

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

GERALD TINNER, individually,)
)
 Plaintiff,)
)
 vs.) No. 2:10-cv-00925
)
 SAN JUAN COUNTY, a municipal)
 subdivision of the state of)
 Washington, RONALD KREBS, in his)
 individual and official capacity)
 as San Juan County Sheriff, and)
 STEPHEN PARKER, individually and)
 in his official capacity as an)
 employee of the San Juan County)
 Sheriff's Office,)
)
 Defendants.)
 _____)

VIDEO RECORDED DEPOSITION UPON ORAL EXAMINATION OF:

RONALD JOSEPH KREBS

9:32 a.m.

December 6, 2019

801 Second Avenue, Suite 1210

Seattle, Washington

Reported by: Laurene Kelly, CCR #2835, CRR, RDR, CCP

Capitol Pacific Reporting
2401 Bristol Court SW, Suite C-103
Olympia, WA 98502

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I N D E X
EXAMINATION

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1 Seattle, Washington; December 6, 2019; 9:32 a.m.

2 --000--

3 THE VIDEOGRAPHER: This is a video recorded
4 deposition. Today's date is December 6, 2019, and the
5 time is 9:32 a.m.

6 My name is TJ Peitz. I own and operate Sound
7 Vision Video Production, 4821 North 14th Street, Tacoma,
8 Washington 98406, phone number 253-905-4941.

9 The deposition is being held at 801 Second
10 Avenue, Seattle, Washington.

11 The case is Tinner versus San Juan County, et
12 al.

13 Present for the plaintiff and noticing the
14 deposition are Angus Lee and Nicholas Power. Present
15 for the defendants are Andy Cooley and Pat McMahon. The
16 witness is Sheriff Ronald Krebs.

17 The court reporter is Laurene Kelly, who will
18 now swear in the witness.

19 RONALD JOSEPH KREBS,
20 being first duly sworn, was called and
21 testified as follows:

22 EXAMINATION

23 BY MR. LEE:

24 Q. Thank you. Good morning.

25 When did you stop being friends with Stephen

1 Parker?

2 A. I don't know.

3 Q. Are you still friends with Stephen Parker?

4 A. No.

5 Q. When did you become friends with Stephen Parker?

6 A. I don't know that we were ever friends. He was an

7 employee of mine. He worked in the Sheriff's Office for

8 me.

9 Q. How many sheriff's deputies do you have working for you?

10 A. Approximately 20 -- 19. Approximately 19.

11 Q. And you don't believe that Stephen Parker was ever your

12 friend?

13 A. Well, I'm friendly with all of my employees and I'm

14 friends with all of my employees, but I am their boss.

15 I am the sheriff, and they're still my employees.

16 Q. So was there a period of time when you were friends with

17 Stephen Parker?

18 A. Again, I -- I can't answer that, because I'm not sure

19 what you mean by friends.

20 Q. Have you heard the word "friends" before?

21 A. I have.

22 Q. Have you ever used the word "friends" before?

23 A. I have.

24 Q. Do you have any friends?

25 A. I do.

1 Q. Okay. So you know what it is to have a friend. Right?

2 A. I do.

3 Q. Has Stephen Parker ever been your friend?

4 A. No.

5 Q. You said you were friends with all your employees?

6 A. Yes.

7 Q. He was one of your employees.

8 A. He was.

9 Q. So he was the only employee you had who wasn't one of

10 your friends?

11 A. So my friends come over to my house for dinner. My

12 friends, I go out to dinner with them. I hang out with

13 my friends.

14 I do not hang out with my employees. My

15 employees do not come over to my house for dinner. So

16 by that definition Stephen Parker was never my friend.

17 Q. Did Stephen Parker ever come over to your house?

18 A. Not on a non-business occasion, no.

19 Q. What occasion would he have to come to your home for

20 business?

21 A. He might have dropped a report or something off to me

22 once, maybe twice.

23 Q. Have you ever shared a meal with Stephen Parker?

24 A. Not that I remember.

25 Q. When did you first learn that Stephen Parker was having

1 an affair with Natalie Garcia?

2 MR. McMAHON: Object to the form.

3 THE WITNESS: I don't know.

4 BY MR. LEE:

5 Q. Do you remember how you reacted to learning that Stephen
6 Parker was having an affair --

7 A. Yes.

8 Q. -- or had had an affair with Natalie Garcia?

9 MR. McMAHON: Object to the form.

10 THE WITNESS: Yes.

11 BY MR. LEE:

12 Q. How did you react to learning that Stephen Parker had
13 had an affair with Natalie Garcia?

14 A. I was shocked.

15 Q. And what is your full name?

16 A. Ronald Joseph Krebs, K-r-e-b-s.

17 Q. Have you ever used any other names?

18 A. No.

19 Q. Have you ever used any nicknames?

20 A. No.

21 Q. Has anyone else ever used a nickname for you?

22 A. Not that I'm aware of.

23 Q. Has anyone ever called you Ronnie?

24 A. My mom does.

25 Q. Okay. What's your date of birth?

1 A. August 9th, 1968.

2 Q. And where were you born?

3 A. Yakima, Washington.

4 Q. So how old are you?

5 A. 51. 51.

6 Q. Are you certain about that?

7 A. No.

8 Q. Do you want some time to think about it?

9 A. Yeah. I'm 51.

10 Q. What's your current address?

11 A. I live in Friday Harbor, 552 Kelsando Circle.

12 Q. How long have you lived there?

13 A. Approximately seven years.

14 Q. And where did you live previously?

15 A. In Friday Harbor.

16 Q. How long did you live at your previous address?

17 A. Three years maybe, two to three years.

18 Q. Is Friday Harbor inside San Juan County?

19 A. It is.

20 Q. How long have you lived in San Juan County?

21 A. Approximately little more than 12 years. 13 years,

22 maybe.

23 Q. Where did you live before you lived in San Juan County?

24 A. I lived in Snohomish, and I lived in Gig Harbor, I lived

25 in Tacoma, and prior to that Yakima.

1 Q. Okay. Where did you live immediately prior to living in
2 San Juan County?
3 A. I lived in Snohomish.
4 Q. What did you --
5 A. Washington.
6 Q. What did you do for employment in Snohomish?
7 A. I worked for Les Schwab Tire Center.
8 Q. And how long did you do that?
9 A. Approximately 13 years.
10 Q. What did you do for Les Schwab?
11 A. I was in management.
12 Q. Is that at a tire store or --
13 A. Yes. Yes.
14 Q. And prior to working at Les Schwab did you have any
15 experience in law enforcement?
16 A. I did not.
17 Q. And where was your first job in law enforcement?
18 A. San Juan County.
19 Q. In what capacity?
20 A. I was hired as a deputy.
21 Q. And that was the job you took after you left Les Schwab
22 Tire Center?
23 A. Yes.
24 Q. Is that why you moved to Friday Harbor?
25 A. Yes.

1 Q. Did you apply to any other law enforcement agencies
2 prior to being employed at San Juan County?
3 A. Yes. I applied to a whole bunch of agencies.
4 Q. Which ones?
5 A. Tacoma, King County, Everett PD, I believe. It's been
6 so long I don't recall all the ones I applied for. You
7 apply online, and I applied to a whole bunch of them.
8 Q. Did you undergo background investigations at any of
9 those agencies?
10 A. I believe I did.
11 Q. Did you undergo polygraphs at any of those agencies?
12 A. No, I did not.
13 Q. Did any of those agencies offer you employment?
14 A. No, they did not.
15 Q. Did any of them tell you why?
16 A. No, they did not.
17 Q. Did you have to undergo a psychological evaluation for
18 any of those applications at agencies that were not San
19 Juan County Sheriff's Office?
20 A. No.
21 Q. When you applied to become a deputy at the San Juan
22 County Sheriff's Office, who was the elected county
23 sheriff?
24 A. Sheriff Bill Cumming.
25 Q. Did you know him personally?

1 A. No, I did not.

2 Q. And did you have to undergo a background investigation
3 as part of that application?

4 A. Yes, I did.

5 Q. Did that include a polygraph?

6 A. Yes, it did.

7 Q. Did it include a psychological evaluation?

8 A. Yes, it did.

9 Q. Have you ever been married?

10 A. Yes.

11 Q. How many times?

12 A. I'm on my third marriage.

13 Q. What's the name of your first wife?

14 A. Jennifer Krebs. Well, not sure of her last name right
15 now.

16 Q. What was her last name when you met her?

17 A. McConnell.

18 Q. So her last name could be Jennifer -- she could be named
19 Jennifer McConnell now?

20 A. Could be.

21 Q. All right. And how long ago did you two get divorced?

22 A. I don't recall when it was.

23 Q. And your second wife, what's her name?

24 A. Julie.

25 Q. She have a last name?

1 A. Yeah. I'm not sure what it is now either. She was just
2 remarried.

3 Q. What was her maiden name?

4 A. Ribail, R-i-b-a-i-l.

5 Q. And are you currently married?

6 A. Yes, I am.

7 Q. When did you get married to your current wife?

8 A. Eight years ago.

9 Q. Was that after you became a sheriff's deputy?

10 A. Yes.

11 Q. And what is your current wife's name?

12 A. Barbara Pluff, P-l-u-f-f.

13 Q. What's her last name?

14 A. P-l-u-f-f.

15 Q. So she did not take your last name --

16 A. She did not.

17 Q. -- as Krebs?

18 A. Did not.

19 Q. And what is her occupation?

20 A. She is an office manager for Island Air Ambulance.

21 Q. What is Island Air Ambulance? Is that a helicopter
22 ambulance?

23 A. It's a air medical transport company.

24 Q. And she works for the management on that?

25 A. Yes.

1 Q. How long has she worked in management for them?

2 A. I believe she's been there about five years, maybe six
3 years now.

4 Q. How long have you been sheriff in San Juan County?

5 A. I was elected January 1st of 2015.

6 Q. And do you have any children?

7 A. I do.

8 Q. Do any of them live with you in San Juan County?

9 A. No.

10 Q. Are any of them employed in San Juan County?

11 A. No.

12 Q. What did you do to prepare for today's deposition?

13 A. I spoke with my attorney.

14 Q. What else did you do to prepare for today's deposition?

15 A. That was it.

16 Q. Did you have any discussion with Randy Gaylord in
17 preparation for today's deposition?

18 A. No.

19 Q. Did you have any discussion with Stephen Parker in
20 preparation for today's deposition?

21 A. No.

22 Q. When was the last time you spoke to Stephen Parker?

23 A. I believe the day he quit.

24 Q. When was the last time you spoke to Randy Gaylord?

25 A. I speak to Randy Gaylord on a weekly basis.

1 Q. So would that be this week that you spoke to him?

2 A. No. I believe I spoke to him last week, last spoke to
3 him last week, end of last week.

4 Q. Did he know you were going to be deposed today?

5 A. He did.

6 Q. How did he know that?

7 A. He's being deposed as well, I believe.

8 Q. How do you know that Randy Gaylord knew that you were
9 going to be deposed today?

10 MR. COOLEY: Sheriff, if that's going to require
11 you to say things like "Hey, I got an email from my
12 lawyer saying that we're going to be deposed and Randy
13 was copied on it," you can't talk about that because
14 that would be attorney-client privilege. So if you know
15 of some other basis by how Randy knew other than me
16 telling him and you, then you can say so, but otherwise
17 you don't.

18 THE WITNESS: Okay. I don't know that he knows
19 that.

20 BY MR. LEE:

21 Q. Did you review any documents in preparation for today's
22 exhibits -- or today's deposition?

23 A. No.

24 Q. Did you review any emails in preparation for today's
25 deposition?

1 A. No.

2 Q. Have you reviewed the complaint that was filed in
3 federal court in this case?

4 A. Not recently.

5 Q. When did you review it?

6 A. I believe as soon as we received it.

7 Q. Is that the only time you've reviewed the complaint?

8 A. Yes.

9 Q. Where did you attend high school?

10 A. Yakima.

11 Q. And did you graduate?

12 A. I did.

13 Q. Did you attend college?

14 A. I did not.

15 Q. Did you attend any school after graduating from high
16 school?

17 A. I went to a technical school for a little while. I
18 joined the Marines right out of high school.

19 Q. What was the technical school you went to?

20 A. J.M. Perry.

21 Q. And what is that?

22 A. It's a technical school in Yakima, deals with automotive
23 air conditioning, electronics, stuff like that.

24 Q. Did you obtain a certificate or degree from --

25 A. I did not.

1 Q. Any other education, formal education that you've
2 received?

3 A. No.

4 Q. Did you say you didn't obtain a certificate from the
5 J.M. automotive?

6 A. Yes.

7 Q. Why didn't you obtain your certificate?

8 A. I started working for Les Schwab and decided to take
9 that as a career path as opposed to an automotive
10 mechanic.

11 Q. And was that course that you were taking before or after
12 your time in the Marine Corps?

13 A. It was after.

14 Q. Have you ever been arrested?

15 A. No.

16 Q. Have you ever been detained by law enforcement?

17 A. No.

18 Q. Have you ever had a speeding ticket?

19 A. Yes.

20 Q. When you got a speeding ticket, did they light up their
21 lights and pull you over?

22 A. Yes.

23 Q. And that's a detention, isn't it?

24 A. Yes.

25 Q. Okay. So you're trained in what's a detention and

1 what's an arrest. Right?

2 A. Yes.

3 Q. Okay. So I'll ask you the question again. Have you
4 ever been detained by law enforcement?

5 A. Yes.

6 Q. Okay. How many times have you been detained by law
7 enforcement?

8 A. Two or three.

9 Q. Were they all for traffic-related matters?

10 A. Yes.

11 Q. Do you recall what those were?

12 A. No.

13 It was when I was a teenager. Maybe one when I
14 was an adult.

15 Q. Have you ever testified in a trial or hearing before?

16 A. Yes.

17 Q. Could you give me a rough estimate of the amount of
18 times that you've testified in a trial or hearing?

19 A. Handful. Half dozen.

20 Q. How long have you been in law enforcement?

21 A. 13 years. 12. Between 12 and 13 years.

22 Q. And so in the 12 or 13 years that you've been in law
23 enforcement, you've testified approximately six times in
24 a trial or hearing?

25 A. Maybe a few more.

1 Q. How many --

2 A. I couldn't give you an estimate. You asked me to give
3 you an approximate estimate, and that's -- yeah, that's
4 an approximate.

5 We live in a very small community where we don't
6 go to trial a whole lot.

7 Q. Have you ever been a defendant in a lawsuit?

8 A. No.

9 Let me clarify. Defendant in a lawsuit. I've
10 gone through child support, which I guess -- yes, I was
11 a defendant in a child support case.

12 Q. Who sued you for child support?

13 A. It was my ex-wife was just modifying our child support.

14 Q. Which one of your ex-wives?

15 A. First one.

16 Q. All right. Have you ever been a defendant in any other
17 lawsuit?

18 A. No.

19 Q. Does the name Melanie Teri mean anything to you?

20 A. Yes.

21 Q. Who is Melanie Teri?

22 A. Melanie Teri was a lady who made some accusations
23 against me.

24 Q. And where did she make those accusations?

25 A. Where did she make them? From prison.

1 Q. Okay. In what forum did she present her accusations
2 against you?
3 A. In federal court.
4 Q. All right. So Melanie Teri sued you in federal court?
5 A. Yes.
6 Q. So you were a defendant in a lawsuit in federal court?
7 A. Yes.
8 Q. So a minute ago when I asked you if you'd ever been a
9 defendant --
10 A. Sorry.
11 Q. A minute ago when I asked you if you'd ever been a
12 defendant in federal court, what was your answer?
13 A. My answer was no.
14 Q. Is there a reason why you said no?
15 A. I did not think about Melanie Teri.
16 Q. Was getting sued in federal court by Melanie Teri an
17 insignificant experience to you?
18 A. We never went to federal court. It cleared out in
19 mediation, so -- no, it was a significant experience.
20 Q. So were you attempting to evade the truth --
21 A. No.
22 Q. -- to that question?
23 A. No.
24 Q. Have you ever been a defendant in any other lawsuit,
25 since you didn't remember that one?

1 A. So I have been named on a number of lawsuits, because
2 I'm the sheriff. So I guess, yes, I have been
3 defendants in other lawsuits.

4 Q. Okay. So how many lawsuits have you been named as a
5 defendant in?

6 A. I don't have that number, that exact number. I don't
7 know what that exact number is.

8 Q. Are there any others that you can recall?

9 A. Yes.

10 Q. By name?

11 A. Yes.

12 Dan Fowler recently. Ian Shipp was recent.
13 Melanie Teri. Obviously Mr. Tinner, which is the reason
14 why we're here today. Those are the ones that come to
15 mind.

16 Q. Probably been named as a defendant in more lawsuits than
17 the ones that you can recall currently?

18 A. I -- I don't know that. Possibly.

19 Q. What was the allegation that Dan Fowler made, generally?

20 A. Dan Fowler made a use of force claim against two of my
21 deputies.

22 Q. Were you involved in that use of force?

23 A. I was not.

24 Q. And is that pending litigation?

25 A. No.

1 Q. Has that been resolved?

2 A. Yes.

3 Q. And how did it resolve?

4 A. It resolved in mediation, arbitra- -- mediation.

5 Q. Did money get paid to Dan Fowler to settle that lawsuit?

6 A. It's my understanding, yes.

7 Q. Do you know how much?

8 A. \$75,000.

9 Q. All right. And how is it that you're aware that in a
10 lawsuit that you were named as a defendant Dan Fowler
11 was paid \$75,000?

12 A. Because I attended the mediation.

13 Q. All right. So is there a reason why earlier when I
14 asked you if you'd been named as a defendant in a
15 lawsuit you didn't mention that you had been named by
16 Dan Fowler and he was paid \$75,000?

17 A. No. I was presuming that you were talking about me
18 personally, something that I was personally involved in,
19 not named in the color of my office.

20 Q. Okay. So please make sure to listen to the words that I
21 use in the questions that I present to you.

22 A. Okay.

23 Q. Ian Shipp, what was the general nature of his
24 allegation?

25 A. Civil rights violation.

1 Q. And who allegedly violated his civil rights?

2 A. Myself and a deputy, my sergeant.

3 Q. Going back to Dan Fowler for just a moment, the two

4 deputies that were responsible for the use of force, did

5 you conduct any corrective training on those deputies?

6 A. I personally did not, no.

7 Q. Did you send them to have or assign someone to send them

8 to have follow-on corrective training on use of force?

9 A. Their sergeant has handled all of that, yes.

10 Q. My question is: Did you assign someone to do corrective

11 training to the two officers who used force on Dan

12 Fowler?

13 A. No.

14 Q. Why not?

15 A. Because my -- I let my sergeants down the line handle

16 that.

17 Q. Did you direct your sergeants to conduct specific

18 follow-on training --

19 A. No.

20 Q. Please let me finish the question.

21 A. I'm sorry.

22 Q. Okay?

23 A. Sorry.

24 Q. How do you know that your sergeants handled that?

25 A. Because we've had conversations about it.

1 Q. Did they tell you what training they provided as
2 corrective training?

3 A. I don't recall.

4 Q. And Ian Shipp, what was that lawsuit for?

5 A. Civil rights violation.

6 Q. And it was by -- against you and two other officers?

7 A. Me and one other officer.

8 Q. And what was the general nature of that allegation?

9 A. Was improper eviction.

10 Q. Were you involved in the eviction?

11 A. I was.

12 Q. So you were out on the scene as part of the eviction?

13 A. I was.

14 Q. All right. So you were sued, not just because you were
15 the sheriff, but because of your actions on a specific
16 day. Correct?

17 A. Correct.

18 Q. All right. So earlier in this deposition when I asked
19 you if you'd been named as a defendant in a lawsuit, why
20 didn't you tell me about Ian Shipp?

21 MR. COOLEY: Object to the form. It's been
22 asked and answered.

23 THE WITNESS: Yes. I answered that question
24 earlier, and I stand by my answer.

25 ///

1 BY MR. LEE:

2 Q. Your answer earlier in relation to Dan Fowler was that
3 it had nothing to do with your personal actions. Ian
4 Shipp has to do with your personal actions.

5 A. The -- I stand by my answer.

6 Q. Anyone else sue you that you haven't mentioned that you
7 can recall?

8 A. Not that I recall.

9 Q. Have you ever been convicted of a crime?

10 A. No.

11 Q. Have you ever been accused of a crime?

12 A. Yes.

13 Q. Who accused you of a crime?

14 A. Ian Shipp, Melanie Teri, Dan Fowler, and the ones we
15 have spoken about earlier.

16 Q. How much was Ian Shipp paid?

17 A. Ian Shipp was dismissed.

18 Q. Have you ever been involved in any other legal claims or
19 lawsuits?

20 A. Other than the ones we have spoken about earlier, not
21 that I recall.

22 Q. Have you ever sued anyone?

23 A. No.

24 Q. Have you ever been deposed before?

25 A. Yes.

1 Q. In what cases were you deposed?

2 A. I was deposed in Melanie Teri. I was deposed in Ian
3 Shipp.

4 Q. How much money was paid to Melanie Teri?

5 A. I don't recall.

6 Q. Now, the allegation of Melanie Teri was against you. Is
7 that correct?

8 A. Correct.

9 Q. What did Melanie Teri accuse you of doing to her?

10 A. Improper touching during a search.

11 Q. And what year did this search occur?

12 A. I -- I don't recall.

13 Q. Was it before or after the Natalie Garcia-Stephen Parker
14 affair came to light?

15 A. It was before.

16 Q. And when you say inappropriate touching, Melanie Teri
17 accused you of groping her breasts. Is that correct?

18 A. I believe so.

19 Q. And she was handling that case pro se. Is that correct?

20 A. I don't know.

21 Q. Is there any reason, such as being under stress or
22 having a mental or physical condition or being on
23 prescription or street drugs, that would prevent you
24 from giving truthful answers today?

25 A. No.

1 Q. Do you have any memory deficit or other impairment that
2 would affect your ability to remember?

3 A. No.

4 Q. How would you describe your ability to remember things?

5 A. Average.

6 Q. Do you believe you have a good memory?

7 A. I believe I have an average memory.

8 Q. Sometimes when I ask a question, you will have partial
9 knowledge. For example, if I asked you the temperature
10 in this room right now, you couldn't necessarily give me
11 the exact answer, but you probably know whether it is
12 really hot or really cold or if it is room temperature.

13 In that circumstance an answer of "I don't know"
14 is not appropriate, but an answer giving a range or
15 estimate with an explanation that it is an estimation is
16 appropriate. Do you understand this?

17 MR. COOLEY: Yeah. You can -- you don't take
18 direction from counsel as to how to give your answers.
19 So you don't have to follow his direction about that.

20 And when he says it's not appropriate to say "I
21 don't know," that's not true.

22 BY MR. LEE:

23 Q. Do you understand what I said?

24 A. I do.

25 Q. Do you understand that when I ask a question I'm

1 entitled to a complete answer?

2 A. I do.

3 Q. Do you understand that, if you don't understand a
4 question that I ask, you can ask it to be rephrased?

5 A. I do.

6 Q. Who is your attorney in this matter?

7 A. Andrew Cooley.

8 Q. And does Mr. Gaylord represent you in this matter?

9 A. No.

10 Q. How did you --

11 A. Not that I'm aware of.

12 Q. How did you prepare for today's deposition?

13 MR. COOLEY: Objection. It's been asked and
14 answered.

15 THE WITNESS: Yes. I stand by the answer I gave
16 earlier. I'm not willing to change it.

17 BY MR. LEE:

18 Q. Have you spoken to anyone other than your counsel about
19 this case?

20 A. Spoke to my wife.

21 Q. Anyone else?

22 A. Not in detail, no.

23 Q. Okay. Who have you spoken to about this case?

24 A. My undersheriff.

25 Q. What's his name?

1 A. Zac Reimer.

2 Q. How many times have you spoken to him about this case?

3 A. Once or twice.

4 Q. What specifically was discussed?

5 A. The fact that I have a deposition today and that I would
6 be off island.

7 Q. Anything else?

8 A. No.

9 Q. What documents pertaining to this case have you reviewed
10 at any time?

11 A. I've reviewed the entire case at one time, quite some
12 time ago.

13 Q. When you say the entire case, what do you mean?

14 A. The case file that we have on hand.

15 Q. When you say the case file --

16 A. Correct.

17 Q. -- do you mean the criminal case involving Gerald Tinner
18 or a different file?

19 A. I'm talk- -- the file with the investigation of Stephen
20 Parker.

21 Q. It's been a while since you've reviewed that?

22 A. Yes.

23 Q. Any other documents?

24 A. No.

25 Q. Did you meet with counsel for Stephen Parker at all

1 prior to today's deposition?

2 A. No.

3 Q. Did you speak with counsel for Stephen Parker prior to

4 today?

5 A. No.

6 Q. How long were you in the military?

7 A. Six years.

8 Q. Was that active duty or six years in the reserves?

9 A. Six years in the reserves.

10 Q. So that was a six years in- -- six years active reserve

11 and two years inactive reserve contract?

12 A. Correct.

13 Q. And was that out of the Yakima reserve area?

14 A. Yes.

15 Q. And what was your MOS?

16 A. I was a diesel mechanic.

17 Q. And did you receive an honorable discharge?

18 A. I did.

19 Q. At the end of six years?

20 A. Yes.

21 Q. Did you have any page 11 entries?

22 A. No.

23 Q. Did you have any NJPs?

24 A. No.

25 Q. Did you deploy at all?

1 A. Yes.

2 Q. Where did you deploy to?

3 A. To the Middle East. Operation Desert Storm.

4 Q. How long were you there?

5 A. Approximately six months.

6 Q. Were you in Kuwait the whole time?

7 A. Yes.

8 Kuwait and Saudi Arabia.

9 Q. Did you receive any awards?

10 A. Yes.

11 Q. Which would be what?

12 A. I couldn't name them all.

13 Q. Did you receive a combat action ribbon?

14 A. I did.

15 Q. Any other awards?

16 A. Yes.

17 Q. What would those be?

18 A. I couldn't name them all.

19 Q. Can you name any of them?

20 A. Yes. We received a meritorious unit citation, the

21 Southwest Asia deployment ribbon, Good Conduct Medal,

22 marksmanship badge, and eight or nine more of them.

23 Q. When you employ deputies in San Juan County, do you

24 require them to live inside the San Juan County

25 boundaries?

1 A. I do.

2 Q. So when Stephen Parker worked for you as a deputy, did
3 he live in San Juan County?

4 A. He did.

5 Q. Are you aware of the investigation of Gerald Tinner by
6 Stephen Parker?

7 A. Can you rephrase that.

8 Q. Did Stephen Parker conduct an investigation of Gerald
9 Tinner?

10 A. In his capacity as a deputy, yes.

11 Q. All right. And did you ever review his investigative
12 file?

13 A. Not the entire thing, no.

14 Q. What parts of it did you review?

15 A. The initial allegation and maybe the initial cover sheet
16 on the initial allegation.

17 Q. So that's not a very thorough review. Would you agree?

18 A. I would.

19 Q. Is it your understanding from your review that
20 Mr. Tinner maintained that he had no sexual relationship
21 with Natalia Garcia?

22 A. That would be my understanding.

23 Q. And what would give you that understanding?

24 A. He pled not guilty and it went to trial.

25 Q. Is it your understanding that Miss Natalie Garcia was 19

1 or 20 years old at the time of the alleged sexual
2 encounter with Mr. Tinner?

3 A. I don't know that for sure.

4 Q. Were you aware she was over the age of 18 at the time
5 she had -- allegedly had sex with Mr. Tinner?

6 A. Yes.

7 Q. Who assigned this matter to Mr. Stephen Parker to be
8 investigated?

9 A. Would have probably been my undersheriff at the time.

10 Q. And why would a consensual sex act between two adults be
11 investigated?

12 MR. McMAHON: Object to form.

13 MR. COOLEY: Join.

14 THE WITNESS: Because she was a student and he
15 was a teacher, and in the state of Washington we know
16 that's a crime.

17 BY MR. LEE:

18 Q. So you would say it's because of the relationship
19 between the teacher and Miss Garcia?

20 A. Correct.

21 Q. Who was the undersheriff at the time the investigation
22 of Stephen -- of Gerald Tinner was initiated?

23 A. Brent Johnson.

24 Q. Is that the undersheriff now?

25 A. No.

1 Q. Why is he no longer the undersheriff?

2 A. He retired.

3 Q. When did he retire?

4 A. Approximately two years ago, year and a half ago.

5 Q. Do you know why he retired?

6 A. 40 years in law enforcement.

7 Q. Is he your friend?

8 A. Yes.

9 Q. Have you spoken to him about this case?

10 A. I have not.

11 Q. Did you review the narrative portion of Stephen Parker's
12 investigative report?

13 A. Yes.

14 Q. And did it have summaries of various witness interviews?

15 A. I don't recall.

16 Q. Do you recall ever reviewing summaries of witness
17 interviews conducted by Stephen Parker in the case
18 against Gerald Tinner?

