

1 IN THE WEST VIRGINIA LEGISLATURE  
 HOUSE OF DELEGATES  
 2 JUDICIARY COMMITTEE  
 3 \* \* \* \* \*  
 4 IN RE:  
 5 House Judiciary Committee Proceeding  
 6 Regarding the Impeachment of West Virginia  
 7 Supreme Court Justices Pursuant to  
 8 House Resolution 201 Passed During the  
 9 Second Extended Session of 2018.  
 10 \* \* \* \* \*  
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 12  
 13 VOLUME III  
 14  
 15 Hearing held on July 19, 2018, before the House  
 16 Judiciary Committee of the West Virginia Legislature.  
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1 PROCEEDINGS  
2 (7-19-2018, House Judiciary Committee)  
3 (Clerk calling roll: Delegate Lane,  
4 Delegate Canestraro, Delegate Hollen, Delegate Sobonya,  
5 Delegate Deem, Delegate Pushkin, Delegate Foster,  
6 Delegate Summers, Delegate Miller, Delegate Isner,  
7 Delegate Moore, Delegate Kessinger, Delegate Robinson,  
8 Delegate Fast, Delegate Fluharty, Delegate Overington,  
9 Delegate Byrd, Delegate Harshbarger, Delegate  
10 Fleischauer, and Mr. Chairman.)  
11 CHAIRMAN SHOTT: Here.  
12 A quorum is present. Before we begin, I  
13 hope everyone received the e-mail that I sent out last  
14 night regarding the shuffling of our schedule and some  
15 of the challenges that we have encountered in getting  
16 witnesses that we wanted here, here on the schedule that  
17 we had intended to use. So, hopefully, you are aware of  
18 that. It's going to make a, perhaps, a substantial  
19 change this week in our three-day schedule, which is  
20 probably going to be more like two, today and tomorrow,  
21 and tomorrow may even be abbreviated based on the  
22 inability for some of the witnesses to attend.  
23 A couple of housekeeping matters before we  
24 call our first witness. First of all, I hope whenever

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1 you see Delegate Brent Boggs, you will extend to him a  
2 thank you for his efforts in the Joint Committee on  
3 Government and Finance. Brent made -- or Delegate Boggs  
4 made a motion to enable us to be paid for our attendance  
5 during our work. Unfortunately, it was ruled out of  
6 order based on the statutory provisions.  
7 I think there seems to be a perception  
8 that we are rolling in the dough when we come down here  
9 and most people think we get over and above our regular  
10 compensation that we are paid for the 60-day session  
11 when we come in for these extended sessions, which is  
12 not the case. Of course, we are limited, basically, to  
13 reimbursement for our cost based on the per diem  
14 allowance for that purpose.  
15 I did find out -- my ever-vigilant  
16 executive assistant, Dara Burgess, brought my attention  
17 to a provision in the Code that I was not aware of that  
18 may help us out a little bit. This is under 4-2A-4  
19 which provides that certain committee chairs are  
20 entitled to per diem compensation up to 30 days in  
21 between regular, extended, or extraordinary sessions --  
22 sessions and interim committee meetings. And,  
23 apparently, the Committee Chair of Judiciary and Finance  
24 are entitled to that compensation.

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1 In my case, I'm on Social Security, so  
2 regardless of where in the world I am, my pay is not  
3 interrupted. So what I thought we would do is apply for  
4 that pay and put it in a pool for those of you who are  
5 -- whose income is interrupted as a result of your  
6 service here.  
7 So what we will do is I am asking the  
8 clerk, the clerk has to confirm attendance each  
9 day. The clerk will keep attendance and we will,  
10 basically, divide the money that is received as a result  
11 of this extra provision among those of you whose income  
12 is suspended, let's say, during your service down here.  
13 Now, I am not going to audit anybody  
14 regarding that, but I would ask as a -- sort of as a  
15 good-faith effort, that if you are in a situation which  
16 your income is not interrupted, whether it be some sort  
17 of Medicare or -- or Social Security or something of  
18 that sort, I wish you would advise the clerk so that we  
19 can confine those who participate to those who actually  
20 are losing income as a result of their service on our  
21 committee. And that would include if you are using up  
22 sick days or vacation days or anything that you would  
23 otherwise use for your own, personal benefit. And then  
24 it is not going to be a lot of money, frankly, but it

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1 may buy you a quarter pounder at McDonald's each day you  
2 are down here, or something of that sort. So the clerk  
3 will keep track of that and we will, ultimately, settle  
4 that up. But if you would, notify the clerk if you  
5 don't want to participate in that.  
6 We will have four -- four witnesses today:  
7 Two in the morning and two in the afternoon.  
8 DELEGATE: There is a squeal.  
9 CHAIRMAN SHOTT: There is a squeal?  
10 A DELEGATE: -- on your mic.  
11 CHAIRMAN SHOTT: Is the wireless mic on?  
12 Test, test. Is it -- it is coming from Delegate Deem's  
13 equipment, I think. Is there anybody that can adjust  
14 that? It's your mic, John. Are we okay now?  
15 All right, we are going to have four  
16 witnesses today, two in the morning, two in the  
17 afternoon. We will not in all likelihood be going late  
18 tonight. And then as you -- if you read the memo, we  
19 hope to have some evidence in the morning and then at  
20 10:30, we will recess long enough to take the tour that  
21 has been requested of the judges' chambers in the  
22 Supreme Court annex.  
23 All right, we are ready to proceed.  
24 Counsel, would you call your wit -- first witness.

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1 MR. HARDISON: Thank you,  
2 Mr. Chairman. The Committee on the Judiciary calls Jess  
3 Gundy to the stand.  
4 CHAIRMAN SHOTT: Mr. Gundy, would you  
5 raise your right hand, please? Please stand and  
6 raise your right hand.  
7 JESS GUNDY  
8 was called by the Committee on the Judiciary, and having  
9 been first duly sworn, testified as follows:  
10 CHAIRMAN SHOTT: Thank you. You may be  
11 seated. Counsel, please proceed.  
12 EXAMINATION  
13 BY MR. HARDISON:  
14 **Q. Mr. Gundy, thank you for being here today.**  
15 A. Yes, sir.  
16 **Q. There are a few items we are going to**  
17 **cover this morning.**  
18 **Would you first tell us your position and**  
19 **where you are employed currently?**  
20 A. Yeah, I'm currently employed by the West  
21 Virginia Supreme Court of Appeals. I serve in the  
22 capacity of the Deputy Director of Security.  
23 **Q. How long have you been employed by the Supreme**  
24 **Court?**

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1 A. I started there January 2007.  
2 **Q. Where were you employed before that?**  
3 A. I was employed by the West Virginia State  
4 Police.  
5 **Q. How long were you a state police officer?**  
6 A. I was employed there 22 years.  
7 **Q. Okay, and can you tell us what your job**  
8 **responsibilities are with the Supreme Court?**  
9 A. Our job responsibilities is providing security  
10 for the -- for the justices, the Court staff, the  
11 employees of the Court, which is, basically, on three  
12 floors of the Capitol. We have cameras situated in  
13 various locations. We monitor cameras. We take care of  
14 all of the keypads that go to the entrances, certain  
15 entrances.  
16 We also do security audits for courthouses  
17 around the State. We are responsible for -- for the  
18 fleet of the Supreme Court. And we are responsible for  
19 background checks, various investigations at times.  
20 **Q. Who is your direct supervisor at the Court?**  
21 A. My direct supervisor is Arthur Angus.  
22 **Q. Has he been your supervisor the entire time you**  
23 **have been with the Court?**  
24 A. He has.

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1 **Q. Okay. Now, during your -- during your**  
2 **employment at the Supreme Court, have you come to know**  
3 **Justice Allen Loughry?**  
4 A. Yes, sir.  
5 **Q. And how do you know Justice Loughry?**  
6 A. Well, I first met him when he was a law clerk,  
7 I believe, for Justice Maynard, and afterwards after he  
8 was elected to the Supreme Court.  
9 **Q. During -- during your time with the Court and**  
10 **your interactions with Justice Loughry, have you ever**  
11 **been to Justice Loughry's home?**  
12 A. Yes, sir, I have been there three times.  
13 **Q. And why were you there the first time?**  
14 A. I was there the first time because there was a  
15 couch that he wanted to move from his residence to the  
16 State warehouse -- excuse me, the Supreme Court  
17 warehouse located on Venable Avenue in Kanawha City.  
18 **Q. And we're going to explore that a little more**  
19 **in detail here in a minute, but I want you to tell us**  
20 **how did Justice Loughry first request that you help him**  
21 **move the couch?**  
22 A. Well, in late November, I believe, of last  
23 year, I was in the security office. The fellow that I  
24 work with, Arthur Angus, was not there at the

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1 time. Gary Johnson came by the justice chambers and he  
2 came to the security office and he said that Justice  
3 Loughry, who was the Chief at the time, wanted to talk  
4 to me in his office. And I said, "Fine."  
5 So we walked back there and Gary shut the  
6 door. In the room was myself, Justice Loughry, Gary  
7 Johnson, and Lori Paletta-Davis, who is an attorney on  
8 staff for the Supreme Court.  
9 **Q. What, exactly, did Justice Loughry tell you**  
10 **when you were in that meeting?**  
11 A. When we was in the meeting, he was requesting  
12 or trying to enlist my help to move a couch and a desk  
13 from his residence. He made sure to tell me that he was  
14 not asking me to do anything improper because it was  
15 permissible for the justices to have a home office, but  
16 he wanted to get it out of his house due to the fact I  
17 think there was a newspaper article that a day or two  
18 before, that said that he had that at his residence.  
19 **Q. At this time did you know what he was -- what**  
20 **he was talking about when he was asking about -- asking**  
21 **your help to move the couch and the desk?**  
22 A. You mean did I know whether it was up there?  
23 Or --  
24 **Q. Did you know exactly what couch he was**

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1 referring to and what desk he was referring to?  
2 A. Not exactly, no.  
3 **Q. Okay. What happened next after that -- in that**  
4 **meeting?**  
5 A. After that, we arranged -- we talked about  
6 transporting the furniture to the warehouse. He said he  
7 wanted to get the couch out of there first and maybe we  
8 could get the desk at a later time. And he asked me  
9 what we would need to do that, and I told him we would  
10 need a van, maybe one or two extra people, and he said,  
11 "Fine."  
12 So at that time I got ahold of Paul Mendez  
13 and my supervisor, Arthur Angus, and we all agreed to --  
14 to do that. And Paul Mendez had -- had a Court van. He  
15 pulled it up front on California Avenue. We all got in  
16 the van and we followed Justice Loughry to his  
17 residence.  
18 **Q. What happened when you got to Justice Loughry's**  
19 **home?**  
20 A. When we got in the house, we entered the  
21 house. He showed us the couch, which I believe was in  
22 the living room. I can't swear to that, but it was in a  
23 larger room. Then he showed us the desk, which was in a  
24 smaller room. And, of course, he said we could get the

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1 desk at a later time.  
2 **Q. I want to direct your attention to Exhibit**  
3 **Number 25. Can you explain -- well, first of all, do**  
4 **you recognize this picture?**  
5 A. I have seen that picture before; yes, sir.  
6 **Q. What is it a picture of?**  
7 A. That is a picture of myself in the front  
8 carrying a couch and Paul Mendez carrying the other side  
9 and Justice Loughry is behind us and we are loading it  
10 into the van.  
11 **Q. So to my right, looking at the screen, that is**  
12 **you on the far right?**  
13 A. Yes, sir.  
14 **Q. And in the middle is Paul Mendez?**  
15 A. That's correct.  
16 **Q. And on the far left is Justice Loughry?**  
17 A. That's correct.  
18 **Q. And what is that you are moving right there?**  
19 A. That is a couch.  
20 **Q. Okay. Explain to us what happened once you got**  
21 **-- got inside the home, how you all -- what you all did**  
22 **when you got -- got in the house?**  
23 A. Well, like I said, we walked around. We looked  
24 at the couch and we looked at the desk and Arthur Angus

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1 removed the cushions from the couch and Paul Mendez and  
2 myself, we -- we picked the couch up. We took it out  
3 the door and we took it to the van and Justice Loughry  
4 followed us out there. And I think there was a time  
5 when he told us that one of his neighbors was over there  
6 taking a photo.  
7 **Q. Now I direct your attention to Exhibit Number**  
8 **27.**  
9 A. Excuse me, sir? Twenty --  
10 **Q. Twenty-seven, I'm sorry.**  
11 A. All right. Oh, wait a minute. Okay, got it.  
12 **Q. Do you recognize that photograph?**  
13 A. Yes, it appears to be the couch that we moved.  
14 **Q. What, if anything, did Justice Loughry say to**  
15 **you all while you were moving the couch, in the house or**  
16 **outside the house?**  
17 A. While we were moving it? He probably said some  
18 things, but to be honest with you, I don't recall  
19 exactly what he said. I just do remember him telling us  
20 that there was a lady across the street taking photos.  
21 **Q. Did you see the lady across the street?**  
22 A. I did not.  
23 **Q. Inside the house, did you -- did you notice a**  
24 **home office in the home?**

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1 A. Uh, yes, it was a smaller room where the desk  
2 was located.  
3 **Q. For the Committee can you describe how big that**  
4 **room is and how -- what the desk looked like in there?**  
5 A. The room was small. The desk, we looked at it  
6 and we thought, you know, that thing is going to be a  
7 bear. It was -- it was crammed into that small room.  
8 It was a big desk in a small room.  
9 **Q. What else was in the room that you noticed?**  
10 A. I did notice that the desk was cleared off and  
11 I did notice a computer on the floor.  
12 **Q. Would a -- would that couch have fit into that**  
13 **office with that desk?**  
14 A. No, no way.  
15 **Q. Were there any other couches in the home that**  
16 **you noticed?**  
17 A. None that I can recall.  
18 **Q. And while you were in the -- the living room**  
19 **with the couch, did you notice any other computers in**  
20 **there?**  
21 A. No, sir. The only one that I remember was the  
22 one on the floor where the desk was located.  
23 **Q. After you got the couch into the van, what did**  
24 **you all do next?**

1 A. After we got into the van, myself and Arthur  
2 Angus got into the van. Paul Mendez got into Justice  
3 Loughry's vehicle and we drove to the warehouse at  
4 Venable Avenue in Kanawha City.  
5 **Q. What did you do when you got to the warehouse?**  
6 A. When we got to the warehouse, Paul Mendez got  
7 out of Justice Loughry's vehicle and he entered a code  
8 to open the door, and after he did that, we went inside  
9 the warehouse. We opened the door to the -- to the van  
10 and we unloaded the couch in the warehouse.  
11 **Q. What did you do after that?**  
12 A. After that, well, basically, we -- we took the  
13 van back to -- to the Court area, to a parking area, and  
14 we basically went home, I think.  
15 **Q. Did you -- did you have any discussions on when**  
16 **you were going to move the desk?**  
17 A. We talked about that and -- the day after that  
18 for the most part, and I believe there was another day  
19 after that, as well, that we talked about it. And we  
20 decided that we were going to go up there early one  
21 morning and get the desk -- desk out of that small room  
22 and get it positioned to the point where it was in the  
23 garage and it would be easier to get it out.  
24 **Q. When you say "we," who, exactly, do you mean?**

1 A. Myself, Arthur Angus, Justice Loughry talked  
2 about it. I can't recall whether Paul Mendez was there  
3 or not.  
4 **Q. So there was a -- there was a two-day gap in**  
5 **between moving the couch and the morning you were going**  
6 **to move the desk?**  
7 A. I believe it was a two-day gap.  
8 **Q. Could you tell us what happened the morning**  
9 **that you were going to move the desk?**  
10 A. Yes, we all met. We had the van that we  
11 originally used. It was a white van. And we met there  
12 early in the morning, probably around 8:00 o'clock. And  
13 we drove to Justice Loughry's residence. He -- I think  
14 he took his own vehicle.  
15 And we got the desk out of that room. We  
16 had to go to -- we had to take it outside and take it on  
17 the deck and take it through a door and take it through  
18 another room. It was -- it was not easy, but we got the  
19 desk into the garage.  
20 **Q. Was -- was the plan to meet at the van that**  
21 **morning or did you go into work first?**  
22 A. The plan was to meet at the van that  
23 morning. I believe I got there a little early. I  
24 probably went to work first.

1 **Q. Did Justice Loughry make any statements about**  
2 **why he wanted to move the desk or anything of that**  
3 **nature?**  
4 A. He wanted to move the desk because he said he  
5 wanted it out of his -- his house.  
6 **Q. And how many times did you go to his house that**  
7 **day?**  
8 A. We went to his house twice that day, once to  
9 move it to the garage and another time to actually put  
10 it into the van and to take it to the warehouse. We --  
11 we were not going to move it that morning because he was  
12 waiting for the neighbor who took the photos to  
13 leave. And apparently, he was -- when he got a --  
14 received a call from his wife saying that this person  
15 was gone, we were going to go back and get the desk and  
16 move it, which is what we did.  
17 **Q. So first you moved the desk out of the house**  
18 **and that was a difficult task because of the size of the**  
19 **desk and you put it into the garage.**  
20 A. That's correct.  
21 **Q. And after you put the desk in the garage, you**  
22 **all went back -- came back to the Capitol?**  
23 A. We came back to the Capitol for not long, maybe  
24 an hour or so, and then we left again to go back to his

1 residence to put it into the van.  
2 **Q. About how much time had -- had lapsed between**  
3 **the first move and the second move?**  
4 A. Well, like I said, we did it early in the  
5 morning. I don't recall exactly how long it took to  
6 move the desk into the garage. It took a while. I'm  
7 going to estimate about an hour and a half, but I can't  
8 be entirely sure.  
9 **Q. Tell us what happened the third trip to the**  
10 **house where you actually moved the desk into the van?**  
11 A. The third trip to the house, we -- we parked in  
12 the driveway. We opened the garage door. We put the  
13 desk into the van and we proceeded to the warehouse in  
14 Kanawha City.  
15 **Q. About how long did it take you to move the desk**  
16 **from the garage into the van?**  
17 A. It may have taken ten minutes, maybe. It  
18 didn't take long.  
19 **Q. Tell us what happened when you -- when you got**  
20 **to the warehouse?**  
21 A. Uh, when we got to the warehouse, we -- we  
22 drove inside the warehouse. We unloaded the desk and we  
23 put it into a room that was located inside the  
24 warehouse.

**1 Q. Now, was there anybody observing you making  
2 this move into the warehouse?**

**3 A.** Well, I noticed when we -- when we first left  
4 Allen's house, we were going down the hill. Arthur was  
5 driving. I was in the vehicle with him and we were the  
6 lead vehicle. We -- we saw a Channel 8 car coming out  
7 the hill and I looked in the car and it appeared to be  
8 Kennie Bass, Mr. Kennie Bass.

**9 Q. Was that the only time you saw Kennie Bass?**

**10 A.** He, I believe -- well, we shut the garage door  
11 and I believe the car was out there, outside the garage  
12 door when we -- when we shut it.

**13 Q. When you all noticed the news following you,  
14 did Justice Loughry say anything about that?**

**15 A.** He did not say a whole lot about it. He saw  
16 Mr. Bass, as well.

**17 Q. Did Justice Loughry make any statements about  
18 what he was going to do to get ahead of the news that  
19 the desk was being moved, and the couch?**

**20 A.** To get ahead of the news? I'm sorry.

**21 Q. Did he make any statements about a plan to  
22 issue a press release that you can recall.**

**23 A.** Not that I recall.

**24 Q. Did he make any statements to you about keeping**

**1 this quiet or not telling anybody about moving the desk  
2 or the couch?**

**3 A.** Uh, when I first went into his office, he -- he  
4 did not want me to tell a lot of people about moving  
5 these items. After that, I don't believe he said  
6 anything after that because I think, you know, after the  
7 photo was taken and all that stuff, I think he pretty  
8 much knew the cat was out of the bag and he didn't  
9 really mention it much after that.

**10 Q. Okay, now I will direct your attention to  
11 Exhibit Number 28. Do you recognize that picture?**

**12 A.** It would appear to be the desk that we took out  
13 of Justice Loughry's house.

**14 Q. Now, what happened -- what happened after you  
15 got the desk into the warehouse? What did you guys do  
16 next?**

**17 A.** After we got the desk out -- after we took it  
18 out of the van and put it in the warehouse, we got in  
19 Justice Loughry's car, his vehicle, which was also  
20 inside the Kanawha City warehouse, and we opened the  
21 front door and we went back to the Capitol.

**22 Q. Did you ever discuss this move with Justice  
23 Loughry after that?**

**24 A.** Yes, I'm sure we did.

**1 Q. Do you recall any specifics about those  
2 conversations?**

**3 A.** I can't recall any specifics about it. I think  
4 he was relieved that it was all out of his house, but  
5 other than that, I don't recall any specifics of the  
6 conversations.

**7 Q. Now, as a part of your job responsibilities  
8 with the Court, does that include going to a justice's  
9 home and moving furniture?**

**10 A.** It does not, no. That was an unusual request.

**11 Q. Have you ever done that for a justice prior to  
12 this occurrence?**

**13 A.** No, sir.

**14 Q. Has another justice ever asked you to move  
15 furniture from their home?**

**16 A.** No, sir.

**17 Q. Okay, now I want to talk to you about the fleet  
18 vehicles, which I understand that part of your job  
19 responsibilities is to manage the fleet vehicles for the  
20 Court?**

**21 A.** That's correct.

**22 Q. How many vehicles does the Court have?**

**23 A.** The Court has a total of 19 vehicles, seven of  
24 which we assign to members of the Court, Court

**1 employees, to go to conferences, meetings, things like  
2 that.**

**3 Q. Which -- which particular vehicles did the  
4 justices mainly use?**

**5 A.** The justices predominantly used our three  
6 Buicks. We have a -- I think, a 2007 Buick, a 2009, and  
7 a 2012 Buick.

**8 Q. And who -- who has the keys to those vehicles?**

**9 A.** Uh, we have the keys to -- to the vehicles;  
10 however, Justice Loughry did have the keys to -- to  
11 those vehicles, as well. Apparently, after  
12 Mr. Canterbury left, those keys were left in his office.

**13 Q. Has any other justice kept the keys to the  
14 vehicle?**

**15 A.** Justice Ketchum did; yes, sir.

**16 Q. Are there -- are there multiple sets of keys  
17 for each vehicle or is there just one set?**

**18 A.** There's multiple sets of keys.

**19 Q. And do you know about how long Justice Loughry  
20 had the -- had the keys to the -- well, first of all,  
21 let me ask you. Which -- which vehicle did he have the  
22 keys to? Was it one or multiple vehicles?**

**23 A.** He had keys to multiple vehicles. Like I said,  
24 there were some keys left in Steve Canterbury's office

1 and after Steve Canterbury left, he got possession of  
2 those keys, and I believe -- I believe it was the  
3 Buicks, all three Buicks, I believe.

4 **Q. When did he return those keys to the -- to**  
5 **Court security?**

6 A. When did he return them?

7 **Q. Yes, Justice Loughry.**

8 A. It was after all of the publicity and things  
9 started coming out about the justices and the  
10 vehicles. He turned the keys -- he turned all of the  
11 keys back over to us.

12 **Q. Before he turned the keys back into Court**  
13 **security, were you all aware that he had duplicate sets**  
14 **of keys to the Buicks?**

15 A. Yes, yes, I was aware.

16 **Q. Did he mention why he was returning the keys to**  
17 **you?**

18 A. I think it was a -- the publicity and the  
19 media, from what I can understand.

20 **Q. Now, can you walk us through how you -- how an**  
21 **employee, specifically how a justice, would go about**  
22 **reserving a vehicle, Court vehicle?**

23 A. Normally when a justice would reserve a  
24 vehicle, they would -- they would come into the office

1 since we're located right outside of the justice  
2 chambers. They would just come into the office and they  
3 would reserve the vehicle and they would tell us when  
4 they needed it and tell us where they were going and  
5 whether they needed one of us to accompany them to this  
6 location.

7 **Q. Did -- did every justice always inform you**  
8 **where they were going with the vehicle?**

9 A. No, sir, every justice did not. Justice  
10 Loughry did not.

11 **Q. Did he ever inform you where he was going?**

12 A. No, sir. Not that I can recall.

13 **Q. Did he mention why he didn't want to -- want to**  
14 **tell Court security where the vehicles were going?**

15 A. He said that the other justices back in  
16 chambers did not need to know where he was going.

17 **Q. Did he -- did he use the vehicles more**  
18 **frequently than other justices?**

19 A. Uh, well, Justice Ketchum used his a lot. I  
20 don't know if it was more frequently, probably about the  
21 same par as Justice Ketchum.

22 **Q. Is it part of your job responsibilities to**  
23 **drive justices around if they request it?**

24 A. If they request it, yes, it is.

1 **Q. Did you ever drive Justice Loughry around?**

2 A. I have driven him to various functions, yes.

3 **Q. Do you recall about how many times you would**  
4 **have driven him?**

5 A. It's multiple occasions. I can't recall how  
6 many.

7 **Q. Did he take the vehicles alone a majority of**  
8 **the time?**

9 A. Yeah, a lot of the times he did. He would come  
10 in on a Friday or something like that and he would tell  
11 us that he was taking the Buick. And if it was a long  
12 weekend, he would take it for the long weekend if we had  
13 a holiday. And then he would bring it back the  
14 following Monday or Tuesday or whenever we returned.

15 **Q. You mentioned holidays. Did -- how often did**  
16 **he have a vehicle over -- over State holidays, like**  
17 **Thanksgiving or Christmas break?**

18 A. Uh, there was a couple occasions when he had it  
19 a very long time. I can't recall the number of days,  
20 but it -- a long time.

21 **Q. And he didn't tell you all where -- where or**  
22 **why he needed the vehicle?**

23 A. No, sir.

24 **Q. All right. Can you tell the Committee the**

1 **condition of the car when he would return the vehicle?**

2 A. When he returned it, there was a number of  
3 times when they was pretty much sitting on empty and I  
4 thought we were fortunate to get it to the -- to the gas  
5 station. But other than that, it -- it was clean for  
6 the most part.

7 **Q. I want to go back to exactly how they reserve**  
8 **-- how a justice would reserve vehicles and I'll direct**  
9 **your attention to Exhibit Number 29.**

10 **Do you recognize what that printout is?**

11 A. Yes, that's a -- that is a computer-generated  
12 form that we use to reserve vehicles.

13 **Q. How long has that form been used?**

14 A. I am thinking -- I am not good with dates  
15 sometimes. I am thinking 2011, I think.

16 **Q. Were these forms always filled out to generate**  
17 **a record of where -- where the justices were going with**  
18 **the vehicles and when?**

19 A. We generally did. When Justice Ketchum had the  
20 Buick that he drove, we generally would not put it down  
21 because we knew where it was at and we knew that we  
22 could not assign it to anyone else at the time.

23 **Q. Who would normally fill this -- this document**  
24 **out?**

1 A. Normally, it would be myself or Arthur Angus.  
2 **Q. When you mentioned driving other justices,**  
3 **which justices have you driven around before?**  
4 A. I've pretty much driven them all.  
5 **Q. Did you ever take them anywhere that was**  
6 **unrelated to Court business?**  
7 A. I don't recall taking them to any function that  
8 was not related to some type of Court function.  
9 **Q. So specifically, have you driven Justice Walker**  
10 **around?**  
11 A. I drove her from a -- a conference at  
12 Charleston one time, she went to speak at a conference,  
13 and I drove her from there. I forget how she got  
14 there. I think she was in the vehicle with Justice  
15 Loughry and Gary Johnson at the time.  
16 **Q. And what about Justice Davis?**  
17 A. Yes, from time to time I have driven her to  
18 different functions.  
19 **Q. Were those functions all related to Court**  
20 **business?**  
21 A. Yes, sir.  
22 **Q. And what about Justice Workman?**  
23 A. Yes, I have driven her from time to time, and  
24 it has always been related to Court functions.

1 **Q. Did -- did Justice Loughry -- are there -- did**  
2 **Justice Loughry ever fill out this form when he was**  
3 **going to reserve a vehicle?**  
4 A. You mean did he fill it out himself?  
5 **Q. Or did you all generate a record?**  
6 A. No, that was us. We would -- we would fill it  
7 out when he took the vehicle. Although he didn't tell  
8 us where he was going, we would still fill it out.  
9 **Q. Did Justice Loughry ever keep a car at his**  
10 **house?**  
11 A. I believe there was a time, at least one time,  
12 he kept it at the house. I think it was over the  
13 holidays and I believe it was Christmas, but I'm --  
14 again, it's -- with dates I can't say for sure.  
15 **Q. Did he tell you why he wanted to keep the**  
16 **vehicle at his home?**  
17 A. Well, he told us that -- we had an arrangement  
18 to park the Buicks at a location in Kanawha City, which  
19 was -- was not an ideal location. It was in a bad area  
20 and it was a dirty area and he stated that he did not  
21 want to drive it back to that particular place where we  
22 were storing the Buicks. And he was just going to keep  
23 it at his house, parked at his house. And he said if we  
24 needed it, it's at his house.

1 **Q. Did he tell you or could you tell whether or**  
2 **not the vehicle had been driven while he had it at his**  
3 **house?**  
4 A. Excuse me?  
5 **Q. Could you tell if the vehicle had been used**  
6 **while he had it at his house or whether it just stayed**  
7 **parked?**  
8 A. To be honest with you, we didn't do the mileage  
9 on the vehicle, so I couldn't tell.  
10 **Q. Were there -- were there ever any written**  
11 **policies or procedures with regard to fleet vehicles at**  
12 **the Court?**  
13 A. There was no written policies or procedures at  
14 the time that we were reserving vehicles. Since that  
15 time, we have -- we're under fleet management.  
16 **Q. But -- but at the time that we are discussing,**  
17 **the time period today, there was no written policy or**  
18 **procedure?**  
19 A. There was no written policy or procedure. It  
20 was all a very informal process.  
21 **Q. But it was -- it was a pattern or practice that**  
22 **you guys -- or that the justices would follow with**  
23 **regard to reserving a vehicle?**  
24 A. That is correct, if we did that we'd -- we

1 would reserve the vehicle because we didn't want to  
2 overbook it and give two people -- people a vehicle on  
3 the same date, so, yes.  
4 **Q. Did anyone ever inform you that justices did**  
5 **not have to give you a reason why they were using the**  
6 **vehicle?**  
7 A. Uh, yes. It was after they had have -- had a  
8 meeting about it, the justices, Steve Canterbury came  
9 into the office and informed us that they did not have  
10 to give us a location as to where they were going.  
11 **Q. So all the justice had to do was come in and**  
12 **say "I need a vehicle now," and you gave them the keys?**  
13 A. That is correct.  
14 **Q. In your job, did you ever generate a memorandum**  
15 **with regard to vehicle usage?**  
16 A. Uh, yes, I did.  
17 **Q. I'll turn your attention to Exhibit Number 1.**  
18 A. All right.  
19 **Q. Could you -- do you recognize what that**  
20 **document is?**  
21 A. Yes, that is a memorandum that -- that I wrote  
22 on August 25th, 2016.  
23 **Q. And could you just explain what the content of**  
24 **the memorandum is?**

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1 A. The content of the mem -- memorandum is,  
2 basically, Justice Davis handed me a set of questions  
3 regarding the usage of the vehicles, how they were  
4 signed out to people, why there was no locations listed  
5 on some of them, and if in the past any justice did not  
6 tell us where they were going. And that's -- basically,  
7 I answered every single question on here and I generated  
8 a copy of this and I distributed it to all the justices.  
9 **Q. Do you know if there was an event that**  
10 **precipitated her requesting you to write this memo?**  
11 A. I know they had a big meeting about it and I  
12 think there was a lot of discussion about it, so that  
13 was the event that generated her memo, and that --  
14 which led to this one.  
15 **Q. Okay. Now, I just have a few more questions**  
16 **for you with regard to the lunches that the Court had.**  
17 A. Yes, sir.  
18 **Q. Are you familiar with -- with the working**  
19 **lunches that the Court would have?**  
20 A. Yes, sir.  
21 **Q. Could you tell us about those?**  
22 A. Whenever they had court, the justices had  
23 court, they would, basically, go out and get lunch and  
24 the runner would go out and get lunch and then bring

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1 them back to the Court.  
2 **Q. To the best of your recollection, when did**  
3 **these working lunches start to occur?**  
4 A. Hmm. It has been for a long time. I'm not  
5 even sure I could give you a date, but it has been for a  
6 few years.  
7 **Q. Did they occur the entire time you've been**  
8 **working for the Court or did it happen a few years after**  
9 **you started there?**  
10 A. It -- it happened after I started working for  
11 the Court.  
12 **Q. And how often would they have -- have these**  
13 **lunches?**  
14 A. They would have these lunches when -- whenever  
15 they held court.  
16 **Q. And who would -- who would be included in the**  
17 **lunch orders?**  
18 A. It would be the justices, their staff, and  
19 security.  
20 **Q. Do you know who paid for the lunches?**  
21 A. That would have been -- I think, Chris Garnes  
22 paid for them with a P-card.  
23 **Q. And who would pick up the lunches?**  
24 A. Normally, that would be Chris Garnes , as

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1 well. He is one of our runners at the Court.  
2 MR. HARDISON: Okay. Thank you,  
3 Mr. Gundy.  
4 Mr. Chairperson, I think that is all the  
5 questions I have for right now.  
6 CHAIRMAN SHOTT: Thank you, Counsel. And  
7 Mr. Gundy, we -- our practice is to allow members of the  
8 Committee to ask follow-up questions, so if you'd be  
9 patient with us a little longer. We do appreciate your  
10 appearance here today.  
11 THE WITNESS: Yes, sir.  
12 CHAIRMAN SHOTT: I will begin on the front  
13 row to my left. Delegate Fast, questions?  
14 DELEGATE FAST: Thank you, Mr. Chairman.  
15 EXAMINATION  
16 BY DELEGATE FAST:  
17 **Q. And thank you, Mr. Gundy.**  
18 A. Yes, sir.  
19 **Q. The -- the lunches, was there any policy, any**  
20 **written policy that you were aware of on affording the**  
21 **justices lunches or not?**  
22 A. There was no written policy that I was aware  
23 of.  
24 **Q. Do you know if that violated any law?**

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1 A. Not that I'm aware of.  
2 **Q. The -- I want to ask you about accompanying**  
3 **justices on various trips. You had mentioned that you**  
4 **drove, you believe, all of the justices at one time or**  
5 **another --**  
6 A. Yes, sir.  
7 **Q. -- on trips. Were you ever assigned or asked**  
8 **to provide security for a justice because of some**  
9 **alleged threats that may have been made?**  
10 A. I can't recall any specific threats, but that  
11 was not necessary for them to request that. I mean,  
12 that's a part of our duties anyway.  
13 **Q. Okay, are you an armed officer?**  
14 A. I am.  
15 **Q. Okay. And there has been -- have you ever**  
16 **accompanied Justice Davis on a trip from Wheeling to**  
17 **Parkersburg?**  
18 A. I have not that I can recall.  
19 **Q. Do you know of any other officer that would**  
20 **have?**  
21 A. Uh, I believe Arthur Angus made that trip with  
22 her.  
23 **Q. Arthur Angus. Have you ever known any -- well,**  
24 **do you know where Mr. Angus accompanied her and for what**

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1 reason?  
2 A. I do not, no.  
3 **Q. Okay. As to the fleet vehicles, is it -- is it**  
4 **a firm belief of yours that there absolutely was no**  
5 **written policy on the vehicle use?**  
6 A. There was no written policy that I am aware of.  
7 **Q. Okay. And this form, Exhibit 29 that you**  
8 **looked at, the computer-generated form --**  
9 A. Yes.  
10 **Q. -- that was not a -- is it your testimony that**  
11 **that was not a policy in and of itself, that was just a**  
12 **form that was used by the -- whoever had the vehicle?**  
13 A. That was only a form used to reserve the  
14 vehicle.  
15 **Q. Okay. And Steve Canterbury came to your office**  
16 **and told you that the justices do not have to declare a**  
17 **destination upon which to use the vehicles?**  
18 A. That's correct.  
19 **Q. Okay, and do you know about when that was?**  
20 A. When it was?  
21 **Q. Would that have been before or after October of**  
22 **2016?**  
23 A. I can't recall exactly when it was. I know it  
24 was after -- after I generated this -- this memorandum.

