BARRETT:

13 Q. Very good. The -- I understand that in
14 that purported investigation, you were accompanied by
15 a state trooper. Is that true?

16 MR. NICKOLAUS: Same objection.

17 MR. BARRETT: And is there an instruction
18 not to answer it?

19 MR. NICKOLAUS: The way you phrased it,
20 yes.

21 BY MR. BARRETT:

22 Q. Okay. Have you been accompanied in your
23 investigations reflected in Exhibit 5 by state
24 troopers?

25 MR. NICKOLAUS: I'll let you answer that.

1 **THE WITNESS: Yes, sir.**

2 BY MR. BARRETT:

3 Q. Who?

4 **A. Sergeant Marcus Reynolds.**

5 Q. Anyone else?

6 **A. No.**

7 Q. Okay. Were any of the records that you
8 released to the Riverfront Times reporter closed
9 records?

10 MR. NICKOLAUS: I'm going to object to
11 that as it calls for a legal opinion.

12 BY MR. BARRETT:

13 Q. Answer the question to the best of your
14 ability, Chief.

15 **A. I followed the advice of our current --**
16 **the City attorney at the time who told me that they**
17 **should be allowed to be released at that time.**

18 Q. And that's the City attorney who --

19 **A. Mr. --**

20 Q. -- regrettably has passed away?

21 **A. Yes. Mr. Bush.**

22 Q. And do you believe that those are open
23 records?

24 MR. NICKOLAUS: Clearly calls for a legal
25 opinion.

1 MR. BARRETT: It does.

2 THE WITNESS: I sought the advice of our
3 attorney. He told me he felt that we had to release
4 them at that time. So I always follow the advice of
5 our City attorney.

6 MR. BARRETT: Sure. Anything else?
7 We'll talk about that later.

8 All right. Chief, I have absolutely no
9 interest in anything you've ever discussed with your
10 attorney, but one of the things that we do when we
11 get to the end of the deposition is there's a thing
12 called presentment where the court reporter would
13 actually come to you, you meet with her, and she
14 would read back to you all the questions and answers
15 that you have given today. We have not done that for
16 well over 200 years.

17 MR. NICKOLAUS: I'll stop you. We'll
18 waive presentment, but I do want to have him sign it.

19 THE WITNESS: I want her to come. No.

20 MR. BARRETT: You also have the right to
21 read through this deposition and make any corrections
22 that you think are appropriate.

23 THE WITNESS: Okay.

24 MR. BARRETT: You know, there's really no
25 trick to that. I don't care what kind of changes you

1 make, but guess what. If there are changes, there's
2 a space for an explanation for the change. She heard
3 it wrong, I misspoke. I don't care, you know.

4 **THE WITNESS: Right.**

5 MR. BARRETT: The goal is accuracy and
6 truth of course.

7 **THE WITNESS: Sure.**

8 MR. BARRETT: So I just want to make sure
9 we're on the same page. I understand from your
10 attorney you're going to read and sign.

11 Can we agree that if it's not read and
12 signed within 30 days of delivery by the court
13 reporter, it may be deemed read and signed?

14 MR. NICKOLAUS: We agree.

15 MR. BARRETT: Very good. That is all
16 that I have for you today, Chief, except your
17 attorney may want to ask you some questions, although
18 I think we got those knocked out informally on the
19 way.

20 MR. NICKOLAUS: I think we did. I just
21 want to ask him one question.

22 CROSS-EXAMINATION

23 BY MR. NICKOLAUS:

24 Q. Mr. Barrett asked you about how you and
25 Mr. Krull, the Riverfront Times reporter, got hooked

1 up together.

2 **A. Yes, sir.**

3 Q. And maybe I'm misremembering, but it seems
4 to me that you said it two different ways.

5 **A. Okay.**

6 Q. So, and I don't want -- I don't want to
7 put words in your mouth, so tell me if this is wrong.
8 But is it my understanding that this Mr. Waldron, the
9 attorney, suggested to Mr. Krull that he contact you,
10 or did Mr. --- or did Mr. Waldron suggest to you that
11 you contact Krull?

12 **A. He suggested to Krull to contact me.**

13 Q. Okay.

14 **A. I didn't reach out to either of them.**

15 MR. NICKOLAUS: Okay. I have nothing
16 further.

17 MR. BARRETT: Yeah. That was going to be
18 one of my questions that we didn't ask because it was
19 apparent to me, which was I never heard of the
20 Riverfront Times until I came to Jeff City.

21 MR. NICKOLAUS: Really?

22 MR. BARRETT: Was how you hell did you
23 ever hear of it. Yeah. It's a weird niche paper.

24 **THE WITNESS: It is.**

25 MR. BARRETT: It seems normal to you, but

1 I assure you it is not.

2 MR. NICKOLAUS: I think it's going
3 bankrupt.

4 MR. BARRETT: Yeah. They seem to be
5 having issues, that's for sure. Chief, the last
6 thing we're going to do is extend to the courtesy --
7 extend the courtesy to the court reporter hanging out
8 for a couple minutes and spelling names for her.

9 **THE WITNESS: Oh, sure. Sure.**

10 MR. BARRETT: With that, the deposition
11 is concluded. I thank you, Mr. Nickolaus, for the
12 courtesy of providing us with the facility and we of
13 course thank the reporter for her diligent
14 attendance.