19 A. No.

20 Q. Do you have reason to believe that Detective Parker was
21 sexually attracted to Miss Garcia during the -- during
22 Stephen Parker's investigation of Gerald Tinner?

23 MR. McMAHON: Object to the form.

24 MR. COOLEY: I join.

25 THE WITNESS: I'm sorry. Could you repeat that

1 question.

2 BY MR. LEE:

3 Q. To your knowledge, was Detective Stephen Parker sexually
4 attracted to Miss Garcia while he was conducting his
5 investigation of Gerald Tinner?

6 MR. COOLEY: Object to form. Calls for
7 speculation.

8 THE WITNESS: Yeah. I don't know.

9 BY MR. LEE:

10 Q. Are you aware that he had -- that Stephen Parker had sex
11 with Natalie Garcia?

12 MR. McMAHON: Object to the form.

13 THE WITNESS: I don't know.

14 BY MR. LEE:

15 Q. Do you, as we sit here today, believe that Stephen
16 Parker had sex with Natalia Garcia?

17 A. Yes.

18 Q. And what do you base that belief on?

19 MR. COOLEY: Object to the form.

20 THE WITNESS: Upon the investigation.

21 BY MR. LEE:

22 Q. Which investigation?

23 A. The investigation of Stephen Parker.

24 Q. All right. So -- and that sexual encounters -- excuse
25 me -- those sexual encounters between Stephen Parker and

1 Natalie Garcia were during the time that Stephen Parker
2 was investigating Gerald Tinner. Correct?

3 MR. COOLEY: Object to the form.

4 MR. McMAHON: Join.

5 THE WITNESS: I don't know.

6 BY MR. LEE:

7 Q. You don't know when the sexual encounters between
8 Natalie Garcia and Stephen Parker were?

9 A. I don't know the exact dates, no.

10 Q. Were they during the course of the investigation of
11 Gerald Tinner?

12 A. I couldn't say that.

13 Q. Was that the conclusion of the report that looked into
14 that matter?

15 MR. McMAHON: Object to the form.

16 THE WITNESS: And I don't recall.

17 BY MR. LEE:

18 Q. Detective Parker's investigation led to a criminal case
19 being brought against Gerald Tinner. True or false?

20 A. Could you repeat that again.

21 Q. Detective Parker's investigation led to a criminal case
22 being brought against Dr. Tinner. True or false?

23 A. True.

24 Q. Do you know why that was denied in your answer?

25 MR. COOLEY: If you know something about the

1 answer that you got from outside talking to me, you can
2 talk about that, but otherwise you can't.

3 THE WITNESS: No.

4 BY MR. LEE:

5 Q. And the way that felony charges are brought about is a
6 detective will conduct an investigation and refer it to
7 the prosecutor's office. Right?

8 A. Right. Yes.

9 Q. And the prosecutor's office makes a decision whether or
10 not to charge based on what is written in the report
11 from the detective. Correct?

12 A. Yes.

13 Q. There was a 10-day jury trial in State of Washington
14 versus Dr. Tinner. Is that correct?

15 A. Yes.

16 Q. Did you attend that jury trial?

17 A. I popped in once or twice.

18 Q. When did you pop in?

19 A. I don't know.

20 Q. Was it towards the beginning?

21 A. I don't know. I don't recall.

22 Q. Was it towards the end?

23 A. I don't recall.

24 Q. Was it during any witness testimony?

25 A. I don't recall.

1 Q. Do you have any idea what was going on when you popped
2 in?

3 A. I don't remember.

4 Q. Why did you pop in?

5 A. I pop into the courtroom frequently throughout the day.

6 Q. Why do you do that?

7 A. Just to get out, walk around the courthouse, see what's
8 going on in the courtrooms. When we have trials, make
9 sure everything is okay, there's no problems, there's no
10 issues.

11 We don't have courthouse security in San Juan
12 County, so the deputies kind of manage that.

13 Q. Do you attend trials regularly?

14 A. Not regularly, but from time to time I pop in.

15 Q. How many courtrooms are there in San Juan County
16 Superior Court?

17 A. One.

18 Q. How many are there in San Juan County District Court?

19 A. One.

20 Q. Is it the same courtroom for District Court and Superior
21 Court in San Juan County?

22 A. No.

23 Q. Different courtrooms?

24 A. Yes.

25 Q. Are there cameras located in the San Juan County

1 Superior courtrooms?

2 A. Yes.

3 Q. Are there cameras located in the San Juan County
4 District Court courtrooms?

5 A. Yes.

6 Q. Where do the monitors for those cameras display?

7 A. In our dispatch center.

8 Q. When you say "our dispatch center," do you mean the San
9 Juan County Sheriff's Office dispatch center?

10 A. Yes.

11 Q. Do you have access to that room?

12 A. Yes.

13 Q. Is it only members of the Sheriff's Office in the
14 dispatch center that has access to the monitors for the
15 courtroom cameras?

16 A. Yes.

17 Q. And --

18 A. As far as I know.

19 Q. And the security cameras inside the courtrooms, are
20 those ones that can change directions and view?

21 A. No.

22 Q. They can't look around to different parts of the
23 courtroom?

24 A. No.

25 Q. Can they zoom in or out?

1 A. No.

2 Q. And is that the case for Superior Court and District
3 Court?

4 A. Yes.

5 Q. Have the cameras in the courtrooms ever -- I'll start
6 the question over.

7 Have the cameras in the San Juan County
8 courtrooms ever been able to change view or zoom in and
9 out?

10 A. Yes.

11 Q. So they have been able to change view.

12 A. In the past, yes.

13 Q. And they have been able to zoom in and out.

14 A. Yes. In the past.

15 Q. And the controls for those cameras to zoom in and out
16 and look around the courtroom are located next to the
17 monitors inside the San Juan County Sheriff's Office
18 dispatch center. Correct?

19 A. Correct.

20 Q. And you have access to that room. Correct?

21 A. Correct.

22 Q. Have you ever during a trial gone into the terminal and
23 controlled the cameras for the courtroom while court was
24 in session?

25 A. Yes.

1 Q. Have you ever while you did that zoomed in on any papers
2 held by defense attorneys?

3 A. Yes.

4 Q. Did that result in a criminal case being dismissed,
5 because you were controlling the in-courtroom cameras to
6 focus on defense attorneys' paperwork?

7 A. Yes.

8 Q. When was that?

9 A. Last year.

10 Q. And would that be after the trial of Gerald Tinner?

11 A. Yes.

12 Q. So the capability to manipulate the cameras in the way
13 that you did in that case was available to you during
14 the Gerald Tinner trial. Correct?

15 A. No. That was only in the District courtroom. Cameras
16 in the Superior courtroom are different cameras, always
17 have been.

18 Q. What was the name of the District Court case where the
19 charges were dismissed because you were spying on
20 defense counsel's papers?

21 A. I don't remember the name.

22 Q. Did anyone conduct an investigation of your conduct in
23 the case where you were spying on defense counsel's
24 paper through manipulation of the court cameras?

25 A. I don't know.

1 Q. Did you ask for anyone to conduct a independent
2 investigation of your conduct?
3 A. No.
4 Q. Why not?
5 A. I disagreed with my -- with the assertion that my
6 conduct was inappropriate.
7 Q. Do you believe it's appropriate for a member of law
8 enforcement to zoom in on defense attorneys' notes
9 during a criminal trial?
10 A. I do not. Excuse me. I do agree with that, yes. I
11 agree that it is inappropriate for that to happen, yes.
12 Q. The Court found that you had zoomed in on defense
13 counsel's notes and dismissed the case in that matter?
14 A. Yes.
15 Q. Did the Prosecuting Attorney's Office ever appeal that
16 decision?
17 A. I don't know.
18 Q. Has anyone told you that they appealed that decision?
19 A. No.
20 Q. Did you ask the Prosecuting Attorney's Office to appeal
21 that decision?
22 A. I didn't, no.
23 Q. Did you and prosecutor Gaylord have any discussions
24 about your use of the cameras, the court cameras in that
25 case?

1 A. Yes.

2 Q. Did he tell you it was inappropriate?

3 A. I don't recall. I don't recall what our discussions
4 were exactly.

5 Q. In the case of State of Washington versus Dr. Tinner,
6 was Stephen Parker a necessary witness for the case?

7 A. Yes.

8 Q. Do you think that case could have gone to trial without
9 Stephen Parker as a witness?

10 MR. McMAHON: Object to the form.

11 MR. COOLEY: Object to the form. Calls for
12 speculation.

13 THE WITNESS: I don't know that. I don't know.

14 BY MR. LEE:

15 Q. Do you know what a chain of custody is?

16 A. I do.

17 Q. Was Stephen Parker necessary to establish chain of
18 custody for any evidence in State of Washington versus
19 Dr. Tinner?

20 MR. COOLEY: Object to the form. Calls for a
21 legal conclusion and speculation.

22 THE WITNESS: I don't know.

23 BY MR. LEE:

24 Q. Was Natalie Garcia a necessary witness in the case of
25 State of Washington versus Gerald Tinner?

1 A. I believe so.

2 Q. Would you agree that it would be inappropriate for
3 Stephen Parker to instruct Natalie Garcia how to testify
4 at a hearing or trial?

5 A. I would.

6 Q. Are you aware that he did exactly that?

7 MR. McMAHON: Object to the form.

8 MR. COOLEY: Join.

9 THE WITNESS: No.

10 BY MR. LEE:

11 Q. Do you have information that makes you aware that
12 Stephen Parker selected outfits owned by his wife for
13 Natalie Garcia to wear at trial?

14 MR. McMAHON: Object to the form.

15 THE WITNESS: No.

16 BY MR. LEE:

17 Q. Are you aware that Miss Garcia sent what are called
18 selfies of herself wearing Stephen Parker's wife's
19 clothing to Stephen Parker?

20 A. No.

21 Q. Did you observe that information in the administrative
22 investigation of Stephen Parker?

23 A. I might have. I don't recall.

24 Q. Did you review the administrative investigation of the
25 allegations against Stephen Parker?

1 A. Briefly.

2 Q. Would you agree that the allegations against Stephen
3 Parker are incredibly serious?

4 MR. McMAHON: Object to the form.

5 MR. COOLEY: Yeah, join.

6 THE WITNESS: Could you reword that.

7 BY MR. LEE:

8 Q. Sure. There was an allegation -- let's just agree on
9 this. There was an allegation that Stephen Parker had a
10 sexual affair with Natalie Garcia during the course of
11 his investigation of Dr. Tinner. Right?

12 MR. COOLEY: Object to the form.

13 MR. McMAHON: Join.

14 THE WITNESS: Yes.

15 BY MR. LEE:

16 Q. And you would agree that's a serious allegation?

17 A. Yes.

18 MR. McMAHON: Object to the form.

19 BY MR. LEE:

20 Q. And when the report on the investigation of that came
21 in, you only briefly reviewed it?

22 A. Yes.

23 Q. You didn't do a thorough review of the investigation of
24 Stephen Parker's conduct?

25 A. The investigation came in after Stephen Parker quit and

1 was no longer employed with the Sheriff's Office, so I
2 reviewed it and put it in his file, and it was done.

3 Q. Do you know what a U visa is?

4 A. I do.

5 Q. Tell me what a U visa is.

6 A. It's a visa that is applied for by undocumented people
7 when they're involved in criminal trials, to allow them
8 to help testify in the trial and not worry about being
9 deported.

10 Q. What does a U visa grant the recipient as far as
11 immigration status?

12 A. I don't know.

13 Q. Were you aware that, if somebody receives a U visa, they
14 get a five-year free stay in the country?

15 A. No.

16 Q. Have you received any training on U visas?

17 A. No.

18 Q. Have you ever signed any U visas?

19 A. Yes.

20 Q. So you signed U visas without any training on what they
21 are or what they do?

22 A. Yes.

23 Q. Do you think as the elected sheriff of San Juan County,
24 before you sign a U visa for somebody you should receive
25 some training or education on what a U visa is?

1 MR. COOLEY: Object to form.

2 THE WITNESS: So when I get a U visa I work with
3 the prosecutor's office on the U visa itself. So I
4 don't do it on my own. I work with the PA.

5 BY MR. LEE:

6 Q. So have you done any research on what a U visa is?

7 A. No.

8 Q. When did you first learn about U visas?

9 A. When I was elected Sheriff.

10 Q. And how is it that you learned about U visas?

11 A. They talked about it at a conference, went through a
12 newly elected officials conference, covered -- you know,
13 briefly covered U visas; and then just through my
14 contacts with other elected officials.

15 Q. So would you consider that newly elected sheriff's
16 conference training?

17 A. No.

18 Q. Did somebody present educational materials to you at
19 that conference?

20 A. No.

21 Q. What did they present to you as it relates to U visas at
22 that conference?

23 A. I believe it was a PowerPoint, bullet point on a
24 PowerPoint, if I remember.

25 Q. Did it provide information that you were not aware of

1 prior to the PowerPoint?

2 A. No.

3 Q. So you were already aware of everything about U visas?

4 A. It provided nothing other than -- talked about --
5 mentioned U visas being something that could come up in
6 the course of my duties and that I should work with the
7 prosecutor's office when we receive them, which is what
8 I do.

9 Q. Did it tell you what U visas were?

10 A. Might have. It was almost six years ago. I don't
11 recall exactly what was talked about, what it said.

12 Q. How many U visa applications have been presented to you
13 in your time as county sheriff?

14 A. Only one.

15 Q. And would that be the one involving Natalia Garcia?

16 A. No. I was not -- I was not provided that. Astrid
17 signed the U visa on her behalf.

18 Q. What U visa was provided to you?

19 A. It was one about three weeks ago on a separate case.

20 Q. So prior to the one three weeks ago, the only U visa
21 application you were aware of in San Juan County was the
22 one for Natalia Garcia?

23 A. I wasn't even aware of that.

24 Q. All right. So prior to Dr. Tinner's case you hadn't
25 seen a single application for a U visa in San Juan

1 County.

2 A. That is correct. I was not -- I didn't even see the U
3 visa for Natalie, if she applied for a U visa. I was
4 not made privy to it. I didn't see it. It didn't come
5 across my desk, so...

6 Q. Have you ever signed a U visa?

7 A. Yes.

8 Q. When was that?

9 A. Three weeks ago.

10 Q. And why did that one go to you instead of the
11 prosecutor?

12 A. It came to me and I forwarded it on to the prosecutor's
13 office. I don't know why it came to me. It came to me,
14 and I forwarded it to the prosecutor's office, worked
15 with the prosecutor's office.

16 Q. Did you sign that U visa?

17 A. I did.

18 Q. Why did you sign that one?

19 A. Facts of the case. I read through the case. Facts of
20 the case led me to believe that I should sign it.

21 Q. And who sent that U visa application to you?

22 A. I don't recall. It was an attorney's office.

23 Q. Was it an immigration attorney's office?

24 A. I don't know.

25 Q. Did Stephen Parker ever talk to you about Natalia

1 Garcia's U visa application?

2 A. No.

3 Q. Did anyone from the prosecutor's office for San Juan
4 County ever talk to you about Natalia Garcia's U visa
5 application?

6 A. No.

7 Q. Is it your understanding that Miss Garcia was granted a
8 U visa as a result of Detective Parker's investigation?

9 A. No.

10 Q. By that do you mean you lack knowledge or --

11 A. I don't know.

12 Q. At any time during or prior to the trial of Dr. Tinner
13 did the Sheriff's Office disclose the affair that
14 Stephen Parker was having with Natalia Garcia?

15 MR. COOLEY: Object to the form.

16 MR. McMAHON: Object to the form.

17 THE WITNESS: Could you repeat that question.

18 BY MR. LEE:

19 Q. At any time during or prior to the trial of Dr. Tinner,
20 did the San Juan County Sheriff's Office disclose the
21 affair that Stephen Parker was having with Natalia
22 Garcia?

23 A. No.

24 Q. What actions did you take immediately after learning
25 that there had been an allegation that Stephen Parker

1 had an affair with Natalia Garcia?

2 A. So I informed Stephen Parker of the allegations per the
3 San Juan County Sheriff's Guild contract that we have
4 with them to notify the officer that he was -- an
5 allegation was made that he was now coming under
6 investigation of a potential criminal crime.

7 I then contacted the Skagit County Sheriff's
8 Office to conduct an independent investigation of the
9 allegation.

10 Q. Tell me how you notified Stephen Parker.

11 A. I walked down to his office and I told him.

12 Q. How many -- how far away from your office was Stephen
13 Parker's office?

14 A. Two doors down, so approximately 25 feet maybe.

15 Q. Did you see him on a daily basis at work?

16 A. I did.

17 Q. Who was in the office immediately between your office
18 and Stephen Parker's office?

19 A. My undersheriff's office.

20 Q. And when you told Stephen Parker about the allegation
21 against him as it relates to Natalia Garcia, what did he
22 say?

23 A. He denied it.

24 Q. And did you place him on administrative leave?

25 A. At that point I did not.

1 Q. Now, considering that your detective had been accused of
2 having a sexual relationship with a witness and victim,
3 why was he not placed on administrative leave at that
4 time?

5 A. I don't recall my thinking into why I did not put him on
6 administrative leave at that time.

7 Q. Is it because he was your friend at that time?

8 A. No.

9 MR. McMAHON: Object to the form. Asked and
10 answered.

11 BY MR. LEE:

12 Q. Did you assure him that it was not going to be a big
13 deal at that time?

14 A. No.

15 Q. Did you tell him not to contact Natalia Garcia at that
16 time?

17 A. I did.

18 Q. And, to your knowledge, did he comply with that
19 direction?

20 A. I don't believe he did.

21 Q. What do you base that belief on?

22 A. On the investigative report.

23 Q. Have you had any conversations with Stephen Parker since
24 the day that you informed him he was going to be
25 investigated for an alleged affair with Natalia Garcia?

1 A. Yes.

2 Q. When was the next time you spoke to Stephen Parker after
3 you advised him he was going to be investigated?

4 A. I don't know.

5 Q. How many times did you speak to him after you advised
6 him he was going to be investigated?

7 A. I don't know.

8 Q. When was the last time you can recall speaking to
9 Stephen Parker after you advised him he was going to be
10 investigated?

11 A. I don't know. I can't recall.

12 Q. How is it that you can recall that you spoke to him
13 after -- on an occasion after you told him he was going
14 to be investigated?

15 A. Because he worked 25 feet from my office, and he was
16 still in the office.

17 Q. So during the course of the investigation of Stephen
18 Parker, since he was not on administrative leave, he
19 continued coming into the office on a daily basis?

20 A. Yes.

21 Q. And so you had frequent occurrence to, or -- I'll start
22 the question over.

23 After Stephen Parker was notified he was under
24 investigation, you had several occasions to come into
25 contact with him at the office, because he continued to

1 come in throughout the day -- the days?

2 A. Yes.

3 Q. And you don't remember any of those interactions?

4 A. I don't.

5 Q. What was he doing during the course of the investigation
6 against him, as far as assignments go?

7 A. I don't recall. I don't know.

8 Q. Did you allow him to continue working on other cases
9 during the course of the investigation against him?

10 A. Yes.

11 Q. What normally is required before you will put somebody
12 on administrative leave for an internal investigation?

13 MR. COOLEY: Object to the form. Calls for
14 speculation.

15 THE WITNESS: Yeah. I -- there are so many
16 things that go into it, I couldn't -- I couldn't answer
17 on what I could have done or would have done. I can
18 answer you on what I did do, but I couldn't make up a
19 hypothetical situation to answer your question.

20 BY MR. LEE:

21 Q. Since you've been sheriff, have there been other
22 complaints against other officers?

23 A. Yes.

24 Q. Have any other officers been placed on administrative
25 leave?

1 A. Yes.

2 Q. Okay. Give me the first one you can recall that you
3 placed on administrative leave. What's the name of the
4 officer?

5 A. Felix Menjivar.

6 Q. And what was the allegation against Felix that caused
7 you to put him on administrative leave?

8 A. I don't remember the exact allegation. It had something
9 to do with school officials and an incident that took
10 place at the school.

11 Q. Generally what was the allegation?

12 A. With him I believe it was rude and disrespectful
13 behavior.

14 Q. So when Deputy -- Felix. Was that his name?

15 A. Correct. Felix Menjivar.

16 Q. When Deputy Felix Menjivar was complained about for
17 being rude, you placed him on administrative leave?

18 A. Correct.

19 Q. Who else have you placed on administrative leave?

20 A. I placed Deputy Maya on administrative leave also.

21 Q. And what was the allegation against Deputy Maya that
22 caused you to put Deputy Maya on administrative leave?

23 A. Deputy Maya was having some -- he was dealing with a lot
24 of stress and appeared to be going through what I think
25 probably would have resulted in a nervous breakdown, for

1 lack of a better word; so we put him on administrative
2 leave until he can get some help, get some therapy, get
3 his head straight, and then come back to work.

4 Q. Was there an allegation against Deputy Maya?

5 A. Yes. There were some complaints from citizens with --
6 of his interactions between citizens.

7 MR. COOLEY: Know when a good time to break
8 would be, Angus?

9 MR. LEE: Yeah, let me just finish this line.

10 BY MR. LEE:

11 Q. What were the allegations against Deputy Maya?

12 A. Again just short, angry outbursts, disrespectful
13 answers, incomplete investigation.

14 Q. And based on that allegation you put Deputy Maya on
15 administrative leave?

16 A. Yes.

17 Q. Who else have you placed on administrative leave?

18 A. I believe -- as far as I can recall, I believe that's
19 it.

20 Q. So you've only placed two deputies on administrative
21 leave?

22 A. Three.

23 Q. Who is the third one?

24 A. Detective Parker.

25 Q. So later eventually you placed him on administrative

1 leave.

2 A. Correct.

3 Q. All right. When you -- two more questions. When you
4 instructed Deputy Parker not to have any contact with
5 Natalia Garcia, did you do that in writing?

6 A. No.

7 Q. That was just verbal?

8 A. Yes.

9 Q. Was there anyone in the room with you when you went to
10 talk to Stephen Parker and notify him of the
11 investigation against him?

12 A. I don't recall.

13 Q. Did you produce any memo to him giving him notice of the
14 allegation at that time, that you notified him of the
15 allegation?

16 A. I didn't. My undersheriff may have. I didn't, no.

17 Q. Is it part of your policy and procedure at San Juan
18 County when somebody is under investigation, you give
19 them written notice of the investigation and the basis
20 of the investigation?

21 A. Yes.

22 Q. Is there a reason why you didn't put in writing what the
23 basis of the allegation against Stephen Parker was so
24 you could notify him?

25 A. I don't recall. I don't recall -- I -- no.

1 MR. LEE: Do you want to take a break?

2 MR. COOLEY: Yeah. Let's take five minutes.

3 THE VIDEOGRAPHER: I'm off the record.

4 Please don't forget about your microphones.

5 (At 10:35 a.m. a recess was taken until
6 10:45 a.m.)

7 THE VIDEOGRAPHER: I'm back on the record.

8 BY MR. LEE:

9 Q. Sheriff, did anyone at the San Juan County Sheriff's
10 Office provide notice to Dr. Tinner that Stephen Parker
11 and Natalie Garcia were having an affair prior to the
12 conclusion of the trial of Dr. Tinner?

13 A. I -- I don't know.

14 Q. Would you agree that Gerald Tinner and his defense team
15 were not provided notice about the allegation of sexual
16 misconduct on the part of Stephen Parker prior to him
17 being booked into your county jail?

18 A. I don't know. I would neither agree or disagree.

19 Q. Do you know when Dr. Tinner was booked into your county
20 jail?

21 A. No.

22 Q. Do you know if Dr. Tinner was in your county jail at the
23 time that it was disclosed that there was an affair from
24 Natalie Garcia and Stephen Parker?

25 A. I don't know.

1 Q. Is it upsetting to you that Gerald Tinner would be
2 booked into your jail based on a trial where he was
3 denied due process?

4 MR. COOLEY: Object to the form.

5 THE WITNESS: Could you repeat that again.

6 BY MR. LEE:

7 Q. Does it upset you that Gerald Tinner was booked into
8 your jail based on a trial where he was denied due
9 process?

10 A. It -- yes.

11 Q. Why?

12 A. Well, everybody has the right to due process.

13 Q. So you would agree that, if Stephen Parker was having an
14 affair with Natalie Garcia, Dr. Tinner and his defense
15 team should have been made aware of that prior to the
16 conclusion of the trial against Dr. Tinner. Correct?

17 MR. COOLEY: Object to the form. It calls for a
18 legal conclusion. Calls for speculation.

19 THE WITNESS: That's a hypothetical, and I could
20 not answer a hypothetical, would not answer a
21 hypothetical.

22 BY MR. LEE:

23 Q. You would agree that Stephen Parker should not have had
24 an affair with an alleged victim in a pending criminal
25 case that he was investigating?

1 MR. McMAHON: Object to the form.

2 THE WITNESS: I would agree to that, yes.

3 BY MR. LEE:

4 Q. You would agree that Stephen Parker should not have had
5 an affair with Natalie Garcia while the case against
6 Gerald Tinner was pending?

7 A. I would agree --

8 MR. McMAHON: Object to the form of the
9 question.

10 MR. COOLEY: I'm going to join in that one.

11 THE WITNESS: I would agree that a deputy
12 investigating a case should not have a sexual affair
13 with a victim during the case, during the process, yes.

14 BY MR. LEE:

15 Q. Is it ever appropriate for a deputy to have a sexual
16 relationship with the victim in a case they are
17 investigating?

18 MR. COOLEY: Object to the form. It's a
19 hypothetical without facts and evidence. Calls for
20 speculation.

21 THE WITNESS: I wouldn't be able to answer that.

22 BY MR. LEE:

23 Q. Can you think of a time where it would be appropriate
24 for a deputy to have intercourse, sexual intercourse
25 with a witness or victim in a case they're

1 investigating?

2 MR. COOLEY: Same objection.

3 THE WITNESS: Same answer. I couldn't answer
4 that.

5 BY MR. LEE:

6 Q. Have you told anyone that you were disgusted by Stephen
7 Parker's conduct as it relates to Natalie Garcia?

8 A. I don't recall.

9 Q. Are you disgusted by the conduct of Stephen Parker as it
10 relates to Natalie Garcia?

11 A. Yes.

12 MR. McMAHON: Object to the form.

13 BY MR. LEE:

14 Q. Why?

15 A. A whole host of reasons. It's --

16 Q. What are those reasons?

17 A. Well, I'm disgusted by the fact that he lied. I'm
18 disgusted by the allegations that were made that I
19 believe to be true of the sexual affair. I'm disgusted
20 by the report.

21 Q. When you say you're disgusted by Stephen Parker's lying,
22 what lie or lies in particular are you referencing?

23 MR. McMAHON: Object to the form of the
24 question.

25 THE WITNESS: All of them.

1 MR. McMAHON: Speculation regarding telling the
2 truth or not.

3 BY MR. LEE:

4 Q. What lies did Stephen Parker tell that you're aware of?

5 MR. McMAHON: Object to the form of the
6 question.

7 THE WITNESS: He denied having the affair,
8 denied -- denied everything, and to this day denies
9 everything.

10 THE VIDEOGRAPHER: Can I please go off the
11 record? I need to see if I can get -- I'd like to get
12 rid of that shadow off the back of --

13 MR. COOLEY: Oh, all right. Go over there and
14 hit this button.

15 THE VIDEOGRAPHER: I know, there's the blackout.
16 Does it do all of them, or can you control them
17 individually?

18 MR. COOLEY: No. All of them.

19 THE COURT REPORTER: We're off the stenographic
20 record now.

21 (Discussion held off the record.)

22 THE VIDEOGRAPHER: Back on the record.

23 BY MR. LEE:

24 Q. Are you aware of any notice given to Dr. Tinner or his
25 defense team prior to the conclusion of the trial that

1 there was a alleged sexual affair between Stephen Parker
2 and Natalia Garcia?

3 A. No.

4 Q. At the time that Stephen Parker is alleged to have had a
5 sexual affair with Natalia Garcia, was he married?

6 A. Yes.

7 Q. What was --

8 A. I believe so.

9 Q. What was his wife's name?

10 A. I believe it was Amanda. But I could be wrong.

11 Q. You would agree that officers in your police agent -- in
12 your sheriff's office are aware that they should not
13 have an affair, a sexual encounter with a witness or
14 victim in a case they're investigating?

15 A. Yes.

16 Q. And what leads you to believe that deputies in your
17 office are aware they should not have sexual affairs
18 with witnesses or victims in cases they are
19 investigating?

20 A. Because that's not how you conduct an investigation.
21 That's not how you conduct yourself as law enforcement.

22 Q. Why not?

23 A. Because it could potentially damage your case. It's
24 morally the wrong thing to do. And there could
25 potentially be criminal actions taken.

