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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
-VS-) DOCKET NO. 1:18-CR-98-SCJ-LTW
) VOLUME 8
MITZI BICKERS,)
)
DEFENDANT.)

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE
FRIDAY, MARCH 18, 2022

APPEARANCES:

ON BEHALF OF THE GOVERNMENT:
JEFFREY W. DAVIS, ESQ.
NATHAN PARKER KITCHENS, ESQ.
TIFFANY RENE DILLINGHAM, ESQ.
Assistant United States Attorneys

ON BEHALF OF THE DEFENDANT:
DREW FINDLING, ESQ.
MARISSA HELEN GOLDBERG, ESQ.
ZACHARY J. KELEHEAR, ESQ.
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FINDLING LAW FIRM, P.C.

ALSO PRESENT:
ANDREW MARC BENJAMIN
RICHARD GABRIEL
JONATHAN ROSS

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MELVIN PRIESTER, JR.	1542	1559		
TONY YARBER	1563	1628	1652	1789
JANENE PATTERSON	1658	1671		
KIMBERLY BRACEY	1675	1703		
STEPHANIE COLEMAN	1713	1723		
JACKIE ANDERSON WOODS	1726	1771		
CHANA TATE	1774	1784		

1 (HELD IN OPEN COURT AT 10 A.M.)

2 THE COURT: I have looked at Exhibit 91. It's always
3 been this Court's position that those e-mails from Cotena
4 Alexander are not testimonial. And my understanding is that in
5 order to be in violation of the confrontation clause, they have to
6 be testimonial. They're not -- I don't believe they are
7 testimonial.

8 I looked at a case given by -- me by the government, and
9 I went back and looked at 91. There's a part in 91, based on the
10 evidence that's following that could be construed as her giving a
11 falsity. And that's what that case says. So based on that, I am
12 going to allow the body of it to be admitted into evidence. I
13 note your objection and your exception to the rule.

14 Anything else from the government?

15 MR. DAVIS: No, sir. Thank you.

16 THE COURT: Anything else from defense?

17 MR. FINDLING: Your Honor, Mr. Kelehear has an issue he
18 wants to address to the Court.

19 THE COURT: All right.

20 MR. KELEHEAR: Good morning, Your Honor.

21 THE COURT: Good morning.

22 MR. KELEHEAR: If I could approach, there are some
23 documents related to this argument that would be beneficial to the
24 Court.

25 THE COURT: Is this on the -- go ahead.

1 MR. KELEHEAR: Your Honor, yesterday during
2 Mr. Mitchell's testimony, there were three instances where
3 Mr. Mitchell gave testimony which was false, which the government,
4 based on the discovery provided, knows were false statements.
5 This, under Mayhew and Mayhew progeny cannot go uncorrected;
6 otherwise, this will create irreversible error within this trial.

7 First and foremost, that he was not tasked with bribing
8 officials. The first page of this document and the bottom, his
9 authorization for otherwise illegal activity. "He will, at the
10 direction of the investigating agents, meet with public officials,
11 elected official, and other city and local government officials to
12 obtain business contracts and other favorable treatment for bribe
13 payments and other benefits."

14 On the second page, Mr. Mitchell signed an
15 acknowledgment that he was advised of his authorization. This
16 signature was witnessed by Agents Grant and Agents Matthew Ross,
17 and there's an SSA certification from a Michael McKinney.

18 The next document in the packet is a second
19 authorization for a subsequent time period which repeats the same
20 language, that he is tasked with bribing government officials.

21 The following page, again, signed, "Tee Off" 11/16/06.
22 Subsequent page. Witnessed by Agent Ross, signed by Agent Grant,
23 authorized signature by Michael McKinney. So his testimony that
24 he was not tasked with bribing officials was false testimony. And
25 this is testimony that the government knows is false based on its

1 own discovery provided to the defense.

2 He then testified that he did not receive continued
3 admonishments from the FBI.

4 Beginning on 6/3/10, from Agent Michael Grant, the
5 following instructions, the admonishments below, were provided to
6 the CHS on 2/22/10. And each of the specific admonishments that
7 were provided to him is indicated on the right by "yes". This was
8 not only signed by Agent Grant, there is a witness, Agent F.
9 Joseph Robock.

10 Then we see on the next page, as to his continued
11 cooperation, which he denied went on past 2009 -- sorry, the
12 subsequent page, page 2 of the next document -- on 1/25/10, "The
13 source provided valuable information and supports the substantive
14 case file 194BAT 100054."

15 On the next document, we then see CHS was provided the
16 following instructions again on 9/12/2011. Again, the
17 admonishments are listed. The specific admonishments are
18 indicated by a yes or no on the right side of the page, and this
19 is, again, witnessed by a different special agent, E. Milo
20 Brisovs.

21 On the following page, as to his continued cooperation,
22 we then see, "CHS has been a productive associate of the FBI and
23 the CHS's information has been used to open investigations,
24 directly used to open a Group 1 UCO. And, more importantly, the
25 CHS is supporting ongoing Group 1's backstopping efforts."

1 This is on 3/2/12. We see Michael Grant saying once
2 more in an official government document for the FBI, which was
3 turned over by the government to the defense, that he is actively
4 and continuing to provide support to the FBI.

5 On the following document, 7/16/12. This is a
6 seven-page document. Again, this is an annual source review. On
7 the very last page -- or, sorry, next-to-last page -- 6 of 7. The
8 main reason that the CHS has -- this is talking about why he is
9 not being tasked while a civil matter is going on. The main
10 reason being that the CHS has and is backstopping an ongoing
11 Group 1 UCO, and the FBI does not want to put those matters in a
12 difficult position. So on 7/16/12, we, again, have Agent Grant
13 stating in an official report that he has and is actively
14 backstopping a Group 1 UCO.

15 Finally, we have on 11/23/12, in the document indicating
16 that his cooperation is now terminating only in 2012, that contact
17 with Mr. Mitchell could compromise ongoing FBI investigations.

18 And then, finally, we have the letter indicating that he
19 has, in fact, been -- this authorization has been revoked and that
20 he was not advised, only on November 23rd, 2012, is his
21 cooperation finally completed and his file is closed. So we have
22 three substantive misstatements from Mr. Mitchell on
23 cross-examination yesterday.

24 Now, a convention which is obtained by -- this is from
25 Napiew. A convention obtained by the use of false evidence known

1 to be such by representatives of the government must fall under
2 due process. The same result obtains when other not soliciting
3 false evidence allows it to go uncorrected when it appears.

4 This is what we have -- this is the situation before the
5 Court today. We have uncorrected false testimony by a government
6 witness which this Court, in the order allowing us to go in -- to
7 question him about these, found that these are issues that go to
8 his bias. These are material issues which substantively affect
9 the fairness of this trial and Ms. Bickers' due process rights.

10 So under Napiew, Giglio and its progeny, all the way up
11 through United States v. Alzate in this circuit, 47 Federal 3
12 1103, these uncorrected misstatements will create reversible error
13 if not addressed by this Court during this trial.

14 THE COURT: Thank you. Mr. Kitchen, Mr. Davis and
15 Ms. Dillingham, do you all want to respond?

16 MR. KITCHENS: Briefly, Your Honor.

17 First, I believe all of this was essentially addressed
18 with -- all of this was addressed by the parties' filings over
19 this weekend and this Monday. Where, of course, the Court has the
20 entire CI file, the same documents that were reviewed, not these
21 cherry-picked document that were presented by the defense. We
22 know that the Court has had an opportunity to review the entirety
23 of that file. The Court knows, based on that, that some of the
24 suggestions that were made by Mr. Kelehear seem inconsistent with
25 the record that was provided in the CI file, when you look at the

1 full force of that record.

2 What I think Mr. Kelehear suggested was the first false
3 statement, I guess through the testimony of Mr. Mitchell, was that
4 he was not tasked with bribing public officials. The testimony
5 that I recall from Mr. Mitchell was that he was never -- you know,
6 he never participated in any sort of undercover activity that
7 involved discussion of illegal acts, that there was never a
8 discussion brought for anything like that. Which, again, appears,
9 based on our review of the CI file, to be fully supported by the
10 record.

11 There was a brief period of time, as is noted in the
12 first couple of documents that Mr. Kelehear showed up, where it
13 appears that there was an authorization for him to engage in a
14 limited period of undercover activity, from basically the end of
15 2006, terminating in January 2007. Years before the conduct that
16 was relevant to this indictment.

17 In terms of what Mr. Mitchell was actually asked to do,
18 however, there is nothing documenting that he was ever asked to
19 bribe, or to, in some sort of undercover capacity, to bribe a
20 public official.

21 The one recorded conversation that Mr. Mitchell
22 testified about is documented in that CI file. And, again, I
23 think the Court has an opportunity to review that in terms of what
24 the notes were from that meeting. There is -- consistent with
25 what Mr. Mitchell testified to, there is no discussion or no

1 documentation of any discussion of illegal activity in that one
2 recorded meeting.

3 Mr. Kelehear also discussed admonishments based on the
4 forms. And I'll lump this with the remaining annual reports as
5 well. I'll remind the Court, and I think this was addressed as
6 well over the filings, is that same CI file notes that the last
7 documented report date of contact with Mr. Mitchell where
8 cooperation was provided was in September 2007. Again, years
9 before the context and the events that happened in this case.

10 Mr. Mitchell testified that his memory was that he had
11 meetings with -- you know, with Agent Grant perhaps as late as
12 2008, 2009, before being told that was the end of it. The report
13 does not even suggest meetings that would go even that late. It
14 suggests that the last recorded meeting was September 2007. It
15 does not show in those files that there were continued meetings
16 into 2012.

17 What the file does show, to be clear, is it does show
18 that the file was maintained as open on the FBI side. During
19 those annual reports and in the quarterly reviews, the Court may
20 have noticed that there were consistent questions from supervisors
21 regarding the lack of contacts, what appeared to be the lack of
22 discussions, and whether the file should be closed because there
23 weren't documented contacts. And I think as we noted, when they
24 had to make an assessment of what was the utility value of this
25 cooperator, those annual reports repeatedly ranked him as either

1 zero or not applicable, because there were no statistical
2 achievements during those periods.

3 Mr. Findling, of course, had a full opportunity to
4 cross-examine Mr. Mitchell regarding his work as a cooperator.
5 And Mr. Findling obviously spent a substantial portion of his
6 cross-examination doing so. Based on our review of the file,
7 Mr. Mitchell's testimony is consistent with what is in that file.
8 We have not seen anything showing a documented meeting or any sort
9 of cooperation with -- from Mr. Mitchell after September 2007.

10 In addition to that, I think, as we've already noted and
11 I noticed the Court has addressed, this is an issue going to --
12 and it is fair for him to question in terms of the credibility of
13 the witness; however, it is far afield from the obligations of the
14 indictment. This conduct did none of the things in terms of even
15 if there was a period of time where Mr. Mitchell was authorized to
16 try to bribe public officials, that based on the CI file itself,
17 terminated in January of 2007, years before the events that are at
18 issue in this case.

19 There's no basis to suggest, based on the entirety of
20 the CI file, which the Court has already reviewed and rendered an
21 order, that there is any basis for the Court to find that the
22 witness provided false testimony yesterday or if there is anything
23 suggesting the remedies that Mr. Kelehear has discussed this
24 morning.

25 THE COURT: Thank you. I will go back this weekend and

1 look at the file I received, I will review his testimony, and I'll
2 let you-all know something next week on this.

3 All right. Anything else? No? Okay.

4 MR. DAVIS: No, sir. Thank you.

5 MR. FINDLING: No, Your Honor.

6 THE COURT: Then the government call its next witness
7 and bring the jury in.

8 THE SECURITY DEPUTY: All rise.

9 (Jury in at 9:50 a.m.)

10 THE COURT: Sir, remain standing. Ms. Wright is going
11 to administer an oath to you.

12 *****

13 MELVIN PRIESTER, JR.,

14 having been duly sworn, testified as follows:

15 *****

16 THE DEPUTY CLERK: Have a seat. Please remove your mask
17 and if you could please state and spell your name for the record.

18 THE WITNESS: Yes, ma'am. My name is Melvin Priester,
19 Jr. P-R-I-E-S-T-E-R.

20 THE COURT: Thank you.

21 DIRECT EXAMINATION

22 BY MR. DAVIS

23 Q. Good morning, sir.

24 A. Good morning.

25 Q. How are you?

1 **A.** I'm well. Thank you.

2 **Q.** Mr. Priester, can you tell us where you're from, please?

3 **A.** I'm from Jackson, Mississippi.

4 **Q.** Do you currently reside in Jackson?

5 **A.** I do live in Jackson, Mississippi, yes, sir.

6 **Q.** And what do you do there?

7 **A.** I'm an attorney.

8 **Q.** What is your educational background, sir?

9 **A.** I graduated from Jackson public schools. I was fortunate and
10 blessed enough to be able to go to Harvard University for college.
11 And then through hard work and another set of blessings from the
12 Lord, I got to go to Stanford University in California for law
13 school.

14 **Q.** And generally what type of law do you practice?

15 **A.** A wide variety of things. I do everything from divorces to
16 personal injury, just general business litigation. A variety of
17 things.

18 **Q.** Have you always lived in Jackson?

19 **A.** Except for the time of college, then law school, and for a
20 couple of years after law school, I've lived in Jackson.

21 **Q.** Where did you live after law school?

22 **A.** I lived in San Francisco, California, from 2004 to early 2008.

23 **Q.** And is it in 2008 that you moved back to Jackson, Mississippi?

24 **A.** Yes, I moved back home to Jackson in 2008.

25 **Q.** Have you held any political positions in the City of Jackson?

1 **A.** I have.

2 **Q.** Can you tell us what they are?

3 **A.** I served on the Jackson City Council from 2013 until October
4 of 2020.

5 **Q.** Did you hold any leadership positions on the council?

6 **A.** Yes. I was vice president of the Jackson City Council in 2013
7 and '14. I was the president of the Jackson City Council in 2014,
8 '15. I served as president again a couple of years later.

9 **Q.** When did you officially step down as a Councilman for the City
10 of Jackson?

11 **A.** I stepped down in October of 2020. October 5, 2020.

12 **Q.** Can you tell us a little bit about the city of Jackson?

13 **A.** Yes. The city of Jackson, it's an amazing city. In many
14 ways, it's a lot like Atlanta. It's a predominantly
15 African-American city. It's -- I want to say we're about 80
16 percent African-American. We have a lot of issues with -- we're a
17 struggling city. We've got -- about 30 percent of the city lives
18 in poverty. We've got just an unacceptable level of gun violence.
19 But we are a great city. We're the capital of Mississippi. We've
20 got a big medical industry. We've got Jackson State University
21 with Deion Sanders. We are -- we have -- we've got a lot of stuff
22 going on, despite our challenges, including a very big
23 infrastructure challenges.

24 **Q.** And we're going to get to that in just a moment.

25 **Mr. Priester,** while you were a city councilman, did the City of

1 Jackson receive money, grant money from the federal government?

2 **A.** We did.

3 MR. DAVIS: Your Honor, at this time I'm going to move
4 to admit Court's No. 1, which is a stipulation between the
5 parties. And I'd like to read that stipulation.

6 THE COURT: Is it your understanding, Mr. Findling?

7 MR. FINDLING: No objection.

8 THE COURT: 1 is admitted. You may read it.

9 MR. DAVIS: All right. This document is titled,
10 "Stipulation regarding Jackson, Mississippi, receipt of federal
11 benefits in excess of \$10,000. The United States of America and
12 Mitzi Bickers, individually and through counsel, hereby stipulate
13 and agree that in 2013, '14, and '15, the City of Jackson,
14 Mississippi, received federal funds directly from the Department
15 of Housing and Urban Development, abbreviated as HUD, under the
16 Community Development Block Grant Program.

17 "2. That HUD's Community Development Block Grant
18 Program is an entitlement program designed to provide funding
19 infrastructure improvements and community development projects for
20 low-income areas.

21 "3. That in 2013, 2014, 2015, the City of Jackson,
22 Mississippi, used community development block grants it received
23 from HUD on infrastructure improvements and community development
24 projects in low-income areas consistent with HUD's requirements.

25 "And, 4. That in 2013, '14 and '15, the City of

1 Jackson, Mississippi, received benefits in excess of \$10,000 under
2 a federal program, namely, funds from HUD's Community Development
3 Block Grant Program."

4 It also attaches the City of Jackson's grant agreements
5 as Government's Exhibit 213, which the government will also move
6 to admit.

7 THE COURT: Any objections to 213?

8 MR. FINDLING: No objection, Your Honor.

9 MR. DAVIS: And, Your Honor --

10 THE COURT: 213 is admitted. Go ahead. I'm sorry.

11 MR. DAVIS: This document is stipulated as fact. It is
12 signed by the attorneys for the United States, the attorneys for
13 the defense, and by the defendant Mitzi Bickers.

14 THE COURT: Ladies and gentlemen of the jury, the
15 stipulation that Mr. Davis just read is agreed to by Mr. Findling
16 as admissible evidence and you are to accept it as admissible
17 evidence, as though someone was taking an oath, sitting in this
18 chair testifying to that.

19 Do you have any questions about that?

20 You may proceed.

21 MR. DAVIS: Thank you. And also, just very briefly,
22 this is Government's Exhibit 13 and -- I'm sorry -- 213. And 213
23 is the underlying grant information.

24 (Government's Exhibit 213 was received and marked into
25 evidence.)

1 BY MR. DAVIS:

2 Q. Mr. Priester, you mentioned that you served on city council.
3 Does Jackson, Mississippi also have a mayor?

4 A. Yes. We have a mayor.

5 Q. And when you were in office, was Jackson facing any wastewater
6 infrastructure issues?

7 A. Jackson faces significant wastewater. And by wastewater we're
8 talking sewage infrastructure. So when you flush the toilet, that
9 sort of infrastructure problem.

10 Q. Yeah. Can you explain for the jury the type of issues facing
11 Jackson? And, more specifically, what the City was facing in '13,
12 '14, '15?

13 A. The City of Jackson has pipes in parts of the City that are
14 more than a hundred years old. Those pipes break, causing raw
15 sewage to come up in people's houses, in their yards, in the
16 streets. When it rains, the water treatment plants where all the
17 toilet water goes, it spews wastewater into the rivers next to the
18 City of Jackson, so people can't swim in the river or use the
19 river for recreation.

20 That we've got -- and continue to have this problem where
21 we've got just the wastewater treatment plant has major problems
22 in it. And because the sewage lines are so old, they break and
23 just the raw sewage goes into people's homes, it goes into
24 people's yards, it will be in the street, on the sidewalk. It's a
25 very big problem because of the age of our infrastructure and the

1 lack of maintenance at our water treatment plant.

2 **Q.** Thank you. Based on those wastewater issues, when you came
3 into the city council, was the City of Jackson under what's called
4 an EPA consent decree?

5 **A.** Yes, we were.

6 **Q.** And first let's start with EPA. What does that stand for?

7 **A.** The EPA is the Environmental Protection Agency. It's the
8 federal government agency that's responsible for making sure
9 cities like Jackson follow the Clean Water Act and have clean
10 drinking water and deal with wastewater.

11 **Q.** And then so the EPA -- what is a consent decree?

12 **A.** A consent decree is where you have a city like Jackson that is
13 breaking the Clean Water Act, and the EPA is -- knows we're not
14 doing what we're supposed to do, where we make -- a consent decree
15 is where you make an agreement as a city with the EPA to take
16 certain corrective actions so that you are providing your citizens
17 with clean, safe water and not having raw sewage in the street.

18 **Q.** So is it sort of like a settlement between the City of Jackson
19 and the EPA to clean up the sewer system?

20 **A.** That's an accurate of what a consent decree is. It's an
21 agreement between the City -- the EPA consent decree is an
22 agreement between the City of Jackson and the Environmental
23 Protection Agency to fix certain problems related to our
24 wastewater system in this particular case.

25 **Q.** When did the City of Jackson and the EPA first enter into a

1 consent decree?

2 **A.** The consent decree between the Environmental Protection Agency
3 and Jackson was agreed upon between us in March 2013, but it was a
4 negotiated process involving litigation, lawyers, well before that
5 March 2013 date.

6 **Q.** Given the extent of the issues that Jackson faced, how long
7 did the EPA give Jackson to fix all of the sewer issues?

8 **A.** To fix everything, it's, I believe, approximately 20 years.
9 But we have steps we have to do over that 20-year process to
10 analyze the problem, take certain actions, and hopefully get
11 everything done within 20 years.

12 **Q.** So sort of incremental goals?

13 **A.** Yes.

14 **Q.** And approximately how much was the estimate to fix the sewer
15 system?

16 **A.** It's ranged between as little as -- "little" is the wrong
17 word. It's on the low end \$430 million. We've had estimates that
18 range between 700 million and \$1 billion.

19 **Q.** Did the City of Jackson, so like the City employees itself,
20 have the expertise to manage all the different programs needed to
21 fix its sewer system?

22 **A.** The City employees in our Public Works Department didn't have
23 the ability to manage all of that stuff. So we -- all of the
24 tasks that needed to be managed and stuff that needed to be
25 tracked, no, we did not internally have that ability.

1 Q. And how did the City of Jackson handle the fact that it didn't
2 internally have the expertise to respond to the consent decree?

3 A. What the City of Jackson would do is hire outside experts to
4 advise the City about what to do and manage it. And do the work
5 of actually replacing sewage lines, fixing things at the water
6 treatment plant. So we had one top-level group that we would call
7 our program manager, our consent decree program manager, and they
8 would be the sort of quarterback helping our internal Public Works
9 team do what we've got to do.

10 Q. So let's focus now to the spring of 2015. Did the City of
11 Jackson, in the spring of 2015, solicit bids for what you were
12 just describing as that program manager?

13 A. Right. We -- the mayor at the time, Tony Yarber, and his
14 staff issued a request for proposals, asking people to say, hey, I
15 want this job as your program manager. Although we already had a
16 program manager at that time.

17 Q. But you were going to -- the City was going to replace this
18 program manager or rebid the contract?

19 A. The mayor asked people to submit to rebid the work.

20 MR. DAVIS: Judge, can I approach?

21 THE COURT: Yes.

22 BY MR. DAVIS:

23 Q. I'm going to show you, Mr. Priester, what has already been
24 admitted as Government's Exhibit 44.

25 A. Okay.

1 Q. Do you recognize that document?

2 A. I do.

3 Q. And what is that?

4 A. This is a copy of the request for proposals that went out to
5 the public soliciting -- asking people to come in and be the
6 program manager.

7 Q. And when was the proposal issued?

8 A. In April of 2015.

9 Q. And let's take a quick look at page 8. Can you tell us what
10 the purpose of the proposal was?

11 A. The purpose was to identify and select an experienced and
12 qualified team to provide program managing -- program management
13 and engineering assistance to the City to manage and implement the
14 requirements of the consent decree.

15 Q. So, again, this is the proposal for that top-level company
16 that's going to oversee everything else?

17 A. That is correct.

18 Q. And let's look at one more page. When were the proposals due?

19 A. The proposals were due on May 26, 2015.

20 Q. And what was the essential estimate that the City was giving
21 for the cost of these program management services?

22 A. I believe it was approximately \$16 million spread out over
23 approximately six years.

24 Q. So let's take a look at the paragraph just above 2.2 proposal
25 contact -- contents, rather.

1 **A.** Okay.

2 **Q.** So is it 16 million with -- over -- but it was renewal over
3 multiple periods?

4 **A.** Yes.

5 **Q.** So just to make sure we understand, the first contract for two
6 years, was that going to equate to about \$16 million?

7 **A.** Yes, that's correct. I'm sorry. That is correct.

8 **Q.** Thank you. Now let's move for a moment from the consent
9 decree to the City of Jackson. When you took office, who was the
10 mayor of the City of Jackson?

11 **A.** When I was elected in 2013, a new Mayor was elected then. His
12 name was Chokwe Lumumba.

13 **Q.** Was Mayor Lumumba able to finish his term?

14 **A.** Unfortunately, Mayor Lumumba was not. He died unexpectedly a
15 couple of months into his term.

16 **Q.** And approximately when did Mayor Lumumba pass away?

17 **A.** Mayor Lumumba died in February of 2014. It was -- it was
18 really tragic.

19 **Q.** How did the City of Jackson handle the fact that it needed a
20 new Mayor?

21 **A.** So we had a special election to fill out the remainder of his
22 term. That is a -- we elect Mayors on four-year terms. And so
23 because Mayor Lumumba died a couple of months in, we had a special
24 election to fill out the remainder of his term.

25 **Q.** Thank you. Approximately when was the special election?

1 **A.** The special election was in -- he died in February of 2014 and
2 the special election was held I believe in April of 2014.

3 **Q.** Can you tell us some of the folks that ran for Mayor?

4 **A.** A lot of people ran for Mayor. The individual that won was
5 Tony Yarber. Another city council person. I ran for Mayor. The
6 person who was Mayor before Chokwe Lumumba became Mayor ran for
7 reelection. I think a total of maybe like ten people ran for
8 Mayor. It was a very short time frame.

9 **Q.** You mentioned that Mr. Yarber ran and then ultimately was
10 elected. Approximately when did Mayor Yarber take office?

11 **A.** I believe he took office -- we had an initial election day,
12 and then we had a runoff with Mr. Yarber and Chokwe Lumumba's son.
13 Then he took office early May of 2014.

14 **Q.** Did you remain on city council?

15 **A.** I did.

16 **Q.** Let's go back now to that EPA consent decree we were talking
17 about.

18 Are you aware, as a city councilman, that a company called
19 AECOM submitted a bid for this project management contract that
20 you were just talking about?

21 **A.** AECOM and its -- had a team of people they submitted a bid,
22 yes.

23 MR. DAVIS: Judge, can I approach?

24 THE COURT: Yes.

25 BY MR. DAVIS:

1 Q. Mr. Priester, I want to show you what's already been admitted
2 as Government's Exhibit 45. Take a brief look at that document.

3 A. Okay.

4 Q. Thank you, sir.

5 MR. DAVIS: Judge, I'm going to move to admit 45A, which
6 is a small subset of 45.

7 THE COURT: Any objection?

8 MR. FINDLING: No objection.

9 THE COURT: It's admitted without objection.

10 MR. FINDLING: And, Your Honor, just for the record, I'm
11 doing that for convenience, because it's a massive document and it
12 just streamlines the effort.

13 THE COURT: Thank you, Mr. Findling.

14 MR. FINDLING: Thank you, Your Honor.

15 (Government's Exhibit 45A was received and marked into
16 evidence.)

17 BY MR. DAVIS:

18 Q. All right. Mr. Priester, first, can you tell us when you're
19 looking at the Redweld, what is contained in there generally?

20 A. It looks to be a copy of this document, which is the request
21 for proposals for the program manager. And then it looks to be
22 documents related to that proposal and then documents related to
23 AECOM's proposal -- the company called AECOM's proposal to become
24 the program manager. So it looks like the bid from AECOM.

25 Q. Okay. So is it fair to say it's the sort of AECOM application

1 to the City?

2 **A.** Yes.

3 **Q.** Let's take a look at the page that I'm showing you now on the
4 screen, which is a subset of document -- sorry -- of Government's
5 45. Can you tell us what the title of this document is?

6 **A.** The title of the document is Equal Business Opportunity Plan
7 Application, submitted by AECOM Technical Services, Inc.

8 **Q.** And I want to take a look at page -- there we go -- page 4 of
9 the document. At the top of the page, who is listed as one of the
10 members of AECOM's proposal?

11 **A.** It's a company called The Bickers Group.

12 **Q.** And who is the contact person for The Bickers Group?

13 **A.** Mitzi Bickers.

14 **Q.** What type of work was The Bickers Group supposed to perform
15 for the EPA consent decree contract?

16 **A.** According to what's written on the page, stakeholder
17 engagement and public outreach.

18 **Q.** And how much was The Bickers Group supposed to make in
19 connection with the AECOM contract?

20 **A.** \$1.92 million.

21 **Q.** What is stakeholder engagement and public outreach?

22 **A.** It's my understanding that stakeholder engagement and public
23 outreach is talking to citizens about the work that might be done
24 under the consent decree. That's what my understanding is. I'm
25 not sure why it would cost \$1.9 million, though.

1 Q. Thank you, sir. Did Mayor -- did Mayor Yarber's
2 administration select a company to receive the consent decree
3 management contract?

4 A. Mayor Yarber's administration and the Mayor did select a
5 company to hire for this consent decree program manager job, yes.

6 Q. And just for clarity of the record, AECOM wasn't the only
7 company that submitted proposals; is that fair?

8 A. No. Other companies submitted proposals.

9 Q. I'm going to publish what's been previously admitted as
10 Government's 46. Mr. Priester, can you tell us what we're looking
11 at?

12 A. That is a -- that's a letter from Kishia Powell, who was the
13 director of the Public Works Department in the City of Jackson
14 before she came to Atlanta. And Mel Butler, who was with AECOM,
15 said that the City of -- the Mayor's Public Works Department team
16 has selected Kishia -- I'm sorry -- has selected the AECOM group
17 to be the ones to do the consent decree program manager job.

18 Q. Ultimately, did the City of Jackson award the program
19 management contract to the AECOM and The Bickers Group?

20 A. The City of Jackson did not hire AECOM or its subcontractor,
21 Mitzi Bickers, to be its program manager.

22 Q. Let's briefly take a look at what's been previously admitted
23 as Government's 47. What is this letter?

24 A. This letter is a letter from Terry Williamson, who was the
25 in-house -- one of the in-house attorneys for the City of Jackson

1 who was specializing in dealing with the consent decree for us.
2 And it was from him to Mr. Butler, the same gentleman from the
3 previous letter with AECOM, saying that after much deliberation
4 Mayor Yarber has decided to reject all proposals submitted and
5 start the request for proposal process from scratch.

6 **Q.** Thank you. So although the contract was initially awarded to
7 AECOM, it was subsequently withdrawn from AECOM?

8 **A.** I don't think that's quite accurate. That the way the process
9 works is, the Mayor and his staff pick who they want to get a
10 contract. Then they have to bring it to the City Council and we
11 say either yes, we approve giving this contract to these people,
12 or, no, we disapproved. And until that happens, a contract isn't
13 awarded. There's just an agreement in principle between the Mayor
14 and this entity, but until it comes into the City Council to get a
15 vote yay or nay, in my opinion the contract is not truly awarded
16 to somebody.

17 **Q.** So the Mayor's administration had selected AECOM, but the
18 contract wasn't sort of signed off on?

19 **A.** Right. The City Council didn't vote to approve the contract.

20 **Q.** Was Mitzi Bickers connected with any other major projects in
21 Jackson, Mississippi?

22 **A.** Yes.

23 **Q.** And what projects were they?

24 **A.** She was connected with a project to build a hotel attached to
25 our convention center. So the City of Jackson has -- we built a

1 big convention center. And if you've ever been to any sort of
2 convention, you know there is a hotel that normally is attached to
3 a convention center. We didn't have a hotel attached to our
4 convention center when we built it, and so there was a project to
5 try to built a convention center hotel, so people would come to
6 our conventions. And Ms. Bickers, Pastor Bickers, the defendant,
7 was associated with a project to try to build a convention center
8 hotel for our city.

9 **Q.** Approximately how much was that project worth?

10 **A.** That project in terms of the construction cost was
11 approximately \$75 million.

12 **Q.** And was Ms. Bickers involved with a bid for the convention
13 center hotel?

14 **A.** She was, yes.

15 **Q.** Ultimately, what company was awarded to the contract to build
16 the hotel?

17 **A.** The Jackson Redevelopment Authority, its board accepted a
18 proposal from a group called EDT and Mississippi Developers to
19 build the convention center hotel for Jackson.

20 **Q.** I'm going to show you what's been already admitted as
21 Government's 65, which is a Secretary of State record for the
22 company you just mentioned, Mississippi Developers. Who is the
23 registered agent of Mississippi Developers?

24 **A.** Mitzi Bickers.

25 **Q.** Did the companies you just describe actually build the

1 convention center hotel?

2 **A.** They did not.

3 **Q.** And to this day, does the City of Jackson have a convention
4 center hotel?

5 **A.** We do not have a convention center hotel.

6 **Q.** And sort of at its bottom line, did the JRA ultimately wind up
7 withdrawing the contract to EDT and Mississippi Developers?

8 **A.** Yes. We -- the JRA withdrew their offer -- or agreement to
9 build the hotel with defendant Bickers Group, Mississippi
10 Developers and EDT.

11 **Q.** Thank you very much.

12 THE COURT: Your witness.

13 MR. FINDLING: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. FINDLING

16 **Q.** Mr. Priester, first, I've done a lot of volunteer work in your
17 state, infinite state reform for your state. So thank you for
18 bringing your education back to Jackson and the state of
19 Mississippi. I sincerely mean that. I'm involved with your bar
20 associations.

21 **A.** Right. I don't know if it's a gift, but it's -- I love the
22 City. And I think I learn as much from them as if I had gone
23 somewhere else.

24 **Q.** As one of your noted law professors says at Ole Miss law
25 school, Mississippi, I just can't quit you. That's what he says.

1 So I do thank you, as one attorney to another, sincerely.

2 **A.** Well, I thank you for your work.

3 **Q.** So let me -- I'm going to get to one thing in a second,
4 spending a lot of time in Jackson, the state of Mississippi, and
5 keeping up with the newspapers there. And I'm not going to spend
6 a lot of time. The water problem is still a mess. As you just
7 eloquently told us, it is just an unresolved issue; am I correct?

8 **A.** I agree with you, yes, sir.

9 **Q.** Okay. And also, just going back to the -- having read about
10 the convention center, just to be really clear, in an urban city,
11 one of the goals of a convention center and an attached hotel is
12 to give it economic boost. In other words, to be able to attract,
13 you know, the carpet industry to come do a convention at Jackson
14 and enjoy the surroundings of Jackson and the cultural offerings
15 and some of the, by the way, best restaurants in the south and
16 enjoy. But at the same time, give an economic boost to -- to the
17 City and the surrounding areas. Is that fair to say one of the
18 goals of a convention center is?

19 **A.** I think that's the theory. I think that's what convention
20 center cheerleaders say. I'm not sure if it's the end result or
21 the actuality, but that's the theory.

22 **Q.** Okay. And so what you've told us, as of March of 2022, that's
23 not yet been effectuated. It's not yet come to fruition; correct?

24 **A.** That is correct.

25 **Q.** Okay. And also I want to be clear, having looked at some of

1 these documents, you've never met Pastor Mitzi Bickers; am I
2 correct?

3 **A.** I don't believe so. Maybe in passing, but I can't say I've
4 ever met her, no, sir.

5 **Q.** Okay. Never had a cup of coffee with you, never wined you and
6 dined you as a politician. Anything like that; am I correct?

7 **A.** I agree with you, no.

8 **Q.** Okay. Now, I want to jump ahead, because I've looked at
9 e-mails. And you personally, yourself, were in meetings with
10 AECOM; am I correct?

11 **A.** I did attend meetings with AECOM at some point. After Mayor
12 Yarber withdraw the proposal in November of 2015, I did attend
13 meetings, I think, in early '16 with AECOM, yes.

14 **Q.** And I'm sure you did your due diligence as to the
15 qualifications of AECOM; am I correct?

16 **A.** Yes.

17 **Q.** Okay. And you'd agree with me they're not only a national,
18 but they are an international corporation, correct?

19 **A.** They are, yes, sir.

20 **Q.** Okay. And would you agree, from your due diligence, that they
21 are one of the top five companies of their -- of their
22 classification in hazardous waste, water, sewer and waste
23 management?

24 **A.** I don't have an opinion one way or another to that, no.

25 **Q.** Okay. But you'd agree that they're well-known for their work

1 in those subject matters?

2 **A.** Absolutely. Yes, sir.

3 **Q.** Okay. Now, you had also indicated that The Bickers Group is
4 listed and we've been -- you haven't been with us, but we've been
5 talking about subcontractors left and right.

6 **A.** Okay.

7 **Q.** The Bickers Group was listed as a subcontractor; right?

8 **A.** That is correct, yes, sir.