15 COURT REPORTER: Can I get order
16 information on the record.

17 MR. BARRETT: Yes. All I need is an
18 E-copy and any corrections.

19 MR. NICKOLAUS: Same.

20 (Off the record at 10:36 a.m.)

21 (Signature requested.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF CALLAWAY)

I, Shelley L. Bartels, a Certified Court Reporter, CCR No. 679, do hereby certify that I was authorized to and did stenographically report the deposition of SHANNON THOMPSON; that a review of the transcript was requested; and that the foregoing transcript, pages 1 through 75, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 1st day of July, 2024.



Shelley L. Bartels, CCR 679

1 LEXITAS LEGAL

2 July 2, 2024

3 MR. NATHAN M. NICKOLAUS
nnickolaus@laubermunicipal.com
4 Lauber Municipal Law, LLC
308 East High Street, Suite 108
5 Jefferson City, Missouri 65101

6 IN RE: City of Vienna v Heitman

7 Dear Mr. Nickolaus:

8 Please find enclosed your copies of the deposition
of Shannon Thompson taken on 6/20/24 in the above-
9 referenced case. Also enclosed is the original
signature page and errata sheets.

10 Please have the witness read your copy of the
11 transcript, indicate any changes and/or corrections
desired on the errata sheets, and sign the signature
12 page before a notary public.

13 Please return the errata sheets and notarized
signature page to our office at 1608 Locust Street,
14 Kansas City, MO 64108 for filing prior to trial
date.

15 Sincerely,

16

17 Lexitas Legal

18 Enclosures

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ERRATA SHEET

Witness Name: SHANNON THOMPSON
Case Name: City of Vienna v Heitman
Date Taken: 6/20/24

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Should read: _____
Reason for change: _____

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Should read: _____
Reason for change: _____

Witness Signature: _____

1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, WITNESS, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this _____ day of _____,

15 20____, at _____.

16

17

18 _____
WITNESS

19

20 _____
NOTARY PUBLIC

21 My Commission Expires:

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COURT MEMO
IN THE CIRCUIT COURT OF MARIES COUNTY
STATE OF MISSOURI

CITY OF VIENNA,)
vs.) Case No. 24MS-CC00043
SHERIFF HAROLD HEITMAN,)

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES
(Rule 57.03 (g)(2)(a) & Sec., 492.590 RSMo. 1985)

DEPOSITION OF SHANNON THOMPSON
TAKEN ON BEHALF OF RESPONDENT
JUNE 20, 2024

Name and address of person or firm having custody of
the original transcript: MR. DAVID F. BARRETT
dfbarrett@outlook.com
Attorney at Law
2325 Colonial Hills Road
P.O. Box 104151
Jefferson City, Missouri 65110

TAXED IN FAVOR OF: MR. BARRETT
TOTAL.....\$_____

TAXED IN FAVOR OF: MR. NICKOLAUS
TOTAL.....\$_____

Upon delivery of transcripts, the above charges had
not been paid. It is anticipated that all charges
will be paid in the normal course of business.

Shelley Bartels

Certified Court Reporter

My Commission Expires:

1	4	absolutely 21:5 72:8	agreement 22:15 48:2,24
1 14:5,6 16:7,8 17:7,10 22:20 25:9 39:1 53:23	4 15:11,13 29:3	Abuse 43:24,25 44:9	ahead 16:15 37:4, 20 42:11 47:2 58:22 69:6,14
10 15:20 66:19	5	abused 43:21	air 17:25
10:36 75:20	5 16:2,5,23 20:7 21:19 22:5,21 29:11 33:23 35:20 37:5,25 40:2 46:17,20,24 47:13 50:6,8 53:12,17, 19 61:2 62:24 65:4 66:23 67:1,9, 15 70:23	Academy 5:25	allegation 65:10
11/20/23 48:21	528 8:23	access 17:20	allegations 24:19 34:11
15 66:19	5A 47:13 48:6 49:7 68:1	accident 21:12 36:6,9,15 37:6	alleged 43:22 68:25
19 25:10	5B 47:14 48:6	accompanied 70:14,22	allowed 45:2 53:16 71:17
1992 6:7,20	5C 47:17 48:6,15	account 63:3	Angeles 19:20
1996 6:9	6	Accountability 58:3 62:6 67:2,10	Angie 11:7
2	6 22:24,25 25:17	accuracy 73:5	anonymous 41:24 58:10
2 14:11,12	628 8:16	accused 59:3,5	answers 72:14
20 11:25 39:23	7	action 65:20	Anthony 38:9
200 72:16	7 60:16,19,22 67:6 68:13,14	acts 8:12	anyplace 17:19
2000 55:13	9	adding 25:3	app 62:9
2008 7:21 12:6 54:21 55:14	97 7:21	address 37:17 63:2	apparent 74:19
2017 7:6	9:00 5:1	adult 44:3	apparently 15:19
2019 7:6	A	advanced 6:8	appoint 44:25
21 11:25 39:24	a.m. 5:1 75:20	advice 71:15 72:2, 4	appreciated 22:17
22 11:25 39:25	ability 35:12 57:24 71:14	affirmative 59:14	approximate 7:20
23-0023 40:16		afraid 65:13	approximately 11:16
24 68:19		age 43:19 44:5	April 15:20
240 68:19		agencies 6:19,24 25:25 26:9 54:7 63:18 64:2	arrest 13:17
25 38:11		agency 8:20 39:8	arrested 64:4
3		agree 44:24 45:2,9 49:2 73:11,14	article 23:14 28:21 33:25 35:4,9,15 45:14,25 46:4
3 15:6,9 25:21		agreed 47:12 49:2	assigned 39:11
30 73:12		agreeing 48:4	assist 13:24 45:10 53:3
300-hour 6:8			
31st 54:21			