1 Q. So the question was, what makes you believe your
2 deputies know that.

3 A. I don't know how to answer that.

4 Q. Do you train your deputies that they should not have
5 affairs or sexual encounters with witnesses or victims
6 in cases that they are investigating?

7 A. Not specifically, no.

8 Q. Is there a reason why you don't train your deputies in
9 the principle that they should not have sexual affairs
10 or encounters with witnesses or victims in cases that
11 they're investigating?

12 A. No.

13 Q. Do you have any policies or procedures that prohibit
14 sexual encounters with victims or witnesses in cases
15 that a deputy is investigating?

16 A. No.

17 Q. Why not?

18 A. I don't have an answer for that.

19 Q. You believe that Stephen Parker had a sexual affair with
20 Natalie Garcia in a case where she was the victim,
21 allegedly, and that he was investigating. Correct?

22 MR. McMAHON: Object to the form.

23 THE WITNESS: I believe that Stephen Parker had
24 an affair with Natalie Garcia.

25 ///

1 BY MR. LEE:

2 Q. And that was during the time period where he was
3 investing a case where she was alleged to be a victim.
4 Correct?

5 A. I don't know.

6 Q. You are aware that he investigated a case where she is
7 alleged to be the victim of a crime. Correct?

8 A. Yes.

9 Q. And you're aware that that case was dismissed as a
10 result of the alleged affair between Natalie Garcia and
11 Stephen Parker. Correct?

12 MR. COOLEY: Object to the form.

13 BY MR. LEE:

14 Q. Now, since you became --

15 THE COURT REPORTER: What was the answer?

16 MR. COOLEY: He said no.

17 BY MR. LEE:

18 Q. You're not aware that the case was dismissed because of
19 the alleged conduct of Stephen Parker?

20 A. I'm aware that the case was dismissed.

21 Q. You're not aware why the case was dismissed?

22 A. I don't know the exact legal justification for
23 dismissing the case, no.

24 Q. So when a case gets dismissed and one of your deputies
25 is under investigation, you don't find out why the Court

1 dismissed it?

2 A. Yes. But I don't recall why the case was dismissed. I
3 don't recall the legal justification. I don't recall
4 the precedent under which it was dismissed. So I don't
5 know.

6 Q. I'm not asking for a technical legal answer. I'm asking
7 if you, as the head law enforcement officer for the
8 county -- when you learned that a felony case was
9 dismissed because of the conduct of one of your
10 officers, if you looked into it and found out why the
11 Court dismissed the case.

12 A. I know the Court dismissed the case, and I know it was
13 because of the conduct of one of my officers.

14 Q. So did you look into why the Court specifically
15 dismissed it so that you could take corrective action
16 for your agency?

17 A. No.

18 Q. Do you think as the sheriff of the county that, when
19 something like that happens, you should find out exactly
20 what was done wrong so you can put a policy in place,
21 for example, that says don't have sex with witnesses?

22 A. Yes.

23 Q. Did you do that?

24 A. No.

25 Q. Why not?

1 A. We went to a whole new policy manual, Lexipol, and I --
2 I don't have an answer.

3 Q. At the time of the alleged affair between Stephen Parker
4 and Natalia Garcia, was the San Juan County Sheriff's
5 Office an accredited law enforcement agency?

6 A. No.

7 Q. Is the San Juan County Sheriff's Office currently an
8 accredited law enforcement agency?

9 A. No.

10 Q. As the sheriff of the San Juan County Sheriff's Office,
11 do you think that the people of San Juan County deserve
12 an accredited law enforcement agency?

13 A. Yes.

14 Q. Why isn't the San Juan County Sheriff's Office an
15 accredited law enforcement agency?

16 A. We're currently working on that.

17 Q. When will the San Juan County Sheriff's Office become an
18 accredited law enforcement agency?

19 A. I don't have that answer.

20 Q. What do you need to accomplish as an agency before you
21 can become accredited?

22 A. There's a long process you have to go through. You have
23 to go through the accreditation [sic] process, which
24 takes time.

25 Q. Does the accreditation process require you to have a

1 functioning policy and procedure manual?

2 A. It does.

3 Q. Does that policy and procedure manual require you to
4 have policies that say, for example, prohibit deputies
5 from having sex with witnesses in cases they're
6 investigating?

7 A. I would assume so.

8 Q. Have you reviewed the new policy and procedure manual
9 for -- I'll start over.

10 Do you have the new Lexipol policy and procedure
11 manual in place for the San Juan County Sheriff's Office
12 currently?

13 A. We do.

14 Q. Have you reviewed it, every page?

15 A. Not every, single page, no.

16 Q. So you put into place a policy and procedure manual that
17 you didn't even completely review?

18 A. Yeah.

19 My undersheriff and sergeants have reviewed it,
20 and I have walked through it with them.

21 Q. Do you think, as the chief law enforcement officer for
22 San Juan County, before you put policies and procedures
23 into place for the county you have an obligation to
24 review the entire policy and procedure manual you're
25 putting into place?

1 A. Yes.

2 Q. Yet you didn't do it.

3 A. No.

4 Q. Why not?

5 A. I don't have an answer for you.

6 MR. COOLEY: With no question pending, I'm going
7 to ask for a quick break.

8 THE VIDEOGRAPHER: I'm off the record.

9 (At 10:59 a.m. a recess was taken until
10 11:01 a.m.)

11 THE VIDEOGRAPHER: I'm back on the record.

12 BY MR. LEE:

13 Q. Earlier you agreed that all of your deputies would have
14 known that it was inappropriate to have a sexual affair
15 with a witness or victim in a case that they were
16 investigating. Would you agree that it was because such
17 conduct was obviously inappropriate, regardless of
18 whether or not a policy was formally put in place?

19 A. Yes.

20 Q. Are you aware of any other occasion in the San Juan
21 County Sheriff's Office where one of your deputies had a
22 sexual affair or encounter with a victim or witness in a
23 case they were investigating?

24 A. No.

25 Q. If you personally were on trial and had been accused of

1 a crime, would you want to know if the officer who
2 conducted the investigation was having an affair with
3 the complaining witness?

4 MR. COOLEY: Object to the form. Calls for
5 speculation. It's a hypothetical without facts in
6 evidence.

7 THE WITNESS: Yeah. I'm not -- yes. I'm not
8 going to answer a hypothetical.

9 BY MR. LEE:

10 Q. So you are going to answer. The question is: If you
11 were on trial and the deputy conducting the
12 investigation you were on trial for was having an affair
13 with the complaining witness, would you want to know
14 that during the trial?

15 MR. COOLEY: Same objection.

16 THE WITNESS: Yes. I would want to know that,
17 yes.

18 BY MR. LEE:

19 Q. And why would you want to know that?

20 A. For the appearance of fairness.

21 Q. And for fairness itself. Right?

22 A. Correct. Well, yes. That's what I meant.

23 Q. Do you believe that the failure of Stephen Parker to
24 disclose this alleged affair to Dr. Tinner during his
25 trial denied Dr. Tinner a fair trial?

1 MR. McMAHON: Object to the form of the
2 question. Calls for legal conclusion.

3 THE WITNESS: Yeah.

4 MR. COOLEY: Join.

5 THE WITNESS: I don't -- I have no way of
6 answering that.

7 BY MR. LEE:

8 Q. Do you believe that Dr. Tinner received a fair trial?

9 A. No.

10 MR. McMAHON: Object to form.

11 BY MR. LEE:

12 Q. Did you ever hear prosecutor Randy Gaylord say that
13 Dr. Tinner received a fair trial?

14 A. I don't -- I don't know.

15 Q. Is it possible that Randy Gaylord said that Dr. Tinner
16 received a fair trial and you've simply forgotten
17 hearing him say that?

18 MR. COOLEY: Object to the form. Calls for
19 speculation.

20 THE WITNESS: Anything is possible.

21 BY MR. LEE:

22 Q. Did you have any discussions with Randy Gaylord at any
23 point about whether or not Dr. Tinner received a fair
24 trial?

25 A. No.

1 Q. Did you have any discussions with Randy Gaylord at any
2 point about why the case against Dr. Tinner was
3 dismissed?

4 A. No.

5 Q. Would you agree that the case against Dr. Tinner was the
6 most high-profile case in San Juan County in the time
7 that you have served in any capacity in law enforcement
8 for San Juan County?

9 A. No.

10 MR. COOLEY: Object to form.

11 Okay. Sorry.

12 THE WITNESS: I'm sorry.

13 MR. COOLEY: You did fine. But give a little
14 pause so I can get it in. I don't need an objection,
15 given your answer.

16 BY MR. LEE:

17 Q. Is there a more high-profile case in San Juan County in
18 your time as the elected sheriff than the one against
19 Dr. Tinner?

20 MR. COOLEY: Object to the form. Calls for
21 speculation. Vague, what you mean by "high profile."

22 THE WITNESS: So we've had a number of cases in
23 San Juan County since I've been the sheriff, two of
24 which were homicide cases. In my view are pretty big
25 cases.

1 BY MR. LEE:

2 Q. Did either of those cases get dismissed?

3 A. No.

4 Q. What is the most significant dismissal of a felony case,
5 in your estimation, in your time as sheriff?

6 A. I think the only felony case that I can think of that's
7 been dismissed is this case.

8 Q. Okay. So in your time as sheriff for San Juan County
9 you're aware of one felony case being dismissed, and
10 that case is State of Washington versus Gerald Tinner.
11 Right?

12 A. Correct.

13 Q. And that's the case where your deputy is alleged to have
14 had an affair with the complaining witness. Right?

15 A. Alleged, yes.

16 Q. And you, in fact, believe that he did have that affair.
17 Right?

18 A. Correct.

19 MR. McMAHON: Object to the form.

20 BY MR. LEE:

21 Q. And when you became aware that the case against
22 Dr. Tinner was dismissed, did you have any discussions
23 with Randy Gaylord about why this one case was
24 dismissed?

25 A. I've already answered that question. I'm going to stand

1 by my answer. I don't want to change it.

2 Q. How long was Dr. Tinner incarcerated in the San Juan
3 County jail?

4 A. I don't know.

5 Q. Are you aware that he was incarcerated in the San Juan
6 County jail?

7 A. Yes.

8 Q. Do you know when he was booked into your jail?

9 A. No.

10 Q. Do you know when Dr. Tinner was released from your jail?

11 A. No.

12 Excuse me. Can we take a break for a second?

13 MR. COOLEY: Yeah.

14 THE VIDEOGRAPHER: I'm off the record.

15 (At 11:07 a.m. a recess was taken until
16 11:09 a.m.)

17 MR. McMAHON: In situations where you're having
18 difficulty hearing either Mr. Cooley or myself joining
19 in objection, consider Detective Parker to join in that
20 objection so it's on the record.

21 MR. COOLEY: Sorry, guys. I have to go off the
22 record. I have an emergency of my own.

23 (At 11:09 a.m. a recess was taken until
24 11:14 a.m.)

25 THE VIDEOGRAPHER: I'm back on the record.

1 BY MR. LEE:

2 Q. Sheriff, when did you first learn that Natalie Garcia
3 had alleged a sexual affair with Detective Parker?

4 A. I don't know the date.

5 Q. Where were you physically located when you learned that
6 Natalie Garcia had alleged a sexual affair between her
7 and Detective Parker?

8 A. In the prosecutor's office.

9 Q. Did you just happen to be in the prosecutor's office, or
10 did somebody call you over?

11 A. No. Teresa called me over.

12 Q. Teresa who?

13 A. Zueger or -- wait a minute. Yeah. I believe it was --
14 one of the deputy prosecutors called me over.

15 Q. Is Teresa Zueger a deputy prosecutor?

16 A. She is.

17 Q. And how far away from your sheriff's office is the
18 prosecuting attorney's office?

19 A. 50 feet.

20 Q. Did she call you on the telephone?

21 A. I don't recall.

22 Q. Did she walk over to your office and say: I need you to
23 come to my office?

24 A. I don't recall how they notified me.

25 Q. But you believe it was Teresa?

1 A. Yes. That's my recollection. It was Teresa that
2 contacted -- either contacted me or contacted my office
3 to ask me to come over.

4 Q. And did they tell you what it was regarding when you
5 came over?

6 A. When I came over.

7 Q. When they asked you to come over.

8 A. No.

9 Q. They just said, "We need to talk to you about something"
10 and "Come over."

11 A. Yes.

12 Q. So you came over and met with who?

13 A. I believe it was Teresa. I met with, I believe, Teresa.
14 Might have been one other person there, but I don't
15 recall who that was.

16 Q. And what did she tell you?

17 A. That Natalia had disclosed to one of the victim
18 advocates that she was, I believe, in love or maybe in
19 love and had an affair or was having a -- was in a
20 relationship I think is how it was maybe worded with
21 Detective Parker.

22 Q. And was Teresa a part of the team that prosecuted
23 Dr. Tinner?

24 A. I don't remember.

25 Q. And did she tell you why she was bringing this to your

1 attention?

2 A. No.

3 Q. So she just said: FYI, Natalie Garcia says she's having
4 an affair with Stephen Parker. Just thought you should
5 know?

6 A. Well, it's one of my employees. It would be appropriate
7 for her to notify me that one of my employees engaged in
8 potential misconduct, regardless of what the conduct is.

9 Q. And so that's what she did. She just said: FYI, this
10 is the allegation?

11 A. Yes.

12 Q. And how did you respond to her?

13 A. I don't recall. I believe I was shocked.

14 Then we -- I set plans to have Skagit County do
15 an investigation on it. And that's when I left and
16 walked back over, and then I believe I met with my
17 undersheriff and then went and informed Detective Parker
18 that he was being investigated.

19 Q. Did Teresa tell you whether or not Randy Gaylord was
20 aware of the allegation against Stephen Parker at that
21 time?

22 A. I don't recall.

23 Q. Was Randy Gaylord personally involved in the prosecution
24 of Dr. Tinner, to your knowledge?

25 A. Yes. I believe he was.

1 Q. Was he trial counsel?

2 A. I believe so.

3 Q. Did you ask Teresa if prosecutor Gaylord was aware of

4 the allegation?

5 A. I don't recall.

6 Q. And your immediate response was to go talk to your

7 undersheriff?

8 A. Correct.

9 Q. What did you say to him?

10 A. I don't recall.

11 Q. What did your undersheriff say to you?

12 A. I don't recall.

13 Q. And whose decision was it to not put Detective Parker on

14 administrative leave?

15 A. That would be my decision.

16 Q. Did the undersheriff recommend that an outside

17 investigation be conducted?

18 A. No.

19 Q. So did you say that when you spoke to Teresa you agreed

20 that you would have an outside agency conduct an

21 investigation of the allegation against Stephen Parker?

22 A. Yes.

23 Q. So the first person who notifies you of it, the first

24 thing you say is "We're going to have an outside agency

25 investigate"?

1 A. That may not have been the first thing that's said. We
2 were in the office for a while, and I remember talking
3 to her about a number of things in regards to this
4 allegation and getting some background on it, I believe.
5 So I'm sure it wasn't the first thing out of my mouth,
6 but at the end of the meeting it was determined, I said
7 we're going to have an outside agency investigate it.

8 The meeting wasn't, like, a 30-second meeting,
9 she tells me, I say we're going to do this, and then I
10 leave. It was -- we were -- my recollection is we were
11 there for a while, probably discussing different --
12 discussing the issue at hand.

13 Q. What else did you discuss?

14 A. I don't recall.

15 Q. But you recall that that discussion took about
16 30 minutes?

17 A. Maybe. I don't recall the exact amount of time. I just
18 know it was -- it was a lot more than a brief amount of
19 time.

20 Q. And during that discussion between you and Teresa, you
21 collectively or individually came to a decision that an
22 outside investigation would be done on the allegation
23 against Stephen Parker.

24 A. It would have probably been individually, but -- I don't
25 recall how it came up. But I believe it would have been

1 my decision and something I came up with, I believe.

2 Q. You don't recall if it was her idea or your idea to
3 conduct an -- have an outside investigation conducted?

4 A. I don't.

5 Q. But you do recall the initial meeting where you learned
6 of the allegation against Stephen Parker was with Teresa
7 at the prosecutor's office, and in that initial meeting
8 you made a decision that an outside investigation was
9 going to be conducted of Stephen Parker, based on the
10 allegation that he was having a sexual affair with
11 Natalia Garcia.

12 A. That is my recollection, yes.

13 Q. And then, knowing that you had already decided there was
14 going to be an outside investigation, you chose not to
15 put him, Stephen Parker, on administrative leave.

16 A. Correct.

17 Q. How many other times have you requested an outside
18 agency to conduct an investigation of one of your
19 deputies?

20 A. I believe one other time.

21 Q. Which time was that?

22 A. That was -- that was an incidence with one of my agents,
23 who was the oncall sergeant, took a call in the middle
24 of the night about a home invasion, and he made the
25 decision not to call a deputy out to deal with a

1 potential home invasion where a gun was involved. Yeah.

2 Q. And so you brought in an outside agency to conduct your
3 internal investigation in that case.

4 A. Correct.

5 Q. Who was the deputy?

6 A. Scott Brennan.

7 Q. And was Scott Brennan placed on administrative leave?

8 A. He was not.

9 Q. Why was he not placed on administrative leave?

10 A. I don't recall exactly what my thinking was going into
11 that. There's a -- I would call for a -- call for a lot
12 of speculation on my part. I don't -- I don't remember
13 why I didn't.

14 Q. Why did you have an outside agency conduct the internal
15 investigation in that particular matter?

16 A. And again I don't remember what my thought process was
17 in regards to that one, so I don't have an answer for
18 you.

19 Q. What was the policy that he was alleged to have
20 violated?

21 A. Well, we had a potential felony case, somebody broke
22 into some home and confronted a homeowner with a gun and
23 allegedly assaulted 'm and fled, and he did not make the
24 decision to call a deputy out to go deal with it,
25 instead opted to wait till the next morning to handle

1 it.

2 Q. Why does an outside agency need to be brought in to
3 conduct that investigation?

4 A. Again, I answered that question earlier. I stand by my
5 answer. I don't recall why.

6 Q. How many detectives did you have in the San Juan County
7 Sheriff's Office?

8 A. Two.

9 Q. Who's the other detective?

10 A. Lach Buchanan.

11 Q. And while the investigation of Stephen Parker was
12 pending, was Lach Buchanan a detective at the San Juan
13 County Sheriff's Office?

14 A. Yes.

15 Q. And was he actively investing -- was he actively
16 investigating cases at the time that Detective Stephen
17 Parker was being investigated?

18 A. Yes.

19 Q. At the time Stephen Parker was being investigated, was
20 he still, Stephen Parker, investigating criminal cases?

21 A. I believe so, but I don't know for certain.

22 Q. Who assigns cases to the detectives for investigation at
23 your agency?

24 A. The undersheriff does.

25 Q. Do you know if he assigned any cases to Detective Parker

1 for investigation while Detective Parker was under
2 investigation?

3 A. I don't know.

4 Q. Did the outside investigation conclude that Stephen
5 Parker was, in fact, having a sexual affair with Natalia
6 Garcia?

7 A. I believe so, yes.

8 Q. Did you review their full investigation report?

9 A. I answered that earlier.

10 MR. COOLEY: Yeah.

11 BY MR. LEE:

12 Q. During the pendency of this allegation against Detective
13 Parker, are you aware that Detective Parker accused
14 Natalie Garcia of setting people up?

15 A. I heard that, yes.

16 Q. Who did you hear that from?

17 A. I don't recall who I heard it from.

18 Q. Would you agree that, if your detective tells you or --
19 I'll start the question over.

20 Would you agree that, if you learn information
21 that somebody is setting people up, that that is
22 something that the Sheriff's Office should look into?

23 MR. COOLEY: Object to the form. Calls for
24 speculation. It's a hypothetical without facts in
25 evidence.

1 THE WITNESS: Can you repeat the question.

2 BY MR. LEE:

3 Q. When you heard that Detective Parker accused Natalia
4 Garcia of setting people up, what action, if any, did
5 you take to determine whether or not his allegation
6 against her was true?

7 A. I didn't take any action.

8 Q. Why not?

9 A. Because it was all being handled by Skagit County, by
10 the SMART team.

11 Q. Did you ask the Skagit County SMART team to investigate
12 whether or not Natalia Garcia sets people up?

13 A. I did not.

14 Q. When did you hear that Detective Parker accused Natalia
15 Garcia of setting people up?

16 A. I don't recall.

17 Q. Where were you when you heard that Detective Parker
18 accused Natalia Garcia of setting people up?

19 A. I don't recall.

20 Q. What was your reaction to hearing Detective Parker had
21 alleged Natalia Garcia set people up?

22 A. I don't recall.

23 Q. Do you believe that, if a deputy in your office has
24 information that a witness sets people up, that there is
25 a obligation to disclose that information to the defense

1 attorneys?

2 A. I would agree with that.

3 Q. Are you aware of any disclosure to Dr. Tinner or his
4 defense team that Natalia Garcia sets people up?

5 A. No.

6 Q. Are you aware of any disclosure to Dr. Tinner or his
7 criminal defense team that Stephen Parker accused
8 Natalia Garcia of setting people up?

9 A. No.

10 Q. Is it your understanding from your review of the Skagit
11 County report that Detective Parker had sexual
12 encounters with Natalie Garcia on at least five separate
13 occasions?

14 MR. McMAHON: Object to form.

15 THE WITNESS: It's my understanding based on the
16 report that he had sexual encounters with her, yes.

17 BY MR. LEE:

18 Q. Is it your understanding based on the report of Skagit
19 County that some of those sexual encounters between your
20 deputy, Stephen Parker, and Natalia Garcia were not
21 consensual?

22 MR. McMAHON: Object to the form.

23 THE WITNESS: I don't recall.

24 BY MR. LEE:

25 Q. Did you issue a summary of the Skagit County report in

1 which you concluded or -- I'll say -- instead of
2 concluded, I'll say reiterated that some of the sexual
3 encounters between Natalia Garcia and Stephen Parker
4 were not consensual?

5 A. I don't recall.

6 Q. Is an allegation that one of your deputies had
7 non-consexual intercourse with a witness in a case in
8 which he was investigating the kind of thing that you
9 would forget?

10 A. No.

11 Q. Did you have -- do you have information that
12 Deputy Stephen Parker used county resources to advance
13 his sexual encounters with Natalia Garcia?

14 A. Yes.

15 Q. What county resources did Detective Parker use in
16 furtherance of his sexual affair with Natalia Garcia?

17 A. So some of the ones I'm aware of, he used a Washington
18 State Ferry pass that belonged to the Sheriff's Office.
19 He used a cell phone, used, I believe, his desk phone
20 and desk computer, and maybe the county credit card. I
21 believe the county credit card as well.

22 Q. What did he use the county credit card for?

23 A. Well, at minimum, he used it for a hotel room on Lopez
24 Island.

25 Q. And when you say that Detective Parker used a county

1 credit card for a hotel room, what you mean specifically
2 is that Detective Parker used a San Juan County
3 Sheriff's Office credit card to obtain a hotel room so
4 that he could have sex with Natalia Garcia. Correct?

5 MR. McMAHON: Object to the form of the
6 question.

7 THE WITNESS: Detective Parker used the San Juan
8 County Sheriff's Office credit card to obtain a hotel
9 room on Lopez Island. I'm not -- that's as far as I
10 will go with my knowledge of that.

11 BY MR. LEE:

12 Q. To your knowledge, did he have official duties that
13 compelled him to get a hotel room with the county credit
14 card on that occasion?

15 A. I don't know. I don't believe so, but I don't know.

16 Q. Did your summary of the Skagit County report conclude --
17 include a finding that he misused the county credit card
18 to purchase a hotel room so that he could have sex with
19 Natalie Garcia?

20 A. I don't recall exactly what's in my summary. I'd have
21 to go back and look at my summary again.

22 Q. Do you believe it's improper for a sheriff's deputy to
23 use county resources to further an affair with a
24 witness?

25 A. Yes.

1 Q. Is it illegal for a sheriff's deputy to use county
2 resources to purchase a hotel room for the purpose of
3 having a sexual encounter with a witness?

4 MR. COOLEY: Object to the form. Calls for a
5 legal conclusion. Calls for speculation.

6 MR. McMAHON: Join.

7 THE WITNESS: I wouldn't be able to answer that.

8 BY MR. LEE:

9 Q. You're a police officer. Right?

10 A. Correct.

11 Q. You're trained in the Revised Code of the State of
12 Washington as it relates to the Criminal Code of the
13 State of Washington. Correct?

14 A. Correct.

15 Q. You're trained in how to investigate a case and
16 establish facts that will reach the probable cause point
17 in a case. Correct?

18 A. Correct.

19 Q. And you're trained in how to investigate a case, to
20 build a case that can be proven beyond a reasonable
21 doubt. Correct?

22 A. Correct.

23 Q. And you're aware that it is a crime in the state of
24 Washington to take somebody's funds. Correct?

25 A. Correct.

1 Q. All right. So did you authorize Detective Parker to use
2 county funds to get a hotel room to have a sexual
3 encounter with Natalie Garcia?

4 A. I did not.

5 Q. Did any policy or procedure authorize him to use the
6 credit card for that purpose?

7 A. No.

8 Q. So would you agree, then, that he had no lawful purpose
9 to use the county's funds to purchase a hotel room for a
10 sexual encounter with Natalia Garcia?

11 MR. McMAHON: Object to the form of the
12 question. Calls for speculation.

13 MR. COOLEY: Join.

14 THE WITNESS: I still stand by cannot answer
15 that question.

16 BY MR. LEE:

17 Q. Have you ever presented a case to a prosecutor because
18 you believe that probable cause of a crime had been
19 established?

20 A. Yes.

21 Q. You've done that on numerous occasions.

22 A. Yes.

23 Q. And you've done it for theft cases.

24 A. Yes.

25 Q. But as we sit here today, you can't tell me whether or

1 not you think there's probable cause for a crime in this
2 case.

3 A. Correct.

4 Q. Okay. Do you think that in such circumstances maybe you
5 should have asked an outside agency to determine whether
6 or not a theft of county funds had occurred?

7 A. I did.

8 Q. Specifically a theft of county funds.

9 A. I asked for an outside agency to investigate the
10 entirety of this case.

11 Q. Did you in writing ask anyone to investigate theft of
12 county funds?

13 A. No.

14 Q. Did you review the -- any reports that indicated that
15 prosecutors at any time considered charges of theft of
16 county funds by Stephen Parker?

17 A. I don't recall.

18 Q. After you became aware that Natalia Garcia had accused
19 Stephen Parker of having an affair with her, did you
20 ever hear anyone say that Stephen Parker is alleged to
21 have told Natalie Garcia to, quote, fix it, end quote?

22 A. Yes.

23 Q. Who told you that Stephen Parker told Natalie Garcia to,
24 quote, fix it?

25 A. I don't recall.

1 Q. When were you told that Stephen Parker told Natalia
2 Garcia to, quote, fix it?

3 A. I don't recall.

4 Q. When you learned that Stephen Parker told Natalia Garcia
5 to fix it, did you take that to mean he was telling
6 Natalia Garcia to say that she did not have a sexual
7 encounter with Stephen Parker?

8 MR. McMAHON: Object to the form of the
9 question.

10 MR. COOLEY: Join.

11 THE WITNESS: I don't recall what I was
12 thinking.

13 BY MR. LEE:

14 Q. Do you believe it's appropriate for somebody who's under
15 investigation to tell a witness to, quote, fix it, end
16 quote?

17 A. No.

18 Q. Did you, prior to hearing that Stephen Parker told
19 Natalie Garcia to, quote, fix it, end quote, tell
20 Stephen Parker not to contact Natalia Garcia?

21 A. Could you repeat that question.

22 Q. Sure. I'll say it a little bit better, hopefully.

23 When you heard that Stephen Parker told Natalia
24 Garcia to, quote, fix it, end quote, was it after you
25 had specifically directed him not to contact her?

1 A. Yes.

2 Q. Why was he not immediately fired when you learned that
3 he violated your direction?

4 A. Stephen Parker was under investigation. We were waiting
5 for the conclusion of the investigation before we made
6 any disciplinary determinations.

7 Q. Did you take any disciplinary action specific to him
8 telling Natalia Garcia to fix it?

9 A. No.

10 Q. Who told you that Stephen Parker pressured Natalie
11 Garcia to recant her allegation of sex between Stephen
12 Parker and Natalia Garcia?

13 MR. McMAHON: Object to the form of the
14 question.

15 THE WITNESS: I don't recall.

16 BY MR. LEE:

17 Q. When did you first learn -- you are aware that he told
18 her -- I'll start over.

19 Somebody told you that Stephen Parker was
20 pressuring Natalia Garcia to recant her allegation
21 against him?

22 MR. COOLEY: Object to the form of the question.
23 Hearsay. Assumes facts not in evidence.

24 THE WITNESS: I had heard that, yes.

25 ///

1 BY MR. LEE:

2 Q. Who did you hear -- who is it you heard from -- how do I
3 say this? Who told you that Stephen Parker had
4 pressured Natalie Garcia to recant her allegation
5 regarding a sexual affair between her and Stephen
6 Parker?