9 **Q.** Okay. And just from your general knowledge, any time you
10 bring in a general contractor for any type of work, whether it's
11 the roads, whether it's repairing buildings, it's not uncommon for
12 the general contractor to bring subcontractors in to do different
13 portions of work; am I correct?

14 **A.** It is -- it is -- I think that's fair, yes.

15 **Q.** Okay. And so when you mention this \$1.92 million, this wasn't
16 a designated salary for anybody; am I correct?

17 **A.** I am not sure I'm following what you're saying.

18 **Q.** Well, you said there was \$1.92 million that was for the
19 subcontractor, the subcontractor, The Bickers Group; am I correct?

20 **A.** Right.

21 **Q.** That wasn't listed as somebody's salary or wages; am I
22 correct?

23 **A.** Not necessarily.

24 **Q.** Right. It's just listed as an allocation, potential
25 allocation for a particular subcontractor. That's what it was

1 listed as; am I correct?

2 **A.** That is correct, yes.

3 **Q.** Okay.

4 MR. FINDLING: Your Honor, one second.

5 That's all I have, Your Honor.

6 THE COURT: Redirect?

7 MR. DAVIS: No, thank you.

8 THE COURT: Thank you, sir. You can step down.

9 Mr. Kitchens, call your next witness.

10 Please, step right to the side. Y'all sit right there.

11 THE DEPUTY CLERK: Sir, could you stand and raise your
12 right hand, please.

13 *****

14 TONY YARBER,

15 having been duly sworn, testified as follows:

16 *****

17 THE DEPUTY CLERK: Have a seat. You can remove your
18 mask. If you would, please state and spell your name for the
19 record.

20 THE WITNESS: My name is Tony Yarber, T-O-N-Y,
21 Y-A-R-B-E-R.

22 THE DEPUTY CLERK: Thank you.

23 DIRECT EXAMINATION

24 BY MR. KITCHENS

25 **Q.** Good morning, Mr. Yarber.

1 **A.** Good morning.

2 **Q.** Where are you from?

3 **A.** Jackson, Mississippi.

4 **Q.** And can you tell us a little bit about your education?

5 **A.** I have a Bachelor of Science degree in elementary education.

6 I have a master's degree in leadership. And I have an honorary
7 doctorate of laws.

8 **Q.** And can you tell the jury a little bit about your work history
9 after wrapping up school?

10 **A.** Yes. So I started teaching third grade a little over 20 years
11 ago. Coached high school football, track. Went from there to
12 become assistant principal, then principal at an elementary
13 school. Simultaneously, I served on the Jackson City Council.
14 From there, I started doing consulting. And I consulted as an
15 educational consultant until I became Mayor in 2014.

16 After that point, I came back into the workforce after being
17 Mayor as a consultant, as well as a martial arts instructor,
18 church planner, and real estate agent.

19 **Q.** You wear many hats.

20 **A.** Yeah.

21 **Q.** Mr. Yarber, what do you -- of all those jobs, what do you --
22 what's I guess your primary way you make a living these days?

23 **A.** I'm an educational consultant. I coach teachers and
24 principals.

25 **Q.** Now, you mentioned your political experience. We'll talk

1 about that in a minute. But have you also consulted with any
2 political campaigns?

3 **A.** Yes, yes. I've done political consulting as well, and I
4 continue to do that periodically.

5 **Q.** In your role as a political consultant, what type of work do
6 you do?

7 **A.** I've helped to run a couple of campaigns in the last few
8 years. Primarily local races, citywide, countywide.

9 **Q.** How many campaigns have you helped with?

10 **A.** I don't know. Maybe six or seven.

11 **Q.** And when you're hired to help with a campaign, what type of
12 agreement, if any, do you enter with those campaigns?

13 **A.** We typically have a contract that's drawn up that outlines
14 services that we'll provide as well as compensation.

15 **Q.** And on that note for compensation, when you actually perform
16 services, how do you get compensation, get paid by those
17 campaigns?

18 **A.** We have a schedule that determines how often we get paid. We
19 submit an invoice to the client and then the client then pays.

20 **Q.** And, Mr. Yarber, I think you mentioned briefly, also, your
21 church. Do you have a position at your church?

22 **A.** Yes, I'm lead pastor.

23 **Q.** You're the lead pastor?

24 **A.** Yes.

25 **Q.** And how long have you been lead pastor?

1 **A.** Oh, 14 years.

2 **Q.** All right. Now I want to focus on your political experience,
3 as you mentioned. Mr. Yarber, when did you first run for office?

4 **A.** I ran in 2009.

5 **Q.** And what caused you to run for office?

6 **A.** I was tapped as a result of a candidate who was running for
7 Mayor whose campaign I was a part of. He was running for Mayor
8 and vacating his ward, his council seat.

9 **Q.** Now, did you win your election?

10 **A.** I did.

11 **Q.** And so what -- what was your -- how long were you on the City
12 Council?

13 **A.** I served on the council from 2009 until 2014.

14 **Q.** So were -- did you ever -- were you up for reelection for City
15 Council at some point?

16 **A.** I was. I ran for reelection in 2013 successfully.

17 **Q.** Now, when you were reelected and came back into office as the
18 City Councilman, who was the Mayor at that time?

19 **A.** Mayor Chokwe Lumumba.

20 **Q.** And what happened with Mayor Lumumba?

21 **A.** Mayor Lumumba passed in office.

22 **Q.** What was the process at that point for replacing Mayor Lumumba
23 as Mayor?

24 **A.** The ordinance dictates that the council, City Council then
25 appoint someone to serve as Mayor until such time that a special

1 election can be scheduled and a new mayor can be elected.

2 **Q.** And, Mr. Yarber, did you decide to run in that election?

3 **A.** I did.

4 **Q.** Now, why -- why did you decide to run for mayor?

5 **A.** I ran for mayor because I'd served on the council, I knew the
6 challenges that we were facing. And I also knew the
7 people -- some of the people who had declared that they would run,
8 and I didn't think that they actually understood what -- the
9 things that we were dealing with. And so that, in conjunction
10 with being prompted by some community folks.

11 **Q.** And when that special election was announced, how long was
12 that kind of campaign season from when it was announced to
13 election date?

14 **A.** Yeah. I think we ran about a four- to six-week primary
15 campaign. And a two-week runoff.

16 **Q.** Was that unusual in your experience for an election?

17 **A.** Absolutely.

18 **Q.** How long would a normal kind of campaign period last for
19 elected office?

20 **A.** Local campaigns typically kick off anywhere -- well, in
21 Jackson, local campaigns typically kick off anywhere from six to
22 eight months or longer before an election.

23 **Q.** Now, had you ever run for citywide office before running for
24 mayor?

25 **A.** No.

1 Q. So how difficult was it to run your first citywide election
2 for mayor in this compressed four- to six-week time window?

3 A. It was probably one of the most stressful events that I've
4 ever taken. I lost 25 pounds.

5 Q. What were you -- what were you doing during that period to try
6 to run for election successfully over that short period?

7 A. A lot of meeting with people. A lot of meeting with
8 supporters. A lot of trying -- a lot of attempting to raise funds
9 because we -- we didn't have any. And so that -- that was it.

10 Almost 15 hours a day.

11 Q. Now, Mr. Yarber, did -- have you ever met Mitzi Bickers?

12 A. I had not met her prior to me running.

13 Q. Okay. Did you meet her when you were running?

14 A. Yes.

15 Q. How did you meet her?

16 A. A friend of mine, Jackie Anderson-Woods who lived in Atlanta,
17 called me and said I needed to come and meet Ms. Bickers because
18 Ms. Bickers was a person to know in the campaign world.

19 Q. And when roughly did that take place?

20 A. I -- I think I may have just announced that I was running. So
21 it was really, really early.

22 Q. So it was sometime in that four- to six-week --

23 A. Yes.

24 Q. -- window before the election?

25 A. Yes.

1 Q. And when was the election itself?

2 A. The election was in April. It was in April of 2014.

3 Q. Now, what did -- let's see. Based on that conversation, where
4 were you going to meet Mitzi Bickers?

5 A. She said we needed to come -- this was a Saturday. And she
6 said that we needed to come as soon as possible.

7 And so we went the next day, Sunday, after church.

8 Q. And how did you -- where were you going to meet her?

9 A. We were going to meet her in Atlanta.

10 Q. Where were you at the time?

11 A. I was in Jackson.

12 Q. So what -- how did you get from Jackson to Atlanta the next
13 day?

14 A. I was driven by Tevin Stubbs.

15 Q. And who is that?

16 A. A friend of mine.

17 Q. Was there anyone else that traveled with you?

18 A. Ushekie Tillman (phonetic).

19 Q. And who is she?

20 A. She's a relative and a friend.

21 Q. Now, when you arrived at the house, what did you see right
22 upon arrival?

23 A. When I arrived, it appeared as though there was a -- it was a
24 Sunday, so it appeared as though there was a Sunday fellowship, a
25 lot of eating, a lot of people there, camaraderie.

1 Q. Did you see anyone you recognized at Mitzi Bickers's house?

2 A. No one other than Jackie, Jackie Woods.

3 Q. Ms. Woods was at Mitzi Bickers' house as well?

4 A. Yes.

5 Q. Okay. Now, what happened at Pastor Bickers' house when you
6 arrived?

7 A. When I arrived, you know, we made acquaintance. It wasn't
8 long after that we went into a room and had just conversation
9 about the campaign.

10 Q. Now, where did that conversation take place?

11 A. It took place in some -- it was a dining room, I believe.
12 Some -- like a dining room.

13 Q. Were there other people that were with you in that room?

14 A. Initially there were other people at the beginning.

15 Q. Okay. Who was there?

16 A. Jackie was in the room, Jackie Woods was in the room.

17 Ms. Bickers' wife was in the room. Umm, that's -- and Ms. Bickers
18 was in the room.

19 Q. Now, when you have this meeting -- and is the rest of the
20 group not part of this meeting that you saw at the house?

21 A. No.

22 Q. Okay. So when you have this smaller meeting, what did Mitzi
23 Bickers discuss with you?

24 A. We just talked about the campaign. She talked about the work
25 that she did -- does here in Atlanta with -- well, in Georgia with

1 campaigns and services that they provide.

2 **Q.** Okay. Now, on -- when you were discussing those services,
3 what did she tell you about the campaign services?

4 **A.** She told me that they were able to provide GOTV operations,
5 phone banking operations.

6 **Q.** And you said GOTV, what is that, GOTV?

7 **A.** Get Out the Vote. I'm sorry.

8 **Q.** And what would that --

9 **A.** Get Out the Vote.

10 **Q.** -- normally involve if you're working on a campaign?

11 **A.** Well, typically we do a Get Out the Vote the weekend leading
12 up to the election. It involved everything from door knocking to
13 the actual day of the campaign. As we're looking at a data from
14 the precincts in terms of voter turnout, then we send what we call
15 flushers into those communities, into those precincts, to get them
16 to the polls.

17 **Q.** Now, what, if anything, in addition to the campaign services
18 did you discuss about the City of Jackson itself?

19 **A.** We talked about some of the challenges that the City had and
20 how we would address them through some of the RFPs that we
21 release.

22 **Q.** The RFPs?

23 **A.** Response for proposal -- request for proposal.

24 **Q.** Okay. What were the request for proposals that Mitzi Bickers
25 discussed with you in that meeting?

1 **A.** Well, we talked about one primarily and then the other one.
2 The first one we talked about had to do with the City's consent
3 decree, which was the City of Jackson had gone into an agreement
4 with the federal government under the Environmental Protection
5 Agency's sanctioning to correct some of -- our issues that we were
6 having with sanitary sewer overflows, with what's called
7 degradation to our primary drinking river, the river that we get
8 water from, the Pearl River. And so those are the primary things
9 that we talked about, as well as the 1 percent sales tax. And
10 both of these would be program management contracts.

11 **Q.** Okay. I want to talk a little bit more about that concept
12 decree. Can you describe a little bit about the problem that was
13 facing the City of Jackson?

14 **A.** So we would have sanitary sewer overflows, days like today,
15 when it rains a lot. And if you ever see little holes -- the
16 water coming up out of the holes from the manholes, primarily we
17 were having those issues. Those issues would also happen in
18 people's homes, as well as the City was being dinged for how we
19 were cleaning and treating our water and how we were treating
20 water that we were reintroducing into the river.

21 **Q.** Now, did Mitzi Bickers express interest in being involved with
22 that consent decree project?

23 **A.** Yes.

24 **Q.** Who, if anyone, did she identify as someone that could do work
25 with her on that project?

1 **A.** She mentioned E.R. Mitchell.

2 **Q.** Did you know anything about E.R. Mitchell before that meeting?

3 **A.** No.

4 **Q.** And what did Mitzi Bickers say?

5 **A.** She just basically, I think she kind of joked that she
6 doesn't -- she didn't do construction, or something like that, but
7 there was a gentleman who she works with, I think a business
8 partner of hers that she worked with, and his name was
9 E.R. Mitchell.

10 **Q.** Now, you mentioned what was discussed in this meeting
11 specifically was a program manager for that consent decree?

12 **A.** Yes.

13 **Q.** What was going to be the role of the program manager?

14 **A.** The program manager is responsible for directing the progress
15 of the consent decree, assuring -- ensuring that we were checking
16 all of the boxes, meeting deadlines, timelines. In some cases,
17 they would find funding to assist with the project. But,
18 basically, the program manager was responsible for the delivery of
19 the service of the contract.

20 **Q.** And was that a -- becoming a program manager for this consent
21 decree to address these issues in Jackson, was that a potentially
22 valuable contract?

23 **A.** Yes.

24 **Q.** And you mentioned a 1 percent sales tax program management
25 contract.

1 **A.** Yes.

2 **Q.** Just briefly on that, what was that issue?

3 **A.** Mississippi Legislature voted to give the City of Jackson an
4 opportunity to raise the sales tax by 1 percent. That money would
5 then go into a pot that funded our infrastructure projects.

6 **Q.** And did Mitzi Bickers express interest in that contract as
7 well?

8 **A.** She did.

9 **Q.** Now, did this all happen in that same meeting where you're
10 discussing campaign services that Mitzi Bickers could provide for
11 you?

12 **A.** Yes.

13 **Q.** What did -- when you were discussing these campaign services,
14 what, if anything, did Mitzi Bickers discuss about payment for
15 those services?

16 **A.** We didn't talk about payment.

17 **Q.** Was there any discussion of how expensive those services would
18 be?

19 **A.** No.

20 **Q.** Was there any discussion of how you would pay for it?

21 **A.** No.

22 **Q.** Based on that meeting, were you interested in getting these
23 campaign services from Mitzi Bickers?

24 **A.** Yes.

25 **Q.** And why?

1 **A.** Because, from my understanding, Ms. Bickers was good at what
2 she did.

3 **Q.** Now, did you receive any donations in that initial meeting?

4 **A.** Yes. The initial meeting I left with a thousand dollar check.

5 **Q.** And do you remember who that check was from?

6 **A.** Pirouette.

7 **Q.** And what was Pirouette?

8 **A.** It was, my understanding, the company that was providing the
9 services.

10 **Q.** Now, after you expressed interest in having those campaign
11 services from Mitzi Bickers, what was sort of the next step? How
12 did things happen with the campaign?

13 **A.** Well, that was -- my role was initial contact, securing
14 funding. And then campaign workers, primarily the campaign
15 manager, would direct those other pieces and parts.

16 **Q.** So let's talk about the fundraising you just mentioned. As
17 part of the fundraising, did Mitzi Bickers provide additional
18 donations to the campaign?

19 **A.** Yes. She had funds wired, I believe, within 24 hours of me
20 leaving.

21 **Q.** Now, as part of that campaign, did you make regular
22 disclosures of the donors who contributed money to your campaign?

23 **A.** Yes.

24 **Q.** And was that something you filed with the state?

25 **A.** Yes.

1 Q. Is -- specifically, were those documents that you disclosed
2 and filed with the Secretary of State in Mississippi?

3 A. Yes.

4 Q. I'm going to show you what's been marked as
5 Government's Exhibit 178, 179, and 184.

6 MR. KITCHENS: May I approach, Your Honor?

7 THE COURT: Yes.

8 BY MR. KITCHENS:

9 Q. All right. Mr. Yarber, do you recognize what those documents
10 are?

11 A. I do.

12 Q. And what are they?

13 A. These are reports of receipts and disbursements primarily that
14 indicates what money came in and what money went out.

15 MR. KITCHENS: We offer for admission Government Exhibit
16 178, 179 and 184.

17 THE COURT: Any objection?

18 MS. GOLDBERG: No objection.

19 THE COURT: They're admitted without objection.

20 (Government's Exhibits 178, 179 and 184 were received
21 and marked into evidence.)

22 MR. KITCHENS: May we publish Exhibit 178, please.

23 Thank you, Ms. Etienne.

24 BY MR. KITCHENS:

25 Q. Okay. Just looking quickly at the first page, what is the

1 first page of this document?

2 **A.** It's the certificate of authenticity.

3 MR. KITCHENS: Now, can we please go to page 3 of this
4 document. All right. Thanks, Ms. Etienne. I want to pull up
5 kind of that bottom section first, please. If we could look at
6 that. Perfect.

7 BY MR. KITCHENS:

8 **Q.** All right. Do you recognize the signature there, Mr. Yarber?

9 **A.** That's my signature.

10 **Q.** And what was the date of this disclosure?

11 **A.** It's April 1, 2014.

12 MR. KITCHENS: Can we bring up the top, briefly.

13 BY MR. KITCHENS:

14 **Q.** If we look at the top, what is the title of this document?

15 **A.** Report of Receipts and Disbursements.

16 **Q.** And is this that campaign disclosure form that you had to fill
17 out?

18 **A.** Yes.

19 **Q.** Okay. If we look at a check, what was the -- what was the
20 type of the report?

21 **A.** It was a mandatory preelection report.

22 **Q.** Now, can we please go -- well, just in general, what type of
23 information do you provide in these campaign disclosure forms?

24 **A.** You're telling -- how much money came in, who gave the money,
25 and money that may have gone out as expenses.

1 Q. And who on your campaign team actually prepared the financial
2 disclosures?

3 A. Janene Tillman Patterson.

4 MR. KITCHENS: Would you please go to page 11 of this
5 document. All right. Let's bring up that first donation at the
6 top.

7 BY MR. KITCHENS:

8 Q. All right. Mr. Yarber, do you recognize what this is?

9 A. Yes.

10 Q. And what is it?

11 A. It is a contribution of \$1,000 from Pirouette Companies, LLC.

12 Q. Is that that thousand-dollar donation you mentioned from that
13 first meeting with Mitzi Bickers?

14 A. Yes, sir.

15 MR. KITCHENS: Can we please go to the next page, page
16 12 of this document. Okay. Let's look at the last entry.

17 BY MR. KITCHENS:

18 Q. All right. Mr. Yarber, do you recognize what this is?

19 A. Yes.

20 Q. And what is it?

21 A. It is a regular \$4,000 donation from Mitzi Bickers.

22 Q. Is this that wire donation you mentioned?

23 A. I'm not certain.

24 MR. KITCHENS: Finally, can we go to the next page, page
25 13 of this document. Okay. Can we bring up that entry.

1 BY MR. KITCHENS:

2 Q. Mr. Yarber, do you recognize what this entry is?

3 A. I do.

4 Q. And what is it?

5 A. It's a \$10,000 donation from E.R. Mitchell.

6 Q. And had you met Mr. Mitchell before this?

7 A. I had not.

8 MR. KITCHENS: We can take this down.

9 Can we look at Government's Exhibit 179. If we look at
10 page 2 of this document. And we're going to look at kind of that
11 signature portion again at the bottom.

12 BY MR. KITCHENS:

13 Q. Mr. Yarber, do you recognize this signature?

14 A. I do.

15 Q. And whose is it?

16 A. It's my signature.

17 Q. And what was the date for this disclosure?

18 A. March 26, 2015.

19 Q. So is this about a year later, I guess?

20 A. Yes.

21 MR. KITCHENS: Okay. Now, if we can go to page 6 of the
22 document. Let's look at that first entry again.

23 BY MR. KITCHENS:

24 Q. All right. Do you recognize what this is, Mr. Yarber?

25 A. Yes.

1 Q. And what is this?

2 A. This is a receipt detailing a \$10,000 donation from Mitzi
3 Bickers.

4 Q. And what was the date of that donation?

5 A. April 16, 2014.

6 Q. Is this before the actual election date?

7 A. This was during the runoff campaign.

8 Q. During the runoff campaign?

9 A. Yes.

10 Q. So it was after the --

11 A. So it was after the primary.

12 Q. Okay. And when was the -- when did the runoff campaign, when
13 was the election date, I guess, for the runoff campaign?

14 A. April 22, 2014.

15 MR. KITCHENS: Now, we can take this down. Thank you.

16 BY MR. KITCHENS:

17 Q. Before the election day and this runoff date, did Mitzi
18 Bickers provide you and your campaign with services in support of
19 the campaign?

20 A. Yes.

21 Q. What were those services?

22 A. Phone banking.

23 Q. And what does -- what does phone banking mean if you're in an
24 election?

25 A. Well, you mean its value or what does it mean?

1 Q. What is it? What actually is phone banking?

2 A. Oh. Phone banking is -- it's a few different things, but
3 primarily it's outreach to voters to either encourage them to vote
4 for a candidate or to attempt to extract information for data
5 purposes.

6 Q. And is that something that's valuable for a campaign?

7 A. Yes.

8 Q. Let's talk about kind of that runoff campaign period itself
9 and the date for the runoff on April 22nd. Did you see Mitzi
10 Bickers around that election day?

11 A. I did.

12 Q. And where did you see her?

13 A. I saw her at a hotel in Jackson.

14 Q. And who, if anyone, did Mitzi Bickers bring with her?

15 A. She brought a whole busload of people from Atlanta.

16 Q. And what was that busload of people from Atlanta, what were
17 they there to do?

18 A. They were there to help with GOTV, Get Out the Vote.

19 Q. Is that -- okay. Thank you.

20 Roughly how many people did you see?

21 A. I don't know. Probably 20, 25 maybe. I don't know.

22 Q. And where did you meet that group?

23 A. I met them at the hotel as well. I believe that was a Days
24 Inn at the time.

25 Q. Now, what happened when you arrived to see this group with

1 Mitzi Bickers?

2 **A.** It's like a pep rally. I walked into the lobby of the hotel
3 and people started clapping and -- yeah, yeah. A pep rally.

4 **Q.** What was your reaction to that pep rally?

5 **A.** It felt good. I enjoyed it.

6 **Q.** What role did those people that were bussed in from Atlanta,
7 what did they provide for your campaign?

8 **A.** I'm not certain, but because they were there as Get Out the
9 Vote, part of the Get Out the Vote piece, they were doing -- they
10 were doing a few things. Could have been doing a few things,
11 providing visibility on streets, corners, knocking doors. They
12 could have been working the polls, at the actual polling sites.

13 **Q.** And were those services valuable for your campaign?

14 **A.** Absolutely.

15 **Q.** And why were they -- were those types of services valuable?

16 **A.** Because on election day, visibility is everything.

17 **Q.** Now, you work -- as we spoke about a few minutes ago, you work
18 in political consulting now?

19 **A.** Yes.

20 **Q.** Have you been involved in multiple different elections?

21 **A.** Um-hum. I have, yes.

22 **Q.** And consulted with people in addition to your other elections
23 about Get Out the Vote efforts?

24 **A.** Yes.

25 **Q.** Based on your experience, how costly would something like this

1 be?

2 MS. GOLDBERG: I'm going to object, Your Honor. He's
3 not an expert. Relevance.

4 THE COURT: Ask that question again.

5 MR. KITCHENS: Sure. I asked based on his experience,
6 which we just covered, how costly would an operation like this be.

7 THE COURT: Why would he not have an idea about that,
8 about how much a campaign race like that would cost?

9 MS. GOLDBERG: Your Honor, I think that could be a
10 variety of costs. I think there has to be a proper foundation for
11 that.

12 THE COURT: I think he's -- based on this witness has
13 already testified he knows about campaigns, so he can give his
14 opinion. I'll allow that.

15 MR. KITCHENS: Yes, thank you.

16 BY MR. KITCHENS:

17 Q. Mr. Yarber?

18 A. And I can only speak to prices in Jackson, in Mississippi.
19 And so in Mississippi we typically pay our Get Out the Vote folks
20 about 125 bucks a day. We feed them as well. We just ran a
21 countywide campaign and it cost me -- it cost us about anywhere
22 from 1,500 to \$2,000 to feed almost 80 people for that day. And
23 then if you consider the hotel and what that may have cost as
24 well.

25 Q. Was this a -- would this have been a significant cost?

1 **A.** It would have been.

2 **Q.** Now, when you do your work in political consulting and you
3 provide campaign services, what do you provide to get payment, get
4 compensation for your work?

5 **A.** We provide invoices.

6 **Q.** Did you ever see an invoice from Mitzi Bickers for either the
7 phone bank or election day services she provided?

8 **A.** No.

9 **Q.** So let's recap this election. Who was it who won the runoff?

10 **A.** I won the runoff.

11 **Q.** And how soon after that did you take office?

12 **A.** Two days later.

13 **Q.** Did your fundraising effort stop after you won that election?

14 **A.** No.

15 **Q.** Why did you need to do more fundraising activities?

16 **A.** Because in general the more money that you have in what we
17 call in the political world your war chest, the more likely you
18 are to be successful in your reelection campaign.

19 **Q.** And did your successful election, did it end your involvement
20 with Mitzi Bickers?

21 **A.** No.

22 **Q.** Did you see her at fundraisers?

23 **A.** I did.

24 **Q.** Let's talk about one of these. Do you remember a trip to New
25 Orleans in June of 2014?

1 **A.** I do.

2 **Q.** And what do you remember about the fundraiser in New Orleans?

3 **A.** I remember it was at the -- the seafood place on the corner on
4 Bourbon Street. It was upstairs. It was hosted by some people, I
5 believe it was a company that was interested in hosting a
6 fundraiser for us.

7 **Q.** What time of day was this fundraiser?

8 **A.** Umm, I want to say that it was -- it was around lunch, brunch,
9 kind of.

10 **Q.** And who was it who organized and hosted the fundraiser?

11 **A.** Marshand Crisler organized the fundraiser.

12 **Q.** Now, other than Mr. Crisler, did you see anyone at that
13 fundraiser that you recognized?

14 **A.** I saw several people, yes.

15 **Q.** And who were some of those people that you recognized?

16 **A.** I saw Ms. Bickers. I saw, of course, people from Jackson who
17 were there to support. And people who traveled with me.

18 **Q.** Now, you mentioned Mitzi Bickers as someone you saw.

19 Were -- what was your reaction to seeing her at that fundraiser in
20 New Orleans?

21 **A.** I was surprised, because I hadn't -- she didn't say she was
22 coming, so it was -- I was surprised to see her.

23 **Q.** Do you know why she was in New Orleans?

24 **A.** I assume she was --

25 MS. GOLDBERG: Objection, speculation.

1 THE COURT: If he doesn't know, he can't guess.

2 Do you definitely know why she was there?

3 THE WITNESS: I don't.

4 THE COURT: He can't answer that question.

5 BY MR. KITCHENS:

6 Q. And did you have occasion after that fundraiser where you saw
7 Mitzi Bickers?

8 A. Yes, we saw her later that night.

9 Q. How did that come about?

10 A. Ms. Woods informed that the next piece of the itinerary --
11 well, not necessarily the itinerary, but that we would --

12 MS. GOLDBERG: Objection, hearsay.

13 THE COURT: What Ms. Woods -- he can testify about what
14 he -- well, what he knows, but not what she said.

15 THE WITNESS: Ms. Woods said that we --

16 THE COURT: Well, you can't say "Ms. Woods said."

17 THE WITNESS: Oh, don't say that.

18 THE COURT: No. You can't say what she said.

19 BY MR. KITCHENS:

20 Q. So how did it come about, leaving aside anything that you may
21 have been told by another person?

22 A. I never would have made it had it not been said to me, so I
23 don't --

24 Q. Fair.

25 THE COURT: The point is, based on what she said, what

1 did you do?

2 THE WITNESS: Based on what she said, we met with
3 Ms. Bickers that night at a club on Bourbon Street.

4 BY MR. KITCHENS:

5 Q. So let's talk about that club. Where -- you mentioned it was
6 on Bourbon Street. Can you describe what that club looked like?

7 MS. GOLDBERG: Objection, relevance.

8 THE COURT: I'll allow it.

9 THE WITNESS: What it looked like? All right. Well,
10 upstairs -- we went through a door. We get upstairs and it was
11 a -- there were like three stages and three poles.

12 THE COURT: Please.

13 Go ahead.

14 BY MR. KITCHENS:

15 Q. I'm going to show you what's been marked as Government's
16 Exhibit 180. Mr. Yarber, do you recognize that?

17 A. I do.

18 Q. And what is it?

19 A. This is the -- this is the club where one of the clubs -- the
20 club, rather, among all of these that are on here that we went to.

21 MR. KITCHENS: The government offers for admission
22 Exhibit 180.

23 MS. GOLDBERG: Same objection as to relevance, but...

24 THE COURT: Your objection it's not relevant?

25 MS. GOLDBERG: No objection, Your Honor.

1 THE COURT: I can't hear you. I'm sorry. I'm sorry.

2 MS. GOLDBERG: I'll withdraw that. No objection, Your
3 Honor.

4 THE COURT: All right. It's admitted without objection.
5 (Government's Exhibit 180 was received and marked into
6 evidence.)

7 MR. KITCHENS: Okay. Can we publish Exhibit 180.

8 BY MR. KITCHENS:

9 Q. All right. Which was the -- which was the building where you
10 went to the upstairs area on Bourbon Street?

11 A. It's the -- there is this door here, right here by
12 Temptations.

13 Q. Okay. And so I think you were pointing at your screen. Is
14 there a way to describe it in words? It's hard for the court
15 reporter.

16 A. Okay. It looks like -- okay. Right here, it says mango mango
17 daiquiris. If you look right underneath that sign, it looks like
18 a black like door. I think that that's the door that we went in.

19 Q. And did that lead to an upstairs area at Temptations?

20 A. Yes.

21 MR. KITCHENS: Okay. We can take this down.

22 BY MR. KITCHENS:

23 Q. Now you mentioned that you went to an upstairs area where
24 there were some stages and poles?

25 A. Um-hum.

1 Q. What type of club was Temptations?

2 A. A strip club.

3 MS. GOLDBERG: Objection, relevance again.

4 THE COURT: Goes to relevance and I can't -- come over
5 here. I'll tell y'all what I'm thinking.

6 (Sidebar.)

7 THE COURT: The government's indicted Ms. Bickers on
8 bribery from Mississippi.

9 MR. KITCHENS: That's correct.

10 THE COURT: So I think they're trying to show -- bribery
11 can come in a lot of different ways. It doesn't have to be cash
12 money that you hand somebody. Bribery can come in a lot of
13 different ways. And I think that's why I think it's relevant. If
14 I've got the wrong theory, I'll hear from you.

15 MS. GOLDBERG: Your Honor, and we addressed this in our
16 motion in limine. I think there's a 403 issue here, where there's
17 a prejudicial impact that is just outweighed by any sort of
18 relevance here. That, you know, the speculation of the jury is
19 going to be impacted by the nature of the club. And I think
20 that's -- that four three (phonetic) balancing is going to
21 outweigh in favor of prejudice at this point.

22 MR. KITCHENS: Your Honor, I think this was addressed in
23 your Court's order. The very nature of the bribes we're about to
24 discuss were services and nature of the gifts and things that were
25 given to Mayor Yarber.

1 MS. GOLDBERG: And I think that can be done without this
2 sort of testimony.

3 THE COURT: I think I kind of already ruled on it.
4 That's why I wanted -- I didn't want to talk in front of the jury,
5 but I think I already kind of ruled on it as relevant. But I
6 wanted to explain to you why I thought it was relevant, that's
7 because I can't remember if I said anywhere in my orders that he
8 can't put -- they're trying to show bribery.

9 MS. GOLDBERG: I understand that. But I do, you know,
10 object. And I understand the Court's ruling.

11 THE COURT: All right. Thank you.

12 (End of discussion at sidebar.)

13 THE COURT: I'll ask y'all to step inside the jury room,
14 please.

15 (Whereupon, the jury was excused at 11:00 a.m.)

16 THE COURT: We'll take a 15-minute break here and start
17 back here at 11:16.

18 (Whereupon a break was taken.)

19 THE COURT: Ms. Goldberg, Document 173 is when I ruled
20 on the matter that we discussed if you need the document. If you
21 need it, we'll pull the order up and give you a copy of it.

22 MS. GOLDBERG: No, Your Honor. I do recall the Court's
23 ruling, I just wanted to note my objection for the record.

24 THE COURT: So noted.

25 All right. You can bring the jury back out.

1 (Jury in at 11:20 a.m.)

2 BY MR. KITCHENS:

3 Q. Mr. Yarber, I think where we left off, we were discussing the
4 Temptations club, I think, Mr. Yarber, we were discussing the
5 Temptations club, and you were in this upstairs area. And what
6 type of club was Temptations?

7 A. A strip club.

8 Q. Now, in this upstairs area, was that -- when you arrived, was
9 that an area that was open to the public?

10 A. It did not appear.

11 Q. Who was in that upstairs area?

12 A. Ms. Bickers was there. There were some other people, maybe
13 two or three other people there. I'm not sure that I remember
14 exactly who they were.

15 Q. Was -- did you also arrive with other people from Jackson?

16 A. Yes.

17 Q. And who was there from Jackson?

18 A. Myself, Kimberly Bracey, Jason Gorey (phonetic), Torrence
19 Mayfield, Jackie Anderson-Woods.

20 Q. And just at a high level, were those people that were in your
21 administration?

22 A. Yes.

23 Q. Now, in that area that appeared to be closed off to the
24 public, was there food?

25 A. Yes.

1 Q. Was there drinks?

2 A. Yes.

3 Q. Were there any women that you didn't recognize in that area?

4 A. There was one.

5 Q. And what was -- what was that woman wearing?

6 MS. GOLDBERG: Objection, relevance.

7 THE COURT: He can ask it. Overruled.

8 THE WITNESS: She was wearing a two-piece, something
9 like that.

10 BY MR. KITCHENS:

11 Q. Okay. What -- from what you could tell, what profession was
12 she?

13 MS. GOLDBERG: Objection, relevance.

14 THE COURT: Overruled.

15 THE WITNESS: Stripper.

16 BY MR. KITCHENS:

17 Q. Now, did there come a time during that party where you
18 received a private dance from the stripper?

19 A. Yes.

20 Q. Did you provide any payment?

21 MS. GOLDBERG: Objection, your Honor.

22 THE COURT: I think he's asked the question. Let's go
23 ahead. I note your objection for the record. Overruled.

24 BY MR. KITCHENS:

25 Q. Did you provide any payment for that private dance?

1 **A.** No.

2 **Q.** Did you pay anything for that private party at that club?

3 **A.** No.

4 **Q.** Did the City of Jackson pay for it?

5 **A.** No.

6 **Q.** Did you have an understanding of who paid for that event?

7 MS. GOLDBERG: Objection, speculation.

8 THE COURT: Do you know?

9 THE WITNESS: I don't know.

10 BY MR. KITCHENS:

11 **Q.** Now, let's talk about another fundraiser that you had. Did
12 there come a time that you had a fundraiser at Mitzi Bickers'
13 house?

14 **A.** Yes.

15 **Q.** Let's talk about that July 2014 event. Where did you -- were
16 you in Atlanta I guess at the time, or did you have to come from
17 Mississippi?

18 **A.** We had to come from Mississippi.

19 **Q.** And where did you depart from?

20 **A.** We departed from an airport in Meridian, Mississippi.

21 **Q.** How far is Meridian from Jackson?

22 **A.** It's about 80 miles.

23 **Q.** Have you ever flown from this airport in Meridian before?

24 **A.** No.

25 **Q.** Did you know that this airport existed?

1 **A.** No.