association 10:16
38:15

assume 16:11
39:7

assuming 26:23

assure 75:1

attendance 75:14

attention 65:18

attorney 16:6
26:19,20 27:13
28:11,17 29:7,14
30:22 31:1,21
33:7,19 38:7
39:22 40:17
46:16,21,25 48:12
49:7,24 50:13,22
51:11,18,24 52:2,
3,12 53:2 60:15
63:18 70:8 71:16,
18 72:3,5,10
73:10,17 74:9

attorney's 27:24

attorneys 51:12,
14 52:18

attributed 23:14,
21 25:17

attributes 24:3

auditor 51:3

author 14:16

authorities 50:5

authority 44:25

aware 17:12 18:16
27:6 46:11 53:24

B

back 6:4,5 11:22,
23 12:7 13:13
18:14 19:2,12
20:2 24:17,23
25:7,15 33:16

35:14 37:20 39:19
40:9 59:25 64:12
65:14 66:22 67:20
69:15 72:14

backup 32:8,22

Bailey 33:7

bankrupt 75:3

barbecuing 10:20

Barrett 5:13,22
11:12,14 14:7,13
15:10,14 16:3,21,
25 17:2 18:1,3
20:22,23 21:5,7
22:2,6,9,14,18
23:1 24:12,15
25:4,14 29:19,25
30:2,10,12 35:10,
14,21 36:3,23
37:2,3,16 42:10,
14,16,22,25 43:3
46:12 47:6,10,16,
18,21,24 48:2,4,
14,18 49:1,6,9,11,
18 51:10,22 52:4,
10 53:6,10 57:22
58:18,25 60:20
66:10,21 68:2,12,
21 69:9 70:2,12,
17,21 71:2,12
72:1,6,20,24 73:5,
8,15,24 74:17,22,
25 75:4,10,17

basic 5:23

Bates 17:1 49:15

began 5:1 28:1

begin 11:8 12:5
13:3

beginning 19:22

begins 48:22

believes 27:1

Belle 8:25 9:15
47:14

benefit 57:2

big 32:22

bill 8:12

bit 24:5 38:6

blacked 30:4

blood 10:3 38:12

blue 25:5

Bond 7:3

book 66:11

books 13:4

born 19:14

bottom 15:16 25:5

bound 42:3

brother 63:15

brought 33:21
65:17

Buddy 9:22,24
10:12,23

Bush 51:19 52:13,
14 71:21

Bush's 52:21

business 10:15
14:25 38:15

C

C-O-B-O-R-N 9:10

C-O-B-U-R-N 9:9

C-U 9:10

C.F. 43:7,11 45:14,
16

cabinet 33:12 41:1

cabinets 41:5

Caleb 44:18,19
46:4,14

California 19:21

call 45:11

called 64:15 72:12

calling 47:14,15
58:16

calls 71:11,24

candidates 9:17
44:21 53:12,15

captioned 39:6

captured 48:20

care 14:25 22:11
72:25 73:3

carpet 57:19

Carrie 11:19,21
12:12,15

carry 45:3

case 17:21 39:7,
11 40:12,15 68:18
69:15

chance 16:12 24:9

change 73:2

character 64:21

charging 40:18
56:21

chief 5:17 6:11,14
8:2 9:1 13:10
17:17 18:5 24:16
29:4 35:12 39:4
44:19 53:11,25
55:6 57:17 58:12
60:4 65:25 66:13
71:14 72:8 73:16
75:5

chiefs 57:9

Child 43:24,25
44:8

choosing 56:4

chose 54:25 55:22
56:8

Chris 42:12,15 66:15	22 56:5 57:3,9	22 52:23	criminal 39:10 54:2 66:4
Christmas 10:24	commissioned 57:13	copy 17:16,21 30:18,23,25 31:2, 9 32:19 50:14,15 55:24 56:2 60:15	cropped 69:15
Christopher 7:3	commissions 56:15 57:6	corner 25:5	CROSS- EXAMINATION 73:22
circuit 58:14	committing 35:5, 17	correct 14:18 16:7 21:5 23:15,22	current 67:23 71:15
citizens 5:17	communications 62:19	corrections 72:21 75:18	custodian 11:3 13:11 14:2,20 17:20
city 6:1 8:11,12,25 11:3,5 20:8,25 21:3,9,20 22:20 29:1,7 31:17,19 32:2 34:14 51:14, 17,24 53:5 55:5, 15 56:16 63:8,10 66:1 71:16,18 72:5 74:20	communities 56:14	council 13:1	cut 19:17
City's 16:5 40:24	complaint 26:20 66:4	counsel 16:17 49:2	<hr/> D <hr/>
claimed 70:5	complaints 25:24 63:17,21	counted 28:24	Dana 59:20,22
clarify 40:6	complete 6:6 19:13 21:22	Countians 58:3 67:2,10	dated 15:18
clarifying 52:6	completed 6:8 69:4	county 6:22 7:16 8:20 9:18 21:11 27:18 36:10 38:8 39:2 41:11,13 54:8,16 56:5,25 57:3,5 62:6 64:3	dates 11:17
Clay 69:17 70:5	computers 19:7 20:8	couple 12:13,19 43:1 53:25 58:23 66:14 75:8	day 6:4,5 19:2,3, 12 54:22
clear 22:13 24:10	concluded 75:11	court 5:2 35:15 42:8 58:14 72:12 73:12 75:7,15	day-to-day 14:24
clerk 8:7,12 11:5 14:23 68:25	condition 6:13	Court's 37:1	days 73:12
close 26:1 42:12	consideration 37:5	courteous 60:17	deal 64:9
closed 64:17 71:8	consists 16:23	courtesies 22:17 66:14	death 48:23
Coburn 9:6 10:4	contact 74:9,11,12	courtesy 75:6,7, 12	deceive 25:20
Coburn's 9:9	contents 70:1	Courthouse 7:4	December 54:21
Cole 64:3	context 18:20 22:10 23:22 49:25	cousin 10:13	decision 42:23
collected 21:16 37:8	conversation 27:4	covered 41:23 66:16	declined 40:15
collision 41:14 45:23	conversations 27:7,9	COVID 12:12	deemed 73:13
color 30:20	convicted 54:1		delivered 15:19 31:20,21
Comber 12:22	copied 29:6		delivery 73:12
Combs 11:7 12:23,24,25	copies 17:13,16 18:23 21:20,22 32:3,4,9,22 34:17,		department 6:15, 21 8:9,10 9:16 32:25 33:3 39:6,7 55:12
commission 6:25 54:14,19 55:1,10,			departments 35:1