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1 **Q. Which memorandum? Exhibit 1?**  
2 A. Exhibit 1, yes, sir.  
3 **Q. It was -- I'm sorry, before then?**  
4 A. It was after that.  
5 **Q. After, okay.**  
6 A. It was after that.  
7 **Q. As to the desk, you had mentioned that -- and**  
8 **you used the word "apparently," "apparently he" -**  
9 **referring to Justice Loughry - received a telephone call**  
10 **from his wife that basically the neighbor was gone so**  
11 **you can go ahead and come?**  
12 A. Right.  
13 **Q. Now what do you mean by "apparently?"**  
14 A. Well, we did not hear the phone call. He said  
15 he received a call from his wife, so I am taking his  
16 word for it, so that is the reason I said "apparently."  
17 **Q. So he told you --**  
18 A. That's correct.  
19 **Q. -- exactly that he received a wife -- a phone**  
20 **call from his wife?**  
21 A. Yes.  
22 **Q. Okay. What other details, or give me as many**  
23 **details as you can as to what he said about this phone**  
24 **call.**

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1 A. Basically, that the neighbor who took the first  
2 photo was not there any longer and that we needed to go  
3 ahead and go and get the desk.  
4 **Q. And did he tell you why that was important that**  
5 **she was there or not there, the neighbor?**  
6 A. Yes, it was there because he didn't want any  
7 photos and he was trying to avoid the press coverage.  
8 **Q. Okay. Now, did -- are you aware, did any of**  
9 **the other justices have home offices?**  
10 A. I'm not aware of any. They might, but none  
11 that I can recall.  
12 **Q. Are you -- do you know if any of the other**  
13 **justices had any furniture, Court furniture, at their**  
14 **homes?**  
15 A. Not that I'm aware of.  
16 **Q. Okay. So you just don't know either way.**  
17 A. No, I don't know and I didn't know that he had  
18 that at his home, either.  
19 **Q. What about computers? Are you aware that the**  
20 **other -- any of the justices had court computers in**  
21 **their homes?**  
22 A. I believe that some of them do, probably. I  
23 know from time to time an IT person would have to go and  
24 do something with their computer at their home, so I

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1 believe so.  
2 **Q. Okay. Was there any policy regarding home**  
3 **offices?**  
4 A. Not that I am aware of. Of course, I don't sit  
5 around and read policy all of the time. I mean, I'm  
6 sure there's a lot that I'm not aware of, but I cannot  
7 recall seeing one.  
8 **Q. Okay, so if a justice had a computer or a**  
9 **computer and a printer, or a computer and a desk, or a**  
10 **computer and a desk and ten pencils all from the Court,**  
11 **you are not aware of any policy that would have been**  
12 **violated under that circumstance -- any of those**  
13 **circumstances?**  
14 A. I'm not aware of any, no.  
15 **Q. Okay. Were you alarmed at this desk being at**  
16 **the justice's house?**  
17 A. I wasn't alarmed by it. Like I said, I went to  
18 Justice Loughry's office. You had Justice Loughry  
19 there. You had Gary Johnson there, who was a former --  
20 former circuit judge, and one of our attorneys there and  
21 Justice Loughry told me it was permissible for him to  
22 have it there. So I pretty much took his word for it.  
23 **Q. And did you in your mind believe that, "Hey,**  
24 **something is wrong here," or not?**

1 A. No, not really since we were taking it to the  
2 warehouse and, apparently, according to him it was  
3 permissible, I didn't give it a second thought.  
4 **Q. And when you did move the desk and the couch,**  
5 **both times this was broad daylight?**  
6 A. Yes, sir. It was broad daylight.  
7 **Q. Okay. And who entered the code at the**  
8 **warehouse to get into the warehouse?**  
9 A. That was Paul Mendez.  
10 **Q. Okay. And I assume he had the code then?**  
11 A. He had the code.  
12 **Q. Okay. Do you know who else has the code for**  
13 **the warehouse?**  
14 A. There's various people who work at the  
15 warehouse. There are a few of our employees who have  
16 the code to it. We have the code to it, as well,  
17 security does.  
18 DELEGATE FAST: Okay. Thank you,  
19 Mr. Chairman.  
20 CHAIRMAN SHOTT: Delegate Foster.  
21 EXAMINATION  
22 BY DELEGATE FOSTER:  
23 **Q. Yes, my question's on the -- you are**  
24 **responsible for the vehicles and checking them all out,**

1 **and that was you, specifically, that was responsible, or**  
2 **you and Arthur Angus?**  
3 A. It was myself and Arthur Angus. Like I said,  
4 we reserve the vehicles and we try to keep the  
5 inspection stickers up and the maintenance and things  
6 like that.  
7 **Q. Again, and on the maintenance, inspection**  
8 **stickers, you said you didn't keep track of odometer**  
9 **readings?**  
10 A. We did not.  
11 **Q. But then how often -- like, maintenance wise**  
12 **when you maintained them, going getting an oil change,**  
13 **stuff like that, was that something that you kept track**  
14 **of the miles on them, and --**  
15 A. Well, normally when we had an oil change, they  
16 had a sticker on the windshield, it said whether it  
17 needed an oil change, when it needed one. The Buicks,  
18 they have a mechanism that says how much life is left in  
19 the oil and we'd check that. And when someone drove it,  
20 if something was wrong, they would certainly tell us.  
21 **Q. Okay, and then -- and my question is also on**  
22 **the reservations. You said that Justice Loughry and**  
23 **Ketchum had a copy of the keys for at least some of the**  
24 **vehicles. And was it Ketchum had the keys for one and**

1 **Loughry had it for all of them? Is that what -- what it**  
2 **was?**  
3 A. Justice Ketchum had the key to the silver  
4 Buick.  
5 **Q. Okay.**  
6 A. That was the only key that I knew that he  
7 had. As far as Justice Loughry, I believe he had -- I  
8 believe it was the key to all three Buicks, I believe.  
9 **Q. Then on the -- whenever they checked out**  
10 **reservations, it was, basically, because -- whenever**  
11 **they had a reservation is because they came into the**  
12 **office and told you, "I'm going to be using the**  
13 **vehicle." Whether they gave a purpose or not, they said**  
14 **they would be using the vehicle and then you or Arthur**  
15 **Angus filled out the form to say "This justice has" --**  
16 A. Right. We'd get on the computer and we'd  
17 generate this form that you saw.  
18 **Q. And how were the vehicles secured otherwise?**  
19 **Were they just parked?**  
20 A. Yes, they were parked.  
21 **Q. And that's where my -- my question is going to**  
22 **is where -- is there -- would there have been any way**  
23 **for you all to know if the vehicles were used other than**  
24 **when reservations were, if some of the justices had**

1 **keys?**  
2 A. Probably not.  
3 **Q. So they could have been used outside of**  
4 **reservations about any time?**  
5 A. It's possible, yes.  
6 **Q. And then on -- on the lunches, I wanted to ask,**  
7 **how many -- whenever they had these working lunches, how**  
8 **many people -- do you -- are you aware of how much the**  
9 **cost of it was per each lunch or how many people, the**  
10 **number of people that would have been fed?**  
11 A. No, sir, I'm not aware of the cost. Gosh, I'm  
12 going to estimate about ten or 12 people, but I'm not  
13 sure.  
14 DELEGATE FOSTER: All right, thank you.  
15 CHAIRMAN SHOTT: Delegate Overington.  
16 DELEGATE OVERINGTON: Thank you,  
17 Mr. Chairman.  
18 EXAMINATION  
19 BY DELEGATE OVERINGTON:  
20 **Q. To follow-up on Delegate Foster's**  
21 **questions. Are the request forms kept that justices**  
22 **would fill out?**  
23 A. Are you talking about the vehicle request  
24 forms?

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**1 Q. When they make a -- when the justices make a**  
**2 request for use of a vehicle and the form that we saw,**  
**3 are those forms kept?**

4 A. They are on the application itself; yes, sir.

**5 Q. As far as the different vehicles, do the**  
**6 justices rotate between vehicles or does -- is there a**  
**7 normal policy where each one uses one specific vehicle?**

8 A. No, I mean, basically, it is whichever one is  
9 responsible. Our newest vehicle is a black Buick  
10 Lacrosse, I believe. Normally, that would be something  
11 that probably the Chief would use because it's our  
12 newest vehicle, but for the most part, it was whichever  
13 one was available.

**14 Q. So they may use different vehicles? The**  
**15 different justices may use different vehicles at**  
**16 different times.**

17 A. That's correct.

**18 Q. As far as the mileage, so there was no record**  
**19 kept of the mileage at any periodic time?**

20 A. No. I mean, there was not a place on the -- on  
21 our generated form to record the mileage, so we did not  
22 record it.

**23 Q. So, basically, the only records you would have**  
**24 would be when the oil was changed and just probably a**

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**1 mileage indication of when that -- so the only way you**  
**2 could really check the mileage would be looking at**  
**3 between oil changes and who was using the vehicle**  
**4 between those oil changes.**

5 A. Oil changes and they record the mileage on  
6 inspection stickers, as well, and whenever we did  
7 maintenance on the vehicles, I think -- I think whoever  
8 was doing the maintenance would record the mileage.

9 DELEGATE OVERINGTON: Thank you. Thank  
10 you, Mr. Chairman.

11 CHAIRMAN SHOTT: Second row, Delegate  
12 Summers?

13 EXAMINATION  
14 BY DELEGATE SUMMERS:

**15 Q. Thank you, Mr. Chairman. I just have one**  
**16 question. Were you asked to move furniture during your**  
**17 regularly scheduled workday or was it a different time?**

18 A. It was during the workday, the first time. The  
19 first time it was probably, approximately, maybe  
20 3:30. Of course, the second time that we went up there,  
21 it was early in the morning, 8:00 o'clock or so, and the  
22 third time was during the day, as well. It was  
23 probably before noon.

**24 Q. Okay. And actually, I did have one other**

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**1 question. Do you have a checks and balances in place to**  
**2 make sure that the vehicles are used for State business**  
**3 only?**

4 A. Checks and balances?

**5 Q. A way for the Court to monitor if the vehicles**  
**6 are being used for State business, Court business, or**  
**7 personal use? What is your checks and balances for**  
**8 that?**

9 A. Well, I guess we have to trust the integrity of  
10 the person who is checking out the vehicle. There's no  
11 checks or balances as far as I know.

12 DELEGATE SUMMERS: Okay, thank you.

13 CHAIRMAN SHOTT: Delegate Moore? Delegate  
14 Harshbarger.

15 DELEGATE HARSHBARGER: Thank you,  
16 Mr. Chairman.

17 EXAMINATION  
18 BY DELEGATE HARSHBARGER:

**19 Q. Just two or three questions here.**  
**20 Did you ever have any knowledge or any**  
**21 information of when the possible desk was moved to**  
**22 Justice Loughry's house?**

23 A. Uh, no. We had no idea when it was moved. I  
24 think I learned later - somebody told me, and I forgot

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1 who told me - he moved it on a holiday, I think West  
2 Virginia Day, and I can't remember how many years ago  
3 that was. He did -- Justice Loughry did tell us that  
4 the Court did pay for the move.

**5 Q. Okay. At any time during this meeting at his**  
**6 house, did he ever refer to the desk as a Cass Gilbert**  
**7 desk or did he just re -- say, you know, "the desk?"**

8 A. He may have said that. Everybody refers to it  
9 as a Cass Gilbert desk. He may have mentioned that.

**10 Q. Okay. And then you also had mentioned in your**  
**11 testimony there a little bit ago that you said this desk**  
**12 was in a smaller room in his house?**

13 A. That's correct.

**14 Q. And you said there appeared to be a computer**  
**15 that set on the floor beside that desk?**

16 A. Yes, I think it was in front of it. Like I  
17 said, it was a very small room.

**18 Q. Small room. Would -- did it kind of look --**  
**19 resemble a home office, that he probably used for his**  
**20 home office?**

21 A. Yes, I would say so.

**22 Q. Okay. Did he ever make any reference on the --**  
**23 this blue-green couch that it was not State property,**  
**24 that it belonged to Justice Albright?**

1 A. Yes, yes. He did tell us that it -- it was a  
2 couch that was left there by Justice Albright and after  
3 we moved it to the warehouse, he related to us that he  
4 was going to check with Justice Albright's family to  
5 make sure that they didn't -- didn't want the couch.  
6 DELEGATE HARSHBARGER: Okay, appreciate  
7 your time.  
8 Thank you, Mr. Chairman.  
9 CHAIRMAN SHOTT: All right, the first row  
10 on the right side beginning with Delegate Deem. Do you  
11 have questions?  
12 DELEGATE DEEM: No.  
13 CHAIRMAN SHOTT: Delegate Hollen?  
14 DELEGATE HOLLEN: Yes, sir.  
15 EXAMINATION  
16 BY DELEGATE HOLLEN:  
17 **Q. Thank you, Mr. Gundy, for being here today.**  
18 A. Sure.  
19 **Q. Just a few follow-up questions. Did any of the**  
20 **justices besides Justice Loughry and I believe you said**  
21 **Justice Ketchum have vehicle keys?**  
22 A. I do not believe so; no, sir.  
23 **Q. Okay. Regarding the vehicle checkout**  
24 **procedure, those were documents on the computer that**

**1 your staff or yourself would fill out?**  
2 A. Yes, those were documents. It was an  
3 application on the computer generated -- the application  
4 itself was generated by our IT staff and either myself  
5 or Arthur Angus would fill that out.  
6 **Q. Okay. At any time did -- did you do any**  
7 **overnight trips with the justices?**  
8 A. Yes.  
9 **Q. When you'd -- when you performed those**  
10 **overnight trips, did you file an expense report upon**  
11 **returning, for yourself?**  
12 A. Yes.  
13 **Q. And was there any time that -- when you**  
14 **escorted justices -- that's better. Any time that you**  
15 **escorted justices, was there times that you paid for**  
16 **your -- your stay yourself?**  
17 A. When I escorted the justices?  
18 **Q. To various locations overnight, did you happen**  
19 **to pay out of your pocket at any time?**  
20 A. Not that I can recall.  
21 **Q. Did any of the justices pay for your stay out**  
22 **of their pocket that you know of?**  
23 A. No.  
24 **Q. Okay. And did you -- you said that you drove**

**1 all of the justices at one point, at one time or**  
**2 another?**  
3 A. At one point or another, yes.  
4 **Q. Okay. Do you know if any -- I think the**  
**5 question was asked already, but I am going to ask**  
**6 again. Did you know of any threats on any of the**  
**7 justices?**  
8 A. Threats do happen from time to time and we do  
9 have a record of them. I'm sure that I did know of  
10 some, yes.  
11 **Q. Okay.**  
12 A. I can't remember specifically at this point,  
13 but, yes.  
14 **Q. You don't know of any specifics at this time;**  
**15 is that correct?**  
16 A. Not at this time. No, I can't think of --  
17 there was a fellow by the name of David Harless who was  
18 making a lot of threats towards Justice Davis at one  
19 time.  
20 **Q. Okay. And when you drove -- you drove Justice**  
**21 Davis to various places after the threat was made aware**  
**22 of?**  
23 A. Yes. Yes, I have. Like I said, though, it was  
24 not necessary for a threat to be communicated in order

1 for the justices to request security to accompany them.  
2 **Q. Okay. And with your background, I believe you**  
**3 said 22 years with the State Police; is that correct?**  
4 A. That's correct.  
5 **Q. At any time that you -- that you would take a**  
**6 justice that had the threat out of town, did you make it**  
**7 aware of local law enforcement that there was a threat**  
**8 made, you were going to be in the area just so that they**  
**9 would be aware if you made a call, you know, that you**  
**10 wouldn't have to explain it all over again?**  
11 A. I don't recall doing that. I figured since  
12 either myself or Arthur Angus, or sometimes both of us  
13 were there, that that wasn't necessary.  
14 **Q. Okay. Did -- did any time -- I believe you**  
**15 said in your job description that you'd -- you had**  
**16 performed investigations at various times?**  
17 A. Yes.  
18 **Q. Do you know if you or anyone in the security**  
**19 department investigated any of these threats?**  
20 A. Uh, yes, yes. We have looked into these  
21 various threats from one time or another, yes.  
22 **Q. Okay. And did you -- did you feel that the --**  
**23 your investigation was complete enough to clear the**  
**24 threat and make it a nonissue or just leave it on the**

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1 radar?  
2 A. A lot of times you just kept it on the radar  
3 because a lot of these threats were not direct  
4 threats. They were more general-type threats.  
5 **Q. Okay. Back on the vehicle checking out**  
6 **procedure, being one of the Court security, if you were**  
7 **requested to take a justice somewhere and you filled out**  
8 **the form, would you know where you were going at that --**  
9 **before you left?**  
10 A. Before I left, generally, I would, yes.  
11 **Q. And that you would put that on the form**  
12 **yourself seeing that you are driving and you'd know**  
13 **where you would be going; correct?**  
14 A. I should have. I'm not saying that I always  
15 did because sometimes things happened pretty quickly and  
16 they'd want to go kind of quickly and -- but I should  
17 have, yes.  
18 **Q. Okay.**  
19 DELEGATE HOLLEN: Nothing further. Thank  
20 you, Mr. Chairman.  
21 CHAIRMAN SHOTT: Delegate Pushkin.  
22 DELEGATE PUSHKIN: Thank you,  
23 Mr. Chairman.  
24 EXAMINATION

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1 BY DELEGATE PUSHKIN:  
2 **Q. And thank you, Mr. Gundy --**  
3 A. Yes, sir.  
4 **Q. -- for being here. A couple questions, I am**  
5 **not putting a number on it.**  
6 **Could -- could you again describe what you**  
7 **would consider your official -- that feedback is -- I**  
8 **don't know where it is coming from, but can you turn**  
9 **that down a little bit. Thank you.**  
10 **Could you please describe again what you**  
11 **would consider your official position or function as**  
12 **Court personnel?**  
13 A. My official title is Deputy Director of  
14 Security, is that what you are talking about?  
15 **Q. Okay. And what would you describe as your**  
16 **function? You said earlier you were responsible for the**  
17 **fleet and providing security for the justices. What**  
18 **else would be a function -- your --**  
19 A. Yes, providing justice -- excuse me, security  
20 for the justices and their staff and the Court  
21 personnel. We have a number of employees that work for  
22 the Court that are on the first, third, and fourth  
23 floor. We also have a number of cameras placed at  
24 various locations. We monitor cameras. We make sure

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1 that all of the keypads at the door entrances are  
2 changed and up-to-date and functional.  
3 We are in charge of doing background  
4 investigations for new employees, access cards. We are  
5 in charge of who gets access cards.  
6 **Q. Okay.**  
7 A. From various times we will do various types of  
8 in -- investigations. We get incident reports from all  
9 over the state as far as courthouses are  
10 concerned. Whenever an incident does occur, we will  
11 have these courthouses -- or the personnel at the  
12 courthouses to fill out an incident report and get it to  
13 us and we will file those and try to compile those and  
14 follow up on those, if necessary.  
15 **Q. Okay. Well, so you described many functions**  
16 **that would be -- fall under your role -- at your job at**  
17 **the Court as Court personnel.**  
18 A. That's correct.  
19 **Q. And how long have you been with the Supreme**  
20 **Court in that role?**  
21 A. I have been at the Supreme Court since January  
22 2007. I retired from the State Police one day and I  
23 went up there the very next day.  
24 **Q. Okay, so over ten years.**

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1 A. Yes, sir.  
2 **Q. In that ten years, over ten years, have you**  
3 **ever been asked to move furniture at a justice's home?**  
4 A. Just by Justice Loughry, that was the only  
5 time.  
6 **Q. And that was the only time?**  
7 A. Yes, sir.  
8 **Q. Of all of the justices that you have you served**  
9 **with, you have never been asked to go to any of their**  
10 **homes to move furniture?**  
11 A. No, sir.  
12 **Q. So would you describe that as -- that would be**  
13 **work that would not be reasonably related to your**  
14 **official position or function as a Court per -- as Court**  
15 **personnel?**  
16 A. Well, I think as far as our job description is  
17 concerned, and I may be wrong, I think it's -- we have  
18 all of these duties listed and I think it's anything  
19 else that is required by the justices or the Court, but  
20 that is not normally a function of what we do, as far as  
21 moving furniture.  
22 **Q. Okay. Well, I am wording it like this for a**  
23 **reason because I am looking at the Code of Judicial**  
24 **Conduct, and there is -- and I'm not asking if you are**

1 familiar with it, I know that is not a part of your role  
2 to read, you know, every bit, every rule and  
3 Code. There is a Rule 2.12 sub C, and it states "A  
4 judge shall not direct any court personnel to engage in  
5 any activity or perform any work not reasonably related  
6 to the official position or functions of the personnel."

7 As you just stated, that --

8 A. Yeah, that normally doesn't fall under the  
9 realm of what we do.

10 Q. Yeah, being a furniture mover, correct?

11 A. That's correct.

12 Q. Okay. Now, when you were questioned by the  
13 counsel for the defense -- the gentleman from the 32nd,  
14 you stated that when Chief Justice -- then Chief Justice  
15 Loughry asked you to do this in his office the first  
16 time, he stated that you weren't doing anything wrong  
17 because there was a home office policy?

18 A. He -- he made sure to tell me that he was not  
19 requesting that I do anything improper due to the fact  
20 that the justices were allowed to have a home office at  
21 their -- at their residence.

22 Q. Did he refer to any specific policy that  
23 allowed for him to have a home office?

24 A. He did not.

1 Q. Okay. Now, you stated before the computer was  
2 -- when you first got there, the computer was on the  
3 desk?

4 A. No, when I got there, the desk was cleared  
5 off. The computer was on the floor.

6 Q. Okay. When you -- I asked this of a few other  
7 witnesses, but I know you were actually moving the  
8 desk. Did you -- and we can't see the entire desk in  
9 the picture. Were there -- was there any -- was the  
10 desk being altered in any way, like, say for example, to  
11 run a wire for a computer through the back of it or  
12 through the top or anything?

13 A. I did not see where it was altered.

14 Q. Okay. The -- was the couch in the same room as  
15 the computer?

16 A. It was not.

17 Q. It was not.

18 A. The computer was in the room with the desk in  
19 the -- I guess, would be the office area.

20 Q. That was the office area? You described that  
21 as an office area where the desk was?

22 A. That's correct.

23 Q. But was there room for a couch to ever be in  
24 there?

1 A. I don't see how you could have fit it in there,  
2 no.

3 Q. So safe to assume the couch was not part of any  
4 home -- home office.

5 A. It was not in the same area where the office  
6 was apparently located.

7 Q. Okay. All right. Well, you stated before that

8 you -- you do -- one of your functions would be to -- if  
9 requested, you would accompany a justice if they used  
10 one of the State -- one of the Court-owned vehicles and  
11 you have done that. Have you -- have you accompanied,  
12 like, all five of the current justices at any time?

13 A. At one time or another, I have. Now, Justice  
14 Walker was only in the car with me once.

15 Q. What's that?

16 A. Justice Walker was only in the vehicle with me  
17 once.

18 Q. One time. The other more than -- I guess, I am  
19 assuming the other ones have been in the car with you  
20 more than once?

21 A. Yes, they've been there longer.

22 Q. Okay, thanks. And I believe you stated earlier  
23 that you had never accompanied any of the justices to  
24 any functions that weren't related to Court business.

1 A. No, sir.

2 Q. Okay. So you had never gone to a book signing?

3 A. Never gone to a book signing.

4 DELEGATE PUSHKIN: Okay. Well, that is  
5 all the questions I have right now. Thank you very  
6 much.

7 THE WITNESS: Yes, sir.

8 CHAIRMAN SHOTT: Justice Lane?

9 DELEGATE LANE: Thank you.

10 EXAMINATION

11 BY DELEGATE LANE:

12 Q. Thank you for being here.

13 The Court has 19 cars.

14 A. Yes.

15 Q. And where are those cars kept?

16 A. Well, most of the vehicles are used by our IT  
17 staff. They travel across the state doing various  
18 things at various courthouses. We have two warehouses.  
19 One is located here at Laidley and the other one is in  
20 Kanawha City. I think there are some vehicles there,  
21 as well.

22 Q. So the vehicles that the justices use, the  
23 three vehicles that have been identified, where are they  
24 kept?

1 A. Right now they are kept on California Avenue --  
2 no, excuse me, I am wrong about that. They are kept at  
3 Quarrier Street. There's -- it's a parking place, two  
4 parking places where we keep the brown and the black  
5 Buick and they are located on Quarrier Street in front  
6 of our HR building.

7 The third Buick, which is the silver  
8 Lucerne, it is now located behind our HR building.

**9 Q. So you've got an HR building on Quarrier  
10 Street?**

11 A. Yes, we do.

**12 Q. And if a justice wants to use one of the  
13 vehicles, what are the mechanics of actually getting  
14 that vehicle?**

15 A. They would come in and request a vehicle to go  
16 to a certain function or a location.

**17 Q. No, no, no. I mean how do they get -- actually  
18 get the car?**

19 A. They get the car? They -- normally they  
20 will -- they'll walk to it. It is not that far from --  
21 from California Avenue.

**22 Q. Okay. And I believe the Court has two security  
23 personnel; is that correct?**

24 A. We have two security personnel in the

1 Capitol. We have one security person at the City Center  
2 East. We have approximately 60 employees there and he  
3 has cameras and things that he monitors there and he  
4 provides security for the employees that work there. We  
5 also have a part-time person who comes in on court days  
6 when we do screening and things like that prior to  
7 people coming into court.

**8 Q. Okay. So what happens when both you and  
9 Mr. Angus are out driving justices around, who provides  
10 the Court security for the justices that are left in  
11 their offices?**

12 A. That would be our part-time person that we call  
13 in on court days. It would be Mr. Harold Dailey. He  
14 comes in when we are not around.

**15 Q. And so if both of you are out of the main  
16 Capitol, then you do provide that someone else come in  
17 and provide security for -- for the Court?**

18 A. We do.

**19 Q. And is this person, even though he may be a  
20 part-time person, is he on the payroll full -- I mean,  
21 is he on the permanent payroll?**

22 A. He is a contract employee. Yes, he is paid by  
23 the Supreme Court.

**24 Q. Okay. Now, let's go back to the desk, the desk**

**1 that was in Justice Loughry's house and you helped move.**

2 A. Yes.

**3 Q. Are there other desks like that at the Court?**

4 A. Uh, you mean what is referred to as the Cass  
5 Gilbert desk?

**6 Q. Yes.**

7 A. Yes. Yes, there are.

**8 Q. Could you tell me where they are located?**

9 A. We have one of those located in the security  
10 office where we are at.

**11 Q. Okay, so -- so the security office uses one.**

12 A. Yes.

**13 Q. Okay. Now, where are the other ones?**

14 A. Of course, we have the other one at the  
15 warehouse. I think one of the clerks upstairs has a  
16 Cass Gilbert desk. And I'm not -- I'm not sure about  
17 the other two. I don't --

**18 Q. Do any of the justices use the Cass Gilbert  
19 desks?**

20 A. I stand corrected on that. Yes, there is a  
21 Cass Gilbert desk in Justice Ketchum's office. He  
22 doesn't use it, but his secretary uses it. And I think  
23 there -- no, I am wrong about that. It's in Justice  
24 Ketchum's office.

**1 Q. Okay, thank you.**

2 A. Yes, ma'am.

3 DELEGATE LANE: That is all the questions  
4 I have.

5 CHAIRMAN SHOTT: Second row? Delegate  
6 Byrd.

7 DELEGATE BYRD: Thank you, Mr. Chairman.

8 EXAMINATION

9 BY DELEGATE BYRD:

**10 Q. Thank you, again, for being here. Just to  
11 clarify something because I couldn't hear you earlier,  
12 who got the white van to go to Justice Loughry's house?**

13 A. That would be Mr. Paul Mendez.

**14 Q. And who owned the white van?**

15 A. Who owns it?

**16 Q. Yes.**

17 A. It is a State vehicle.

**18 Q. Okay. Was that van used on all three occasions  
19 you were out at Justice Loughry's house?**

20 A. Yes, it was.

**21 Q. Okay.**

22 A. It was the one that was in the photo.

**23 Q. Now, Delegate Fast had asked you some questions  
24 about a phone call between Justice Loughry and Justice**

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**1 Loughry's wife. And my question more goes to the fact**  
**2 on the three occasions that you were at Justice**  
**3 Loughry's house, was his wife present?**  
4 A. She was the first two and I believe she was the  
5 third time, as well. Yes, I believe so.  
**6 Q. All right. And in any of those three**  
**7 occasions, did you have any conversations with her?**  
8 A. Yes, I think we did.  
**9 Q. Can you describe for us on which occasions and**  
**10 the conversations that were had to the best of your**  
**11 recollection?**  
12 A. Uh, it was, basically, small talk and things  
13 like that. I can't remember the specifics of our  
14 conversation. We did talk to her, though.  
**15 Q. Did you -- do you remember any conversations**  
**16 involving the couch or the desk or a computer?**  
17 A. No, sir, I don't.  
**18 Q. Do you recall overhearing any conversations**  
**19 between Justice Loughry and his wife while you were**  
**20 there?**  
21 A. Uh, they spoke to each other, but as far as the  
22 content of the conversation, I do not recall that, no.  
**23 Q. But as you sit here today, your testimony is**  
**24 that she did -- she was present for the three occasions**

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**1 you came out to move the furniture, desk and couch?**  
2 A. That's correct. That is correct.  
3 DELEGATE BYRD: All right. Thank you,  
4 that is all I have.  
5 CHAIRMAN SHOTT: Third row, Delegate  
6 Miller.  
7 DELEGATE MILLER: Thank you, Mr. Chairman.  
8 EXAMINATION  
9 BY DELEGATE MILLER:  
**10 Q. Thank you for being here with us today.**  
11 A. Yes, sir.  
**12 Q. In regard to -- to some of your testimony, you**  
**13 referenced that when you initially went to Chief --**  
**14 Chief Justice Loughry's office, you met with Director**  
**15 Johnson and Ms. Davis?**  
16 A. Yes, and Justice Loughry.  
**17 Q. And Justice Loughry. And that's when he**  
**18 informed you that he was interested in moving a couch**  
**19 and kind of specifically went into detail that he didn't**  
**20 think it was illegal for you to do this, et cetera, and**  
**21 referenced a newspaper article; is that correct?**  
22 A. Yes, apparently, there was something published  
23 in the local paper saying that these items were at his  
24 house and he said he just wanted to get it out of his

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1 house. Even though he wasn't doing anything wrong by  
2 having it there.  
**3 Q. Thank you. Did -- were -- was Mr. Johnson and**  
**4 Ms. Davis in agreeance with his characterization of why**  
**5 he wanted that out or were they -- did they appear to**  
**6 know about the newspaper article or have information in**  
**7 regard to the couch being at his residence?**  
8 A. To be honest with you, Justice Loughry did most  
9 of the talking. They didn't say a whole lot, so by that  
10 I would say they would -- would have been in agreeance  
11 with it, yes.  
**12 Q. But they were present and at least aware at**  
**13 that point what he was wanting to do?**  
14 A. That is correct.  
**15 Q. You made a reference that the couch would not**  
**16 fit -- the couch at the residence when you arrived there**  
**17 would not fit in the office and was located in a living**  
**18 room area?**  
19 A. I believe it was a living room area. It was a  
20 room when you came into the house, you kind of went to  
21 your left and there was a room there. I think it was a  
22 living room area, but I can't really swear to --  
**23 Q. It appeared to be a living room --**  
24 A. Yes.