7 A. I don't recall.

8 Q. When were you told that?

9 A. I don't recall.

10 Q. How did you respond to hearing that?

11 A. I don't recall.

12 Q. Were you shocked?

13 A. I don't recall.

14 Q. Is it inappropriate for somebody on administrative leave
15 to tell a witness to recant their allegation, the
16 complaining witness?

17 A. Absolutely.

18 Q. Were you -- did you hear from anyone that Stephen Parker
19 had offered her money, Natalie Garcia money not to
20 disclose the sexual relationship between her and Stephen
21 Parker?

22 A. Yes. I believe I heard that.

23 Q. Are you aware of the crime in Washington known as
24 witness intimidation?

25 A. Yes.

1 Q. Are you aware of the crime in Washington known as
2 witness tampering?

3 A. Yes.

4 Q. Are you aware of the crime of bribery?

5 A. Yes.

6 Q. Did you specifically request anyone conduct an
7 investigation of Stephen Parker for witness
8 intimidation?

9 A. No.

10 Q. Did you request anyone conduct an investigation of
11 Stephen Parker for witness tampering?

12 A. No.

13 Q. Did you request anyone conduct a criminal investigation
14 of Stephen Parker for bribery?

15 A. No.

16 Q. Why not?

17 A. Those were all-inclusive and wrapped up in the
18 investigation that the SMART team was conducting.

19 Q. Is it a general law enforcement duty to conduct a fair
20 investigation?

21 A. Yes.

22 Q. Do you believe that one of your deputies could conduct a
23 fair investigation in a case where they are having a
24 sexual affair with the complaining witness, alleged
25 victim?

1 A. I don't believe so, no.

2 Q. Is there any training material that your agency provides
3 to deputies that puts them on notice that they should
4 not have sexual affairs with complaining witnesses or
5 victims?

6 A. No.

7 Q. Why not?

8 A. That all falls under our code of conduct, our rule of
9 ethics, the oath that we take, and just, you know, we
10 don't -- we don't conduct a training that says you won't
11 murder people. We don't conduct training says you won't
12 beat people. There's all kinds of things we don't
13 conduct training on that you just should not need to
14 conduct training on. It's common sense and basic
15 human --

16 Q. Decency?

17 A. Decency, yeah.

18 Q. You don't conduct training on use of force?

19 A. We do conduct training on use of force.

20 Q. And that would be training that says don't beat people.
21 Right?

22 A. I suppose so.

23 Q. Okay. You took an oath to become the sheriff. Is that
24 right?

25 A. I did.

1 Q. Was that oath something you took seriously?

2 A. Something I take very seriously.

3 Q. As we sit here today, you take that oath very seriously?

4 A. I do.

5 Q. Is it something that's a guiding principle for you?

6 A. It is.

7 Q. Please tell me what your oath of office says.

8 A. I can't tell you what my oath of office says.

9 Q. How is it it's so serious and you can't even tell me

10 what it says?

11 A. It's a long oath of office that says "I'll uphold the

12 rules and the laws of the State of Washington

13 Constitution and the county I live in," but I can't

14 recite it word for word for you.

15 Q. Have you ever heard of a case referred to generally as

16 Brady versus Maryland?

17 A. I have.

18 Q. What do you know about the case Brady versus Maryland?

19 A. I know it's the -- it's a case that deals with the

20 integrity and honesty of an officer and their

21 credibility as a witness.

22 Q. Did you attend the Washington State police officer

23 academy?

24 A. I did.

25 Q. When did you attend that?

1 A. 2006. No. Yeah. 2006.

2 Q. And did you receive training on Brady versus Maryland?

3 A. I believe we did.

4 Q. Does every officer who you hire have to complete the

5 Washington State Police Academy prior to becoming a

6 sheriff's deputy?

7 A. No.

8 Q. Do some of them complete a reserve academy first?

9 A. Some of them complete a reserve academy. Some of them,

10 if they come from out of state, they complete an

11 equivalency academy, which is a two-week-long academy,

12 if they're prior law enforcement from out of state.

13 Q. Did Stephen Parker complete the Washington State police

14 officer academy?

15 A. No.

16 Q. Did Stephen Parker complete a reserve academy?

17 A. No.

18 Q. Do you have a reserve academy for the San Juan County

19 Sheriff's Office?

20 A. I do.

21 Q. Who conducts the training for the reserve academy for

22 the San Juan County Sheriff's Office?

23 A. The reserve academy is put on by Skagit Valley Community

24 College.

25 Q. Who are the instructors for the reserve academy?

1 A. I don't know. There are a number of them.

2 Q. Can you name some of them?

3 A. No.

4 Jerry Dodd, the former chief of police in Mount
5 Vernon, was one. Bill Oversby was the gentleman who
6 conducted the reserve academy, but I believe he's
7 retired now. I don't know who does it currently.

8 Q. Do you provide any training in the reserve academy?

9 A. No.

10 Q. Does the reserve academy provide training on the law
11 enforcement obligation to provide exculpatory evidence
12 under Brady versus Maryland?

13 A. I would assume so.

14 Q. It's the academy that you send potential deputies to.
15 Correct?

16 A. Correct.

17 Q. You're not aware whether or not it actually provides
18 training to your future employees on their obligation to
19 provide exculpatory or disclose exculpatory evidence.

20 A. I would assume so. It's an accredited Washington State
21 reserve academy accredited through CJTC. They're the
22 ones that guide the training and everything that is
23 required to be a police officer in the state of
24 Washington. So if they're getting the certification
25 through the Washington State Criminal Justice Training

1 Commission, then I am going to assume that they are
2 getting everything that is required. Exactly what is in
3 it, I don't know.

4 Q. What specific training on the obligation to disclose --
5 the law enforcement obligation to disclose exculpatory
6 evidence are you aware of having been provided to
7 Stephen Parker?

8 A. I am -- I don't know.

9 Q. Does your agency specifically provide training to its
10 deputies on the law enforcement obligation to provide
11 exculpatory evidence?

12 A. No.

13 Q. Do you think that it is important for law enforcement
14 officers to provide and disclose exculpatory evidence in
15 cases they investigate?

16 A. Yes.

17 Q. And you provide no training on that point that you
18 believe is important.

19 A. We provide the basic law enforcement training, which is
20 a six-month academy through the Law Enforcement Training
21 Commission, and they get all the training that is needed
22 through them.

23 Q. And that is the academy that was not attended by Stephen
24 Parker.

25 A. Stephen Parker attended an equivalency academy. He

1 attended an academy from out of state which is certified
2 or authorized through the State of Washington as an
3 equivalent law enforcement academy.

4 Q. Do you know what is instructed at the original state
5 where Stephen Parker went to the other state's police
6 academy?

7 A. I don't.

8 Q. Did you ever look into that?

9 A. No.

10 Q. Do you believe that your officers, your deputies are
11 aware of the obligation to disclose exculpatory evidence
12 in cases they're investigating?

13 A. Yes.

14 Q. And on what do you base your opinion that your officers
15 are aware of their obligation to disclose exculpatory
16 evidence in cases that they're investigating?

17 A. Because that's what you're taught in the police academy.

18 Q. So you believe Stephen Parker was taught that at some
19 point prior to coming into your employment.

20 A. I do.

21 Q. That obligation to disclose exculpatory evidence
22 includes evidence that could be used to impeach a
23 witness, does it not?

24 A. Can you repeat that.

25 Q. The obligation to disclose exculpatory evidence for law

1 enforcement officers includes evidence that could be
2 used to impeach a witness. Correct?

3 MR. COOLEY: Object to the form. Calls for a
4 legal conclusion. It's vague what you mean by
5 impeachment evidence.

6 THE WITNESS: Yeah. I wouldn't know how to
7 answer -- I don't know how to answer that.

8 BY MR. LEE:

9 Q. Do you know what impeachment evidence is?

10 A. I do.

11 Q. Okay. How do you know what impeachment evidence is?

12 A. I know -- I know through just the -- being in the
13 profession what impeachment evidence is.

14 Q. Okay. So impeachment evidence could be something that
15 shows a witness's bias. Right?

16 A. Uh-huh.

17 Q. Or it could be evidence that shows a witness is
18 motivated to lie. Right?

19 A. Correct.

20 Q. Or it could show -- be evidence that shows a witness has
21 previously been dishonest. Right?

22 A. Correct.

23 Q. And that's impeachment evidence, and you understand that
24 the law enforcement obligation under Brady versus
25 Maryland includes disclosure of impeachment evidence.

1 Right?

2 A. Correct.

3 Q. Okay. And you would agree that, if somebody was a
4 witness known by law enforcement to set people up, that
5 law enforcement has an obligation to disclose that to
6 the subject of the investigation. Correct?

7 MR. COOLEY: I'm going to object. That calls
8 for a legal conclusion.

9 THE WITNESS: I would agree with that.

10 BY MR. LEE:

11 Q. And you would agree that under this disclosure
12 obligation, if law enforcement was having an affair with
13 the complaining witness or alleged victim in a case,
14 that officer has an obligation to disclose that to the
15 accused as well. Correct?

16 MR. COOLEY: Object to the form. It's a
17 hypothetical without facts in evidence. Calls for a
18 legal conclusion.

19 THE WITNESS: Yeah. I'm not familiar with what
20 a prosecutor or what the prosecution needs to disclose
21 under Brady versus Maryland, so I don't know how to
22 answer that. I wouldn't be able to answer that.

23 BY MR. LEE:

24 Q. Do you think that, if you as sheriff are advised that
25 one of your deputies is having a sexual affair with a

1 witness, that you don't have an obligation to disclose
2 that to the accused?

3 A. That's not what I said.

4 Q. Do you believe you do in that circumstance have an
5 obligation to disclose that?

6 A. Yes. I believe I would.

7 Q. Do you think your deputies understand that they have
8 that same disclosure obligation that we just discussed?

9 A. I believe so.

10 Q. And that's because of their training?

11 A. Training, oath of office, code of ethics, yes.

12 Q. And would that also because of office policy?

13 A. Yes.

14 Q. Do you believe that Detective Parker violated the
15 policies and procedures of the San Juan County Sheriff's
16 Office by having an affair with Natalia Garcia?

17 MR. McMAHON: Object to the form of the
18 question. Asked and answered.

19 THE WITNESS: Yes, I do.

20 Excuse me for a second. That sun's coming right
21 in the window in my eye there.

22 THE VIDEOGRAPHER: Let me go off the record.

23 (Discussion held off the record.)

24 THE VIDEOGRAPHER: I'm back on the record.

25 ///

1 BY MR. LEE:

2 Q. Did the San Juan County -- does the San Juan County
3 Sheriff's Office provide regular refresher courses to
4 the deputies?

5 A. Yes.

6 Q. Who conducts the training for those courses?

7 A. It's a myriad of people. We send them off island.
8 Generally goes through CJTC-accredited classes or
9 classes at the Criminal Justice Training Commission,
10 even.

11 Q. Do you ever do training on the island inside the
12 Sheriff's Office?

13 A. Not generally. Occasionally but not generally.

14 Q. Do you keep records of who attends what training?

15 A. Yes.

16 Q. Do you provide training to your officers on the
17 obligation to disclose exculpatory evidence?

18 A. No.

19 Q. Why not?

20 A. Again, that's just common sense. That's what we do.
21 It's law enforcement.

22 Q. Was Detective Parker required to attend the same
23 training as all other officers?

24 A. Yes.

25 Q. Did he?

1 A. Well, so everybody takes different training. We don't
2 all train on the exact, same thing.

3 Some people may go to crime scene investigation.
4 Some people may go to accident investigation. We have
5 TASER training. We have firearms training. We have
6 domestic violence training. Some classes, everybody
7 attends. Other classes are individuals.

8 Q. While Detective Parker was employed at the San Juan
9 County Sheriff's Office, did you have a rules of conduct
10 policy?

11 A. Yes.

12 Q. Was it in writing?

13 A. Yes.

14 Q. Had a copy of that rules of conduct policy and procedure
15 document been provided to Stephen Parker when he became
16 employed with your agency?

17 A. Yes.

18 Q. Do you keep a record showing that you provided that to
19 them?

20 A. Yes.

21 Q. And do the policies contained in the rules of conduct of
22 the Sheriff's Office prohibit officers from having
23 sexual encounters with witnesses or victims in cases
24 they investigate?

25 A. Not directly, no.

1 Q. Does it generally prohibit that by some kind of
2 catch-all doctrine that's in the policy manual?

3 A. Yes.

4 Q. What policy would that be? What would the catch-all
5 doctrine be?

6 A. I don't know.

7 Q. When was the rules of conduct of the Sheriff's Office
8 put into place?

9 A. I don't know.

10 Q. Was it put into place prior to you becoming a deputy at
11 the San Juan County Sheriff's Office?

12 A. Yes.

13 Q. When you became a deputy at the San Juan County
14 Sheriff's Office, were you provided a copy of the rules
15 of conduct of the Sheriff's Office?

16 A. Yes.

17 Q. Did you read the rules of conduct of the Sheriff's
18 Office in its entirety?

19 A. Probably.

20 Q. When was -- is the rules of conduct of the Sheriff's
21 Office still in place?

22 A. I've modified the rules of conduct and the code of
23 conduct.

24 Q. When did this modification occur?

25 A. 2015.

1 Q. Was that before or after the alleged affair between
2 Stephen Parker and Natalia Garcia?
3 A. It was before.
4 Q. And how did you modify it?
5 A. I changed the wording. I added basically a code of
6 conduct and a ethics mission, vision, and value
7 statement to it.
8 Q. What wording did you change?
9 A. I don't recall. I changed most all of it.
10 Q. So you changed most all of the --
11 A. Yeah. I put my own code of conduct, ethics, mission,
12 vision, values in place.
13 Q. And you said you had a mission statement that you put in
14 there?
15 A. I did.
16 Q. And that's the mission statement for the San Juan County
17 Sheriff's Office?
18 A. Correct.
19 Q. And that would be the guiding principle for all law
20 enforcement officers in the San Juan County Sheriff's
21 Office?
22 A. It would be one of them.
23 Q. Okay. It's the statement of what their mission is as
24 deputies. Right?
25 A. Correct.

1 Q. And you might have even posted that on the wall
2 somewhere so everyone could read the mission statement
3 every day when they come into the Sheriff's Office.
4 Right?

5 A. Right.

6 Q. So is the mission statement of your office currently
7 posted up on the wall in the Sheriff's Office so
8 everyone can see it?

9 A. I don't believe it is right now.

10 Q. Was it for a period of time?

11 A. It was.

12 Q. What period of time?

13 A. I don't recall.

14 Q. What does your mission statement say?

15 A. I don't recall it word for word.

16 Q. What is the mission of the San Juan County Sheriff's
17 Office?

18 A. It's to preserve the -- the mission of the San Juan
19 County Sheriff's Office is to protect, serve the
20 citizens of San Juan County.

21 Q. That's it? That's the one-sentence mission statement?

22 A. That's what it's -- that's what we're changing it to.
23 What it was at the time, I don't -- I don't recall the
24 mission statement word for word, which is what's
25 predicated the change in our mission statement.

1 Q. When you changed the rules of conduct for the Sheriff's
2 Office in 2015, did you republish that rules of
3 conduct -- is it a manual?

4 A. Yes.

5 Q. Okay. Did you reprovide that manual to every member of
6 your agency?

7 A. I did not.

8 Q. Did you make it available to every member of your
9 agency?

10 A. Every member of our agency gets a copy of the manual
11 when they go through their field training officer
12 program.

13 When you're hired you go through a field
14 training officer period where you're riding with an
15 experienced officer. Part of the FTO program and the
16 checkoff is to get a copy of the manual and to go
17 through it with your FTO.

18 So I provided copies of the changes that were
19 made and in the mission, vision -- the mission, vision,
20 and value statement along with the code of ethics and
21 their oath of office. When they're sworn in, they also
22 are read the mission, vision, values, and the code of
23 ethics at that time. It's all signed at that time and
24 then put into the front of their employee file.

25 So the members of the Sheriff's Office had a

1 copy of that manual already.

2 Q. All right. But then you changed the manual.

3 A. I changed parts of it.

4 Q. All right. When you changed parts of the manual, did
5 you provide copies of the changes --

6 A. Yes.

7 Q. -- to every deputy and then provide a document in their
8 employee file showing that you had provided that to
9 them?

10 A. I did.

11 Q. And that would include Stephen Parker.

12 A. Yes.

13 Q. So at the time of the alleged affair between Natalia
14 Garcia and Detective Parker, Detective Parker had
15 already been put on notice about the policies in the
16 Sheriff's Office.

17 A. Yes.

18 Q. And those policies generally tell you: Don't have sex
19 with witnesses in cases you're investigating.

20 A. In not so many words. Yes.

21 Q. Did, to your knowledge, Detective Parker disclose to
22 anyone at the San Juan County Sheriff's Office that he
23 was having an affair with Natalia Garcia?

24 A. No.

25 Q. So he kept that information secret from everyone at the

1 San Juan County Sheriff's Office.

2 A. Yes.

3 MR. McMAHON: Object to the form of the
4 question.

5 BY MR. LEE:

6 Q. Do you know if he advised anyone at the San Juan County
7 Prosecuting Attorney's Office that he was having an
8 affair with Natalia Garcia?

9 A. I don't know.

10 Q. Was it proper for Stephen Parker to have an affair with
11 Natalia Garcia and not disclose that information?

12 MR. McMAHON: Object to the form of the
13 question.

14 MR. COOLEY: Has been asked and answered.

15 THE WITNESS: Yeah. I believe I've already
16 answered that question. I'm going to stand by it.

17 BY MR. LEE:

18 Q. Okay. Are you aware that Judge Eaton -- you know who
19 Judge Eaton is?

20 A. I do.

21 Q. Who is Judge Eaton?

22 A. He was the Superior Court judge for San Juan County.

23 Q. And how long has he been the Superior Court judge?

24 A. He's retired now. I don't -- I don't know how long he
25 was Superior Court judge.

1 Q. Was he a Superior Court judge for the entire time that
2 you were a sheriff's deputy or the elected sheriff prior
3 to his retirement?

4 A. I believe so, yes.

5 Q. And are you aware that he used the phrase, quote,
6 miscarriage of justice, end quote, in relation to State
7 of Washington versus Gerald Tinner?

8 A. I don't know that for sure.

9 Q. Did you attend the court hearing, the final court
10 hearing in State of Washington versus Gerald Tinner?

11 A. I did not.

12 MR. COOLEY: Sorry. Phone was turned off, too.

13 BY MR. LEE:

14 Q. Detective Parker started his employment in San Juan
15 County in January of 2015?

16 A. Yes.

17 Q. Who hired him?

18 A. Sheriff Rob Nou.

19 Q. And did you work for Sheriff Nou?

20 A. I did.

21 Q. When did you take your oath of office as Sheriff?

22 A. I took the official oath of office, I believe, the 31st
23 of December and then the ceremonial oath of office on,
24 like, the 4th of January.

25 Q. When did your tenure as -- let me start the question

1 over.

2 When did you officially become Sheriff of San
3 Juan County?

4 A. That would have been January 1st of 2015.

5 Q. And what day did Stephen Parker start employment?

6 A. I don't recall.

7 Q. Was it January 1st of 2015 or after?

8 A. I don't -- I don't recall.

9 Q. Prior to you taking office, were you aware that Stephen
10 Parker had been offered employment at San Juan County
11 Sheriff's Office?

12 A. Yes.

13 Q. Who advised you that Stephen Parker had been offered
14 employment at the San Juan County Sheriff's Office?

15 A. Sheriff Rob Nou.

16 Q. Now, deputies at the San Juan County Sheriff's Office
17 are appointees of the sheriff. Correct?

18 A. They're hired by the sheriff. Correct.

19 Q. No. No. They're appointees. They are appointed and
20 deputized by the Sheriff. Correct?

21 A. Correct.

22 Q. You have the power, as the elected sheriff, to decide
23 who you're going to deputize and who you're not going to
24 deputize. Correct?

25 A. Correct.

1 Q. You have the authority to hire and fire deputies based
2 on what you want to set as the -- who you're going to
3 employ. Right?

4 A. Correct.

5 Q. Did you swear in Stephen Parker as a deputy at the San
6 Juan County Sheriff's Office?

7 A. Yes.

8 Q. Did you do that before or after you became sheriff?

9 A. Would have been after I've been sheriff.

10 Q. Okay. So Stephen Parker was deputized and appointed as
11 a sheriff's deputy by you. Correct?

12 A. Correct.

13 Q. Did anyone force you to hire Stephen Parker?

14 A. No.

15 Q. Did anyone force you to deputize Stephen Parker?

16 A. No.

17 I swore in all the deputies after I was elected
18 sheriff.

19 Q. And that's because, when one sheriff ends their office,
20 all of their deputy appointments expire.

21 A. Correct.

22 Q. And in order for them to have authority, you have to
23 select who you're going to deputize. Right?

24 A. Correct.

25 MR. LEE: I've got, like, eight more pages. I

1 don't know when you want to take lunch. I'm happy to
2 keep going, or I'm happy to take lunch.

3 MR. COOLEY: Why don't we go 15 more minutes,
4 and we'll take a 30-minute or 40-minute lunch break and
5 then -- that sound good?

6 MR. LEE: Yeah.

7 MR. COOLEY: Okay. Is that okay with you,
8 Sheriff?

9 THE WITNESS: Yeah.

10 BY MR. LEE:

11 Q. Were there any other new deputies coming into the San
12 Juan County Sheriff's Office when you took over as
13 sheriff?

14 A. No. I don't believe so, no.

15 Q. Did the outgoing sheriff tell you that Stephen Parker
16 had applied and accepted a position with the Sheriff's
17 Office?

18 A. Yes.

19 Q. Did he advise you that you could say yes or no, since it
20 was going to be your deputy?

21 A. No.

22 Q. Did you know you could say yes or no?

23 A. Yes.

24 Q. Describe the background investigation that was completed
25 on Stephen Parker prior to you swearing Stephen Parker

1 in as a deputy.

2 A. So we have a detective in the detectives' office that
3 goes through a personal history statement and then
4 conducts reference checks, phone calls, a whole bunch of
5 things they go through and do in a background check.
6 It's a very in-depth and detailed process.

7 Q. What else does it include?

8 A. Includes a whole bunch of stuff.

9 Q. Like what?

10 A. Like criminal records checks, credit checks, personal
11 reference checks, contacting personal employers. There
12 really is no limit or end to what a background check is
13 or could be.

14 Q. Does it include a polygraph?

15 A. It does.

16 Q. Do you still have Stephen Parker's polygraph in his
17 file?

18 A. I believe so.

19 Q. Have you reviewed it in the last 24 months?

20 A. I don't believe so.

21 Q. Who administered the polygraph?

22 A. I don't recall.

23 Q. Is any deputy at the San Juan County Sheriff's Office a
24 trained polygrapher?

25 A. No.

1 Q. Who do you send potential employees to for their
2 preemployment polygraph?

3 A. A gentleman by the name of Rob Deikman out of Mount
4 Vernon, I believe.

5 Q. Prior to hiring Detective Parker and employing him at
6 the San Juan County Sheriff's Office, did you review the
7 results of his polygraph examination personally?

8 A. Yes. I reviewed everything.

9 Q. What else did you review?

10 A. The background check.

11 Q. Was that presented to you in a packet: Here's the
12 background check, and it's got everything in it?

13 A. Yes. It's his personnel folder.

14 Q. Prior to swearing in Detective Parker, did anyone warn
15 you that you should not hire Stephen Parker?

16 A. Yes.

17 Q. Who warned you that you should not hire Stephen Parker
18 prior to you hiring him?

19 A. Deputy Jeff Asher.

20 Q. How did Deputy Asher warn you that you should not hire
21 Stephen Parker?

22 A. Deputy Asher called me at home one night around the
23 middle of December. I don't know the exact date.
24 Called me on my cell phone, called me at home.

25 Q. And what did he say to you on that phone call?

1 A. So Deputy Asher called and -- this is not a verbatim
2 transcription of what the call was, but it's an
3 approximation and a generalization.

4 He called and said something to the effect of,
5 you know, we've got bad news.

6 I said: What's -- what's going on?

7 He said: This -- this Parker guy is bad, bad
8 news. He's -- he's bad news.

9 And I said: Well, what do you mean?

10 And he said that he was contacted by a guy that
11 he hadn't seen in 25 years. It was a guy that he worked
12 with in the parks service, because Deputy Asher used to
13 work for State Parks. State Parks, I believe, State
14 Parks or maybe the Forest Service. One of the two.

15 He said that he was contacted by this guy, just
16 reached out to him, heard that Parker was coming here,
17 and he said that Parker tended to make things up; he hid
18 evidence; he changed stories; he intimidated people. He
19 gave a very grandiose story of misconduct on Parker's
20 behalf, said that Parker, you know, hid evidence. He
21 would change people's statements to suit his needs, to
22 fit his case.

23 And I said: Man, how -- how did he get past the
24 background check on this?

25 And he said: Well, Brent doesn't ask the right

1 questions.

2 So I asked him: All right. Who told you this?

3 He said: It's a friend of mine. I haven't seen
4 him in a long time. He's a judge. He's in charge of --
5 I think he said something about the ethics committee,
6 he's a judge in charge of ethics.

7 And I kept pressing him, asking him for "Who did
8 you speak with?" He wouldn't tell me who he spoke with,
9 kept kind of circling around and coming back to other
10 things.

11 And I said -- at that point I have a history
12 with Jeff. We all have a history with Jeff. And I
13 realized this is probably one of those Jeff things.

14 So I said: Well, okay. I don't know what else
15 we can do. He had a background check. He passed a
16 polygraph and a psych. I don't know how all this could
17 get past it.

18 I said: You know, probably the one person that
19 maybe we haven't spoken with in this investigation was
20 maybe the prosecutor in Montana.

21 And I finally told him, I said: Well, I'll have
22 Randy -- I'll see if Randy will reach out to the
23 prosecutor in Montana and see if there's anything.

24 He said: Yeah, yeah, that's a good idea.
25 Great.

1 And we hung up the phone. That was the end of
2 that. End of that.

3 Q. That would seem to be a very serious warning about a
4 deputy you were about to hire. Would you agree?

5 A. I would agree.

6 Q. Did you contact the deputy who completed the background
7 investigation on Stephen Parker and confront him with
8 this information that you had just been provided from
9 Deputy Asher?

10 A. I did.

11 Q. When did you do that?

12 A. I don't recall when it was. I might have called him
13 that night, or it might have been the next morning in
14 the office.

15 Q. Did you ask that deputy to follow up and investigate the
16 information that you had been provided by Asher?

17 A. That deputy was my undersheriff, who had -- was
18 previously our lead detective who did the background
19 check. He didn't believe that that was accurate.

20 And I told him that -- we talked about who else
21 we could have contacted.

22 And he said: We've contacted everybody, and
23 nobody had anything bad to say about him.

24 Went back through his employee file. I told him
25 I was going to ask Randy, the prosecuting -- the elected

1 prosecuting attorney, to reach out to the elected
2 prosecutor in Chouteau County, Montana, and see if they
3 had any information.

4 And he agreed that was a good idea.

5 Q. Did you ask the undersheriff to reach out to that county
6 in Montana about these allegations from Asher and find
7 out if there was any information they could obtain?

8 A. No. He had already reached out to them previously.

9 Q. Did he document that in writing anywhere?

10 A. That he had reached out to them previously?

11 Q. Uh-huh.

12 A. Yeah. That's part of the background check.

13 Q. Did you ever have the undersheriff speak with Asher
14 directly so Asher could provide points or contact points
15 for this information?

16 A. We both spoke with Asher.

17 Q. When was that?

18 A. I don't recall. It was maybe a month later.

19 We had to talk to him about -- Deputy Asher was
20 going around saying some disparaging things about
21 Detective Parker to the other employees, and it was
22 getting back to -- it was getting back to Parker.

23 And Parker said -- you know, basically was
24 saying this was harassment and it needs to stop.

25 So we pulled Jeff aside, sat down and talked to

1 him, said: Hey, you need to stop saying this. This is
2 harassment. He's feeling harassed. If you have any
3 information, you need to tell us.

4 And he didn't have any information, wouldn't
5 tell us any -- give us any information.

6 Q. So that was after Deputy Parker had been hired.

7 Correct?

8 A. Yes.

9 Q. So after Detective Parker had been hired, Deputy Asher
10 continued to say inside the agency that Detective Parker
11 should not have been hired because of these red flags.