deposition 42:2 72:11,21 75:10	38:25 42:18 43:9, 10,12,17 50:1 60:14,24 61:4 67:3,13 69:20	<hr/> E <hr/>	17:7,10 20:7 21:19 22:5,20,21, 24,25 23:21 25:17 29:3,11 33:23 35:20 37:5,25 39:1 40:2 46:17, 20,24 47:13 50:6, 8 53:12,17,19,23 60:16,19,22 61:2 62:24 65:4 66:23 67:1,6,9,15 68:1, 13,14 70:23
deputies 65:3		E-COPY 75:18	
deputy 7:2,15,24 44:19 54:8,15		easier 49:13	
describing 37:15		easy 62:16	
description 56:18	documented 39:16	elected 39:23 56:7	
destroy 19:13	documents 16:1, 5,6,13,18,24 17:6, 9,11,14 18:25 20:7,24,25 21:3,8, 19,20 22:11,19 24:20 33:20,22 35:20,23 37:15,24 39:1,5,13,18 40:2, 18,20 41:10,18 42:6,9,21 43:5,13 46:17,20,24 48:16,19 49:19 50:8,22 53:11,16, 19,22 58:1 61:1 67:9,15 68:14 70:7	electronically 33:4	
detective 7:18,22 8:1		Elmore 27:16,17, 22 48:23	
determination 69:8		Elmore's 27:13 49:24	exhibits 48:6
died 27:17 51:20		email 31:25 63:2	exit 13:2
difference 39:4,13		employ 55:12	expected 46:2
difficult 52:5		employees 8:3 57:12	experience 56:13 63:25 64:8
diligent 75:13		employment 6:13, 17	explanation 73:2
diligently 29:11		encountered 65:21	extend 75:6,7
dining 57:18	Dollar 69:1	end 49:12 72:11	extended 18:19
direct 5:12 34:7,12 42:20	door 42:13	enforcement 5:24 6:19,24 13:21 64:1	extra 32:19
directly 19:10 37:9	doubt 49:14	entailed 24:20	extremely 25:23 26:12
dirty 18:15	drafts 18:24	entity 50:9	eyes 25:20
disciplined 54:5	draw 21:6	envelope 15:19 29:22	<hr/> F <hr/>
discuss 42:21	drive 18:6,7 31:11 32:9,13 40:25	events 10:23 35:2	Facebook 58:2,5 61:5 62:3,8 63:3, 4,6,8,9,11,12
discussed 22:1 67:8,15,24 72:9	drives 41:7	EXAMINATION 5:12	facility 75:12
discussing 61:6 69:17	dual 57:13	examined 5:10	fact 14:16 61:1 63:12 69:16
districts 35:1	Dudenhoeffer 11:11,15,18 12:13,17	excuse 42:11	fair 36:23 50:3 52:5 53:6 56:18 57:23
divide 47:13	duly 5:10	excused 44:5	fall 62:19
Dixon 6:21 7:8,12 54:8	duplicate 22:6,7	exhibit 14:5,6,11, 12 15:6,9,11,13 16:2,5,7,8,23	familiar 58:5
docket 53:3	duplicates 22:1,5		family 10:23
document 14:8, 14,17,21 23:2 24:25 25:7,9 27:2 30:2,13 31:4	duties 44:13		
	duty 19:21		