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**1 Q. -- is it safe to say that?**  
2 A. Yes. Yes, sir.  
**3 Q. Was there other furniture in that living room**  
**4 area?**  
5 A. There probably was, but I couldn't tell you  
6 what it was.  
**7 Q. Next, you -- you referenced that he wanted to**  
**8 -- on one of the trips he wanted to wait until the**  
**9 neighbors were gone in order to move that piece of**  
**10 furniture. Did he go into detail as to why he wanted to**  
**11 wait for the neighbors to be gone?**  
12 A. For the neighbor to go? Apparently, she had  
13 taken a photo the first time that we were there and she  
14 -- he did not want that to occur again.  
**15 Q. Did he indicate why or if he was try -- trying**  
**16 to avoid the appearance of illegal activity or anything**  
**17 like that? Did he give you any kind of reference to go**  
**18 by there?**  
19 A. From what I could gather, I think he was trying  
20 to avoid media coverage of it.  
**21 Q. Did he make reference to the media coverage?**  
22 A. I believe he did.  
**23 Q. During these moves, you testified that you met**  
**24 -- you either followed or met Chief Justice Loughry at**

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1 his residence on the different occasions. What vehicle  
2 was he operating or what vehicle was he in during those  
3 -- those trips, if you recall?  
4 A. He was in his own vehicle and I think -- I  
5 think it is a Honda, it's some type of an SUV vehicle.  
6 Q. You also testified that after -- after some  
7 media exposure or some questions, that Chief Justice  
8 Loughry returned key -- all of the various keys that he  
9 had to security after these media accounts. Did he make  
10 any reference to those accounts? Did he make any  
11 reference as to why he was returning those at that  
12 specific time?  
13 A. I can't recall exactly what he said, but from  
14 what I could remember, it was due to the media coverage.  
15 Q. Okay. And he had -- in discussion of that he  
16 didn't always tell security where he was going, he also  
17 stated that the other justices didn't need to know where  
18 he was going?  
19 A. Yes, he stated that several times.  
20 Q. Did he elaborate on that or was that just a  
21 simple statement? Did he make any -- any kind of  
22 reference as to why they didn't need to know where he  
23 was going?  
24 A. He didn't say why. He just said that they did

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1 not need to know where he was -- where he was going.  
2 Q. And security is involved with fleet management  
3 as far as maintenance?  
4 A. Yes.  
5 Q. Overall supervision, for the lack of a better  
6 description. At any time were any of the vehicles  
7 reportedly involved in any kind of traffic accidents?  
8 A. You mean when Justice Loughry was driving it?  
9 Q. Right. Justice Loughry or any other justices.  
10 A. I can't recall a time when that happened, no.  
11 Q. Okay, thank you. Were there any -- would you  
12 -- would it be fair to say that you would receive  
13 complaints if any justices were committing illegal acts  
14 in a motor vehicle, whether it was speeding or reckless  
15 driving, anything like that, that ultimately that would  
16 get dumped in your lap if a complaint was made by a  
17 citizen?  
18 A. If a complaint was made by a citizen, it may or  
19 may not because a lot of times they dial the direct  
20 number and they may talk to the Court Administrator  
21 instead of us.  
22 Q. Each of the vehicles contained a green State  
23 car license plate on the rear of it identifying them as  
24 a State vehicle?

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1 A. They did at the time. They were all on the  
2 rear of the vehicles. We -- we have it to the point now  
3 where they are on the front, as well.  
4 Q. And they've always contained that green plate,  
5 never a class A registration plate as we would call it?  
6 A. I don't remember a class A being on there.  
7 Q. Some question had been brought up in regard to  
8 the front State plates being absent and recently  
9 added. Is that a fair description?  
10 A. Yes.  
11 Q. Was there any reason as to why the front State  
12 plates were not on the vehicles?  
13 A. There is no reason why as far as I know. I  
14 know when I came to the Court, they were not on there  
15 and I don't know why.  
16 Q. You made a reference that former Director  
17 Canterbury stated that justices didn't have to give a  
18 reason. Do you know if that was a policy generated by  
19 him or if he was directed to relay that information by  
20 the Chief Justice or any other justices?  
21 A. I believe he was directed to give us that  
22 information from the justices.  
23 Q. What makes you believe that?  
24 A. I think he said that.

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1 Q. Did he say who directed him to provide that  
2 directive?  
3 A. He may or may not, but I can't recall who it  
4 was.  
5 Q. Okay. In regard to the movement of the  
6 furniture that Chief Justice Loughry was wanting to wait  
7 for a call from his wife --  
8 A. That's correct.  
9 Q. -- in order to make -- to make a move, he  
10 didn't want photos or press coverage?  
11 A. He was trying to avoid that, yes.  
12 Q. Did that appear to be secretive in nature --  
13 nature to you? Did that throw up any red flags, having  
14 served 22 years in law enforcement?  
15 A. That he wanted to avoid press coverage? It  
16 didn't throw up any red flags. He had been under fire,  
17 you know, in the press a lot for that and so, no, it did  
18 not throw up any red flags to me.  
19 Q. As a part of your duties of fleet maintenance  
20 and fleet supervision, did you also monitor fuel card  
21 usage for each of the vehicles?  
22 A. I did not.  
23 Q. There was a card issued to each car or were  
24 those issued -- if you know, issued to the justices

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**1 personally?**  
 2 A. It was issued to each car and it should have  
 3 stayed with the vehicle that it was in.  
 4 **Q. And as far as you know, they remained with the**  
 5 **car?**  
 6 A. As far as I know, they were with -- inside the  
 7 vehicles.  
 8 **Q. I think -- I'm not sure that I heard this**  
 9 **correctly and I may need clarification. Did you testify**  
 10 **that you had been informed that Chief Justice Loughry**  
 11 **paid for the move of the desk to his house originally?**  
 12 A. No, he told us that the Court had paid for the  
 13 move of the desk and the couch to his residence.  
 14 **Q. Is it -- is it normal to accompany justices on**  
 15 **their official visits and official trips when they**  
 16 **travel outside of the Capitol or do they request that?**  
 17 A. Normally, they would request it, but not  
 18 always. I mean, when they go to conferences and things  
 19 like that, we just automatically go because we want to  
 20 make sure we are there.  
 21 **Q. I understand. And if they are traveling in the**  
 22 **state and they go to courthouses with -- for drug court**  
 23 **events and other official events, is there normally a**  
 24 **presence of law enforcement in and around those**

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**1 courthouses to aid you if needed?**  
 2 A. There normally is, yes, sir.  
 3 **Q. So there wouldn't necessarily be a need to**  
 4 **reach out to local law enforcement for those types of**  
 5 **visits because they're just generally there as a matter**  
 6 **of -- of their work?**  
 7 A. That's -- that's correct.  
 8 **Q. Okay. You also testified that you -- part of**  
 9 **your duties in your office is controlling access cards**  
 10 **and who has access to offices in the Courts?**  
 11 A. It's access to the Capitol building for the  
 12 most part.  
 13 **Q. The Capitol building, or the chambers areas**  
 14 **or --**  
 15 A. Well, as far as the chambers, going into the  
 16 chambers, you need a code to the keypad and we do try to  
 17 maintain who has those codes, but the access cards are  
 18 the cards to get into the Capitol. We have to do the  
 19 paperwork and take it down and get the card and if there  
 20 is something wrong with the card, we try to get it  
 21 corrected.  
 22 **Q. I understand. So it -- it's within your office**  
 23 **as to who has access to justice chambers and getting --**  
 24 **getting intimate access into Supreme Court facilities?**

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1 A. Yes.  
 2 **Q. Are you aware of anyone that is not State Court**  
 3 **personnel having access to any of these sensitive areas?**  
 4 A. Not that I can remember, no.  
 5 **Q. So the only folks that have the codes to gain**  
 6 **access are appropriate Court personnel and no one**  
 7 **outside of that?**  
 8 A. It should be, unless someone is -- has relayed  
 9 information about the codes to somebody else, but I have  
 10 never seen that occur.  
 11 **Q. Okay. And that is not within your control if**  
 12 **someone gives up their codes to another person?**  
 13 A. That's correct.  
 14 **Q. Okay. If a visitor comes to the Supreme Court,**  
 15 **do they normally check into security in order to visit a**  
 16 **justice or anyone in the back office areas - I'll call**  
 17 **it the back office areas - where the justices' private**  
 18 **offices are located?**  
 19 A. Yes, we -- we screen visitors when they  
 20 come. We see what their purpose is, who they want to  
 21 see and who they are, and we will have them wait outside  
 22 while we go inside and talk to the justice and that will  
 23 determine whether they gain access or whether the  
 24 justice will actually come out to talk to them. Or if

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1 they are not authorized, a lot of times they won't come  
 2 out and we ask them to leave.  
 3 **Q. And that is in every case of a visitor?**  
 4 A. Yes, sir.  
 5 **Q. Is there any instance where -- that certain**  
 6 **visitors come to -- to visit justices and you have been**  
 7 **directed that they get access or not to log them down or**  
 8 **not to process them as you would any other citizen or**  
 9 **person?**  
 10 A. That has happened on occasion; yes, sir.  
 11 **Q. Can you elaborate on that a little bit, please?**  
 12 A. Well, if it is somebody that the justice wants  
 13 to meet with and they know who it is, they'll tell us  
 14 the person is coming, we can just bring them right back.  
 15 **Q. Okay. Anyone stick out in your mind that that**  
 16 **happens with on -- let's say --let's call it a regular**  
 17 **basis - not to make it that broad - but just on a**  
 18 **regular basis that someone has standing orders that they**  
 19 **are not to be questioned and they are to be ushered back**  
 20 **or they have -- they have access just by nature of who**  
 21 **they are?**  
 22 A. None that particularly stand out to me. I know  
 23 sometimes various family members have come to the Court  
 24 and we escort them back, but I can't think of any one

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1 person in particular.

2 **Q. Is it normal for a -- for you or other Court**

3 **security to stay outside the chambers or in the Supreme**

4 **Court area proper as long as justices are working in the**

5 **building?**

6 A. Repeat that again, please?

7 **Q. If they stay -- let me put it a different**

8 **way. If they stay longer than the regular work day,**

9 **does court security normally stay on-site while a**

10 **justice is working or in the building?**

11 A. At times, we do that. At times, we don't.

12 **Q. So if you're not there, individuals could be**

13 **allowed or let into Supreme Court secure areas without**

14 **your knowledge?**

15 A. Well, if that ever does occur, most of the time

16 we will walk down to the Clerk's Office, which is where

17 this visitor would go, and we would advise them that if

18 there was a problem, to call the Capitol Police.

19 **Q. Are there any situations that you are aware of**

20 **where any particular State -- State elected officials or**

21 **-- or certain staff have undocumented or complete access**

22 **to the Supreme Court outside of normal security**

23 **protocol?**

24 A. I'm not sure I understand your question.

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1 **Q. Anyone from this building proper, whether they**

2 **are an elected official or official staff, able to -- to**

3 **circumvent the security process to get into Supreme**

4 **Court secure offices on a regular basis?**

5 A. No.

6 DELEGATE MILLER: Okay. Thank you,

7 Mr. Chairman.

8 CHAIRMAN SHOTT: Delegate Robinson.

9 DELEGATE ROBINSON: Thank you,

10 Mr. Chairman.

11 EXAMINATION

12 BY DELEGATE ROBINSON:

13 **Q. Mr. Gundy, you mentioned that Justice Loughry**

14 **had his own keys to all three vehicles so he could come**

15 **and go as he pleased? I mean, he didn't have to fill**

16 **out a form or anything like that, obviously, since he**

17 **had keys?**

18 A. Yes, he did have the keys. He would normally,

19 like I said, he'd take it out like a Friday and he would

20 say he is taking the black Buick. He would just let us

21 know, but he wouldn't tell us where he was going.

22 **Q. So it was pretty common for him to take it on**

23 **the weekends and you mentioned holidays, as well?**

24 A. Yes.

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1 **Q. Was it just as frequent for him to use it on a**

2 **weekday or a workday?**

3 A. Excuse me, I couldn't hear you.

4 **Q. Was it more common for him to take it when he**

5 **had the day off or the Court was closed for the day or**

6 **was it more common for him to take it on a day when the**

7 **Court was in session or something of that sort?**

8 A. I would say it was probably more comming [sic]

9 -- common probably for him to take it on a Friday.

10 **Q. So it was more common for him to take it to**

11 **have the car for Saturday-Sunday rather than to have it**

12 **for, like, a Monday-Tuesday when there would be maybe**

13 **some Court-related work to do?**

14 A. It was more common for that to occur as I

15 remember it; yes, sir.

16 **Q. Okay. Mr. Gundy, when you were -- Justice**

17 **Loughry brought you into the office to talk about moving**

18 **the furniture and all that, who else was in the office**

19 **there? I believe you said that, but --**

20 A. In the office was Judge Gary Johnson, who was

21 the Court Administrator at the time, and Lori Paletta-

22 Davis, who was an attorney on staff there at the

23 administrative office.

24 **Q. And he kind of just reassured you that**

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1 **everything was okay, this is -- this is moral, this is**

2 **ethical and all that, and then asked you to come move**

3 **furniture out of his house?**

4 A. That's correct.

5 **Q. Is it your feeling that you could have kept**

6 **your employment with the Courts if you had declined to**

7 **go do the task he had asked?**

8 A. Well, I never thought about that.

9 **Q. Would you have been comfortable telling Justice**

10 **Loughry no in that case?**

11 A. Probably not.

12 **Q. Okay.**

13 DELEGATE ROBINSON: Thank you,

14 Mr. Chairman.

15 CHAIRMAN SHOTT: Delegate Capito.

16 DELEGATE CAPITO: Thank you, Mr. Chairman.

17 EXAMINATION

18 DELEGATE CAPITO:

19 **Q. And thank you for being -- I'm over here.**

20 A. Where are you at?

21 **Q. Sorry. A few questions, some of them are**

22 **follow-ups to some of the others that have been asked,**

23 **but are you or Mr. Angus present in the security office**

24 **over here in the East Wing whether or not the Court is**

1 in session? So you all are there regardless of whether  
2 they are in session?  
3 A. That's correct.  
4 Q. Okay. With the exception of holidays, of  
5 course, whenever the Capitol might be closed.  
6 A. Right. Right.  
7 Q. Okay. And was it common procedure for when a  
8 justice -- to the extent that you know the answer -- was  
9 it common procedure for a justice if they were to -- to  
10 rent out or check out one of the Court vehicles, one of  
11 the Buicks that you mentioned, that they would leave  
12 their personal vehicle at the Capitol?  
13 A. Yes, yes, it was.  
14 Q. Okay. But you don't know -- do you recall, I  
15 should say, whether or not Justice Loughry left his  
16 personal vehicle when he took the Court vehicle for  
17 extended periods of time?  
18 A. You know what, I think he did. I think he did  
19 leave it when he left on Fridays. I believe he did.  
20 Q. Okay. And then who was -- so going back to the  
21 move when you all took the van, that was kind of an  
22 impromptu, I am going to use the term impromptu or spur  
23 of the moment kind of request, at least as far as you  
24 knew from Justice Loughry. He brought you into his

1 chambers and told you what you guys were going to do?  
2 A. Yes, it was a -- it was a surprise, yes.  
3 Q. Okay. And was the Court in session or not in  
4 session during that time?  
5 A. The Court was in session.  
6 Q. Was in session?  
7 A. Yes.  
8 Q. Delegate Lane had mentioned earlier that there  
9 were two primary, full-time security officers that  
10 worked with you and that there was -- and you had  
11 mentioned that there was a third, part-time contract  
12 employee that would come in when the Court was in  
13 session.  
14 A. Yes.  
15 Q. When you and Mr. Angus were pulled from the  
16 Capitol with no notice, was the Supreme Court area left  
17 unsecured?  
18 A. We normally called Mr. Harold Dailey, who was  
19 our contract part-time person, and he would -- he would  
20 come.  
21 Q. So you were able to get somebody in time?  
22 A. Yes, I mean, if there was an occasion where he  
23 wasn't available, we would just go ahead and call our  
24 other security person at the City Center East --

1 Q. Okay.  
2 A. -- and we would pull him from there to come  
3 down here.  
4 Q. Okay. Last question, you -- based on your  
5 testimony, it seems in your -- in your length of  
6 service, thank you for that, as well, and for all of  
7 your service with the State Police.  
8 A. Yes, sir.  
9 Q. You have spent quite a bit of time with each of  
10 the justices presumably and the justices together, is  
11 that an accurate statement?  
12 A. That is an accurate statement.  
13 Q. Did you get the sense that there was internal  
14 strife amongst the justices?  
15 A. Uh, yes, sir. (Inaudible-overtalking)  
16 Q. Did you get the sense that any one justice  
17 thought that another justice's behavior was  
18 inappropriate?  
19 A. Uh, without mentioning names, yes.  
20 DELEGATE CAPITO: That is all,  
21 Mr. Chairman.  
22 CHAIRMAN SHOTT: Delegate Fleischauer.  
23 MINORITY CHAIR FLEISCHAUER: Thank you,  
24 Mr. Chairman.

1 EXAMINATION  
2 BY MINORITY CHAIR FLEISCHAUER:  
3 Q. I thank you, Mr. Gundy, for coming today.  
4 A. Yes, ma'am.  
5 Q. I would like to just go into a little bit about  
6 the weekend use of the car. How often would you  
7 estimate that happened that he would take the car over  
8 the weekend?  
9 A. It was multiple times. I could not give you a  
10 number.  
11 Q. Was it routine? Was it normally every weekend?  
12 A. I -- for a period of time, I would have to say  
13 yes. Yes.  
14 Q. Okay. And did you mark the documents, that the  
15 vehicle -- that the vehicle was in his possession?  
16 A. We did, yes.  
17 Q. Every time he took it over the weekend or could  
18 you have missed any?  
19 A. I believe we got it every time.  
20 Q. Okay. And -- okay. I think that is all the  
21 questions I have. Thank you Mr. Gundy.  
22 A. You're welcome.  
23 MINORITY CHAIR FLEISCHAUER: Thank you,  
24 Mr. Chairman.

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1 CHAIRMAN SHOTT: Mr. Gundy, I have a few  
2 questions I would like to follow up on.  
3 EXAMINATION  
4 BY CHAIRMAN SHOTT:  
5 **Q. You mentioned that there was a Cass Gilbert**  
6 **desk in your security office; is that correct?**  
7 A. That's correct.  
8 **Q. And we all have heard that term multiple times**  
9 **since this controversy arose, but were they gen --**  
10 **generally referred to among those that worked in the**  
11 **Supreme Court area as Cass Gilbert desks?**  
12 A. Ever since I have been at the Court, it has  
13 always been referred to as a Cass Gilbert desk.  
14 **Q. And I realize you are not an expert on**  
15 **antiques, but were they sufficiently unique that most**  
16 **people could tell a Cass Gilbert desk from other desks**  
17 **that were utilized in the area of the Supreme Court?**  
18 A. Some people could. I'll be honest with you, I  
19 probably couldn't, but some people could.  
20 **Q. When you went to Mr. Loughry's home the first**  
21 **time and you saw the desk, did you recognize it as a**  
22 **Cass Gilbert desk?**  
23 A. I didn't recognize it as one, but I -- he'd  
24 mentioned that it was a Cass Gilbert desk.

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1 **Q. The -- Justice Loughry mentioned that it was?**  
2 A. Yes.  
3 **Q. Did he ask you to -- for any type of special**  
4 **handling when you actually moved that desk? In other**  
5 **words, anything that would indicate to you that he felt**  
6 **it had spec -- special value other than just as a desk?**  
7 A. Nothing that would make me think that it had  
8 special or added value, no.  
9 **Q. So you all moved that desk as if any other**  
10 **piece of furniture; is that fair to say?**  
11 A. Yes, I mean, we were careful with it, but, you  
12 know, but not overly so, no.  
13 **Q. Can you tell me how the topic of it being a**  
14 **Cass Gilbert desk came up during your conversation**  
15 **with -- with Justice Loughry?**  
16 A. I can't tell you specifically. I -- I just  
17 remembered it being referred to as a Cass Gilbert desk.  
18 **Q. By Justice Loughry?**  
19 A. Yes.  
20 **Q. When you were in his home?**  
21 A. Yes.  
22 **Q. Thank you. As I recall the layout in the**  
23 **Supreme Court, if you go to the floor where the**  
24 **justices' chambers are, you come in and basically you**

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1 **and Mr. Angus are right there practically at the**  
2 **entrance; is that fair to say?**  
3 A. That is correct.  
4 **Q. Where was Steve Canterbury's office in relation**  
5 **to your offices and the justices' offices?**  
6 A. Steve Canterbury's office was -- it was on the  
7 first floor. If you go in on the California side, go  
8 through the check point, go to the hallway, take a  
9 right, go all the way down the hallway, there's a glass  
10 door and you go in that glass door and you keep on going  
11 to the next office, you take a left and it is the office  
12 all of the way back there.  
13 **Q. When Justice Loughry came on the Court, as I**  
14 **recalled, Mr. Canterbury was already employed as the**  
15 **main administrator; is that right?**  
16 A. That's correct.  
17 **Q. What was your observation regarding the**  
18 **relationship between the two of them initially? Did**  
19 **they seem to get along fine or was there immediate**  
20 **tension between them?**  
21 A. Initially, they seemed to get along okay. I  
22 think it -- their relationship deteriorated pretty  
23 quickly after Justice Loughry had been there a few  
24 months.

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1 **Q. Could you identify any particular incident or**  
2 **event that caused that to happen? Do you have any**  
3 **observation about that?**  
4 A. I don't know if there was a particular event  
5 that caused it. I'm sure there was. If there was, I'm  
6 not aware of what it was.  
7 **Q. In relation to the time that Mr. Canterbury**  
8 **told you that the justices didn't need to give a reason**  
9 **for vehicle use, was that shortly after Justice Loughry**  
10 **assumed the bench or was it much later? I know you**  
11 **don't have a specific date, but I am trying to link it**  
12 **to some of these other events that we are aware of.**  
13 A. Okay, could you repeat that one more time?  
14 **Q. Yes. In relation to when Mr. Canterbury told**  
15 **you that the justices did not need to give a reason for**  
16 **the vehicle use, was that early after Justice Loughry**  
17 **became a justice or was it much later?**  
18 A. I think that was in 2016, I think Justice  
19 Loughry, I believe -- I think he was elected in 2012, if  
20 I am correct.  
21 **Q. And he took the bench in January of 2013.**  
22 A. Right. So it was a -- it was a few hours --  
23 excuse me, hours -- a few years after Justice Loughry  
24 came into office.

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1 **Q. You have identified Exhibit 1 as a memo that**  
 2 **you prepared or contributed to.**  
 3 A. Yes.  
 4 **Q. Was the statement by Mr. Canterbury before or**  
 5 **after that memo was prepared?**  
 6 A. The statement? Oh, about the --  
 7 **Q. Not using --**  
 8 A. -- not using --  
 9 **Q. -- not needing to give a reason?**  
 10 A. It was after the memo was prepared.  
 11 **Q. Okay, so we know the memo was dated August the**  
 12 **25th of '16?**  
 13 A. Yes.  
 14 **Q. And so it's sometime after that?**  
 15 A. It was shortly after that; it wasn't too long  
 16 after that.  
 17 **Q. Okay, that is helpful. And are you aware of**  
 18 **that -- if that statement was made immediately following**  
 19 **some meeting that all of the justices attended, or --**  
 20 A. Well, the meeting actually occurred prior to  
 21 this memo. It may have been the same day, for all I  
 22 know, but it was -- the meeting occurred pretty close in  
 23 proximity to when this memo was prepared.  
 24 **Q. And then at some time thereafter Mr. Canterbury**

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1 **told you that the justices didn't need to give a reason?**  
 2 A. Yes, it was shortly afterwards.  
 3 **Q. The information that we were given from the**  
 4 **Legislative Auditor's Office indicates that some time in**  
 5 **the fall of 2016, Justice Loughry stopped using the**  
 6 **Capitol vehicles. Can you relate that in time in terms**  
 7 **of the statement that Mr. Canterbury made about**  
 8 **providing a reason? Before or after, if you can?**  
 9 A. Like I said, Mr. Canterbury made that  
 10 statement, it was very shortly after August the 25th,  
 11 2016. And in the fall, I guess, is when Justice Loughry  
 12 stopped using the vehicles and gave us the keys. I  
 13 think he did that in relation to some -- some bad press.  
 14 **Q. Did he make any statement to you when he**  
 15 **returned the keys that it would indicate why he was**  
 16 **returning the keys?**  
 17 A. He probably did, but I can't recall what it  
 18 was.  
 19 **Q. And it would be your testimony, then, that**  
 20 **following that return of the keys, he did not use the**  
 21 **Capitol vehicles after that; is that fair to say?**  
 22 A. He did not use it where he was driving it  
 23 himself. I think there may have been something -- a  
 24 conference -- I think we had court somewhere and he may

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1 have been in one of them, but he was not driving.  
 2 **Q. When in relation to when Justice Loughry became**  
 3 **Chief Justice, did he get the keys to the Buicks?**  
 4 A. Like I said, the keys were in Mr. Canterbury's  
 5 office. It was after Mr. Cary -- Canterbury had left  
 6 and I do not recall exactly when he got those. I don't  
 7 even know that he got those from us. He may have. I  
 8 know Gary Johnson went in that office and I don't know  
 9 -- Gary may have gave them to him as far as I know.  
 10 **Q. So Mr. Canterbury had custody of the keys up**  
 11 **until the time he left?**  
 12 A. That is correct.  
 13 **Q. And he would have left after the time that he**  
 14 **told you that the justices didn't need to give a reason;**  
 15 **right? That -- that would normally follow. He didn't**  
 16 **leave until after he did that?**  
 17 A. That -- that would be correct.  
 18 **Q. Which was close in time to August 25th of '16,**  
 19 **but shortly after August 25th of '16, Justice Loughry**  
 20 **gave you the keys back, as I understand your testimony;**  
 21 **is that correct?**  
 22 A. Yes, I don't know exactly when, I can't give  
 23 you a date.  
 24 **Q. Well, then if -- if Mr. Canterbury was still**

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1 **there, did you return the keys to Mr. Canterbury?**  
 2 A. No, we kept those ourself because we have  
 3 copies of -- we have multiple copies of the keys to the  
 4 vehicles, so we kept those.  
 5 **Q. And I believe Mr. Canterbury was ter -- his**  
 6 **employment was terminated in January of '17, does that**  
 7 **sound about right to you?**  
 8 A. Yes.  
 9 **Q. Okay.**  
 10 A. And, again, I may be confused on the dates as  
 11 far as when he gave us the keys. I can't remember  
 12 exactly when it was.  
 13 **Q. Well, it creates a --**  
 14 A. What it was --  
 15 **Q. -- an issue for me because I am trying to**  
 16 **figure out when Justice Loughry got the keys if he**  
 17 **didn't get them until after Mr. Canterbury left?**  
 18 A. Yes, he did get them after Mr. Canterbury left.  
 19 **Q. But he returned them before Mr. Canterbury**  
 20 **left.**  
 21 A. No. That would be incorrect.  
 22 **Q. Okay, that is where I am confused.**  
 23 A. That would be incorrect. If I -- if I said  
 24 that, I misstated it. He -- Mr. Canterbury left, he got

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1 the keys, and not long afterward there was some press  
2 coverage and he gave those back to us, but I can't  
3 recall the date exactly when he gave us the keys.  
4 **Q. So if Mr. Canterbury left in January of '17,**  
5 **which I believe is correct - but I could be wrong about**  
6 **that - then Mr. Loughry would have -- or Justice Loughry**  
7 **would have had the keys from sometime after January**  
8 **until, perhaps, the following fall; is that fair to say,**  
9 **when he returned them, which would have been '17, not**  
10 **'16?**  
11 A. It is possible. I don't want to sit here and  
12 give you dates because I don't know.  
13 **Q. Would -- would there be anything in your**  
14 **records that would indicate more close in time to when**  
15 **those keys were returned? Was it they were -- were**  
16 **that -- was that incident recorded in any fashion?**  
17 A. It was not recorded by me; no, sir. Like I  
18 said, he got the keys after Mr. Canterbury left, which  
19 was -- you say it was January 2017?  
20 **Q. I believe that is correct.**  
21 A. He got the keys then and at some point later on  
22 he gave us the keys back. And I don't want to sit here  
23 and give you a date because I can't remember.  
24 **Q. But in all likelihood, he wouldn't have had the**

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1 **keys for an entire year because in the fall he stopped**  
2 **using the automobiles?**  
3 A. Whenever he stopped using the vehicles, that  
4 was about the time that he gave us the keys.  
5 **Q. Okay, thank you.**  
6 **What was -- or was there a policy among the**  
7 **security officers, you and Mr. Angus, as to how to**  
8 **record a threat of violence or death against a justice?**  
9 A. Yes. We have incident reports. It is a  
10 standard form used by the Court for incident  
11 reports. We use those for threats and they use those  
12 around the state as far as if there is an incident at  
13 the courthouse, people will fill that out. It is on our  
14 website.  
15 **Q. And how far back do you retain those records?**  
16 A. It's quite a ways. I can't --  
17 **Q. Would it go back eight or ten years, at least?**  
18 A. I would -- I would say.  
19 **Q. And what is the policy once you record the**  
20 **incident report of a threat, do you report it to any**  
21 **other agencies or is it purely an internal process?**  
22 A. It is an internal process. We look into it and  
23 we look at the threat and we try to assess it and see  
24 what kind of a threat that it is. Most of these threats

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1 that are made are not general -- they're more  
2 general-type things saying that somebody ought to hang  
3 you or somebody should shoot you. They are not giving  
4 -- saying that "I should do it," or that "I'm going to  
5 do it." They are more -- more general.  
6 **Q. Has there ever been a time in, say, the last**  
7 **ten years where a threat was made that you assessed as**  
8 **significantly -- having significant potential to result**  
9 **in an act of violence?**  
10 A. Yes, yes, there has.  
11 **Q. And what is -- what was your process in that**  
12 **case? Did you involve outside agencies?**  
13 A. In that case we did. I can't recall the  
14 gentleman's name. He was a sovereign citizen, I  
15 believe, and he was making threats about the courthouse  
16 and we involved the Capitol security and I think the  
17 State Police was involved, as well.  
18 **Q. And was the -- what was the outcome of that**  
19 **situation? Was the person apprehended?**  
20 A. The person was put in jail; yes, sir.  
21 **Q. Is that the only time you've had to resort to**  
22 **outside agencies with regard to the seriousness of a**  
23 **threat?**  
24 A. It's probably not, but I cannot recall a

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1 specific time right now that I did.  
2 **Q. We've had evidence that there was an IRS**  
3 **evidence -- an IRS audit sometime in the spring, maybe**  
4 **May or June of 2017. Were you requested to provide any**  
5 **information or in any way involved in providing**  
6 **assistance with regard to that audit?**  
7 A. The IRS audit?  
8 **Q. Yes, sir.**  
9 A. I think we maybe provided a list of the  
10 vehicles and the VIN numbers and things like that.  
11 **Q. Were you personally interviewed by the agents**  
12 **that were conducting that audit?**  
13 A. I was not.  
14 **Q. And were you present during any audit**  
15 **discussions regarding the audit?**  
16 A. Not that I recall.  
17 **Q. Did anyone ask you to either disclose or not**  
18 **disclose certain information about -- that would be**  
19 **useful in that audit?**  
20 A. Not that I recall.  
21 **Q. One other thing I just want to verify. I think**  
22 **you indicated that when you returned the couch to the**  
23 **warehouse, Justice Loughry said at that time he was**  
24 **going to contact the Albright family to see if they**

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1 **wanted it back; is that correct?**  
2 A. That's correct.  
3 **Q. Was that the only reference made to the -- to**  
4 **Justice Albright or his family during that period of**  
5 **time when you were involved with the couch?**  
6 A. He just mentioned that it was a couch that was  
7 left there by Justice Albright.  
8 **Q. Was there any indication that he said that they**  
9 **had -- he had contacted them earlier and they said they**  
10 **didn't want the couch back, but he was going to follow**  
11 **up now that his use was over -- he was completed using**  
12 **the couch, anything of that sort?**  
13 A. It's possible.  
14 **Q. You're not certain?**  
15 A. I'm not certain.  
16 **Q. I want to refer you again to Exhibit 1. I**  
17 **think you have it open on your desk.**  
18 A. I do.  
19 **Q. You have a statement in there that says, the on**  
20 **-- "The only person that failed to provide a destination**  
21 **when asked was Justice Loughry." Was that on more than**  
22 **one occasion or one occasion?**  
23 A. It was pretty much every occasion.  
24 **Q. So, in other words, your practice was to ask**

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1 **for the destination when you were completing the form**  
2 **and more than once Justice Loughry refused?**  
3 A. That's correct.  
4 **Q. And other than the statement that other**  
5 **justices didn't need to know where he was going, were**  
6 **there any other explanations of not providing you that**  
7 **information?**  
8 A. No, that was pretty much the one that he used  
9 over.  
10 **Q. More than one time?**  
11 A. Yes.  
12 **Q. Frequently?**  
13 A. Frequently.  
14 CHAIRMAN SHOTT: All right. Thank you,  
15 Mr. Gundy.  
16 We -- we've provided in our procedural  
17 rule that any justice who wants to have an attorney  
18 present would have the opportunity to ask some questions  
19 through that attorney. And we have two of those  
20 individuals here today. I'm going to give them an -- an  
21 opportunity to ask questions.  
22 THE WITNESS: Okay.  
23 CHAIRMAN SHOTT: Beginning with Mr. Allen.  
24 Do you have any questions?

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1 MR. ALLEN: No, sir.  
2 CHAIRMAN SHOTT: Mr. Carr?  
3 MR. CARR: No, sir.  
4 CHAIRMAN SHOTT: That was easy, wasn't it?  
5 THE WITNESS: Yes, that's --  
6 CHAIRMAN SHOTT: Now, we are going to go  
7 back through our members just to see if there are any  
8 follow-ups. I'll -- I'll point to the row. And if you  
9 would, just raise your hand if you have -- Counsel, do  
10 you have follow-up? Sorry, I forgot you. Go ahead.  
11 MR. HARDISON: Thank you, Mr. Chairman.  
12 EXAMINATION  
13 BY MR. HARDISON:  
14 **Q. Some of your testimony raised some questions in**  
15 **my mind with regard to the work environment or work**  
16 **culture at the Court?**  
17 A. Yes.  
18 **Q. How would you describe the environment when you**  
19 **first became employed at the Court?**  
20 A. When I first came employed at the Court, there  
21 was internal -- some internal strife.  
22 **Q. Did that continue after Justice Loughry was**  
23 **elected to the -- to the Court?**  
24 A. After he was first elected, not so much, but as

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1 time went on, yes.  
2 **Q. Are there -- is there a personnel manual or**  
3 **policy manual?**  
4 A. There is a manual with some policies in it. I  
5 looked at it -- I think I looked at it at one time.  
6 It's -- it's probably outdated in many areas.  
7 **Q. If -- to your recollection in that manual, is**  
8 **there a procedure for lodging a complaint against**  
9 **another employee?**  
10 A. I don't recall. I don't know.  
11 **Q. Do you recall there being a -- a -- what we**  
12 **call an open-door policy that you could walk into your**  
13 **direct supervisor or their supervisor and raise a**  
14 **complaint if you had one?**  
15 A. An open-door policy, like a written policy?  
16 **Q. Correct.**  
17 A. Like I said, it has been a while since I read  
18 the policy. I can't recall one specifically.  
19 **Q. Was that a practice at the Court, though, if**  
20 **there is not a written policy, was it a general practice**  
21 **that if you had a complaint against an employee, you**  
22 **would -- you knew who you would lodge that complaint**  
23 **with?**  
24 A. I would say so. I mean, like I said, I don't

1 -- I'm not aware of a written policy, but I'm not aware  
2 of anyone discouraging anyone else from lodging a  
3 complaint.