2 **Q.** And what happened when you arrived at this airport in
3 Meridian?

4 **A.** We arrived and went into what appeared to be a lobby area,
5 checked in, and then went out to a plane and flew off.

6 **Q.** And who was with you on this plane?

7 **A.** It was myself, Artie Stuckey, and I want to say Jackie -- I
8 want to say Jackie.

9 **Q.** Jackie?

10 **A.** Anderson-Woods, I think.

11 **Q.** Were these all people from your staff?

12 **A.** Yes.

13 **Q.** Was there anyone else, any other passengers on this plane?

14 **A.** Not that I -- I don't know. I don't remember.

15 **Q.** Was this a private plane?

16 **A.** Yes.

17 **Q.** Did the City of Jackson pay for that flight?

18 **A.** No.

19 **Q.** Did your campaign pay for that flight?

20 **A.** No.

21 **Q.** And what types of flights did your campaign organize if you
22 were traveling for events?

23 **A.** Commercial flights.

24 **Q.** Now, when you arrived, how did you travel -- how did -- I
25 guess when you arrived, where did -- did you arrive at the

1 Hartsfield airport or another airport?

2 **A.** Now -- now that I don't remember. I think we arrived at
3 another airport, but I don't remember arriving at the big one.

4 **Q.** Now, how did you get around Atlanta during that trip?

5 **A.** There was a limo provided.

6 **Q.** Who was it who paid for that limo?

7 **A.** Mitzi Bickers.

8 MS. GOLDBERG: Objection, speculation.

9 THE COURT: Do you know who paid for it?

10 THE WITNESS: Yes.

11 THE COURT: He can answer.

12 BY MR. KITCHENS:

13 **Q.** And who was it who paid for that limo?

14 **A.** Ms. Bickers did.

15 **Q.** Now, when you were in Atlanta on that trip, did you meet with
16 any City officials?

17 **A.** I did.

18 **Q.** Who did you meet with?

19 **A.** I met with then Mayor Kasim Reed.

20 **Q.** Who was it who set up that meeting?

21 **A.** Ms. Bickers.

22 **Q.** And then you had -- was there a fundraiser when you also were
23 in Atlanta?

24 **A.** Yes.

25 **Q.** And where was that fundraiser?

1 **A.** It was at Ms. Bickers' home.

2 **Q.** What time of day was that fundraiser?

3 **A.** It was early, midday.

4 **Q.** Now, can you tell the jury a little bit about the scene for
5 that fundraiser? What it looked like?

6 **A.** I guess the best description I can give is -- is it was just a
7 lot of black folks with money. And -- and I don't know. It
8 was -- it made me think about -- it makes me think about, like,
9 one of the reality shows where the people come, housewives of
10 Atlanta, that kind of stuff. It made me feel like that.

11 **Q.** How many people were at that fundraiser?

12 **A.** I don't know. Probably 30.

13 **Q.** And where was this fundraiser in Mitzi Bickers' house?

14 **A.** It was hosted out of her pool house, pool room.

15 **Q.** Did -- out of those people that you met at the fundraiser, was
16 there anyone that stuck out?

17 **A.** Yes, people who stuck out. Mr. E.R. Mitchell stuck out, a
18 gentleman Porter Bingham stuck out.

19 **Q.** Let's talk about Mr. Mitchell.

20 **A.** Okay.

21 **Q.** What did you know about Mr. Mitchell?

22 **A.** I just knew that he did construction. He did a lot of work in
23 Atlanta.

24 **Q.** And how did you know that?

25 **A.** Ms. Bickers.

1 Q. When -- and did you talk with him at this fundraiser?

2 A. We spoke briefly.

3 Q. What did you talk about?

4 A. We didn't. We just spoke. We -- hey, good to meet you, heard
5 a lot about you. And that was pretty much it.

6 Q. Now -- so this fundraiser was in the middle of the day,
7 roughly?

8 A. Yeah. It wasn't -- it was in the early part of the day, maybe
9 mid-afternoon, early part, 12:30, 1:00-ish, something like that.

10 Q. Was that the last time you saw Mitzi Bickers during this trip
11 in Atlanta?

12 A. No.

13 Q. What happened later that night?

14 A. Later that night, we got on a boat from her home and went
15 to -- oh, no. Yeah. Later that night, we got on a boat and went
16 to a gentleman named Rob's home.

17 Q. So let's -- before I guess you get to the boat, where did you
18 arrive?

19 A. From the plane or --

20 Q. I'm sorry. That was a confusing question.

21 So how did this, I guess, trip on the boat, how did that come
22 about?

23 A. I was informed by Jackie, she told me, that --

24 MS. GOLDBERG: Objection, hearsay.

25 THE COURT: You can't say what Jackie said.

1 THE WITNESS: Okay.

2 THE COURT: Based on what Jackie said, what did you do?

3 THE WITNESS: Okay. Based on what -- we went to
4 Mr. Rob's house. We got on a boat and went to Mr. Rob's house.

5 THE COURT: I guess the question Mr. Kitchens is trying
6 to get to, where did you get on the boat at? Where was the
7 location?

8 THE WITNESS: We got on the boat at Ms. Bickers' home
9 and we went from there, by boat, to Mr. Rob's home. I don't know
10 his last name.

11 BY MR. KITCHENS:

12 Q. Okay. So who was it who took you on this boat?

13 A. Ms. Bickers.

14 Q. And who was -- who was with you?

15 A. Myself, Kimberly Bracey, Artie Stuckey, Ms. Anderson-Woods. I
16 think that may have been it.

17 Q. Now, what did you see when you arrived at Robert Walker's
18 house?

19 A. It was a party already happening. There was a -- it wasn't a
20 lot of people, but -- but it was a lot of people for the space.
21 There were young ladies who were, like, I guess at the club they
22 were called bottle girls who were there.

23 Q. Now, at that party, was there alcohol?

24 A. Yes.

25 Q. Was there food?

1 **A.** Yes.

2 **Q.** You mentioned the -- the women that were at the party, what
3 were the women wearing?

4 MS. GOLDBERG: Objection, relevance.

5 THE COURT: Again, I'm going to have to overrule.

6 THE WITNESS: They were wearing two pieces and body
7 paint.

8 BY MR. KITCHENS:

9 **Q.** Are where was the body paint?

10 **A.** I don't understand what you're asking.

11 **Q.** When you say body paint, what do you mean by body paint?

12 THE COURT: Where on their body was the paint?

13 THE WITNESS: I don't -- I don't know that. If you're
14 asking did they have clothes on or was the paint covering their
15 private parts? I don't really know how to answer your question.

16 BY MR. KITCHENS:

17 **Q.** I was just trying to ask what -- I guess, when you say body
18 paint --

19 **A.** Okay. Umm. They had, for example, I remember -- I think I
20 remember one of the young ladies, she had the paint on her legs,
21 and on one of her -- like a sleeve on her arm, I think, but I
22 don't recall exactly.

23 **Q.** Okay. Snow, did you pay for anything at that party?

24 **A.** No.

25 **Q.** Did the City of Jackson pay for anything?

1 **A.** No.

2 **Q.** And how did you return to -- let's talk about after that
3 party. How did you actually get back home from Atlanta?

4 **A.** From Atlanta, we ended up not being able to get on the flight,
5 so we had to be driven back by the gentleman who was -- who picked
6 us up from the airport.

7 **Q.** And what was he driving?

8 **A.** Like a big SUV limousine.

9 **Q.** So how far is it to travel by road from Atlanta to Jackson?

10 **A.** It's about a -- well, to Meridian, it was about a five-hour
11 drive.

12 **Q.** And who was it who paid for that travel?

13 MS. GOLDBERG: Objection, conjecture.

14 THE COURT: Do you know?

15 THE WITNESS: Ms. Bickers.

16 BY MR. KITCHENS:

17 **Q.** How do you know it was Mitzi Bickers who paid for it?

18 **A.** Because Mr. Rob -- not Mr. Rob -- Mr. Theo said so.

19 MS. GOLDBERG: Objection.

20 THE COURT: Yeah, don't say "Theo said".

21 THE WITNESS: Okay. I don't know how to answer it.

22 BY MR. KITCHENS:

23 **Q.** Okay. Now, did there come another time that you saw Mitzi
24 Bickers at another event in Atlanta?

25 **A.** I'm sorry?

1 Q. Did you see Mitzi Bickers at another occasion in Atlanta?

2 A. Yes.

3 Q. And do you remember a fundraiser in September of 2014?

4 A. Yes.

5 Q. Now, what was -- were you in Atlanta at the time or did you
6 travel from Mississippi?

7 A. I traveled from Mississippi.

8 Q. And why did you travel from Mississippi?

9 A. There were having a fundraiser for Sheriff Tyrone Lewis, who
10 was a sheriff in Jackson. And we came to support him.

11 Q. How did you get from Jackson to Atlanta?

12 A. We flew.

13 Q. And specifically how did you fly?

14 A. Delta.

15 Q. Now, on that Delta flight, where did you sit on that flight?

16 A. First class.

17 Q. Had -- before this flight, had you ever flown first class?

18 A. For the City?

19 Q. In your life have you ever --

20 A. No.

21 Q. -- flown first class --

22 A. No.

23 Q. -- before this flight?

24 A. No.

25 Q. Did the -- your campaign pay for this first class ticket to --

1 **A.** No.

2 **Q.** Did the City of Jackson pay for this first class ticket?

3 **A.** No.

4 **Q.** Were there other members of your group that also traveled on
5 this Delta flight?

6 **A.** Yes.

7 **Q.** Who was -- who was with you?

8 **A.** Jackie Anderson-Woods was with me. I believe Jason Gorey was
9 on this trip as well. Umm, I'm not sure who else.

10 **Q.** Okay. Are you sure -- are you sure it was Ms. Woods or
11 someone else from your staff?

12 MS. GOLDBERG: Objection, leading.

13 THE COURT: That is leading. Sustained.

14 BY MR. KITCHENS:

15 **Q.** Now, who was who that paid for your flight?

16 **A.** Mitzi Bickers.

17 **Q.** And when you arrived in Atlanta, how did you get around
18 Atlanta?

19 **A.** Mr. Theo. The gentleman who drove us when we came the first
20 time.

21 **Q.** So the same driver you had a couple of months earlier was back
22 again?

23 **A.** Yes.

24 **Q.** Who was it who paid for that transportation?

25 **A.** Ms. Bickers.

1 Q. When you were in Atlanta where did you stay on this trip?

2 A. We stayed at the Ritz-Carlton.

3 Q. Where was the Ritz-Carlton located?

4 A. Here in Atlanta.

5 Q. Okay. Do you know the area of the city?

6 A. I guess downtown.

7 MR. KITCHENS: May I approach, Your Honor?

8 THE COURT: Yes.

9 BY MR. KITCHENS:

10 Q. Mr. Yarber, do you recognize what that is?

11 A. Yes.

12 Q. And what is it?

13 A. That's the Ritz-Carlton.

14 Q. And does that fairly and accurately depict the hotel where you
15 stayed when you were in Atlanta?

16 A. Yes.

17 MR. KITCHENS: We offer for admission Government Exhibit
18 182.

19 THE COURT: Any objections?

20 MS. GOLDBERG: No objection.

21 THE COURT: It's admitted without objection.

22 (Government's Exhibit 182 was received and marked into
23 evidence.)

24 MR. KITCHENS: All right. Ms. Etienne, can we look at
25 that? Thank you.

1 BY MR. KITCHENS:

2 Q. Mr. Yarber, who was it who paid for that hotel?

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

4 THE COURT: If you don't know, you can't testify.

5 BY MR. KITCHENS:

6 Q. Only testify about what you know about, Mr. Yarber. Thank
7 you.

8 A. Okay.

9 Q. Did the City of Jackson pay for that hotel?

10 A. No.

11 Q. Did your campaign pay for that hotel?

12 A. No.

13 Q. Okay.

14 MR. KITCHENS: We can take this down.

15 BY MR. KITCHENS:

16 Q. All right. When you arrived, where did you eat dinner that
17 first day?

18 A. We ate at a Korean barbecue place.

19 Q. And who was it who attended that dinner?

20 A. Myself, Sheriff Tyrone Lewis, Kimberly Brace, Jackie
21 Anderson-Wood, Ms. Bickers, Ms. Bickers' wife. There was a young
22 lady there that attended with Ms. Bickers. The sheriff of one of
23 these counties here, I don't remember his name right now. And
24 that's all I remember at this point.

25 Q. Now, you mentioned there was a young lady that was there at

1 that dinner. Had you met her before?

2 **A.** No.

3 **Q.** During this dinner, where did she sit?

4 **A.** She sat beside me.

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

6 MS. GOLDBERG: Objection, relevance.

7 THE COURT: I'll allow it.

8 THE WITNESS: She was a beautiful woman, black-brown
9 skin.

10 BY MR. KITCHENS:

11 **Q.** Do you know why she was at that meeting?

12 **A.** No.

13 **Q.** That dinner?

14 MS. GOLDBERG: Objection, speculation.

15 THE COURT: He said he didn't know.

16 BY MR. KITCHENS:

17 **Q.** And who was it who brought her?

18 **A.** She came with Ms. Bickers.

19 **Q.** Did you pay for that dinner?

20 **A.** Did who pay?

21 **Q.** Did you pay for that dinner?

22 **A.** Oh, no.

23 **Q.** Okay. Do you know who paid?

24 **A.** No.

25 **Q.** Now, what happened the next day when you're in Atlanta?

1 **A.** We went to visit the jail. The jail where that sheriff who
2 was there that evening, we went to visit his jail the next day
3 with the sheriff from my -- my town.

4 **Q.** Do you remember the -- well, let me move on actually from
5 that.

6 After that visit to the jail, do you remember what else you
7 did in Atlanta?

8 **A.** Yes. We had -- we went to the -- we went to the fundraiser
9 event for Sheriff Lewis.

10 **Q.** Now, how long did you stay at that fundraiser?

11 **A.** I probably was there 30 or 40 minutes. I wasn't there long.

12 **Q.** What did you do after that fundraiser?

13 **A.** Umm, I went back -- we were supposed to go to a concert, I
14 think, the next day, went back, started preparing. It was a
15 Frankie Beverly and Maze concert, and I didn't have any white
16 (sic). So I didn't know to be prepared for that. So we went -- I
17 had to go and get me some clothes.

18 **Q.** Now why did you need white for a Frankie Beverly and Maze
19 concert?

20 **A.** It's Frankie Beverly and Maze. I don't know.

21 **Q.** That was a dumb question. You're right.

22 THE COURT: Does he need to say any more?

23 MR. KITCHENS: It speaks for itself.

24 BY MR. KITCHENS:

25 **Q.** Now, where did you go to get white clothes for the concert?

1 **A.** It was some mall. I don't know where, but we went to a mall
2 in town.

3 **Q.** And did anyone accompany you while you were shopping?

4 **A.** Yes. The young lady who was at dinner the night before.

5 **Q.** Now, after you had the -- had your white clothes all set up,
6 did you go to that concert?

7 **A.** We did.

8 **Q.** And where was it?

9 **A.** It was at an outside amphitheater.

10 **Q.** In Atlanta?

11 **A.** In Atlanta.

12 **Q.** How did you get to that outdoor amphitheater?

13 **A.** A limousine.

14 **Q.** And, I'm sorry, I couldn't hear you?

15 **A.** A limousine.

16 **Q.** Okay. And who was it who arranged for that travel?

17 **A.** Ms. Bickers arranged.

18 **Q.** And who paid for that concert?

19 MS. GOLDBERG: Objection, speculation.

20 THE WITNESS: I don't know. I don't know.

21 THE COURT: Go ahead. Go ahead.

22 MR. KITCHENS: Okay.

23 BY MR. KITCHENS:

24 **Q.** Now, did you ever go to Ms. Bickers' house?

25 **A.** Yes. We went to her house later that evening.

1 Q. And what happened at that house?

2 A. At that -- at the house, there was a, like, a small gathering
3 of people, maybe six or seven people that were there that were
4 people in a swimming pool. It was raining and rainy, so there
5 really wasn't a lot that could happen, because it was planned to
6 be outside.

7 Q. Did you recognize the people that were in the swimming pool?

8 A. No.

9 Q. Now, on this trip, between the food, the drinks, the flights,
10 the hotel, the concert and that event that night, did you pay for
11 anything?

12 A. No.

13 Q. Did Mitzi Bickers ever ask you to pay for anything?

14 A. No.

15 Q. Mr. Yarber, has there ever been an occasion where you met
16 someone named T.I. Harris?

17 A. Yes.

18 Q. First, who is T.I. Harris?

19 A. King of the south.

20 Q. What does he do for a living?

21 A. He's a rapper.

22 Q. How did it -- how did it come about that you met T.I.?

23 A. I came -- became aware that there was an opportunity to get
24 Mr. Harris to the City of Jackson to speak to someone about school
25 children. And that's how -- that's how.

1 Q. Now, before that, did you know Mr. Harris?

2 A. No.

3 Q. Okay. Did you know where Mr. Harris lived?

4 A. No.

5 Q. Now, did that event end up taking place?

6 A. Yes.

7 Q. I'm going to show you what's been marked as Government Exhibit
8 183.

9 MR. KITCHENS: May I approach, Your Honor?

10 THE COURT: Yes.

11 BY MR. KITCHENS:

12 Q. Mr. Yarber, do you recognize that?

13 A. Yes.

14 Q. And what is it?

15 A. This is a presentation of the key to the City to Mr. Harris
16 after he had spoken to children.

17 Q. Is it a photograph of that?

18 A. Yes, that's a photograph.

19 Q. And does that photograph fairly and accurately depict that
20 event?

21 A. Yes.

22 MR. KITCHENS: Your Honor, we will offer for admission
23 Government Exhibit 183.

24 THE COURT: Any objections?

25 MS. GOLDBERG: No objection.

1 THE COURT: It's admitted without objection.

2 (Government's Exhibit 183 was received and marked into
3 evidence.)

4 MR. KITCHENS: All right. May we publish that. Thank
5 you.

6 BY MR. KITCHENS:

7 Q. And so you gave Mr. Harris a key to the city?

8 A. Yes.

9 Q. And what else happened on that trip?

10 A. That's it. He came, he went to three schools, spoke at those
11 three schools, we then left, went to Malaco Records, and met with
12 the gentlemen who run Malaco. And then that was -- that was that.

13 Q. Looking at the photograph that looks like there's -- is there
14 a microphone at this event?

15 A. Yes.

16 Q. Was there media coverage at this event?

17 A. Yes.

18 Q. And why were you interested in doing this event?

19 A. Because T.I. was going to come and speak to children in
20 Jackson.

21 Q. Now --

22 MR. KITCHENS: And we can take this down, Ms. Etienne.

23 BY MR. KITCHENS:

24 Q. Did the City pay for Mr. Harris --

25 A. No.

1 Q. -- to come to Jackson?

2 A. No.

3 Q. Did your campaign pay for Mr. Harris to come to Jackson?

4 A. No.

5 Q. Mr. Yarber, aside from these events that we've just discussed,
6 how regularly did you speak with Mitzi Bickers?

7 A. We spoke often.

8 Q. And what would you speak about?

9 A. Everything. We talked about everything from spirituality to
10 her questions about whether there would be -- you know, when we
11 would let contracts out and -- we talked about everything.

12 Q. And we'll talk about the contracts in a minute. But when you
13 spoke with Mitzi Bickers, would this happen in person or by phone
14 or both?

15 A. Both.

16 Q. Now, when you spoke by phone, would you speak with your --
17 what phone would you use to speak with Mitzi Bickers?

18 A. I would use my personal or the City, just depended on which
19 one.

20 Q. I'm going to show you what's been marked as Government's
21 Exhibit 209.

22 MR. KITCHENS: May I approach?

23 THE COURT: You may approach.

24 BY MR. KITCHENS:

25 Q. Mr. Yarber, who was your cell phone provider? Your personal

1 cell phone provider?

2 **A.** Cellular South.

3 **Q.** And do you recognize what this document is?

4 **A.** Yes.

5 **Q.** What is this document?

6 **A.** Certificate of authenticity of business records.

7 **Q.** Okay. And who is it -- what is the company providing that
8 certificate?

9 **A.** Cellular South doing business as C Spire.

10 MR. KITCHENS: We offer for admission Government
11 Exhibit 209.

12 THE COURT: Any objection?

13 MS. GOLDBERG: No objection.

14 THE COURT: It's admitted without objection.

15 (Government's Exhibit 209 was received and marked into
16 evidence.)

17 BY MR. KITCHENS:

18 **Q.** If you would turn to page 3 of this document. If you'd look
19 at the top, does that reflect your personal cell phone number?

20 **A.** It does.

21 **Q.** And was your cell phone number the number ending 6920?

22 **A.** It is.

23 **Q.** Okay. That's all, Mr. Yarber, for that.

24 Now, just a few more questions about your discussions with
25 Mitzi Bickers. Were you the only person in your administration

1 with whom Mitzi Bickers spoke?

2 **A.** No.

3 MS. GOLDBERG: Objection, speculation.

4 THE COURT: He said no.

5 BY MR. KITCHENS:

6 **Q.** Now, what did you talk about, if anything, with Mitzi Bickers
7 about your staff?

8 **A.** Well, I typically didn't. There would be times where she
9 would talk to me about staff.

10 **Q.** What would she tell you?

11 **A.** Umm. Primarily there will be times when she would tell me
12 some things -- things that staff would have said, or how they're
13 feeling, or give advice on what I probably needed to do about
14 certain instances or situations.

15 **Q.** What would she tell you about what the staff was feeling?

16 **A.** Typically -- well, I can give you just an example.

17 MS. GOLDBERG: Your Honor, I just object to double
18 hearsay.

19 THE COURT: I don't think he's going to say what she
20 said. I think he's going to give an example, at least as to the
21 statement.

22 MR. KITCHENS: Yes. And my question was what did Mitzi
23 Bickers tell him about --

24 MS. GOLDBERG: About, Your Honor, what someone else told
25 her, that's where --

1 THE COURT: I guess the question is, what did
2 Ms. Bickers tell you, without double hearsay.

3 THE WITNESS: Okay. She told me that there was one of
4 my -- one of the persons on the staff who was having some issues.
5 He was concerned that he was being left out.

6 MS. GOLDBERG: Objection, Your Honor. It's, again,
7 double hearsay. Now we're getting into what someone told
8 allegedly Ms. Bickers. Double hearsay.

9 MR. KITCHENS: And we're asking about the defendant's
10 own comments to this witness, as well as we are not offering the
11 underlying statements that Mitzi Bickers is telling is the truth
12 of the matter.

13 THE COURT: He can tell what Ms. Bickers said. In other
14 words, I'll allow you to tell what Mitzi Bickers said to you.

15 THE WITNESS: Okay. I understand.

16 THE COURT: Go ahead.

17 THE WITNESS: She said that I needed to address the
18 gentleman who was having the issues.

19 BY MR. KITCHENS:

20 **Q.** Now, did conversations like that with Mitzi Bickers happen on
21 other occasions?

22 **A.** They did.

23 **Q.** And how did those discussions, what Mitzi Bickers told you,
24 how did it affect your relationship with your staff?

25 **A.** Made me paranoid about a few of them and not trusting.

1 Q. How did you treat your staff based on what you heard from
2 Mitzi Bickers?

3 MS. GOLDBERG: Objection, relevance.

4 THE COURT: I guess I'm kind of concerned about the
5 relevance here. Do you want to address it right over here?

6 MR. KITCHENS: Yes, Your Honor.

7 (Sidebar.)

8 MR. KITCHENS: Your Honor, we're trying to establish
9 that Mitzi Bickers was manipulating the Mayor by telling him
10 stories about his staff to create a divide in the staff. That's
11 part of her overall scheme of showing that Mitzi Bickers was
12 attempting to create division within the staff to bribe the Mayor.
13 We believe his testimony is going to be that it created divisions.
14 He didn't trust his staff, as he's already stated, and that he had
15 to rely on Mitzi Bickers more as a result.

16 MS. GOLDBERG: Your Honor, I would say this goes so far
17 afoul from the indictment. She's not charged with manipulation.
18 This doesn't have anything to do with sort of thing of value that
19 was offered. This is trying to, again, it is irrelevant, trying
20 to prejudice the jury about her character. And I think it's
21 completely so far from this indictment at this point.

22 THE COURT: Well, I can see the point. Manipulation,
23 that's part of that case even with the Atlanta part of this.

24 MS. GOLDBERG: But, Your Honor, they're trying to impugn
25 her character improperly at this point.

1 THE COURT: I'm not going to go further into it, but get
2 to your point quickly.

3 MR. KITCHENS: Will do, Your Honor.

4 THE COURT: I note your exception.

5 (End of discussion at sidebar.)

6 BY MR. KITCHENS:

7 Q. Mr. Yarber, how did you treat your staff based on what you
8 heard from Mitzi Bickers?

9 A. Well, actually, I just kind of isolated myself and some of
10 those people, and then actually some of them ended up
11 being -- well, isolated from -- from what was happening close to
12 me.

13 Q. Mr. Yarber, you became more isolated and you became more
14 paranoid, as you stated. How did it affect, if it did, the amount
15 that you relied on Mitzi Bickers?

16 A. Well, I don't know how to answer that. I listened to her.

17 THE COURT: Well, did you listen to her more before this
18 happened or the same?

19 THE WITNESS: More.

20 BY MR. KITCHENS:

21 Q. Now, let's talk about those contracts in Jackson that you said
22 you discussed with Mitzi Bickers. What did she discuss with you
23 after -- we've already discussed your initial meeting at the
24 house. What did she discuss with you about these contracts after
25 that?

1 **A.** Primarily just about -- it was always about when we were going
2 to release the request for proposals, because we didn't do
3 it -- we didn't release anything, any work immediately. We
4 probably were in office a year before we did.

5 **Q.** And what were the specific contracts that you discussed with
6 her?

7 **A.** The program management for the consent decree was the primary.
8 And then secondary we talked about the 1 percent sales tax.

9 **Q.** And how frequently was it that you spoke with Mitzi Bickers
10 regarding those contracts?

11 **A.** Umm, she would ask, umm, a couple of times a month.

12 **Q.** How many phone calls did you have with her where she discussed
13 these contracts?

14 **A.** I don't know. A lot.

15 **Q.** When you say "a lot," do you have a ballpark figure for the
16 amount that you spoke with her about these contracts?

17 **A.** Probably, probably 70 percent of our calls.

18 **Q.** 70 percent of your calls were about the contracts?

19 **A.** Were about inquiring about those -- about that work, yes.

20 **Q.** And how many calls did you have with her during this period,
21 ballpark?

22 **A.** Hundreds.

23 **Q.** When you were talking about the consent decree, what did she
24 ask you regarding that contract?

25 **A.** Basically when -- you know, when we were going to let it, what

1 were the expectations, what, you know, what would we like to see,
2 those -- those questions.

3 **Q.** And did you tell her what you like to see and what your
4 expectations were?

5 **A.** I could actually -- I couldn't give her specs, because we had
6 not done any specs. But what I could give her was my expectation
7 about -- primarily about EBO participation. And EBO means -- Lord
8 have mercy -- it's basically when we are attempting to be sure
9 that businesses that are run by women, minorities, we're being
10 sure that they have equal opportunity play.

11 **Q.** Now, let's talk a little bit about that business --

12 **A.** Equal business opportunity.

13 **Q.** EBO is equal business opportunity?

14 **A.** Yes.

15 **Q.** Okay. Now, let's talk a little bit about the selection
16 process for that program manager for the consent decree. What --
17 in general, what kind of information kind of kick started the
18 process for contractors to be able to bid?

19 **A.** So this particular contract was going to be let through a
20 request for proposal. The way that works is the department puts
21 together a set of specs and they also -- in some cases, they do a
22 budget. That is released publicly. Companies then have an
23 opportunity to submit or respond to those proposals. And then
24 after those proposals come into the city clerk's office, they're
25 stamped in, and then sent to the department that let the request

1 for proposal.

2 **Q.** Okay. Now, after that request for proposal is issued and the
3 contractors provided responses, who was it who reviewed those
4 responses?

5 **A.** There is a team selection committee, and that selection
6 committee typically involves the Public Works director. We
7 typically get someone from EBO, we have the department attorney is
8 on that team. And it just depends -- it depends on the nature of
9 the request for proposal. That determines what kind of
10 technicality or technical people we need in the room on it.

11 **Q.** So for the program manager for the EPA consent decree, the
12 wastewater consent decree, how did the selection committee
13 basically select who the recommended contractor would be?

14 **A.** They use the -- every company is given a time and date to come
15 and present to the committee. The committee then uses a rubric to
16 score those presentations. And based on those -- based on the
17 scoring, then the city attorney sends me -- sends to the Mayor's
18 office, rather, what we call a legally sufficient order that's
19 ready to move to the City Council.

20 **Q.** And when it arrived to you, that recommendation, what do
21 you -- what do you do at that point?

22 **A.** Now, personally, I always check EBO participation. And once I
23 check EBO participation and I'm satisfied with that, and I'm
24 satisfied that they met the community engagement requirement, then
25 I inform my assistant and the chief of staff to put it on the

1 agenda for the City Council to consider.

2 **Q.** And does the City Council ultimately have final approval?

3 **A.** Yes.

4 **Q.** Now, was Mitzi Bickers part of a team bidding for work on that
5 program manager contract?

6 **A.** Yes.

7 **Q.** What was the company that Mitzi Bickers was associated with?

8 **A.** AECOM.

9 **Q.** What was AECOM?

10 **A.** AECOM was an engineering firm.

11 **Q.** What was her role in connection with AECOM?

12 **A.** She was a broker.

13 **Q.** And what do you mean by broker?

14 **A.** She worked brokering -- so in that -- in that arena, companies
15 will often hire someone to work as like an intermediary for them,
16 who works with staff, who works with political folks. And,
17 typically, those are people who have worked in politics or worked
18 in policy, and they have the ability to go in and have
19 conversations with folks like me who don't have the technicality
20 of the understanding of it.

21 **Q.** We've spoken about your phone calls with Mitzi Bickers about
22 this contract. Did you also meet with her in connection with the
23 contract?

24 **A.** Yes.

25 **Q.** Where did you meet with her?

1 **A.** We met in her office.

2 **Q.** Where was her office?

3 **A.** It was in -- currently Strayer University is using this
4 building where she -- where she had her office.

5 **Q.** And where is that located?

6 **A.** That is in Jackson.

7 **Q.** What did you discuss at that meeting?

8 **A.** All of this was prior to the letting of the RFP. So
9 primarily -- and, actually, that particular meeting was following
10 me having issued an emergency for the city's water. And there
11 were team members -- because the folks were in town, there were
12 team members from AECOM that were with Ms. Bickers. They all saw,
13 because it was -- you know, we did a big thing about it. And so
14 they wanted to be able to give some assistance on getting that
15 emergency -- getting that emergency declaration moved to the next
16 level.

17 **Q.** Had you met representatives of AECOM before that meeting?

18 **A.** No.

19 **Q.** And this meeting took place before your RFP for the wastewater
20 consent program manager contract was ever even issued?

21 **A.** Yes.

22 **Q.** And who was it who arranged that meeting?

23 **A.** Ms. Bickers.

24 **Q.** Now, did AECOM later make any presentation to that selection
25 committee for the wastewater consent decree?

1 **A.** They did.

2 **Q.** Did you speak with Mitzi Bickers around the time of that
3 presentation?

4 **A.** No.

5 **Q.** Did you talk with her at any point afterwards about that
6 presentation?

7 **A.** Yes.

8 **Q.** And what did she tell you?

9 **A.** Well, afterwards I spoke with her, because there was an issue
10 that arose with the selection -- well, with the selection team. I
11 started getting phone calls that someone that was part of the
12 staff, that was on staff, was in the building, not in the -- not
13 in the room, but in the building, and they felt like he was
14 attempting to influence the process. So I spoke -- I spoke with
15 Mitzi about that as well.

16 **Q.** What was the result of that first time that this program
17 manager contract was put out for bid?

18 **A.** I pulled it off -- I pulled it off of the agenda.

19 **Q.** And why did you do that?

20 **A.** Well, no, no, no. I didn't pull it off the agenda. I decided
21 that we would scrap the process and that we would start over.

22 **Q.** And so did you put it out and restart the whole process again?

23 **A.** Yes.

24 **Q.** Did AECOM submit another bid?

25 **A.** They did.

1 Q. And did you speak with Mitzi Bickers about AECOM during that
2 second bidding process?

3 A. Yes.

4 Q. How frequently did you speak with her?

5 A. I'm pretty sure it was very frequent, because it was -- it was
6 crunch time.

7 Q. When you say very frequently, what do you mean?

8 A. I mean -- because, again, you know, everybody wants to know,
9 when is it -- when are y'all going to release the request for
10 proposal. And so it was, you know, when are y'all going to do it,
11 when are you going to do it, when are you going to do it, so it
12 was primarily about the time.

13 Q. Now, did the selection committee make a recommendation during
14 that second rebidding process?

15 A. They did.

16 Q. What was that recommendation?

17 A. AECOM.

18 Q. Did your office then receive that recommendation?

19 A. Yes.

20 Q. And what did your office do with that recommendation?

21 A. We put it on the City Council agenda.

22 Q. Did the City Council approve AECOM as the project manager for
23 the wastewater consent decree?

24 A. They did not.

25 Q. And who ultimately got that program manager contract?

1 **A.** Waggoner, I believe. Waggoner Engineering.

2 **Q.** And what kind of company was Waggoner Engineering?

3 **A.** An engineering firm.

4 **Q.** In the course of your conversations with Mitzi Bickers, did
5 you ever discuss a hotel convention center contract?

6 **A.** Yes.

7 **Q.** What did you discuss regarding that contract?

8 **A.** There really wasn't much to discuss, because it wasn't under
9 my purview. So she would ask when they were going to let the RFP.
10 I really could never tell her, because it was under the purview of
11 the Jackson Redevelopment Authority. So it wasn't a lot of
12 conversation about the hotel, because I didn't have a lot of
13 information to give.

14 **Q.** So let me make sure I understand. Was the Jackson
15 Redevelopment Authority part of the Mayor's office?

16 **A.** No.

17 **Q.** Is it a separate entity in Jackson?

18 **A.** Yes.

19 **Q.** And so did you have any direct oversight over that hotel
20 convention center contract?

21 **A.** No.

22 **Q.** Now, to summarize, did Ms. Bickers provide to you campaign
23 services?

24 **A.** She did.

25 **Q.** Did she give you food and alcohol and other things at various

1 fundraisers and events?

2 **A.** Yes.

3 **Q.** Did -- based on your conversations with her, did it leave you
4 isolated with your staff?

5 MS. GOLDBERG: Objection, Your Honor, relevance, asked
6 and answered.

7 THE COURT: He's answered. She's right, you asked that
8 question. He's answered it, so...

9 MR. KITCHENS: Fair, Your Honor.

10 BY MR. KITCHENS:

11 **Q.** Now, to be clear, did you ultimately provide any contracts to
12 Mitzi Bickers?

13 **A.** No.

14 **Q.** Did you have an understanding of why Mitzi Bickers was taking
15 all the steps that you testified about?

16 MS. GOLDBERG: Objection, Your Honor. Speculation,
17 conjecture.

18 THE COURT: I think he can answer that question.

19 THE WITNESS: No.

20 BY MR. KITCHENS:

21 **Q.** Now, did -- did you have any contact with Mitzi Bickers after
22 she lost those contracts with the City?

23 **A.** We -- we spoke, but not as much.

24 **Q.** What did she tell you after she lost out on her contracts?

25 **A.** After some time, she informed me that -- that they were

1 deciding to pack up their office and come back to Atlanta because,
2 you know, they didn't have contracts. And the purpose for them
3 being there was to -- I mean, was to make money.

4 **Q.** After that conversation where she said she was leaving because
5 she didn't have contracts, did you talk with Mitzi Bickers after
6 that?

7 **A.** I don't think -- I don't think we've talked. We may
8 have -- we may have spoken once or twice, but I don't think we've
9 talked since.

10 **Q.** Mr. Yarber, did you run for reelection?