fan 32:22	form 23:2 33:4,5	governor 50:18,24 63:19	69:12
February 51:21	formal 58:13	Governor's 50:10	hired 12:25 13:1
feel 23:20 40:13	forward 62:5	greatly 22:17 37:22 66:13	hold 38:6
fellow 43:11 70:5	forwarded 26:9 31:10 40:19 62:4	grounds 58:16	holding 6:14,24
felt 55:2 72:3	found 56:20	guess 31:9 62:1 73:1	home 17:19 18:9, 10,18,21 31:17 32:10 38:21,23 41:8
figure 48:8	Fourteen 6:12	guest 38:21,23	honest 14:22 31:8 61:19 63:13
file 30:23 33:6,9, 12,14 41:5 47:9, 14,15 49:5,13 68:6 69:8	frame 55:16	guy 50:14	hooked 73:25
files 13:14 41:1	fraud 35:4,5,16,17	<hr/> H <hr/>	Hotline 43:24 44:1,9
financial 47:19,21, 23,24 48:1	free 23:20 40:13	Hall 31:17,19	house 20:11
find 36:5 37:5 52:5	Fresh 56:23	Halle 9:21,24 10:10	Huh-uh 62:1
fine 47:16	frustrated 25:24 26:13	hand 5:3	<hr/> I <hr/>
finish 25:11 52:8	full-time 8:4 55:12,14	handed 48:20	idea 31:18 45:24 52:20,22 58:8 59:9,10
fire 18:18,21 32:10,15 34:21 35:1 55:2,4	<hr/> G <hr/>	handing 48:16	identification 16:2 48:7 60:19
firearms 45:3	gained 34:10	handling 45:10	image 49:16
fired 50:10	gave 42:18 59:11	hanging 75:7	immediately 64:10
fires 34:1,8,12,13, 14,18	general 7:7 28:17 29:14 30:22 31:1, 22 33:7,19 46:17, 25 50:23 63:19 69:1	happen 17:22	impose 66:14
five-page 28:22 46:23	General's 26:19, 21 46:21 48:13 49:8	happened 14:20 31:15 52:21	inaccurate 26:2
fix 25:1 60:11	generalities 13:7	head 59:12	inartfully-stated 21:6
floor 57:18 61:7,8, 9,13,15,18,24,25	generate 33:21,23	hear 74:23	incident 13:17 43:4
focus 56:8	give 5:5 23:17 24:8 29:22 46:18 49:15	heard 73:2 74:19	incidents 34:22 44:7
folder 29:23 32:6 33:10,11	glad 10:15	hearsay 35:8 36:24 42:7 46:6	included 22:4 49:20
folders 16:23 50:15	goal 11:23 73:5	Heitman 9:12 26:1 34:2 35:5,16 37:9 42:11,12 44:24 54:22 56:6 63:22 65:6,23	including 47:24, 25
folks 44:16 67:9	good 27:6 59:9,10 70:13 73:15	Heitman's 65:3	Inconveniently 24:25
follow 59:16 72:4	gosh 7:9	hell 74:22	
force 6:25		highway 5:25 64:10 66:6,8	

incorrect 24:2 25:18	investigative 13:20 65:24	12:13,17	letter 15:11,18 26:5,17 28:17,22 29:13 32:5 33:7, 18,21,23 46:16,23 50:10 51:5 55:25 56:1
individually 24:7	invoked 44:14	keeping 32:18	letterhead 29:1
individuals 10:14	involved 36:19 44:16 45:22	kick 43:1	level 32:8
informally 73:18	irons 55:2,3	kill 69:1	license 6:14 54:4
information 26:8 34:4,7,11,12 39:16 44:3 45:16 46:14 48:21 49:23 64:3,7 65:2,15 66:1,2,8 67:24 68:8 69:14 75:16	issues 56:16 75:5	kind 10:20 49:21 61:10 72:25	limited 63:14
initials 43:6	items 46:18	kitchen 57:18 61:8,9	Linda 27:21,22
ink 25:5	<hr/> J <hr/>	knew 34:11	litany 24:19
inmate 27:17	J-E-R-R-Y 9:7	knocked 73:18	locked 33:12 41:1
insert 21:25	Jack 28:9,11	Knoll 68:25	locker 20:2
instance 6:24 21:11 34:20 64:3	jail 27:19	knowledge 45:6 59:8	long 6:10 7:12 11:20 12:4 38:10 39:21 42:5 49:14 56:1
instruction 70:17	jailers 44:25 45:2	Krull 23:8 27:6,12 28:4 50:25 73:25 74:9,11,12	looked 16:18 29:10 31:4 67:4
insurance 35:4,5, 16,17	James 12:3,11	<hr/> L <hr/>	Lori 59:5
interact 13:10	James's 12:4	label 60:18	Los 19:20
interest 72:9	Jeff 6:1 7:4 74:20	labeled 16:5 33:14 39:13 40:20 47:19	lot 65:21
interested 41:25	Jefferson 66:1	laptop 20:11,13,15 31:16	Louis 21:11 23:7 36:9 41:13
interlude 52:5	Jerry 9:6,7 10:4	laptops 20:19	luckier 20:18
interpretation 26:13	Jim 28:1	large 8:14,20	<hr/> M <hr/>
interrupt 24:8	job 13:2,3 15:4 19:25 54:15	lasted 12:13,19	made 7:18,22 31:9 40:9,11 49:21 62:1 63:17 69:7
interviewed 70:5	John 9:21,23 10:8 44:18,19,20,23 46:4,14	latest 69:16	mail 31:23
investigate 39:16 44:8	journalist 23:6	law 5:23 6:19,24 13:17,21 19:24 64:1	maintain 13:12 56:15
investigating 66:5,7	judge 42:23	lawfully 42:5	maintained 55:9
investigation 39:10 67:21 68:5 69:16 70:14	July 55:14	leave 17:24 18:18 54:11	maintaining 57:3
investigations 67:23 70:23	jump 51:7 68:10	left 12:11 19:24 54:8 55:12	maintains 13:13
	jumps 21:14	legal 28:9 71:11, 24	
	jurisdiction 39:9, 15		
	<hr/> K <hr/>		
	Karen 11:11		