4 **Q. Then with regard to Exhibit 1, the memo that**  
5 **you prepared and I believe it was August of 2016?**

6 A. Yes.

7 **Q. Did your relationship with Justice Loughry**  
8 **change after that memo was prepared and he saw it?**

9 A. Uh, yes, he was not -- he was not particularly  
10 happy -- about the memo.

11 **Q. Did he say anything in particular to you or**  
12 **treat you in a certain way?**

13 A. Uh, the day after I distributed the memo, I --  
14 I was there. Mr. Angus was not. He did come in and say  
15 some words, I don't recall specifically what was said,  
16 but he made it clear that he was not happy about the  
17 memo. I think he tried to ask me who wrote the memo. I  
18 told him that I'd -- that I had wrote it and for some  
19 reason he didn't want to accept that and he left the  
20 room.

21 And then for about six months he -- he  
22 pretty much would not talk to either myself or Mr. Angus  
23 and if he saw us coming, he would pretty much turn the  
24 other way and try not to look at us and things like

1 that.

2 **Q. So is it fair to say that -- that after that**  
3 **memo was prepared and disseminated to the -- to the**  
4 **Court employees or whoever was going to see it, that at**  
5 **a minimum the work environment with regard to Justice**  
6 **Loughry made you feel uncomfortable?**

7 A. It was uncomfortable; yes, sir.

8 **Q. At any time did you feel as though your job was**  
9 **in jeopardy as a result of preparing that memo?**

10 A. Uh, Mr. Angus and myself both felt that way;  
11 yes, sir.

12 **Q. Are there any specific instances that would --**  
13 **that would have made you feel that way or was it just**  
14 **the -- the reaction by Justice Loughry?**

15 A. It was just the overall behavior of Justice  
16 Loughry.

17 **Q. And after Justice Loughry was elected within**  
18 **the Court to become Chief Justice, did the -- did the**  
19 **environment at the Court change after that?**

20 A. Uh, yeah, there was a lot of folks who were  
21 uncomfortable and they feared for their -- for their  
22 employment. He was making changes as far as the  
23 organizational charts and things like that and there  
24 were some people that were terminated because we have to

1 escort them when they are.

2 **Q. Was it -- would you consider it unusual to have**  
3 **a closed-door meeting with the Chief Justice and**  
4 **Administrative Director and counsel for the Court? Is**  
5 **that something that occurred regularly or is that the**  
6 **only time that you had a meeting like that?**

7 A. That was probably the only time.

8 **Q. And what was your perception or feeling when**  
9 **you went into that meeting?**

10 A. Uh, when I went into it, I didn't know what to  
11 expect, really. Like I said, I was not aware of the  
12 furniture being at his residence. I did not read the  
13 newspaper article, so I didn't know. And I was -- like  
14 I said, it was an unusual request I thought.

15 **Q. And it's not a normal occurrence for you to be**  
16 **in a closed-door meeting with counsel for the Court or**  
17 **the Administrative Director and the Chief Justice; is**  
18 **that fair to say?**

19 A. It's not usual, that's fair to say.

20 **Q. And I know you testified that -- I believe,**  
21 **that Justice Loughry made assurances to you that what he**  
22 **was requesting was not illegal or unethical or improper?**

23 A. He said he was not asking me to do anything  
24 improper due to the fact that justices were allowed to

1 have a home office.

2 **Q. Did you -- did you take him at his word when he**  
3 **gave that assurance or did you feel as though that --**  
4 **that it was improper to remove furniture from a**  
5 **justice's home?**

6 A. Well, like I said, you had the Chief Justice  
7 there. You had a former judge there. You had an  
8 attorney there and as far as the policy is -- itself is  
9 concerned, I don't read policies all of the time, so I  
10 took him at his word on it.

11 **Q. Would you -- you may have already answered this**  
12 **question, but would you have felt comfortable declining**  
13 **his request to move the furniture from his home?**

14 A. Probably not.

15 **Q. Would you have felt comfortable lodging a**  
16 **complaint with regard to being, basically, ordered to**  
17 **remove the furniture from his home?**

18 A. Probably not.

19 MR. HARDISON: Thank you again,

20 Mr. Gundy. I think that is all I have, Mr. Chairman.

21 CHAIRMAN SHOTT: Delegate Fast?

22 DELEGATE FAST: Thank you, Mr. Chairman.

23 EXAMINATION

24 BY DELEGATE FAST:

**1 Q. Did Steve Canterbury -- when Justice Loughry**  
**2 became Chief Justice, did Steve Canterbury have concerns**  
**3 for his future employment?**  
 4 A. When he first became justice or --  
**5 Q. Chief Justice?**  
 6 A. Oh, Chief Justice, yes, yes, he did.  
**7 Q. Okay. And when Steve Canterbury was dismissed,**  
**8 did he make threats?**  
 9 A. To --  
**10 Q. -- to the justices, to the Court?**  
 11 A. I -- the only thing that I heard, we had to --  
 12 we stayed with Steve for a while, while he packed his  
 13 things up. And he did make various references as far as  
 14 going to the press.  
**15 Q. Okay. Were those threats?**  
 16 A. I'd say they were threats, yes.  
**17 Q. Okay. And was he one of the ones that had to**  
**18 be escorted out?**  
 19 A. Yes, sir.  
**20 Q. Okay. Why was -- why did he have to be**  
**21 escorted out?**  
 22 A. Well, we -- whenever someone is terminated from  
 23 employment, we -- we escort everyone out just to make  
 24 sure that they don't leave anything behind, they don't

1 take anything with them they shouldn't take, and --  
**2 Q. Were you involved in his escort out of the**  
**3 building?**  
 4 DELEGATE ROBINSON: Point of order.  
 5 (Inaudible)  
 6 CHAIRMAN SHOTT: I think it's -- we are  
 7 pretty wide open today. I'm not -- I'm going to rule --  
 8 rule it in order. We have given great latitude on the  
 9 -- and it's also relevant in the sense that  
 10 Mr. Canterbury is expected to testify. I think his bias  
 11 could be weighed by the members of the Committee.  
 12 Go ahead, Delegate Fast.  
 13 DELEGATE FAST: Thank you, Mr. Chairman.  
 14 THE WITNESS: I'm sorry. What was the  
 15 question?  
 16 BY DELEGATE FAST:  
**17 Q. Were you involved in his escort out of the**  
**18 building?**  
 19 A. I was.  
**20 Q. Did -- on his way out, did he make any**  
**21 statements to you?**  
 22 A. Well, we went out a couple times, actually. He  
 23 had a lot of things and we were with him probably until  
 24 about 8:00 o'clock at night. We went to his residence

1 once and we unloaded a bunch of stuff and then we had to  
 2 come back. And we loaded a bunch of stuff in his  
 3 vehicle. Did he say anything to me on the way out, is  
 4 that your question?  
**5 Q. Yes.**  
 6 A. As far as threats or --  
**7 Q. Did he say what he was going to do? Did he --**  
**8 did he say that "This place is out of order?" Did he**  
**9 point out flaws in other justices or in any of the**  
**10 justices?**  
 11 A. Like I said, he kept referring to going to the  
 12 press. He made references to that many times. One  
 13 quote that I remember, he said, "I don't know whether  
 14 I'm just going to ride off into the sunset or whether  
 15 I'm going to contact the press and tell them  
 16 everything."  
**17 Q. Okay. Now, you say that you accompanied him to**  
**18 his home a couple of times?**  
 19 A. We accompanied him to his home one time. We  
 20 had two vans full of his items and we unloaded them and  
 21 we went back to his office and we loaded his personal  
 22 vehicle and at that time everything was gone and he  
 23 left.  
**24 Q. So you used Court vans to haul items from the**

**1 court to his personal home?**  
 2 A. That's correct.  
**3 Q. And what items did you haul in the Court vans?**  
 4 A. It was -- it was a bunch of stuff.  
**5 Q. His personal belongings?**  
 6 A. His personal belongings, it was a lot of things  
 7 that were hung on the walls and decor and things like  
 8 that.  
**9 Q. So his private property was hauled in the Court**  
**10 vans to his personal home?**  
 11 A. That's correct.  
**12 Q. Two trips?**  
 13 A. No, it was one trip, but two vans.  
**14 Q. One trip, two vans, and Court personnel drove**  
**15 those vans?**  
 16 A. It was myself and Arthur Angus.  
**17 Q. And helped load and unload those vans?**  
 18 A. Yes.  
**19 Q. Okay. When Steve Canterbury told you that**  
**20 justices do not have to give a destination to use the**  
**21 vehicles, who was the chief justice at that time, if you**  
**22 know?**  
 23 A. I believe -- to the best of my recollection, I  
 24 think it was Menis Ketchum.

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1 DELEGATE FAST: Okay, thank you,  
2 Mr. Chairman.  
3 CHAIRMAN SHOTT: Delegate Overington,  
4 questions? On the second row, any questions back there?  
5 Delegate Moore.  
6 DELEGATE MOORE: Thank you, Mr. Chairman.  
7 EXAMINATION  
8 BY DELEGATE MOORE:  
9 **Q. And thank you for being here. We appreciate**  
10 **it. So you have discussed through a number of lines of**  
11 **questioning here your job description. As part of that,**  
12 **you had mentioned it's the head of security and that --**  
13 **that's correct?**  
14 A. I am second in charge, of security. Yes, sir.  
15 **Q. Second in charge, okay. Thank you.**  
16 **And part of that is ensuring that not only**  
17 **that the people and the employees are secure in their**  
18 **workplace, but also the effects and property inside the**  
19 **building?**  
20 A. Yes, yes, that would be safe to say.  
21 **Q. So pulling on that thread a little bit, this**  
22 **desk was, as we've heard, it was moved on West Virginia**  
23 **Day; is that correct?**  
24 A. From what I have been told, yes. I did not

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1 personally see it being taken out of the Capitol.  
2 **Q. Now, as the second in charge of security of**  
3 **property and effects inside the building, were you aware**  
4 **that property was missing from the Supreme Court that**  
5 **had been there at one time, since you all have oversight**  
6 **and security duties as it relates to property of the**  
7 **taxpayers that sits inside this building?**  
8 A. You are asking was I aware that these items  
9 were taken from the Capitol? Is that --  
10 **Q. Yes.**  
11 A. I was not aware of it, no.  
12 **Q. When did you first find out that it was**  
13 **missing?**  
14 A. I didn't know about it until I was called into  
15 Justice Loughry's office.  
16 **Q. Okay. So -- and I guess, then, part of your**  
17 **job would then to be -- would you say part of your job**  
18 **is then to maybe, perhaps, even recover missing**  
19 **property, such as the desk or what have you?**  
20 A. Recover missing property. You are talking  
21 about something that has been stolen or something or --  
22 **Q. Right, there was a desk that did not belong to**  
23 **Justice Loughry, in his house, which is -- I am assuming**  
24 **-- would you define that as missing property?**

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1 A. I guess you could define it as that, but, like  
2 I said, he explained to me that it was permissible for  
3 him to have that there at the time.  
4 **Q. So there's not -- is there a regimen or**  
5 **standard operating procedure that you all go through in**  
6 **terms of itemization or some type of oversight over the**  
7 **effects and property that are under the purview of the**  
8 **Supreme Court?**  
9 A. As far as security is concerned, we do not  
10 itemize or inventory equipment or office furniture. You  
11 may want to talk to -- maybe -- I think maybe that Kim  
12 Ellis does that, possibly.  
13 **Q. So there is somebody that does that?**  
14 A. That's possible. I think she does, but I'm not  
15 entirely sure.  
16 **Q. So perhaps that's in her job description.**  
17 **Maybe we would want to ask her that.**  
18 **I think -- so -- but it is -- is it fair**  
19 **to say that, perhaps, you were recovering property that**  
20 **had left the Court when you recovered that desk or moved**  
21 **that desk from Justice Loughry's office? Is that part**  
22 **of your job description at all to recover missing and/or**  
23 **stolen property?**  
24 A. If it were stolen, then -- then, yes.

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1 DELEGATE MOORE: Okay. All right, I  
2 appreciate it. Thank you.  
3 CHAIRMAN SHOTT: Delegate Deem.  
4 EXAMINATION  
5 BY DELEGATE DEEM:  
6 **Q. Thank you, Mr. Chairman. I don't know if this**  
7 **is fake news or not, but I read in the paper that when**  
8 **Steve Canterbury left, he wasn't even given opportunity**  
9 **to get his cell phone out of his desk; and yet you have**  
10 **testified that you took -- the Court took two -- a van**  
11 **full of items from his office and delivered to his**  
12 **house. Now, which is correct?**  
13 A. We took -- like I said, we were with him until,  
14 probably, 8:00 o'clock at night. So we were with him  
15 quite a while. We loaded up two vans and took it to his  
16 house, unloaded it. And then we -- he loaded up his  
17 personal vehicle with his personal items before he left,  
18 so Mr. Canterbury had ample opportunity to -- to grab  
19 whatever items that were his.  
20 **Q. Including his cell phone?**  
21 A. Excuse me, sir?  
22 **Q. Including his cell phone?**  
23 A. Including his cell phone, as far as I know. As  
24 far as I know,

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1 **Q. Well, that is not what I read in the paper,**  
2 **but --**  
3 DELEGATE DEEM: Thank you, Mr. Chairman.  
4 CHAIRMAN SHOTT: Delegate Hollen.  
5 DELEGATE HOLLEN: Thank you,  
6 Mr. Chairman. Just a follow-up question.  
7 EXAMINATION  
8 BY DELEGATE HOLLEN:  
9 **Q. Earlier you had mentioned -- first, let me set**  
10 **the course here. As you know, there's some issues with**  
11 **improper vehicle usage in question.**  
12 A. Right.  
13 **Q. And you had made a statement earlier that --**  
14 **and correct me if I'm wrong -- I believe the way I heard**  
15 **it was that court security would escort the justices at**  
16 **conferences automatically; is that correct?**  
17 A. Yes, I mean, they would have a Judicial  
18 Conference or something like that and we would escort  
19 them. Normally, we would be there. Not always did --  
20 they didn't always want to be -- want a ride there.  
21 Sometimes they took their personal vehicles.  
22 **Q. Okay, I believe that just answered my**  
23 **question. So there was times that the justice would**  
24 **deny security to be with them?**

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1 A. Yes, there were times when they took their  
2 personal vehicles because they were going somewhere  
3 else, you know, after their conference concluded or  
4 whatever.  
5 **Q. Okay, was there any a time that they took a**  
6 **State vehicle and attended other than the Court**  
7 **functions?**  
8 A. Not that I'm aware of.  
9 **Q. Okay. Did -- did the conferences that you're**  
10 **referring to, is that just in-state conferences or did**  
11 **you escort them on out-of-state conferences, also?**  
12 A. They were in-state conferences. I cannot think  
13 of any out-of-state conferences that they  
14 attended. Normally when there was an out-of-state  
15 conference, they went by themselves.  
16 **Q. Okay, and just one last question. Any time that**  
17 **they were using State vehicles, did you ever have any**  
18 **knowledge of family members traveling with them?**  
19 A. In State vehicles?  
20 **Q. Yes.**  
21 A. I had no knowledge of it.  
22 DELEGATE HOLLEN: Okay, thank you. Thank  
23 you, Mr. Chairman.  
24 CHAIRMAN SHOTT: Delegate Zatezalo.

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1 DELEGATE ZATEZALO: Okay, thank you,  
2 Mr. Chairman.  
3 EXAMINATION  
4 BY DELEGATE ZATEZALO:  
5 **Q. Just quickly, you -- you have been with the**  
6 **Court since 2007; is that correct?**  
7 A. That's correct.  
8 **Q. Okay. And were you responsible for vehicle**  
9 **signouts and that type of thing since that time?**  
10 A. Yes, yes.  
11 **Q. Okay. And the question that I had from last**  
12 **week and would like to ask you: Did you notice as the**  
13 **pattern of vehicle usage, did you notice anything out of**  
14 **line from previous practice in the last decade or was it**  
15 **pretty much a normal vehicle usage rate and that type of**  
16 **thing? In other words, did you see a change in vehicle**  
17 **usage from 2007 to 2016?**  
18 A. A change in vehicle usage? You mean as far as  
19 how often vehicles were used?  
20 **Q. Yes.**  
21 A. Nothing that I studied or -- or know about.  
22 CHAIRMAN SHOTT: Delegate Pushkin.  
23 A DELEGATE: Could you repeat that?  
24 (Inaudible)

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1 CHAIRMAN SHOTT: Would you repeat your  
2 answer?  
3 THE WITNESS: He asked me if -- what was  
4 the question, sir?  
5 BY DELEGATE ZATEZALO:  
6 **Q. The question was -- the question was: Was**  
7 **there any change in pattern of vehicle usage? And it's**  
8 **a general question. It is not meant to be nitpicky, but**  
9 **I wanted to try to find out if there was, you know, if**  
10 **vehicle usage ramped up?**  
11 A DELEGATE: Could we hear the answer?  
12 A. Yes, I told him I had not studied that or  
13 observed it, not to my knowledge.  
14 CHAIRMAN SHOTT: Delegate Pushkin.  
15 DELEGATE PUSHKIN: Thank you,  
16 Mr. Chairman. Thank you, again, Mr. Gundy.  
17 THE WITNESS: Yes, sir.  
18 EXAMINATION  
19 BY DELEGATE PUSHKIN:  
20 **Q. You stated earlier that you were the security**  
21 **officer that escorted Mr. Canterbury out of the Supreme**  
22 **Court when he was terminated?**  
23 A. Actually, it was myself and Arthur Angus.  
24 **Q. But you were -- you were present?**

1 A. I was present.

2 **Q. I am looking at an op-ed that was written by**  
**3 then Chief Justice Loughry where he said, "When**  
**4 Canterbury was terminated last January, he stood before**  
**5 all five justices and told the three of us who voted to**  
**6 fire him, "I will destroy you." Did you hear that?**

7 A. I was not in the room when Mr. Canterbury went  
8 inside there, so I did not hear that.

9 **Q. Okay. You didn't personally hear him say that?**

10 A. I did not hear that, no.

11 **Q. Okay. Okay, well, in one of your roles was to**  
**12 escort -- you said it was standard procedure to escort**  
**13 folks who were terminated out of the building.**

14 A. That's correct.

15 **Q. When Justice Loughry became Chief Justice, how**  
**16 many employees of the Court were terminated?**

17 A. I -- yes, I could not give you a number. It --  
18 it was multiple people.

19 **Q. Multiple people were terminated?**

20 A. Yes.

21 **Q. Now, had you been there -- you've been there**  
**22 for ten years or more. You've seen several -- the**  
**23 practice before that was every year, the term was one**  
**24 year, so you had been under quite a few Chief Justices.**

1 **Have you ever seen that many people**  
**2 terminated when -- when one became a Chief -- when a new**  
**3 Chief Justice was voted in?**

4 A. You know, I really can't say, sir. I know  
5 there was a lot more people concerned about it.

6 **Q. There were a lot of people concerned about**  
**7 losing their jobs --**

8 A. Yes, but --

9 **Q. -- when Justice Loughry became Chief Justice?**

10 A. That's correct.

11 **Q. So you'd say that might add to the atmosphere**  
**12 of if you were asked to do something - whether you felt**  
**13 it was morally correct or not or whether you felt what**  
**14 -- it was legal or not - that you felt -- you said**  
**15 earlier that if you had refused to go to Chief Justice**  
**16 Loughry's home and move furniture for him, that you --**  
**17 reasonably you might not keep a job had you refused**  
**18 that.**

19 A. That would be fair to say, but if it was  
20 illegal, I would not have done it.

21 **Q. What is that?**

22 A. If I thought it was illegal, I would not have  
23 done it.

24 **Q. Okay. Well, whether it was legal, moral,**

1 **whether it followed the Code of Judicial Conduct, I**  
**2 mean, just -- there is -- obviously, judges are held to**  
**3 a higher standard. So it's just not a legal standard**  
**4 for whether or not you -- obviously, you didn't do any**  
**5 -- you know, from what I've seen, you going to someone's**  
**6 house to move furniture would not be illegal, but --**

7 A. Yes.

8 **Q. -- if it violated the Code of Judicial Conduct**  
**9 and you refused, you -- you've said the -- the**  
**10 atmosphere at the Court at the time were people were**  
**11 fearing for their jobs?**

12 A. That's correct.

13 **Q. Okay.**

14 A. That's correct.

15 **Q. And I mean, was it common standard, was it**  
**16 common practice for when a new Chief Justice was elected**  
**17 by the other justices, which happened every year up**  
**18 until whenever -- when they changed that, was it -- was**  
**19 it common practice for that many people to be**  
**20 terminated?**

21 A. Again, I don't believe it was, but --

22 **Q. Okay.**

23 A. -- I'm not going to sir here and give you with  
24 complete certainty, but I do not believe that it was.

1 **Q. Okay. And you mentioned earlier you had**  
**2 authored a memo along with your -- your superior there?**

3 A. Exhibit 1, yes, sir.

4 **Q. What's that?**

5 A. Exhibit Number 1, right here.

6 **Q. Yes, Exhibit 1 --**

7 A. Yes.

8 **Q. -- that memo that you authored, and you said --**  
**9 was it -- and it was -- was it Chief Justice Loughry who**  
**10 then you said quit talking to you after you author --**  
**11 authored that memo?**

12 A. No, he wasn't Chief Justice at the time. He  
13 was just, you know, like any other justice.

14 **Q. Okay, but was Justice Loughry, that was who --**

15 A. Yes, after he became Chief, it continued for a  
16 while, but then he started talking to us again.

17 **Q. Okay. So the first time he talked to you after**  
**18 that wasn't when he asked you to come over and help move**  
**19 furniture; right?**

20 A. No, no, the first time, I think, is when he  
21 terminated Mr. Canterbury. That's when he started  
22 talking to us again.

23 **Q. That's when he started speaking with you**  
**24 again --**

1 A. Because --

2 **Q. -- after he fired --**

3 A. Well, essentially, he had to.

4 **Q. Okay. And you'd stated earlier the van that**

5 **was used to remove the couch and desk from Chief Justice**

6 **Loughry's house, that was a State vehicle. How many**

7 **trips did you make?**

8 A. To Justice Loughry's house?

9 **Q. Yes.**

10 A. A total of three.

11 **Q. Okay. And one was because -- you saw -- it was**

12 **to move it to the garage and make it ready for when**

13 **nobody was watching to move it out of the garage,**

14 **correct?**

15 A. That's correct; that's correct.

16 **Q. So who paid for the gas?**

17 A. I would assume it would -- would have been the

18 State.

19 **Q. The State paid for the gas? So, I mean, did he**

20 **offer to pay for the gas when you were done?**

21 A. No, sir.

22 **Q. Okay, now, I take it you are a salaried**

23 **employee?**

24 A. I am.

1 **Q. Okay. Any of those days that you went there,**

2 **was it on a Saturday or a Sunday?**

3 A. No, I believe one -- the first time, I believe,

4 was on a Monday and I think the second time was on a

5 Thursday. I think.

6 **Q. Did you receive any kind of extra compensation**

7 **for doing that sort of work or was it just --**

8 A. No, sir; no, sir.

9 **Q. Okay, just a couple more questions. You are**

10 **aware that Justice Loughry was the author of a book?**

11 A. Yes.

12 **Q. Okay. In your time at the Court, had you ever**

13 **been asked to purchase that book?**

14 A. I have not.

15 **Q. You've not. Do you know of any -- have you**

16 **witnessed anyone purchasing that book at the Court?**

17 A. I can't say that I have, no.

18 **Q. Okay. Well, thank you very much.**

19 A. Yes, sir.

20 CHAIRMAN SHOTT: Delegate Lane.

21 DELEGATE LANE: Oh, I have been

22 demoted. I sort of liked that Justice Lane business.

23 EXAMINATION

24 BY DELEGATE LANE:

1 **Q. The vans that were used to take**

2 **Mr. Canterbury's items to his home, were those Court**

3 **vans?**

4 A. They were.

5 **Q. How many vans does the Court have?**

6 A. I'm thinking that we have a total of four, but

7 I could be mistaken.

8 **Q. And what do -- are they normally used for?**

9 A. Vans are normally used -- the ones that we

10 control, anyway, are used to go to conferences, to pack

11 up computer equipment and take it to a conference or

12 notebooks or pencils, things like that.

13 **Q. Okay. Now, around the time that Mr. Canterbury**

14 **was fired, you said other employees were fired?**

15 A. Uh, within a certain time frame, yes, not --

16 the same day there was one other person fired, that

17 Mr. Canterbury was fired and that was Kirk Brandfass.

18 **Q. And were they escorted out of the building,**

19 **too?**

20 A. Yes.

21 **Q. And did you help them move their stuff to their**

22 **homes?**

23 A. No, I think Mr. Brandfass brought his car to

24 California Avenue. I think we -- we loaded -- loaded

1 the car up and he left from there.

2 DELEGATE LANE: Okay, that is all I have.

3 CHAIRMAN SHOTT: Delegate Miller? Oh, I'm

4 sorry, Delegate Byrd.

5 DELEGATE BYRD: Thank you, Mr. Chairman.

6 EXAMINATION

7 BY DELEGATE BYRD:

8 **Q. Thank you, again, for being here. Was there --**

9 **at any time did you ever receive a request to go to**

10 **Justice Loughry's home and retrieve any of the**

11 **State-owned computers?**

12 A. Yes, there was, but the time that Mr. Angus and

13 myself and Bill Gallagher, who is an IT person, went

14 there, Justice Loughry was not there. And that was the

15 only time that I went to his house to retrieve computer

16 equipment.

17 I think Arthur Angus and Bill Gallagher

18 went the next week, which I was off. I did not go that

19 time, but they went back and got it.

20 **Q. And did they explain to you what happened the**

21 **time that they went to retrieve the computers?**

22 A. Uh, they probably did, but I can't recall what

23 it was.

24 **Q. Okay. Did you -- do you know if they went and**

1 **retrieved more than one computer or attempted to**  
 2 **retrieve more than one computer?**  
 3 A. I believe Mr. Gallagher had a -- had a list of  
 4 everything that needed to be retrieved. And I think  
 5 that is what they tried to retrieve. I do not recall  
 6 how many computers were on there.  
 7 **Q. And -- and when you say the word "tried," did**  
 8 **you receive word that there was a refusal to turn over**  
 9 **some of the State-owned equipment?**  
 10 A. No, Justice Loughry was out of town. We called  
 11 him on his cell phone. He was out of town and I think  
 12 Arthur told him that they could meet him on Monday and  
 13 they'd pick it up Monday.  
 14 **Q. And do you know if all of the computers and/or**  
 15 **State-owned property that you -- they had a list of was**  
 16 **retrieved when they went back? I know you weren't**  
 17 **present, but did they tell you?**  
 18 A. I believe that there was one computer that  
 19 they -- they didn't get, I believe.  
 20 **Q. And do you know why?**  
 21 A. I do not know why.  
 22 DELEGATE BYRD: Okay, thank you.  
 23 CHAIRMAN SHOTT: With my apologies, I  
 24 skipped that whole second row. Do either of the other

1 two delegates have questions? Now, Delegate Miller,  
 2 questions.  
 3 DELEGATE MILLER: Thank you, Mr. Chairman.  
 4 EXAMINATION  
 5 BY DELEGATE MILLER:  
 6 **Q. First, thanks for your service, 22 years**  
 7 **-serving the state as a trooper. We really appreciate**  
 8 **that.**  
 9 A. Yes, sir.  
 10 **Q. During your character -- characterization of**  
 11 **multiple people being terminated over -- over a certain**  
 12 **period of time, was it routine procedure by Court**  
 13 **security to escort terminated employees out of the**  
 14 **building?**  
 15 A. It was. Still is.  
 16 **Q. Even prior to this series of multiple**  
 17 **dismissals --**  
 18 A. Yes.  
 19 **Q. -- was that procedure followed, as well, or did**  
 20 **this just start during a certain period of time in the**  
 21 **Court's history?**  
 22 A. You mean as far as escorting employees that  
 23 have been terminated? We've always done that since I  
 24 have been there.

1 **Q. Okay. In regard to the multiple -- what was --**  
 2 **what's been characterized as multiple people being**  
 3 **terminated from the Court, and this may sound odd in**  
 4 **asking this, but other than Mr. Canterbury, were those**  
 5 **other terminated employees happy about being terminated?**  
 6 A. I've never met anyone who is; no, sir.  
 7 **Q. When you were escorting them out, did any of**  
 8 **those terminated employees make any kind of reference to**  
 9 **corrupt, illegal, improper, or unethical practices that**  
 10 **were taking place in the Supreme Court? If you recall.**  
 11 A. I do not recall anyone saying that. The only  
 12 specific thing that I remember, is like I said,  
 13 Mr. Canterbury was threatening to go to the press.  
 14 **Q. Did he go into specifics as to what he was**  
 15 **wanting to take to the press or was considering taking**  
 16 **to the press or was that just a general statement?**  
 17 A. That was just a general statement.  
 18 **Q. There's -- I think you testified that a certain**  
 19 **period of time, that the work relationship between**  
 20 **Justice Loughry and Mr. Canterbury went sour. Is that a**  
 21 **good way to characterize that?**  
 22 A. I would say so. That's accurate.  
 23 **Q. That -- that in connection with some of the**  
 24 **dismissals, in your opinion - and this is calling for an**

1 **opinion - do you get the general feeling of any kind of**  
 2 **consideration or assumption of political alliance or**  
 3 **personal alliance where that some of the individuals**  
 4 **being terminated were at least perceived to be in some**  
 5 **type of alliance or friendship with Mr. Canterbury,**  
 6 **which could have sent them down that path?**  
 7 A. Never really thought of it in that terms. I  
 8 did not get that impression, no.  
 9 **Q. Did any of them make any comments relative to**  
 10 **that?**  
 11 A. Not that I can remember.  
 12 **Q. Okay. If a justice or other Court personnel**  
 13 **comes into their offices in the Capitol complex on the**  
 14 **weekends, holidays, or after hours, would you -- would**  
 15 **you be aware of that?**  
 16 A. I could find out just by their access card.  
 17 **Q. But unless a report was made, you wouldn't have**  
 18 **a reason to look for that?**  
 19 A. No, I would not.  
 20 **Q. Okay. And, finally, in characterizing some of**  
 21 **the -- I think you discussed the -- the current work**  
 22 **environment, the thought process of employees, et**  
 23 **cetera, with all of the concern, these proceedings, et**  
 24 **cetera, is it fair to say that there's -- there's a**

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**1 concern over current employees of the Supreme Court that**  
**2 if they provide this Committee with information or be**  
**3 subpoenaed to testify, that they were -- are in fear of**  
**4 losing their job?**  
5 A. I've never heard anyone say that, no.  
6 DELEGATE MILLER: Thank you. Thank you,  
7 Mr. Chairman, sir.  
8 CHAIRMAN SHOTT: Delegate Canestraro.  
9 DELEGATE CANESTRARO: Thank you,  
10 Mr. Chairman.  
11 EXAMINATION  
12 BY MR. CANESTRARO:  
13 **Q. Sir, thank you for being here.**  
14 A. Yes, sir.  
15 **Q. As we sit here today, Justice Loughry is**  
**16 suspended without pay. To your knowledge, does he still**  
**17 have a State computer connected to the Court?**  
18 A. To my knowledge, I have no idea.  
19 DELEGATE CANESTRARO: Thanks.  
20 CHAIRMAN SHOTT: Delegate Fleischauer,  
21 follow-up?  
22 MINORITY CHAIR FLEISCHAUER: Thank you,  
23 Mr. Chairman.  
24 EXAMINATION

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1 BY MINORITY CHAIR FLEISCHAUER:  
2 **Q. And thank you, again --**  
3 A. Yes.  
4 **Q. -- for continuing to be on the hot seat.**  
5 **I am going to go back to the couch.**  
6 A. Okay.  
7 **Q. Had you seen -- and I am talking about the**  
**8 couch that was in Justice Loughry's living room. Had**  
**9 you seen that before you saw it in the living room?**  
10 A. Yes, I -- I saw that in Justice Albright's  
11 office.  
12 **Q. Okay. So do you know where it went after**  
**13 Justice Albright got sick?**  
14 A. As far as I know, it stayed there.  
15 **Q. It stayed in his office?**  
16 A. Yes.  
17 **Q. And I don't remember, who replaced -- do you**  
**18 remember who replaced Justice Albright?**  
19 A. That would have been Justice McHugh.  
20 **Q. Okay. So as far as you know it stayed in there**  
**21 during his tenure?**  
22 A. To the best of my recollection, it was -- it  
23 was there.  
24 **Q. Okay. And I think you said that Loughry and --**

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**1 or Justice Loughry and Justice Ketchum were the only**  
**2 ones that had keys; is that right?**  
3 A. That's correct. Justice Ketchum just had one  
4 key --  
5 **Q. Uh-huh.**  
6 A. -- and that was to the silver Buick that he was  
7 driving. Justice Loughry had the -- the other Buicks.  
8 **Q. Okay. And that was after he became Chief**  
**9 Justice or before?**  
10 A. That Justice Loughry --  
11 **Q. -- had all three keys -- or had the -- all the**  
**12 keys to the Buicks?**  
13 A. Like I said, he got the keys after  
14 Mr. Canterbury left, so it would be --  
15 **Q. Oh, after Canterbury left, right. Okay, so he**  
**16 would have been Chief Justice then?**  
17 A. After he -- yes, that's correct.  
18 **Q. Okay. And the -- the mem -- or when you were**  
**19 told by Mr. Canterbury that justices did not have to**  
**20 give a reason or give a destination for their travel,**  
**21 did the -- any of the other justices continue to give**  
**22 destinations and reasons for their travel or did**  
**23 everybody stop?**  
24 A. I believe it was just Justice Loughry who