12 Right?

13 A. I don't know exactly what he was saying, but he was --
14 he was saying things about Parker, yes.

15 Q. Things about his prior employment?

16 A. I'm not sure.

17 Q. Well, you told him to stop saying something. What was
18 it you told him --

19 A. I told him to stop talking bad about him behind his
20 back.

21 Q. What was he saying bad about him?

22 A. I don't recall. I know we had a complaint from Parker
23 about Asher, and we talked to Asher about it.

24 Q. Was that complaint in writing?

25 A. From Parker? No.

1 Q. Was anything in relationship to your conversation with
2 Asher about the complaint by Parker ever reduced to
3 writing?

4 A. No.

5 Q. So let me make sure I understand this. You were warned
6 not to hire Stephen Parker by Deputy Asher.

7 A. Yes.

8 Q. And then you hired him anyhow. Despite the warnings
9 from Deputy Asher you hired Stephen Parker. Correct?

10 A. Rob Nou, Sheriff Nou hired Stephen Parker. I just kept
11 him on.

12 Q. Well, no. You appointed him.

13 A. Okay. I did not hire Stephen Parker. Rob Nou hired
14 Stephen Parker.

15 I appointed him. Correct. I swore him in under
16 my oath of office, yes.

17 Q. What day was his first day of employment?

18 MR. COOLEY: Objection. Asked and answered.

19 THE WITNESS: Yeah. I don't recall.

20 BY MR. LEE:

21 Q. You swore him as a deputy, Stephen Parker, despite the
22 warnings from Jeff Asher.

23 A. Yes.

24 Q. And then, when Jeff Asher told other deputies his
25 concerns about Stephen Parker, you and the undersheriff

1 told Jeff Asher to stop saying things about Stephen
2 Parker.

3 A. Yes. We told him that, if he has concerns with Stephen
4 Parker or information that we could use or information
5 we could follow up on, that he needed to provide them to
6 us, not to the other employees in the office.

7 Q. Was it a policy violation for Jeff Asher to tell other
8 officers about his concerns as it relates to Stephen
9 Parker?

10 A. I don't know that it was a policy violation, but it was
11 creating, I guess, a -- for lack of a better term, a
12 hostile work environment for Detective Parker.

13 Q. Was there anything that you know that Jeff Asher said
14 about Stephen Parker that was not, in fact, true?

15 A. I don't know that anything that Detective Asher said
16 about Stephen Parker was true.

17 Q. No. I said was not true. Is there anything you know
18 that Stephen -- that Asher said about Parker that was
19 not, in fact, true?

20 A. Is there anything I know Stephen Parker said or that
21 Asher said that was not true? I don't know.

22 Q. So you had no basis to know or believe that anything
23 Asher said was false; yet you told him to stop saying
24 it.

25 A. Correct.

1 Q. Is it common for you to tell deputies to stop saying
2 things when you have no idea whether they're true or
3 false?

4 A. If my deputy has an issue with another deputy and they
5 have a complaint, they need to bring it to either
6 myself, the undersheriff, or their sergeant, not
7 continue to spread it around the office amongst
8 employees.

9 Q. Would you consider the warning from Jeff Asher in
10 relation to the appointment of Stephen Parker a red
11 flag?

12 A. That depends.

13 Q. On what?

14 A. Whether I felt Jeff Asher's allegations were credible or
15 not.

16 Q. How many deputies do you have working for you?

17 A. I've answered that earlier. I believe it's 29.

18 Q. Do you appoint deputies that you do not believe are
19 credible individuals?

20 A. No.

21 Q. You appointed Jeff Asher. Right?

22 A. Yes.

23 Q. Jeff Asher is a credible individual, is he not?

24 MR. McMAHON: Object to the form.

25 MR. COOLEY: Join.

1 THE WITNESS: Not -- I don't have an answer for
2 that.

3 BY MR. LEE:

4 Q. Do you believe that Jeff Asher is a credible person?

5 A. No.

6 Q. So you employ a sheriff's deputy right now that you
7 personally don't believe is credible.

8 MR. COOLEY: Object to the form. That's --
9 misstates the record.

10 THE WITNESS: Yes. Jeff Asher is no longer
11 working for the Sheriff's Office. And, no, I do not
12 believe he is credible.

13 BY MR. LEE:

14 Q. Did you believe he was credible at the time that you
15 appointed him to be a deputy in your sheriff's office?

16 A. No.

17 Q. Why did you appoint a deputy that you did not believe
18 was a credible person?

19 A. Because there's laws; there is a guild contract; there's
20 union to follow. I appoint them under my oath of
21 office, but I don't have the right to just terminate
22 people because I don't want them working for me.

23 Q. What law compelled you to appoint Jeff Asher?

24 A. I don't know.

25 MR. COOLEY: Calls for a legal conclusion.

1 THE WITNESS: Yeah. I don't know the law.

2 BY MR. LEE:

3 Q. Well, you're saying that there was a law that made you
4 have to appoint him.

5 A. Yeah.

6 Q. Why did you appoint him if you didn't believe he was
7 credible?

8 A. Because I had no choice. I had to appoint him.

9 Q. Why?

10 A. Because he was already an employee of the Sheriff's
11 Office. Again, I can't just go through and fire people
12 at will for no cause.

13 Q. Do you remember a moment ago when we talked about that,
14 when one sheriff leaves, all the deputies' appointments
15 expire?

16 A. I do.

17 Q. So his appointment, Jeff Asher's, expired upon the
18 completion of the sheriff you replaced. Correct?

19 A. No. His -- his oath of office under the previous
20 sheriff expired.

21 Q. So he was no longer a sheriff's deputy until you
22 appointed him.

23 A. That's not --

24 MR. COOLEY: Object to form. Yeah.

25 THE WITNESS: I don't believe that's true.

1 BY MR. LEE:

2 Q. Are there any other deputies that you have employed that
3 you believe are not credible?

4 A. Yes.

5 Q. What deputies would those be?

6 A. I don't --

7 MR. COOLEY: Yeah. I'm going to object to the
8 form.

9 MR. POWER: On what basis do you object to the
10 form?

11 MR. COOLEY: Well, you're asking him to defame
12 people on the record. I think I'm penciling this
13 through. Since it's a compelled testimony, it would be
14 privileged, and so there should be no legal
15 ramifications to him for being forced to answer that
16 opinion testimony, if he has opinions about that.

17 I'm going to go off the record, though, to
18 consult with my client regarding those privilege issues.

19 THE VIDEOGRAPHER: I'm off the record.

20 (At 12:23 p.m. a recess was taken until
21 1:12 p.m.)

22 (Exhibit 1 was marked for
23 identification.)

24 THE VIDEOGRAPHER: I'm back on the record.

25 MR. LEE: Miss Kelly, could you read back the

1 last question that we asked.

2 (Record read.)

3 MR. LEE: Could you read the question right
4 before that as well.

5 (Record read.)

6 BY MR. LEE:

7 Q. So, Sheriff, would you answer that question now.

8 A. Yes. We had a Deputy Brad Korth.

9 Q. Had or have?

10 A. Had.

11 Q. And when was he hired?

12 A. I don't know. Sometime around 2007.

13 Q. And when was he separated from employment with San Juan
14 County?

15 A. The first part of 2015.

16 Q. And you were sheriff when he was separated?

17 A. I was.

18 Q. And why was he separated from employment with the San
19 Juan County Sheriff's Office?

20 A. Performance issues.

21 Q. What would those performance issues be?

22 A. Not completing case follow-up. I questioned his
23 integrity on a couple of cases.

24 Q. Why did you question his integrity on a couple of cases?

25 A. I don't recall exactly what the cases were, but I had

1 reason to question it.

2 Q. And did you fire him?

3 A. He quit shortly before.

4 Q. Were you intending to fire him?

5 A. We were moving in that direction, yes.

6 Q. Why were you intending to fire him?

7 A. For performance issues and integrity issues.

8 Q. So if you believe an officer has integrity issues, you

9 could fire them for that?

10 A. I could begin the documentation process, yes.

11 Q. Are there any other officers -- I believe your earlier

12 answer were there were multiple officers that you

13 believed were not credible.

14 A. Well, there were two officers that I believe were not

15 credible.

16 Q. Okay. Aside from the one you just mentioned and Deputy

17 Asher, who else?

18 A. That's it.

19 Q. There are no other officers that you have that are not

20 credible?

21 A. I don't believe so, no.

22 Q. Have you ever documented that Jeff Asher was not

23 credible?

24 A. We were beginning that process, yes.

25 Q. What does that mean when you say you were beginning that

1 process?

2 A. So we have a bunch of issues with him that almost rose
3 to the level of termination but were just, just below,
4 were things that he said and that he did that didn't
5 quite rise to that level.

6 Q. So my --

7 A. Best way to put it.

8 Q. My question was: What did you do to begin the process?

9 A. I began documenting.

10 Q. What did you document?

11 A. His issues.

12 Q. What were his issues?

13 A. I don't have them all in front of me.

14 Q. When did you begin documenting issues with Jeff Asher?

15 A. Began documenting everything with everybody the day I
16 took office.

17 Q. Prior to you taking office, did Jeff Asher have any
18 documentation in his employee file that suggested he was
19 not credible?

20 A. Yes.

21 Q. What was that?

22 A. I have to go back to his file and look.

23 Q. When you appointed Jeff Asher as a deputy for your
24 office, did you believe that he was not credible?

25 A. Yes.

1 Q. And you have history, you said, with Jeff Asher?

2 A. Yes. We worked together for approximately eight or nine
3 years.

4 Q. And what did you mean when you said you have history
5 with Jeff?

6 A. Jeff Asher is kind of a conspiracy theorist within the
7 office, always believed that everybody was out to get
8 him and that everybody was doing him wrong. For my
9 entire time there I had heard that, over and over so...

10 Q. Did you believe he was dishonest?

11 A. Yes.

12 Q. When did you begin to believe that Jeff Asher was a
13 dishonest person?

14 A. I believe Jeff Asher was dishonest in certain
15 circumstances and honest in other ones.

16 Again, Jeff had a way of making things into much
17 bigger issues than they really were. On calls, in
18 cases. And I've seen that pretty much my entire career
19 with him.

20 Q. My question was: When did you begin to believe that
21 Jeff Asher was dishonest?

22 A. I guess I would say probably sometime around 2008 would
23 be a guess.

24 Q. So prior to becoming sheriff you believed Jeff Asher was
25 a dishonest sheriff's deputy?

1 A. I believe Jeff Asher had issues and had problems.

2 Q. Okay. Prior to becoming sheriff, you believed he was
3 dishonest?

4 A. I believed Jeff Asher -- prior to becoming sheriff, I
5 believed Jeff Asher had issues and I believed he had
6 problems. And some of those circled around honesty;
7 some of those circled around his paranoia.

8 Q. Okay. So you said that in 2008 you believed that Jeff
9 Asher was dishonest, and that was before you appointed
10 him as a sheriff deputy. Correct?

11 A. Correct.

12 Q. So at the time that you appointed Jeff Asher as a
13 sheriff's deputy to patrol with a badge and a gun in
14 your county, you believed he was dishonest.

15 MR. COOLEY: Object to form. It's been asked
16 and answered.

17 THE WITNESS: Yes. I answered that question.
18 Stand by my answer.

19 BY MR. LEE:

20 Q. Do you think it's appropriate for a county sheriff to
21 employ a deputy that the sheriff personally believes is
22 dishonest?

23 MR. COOLEY: Okay. Hold on. I'm going to
24 object to the form. It's vague what you mean by
25 "employee."

1 MR. LEE: I'll rephrase the question.

2 BY MR. LEE:

3 Q. Do you believe it's appropriate for a county sheriff to
4 employ a sheriff's deputy that the sheriff personally
5 believes is dishonest?

6 MR. COOLEY: Same objection.

7 THE WITNESS: I do not and will not employ a
8 deputy that I believe is dishonest.

9 BY MR. LEE:

10 Q. Well, you employed Jeff Asher when you thought he was
11 dishonest. Right?

12 A. Yes.

13 Q. Reconcile those two facts for me.

14 A. Again, there's contract issues. There's employment law.
15 There's a lot of reasons why Jeff Asher worked for the
16 Sheriff's Office.

17 Q. So you will employ a sheriff's deputy that you believe
18 is dishonest.

19 A. I will not.

20 Q. But you did with Jeff Asher?

21 A. At the time, yes.

22 Q. Would you say that Jeff Asher had a reputation for
23 dishonesty inside the community?

24 A. Yes.

25 Q. Did you disclose Jeff Asher's reputation for dishonesty

1 to the defense attorneys in the case -- cases that Jeff
2 Asher investigated?

3 A. No.

4 Q. Do you believe that defendants in cases investigated by
5 an officer have a right under Brady versus Maryland to
6 know whether or not the officer who investigated them
7 has a reputation for dishonesty, according to the county
8 sheriff?

9 MR. COOLEY: Object to form. Calls for a legal
10 conclusion.

11 THE WITNESS: Yeah. I don't know how to answer
12 that. I don't have an answer for that.

13 BY MR. LEE:

14 Q. Do you believe that people accused of a crime by Jeff
15 Asher have a right to know that you as the county
16 sheriff believed that he was dishonest and had a
17 reputation for dishonesty?

18 A. And I answered that question.

19 Q. No, you didn't.

20 A. I did.

21 Q. What was the answer? Yes or no?

22 A. I don't know how to answer it.

23 Q. Okay. Did Jeff Asher --

24 MR. LEE: Can we look in the record to see if I
25 got an answer to that question? I don't think I ever

1 got an answer, and I want an answer to that question.

2 THE COURT REPORTER: Which question?

3 MR. McMAHON: It was after the objection, I
4 think.

5 MR. LEE: It was the last question I asked.

6 (Record read.)

7 MR. LEE: I'm sorry. The question before that.

8 (Record read.)

9 MR. LEE: The one before that, the substantive
10 one.

11 (Record read.)

12 BY MR. LEE:

13 Q. No. You never answered that question. What's the
14 answer?

15 MR. COOLEY: Object to the form. Asked and
16 answered.

17 THE WITNESS: Okay. I do not believe that my
18 beliefs need to be spread. If I have documentable
19 evidence, if I have something concrete, if there's a
20 Brady letter in the file, then absolutely. But my
21 beliefs are my beliefs.

22 BY MR. LEE:

23 Q. So the answer is no, you don't believe that people
24 arrested by an officer in your employment who you
25 personally believe is dishonest and has a reputation for

1 dishonesty have a right to know that.

2 MR. COOLEY: Object to the form. Asked and
3 answered. It's compound.

4 BY MR. LEE:

5 Q. Answer the question.

6 A. I've already answered the question.

7 Q. No, you haven't.

8 A. I have answered the question. I stand by my answer.

9 Q. Did Jeff Asher run against you for sheriff?

10 A. He did.

11 Q. Did he run for sheriff prior to you being elected for
12 sheriff?

13 A. I believe so.

14 Q. Did he run in the same race that you ran for sheriff?

15 A. No.

16 Q. So when you became sheriff, did you view him as somebody
17 who might be a political challenger to you?

18 A. No.

19 Q. Had you ever heard anyone suggest that he was going to
20 run against you in the 2018 election?

21 A. No.

22 Q. Is that the election where he ran against you?

23 A. Yes.

24 Q. Did -- prior to you appointing Stephen Parker as a
25 sheriff's deputy, did Jeff Asher tell you that Stephen

1 Parker was a, quote, bad apple, end quote?

2 A. I don't know if those were the exact words he used.

3 Q. Did he say something similar to bad apple in reference
4 to Stephen Parker?

5 A. Said something similar to that.

6 Q. Did you talk to somebody at the Pentagon about Stephen
7 Parker?

8 A. I did not, no.

9 Q. Who did?

10 A. It would have been my undersheriff.

11 Q. Who at the Pentagon did he speak to?

12 A. I don't know.

13 Q. Is there something in writing documenting who from the
14 Pentagon they spoke to?

15 A. I don't know.

16 Q. What was Stephen Parker's military background before he
17 was hired?

18 A. He was in the Air Force, U.S. Air Force, as a criminal
19 investigator.

20 Q. And you believe there were people at the Pentagon who
21 were character references for Stephen Parker?

22 A. That's what I was told.

23 Q. But you don't have any firsthand knowledge of that?

24 A. I don't have it in front of me, no.

25 Q. Do you regret not following up on the allegations

1 against Stephen Parker by Jeff Asher prior to appointing
2 Stephen Parker a deputy?
3 A. No. I did follow up on them.
4 Q. You personally followed up on them?
5 A. I did.
6 Q. And is that by sending an email to Randy Gaylord?
7 A. That is correct.
8 Q. Did Randy Gaylord respond to your email?
9 A. He did.
10 Q. In writing?
11 A. Yes. I believe so.
12 Q. And what did he say?
13 A. He said it would be a good -- good task for Emma
14 Scanlan, his then chief deputy prosecutor, to handle.
15 Q. And did Emma Scanlan communicate with you about Stephen
16 Parker prior to you appointing Stephen Parker a deputy
17 in your sheriff's office?
18 A. I don't know if it was prior, but we did speak about it,
19 yes.
20 Q. When?
21 A. I don't know.
22 Q. Where?
23 A. I don't know.
24 Q. What did she say?
25 A. It's my recollection that she said she contacted

1 Chouteau County and that they had nothing poor or
2 negative to say about him.

3 Q. Who did she say she spoke to?

4 A. I don't recall.

5 Q. Did she put anything in writing to you?

6 A. She did not.

7 Q. Did you ask her to put anything in writing?

8 A. I did not.

9 Q. I'm going to hand you Exhibit 1. Please review
10 Exhibit 1.

11 A. Okay.

12 Q. Is this an email from you?

13 A. It appears to be, yes.

14 Q. Do you have any reason to believe it's not?

15 A. No.

16 Q. And this was sent by you in December of 2014?

17 A. Yes.

18 Q. Now, you were not yet the sheriff at that time?

19 A. Correct.

20 Q. Do you have access to your work email on your home
21 computer?

22 A. I do not.

23 Q. Were you at home on Saturday at 6:24 p.m.,
24 December 20th, 2014, when you sent this email,
25 Exhibit 1?

1 A. Possibly. Probably.

2 Q. How would you send an email from home?

3 A. I have a work computer.

4 Q. Is that a mobile, like, laptop computer?

5 A. Yes.

6 Q. And does that go in your patrol car?

7 A. Yes.

8 Q. So you were at home, and that's how you used it?

9 A. I am not sure where I was when I sent this email.

10 Q. Did you ever receive a response to this particular email

11 from Randy Gaylord?

12 A. I believe so.

13 Q. What did his response say?

14 A. I answered that already.

15 Q. Okay. I think that's correct.

16 Did you contact anyone at the PA in Shittua

17 County?

18 A. Chouteau County.

19 I did not.

20 Q. Why didn't you contact somebody in Chou- --

21 How do you pronounce it?

22 MR. POWER: Chouteau.

23 MR. LEE: Chouteau County.

24 MR. McMAHON: Chouteau.

25 MR. LEE: Chouteau?

1 MR. McMAHON: Yeah.

2 THE WITNESS: I decided to ask Randy to contact
3 them, thinking that -- my thinking was that the
4 prosecutor in Chouteau County might be -- talk more
5 candidly and openly to a fellow elected prosecutor than
6 he would, say, a sheriff or potential employer.

7 BY MR. LEE:

8 Q. After Detective Parker's relationship or alleged
9 relationship with Miss Garcia came to light, did you
10 publicly deny there had been any warning signs which
11 would have indicated that Detective Parker was a
12 problem?

13 A. I believe so. I don't know if I worded it in that
14 many -- in those words, but, yes.

15 Q. Please go back to Exhibit 1 and read the second
16 paragraph out loud.

17 A. Jeff came to me with a pretty grandiose story of lies,
18 changing statements, hiding evidence, destroying
19 evidence, fabricating victim statements, and other
20 issues regarding Stephen Parker. I find it hard to
21 believe that Brent would miss all of that and that
22 Mr. Parker could pass the polygraph, the psych, and the
23 polygraph.

24 I looked at Brent's background investigation on
25 Parker. It was very thorough, and it took him all the

1 way to the Pentagon, and everyone had nothing but great
2 things to say about him.

3 Q. Would you agree that, prior to publicly saying there had
4 been no warning signs about Stephen Parker, you received
5 a warning about Stephen Parker from Jeff Asher?

6 A. Yes.

7 Q. So you would agree that your public statement about not
8 receiving any warning signs about Stephen Parker was
9 false.

10 A. I did not receive any credible warning signs.

11 Q. You would agree that your public statement about not
12 receiving any warning signs was false. I did not ask
13 about credibility.

14 MR. COOLEY: Object. It's been asked and
15 answered.

16 BY MR. LEE:

17 Q. Well, your answer was non-responsive. You included
18 credible. Your public statement was not whether or not
19 you said you received no credible warnings. You said
20 you received no warnings.

21 MR. COOLEY: Hold on.

22 Objection. It's been asked and answered.

23 THE WITNESS: Okay. I've answered the question.
24 I stand by my answer.

25 ///

1 BY MR. LEE:

2 Q. No. You haven't answered the question. Please answer
3 the question.

4 MR. COOLEY: You don't like the answer, and your
5 remedy is with Judge Pechman. It's not to just ask it
6 over and over, because he's not going to change his
7 answer.

8 MR. POWER: With all due respect, the witness
9 was changing the actual question.

10 MR. COOLEY: Yeah. With all due respect, there
11 will be one attorney per party on the record in a
12 deposition in federal court. We will not have tag
13 teaming.

14 BY MR. LEE:

15 Q. Would you agree that what Deputy Asher told you prior to
16 the appointment of Stephen Parker, if true, was an
17 indication that Stephen Parker might violate somebody's
18 rights?

19 MR. COOLEY: Object to the form. Calls for
20 speculation. It's hypothetical without facts in
21 evidence.

22 THE WITNESS: Yeah. Again, as I said earlier,
23 I'm not going to answer to a hypothetical situation that
24 didn't happen.

25 ///

1 BY MR. LEE:

2 Q. But nobody's instructed you not to answer. So please
3 answer the question.

4 A. I did answer. I'm not going to speculate on a
5 hypothetical question.

6 Q. I'm asking you to speculate.

7 A. I'm not going to.

8 Q. So you're refusing to answer the question.

9 A. I am.

10 Q. Okay. When you made that public statement about not
11 having any warnings about Stephen Parker, was that
12 during an election year for you?

13 A. I don't believe so.

14 Q. What year was it in?

15 A. I don't recall.

16 Q. Do you believe you have an obligation to be truthful to
17 the San Juan County Council?

18 A. I do.

19 Q. Do you believe it's a crime to provide false information
20 to the San Juan County Council during a public hearing?

21 MR. COOLEY: Object to the form. Calls for a
22 legal conclusion.

23 THE WITNESS: Yeah. I don't have an answer for
24 that.

25 ///

1 BY MR. LEE:

2 Q. Do you believe it's legal to lie or provide false
3 information to a public servant?

4 MR. COOLEY: Same objection. And it's compound.

5 THE WITNESS: Yeah. I -- I'm not going to
6 speculate on that.

7 BY MR. LEE:

8 Q. Have you in your time as a police officer ever reviewed
9 the Revised Code of Washington that makes it a crime to
10 provide false information to a public servant?

11 A. I don't know.

12 Q. You don't know if you're aware that it's a crime in the
13 state of Washington to provide false information to a
14 public servant?

15 A. That wasn't your question.

16 Q. That's my new question.

17 A. Okay. Then yes, I'm aware of that.

18 Q. Okay. And you would agree that County Council members
19 are public servants?

20 A. I would agree to that.

21 Q. So you would agree that it would be a crime to provide
22 them false information during a County Council hearing?

23 A. Again, that calls for a legal analysis and speculation.
24 I don't have an answer.

25 Q. There was a County Council meeting on January 24th,

1 2017, that you testified at with prosecutor Gaylord. Is
2 that true?

3 A. Correct. We spoke in front of them.

4 Q. What was the purpose of that council meeting?

5 A. It was just an update.

6 Q. So when the County Council has a meeting, do they put it
7 on the record with a recorder?

8 A. I believe so. It's an open, public meeting.

9 Q. And at that open, public meeting was it recorded?

10 A. I would assume so.

11 Q. How did you get on the schedule to be heard by the
12 council for that meeting or that hearing?

13 A. I don't know. Don't recall.

14 Q. Did somebody request you to come provide a statement?

15 A. I don't recall.

16 Q. Did you notify the council that you wanted to come
17 provide a statement?

18 A. I don't recall.

19 Q. How many times have you provided statements to the
20 council in open, public meetings?

21 A. A number of times.

22 Q. How do you normally go about getting in front of the
23 council to provide public testimony?

24 A. Well, there's two ways. We could ask to come before
25 them, or they could ask us to come before them. Or

1 there's an open public access that you can go before the
2 council.

3 Q. Did you and prosecutor Gaylord go during open, public
4 access?

5 A. No.

6 Q. So it was either they asked you to come speak to them or
7 you asked them to let you come speak to them.

8 A. Correct.

9 Q. You don't remember which one it was?

10 A. I don't know which one it was.

11 Q. Did you and prosecutor Gaylord speak with each other
12 prior to that council meeting?

13 A. Yes. We speak all the time.

14 Q. Did you speak about the council meeting prior to
15 attending the council meeting?

16 A. I don't recall.

17 Q. Did you talk to Randy Gaylord about what the two of you
18 would say at the council meeting?

19 A. I don't recall.

20 Q. Did you talk to prosecutor Gaylord about why the two of
21 you were going to speak in front of the council?

22 A. I've already answered this question. I stand by my
23 answer.

24 Q. Does the County Council have oversight responsibility
25 over the Sheriff's Office?

1 A. No.

2 Q. Do they control your budget?

3 A. Yes.

4 Q. And so they can determine how many sheriff's deputies
5 you get to hire. Correct?

6 A. I don't know. I don't know the answer to that.

7 Q. Have you expanded the number of sheriff's deputies in
8 your office in the time that you've been Sheriff?

9 A. I have.

10 Q. When you expanded the number of sheriff's deputies, did
11 you go to the County Council and request permission to
12 increase the number of deputies you had under your
13 employ?

14 A. Yes.

15 Q. Why would you ask them for permission if they don't have
16 oversight authority over the Sheriff's Office?

17 A. The County Council has budgetary authority. They don't
18 have oversight authority. County Council can -- can
19 approve a budget increase, but they don't have oversight
20 over the Sheriff's Office.

21 Q. Well, if they don't think you're using your funds well,
22 they can cut your funds. Correct?

23 A. I don't know. There's statutory requirements for
24 counties to fund the Sheriff's Office, and that's all a
25 legal area that I am not familiar with, not intimately

1 familiar with.

2 Q. If the sheriff -- if the County Council tells you
3 they're not going to allow you to increase the number of
4 sheriff's deputies in your office, that's the end of the
5 story, isn't it?

6 A. Yes.

7 Q. And if they say they're not going to increase your
8 budget because they don't think you're using resources
9 well, that's the end of the story, isn't it?

10 A. Yes.

11 Q. And if one of your deputies is misusing his debit card,
12 for example, they might want to know what you're doing
13 to make sure the funds they're allotting to you are
14 appropriately spent. Correct?

15 A. Correct.

16 Q. So they at least have oversight over your budget.
17 Correct?

18 A. Correct.

19 Q. And Stephen Parker misused county funds and resources,
20 according to the investigation against him in this
21 matter. Correct?

22 A. Correct.

23 Q. And they wanted to know how somebody like Stephen Parker
24 who could do such a thing was hired by the San Juan
25 County Sheriff's Office. Correct?

1 A. I don't believe that was exactly what the question was.

2 Q. What was the question?

3 A. I believe the question that Councilmember Hughes asked
4 was: Is there anything we could have done to -- or
5 anything we could do in the future to prevent this from
6 happening again?

7 If I recall. As my memory serves.

8 Q. Did you prepare your remarks at that hearing in advance?

9 A. I -- I believe so, but I don't recall.

10 Q. Did you allow anyone to review your prepared remarks in
11 advance of that hearing?

12 A. I don't recall.

13 Q. Did you talk to prosecutor Gaylord about your prepared
14 remarks in advance of that hearing?

15 A. I don't recall.

16 Q. Prior to the January 24, 2017, council meeting, did you
17 and prosecutor Gaylord have any discussions about the
18 warnings you had received from Jeff Asher in relation to
19 Stephen Parker's hiring?

20 A. I believe we did.

21 Q. When?

22 A. I -- I don't recall. I don't recall the dates or times.

23 Q. Approximately how long before the County Council meeting
24 on January 24th, 2017, did you and prosecutor Gaylord
25 discuss Jeff Asher's warnings about the hiring of

1 Stephen Parker?

2 A. I sent prosecutor Gaylord an email on December 20th.

3 Would have been the only time right now that I
4 recall talking about it. I'm sure we talked about it
5 other times throughout the course of the investigation,
6 but I don't recall how far prior or dates. I just -- I
7 don't -- I don't recall.