make 19:6 22:14 31:13,14 32:7 42:23 43:19 49:7, 13 63:16 66:16 70:8,10 72:21 73:1,8	meeting 13:1	<hr/> N <hr/>	notebooks 19:5, 25
makes 37:11	member 6:25	name's 23:11	notes 18:24 19:6, 13,18,21
making 25:24	mention 34:3 43:19	named 10:14 27:20	notice 15:18
mandated 44:6	mentioned 13:16	names 59:1,10 75:8	noticed 28:16 30:19
mandatory 44:13	mentioning 23:23	Nathan 60:17	notified 64:10
manila 33:11	Messenger 62:9 63:4	nature 45:7	number 35:23 39:11 40:12
Marcus 71:4	miles 8:17,22	needed 39:16	numbered 25:1,9
Maries 6:22 7:16 8:20 9:18 27:18 38:7 39:2 41:11 54:8,16 56:5,25 58:3 62:6 67:2,10	mind 21:14 36:8 51:3,8	Neglect 43:24 44:1,9	numbers 25:3 39:7
mark 9:14,21,25 10:1,6 23:20,24, 25 24:3,9,11 25:17 59:3 67:14	mine 20:14 24:21 44:16	niche 74:23	<hr/> O <hr/>
marked 14:4,6,11, 12 15:9,13 16:2 22:23,25 25:21 48:6 60:19,22	minor 43:6,16 45:14	Nickolaus 5:19 16:20,22 17:24 20:20 21:2,25 22:3,8,12 24:10 25:2 29:16,24 30:1,5,9 31:10 35:7,25 36:21,24 37:14,22 42:6,19, 24 46:5,9 47:4,8, 12,17,20,22,25 48:3,9,11,15,25 49:4,7,10,17 51:7, 11,15,17,20,23 52:1,8,11,14,17, 20,25 53:7 57:20 58:15,20 60:6 67:25 68:10,13, 17,23 69:17,25 70:10,16,19,25 71:10,24 72:17 73:14,20,23 74:15,21 75:2,11, 19	oath 42:2
marked-up 24:6	minute 42:11	nodded 59:12	object 21:2 35:7 36:22 37:14 57:20 58:15 71:10
marking 25:11	minutes 66:15,19 75:8	nodding 59:13	objection 42:6,20 46:5 58:20,21 70:9,11,16
marriage 10:3 38:13	miscellaneous 47:15	normal 62:19 74:25	obtained 41:15
married 27:20	misremembering 74:3	note 66:10	obvious 65:9
marshal 7:2,15 9:1,2 34:21	missed 9:23 29:15,16		occupation 5:16
Marvin 27:13,16, 17 48:23	Missouri 5:25 6:21 23:7		occur 36:19
matter 43:25 63:12 69:23	misspoke 73:3		occurred 34:14 36:9
matters 64:2	mistake 40:9,11		off-site 17:21 18:4 32:21
means 44:12	month 13:5		offense 54:2
meet 72:13	months 55:19		offered 6:3
	Morgan 9:14,21, 25 10:1,6 67:14		office 6:22 13:13, 14 15:1 17:22 26:19,21 32:6,12, 14 33:13 41:5,8 46:21 48:13 49:8 50:11 54:23 62:2
	Morgan's 59:3,5		
	mouth 74:7		
	municipal 56:21		

69:5	pen 23:18	post-covid 11:25	prosecutor 39:2 41:11 50:7
officer 6:14 45:9 54:4 64:4,22	people 8:21 27:15 41:23 56:19 57:14 60:6 65:12	postage 32:1	prosecutors 56:22
officers 8:5 56:14 57:5 66:3	perfectly 52:4	posted 58:1	protected 70:7
one-commission 57:8	period 12:8 18:19 51:13	postmarked 15:20	provide 37:24 45:16 46:13 67:11
open 17:24 42:14 71:22	person 13:5 18:8 26:24 43:6 50:9 65:14,16	practice 53:1,5	provided 41:16 50:9,22 53:12,20 67:12 69:5,14
operate 56:19	personal 17:13, 16,18 18:23 59:8 63:9,10 65:23	Pre-2000 7:10	providing 75:12
operates 58:7	personnel 13:13 64:2	prepare 18:24	Public 6:15
opinion 71:11,25	photocopy 31:13	prepared 14:20 20:8,10 21:17 34:21 40:20	pull 47:3
opportunity 25:16	phrased 8:24 70:19	present 68:17	purely 65:24
order 16:19 37:1, 21 42:8 75:15	picked 56:22	presented 38:25 39:1,19 40:5 41:11 46:21 50:6 68:6,8,14,18	purported 70:14
original 17:15 30:22 31:9,14	picture 61:20	presentment 72:12,18	purposes 69:14
originate 21:8	place 17:20 19:14	preserve 19:21 37:21	pursue 69:3
<hr/>	places 41:4	previously 11:10 14:6,12 15:9,13 22:25	pursuit 56:23
<hr/>	point 16:25 49:15	print 30:23	put 37:20 49:4,12 74:7
<hr/>	pointing 67:25	printed 30:20 61:5	<hr/>
<hr/>	police 5:17 6:10, 14,21 8:2 9:1,16 13:10,12,15 14:25 17:17,18 29:4 32:25 33:3 39:6, 18 40:3,6,15,16 55:6 56:14 64:4 65:25	probable 40:17 69:6	<hr/>
<hr/>	policies 57:14	problem 52:6	Q
<hr/>	population 8:15	proceeding 58:13	qualifications 64:21
<hr/>	position 7:14,17 13:10 54:9 55:14	Proceedings 5:1	question 17:5 20:7 21:6 24:16 35:13,15 38:6 42:17 47:7 56:10 57:17,23 58:13 71:13 73:21
<hr/>	positions 54:11	product 18:24	questions 30:11 42:3 54:1 72:14 73:17 74:18
<hr/>	possession 21:3 22:20	Program 64:14	quote 25:23 26:1,4
<hr/>		pronouns 50:20	quoted 26:5
<hr/>		proper 64:21	<hr/>
<hr/>		properly 45:4	R
<hr/>		prosecuting 38:7 39:22 40:17 50:5	<hr/>
<hr/>			raise 5:2