11 **A.** I did.

12 **Q.** And when was that reelection campaign?

13 **A.** That was 2017.

14 **Q.** Did Mitzi Bickers offer any help during that reelection?

15 **A.** No.

16 **Q.** Did she donate to your campaign?

17 **A.** No.

18 **Q.** Did she host any fundraisers?

19 **A.** No.

20 **Q.** Did she provide any Get Out the Vote services?

21 **A.** No.

22 **Q.** Did you win that reelection?

23 **A.** No.

24 **Q.** Have you spoken with Mitzi Bickers since your reelection?

25 **A.** No.

1 Q. Mr. Yarber, looking back at everything that happened and your
2 interactions with Mitzi Bickers, what do you feel about it?

3 MS. GOLDBERG: Objection, relevance.

4 MR. KITCHENS: It's my last question, Your Honor. I
5 think he's entitled to reflect on what his perspective was.

6 MS. GOLDBERG: Your Honor, the fact that it is the last
7 question makes no determination --

8 THE COURT: I'm not basing it on whether it was the last
9 question. The question is, how do you feel about your dealings
10 with Ms. Bickers?

11 THE WITNESS: In hindsight?

12 THE COURT: Well, hold on. That's the question. He can
13 answer that question based on his dealings with her. He can't
14 speculate anything.

15 MR. KITCHENS: Of course.

16 THE COURT: Yeah. Go ahead.

17 THE WITNESS: Okay. Can you ask the question again?

18 BY MR. KITCHENS:

19 Q. Sure. Looking back, what do you think about your interactions
20 with Mitzi Bickers?

21 MS. GOLDBERG: Objection, relevance.

22 THE COURT: You can -- overruled. You can answer that
23 question, but don't speculate or guess about anything. Only give
24 us, you know, how you -- your perspective based on facts.

25 THE WITNESS: I think the only way I can really do it,

1 Your Honor, is if I can say "I feel."

2 THE COURT: Is your feeling based on your direct
3 dealings with Ms. Bickers?

4 THE WITNESS: Yes.

5 THE COURT: Okay. Go ahead.

6 THE WITNESS: I feel at this point -- I have a lot of
7 respect, I trusted Ms. Bickers, and I hate that I'm here.

8 MR. KITCHENS: Understood.

9 No more questions, Your Honor.

10 THE COURT: Your witness.

11 MS. GOLDBERG: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. GOLDBERG

14 Q. Good afternoon, Mr. Yarber.

15 A. Good afternoon.

16 Q. How are you doing today?

17 A. Ready to go home.

18 Q. Okay. So you talked a little bit on direct about your
19 background and I want to go through some of that with you again.

20 You're from Jackson?

21 A. Yes.

22 Q. And that's where you've been your whole life, for the most
23 part?

24 A. Yes.

25 Q. And you said you had some background in education?

1 **A.** Yes.

2 **Q.** You've been a teacher and then eventually a principal?

3 **A.** Yes.

4 **Q.** And then you also decided to get into politics?

5 **A.** Yes.

6 **Q.** And that's because you have a love for the city of Jackson?

7 **A.** Yes.

8 **Q.** And you have a love for the people and you wanted to do better
9 and be better for the people of Jackson?

10 **A.** Yes.

11 **Q.** And so you got into politics. And I think you mentioned that
12 your first, kind of, venture into politics was on the City
13 Council?

14 **A.** Yes, ma'am.

15 **Q.** Okay. And you were, I think you said, tapped for that role to
16 some degree?

17 **A.** Yes, ma'am.

18 **Q.** And that's because of your -- your background and your
19 education and your love for the city that people saw potential in
20 you to benefit the city of Jackson in the political world;
21 correct?

22 **A.** Correct.

23 **Q.** And you went and you ran for City Council and then you were on
24 City Council for a number of years --

25 **A.** Yes.

1 Q. -- correct?

2 A. Yes.

3 Q. And it wasn't until you heard about the tragic circumstances
4 of the former mayor who unexpectedly passed that you decided to go
5 ahead and run for that role?

6 A. Yes, ma'am.

7 Q. And that was not a typical election you testified about;
8 right?

9 A. Right.

10 Q. So those elections typically last, you said, six to eight
11 months, something like that?

12 A. Yes.

13 Q. So it was a much shorter period of time?

14 A. Yes.

15 Q. So the efforts had to be a little bit more frenzied and you
16 had to, you said, fundraise more quickly, things like that?

17 A. Yes.

18 Q. So this was a unique situation?

19 A. Yes.

20 Q. And there were a number of people who were in that race, but
21 ultimately you did win, at least you read -- there was a special
22 election and then there was eventually a runoff; correct?

23 A. Yes.

24 Q. Okay. And you testified a little bit, too, I think -- you
25 know, I think Mr. Kitchens here kind of stole my term here a

1 little bit, he said how many hats that you have; right? You have
2 so many different roles, even to this day; right? You're a
3 pastor?

4 **A.** Yes.

5 **Q.** I think you said something about martial arts?

6 **A.** Yes.

7 **Q.** Political consulting?

8 **A.** Yes.

9 **Q.** So you have a variety of different ventures and different ways
10 that you seek to support yourself and ultimately make a living;
11 correct?

12 **A.** Correct.

13 **Q.** Okay. And you testified about your first meeting with Pastor
14 Mitzi Bickers at her home?

15 **A.** Yes.

16 **Q.** And that was as a result of a woman named Jackie
17 Anderson-Woods?

18 **A.** Yes.

19 **Q.** Who brought you there?

20 **A.** Yes.

21 **Q.** And you're a pastor and you're aware that Pastor Mitzi Bickers
22 is a pastor as well?

23 **A.** Yes.

24 **Q.** I think you testified that on that first day when you went
25 there, this was kind of a Sunday fellowship after church?

1 **A.** Yes.

2 **Q.** And there were members of her church present and that kind of
3 thing?

4 **A.** Correct.

5 **Q.** And so there was a kinship between the two of you; correct?
6 As one pastor to another?

7 **A.** Correct.

8 **Q.** And I think, you know, during that meeting, there was even
9 some prayer involved; correct?

10 **A.** Yes.

11 **Q.** And so it wasn't just a sit down at the dining room table and
12 talk about business. There was a bond that was initially created
13 between yourself and Pastor Mitzi Bickers in which you even prayed
14 together that day?

15 **A.** You're asking? I'm sorry.

16 **Q.** Yes.

17 **A.** Oh, yes, we prayed. Yeah, we did.

18 **Q.** Okay. So it wasn't just that, like I said, a cold business
19 relationship. There was a kinship that immediately formed between
20 the two of you?

21 **A.** Yes.

22 **Q.** And during that meeting, you had conversations about kind of
23 your thoughts and you said issues facing Jackson at that time?

24 **A.** Correct.

25 **Q.** And your concerns about the water situation, the

1 infrastructure problems, all of these things that Jackson had been
2 facing at the time?

3 **A.** Yes.

4 **Q.** And Pastor Mitzi Bickers shared a lot of those same concerns
5 with you?

6 **A.** She did.

7 **Q.** You both wanted to see Jackson be better and do better?

8 **A.** Yes.

9 **Q.** And as result of that and your shared kinship between coming
10 to a, you know, common understanding of both being pastors, at
11 that time, during that meeting, she decided to donate to your
12 campaign?

13 **A.** She did.

14 **Q.** And obviously you're aware that because you're in the
15 political world, Pastor Mitzi Bickers is also in the political
16 world?

17 **A.** Yes.

18 **Q.** And certainly she would understand that when she donates to a
19 political campaign, that is a public political donation, correct?

20 **A.** Correct.

21 **Q.** I think we saw the government's exhibit they showed you with
22 the different dollar amounts from different political donors that
23 were given to you during the course of your campaign?

24 **A.** Yes.

25 **Q.** That was paid via check?

1 **A.** Yes.

2 **Q.** A public donation to your campaign?

3 **A.** Correct.

4 **Q.** Okay. And certainly if there was anything improper or
5 incorrect about that interaction, you certainly wouldn't have
6 accepted that political donation; correct?

7 **A.** Absolutely not.

8 **Q.** Because there's nothing improper about that political
9 donation?

10 **A.** Correct.

11 **Q.** That's something that people do all the time at political
12 fundraisers all over the country?

13 **A.** Yes.

14 **Q.** They share an interest with somebody who they think is
15 politically aligned with them and maybe they have a similar
16 interest to that person and they donate to that person's campaign
17 because that's -- they think that that will help in their
18 interests and things that they want to see done and be done;
19 correct?

20 **A.** Correct.

21 **Q.** Not an unusual thing?

22 **A.** No.

23 **Q.** And you testified about during that kind of frenzied four to
24 six weeks you were doing all kinds of fundraisers all over. There
25 was a lot of interest in you at that time?

1 **A.** Yes.

2 **Q.** A lot of different people were hosting fundraisers to benefit
3 your campaign at that time?

4 **A.** Yes.

5 **Q.** And so that interaction that you had with Pastor Mitzi Bickers
6 was pretty commonplace for other interactions that you had with
7 other people who were donating to your campaign at the time?

8 **A.** Campaign donations were, yes, they were very common.

9 **Q.** Right. And like we said, if there was anything improper, you
10 certainly wouldn't have done anything with that; correct?

11 **A.** Correct.

12 **Q.** Because there was nothing improper about that political
13 donation in any way?

14 **A.** No.

15 **Q.** Okay. And, again, during those fundraisers, I mean, it's
16 pretty commonplace to meet a bunch of people and schmooze and, you
17 know, shake hand and things like that. People want to meet you;
18 correct?

19 **A.** Correct.

20 **Q.** When you're running for office, people want to have a
21 conversation with you and find out, you know, maybe this is what
22 I'm interested in and this is what you're interested in, and, you
23 know, is this going to be a good fit.

24 **A.** Yes.

25 **Q.** Again, completely commonplace interactions between people who

1 are interested in helping a politician run for office?

2 **A.** Sure.

3 **Q.** And you had lots of those interactions during the course of
4 this kind of frenzied period of time; correct?

5 **A.** Yes.

6 **Q.** And you talked a little bit about a fundraiser that was held
7 in New Orleans. Now, that fundraiser was held by another
8 individual; correct?

9 **A.** Correct.

10 **Q.** That was, I think you said before, it was an engineering
11 services firm?

12 **A.** Yes.

13 **Q.** Okay. And you've talked to the government prior to today;
14 correct?

15 **A.** I have.

16 **Q.** They've interviewed you on multiple occasions?

17 **A.** They have.

18 **Q.** And you've gone through a lot of these things with them?

19 **A.** I have.

20 **Q.** Several times?

21 **A.** I have.

22 **Q.** Okay. And so after that fundraiser, you testified a little
23 bit about going to a club afterwards.

24 **A.** Going where?

25 **Q.** To a club.

1 **A.** Yes.

2 **Q.** Now, again, you've developed a -- kind of a kinship with Mitzi
3 Bickers at this time?

4 **A.** Yes.

5 **Q.** You're kind of friends at this point?

6 **A.** Yes.

7 **Q.** And, again, if there was anything improper or unethical or
8 wrong about you going to that club, you wouldn't have been there?

9 **A.** No.

10 **Q.** You wouldn't have done those things?

11 **A.** No.

12 **Q.** Okay. And so as the Mayor, you testified about the process in
13 the City about conflicts.

14 **A.** Yes.

15 **Q.** And how ultimately -- I think we've heard testimony today by a
16 man named Melvin Priester who testified that -- basically the
17 Mayor picks the person who would get the contracts. That's not a
18 true statement; is that correct?

19 **A.** That's untrue.

20 **Q.** Okay. So there's actually kind of a separation between the
21 Mayor and the process of giving out a contract; right?

22 **A.** Yes.

23 **Q.** And that was important to you when you took office as Mayor,
24 because there were issues in the past. You wanted to make sure
25 that everything that you did was aboveboard; correct?

1 **A.** The City attorney specifically wanted to create a process that
2 insulated me, yes.

3 **Q.** Okay. And so -- insulation. That's a good word.

4 So there is a separation, an insulation between the Mayor's
5 office and the selection process?

6 **A.** Yes.

7 **Q.** And you testified about there is a selection committee, there
8 is different individuals on that selection committee and they were
9 handpicked to be kind of the best and brightest to make the proper
10 decision about a contract on that selection committee?

11 **A.** Yes.

12 **Q.** And so -- and they were factors involved in the selection
13 committee. It was a documented process of how these things were
14 supposed to take place?

15 **A.** Yes.

16 **Q.** Especially because we've heard testimony about the size of
17 these contracts; correct?

18 **A.** Correct.

19 **Q.** Because these are big contracts?

20 **A.** Yes.

21 **Q.** And when I say "big contracts," I'm not saying that, you know,
22 the individuals who get the contracts are going to get that money,
23 it just involves a lot of money; correct?

24 **A.** Correct.

25 **Q.** So the money that's in these contracts is supposed to be used

1 for the program; correct?

2 **A.** Correct.

3 **Q.** To implement whatever the ideals of the contract were?

4 **A.** Yes.

5 **Q.** So for the wastewater contract specifically, we heard big
6 numbers that were associated with that contract, that's to
7 actually implement the process of the contract; correct?

8 **A.** Correct.

9 **Q.** So to help organize and determine and actually go ahead and do
10 the work that is necessary to take care of the wastewater problem
11 that was in Jackson; correct?

12 **A.** Yes.

13 **Q.** So there would be big numbers because it was a big problem?

14 **A.** Yes.

15 **Q.** And that money is essential for fixing that problem?

16 **A.** Correct.

17 **Q.** Now, the people who were associated with that contract, that's
18 not the money that they're getting out of that contract; correct?

19 **A.** No.

20 **Q.** Okay. You testified a little bit about an event with T.I.
21 The government didn't ask you anything about it, but you were told
22 by T.I. that he paid for that himself; correct?

23 **MR. KITCHENS:** Objection, hearsay.

24 **THE COURT:** That's hearsay. Sustained.

25 **BY MS. GOLDBERG:**

1 Q. You were aware that it was not Pastor Mitzi Bickers who paid
2 for that; correct?

3 MR. KITCHENS: Objection. What's the foundation?

4 MS. GOLDBERG: If he knows, Your Honor.

5 THE COURT: Do you know?

6 THE WITNESS: Sir?

7 THE COURT: Do you know?

8 THE WITNESS: All I know is --

9 THE COURT: Well, do you know?

10 THE WITNESS: Oh, do I know if --

11 THE COURT: The question that was asked. Do you know?

12 THE WITNESS: Can you ask the question again?

13 BY MS. GOLDBERG:

14 Q. You've been interviewed before by the government; correct?

15 A. Correct.

16 Q. And you've told them before that you were made aware that
17 Mr. T.I. paid for it himself; correct?

18 MR. KITCHENS: Objection, Your Honor.

19 THE COURT: That's -- yeah. That's the same thing.

20 It's sustained.

21 Do you know whether or not Pastor Bickers paid for this?

22 THE WITNESS: I don't know.

23 BY MS. GOLDBERG:

24 Q. And you've told something different to the government
25 previously?

1 **A.** No. What I told the government was I asked what did T.I. want
2 to come, and I was told that all he wanted was --

3 MR. KITCHENS: Objection.

4 THE COURT: Don't go into what someone told you.

5 BY MS. GOLDBERG:

6 **Q.** Okay. Now, you testified about some fundraisers and parties.
7 And they made it sound pretty salacious and all those things, but
8 the fundraisers themselves were professional events; correct?

9 **A.** Correct.

10 **Q.** You said there were some folks with some money and, you know,
11 this is part of the process of political campaigns; correct?

12 **A.** Correct.

13 **Q.** That you -- like I said, you shake hands, you meet folks.
14 Because it's in the interest of a politician to meet people with
15 money because money is essential for running a campaign?

16 **A.** Correct.

17 **Q.** And you were just doing what people do by attending these
18 fundraisers.

19 **A.** Correct.

20 **Q.** And Pastor Mitzi Bickers was just doing what people do that
21 help people who are running campaigns by hosting these fundraisers
22 for you.

23 **A.** I don't want to speak to what her intent was.

24 **Q.** It's not unusual for these fundraisers to be held by people
25 all over the country all the time during political campaigns.

1 **A.** Right.

2 **Q.** And during those fundraisers, it is not unusual for someone to
3 pay for things like food or drinks at these fundraisers as
4 donations to those campaigns?

5 **A.** Right. That's not unusual.

6 **Q.** Right. And that is part of the political process?

7 **A.** Right.

8 **Q.** Okay. And you testified about -- I guess after one of
9 those -- or one of those fundraisers, that you went to another
10 party so you took a boat over to someone named Rob's house.

11 **A.** Right.

12 **Q.** Okay. Now, that was a separate event?

13 **A.** Yes.

14 **Q.** That was at somebody else's house?

15 **A.** Yes.

16 **Q.** You said that that was an event that was already in progress?

17 **A.** Yes.

18 **Q.** Because that was an event that was for somebody else; correct?

19 **A.** I don't know. I know it wasn't for me.

20 **Q.** Right. So that was not something that was for you, that was
21 just you going with, you said some people you were with that day,
22 now your new friend Pastor Mitzi Bickers going to another friend's
23 house who just happened to be holding a house party; correct?

24 **A.** Yes.

25 **Q.** And you testified about another fundraiser. I think you

1 mentioned it was for -- there was another fundraiser that you
2 attended that was not for you. It was for someone running for
3 sheriff by the name of Tyrone Lewis.

4 **A.** Correct.

5 **Q.** And, again, that was another fundraiser to benefit a political
6 campaign; correct?

7 **A.** Correct.

8 **Q.** That you attended. And that wasn't for you, that was for
9 somebody else.

10 **A.** Correct.

11 **Q.** And then you mentioned some meetings between sheriffs and
12 things like that. Again, sheriffs meeting each other, running for
13 a political campaign, not unusual?

14 **A.** No.

15 **Q.** And I want to talk a little bit about the actual process and
16 the selection for the wastewater contract.

17 **A.** Okay.

18 **Q.** And I kind of spoke about it, but I'm going to go back to it a
19 little bit, about the selection committee. And that there were
20 particular factors associated with the selection committee and
21 that anybody who was interested, any person who was interested in
22 a contract, engineering firm, whatever it may be, had to go
23 through that process and submit a proposal.

24 **A.** Yes.

25 **Q.** And so there was one that was done for the wastewater project;

1 correct?

2 **A.** Correct.

3 **Q.** And you specified about the AECOM proposal?

4 **A.** Yes.

5 **Q.** Now, you're aware that AECOM is a national and even
6 international engineering firm; correct?

7 **A.** Correct.

8 **Q.** It is one of the biggest and best firms in the country for
9 wastewater, wastewater infrastructure and development, things like
10 that?

11 **A.** That's my -- that's my opinion.

12 **Q.** Okay. So in terms of fixing the problem in Jackson, AECOM
13 would be the most perfectly situated firm that came to Jackson to
14 help that problem?

15 **A.** Based on their scores, yes.

16 **Q.** And you are aware of that fact also?

17 **A.** Yes.

18 **Q.** And you even specified that there was a water emergency that
19 happened in Jackson, that AECOM came and showed up and wanted to
20 help out.

21 **A.** Yes.

22 **Q.** Because they wanted to fix the problem in Jackson.

23 **A.** Well, I -- I can't speak to that, but --

24 **Q.** There was a problem and they came to help?

25 **A.** Yes.

1 Q. And they submitted a proposal and it was an extensive proposal
2 for that wastewater program?

3 A. Yes.

4 Q. And it was thorough and well thought-out. There were 3D
5 models involved. There were people flown in from all over the
6 country because this is a major engineering firm submitting a
7 proposal for, unfortunately, a major problem.

8 A. Yes.

9 Q. And it was a good proposal that was well thought-out and well
10 done, and that's why ultimately they received the best scores for
11 that contract.

12 A. Yes.

13 Q. It does not have anything to do with any sort of relationship
14 that you had with Pastor Mitzi Bickers.

15 A. No.

16 Q. It was because it was the best proposal for that contract.

17 A. Yes.

18 Q. And, ultimately, you said that they submitted that, they were
19 selected, and that there was some other issue that caused the
20 cancellation --

21 A. Yes.

22 Q. -- initially on that first bid.

23 A. Yes.

24 Q. Now, that was nothing to do with any sort of issue with AECOM.
25 You said there was somebody in the building and that was brought

1 to your attention?

2 **A.** Yes.

3 **Q.** And that's actually brought to your attention by Pastor Mitzi
4 Bickers; correct?

5 **A.** Yes.

6 **Q.** And so the process that ultimately resulted in AECOM losing
7 the contract, because there was an issue brought to you by Pastor
8 Mitzi Bickers.

9 **A.** Yes.

10 **Q.** And then ultimately they submitted a second bid. Again, it
11 was a good bid?

12 **A.** Yes.

13 **Q.** Bid proposal? Qualified proposal?

14 **A.** Yes.

15 **Q.** Would it have helped the City of Jackson extensively with the
16 problem that they still currently have?

17 **A.** Yes.

18 **Q.** And the consent decree, I think we've heard, started in 2013;
19 is that correct?

20 **A.** Yes.

21 **Q.** And there was initially a firm, it was kind of a local firm,
22 that was tasked with the wastewater project; correct?

23 **A.** Correct.

24 **Q.** That was Waggoner?

25 **A.** Correct.

1 Q. And from 2013 to the bid proposals in 2015, Waggoner was doing
2 that work?

3 A. They were.

4 Q. And they were not doing a good job.

5 A. We didn't think that it was a good job, no.

6 Q. And that's why the RFP was submitted to bring a new firm in,
7 because Waggoner was not doing a good job.

8 A. Correct.

9 Q. And then ultimately AECOM, this large national, international
10 firm comes in and doesn't get the contract; it goes back to
11 Waggoner.

12 A. It did.

13 Q. And are they still the group that's doing the consent decree?

14 A. I'm not certain.

15 Q. And there's still a problem in Jackson?

16 A. Yes.

17 Q. Because AECOM didn't get the contract.

18 A. There's still a problem in Jackson.

19 Q. And AECOM could have helped fix that problem.

20 A. They could have --

21 MR. KITCHENS: Objection, speculation.

22 THE COURT: That's speculation unless he can definitely
23 answer it.

24 Can you answer that question?

25 THE WITNESS: Will you ask the question again?

1 BY MS. GOLDBERG:

2 Q. Had AECOM been given that contract, that certainly could have
3 helped, given your knowledge of this extensive proposal that AECOM
4 submitted?

5 A. Yes.

6 Q. Now, I want to make it clear, and I'll go back to that
7 proposal one more time. The proposal itself -- and I think we
8 actually have it in evidence and I want to share with you what's
9 been marked as Government's Exhibit 45. Talk about how extensive
10 that was. And I think we have a whole folder. I'm not going to
11 show you the whole thing, but this is the proposal; correct?

12 A. Correct.

13 Q. And in that proposal, I mean it looks like it's about, I don't
14 know, a hundred pages at least; is that correct?

15 A. I don't know how many pages it was. It was -- it was --

16 Q. It was an extensive proposal?

17 A. Yes.

18 Q. That AECOM obviously expended a whole lot of time and effort
19 and expense putting this proposal together?

20 A. Yes.

21 MR. KITCHENS: Objection. How -- what -- it's calling
22 for speculation, asking how much time AECOM put into it.

23 THE COURT: Unless they submitted him time records or
24 anything, I don't know how he can answer that question.

25 BY MS. GOLDBERG:

1 Q. This was an extensive proposal that was well done and well
2 thought-out by this company?

3 A. Yes.

4 Q. This wasn't a haphazard put together "we know we're going to
5 get a contract" proposal; correct?

6 A. Correct.

7 Q. Now, I just want to be clear that as your time as mayor -- and
8 you spoke with the government many times. You've talked about the
9 issues that Jackson was having and how you were trying to buck
10 that system; correct? You were trying to fix the problems?

11 A. Yes.

12 Q. And you were trying to make sure that firms like Waggoner, who
13 already had been doing the work, were local firms that had already
14 been not doing a good job, that those firms didn't continue to get
15 the same work and still not do a good job; correct?

16 A. Correct.

17 Q. You wanted to bring in new life, like AECOM, big national
18 firms that could really help the people of Jackson when you were
19 mayor.

20 A. We just needed it fixed.

21 Q. You needed it fixed.

22 A. Yeah.

23 Q. Right.

24 A. We needed it fixed.

25 Q. And you wanted to not continue with the status quo as is

1 currently the case?

2 **A.** Correct.

3 **Q.** And certainly as the Mayor you never would have accepted
4 anything -- you would have never accepted a bribe as a Mayor;
5 correct?

6 **A.** Absolutely not.

7 **Q.** You would have never agreed to be in those situations in which
8 you felt as if it was improper or wrong, accepting anything from
9 anyone; correct?

10 **A.** Correct.

11 **Q.** And there was never any sort of agreement with Pastor Mitzi
12 Bickers that she would ever get a contract.

13 **A.** No.

14 **Q.** In fact, I think that you testified -- or that you stated in
15 your statements before that the only thing you ever told her was
16 that, I can get you to the table, but you're going to have to do
17 good work and going to have to propose well?

18 **A.** Yes.

19 **Q.** Which is what you would tell anybody.

20 **A.** That's what I tell everybody.

21 **Q.** There was never an agreement, there was never an
22 understanding, and there was never a promise that she would get
23 anything, that AECOM would get anything associated at all with
24 Jackson.

25 **A.** Correct.

1 Q. Because you wouldn't have done that as Mayor because you were
2 bucking the system and you wanted better for the City.

3 A. Correct.

4 Q. And, in fact, AECOM and Pastor Mitzi Bickers, we've already
5 heard, never did get a contract.

6 A. No.

7 Q. And you testified a little bit at the end, I mean talking
8 about hindsight and things like that, but in your many
9 conversations you've had with the government and you've called
10 Pastor Mitzi Bickers, I think you described her as like an aunt;
11 is that correct?

12 A. Correct.

13 Q. That you talked about personal matters, spirituality, you-all
14 had a relationship with each other.

15 A. Yes.

16 Q. A friendship.

17 A. Yes.

18 Q. You told them before she was never pushy or testy with you.

19 A. No.

20 Q. And there was never an agreement that she would ever receive
21 anything --

22 A. No, there was --

23 Q. -- from the City?

24 A. No, there was not.

25 MS. GOLDBERG: No further questions.

1 THE COURT: Redirect?

2 MR. KITCHENS: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. KITCHENS

5 Q. Mr. Yarber, do you remember you were asked questions about
6 whether campaign donations like the money donated by Mitzi Bickers
7 were commonplace?

8 A. I'm sorry?

9 Q. Do you remember you were asked questions about whether --

10 A. Oh, yes.

11 Q. -- getting donations, like those -- the monetary donations by
12 Mitzi Bickers were commonplace?

13 A. Yes.

14 Q. Now, in your elections, any of your elections you had, did you
15 ever have any other donor bus in people from Atlanta to campaign
16 for you on a Get Out the Vote effort?

17 MS. GOLDBERG: Objection, your Honor.

18 THE COURT: Overruled.

19 THE WITNESS: No.

20 BY MR. KITCHENS:

21 Q. Had you ever seen someone in your experience in Jackson
22 campaigns bring a bus of people from Atlanta for a Get Out the
23 Vote effort on a campaign?

24 A. No.

25 Q. Now, you were also asked questions, if you remember, about

1 fundraisers being part of the political process. Do you remember
2 that?

3 **A.** I do.

4 **Q.** And I think -- as was noted, I think you testified on
5 cross-examination that fundraiser in Atlanta that you were flown
6 in for was not for you; is that correct?

7 **A.** The last one, correct.

8 **Q.** The September fundraiser?

9 **A.** Correct.

10 **Q.** Who was that fundraiser for?

11 **A.** It was for Sheriff Tyrone Lewis.

12 **Q.** And was it part of the normal political process for you to be
13 flown first class to someone else's fundraiser?

14 MS. GOLDBERG: Your Honor, it's outside the scope.

15 MR. KITCHENS: She asked --

16 THE COURT: You asked the question was it usual; that's
17 why I'm allowing it. If you hadn't asked that question I probably
18 would not be allowing it, but you asked that question, so I'm
19 going to allow it.

20 THE WITNESS: Will you ask it again?

21 BY MR. KITCHENS:

22 **Q.** Was it part of the usual political process for you to be flown
23 first class to attend someone else's fundraiser?

24 **A.** No.

25 **Q.** Was it part of the usual political process for you to be

1 hosted at the Ritz-Carlton to attend someone else's political
2 fundraiser?

3 **A.** No.

4 **Q.** Was it part of the usual political process for you to be taken
5 to a Frankie Beverly and Maze concert in a limousine?

6 **A.** No.

7 **Q.** Was it part of the usual political process for you to be
8 transported around Atlanta in a limousine?

9 **A.** No.

10 **Q.** Mr. Yarber, you remember you were asked questions about
11 AECOM's proposal for the wastewater consent decree. How much time
12 did you spend reviewing AECOM's proposal?

13 **A.** None.

14 **Q.** So out of the hundreds of pages or whatever, did you go page
15 by page through that proposal?

16 **A.** I did not.

17 **Q.** Do you know specific details about that?

18 THE COURT: Hold on. Did you finish your answer?

19 THE WITNESS: No. I finished.

20 THE COURT: Okay.

21 BY MR. KITCHENS:

22 **Q.** Do you know specific details about that proposal?

23 **A.** I knew the summary facts which gave details.

24 **Q.** And did you vet those hundred pages and review those hundred
25 pages?

1 **A.** No.

2 **Q.** Do you know how much Mitzi Bickers stood to gain if AECOM was
3 awarded that contract?

4 MS. GOLDBERG: Objection, relevance.

5 THE COURT: Overruled.

6 THE WITNESS: I believe it was about 12 percent, maybe.

7 BY MR. KITCHENS:

8 **Q.** Was that a significantly valuable contract?

9 **A.** Yes.

10 **Q.** Mr. Yarber, do you have a relationship with Mitzi Bickers now?

11 **A.** No.

12 **Q.** When did that relationship with Mitzi Bickers end?

13 **A.** After she left Jackson.

14 **Q.** Did she leave Jackson when she didn't obtain any contracts in
15 Jackson?

16 **A.** She did.

17 MR. KITCHENS: No further questions, Your Honor.

18 THE COURT: Recross?

19 RE-CROSS-EXAMINATION

20 BY MS. GOLDBERG

21 **Q.** Mr. Yarber, you were asked about your review of the AECOM
22 proposal, but that really wasn't your job, was it?

23 **A.** No.

24 **Q.** That was the selection committee job's; correct?

25 **A.** Correct.

1 Q. That's why you picked those folks to be on that committee, the
2 best and the brightest, because they had the ability, I think you
3 said you didn't have the technical knowledge, they had the ability
4 to actually review and make the best decisions based on that
5 review; correct?

6 A. I don't -- I don't choose the selection committee. The mayor
7 doesn't choose the selection committee.

8 Q. So you didn't even choose that selection committee?

9 A. No.

10 Q. Again, that was further insulated from you?

11 A. Yes.

12 Q. And so those people, those are the ones who were tasked with
13 reviewing the proposal.

14 A. Correct.

15 Q. And they reviewed the proposal and submitted it to you?

16 A. Correct.

17 Q. Okay. Now, you were asked about your relationship with Pastor
18 Mitzi Bickers since that time, but, in fairness, you've been
19 questioned by the government for several years related to this
20 case; correct?

21 A. Correct.

22 Q. And you weren't allowed to have any conversations with Pastor
23 Mitzi Bickers at that point?

24 A. I was cautious about having conversations.

25 Q. Because -- that stop is because you were being questioned by

1 the government for probably the past five years related to this
2 case; correct?

3 **A.** Correct.

4 MS. GOLDBERG: No further questions.

5 THE COURT: Thank you, sir.

6 THE WITNESS: Thank you.

7 THE COURT: Ladies and gentlemen, we're going to stop
8 right here for the lunch break. We'll start back at 1:40. Have a
9 good lunch.

10 (Jury out at 12:40 p.m.)

11 THE COURT: We'll start back at 1:40. Everybody have a
12 good lunch.

13 (Recess at 12:40 p.m., until 1:40 p.m.)

14 THE COURT: The jurors indicated -- and this is my
15 fault. Sometimes when they come in there's a brand-new witness on
16 the stand, and even though the witness is sworn in in front of
17 them, they don't get the name. So what I'm going to do from here
18 on out, we'll bring the jury in and then I'll have you-all put the
19 witness on the stand. Put it on me.

20 Are you all ready?

21 MR. KITCHENS: Yes, sir.

22 THE COURT: All right. Bring them out.

23 (Jury in at 1:45 p.m.)

24 THE SECURITY DEPUTY: Please be seated and come to
25 order.

1 THE COURT: Mr. Kitchens, call your next witness.

2 MR. KITCHENS: Thank you, Your Honor. The government
3 calls Janene Patterson.

4 THE DEPUTY CLERK: Good afternoon. Could you raise your
5 right hand for me, please.

6 *****

7 JANENE PATTERSON,

8 having been duly sworn, testified as follows:

9 *****

10 THE DEPUTY CLERK: If you could please state and spell
11 your name for the record.

12 THE WITNESS: My name is Janene Patterson, J-A-N-E-N-E,
13 P-A-T-T-E-R-S-O-N.

14 THE DEPUTY CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. KITCHENS

17 Q. Good afternoon, Ms. Patterson.

18 A. Good afternoon.

19 Q. Where do you live?

20 A. I currently reside in Tampa, Florida.

21 Q. And where are you originally from?

22 A. Jackson, Mississippi.

23 Q. Can you tell us a little bit about your education?

24 A. Yeah. So I graduated high school from Jackson -- from a
25 school called near Jackson, Mississippi. Went out to Jackson

1 State. Did not finish school. I ended up working on a political
2 campaign with Marshand Crisler. There I started my political
3 journey. I ended up starting my own political consulting firm
4 called The Tillman Group. With that group, I worked on numerous
5 political campaigns.

6 **Q.** And after your job as a political consultant, did you ever
7 work for the City of Jackson?

8 **A.** Yes, I did.

9 **Q.** And we'll talk about that in a minute. Where do you currently
10 work?

11 **A.** I currently work for Hillsborough County as the program
12 coordinator for the solid waste department.

13 **Q.** In the course of your work in politics, did you ever work for
14 Tony Yarber?

15 **A.** Yes, I did.

16 **Q.** How do you know Tony Yarber?

17 **A.** I met Tony Yarber from working with Marshand Crisler. Once he
18 ran for mayor, Tony Yarber actually took his position as City
19 Council member. So he mirrored our campaign -- well, with Tony
20 running for mayor, we were grooming Marshand for his council seat.
21 So that's how I met Tony.

22 **Q.** Now, did you work with Mr. Yarber when he was running for the
23 City Council seats?

24 **A.** No.

25 **Q.** When he ran for Mayor, did you work for Tony Yarber?

1 **A.** Yes, I did.

2 **Q.** And what was your role in the campaign, the mayoral campaign
3 for Tony Yarber?

4 **A.** I was his finance -- finance director. Sorry.

5 **Q.** What were your duties as the finance director for the
6 campaign?

7 **A.** The finance directors, my duties were basically handling any
8 fundraising deeds. That entailed any type of donations that we
9 received. I was responsible for making sure, keeping track of
10 that information, also balancing checks in his ledger for the
11 campaign account. My other duties were also paying the political
12 workers and campaign workers that worked on the campaign.

13 **Q.** Did the campaign have its own bank account?

14 **A.** Yes, they did.

15 **Q.** And could you make deposits into that account?

16 **A.** Yes, I did.

17 **Q.** Did you have the ability to make payments from that account?

18 **A.** Yes.

19 **Q.** And did you also have the ability to view the transactions
20 that were in that account?

21 **A.** Yes.

22 **Q.** Who was it who was responsible and actually wrote check from
23 that account?

24 **A.** Well, I would actually write the checks. We had a
25 disbursement form that Mayor Yarber would have to see what the

1 check was for and sign off on that disbursement form as he was
2 signing the check.