8 Q. Prior to the January 24th, 2017, council meeting, did
9 prosecutor Gaylord communicate to you that he wanted you
10 to look back through Stephen Parker's file, look through
11 his full employment file, and see if there was something
12 that you didn't catch?

13 A. I believe so.

14 Q. And when did prosecutor Gaylord say this to you or
15 communicate this to you?

16 A. I don't know.

17 Q. How did he communicate this to you?

18 A. I don't know.

19 Q. Was it in writing?

20 A. I don't know. I've answered this question --

21 Q. Was there anyone with you when he communicated that to
22 you?

23 A. I don't know.

24 Q. And did you comply with his request to go back and look
25 at the full employment file and see if there was

1 something in there that you didn't catch?

2 A. Yes.

3 Q. Did you tell prosecutor Gaylord prior to the
4 January 24th, 2017, council meeting, quote, no, there's
5 nothing in there, end quote?

6 A. I might have. I don't recall.

7 Q. Did you remind him of the warning that you had received
8 from Jeff Asher that you had emailed him about in
9 December 20th, 2014?

10 A. I don't recall.

11 Q. As it relates to the background investigation on Stephen
12 Parker, is there anything you could have done
13 differently?

14 A. Is that a question?

15 Q. Yes.

16 A. Oh.

17 I don't believe so.

18 Q. Did you tell the County Council that this is, quote, one
19 of those things that is unidentifiable, end quote?

20 A. Yes.

21 Q. Jeff Asher seems to have identified it. Why didn't you
22 tell the council that?

23 A. Because I didn't deem Jeff Asher as a credible source.

24 Q. Even after you had concluded that Stephen Parker did, in
25 fact, intimidate a witness and misuse county funds and

1 have sex with a complaining witness?

2 MR. McMAHON: Object to the form of the
3 question.

4 MR. COOLEY: Join.

5 THE WITNESS: Yes.

6 BY MR. LEE:

7 Q. Do you think the County Council had a right to know
8 about the Asher warning?

9 A. Yes.

10 Q. And why didn't you tell them?

11 A. Because I didn't think it was a credible warning.

12 Q. You just said you believed they have a right to know
13 about that warning.

14 A. Uh-huh. It's a judgment call. I didn't tell them.

15 Q. Did you tell the County Council: Yeah, we followed up
16 his background all the way, all the way to the Pentagon.
17 I mean, we went overboard. And nothing, nobody anywhere
18 had anything bad to say about him, end quote?

19 A. Yes.

20 Q. So you told the County Council on January 24th, 2017,
21 quote, nothing, nobody anywhere had anything bad to say
22 about him, end quote, referring to Stephen Parker?

23 MR. COOLEY: Objection. Asked and answered.

24 THE WITNESS: Yes. I've already answered that
25 question.

1 BY MR. LEE:

2 Q. And, in fact, Jeff Asher had some very bad things to say
3 about Stephen Parker prior to his hire. Correct?

4 A. Yes.

5 Q. So your statement to the County Council on January 24th,
6 2017, was false.

7 A. Yes.

8 Q. Why did you make a false statement to the County Council
9 on January 4th -- 24th, 2017, about whether or not
10 anyone had said any bad things about Stephen Parker
11 prior to his employ?

12 A. Again, Jeff Asher has very bad things to say about a lot
13 of people, and I did not deem him credible or his
14 statements credible, so I didn't -- didn't mention it.

15 Q. Does that make it appropriate for you to make a false
16 statement to the County Council?

17 A. I don't believe it was false.

18 Q. Two answers ago you admitted it was false.

19 A. Well, okay. Again, it was not a credible -- a credible
20 source, so I stand by my answer that we didn't receive
21 any -- any credible information.

22 Q. Did you tell the County Council that nobody credible
23 anywhere had anything to say about Stephen Parker or
24 nobody anywhere had anything bad to say about him?
25 Which was it?

1 A. The latter. You read from the transcript of the council
2 meeting so...

3 Q. You finished that sentence. You said: So at what
4 point, you know, it's unfortunate. It's tragic.

5 What was unfortunate?

6 A. That we were sitting there having to talk about this
7 case with Natalia Garcia and Stephen Parker.

8 Q. Why is -- go ahead.

9 A. That it was thrown out of court and just the whole
10 situation itself.

11 Q. What's unfortunate about that?

12 A. Well, justice was not done. I believe a guilty man
13 walked free.

14 Q. By that you mean Stephen Parker?

15 A. By that I mean Gerald Grellet-Tinner.

16 Q. And what was tragic about this case?

17 A. I just answered that.

18 Q. Okay. Prior to the County Council meeting on
19 January 24th, 2017, did you and prosecutor Gaylord agree
20 that you would not disclose to the council that you had
21 received a warning from Jeff Asher prior to the
22 employment of Stephen Parker?

23 A. I don't recall that.

24 Q. Prior to the County Council meeting on 2000 --
25 January 24th, 2017, did you and -- I'll say in the month

1 prior to the County Council meeting, did you and Randy
2 Gaylord have any discussions about this email,
3 Exhibit 1?

4 A. I don't recall.

5 Q. Are you saying you can't recall if you did or didn't
6 have any discussions with Randy Gaylord, or are you, in
7 fact, denying that you had any discussions?

8 A. I can't recall discussions that we had four years ago.

9 Q. So if prosecutor Gaylord testifies that you and him did,
10 in fact, discuss the Asher warning in a time period
11 leading up to the County Council meeting, you don't have
12 a basis to deny that?

13 A. I don't have a recollection of any conversations that we
14 had.

15 Q. So you may have had a conversation with prosecutor
16 Gaylord about the Asher warning prior to the council
17 meeting; you just can't say one way or the other?

18 A. Correct.

19 Q. Is San Juan County a small community?

20 A. Yes.

21 Q. How many people are in that county?

22 A. About 16,000, give or take, depending on the time of
23 year. Balloons up, tourist season comes, it goes up to
24 a couple hundred thousand.

25 Q. Did Dr. Tinner's criminal case receive extensive local

1 media coverage?

2 MR. COOLEY: Object to the form. It's vague
3 what you mean by "extensive."

4 THE WITNESS: Yeah. I don't know. Received
5 local media coverage. I'm not aware of how extensive it
6 was.

7 BY MR. LEE:

8 Q. Is there a local newspaper in San Juan County?

9 A. There is.

10 Q. Is there one or two?

11 A. There's a number of them.

12 Q. What are they?

13 A. There's the "San Juan Islander." There's the "Journal."
14 There's the "Island Weekly." There's the "Sounder."
15 There's the "Orcas Issues."

16 Q. Was the case against Dr. Tinner covered in those
17 publications?

18 A. I don't know. It was covered in at least one.

19 Q. You stated that you believe that Dr. Tinner is guilty.
20 Have you reviewed the entire investigative file against
21 Dr. Tinner?

22 A. No.

23 Q. Did you attend the trial against Dr. Tinner?

24 A. I did not attend it, no. I showed up to -- a couple
25 times I went into the courtroom, but I didn't attend it,

1 no.

2 Q. Did you watch witness testimony in the trial against
3 Dr. Tinner?

4 A. I've answered this question already. I stand by my
5 answer.

6 Q. Yeah. So on what do you draw a conclusion one way or
7 the other about the guilt or innocence of Dr. Tinner?

8 A. It's my belief.

9 Q. Based on what?

10 A. I don't have to answer that.

11 Q. Please answer the question.

12 A. It's my belief.

13 Q. What do you base your belief on? Because it doesn't
14 sound like you read the file or attended the trial.

15 A. I've answered the question.

16 Q. No, you haven't. What do you base that belief on?

17 A. I've answered the question.

18 Q. After the -- just for the record, we're going to note
19 that the answer is non-responsive and we're reserving
20 the right to move for a order from the Court to compel
21 you to answer the question.

22 After the case against Dr. Tinner was dismissed,
23 prosecutor Randy Gaylord was quoted in the media saying
24 that the ruling does not exonerate Dr. Tinner. Were you
25 aware of that?

1 A. No.

2 Q. Did you ever hear prosecutor Gaylord say that Dr. Tinner
3 was not exonerated by the dismissal?

4 A. Not that I recall. I might have. I don't recall.

5 Q. Do you believe in this country we have a presumption of
6 innocence?

7 A. I do.

8 Q. Does that mean that we recognize people as innocent
9 until a final adjudication of guilt after a criminal
10 trial?

11 A. I do.

12 Q. Dr. Tinner's final adjudication is a dismissal of his
13 case. Correct?

14 MR. COOLEY: Object to the form. Calls for a
15 legal conclusion.

16 THE WITNESS: I'm not sure how it was dismissed.

17 BY MR. LEE:

18 Q. Have you ever had any private discussions with Natalia
19 Garcia?

20 A. No.

21 Q. Have you ever met Natalia Garcia?

22 A. Once in the office.

23 Q. In what office?

24 A. My office.

25 Q. When was that?

1 A. I don't recall.

2 Q. When you say your office, do you mean the Sheriff's
3 Office collectively or your personal office?

4 A. Sheriff's Office collectively.

5 Q. Where inside the Sheriff's Office?

6 A. I don't recall.

7 Q. What was the purpose of the meeting with Natalia Garcia?

8 A. I don't recall.

9 Q. What did you and Natalia Garcia discuss?

10 A. I didn't discuss anything with her.

11 Q. What was the purpose of the meeting with Natalia Garcia?

12 A. I don't know.

13 Q. Was it before or after you were aware that she had
14 accused Stephen Parker of an affair with her?

15 A. It would have been before.

16 Q. Did you discuss with her the case against Dr. Tinner?

17 A. No.

18 Q. How long did the meeting with Natalia Garcia last?

19 A. I don't recall. I met her briefly in the office. I
20 believe as I was walking through. And that was -- it
21 wasn't a meeting between me and her. I believe she was
22 in the office for something else but...

23 Q. Was she with Stephen Parker at the time?

24 A. I don't recall who she was with.

25 Q. Do you recall what she was doing in your Sheriff's

1 Office?

2 A. I don't.

3 Q. Was it before or after the jury trial in State of
4 Washington versus Dr. Tinner?

5 A. Would have been before.

6 Q. Was it after the criminal charges had been brought
7 against Dr. Tinner?

8 A. I don't recall.

9 Q. Was she with a man or a woman when she was in your
10 office?

11 A. I don't recall.

12 Q. Have you ever apologized to Natalia Garcia for the
13 conduct of Stephen Parker?

14 A. No.

15 Q. Why not?

16 A. I have not spoken with Natalia Garcia.

17 Q. Do you believe that Natalia Garcia deserves an apology
18 from the San Juan County Sheriff's Office for the
19 conduct of your deputy, Stephen Parker?

20 MR. COOLEY: Object to form.

21 MR. McMAHON: Join in the objection.

22 THE WITNESS: I believe it would be nice.

23 BY MR. LEE:

24 Q. Have you seen Natalia Garcia in the community at any
25 point since the separation of Stephen Parker from

1 employment with the county?

2 A. I have not.

3 Q. Do you believe that Stephen Parker failed to disclose
4 necessary information to Dr. Gerald Tinner?

5 MR. McMAHON: Object to the form of the
6 question. Asked and answered.

7 THE WITNESS: I answered that a long time ago.

8 BY MR. LEE:

9 Q. Do you believe that the San Juan County Sheriff's Office
10 owes an apology to Dr. Gerald Tinner for failure of
11 Stephen Parker to disclose exculpatory evidence?

12 MR. COOLEY: Object to the form.

13 THE WITNESS: Again, I believe it would be nice.

14 BY MR. LEE:

15 Q. Well, if you'd like to extend that apology now, we can
16 let him know so --

17 A. Okay.

18 MR. McMAHON: Object to the form of the
19 question. It's argumentative.

20 MR. COOLEY: Yeah. You really want to go down
21 this path? Because Judge Pechman will rule that asking
22 the witness whether he would think somebody deserves an
23 apology or not is not relevant.

24 BY MR. LEE:

25 Q. Does Stephen Parker have a reputation for dishonesty?

1 MR. McMAHON: Object to the form of the
2 question.

3 THE WITNESS: Can you give me a time frame.

4 BY MR. LEE:

5 Q. In San Juan County right now, does Stephen Parker in the
6 general community have a reputation for dishonesty?

7 MR. McMAHON: Objection to the form of the
8 question. Foundation.

9 THE WITNESS: Right now, yes.

10 BY MR. LEE:

11 Q. And are -- how is it you're aware of the reputation of
12 Stephen Parker for dishonesty in the San Juan County
13 community?

14 A. It was in the papers.

15 Q. Have you spoken to members of the community about the
16 reputation of Stephen Parker?

17 A. Yes.

18 Q. And the general reputation of Stephen Parker in the San
19 Juan County community is one of dishonesty.

20 A. Yes.

21 Q. Was Stephen Parker's work phone seized as part of the
22 investigation into the allegations he was having an
23 affair with Natalia Garcia?

24 A. Yes. I believe so.

25 Q. Were his phone records searched?

1 A. I believe so.

2 Q. Was his phone itself downloaded and searched?

3 A. I don't know for sure. I believe so, but I don't know.

4 Q. Does anyone at the Sheriff's -- San Juan County
5 Sheriff's Office utilize Cellebrite technology?

6 A. No.

7 Q. What technology do you utilize to do cell phone data
8 downloads?

9 A. We send it out.

10 Q. Who do you send it out to?

11 A. Either the crime lab or Anacortes has done it for us in
12 the past. And I don't know what technology they use,
13 either of them.

14 Q. Did you send out Stephen Parker's phone or did you or
15 anyone else, to your knowledge, send out Stephen
16 Parker's phone for an analysis as part of the
17 investigation into the allegations stemming from Natalia
18 Garcia?

19 A. I believe it was all turned over to the SMART team, and
20 they handled all of that.

21 Q. So you don't know?

22 A. I don't know.

23 Q. Have you ever had any contact with Natalia Garcia on
24 Facebook?

25 A. No.

1 Q. Has she ever contacted you on Facebook?

2 A. No.

3 Q. How many people can the San Juan County jail hold?

4 A. We have two beds in each cell, and then we have a safety

5 cell which holds one person, so technically five, but we

6 have housed people on the floors in there before, so

7 we've had up to four people in each cell.

8 Q. So what's the total?

9 A. Eight or nine.

10 Q. What are the conditions like in the San Juan County

11 jail?

12 A. It's a clean cell. They have mattress pads. They have

13 a toilet. They have a sink and two bunks.

14 Q. Are there any private rooms, or are they all

15 cohabitation rooms?

16 A. They're cohabitation rooms.

17 Q. What kind of people get housed in the San Juan County

18 jail?

19 A. People who are arrested.

20 Q. Is the San Juan County jail a dangerous place at times?

21 A. I don't believe so, no.

22 Q. Have there ever been any fights inside the San Juan

23 County jail amongst inmates?

24 A. I believe there have been one or two altercations over

25 the years.

1 Q. Has there ever been illegal drugs found in the San Juan
2 County jail?

3 A. Not to my knowledge that I'm -- that I can recall.

4 Q. When was the last time you ate a meal in the San Juan
5 County jail?

6 A. I have never eaten a meal in the San Juan County jail.

7 Q. You have never sampled the food that is served in the
8 San Juan County jail?

9 A. I've had the meals that we serve in the San Juan County
10 jail, but I've never eaten them in the San Juan County
11 jail.

12 Q. When was the last time you ate one of the meals in
13 the -- served in the San Juan County jail?

14 A. It's been years ago.

15 We serve them TV dinners.

16 Q. Where does the TV dinners come from?

17 A. King's market. They're, I believe, Banquet TV dinners.

18 Q. Do you know why Dr. Tinner's phone was taken to Stephen
19 Parker's home and held there?

20 A. No.

21 Q. Is it appropriate for a detective to take a suspect's
22 phone to their personal residence and retain it?

23 A. No.

24 Q. When a suspect's personal phone is taken, should it be
25 locked into an evidence locker?

1 A. Should be.

2 Q. Does the San Juan County Sheriff's Office have a policy
3 about deputies at the Sheriff's Office disparaging or
4 making disparaging statements about other deputies?

5 A. Yes.

6 Q. What is that policy?

7 A. It's our code of conduct.

8 Q. What does it say about disparaging other deputies?

9 A. It says you will not make disparaging comments or talk
10 poorly about your coworkers.

11 Q. What if what they have to say about their coworker is
12 disparaging but true?

13 A. Doesn't matter.

14 Q. So if a sheriff's deputy has truthful disparaging
15 information about another sheriff's deputy, the policy
16 is they're just supposed to keep that to themselves?

17 A. They can bring it to either myself, the undersheriff, or
18 their direct supervisor, not go behind the employee's
19 back and spread it throughout the rank and file, no.

20 MR. LEE: Can I have that marked.

21 (Exhibit 2 was marked for
22 identification.)

23 BY MR. LEE:

24 Q. Sheriff, please review Exhibit 2.

25 A. Okay.

1 Q. Have you seen this exhibit before?

2 A. I have.

3 Q. And what is it?

4 A. It is a letter from prosecutor Gaylord to Deputy Jeff
5 Asher.

6 Q. And when did you first see it?

7 A. I believe he cc'ed me on it, so it would have been
8 around February 9th of 2017.

9 Q. Can you go to paragraph 2 and read the first sentence.

10 A. "I have met with you, Sheriff Krebs, and Undersheriff
11 Johnson and the County Council."

12 Q. Do you know what meeting between you and Sheriff Krebs
13 prosecutor Gaylord is referencing?

14 A. I do not.

15 Q. Is it true that, prior to this letter being sent on
16 February 9, 2017, you and prosecutor Gaylord had a
17 meeting?

18 A. Yes.

19 Q. And it was regarding what's referenced in this letter
20 with the hiring of Stephen Parker?

21 A. I don't know what it was regarding, but I can assume it
22 was in regards to Deputy Asher's complaints and
23 allegations.

24 Q. Do you remember prosecutor Gaylord coming to you and
25 saying something to the effect of Deputy Asher was

1 making an allegation against you regarding your
2 statements at the County Council relating to the hiring
3 of Stephen Parker?

4 A. I believe so, yes.

5 Q. When did you meet with Randy Gaylord to discuss Jeff
6 Asher's allegations against you?

7 A. I don't recall.

8 Q. Who was in the meeting, aside from you and prosecutor
9 Gaylord, where the two of you discussed Jeff Asher's
10 allegations against you related to your comments at the
11 County Council meeting?

12 A. I don't recall.

13 Q. Do you not recall the meeting at all?

14 A. I don't -- I vaguely recall a meeting. I don't recall
15 who was there, and I don't recall what was discussed.

16 Q. Is there a reason you can't recall what was discussed in
17 a meeting where you were told by the elected county
18 sheriff that a 30-year veteran of your police agency was
19 accusing you of making a false statement to a county
20 council?

21 A. I'm sorry. Reword -- repeat the first part of that.

22 Q. Is there a reason why you can't remember a meeting where
23 you were told by the elected county prosecutor that a
24 30-year veteran of your police agency was accusing you
25 of making a false statement to a county council?

1 A. Like I said, I remember, vaguely remember a meeting. I
2 don't remember who was there, and I don't remember
3 exactly what was said during the meeting. I'm not
4 denying there was a meeting. I just don't recall who
5 was there and what was said.

6 Q. What was said generally?

7 A. I don't recall. I would -- that would -- I would have
8 to guess, and I'm not going to guess. I don't recall.

9 Q. Have you ever had the elected prosecutor come to you and
10 put you on notice that a member of your own police
11 agency was accusing you of making a false statement to a
12 county council?

13 A. No.

14 Q. Have you ever had the elected prosecutor of your county
15 come to you and tell you that a member of your own
16 agency was accusing you of anything?

17 A. No.

18 Q. So this is a pretty unique meeting. Right?

19 A. Potentially.

20 Q. But you don't remember what was discussed at all?

21 A. I'm sure what was discussed was the allegations that
22 Jeff had made about Parker, but, again, I don't recall
23 exactly what was discussed.

24 Q. Did you take any notes?

25 A. No.

1 Q. Did prosecutor Gaylord take any notes?

2 A. I don't know. He might have.

3 Q. In paragraph 2 -- I'll just read it to you. It says:
4 There is no writing in the file regarding your contact
5 with the undersheriff, former sheriff, or Sheriff-Elect
6 Krebs regarding your concerns about the hiring of
7 Stephen Parker.

8 Do you see that?

9 A. Uh-huh.

10 Q. Would Exhibit 1 constitute a writing about Jeff Asher's
11 concerns about the hiring of Stephen Parker?

12 A. Okay. Yeah.

13 Q. So this statement in this letter by prosecutor Gaylord
14 is not, in fact, correct, is it?

15 A. You would have to ask him.

16 Q. Well, I'm asking --

17 A. I can tell -- looking at this, that is correct.

18 Q. All right. And when you say that is correct, what you
19 mean is that the statement by prosecutor Gaylord in this
20 February 9th, 2017, letter asserting that there was
21 nothing in writing about a warning to you to --
22 regarding the hiring of Stephen Parker is not correct.

23 A. Correct.

24 Q. It also says in the letter, quote: Without a writing,
25 the date the information was provided cannot be

1 determined with specificity, end quote.

2 Would you agree that it's easy to determine that
3 you were warned by Jeff Asher about Stephen Parker's
4 hiring at some point prior to sending this email on
5 December 20th, 2014?

6 A. Yes.

7 Q. So what prosecutor Gaylord wrote in that section of the
8 letter that is Exhibit 2 is also not correct?

9 MR. COOLEY: Object to the form. It's
10 argumentative.

11 THE WITNESS: Correct.

12 (Exhibit 3 was marked for
13 identification.)

14 BY MR. LEE:

15 Q. Sheriff, go ahead and take a moment to look at
16 Exhibit 3. Let me know when you're done.

17 A. Okay.

18 Q. I only have brief questions on that one, so you don't
19 need to read it in entirety if you --

20 A. Read the whole thing or --

21 Q. No. Have you seen -- have you seen this letter,
22 Exhibit 3, before?

23 A. I believe so, yes.

24 Q. When did you first see it?

25 A. I do not recall it. I don't believe I was cc'ed on

1 this, so I think I probably would have gotten a copy of
2 it from maybe the prosecutor.

3 Q. Who showed it to you? The prosecutor?

4 A. I believe so. I know I've seen it. I don't recall who
5 brought it over, whether it was the prosecutor or one of
6 his attorneys. I don't --

7 Q. So going back to Exhibit 2, Exhibit 2 was sent to you
8 February 9th, 2017.

9 A. Correct.

10 Q. And Exhibit 3 was sent by Jeff Asher a couple of weeks
11 before that roughly on January 27, 2017. Right?

12 A. Correct.

13 Q. Now, you had a meeting with prosecutor Gaylord prior to
14 the sending of this Exhibit 2 letter. Was it after you
15 had received Jeff Asher's letter that is Exhibit 3?

16 A. I don't -- I don't know. I don't know. I don't know
17 when that meeting was. Nor do I know which meeting
18 prosecutor Gaylord was even referring to.

19 Q. If you go back to Exhibit 2, it says, quote: The name
20 of the, quote, source, end quote, or the contact
21 information for that person was not provided, end quote.

22 Do you see that in paragraph 2?

23 A. Correct.

24 Q. Did prosecutor Gaylord obtain that information from you?

25 A. Correct. Yes, he did.

1 Q. So you told prosecutor Gaylord prior to him writing
2 Exhibit 2, the letter, on February 9, 2017, that the
3 name of the source or the contact information for the
4 person was not provided.

5 A. Yes.

6 Q. Why did you tell prosecutor Gaylord that?

7 A. I'm sorry. Maybe I misunderstood the question you just
8 asked.

9 Q. Okay.

10 A. Can you repeat that question.

11 Q. I can.

12 I'll back up just a little bit to make sure
13 we're on the same page.

14 A. Okay.

15 Q. And I may have to ask the same question but I'll --

16 A. That's fine.

17 Q. Okay. So there's a sentence in here that says: The
18 name of the source or the contact information for the
19 person was not provided.

20 Do you see that sentence?

21 A. I do.

22 Q. And that is information that prosecutor Gaylord obtained
23 from you prior to writing this letter, Exhibit 2.
24 Right?

25 A. Yes.

1 Q. My question is: Why did you tell prosecutor Gaylord
2 that the name of the source or the contact information
3 for that person was not provided?

4 A. I didn't tell -- I didn't tell the prosecutor that. I
5 don't -- I don't believe I told the prosecutor that the
6 name was not provided. I provided the prosecutor with a
7 name that I was able to track down, but I didn't tell
8 the prosecutor that I didn't provide him with a name, if
9 I'm understanding your question correctly.

10 Q. I'm not sure you are, and that could be any number of
11 reasons. It could be the question is just difficult.

12 Did you tell prosecutor Gaylord that Jeff Asher
13 did not give you a source or contact information, a
14 source or the contact information for the person that
15 was his source in Montana that was giving him this
16 information about Stephen Parker prior to Stephen
17 Parker's being hired?

18 A. I did.

19 Q. Okay. So why did you tell prosecutor Gaylord that Jeff
20 Asher didn't give you the name of the person in Montana
21 who was giving him this information about Stephen
22 Parker?

23 A. Because Jeff Asher did not give me the name of the
24 person in Montana.

25 Q. So go to Exhibit 1 and look at the third paragraph of

1 your email, and please read it out loud.

2 A. "Jeff claims he was contacted by an attorney friend of
3 his from Montana. The attorney's name is Martin
4 Sinclair. Maybe he has an axe to grind with Parker."

5 Q. Who is Martin St. Claire?

6 A. I believe it's his contact in Montana.

7 Q. And he gave you that name prior to you writing it in
8 this email on December 20th, 2014, didn't he?

9 A. He did not.

10 Q. "Jeff claims he contacted" -- "was contacted by an
11 attorney friend of his in Montana."

12 A. Yes.

13 Q. Did he tell you that?

14 A. No.

15 Q. Then how do you know Jeff claimed that he was contacted
16 by an attorney friend of his in Montana?

17 A. The night Jeff contacted me and gave me this story about
18 the substance that I emailed prosecutor Gaylord about, I
19 asked him numerous times who his contact was. Who do I
20 need to talk to?

21 He wouldn't tell me any names, kept going around
22 in circles.

23 So I said -- that's when I decided, okay, I will
24 ask the prosecutor to contact their elected prosecutor,
25 and maybe we can get something.

1 The next morning I was coming into the office --
2 I believe it was the next morning, maybe the next
3 early -- sometime the next day I was coming into the
4 office. And Deputy Nicki Rogers stopped me and said she
5 just heard about Stephen Parker from Jeff.

6 And I said: Oh, yeah. He called me last night.
7 And he wouldn't give me any information, wouldn't tell
8 me the guy's name.

9 She said: Well, the name he mentioned was a
10 Sinclair. And she said: I think he reached out to him
11 on LinkedIn.

12 So I asked her, I said: Why do you think she
13 reached out to him or he reached out to him on LinkedIn?

14 She goes: It's just something he said. That's
15 what I thought.

16 So I said: Okay.

17 So I didn't know anything about LinkedIn. I
18 went and signed up for a LinkedIn account, and I logged
19 into LinkedIn, and I went to Jeff's LinkedIn page, and I
20 went through all of Jeff's contacts in LinkedIn, and I
21 found a Sinclair that was not in Montana. I want to say
22 he was in maybe one of the Dakotas or Wisconsin or
23 Minnesota, somewhere up there. And he was an attorney.

24 So I thought: Okay. Well, maybe that's who it
25 is.

1 I included that name, given the fact that Nicki
2 gave me the name of Sinclair, and I included that name
3 with the email to Randy, thinking maybe that would jog
4 the memory of the prosecutor in Chouteau County.

5 So that's where I got the name Martin Sinclair
6 from.

7 Q. Let me make sure I understand the timeline you just
8 presented.

9 A. Okay.

10 Q. You had a phone call from Jeff Asher when you were at
11 home Sunday night. Correct?

12 A. Whatever day that is, yes.

13 Q. And the next day, on Monday, you went and you spoke to
14 somebody who worked at the Sheriff's Office, and they
15 gave you information, and based on that you found this
16 name Martin Sinclair.

17 A. Yes.

18 Q. But how long did it take you to find the name Martin
19 Sinclair after you talked to that woman on Monday?

20 A. I don't know what the timeline on that was. I don't --
21 I don't recall.

22 Q. But it's your position that you didn't know the name of
23 the attorney Martin Sinclair prior to the next day at
24 work when this employee at the office told you to look
25 at LinkedIn.

1 A. Correct.

2 Q. Then how is it that Martin Sinclair's name is in the
3 email you wrote Sunday -- Saturday, December 20th, 2014?

4 A. Okay. It was -- I thought you said Sunday was
5 December 14th.

6 I don't know what the days were. The day Jeff
7 called me at home, sometime after that period -- I
8 believe it was the next day -- is when I ran into Deputy
9 Rogers. And then that's when I would have written that
10 email to Randy.