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1 didn't give destination. Justice Ketchum already had a  
2 vehicle and I think everybody else gave us destinations.  
3 **Q. Okay. You mentioned that Justice Loughry**  
**4 stopped speaking to you after you wrote the memo.**  
5 A. That's correct.  
6 **Q. How long of a period of time was that, if you**  
**7 would estimate? Was that until you retired?**  
8 A. Uh, I'm sorry? After --  
9 **Q. After -- he -- you wrote the memo, and I think**  
**10 that's Exhibit 1 and the date --**  
11 A. August the 25th, yes.  
12 **Q. -- the date of that was August 25th, 2016, and**  
**13 I forget when you retired.**  
14 A. I retired from the State Police?  
15 **Q. No, from the Supreme Court.**  
16 A. I did not retire from there.  
17 **Q. Oh, you are still there now?**  
18 A. That's the reason I'm here, yeah.  
19 **Q. Oh, okay, okay. I guess I'm confused. Thank**  
**20 you for straightening me out about that.**  
21 A. That's all right. That's okay.  
22 **Q. Okay. So did he ever start talking to you**  
**23 again?**  
24 A. After he became Chief, on the day that he --

1 Mr. Canterbury was terminated, he started talking to us  
2 again, yes.  
3 **Q. To you and Mr. Angus?**  
4 A. To me and Mr. Angus, yes.  
5 **Q. Okay. Had you -- had any of the other justices**  
6 **stopped talking to you ever?**  
7 A. No.  
8 **Q. And did Justice Loughry stop talking to anyone**  
9 **else that you're aware of at the Court?**  
10 A. Not that I'm aware of.  
11 **Q. He didn't stop -- you don't know of any other**  
12 **employee besides you or Mr. Angus or any other justice?**  
13 A. No, not that I'm aware of.  
14 **Q. Okay. I think it's probably fair to say that**  
15 **for most of us when we work someplace and we do**  
16 **something like moving furniture, we would have to take**  
17 **time off, personal leave, vacation, or something like**  
18 **that. Would you agree that that's a general rule when**  
19 **you work for the State or -- or any kind of government,**  
20 **or even private industry?**  
21 A. If it's a personal move of your -- your  
22 furniture, I would say, yes.  
23 **Q. Okay. So did you become aware, or you -- I**  
24 **guess you didn't -- you assumed that everything that you**

1 **were doing was Court business when you made the move?**  
2 A. I did.  
3 **Q. Okay. Do you recall -- you mentioned**  
4 **Mr. Canterbury, Mr. Brandfass, can you tell us who the**  
5 **other employees were who were terminated that you can**  
6 **recall?**  
7 A. I know one was Lisa Tackett. She was one. And  
8 I think there were some probation officers. I can't  
9 remember who they are.  
10 **Q. Around the state?**  
11 A. Around the state and --  
12 **Q. Okay.**  
13 A. -- and there are some other people, as well.  
14 **Q. You don't know the number, the total number**  
15 **that were terminated?**  
16 A. No, I do not.  
17 **Q. And I take it from what you said before that**  
18 **was over a period of time?**  
19 A. That was over a period of time, yes.  
20 MINORITY CHAIR FLEISCHAUER: Okay. I  
21 think that is all I have. Thank you, Mr. Gundy. And  
22 thank you, Mr. Chairman.  
23 EXAMINATION  
24 BY CHAIRMAN SHOTT:

1 **Q. Mr. Gundy, after Mr. Canterbury left, was there**  
2 **any change in your all's -- and I say your all's, the --**  
3 **your department's process in logging in reservations for**  
4 **the vehicles?**  
5 A. Uh, yes. We -- we chose to put ourselves under  
6 the fleet management and -- and we've gotten their gas  
7 cards.  
8 **Q. When did that take place?**  
9 A. It's -- it's happening now. We got their gas  
10 cards probably last week, I think.  
11 **Q. What I am interested in, Mr. Canterbury**  
12 **apparently left around January of 2017, and that's when**  
13 **Justice Loughry got the keys to the Buicks; correct?**  
14 A. He got Mr. Canterbury's keys, yes.  
15 **Q. From that time until you went over to fleet**  
16 **management, did your process or procedure change with**  
17 **how -- regard to how you logged in the reservation for**  
18 **those vehicles?**  
19 A. Yes, we started to -- to log the mileage for  
20 the vehicles.  
21 **Q. And when -- how long did that continue,**  
22 **roughly, before you went to the fleet management**  
23 **process? Has that been just recent?**  
24 A. We had been going in that direction. It --

1 it's taken a little while to implement it. We had to  
2 get trained on it and all these other things, get the  
3 gas cards. We're still pretty much implementing  
4 it. We're closer than we were. We've got PIN numbers  
5 for every employee now. I think we're pretty much  
6 there, but it took some time to -- to transfer over.  
7 **Q. What records would you have from, let's say,**  
8 **January of 2017 up until, perhaps, the fall of '17**  
9 **regarding vehicle usage by each of the justices?**  
10 A. We would probably still have the same record  
11 that we had before.  
12 **Q. The reason I ask that question, when we get the**  
13 **audit report from the Legislative Auditors, there's a**  
14 **statement in that report at page 7 that says, "After**  
15 **September 16th, 2016," 2016, "Justice Loughry no longer**  
16 **frequently appears as reserving a vehicle in the**  
17 **reservation system."**  
18 **So, apparently, the records from September**  
19 **16 of 2016 until some future date does not -- does not**  
20 **reflect any usage by Justice Loughry.**  
21 **And when we look at the second audit**  
22 **report, we see that it appears that Director Canterbury**  
23 **was still employed as late as December 4th of '16 based**  
24 **on the rental car use. So I am assuming that July date**

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1 of '17 is correct when he left.  
2 And what I am trying to figure out is: Is  
3 there any record of Justice Loughry's usage of those  
4 vehicles after he obtained the keys in July -- January  
5 of 2017? And that is a long question. Did you  
6 understand the question?  
7 A. I think. You are asking, basically, if there's  
8 a record -- if after January 17th when he got the  
9 keys --  
10 Q. Yes, sir.  
11 A. -- if there is a record of him using the  
12 vehicles? If it's not in those computer-generated --  
13 the application that we had, if it is not in there, then  
14 I would say no.  
15 Q. And I -- I guess what I am trying to verify is  
16 your testimony was after Justice Loughry had access or  
17 had possession of the keys, he would frequently take the  
18 vehicle home on weekends and that was a regular  
19 occurrence. And what I am trying to determine is if we  
20 were looking in your records, could we verify that?  
21 A. If it is not in the records, then -- then, no.  
22 Q. But would it have been your practice if you  
23 knew he was taking the vehicles home on a weekend, not  
24 to record that? Would it have been your practice to

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1 record that?  
2 A. If we knew that he was taking it home, then we  
3 -- it would be our practice to record that. I know  
4 there was a point in time, like I said, Mr. Canterbury  
5 told us that they did not have to say where they had to  
6 go when they got a vehicle.  
7 Q. But isn't there -- isn't there a difference  
8 between saying where you had to go and saying that you  
9 are taking the car?  
10 A. Yes. But if it is not in the record, I cannot  
11 say whether he took it or not. Like I said, there was a  
12 point where he said -- excuse me, we were told not to  
13 ask where they were going and I thought we still  
14 recorded it at that time. I could be wrong.  
15 Q. But your office would still have those records  
16 from 2017, would they not?  
17 A. Yes. We have those --  
18 Q. Until -- at least until you get converted to  
19 the fleet management program?  
20 A. Yes. Actually, we -- even though we are going  
21 to fleet management, we still have that computer program  
22 that we're using. So we should still have it.  
23 Q. And I assume the vehicles are still owned by  
24 the Court?

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1 A. Yes.  
2 Q. And that hasn't changed, just the process of  
3 implementing the controls of the fleet management  
4 system?  
5 A. It's just the process.  
6 Q. Thank you. One area I would like to get into,  
7 we -- as a part of the information that the Legislative  
8 Auditor's Office developed was a reference to a, I think  
9 it has been sometimes referred to as a spin down, but in  
10 2012, the Court had accumulated about \$29 million - I  
11 will call it a surplus or a slush fund - over and above  
12 their budget amount. And that dropped to less than  
13 \$400,000 in a period of four years. Did you notice any  
14 acceleration in the pace of, say, renovations in any of  
15 the courtrooms or the justice's chambers during that  
16 period of time, over what you had witnessed in the years  
17 since you were there in 2007?  
18 A. Okay, what was the time frame again? I'm  
19 sorry.  
20 Q. It would be 2012, five years after you got  
21 there --  
22 A. Right.  
23 Q. -- until about 2016 or so.  
24 A. Was there acceleration in the --

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1 Q. Yes, sir.  
2 A. Yes, I would say so.  
3 Q. Was it significant? Did you notice a major  
4 acceleration?  
5 A. There was a lot of work being done. The  
6 conference room was -- was updated. I know there was a  
7 drop ceiling in chambers when you first came in and they  
8 took it out and put a -- put a better ceiling in there;  
9 a carpet runner down. And, you know, the justices'  
10 offices were -- were renovated.  
11 Q. Did you overhear or did anyone tell you that  
12 they were making a concerted effort to try to spend down  
13 some of this surplus?  
14 A. I didn't -- never heard anyone say that, no.  
15 Q. Anything to that effect that would lead you to  
16 that conclusion that there was some effort to,  
17 basically, spend that money down?  
18 A. No, sir.  
19 CHAIRMAN SHOTT: All right. I believe I  
20 have passed over Delegate Overington, so let me give you  
21 an opportunity if you have a question. Then we'll move  
22 on to counsel.  
23 DELEGATE OVERINGTON: Thank you,  
24 Mr. Chairman.

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1 EXAMINATION

2 BY DELEGATE OVERINGTON:

3 **Q. The -- just to follow-up on when a justice took**

4 **the car home for a weekend, would somebody drop them off**

5 **or would they leave their car, their personal car in a**

6 **Court facility?**

7 A. Normally, they would leave their car. But

8 Justice Loughry didn't -- he doesn't live that far from

9 the -- from the Capitol. I'd say he could probably get

10 a ride fairly easily to come over to get his personal

11 car if he wanted to.

12 **Q. The other question I had dealt with the**

13 **termination and the Steve Canterbury being escorted out**

14 **of the Court.**

15 A. Yes, sir.

16 **Q. When he made those statements, the threat or**

17 **the statement that he was going to the press, he was not**

18 **specific in any way about what he meant by that?**

19 A. He was not specific, no.

20 **Q. Were you the only one that was present or were**

21 **the others present that heard this statement?**

22 A. Mr. Angus was in the room, as well.

23 **Q. Were any of the justices at all present when**

24 **any -- when you were --**

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1 A. No, no. It was just me and Mr. Angus with

2 Mr. Canterbury.

3 **Q. Was that statement -- was it directed to you?**

4 A. I don't know if it was directed to me or

5 whether he was just -- just talking. You know, we -- we

6 were with him for a long time gathering up his

7 possessions, so I don't know if he was just trying to

8 have conversation, I don't know.

9 **Q. Well, how was -- how did you perceive it?**

10 A. Perceive when he said that? I perceived that

11 he was trying to contemplate whether he was going to

12 talk to the press about things at the Court.

13 **Q. Did -- did he mention any other things, such as**

14 **things that he felt were inappropriate that had been**

15 **done and were a part of that statement?**

16 A. Well, Mr. Canterbury said a lot that day, and

17 I'll be honest with you, I don't remember a lot of it,

18 just that specific threat about going to the press.

19 **Q. Did he make it several times?**

20 A. Yes.

21 **Q. And it was just him and the two of you that**

22 **were present when that statement was made?**

23 A. Yes.

24 **Q. Do you remember any of the other statements**

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1 **that he made at that time?**

2 A. Not specifically; no, sir.

3 DELEGATE OVERINGTON: Thank you. Thank

4 you for being here.

5 THE WITNESS: You're welcome.

6 Thank you, Mr. Chairman.

7 CHAIRMAN SHOTT: Counsel, any further

8 follow-up? Mr. Allen?

9 MR. ALLEN: No, sir.

10 CHAIRMAN SHOTT: Mr. Carr?

11 MR. CARR: No, sir.

12 CHAIRMAN SHOTT: Mr. Gundy, I think you

13 are off the hook.

14 THE WITNESS: Yes, sir.

15 CHAIRMAN SHOTT: We thank you for your

16 time here today and, also, for your service as a State

17 police officer and as a guardian of our Court personnel.

18 Thank you. Have a good day.

19 THE WITNESS: Yes, sir. It's an honor.

20 Thank you.

21 THE CHAIRMAN: To the members, we'd hoped

22 to get two -- two witnesses in this morning. Obviously,

23 we didn't, so we'll be in recess for lunch for one hour.

24 Be back here around 12:00 o'clock. We are in recess.

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1 (Recess until 12:00 noon)

2 CHAIRMAN SHOTT: Before we begin our next

3 witness, just a comment from the Chair. It's been on

4 more than one occasion mentioned to me that we have in

5 many cases the same question being asked over and over

6 again. And my effort will be to try to curtail that to

7 some extent.

8 So if you are the first victim of me

9 saying, "That question has already been asked and

10 answered," it's not because I am targeting you, it is

11 just because you are the first person I noticed it.

12 So let's try to focus on the questions

13 that haven't been asked or to develop the questions that

14 have been asked; but if the witness has already

15 answered, it doesn't -- you don't need to say, "Didn't

16 you say X, Y, and Z?" She has already said it.

17 Okay, Counsel, will you call your next

18 witness, please.

19 MS. KAUFFMAN: Thank you,

20 Mr. Chairman. The House Committee on the Judiciary

21 calls Jennifer Bundy.

22 CHAIRMAN SHOTT: Good afternoon,

23 Ms. Bundy. Would you rise and raise your right hand,

24 please.

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1 JENNIFER BUNDY

2 was called by the Committee on the Judiciary, and having

3 been first duly sworn, testified as follows:

4 CHAIRMAN SHOTT: Thank you. Counsel

5 please proceed.

6 EXAMINATION

7 BY MS. KAUFFMAN:

8 **Q. Thank you, Ms. Bundy. Could you please state**

9 **your full name?**

10 A. Jennifer Bundy.

11 **Q. Okay. Ms. Bundy, if you do not mind to move**

12 **that microphone up just a little closer so that the**

13 **Committee members can hear you?**

14 A. Is that good, too bad, too close?

15 **Q. Okay. Thank you. Ms. Bundy, are you currently**

16 **employed?**

17 A. Yes, I am the Public Information Officer at the

18 Supreme Court of Appeals of West Virginia.

19 **Q. How long have you worked for the Supreme Court**

20 **of Appeals of West Virginia?**

21 A. 12 years.

22 **Q. And what positions have you held at the Supreme**

23 **Court of Appeals of West Virginia during your tenure of**

24 **12 years?**

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1 A. Just the one that I have now.

2 **Q. The Public Information Officer.**

3 **If you could, please just describe to the**

4 **Committee members the duties -- your duties as the**

5 **Public Information Officer.**

6 A. I am the liaison - and that is my word -

7 between the media and judiciary. If reporters have

8 questions, I try to find answers for them. If judicial

9 officers need help answering reporter questions, I have

10 -- I try to help them.

11 If there's a problem with a magistrate

12 court somewhere not giving access to information that

13 reporters want, I try to facilitate that.

14 I sometimes write speeches for

15 justices. I sometimes work on articles for them. I

16 edit reports written by other people in the office, just

17 whatever comes up.

18 **Q. Okay, thank you. As part of your duties, do**

19 **you -- and I think you indicated you are a facilitator**

20 **and a liaison with the -- with the press. Do you as**

21 **part of your duties respond typically to FOIA requests?**

22 A. No, I do not. FOIA triggers a legal process

23 and the Counsel's Office has always handled FOIAs.

24 Even -- for the entire 12 years I have been there,

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1 that's the way it was -- it's been.

2 **Q. So with respect to the types of responses that**

3 **you are providing to the media, would it be fair to say**

4 **those would be more as an e-mail as opposed to a formal**

5 **FOIA response?**

6 A. If someone just asks a question, either a

7 member of the public or a member of the media, it's just

8 a question, it is not a FOIA, then I ans -- I try to

9 answer it -- or find somebody to answer it for them.

10 **Q. Ms. Bundy, with respect to that, the answering**

11 **of questions, I would imagine during your 12 years of**

12 **employment that you have answered thousands of questions**

13 **from different entities and individuals; is that**

14 **correct?**

15 A. That would probably be a good guess, yes.

16 **Q. With that said, I want to make it clear, I am**

17 **going to, to the best of my ability, try to just limit**

18 **these questions to two areas of inquiry with respect to**

19 **responses that were provided to media. And I would like**

20 **to, if you could, I believe I've placed in front of you**

21 **a copy of the Formal Statement of Charges that were**

22 **filed by the Judicial Investigation Commission. Are you**

23 **aware that this Formal Statement of Charges had been**

24 **filed against Justice Loughry back in June?**

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1 A. Yes.

2 **Q. As part of this Formal Statement of Charges,**

3 **there are several references to information in that --**

4 **in the statement of charges. They reference the Court's**

5 **Public Information Office or Court's Public Information**

6 **Officer. Let me ask you first, is that you as far as**

7 **you know?**

8 A. It's me, or if I am not available, it is April

9 Harless, my deputy in the office. It's just the two of

10 us.

11 **Q. With that said, I would like for -- to talk**

12 **about the references. And first, I would ask that you**

13 **please refer to page 6 of the Formal Statement of**

14 **Charges with a paragraph numbered 13. And I will to the**

15 **best of my ability -- ability just summarize that.**

16 **It is my understanding from that paragraph**

17 **that in February of this year, there was -- a story --**

18 **well, actually, to back up, a story had been aired back**

19 **in November of 2017 with respect to an interview. And**

20 **then in February, there was a request or opportunity by**

21 **a television station to give Justice Loughry an**

22 **opportunity to address or correct his earlier**

23 **statements.**

24 **Do you recall when that -- those events**

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1 were happening?  
2 A. Yes.  
3 **Q. As part of this Paragraph Numbered 13 on page**  
4 **6, they reference an e-mail dated the same date and sent**  
5 **at approximately 11:45 A.M. from the Court's Public**  
6 **Information Officer, that indicates it was on behalf of**  
7 **the respondent stating Chief Justice Allen H, Loughry,**  
8 **II said "I stand by my prior statement that I had no**  
9 **knowledge of the outrageous and inflated expenditures on**  
10 **furniture items such as the couch. Any insinuation to**  
11 **the contrary is simply dishonest." Do you see that**  
12 **statement in this paragraph?**  
13 A. Yes.  
14 **Q. Are -- do you recall that statement and that**  
15 **information being sent out?**  
16 A. There were a lot of e-mails that went out about  
17 that time. I don't specifically recall this one. I  
18 recognize it. I don't -- I mean, yes, I sent it, but I  
19 don't particularly recall this one.  
20 **Q. And I think that, perhaps, goes to our earlier**  
21 **-- the earlier part of your testimony that you have sent**  
22 **out hundreds, thousands of e-mails or responses; again,**  
23 **is that fair?**  
24 A. Yes.

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1 **Q. With respect to the e-mail that was sent out**  
2 **that's referenced in paragraph number 13, let me ask you**  
3 **just generally if you could let the Committee know how**  
4 **you draft these responses. When an inquiry comes in, a**  
5 **question, be it by e-mail or however -- whatever method**  
6 **you receive that, how is the response to that formulated**  
7 **and how -- just how do you go about responding?**  
8 A. Well, generally during the 12 years that I have  
9 been there, we get a request for information from a  
10 reporter. If it is a simple thing, I just write it down  
11 and try to find an answer and get back to them. If it  
12 is more complicated, then I ask them to put it in  
13 writing and send it in an e-mail so then I can forward  
14 the e-mail to people I think might be able to answer it  
15 and I don't have to be the go-between and maybe  
16 misinterpret what the reporter is looking for.  
17 When it comes to questions for justices, I  
18 try to -- I always ask the justice involved the question  
19 or if it is a question about the Court in general, the  
20 Chief Justice.  
21 During this time period, all of the  
22 requests for information that I got, I gave to Justice  
23 Loughry, either in writing or also had a personal  
24 discussion with him. And if the response --

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1 CHAIRMAN SHOTT: Excuse me, Ms. Bundy,  
2 could you pull that microphone just a little bit  
3 closer. I think we are having some people that are  
4 having trouble hearing.  
5 THE WITNESS: Sorry.  
6 CHAIRMAN SHOTT: That's better. Thank  
7 you.  
8 A. If it says that "Chief Justice Loughry said"  
9 and then I quoted it, that is a direct quote from him  
10 that he told me to give him -- to give to whoever asked  
11 the question.  
12 **Q. Okay, so your -- if I understand your testimony**  
13 **correctly, it's your belief that this e-mail that is**  
14 **referenced in paragraph number 13, because it is in the**  
15 **quote, would have been a direct quote from Justice**  
16 **Loughry?**  
17 A. Yes, he would have dictated that to me. He  
18 would have reviewed it before I sent it out and approved  
19 it before I sent it.  
20 **Q. That was my next question. Did you typically**  
21 **have approval before you would send out responses to the**  
22 **inquiries that you responded to?**  
23 A. For absolutely everything. Every time I talk  
24 to anyone in the media in writing -- I mean, if they

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1 just call and ask a simple question, I can answer it,  
2 like "What is the filing procedure for something," but  
3 if it has to do with, you know, a real question about  
4 something, I try to get ahold -- if it is a drug court  
5 question, I get ahold of the drug court people and try  
6 to get them in contact with each other. But for  
7 questions that go to the justices, I go to the justices  
8 for answers.  
9 Justice Loughry specifically always, I  
10 would write down exactly what he said. He would say,  
11 "Now, what are you going to say?" And I would read it  
12 back to him word for word. I would send the e-mail to  
13 the reporter and then I would oftentimes - I tried to  
14 always do this, but I can't promise that I always did it  
15 - send an e-mail to him afterwards proving that I had  
16 done what he told me to do.  
17 **Q. Okay. Do you have any reason to believe that**  
18 **this e-mail that is referenced in paragraph number 13 on**  
19 **page 6 was handled any differently?**  
20 A. No.  
21 **Q. Okay. Now, if I could ask you to please skip**  
22 **over to page 18 of the Formal Statement of Charges to a**  
23 **paragraph numbered 40. It is my understanding, and I**  
24 **will to the best of my ability again just try to briefly**

1 summarize. This paragraph references another e-mail  
2 that was sent that stated - and there are quotes in this  
3 - "The Court has a longstanding practice of providing  
4 the Justices an opportunity to establish a home office,  
5 with Court-provided technology equipment, (i.e.  
6 computers) and furniture to suit their respective  
7 needs."

8 Do you recall that e-mail?

9 A. Yes.

10 Q. And paragraph number 40 again references a  
11 Public Information Officer. Are you that Public  
12 Information Officer referenced in paragraph 40?

13 A. Yes.

14 Q. If you could, please, just try to provide some  
15 context to the Committee members about the events that  
16 have led up to this -- to this e-mail -- to these  
17 e-mails being sent out with that information in it?

18 A. I'm not sure what you mean by "context."

19 Q. With respect -- it's my understanding -- and  
20 actually, let me try to do a little better job of that.

21 If you could, please, in the exhibit notebook, I am  
22 going to now ask you to look at tab number 30, which has  
23 been premarked as Exhibit Number 30. It is my  
24 understanding from a review of that document that that

1 was sent to you -- from you, rather, to Gary Johnson,  
2 Christopher Morris, and Sue Troy. That would have been  
3 on October 18, 2017.

4 So if you could, once you have had an  
5 opportunity to review that document, just let the Court  
6 -- or I'm sorry, let the Committee know what -- what  
7 that request was and what was -- what really kind of got  
8 the ball rolling here beginning in October, what type of  
9 request you had had.

10 A. Okay, I think Exhibit -- I don't think this is  
11 the right exhibit. Hold on.

12 MS. KAUFFMAN: Mr. Chairman, may I  
13 approach to make sure?

14 A. Oh, okay, now I've got it. There was some --  
15 this was sticking to the wrong thing.

16 Okay. The -- the initial call that I got  
17 about the furniture was from Kennie Bass. He just  
18 called one morning on this day when the Court was on the  
19 bench and asked me this series of questions. And what I  
20 usually do is when reporters call with a question, I  
21 write their name and I write the question on a little  
22 Post-It Note so then when I am done with the question, I  
23 throw it away and I know that is off my desk.

24 So this took several Post-It Notes to

1 write down all these questions. When I -- since Justice  
2 Loughry was on the bench, I couldn't talk to him. So I  
3 went to look for Judge Johnson, who was the Court  
4 Administrator at the time, and I found him in Sue Troy's  
5 office having a conversation with Sue with Christopher  
6 Morris, one of the counsel of the Administrative  
7 Office. And so I read these questions to them. We had  
8 a discussion about it.

9 And so that -- because it was just on  
10 little Post-It Notes and I was worried I would lose my  
11 Post-It Notes, I put it in writing and sent them just  
12 question -- the same questions that I had on the Post-It  
13 Notes.

14 Q. It is my understanding from a review of this  
15 e-mail that Mr. Bass had indicated he wished to do a  
16 story on the renovations regarding Justice Loughry's  
17 office, as well as there were some other issues brought  
18 up. Is that -- is that accurate?

19 A. Yes, these are the questions he asked.

20 Q. Okay. And now, after that, if you could,  
21 please, go to -- and review Exhibit 31. And I hope they  
22 are not incorrectly marked now.

23 A. Okay.

24 Q. I believe that Exhibit Number 31 has four

1 pages, a total of four pages. If you could, please go  
2 to page 2 of that exhibit. I believe the next-to-last  
3 paragraph, it states "Also for clarification, the Court  
4 has a longstanding practice --" and it, I believe, has  
5 the words that are noted in paragraph number 40 of the  
6 Formal Statement of Charges. Do you see that?

7 A. Yes.

8 Q. Okay. If you could, please just let the  
9 Committee know again how this came about. Was this as a  
10 result of communications that you were having with  
11 Mr. Bass?

12 A. This e-mail to Kennie Bass was a result of  
13 conversations I had with Justice Loughry in response to  
14 questions asked by Kennie Bass. Justice Loughry told me  
15 what to tell Mr. Bass and this is what he told me to  
16 tell him, pretty much word for word, with the possible  
17 exception of the (i.e. computers), I think I added  
18 that. But the rest of it was word for word what Justice  
19 Loughry told me to tell him.

20 Q. Okay. So the -- the notation or the statement  
21 noted in Paragraph Number 40 of the statement of charges  
22 which, again, is in this particular e-mail, came from  
23 just -- Justice Loughry.

24 A. Yes.

1 **Q. Okay. I am now going to ask you to refer,**  
2 **please, to Exhibit Number 32. I believe this exhibit**  
3 **has three pages. If you could look at near the bottom**  
4 **right above your signature block, I believe this same**  
5 **statement is included in that e-mail, as well. Do you**  
6 **see that? It says "Also for clarification --" at the**  
7 **bottom of the e-mail?**

8 A. Oh, okay. Yes, that's the same statement.  
9 Phil and Kennie, basically, asked the same thing on the  
10 same day so I sent them the same answer.

11 **Q. That -- that was my next question, so this**  
12 **answer was sent to both Mr. Kabler and Mr. Bass?**

13 A. Yes.

14 **Q. Okay. After sending out that -- this answer or**  
15 **this response with respect to the home office policy,**  
16 **what -- when did you next hear anything about the**  
17 **response that you sent out, from any other justice? Let**  
18 **me -- let me narrow that question.**

19 A. The next morning before I got to work, I  
20 believe it was three people either ran to me either on  
21 the way into the building or once I got into the  
22 building telling me Justice Davis was looking for  
23 me. And so as soon as I got in, I went to her  
24 office. And she asked me where I had gotten -- it had

1 been in the -- she had the newspaper in front of her and  
2 she had -- was referring to the newspaper - not the  
3 Kennie Bass story, but the Phil Kabler story - and she  
4 asked me where I got that information from. And I said  
5 I got it from Justice Loughry. He told me to say that  
6 word for word. And she said, "Okay."

7 **Q. Was that, as you recall, the end of the**  
8 **conversation you had with Justice Davis as a --**  
9 **regarding that statement?**

10 A. Yes.

11 **Q. Okay. Now, I will ask you to, if you could,**  
12 **please, look at Exhibit Number 33 in the notebook. It**  
13 **is my understanding that that -- this contains at least**  
14 **some information regarding Justice Davis's response**  
15 **regarding, at least in part, a home office policy. And**  
16 **let me ask you first: It appears this is actually a**  
17 **response to a FOIA request; is that correct?**

18 A. Yes.

19 **Q. And I believe you stated earlier you generally**  
20 **do not respond to FOIA requests; is that correct?**

21 A. That's correct.

22 **Q. Okay. So would it be fair to say that you did**  
23 **not have any input into the drafting of this particular**  
24 **exhibit, Exhibit Number 33?**

1 A. That's correct.

2 **Q. Okay. At some point later, after you sent out**  
3 **the e-mails to Mr. Bass and Mr. Kabler regarding the**  
4 **home office policy, did you obtain any other information**  
5 **about a home office policy, or lack thereof, for the**  
6 **Court?**

7 A. When this FOIA response -- response was sent  
8 out, eventually -- I don't remember exactly when, but  
9 eventually I got a copy of this after it was sent to the  
10 reporter who requested it, and that was the first time I  
11 was -- learned that there was no such policy, because  
12 that FOIA response said that.

13 **Q. Okay. At the time that you sent out the**  
14 **e-mails, the responses to Mr. Bass and Mr. Kabler, did**  
15 **you have any reason to -- to question the veracity of**  
16 **that statement?**

17 A. No.

18 **Q. Okay. Did you speak with Justice Loughry, if**  
19 **you recall, at any time after you sent out that**  
20 **statement about that particular statement -- not any**  
21 **other conversations with him?**

22 A. I -- I don't recall. I probably did, but I  
23 just don't remember.

24 **Q. Okay. At some point during your conversations**

1 **with Justice Loughry regarding the -- a home office**  
2 **policy, do you recall any part of the conversation in**  
3 **which he told you he believed there was or his reason**  
4 **for thinking there was a home office policy?**

5 A. He was pretty adamant that there was such a  
6 policy. I mean he -- I remember having several  
7 conversations with him about it. That's why I don't  
8 remember if they were in regard to this particular  
9 statement, but over the course of time, he told me  
10 several times there was such a policy, that he -- he  
11 said that he was -- one of the first conversations he  
12 had with Steve Canterbury when he was elected justice  
13 was about a home office. And he had a notebook that he  
14 pulled out of one of his filing cabinets. And it was a  
15 legal pad - I don't remember if it was yellow or white -  
16 but it was a legal pad and it had "Home Office" written  
17 on the top of it. And he said these were notes from his  
18 first conversation with Mr. Canterbury and that in that  
19 conversation -- the result of that conversation was him  
20 believing that there was such a policy was what he told  
21 me. He was very convincing that he believed there was  
22 such a policy. And he was the Chief Justice. He was a  
23 lawyer. He has got four law degrees. I didn't have any  
24 reason to doubt that that was the case.

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**1 Q. With respect to the notebook that you just**  
**2 mentioned, what did that notebook in your understanding**  
**3 purport to represent?**  
4 A. Notes of his conversation with Mr. Canterbury.  
**5 Q. Did he indicate how many conversations he had**  
**6 note -- taken notes with Mr. Canterbury?**  
7 A. No, he did not.  
**8 Q. Okay. Did you personally review that note pad**  
**9 or did you just see it from -- from afar?**  
10 A. I saw it from afar and saw "Home Office"  
11 written at the top, but that's all I remember.  
**12 Q. Okay. Did that conversation with Justice**  
**13 Loughry occur in his office?**  
14 A. Yes.  
**15 Q. Okay. Ms. Bundy, I am going to now ask you to**  
**16 if you could, please refer to Exhibit Number 34 in the**  
**17 notebook before you. That -- it appears if you -- I'll**  
**18 give you a moment to take a look at it first.**  
19 A. Okay.  
**20 Q. That appears to be an e-mail that is from you**  
**21 to Justice Loughry, is that accurate?**  
22 A. Yes, yes.  
**23 Q. And do you recall the reason or the**  
**24 circumstances in which you had drafted -- or this e-mail**

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**1 was drafted, rather, and sent to Justice Loughry?**  
2 A. Yes, but I want to clarify before I  
3 answer. Was November 30th the day that the desk was  
4 moved out of his house?  
**5 Q. I -- I believe we have had testimony to that**  
**6 effect. I don't personally know, but I believe there**  
**7 has been testimony to that effect.**  
8 A. Okay. This was part of a series of e-mails  
9 that went back and forth from me, Justice Loughry, and  
10 then to reporters. The circumstances were that morning  
11 he came to me and said, "I want you to prepare a  
12 statement. Basically, this is what I want you to say,  
13 but I don't want you to send out the statement until I  
14 tell you to." And he said, "It might be this  
15 afternoon." I said, "Okay."  
16 So I -- two or three versions of the  
17 statement went back and forth and then in the afternoon,  
18 he said, "Go ahead and send the statement."  
**19 Q. Is this the statement, or at least a draft of**  
**20 the statement, that you were just referring to?**  
21 A. It says "Latest version of statement," so I'm  
22 not sure that was the final version that went to a  
23 reporter, but some of this language -- I mean, this was  
24 one of those cases where he would tell me what --

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1 generally what he wanted me to say, and then I would  
2 make a draft and then he would review it, maybe make  
3 some changes, and then -- but -- so --  
**4 Q. Is it fair to say that what this e-mail would**  
**5 represent would be the latest version you had that you**  
**6 had sent to Justice Loughry --**  
7 A. Yes.  
**8 Q. -- at that time?**  
9 A. Yes.  
**10 Q. Okay. Now, if you could, please, refer to the**  
**11 last exhibit in the notebook. It is marked Exhibit**  
**12 Number 35.**  
13 I believe that that statement is contained  
**14 at the top on the first page of that in the second**  
**15 paragraph, but that -- this also appears to be an e-mail**  
**16 from -- from you to Justice Loughry again; is that**  
**17 correct?**  
18 A. Yes.  
**19 Q. Okay. And if you go down through, and I**  
**20 believe Exhibit Number 35 is three pages long, this --**  
**21 there are other e-mails that are attached that appear to**  
**22 not include you that may just be between Mr. Kabler and**  
**23 Justice Loughry; is that correct?**  
24 A. That's what it appears to be, and then it

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1 appears that Justice Loughry would have forwarded those  
2 to me. And then I would have sent the top one back to  
3 him. That's what it looks like.  
**4 Q. And if you -- let me just ask you**  
**5 generally. Were these -- and we are talking about these**  
**6 e-mails now, we are on November 30th of 2017. Does this**  
**7 deal with the pieces of furniture being at his home and**  
**8 the removal of furniture or furnishings, especially a**  
**9 desk?**  
10 A. That's what it looks like, yes.  
**11 Q. Okay. Okay. Did -- with respect to the -- the**  
**12 desk and let's -- I'll -- I started with that. Let me**  
**13 ask a question about that. Did you have any personal**  
**14 knowledge about the -- what has been referred to by some**  
**15 people throughout the course of this hearing as a Cass**  
**16 Gilbert desk that was at Justice Loughry's home?**  
17 A. I didn't know he had a desk at his home until a  
18 reporter asked me about it. And I asked him the  
19 question and he said, yes, he did.  
**20 Q. Okay. And do you recall when that -- when that**  
**21 happened? Was that near the time the desk was being**  
**22 moved back or was that earlier, if you recall?**  
23 A. I think it was that same week.  
**24 Q. Okay.**

1 A. And whenever those -- there were a whole series  
2 of questions from different reporters asking, basically,  
3 the same thing and then with a slightly different twist,  
4 and it all was difficult to keep track of who was asking  
5 what, and to try to get the right answer to the right  
6 person. But -- I definitely -- and I don't know who  
7 asked the question, but I -- it was a reporter's  
8 question, specifically, "I've heard that you have a  
9 desk. I heard it is a Cass Gilbert desk. Is that  
10 true?" And I asked him and he said, "Yes."