3 **Q.** So when you were writing these checks, would you have to run
4 it by Mayor Yarber?

5 **A.** Yes.

6 **Q.** And did -- was Tony Yarber aware of the expenses that were
7 being charged to the campaign?

8 **A.** Yes, he was.

9 **Q.** Did there come a point in time where you met Mitzi Bickers?

10 **A.** Yes.

11 **Q.** How did that happen?

12 **A.** I met Mitzi at our campaign headquarters. She came in one day
13 with Jackie Woods and we were introduced at that time.

14 **Q.** Did you have any discussions with Mitzi Bickers?

15 **A.** Yes.

16 **Q.** What did you talk about?

17 **A.** We basically talked about the campaign. We went over actually
18 our fundraising strategy and I was telling her, along with Jackie,
19 how we were -- I was showing them actually our GOTV and showing
20 them how our fundraisers worked. And during that time we also
21 spoke about just how the process worked for our call time.

22 **Q.** And what was call time?

23 **A.** Call time is when I have the candidate in the office making
24 telephone calls asking for donations, speaking to the donors.

25 **Q.** Okay. Was Tony Yarber particularly good at call time?

1 **A.** Not really, no.

2 **Q.** Well, what was the problem with call time?

3 **A.** Call time requires you to be really focused and strictly
4 focused on just calling your donors asking for money. Just having
5 him in that one room all day long trying to call to ask for money
6 was a challenge.

7 **Q.** Now, when you spoke with Mitzi Bickers, was there any
8 discussion of campaign expenses that were owed to Mitzi Bickers?

9 **A.** No.

10 **Q.** Did you ever talk with Mitzi Bickers about any expenses that
11 were owed to Mitzi Bickers?

12 **A.** No.

13 **Q.** Now let's talk about the week of the runoff election itself.
14 Did the campaign on the election day have paid campaign workers?

15 **A.** Yes, we did.

16 **Q.** What did those paid campaign workers do?

17 **A.** The paid campaign workers were responsible for sitting at the
18 polls, holding either a sign or just being what we call human
19 billboards, wearing T-shirts saying vote for Tony Yarber. We also
20 had -- excuse me. We also had captains who were responsible for
21 making sure each of those poll workers in their district were fed
22 during the day. They were also the person running to get the
23 numbers from each poll during the day so that we would know where
24 we were throughout the day for the election, as well as we had
25 human billboards in high visible areas.

1 Q. Okay. And so just so I understand the concept, when you say
2 "human billboards," what does that look like?

3 A. It's basically a person wearing a T-shirt or holding a sign.

4 Q. I assume, "Yarber for Mayor" or something like that?

5 A. Yes, a "Tony Yarber for Mayor" shirt.

6 Q. Now, how many people were paid by the campaign itself to do
7 that activity on election day?

8 A. I can't remember exactly how many, but I would say anywhere
9 between 100 to maybe 150 to 200.

10 Q. Now, did -- how much did the campaign pay for those workers?

11 A. We paid each worker \$100, at least \$100. And the campaign may
12 have gotten anywhere between 120 to 150.

13 Q. Now, did the campaign need to pay for any sort of hotel
14 expenses for its workers?

15 A. No.

16 Q. Why was that?

17 A. All of our workers are local.

18 Q. And who was it who tabulated the cost for this Get Out the
19 Vote effort?

20 A. The field director.

21 Q. Now, in addition to the people that were actually paid by the
22 campaign, were there additional people on election day that were
23 provided by Mitzi Bickers?

24 A. Yes.

25 Q. What services did Mitzi Bickers provide for the campaign on

1 election day?

2 **A.** She brought in people to help serve as human billboards.

3 **Q.** Are those the same kind of --

4 **A.** Yes. The ones wearing T-shirts or holding signs that bear
5 Tony -- "vote for Mayor Tony Yarber".

6 **Q.** And did you see what those people that were brought in by
7 Mitzi Bickers, what they were doing?

8 **A.** Yes.

9 **Q.** And what were they doing?

10 **A.** They were actually on the corners in our high frequent areas
11 just basically rallying and just getting attention for people to
12 go to the polls to vote.

13 **Q.** How important is that part of work for a campaign on election
14 day?

15 **A.** It's very important because sometimes people forget to vote or
16 they may not realize that it is a voting day. So if you're
17 driving and you see someone telling you to go vote, it will
18 automatically click, oh, let me go vote. Especially if they see a
19 name, a familiar name, they may say, let me go vote. I forgot
20 today was election day. So human billboards are very important.

21 **Q.** Now, did the Tony Yarber campaign pay for any of those
22 services that were provided by Mitzi Bickers?

23 **A.** No.

24 **Q.** Did you ever see at any point in the campaign in your role as
25 finance director an invoice for Mitzi Bickers?

1 **A.** No.

2 **Q.** Did you ever send a payment to Mitzi Bickers for any campaign
3 services she provided?

4 **A.** No.

5 **Q.** Did Mitzi Bickers ever ask for payment at any point during
6 Tony Yarber's run for Mayor?

7 **A.** No.

8 **Q.** As finance director, did you also have visibility and were you
9 aware of campaign donations?

10 **A.** Yes.

11 **Q.** And what was your role specifically in connection with
12 tracking donations?

13 **A.** Well, when the donations came to me, they would normally
14 either come directly through mail or I had access -- if someone
15 went online, I had access to log in and get all the credit card
16 payments. And if there was a fundraiser, if I was not physically
17 present at the fundraiser, they would send them back to me in an
18 envelope.

19 **Q.** Did Mitzi Bickers provide monetary donations during the
20 campaign?

21 **A.** Yes.

22 **Q.** I'm going to pull --

23 MR. KITCHENS: Ms. Etienne, can we please pull up
24 Government Exhibit 179 in evidence. All right. Let's please turn
25 first to page 2. Thank you.

1 BY MR. KITCHENS:

2 Q. All right. Ms. Patterson, do you recognize what this document
3 is?

4 A. Yes, I do.

5 Q. And what is it?

6 A. That is a political campaign finance disclosure.

7 Q. What type of information -- well, let me ask this first.

8 What was your role in connection with these campaign -- these
9 campaign forms?

10 A. Well, with the campaign reports, we have to report them
11 periodically just to be in compliance with the state of
12 Mississippi election laws. So that was one of my jobs and duties
13 to do that. I'm sorry.

14 Q. Did you prepare this document?

15 A. Yes. We use a software called NGP. That is what actually
16 prepared that document. And how that works is, once I got a
17 payment, I entered that information into NGP and it automatically
18 sends the report at the time that it was scheduled to be reported
19 to the state.

20 Q. Now, if we look at the title of the document it says Receipts
21 and Disbursements.

22 A. Um-hum.

23 Q. What -- can you explain what receipts are first in a campaign?

24 A. Well, the receipts -- I don't see the receipts. The
25 contribution?

1 Q. I was just asking in general what a receipt is in a political
2 campaign.

3 A. Okay. So a receipt would be basically considered the
4 contribution. That means we received the payment.

5 Q. In addition to that, in this report, are you providing
6 disbursements?

7 A. Yes.

8 Q. And what is that?

9 A. Disbursements is anything we paid out in the campaign.

10 Q. And as finance director, did you closely track the actual
11 campaign expenses?

12 A. Yes.

13 MR. KITCHENS: May we pull up page 26 of this document.
14 I'm sorry, one more page. I was off. Page 27. Thank you. All
15 right. I want to look at the bottom two entries, let's say.

16 BY MR. KITCHENS:

17 Q. All right. Ms. Patterson, if we look at that, I guess entry
18 that's at the top, what we've blown up here.

19 A. Yes.

20 Q. What was the -- is this -- first, is this an expense, or is
21 this a contribution?

22 A. That's an expense.

23 Q. And if we look at the date, what was this date?

24 A. That was election day.

25 Q. And what -- what was the expense that's being recorded here?

1 **A.** It shows that we paid 36,000 to -- for -- I'm sorry -- 36,000
2 to our poll workers.

3 **Q.** And was that for that Get Out the Vote activity --

4 **A.** Yes.

5 **Q.** -- you were just discussing?

6 **A.** Um-hum.

7 **Q.** And to be clear, were these the poll workers that were
8 actually paid by the campaign itself?

9 **A.** Yes.

10 **Q.** And how much did the campaign pay for that Get Out the Vote
11 effort?

12 **A.** I can't remember the exact amount; that was a long time ago.
13 But it was quite a bit.

14 **Q.** And what did you report on the campaign disclosure form about
15 the expense, looking at the top item here that's billed out?

16 **A.** It was for the poll workers for election day.

17 **Q.** And what was the amount that was reported?

18 **A.** \$36,415.

19 **Q.** Now, in this report of disbursements, was there any reported
20 expense for the campaign workers that were provided by Mitzi
21 Bickers?

22 **A.** No.

23 **Q.** Did the campaign have any expenses for Mitzi Bickers?

24 **A.** No.

25 **Q.** If the campaign did have expenses that were requested or

1 charged by Mitzi Bickers, would that have been reported in this
2 report?

3 **A.** Yes.

4 MR. KITCHENS: We can take this down. Thank you.

5 BY MR. KITCHENS:

6 **Q.** Ms. Patterson, who was it who won that campaign?

7 **A.** Tony Yarber.

8 **Q.** And after Mr. Yarber won his election as mayor, did you have a
9 job with the City of Jackson?

10 **A.** Yes.

11 **Q.** What was your position?

12 **A.** I was the chief administrative officer assistant.

13 **Q.** And what were your duties in that role?

14 **A.** My duty was basically to provide assistance to the chief
15 administrative officer, as well as the non-directors of the City
16 of Jackson.

17 **Q.** And in connection with that role, did you ever perform any
18 services for Mayor Yarber himself?

19 **A.** Yes.

20 **Q.** What were those duties?

21 **A.** I performed his travel.

22 **Q.** By perform his travel, what do you mean?

23 **A.** Well, I mean, I'm sorry, I prepared his travel.

24 **Q.** Prepared his travel. Okay.

25 **A.** Yes.

1 Q. So if he was traveling, did you actually book the arrangements
2 for that travel?

3 A. Yes.

4 Q. And where did those funds come from for his official travel?

5 A. The City of Jackson.

6 Q. What steps would you take when you were booking official
7 travel for Mayor Yarber?

8 A. So for the City of Jackson, it required me to get a quote from
9 three different sources. So depending on his traveling, if there
10 was an airline, I had to find three different airlines with the
11 price range for the dates that he was leaving. I also had to
12 provide the itinerary for whatever it was that he was leaving for.
13 If there was a rental car, I had to provide three quotes for that,
14 as well as three hotel quotes.

15 Q. Why -- what was the purpose of providing three quotes for
16 airfare and three quotes for hotels?

17 A. Because the City of Jackson chooses the less fare to make sure
18 that they're saving money. So I have to provide them three quotes
19 to choose from.

20 Q. In your role in booking official travel for Mayor Yarber, did
21 you ever book travel for him from Meridian?

22 A. No.

23 Q. Did you ever book Mayor Yarber a first-class ticket on Delta?

24 A. No.

25 Q. Did you ever book Mayor Yarber a first-class ticket anywhere?

1 **A.** No.

2 **Q.** Did you ever book Mayor Yarber a personal driver for ground
3 transportation?

4 **A.** No.

5 MR. KITCHENS: No further questions.

6 THE COURT: Your witness.

7 CROSS-EXAMINATION

8 BY MS. GOLDBERG

9 **Q.** Good afternoon, Ms. Patterson.

10 **A.** Good afternoon.

11 **Q.** So you worked on Mayor Yarber's campaign back in 2014?

12 **A.** Yes.

13 **Q.** And you worked on his campaign because you believed in him as
14 a candidate; correct?

15 **A.** Yes.

16 **Q.** And you weren't the only one. A lot of people believe in him;
17 correct?

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

19 **Q.** And this wasn't a typical election. We've heard that this was
20 actually kind of a special election; correct?

21 **A.** Yes, it was.

22 **Q.** That the previous mayor had passed away unexpectedly and then
23 there was a -- kind of a quick crunch --

24 **A.** Yes.

25 **Q.** -- to get an election together to put somebody in place;

1 correct?

2 **A.** Yes.

3 **Q.** And then we also heard that during the short period of time,
4 which I think was about four to six weeks?

5 **A.** Yes.

6 **Q.** That there was a lot of people -- as does happen sometimes in
7 special elections, a lot of people kind of vying for that one
8 spot?

9 **A.** That's correct.

10 **Q.** So this was a little bit of an unusual circumstance for a
11 campaign.

12 **A.** Yes.

13 **Q.** And you didn't have the time to really fund raise and do those
14 things that are necessary in a typical campaign.

15 **A.** That's correct.

16 **Q.** And you needed some help.

17 **A.** Yes.

18 **Q.** And you testified that Mayor Yarber was not very good on the
19 phone, as he had trouble with doing stuff like that.

20 **A.** Yes.

21 **Q.** Again, you needed some help with that process, especially
22 considering the short period of time and the number of people in
23 the -- in the race.

24 **A.** Yes.

25 **Q.** And also because you testified that, you know, you had

1 experience now, you have your own political consulting company,
2 you know this, that voter turnout typically is less on special
3 elections than regular elections; correct?

4 **A.** That's correct.

5 **Q.** And also when that special election goes to a runoff, as
6 happened in this case, that voter turnout even goes down even
7 further.

8 **A.** Yes.

9 **Q.** So getting people out to vote is even more important and more
10 essential to help with somebody running for a political campaign
11 in these kind of special election runoff circumstances; correct?

12 **A.** That's correct.

13 **Q.** You've got to motivate people a little bit more to get them to
14 vote in those elections.

15 **A.** Yes.

16 **Q.** And also you testified a bit about the campaign finance
17 disclosures that you had to make.

18 **A.** Um-hum.

19 **Q.** Because it is important for those things to be public; right?

20 **A.** Right.

21 **Q.** So people can see. And people who are in the political world
22 know that political donations are public; correct?

23 **A.** That's correct.

24 **Q.** And that, you know, checks have to be written and things need
25 to be logged and that's for the public to see.

1 **A.** That's correct.

2 **Q.** And you also testified that after your successful bid to get
3 Mayor Yarber into office, he did offer you a position in his
4 administration?

5 **A.** Yes, he did.

6 **Q.** And that's not unusual, that people who help with campaigns do
7 get offered those positions; correct?

8 **A.** That's correct.

9 MS. GOLDBERG: No further questions -- one minute. Just
10 a couple more.

11 BY MS. GOLDBERG:

12 **Q.** So you testified about the fact that you never booked travel
13 from the City related to a trip to Meridian; correct?

14 **A.** That's correct.

15 **Q.** But now you know, it's your experience as in the political
16 campaign world, that the City taxpayers cannot pay for fundraising
17 events; correct?

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

19 **Q.** That has to come from outside sources.

20 **A.** Yes.

21 **Q.** So it would have been improper for the City to pay for those
22 things.

23 **A.** Yes, it would have.

24 MS. GOLDBERG: Thank you.

25 THE COURT: Redirect?

1 MR. KITCHENS: No questions, Your Honor.

2 THE COURT: Thank you, ma'am. You can step down.

3 Call your next witness.

4 MS. DILLINGHAM: The government calls Kimberly Bracey.

5 THE DEPUTY CLERK: Good afternoon, ma'am. Can I get you
6 to raise your right hand, ma'am.

7 *****

8 KIMBERLY BRACEY,

9 having been duly sworn, testified as follows:

10 *****

11 THE DEPUTY CLERK: Have a seat. You can take off your
12 mask. And if you would please state and spell your name for the
13 record.

14 THE WITNESS: Kimberly, K-I-M-B-E-R-L-Y. Bracey,
15 B-R-A-C-E-Y.

16 THE DEPUTY CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MS. DILLINGHAM

19 Q. Good afternoon, Ms. Bracey.

20 A. Good afternoon.

21 Q. How are you?

22 A. Good. Thank you.

23 Q. All right. Ms. Bracey, where do you live currently?

24 A. Memphis, Tennessee.

25 Q. And what do you do in Memphis?

1 **A.** I'm a program director for a nonprofit organization.

2 **Q.** And can you tell us what you do specifically?

3 **A.** As program director, I manage all programs that assist high
4 school students with getting seed funding for their business
5 ideas.

6 **Q.** And what's the name of that nonprofit?

7 **A.** LITE Memphis, LITE, L-I-T-E. It stands for Let's Innovate
8 Through Education.

9 **Q.** And how long have you been in that position?

10 **A.** I started in September of 2021.

11 **Q.** All right. Before moving to Memphis, where did you live?

12 **A.** Jackson, Mississippi.

13 **Q.** And how long had you lived in Jackson, Mississippi?

14 **A.** Since birth. I was born in 1977.

15 **Q.** All right. During the time you lived in Jackson, did you meet
16 a man by the name of Tony Yarber?

17 **A.** I did.

18 **Q.** And when was that?

19 **A.** Our first meeting was in 2009.

20 **Q.** All right. And at some point did you end up working for him?

21 **A.** I did.

22 **Q.** And what was your role?

23 **A.** The first time I worked as a volunteer coordinator when he ran
24 for Councilman. And then when he worked as Mayor, I was his
25 executive assistant.

1 Q. Okay. Did you work on his campaign when he ran for Mayor?

2 A. I did.

3 Q. When Mr. Yarber ran for Mayor, what were your
4 responsibilities?

5 A. I was the scheduler. And I was to assist him with meetings
6 with notes, keeping him posted as far as promised deadlines that
7 he made to whoever he had met with. If we attended functions
8 where monies were raised, I was responsible for giving it to the
9 finance person.

10 Q. And who was that finance person?

11 A. At the time it was Janene Patterson.

12 Q. All right. And did you attend meetings with Mr. Yarber?

13 A. Yes.

14 Q. In the course of that campaign, did you meet Mitzi Bickers?

15 A. Yes.

16 Q. When was that?

17 A. March 2014.

18 Q. And where was that meeting?

19 A. This was at her home in Georgia.

20 Q. What was the purpose of that meeting?

21 A. Upon arrival, we went into the dining room and there were
22 papers with polling numbers to discuss where he stood in the polls
23 with his opponent.

24 Q. All right. And who else was at this meeting?

25 A. We were introduced to another public official and some of her

1 church members and her life partner.

2 **Q.** What did Ms. Bickers say -- sorry.

3 What did Ms. Bickers say during that meeting at her home?

4 **A.** She said that he was in a good place because he was coming in
5 second. In a runoff that's a good place, because usually the
6 person that's second comes out first in the final election.

7 **Q.** Did Ms. Bickers give Mr. Yarber any money at this meeting?

8 **A.** Yes.

9 **Q.** And was it your responsibility to get that money to the
10 finance person?

11 **A.** Yes.

12 **Q.** Did anyone else give you money at that meeting?

13 **A.** No.

14 **Q.** When was the next time you saw Mitzi Bickers?

15 **A.** It was one or two days before the election. It was at a hotel
16 on I-55. She was with field people that she had brought in from
17 Georgia to help with the campaign and the canvassing efforts.

18 **Q.** So for those of us who aren't familiar with the highways --

19 **A.** Okay.

20 **Q.** -- where is I-55?

21 **A.** So I-55 north is a highway that runs south to New Orleans and
22 north to Memphis, Tennessee.

23 **Q.** All right. Does it run through Jackson?

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

25 **Q.** Is that where you saw Ms. Bickers?

1 **A.** Yes, in Jackson. I'm sorry.

2 **Q.** All right. And what was Ms. Bickers doing in Jackson when you
3 saw her?

4 **A.** She was helping with the Get Out the Vote campaign.

5 **Q.** And you mentioned she brought some people with her?

6 **A.** Yes.

7 **Q.** About how many people did she bring?

8 **A.** It was at least between 30 and 40 people.

9 **Q.** And were those locals?

10 **A.** No. She stated that they were from Georgia.

11 **Q.** And how did Ms. Bickers get those people to Jackson?

12 **A.** She stated that she had them bussed in or she had taken care
13 of the transportation for them to come.

14 **Q.** And did those people stay and work the entire election?

15 **A.** From my understanding, yes.

16 **Q.** Did they stay overnight in Jackson?

17 **A.** Yes.

18 **Q.** Where?

19 **A.** The Hampton Inn, which was the hotel that we met her at on 55.

20 **Q.** All right. And did you attend any meetings or gatherings of
21 those Get Out the Vote workers during that election time frame?

22 **A.** Only at the hotel at the initial meeting. None after that.

23 **Q.** All right. And was there food at that meeting?

24 **A.** Yes.

25 **Q.** Was it enough for all of those 30 or 40 people?

1 **A.** Yes.

2 **Q.** What was it?

3 **A.** It was KFC chicken, buckets of chicken.

4 **Q.** Okay. And who paid for that KFC?

5 **A.** Ms. Bickers.

6 **Q.** Did Mr. Yarber end up winning that election?

7 **A.** Yes.

8 **Q.** And after that election, where did you work?

9 **A.** I worked for the Mayor at city hall in Jackson, Mississippi.

10 **Q.** All right. And what were you hired to do in Mr. Yarber's
11 administration?

12 **A.** Executive assistant.

13 **Q.** Say that again?

14 **A.** Executive assistant.

15 **Q.** What were your primary duties as his executive assistant?

16 **A.** I was a scheduler, handled his phone calls when he was
17 unavailable, attended meetings, took notes, handled travel
18 arrangements with the person that actually handled the travel
19 arrangements, because we had to compare our schedules. That was
20 the gist of it.

21 **Q.** All right. In addition to attending meetings, did you attend
22 fundraisers with Mr. Yarber?

23 **A.** Yes.

24 **Q.** Was that part of your job?

25 **A.** Yes.

1 Q. And when you attended those fundraisers, did you -- were you
2 responsible for collecting any donations made at those
3 fundraisers?

4 A. When he told me to, yes.

5 Q. Did you also travel with the Mayor as part of your job?

6 A. Yes.

7 Q. Was one of those trips to New Orleans -- to New Orleans in
8 June 2014?

9 A. Yes.

10 Q. Now, why was Mayor Yarber traveling to New Orleans?

11 A. For a fundraiser orchestrated by Marshand Crisler.

12 Q. And who all went on the trip to New Orleans?

13 A. It was myself -- the detail, Torrence Mayfield, Jason Gorey,
14 Jackie Anderson-Woods.

15 Q. And Mayor Yarber?

16 A. And Mayor Yarber, yes.

17 Q. Did you see Mitzi Bickers while you were in New Orleans?

18 A. Yes.

19 Q. What did you understand was the reason she was there?

20 A. At the time, I didn't understand the reason why she was there.

21 Q. Where -- you said there was a fundraiser hosted by someone?

22 A. Yes.

23 Q. And who was that person again?

24 A. Marshand Crisler works for the City of Jackson, but he
25 orchestrated with some colleague that he knew in New Orleans.

1 Q. All right. Where was that fundraiser held?

2 A. I don't recall the actual place, but the setting was like a
3 restaurant with a separate conference area. And it was catered by
4 the -- by the venue.

5 Q. All right. And what, if anything, happened after the
6 fundraiser?

7 A. Everyone went back to their hotels. We were told, "we" as in
8 me and Jackie Anderson-Woods and the young man that accompanied
9 her, to meet downstairs at a certain time. We met at that time.
10 And Jackie knew where we were going. She said it was walking
11 distance --

12 MS. GOLDBERG: Objection, hearsay.

13 THE COURT: She can't say what anybody told her. So I
14 sustain.

15 THE WITNESS: Okay.

16 BY MS. DILLINGHAM:

17 Q. Did you attend dinner that evening?

18 A. I did.

19 Q. And who was at that dinner?

20 A. Myself, Torrence Mayfield, Mitzi Bickers, the Mayor, Mayor
21 Yarber, Jason Gorey, and Jackie Woods and her male companion.

22 Q. And what did Ms. Bickers say, if anything, at dinner that you
23 recall?

24 A. She told us to eat and drink what we want, that everything was
25 taken care of.

1 Q. Did Mitzi Bickers discuss any contracts at that dinner?

2 A. No.

3 Q. What happened after dinner?

4 A. I left and went back to my room. So I'm not certain what took
5 place at the venue.

6 Q. Did you go out later that night?

7 A. That -- that was that night when I saw her again, yes.

8 Q. And where did you go later that night when you saw her?

9 A. We went to a strip club. It was right down from the hotel we
10 were staying in.

11 MS. DILLINGHAM: Ms. Etienne, can we pull up Exhibit
12 180, please.

13 BY MS. DILLINGHAM:

14 Q. Ma'am, if you look at your screen next to you, is that where
15 you went when you saw Mitzi Bickers later that night?

16 A. Yes.

17 Q. And what was the name of the strip club?

18 A. It was the Temptations.

19 Q. Now, can you please describe to the jury the space that you
20 were in when you went into the strip club?

21 A. When you walked into the venue to the left, it was a
22 closed-off room with two doors. And to the right it was a larger
23 room with one door open. And there were stairs. And we went,
24 "we" as in me, Jackie Woods and her male companion, went into the
25 room to the left that was closed off with the two doors.

1 Q. All right. And was Mr. Yarber there as well?

2 A. Yes.

3 Q. Was there food in that room you went into?

4 A. Yes.

5 Q. Was there alcohol?

6 A. Yes.

7 Q. Were there women?

8 A. Yes.

9 Q. Can you tell us what kind of food was in the room?

10 A. It was appetizers, wings.

11 Q. All right. Was it enough for everyone?

12 A. Yes.

13 Q. And was Ms. Bickers in that room as well?

14 A. Yes.

15 Q. And what did you observe that evening?

16 A. She -- Ms. Bickers was on a separate couch. And two ladies
17 were on her lap --

18 MS. GOLDBERG: Objection, relevance.

19 THE COURT: It's relevant, Ms. Goldberg.

20 MS. GOLDBERG: Your Honor, irrelevant and improper
21 character.

22 THE COURT: I'm going to overrule it. Let's move on.

23 BY MS. DILLINGHAM:

24 Q. Ms. Bracey, who paid for the room, the food and the alcohol
25 that evening?

1 **A.** Ms. Bickers.

2 MS. DILLINGHAM: Objection, speculation.

3 THE COURT: Do you know who paid for it?

4 THE WITNESS: I do. Ms. Bickers told me she did.

5 BY MS. DILLINGHAM:

6 **Q.** After New Orleans, did you attend any fundraisers at
7 Ms. Bickers' home in Atlanta?

8 **A.** I did.

9 **Q.** Do you recall a fundraiser in July of 2014?

10 **A.** I do.

11 **Q.** All right. What was the purpose of the fundraiser or the trip
12 in July of 2014?

13 **A.** We were meeting some stakeholders and there was a fundraiser
14 held in her home.

15 **Q.** And did you book that travel?

16 **A.** No.

17 **Q.** Who booked that travel?

18 **A.** I met with Janene to schedule everything and -- I can't recall
19 if I got a confirmation from Keyla Jackson about the trip or not.
20 So I don't want to speculate.

21 **Q.** All right. Did you -- when you arrived in Atlanta, how did
22 you get around in the city?

23 **A.** There was a driver.

24 **Q.** And who arranged for that driver?

25 **A.** Mitzi.

1 Q. And when you arrived in Atlanta did you stay overnight?

2 A. Yes.

3 Q. And where did you stay?

4 A. Embassy Suites, Atlanta.

5 Q. All right. And did you pay for that hotel?

6 A. No.

7 Q. Who did?

8 A. Ms. Bickers.

9 Q. All right. So tell us a little bit about the fundraiser at
10 Ms. Bickers' house.

11 A. There was light music, hors d'oeuvres, champagne, water, some
12 community stakeholders. That's what I remember.

13 Q. And about how many people were there?

14 A. Maybe between 20, 25.

15 Q. Was there enough food and champagne for everyone?

16 A. Yes.

17 Q. And who paid for the food and drinks, ma'am?

18 A. Ms. Bickers.

19 Q. Did Ms. Bickers give you any money at that fundraiser?

20 A. She didn't hand me any money.

21 Q. Did anyone else hand you any money?

22 A. Yes. Well, they didn't hand me the money. I was told how
23 much was handed to Ms. Woods' male companion.

24 Q. And what happened after that fundraiser at Ms. Bickers' home?

25 A. We went back to the hotel and we came back together at

1 Ms. Bickers' house that evening.

2 **Q.** All right. And how did you get, again, from the hotel to
3 Ms. Bickers' home?

4 **A.** The driver.

5 **Q.** Okay. And what happened when you got back to Ms. Bickers'
6 home that evening?

7 **A.** There were two ladies who brought us into the -- who were
8 greeters at the door, escorted us into the home. And there was
9 alcohol and wings and chips, some other appetizers. And that was
10 it. That's the first part of it.

11 **Q.** All right. And was this another fundraiser? What was the
12 purpose of this?

13 **A.** No, this was not a fundraiser. This was more like what's
14 called a kickback, where everyone is just hanging out.

15 **Q.** And what did you do after you arrived at the home?

16 **A.** The two people that were at the door, the two ladies that were
17 at the door were wearing body paint. So they had on swimsuits
18 afterwards, and everyone got in the pool after everyone was
19 greeted and had hors d'oeuvres.

20 **Q.** All right. And there were hors d'oeuvres at Ms. Bickers'
21 home?

22 **A.** Yes.

23 **Q.** And was there alcohol there as well?

24 **A.** Yes.

25 **Q.** How did the evening end, ma'am?

1 **A.** I was on the deck; it was kind of up the stairs. And I missed
2 a step and fell. And my clothes were wet from being in the pool.
3 They were dried. And I was taken upstairs while my clothes dried.
4 And then we were taken, which is the staff of the City of Jackson,
5 back to the hotel by the driver.

6 **Q.** All right. And who paid for the food and the drink at the
7 kickback at Ms. Bickers' home that evening?

8 **A.** Ms. Bickers.

9 **Q.** And did you fly back to Jackson that next day?

10 **A.** Yes.

11 **Q.** All right. Do you recall a second fundraiser at Ms. Bickers'
12 house?

13 **A.** Yes.

14 **Q.** And when was that?

15 **A.** That was around September.

16 **Q.** And was that also in Atlanta?

17 **A.** Yes.

18 **Q.** Now, who organized the trip in September to Atlanta?

19 **A.** Keyla Jackson sent me an itinerary that was already organized
20 for that trip in Atlanta.

21 MS. DILLINGHAM: Your Honor, may I approach?

22 THE COURT: Yes.

23 BY MS. DILLINGHAM:

24 **Q.** Ms. Bracey, I'm showing you what has been marked as
25 Government's Exhibit 185. Do you recognize that document, ma'am?

1 **A.** Yes. It was sent to my former personal e-mail.

2 **Q.** Is that the e-mail you received from Ms. Jackson?

3 **A.** Yes.

4 MS. DILLINGHAM: Your Honor, at this time the government
5 moves to admit Exhibit 185.

6 MS. GOLDBERG: No objection.

7 THE COURT: It's admitted without objection.

8 (Government's Exhibit 185 was received and marked into
9 evidence.)

10 MS. DILLINGHAM: All right. Ms. Etienne, can we
11 publish? Thank you, ma'am.

12 BY MS. DILLINGHAM:

13 **Q.** All right. So if you just look at the top half of this
14 e-mail, what was the date this e-mail was sent, Ms. Bracey?

15 **A.** Friday, August 29th, 2014.

16 **Q.** And who did you receive this e-mail from?

17 **A.** Keyla Jackson.

18 **Q.** And who is Ms. Jackson?

19 **A.** At the time she was Mitzi Bickers' life partner.

20 **Q.** And what does Ms. Jackson attach to this e-mail to you?

21 **A.** Itineraries for September 4th through 6th.

22 **Q.** And what did you do with this e-mail?

23 **A.** I printed it. And I also forwarded it to Aaron Banks, who is
24 the assistant CIO and to Mayor Yarber.

25 MS. DILLINGHAM: You can take that down. Thank you,

1 ma'am.

2 May I approach, Your Honor?

3 THE COURT: Yes, ma'am.

4 BY MS. DILLINGHAM:

5 Q. I'm showing you what's been marked as Government's Exhibit
6 181. Do you recognize that document, ma'am?

7 A. Yes.

8 Q. What is it?

9 A. Mayor's office travel itinerary.

10 Q. And is that the itinerary you received from Ms. Jackson?

11 A. Yes.

12 MS. DILLINGHAM: At this time, the government moves to
13 admit Exhibit 181.

14 MS. GOLDBERG: Your Honor, I would object. It appears
15 to be prepared by an outside party. It's hearsay. Not been
16 properly authenticated and it's hearsay.

17 THE COURT: Ms. Dillingham?

18 MS. DILLINGHAM: Your Honor, these documents were
19 certified as business records and provided to our office.

20 THE COURT: If they're certified as business records,
21 then authentication is not an issue.

22 MS. GOLDBERG: Your Honor, there was not a certification
23 attached, but if there is a certification --

24 THE COURT: Ms. Dillingham is standing here. Do you
25 need to see it?

1 MS. GOLDBERG: No, Your Honor.

2 THE COURT: All right. Then it's admitted.

3 (Government's Exhibit 181 was received and marked into
4 evidence.)

5 MS. DILLINGHAM: Can we publish 181, Ms. Etienne.

6 BY MS. DILLINGHAM:

7 **Q.** And, Ms. Bracey, can you read the title of the first page of
8 this document?

9 **A.** Business Records Certification.

10 MS. DILLINGHAM: Your Honor, I'll note for the record
11 the version that is loaded into TrialDirector has the
12 certification. The copy that is up there doesn't have it.

13 MS. GOLDBERG: Then, Your Honor, I have no objection.

14 THE COURT: All right. Thank you, Ms. Goldberg. It's
15 admitted.

16 MS. DILLINGHAM: Ms. Etienne, can we please go to
17 page 2.

18 BY MS. DILLINGHAM:

19 **Q.** All right, ma'am. Is this the travel itinerary for the
20 Mayor's office?

21 **A.** Yes.

22 **Q.** And what were the dates of your travel?

23 **A.** September 4, 2014, through September 6, 2014.

24 **Q.** And what were the -- who went on this trip?

25 **A.** From the City, myself, Mayor Yarber and the assistant CIO

1 Aaron Banks.

2 **Q.** All right. And did any others go on this trip?

3 **A.** That we knew from Hinds County former Sheriff Tyrone Lewis and
4 his staff Otha (phonetic) came, Rebecca, and I forget the other
5 -- I forget their names. It was two females.

6 MS. DILLINGHAM: Ms. Etienne, can we go to page 6,
7 please.

8 BY MS. DILLINGHAM:

9 **Q.** And was this the travel itinerary for those individuals from
10 the sheriff's office?

11 **A.** Yes.

12 **Q.** So what was the purpose of this September 2014 trip to
13 Atlanta?

14 **A.** It was for a fundraiser for former Mayor Yarber and former
15 Sheriff Tyrone Lewis.

16 MS. DILLINGHAM: So, Ms. Etienne, can we please go back
17 to page 2.

18 BY MS. DILLINGHAM:

19 **Q.** So first, Ms. Bracey, how did y'all get from Jackson to
20 Atlanta for this trip?

21 **A.** We flew. We all had flights.

22 **Q.** And how did you fly?

23 **A.** Delta Airlines first class.

24 **Q.** And did all of you fly in first class?

25 **A.** Yes.

1 Q. And is that reflected on this itinerary, ma'am?

2 A. Yes.

3 Q. Who paid for those first-class tickets?

4 A. Ms. Bickers.

5 MS. DILLINGHAM: Ms. Etienne, can we go to page 3.

6 BY MS. DILLINGHAM:

7 Q. Now, once you arrive at the airport in Atlanta, were you
8 picked up by anyone?

9 A. Yes, by a driver.

10 MS. DILLINGHAM: And if we blow up, Ms. Etienne, just
11 the portion that says "Airport pickup."

12 BY MS. DILLINGHAM:

13 Q. Can you tell us the name of the company providing your driver
14 services?

15 A. A, National Transportation.

16 Q. And was the driver Theodore Tate?

17 A. Yes.

18 Q. Who paid for your driver?

19 A. Ms. Bickers.

20 Q. And was he your driver that whole weekend?

21 A. Yes.

22 Q. So anywhere you needed to go, Mr. Tate would take you?

23 A. Yes.

24 MS. DILLINGHAM: And we can zoom out, Ms. Etienne.

25 Can we look at the hotel and lodging information,

1 please.