Rap 64:12	50:18	reports 13:17 34:18,21,25 36:6, 7,15 37:6 39:8,19 40:3,7 64:17	71:8 73:25 74:20
reach 74:14	referring 35:6,18, 19 37:7	request 13:23 17:6,10	road 7:24 8:1
read 24:9 35:14 72:14,21 73:10, 11,13	refers 35:4,16 43:16	requested 16:9 49:23 75:21	Roberds 11:19 12:12
ready 42:15	reflect 22:16	reserve 6:25 55:9, 21 56:5	Ron 68:25
reason 32:18 58:10	reflected 70:23	reserves 8:4	room 57:18
reasons 65:9	reflection 65:22	resign 55:1,22	Ross 51:19
recall 27:5 29:6 34:2 43:12,21	refused 68:6	resignation 55:25	roughly 8:21 13:4
receive 13:22	regrettably 71:20	resigned 54:19 55:13	round 39:25
received 44:2 48:21	relate 37:9	respond 13:23	run 49:14 56:15
recognize 14:8,14 60:24 61:13	related 10:3 38:12 43:4	responded 14:23 35:1	running 39:25
record 5:21 11:12, 13 16:22 18:1,2 22:12,16 24:14 25:2,9,10,13,15 27:9 47:4,9,11 48:19 53:7,9 60:12 66:20,22 75:16,20	relationship 10:19 38:18 65:23	responding 13:24	Ryan 23:8
recorded 27:7 40:23	relayed 67:12	responsibilities 14:2 44:6	<hr/> S <hr/>
recordkeeping 31:6	release 72:3	responsibility 12:5,14	safe 18:18,21 32:10,11,14 41:8
records 11:4 13:11,12,16,20,21 14:2,20,25 17:19, 20 18:4 21:23 22:4 33:1,3 40:24 50:6 52:21 66:23 67:1 71:7,9,23	released 27:18 49:24 66:23 67:2 71:8,17	responsible 8:3	Safety 6:15
red 23:17	relevance 57:21	responsive 16:7 17:6,10 22:20 39:1 53:22	saved 19:17
redactions 30:3, 14	remember 19:2 34:4 61:25	resulted 44:11	school 19:24
refer 51:9	remind 16:8 66:18	results 26:9	scope 45:6
referred 18:4 33:6	repeat 35:13 42:17,19	review 40:5 53:16	Scott 9:21,23 10:8 44:20,23
	rephrase 47:6	reviewed 17:11	screwed 48:10
	report 21:12 23:6 36:9 40:16 41:14 43:23,25 69:5	Reynolds 71:4	sealed 69:19
	report's 19:13	Richard 38:9	secret 68:22
	reporter 5:2 34:1 35:15 37:25 44:6, 13 45:17,21,22 46:14,18 50:19 53:20 71:8 72:12 73:13,25 75:7,13, 15	Ridenhour 69:18 70:5	secretary 8:7
		Riverfront 23:7 45:13 46:3 50:13, 19,24 63:17 66:24	Security 7:3
			seldom 63:11
			send 51:4,5 62:12 63:2
			sense 31:14 37:11
			sentence 25:22 48:22
			separate 49:5
			sergeant 9:15