**11 Q. And that is the first time that you personally  
12 became aware there was a Cass Gilbert desk at Justice  
13 Loughry's home?**

14 A. Yes.

**15 Q. Let me ask you the same question with respect  
16 to a couch. There has been a couch that has been  
17 referenced in prior testimony. Were you aware of any  
18 type of couch that was taken from the Capitol to Justice  
19 Loughry's home?**

20 A. I knew that there was a couch at his house that  
21 had once been in his office because Mr. Canterbury told  
22 me that several times over the years.

**23 Q. So that would have been before the November of  
24 2017 time frame, you would have known about the couch**

**1 earlier?**

2 A. Yes.

**3 Q. Okay. Did you ever personally go to Justice  
4 Loughry's home for any reason, with respect to this  
5 furniture?**

6 A. No, I have no idea where he lives.

**7 Q. With respect to the furniture, after the  
8 furniture was -- was moved, did -- did you have any  
9 further involvement once any pieces of furniture, either  
10 the desk or the chair, made it to the warehouse?**

11 A. Yes. I kept getting constant questions about  
12 it from reporters, largely, Phil Kabler and Kennie Bass,  
13 but others, too, about where the desk was and the couch  
14 and people wanted to see it and take pictures of it and  
15 why weren't they allowed to see it and take pictures of  
16 it. And I would relay all those to the justices and  
17 respond as they told me to respond.

**18 Q. At some point did you meet any of the members  
19 of the media at the warehouse where the couch and the  
20 desk were located?**

21 A. Yes.

**22 Q. Can you please tell the Committee about that?**

23 A. At one point the justices decided to make the  
24 warehouse open and available to the media at a certain

1 time on a certain day. And I arranged it with the -- it  
2 was largely Phil Kabler and Kennie Bass who asked about  
3 it. And then there was an editorial page person from  
4 the Daily Mail who came, too, and we met them there at a  
5 time that was convenient for everybody and opened up the  
6 warehouse and showed them where it was.

**7 Q. How long --**

8 A. And they took -- they took pictures.

**9 Q. How long did that -- that last when you were at  
10 the warehouse that day?**

11 A. Longer than it should have because the TV  
12 camera men didn't bring something he needed to make the  
13 camera run. So as soon as we got in there, he had to go  
14 back to the station and get something. So the door was  
15 open on the warehouse and we were freezing to death in  
16 there for -- like, it seemed forever. But the actual  
17 taking pictures of the couch and the desk didn't take  
18 very long.

**19 Q. More or less than ten minutes?**

20 A. The whole time we were at the warehouse was  
21 closer maybe to an hour, but actually taking pictures of  
22 the desk and the couch was more like ten minutes,  
23 maybe. And then Kennie -- Kennie Bass -- Mr. Bass did a  
24 stand-up roost in front of the desk and did, like, a

1 little commentary.

**2 Q. Okay. Have you been back to the warehouse for  
3 any reason with media or anyone else about either the  
4 desk or the couch since that time?**

5 A. Not about the desk or the couch or with  
6 media. I have been back to the warehouse because I just  
7 go over there every once in a while to take and pick up  
8 things, but --

**9 Q. But not anything to do with the desk or the  
10 couch?**

11 A. No.

**12 Q. Okay. Ms. Bundy, you have mentioned the name  
13 Steve Canterbury, and let me just confirm, you -- do you  
14 know Mr. Canterbury?**

15 A. Yes.

**16 Q. And do you recall that at some point -- or do  
17 you recall the date or approximate date that  
18 Mr. Canterbury's employment ended with the Supreme Court  
19 of Appeals of West Virginia?**

20 A. Yes, it was January 2nd, 2017.

**21 Q. How -- if -- was that just a memorable day for  
22 you that sticks in your mind or how do you recall that  
23 date?**

24 A. It was the very first day that -- after the

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1 holiday, Justice Walker took office on January 1st,  
2 Justice Loughry became Chief Justice on January  
3 1st. And that was a holiday. The very next day Steve  
4 was fired.

**5 Q. You have referred to -- to Mr. Canterbury as  
6 Steve. Do -- were you an -- were you friends with him,  
7 as well as co-workers?**

8 A. I am and I apologize for that. I should call  
9 him Mr. Canterbury, but --

**10 Q. No, that's fine. No, I was just asking the  
11 question. I just wanted to make sure that --**

12 A. Yes, I consider him a personal friend.

**13 Q. Okay. After the termination of  
14 Mr. Canterbury's employment in January of 2017, did you  
15 or anybody on your staff - I believe you indicated there  
16 was one other person that works with you - have any  
17 contact with Justice Loughry regarding Mr. Canterbury's  
18 termination?**

19 A. Multiple times. The first occasion was that  
20 day, that same day, April Harless had told me in a  
21 conversation she had with Justice -- Chief Justice  
22 Loughry, then Chief Justice Loughry, that he didn't want  
23 us to talk to Mr. Canterbury anymore, and she told me  
24 about that.

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1 And so the next opportunity I had to see  
2 Mr. Loughry -- Justice Loughry was in the hallway  
3 outside of my office, and I told him that I understood  
4 that that's what he wanted, but that I considered Steve  
5 a good, personal friend and I didn't -- I intended to  
6 continue to talk to him. I promised that I wouldn't  
7 talk about anything that had anything to do with work,  
8 but we were -- my family was friends with his family and  
9 we were going to continue to talk.

**10 Q. And what was Justice Loughry -- Chief Justice  
11 Loughry at the time, what was his response?**

12 A. He just said, "Okay." And I don't think he had  
13 much more of a response than that. But then over time,  
14 and I can't remember how many occasions and I can't  
15 remember exactly the circumstances, but we had several  
16 discussions where he would make a comment about "I know  
17 Steve is your friend, but how can you continue to be  
18 friends with somebody who does this and that," or, you  
19 know, whatever was coming up at that point. And I  
20 just --

**21 Q. What -- what were your responses, if you  
22 recall, to those types of comments?**

23 A. I tried not to respond at first, but eventually  
24 I just told him the truth, which is that, you know, I'm

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1 a Christian and the Bible teaches love and forgiveness  
2 and even if people -- Steve is not a Christian, but I  
3 believe God loves him because God loves everyone. And  
4 I -- just like Justice Loughry, I believe God loves and  
5 forgives him, too. And I don't -- I've never known  
6 anybody who was perfect and I don't want to get involved  
7 with the arguments between the two of them, but Steve is  
8 my friend.

**9 Q. As -- I believe you indicated that  
10 Mr. Canterbury's termination occurred in January of  
11 2017. Did your role with respect -- as a Public  
12 Information Officer, did your role as Public Information  
13 Officer as it related to Justice Loughry, only -- we'll  
14 begin with Justice Loughry, did you notice -- notice any  
15 changes in your role during 2017?**

16 A. The entire year of 2017?

**17 Q. The entire year. If you could just -- if there  
18 were any changes, note those?**

19 A. I thought we had a good working relationship up  
20 until the October phone call from Kennie Bass. And  
21 after that, I continued to get questions from  
22 reporters. And I would give them to him, but I was kept  
23 out of the loop about responses. And, in fact, when  
24 Mr. Bass did the TV interview with Justice Loughry and

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1 Justice Davis, I didn't know that those had occurred  
2 until I saw them on TV. I didn't have any involvement  
3 at all in the responses until the day that, I think it  
4 was Phil Kabler, had the picture of them removing the  
5 couch on his Twitter feed. And somebody sent that to me  
6 before I got to work in the morning and that day I  
7 decided that they needed some guidance. So I decided to  
8 interject myself into the situation whether they wanted  
9 me to or not.

**10 Q. And that -- I'm sorry, did you say that was the  
11 day there was a picture on social media of the couch?**

12 A. Yes.

**13 Q. And if you can, just let the Committee know how  
14 -- what you did at that time to insert yourself.**

15 A. I was stunned that they had done that. I had  
16 no idea they were going to do that and I went to work  
17 and I tried -- Justice Loughry wasn't there, it's one of  
18 the rare occasions where I got to work before he did.  
19 And I -- the only person I could find to talk to, Chris  
20 Morris wasn't there, Judge Johnson wasn't there, but  
21 Lori Paletta-Davis was there. And so I asked her, "Did  
22 you know about this and why did he do this?" And she  
23 said, "It's just a couch. Why would anybody care about  
24 it?" And I tried to explain to her why I thought it was

1 important and she just didn't seem to understand why  
2 anybody would think that was important.

3 So when Justice Loughry came in, we had a  
4 discussion about it and at that point, there were lots  
5 of media questions and what. And I can't tell you who  
6 asked what, when, but that day there were lots of  
7 questions about the couch.

8 So -- and they came to me and I gave them  
9 to Justice Loughry and I -- we just sat and talked about  
10 how to respond to them, and then I started sending the  
11 responses.

**12 Q. So at that point you began responding to these  
13 general media inquiries that you would have been  
14 response -- that you generally would have responded to?**

15 A. Yes.

**16 Q. At some point, did you ever ask any questions  
17 about the -- the change in your duties and the fact that  
18 you had not been involved in some of those discussions  
19 in 2017?**

20 A. Yes. At one point, I became concerned about my  
21 job because I was -- they were answering media questions  
22 that seemed to be important to me, and I wasn't involved  
23 in that. And I just found Justice Loughry and Judge  
24 Johnson, they were at a conference downtown, a circuit

1 judge's conference, and I found them and asked -- just  
2 flat out asked them, "Am I going to lose my job? Why  
3 aren't you involving me in these conversations?"

4 And Justice Loughry assured me that I was  
5 not going to lose my job. He said it two or three  
6 times, but Judge Johnson told me that the reason they  
7 had not involved me was because I had said I was friends  
8 with Steve Canterbury and they didn't want to put me in  
9 a difficult position.

**10 Q. Okay.**

11 MS. KAUFFMAN: Ms. Bundy, I do not believe  
12 that I have any further questions for you. Thank you.

13 CHAIRMAN SHOTT: Ms. Bundy, our practice  
14 has been to allow our Committee members to follow up  
15 with some questions, so I will beg your indulgence to  
16 hang in there a little longer. I am going to start on  
17 my right this time, from right to left. Delegate Lane,  
18 any questions?

19 EXAMINATION

20 BY DELEGATE LANE:

**21 Q. Thank you, Ms. Bundy. It has been a while.**

22 A. Yes, it has.

**23 Q. The warehouse, was that the warehouse on  
24 Venable Avenue?**

1 A. Yes.

**2 Q. And you had access to it?**

3 A. I had access -- when I needed to go over there,  
4 I would ask Arthur Angus or Paul Mendez for the code  
5 unless somebody was going to be there to let us in.  
6 There is a bell to ring that you can -- if someone's  
7 going to be there.

**8 Q. So you -- so you had to ask for the code before  
9 you went over there?**

10 A. Yes.

11 DELEGATE LANE: Okay, thank you. That is  
12 all I have.

13 CHAIRMAN SHOTT: Delegate Byrd.

14 DELEGATE BYRD: Thank you, Mr. Chairman.

15 EXAMINATION

16 BY DELEGATE BYRD:

**17 Q. Thank you for being here.**

**18 Earlier in your testimony you talked about  
19 that Justice Allen Loughry would dictate to you what to  
20 say, and my only question is a clarification. Were  
21 those dictations in person or did he actually dictate it  
22 and then it would go to you in an e-mail, or in the form  
23 of a tape?**

24 A. No, in person. I would have a conversation

1 with him in his office, in my office. And I would write  
2 down what he said and he would say, "Now, what are you  
3 going to say?" And I would read it back to him. And  
4 then I would send it to the reporter and then try to  
5 send a copy to him if I remembered to do that. For a  
6 while there were so many, I can't promise that I sent  
7 every, single one to him.

**8 Q. Okay, fair enough. And then could we turn the  
9 screen to the last page of Exhibit 35.**

10 CHAIRMAN SHOTT: Counsel, could you turn  
11 to the last page of Exhibit 35.

**12 Q. Okay, do you see this e-mail, which is from  
13 Justice Loughry to, I think, it is Phil Kabler, on  
14 November 27, 2017?**

15 A. Yes.

**16 Q. When Justice Loughry would send out these  
17 e-mails, would he blind copy you on these e-mails?**

18 A. No, not usually. I think I got this -- see,  
19 this -- the first e-mail from Justice Loughry to  
20 Mr. Kabler is November 27th and I don't know at what  
21 point I got a copy of that. I'm not -- but I sent the  
22 first response back on November 30th, so I just don't  
23 know where in that point I was looped in. I don't  
24 remember.

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1 **Q. I completely understand. Do you know if**  
2 **Justice Loughry would copy -- blind copy others on these**  
3 **e-mails that you would be sending out after it was a**  
4 **prepared response?**  
5 A. I don't have any idea what he did.  
6 DELEGATE BYRD: Okay, thank you.  
7 CHAIRMAN SHOTT: Delegate Lovejoy.  
8 DELEGATE LOVEJOY: Thank you -- thank you,  
9 Mr. Chairman.  
10 EXAMINATION  
11 BY DELEGATE LOVEJOY:  
12 **Q. Just briefly. When you -- you gave some**  
13 **testimony a minute ago about you came to work early one**  
14 **day before Justice Loughry --**  
15 A. Well, I wouldn't say it was early. I don't  
16 come to work early. It was -- just happened to be  
17 before him that day. He was usually there early and  
18 stayed late.  
19 **Q. Okay. You -- you'd arrived earlier than he did**  
20 **that day and you -- you've referenced a conversation**  
21 **with someone who said, "What's the big deal, it's a**  
22 **couch?" Who was that person? I missed that --**  
23 A. Lori Paletta-Davis, one of the administrative  
24 counsel.

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1 **Q. Okay. Thank you.**  
2 CHAIRMAN SHOTT: Delegate Robinson.  
3 DELEGATE ROBINSON: Thank you -- thank  
4 you, Mr. Chairman.  
5 EXAMINATION  
6 BY DELEGATE ROBINSON:  
7 **Q. Ms. Bundy, you said at one point that**  
8 **Mr. Canterbury told you numerous times about furniture**  
9 **at Justice Loughry's house?**  
10 A. Just about the couch.  
11 **Q. Just about the couch.**  
12 A. He never said anything about anything else.  
13 **Q. Can you just tell me what context, why that**  
14 **would come up so often in conversation?**  
15 A. I wouldn't say it was often, maybe less than  
16 ten times, more than five. Just -- he didn't like  
17 Justice Loughry. Justice Loughry didn't like him. He  
18 would gripe about him.  
19 **Q. And that the furniture being at his house was**  
20 **brought up in that conversation?**  
21 A. Yeah, I mean I don't remember the exact  
22 conversations. I couldn't tell you when, where they  
23 happened, what the conversations would about -- were  
24 about, but I know I talked -- he told me several times

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1 about the couch being there.  
2 **Q. But when complaining about or griping about, as**  
3 **you said, Justice Loughry, it would be pointed out that**  
4 **he has State property or furniture at his house -- home?**  
5 A. Yes. Well, it was not described to me as State  
6 property. It was described to me as a couch that was  
7 once in Justice Albright's office that was in Justice  
8 Loughry's office when he became justice.  
9 **Q. Just the couch?**  
10 A. Just the couch.  
11 **Q. Okay. It seemed like the conversation about**  
12 **your friendship with Mr. Canterbury was pretty**  
13 **contentious. Were you -- were you able to have that**  
14 **type of a conversation with Justice Loughry typically or**  
15 **was that a challenge to step up and have that**  
16 **conversation?**  
17 A. No, I -- I'm pretty open and frank --  
18 **Q. Pretty direct?**  
19 A. -- with the justices, I always have been. I  
20 just -- no, I just wanted him to know that I had heard  
21 he wanted me to do that and I wasn't -- he didn't bring  
22 it up, I did.  
23 **Q. Uh-huh. Now --**  
24 A. And I don't think it was a contentious

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1 conversation. He was just, "Okay."  
2 **Q. You are pretty comfortable stepping up to the**  
3 **plate on those conversations?**  
4 A. Yes.  
5 **Q. Now, if there was any instance or it seems like**  
6 **you were maybe unaware that there was not a policy and**  
7 **Justice Loughry's comments that there was a home office**  
8 **policy and Robin Davis, Justice Davis, directs that**  
9 **there was no such policy. Now, in the occasion that you**  
10 **were aware there was no such policy, would you have been**  
11 **comfortable in telling Justice Loughry you would not**  
12 **send that statement out?**  
13 A. Probably, but at the time I sent the statement  
14 out, I didn't know that it wasn't true. He -- right.  
15 **Q. Yes, yeah, I'm --**  
16 A. I probably would have, but I didn't become  
17 aware that there was no such policy until the FOIA  
18 response saying that had already been sent to a reporter  
19 and then I got a copy of it after the fact.  
20 **Q. I understand that. I'm more interested in your**  
21 **comfort level of declining a direct order and direct**  
22 **request from Justice Loughry. As you said, you had some**  
23 **concern for your employment at one time and would you**  
24 **have concern for your employment if you had declined or**

**1 declined to send out an order that you were not okay**  
**2 with?**  
3 A. I would have been concerned for my employment  
4 if he had asked me to do something that I knew -- to  
5 send information to someone that I knew at the time to  
6 be untruthful. We would have had a discussion about it,  
7 but I do not recall a time that any of the justices have  
8 ever asked me to do that.  
**9 Q. And it -- it's kind of come to light that some**  
**10 of the statements may have not been truthful and if you**  
**11 had known that at the time, would you have been**  
**12 comfortable telling Justice Loughry no, is my question.**  
13 A. You know, I can't answer a "what if."  
**14 Q. I understand.**  
15 A. I just don't know.  
**16 Q. I understand. That's okay.**  
17 A. I don't know.  
**18 Q. I understand, it is a tough question to answer.**  
**19 And Exhibit 32, the second page, there is**  
**20 a statement all of the way at the bottom. The last**  
**21 sentence in the answer to number -- Question Number 1,**  
**22 do you have that in front of you? I'll read it to you,**  
**23 it's "If anyone was trying to hide something or thought**  
**24 anything was improper, they certainly would not have**

**1 moved the couch in the middle of the afternoon on a**  
**2 bright, sunny day."**  
3 A. Yes, that was my addition to the statement.  
**4 Q. Those are your words?**  
5 A. Yes.  
**6 Q. Now, knowing that Justice Loughry's wife**  
**7 indicated that the coast was clear at one time when they**  
**8 moved the rest of the furniture, would you have a**  
**9 different interpretation of how they moved that**  
**10 furniture?**  
11 A. I can't explain anything about why they moved  
12 that furniture, when they did move the furniture or why  
13 they did it. I am befuddled by --  
**14 Q. Okay. I'm --**  
15 A. -- doing -- them doing that so --  
**16 Q. -- I'm thinking that you found it that nothing**  
**17 was improper because they moved it in broad daylight,**  
**18 but knowing that they moved it when the coast was clear**  
**19 or they waited until the neighbors were gone, do you --**  
**20 do you have a different interpretation?**  
21 A. Well, yeah, I wouldn't have said that if -- but  
22 I didn't know that.  
23 DELEGATE LOVEJOY: Okay, I understand.  
24 Thank you.

1 CHAIRMAN SHOTT: Over on the left side of  
2 the room, we will start from the inside out. Delegate  
3 Overington? Delegate Fast.  
4 DELEGATE FAST: Thank you, Mr. Chairman.  
5 EXAMINATION  
6 BY DELEGATE FAST:  
**7 Q. I think you said earlier you had some**  
**8 conversation with Justice Davis about some of these**  
**9 things?**  
10 A. Just about the -- just about the one statement  
11 that had been in the newspaper about there being -- I  
12 can't remember if I used the word a "policy" or  
13 "procedure" for home offices.  
**14 Q. And that was -- you went to her and asked her**  
**15 the question?**  
16 A. No, she asked to see me after the story  
17 appeared in the newspaper and wanted to know where I got  
18 the information from. And I told her that Chief Justice  
19 Loughry had given me the information and told me to say  
20 that.  
**21 Q. Okay. You started out in your testimony today**  
**22 stating that you -- part of your job, you would write**  
**23 speeches for justices. You would prepare reports. You**  
**24 would edit speeches and things of that nature. Is that**

**1 correct?**  
2 A. Yes. I -- I don't write all of the speeches  
3 all of the justices give. If they ask me to write a  
4 speech, I will write a speech for them. They usually  
5 change it after I write it. And I write -- I work on  
6 the West Virginia Lawyer articles that say "From the  
7 Chief." I have written some of those or helped them  
8 write some of those, not all of them, but, you know,  
9 some.  
**10 Q. Okay. When you were involved in writing**  
**11 speeches or editing speeches or helping with speeches,**  
**12 what were these speeches for?**  
13 A. The -- let's see. One -- years ago, justice --  
14 I helped Justice Davis write a speech for -- about women  
15 who were lawyers for people at Marshall University or  
16 some forum she was speaking at, at Marshall  
17 University. More -- most recently, I helped Justice  
18 Workman write a speech that she gave to circuit judges  
19 at the circuit judge conference, the most recent circuit  
20 judge conference. It was just things like that. It was  
21 all over the place.  
22 I wrote a speech once for Justice McHugh  
23 when he gave a speech to Fraternal Order of Police  
24 somewhere, I think Beckley. And just -- it's not often

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1 that I do that, but it's occasionally.

**2 Q. Were the judges or the justices often involved**

**3 in speaking engagements?**

4 A. It's hard to -- what do you mean by "often"?

5 They do speaking engagements. It depends on when people

6 ask them. I mean, sometimes they get a lot of requests

7 and sometimes they don't get many and I don't know how

8 many they get that they don't do. It's not uncommon, I

9 would say.

**10 Q. Okay. Are you aware of any policies or**

**11 procedures that the Court has regarding home computers**

**12 and home printers at the justices' houses?**

13 A. Now I'm aware that there is no policy or

14 procedure. At the time I sent the press release saying

15 there was, I was told there was. I believed there was a

16 policy, but now I know there is not.

**17 Q. Okay. Now that you look back for the last 12**

**18 years, was there -- were there any policies or**

**19 procedures regarding home office equipment?**

20 A. Not that I know of.

**21 Q. Okay. So now that you look back over the last**

**22 12 years, were there or are there any policies regarding**

**23 home furniture, office furniture for the justices?**

24 A. Not that I know of. It never came up until the

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1 couch issue.

**2 Q. Okay, the couch.**

3 A. I do know the justices work at home. They do a

4 lot of work at home.

**5 Q. Okay. They do Court work at home? And is that**

**6 all of the justices?**

7 A. All the justices, I think, that I have ever

8 worked with. I think I've worked with ten.

**9 Q. Now, in 2013, '14, '15, what was the**

**10 relationship like between Steve Canterbury and Justice**

**11 Davis?**

12 A. It was a good relationship.

**13 Q. What was the relationship like between**

**14 Canterbury -- Mr. Canterbury and Justice Loughry?**

15 A. At some point it was not a good relationship,

16 but you asked me specific years. And I can't tell you

17 exactly when it was a good relationship and when it was

18 a bad relationship. I -- I don't know.

**19 Q. Did that relationship deteriorate over time up**

**20 to the point of his termination -- Mr. Canterbury's**

**21 termination?**

22 A. I'd say that -- I don't know, but I would say

23 that they just did not have a good relationship at that

24 time. I don't know what -- if it got worse or if it was

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1 always bad. I just don't know.

**2 Q. Okay, and over your 12-year period, did you see**

**3 extensive renovations of the justices' offices?**

4 A. Did I see that? Yes.

**5 Q. Yes.**

6 A. I saw that.

**7 Q. And how many justices had their offices**

**8 renovated during your 12-year tenure?**

9 A. Six.

**10 Q. Six of them. So one office got renovated at**

**11 least twice?**

12 A. Yes.

**13 Q. Okay. And can you tell us which justices**

**14 seemed to be -- have more extravagant renovations versus**

**15 less extravagant renovations?**

16 A. I wouldn't feel comfortable describing one as

17 more extravagant than the other. They were all very

18 specific.

**19 Q. All of them?**

20 A. All of them were very specifically designed to

21 the justices' tastes.

**22 Q. Okay.**

23 A. And I think a lot of the -- a lot of the

24 expense for all of the renovations was for electrical

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1 and HVAC. HVAC and --

**2 Q. Okay. So --**

3 A. They took all of the rooms -- the initial

4 renovations, every one of those rooms was completely

5 gutted down to the concrete and new electric and

6 plumbing and everything was put in.

**7 Q. And that's all -- all five offices?**

8 A. All five offices.

**9 Q. Okay.**

10 A. Now, the second time, the corner office that

11 Justice Benjamin had decorated, it was gutted the first

12 time, but then when Justice Walker came in, it wasn't

13 gutted again. They just did renovations.

**14 Q. Okay. So as far as the five offices in your**

**15 tenure, one wasn't really any different than the other?**

**16 They were all gutted and --**

17 A. They were all gutted and then redone with new

18 floors, new walls, I mean, absolutely gutted to --

**19 Q. And -- and the expense wise would have been --**

**20 well, I don't want to say that.**

21 A. I don't know what the expenses were.

**22 Q. Okay, I don't want to put words in your mouth,**

**23 but the finishing touches were for each justice very**

**24 specific to their particular taste.**

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1 A. That's the way it appeared to me because they  
2 are all very different.

3 **Q. Okay. Now, you had mentioned that you had gone**  
4 **to someone and asked if your job was in jeopardy and was**  
5 **that because they weren't using you --**

6 A. Yes.

7 **Q. Like -- okay, you thought maybe sort of like**  
8 **outdated, don't need this position any longer?**

9 A. That was one of my concerns, yes.

10 **Q. Okay. Was it because you felt like someone had**  
11 **an axe to grind against you?**

12 A. I don't know. I mean, I don't know how to  
13 answer that. I was worried about my job, but I can't  
14 tell you that I thought someone was out to get me. I  
15 don't think that would be true. I was concerned because  
16 they were not consulting me on media issues and that's  
17 my job.

18 **Q. Okay.**

19 A. I thought maybe they had someone else in mind  
20 for my job.

21 **Q. Okay. But that ended up not being the case;**  
22 **correct?**

23 A. Correct.

24 **Q. Okay. The fact that they were on occ -- on --**

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1 **at times, and I don't know how many times, but the fact**  
2 **that they were bypassing you for responses, was that in**  
3 **and of itself a violation of any policy?**

4 A. Not that I know of.

5 **Q. Okay, so they were at liberty to do that if**  
6 **they chose to do that?**

7 A. Yes, I mean --

8 **Q. The same as sometimes President Trump may speak**  
9 **through a press secretary versus answer questions**  
10 **himself?**

11 A. Correct.

12 **Q. Okay. This Exhibit -- could we have the last**  
13 **page of Exhibit 35 again, please. That's the e-mail to**  
14 **Phil. There it says "You have been misinformed. The**  
15 **couch you are referring to is not State property." Do**  
16 **you have any -- any grounds to dispute whether that was**  
17 **State property or not?**

18 A. At the time, Justice Loughry was adamant that  
19 it was not State property.

20 **Q. Do you have any grounds to dispute that,**  
21 **whether -- if -- if it wasn't --**

22 A. It is not my job to determine what's State  
23 property and what's not. I don't know.

24 **Q. Okay, do you know whether it was ever State**

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1 **property, that couch?**

2 A. I know that it was in Justice Albright's  
3 office. I know that after Justice Albright died, his  
4 family came and looked at the furniture in the office  
5 and decided what they wanted to take and what they  
6 wanted to leave. I know the couch was in there when  
7 Justice Loughry became a justice. And then when the  
8 office was renovated, it wasn't in there  
9 anymore. That's all I know as a fact.

10 **Q. Okay. So you don't know whether Justice**  
11 **Albright had purchased that out of his own money or not?**

12 A. I do not know.

13 **Q. Okay. And do you know, is it true or not, this**  
14 **statement: "After he passed away, his family said they**  
15 **had no further use for it and they did not want the**  
16 **couch returned to them." Do you know if that is true?**

17 A. I do not know that that's true, but I know  
18 that's what Justice Loughry told me.

19 **Q. Okay, did anyone from the Albright family,**  
20 **because you were there at that time --**

21 A. I was there at that time. And I think I was  
22 there the day that they came, but I did not talk to them  
23 personally. I think Steve Canterbury was sort of  
24 ushering them around.

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1 **Q. So if -- if that couch was an item that then**  
2 **belonged to the family, the Albright family, and they**  
3 **wanted it, they could have taken it that -- that time**  
4 **when they were all there gathering the things; correct?**

5 A. I guess, if it was -- I mean, I don't know who  
6 purchased the couch and I don't know if it was their  
7 family couch. I know the Albright family owned a  
8 furniture store.

9 **Q. Okay. "Nonetheless, I am so sick of the lies**  
10 **and innuendo coming from our fired and disgruntled**  
11 **former administrator, Steve Canterbury." Do you know if**  
12 **Justice Albright was, in fact, very upset about some of**  
13 **the things that Mr. Canterbury had been putting in the**  
14 **press?**

15 CHAIRMAN SHOTT: I'm sorry --

16 A. Mr. Albright, Justice Albright was?

17 **Q. Uh, Justice Loughry.**

18 CHAIRMAN SHOTT: You asked about Justice  
19 Albright, so --

20 **Q. I'm sorry, I misspoke. Thank you.**  
21 **Do you know whether Justice Loughry was**  
22 **upset at Steve Canterbury at this point when this e-mail**  
23 **was sent? And at the time frame all this stuff was**  
24 **taking place in the press, was Justice Loughry upset at**

**1 Mr. Canterbury?**

2 A. That's the way it appeared to me, but I can't  
3 speak about what somebody else was thinking or feeling,  
4 but it appeared that he was not happy with Steve  
5 Canterbury.

**6 Q. Okay, so it appeared that that was a true  
7 statement, that he was upset?**

8 A. Yes.

**9 Q. Okay. And it says, "Today I called Nancy,  
10 Justice Albright's widow, and asked her again if she  
11 wanted the couch and she said she did not." Do you have  
12 any independent knowledge of whether that statement is  
13 true or not, the fact -- or -- or the -- the idea that  
14 Justice Loughry made a phone call to Nancy Albright?**

15 A. I do not know -- I don't have independent --  
16 any independent knowledge that he made that phone call  
17 and she told him that, but that is also what he told me.

**18 Q. Okay. Did he say that in front of anyone else?  
19 I mean, were there other people that were privy to these  
20 conversations with you?**

21 A. Sometimes Chris Morris was there, sometimes  
22 Judge Johnson was there, but I can't remember who was  
23 there for which conversation. It was -- I mean, he told  
24 me these things several times.

**1 Q. Okay. So -- so these things that Justice  
2 Loughry told you, these were not things that -- that he  
3 would just pull you in a corner and whisper them in your  
4 ear. These were things that he would just say. Whether  
5 or not someone else would hear it didn't matter?**

6 A. Right.

**7 Q. Okay. And the same, the statement "I have also  
8 left a message for his son and will offer him the same,"  
9 was that -- do you have any independent knowledge of  
10 that or did he tell that you, too?**

11 A. I don't have any independent knowledge of that.  
12 I don't remember him specifically saying he talked to  
13 Justice Albright's son. I remember him saying he talked  
14 to Mrs. Albright. And he might have said "the Albright  
15 family," but I don't specifically remember him talking  
16 to me about Justice Albright's son.

17 DELEGATE FAST: Okay, thank you. Thank  
18 you, Mr. Chairman.

19 CHAIRMAN SHOTT: Delegate Fleischauer?  
20 That leaves me. I've got one question I'd like to  
21 follow up -- or one area I'd like to follow up with you.

22 EXAMINATION

23 BY CHAIRMAN SHOTT:

**24 Q. Exhibit 33 on the second page, second par -- or**

**1 the last paragraph, you say "I have reviewed payments to  
2 Scott Young, d/b/a Young's Moving Service for the 2012  
3 calendar year. I was unable to locate any record of  
4 furniture or fixtures being moved to the homes of any  
5 justices." And I assume that is something you did on  
6 your own; is that correct?**

7 A. This is not from me. This is from Sue Racer  
8 Troy and I don't think I've seen this before.

**9 Q. Okay. Then I won't follow up any further. So  
10 you have no independent knowledge of whether there was a  
11 review of those invoices; is that fair to say?**

12 A. No, I do not.

**13 Q. All right. Thank you. Ms. Bundy, we, pursuant  
14 to our procedural rules have allowed the justices to  
15 have legal counsel present and two of them have elected  
16 to do that and we give them an opportunity to ask a  
17 follow-up question. So I am going to recognize them  
18 now, okay? Mr. Allen?**

19 MR. ALLEN: I have no questions.

20 CHAIRMAN SHOTT: Mr. Carr?

21 MR. CARR: No, sir.

22 CHAIRMAN SHOTT: All right. We are going  
23 to go around one more time and I am just going to ask by  
24 row. Delegate Pushkin -- and let me note you weren't

1 here for her direct, so I may -- may reign you in if you  
2 go through all of her direct, so please try to confine  
3 your questions.

4 DELEGATE PUSHKIN: Thank you,  
5 Mr. Chairman. Please reign me in if I get redundant and  
6 I'll expect the same of any member of this committee.