2 BY MS. DILLINGHAM:

3 Q. Where did you stay when you got to Atlanta?

4 A. The Ritz-Carlton.

5 Q. And is that a nice hotel, ma'am?

6 A. Yes.

7 Q. Did you have your own room?

8 A. Yes.

9 Q. Did Mr. Yarber have his own room?

10 A. Yes.

11 MS. DILLINGHAM: And, Ms. Etienne, if we zoom out and go
12 to page 6, please.

13 BY MS. DILLINGHAM:

14 Q. All right. And did the people from the sheriff's office also
15 stay at the Ritz, ma'am?

16 A. Yes.

17 MS. DILLINGHAM: Ms. Etienne, can we go to page 4,
18 please.

19 BY MS. DILLINGHAM:

20 Q. All right. So that evening when you arrived in Atlanta did
21 you attend a dinner?

22 A. Yes.

23 Q. Where was that?

24 A. The Korean restaurant, Korean barbecue restaurant.

25 MS. DILLINGHAM: Your Honor, may I approach?

1 THE COURT: Yes, ma'am.

2 BY MS. DILLINGHAM:

3 Q. Ms. Bracey, I'm showing you what has been marked as
4 Government's Exhibit 186. Do you recognize what's shown in that
5 photograph, ma'am?

6 A. Yes.

7 Q. What is it?

8 A. A Korean barbecue restaurant.

9 Q. Okay. Is that where y'all went to dinner that evening?

10 A. Yes.

11 MS. DILLINGHAM: The government moves to admit Exhibit
12 186.

13 MS. GOLDBERG: No objection.

14 THE COURT: It's admitted.

15 (Government's Exhibit 186 was received and marked into
16 evidence.)

17 MS. DILLINGHAM: Ms. Etienne, can we briefly publish
18 Exhibit 186. Thank you, ma'am.

19 BY MS. DILLINGHAM:

20 Q. Who attended the dinner at this restaurant, ma'am?

21 A. It was myself, former Mayor Yarber and assistant CIO Aaron
22 Banks and the sheriff's staff, former sheriff's staff as well.

23 Q. Were there others at that dinner?

24 A. There were, but I wasn't familiar who they were.

25 Q. All right. So about how many people showed up for that

1 dinner?

2 **A.** Maybe 15.

3 **Q.** All right. Was Ms. Bickers at that dinner?

4 **A.** Yes.

5 **Q.** And did everyone eat?

6 **A.** Yes.

7 **Q.** And did people order alcohol?

8 **A.** Yes.

9 **Q.** Who paid for dinner and drinks that evening?

10 **A.** Ms. Bickers.

11 MS. DILLINGHAM: Ms. Etienne, can we go back to Exhibit
12 181, page 4.

13 BY MS. DILLINGHAM:

14 **Q.** All right. So the next day, ma'am, did you attend a
15 fundraiser at Ms. Bickers' home?

16 **A.** Yes.

17 **Q.** Can you tell us -- can you describe for us the fundraiser at
18 Ms. Bickers' home?

19 **A.** It was about 20, 25 people. Light hors d'oeuvres. It was
20 champagne or wine and water. Stakeholders, business people.

21 **Q.** And around what time of day was that fundraiser?

22 **A.** It was daylight, like so between noon and 1:00-ish, somewhere
23 in there.

24 **Q.** Okay. And was there enough food and drink for everyone who
25 attended?

1 **A.** Yes.

2 **Q.** And who paid for that fundraiser?

3 **A.** Ms. Bickers.

4 **Q.** Did Ms. Bickers say anything about Mayor Yarber during that
5 fundraiser?

6 **A.** She allowed him time to speak to the stakeholders to tell his
7 stance on the City.

8 **Q.** And what happened after the fundraiser?

9 **A.** The driver took us back, the City workers and the county
10 workers back to the Ritz-Carlton to get ready for an event that
11 evening.

12 **Q.** All right. What was that event?

13 **A.** It was a concert.

14 MS. DILLINGHAM: And if we blow up, Ms. Etienne, the
15 concert information.

16 BY MS. DILLINGHAM:

17 **Q.** What concert was it, ma'am?

18 **A.** It was Frankie Beverly and Maze and some other people were
19 with him.

20 **Q.** And who paid for the Frankie Beverly and Maze concert?

21 **A.** Ms. Bickers paid.

22 **Q.** And how many people from Jackson went to that concert?

23 **A.** Seven.

24 MS. DILLINGHAM: All right. And we can zoom out,
25 Ms. Etienne. Can we go to the next page.

1 BY MS. DILLINGHAM:

2 Q. Did you all fly out the next morning?

3 A. We did.

4 Q. And how did you fly this time?

5 A. It was Delta first class.

6 Q. And who paid for those tickets?

7 A. Ms. Bickers.

8 Q. All right. So we talked about the fundraisers you attended
9 that were hosted by Ms. Bickers. Did you also attend fundraisers
10 that were not hosted by Ms. Bickers as part of your duties as
11 executive assistant?

12 A. Yes.

13 Q. All right. About how many other fundraisers did you attend?

14 A. It was between seven and 13 different fundraisers in Jackson.

15 Q. And were those fundraiser for Mayor Yarber?

16 A. Yes.

17 Q. In your time as executive assistant attending those
18 fundraisers, did any of the people hosting those fundraisers
19 chauffeur you and the Mayor around in a limousine for the weekend?

20 A. No.

21 Q. Did any of the people hosting those fundraisers purchase first
22 class plane tickets for you and the Mayor?

23 A. No.

24 Q. Did any of those people hosting those fundraisers pay for a
25 private event at a strip club for the Mayor?

1 **A.** No.

2 **Q.** Did any of the people hosting those fundraisers pay for
3 concert tickets for the Mayor and the staff?

4 **A.** No.

5 **Q.** All right. Other than the three trips we discussed, did
6 Ms. Bickers ever meet with Mayor Yarber in the city of Jackson?

7 **A.** Yes.

8 **Q.** All right. How often did Ms. Bickers meet with Mr. Yarber in
9 Jackson?

10 **A.** Physically or by phone?

11 **Q.** Let's talk about in person.

12 **A.** In person, maybe once a month.

13 **Q.** And where did she meet with him?

14 **A.** Either city hall or at her apartment in the Standard Life
15 building.

16 **Q.** All right. And Ms. Bickers had an apartment in Jackson?

17 **A.** At the time, yes.

18 **Q.** Okay. And did you attend any of those meetings with Mayor
19 Yarber?

20 **A.** Yes.

21 **Q.** All right. At any of those meetings you attended, did she --
22 did Ms. Bickers discuss bringing T.I. to Jackson?

23 **A.** Not with the Mayor present, but she brought -- she discussed
24 it with me and three other City staff members.

25 **Q.** All right. Can you tell us about that discussion about

1 bringing T.I. to Jackson?

2 **A.** She said she was trying to find ways to attract voters to
3 bring him back for the next term. She made suggestions of things
4 that had happened in Atlanta, like the police -- police workers
5 against the firefighters in basketball, and they would make it
6 like a fundraiser and things of that nature.

7 So we were trying to connect something to make it a voting
8 piece for his next campaign. And she mentioned bringing T.I. and
9 giving him the key to the city.

10 **Q.** All right. And did Ms. Bickers end up bringing T.I. to
11 Jackson?

12 **A.** Yes. He came around October 2014.

13 **Q.** During any of those meetings that you discussed, where you
14 were present and Ms. Bickers was present, did she discuss City of
15 Jackson contracts?

16 **A.** Yes.

17 **Q.** Which contracts?

18 **A.** The convention center.

19 **Q.** All right. Tell us what you recall that Ms. Bickers said
20 about the convention center.

21 **A.** I remember them saying something about not asking the City for
22 monies. And they were going over the cost of what it would be and
23 developing a commission of people who would make the decisions,
24 like a think tank for the convention center.

25 **Q.** In addition to in-person meetings, did Ms. Bickers call you to

1 speak with the Mayor or set up meetings?

2 **A.** Yes.

3 **Q.** How often?

4 **A.** Once a week to once every other week.

5 **Q.** And did Ms. Bickers end up meeting with the Mayor that often?

6 **A.** Yes.

7 **Q.** Were there a lot of people that had that kind of access to
8 Mayor Yarber?

9 MS. GOLDBERG: Objection, relevance.

10 THE COURT: I can see where that's relevant. I can see
11 where that's relevant. Overruled.

12 THE WITNESS: He had about three to five people that he
13 would speak with, and Mitzi was told to me and the office manager
14 that she was high priority, so if she called --

15 MS. GOLDBERG: Objection, hearsay.

16 THE COURT: That would be hearsay. Sustained.

17 THE WITNESS: Okay. I'm trying to figure out how to say
18 it.

19 BY MS. DILLINGHAM:

20 **Q.** Was Ms. Bickers one of those three to five people that had --

21 **A.** She was one of the three to five people, yes.

22 **Q.** And based on what you observed as Mayor Yarber's assistant,
23 what did you understand was the reason Ms. Bickers got that kind
24 of access to the Mayor?

25 MS. GOLDBERG: Objection, relevance, foundation.

1 THE COURT: I think it's relevant. Maybe we'll lay a
2 little more foundation, but I think it is relevant. I can see the
3 real foundation.

4 BY MS. DILLINGHAM:

5 Q. Did you discuss with the Mayor why Ms. Bickers had that kind
6 of access?

7 MS. GOLDBERG: Objection, hearsay.

8 MS. DILLINGHAM: I'm just asking if she had the
9 discussion.

10 THE COURT: Yeah. She can say that she had a
11 discussion. Not what was said.

12 THE WITNESS: Yes.

13 BY MS. DILLINGHAM:

14 Q. And based on that discussion, what was your understanding of
15 why Ms. Bickers had that kind of access to the Mayor?

16 MS. GOLDBERG: Objection, hearsay.

17 THE COURT: Again, without saying what he said, did you
18 make a decision regarding the importance of Pastor Bickers to the
19 Mayor based on the conversation you had with the Mayor?

20 THE WITNESS: Yes.

21 THE COURT: And what was that conclusion?

22 THE WITNESS: That she was priority and would help him
23 get into the next campaign, win the next campaign.

24 MS. DILLINGHAM: Nothing further. Thank you.

25 THE COURT: Ms. Goldberg.

1 MS. GOLDBERG: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. GOLDBERG

4 Q. Good afternoon, Ms. Bracey.

5 A. Good afternoon.

6 Q. So you testified that you initially got into kind of the
7 political world by being a -- I think the term you used was a
8 volunteer coordinator; correct?

9 A. Correct.

10 Q. For the council race?

11 A. Yes.

12 Q. As a volunteer you didn't charge for those services, as I
13 imagine as the term "volunteer" kind of --

14 A. I can hardly hear you. Say that one more time?

15 Q. I'm sorry. As a volunteer on the campaign, you didn't charge
16 for your services; correct?

17 A. Volunteer coordinator that was for a city councilman campaign.

18 Q. Right. You didn't charge for those services as a volunteer, I
19 imagine?

20 A. He paid. He asked my husband if I could be his volunteer
21 coordinator and he paid me to do that.

22 Q. Okay. And you were unemployed prior to working for Yarber's
23 campaign?

24 A. Yes.

25 Q. And you did work for Yarber's campaign -- I'm sorry -- Mayor

1 Yarber.

2 **A.** Yes.

3 **Q.** And because you believed in him as a candidate; correct?

4 **A.** Yes.

5 **Q.** And ultimately he was successful in his campaign efforts and
6 he was elected Mayor?

7 **A.** Yes.

8 **Q.** And as a result of you helping him on that campaign, you were
9 given a position in the City; correct?

10 **A.** Yes.

11 **Q.** And that was not uncommon. That's typical for people who help
12 on campaigns to get a position in the administration; correct?

13 **A.** That's what I learned.

14 **Q.** And you testified about a number of trips, fundraisers?

15 **A.** Yes.

16 **Q.** And as fundraisers are, they are events to help with a
17 political campaign and fund-raise money; correct?

18 **A.** Yes.

19 **Q.** And given the fact that you worked on different campaigns, you
20 know that that's a common thing, to hold fundraisers and to seek
21 out donations for either past campaign to reserve -- to take care
22 of the debt from that campaign or for a future campaign. Those
23 are normal things; correct?

24 **A.** I learned that that was normal. That was my first time
25 experiencing it.

1 Q. Right. So going to an event where there's food and alcohol
2 provided, maybe I think you said light music, different things,
3 that is a common practice during campaign fundraising efforts;
4 correct?

5 A. It was, I suppose. That was my first time experiencing it. I
6 had never worked in the political era to that extent before.

7 Q. Okay. And you testified about a particular event you went to
8 in New Orleans.

9 A. Yes.

10 Q. And at that event, which was -- there was a fundraiser?

11 A. There was that day.

12 Q. And that fundraiser was not hosted by Pastor Bickers.

13 A. No.

14 Q. And at that fundraiser, you said that was held at a
15 restaurant.

16 A. Yes. It was a restaurant venue and it had a separate room to
17 it, yes.

18 Q. And there was food provided at that fundraiser.

19 A. Yes.

20 Q. And drinks provided.

21 A. I don't recall alcohol.

22 Q. There was things given to the people present to entice them to
23 the fundraiser.

24 A. It was.

25 Q. Again, you said I think 7 to 13 fundraisers, again, that's

1 common practice to hold these and give people food and different
2 things at a fundraiser.

3 **A.** Right.

4 **Q.** And you testified on direct about the travel that was booked?

5 **A.** Yes.

6 **Q.** That you received an itinerary?

7 **A.** Yes.

8 **Q.** And that itinerary was shared with members of the City?

9 **A.** Yes.

10 **Q.** And it was not something that was secretive or anything like
11 that. That it was actually openly shared with everybody who
12 worked at the City; correct?

13 **A.** Yes.

14 **Q.** And, in fact, several members of the City of Jackson would go
15 on these trips; correct?

16 **A.** Yes.

17 **Q.** And I think you mentioned specifically Aaron Banks went on the
18 trips with you?

19 **A.** That is the only one he went.

20 **Q.** Okay. And he was a member of the City of Jackson?

21 **A.** He was.

22 **Q.** And, again, these were things that were openly discussed by
23 City employees?

24 **A.** Yes.

25 **Q.** And they were going to fundraisers for future campaign events?

1 **A.** Yes.

2 **Q.** And you understand that travel for -- travel for fundraisers
3 cannot be paid by taxpayers; correct? It has to be paid by an
4 outside source?

5 **A.** Okay. Well, at the time, I didn't. I thought if it was
6 City-related, then it is taxpayers.

7 **Q.** But these were fundraising efforts for the most part.

8 **A.** Correct. They were fundraisers. But at the time, I
9 didn't -- I didn't know where -- I didn't know the legalities of
10 where the funds should come from.

11 **Q.** Okay. And at that first meeting, you testified about meeting
12 Pastor Bickers, you said that there was a campaign donation given?

13 **A.** Yes.

14 **Q.** And you're aware that that campaign donation is publicly
15 available information; correct?

16 **A.** It is.

17 **Q.** Most campaign donations are?

18 **A.** Yes.

19 **Q.** So this wasn't, again, some sort of secretive attempt to hand
20 somebody money, anything like that?

21 **A.** No. She gave it to me in front of everyone.

22 **Q.** Right. And it was recorded as a campaign donation.

23 **A.** The one that I was given that night, is that what you're
24 speaking of?

25 **Q.** Yes.

1 **A.** Yes.

2 **Q.** And everything that you've testified today about, again, was
3 shared within members of the City of Jackson. Everybody knew
4 about it. People were going on trips. These were fundraisers.

5 **A.** The fundraisers, yes.

6 **Q.** And you even testified about members of the sheriff's
7 department, I think the Hinds County Sheriff's Department, coming
8 on one of the trips?

9 **A.** I did.

10 **Q.** Again, that was open and shared with members of the sheriff's
11 department.

12 **A.** I'm not sure. I don't work -- I didn't work for the sheriff
13 department.

14 **Q.** Understood. But you were there when they were present.

15 **A.** I was.

16 **Q.** And that was another fundraiser for Tyrone Lewis running for
17 sheriff; correct?

18 **A.** Yes.

19 **Q.** And there was members of another sheriff's office that was
20 present there --

21 **A.** Yes.

22 **Q.** -- at that event?

23 **A.** There were.

24 **Q.** And I think we saw -- on that itinerary we saw there was some
25 members of a sheriff's office that was specifically referenced in

1 that at one of the dinners; correct?

2 **A.** Correct.

3 **Q.** And during none of these events did anyone say, oh, no, this
4 is wrong, what are we doing there?

5 **A.** Yes, someone did.

6 **Q.** These were fundraisers?

7 **A.** At the dinner, not at the fundraiser. That statement was made
8 at the dinner.

9 **Q.** That you went to other fundraisers at restaurants as well and
10 this was the typical process?

11 **A.** That wasn't said.

12 **Q.** Okay. Now, Ms. Bracey, when you left the City of Jackson you
13 didn't do so voluntary, did you?

14 MS. DILLINGHAM: Objection, Your Honor.

15 THE COURT: Can you repeat that question?

16 MS. GOLDBERG: I said she didn't leave the City
17 voluntarily.

18 THE COURT: She did not leave the City voluntarily.

19 What is your objection?

20 MS. DILLINGHAM: Your Honor, may we approach?

21 THE COURT: Yes.

22 (Sidebar.)

23 THE COURT: Let me say this: We all know about the
24 lawsuit.

25 MS. GOLDBERG: I'm not getting into anything with the

1 lawsuit.

2 MS. DILLINGHAM: The termination was also the subject of
3 that motion.

4 THE COURT: Yeah. I'm saying if she thought based on
5 that --

6 MS. GOLDBERG: I wasn't going to get into anything --

7 THE COURT: What I'm saying is that it depends on how
8 she answers that. If she answers a certain way, I don't know if I
9 can prevent Ms. Dillingham from getting into the other part, which
10 so far I told her not to get into.

11 MS. DILLINGHAM: The fact that Ms. Bracey left
12 involuntarily was the subject of our motion in limine in addition
13 to the lawsuit.

14 MS. GOLDBERG: I wasn't going to go into the specifics
15 of the termination.

16 THE COURT: You asked if she --

17 MS. DILLINGHAM: The fact of it.

18 THE COURT: You asked if she did it voluntarily.

19 MS. GOLDBERG: I mean, that can -- that goes straight to
20 bias.

21 MS. DILLINGHAM: Against whom?

22 THE COURT: Listen, listen. All I've got to say is, if
23 you ask that question and she answers, then I have to allow them
24 to explain the whole reason. And that's going to get into what I
25 told you I don't want to get into.

1 MS. GOLDBERG: Okay. And, Your Honor, I was following
2 that order. I wasn't going to get into any of the specifics of
3 anything to do with any sort of lawsuit.

4 THE COURT: Well, how can she answer that question when
5 you said, did she -- she didn't leave it voluntarily?

6 MS. GOLDBERG: All right. Sorry.

7 THE COURT: I'm saying -- I'm not saying you can't get
8 into it.

9 MS. GOLDBERG: And I wasn't going to get into any
10 specifics. I mean, that was literally going to be the only
11 question.

12 THE COURT: I don't know how she can answer that
13 question unless she gets into it. That's what I'm saying. How
14 can she answer the question --

15 MS. GOLDBERG: I can withdraw the question.

16 THE COURT: What?

17 MS. GOLDBERG: I can withdraw the question.

18 (End of discussion at sidebar.)

19 MS. GOLDBERG: If I can have a moment?

20 THE COURT: Yes.

21 MS. GOLDBERG: No further questions, Your Honor.

22 THE COURT: Ladies and gentlemen, you are to disregard
23 the last question about this witness, whether she left Jackson
24 involuntary. That is not relevant to this case. Wipe it out of
25 your mind so it was never asked. If you can't do that, raise your

1 hand.

2 Let the record reflect no one raised their hand.

3 Redirect?

4 MS. DILLINGHAM: Nothing, Your Honor.

5 THE COURT: Thank you, ma'am. You may step down.

6 Call your next witness.

7 MR. DAVIS: The government calls Stephanie Coleman.

8 THE COURT: Stephanie Coleman.

9 THE DEPUTY CLERK: Good afternoon, ma'am. Can you
10 remain standing and raise your right hand, please.

11 *****

12 STEPHANIE COLEMAN,

13 having been duly sworn, testified as follows:

14 *****

15 THE DEPUTY CLERK: You can have a seat. You can take
16 your mask off. If you would please state and spell your name for
17 the record.

18 THE COURT: I need to see the lawyer conducting the
19 direct and the lawyer conducting the cross on this witness before
20 we get started.

21 THE WITNESS: Stephanie Coleman, S-T-E-P-H-A-N-I-E,
22 C-O-L-E-M-A-N.

23 (Sidebar.)

24 MS. GOLDBERG: I understand the Court's order on this.

25 THE COURT: Yeah. Okay.

1 MS. GOLDBERG: I will not get into it.

2 MR. DAVIS: Thank you, Judge.

3 (End of discussion at sidebar.)

4 DIRECT EXAMINATION

5 BY MR. DAVIS

6 Q. Good afternoon, ma'am.

7 A. Good afternoon.

8 Q. Can you tell us where you currently reside?

9 A. Dallas, Texas.

10 Q. And what do you do there?

11 A. I'm a small business owner and I just got hired for a new job.
12 So I'm an IT asset manager as well as small contracts that I have
13 on the side.

14 Q. Well, congratulations.

15 A. Thank you.

16 Q. As a general matter, what does your private company do?

17 A. Management consulting.

18 Q. And what is your sort of nine-to-five job?

19 A. It's -- it's a subcontractor for Dallas County. And they
20 manage pretty much the health and human services department. So
21 I'm an IT asset manager in that regard.

22 Q. Got it. Can you tell us a little bit about your educational
23 background?

24 A. Two-time graduate of Jackson State University. First degree
25 in criminal justice, and my second degree is in public policy

1 administration.

2 **Q.** Thank you. Ms. Coleman, can I ask you to move a little bit
3 closer to the microphone?

4 **A.** Sure.

5 **Q.** Have you always lived in Texas?

6 **A.** No.

7 **Q.** Where else have you spent a significant amount of time?

8 **A.** Prior to coming to Texas, I spent four years in Biloxi,
9 Mississippi. And before that, I lived in Jackson, Mississippi.

10 **Q.** How long did you live in Jackson, Mississippi?

11 **A.** From birth all the way until 2015.

12 **Q.** So when you lived in Jackson did you ever work for the City of
13 Jackson?

14 **A.** I did.

15 **Q.** Approximately when was the last -- I know -- well, how many
16 times have you worked for the City of Jackson?

17 **A.** About -- under three different mayors, three different times,
18 yes.

19 **Q.** During your last stint what was your position?

20 **A.** I was the equal business opportunity manager.

21 **Q.** And approximately what time frame was that?

22 **A.** It was almost the entire year of 2015. So probably about
23 January or so until November 2015.

24 **Q.** Okay. So most of 2015.

25 **A.** Yes.

1 Q. And who was Mayor while you were in your EBO position?

2 A. Tony Yarber.

3 Q. Can you tell the jury what the equal business opportunity
4 programs are?

5 A. It's basically, in the City of Jackson's case, an ordinance
6 that was put in place to make sure that minority and women-owned
7 businesses were given a fair shot at contractual opportunities, as
8 well as subcontracting opportunities. There were percentages put
9 in place that prime contractors had to follow in order to, so to
10 speak, meet the guidelines to be awarded a contract.

11 Q. Was there a certification process?

12 A. Yes.

13 Q. Can you explain to the jury how the Jackson certification
14 process went?

15 A. It was pretty simple. Well, the rundown of it is if you are a
16 woman or a minority-owned business, that you would come to that
17 office and fill out the necessary paperwork. One of those
18 documents was some sort of self-certifying application, saying
19 that you are who you are. And if you are in a technical field,
20 you would supply any type of certifications that would correspond
21 with what you're saying that you do as a profession. And, also,
22 once you've gone through that process and submitted that
23 information to me at the time, then you would be eligible to go on
24 the list of eligibles for certified vendors, minority vendors, and
25 you could be selected or you could bid on opportunities.

1 Q. And you said at the time your position was what again?

2 A. Equal business opportunity manager.

3 Q. So you were running that office for the City of Jackson?

4 A. Yes.

5 Q. And why are these programs important?

6 A. Want to make sure that programs are kept equitable and fair,
7 making sure that there are guidelines in place to do that.
8 Especially for women and minority-owned businesses, so...

9 Q. Ms. Coleman, do you know Mitzi Bickers?

10 A. What do you mean?

11 Q. Have you met Mitzi Bickers before?

12 A. Yes.

13 Q. Approximately when did you first meet?

14 A. It was in 2015. Somewhere around May, maybe.

15 Q. Okay. Do you remember the exact date?

16 A. I don't remember the exact date.

17 MR. DAVIS: Your Honor, may I approach?

18 THE COURT: Yes.

19 BY MR. DAVIS:

20 Q. Ms. Coleman, let me show you what has been marked for
21 identification as Government Exhibit 187. Do you recognize this
22 document?

23 A. I do.

24 Q. And is your e-mail address listed on the document?

25 A. Yes.

1 Q. And have you had an opportunity to review, not just the
2 e-mail, but the documents that follow?

3 A. Yes.

4 Q. And did you send this e-mail back in May of 2015?

5 A. Yes.

6 MR. DAVIS: Your Honor, the government would move 187
7 into evidence.

8 THE COURT: Any objection?

9 MS. GOLDBERG: No objection.

10 THE COURT: It's admitted.

11 (Government's Exhibit 187 was received and marked into
12 evidence.)

13 MR. DAVIS: All right.

14 BY MR. DAVIS:

15 Q. Well, first, before we look at the document, when,
16 approximately, in the month of May did you meet Ms. -- or first
17 encounter Ms. Bickers?

18 A. May 14, 2015.

19 Q. And when you first had your first contact with Ms. Bickers,
20 what did y'all discuss?

21 A. The EBO application. She was just wanting to come by and pick
22 up a copy or something of that sort, but it was primarily EBO
23 application.

24 Q. Did she state how she got in contact with you?

25 A. I want to say she called. The initial was a call.

1 Q. How did she know to call you?

2 A. She told me that Tony Yarber told her to contact me.

3 Q. And did you ultimately wind up sending the e-mail that we're
4 looking at here?

5 A. Yes.

6 Q. Let's take a look at 187. Can you read that e-mail to us?

7 A. It says, "Good morning. It was so good talking with you this
8 morning. I apologize for not being at my desk yesterday when you
9 came by. As requested, I have attached a copy of the City of
10 Jackson's certification application. If you have any questions
11 regarding any of the sections, please let me know. I look forward
12 to meeting you soon."

13 Q. And was anything attached to this e-mail?

14 A. The actual EBO application.

15 Q. Did you attach anything else?

16 A. The certification affidavit and just the EBO requirements.
17 This is typically, you know, what we would send out as a packet.

18 Q. So is this the application to get certified as EBO-compliant
19 for the City of Jackson?

20 A. Yes.

21 Q. We're not going to spend a lot of time on it, but we'll take a
22 quick look at the first page.

23 After sending this e-mail, did you have another occasion to
24 interact with Ms. Bickers?

25 A. Could you repeat that?

1 Q. After you sent this e-mail, did you interact with Ms. Bickers
2 again?

3 A. Yes.

4 Q. Can you tell us what caused y'all to meet again?

5 A. Well, basically, she wanted to meet up after -- after work to
6 kind of talk about -- I can't remember exactly how she worded it,
7 but she wanted -- she invited me to meet after work. And, you
8 know, I accepted, so...

9 Q. Did she tell you what she wanted to discuss with you after
10 work?

11 A. Not that -- not at that particular moment, she did not.

12 Q. Okay. And did you ultimately wind up meeting up with
13 Ms. Bickers?

14 A. I did.

15 Q. In relation to this e-mail, which was May 14, 2015, when was
16 the time where you met with her?

17 A. I can't remember if it was that evening of this, but it wasn't
18 too far after, but I can't remember the exact date. But it
19 wasn't -- it had to be close proximity of whenever this e-mail
20 happened.

21 Q. Within a couple of days?

22 A. Yeah. Because the certification process I remember happened
23 pretty quickly.

24 Q. Do you recall where you met?

25 A. Yes.

1 Q. Where was that?

2 A. Parlor Market.

3 Q. And for those of us not from Jackson, what is Parlor Market?

4 A. It's a -- it was a local bar and restaurant in downtown
5 Jackson. Not too far from the office.

6 Q. Okay.

7 MR. DAVIS: Judge, can I approach again?

8 THE COURT: Yes, sir.

9 BY MR. DAVIS:

10 Q. Ma'am, let me show you Government's 188 and 189. Can you take
11 a quick look at those photos? Ms. Coleman, do you recognize those
12 photos?

13 A. I do.

14 Q. And are they photos of Parlor Market?

15 A. Yes.

16 Q. Do they fairly and accurately depict the way Parlor Market
17 looked when you met back in 2015?

18 A. Yes.

19 MR. DAVIS: Can we briefly publish it?

20 THE COURT: No objections?

21 MS. GOLDBERG: No objection.

22 MR. DAVIS: I'm sorry. 188 and 189.

23 THE COURT: They're admitted.

24 (Government's Exhibit 188 and 189 were received and
25 marked into evidence.)

1 BY MR. DAVIS:

2 Q. Is that front of the restaurant, ma'am?

3 A. Yes.

4 Q. And is that inside?

5 A. Yes.

6 Q. Thank you very much.

7 So approximately what time was it in the day when you met with
8 Ms. Bickers?

9 A. It had to be somewhere between 5:30, 6:00, something like
10 that. But it was after work. Not too late. It was still light
11 out, I remember.

12 Q. When you first met, who was there?

13 A. Mitzi Bickers. She was there alone, initially.

14 Q. Okay. Can you tell us what Ms. Bickers told you about her
15 business?

16 A. Basically, she just told me that she was from Atlanta, and she
17 was going to be a part of the consent decree project, and that the
18 Mayor had sent her to me to assist her in putting together her EBO
19 application. And she told me that basically he wanted me to walk
20 her through the steps. And she had also mentioned that she was a
21 friend, a long-time friend of the mayor, and had helped him on
22 some campaign work, so...

23 Q. She said you said she said was going to be part of the consent
24 decree?

25 A. Yes, yes.

1 Q. What is --

2 A. She is -- hmmm?

3 Q. I'm sorry. What does that mean?

4 A. The City was under consent decree order due to some
5 infrastructure issues that were happening. And the government had
6 just put a sanction, and there was this huge project that the City
7 was bidding out to get this done. And, you know, they were under
8 strict guidelines and timelines to get it -- to get matters taken
9 care of.

10 Q. Did she tell you why she was going to be part of the consent
11 decree?

12 A. She told me that she was a long-time friend of his, and that
13 she had participated in -- well, that she had assisted him with
14 his campaign. So, you know, that's what I took from it. That was
15 his friend, you know, she had assisted in whatever capacity with
16 his campaign, and she was coming to me to assist her with this
17 application, because she knew -- well, she told me she knew she
18 was going to be a part of that contract.

19 Q. What did you respond with?

20 A. I told her that I can't tell you what to put on an
21 application. And I told her, I mean, it's pretty simple. I mean,
22 it's just an application, EBO application. And I even told her
23 that I can't, because that's illegal. Like, I can't tell you what
24 to put on an EBO application.

25 Q. Did Ms. Bickers tell you what company she was going to be

1 partnering with?

2 **A.** It was -- you mean the prime contractor?

3 **Q.** Yes, ma'am.

4 **A.** It was -- AECOM.

5 **Q.** At some point as the meeting went on did anyone else join you?

6 **A.** Yes.

7 **Q.** Who joined y'all?

8 **A.** There was a gentleman, and his name is escaping me. But it
9 was a gentleman, black guy, she said he was a partner, would be
10 working with her. He would be doing the workforce development
11 piece. Oh, gosh.

12 **Q.** Don't stress. Don't stress.

13 Is there anything else from that conversation that Ms. Bickers
14 said about getting the EPA consent decree?

15 **A.** No, not that I can remember right off. No.

16 MR. DAVIS: Thank you.

17 No further questions, Judge.

18 THE COURT: Your witness.

19 MS. GOLDBERG: One second, Your Honor.

20 THE COURT: Okay.

21 CROSS-EXAMINATION

22 BY MS. GOLDBERG

23 **Q.** Good afternoon, Ms. Coleman.

24 **A.** Good afternoon.

25 **Q.** So your role in the City of Jackson at the time was the EBO

1 manager?

2 **A.** Yes.

3 **Q.** Okay. And you testified on direct about what the purpose of
4 the EBO is and kind of the importance it is for the community;
5 correct?

6 **A.** Yes.

7 **Q.** And, certainly, you would agree with me that Pastor Mitzi
8 Bickers meets the requirements for those EBO certifications;
9 correct?

10 **A.** Yes.

11 **Q.** She is a -- has a female-owned business and a minority-owned
12 business.

13 **A.** Yes.

14 **Q.** And her conversation with you, as you testified on direct,
15 about meeting up at the restaurant is that she wanted the document
16 so that she could fill it out and get the proper certification to
17 be EBO certified; correct?

18 **A.** Could you repeat that?

19 **Q.** She -- when she first came to your office --

20 **A.** Um-hum --

21 **Q.** -- and left you a note, I assume some sort of indication that
22 she was there, because you weren't there, it looks like from the
23 e-mail.

24 **A.** Um-hum.

25 **Q.** And obviously let you know that she wanted the documents so

1 she could get properly certified.

2 **A.** Yes.

3 **Q.** And she then followed up and had a meeting related to that as
4 well.

5 **A.** Yes.

6 MS. GOLDBERG: No further questions, Judge.

7 THE COURT: Redirect?

8 MR. DAVIS: No, sir.

9 THE COURT: Thank you, ma'am. You're free to go.

10 Ladies and gentlemen, we're going to stop right here and
11 take a break. Would you all step inside the jury room.

12 (Jury out at 3:10 p.m.)

13 THE COURT: Okay. We'll start back at 3:26. Thank you
14 all.

15 THE DEPUTY CLERK: All rise. The court will stand in
16 recess for 15 minutes.

17 (Recess at 3:10 p.m., until 3:26 p.m.)

18 THE COURT: I'll bring the jury out, then we'll call the
19 witness.

20 THE SECURITY DEPUTY: All rise for the jury.

21 (Jury in at 3:30 p.m.)

22 THE COURT: Y'all can be seated and call your next
23 witness.

24 MR. KITCHENS: Thank you, Your Honor. The United States
25 calls Jackie Anderson-Woods.

1 THE COURT: Jackie Anderson-Woods.

2 THE DEPUTY CLERK: Can I get you to raise your right
3 hand, please.

4 *****

5 JACKIE ANDERSON WOODS,
6 having been duly sworn, testified as follows:

7 *****

8 THE DEPUTY CLERK: You can have a seat and remove your
9 mask.

10 THE WITNESS: Thank you.

11 THE DEPUTY CLERK: If you would please state and spell
12 your name for the record.

13 THE WITNESS: Jacqueline Anderson-Woods. Jacqueline,
14 J-A-C-Q-U-E-L-I-N-E, Anderson, A-N-D-E-R-S-O-N, Woods, W-O-O-D-S.

15 THE DEPUTY CLERK: Thank you.

16 THE WITNESS: Thanks.

17 DIRECT EXAMINATION

18 BY MR. KITCHENS

19 **Q.** Good afternoon, Ms. Woods. Would you tell us where you're
20 from?

21 **A.** Jackson, Mississippi.

22 **Q.** And tell us a little bit about your education.

23 **A.** Went to Boyd Chastain Middle School, Murrah High School in
24 Jackson, Mississippi. And then went to University of Southern
25 Mississippi where I graduated with a bachelors.