71:4	34:16,19,24 35:3	stamp 17:1 49:15	suspicious 58:24
serve 11:15	36:11,17 38:14, 17,20,22,24 39:3	stands 36:8	swear 5:4
set 30:3	40:6,7 41:3,6,9,12	start 11:20	sworn 5:10
sexually 43:21	44:23 46:1 48:17, 24 49:20 52:16	started 7:24 12:12 39:24 59:18	synopsis 39:14,17 40:21 41:10 43:5 48:20,22
Shannon 5:9,15	54:6,10,13 55:7, 20,23 57:1,4,7,10	starting 13:5	
share 8:10 64:2,6, 16 65:2,11,12,14 66:1,7	59:7,15 60:21,25 61:3,11 65:24	state 5:14,25 25:24 26:9 34:21 51:3 56:20,21 63:18 70:15,23	<hr/> T <hr/>
sheriff 9:12,17 34:2 35:5,16 42:11 44:22,24 47:25 53:13,15 54:15,22 56:6,15 63:22 64:3 65:3,6, 23	66:9,25 68:7,16 71:1 74:2	stated 35:8	T.J. 9:21,23 10:10
sheriff's 6:22 47:18,19,21,23 55:12	sitting 16:4 61:7	statement 26:2 40:18 69:6	talk 24:7 27:14 28:3,14,16 67:22 72:7
Sherry 12:3,11	size 8:19	statements 23:14 24:11 25:17	talked 8:19 41:2,5, 14 45:14 53:23 54:7 63:18,19 69:10
short 55:16	Skouby 38:9,10 39:21 40:5 68:6, 15 69:2	statute 56:20,22	talking 7:7 13:7, 15,16 15:25 26:24 36:12 37:12 42:8 43:7,9,17 52:3 55:16 64:20 69:21
shortly 27:18	smaller 56:14	stay 41:24	talks 33:25 43:5, 11
show 14:4,10 22:23 60:14,21	social 10:18 38:18	stick 15:24	tangible 46:18
sic 9:10	software 20:8	sticker 15:24	task 6:25
sign 72:18 73:10	solemnly 5:4	stop 50:17 56:21 72:17	taught 19:12
signature 15:15 30:16,21,24 31:3, 5 75:21	son 44:19	stored 52:23	technical 53:25
signed 29:3 31:1,2 73:12,13	sort 16:19 26:13 38:3	strike 31:20 56:3 61:16 62:21	teeth 19:17
sir 5:14 6:16,18 9:19 10:5,7,9,11, 17 14:9,15 15:3,5, 12,17,21,23 16:4, 14 17:4 19:1 20:17 21:10,13 22:22 23:4,10,13 25:16,19 26:3,15 27:8,11,23 28:13, 18,20 29:2,5,9,21 32:15 33:24	sorts 7:1 64:23	struck 63:23	ten 8:21
	sought 72:2	stuff 10:21 23:25 47:23 50:15 62:12	tend 19:9
	space 73:2	suggest 74:10	terminate 56:4,8
	speak 42:7	suggested 28:3 74:9,12	terminated 54:16, 17
	special 7:2 54:8	suggestion 26:12	terms 7:7
	specifically 35:22 43:20 50:18	Sunshine 13:17, 22	testified 5:11
	speculation 58:16	supervisor 8:1	testimony 5:4
	spelling 75:8	supporting 33:20	thing 16:19 25:21 36:20 60:8,9 62:8
	square 8:17,22	suspicion 58:9	
	St 21:11 23:7 36:9 41:13		
	stack 15:25 16:4, 14,24 17:11 19:25 29:20 30:20 31:5		

63:5 72:11 75:6	train 13:6	unusual 66:17	whispering 20:21
things 7:1 13:16, 18 19:5,6 43:1 49:12 64:23 72:10	trained 45:4	<hr/>	wife 59:18
thinking 31:15	training 5:24 13:3 14:1 45:7	V	wife's 27:13 59:19
thinks 60:8	transition 55:11	<hr/>	Wilde 65:25
Thomas 28:1	trick 72:25	vary 59:10	withdrew 53:4
Thompson 5:9,15 9:22,24 10:12	trooper 6:2 66:7 70:15	vehicle 36:6 45:23	witnesses 69:18
thought 40:10	troopers 70:24	verbally 55:25 69:10	woman 27:20
thoughts 19:9	true 21:1,19 70:6, 15	version 31:1	wood 57:18,25
thousand 8:21	truth 5:5,6 73:6	Vienna 5:18 6:11 8:2,14 20:25 21:4, 9,20 32:2 34:15 39:6 40:6,15 53:5 55:5,15 56:9 63:11 64:4	wording 24:20
threatened 68:25	turned 40:14 44:8	Vienna's 11:3	words 24:21 74:7
throwing 11:22	Twenty 38:11	view 44:12	work 18:24 21:16 65:11
thumb 18:6,7 31:11 32:9,13 40:25 41:7	type 19:9 36:19	vinyl 57:18	worked 6:20
tile 61:10,14,17	types 13:18	violating 37:1 42:8	working 7:3 55:5
time 9:11 12:7 18:19 23:24 43:6 55:16 56:3 60:5 71:16,17 72:4	typically 13:23 64:16	visit 66:15	works 31:7
timeline 49:22	<hr/>	voluntarily 54:12	worth 23:23 64:1
Times 23:7 45:13 46:3 50:14,19 51:1 63:17 66:24 71:8 73:25 74:20	U	VPD 40:16	wow 20:1,5
title 54:15	U.S. 7:2 31:23	<hr/>	write 19:5 35:9
titled 41:10	uh-huh 10:2 18:11,15 19:4 21:15 23:19 30:15 33:2,8 36:11 40:4 42:1 48:25 58:4 59:18,24,25 60:23 62:13 63:20 64:5	W	writes 25:23
today 23:3 29:20 53:23 72:15 73:16	unaware 14:22	<hr/>	written 23:6 27:2 31:16,17,19
told 16:6 24:21 26:8 27:13 69:3, 12 71:16 72:3	understand 28:21 31:6 32:8 35:11 49:11 70:4,13 73:9	waive 72:18	wrong 23:22 58:3 60:4 73:3 74:7
top 23:11	understanding 28:10 34:20 44:4 74:8	Walden 7:3	wrote 15:11 28:19 51:5 56:1 69:4
traffic 21:12 37:6 41:14 53:3	understood 56:25	Waldron 28:2,5,11 74:8,10	<hr/>
Tragedy 51:22	unredacted 30:5	Waldron's 28:6	Y
		wanted 12:10 28:14	year 6:6 9:18 12:16 70:6
		ways 8:25 74:4	years 6:12 7:8,13, 19,20 9:13 11:16, 23 12:13 19:25 20:16 26:1,11 38:11 72:16
		weeks 11:9 12:20 13:6	
		weird 57:17 74:23	
		whatnot 10:24 13:12	