7 CHAIRMAN SHOTT: Well, we just don't want  
8 her to go through her whole direct all over again just  
9 because you weren't here.

10 DELEGATE PUSHKIN: All right, thank you.

11 EXAMINATION

12 BY DELEGATE PUSHKIN:

**13 Q. And this might be redundant, so be prepared to  
14 reign me in on this.**

**15 But the -- I am looking at the -- I believe  
16 it is Exhibit 33 or 34, the correspondence with  
17 Mr. Kabler, your e-mail correspondence. Did you state  
18 earlier that that was all dictated by Justice Loughry?**

19 A. I could tell you specifically if you refer to a  
20 specific e-mail. The general -- it was a reporter would  
21 send me a question. I would take the question to the  
22 justice. I would e-mail --- if it was an e-mail, I  
23 would forward the e-mail and then I would go back and  
24 talk to the justice about it. If it was Justice

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1 Loughry, I would write down what he wanted me to say. I  
2 would read it back to him because he would say "What are  
3 you going to say now?" And I would read it back to him  
4 and then I would go send it to the reporter and then  
5 send him a copy of it afterwards. That was generally  
6 the way we did it.  
7 Now, occasionally, we would talk about  
8 the wording of things and I would add a sentence or a  
9 word, but he always reviewed the final version before it  
10 went to a reporter and approved it.  
11 **Q. Okay. So in the correspondence where -- that**  
12 **you referred to, the ho -- policy for home office, that**  
13 **was approved by Justice Loughry.**  
14 A. Yes.  
15 **Q. Okay. You say you now -- or after the FOIA**  
16 **request you found out that there was no such policy?**  
17 A. Correct.  
18 **Q. But that came from Justice Loughry to refer to**  
19 **this policy that didn't exist; correct?**  
20 A. I'm sorry, I didn't quite hear you.  
21 **Q. When you referred to -- the reporter to this**  
22 **policy, that was -- I already asked it, thank you. You**  
23 **referred to -- it was --**  
24 A. Yes, I thought --

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1 **Q. -- it went through Justice Loughry.**  
2 A. -- there was a policy when he told me there was  
3 a policy.  
4 **Q. Okay. Okay. The -- the couch that belonged to**  
5 **former Justice Albright. Now, at -- I know that there**  
6 **were some e-mails where it was referred to as -- as the**  
7 **-- it was left there so it became Justice Loughry's**  
8 **private property. And later on, it said, well, if it is**  
9 **public property, then the whole -- the matter of whether**  
10 **it was gifted or not is moot, I read that part. But at**  
11 **the time that it was moved out of this building or the**  
12 **East Wing of this building, was -- was it Justice**  
13 **Loughry's position that that was his property?**  
14 A. I don't know because I wasn't -- I don't know  
15 when it was moved out of this building. I don't know --  
16 I never talked to him -- Justice Loughry about the couch  
17 until reporters started asking about it.  
18 **Q. Okay. Well, at the beginning of that when the**  
19 **reporter started asking about it, was -- was it his**  
20 **opinion that that was -- that it was his?**  
21 A. I hesitate to answer that because we had lots  
22 of discussions about that and whatever I told the  
23 reporters is what he told me and what I believed. What  
24 he thought could be different than that. I don't know,

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1 it seems to me like he went through a couple of  
2 different variations of what to say and I don't know at  
3 what point he believed what.  
4 **Q. Well, so the first response to the reporters**  
5 **was that it was -- it was left there. They didn't want**  
6 **it, so it was his and it was his right to take it to his**  
7 **house; correct?**  
8 A. That was one of the things he said.  
9 **Q. Okay. And at that time --**  
10 A. It had to be taken out for the office to be  
11 renovated.  
12 **Q. Yes, yes, I understand that. What I am getting**  
13 **at is if it was thought of as his property, then why did**  
14 **the State pick up the tab moving it?**  
15 A. I don't know that the State did. I don't know  
16 anything about moving the couch to his house. I don't  
17 know anything about how it got there or when it got  
18 there.  
19 **Q. Okay. All right, one quick question. It was**  
20 **asked earlier by a gentleman from the 32nd about the**  
21 **renovations to Justice Davis's office. Well, prior to**  
22 **the most recent renovations, when's the last time that**  
23 **particular office had been renovated?**  
24 A. I don't know. It was always the same for the

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1 time I had been here. And I don't -- I had been in her  
2 office a couple times as a reporter to interview her --  
3 **Q. Uh-huh.**  
4 A. -- but I don't recall what it looked like  
5 then.  
6 **Q. So that particular office hadn't been renovated**  
7 **in your time at the Court?**  
8 A. No.  
9 **Q. And how long have you been there?**  
10 A. 12 years.  
11 DELEGATE PUSHKIN: All right. Thank you.  
12 CHAIRMAN SHOTT: Second row, Delegate  
13 Byrd.  
14 DELEGATE BYRD: Thank you, Mr. Chairman.  
15 EXAMINATION  
16 BY DELEGATE BYRD:  
17 **Q. And thank you again for being here. I just**  
18 **have a follow-up from -- the gentleman from the 32nd had**  
19 **asked you. He had left out a portion of the e-mail**  
20 **statement and I want to make sure that it is not taken**  
21 **out of context and we make it proper for the record.**  
22 **So if you would move to the last page of**  
23 **Exhibit 35. And he had asked you about the sentence**  
24 **"Nonetheless, I'm so sick of the lies and innuendo**

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**1 coming from our fired, disgruntled, former**  
**2 administrator, Steve Canterbury," but he didn't add this**  
**3 part to it, "that I had the couch taken back to the**  
**4 Supreme Court warehouse."**  
**5 Did you ever become aware of or found out**  
**6 that he -- Justice Loughry did have the couch taken back**  
**7 to the warehouse?**  
8 A. When I saw the picture on Twitter of them  
9 moving it out of his house is when I became aware of it.  
10 DELEGATE BYRD: Thank you very much. That  
11 is all I have.  
12 CHAIRMAN SHOTT: Third row? Over to the  
13 left-hand side, Delegate Foster, any questions?  
14 Delegate Fast, any follow-up? Second row? Delegate  
15 Moore, questions? Summers? I have none either.  
16 Let me ask the gentlemen, Mr. Allen, any  
17 questions?  
18 MR. ALLEN: No, sir.  
19 CHAIRMAN SHOTT: Mr. Carr?  
20 MR. CARR: No, sir.  
21 CHAIRMAN SHOTT: Counsel, any follow-up?  
22 MS. KAUFFMAN: No, Mr. Chairman.  
23 CHAIRMAN SHOTT: Ms. Bundy, you are  
24 done. Thank you very much for being here today. We

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1 appreciate your assistance.  
2 THE WITNESS: Thank you.  
3 (The witness was excused.)  
4 CHAIRMAN SHOTT: Counsel, when you are  
5 ready, call your next witness.  
6 MR. CASTO: Thank you, Mr. Chairman. The  
7 Committee calls Paul Mendez to the stand.  
8 CHAIRMAN SHOTT: Mr. Mendez, if you will  
9 remain standing and raise your right hand, please, I  
10 need to administer the oath.  
11 PAUL MENDEZ  
12 was called by the Committee on the Judiciary, and having  
13 been first duly sworn, testified as follows:  
14 CHAIRMAN SHOTT: Thank you, have a seat.  
15 MR. CASTO: Mr. Chairman, I hope you will  
16 forgive me. I may at some point call this witness by  
17 his first name. I've known this man about 30 years, so  
18 it may -- it may --  
19 CHAIRMAN SHOTT: Okay. If you will, speak  
20 up, I don't think anybody else can hear you.  
21 MR. CASTO: It may emerge at that point.  
22 EXAMINATION  
23 BY MR. CASTO:  
24 **Q. Good afternoon, Mr. Mendez. Could you tell us**

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**1 who you are for the record?**  
2 A. I'm Paul Mendez.  
**3 Q. What is your -- your general background, Paul?**  
**4 How long have you worked with the Court?**  
5 A. I've worked with the Court 19 years.  
**6 Q. And have you been in the same position all that**  
**7 time?**  
8 A. Yes, sir.  
**9 Q. What position is that?**  
10 A. That's the runner position, the messenger  
11 runner position.  
**12 Q. What are your responsibilities in that**  
**13 position?**  
14 A. Oh, I take care of the mail and I deliver legal  
15 documents, just about anything they ask me to do, I do.  
16 Move furniture, help, you know, just -- with just about  
17 anything.  
**18 Q. And since you've mentioned moving furniture, I**  
**19 am going to go ahead right to the meat of the**  
**20 questioning with you. How did you come to be at Justice**  
**21 Loughry's house?**  
22 A. On that day toward the end of November of '17,  
23 I saw Jess out in the hallway and -- Jess Gundy, you  
24 know.

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1 CHAIRMAN SHOTT: Excuse me,  
2 Mr. Mendez. Will you move a little closer to the  
3 microphone so everyone can hear you.  
4 THE WITNESS: Yeah, I saw -- is that good?  
5 Can you hear me now?  
6 CHAIRMAN SHOTT: Yes, sir, that's better.  
7 A. Okay. I saw Jess Gundy out in the hallway and  
8 he -- we -- I don't know who started the discussion, but  
9 he said he might need me to help him move some  
10 furniture. And then went up the hall and a little bit  
11 later I saw he and Art and they asked me if I would help  
12 them move something from Justice Loughry's house.  
**13 Q. And when you say "Art," that is Art Angus?**  
14 A. Arthur Angus; yes, yes, sir.  
**15 Q. And you said that was about the end of November**  
**16 2017?**  
17 A. Yes.  
**18 Q. Now did they tell you what they wanted you to**  
**19 move at Justice Loughry's house?**  
20 A. Uh, they may have. Uh, I wasn't real -- real  
21 sure until I got up there. Uh, but, you know, just it  
22 was for the justice, so we were just willing to do  
23 whatever, you know, he wanted us to do.  
**24 Q. So when you got to the house, I assume you got**

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**1 out and went inside the house?**  
2 A. Uh-huh.  
**3 Q. And then what did you do?**  
4 A. We went in and he said he wanted the couch  
5 moved. And so we -- we moved the couch.  
**6 Q. Now, had you seen this couch before at any**  
**7 time?**  
8 A. I haven't. I haven't.  
**9 Q. Could you describe the couch for us?**  
10 A. Yeah, it was a green leather couch.  
**11 Q. Okay. Could we have Exhibit 27 called up,**  
**12 please.**  
13 MR. CASTO: We're a long way away. No,  
14 keep going. We're a long way away.  
**15 Q. Sorry for the delay, Mr. Mendez.**  
16 A. That's okay.  
**17 Q. I told you I'd try to have you out of here as**  
**18 quick as we could.**  
**19 Okay. All right, if you could look at the**  
**20 screen and look at Exhibit 27 there. Does that look**  
**21 like the couch that you moved from Justice Loughry's**  
**22 house?**  
23 A. Yes, sir.  
**24 Q. Okay. So where was this couch in Justice**

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**1 Loughry's house?**  
2 A. It was in his living room.  
**3 Q. And was it the only couch in the living room?**  
4 A. Uh; yes, sir.  
**5 Q. Did you see any other couches in the house in**  
**6 your time there?**  
7 A. No, not that I can remember, no.  
**8 Q. Now, did you move -- commence to move the couch**  
**9 immediately upon your arrival or did you look at**  
**10 anything else in the house while you were there?**  
11 A. Uh, I believe we talked about moving the desk  
12 that day. We wasn't going to move it that day, but  
13 we -- we had talked about it. I think we saw the  
14 desk. I can't really remember if we saw it that day,  
15 but I think -- I think we did.  
**16 Q. Do you have any recollection either from that**  
**17 day or at any other time how that desk was situated in**  
**18 the house?**  
19 A. Uh, the desk was in his -- in the back of the  
20 house in what he called his office.  
**21 Q. How large was that room?**  
22 A. It wasn't very big at all. It barely -- the  
23 desk, it -- I don't know how to -- how you would get the  
24 desk in there. I mean, that is how tight it looked, you

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1 know. I mean, of course --  
**2 Q. Now, did you have any trouble when you all went**  
**3 to move the couch, in moving the couch out of the house?**  
4 A. Yeah, it was -- it was a -- it was a -- a job.  
5 You know, we had to take doors off and things like that.  
**6 Q. Did you have to take any door facings off?**  
7 A. No, no door facings, just the -- just the  
8 doors.  
**9 Q. So how did you get the couch itself out of the**  
**10 house?**  
11 A. The couch, we just took it out the front door.  
12 It was quite easy. It wasn't -- it wasn't heavy.  
**13 Q. If you could go back one to Exhibit 26.**  
**14 This is clipped and enlarged from our**  
**15 Exhibit 25. Could you identify the people in this**  
**16 picture for us?**  
17 A. Yeah, that's me carrying the couch, Justice  
18 Loughry behind me, and Jess is on the other side of the  
19 -- Jess Gundy is on the other side of the couch.  
**20 Q. So this is an accurate picture of you all**  
**21 moving the couch?**  
22 A. Yes, sir.  
**23 Q. And you all -- is -- is that a Court van, the**  
**24 white van that you have there?**

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1 A. Yes. Yes, it is our Court cargo van.  
**2 Q. And is that the only vehicle you all took up to**  
**3 the house that day?**  
4 A. Yes, sir.  
**5 Q. And what did you do once you got the couch**  
**6 loaded?**  
7 A. Uh, we took it down to our Venable Avenue  
8 warehouse.  
**9 Q. Now, who all took the couch to the warehouse?**  
10 A. It was Jess, Arthur and I. I believe -- I  
11 believe -- I believe Loughry, Justice Loughry came with  
12 us that day. I know he did with the -- with the -- with  
13 the desk.  
**14 Q. And did you all go back to the Court**  
**15 immediately after you unloaded the couch at the**  
**16 warehouse?**  
17 A. Yes, sir, it was late in the afternoon, so we  
18 were just about due to go home anyway after that.  
**19 Q. Let me ask you, did Justice Loughry say**  
**20 anything about this couch while you were loading it or**  
**21 removing it?**  
22 A. Yeah, he -- he came -- he said that it was --  
23 used to be Justice Albright's couch and that the family  
24 said that he could -- he could keep it. And so when --

1 the way I took it, when he became justice, he took it  
2 out of his office and I guess they -- they took it up  
3 there into his house.

**4 Q. But you don't have any recollection of this  
5 desk -- or, excuse me, of this couch being in the  
6 Justice's chambers at all?**

7 A. I -- I don't remember it. I never pay -- I  
8 never was in Albright's office very -- very much. So I  
9 don't really -- it never jumped out at me.

**10 Q. So the only recollection you have is what you  
11 were informed that day? (Inaudible-overtalking) The  
12 events were --**

13 A. Yeah, that's the only -- that's the first time  
14 I really paid attention to it if I've seen it before.

**15 Q. Did you go back a second time to Justice  
16 Loughry's house?**

17 A. Yes, sir.

**18 Q. And when was that?**

19 A. That was -- I think it wasn't the next day. It  
20 was the day -- day after next.

**21 Q. And what did you go up there to do?**

22 A. We met early in the morning to -- to go up to  
23 his house and take the desk out.

**24 Q. And by --**

1 A. Well, to move the desk.

**2 Q. Let me interrupt you right there, by "we," who  
3 do you mean again?**

4 A. Jess Gundy, Arthur Angus, and I.

**5 Q. And so you all met to go up there that morning?**

6 A. Yes, Justice -- Justice Loughry met us that  
7 morning.

**8 Q. Did you all -- and you all did go up there?**

9 A. Pardon?

**10 Q. And you all did go up there?**

11 A. Yes, we did. We did go up.

**12 Q. What did you drive up in?**

13 A. Well, we didn't drive that -- that morning, we  
14 didn't drive. Justice Loughry met us at the Capitol and  
15 we rode up with him. He -- he wasn't wanting pictures  
16 taken, like the one you saw, of us carrying the couch,  
17 of the neighbor. He didn't want that to -- to happen  
18 again.

19 So we went up and we -- we moved the desk  
20 into the garage until the neighbor left, and his wife  
21 called and then later on that afternoon we -- we went up  
22 and got the desk in the cargo van, the same van that you  
23 saw.

**24 Q. And by "his wife," that would be Justice**

**1 Loughry's wife?**

2 A. Justice Loughry's wife, yes.

**3 Q. So she called you all to let you know?**

4 A. She called him and then he let us know. Yes.

**5 Q. Okay. And when you went up there to remove the  
6 desk, tell us about getting the desk out of the house.**

7 A. It was quite a job, it was very heavy. Of  
8 course, all Cass -- Cass Gilbert desks are heavy. And  
9 we had to take it -- I believe we had to take it -- we  
10 took it out to the deck and then back into another door  
11 from the deck and then we took it through the -- through  
12 the kitchen and then out the garage door -- the garage,  
13 to the garage, over to the garage.

**14 Q. Now, did you all do that when you were up there  
15 the first time, like pre-positioning it so you could  
16 come and pick it up with the van?**

17 A. Yes, we did that the first time. We met at  
18 like 8:00 or 9:00 in the morning -- I believe it was  
19 8:00. 8:00 -- I can't really remember. It was either  
20 8:00 or 9:00 we met and then we -- we went straight up  
21 there. And he pulled -- he pulled into the garage and  
22 let us out and we went in through the garage.

**23 Q. How many hours did it take you all to move that  
24 desk out of there and put it in the garage?**

1 A. It was probably at least an hour and a half or  
2 two. I can't really remember, but it -- it was quite a  
3 job.

**4 Q. So this was a considerably more difficult job  
5 than moving the couch?**

6 A. Oh, yes, yes.

**7 Q. You mentioned that the desk was a Cass Gilbert  
8 desk, how did you know that?**

9 A. Well, you know, my whole years of working here,  
10 you know, you could always tell. You know, we've had to  
11 -- I've had to help move them from A to B, you know,  
12 different places, and you just always -- everybody  
13 always mentions it's a Cass Gilbert, you know.

**14 Q. Did Justice Loughry say anything about it being  
15 a Cass Gilbert desk to you?**

16 A. Yes, yes, he did.

**17 Q. On that day?**

18 A. I don't -- I don't -- I don't remember if it  
19 was that day or not, but he -- yeah, he had mentioned  
20 it. Just any time you mention, like I said, it's always  
21 -- Cass Gilbert is just not a desk, it is a Cass  
22 Gilbert, you know.

**23 Q. But you knew one when you saw one?**

24 A. Oh, yes, yes, absolutely.

1 **Q. And in your experience in dealing with the**  
2 **other desks that the Court owns, you had -- did you have**  
3 **any question in your mind that this was a Cass Gilbert**  
4 **desk when you saw it?**

5 A. Not at all.

6 **Q. Now, what did you do once you had the desk in**  
7 **the garage?**

8 A. Then he took us back -- once we got the desk in  
9 the garage, he took us back to work and he said he would  
10 let us know when -- and he would come -- we would -- we  
11 could drive the van up and get the -- the desk.

12 **Q. How long did you have to wait?**

13 A. Uh, well, when we got back -- I don't know,  
14 probably a couple hours. I don't remember exactly the  
15 time. I can't remember if we -- if we started at 8:00  
16 or 9:00, but we probably got back up by 10:00 or  
17 10:30. I can't really remember the times that well.

18 But then it was about 12:30 before we got  
19 the call to go back up.

20 **Q. And did you go right back up to his house?**

21 A. Yes. Yes.

22 **Q. And what did you do then?**

23 A. We just picked the desk up and threw it in the  
24 van, very easy, you know. We just -- we just picked it

1 up. It was -- we already had it prepped to put it up in  
2 there.

3 **Q. And did you go straight from there to the**  
4 **warehouse?**

5 A. Uh, yes, straight.

6 **Q. Were you in the van when you went to the**  
7 **warehouse?**

8 A. No, I was with Justice Loughry. Arthur and  
9 Jess were in the van.

10 **Q. What vehicle were you in when you were with**  
11 **Justice Loughry?**

12 A. I was -- I was in his Honda Pilot.

13 **Q. Okay. When you all got down to the warehouse,**  
14 **what happened there?**

15 A. We moved the -- the desk into the warehouse  
16 and -- and just put it in the room beside the couch that  
17 you could see on the picture.

18 **Q. Just like we saw in the picture of the couch?**

19 A. Yes, sir.

20 **Q. It was all -- all right there together?**

21 A. Yeah.

22 **Q. Did you pull the van or did -- well, did you**  
23 **observe the van being pulled into the warehouse?**

24 A. Yes, yes. We pulled the van and Justice

1 Loughry's vehicle in.

2 **Q. Now, I believe, last week Fletch Adkins**  
3 **testified to us that the warehouse is a drive-through**  
4 **warehouse.**

5 A. Yes. Yes, sir.

6 **Q. And so the van drove in one way and drove out**  
7 **the same way. You didn't have to turn around or**  
8 **anything of that nature?**

9 A. Yes. Yes, you just drive -- drive in one way  
10 and -- but we actually left the van in the warehouse  
11 that day.

12 **Q. Was there a reason for that?**

13 A. Uh; yes, sir. Yes, sir.

14 **Q. Could you tell us why?**

15 A. News 8 was following us and he wanted to -- he  
16 wanted to report it to the press before they could --  
17 they could see it. And so supposedly he came back to  
18 the Capitol and reported that he turned -- you know, he  
19 got the desk out of his house.

20 **Q. And by "he," you mean Justice Loughry?**

21 A. Justice Loughry.

22 **Q. All right.**

23 A. So.

24 **Q. Did he happen to tell you at any time when you**

1 **were moving this, how the desk had gotten to his house?**

2 A. No. I don't know if he told us. I assumed it  
3 was a mover -- movers, but I don't -- I think maybe,  
4 maybe, maybe -- I don't know if he told me or I heard  
5 that -- that the movers, he -- well, he said Canterbury  
6 said that he should have that and take it to his  
7 house. So I -- from what I understand, Canterbury told  
8 him that he could have the desk and he sent the movers  
9 up to -- to get it. That's what I understand. But I  
10 don't have that proof.

11 **Q. But to the best of your knowledge it wasn't**  
12 **moved by any Court personnel?**

13 A. No, best of my knowledge, no.

14 **Q. After you had moved the desk, were you told by**  
15 **Justice Loughry at any time not to tell anyone about the**  
16 **desk being moved?**

17 A. No, no, never -- never -- he -- he made it  
18 clear to us that we wasn't doing anything wrong. We  
19 were just -- he was wanting it out before he told the  
20 press so that it wouldn't be a big deal like the couch.

21 **Q. Did he have any concerns about you telling your**  
22 **supervisor, Kim Ellis?**

23 A. Uh, yeah, because he didn't want anybody to  
24 know -- he -- that we were doing that. At the -- he

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1 just wanted it out and then he was going to let  
2 everybody know.  
3 **Q. So this was -- in your opinion, it was,**  
4 **basically, so he could control the timing of the release**  
5 **of the information?**  
6 A. That's what I understood, yes. Yes, sir.  
7 **Q. Did you later tell Kim Ellis?**  
8 A. Yes. Yes, yes, I did, I told her. She is my  
9 supervisor so she had to know, you know, where -- where  
10 I was. So --  
11 **Q. Okay. I want to shift gears just a bit with**  
12 **you. I remember -- I believe you are responsible for**  
13 **some of the maintenance of the vehicle fleet; is that**  
14 **correct?**  
15 A. Yes, I am.  
16 **Q. What do you do to keep the cars in good running**  
17 **order?**  
18 A. Well, you -- I take -- take them, get the oil  
19 changed in them. And if they need tires, brakes, or  
20 whatever, I take them to get them fixed.  
21 **Q. That keeps you pretty busy, I would imagine?**  
22 A. Yeah, I'm pretty busy with that.  
23 **Q. I think we've had testimony you all have about**  
24 **18 vehicles?**

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1 A. Yeah, I think it is 19, 19 vehicles.  
2 **Q. Did you have anything to do with the -- with**  
3 **any of the checking out of the vehicles?**  
4 A. Uh, no, no. That's all Arthur and Jess.  
5 **Q. Did Justice Loughry ever complain to you about**  
6 **the checkout policy on the vehicles?**  
7 A. No, not, to my knowledge.  
8 **Q. Which Buick did he use most of the time --**  
9 **Justice Loughry?**  
10 A. Well, he used the -- when he first came, he  
11 used the brown quite a bit and then -- then he started  
12 using the black Buick quite -- more -- more often.  
13 **Q. Do you know if he had keys to that vehicle**  
14 **other than the keys that Arthur and Jess would have had**  
15 **in the security office?**  
16 A. I did -- I did not know that, no. No, sir.  
17 **Q. Okay. Did you have to be responsible for**  
18 **keeping those cars gassed up and fueled up?**  
19 A. Yes. Just about ever time he would take the  
20 vehicle out, I do remember, he wouldn't put gas in it,  
21 so I had to fill it up for -- for the next person that  
22 took it.  
23 **Q. And by "he," you mean Justice Loughry?**  
24 A. Justice Loughry, yeah. It was normally never

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1 filled up when he -- when he took it, so.  
2 **Q. As a runner, would you have been aware of any**  
3 **home office policy on the part of the justices?**  
4 A. No, I never knew of that. I never heard of  
5 that.  
6 **Q. Did you ever take any equipment, furniture, or**  
7 **State property to or from a Justice's home?**  
8 A. Not to -- from my recollection, not -- not  
9 until that day, not until that day.  
10 **Q. So in all your years with the Court, that was**  
11 **the first time in your recollection that you ever --**  
12 A. Uh-huh.  
13 **Q. -- moved or removed property of the State from**  
14 **a justice's home?**  
15 A. That's as far as I can remember, that's the  
16 first time; yes, sir.  
17 **Q. There -- there's has been some testimony about**  
18 **lunches that were purchased for the Court.**  
19 A. Uh-huh.  
20 **Q. Did you have any role in buying lunch for Court**  
21 **personnel?**  
22 A. Yes, yes, I did.  
23 **Q. Who were the people that you bought lunch for?**  
24 A. Uh, well, uh, Steve Canterbury had this thing

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1 called UJA, and (inaudible-overtalking) --  
2 **Q. What does that stand for?**  
3 A. I don't even know to tell you the truth. It  
4 was a -- it was, you know, for -- it was a computer  
5 program. It was with the IT department. And so he --  
6 it was -- it was a big-money project and so everybody in  
7 the counties had to train for UJA. And so he would have  
8 -- he would have them come into City Center East and  
9 train. And there would be 20, 30 people sometimes at a  
10 time at the beginning of the project. It went on for a  
11 long time.  
12 And so my responsibility, Scott Harvey and  
13 Steve would have me to go pick up lunches for UJA. And  
14 they were quite big. They were -- they were quite  
15 costly.  
16 And then other departments got on -- on  
17 the band wagon for their -- for their lunches. And so  
18 every time anybody had a meeting, whether it be  
19 probation, magistrate, admin office, they would just --  
20 they would have me to go pick up lunches. So sometimes  
21 I was picking up two or three at a -- for meetings, two  
22 or three at a time the same day between 10:30 and a  
23 12:00 o'clock period. So it -- it didn't ever hap -- it  
24 never started until Steve Canterbury came and that's

1 when it started.  
**2 Q. When did that practice stop?**  
 3 A. It -- it stopped short -- well, it slowed down  
 4 a lot before Steve left and it stopped after Steve left  
 5 pretty much. I mean, I did -- if -- if I bought any, it  
 6 was, like, for one or two, maybe four people. The  
 7 training stopped because they got through the program,  
 8 so they -- they would just train people where -- new  
 9 people that come in, you know.  
**10 Q. But -- but the people you were buying lunch**  
**11 for, you never bought lunch yourself for the justices**  
**12 and their staff?**  
 13 A. I did some. I did when -- when their --  
 14 there's two runners for the Supreme Court. There's an  
 15 adman -- administrative runner, which that's me, and  
 16 then there's a clerk runner, and that's Chris  
 17 Garnes. And he -- he would always -- he was mainly the  
 18 runner for the justices.  
 19 Now, of course, I would do for them, but  
 20 they would call on him first. And he -- he mainly  
 21 bought the lunches. But when he wasn't there and they  
 22 would have a meeting or court, I would -- I would buy  
 23 them for them.  
**24 Q. To the best of your knowledge, did these**

**1 judicial lunch purchases start about the same time as**  
**2 these other lunches you've described?**  
 3 A. Yes, yes, they -- we never bought for the  
 4 justices until -- until this, you know, until those  
 5 started.  
**6 Q. And they ended about the same time to the best**  
**7 of your knowledge?**  
 8 A. They ended -- yeah, for the most part, yeah.  
**9 Q. Would you have felt uncomfortable if you had**  
**10 refused the request to move this furniture that day?**  
 11 A. Uh, well, not -- not really. I mainly did it  
 12 to help Arthur and Jess. Justice Loughry never  
 13 approached me. I don't know even if he told them to  
 14 approach me, but they needed help and I'm good friends  
 15 with them and, I mean, it is just a no-brainer. "Hey,  
 16 man, I'll help you," you know.  
**17 Q. And to you it was within the scope of your**  
**18 duties because you moved furniture for the Court on a**  
**19 regular basis?**  
 20 A. Well, I don't really move it on a regular  
 21 basis, but I -- yeah, I will move it whenever I'm  
 22 needed. They -- we got a -- we got a guy that moves the  
 23 furniture or one of the warehouse men does that, but he  
 24 never did -- he never was asked to do -- do that or

1 anything. It was mainly just Art and Jess, and I -- I  
 2 was just around to help them.  
 3 MR. CASTO: All right, I think that is all  
 4 I have, Mr. Chairman.  
 5 CHAIRMAN SHOTT: Thank you, counsel.  
 6 Mr. Mendez, we -- our practice is to allow  
 7 our members to ask some follow-up questions, so I ask  
 8 you to be patient a little longer.  
 9 THE WITNESS: Okay.  
 10 CHAIRMAN SHOTT: I'll start on the front  
 11 row from right to left. Delegate Overington, do you  
 12 have questions?  
 13 DELEGATE OVERINGTON: Yes, thank you,  
 14 Mr. Chairman.  
 15 EXAMINATION  
 16 BY DELEGATE OVERINGTON:  
**17 Q. For the schedule of picking up and removing the**  
**18 desk, it was, basically, based on the timing of whether**  
**19 the neighbor was there?**  
 20 A. Yes, sir.  
**21 Q. All of you involved in that were aware that the**  
**22 timing was based on the schedule of the neighbor and**  
**23 when the neighbor was not there and that was sort of a**  
**24 safe time to move it?**

1 A. Yes, sir.  
**2 Q. When you took the desk out, when you picked it**  
**3 up from Loughry's home, was it empty or was there --**  
**4 were there papers in it? Did you have to clear out any**  
**5 files or anything or was it totally empty?**  
 6 A. It was totally empty far -- as far as I can  
 7 remember.  
**8 Q. Could you tell if it had been used or --**  
 9 A. Yeah, well, no, I couldn't tell because he --  
 10 he had -- he had prepped it. There was nothing on the  
 11 desk. There was no computer. There was nothing on the  
 12 desk. It was -- it was ready for to us take.  
**13 Q. So all papers and everything had -- they'd**  
**14 taken out--**  
 15 A. Yeah, they were -- they were all gone.  
**16 Q. Were there boxes next to it where they might**  
**17 have been moved into a --**  
 18 A. I don't remember any, I don't.  
 19 DELEGATE OVERINGTON: Okay. Thank  
 20 you. Thank you, Mr. Chairman.  
 21 CHAIRMAN SHOTT: Delegate Foster.  
 22 EXAMINATION  
 23 BY DELEGATE FOSTER:  
**24 Q. Yes. My question was on the -- you said the**

1 **vehicles, you were responsible for filling up the**  
2 **vehicles and doing the maintenance?**  
3 A. Uh-huh.  
4 **Q. And these fuel cards, they were in the vehicle**  
5 **and left within the vehicle?**  
6 A. Yes.  
7 **Q. And is that the fuel card you used to refill**  
8 **the vehicle or did you have your own?**  
9 A. No, I used -- used that fuel card, the one  
10 that's assigned to the vehicle at the time.  
11 **Q. And those fuel cards, whenever you were done,**  
12 **you would fuel up the vehicle, lock it up and then**  
13 **return the keys to Jess or Arthur?**  
14 A. Yes, sir.  
15 **Q. Okay. And -- and we became aware this morning**  
16 **that some of the justices had keys to these vehicles.**  
17 A. Yes.  
18 **Q. Whenever they used the vehicles, the justices,**  
19 **they -- they would just fill it up with that fuel**  
20 **card. They never used anything else?**  
21 A. Yeah, they -- they would fill it up with their  
22 own fuel card -- with that fuel card, yes. Not their  
23 own.  
24 **Q. With that fuel card?**

1 A. Yes.  
2 **Q. So if -- if they had keys to it and they didn't**  
3 **even -- they had keys to the vehicle, could they have**  
4 **used that fuel card and taken the car whenever without**  
5 **checking it out?**  
6 A. That, I don't know that -- that, you know,  
7 because Arthur and Jess, like you said, they are the  
8 ones that checked it out. So I didn't know about them  
9 having the keys until today, until this morning.  
10 **Q. But there wasn't anything preventing that from**  
11 **happening.**  
12 A. Probably not, no.  
13 DELEGATE FOSTER: All right. Thank you.  
14 CHAIRMAN SHOTT: Delegate Fast.  
15 DELEGATE FAST: Thank you, Mr. Chairman.  
16 EXAMINATION  
17 BY DELEGATE FAST:  
18 **Q. On the gas, I just didn't hear you**  
19 **clearly. When Justice Loughry would bring a vehicle**  
20 **back, did you -- did you say that you had to put fuel in**  
21 **it often or that it was already fueled up when it came**  
22 **back?**  
23 A. I would have to put it in often --  
24 **Q. Okay.**

1 A. -- because he -- well, most -- pretty much the  
2 plan was if you take the vehicles out, you filled them  
3 up when you come back; but he never did hardly. Ever --  
4 there was a few times he did, but it normally was on  
5 fumes when he brought it back.  
6 **Q. The office space where this desk was in his --**  
7 **well, the space where this desk was in his home, what**  
8 **other items were in that space when you went in there**  
9 **first?**  
10 A. The only thing I remember seeing is a -- is a  
11 cabinet, but I didn't -- there was nothing in -- I don't  
12 know if -- what was in the cabinet, but there was like a  
13 little file cabinet.  
14 **Q. Was there a printer in -- in there?**  
15 A. No, I didn't see a printer.  
16 **Q. Was there a -- a computer sitting on the floor**  
17 **or anything?**  
18 A. I don't remember seeing one on the floor or  
19 anything.  
20 **Q. Okay. Was there room in there for another desk**  
21 **in addition to the Cass Gilbert desk?**  
22 A. No, not at all. It was a very small room.  
23 **Q. Okay. And did Justice Loughry give any**  
24 **indication that that was where he did his Court work at**