1 Q. Now, was there a period of time that you lived in Atlanta?

2 A. I lived here about 16 years.

3 Q. What did you do when you lived in Atlanta?

4 A. I worked -- work-wise I started off with State Farm as a
5 claims adjuster.

6 After that, I became -- I went to -- became a paralegal at a
7 law firm. And then my son got diagnosed with juvenile diabetes at
8 three, went home for awhile to take care of him. And then I went
9 to work for -- I opened a business called We Shop and Play. And
10 then I went to work for the commissioner -- the chairman of
11 Clayton County, Jeff Turner. And that's where I stopped.

12 Q. And did you work on any political campaigns when you were in
13 Atlanta?

14 A. Yes, I did.

15 Q. And what do you do now?

16 A. I am government -- government affairs director for Jackson
17 State University. And I work as a government consultant with
18 Worth Thomas Consulting.

19 Q. And what was your job before joining Jackson State?

20 A. I was chief of staff of the City of Jackson.

21 Q. And who was the Mayor when you were chief of staff?

22 A. Mayor Tony Yarber.

23 Q. Ms. Woods, do you know Mitzi Bickers?

24 A. I do.

25 Q. How did you first meet Mitzi Bickers?

1 **A.** Umm, she was suggested to me by -- when I was running for
2 office, by our representatives here in Atlanta, down in Henry
3 County area, by Tasha Mosley and Gail Davenport, Senator Gail
4 Davenport. And I think Senator Davenport was the one that made
5 the introduction.

6 **Q.** And did you meet with Mitzi Bickers?

7 **A.** I did.

8 **Q.** Where did you meet her?

9 **A.** At her house.

10 **Q.** And what were you seeking -- what did you discuss with Mitzi
11 Bickers?

12 **A.** Campaign consultation.

13 **Q.** What was -- what did you discuss about the type of services
14 that she could provide?

15 **A.** She pretty much talked about phone banking, canvassing, and
16 just consulting in general on a campaign.

17 **Q.** Did she discuss a price that she would charge for the phone
18 banks and canvassing?

19 **A.** I think there was one big price at first. That was a little
20 high. I can't remember what exactly it was, it may have been
21 between 40 and 50,000 or something like that, for that campaign.
22 But I couldn't afford that, so at this point I don't remember the
23 number.

24 **Q.** And if you couldn't afford that, did you agree to hire her in
25 any capacity?

1 **A.** I did. We ended up hiring her for a phone banking and
2 canvassing a little bit, I believe.

3 **Q.** When she provided those services to your campaign, what did
4 she send you if she was requesting payment?

5 **A.** There was an invoice I believe that she would e-mail and I
6 would pay the invoice.

7 **Q.** And what would be included on that invoice?

8 **A.** So you would always get your numbers from the phone bank or
9 the canvassers, yays, nays, undecided or didn't answer. And then
10 it would be how many days, how many canvassers, and then the total
11 I think, from what I remember.

12 **Q.** Did she provide statistics about what happened?

13 **A.** Yes.

14 **Q.** And how often did you receive those invoices from her?

15 **A.** Oh, gosh. The invoices, weekly. I believe it was weekly.

16 **Q.** Did you pay those weekly invoices?

17 **A.** Yes, I did. Well, I know I received the numbers weekly,
18 but -- I believe so, yes. Or until the money ran out, so...

19 **Q.** How expensive were the services that Mitzi Bickers provided to
20 you in that campaign?

21 **A.** Yeah, she wasn't cheap, but, yeah, it was -- it was pretty
22 expensive à la carte, too.

23 **Q.** Now, after your campaign, did you have an opportunity to work
24 with Mitzi Bickers?

25 **A.** I did.

1 Q. And how did that come about?

2 A. She had some campaigns down in my area, Henry and Clayton
3 County, that, you know, she asked for, you know, could I help her
4 on, and I agreed to.

5 Q. What type of work were you doing?

6 A. At that time I was an at-home mom.

7 Q. And what type of work did you end up doing with Mitzi Bickers?

8 A. I ended up keeping up the numbers, data, scanning in, counting
9 the numbers for the canvassers, yays, nays. And the phone
10 bankers. And then I would tally them up and give them to her for
11 her to give to the client.

12 Q. How long roughly did you work with Mitzi Bickers?

13 A. Oh, gosh. So probably I started helping her with campaigns
14 probably 2010 until I left for Mississippi in 2013, so
15 just -- yeah.

16 Q. Now, when you were doing this work with Mitzi Bickers, did you
17 work in an office?

18 A. I did for one campaign.

19 Q. And where was that office?

20 A. Down in southwest Atlanta.

21 Q. When was that campaign?

22 A. That was the Pat Gardner campaign for House of Representatives
23 that we had an actual office, but the year, I don't remember what
24 year that was. I'm sorry.

25 Q. And when you first started doing work with Mitzi Bickers, who

1 actually paid you?

2 **A.** Mitzi would pay me.

3 **Q.** Was there a particular company that would pay you?

4 **A.** The Bickers Group originally would pay.

5 **Q.** Now, did that change at some point in time?

6 **A.** The Pat Gardner campaign changed, and I think we
7 started getting -- that's when we started getting paid under
8 Pirouette.

9 **Q.** It was Pirouette started to pay you?

10 **A.** Yes, under the Pat Gardner campaign.

11 **Q.** Before they paid you money during that time period, did you
12 know what kind of company Pirouette was?

13 **A.** I thought it was a dance company that taught dance at the
14 time. And I knew that she also had -- you know, was a trainer,
15 work -- you know, working out, that's how we hired her before as a
16 trainer, but also a dance company that taught.

17 **Q.** What type of dance?

18 MS. GOLDBERG: Objection, relevance.

19 THE COURT: Well, how is it relevant what kind of dance?

20 MR. KITCHENS: Trying to get a sense of Mitzi Bickers'
21 company.

22 THE COURT: What kind of dance they teach --

23 MS. GOLDBERG: Your Honor, I think that misstates the
24 evidence of --

25 THE COURT: I'll sustain that objection.

1 BY MR. KITCHENS:

2 Q. Who was it who owned Pirouette, to your knowledge?

3 A. Keyla Jackson.

4 Q. And who was that?

5 A. Keyla Jackson.

6 Q. Who is Ms. Jackson?

7 A. She was who Mitzi had originally hired to train for, like,
8 working out. She was trying to get in shape.

9 Q. Now, when you received that payment from Pirouette, what was
10 your reaction to it?

11 A. Thank you.

12 Q. Were you happy to get paid, I assume?

13 A. I mean, sure. Yeah.

14 Q. Did Mitzi Bickers ever provide any explanation for why payment
15 shifted from Bickers Group to Pirouette?

16 A. I don't remember her providing any information or anything
17 like that. I don't think she provided any information, no.

18 Q. Now, did Mitzi Bickers have an active role in that campaign
19 work while you were working with her?

20 A. Of course, yes.

21 Q. What was she doing?

22 A. She was consulting, still meeting with the clients. She would
23 come check in on the office, canvassers, the phone bankers. She
24 was just coming to oversee like she normally does.

25 Q. At that time were you aware that Mitzi Bickers had another

1 job?

2 **A.** Well, I learned that she did, yes.

3 **Q.** And what was her job at that time?

4 **A.** I didn't know exactly what she did. I mean, she was working
5 for the City, because she would have to go to work and, you know,
6 leaving from the campaign office.

7 **Q.** How often did she leave the campaign office to go to work?

8 **A.** She would leave quite a bit or, you know, come by. I mean,
9 but it was -- she was kind of back and forth.

10 **Q.** And how far -- how much time did she spend at the campaign
11 office?

12 **A.** You know, it was the entire summer. So I don't -- I mean, she
13 would be there with me, you know, quite a bit and -- but she would
14 be also out. So sometimes I would be there by myself a lot, too.

15 **Q.** Outside of work, what was your relationship with Mitzi Bickers
16 during this time?

17 **A.** She was a friend of mine. I consider her a friend.

18 **Q.** Was she someone you socialized with?

19 **A.** I did.

20 **Q.** And how regularly would you socialize her with?

21 **A.** Every Sunday during football season.

22 **Q.** Where would you see her?

23 **A.** Her house.

24 **Q.** How often did you go to that house?

25 **A.** Every Sunday during football season.

1 Q. Now, can you describe that house?

2 A. Sure. It was on a lake. You know, the details, when you walk
3 in, I always went in through the garage, into the kitchen. The
4 kitchen is where we came in through the garage. If you go to
5 right, there's the den and a sun room off of there. If you go
6 through the kitchen to the left, there's like the dining room.
7 Straight ahead from the door is the pool table and -- pool table.
8 I think her bedroom straight back.

9 There's -- when you come through the door, you can go up some
10 stairs, up to where her son's room is. Or if you went to the
11 front door, there is another set of stairs you can go upstairs as
12 well.

13 And then, of course, outside there's like a pool house on the
14 bottom of the house that you had to go outside and downstairs to
15 the back and then the pool. And then, of course, the dock down by
16 the lake.

17 Q. Now, let's talk about Tony Yarber.

18 A. Okay.

19 Q. How do you know Tony Yarber?

20 A. Tony Yarber was a high school friend. He actually dated my
21 cousin Kesha and my cousin Shay Shay.

22 Q. And where do you -- were you friends with Mr. Yarber?

23 A. I was. He was like a little brother.

24 Q. Did you socialize often with him?

25 A. Well, we got to -- at what point? Because I've known him

1 since high school, so...

2 **Q.** It's been a while. Yeah.

3 **A.** I mean, we've known each other forever. So high school, he
4 more socialized with Shay Shay or Shawn -- or Kesha. We call her
5 Shawn. And would come by my grandmother's house every now and
6 then.

7 College, they assigned him as one of my mentees, to make sure
8 that -- we had a problem with African-American men dropping out at
9 USM, Southern Miss. So they assigned him to me. So I would check
10 on him, but he was always in Sunday school, so he probably needed
11 to be checking on me. And then when I left and came to Atlanta,
12 he would check on me or we would talk about what's going on, so...

13 **Q.** And when you were in Atlanta, where was Tony Yarber?

14 **A.** In Jackson.

15 **Q.** At some point in time did Mr. Yarber run for political office?

16 **A.** He did. He ran for City Council.

17 **Q.** And did you offer to help in that City Council race?

18 **A.** I did. I supported him and I guess my dad supported his
19 friend.

20 **Q.** Your dad supported Mr. Yarber's opponent?

21 **A.** He did.

22 **Q.** Who ended up winning?

23 **A.** I did. I mean, Mr. Yarber did. I'm sorry. Mr. Yarber --
24 Tony Yarber won. Sorry.

25 **Q.** Has your dad forgiven you?

1 **A.** I made him donate to the campaign, but, yeah, he forgave me.
2 It was okay.

3 **Q.** Now, after Mr. Yarber won his race at City Council did you
4 keep up with Mr. Yarber?

5 **A.** Yes. We were -- you know, he was little a little brother,
6 yeah.

7 **Q.** And after -- what, if anything, did Mr. Yarber run for after
8 City Council?

9 **A.** He decided to run for Mayor.

10 **Q.** So how did the Mayor's office become open?

11 **A.** So the elder -- well, I say the elder, because his son is
12 Mayor now, but the elder Chokwe Lumumba passed away. And the day
13 after he passed away, I was on my way to work, and he called that
14 morning, I answered the phone and said, yeah, I thought I'd run.
15 He said thank you, and we hung up.

16 **Q.** Were you involved in Mr. Yarber's run for mayor?

17 **A.** I was.

18 **Q.** How were you involved?

19 **A.** He would just call and ask my opinion on how they should
20 handle it. Telling me the numbers --

21 MS. GOLDBERG: Objection, hearsay.

22 THE COURT: She didn't say what the numbers were. I
23 guess don't say the numbers.

24 MR. KITCHENS: I mean, not offered for the truth, Your
25 Honor. It's asking what her involvement was.

1 THE COURT: Well, let's explain what she did.

2 Sustained.

3 MR. FINDLING: Fair.

4 THE WITNESS: Sorry.

5 BY MR. KITCHENS:

6 Q. Ms. Woods, would you explain what you did for the campaign?

7 A. Sure. I consulted him on strategies for his campaign, what
8 areas he should probably go in and hit, where he should be strong
9 at, where his opponent was probably weak at, his debates, how he
10 should handle his opponent in debates. And just on the numbers
11 that he was giving me, precinct by precinct, pretty much.

12 Q. Now, did Mitzi Bickers have a role in Mr. Yarber's run for
13 mayor?

14 A. She did.

15 Q. How did that come about?

16 A. Well, I wasn't trusting the numbers they were giving me. And
17 I felt like they were incorrect. They just didn't make sense to
18 me, from what I knew of my City, where I was from. And so I
19 talked to Mitzi about coming in and helping and looking at it and
20 trying to get some data from Sharon Hickson as well. So that's
21 how she came in.

22 Q. Let me try to get the sequence right. Who was it who first
23 brought up Mr. Yarber's run for Mayor?

24 A. Mitzi actually was the -- brought it up, because, you know,
25 she's very knowledgeable of all the campaigns going on. And I

1 told her, yeah, my friend -- well, my friend was running. And I
2 think at the time she brought it up, she was more so looking at
3 the deceased Mayor's son that was Tony Yarber's opponent. And I
4 told her that my friend Yarber was running. And so she brought it
5 up originally.

6 **Q.** And what was her interest in the City of Jackson mayoral
7 raise?

8 MS. GOLDBERG: Objection, conjecture, speculation.

9 BY MR. KITCHENS:

10 **Q.** What did Mitzi Bickers tell you about her interest in the City
11 of Jackson race?

12 **A.** At that time?

13 **Q.** At that time.

14 **A.** Nothing at that time. I don't remember us -- I just remember
15 us talking about the race at that time.

16 **Q.** Now let's talk about the next conversation.

17 **A.** Okay.

18 **Q.** Was there a point that you talked with Ms. Bickers again about
19 Mr. Yarber's race?

20 **A.** I did. So the second time when I came back to her and brought
21 up wanting to help Tony in the race in Jackson. She said she was
22 interested in the race. And we talked about some of the things
23 that City had gone to -- like coming up was the sludge and the 1
24 percent sales tax. And Tony talked about that.

25 **Q.** We'll get to that in one minute. I just want to understand

1 first.

2 **A.** Okay.

3 **Q.** You said -- what was the reason why you approached Mitzi
4 Bickers about that race?

5 **A.** Because I didn't trust the work that was going on in Tony
6 Yarber's campaign. And I know that she's one of the best when it
7 comes to campaigning, and so I went to her to see if we could help
8 him in Jackson.

9 **Q.** Now, when you expressed your interest to Mitzi Bickers in
10 having her work on the campaign, what did Mitzi Bickers tell you
11 about her interest in the campaign?

12 **A.** She talked about the City of Jackson and how I think her
13 people, I'm not sure, you know, were interested in that race. And
14 so she talked about some of the -- the water issues in Jackson.
15 There was a sludge contract coming up. And I think I may have
16 brought up the 1 percent sales tax just passing. I have brought
17 that up, but -- and she was aware of it, so...

18 **Q.** So I understand, did Mitzi Bickers bring up the sludge
19 contract?

20 **A.** She brought up the sludge contract, because I didn't know what
21 that was.

22 **Q.** Now, that conversation, did Mitzi Bickers ask about
23 Mr. Yarber's political views?

24 **A.** His political views?

25 MS. GOLDBERG: Objection, relevance.

1 MR. KITCHENS: I'm trying to get at Mitzi Bickers'
2 interest in that campaign, Your Honor.

3 THE COURT: I'll allow him to ask the question if this
4 witness can answer, did he discuss his political views.

5 THE WITNESS: Did she ask me about his political views
6 is what your question was? I'm not sure how -- I don't remember
7 her asking me about his political views. I don't remember.

8 BY MR. KITCHENS:

9 Q. Did she ask to read any speeches by Mr. Yarber?

10 MS. GOLDBERG: Objection, relevance.

11 THE COURT: I see the relevance. I'm going to overrule
12 you on that.

13 THE WITNESS: To reading speeches? Did she ask me to
14 read them?

15 BY MR. KITCHENS:

16 Q. Did she ask you, you know, if -- about wanting to read any
17 speeches by Mr. Yarber?

18 A. I don't remember that.

19 Q. Did she ask you about his accomplishments on City Council?

20 A. No.

21 Q. Did she express any feeling of being inspired to support
22 Mr. Yarber in his race for Jackson because she believed in his
23 leadership?

24 MS. GOLDBERG: Objection, leading.

25 THE COURT: That was leading. That was leading.

1 Sustained.

2 BY MR. KITCHENS:

3 Q. Did she express any interest in this campaign -- in working on
4 the campaign other than the interest in the contracts?

5 MS. GOLDBERG: Objection, leading.

6 THE COURT: That was leading. Sustained.

7 BY MR. KITCHENS:

8 Q. What did she explain is the basis for her interest in the
9 campaign?

10 A. Basically, me asking help and that, you know, like I said, we
11 talked about the contracts. But my -- the initial thought was
12 helping him win.

13 Q. Now, after you had that follow-up conversation with Mitzi
14 Bickers, what was going to be the next step for her involvement in
15 the campaign?

16 A. To get her to meet him.

17 Q. And did that meeting happen?

18 A. It did.

19 Q. Who set up that meeting?

20 A. I set it up.

21 Q. Where was that first meeting?

22 A. At his house -- at her house, I'm sorry. At Mitzi's house.

23 Q. Did you travel with Tony Yarber to Mitzi Bickers' house?

24 A. I was already there when he arrived.

25 Q. And were there other people at Mitzi Bickers' house?

1 **A.** Yes.

2 **Q.** Now, what happened when Mr. Yarber arrived?

3 **A.** I made introductions. And, you know, he just kind of came in
4 and met everybody and spoke to everybody and hung out for awhile.
5 And, again, I don't really remember what the event was. I don't
6 know if it was a Sunday thing where we were all over there or if
7 it was a -- you know, something for him, but, yeah, he came.

8 **Q.** And was there -- once he arrived, was there -- did a meeting
9 take place?

10 **A.** We stepped out into the dining room. "We" being me and Mitzi
11 and Yarber. I don't remember who else stepped in with us, I'm
12 sorry.

13 **Q.** And was that closed off from the rest of the group?

14 **A.** It was.

15 **Q.** What happened at that meeting?

16 **A.** Basically we talked about the campaign, what was going on.
17 And she was saying that, you know, she thought he had a great
18 chance of winning and that she saw how she could help. She did
19 bring up the sludge again and how -- you know, the water issues
20 that we were having in Jackson, how she wanted to help, like, the
21 poor black people in the area, in Jackson. And that, you know,
22 with the water and all that. And so that was basically the
23 conversation that I recall.

24 **Q.** Did she express interest on working on that sludge contract in
25 Jackson?

1 **A.** She expressed interest in the sludge contract, but I --

2 **Q.** And in that meeting what did she tell Mr. Yarber about
3 services she could provide to the campaign?

4 **A.** Our normal strategizing, data. We could do phone banking from
5 Georgia with our people, and then even come canvas. And that, you
6 know, she would come down and get the lay of the land and kind of
7 see what was going on. But the normal things that we do here in
8 Georgia.

9 **Q.** Now, when you had your initial meeting with Mitzi Bickers and
10 discussed the possibility of her doing work for your campaign, did
11 she tell you the cost and the price for her services?

12 **A.** She did.

13 **Q.** Did anything similar to that happen in this meeting with
14 Mr. Yarber?

15 **A.** I don't remember a price coming up.

16 **Q.** Did Mr. Yarber discuss any concern or issue with prices?

17 MS. GOLDBERG: Objection, hearsay.

18 THE COURT: It would be, because she would have to hear
19 what he said. So I'm going to say that is sustained.

20 MR. KITCHENS: I'm sorry, I couldn't hear Your Honor.

21 THE COURT: He would have -- this witness would have to
22 say what Mr. Yarber said, so that would be hearsay unless -- there
23 is another way you can ask it, but I can't help you.

24 MR. KITCHENS: Sure.

25 BY MR. KITCHENS:

1 Q. Did Mitzi Bickers discuss anything about prices in that
2 meeting?

3 A. No.

4 MS. GOLDBERG: Objection, asked and answered.

5 THE COURT: I'll allow that question.

6 THE WITNESS: No, sir, he did not -- she did not.

7 BY MR. KITCHENS:

8 Q. Now, how many campaigns did you work on with Mitzi Bickers?

9 A. Oh, gosh. I really can't give you a number. It was a lot.

10 It was quite -- there were quite a few.

11 Q. When we're talking about a lot, do you have a ballpark?

12 A. 15, 20, maybe.

13 Q. Did you see her charge for services in those elections?

14 A. In the meetings that I would be in, you know, sure. Yes, of
15 course.

16 Q. Did you see her send invoices to campaigns?

17 A. I would see her send invoices, yes.

18 Q. In your experience working with Mitzi Bickers, was there any
19 reason for her not to charge for election services?

20 MS. GOLDBERG: Objection, speculation, conjecture.

21 THE COURT: I think she can answer that question
22 unless -- can you answer that? Do you know the answer to that
23 question?

24 THE WITNESS: I'm so ADD, I don't even remember what the
25 question was. What was it?

1 BY MR. KITCHENS:

2 **Q.** The question was, in your experience working with Mitzi
3 Bickers in those 15 to 20 campaigns, was there any reason for her
4 not to charge for services with Mr. Yarber?

5 MS. GOLDBERG: Objection, speculation.

6 THE COURT: She can't answer the reason, but she can
7 answer about other campaigns. I think it would be speculation
8 unless Ms. Bickers told her.

9 MR. KITCHENS: I'll ask that.

10 BY MR. KITCHENS:

11 **Q.** Do you know why Mitzi Bickers did not charge for campaign
12 services for Mr. Yarber?

13 **A.** I didn't know that she didn't charge.

14 **Q.** Now, what services did Mitzi Bickers provide for Mr. Yarber's
15 campaign?

16 **A.** We did the phone banking. We did the canvassing -- well, we
17 did some canvassing, but she did come down and kind of direct. We
18 did get the data packages for canvassers. That was a big part of
19 it, because I don't think they had good data, and so that was a
20 huge part was to get that to them. But those were the services.
21 And she would come down to Jackson and kind of oversee what was
22 going on. We would go through debates once or twice or so, but --
23 from what I knew of what she was doing.

24 **Q.** Did you ever see her provide election day Get Out the Vote
25 services?

1 **A.** Of course, yes.

2 **Q.** Can you describe what you saw?

3 **A.** At the Yarber campaign or just our everyday?

4 **Q.** What Mitzi Bickers provided with the Get Out the Vote effort?

5 **A.** Oh, it's an operation. We have a war room where you have
6 numbers coming in all day, which is pretty much what I did.

7 Taking numbers for campaigns, runners that go around to each
8 precinct calling in numbers at 9:00, 12:00, 3:00, and then at the
9 end of the day, and then tallying those numbers.

10 And then once we look at those numbers, we'll make calls out
11 for Get Out the Vote to go in those areas where we see low, we
12 think our candidate would -- should be winning and the numbers are
13 low, they will go and send people out there to kind of push to get
14 them out to vote. We have people on corners holding signs. We've
15 got people at every precinct holding signs. We have the
16 disposable coolers with food that we pack up probably like before,
17 make sure we deliver those. Then we deliver breakfast, lunch. I
18 mean, we -- it's a whole operation. It's just the busiest
19 campaign office you've ever seen.

20 **Q.** Now, before Mitzi Bickers provided these services on election
21 day, had you seen an operation like this in a Jackson campaign?

22 **A.** No, we weren't that advanced. No.

23 **Q.** Now, during that campaign did you ever donate to Mr. Yarber?

24 **A.** My time. No.

25 **Q.** Did you ever donate money to the campaign?

1 **A.** I did not.

2 MR. KITCHENS: Can we bring up Government Exhibit 184.
3 And if we could look at page 12, I think it is of this exhibit. I
4 may be one off. Can we try 13? There we go. Okay. Can we bring
5 up that item at the top?

6 BY MR. KITCHENS:

7 **Q.** All right. Ms. Woods, do you see this entry?

8 **A.** I do.

9 **Q.** And what at least does it state in this entry?

10 **A.** It states that Jackie Woods donated \$10,000.

11 **Q.** Did you personally donate \$10,000 to Mr. Yarber?

12 **A.** Absolutely not.

13 **Q.** What happened with this donation?

14 **A.** What happened with it?

15 **Q.** Can you explain what this donation is?

16 **A.** Oh. I know we had had a fundraiser, and Mitzi had said, you
17 know, I continued raising money from what she had said, and she
18 wanted me to come and pick it up from her house to take -- this
19 was cash. She wanted me to come and pick it up. And I was going
20 to Jackson, and so I was taking it to Jackson for her.

21 **Q.** And who -- how was this cash provided to you?

22 **A.** It was provided -- I went to her house, picked it up. It was
23 in an envelope.

24 **Q.** And what did you do with that envelope of cash for \$10,000?

25 **A.** I took it to Janene when I got to Jackson.

1 Q. And did you tell -- and who is Janene?

2 A. Janene was who was handling the campaign finances for Yarber's
3 campaign.

4 Q. Did -- what was her last name?

5 A. Patterson.

6 Q. And did you tell Ms. Patterson that this \$10,000 in cash
7 provided in an envelope came from Mitzi Bickers?

8 A. I did.

9 Q. And did you see this entry on the campaign disclosure form at
10 the time?

11 A. I did not -- oh, I'm sorry.

12 Q. When you saw it, did you ask to correct it?

13 A. Well, I saw it first in the newspaper. And --

14 Q. What was your reaction to the newspaper story?

15 A. I was in shock, because I think my ex-husband accused me of
16 hiding money and I agreed, that was -- somebody was hiding it.
17 And I was in shock, because I definitely didn't donate \$10,000.
18 And so I did call and ask them to correct it. And they said they
19 would.

20 Q. Now, let's recap that election. Who was it --

21 MR. KITCHENS: And we can bring this down, Ms. Etienne.

22 Thank you.

23 BY MR. KITCHENS:

24 Q. Who was it who won the election?

25 A. Tony Yarber.

1 Q. And after he won the election, did you take a role in his
2 administration?

3 A. I did.

4 Q. What was your role?

5 A. I was chief of staff.

6 Q. Did Mr. Yarber's campaign activities and fundraising
7 activities stop after he won the election?

8 A. They did not.

9 Q. What type of fundraising activities did he do?

10 A. I knew he was still having fundraisers. I didn't go to any of
11 them, but I knew there were invitations and things like that that
12 he was having them, but I didn't go.

13 Q. Did the election end Mitzi Bickers' involvement with
14 Mr. Yarber?

15 A. It did not.

16 Q. Let's talk about some of these fundraisers first. Do you
17 remember coming to New Orleans in the summer of 2014?

18 A. I do.

19 Q. And what happened during the day?

20 A. There was a fundraiser at a restaurant.

21 Q. Did Mitzi Bickers participate in that fundraiser?

22 A. No.

23 Q. Now, what happened -- did you see Mitzi Bickers later that
24 night?

25 A. I did.

1 Q. Where did you see Mitzi Bickers?

2 A. There was a -- a club, I guess it was, even though I didn't
3 see the club part. When you walk in, you go up the stairs, and
4 there was like a loft up there with a bar and some couches and a
5 pool table, and I saw her there.

6 Q. Now, was this club open to the general public?

7 A. Was the club open to the general public?

8 Q. I'm sorry. The space where you were in, was it open to the
9 general public?

10 A. It did not appear to be, no.

11 Q. Did anyone offer you food when you were in that space?

12 A. There was food already in -- I was late, so there -- I was
13 late getting there behind everyone else, so there was food already
14 on the table when I got there.

15 Q. And did you see Mr. Yarber pay for food at any point?

16 A. No.

17 Q. Did you see him pay for drinks at any point?

18 A. I did not. Not while I was there.

19 Q. Now, do you remember attending a fundraiser at Ms. Bickers'
20 house later that summer?

21 A. Yes.

22 Q. Who was it that traveled with you from -- from Jackson?

23 A. Who traveled with me from Jackson or -- it was myself, Mayor
24 Yarber, Jason Gorey, and my friend Cedric Kronez (phonetic).

25 Q. How did you get to Atlanta?

1 **A.** We flew.

2 **Q.** When you arrived in Atlanta how did you travel around?

3 **A.** There was a Suburban, a truck, a Suburban.

4 **Q.** And was there a driver -- who was it who arranged -- well,
5 sorry.

6 Did you travel around in that suburban throughout your stay in
7 Atlanta?

8 **A.** I did. We did.

9 **Q.** And how long was that trip in Atlanta, roughly?

10 **A.** I didn't hear you. One more time?

11 **Q.** How long was that trip in Atlanta?

12 **A.** Two nights, I believe. Two, yeah.

13 **Q.** Now, did you fly back to Jackson from Atlanta?

14 **A.** No. The weather was too bad.

15 **Q.** So how did you get to Jackson?

16 **A.** The truck. The driver drove us back to -- to Meridian, where
17 our cars were.

18 **Q.** Who was it who arranged for that travel to go and drive you to
19 Jackson?

20 **A.** To drive us from Atlanta to Meridian, Mitzi asked the driver
21 if he would drive us.

22 **Q.** Did you attend the fundraiser when you were in Atlanta?

23 **A.** I did.

24 **Q.** And was it a -- can you describe the event?

25 **A.** It wasn't very many people, because it was -- we had meetings,

1 it was actually a work trip, but we had meetings and so it was
2 like a quick lunch. And so there weren't that many people there.
3 I don't even remember who was there, but there were only a few
4 people there. So it was very small. Like I said, it was like a
5 lunchtime fundraiser.

6 **Q.** And did there come a time when -- and where was the
7 fundraiser?

8 **A.** At her house.

9 **Q.** Did there come a time later that day that you returned to
10 Pastor Bickers' house?

11 **A.** We did.

12 **Q.** How did that come about?

13 **A.** Mitzi said that Rob Walker was having a party or a
14 get-together that night, and that we could come, we were invited.
15 And so we came. The Mayor, you know, wanted to go back, so we
16 went back.

17 **Q.** What happened when you went to Mitzi Bickers' house?

18 **A.** We took her boat over to Rob Walker's house.

19 **Q.** What did you see at Rob Walker's house?

20 **A.** There was like a lot of -- a lot of food, a lot of drinks.
21 There were some girls that were serving. I don't remember if
22 there were, like, if it was -- like maybe a couple people there.
23 I don't remember. And a card table, the cards.

24 **Q.** Did you learn about a second fundraiser that was held in
25 Atlanta?

1 **A.** A second fundraiser?

2 **Q.** A second fundraiser held in Atlanta that Mr. Yarber attended?

3 **A.** I don't know about a second fundraiser. Fundraiser? I knew
4 there was another trip that he went on to Atlanta, but I didn't
5 know it was a fundraiser. I didn't know about it until Kim Bracey
6 had filed a lawsuit and I read about it. So I didn't know about
7 it.

8 **Q.** Now, did you attend that particular trip?

9 **A.** The one I didn't know about? No.

10 **Q.** Did you see an itinerary for that trip?

11 **A.** I saw nothing.

12 **Q.** Was the itinerary for that trip something that was freely
13 shared within the City of Jackson?

14 MS. GOLDBERG: Objection, asked and answered. She's
15 already said she didn't see anything. So relevance.

16 THE COURT: The second question, if the itinerary
17 itself, was that something shared in the City of Jackson? That's
18 a different question.

19 MS. GOLDBERG: She said she didn't see anything.

20 THE COURT: But he's not asking her did she see it. I
21 guess the question is, Mr. Kitchens, is that you asked a different
22 question, said tell me something is shared with the City of
23 Jackson. I believe she can answer if she had seen it. I'll allow
24 her to answer that question.

25 THE WITNESS: No.

1 BY MR. KITCHENS:

2 Q. Now, did there come a time when T.I. Harris visited the City
3 of Jackson?

4 A. Yes.

5 Q. And how did that come about?

6 A. They just told me that Mitzi was bringing T.I. to Jackson and
7 I asked why. And they said they were --

8 MS. GOLDBERG: Objection, hearsay.

9 THE WITNESS: Oh.

10 THE COURT: It's Mitzi Bickers answering these question,
11 so who's answering these questions she's asking?

12 BY MR. KITCHENS:

13 Q. Yes. And so, Ms. Woods, if you could talk about what Mitzi
14 Bickers told you, but not what other people told you.

15 A. Okay.

16 Q. That's the...

17 A. All right. So I didn't learn about it from Mitzi Bickers, so
18 I apologize.

19 Q. Thank you.

20 A. Okay.

21 Q. Now, do you know the relationship between Mitzi Bickers and
22 T.I. Harris?

23 A. They're neighbors, like dock neighbors. They live in the same
24 neighborhood. They're dock -- they're neighbors.

25 Q. And what was the purpose of this trip?

1 **A.** That is a great question. He went around to schools. He went
2 around to schools to talk to the kids.

3 **Q.** Was this an event that you approved of?

4 **A.** I didn't like it --

5 MS. GOLDBERG: Objection, relevance.

6 THE COURT: Hold on.

7 MS. GOLDBERG: Objection, relevance. Her --

8 THE COURT: What difference does it make whether she
9 approved or not? What difference does it make whether this
10 witness approves?

11 MR. KITCHENS: Fair. Fair.

12 THE COURT: Sustained.

13 BY MR. KITCHENS:

14 **Q.** Did the event happen?

15 **A.** It did.

16 **Q.** And what happened during that trip?

17 **A.** He went around to a few of the schools and talked to the
18 students in assemblies. And then we had lunch. And then we went
19 and had a press conference on the steps of city hall.

20 **Q.** Did that event receive media coverage?

21 **A.** It did.

22 **Q.** And was that something you viewed as helpful for the campaign?

23 **A.** For the campaign?

24 **Q.** For Mayor Yarber?

25 MS. GOLDBERG: Objection, conjecture.

1 MR. KITCHENS: I'm asking her --

2 THE COURT: Was she -- excuse me?

3 MR. KITCHENS: I'm sorry, Your Honor. I was asking for
4 her opinion.

5 THE COURT: As chief of staff, why can't she give it?

6 MS. GOLDBERG: Objection. I think it misstates the
7 evidence.

8 THE COURT: Misstates the evidence? Who misstates the
9 evidence?

10 MS. GOLDBERG: Yeah. There was never any testimony it
11 had anything to do with the campaign.

12 THE COURT: The question was how does she see how it
13 affected the campaign or affected the Mayor's office. As chief of
14 staff, she can answer that question, how it affected the Mayor's
15 office. That was the question. Is that not your question?

16 MR. KITCHENS: That was the question, Your Honor.

17 THE COURT: She can answer that question.

18 THE WITNESS: How it affected the Mayor's office. We
19 got a lot of bad publicity from, I guess, you know, the older
20 residents and residents in Jackson. So it wasn't a great effect,
21 so...

22 BY MR. KITCHENS:

23 Q. Now, let's talk about contracting in the City of Jackson. You
24 mentioned earlier that in that first meeting with Mr. Yarber that
25 Mitzi Bickers brought up the sludge contract?

1 **A.** She did.

2 **Q.** What was that sludge contract?

3 **A.** That was Savannah Street hauling sludge from the shore. So
4 it's involved hauling a lot of the sludge from toilets in trucks
5 back and forth, you know, to clean up things like that from the
6 plant.

7 **Q.** Was that a large contract?

8 **A.** It's large. It's really big.

9 **Q.** What contact, if any, after Mayor Yarber was elected did Mitzi
10 Bickers have with you related to those contracts?

11 **A.** We didn't talk very much after he was elected. You know, we
12 didn't talk a whole lot after that.

13 **Q.** Were -- did Mitzi Bickers try to set up meetings regarding
14 those contracts?

15 **A.** With -- sure. I mean, she set meetings. She set meetings,
16 various meetings in Jackson. So, yes.

17 **Q.** And specifically did she try to set up meetings with Mayor
18 Yarber?