11 The email to Randy -- I don't know if the -- the
12 email to Randy didn't go out immediately after I got off
13 the phone with Jeff. The email to Randy went out some
14 time later. And it was after I spoke with Deputy
15 Rogers, who then gave me Sinclair, didn't even give me
16 the last name, gave me Sinclair. I went to Jeff's
17 LinkedIn page, because that's where she said she thought
18 he got it from.

19 I went through all of his contacts and found the
20 only Sinclair in his contacts, which also was an
21 attorney. One of the things Jeff told me about
22 Mr. Sinclair was that he was a judge and he was in
23 charge of the ethics committee, and I want to say he
24 mentioned something about San Francisco even at that
25 point.

1 And nothing on Mr. Sinclair's LinkedIn page had
2 anything about that, but Mr. Sinclair was an attorney,
3 not a judge. So I -- I went with that name, thinking,
4 well, that must be the same person, I would guess, and
5 emailed that name to Randy.

6 Q. I could be confused, but I believe what you testified
7 earlier was that, when you received a phone call at home
8 at night from Jeff Asher about Stephen Parker, you sent
9 an email that night to Randy Gaylord.

10 A. No. You asked me how I sent an email, if I had access
11 from my home computer, and I said: No. I have access
12 from a work computer.

13 I don't believe we talked about when I sent the
14 email, because I did not send the email as soon as I got
15 off the phone with Jeff. I couldn't have sent the
16 email, because I wouldn't have had that name.

17 Q. So you waited a couple of days?

18 A. I believe -- it's possible. But I believe it was the
19 next day.

20 Q. So you believed when you sent this email, Exhibit 1,
21 that Martin Sinclair was Jeff Asher's source?

22 A. I wasn't sure. It was -- the name was the name that
23 Nicki -- excuse me -- Deputy Rogers gave me, so that's
24 the name I included in the email.

25 He obviously gave her a name, because that's how

1 she was able to relay a name to me.

2 Q. LinkedIn has a message feature where you can send a
3 message to people that -- whose profiles you can see.
4 Correct?

5 A. Yes.

6 Q. So you believed that the source of the information Jeff
7 Asher was providing you about Stephen Parker was Martin
8 Sinclair. Why did you not send him a message to ask him
9 about Stephen Parker?

10 A. Because I don't know Martin Sinclair. I wanted Randy to
11 follow up first with Chouteau County, and I wasn't even
12 sure if Martin Claire [sic] was the same person. I'm
13 not going to potentially disparage somebody to someone
14 else that we're not even confirmed is the same person.

15 Q. Did you provide Martin Sinclair's name to the
16 undersheriff and ask him to follow up on Jeff Asher's
17 allegation?

18 A. I don't recall. I know I didn't ask him to follow up on
19 it. I don't recall if I provided him with a name or
20 not.

21 I provided Randy with the name, and Martin
22 Sinclair was in Montana. The prosecutor would have very
23 good knowledge and information on him. So I opted to
24 allow the prosecutor to do follow-up.

25 Q. Were deputies in your office aware that you had been

1 accused in federal court of groping --

2 MR. LEE: What was her name?

3 MR. POWER: Teri.

4 BY MR. LEE:

5 Q. -- Melanie Teri?

6 A. Yes.

7 There was another deputy that was involved with
8 it as well.

9 Q. How is it that you know that deputies in your office
10 were aware that you had been accused of groping Melanie
11 Teri?

12 A. I don't know how they're aware. The other deputies
13 talked about it. We had a deposition about it. It was
14 not anything that was hidden or uncommon knowledge.

15 Q. Do you --

16 A. Maybe not every deputy in the office knew, but it was --
17 it was knowledge. It was common knowledge.

18 Q. Do you believe that it is inappropriate for a police
19 officer to misuse their authority to grope female
20 suspects?

21 A. I do.

22 Q. Do you think that that's something that is appropriate
23 to joke about?

24 A. I don't.

25 Q. You don't think it's appropriate for members of law

1 enforcement to joke about -- about using your position
2 as a law enforcement officer to kind of get away with
3 groping females?

4 A. I do not agree with that.

5 Q. Would you agree that, if a sheriff, if an elected
6 sheriff was joking about groping female suspects, that
7 that would send the wrong message to the deputies
8 underneath you?

9 A. Yep.

10 Q. Did you ever make any jokes, public or private, about
11 members of law enforcement groping females?

12 A. I don't recall.

13 Q. Are you denying that you have made jokes about members
14 of law enforcement groping females?

15 A. I'm not denying it. I just don't recall.

16 Q. Have you heard other deputies joke at the San Juan
17 County Sheriff's Office about groping females?

18 A. I don't recall.

19 Q. Have you ever posted anything on any social media that
20 makes light of or jokes about members of law enforcement
21 groping women?

22 A. I don't recall.

23 Q. Do you deny posting on Facebook a video of a uniformed
24 individual groping women at a security checkpoint?

25 A. I don't recall.

1 Q. Do you have a Facebook account?

2 A. I do.

3 Q. How long have you had it?

4 A. A number of years.

5 Q. Do you think it's appropriate for security guards to

6 grope women in the course and scope of their employment?

7 A. No.

8 Q. Is your Facebook page profile public?

9 A. No.

10 Q. Who can see -- okay. Let me back up.

11 When you opened up -- when did you open up your

12 Facebook social media page?

13 A. I don't recall.

14 Q. Do you recall how long you've had it?

15 A. No.

16 Q. Do you know how many Facebook friends you have?

17 A. I do not. I'm rarely on there anymore.

18 Q. Okay. In the past have you ever been on there quite a

19 bit?

20 A. Depends on what quite a bit is, but I've been on there

21 in the past.

22 Q. Were you criticized in local newspapers or a local

23 newspaper about the amount of time you spent on

24 Facebook?

25 A. Yes.

1 Q. What media organization or newspaper criticized you for
2 the amount of time you spent on Facebook?

3 A. That was an opinion piece by a gentleman from Shaw
4 Island. I believe he put it on the "San Juan Islander."

5 Q. And what was the general thrust of the opinion piece
6 about your use of social media?

7 A. The thrust was that I am on there a lot, way more than
8 is humanly physically possible.

9 Q. And when did that opinion piece get published?

10 A. Right around the election time.

11 Q. And have you changed your social media habits since that
12 opinion piece came out?

13 A. No.

14 Q. Were you ever a frequent user of Facebook?

15 A. I wouldn't say I was frequent, no.

16 Q. So the characterization in the media about your use of
17 Facebook was totally unfounded. Is that your position?

18 A. Yes.

19 MR. LEE: Can we mark that.

20 (Exhibit 4 was marked for
21 identification.)

22 BY MR. LEE:

23 Q. Sheriff, please go ahead and look at Exhibit Number 4.

24 A. Okay.

25 Q. This is a post that you made on Facebook. Correct?

1 MR. COOLEY: Object to the form. It's vague
2 what you mean by "made."

3 MR. LEE: Okay. I'll rephrase.

4 BY MR. LEE:

5 Q. You posted -- you put this post on Facebook.

6 A. Okay.

7 Q. Yes?

8 A. Yes.

9 Q. And we're looking at a piece of paper, but you actually
10 recall this was a video that you posted on your Facebook
11 page. Correct?

12 MR. COOLEY: Object to the form. It's vague
13 what you mean by "posted."

14 THE WITNESS: Yes.

15 BY MR. LEE:

16 Q. And the video that is displayed in this exhibit is one
17 where that security guard, who's seen in the exhibit,
18 repeatedly groped women who were going through his
19 checkpoint. Is that correct?

20 A. I don't recall exactly what was in the video. I don't
21 recall -- how long ago was this? Do you know?

22 Yeah. I don't recall.

23 Q. Do you see how it's got on the bottom of it 1, 2, 3, 4,
24 5 laughing, smiling, crying faces?

25 A. Yes.

1 Q. Is it your experience on social media that people post
2 emojis such as the laughing, crying, smiling face, when
3 something is funny?

4 A. Yes.

5 Q. And so what was your intent when you posted a video on
6 Facebook of a security officer groping women at a
7 checkpoint?

8 A. I don't know.

9 Q. Did you think it was a funny video of this individual
10 officer groping women at a security checkpoint?

11 A. Well, without knowing exactly what the video was, I --
12 it's entirely possible I thought it was humorous.

13 Q. Now, earlier I asked you if you thought it was humorous
14 or something to make light of that a security officer or
15 police officer would grope women. Do you recall that?

16 MR. COOLEY: Okay. Object to the form. It's
17 compound.

18 THE WITNESS: I do.

19 BY MR. LEE:

20 Q. Do you remember your answer?

21 A. I do.

22 Q. Do you want to change your answer?

23 A. I do not.

24 Q. So do you believe in retrospect it was inappropriate for
25 you to post this video?

1 A. I don't know what this video is -- I don't know -- I
2 don't remember what this video is, so taking your word
3 for it, I don't know what this video is.

4 Q. On the top of Exhibit 4 it says: Hard to read the
5 subtitles, comma, but funny.

6 A. Yes.

7 Q. You are the one who wrote "but funny." Correct?

8 MR. COOLEY: Object to the form. Calls for
9 speculation.

10 THE WITNESS: Yeah. I'm not sure if that's
11 attached to the video or if that was part of the video.
12 I don't know. I don't recall.

13 My memory serves me, this was a long, long time
14 ago. I have very little memory of what the video is
15 about or -- I don't know how long it was. I don't
16 recall.

17 BY MR. LEE:

18 Q. Was it prior -- did you post this prior to your time in
19 law enforcement beginning?

20 A. I don't recall. There's no date on it. I don't recall.

21 Q. Would you agree that, if an elected county sheriff posts
22 a video saying it's funny, where in a video a security
23 officer is groping women, that might send the wrong
24 message to sheriff's deputies?

25 MR. COOLEY: Object to the form. It's vague

1 what you mean by "security officer."

2 THE WITNESS: And yes, I would agree with that.

3 MR. LEE: Can I have that one marked.

4 (Exhibit 5 was marked for
5 identification.)

6 BY MR. LEE:

7 Q. Sheriff, have you seen the letter that's marked as
8 Exhibit 5?

9 A. I believe so, yes.

10 Q. And what is Exhibit 5?

11 A. It's a letter from Jeff Asher to prosecutor Gaylord.

12 Q. And when did you first see it?

13 A. Again, this would be something that the prosecutor would
14 have brought over to me. I don't know when I've seen
15 it. It would have, obviously, been after April 6th of
16 2017.

17 Q. When you say the prosecutor, you mean prosecutor Gaylord
18 brought this over and showed it to you?

19 A. Or somebody from his office.

20 Q. Do you recall who?

21 A. I don't recall how I got this copy -- how I got a copy
22 of this.

23 Q. Do you recall that -- being advised by prosecutor
24 Gaylord that Jeff Asher was calling for an outside
25 investigation of you by the Washington State Patrol?

1 A. I do recall that, yes.

2 Q. How did you feel when you learned that Jeff Asher was
3 asking for an investigation of you by the Washington
4 State Patrol for an alleged criminal act?

5 A. How did I feel?

6 Q. Yes. How did you feel?

7 A. It didn't surprise me, coming from him.

8 Q. Did you ask prosecutor Gaylord not to send the case out
9 to an outside agency for criminal investigation?

10 A. I did not.

11 Q. Did prosecutor Gaylord assure you he would not send the
12 case to an outside agency for criminal investigation?

13 A. He did not.

14 Q. What did prosecutor Gaylord tell you about whether or
15 not he was going to send the case to an outside agency
16 for a criminal investigation?

17 A. I'm not sure it even came up. That would be his
18 prerogative, and if he was considering it he did not
19 consult me.

20 Q. Why was the case against Stephen Parker sent to an
21 outside agency for an investigation?

22 A. The -- are you talking about the Parker-Natalia case?

23 Q. Yep.

24 A. Because Stephen Parker was a detective.

25 I have two detectives. The other detective is

1 the detective that sits right next to him in the office.
2 For, one, caseload and, two, transparency I didn't want
3 to include the only other detective I have to
4 investigate his partner. It just wouldn't be
5 appropriate, and so I opted to send it to Skagit County.

6 Q. So would you agree that, when there has been an
7 allegation against somebody inside your own agency, it
8 should be sent to an outside agency for investigation?

9 A. No.

10 MR. COOLEY: Object to form. Okay.

11 BY MR. LEE:

12 Q. Why not?

13 A. It's all different. I mean, there are a lot of
14 different circumstances to take into account, and I -- I
15 don't think that, just because somebody makes an
16 allegation, you're going to send it out to an outside
17 agency.

18 Q. Do you believe that investigations can be conducted by
19 an inside -- inside the agency?

20 A. I do.

21 Q. Okay. So when the allegation that Jeff Asher made that
22 you committed a crime was presented to the prosecutor
23 and you through the prosecutor, who conducted the
24 investigation of Jeff Asher's allegation against you?

25 A. I don't know.

1 Q. Is the answer nobody?

2 A. The answer is I don't know.

3 Q. Are you aware of any investigation against you based on
4 the allegations from Jeff Asher?

5 A. I'm not.

6 Q. Did you ever tell Stephen Parker that Jeff Asher had
7 warned you about Stephen Parker?

8 A. I don't know that we did.

9 Q. Do you know that you didn't?

10 A. I don't know that I didn't, but I don't know that I did
11 either, so I don't recall.

12 (Exhibit 6 was marked for
13 identification.)

14 BY MR. LEE:

15 Q. Sheriff, have you seen Exhibit 6 before?

16 A. Yes, I believe I have.

17 Q. And when have you seen it?

18 A. So Randy cc'ed me on it. It would have been on or
19 around April 27th.

20 Q. And what is it?

21 A. It's a letter from prosecutor Gaylord to Jeff Asher.

22 MR. LEE: Can we mark Exhibit 8.

23 (Exhibit 7 was marked for
24 identification.)

25 (Discussion held off the record.)

1 BY MR. LEE:

2 Q. Please direct your attention to Exhibit 7.

3 A. Okay.

4 Q. Have you seen Exhibit 7 before?

5 A. I have.

6 Q. Did you author Exhibit 7?

7 A. I believe so, yes.

8 Q. And what is Exhibit 7?

9 A. It's a step-by-step basic misconduct of Detective
10 Stephen Parker.

11 Q. Is there anything -- well, what did you do to prepare
12 this Exhibit 7?

13 A. I don't recall exactly what I did to prepare.

14 Q. What did you do generally to prepare yourself to produce
15 Exhibit 7?

16 A. I would have went through any investigation material we
17 have, any background material we have.

18 Q. Would that include the SMART team report from Skagit
19 County?

20 A. I believe so, yes.

21 Q. Did you personally type up Exhibit 7?

22 A. I believe so.

23 Q. And what is Exhibit 7?

24 A. It's a step-by-step kind of a synopsis of the misconduct
25 of Detective Parker.

1 Q. And why did you produce this?

2 A. I don't recall why I produced it, other than maybe for
3 his file, or it's possible I produced it for the
4 Criminal Justice Training Commission as we were sending
5 him in to have his certification revoked.

6 Q. Is there anything that you believe needs to be changed,
7 modified, corrected in the report you produced
8 Exhibit 7?

9 A. I don't know.

10 Q. Go ahead and take an opportunity to look at it and let
11 me know.

12 MR. COOLEY: It's four pages single-spaced --

13 THE WITNESS: I'm not going to have time to --

14 BY MR. LEE:

15 Q. You don't believe you intentionally wrote anything wrong
16 in there, do you?

17 A. I don't believe I intentionally wrote anything wrong,
18 no.

19 Q. Did you have anyone review it before you printed it out
20 and signed it?

21 A. I generally have someone review it to look for
22 correction, errors, grammatical errors, just make sure
23 that it makes sense, so I probably might have had my
24 undersheriff review it, but I don't know that for
25 certain.

1 Q. So the second paragraph, it says -- go ahead and read
2 the second paragraph to yourself.

3 A. Okay.

4 Q. Is that accurate, the second paragraph of Exhibit 7?

5 A. I believe so, yes.

6 Q. Okay. It says: This information was put in writing and
7 provided to San Juan County Sheriff Ron Krebs.

8 And that is in reference to the allegation made
9 by Natalia Garcia. Correct?

10 A. Correct.

11 Q. Who put that allegation in writing?

12 A. I believe it was one of the victim advocates in the
13 prosecutor's office, if I recall correctly. In fact, I
14 think it says victim advocate San Juan County reported
15 the victim teacher. I believe it was the victim
16 advocate that put it in writing.

17 Q. And did she provide that to you in writing at the
18 initial meeting that you had with Teresa at the
19 prosecutor's office?

20 A. I don't recall.

21 Q. Was it after the initial meeting with Teresa at the
22 prosecutor's office?

23 A. I don't recall.

24 Q. Did you retain a copy of that written document?

25 A. Yes.

1 Q. Do you still have access to it?

2 A. I should have access to it, yes.

3 Q. Do you recall what it said?

4 A. I don't.

5 Q. At the time that you received this written notification
6 of an allegation against Stephen Parker, was Dr. Tinner
7 incarcerated in jail?

8 A. I believe so.

9 Q. At the time that you received written notice of the
10 allegations against Stephen Parker, how long did you
11 wait before you notified Dr. Tinner's defense team?

12 A. I did not notify the defense team.

13 Q. Did you believe they had a right to know?

14 MR. COOLEY: Object to the form. Calls for
15 legal conclusion.

16 THE WITNESS: I believe the prosecutor notified
17 the defense team.

18 BY MR. LEE:

19 Q. In the next paragraph it says that both the victim,
20 which is Natalia Garcia, and Stephen Parker denied
21 sexual encounter.

22 Is that accurate?

23 A. Yes.

24 Q. Between the two of them?

25 A. That is.

1 Q. Okay. So originally she said she had sex with Stephen
2 Parker. Is that your understanding?

3 A. Yes.

4 Q. And then she said she didn't have sex with Stephen
5 Parker. Is that your understanding?

6 A. Yes.

7 Q. And then later she changed her story again and said she
8 did have sex with Stephen Parker.

9 A. Yes.

10 Q. Does that sound like a credible witness to you?

11 MR. COOLEY: Object to the form.

12 THE WITNESS: Yeah. I couldn't answer that.

13 BY MR. LEE:

14 Q. Do you know or have reason -- I'll start the question
15 over.

16 Do you have any idea why she changed her story
17 as it relates to Stephen Parker twice?

18 A. I don't.

19 Q. Do you believe it's because he pressured her to change
20 her story?

21 MR. McMAHON: Object to form.

22 THE WITNESS: I don't know. I don't know why
23 she changed her story.

24 BY MR. LEE:

25 Q. Was she told to fix it by Stephen Parker?

1 MR. McMAHON: Object to the form.

2 THE WITNESS: I don't know.

3 BY MR. LEE:

4 Q. Says on September 21st the victim agreed to provide a
5 new statement and an investigation was reopened. Do you
6 see that?

7 A. I do.

8 Q. Why did she -- I'll say this. Who asked her to provide
9 a new statement?

10 A. I don't know.

11 Q. Do you know why she provided a new statement?

12 A. I don't.

13 Q. Was he on administrative leave prior to her providing
14 that new statement, Stephen Parker?

15 A. No.

16 Q. It says: In the interim Mr. Parker was placed on paid
17 administrative leave.

18 Do you know when that began?

19 A. That would have been as soon as we received the
20 statement from Miss Garcia.

21 Q. The third statement about Stephen Parker from her?

22 A. The one after she recanted her story. She gave another
23 one on or about September 21st, so it was that statement
24 on that date.

25 Q. So statement number one from Natalie Garcia is that she

1 had a sexual relationship with Stephen Parker.

2 Statement number two is that she said she didn't have a
3 sexual relationship with Stephen Parker. And statement
4 number three is the same as statement number one, being
5 that she had a sexual relationship with Stephen Parker.

6 Correct?

7 A. Correct.

8 Q. When she made statement number one, you did not put him
9 on administrative leave?

10 A. Statement number one was just a verbal admission, which
11 then came to our office. It was very general and vague.

12 Statement number three had some very detailed
13 dates and times and information that there is no way she
14 would have known, had she not been there. So based on
15 the second or the -- excuse me -- the third less -- much
16 less general, very more -- very much more specific
17 statement, that's when we placed him on administrative
18 leave.

19 Q. And at some point Detective Parker provided a written
20 statement under the penalty of perjury in which he wrote
21 he had no relationship of any kind with the victim. And
22 that's what you wrote. Correct?

23 A. Yeah. That's -- he provided that statement to Detective
24 Lori Sigman during the first -- the first investigation
25 into him.

1 Q. And from all the information that you have, his denial
2 of a sexual relationship with Natalie Garcia under the
3 penalty of perjury was not credible?

4 MR. McMAHON: Object to the form of the
5 question.

6 MR. COOLEY: Join.

7 THE WITNESS: His denial was not credible? Or
8 his denial was credible?

9 BY MR. LEE:

10 Q. His denial was not credible.

11 MR. McMAHON: Same objection.

12 THE WITNESS: Are you talking about on the
13 first -- the first investigation?

14 BY MR. LEE:

15 Q. Okay.

16 A. I guess -- I think I'm -- I think we're looking at this
17 from different angles here.

18 Q. Okay. Did you conclude that there was overwhelming
19 evidence to believe that Stephen Parker had a sexual
20 relationship with Natalie Garcia?

21 MR. McMAHON: Object to the form.

22 BY MR. LEE:

23 Q. At the conclusion of the investigation.

24 A. At the conclusion of the second investigation, yes.

25 Q. Okay. Yet Stephen Parker wrote under the penalty of

1 perjury that he never had any sexual relationship with
2 Natalia Garcia. Is that my understanding?

3 A. Yes.

4 Q. Is it a crime to make a false statement under the
5 penalty of perjury?

6 MR. McMAHON: Object to the form of the
7 question.

8 MR. COOLEY: Yeah. Join. Calls for a legal
9 conclusion.

10 THE WITNESS: Yeah. I'm not sure. Yes, it is a
11 crime. I don't know whether it's a crime here.

12 BY MR. LEE:

13 Q. You're not sure whether it's a crime here in the state
14 of Washington --

15 A. No. In this situation I don't know -- I don't know.
16 Yeah. I'm -- I agree it is a crime to commit perjury.
17 I know perjury is a very high bar. I don't know whether
18 this rises to perjury or not. It was not prosecuted, so
19 I couldn't answer that question. I don't have that
20 legal background to dissect all that.

21 Q. In your report you say that Stephen Parker and Natalia
22 Garcia had sex at a Orcas substation.

23 A. Where are you looking at here? Which one -- which page?

24 Q. We'll come back to that one.

25 Top of page 2. Five or six lines down.

1 A. Okay. Yes.

2 Q. What do you mean when you say a substation?

3 A. I have a station where the deputies, the resident
4 deputies on Orcas Island go to, to do their reports.
5 There's a temporary holding facility in there. There
6 are computers, desk. It's the office space on Orcas.

7 Q. If you go down to section 2, disrespectful conduct
8 towards victim.

9 A. Yes.

10 Q. Go ahead and read that section to yourself. Let me know
11 when you're finished.

12 A. Okay.

13 Q. You concluded, based on your review of the SMART report,
14 that at times -- quote, at times the sex is described by
15 the victims in ways that shows disrespect and conduct
16 that is uniquely unbecoming of an officer, sometimes
17 unexpected, demeaning, and embarrassing, end quote.

18 A. Yes.

19 Q. What was disrespectful of Miss Garcia on the part of
20 your deputy, Stephen Parker?

21 A. I would have to go back and look at the Skagit report.

22 I believe it was just the different acts, sexual
23 acts, is my recollection. I don't recall the specific
24 acts that were committed.

25 Q. Well, just generally. I mean, sex is not inherently a

1 disrespectful act.

2 A. No. I believe there was some -- I don't recall. It
3 was -- it was -- maybe they had anal sex and she didn't
4 like it and he wanted to do it but she allowed him.

5 I believe there was maybe oral sex in there that
6 was involved that was disrespectful, if I recall
7 correctly.

8 Like I said, I have to go back and read the
9 report, but what I read led me to believe it was
10 disrespectful and not something normal or respectful.

11 Q. In section 4 you call out the fact that Stephen Parker
12 used aliases to hide his communications with
13 Miss Garcia.

14 A. Yes.

15 Q. Was it your opinion that the use of an alias indicated
16 that Mister -- Deputy Parker knew his actions as it
17 relates to Miss Garcia were improper?

18 MR. McMAHON: Object to the form of the
19 question.

20 THE WITNESS: I believe he was doing everything
21 he could to hide it from his wife, so...

22 MR. LEE: What's the setup language? Which one
23 is that?

24 BY MR. LEE:

25 Q. Sheriff, in section 7 --

1 MR. LEE: Thank you.

2 BY MR. LEE:

3 Q. -- about halfway down, you wrote that of particular
4 concern are the statements by Mr. Parker to the victims'
5 advocate that the victim set up the teacher and that she
6 was reluctant to testify, end quote.

7 Did I read that correctly?

8 A. Yes.

9 Q. When you say that Stephen Parker said that the victim
10 set up the teacher, the person you're referring to as
11 the victim is Natalia Garcia. Correct?

12 A. I believe so, yes.

13 Q. And the teacher is Dr. Gerald Tinner. Correct?

14 A. Correct.

15 Q. So based on your review of all the information, you
16 concluded that Detective Parker stated that Natalie
17 Garcia set up Dr. Gerald Tinner.

18 A. Yeah. I agree that she -- that Detective Parker stated
19 that, yes.

20 I don't agree that -- I don't -- I don't have an
21 opinion one way or the other whether she did. I agree,
22 yes, that Detective Parker said that.

23 Q. Said that Natalie Garcia set up Dr. Tinner?

24 A. I believe he said she sets people up, is what he said.

25 Q. And here in your conclusions it's specifically that

1 Natalie Garcia set up Dr. Gerald Tinner.

2 A. Okay.

3 Q. Is that correct? Yes or no?

4 A. Yeah. That's what's in here, yes.

5 Q. Thank you.

6 Would you agree that, if Stephen Parker, one of
7 your deputies, had reason to believe that complaining
8 witness Natalie Garcia set up Dr. Tinner, Stephen Parker
9 had an obligation to disclose that information
10 immediately to Dr. Tinner's defense team?

11 A. Yes.

12 Q. Is Stephen Parker a liar?

13 A. Yes.

14 MR. McMAHON: Object to the form of the
15 question.

16 THE WITNESS: I believe so.

17 BY MR. LEE:

18 Q. Would you describe Stephen Parker's misconduct as
19 shocking to the conscience?

20 A. Yes.

21 MR. LEE: We're going to take a short break, if
22 that's okay.

23 (At 2:59 p.m. a recess was taken until
24 3:06 p.m.)

25 THE VIDEOGRAPHER: I'm back on the record.

1 BY MR. LEE:

2 Q. Sheriff, do you know what a Brady list is?

3 A. I do.

4 Q. Do you keep a Brady's list -- a Brady list at the San
5 Juan County Sheriff's Office?

6 A. I do.

7 Q. Please identify every officer who is on your Brady list.

8 A. Undersheriff Zac Reimer.

9 Q. Is he currently an undersheriff?

10 A. Yes.

11 Q. And how does an officer get on your Brady list?

12 A. It is generally something that either the prosecutor or
13 the sheriff places the officer on.

14 This came from a Skagit County -- excuse me -- a
15 Whatcom County prosecutor that put him on a Brady list.

16 Q. And when did the -- are there any other officers on the
17 Brady list?

18 A. Not that I'm aware of.

19 Q. And what are the criteria for being placed on a Brady
20 list?

21 A. Well, generally it's dishonesty, or it could be
22 conflicting testimony. There's a number of things that
23 could put you on a Brady list.

24 Q. And when -- you're saying that your current undersheriff
25 is on the Brady list because of a letter placing him on

1 the Brady list from the Whatcom County Prosecuting
2 Attorney's Office?

3 A. Yes.

4 Q. When was that letter written?

5 A. I don't know the exact date.

6 Q. When was that letter written generally?

7 A. I don't know. It was prior to him working for the San
8 Juan County Sheriff's Office.

9 Q. When was your current undersheriff hired to begin
10 employment at the San Juan County Sheriff's Office?

11 A. Sometime in 2014, I believe.

12 Q. And was he hired as the undersheriff?

13 A. No. He was hired as a deputy.

14 Q. So when you became the elected sheriff, your current
15 undersheriff was just a deputy?

16 A. My current undersheriff was a detective at the time.
17 When I was elected Sheriff, the undersheriff that I
18 named as my undersheriff was a detective. He retired.
19 And I have the undersheriff I have now.

20 Q. So you selected personally the undersheriff you had now.

21 A. I did.

22 Q. And he was on the Brady list when you selected him to be
23 the undersheriff for San Juan County.

24 A. I did. He was --

25 Q. And when you -- and the undersheriff is the one -- is

1 the Number Two person in your office. Right?

2 A. Yes.

3 Q. And prior to making him your current undersheriff you
4 were aware that he had already been placed on the Brady
5 list because of a letter from the San Juan County
6 Prosecuting Attorney's Office -- or excuse me -- Skagit
7 County Prosecuting Attorney's Office?

8 MR. COOLEY: Whatcom.

9 MR. LEE: Whatcom County. Thank you.

10 THE WITNESS: Yes. The Whatcom County attorney,
11 yes.

12 BY MR. LEE:

13 Q. And you were aware that he was placed on that Brady list
14 for dishonesty?

15 A. Yes.

16 Q. Yet you made him the Number Two person at the sheriff's
17 office?

18 A. Yes.

19 Q. And what year did you make him your undersheriff?

20 A. Just this last year. 2018, I believe.

21 Q. Did you ever place Deputy Asher on the Brady list?

22 A. I did not.

23 Q. I'm going to turn your attention back to Exhibit 4.

24 A. Okay.

25 Q. That's your Facebook post?

1 A. I believe so.

2 Q. And I'm going to play for you a video on YouTube, and
3 the video is titled Funny Security Guard. And you tell
4 me if this is the video that you posted on your Facebook
5 page.

6 (A video was played.)

7 THE WITNESS: Okay.

8 BY MR. LEE:

9 Q. Sheriff, the video I played you, does that appear to --
10 well, does that refresh your recollection at all?

11 A. Vaguely.

12 Q. Vaguely?

13 A. Yeah.

14 Q. Does that appear to be the video that you posted on
15 Facebook?

16 A. Looks like the same people in it, yes.

17 Q. So in the video that you posted on Facebook, now that
18 you've had a chance to rewatch it, was the security
19 guard repeatedly groping women in a sexual manner?

20 A. Yes.

21 Q. Do you think that that is something to laugh about?

22 A. No.

23 Q. Did you post it anyhow and say that it was funny?

24 A. I possibly did. I posted it, obviously. I don't recall
25 what I was thinking at the time or, like I said, even

1 how long ago it was.

2 MR. LEE: That's all we have.

3 MR. McMAHON: Why don't we switch places --

4 MR. LEE: Sure. Yeah. Great.

5 THE VIDEOGRAPHER: I'm off the record.

6 (At 3:13 p.m. a recess was taken until
7 3:22 p.m.)

8 THE VIDEOGRAPHER: I'm back on the record.

9 EXAMINATION

10 BY MR. McMAHON:

11 Q. Sheriff Krebs, my name is Patrick McMahon. I represent
12 former deputy Detective Parker in this case. And we
13 were introduced to one another earlier this morning.
14 And I appreciate your patience. I have a few questions
15 for you, follow-up questions.

16 You were asked today numerous questions by two
17 plaintiff's attorneys, one verbally and one by
18 whispering in the attorney's ear or sending messages, so
19 if some of my questions overlap or say something that
20 you've already answered, I'm not doing that
21 intentionally. But you've been asked quite a few
22 questions today so...

23 You were asked whether you had ever met Natalie
24 Garcia, and I believe your response was you saw her or
25 were introduced to her one time in the Sheriff's

1 Department office. Is that correct?

2 A. Correct.

3 Q. Have you met any other members of her family?

4 A. I don't believe so.

5 Q. Is -- the Garcia family is an extended family? Do you

6 have an understanding of that?

7 A. I don't.

8 Q. Do you have any knowledge of the Garcia family in the

9 San Juan County community?

10 A. I don't. They live on Orcas Island, and my office and

11 where I spend the vast majority of my time is on San

12 Juan Island, so they're two totally different

13 communities and I don't -- I don't have any knowledge or

14 anything of her or them.

15 Q. Do you have any knowledge or information where she

16 currently resides?

17 A. I don't.

18 Q. You testified that you on one or two occasions, maybe a

19 few more times, popped your head into the courtroom

20 during the trial of Mr. Tinner. Do you recall that

21 testimony?

22 A. I do.

23 Q. And I take it from your answer that you weren't in there

24 for any sustained period of time observing the testimony

25 of the trial proceedings. Is that accurate?

1 A. Not that I recall.

2 Q. Did you come to learn, at some time during the course of
3 the trial or subsequent to Mr. Tinner being convicted
4 for having sex with Natalie, that the prosecution had
5 presented DNA evidence of Mr. Tinner's semen being
6 intermingled with her bodily fluids?

7 A. Yes.

8 Q. And did you come to know at some -- did you know that
9 during the course of the trial, that that evidence was
10 going to be presented by the State?

11 A. Yes.

12 Q. And you knew that the prosecuting attorney that was
13 prosecuting Mr. Tinner had presented that evidence
14 through a pathologist from the state crime lab?

15 A. Yeah. I don't know how he presented it. I know that it
16 was presented.

17 Q. Did you come to learn during the course of the trial
18 that Mr. Tinner's defense attorney presented no refuting
19 evidence or contradictory evidence to that DNA
20 testimony?

21 A. Yeah. I don't know.

22 Q. Have you come to learn since that that never was
23 presented?

24 A. I don't recall. I might have heard that, but I don't
25 recall.

1 Q. Has anyone indicated to you that Mr. Tinner's criminal
2 defense attorney was somehow not competent in his
3 representation of Mr. Tinner during his criminal trial?

4 A. No.

5 Q. A lot of testimony and questions regarding former deputy
6 Asher from your department.

7 A. Yes.

8 Q. And he's no longer with your department. Is that my
9 understanding?

10 A. Correct.

11 Q. When did he leave?

12 A. January of this year, 2019.

13 Q. And how many years did he serve as a deputy sheriff?

14 A. Approximately 30.

15 Q. During that period of time when -- after Mr. Parker was
16 hired on as a detective with your department or with
17 your Sheriff's Office, it appears that Mister or
18 Deputy Asher took it upon himself to do his own
19 investigation, background investigation, and continuing
20 investigation regarding Deputy Parker.

21 Is that an accurate statement from your
22 perspective as the sheriff of the county?

23 A. Yes.

24 Q. So some of these exhibits that were presented where Jeff
25 Asher, Deputy Sheriff, is presenting emails or letters

1 to either the prosecutor or to yourself regarding his
2 thoughts and his opinions regarding Detective Parker,
3 was that done on county time? Do you know?

4 A. I -- I don't know.

5 Q. Do you know if he used county facilities to do the
6 investigation, computers, typing it out on county
7 property?

8 A. I don't know.

9 Q. Would that have been authorized?

10 A. It depends. It would be a case-by-case basis,
11 potentially. It maybe wouldn't not be authorized.
12 It -- there's -- that's -- there's a lot to it that --
13 that I would have to look at, whether or not it would be
14 authorized or unauthorized.

15 Q. Is that something that you would encourage, that
16 somebody like Deputy Asher, who has somewhat of an axe
17 to grind with Detective Parker, would take it upon
18 himself to do his own internal investigation to
19 discredit someone that came with high credentials to be
20 a deputy sheriff in your department?

21 A. Are you talking about the original information he
22 received, or are you talking about something that
23 happened beyond that, much later than that?

24 Q. From the original all the way through until he retired.

25 A. Then I would say no, that's not something I would

1 authorize.

2 Q. Do you have any information whether Asher ever went to
3 any other law enforcement agency or any other
4 prosecuting authority to do their separate investigation
5 into his allegations regarding Detective Parker?

6 A. I'm sorry. Deputy who? Parker?

7 Q. Yes.

8 A. Oh. I don't.

9 Q. All right. So, to the best of your knowledge, you don't
10 know whether Asher went to another prosecuting attorney
11 in another county and said: Hey, take a look at
12 Detective Parker. He's got some issues I'm concerned
13 with.

14 A. No. I don't know that. Don't know if he did.

15 Q. 30-year law enforcement officer. Did he go to any other
16 law enforcement agencies and ask for an assist to do
17 background checks and to verify any of the complaints
18 and allegations he was making about Mr. Parker?

19 A. Not that I'm aware of.

20 Q. I came away with a distinct impression based on the
21 questions you were asked, Sheriff, that you're of the
22 opinion that Deputy -- former Deputy Asher has an axe to
23 grind or a grudge against Mr. Parker.

24 Is my assessment accurate?

25 A. Yes. I would agree with that.

1 Q. And what was that based on, from your perspective as the
2 sheriff?

3 A. I don't know.

4 Q. You indicated that Asher has a tendency to behave that
5 way with other deputies over his 30-year tenure or for
6 how many years you were associated with him in law
7 enforcement?

8 A. Yes.

9 Q. And I think I heard you use the word he has a certain
10 paranoia with other officers.

11 A. Yes.

12 Q. Has he been passed over for promotions during his tenure
13 as a deputy sheriff in your office?

14 A. I don't know. I believe so, but, yeah, I don't know.
15 I'd have to go back and look at his file.

16 Q. And I understand you don't have his personnel file with
17 you.

18 A. Yeah.

19 Q. Do you have an independent recollection whether he ever
20 served as a detective investigating sex crimes?

21 A. He did serve as a detective years ago, yes.

22 Q. Did he do so while he was under your command?

23 A. No.

24 Q. Did Asher ever come to you, as the sheriff, and lodge
25 any complaints about how Detective Parker was

1 investigating Tinner's sexual activity with Natalie
2 Garcia?

3 A. I don't believe so, no. No.

4 Q. Now, he ran against you for the elected position of
5 Sheriff of San Juan County. Is that correct?

6 A. He did.

7 Q. And what year was that?

8 A. Last year, 2018.

9 Q. So that was after the Tinner trial. Is that correct?

10 A. Yes.

11 Q. And he lost, obviously.

12 A. Yes.

13 Q. What was the margin of defeat?

14 A. It was fairly large. 12, 13 percent. I don't recall.

15 Q. Had he run for the position of sheriff prior to you
16 becoming the elected sheriff?

17 A. Yeah. This was, I believe, his fourth time running.

18 Q. And has he ever been elected by the citizens of San Juan
19 County to hold the highest law enforcement position in
20 the county?

21 A. No.

22 Q. Since he has retired from law enforcement, does he have
23 the ability, if you can educate me, to run for Sheriff
24 when your term expires?

25 A. Yes.

1 Q. All right. So, in other words, he -- he's still
2 accredited with the Washington State Criminal Justice
3 Training Commission?

4 A. Yes.

5 Q. And he may not necessarily serve on any department, but
6 he could conceivably file to run for Sheriff in San Juan
7 County against you.

8 A. Yes.

9 Q. Have you heard any rumblings that he may attempt to
10 unseat you in your next election?

11 A. No.

12 Q. When does your term expire?

13 A. Two -- this is the first year, so three years from now.
14 2022.

15 Q. And it may be somewhat premature to ask you, but do you
16 plan on running again?

17 A. Yes.

18 Q. How old are you?

19 A. 51. 51.

20 Q. And I believe you were asked this question, but help me
21 out. How many years do you have in law enforcement?

22 A. I have about 13 years, roughly.

23 Q. When the Skagit County Sheriff's Department, the SMART
24 team, did their investigation into the allegations
25 levied against Detective Parker, how was that agency

1 chosen?

2 A. I chose them. I -- they were the county right next door
3 to us. It was logistically easy for them -- for us --
4 me to go over to meet with them, for them to come over
5 here, should they need to. So I chose Skagit County.

6 Q. Is that within your discretion --

7 A. Yes.

8 Q. -- as the elected sheriff?

9 A. Yes.

10 Q. Have you reciprocated? In other words, has San Juan
11 County done investigation for Skagit County?

12 A. No.

13 Q. Has your county done investigations for other law
14 enforcement entities?

15 A. No.

16 Q. And do you know why?

17 A. No.

18 Q. Smaller department or --

19 A. Yeah, it's possible. It's -- we're -- we have two
20 detectives so -- and they all know that. All the
21 counties in our area know that.

22 So for them -- for us to handle an investigation
23 on another agency would take essentially 50 percent of
24 my detective force out to go do it, where you have
25 Anacortes or Skagit or Whatcom that have a very large

1 detective cadre that could handle it much easier.

2 And the SMART team is a Skagit multiagency
3 response team -- that's all the counties in Whatcom,
4 Skagit, and I believe Island County now -- that dedicate
5 either a detective or two to this team that then that's
6 what they do.

7 Q. So the team -- the team that did the investigation into
8 Detective Parker had representatives from other law
9 enforcement agencies other than just Skagit County.

10 A. I would assume so. I don't recall exactly who was on
11 the team or who was in charge of the investigation into
12 Deputy Parker. We used the SMART team. It could have
13 been just Skagit County detectives.

14 I don't know. I don't remember.

15 Q. Do you have a recollection of how it came about that you
16 were going to turn that investigation over to Skagit
17 County or the SMART team? Did you make the request or
18 did your undersheriff?

19 A. No. I made the request.

20 Q. And would that be a phone call from sheriff to sheriff?

21 A. I believe I called Sheriff Reichert, yes, and he put me
22 in touch with Tom Molitor, who I think at the time --
23 M-o-l-l-i-t-o-r [sic]-- who I believe at the time was
24 the -- either the chief or the head of the SMART team.

25 Q. And after that investigation no criminal charges were

1 ever filed against former Detective Parker. Is that
2 correct?

3 A. That's my understanding.

4 Q. So all of the discussion about whether he may or may not
5 have committed perjury or he may or may not have
6 committed some sort of crime, no legitimate prosecuting
7 authority from any county has ever filed a criminal
8 charge against former Detective Parker. Is that
9 correct?

10 A. It's my understanding.

11 Q. Are you aware that Mr. Tinner took it upon himself, as a
12 non-law enforcement person, to attempt some sort of
13 prosecution or court proceedings against Mr. Parker?

14 A. I heard something about it. I'm not intimately aware of
15 details into that, but I did -- I heard something about
16 it.

17 Q. You state that you don't have intimate details about it.
18 Give me your best recollection of what you recall having
19 heard or been educated about.

20 A. Sorry.

21 I think I just -- I think I heard it either in
22 the community or I read about it in the paper. I heard
23 about it somewhere.

24 I don't believe there was any actual
25 conversation between the prosecutor's office and my

1 office or anything. It's entirely possible that I heard
2 about it from one of the prosecutors that's in my office
3 almost daily. It might have been mentioned there. I
4 don't recall where I heard about it, and I -- I don't
5 know anything else other than that. I didn't look into
6 it or investigate it or research it or anything.

7 Q. Do you have any understandings whatever proceedings
8 Mr. Tinner attempted to bring against Mr. Parker were
9 ultimately dismissed or thrown out of court?

10 A. No. I don't.

11 And, to go back one, I will say that I do
12 remember thinking that it was odd that somebody other
13 than the Prosecuting Attorney can file charges against
14 someone else, and that was -- I thought that, and that
15 was really the end of it. It's where I stopped thinking
16 about it.

17 Q. Other than Tinner engaging in that process, you've had
18 no experience or haven't learned about that in your law
19 enforcement experience?

20 A. I'd never heard of that before.

21 Q. How long has prosecutor Gaylord been the elected
22 prosecutor in San Juan County, approximately?

23 A. 20-plus years.

24 Q. As long as you --

25 A. Is my guess.

1 Q. As long as you've been in law enforcement?

2 A. Yes.

3 Q. And from your exposure to him as a prosecuting
4 authority, do you have respect for his abilities as a
5 prosecutor?

6 A. I do.

7 Q. Do you have respect for his integrity as a prosecuting
8 attorney?

9 A. I do.

10 Q. And did you question at all in the back of your mind, as
11 an experienced law enforcement officer and as the
12 Sheriff of San Juan County, that he was justified in
13 bringing criminal charges against Tinner for the felony
14 crime of having sexual relations with a student?

15 MR. POWER: Calls for legal conclusion.

16 THE WITNESS: Yeah. I would say that I trust
17 his judgment, but I wouldn't be able to answer that
18 question. That's not a decision I would make. Not a
19 decision I can make, so it's out of my authority.

20 BY MR. McMAHON:

21 Q. What can you tell me, based on your recollection, again
22 recognizing you haven't reviewed Asher's personnel
23 file -- were there any disciplinary issues that he's
24 undergone while you've been Sheriff?

25 A. Yes. There's -- yes.

1 Q. What's your recollection of what those disciplinary
2 issues were?

3 A. He's had a number of write-ups for failure to follow
4 procedure, failure to follow the chain of command, for
5 failure to properly complete investigations. Those are
6 some of the ones that come to -- come to mind.

7 Q. In your sheriff's office, sheriff's department, you
8 mentioned sergeant somewhere in your earlier testimony.
9 What's the chain of command? You have a deputy sheriff?
10 You have corporals?

11 A. So the chain of command is --

12 Excuse me just one second. Can we take a break
13 real fast?

14 MR. McMAHON: Sure.

15 THE VIDEOGRAPHER: I'm off the record.

16 (At 3:41 p.m. a recess was taken until
17 3:42 p.m.)

18 THE VIDEOGRAPHER: Back on the record.

19 BY MR. McMAHON:

20 Q. We took a quick break there so you could answer a phone
21 call, Sheriff. And I was asking you about the chain of
22 command within your sheriff's department.

23 A. Yes. So the chain of command is deputy sheriff,
24 sergeant, undersheriff, and sheriff. I have a chief
25 civil deputy that manages the civil side, which would be

1 dispatch, and two in the civil office. I have two
2 detectives that kind of fall under the undersheriff, not
3 the sergeant, and I have two Corrections that also fall
4 under the undersheriff directly.

5 Q. So a deputy patrol sheriff, his or her stripes would be
6 to the sergeant level?

7 A. Correct.

8 Q. Did Asher ever obtain any stripes?

9 A. Not that I'm aware of, no.

10 Q. Was he ever demoted that you're aware of?

11 A. I'm -- I don't -- I don't recall the circumstances of
12 him leaving the detectives office. I don't know. That
13 would be the only demotion he would have had, if he had
14 one, and I don't know that he was demoted.

15 Q. So from your perspective as the elected sheriff for San
16 Juan County, have any of Asher's complaints regarding
17 Stephen Parker been substantiated?

18 A. No.

19 Q. And you were asked a question that -- about the
20 presumption of innocence. We're all presumed innocent,
21 even though we may or may not be charged with a crime.
22 You remember that general line of questioning?

23 A. I do.

24 Q. And that certainly would apply to my client Mr. Parker
25 as well, that he's presumed innocent of any thoughts or

1 allegations that somehow he manipulated the evidence
2 involving Natalie. Isn't that correct?

3 A. Yes.

4 Q. You were asked somewhat of an embarrassing question that
5 a complaint was made against you for grabbing a female's
6 breasts. Do you recall that --

7 A. Yes.

8 Q. -- questioning? Okay.

9 And did that -- that resulted in a lawsuit? Did
10 I understand that correctly?

11 A. Yes.

12 Q. And the person, the female that was the plaintiff in
13 that lawsuit, was she in custody?

14 A. She was.

15 Q. At the time she filed the lawsuit?

16 A. Yes.

17 Q. And are you denying the allegation?

18 A. I am. Wholeheartedly.

19 Q. So it was her word against your word.

20 A. Yes.

21 Q. And there wasn't any physical evidence to substantiate
22 whether that happened or didn't happen?

23 A. Correct.

24 There was actually another deputy there that was
25 with me also.

1 Q. The evidence of motel receipts and whatnot in the
2 investigation of Detective Parker, that doesn't
3 establish in any way that he actually had sexual
4 intercourse or sexual relations with Natalie Garcia in
5 that particular motel room, does it?

6 A. The evidence of hotel room receipts -- no, it does not
7 establish that actually sex took place, no.

8 Q. There wasn't any third party that had any independent
9 knowledge or information that Detective Parker actually
10 engaged in any sort of sexual activity with Natalie
11 Garcia. Correct?

12 A. Correct.

13 Q. When you were asked questions about your understanding
14 of the case Brady versus Maryland and the recent
15 phenomenon we've seen about law enforcement officers
16 being placed on a Brady list, is it your understanding,
17 Sheriff, that if an officer is placed on a particular
18 Brady list, that whatever got that officer on the list,
19 that information is not necessarily admissible in any
20 subsequent criminal trial where that officer may be a
21 witness?

22 A. That's my understanding, yes.

23 Q. That's discretionary with the Court. Correct?

24 A. I would assume so. That's -- yeah.

25 Q. Your obligation is whatever you deem to be a Brady

1 violation, whether it be somewhat minor or be somewhat
2 more -- more serious or egregious, that information is
3 to be provided to the criminal defense attorney and the
4 criminal defendant as potential exculpatory evidence.
5 Is that correct?

6 A. That's my understanding, yes.

7 Q. And I don't know if you were asked the question, but was
8 Detective Parker ever placed on a Brady list before
9 Natalie Garcia disclosed that she had been sexually
10 abused by Tinner?

11 A. No.

12 Q. Based on the background check of Detective Parker from
13 the other agencies he served with and being an
14 investigator for the Air Force, criminal investigator
15 for the Air Force, did you have any knowledge that he
16 was placed on any sort of Brady list with those entities
17 before joining your organization?

18 A. No.

19 Q. Your department, your sheriff's office or department
20 runs the jail in San Juan County?

21 A. Yes.

22 Q. It's not run by the commissioners?

23 A. No.

24 It's not really a jail. It's more of a holding
25 facility, a temporary holding facility.

1 Q. So on District Court convictions or sentencing, do they
2 serve their entire time on a misdemeanor, gross
3 misdemeanor in your jail, or do they go somewhere else?

4 A. No, they go somewhere else.

5 Q. Where does San Juan contract with?

6 A. We contract with Yakima.

7 Q. Okay. The time that Tinner was in custody for sexually
8 assaulting Natalie Garcia, was he incarcerated in the
9 San Juan County jail the entire time?

10 A. No. I don't believe he was.

11 Q. Were there any reports that he had been mistreated while
12 he was in your jail, the San Juan County jail?

13 A. Not that I'm aware of.

14 Q. Was he ever placed in any sort of segregation?

15 A. Not that I'm aware of.

16 Q. Do you have a segregation for your smaller jail?

17 A. We do. We have a safety cell that's rubber-coated
18 walls.

19 Q. And to place someone in segregation, that particular
20 inmate or guest, if you will, would either be
21 potentially harmed by other inmates -- correct?

22 A. Correct.

23 Q. -- or they're placed in segregation as a potential
24 penalty for the way they're acting in jail. Is that
25 correct?

1 A. Yeah. It's -- our guidelines generally, if you're a
2 safety risk to other officers, to other inmates, or to
3 yourself is when they go into the safety room. If
4 they're acting out, like, you know, trying to flood the
5 cell or do something malicious mischiefwise, then, yeah,
6 they'll go into the safety cell.

7 Q. So no allegations or complaints that Mr. Tinner, while
8 in the San Juan County jail, had ever been assaulted by
9 another inmate.

10 A. I don't recall that. I don't recall him ever being
11 assaulted by another inmate.

12 Q. Mr. Parker voluntarily left his employment as a law
13 enforcement officer with your agency. Correct?

14 A. Correct.

15 Q. And even though in your investigation report you
16 indicate that you would have ultimately terminated him,
17 that didn't come about. Correct?

18 A. Correct.

19 Q. All right. So did Asher keep going on with his quest to
20 say that he informed people that -- I think the term was
21 used, Parker was a bad apple -- did he continue that
22 quest even after Detective Parker had voluntarily
23 resigned his position? If you can recall the
24 chronology.

25 A. I recall the chronology. I don't recall whether --

1 yeah. I believe he did.

2 Q. Do you know why? Was it an attempt to discredit you?
3 discredit the prosecutor? Just he couldn't let it go?
4 Do you have any sense on why he kept going on and on?

5 A. I have no idea. I don't.

6 Q. When he resigned, did he tell you why he was leaving?

7 A. No.

8 Q. Do you know where he resides now?

9 A. No.

10 Q. Do you think he's still in the county?

11 A. I haven't seen him in a number of months, so I -- I'm
12 not sure where he is. I know he still has property in
13 the county, but I don't know where he's residing.

14 Q. Was it your understanding that prosecutor Gaylord was
15 going to continue with retrying Mr. Tinner based on the
16 evidence he had, despite the Brady allegations involving
17 Detective Parker?

18 A. I don't -- I don't know that.

19 Q. So I'm curious about this Martin Sinclair. I hear
20 people say he's a judge, he's an attorney, he's a good
21 friend of Asher's, and I gathered from your testimony
22 earlier today that you really didn't explore that in
23 depth.

24 A. Correct.

25 Q. Have you ever talked to Martin Sinclair?

1 A. I have not.

2 Q. Has he ever provided a sworn statement or a declaration
3 verifying his allegations about how Detective Parker may
4 have interacted at other agencies in Montana?

5 MR. COOLEY: You can't talk about any of my work
6 product. But if you know for some --

7 BY MR. McMAHON:

8 Q. If you know from any other source other than your
9 attorney.

10 A. No, I don't.

11 Q. Did anybody in your department follow up with this guy?

12 A. I don't believe so.

13 Q. Did anybody from the SMART team contact this Sinclair
14 and see if he has any credibility or validity as to the
15 allegations he purportedly was making to Asher?

16 A. I don't know.

17 Q. Based on a jury having seen Natalie Garcia testify,
18 seeing your sex crime investigator Detective Parker
19 testify, hearing evidence of DNA, Tinner's semen being
20 interchanged with her bodily fluids, could you tell us,
21 Sheriff, how all of the allegations that are being
22 levied against Detective Parker would have made any
23 difference in that criminal trial?

24 A. No. In fact, earlier I was asked if -- you know, why I
25 feel Dr. Tinner is guilty, and basically everything you

1 A. No.

2 MR. COOLEY: Okay. That's all the questions
3 I've got. Thanks.

4 MR. LEE: Just very briefly.

5 EXAMINATION

6 BY MR. LEE:

7 Q. Sheriff, did you testify that when inmates at the San
8 Juan County jail are held for an extended period they're
9 transferred to the Yakima County jail?

10 A. Yes. Currently they are.

11 Q. And you're from Yakima. Correct?

12 A. Correct.

13 Q. And you visit Yakima from time to time?

14 A. Rarely, but, yes.

15 Q. And you're aware through being a sheriff and being aware
16 of criminal activity in the state of Washington that
17 Yakima has a serious problem with criminal street gangs?

18 A. Yes.

19 Q. And the San Juan County jail doesn't have criminal
20 street gangs' members in the jail, does it?

21 A. Correct.

22 Q. But the Yakima County jail has quite a few members of
23 the criminal street gangs in Yakima. Correct?

24 A. I believe so, but I couldn't attest to their population
25 and the demographics of their population.

1 Q. All right. The DNA evidence that was alleged to be
2 Dr. Tinner's was in the custody of Stephen Parker.
3 Correct?

4 A. Correct.

5 Q. A man you have said is a liar. Correct?

6 A. Correct.

7 Q. All right. That's it.

8 MR. COOLEY: Okay. Seeing nothing further,
9 we'll reserve signature --

10 MR. McMAHON: I want to ask one follow-up.

11 EXAMINATION

12 BY MR. McMAHON:

13 Q. Based on that last question, do you have any reason to
14 suspicion that the DNA evidence that the state
15 toxicologist told the jury under oath was the semen of
16 Tinner intermixed with the bodily fluids of the victim
17 Natalie Garcia was somehow tampered with or altered in
18 any way?

19 A. Could you repeat the first part of that question.

20 Q. Do you have any evidence or suspicion that Tinner's DNA
21 evidence consisting of his semen and bodily fluids that
22 was interchanged with the victim Natalie Garcia's bodily
23 fluids was somehow tampered with in any way by Detective
24 Parker?

25 A. I don't.

1 Q. Do you have any explanation at all how Tinner's semen
2 could be in the undergarments of Natalie Garcia?

3 A. No.

4 Q. Thank you.

5 EXAMINATION

6 BY MR. COOLEY:

7 Q. When you say you have no explanation, Sheriff, you mean
8 no explanation other than they had sex.

9 A. Correct. Other than what was already alleged and
10 adjudicated. Yes.

11 No. I thought about that. I'm sorry. I --
12 yes. Exactly.

13 THE VIDEOGRAPHER: This will mark the end of the
14 deposition at 4:01.

15 THE COURT REPORTER: Can I get your orders,
16 please.

17 MR. COOLEY: Reserve signature and take a copy
18 if it's ordered. Electronic for everything, please.

19 MR. POWER: We'll order.

20 MR. McMAHON: Copy.

21 (Proceedings adjourned at 4:02 p.m.)

22 (Signature reserved.)

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REPORTER'S CERTIFICATE

I, LAURENE KELLY, CCR #2835, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent was requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

That I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

I declare under penalty of perjury under the laws of Washington that the foregoing is true and correct.

Dated this December , 20

Laurene Kelly

LAURENE KELLY

Certified Court Reporter #2835