19 **A.** For herself to meet with him? I guess I'm trying to ask, did
20 she try to set up meetings -- I apologize. I'm trying to
21 understand the question. Did she try to set it up for contractors
22 or for herself or what are you --

23 **Q.** Let me ask this. A general question.

24 **A.** Okay.

25 **Q.** Did Mitzi Bickers try to set up meetings with Mayor Yarber

1 regarding the sludge contract?

2 **A.** She did.

3 **Q.** And what, if anything, did you tell Mayor Yarber about these
4 attempts to set up meetings with -- by Mitzi Bickers?

5 **A.** I think my general statement regarding Mitzi and anybody else
6 is that you can't be an advisor and a contractor, too. You've got
7 to pick one or the other.

8 **Q.** And why was that?

9 **A.** I just don't believe that you can advise somebody that you're
10 trying to get money from. That's just what I believe.

11 **Q.** Did Mayor Yarber pay attention to that concern?

12 MS. GOLDBERG: Objection, conjecture, what he paid
13 attention to.

14 THE COURT: Well, as chief of staff, she would know
15 whether he paid attention or not. So that's -- I'll overrule
16 that.

17 THE WITNESS: No. He would say duly noted, or I
18 understand, or keep an eye on it. But not really. Not at that
19 time, he did not.

20 BY MR. KITCHENS:

21 **Q.** Did Mitzi Bickers include you in your conversations with Mayor
22 Yarber?

23 **A.** No.

24 **Q.** Now, what happened with your relationship with Mitzi Bickers?

25 **A.** Well, I mean, we just kind of stopped talking. We didn't talk

1 as much as we used to. I wasn't, you know, really doing any
2 campaigns anymore. We would speak to each other, but it -- it
3 wasn't what it was before I came to Jackson, if that's what you
4 mean.

5 **Q.** And why was the relationship not what it was?

6 **A.** Well, I was, honestly, a little bit uncomfortable with a lot
7 of the calls that I was getting. I think we had had a
8 conversation where, you know, she suggested I move out of my
9 position as chief of staff. Yarber had asked me --

10 MS. GOLDBERG: Objection, hearsay.

11 MR. KITCHENS: This is the question from the Mayor she
12 worked for. It's not a statement.

13 THE COURT: I'm allow it, not for the truthfulness of
14 the matter, but to show her -- this witness' response.

15 THE WITNESS: Okay.

16 THE COURT: You can answer.

17 THE WITNESS: Okay. And, you know, about moving to
18 another position or another company or something. And we just
19 kind of fell apart. I just felt like it was doing too much and I
20 was just not happy about it.

21 BY MR. KITCHENS:

22 **Q.** Did you talk with Mitzi Bickers about your unhappiness with
23 this?

24 **A.** No, we didn't talk at all about it.

25 **Q.** Did you discuss anything else with Mitzi Bickers regarding

1 these contracts?

2 **A.** We didn't talk -- I don't remember having any conversations
3 about contracts that I recall.

4 **Q.** And were you aware of conversations with Mitzi Bickers that
5 you had about the contracts that you were excluded from?

6 **A.** I was aware of them.

7 **Q.** And why were you excluded from those conversations?

8 MS. GOLDBERG: Objection, speculation.

9 THE COURT: How can she answer that question without
10 speculating? Sustained.

11 BY MR. KITCHENS:

12 **Q.** Okay. Now, what company was --

13 THE COURT: Unless Pastor Bickers told her why she was
14 excluded.

15 MR. KITCHENS: Fair.

16 BY MR. KITCHENS:

17 **Q.** Ms. Woods, did Pastor Bickers ever tell you why she was
18 excluding you from these conversations regarding the contracts?

19 **A.** No. But as a general rule, I don't meet with contractors
20 trying to get contracts once the contracts have been -- I don't
21 meet with them anyway, so...

22 **Q.** What company was Mitzi Bickers associated with in connection
23 with that sludge contract?

24 **A.** AECOM.

25 **Q.** Who was it who was the point of contact for AECOM in addition

1 to Mitzi Bickers?

2 **A.** Oh, not the nickname. Let's see. Oh, Joe Moss. Sorry.

3 **Q.** Did you ever meet with Joe Moss?

4 **A.** I did.

5 **Q.** How did that come about?

6 **A.** He came to meet the Mayor in an initial meeting to introduce
7 his company, and that's where I met him, from what I remember.

8 **Q.** Who was it who arranged that initial meeting with Joe Moss and
9 the City?

10 **A.** I would have to guess, because it just came up with my
11 calendar. I'm sorry.

12 **Q.** Don't guess, please.

13 **A.** Okay.

14 **Q.** Where did this meeting take place?

15 **A.** In our -- the honorary Mayor's chambers downstairs in city
16 hall.

17 **Q.** Now, was there ever another meeting that you attended with
18 representatives of AECOM?

19 **A.** No. I don't remember attending any official meetings with
20 them.

21 **Q.** Now, who did the selection committee in the office of the
22 Mayor pick for that sludge contract?

23 **A.** The selection committee picked AECOM. The Mayor's office,
24 we're not supposed to be involved in picking. But the selection
25 committee picked AECOM.

1 Q. And then what happened when it was presented to the Mayor's
2 office?

3 A. He was okay with it. Brought it to me. I realized that one
4 of the team members was our economic development director's
5 sister, so I was unhappy with it. And I think I blew up. I got
6 upset. And that was that.

7 Q. Did the council ever approve AECOM for this sludge contract?

8 A. Well, they had to redo the presentations over again. It was
9 cancelled once we discovered that the Gorey was on the -- was on
10 it. But we had to redo it.

11 Q. And then after you redid it, who was it who was selected at
12 that point?

13 A. AECOM's was selected again.

14 Q. And did the City Council select AECOM?

15 A. They did not.

16 Q. Now, let's talk about any contact you had with Mitzi Bickers
17 after AECOM.

18 THE COURT: Let me ask a question right here,
19 Mr. Kitchens, just a clarification. The Court needs some
20 clarification.

21 The selection committee determines -- makes a
22 recommendation who should get the contract; correct?

23 THE WITNESS: Yes, sir.

24 THE COURT: And it comes through the Mayor's office.

25 THE WITNESS: It does.

1 THE COURT: Once it comes to the Mayor, does the Mayor
2 have a right to veto it and say, no, I'm not going to go with
3 this?

4 THE WITNESS: If there's something that we were
5 uncomfortable with -- like I was uncomfortable with Jason Gorey's
6 sister being on it. And I pointed out I was upset, extremely
7 upset about it. And so, yes, he can say do it over. But we
8 typically don't try to veto if it's a fair process, and I felt it
9 wasn't fair, and he agreed. But if it's a fair process, we
10 typically don't try to veto it.

11 THE COURT: So it's just a rubber stamp once it comes
12 from the selection committee? Or does the Mayor have a right to
13 say yay or nay to it?

14 THE WITNESS: If it's a fair bid process, then, you
15 know, I -- yes, he would -- well, it's up to him to present
16 to -- it's up to him to present it. But the thing is that, you
17 know, you have one contract coming to an end and you don't want
18 sewage backing up, and so you don't have a lot of time to hold on
19 to it. So, normally, you know, you would put it through.

20 THE COURT: I guess my main question is, does the mayor
21 have a right to say, yes, I approve it, or, no, I don't approve
22 it? I hear your answer said if the mayor, whoever he or she is,
23 doesn't present it, they don't have to.

24 THE WITNESS: Right. You don't have to present it.

25 THE COURT: I just needed that point of clarification.

1 Thank you.

2 THE WITNESS: Sorry.

3 MR. KITCHENS: Thank you, Your Honor.

4 THE WITNESS: I hoped I answered. I'm sorry.

5 BY MR. KITCHENS:

6 Q. Now, after AECOM lost the bid, did you receive a phone call
7 from Mitzi Bickers?

8 A. Yes.

9 Q. What did she say about Jackson?

10 A. It was a lot of cuss words in it. I mean, it was bad. I
11 mean, she was upset that she had invested a lot of time into the
12 City of Jackson and didn't have anything to show for it. And she
13 was just really upset. It was, you know, a hard conversation.
14 That was it.

15 Q. How long did you stay in Mayor Yarber's administration?

16 A. Until 2017, July 2017.

17 Q. And did you -- did Mayor Yarber run for reelection?

18 A. He did.

19 Q. Did Mayor Yarber receive any assistance of any type from Mitzi
20 Bickers in that reelection campaign?

21 A. He did not.

22 Q. Did Mayor Yarber win his reelection?

23 A. He did not.

24 Q. Was that phone conversation you mentioned in Jackson about her
25 being upset about not getting the contract, was that your last

1 phone conversation with Mitzi Bickers?

2 **A.** Umm, for awhile. I think she -- let me try and think, is that
3 the last one. I think we may have had one more after that.

4 **Q.** Let's talk about, did you have a phone conversation with Mitzi
5 Bickers within the last year?

6 **MS. GOLDBERG:** Objection, leading.

7 **THE COURT:** You want to rephrase the question? She's
8 objection to leading. It might have been. Just rephrase it a
9 little bit.

10 **BY MR. KITCHENS:**

11 **Q.** When, roughly, was your last phone conversation with Mitzi
12 Bickers?

13 **A.** It was last year. Last year. I don't remember. It was a few
14 months ago.

15 **Q.** And who was it who called you?

16 **A.** Initially Charles Davis.

17 **Q.** Who is Charles Davis?

18 **A.** He was one of my close friends.

19 **Q.** When -- what number did he use to call you?

20 **A.** He used his cell phone.

21 **Q.** And who did Mr. Davis work for?

22 **A.** He works for Mitzi Bickers.

23 **Q.** And what happened after you saw the phone call from Charles
24 Davis come in?

25 **A.** I answered it and said, hey, Charles Davis. And he said

1 Jackie Woods, like we always do.

2 **Q.** And then what happened?

3 **A.** He said my boss wants to speak to you. And I was, like, what?

4 And she had the phone by that time, like I said. But before I
5 said what, she was, like, hey. She had the phone. I'm sorry.

6 **Q.** And what did Mitzi Bickers say?

7 **A.** She wanted -- she said, I need to get our guy's number. And I
8 didn't know who "our guy" was.

9 **Q.** Did you ask her?

10 **A.** Yeah. I just said, who is our guy, you know. I didn't know
11 if she meant my boyfriend or who. And she said, you know, the
12 Mayor. And she -- I said, okay. And she asked about the kids and
13 I asked about her kids. And -- yeah. So she wanted the Mayor's
14 number, Yarber's number.

15 **Q.** And did she say who she wanted to provide that number to?

16 **A.** Her attorney.

17 **Q.** Now, did she say anything about the criminal case?

18 **A.** She said that she was -- you know, that they were working to
19 nip this shit in the bud. You know, they had some motions and she
20 felt good about the motions.

21 **Q.** I'm sorry, what -- I didn't hear the --

22 **A.** I'm sorry.

23 MS. GOLDBERG: Your Honor, objection, relevance.

24 THE COURT: Repeat the question.

25 MR. KITCHENS: Sure. I asked what did Mitzi Bickers say

1 about the criminal case? This has been something subject to the
2 judge's ruling.

3 MS. GOLDBERG: Your Honor, I think we've gone outside of
4 what was contained in that ruling.

5 (Sidebar.)

6 THE COURT: What is this with regard to the Judge's
7 ruling?

8 MR. KITCHENS: This was the 404(b) notice that was filed
9 a couple weeks ago before the trial. This was the conversation
10 that was at issue with the 404(b) notice.

11 THE COURT: And I already ruled on that.

12 MS. GOLDBERG: Your Honor, my concern is that her
13 statement was just about pending motions in the case, how she felt
14 about the criminal case. That is not what was contained in the
15 404(b) notice.

16 MR. KITCHENS: The exact quote that she gave was in the
17 404(b) notice.

18 MS. GOLDBERG: It has nothing to do with motions.

19 THE COURT: I didn't rule this part could come in. The
20 question was, how do you feel about the criminal case.

21 MR. KITCHENS: What -- the question was, what did Mitzi
22 Bickers tell you about the criminal case.

23 MS. GOLDBERG: And then she started talking about her
24 feelings regarding the motions and --

25 THE COURT: Well, we'll tell her -- we'll tell her --

1 MS. GOLDBERG: -- that's a totally different thing.

2 THE COURT: Please tell her to answer the question what
3 did Mitzi Bickers say about the criminal case. Because I already
4 ruled.

5 MR. KITCHENS: Thank you, Your Honor.

6 MS. GOLDBERG: I just think it's inappropriate for her
7 to talk about --

8 THE COURT: She's not going to get into motions --

9 MS. GOLDBERG: -- the past perceivable history of this
10 case.

11 (End of discussion at sidebar.)

12 BY MR. KITCHENS:

13 **Q.** Ms. Woods, you said a moment ago a quote, and I couldn't hear
14 it. What did Mitzi Bickers tell you specifically?

15 **A.** She said that they were planning on nipping the shit in the
16 bud. They were going to file some motions and she felt good about
17 the motions.

18 **Q.** Now, did she talk about another -- was there anything else
19 that she relayed to you in that conversation?

20 **A.** She just told me to remember -- you know, just remember about
21 Kim Bracey falling down the stairs and walking to the pool with
22 all her clothes on.

23 **Q.** What did that mean to you?

24 **A.** I had no idea. I was just like, oh, okay.

25 **Q.** How did you interpret that?

1 **A.** That they were going to talk about Kim Bracey walking into the
2 pool. I mean, just that -- that was something they were going to
3 talk about in court.

4 **Q.** Why did she want -- or did she express to you what --
5 specifically what you were supposed to say about Kim Bracey?

6 MS. GOLDBERG: Objection, leading.

7 THE COURT: That was leading. Sustained.

8 BY MR. KITCHENS:

9 **Q.** What did she tell you about -- what were, I guess, her exact
10 words about the incident with Bracey?

11 MS. GOLDBERG: Objection, asked and answered. She's
12 already stated it twice.

13 THE COURT: I'll allow it. Go ahead.

14 THE WITNESS: All you have to remember -- just
15 remember -- all you need to remember is, you know, that night Kim
16 Bracey fell down the stairs and walked into the pool with all her
17 clothes on.

18 BY MR. KITCHENS:

19 **Q.** How did you interpret the statement, "all you need to remember
20 is" --

21 MS. GOLDBERG: Objection, asked and answered and
22 leading.

23 THE COURT: I don't think it's leading, when he said how
24 do you interpret. That's not leading. It's been asked and
25 answered? I remember something close, but go ahead and answer

1 that question.

2 THE WITNESS: I took it as that that was going to be a
3 very important part of her defense, and she wanted me to remember
4 that night in particular. And that's all I needed to remember.

5 BY MR. KITCHENS:

6 Q. Have you had any contact with Mitzi Bickers since?

7 A. No, sir.

8 Q. Now, looking back at what happens with Mitzi Bickers and the
9 City of Jackson, what is your thought about introducing Mitzi
10 Bickers to Tony Yarber?

11 MS. GOLDBERG: Objection, relevance.

12 THE COURT: What would make that relevant about her
13 thought of introducing Mr. Yarber to meet Pastor Bickers? How is
14 her -- not the person, how did this witness's personal feeling
15 become relevant?

16 MR. FINDLING: Let me ask a slightly different question,
17 Your Honor.

18 THE COURT: All right.

19 BY MR. KITCHENS:

20 Q. What was the result of you introducing Mitzi Bickers to Tony
21 Yarber, the Yarber administration?

22 A. I'm in federal court talking to y'all. I mean, it's not
23 Disney World.

24 MR. KITCHENS: Thank you. No further questions.

25 THE COURT: Your witness.

1 MS. GOLDBERG: Thank you.

2 CROSS-EXAMINATION

3 BY MS. GOLDBERG

4 Q. Hi, Ms. Anderson-Woods.

5 A. Hi.

6 Q. So I think you made it pretty clear on direct that it was you
7 who reached out to Pastor Mitzi Bickers in relation to the Tony
8 Yarber mayoral campaign?

9 A. Correct. For helping, yes, ma'am.

10 Q. And that was based on your experience having worked with
11 Pastor Bickers before on her campaigns?

12 A. Yes, ma'am.

13 Q. That she was really good at what she does?

14 A. Really good. Yes, ma'am. I'm sorry. Yes.

15 Q. And that things, you know, were not going so well for the
16 campaign at the time?

17 A. Not in my opinion it was not.

18 Q. And this was kind of one of those -- it was a different kind
19 of campaign; right? This was a special election; correct?

20 A. Yes, ma'am.

21 Q. So it was very rushed.

22 A. It was.

23 Q. Short time frame.

24 A. Yes.

25 Q. And so you reached out to Pastor Bickers in relation to

1 getting help for that campaign.

2 **A.** Yes, ma'am.

3 **Q.** And you made the introductions between Tony Yarber and Pastor
4 Bickers.

5 **A.** I did.

6 **Q.** And you were present at her house the day they first met.

7 **A.** I was.

8 **Q.** And there was a lot of discussion about the campaign and
9 numbers and things like that during that first meeting?

10 **A.** I didn't hear the question.

11 **Q.** There was a lot of discussion about numbers and -- campaign
12 poll numbers and things like that during that first meeting?

13 **A.** Yes, ma'am.

14 **Q.** And what kind of efforts that could be made for the campaign.

15 **A.** Yes, ma'am.

16 **Q.** And I think you also talked about they discussed a little bit
17 about I think you said the sludge contract?

18 **A.** Yes, ma'am.

19 **Q.** Because of concerns they had about the situation in Jackson
20 and how things were going related to, I guess, sewage and things
21 like that?

22 **A.** Water, yes.

23 **Q.** And water?

24 **A.** Yes.

25 **Q.** And that was a concern for Pastor Bickers at that time, the

1 situation in Jackson related to that?

2 **A.** Correct.

3 **Q.** And I think you mentioned about attending one fundraiser
4 hosted at -- hosted by Pastor Bickers for Tony Yarber?

5 **A.** Yes. In Atlanta, yes.

6 **Q.** Okay. And that there was some separate event that you went to
7 after the fact that was hosted by a man named Robert Walker.

8 **A.** Yes.

9 **Q.** And you indicated that that separate event that you took a
10 boat to.

11 **A.** Yes, ma'am.

12 **Q.** And that was an event that was already in process, that you
13 were kind of joining his party.

14 **A.** Yes.

15 **Q.** And that phone call you just talked about after the fact, that
16 was just her lawyers trying to get contact information? That's
17 what she relayed to you, that her lawyer wanted some number for
18 Mayor Yarber?

19 **A.** Mayor -- yes.

20 **Q.** In preparation for this case?

21 **A.** Yes.

22 MS. GOLDBERG: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MR. KITCHENS: No, Your Honor.

25 THE COURT: Thank you, ma'am. You're free to go.

1 Call your next witness.

2 MS. DILLINGHAM: The government calls Chana Tate.

3 THE DEPUTY CLERK: Good afternoon, ma'am. Can I ask you
4 to raise your right hand, please.

5 *****

6 CHANA TATE,

7 having been duly sworn, testified as follows:

8 *****

9 THE DEPUTY CLERK: Thank you. You could have a seat and
10 take off your mask. If you would please state and spell your name
11 for the record.

12 THE WITNESS: My name is Chana Tate.

13 THE DEPUTY CLERK: Would you spell that for us, please.

14 THE WITNESS: C-H-A-N-A. The last name is Tate,
15 T-A-T-E.

16 DIRECT EXAMINATION

17 BY MS. DILLINGHAM

18 Q. Good afternoon, Ms. Tate. Over here. Good to see you, ma'am.

19 A. Good to see you.

20 Q. How are you currently employed?

21 A. I'm with A-National Limousine service.

22 Q. All right. And what's your current position?

23 A. Accounting manager.

24 Q. How long have you been accounting manager?

25 A. I've been there, umm, like 18 years.

1 Q. And have you been accounting manager the entire time --

2 A. No.

3 Q. -- you've been with A-National?

4 A. No. Only the last ten years.

5 Q. What are your primary responsibilities as accounting manager?

6 A. I do accounts receivable, billing, bank reconciliations and
7 payroll.

8 Q. What kind of service does A-National Limo provide?

9 A. We provide ground transportation services to passengers at the
10 airport, serving land to residence as well.

11 Q. And do all vehicles come with a driver?

12 A. Yes, ma'am.

13 Q. And was that the case in 2014?

14 A. Yes.

15 Q. How many vehicles does A-National have in its fleet?

16 A. We have 65 to 70.

17 Q. All right. And what kind of vehicles?

18 A. Anywhere from sedans, Escalades, SUVs, motor coaches.

19 Q. Does it have any limousines in its fleet?

20 A. Yes. Limousines, yes.

21 Q. And how do -- if a customer wants to reserve a vehicle, how do
22 they go about doing that?

23 A. They normally call our office and we have
24 reservation -- people that take reservations. Or anyone who
25 answers the phone can take a reservation.

1 Q. And was that the case in 2014?

2 A. Yes.

3 Q. Can customers set up an account with A-National?

4 A. Yes, ma'am.

5 Q. Do you know Mitzi Bickers, ma'am?

6 A. I know of her. I don't know her personally, but I know of
7 her, yes.

8 Q. In what capacity do you know Ms. Bickers?

9 A. Just in calling to the office, making reservations.

10 MS. DILLINGHAM: Your Honor, may I approach?

11 THE COURT: Yes.

12 BY MS. DILLINGHAM:

13 Q. Ms. Tate, I'm showing you what's been admitted as Government's
14 Exhibit 1.

15 A. Okay.

16 Q. I'm also going to pull it up on that screen next to you.

17 A. Okay.

18 MS. DILLINGHAM: Ms. Etienne, can we see Exhibit 1,
19 please. And can you go to page 14 first, please, ma'am.

20 BY MS. DILLINGHAM:

21 Q. All right, Ms. Tate. Can you tell us what this document is
22 that we're looking at?

23 A. This is an invoice from A-National Limousine service.

24 Q. And who is the invoice addressed to?

25 A. It's addressed to The Bickers Group, Incorporated, 3306 Bay

1 View Drive, Jonesboro, Georgia 30236.

2 **Q.** All right. And do these invoices reflect individual rides
3 charged to The Bickers Group?

4 **A.** Yes, ma'am.

5 MS. DILLINGHAM: Ms. Etienne, can we blow up the second
6 ride on this page, please.

7 BY MS. DILLINGHAM:

8 **Q.** All right, Ms. Tate. Can you tell us the date of this ride?

9 **A.** April 24th -- 21st, 2014.

10 **Q.** And can you tell us what PU stands for?

11 **A.** The pickup location.

12 **Q.** All right. And what was the pickup location for this ride?

13 **A.** 3306 Bag View Drive, Jonesboro, Georgia 30236.

14 **Q.** And is Bag View the correct address?

15 **A.** No. It looks like a typo.

16 **Q.** What is the correct address?

17 **A.** 3306 Bay View Drive.

18 **Q.** All right. Can you tell us what "drop" means?

19 **A.** It's the drop-off location.

20 **Q.** And what's the drop-off location?

21 **A.** Jackson, Mississippi 39201.

22 **Q.** Who requested this ride?

23 **A.** Mitzi Bickers.

24 **Q.** And what did she request?

25 **A.** A van.

1 Q. And how many people can sit in that van?

2 A. Ten people.

3 Q. And what was the price of this trip?

4 A. \$1300.

5 MS. DILLINGHAM: Ms. Etienne, can we go to page 15,
6 please. And can we highlight the first ride, please.

7 BY MS. DILLINGHAM:

8 Q. All right, ma'am. Is this another ride charged to The Bickers
9 Group?

10 A. Yes, ma'am.

11 Q. What's the date?

12 A. July 17th, 2014.

13 Q. And who requested the ride?

14 A. Mitzi Bickers.

15 Q. Who is the passenger?

16 A. The passenger is Tony Yarber, Mayor.

17 Q. All right. And can you tell us the pickup and drop-off
18 locations?

19 A. ATL 3610.

20 Q. And what is -- what does that mean to you?

21 A. That is Hartsfield-Jackson International Airport.

22 Q. And where was Mr. Yarber being dropped off?

23 A. At 61 Forsyth Street Southwest, Atlanta, Georgia 30303.

24 Q. What was Mr. Yarber being picked up in?

25 A. An Escalade.

1 Q. And how much was that trip?

2 A. \$650.

3 MS. DILLINGHAM: Ms. Etienne, can we go to page 9,
4 please. Ms. Etienne, I'm sorry. Can we go to page 14. And can
5 we look at the last ride on this page, please.

6 BY MS. DILLINGHAM:

7 Q. All right. And, Ms. Tate, can you tell us the date of this
8 ride?

9 A. July 17, 2014.

10 Q. Was this another ride billed to The Bickers Group?

11 A. Yes, ma'am.

12 Q. And who was the passenger?

13 A. Tony Yarber, Mayor.

14 Q. Where was he going?

15 A. He was going to 3306 Bay View Drive, Jonesboro, Georgia 30236.

16 Q. And who requested that ride?

17 A. Mitzi Bickers.

18 Q. And how much was she charged?

19 A. \$650.

20 MS. DILLINGHAM: All right. Now, Ms. Etienne, can we
21 please go to page 9. And can we look at the first ride, please.

22 BY MS. DILLINGHAM:

23 Q. All right, ma'am. What's the date of this ride?

24 A. July 18, 2014.

25 Q. Was this another ride billed to The Bickers Group?

1 **A.** Yes, ma'am.

2 **Q.** Who requested the ride?

3 **A.** Mitzi Bickers.

4 **Q.** Who was it for?

5 **A.** It was for Tony Yarber, Mayor.

6 **Q.** And where was Mr. Yarber going?

7 **A.** He was at the Hampton Inn, downtown Atlanta, Georgia 30303.

8 **Q.** And where was he being dropped off?

9 **A.** 3306 Bay View Drive, Jonesboro, Georgia 30236.

10 **Q.** And how much was that ride?

11 **A.** \$650.

12 MS. DILLINGHAM: All right, Ms. Etienne. Can we go back
13 to page 15, please. And can we look at the second ride.

14 BY MS. DILLINGHAM:

15 **Q.** All right. Same questions, Ms. Tate. When did this ride
16 occur?

17 **A.** July 19th, 2014.

18 **Q.** Was it billed to The Bickers Group?

19 **A.** Yes, ma'am.

20 **Q.** All right. And who was the passenger?

21 **A.** The passenger was Tony Yarber, Mayor.

22 **Q.** And who requested it?

23 **A.** Mitzi Bickers.

24 **Q.** And can you tell us where Mr. Yarber was being dropped off?

25 **A.** 2811A Airport Boulevard South, Meridian, Mississippi 39301.

1 Q. And where did -- where was he picked up?

2 A. At the Hyatt Regency, Atlanta, Georgia 30303.

3 Q. All right. So how much was this ride from Atlanta to
4 Meridian, Mississippi?

5 A. \$1,440.

6 MS. DILLINGHAM: Ms. Etienne, can we go to page 9 again.

7 All right. And can we look at the last two rides.

8 BY MS. DILLINGHAM:

9 Q. Can you tell us, first looking at the first ride that was
10 blown up, can you tell us when this ride occurred?

11 A. September 4, 2014.

12 Q. And who requested it?

13 A. Mitzi Bickers.

14 Q. And who was the passenger?

15 A. Tony Yarber, Mayor.

16 Q. And can you tell us the pickup and drop-off locations, please?

17 A. The pickup was ATL 2182 DL. And the drop is Ritz-Carlton
18 downtown Atlanta 30303.

19 Q. All right. And can you tell us what the ATL 2182 DL means to
20 you?

21 A. That's Hartsfield-Jackson International Airport.

22 Q. All right. And can you tell us how much this ride was?

23 A. \$650.

24 Q. All right. And let's look at the next day. Is there a ride
25 the next day, ma'am?

1 A. Yes, ma'am.

2 Q. Who requested this ride?

3 A. Mitzi Bickers.

4 Q. And who was it for?

5 A. For Tony Yarber, Mayor.

6 Q. And can you tell us the pickup and drop-off locations?

7 A. The pickup was the Ritz-Carlton downtown Atlanta 30303. And
8 the drop was Chastain Park Amphitheater, Atlanta, Georgia 30327.

9 Q. Ma'am, do you know what Chastain Park Amphitheater is?

10 A. An amphitheater for entertainment, shows.

11 Q. Is it a concert venue?

12 A. Concert venue.

13 Q. All right. Can you tell us how much this ride cost?

14 A. \$650.

15 MS. DILLINGHAM: And, Ms. Etienne, can we go to page 10,
16 please. And can we see the first -- actually, can we just blow up
17 the rides there. Yes, ma'am. Thank you.

18 BY MS. DILLINGHAM:

19 Q. All right. Were these two rides billed to The Bickers Group,
20 ma'am?

21 A. Yes, ma'am.

22 Q. All right. Can you tell us about first the ride on September
23 5, 2014?

24 A. September 5, 2014.

25 Q. Who requested this ride?

1 **A.** Mitzi Bickers.

2 **Q.** And what was the pickup and drop-off location?

3 **A.** 3306 Bay View Drive, Jonesboro, Georgia 30236. The drop
4 location was Chastain Park Amphitheater, Atlanta, Georgia 30327.

5 **Q.** And what kind of vehicle did Ms. Bickers request?

6 **A.** A limousine.

7 **Q.** And how many people can fit in that limousine?

8 **A.** Up to ten people.

9 **Q.** All right. And can you tell us the cost of that ride?

10 **A.** \$350.

11 **Q.** All right. And, finally, can you tell us about the ride on
12 September 6, 2014?

13 **A.** Um-hum. September 6, 2014, the pickup was at the Ritz-Carlton
14 downtown, Atlanta, Georgia 30303. And they were dropped off at
15 Hartsfield, Atlanta, 1163 Delta.

16 **Q.** And who was the passenger?

17 **A.** Yarber, Tony.

18 **Q.** And can you tell us the amount billed to The Bickers Group for
19 this ride?

20 **A.** \$108.80.

21 MS. DILLINGHAM: All right. Nothing further, Your
22 Honor.

23 THE COURT: Your witness.

24 MR. FINDLING: Thank you.

25 May I approach, Your Honor?

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. FINDLING

4 Q. How are you doing?

5 A. I'm good. How are you?

6 Q. Ms. Tate -- I'm sorry, Ms. Tate?

7 A. Yes.

8 Q. How are you doing?

9 A. I'm doing good.

10 Q. My name is Drew Findling. We haven't met before.

11 A. No.

12 Q. But I want to talk to you about these -- about these bills.
13 Because the way it got presented, looks like you guys were
14 overcharging. And I know your company and you didn't. This is
15 proper billing.

16 In the limousine service, there is a concept known as
17 as-needed; right?

18 A. Um-hum, um-hum.

19 Q. Okay. And so charging for a ride, the way the question was
20 asked, is not jumping in a cab and going from here to Lenox Mall;
21 right? As-needed gives the passenger access to the car for a
22 lengthy period of time; correct?

23 A. Correct.

24 Q. With the security of a -- because I've studied your company in
25 preparation for today -- of a trained driver; correct?

1 **A.** Correct.

2 **Q.** That is -- understand concepts of driver safety; correct?

3 **A.** Correct.

4 **Q.** I mean, your company ensures, as opposed to some of the other
5 companies that are now competing with you, we're not going to get
6 specific, you-all ensure that you have a driver that understands,
7 from your perspective, safe driving methods; is that correct?

8 **A.** Yes, ma'am -- yes, sir.

9 **Q.** Okay. And you also make sure, because you are a limousine
10 service, that your driver is sensitive-- let's take it away from
11 this case, for example, from researching your company, it's not
12 uncommon for your company to drive famous people; right?

13 **A.** Correct.

14 **Q.** Okay. And so it's not uncommon for your driver to be trained
15 to understand how to be sensitive to the -- to the privacy and
16 kind of the security measures that go with driving around
17 well-known people; is that correct?

18 **A.** Absolutely, yes.

19 **Q.** Okay. And so I want to make sure I explain the concept -- you
20 explain -- I'm sorry -- the concept of as-needed to these folks,
21 because they're seeing \$650 charges. And it looks like you're
22 just dumping somebody off for a 30-minute ride for 650. And
23 that's completely not true; is that correct?

24 **A.** That's correct.

25 **Q.** Okay. Each of the bills that you were shown for \$650 are

1 basically, okay, giving somebody access to -- to a safe vehicle, a
2 trained driver, who is aware of security and privacy, for
3 essentially a full day; correct?

4 **A.** Correct. For an extended amount of time, yes.

5 **Q.** For an extended amount of time.

6 **A.** Yes.

7 **Q.** So when someone has a car as-needed, what the billing won't
8 show is if the person is at -- if the driver is with them and they
9 want to go get a Coca-Cola a mile away, it's not a separate bill.
10 It's part of the "as-needed;" correct?

11 **A.** Correct.

12 **Q.** Okay. And so as you said, an extended period of time. Any
13 bill like the \$650 ones over and over again, it shows the pickup,
14 it shows the desired destination at some point, but all the stuff
15 in between, like going back to a hotel, catching a nap, going back
16 to a hotel, getting showered up, okay, that's not going to be
17 included in that bill; correct?

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

19 **Q.** Okay. And so that's why, when we keep on seeing 650, 650,
20 650, it comes off a little bit as if the person is being gouged,
21 and they're not being gouged. It is an extended service with a
22 highly-qualified driver in a safe vehicle; fair to say?

23 **A.** That is correct.

24 **Q.** Okay. And so we contrast that with a simple one. The -- I
25 took note. The one, when it was just a simple ride, okay, was on

1 September 6, '14, at the end of your testimony, it was \$108 for a
2 relatively short period of time to be in an Escalade; right?

3 **A.** Um-hum.

4 **Q.** All right. Probably \$30 cheaper than darn Uber would be
5 charging people for that same Escalade; am I right?

6 **A.** Correct.

7 **Q.** Okay. And when you-all offer, like we saw a drive, okay, when
8 we saw a drive to Mississippi for \$1300 that had a vehicle that
9 can fit ten people in it --

10 **A.** Um-hum.

11 **Q.** -- a lot better than ten people paying for an airline ticket,
12 isn't it?

13 **A.** Pretty much, yes.

14 **Q.** Okay. And so there are times when you-all work out a fair
15 price for an extended period that takes into consideration for a
16 long ride, a drop-off and then sometimes, for an extended one like
17 that, the driver comes back by themselves; correct?

18 **A.** Correct.

19 MR. FINDLING: That's all I have, Your Honor.

20 THE COURT: Redirect?

21 MS. DILLINGHAM: Nothing further, Your Honor.

22 THE COURT: Thank you, ma'am.

23 THE WITNESS: Thank you.

24 THE COURT: We're going to stop right here for today,
25 for this week. Ladies and gentlemen of the jury, again, I want to

1 remind you, as I reminded you last Friday, the judge's biggest
2 concern is sending jurors home on a pending case over the weekend,
3 but y'all did great last weekend -- as I was saying, you-all did
4 great last weekend. I'm going to ask you again, don't talk about
5 the case, don't read anything in the newspaper about it, don't
6 listen to anything on the radio or television about it, don't
7 discuss it with anyone else. Don't let anybody tell you about the
8 time they served on a jury.

9 You've had a full week and you've done great. Go home
10 and relax and rest. Hopefully the sun will come out and you can
11 go outside and have a great time. And we'll start back at 9:00
12 Monday morning. Thank you-all.

13 A JUROR: You said 9:00?

14 THE COURT: 9:00. 9 o'clock Monday.

15 A JUROR: Have a nice weekend.

16 THE COURT: You too. Thank you.

17 9 o'clock Monday.

18 (Jury out at 4:53 p.m.)

19 THE COURT: See y'all at 9 o'clock Monday.

20 THE DEPUTY CLERK: All rise. The Court will be in
21 recess until Monday morning.

22 (The trial concluded at 4:55 p.m.)

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C E R T I F I C A T E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true and correct transcript of the proceedings taken down by me in the case aforesaid.

This the 18th day of March, 2022.

/s/Viola S. Zborowski
VIOLA S. ZBOROWSKI, CRR, CRC, CMR, FAPR
OFFICIAL COURT REPORTER