1 **home?**  
2 A. Yeah, he said it was, yeah, an office for the  
3 Court. Yeah, he did say that.  
4 **Q. So he did state that?**  
5 A. Yeah, yeah. He --  
6 **Q. Okay. And did you see any other places in the**  
7 **house that resembled an office space?**  
8 A. No, no. There was just that one.  
9 **Q. Okay. Did you see any other computer or did**  
10 **you see any computers in the home?**  
11 A. I did -- I did not.  
12 **Q. Okay, now, these lunches that you mentioned,**  
13 **you mentioned purchasing lunches for trainees, the USJ**  
14 **trainees, and you stated that they stopped and am I**  
15 **correct in understanding that these type of lunches**  
16 **started when Steve Canterbury came on the scene; is that**  
17 **correct?**  
18 A. Yes, yes, that is when they mainly started.  
19 **Q. Okay. And did they stop when he left, when he**  
20 **was discharged from the Court?**  
21 A. For the most part, they -- they may not have  
22 stopped completely, but they were -- they were pretty --  
23 pretty close, few and far between.  
24 **Q. Okay. And the lunches for the Justices**

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1 themselves, I think you said that the clerk runner  
2 mainly bought those lunches, but sometimes you bought  
3 those lunches?  
4 A. Uh-huh, yes.  
5 Q. And did those lunches for the Justices start  
6 when Steve Canterbury came on?  
7 A. As far as I can remember; yes, sir.  
8 Q. Okay. And did those lunches for the Justices  
9 stop when Steve Canterbury left the Court?  
10 A. Uh, no, not right away. I don't -- I don't  
11 remember them stopping right away.  
12 Q. Did they dwindle any? Did they -- or how long  
13 did they keep going?  
14 A. I think they -- I think -- I think they stopped  
15 when -- when Justice Loughry started getting questioned,  
16 that is when they -- they stopped the lunches.  
17 DELEGATE FAST: Okay. All right, thank  
18 you.  
19 CHAIRMAN SHOTT: Delegate Hollen,  
20 questions? Delegate Moore, I'm sorry. I didn't see  
21 your hand.  
22 DELEGATE MOORE: Thank you,  
23 Mr. Chairman. Sorry about that.  
24 EXAMINATION

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1 BY DELEGATE MOORE:  
2 Q. A quick question for you. You touched on this  
3 earlier and not to make you repeat yourself. Sorry,  
4 Mr. Chairman.  
5 You have moved other types of furnitures --  
6 other types of furniture items out of the Court  
7 previously?  
8 A. I have.  
9 Q. And when you were instructed to do that, were  
10 you -- do you know what the per -- the standard  
11 procedure is for that in terms of is there paperwork  
12 that is accompanied -- accompanying the piece of  
13 furniture that is to be removed? Is there some type of  
14 paper trail or does someone just say, "We want this  
15 moved? Can you please move it?"  
16 A. Yeah, it is pretty much word of mouth. No --  
17 there is no paper or anything.  
18 Q. And then who asks you to move it? Is it --  
19 A. Well, it just -- it just depends, you know. I  
20 know we used to get movers a lot, so I never have done  
21 it a whole lot. If we were moving to, you know, a  
22 different location or anything, we have a place in City  
23 Center East and I never had to move anything up  
24 there. If I did, it was maybe a desk or something from

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1 the warehouse, but it was never anything -- never -- it  
2 wasn't, like, an every-day thing.  
3 Q. So, to your knowledge, it is not required to  
4 have some type of removal form or some type of form that  
5 needs to be filled out to be able to remove furniture  
6 from the Court?  
7 A. Uh, no, no, nothing like that.  
8 Q. Okay. I just know in certain other government  
9 entities that is required.  
10 And so I'm -- so essentially, they could  
11 just point to whatever and say, "Move that," and you'll  
12 take it out of there?  
13 A. Yeah, at that time. I think everything is  
14 probably tightened up --  
15 Q. Yeah, probably not right now, right?  
16 A. Yeah, it's a little different now, so.  
17 DELEGATE MOORE: Okay, thank you. I  
18 appreciate it.  
19 CHAIRMAN SHOTT: Delegate Pushkin.  
20 DELEGATE PUSHKIN: Thank you,  
21 Mr. Chairman.  
22 EXAMINATION  
23 BY DELEGATE PUSHKIN:  
24 Q. Thank you, Mr. Mendez, for being here. To

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1 follow-up on the gentleman from the 67th's question.  
2 Those were the last questions you were asked.  
3 You said you have moved furniture, but it  
4 has always been from the Court to the warehouse in the  
5 past?  
6 A. Uh-huh.  
7 Q. Have there been any other times where you have  
8 done anything outside of moving furniture -- other than  
9 moving the items out of Ia -- Justice Loughry's house,  
10 it's always just been from the Court to the warehouse?  
11 A. Yeah, to the Court -- or our other offices in  
12 -- at City Center East --  
13 Q. Or around the building.  
14 A. -- but never -- never to somebody's private  
15 residence, no.  
16 Q. Okay. So in your -- you described what you --  
17 what -- you know, what your function is earlier, I mean,  
18 what your duties are. So would you say that -- that  
19 moving that desk and that couch was any way outside of  
20 -- or was -- was that not reasonably related to your  
21 official position or function with the Court?  
22 A. Yeah, it was reasonable, yes. Yes, sir.  
23 Q. That was reasonable?  
24 A. Yes, yes.

1 **Q. Okay.**  
 2 A. Yeah. Like I said, it wasn't like you had to  
 3 document anything. If somebody needs help, basically, I  
 4 would do it, you know. It was just never --  
 5 **Q. Okay.**  
 6 A. -- nothing I hadn't done before, just moving  
 7 furniture. It was not -- wasn't a big deal.  
 8 **Q. But you said you hadn't done it from a**  
 9 **justice's home before?**  
 10 A. No, I never had to do that.  
 11 **Q. Okay. And it was one thing that you stated**  
 12 **earlier that at the time, that one of the comments that**  
 13 **Justice Loughry made when he said that the couch had**  
 14 **belonged to the AI -- Justice Albright --**  
 15 A. Uh-huh.  
 16 **Q. -- And that the family said he could have it,**  
 17 **so he -- basically, he thought of it as his; right?**  
 18 A. Uh-huh. Yes, sir, that is from my -- my  
 19 understanding and his reason for moving it was he just  
 20 didn't want it -- he didn't want the -- the drama that  
 21 was pretty much behind everything. He just wanted to  
 22 get rid of anything that wasn't originally his.  
 23 **Q. Okay. But he did -- he made the statement that**  
 24 **they said he could have it, so it was his; right?**

1 A. Yeah, he did. He did make -- make the  
 2 statement.  
 3 **Q. Okay.**  
 4 A. Well, he said Steve -- Steve said he could have  
 5 it and then -- then he made a statement later on that he  
 6 had called the Albrights just to make sure that they  
 7 didn't want the couch. And they didn't want it after he  
 8 moved it out of his house, he said they didn't want it.  
 9 **Q. So at least with -- in regards to the couch,**  
 10 **you were under the impression, and I imagine he was**  
 11 **under the impression, you were moving his personal**  
 12 **property out of his house into the warehouse?**  
 13 A. Yes, I understood that it wasn't -- it didn't  
 14 belong to the Court anymore. It was -- it was given to  
 15 him.  
 16 **Q. Okay, a couple more questions. We heard, I**  
 17 **think, last week that there was a table that goes along**  
 18 **with these Cass Gilbert desks. Was the table with it**  
 19 **that goes with the desk?**  
 20 A. Not to my knowledge, there was no table.  
 21 **Q. Do you know if the table is still over at the**  
 22 **Court, that goes with that particular desk?**  
 23 A. I don't know if there's one. We have a couple  
 24 of Cass Gilbert tables. I know of at least one, but I

1 don't know if -- if it -- it went with that desk or not.  
 2 **Q. Okay.**  
 3 A. That particular desk.  
 4 **Q. The couch was not in -- that couch was not in**  
 5 **the same room as the desk. It wasn't in the office, it**  
 6 **was in the living room.**  
 7 A. No, sir.  
 8 **Q. Okay, I asked this before. Did you notice any**  
 9 **-- in any way was the desk altered, whether for like**  
 10 **computer wires or anything?**  
 11 A. I didn't notice anything like that.  
 12 **Q. Okay.**  
 13 DELEGATE PUSHKIN: Well, thank you very  
 14 much again.  
 15 THE WITNESS: You're welcome.  
 16 CHAIRMAN SHOTT: Back row? Delegate  
 17 Robinson.  
 18 DELEGATE ROBINSON: Thank you Mr. -- thank  
 19 you Mr. Chairman.  
 20 EXAMINATION  
 21 BY DELEGATE ROBINSON:  
 22 **Q. Mr. Mendez, Delegate Pushkin was just going**  
 23 **through with you, kind of, one of the stories we've**  
 24 **heard about the couch. Was that -- is that something**

1 **that Justice Loughry expressed to you when you were**  
 2 **riding in the car with him moving things that day? Is**  
 3 **that something you all talked about, "I've just got to**  
 4 **get this thing out of my house. It is just a pain," you**  
 5 **know?**  
 6 A. I don't remember if it was talked about in the  
 7 vehicle, but -- but it was talked about, that he just  
 8 wanted everything out of his house.  
 9 **Q. Did he make any similar comments about the**  
 10 **desk, "You know, this is my desk, but I'm getting rid of**  
 11 **it just because it's -- it's an issue?"**  
 12 A. No, the only comments he made is like that  
 13 Canterbury -- it was -- the only reason it was up there  
 14 is because of Canterbury told him to take it up there.  
 15 **Q. The -- the desk?**  
 16 A. The desk, yes.  
 17 **Q. And he didn't make any comment as to his**  
 18 **possession or if it was his desk or anything like that**  
 19 **sort -- of that sort?**  
 20 A. Uh, no, he never -- he never called it his  
 21 desk. He just -- he -- the only thing he said was that  
 22 a justice was allowed to have their own office, you  
 23 know. And he wasn't doing anything wrong, but he just  
 24 wanted it out because of all of the attention that he

1 was getting.  
2 DELEGATE ROBINSON: I got you. Thank you.  
3 THE WITNESS: Yes, sir.  
4 CHAIRMAN SHOTT: Mr. Mendez, a couple  
5 questions for you.  
6 EXAMINATION  
7 BY CHAIRMAN SHOTT:  
8 **Q. Did he say that Steve said he could take the**  
9 **desk or the couch or both? I wasn't clear on which one**  
10 **or both he said.**  
11 A. From what my understanding, he said he could  
12 have them both in -- in his house. That --  
13 **Q. Okay. Did you get the impression from that,**  
14 **that both of them were moved to the house at the same**  
15 **time?**  
16 A. I got the impression of that, yes.  
17 **Q. But I assume you don't have any personal**  
18 **knowledge of when they were removed?**  
19 A. No, and I don't -- I don't believe it was from  
20 anybody at the Court. I believe it was probably movers  
21 that -- that did it.  
22 **Q. The movers that were usually use -- used during**  
23 **that time was Young's; is that correct?**  
24 A. Yes. Yes, sir.

1 **Q. Do you know of any time where they used a**  
2 **different mover than Young's?**  
3 A. Not to my knowledge.  
4 **Q. Let me ask you, Justice Loughry told you that**  
5 **Steve told him he could take the desk and couch. Was**  
6 **there anything that happened prior to you going to get**  
7 **the desk and couch that would indicate to you that Steve**  
8 **was either looking for the couch or the desk, was**  
9 **concerned about them having been taken, or that they**  
10 **weren't where they were supposed to be, anything like**  
11 **that?**  
12 A. No, there was nothing like that.  
13 **Q. So as far as you know, no -- and when I -- I**  
14 **limited it to Steve, but as far as you know was anybody**  
15 **searching for the couch or the desk prior to when you**  
16 **all went to get it?**  
17 A. Not to my knowledge.  
18 **Q. Okay.**  
19 CHAIRMAN SHOTT: Go ahead, Delegate  
20 Capito.  
21 DELEGATE CAPITO: Sorry about that. Just  
22 one question.  
23 EXAMINATION  
24 BY DELEGATE CAPITO:

1 **Q. Was it common for you to perform personal**  
2 **errands for the justices on the Court at any time during**  
3 **your tenure?**  
4 A. Uh, no, it wasn't common, no. It was mainly  
5 court related.  
6 DELEGATE CAPITO: Thanks.  
7 CHAIRMAN SHOTT: Counsel, follow-up?  
8 MR. ALLEN: No questions.  
9 MR. CARR: No, sir.  
10 CHAIRMAN SHOTT: Neither Mr. Carr nor  
11 Mr. Allen have questions. Counsel, do you have any  
12 follow-up?  
13 MR. CASTO: Yes, I do have one,  
14 Mr. Chairman.  
15 EXAMINATION  
16 BY MR. CASTO:  
17 **Q. Did you, when you were at Justice Loughry's**  
18 **house, see any computers that were there in the house?**  
19 A. I never saw a computer.  
20 **Q. And that actually raises one more question in**  
21 **my mind. Did Justice Loughry ever tell you that he was**  
22 **upset with Arthur Angus and Jess Gundy?**  
23 A. No, not at all.  
24 MR. CASTO: Okay, that is all I have,

1 Mr. Chairman.  
2 CHAIRMAN SHOTT: All right, we will go one  
3 more circle around. I will just go through the rows.  
4 Raise your hand if you have a question. Okay. On the  
5 right side. Mr. Carr, Mr. Allen?  
6 MR. ALLEN: No, sir.  
7 MR. CARR: No, sir.  
8 CHAIRMAN SHOTT: Then you are  
9 finished. We thank you, Mr. Mendez. I appreciate your  
10 time. Have a good afternoon.  
11 THE WITNESS: All right, thank you.  
12 (The witness was excused.)  
13 CHAIRMAN SHOTT: Let's take a ten-minute  
14 break. We will take a ten-minute break and conclude  
15 with our last witness today.  
16 (Ten-minute recess.)  
17 CHAIRMAN SHOTT: Ready to resume?  
18 Counsel, please call your next witness.  
19 MR. CASTO: Yes, sir, Mr. Chairman. The  
20 Committee calls Mr. Arthur Angus.  
21 CHAIRMAN SHOTT: Good afternoon,  
22 Mr. Angus. Raise your right hand, please.  
23 ARTHUR ANGUS  
24 was called by the Committee on the Judiciary, and having

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1 been first duly sworn, testified as follows:  
2 CHAIRMAN SHOTT: Thank you. Please be  
3 seated.  
4 EXAMINATION  
5 BY MR. CASTO:  
6 **Q. Good afternoon, sir. Thank you for coming down  
7 and contending with us this afternoon.**  
8 A. Good afternoon.  
9 **Q. Could you state your name for the record?**  
10 A. Arthur Gene Angus.  
11 **Q. And what is your position, sir?**  
12 A. Director of Court Security for the West  
13 Virginia Supreme Court.  
14 **Q. How long have you worked in that capacity?**  
15 A. 21 years.  
16 **Q. And what did you do before that?**  
17 A. I was a West Virginia State Trooper from '74 --  
18 from '72 to '94, 22 years, and -- and then for three  
19 years I did private investigations in security, and then  
20 came to the Court.  
21 **Q. So your entire career has been law enforcement  
22 or security?**  
23 A. Yes, sir.  
24 **Q. What are your responsibilities in your job,**

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**1 sir?**  
2 A. Well, I'm responsible for the safety and the  
3 protection of the justices, along with Jess Gundy and  
4 Donnie Perrine, Harold, the four of us, for all of the  
5 employees that work for the Supreme Court here in the  
6 Capitol, which is on three floors in the East Wing and  
7 for the employees that work at City Center East that  
8 work for the State Supreme Court.  
9 **Q. Would you describe that as a 9:00 to 5:00 job  
10 or a 24/7 job?**  
11 A. It's a long job. That is just one part of my  
12 -- I mean, I do other things. Like I do security audits  
13 all over the State at the courthouses to set up -- help  
14 set up security at the court -- at the county level. I  
15 work with county commissions. We do background checks  
16 for anybody that is applying for a job with the Supreme  
17 Court.  
18 CHAIRMAN SHOTT: Excuse me,  
19 Mr. Angus. Could you pull that mic just a little  
20 closer. I think some folks are having trouble hearing  
21 you. Thank you.  
22 THE WITNESS: Okay, sorry.  
23 A. I'm coordinator for the fleet, for the Supreme  
24 Court, myself and Jess Gundy. I set up machines on

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1 court days. We have an X ray machine and walk-through  
2 metal detector. I set it up for court -- on court days,  
3 check people through. I also call court to order,  
4 adjourn court; I set in the court -- courtroom most of  
5 the time, Jess or I. And several other things, but --  
6 **Q. So you -- you've got a pretty hefty portfolio  
7 of responsibilities.**  
8 A. Yes, sir.  
9 **Q. Do you work a lot of Saturdays?**  
10 A. I don't work any Saturdays unless -- unless we  
11 happen to be at a detail somewhere.  
12 **Q. And you have travel some for the audits that  
13 you perform and other work that you do for the Court?**  
14 A. Do what now?  
15 **Q. You have to travel some?**  
16 A. I do travel, yes.  
17 **Q. We'll come back to your responsibilities as  
18 fleet director in a bit that you mentioned.**  
19 A. Yes.  
20 **Q. One of the subjects that's come to light in  
21 this investigation has been a visit that you made, a  
22 couple -- or a series of visits to Justice Loughry's  
23 house. How did you first come to have to go to Justice  
24 Loughry's home?**

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1 A. Well, the day we went, the first day, which I  
2 think was on a Monday --  
3 **Q. Do you have a date for that?**  
4 A. I think it was the 27th of November of 2017.  
5 **Q. Okay.**  
6 A. I had been downstairs. I came upstairs to my  
7 office. Jess was standing in my office and about that  
8 time, Allen -- Justice Loughry came out and he said,  
9 "Can you help? Can we go now? Can you help me move --  
10 move a couch?" And -- and I said, "Yeah." And he  
11 said -- I said, "What are we going to need to move it?"  
12 And he said -- I said, "How big is the couch?" And he  
13 said, "It is pretty long." I said --  
14 So I got ahold of Paul Mendez and told him  
15 to go to the warehouse down on Piedmont Road and pick up  
16 the cargo van and bring it back and meet us out front on  
17 California Avenue.  
18 **Q. And then you and Paul and Jess and Justice  
19 Loughry went up to the house?**  
20 A. Yes, sir.  
21 **Q. And what did you do when you got up there?**  
22 A. We backed the van up. I was driving it. We  
23 backed the van up to his garage, went inside. I took  
24 the cushions off. We walked in. We saw the couch.

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1 I think we walked into the room he had the  
2 desk in, a small room. He had -- I guess, he had his  
3 office set up there. We looked at that and we walked  
4 back out. I took the cushions off the couch and Jess  
5 and Paul carried it out and Justice Loughry followed  
6 them out there.

7 **Q. Did you have any difficulty getting the couch**  
8 **out of the house?**

9 A. It wasn't too bad. It wasn't real bad.

10 **Q. Do you remember when you were up at the house,**  
11 **did you see any computers that Justice Loughry had in**  
12 **the house?**

13 A. Any what?

14 **Q. Any computers?**

15 A. Computers? I -- I think I saw -- I'm not sure.  
16 I think I saw a laptop that was -- it was in the living  
17 room or kitchen area. I can't -- it was kind of divided  
18 with a counter or something, and I think there was a  
19 laptop that was opened up there on the -- on that  
20 counter. That's all I remember about computers.

21 **Q. What room was the couch in?**

22 A. It was in a living room.

23 **Q. If you'd look up on the screen at Exhibit 27,**  
24 **is that the couch you all moved out of there that day?**

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1 A. Yes, sir, it was.

2 **Q. Now, had you ever seen that couch before you**  
3 **went up to Justice Loughry's house?**

4 A. Yes, sir. It was -- it was in Justice  
5 Albright's office.

6 **Q. And Justice Albright had left the Court before**  
7 **he died; correct?**

8 A. Yes.

9 **Q. And the couch was left at the Court at that**  
10 **time?**

11 A. Yes, sir.

12 **Q. Who inherited Justice Albright's office after**  
13 **he left the Court?**

14 A. I believe it was Justice McHugh.

15 **Q. And you remember that couch still being in**  
16 **there when it was Justice McHugh's office?**

17 A. Yes, sir; I did.

18 **Q. And did Justice Loughry inherit his office from**  
19 **Justice McHugh?**

20 A. Yes.

21 **Q. So you knew that this couch had at one time**  
22 **belonged to Justice Albright?**

23 A. Yes.

24 **Q. Do you have any recollection of that couch ever**

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1 **being moved out of the Court's office space?**

2 A. No.

3 **Q. And if you were in the office, you would have**  
4 **seen that, would you not?**

5 A. If they had moved it, I would have seen it,  
6 yes.

7 **Q. Because your office is right outside the**  
8 **justices' chambers, if I recall?**

9 A. I mean, if they had moved it while I was there,  
10 I would have seen it, yes.

11 **Q. Right.**

12 A. It is right outside his office.

13 **Q. Now, when you went up to Justice Loughry's**  
14 **house and saw that couch there, was that the only couch**  
15 **that you saw in the home?**

16 A. That's the only one I can remember.

17 **Q. And what room was it in as you would describe**  
18 **it?**

19 A. It was in the living room.

20 **Q. Okay. Now, you all loaded the couch into the**  
21 **-- into the white van?**

22 A. Yes, sir.

23 **Q. And once it was loaded, what did you all do?**

24 A. We left.

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1 **Q. Did you take it --**

2 A. We took it to -- we took it -- the couch in the  
3 van and I think Paul rode up with Jess and I in the van  
4 to start with, but he rode back with Justice  
5 Loughry. We went to the Venable Avenue warehouse and I  
6 think they were ahead of us and Paul got out and opened  
7 up the garage door. He had the combination and opened  
8 it up, and then I think they -- they pulled in. I can't  
9 remember who pulled in first, but both vehicles were  
10 pulled inside the warehouse and the doors were closed.

11 **Q. And then you all unloaded the couch?**

12 A. Yes.

13 **Q. Was anyone watching you while that couch was**  
14 **being loaded?**

15 A. There was a woman across the street. I was  
16 inside. I didn't see her. That's the reason why I  
17 wasn't in the photograph with them to start with. I was  
18 inside getting ready to take the cushions out -- the  
19 cushions out, and I think Justice Loughry's wife, Kelly,  
20 said that "She's -- she's over there taking pictures,"  
21 and she was talking about the neighbor across the  
22 street.

23 **Q. So Mrs. Loughry was at home when you all --**

24 A. Yes.

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1 **Q. -- went up to get the couch?**  
 2 A. Yes.  
 3 **Q. Okay. Then once you finished up unloading the**  
 4 **couch at the warehouse, what did you all do?**  
 5 A. Drove back to the Capitol, back to the office.  
 6 **Q. Did you go back to his house later that week?**  
 7 A. Yes, went back -- we went back three days  
 8 later. We went back on a Thursday.  
 9 **Q. Well, tell us about that.**  
 10 A. Well, a day -- the next day, Wednes -- Tuesday,  
 11 I guess, Tuesday or Wednesday, anyway, we discussed --  
 12 he said, "I want to move that -- move that desk." And,  
 13 you know, the next day the picture come out in the  
 14 newspaper that we -- that we was up there moving the  
 15 couch.  
 16 And I said, "Why don't you just -- just  
 17 leave it alone, you know. Let's not, you know --" he  
 18 said, "No, I want to get it out of my house. They think  
 19 I don't -- I shouldn't have it there. I want to get it  
 20 out of there." I said, "Well, okay."  
 21 So he said, "We'll -- we'll go up  
 22 early. We'll go up early Thursday morning and we'll --  
 23 because we are going to have a time getting it out, and  
 24 put it in the garage. And we'll go early and then we'll

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1 leave and I'll just have Kelly call me if the neighbor  
 2 leaves because we don't need to be all photographed  
 3 again." "Fine."  
 4 So Thursday morning we met at 8:00 o'clock  
 5 and we got in his -- his Honda Pilot and rode up to his  
 6 house, pulled in the garage. We got out and we -- we  
 7 went in and moved the desk. I mean, it took us -- took  
 8 us an hour and a half because we had to go through about  
 9 four doorways and had to take off a screen door and -- a  
 10 couple screen doors and so forth -- or, you know, storm  
 11 doors.  
 12 We got it out in the garage, put it at the  
 13 end of the garage and I think he already had the drawers  
 14 out there because I don't remember carrying any drawers  
 15 or anything, and there was a -- there was a big piece of  
 16 glass, like, that covered it. It was out in the garage.  
 17 So we left and I think it probably took us  
 18 about -- we got there at 8:00 o'clock, probably took us  
 19 about an hour, an hour and 15 minutes to move it.  
 20 About 11:00 o'clock after we got back to  
 21 the Capitol, about 11:00, he come out quickly and said,  
 22 "Let's go. She's gone." So we got the van and his car,  
 23 we went back up there. We loaded -- we backed the van  
 24 up to the garage, loaded it up, went back to Venable

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1 Avenue. We both -- both pulled our vehicles in there  
 2 and we unloaded the -- the desk.  
 3 **Q. Was there any press presence down at Venable**  
 4 **Avenue when you got down there?**  
 5 A. When we was coming back down the hill he lives  
 6 on out over there, and we wasn't there ten minutes. I  
 7 think it was -- I think it was Mr. Bass, Kennie Bass,  
 8 that was on his way up the hill because Jess said,  
 9 "There's Channel 8," whatever it was, news. And he  
 10 looked over and he said "I believe it's Kennie."  
 11 We went on up to the warehouse and pulled  
 12 in there and got unloaded and he was -- evidently he  
 13 pulled up outside there, but we shut the doors, so.  
 14 **Q. Now, you've seen photographs of this desk --**  
 15 A. Yes.  
 16 **Q. -- in our exhibits. Let me ask you: Did --**  
 17 **did you know this was a Cass Gilbert desk?**  
 18 A. I knew it's a Cass Gilbert desk because I've  
 19 got a Cass -- I've had a Cass Gilbert desk in my office  
 20 for -- since I've been with the Court.  
 21 **Q. So you know one when you see one because you're**  
 22 **familiar --**  
 23 A. Yes.  
 24 **Q. -- with what those desks look like?**

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1 A. Yes.  
 2 **Q. Did Justice Loughry ever tell you the desk was**  
 3 **a Cass Gilbert desk?**  
 4 A. Yes.  
 5 **Q. When did he tell that you?**  
 6 A. That day we was going up there. I didn't know  
 7 he had the couch or the desk at his house until the day  
 8 we went after the couch.  
 9 **Q. But he mentioned to you on that day, "This is a**  
 10 **Cass Gilbert desk."**  
 11 A. Yes. Yes, but he didn't have to tell me that.  
 12 I knew it was. Yeah, he did.  
 13 **Q. Did he ever say anything about how the desk had**  
 14 **gotten up there to his house?**  
 15 A. He said that there was some -- because we was  
 16 trying to figure out how we was going to get it out of  
 17 the house with moving door frames and so forth. And he  
 18 said, "This is the way that the moving company brought  
 19 it in." He said that a moving company had brought it in  
 20 there and that the Court had paid for it. That's the  
 21 reason why he didn't think there was anything wrong with  
 22 it.  
 23 **Q. Were you ever aware, as long as you have been**  
 24 **at the Court, of any home office policy on the part of**

1 **the judges?**  
 2 A. I don't know anything about home off -- office  
 3 policies; no, sir.  
 4 **Q. You've never heard of one until --**  
 5 A. No.  
 6 **Q. -- until all of this came -- came up?**  
 7 A. Yes. That --  
 8 **Q. And I told you'd revisit the -- the fleet**  
 9 **management issue. I want to shift gears a bit. Now,**  
 10 **you keep the record of all of the cars that are assigned**  
 11 **to the Court.**  
 12 A. Yes, sir.  
 13 **Q. Could you tell us about the fleet?**  
 14 A. Uh, there is 19 vehicles. There is a cargo van  
 15 kept at one warehouse at Piedmont Road. I think there  
 16 is two trucks that's kept at the warehouse at  
 17 Venable. We have -- we have seven -- seven vehicles, I  
 18 believe. We've got three Buicks, three vans, and -- I  
 19 mean, two vans and an Impala and a -- and a Toyota  
 20 Corolla. I think there is a total of seven that we --  
 21 we have on our screen that we're responsible for and  
 22 that the people that -- they -- we have -- it's called a  
 23 request. Doesn't really mean it's reserved. They call  
 24 in and they ask, or they text, e-mail, walk in the

1 office, whatever, they check to see if there is a car  
 2 available if they are going to a Court function. Like  
 3 this afternoon, the lady that is over the probation  
 4 officer, she -- she asked for a car. She's going to  
 5 Putnam County. They -- if we have one available, we let  
 6 them have it. And we make -- we make note of all of  
 7 that, time in, time out, where they're going, why  
 8 they're going, and who -- you know, who is signing it  
 9 out.  
 10 **Q. And you are the one who has the ultimate**  
 11 **responsibility of keeping track of all of that?**  
 12 A. Jess and I, yes.  
 13 **Q. Could you go to Exhibit 29, please. Hit**  
 14 **review.**  
 15 **Is this an accurate record of what the**  
 16 **screen looks like when you -- when you log into the**  
 17 **intranet that you all have for reserving one of those**  
 18 **vehicles?**  
 19 A. Yes, sir. Yes, sir, it is.  
 20 **Q. And this is what you would fill out and there's**  
 21 **a -- there's a blank one there that has the destination?**  
 22 A. Yes.  
 23 **Q. Now, would you enter the purpose that you were**  
 24 **going to use it for in the note section?**

1 A. Yes.  
 2 **Q. And that's where -- where that would go, and**  
 3 **you would --**  
 4 A. Yes, sir.  
 5 **Q. And there would be times when someone would**  
 6 **want a vehicle that you would say no?**  
 7 A. Well, not usually, unless we didn't have a  
 8 vehicle available for them. And if we didn't, then  
 9 they'd have to take a personal car or rent a car.  
 10 **Q. Now, this was the policy that they were**  
 11 **supposed to follow?**  
 12 A. Yes, sir.  
 13 **Q. Was there a written policy in place?**  
 14 A. No, there was no written policy in place.  
 15 **Q. How long had this policy been in place of**  
 16 **reserving these vehicles?**  
 17 A. In -- on the computer, it's been in place since  
 18 February of 2011.  
 19 **Q. And as far as the oral request that they would**  
 20 **make of you, was that how it was done at all times**  
 21 **previous to that?**  
 22 A. Well, previous to that, we just had a -- we  
 23 just had a piece of paper that had a calendar on it and  
 24 just a block, if somebody wanted one on the 2nd, we'd

1 put their name in there, and that's all. We didn't have  
 2 destination or anything.  
 3 **Q. But there was a reservation system --**  
 4 A. Yes.  
 5 **Q. -- but it just wasn't as --**  
 6 A. It wasn't like --  
 7 **Q. -- fully detailed as this?**  
 8 A. Yes.  
 9 **Q. Were there people who ever violated the**  
 10 **requirements for filling in a destination or a purpose?**  
 11 A. Well, there was times we didn't fill in a  
 12 purpose sometimes. If I was -- like if I was going to  
 13 drive one of the justices and I -- and I -- we insisted  
 14 on driving the justice if they were going to a Court  
 15 function. They wouldn't use a Court car if they  
 16 weren't. I would drive them or Jess would drive  
 17 them. And sometimes if we were going to drive them,  
 18 we'd just put down -- I'd just put down what -- whoever,  
 19 and my name and the dates and stuff. And if, you know,  
 20 sometimes I would put it in there, sometimes I  
 21 wouldn't. Most of the time I would.  
 22 But it -- it -- just -- Justice Loughry,  
 23 he -- he never told us where he was taking the car, if  
 24 that's what you were asking me.

1 **Q. And when you -- well, now, when you say**  
2 **"never," I mean, do you mean never?**  
3 A. Well, I mean, if we -- if we were all going to  
4 a conference, I knew where he was going and I'd put it  
5 down. And then -- we had two Judicial Conferences a  
6 year. They had other things like Laws program that  
7 Justice Davis started, all kinds of programs that were  
8 started in the last 21 years I've been there. And they  
9 would -- we would put it down.

10 Sometimes if we were all going together, I  
11 -- we knew where the cars were. That -- the re -- the  
12 reason for putting it down is to make sure we don't  
13 double book a car -- a vehicle. If we were with them,  
14 we knew where they was going, we wouldn't necessarily  
15 put it down.

16 **Q. So the only two reasons that there would have**  
17 **been a vacancy on that notes line would have been if you**  
18 **were with the justice and you knew where the car was**  
19 **because you were with the car.**

20 A. Yes.

21 **Q. Or if a justice had refused to provide that**  
22 **information.**

23 A. Yes.

24 **Q. And the only justice who did was Justice**

1 **Loughry?**

2 A. Yes.

3 **Q. Now, I understand that at some point recently**  
4 **you all implemented a new checkout policy.**

5 A. Well, we have joined the State fleet now, I  
6 mean, and -- pretty much, I think it's -- it's -- we're  
7 trying to, you know, get it all together here as we  
8 speak, really.

9 And since -- in the last couple months,  
10 we've added -- we had Pat Tillery, who is our IT person  
11 that -- that come up with this format. We added the  
12 mileage. Before we never kept mileage on any of the  
13 vehicles. And so we got ending -- beginning and ending  
14 mileage now. So any time somebody takes it out, they  
15 text us or take a picture of it, send it to us and say,  
16 "This is the beginning." When they get back, they --  
17 same thing.

18 **Q. So it is allowing you to kept a much more**  
19 **accurate record --**

20 A. Yes.

21 **Q. -- of what's happening with those vehicles?**

22 A. Yes, sir.

23 **Q. Was there a memo sent out by your office to the**  
24 **justices on the vehicle use?**

1 A. Are you talking about a memo that was sent out  
2 asking questions, Justice Davis?

3 **Q. Yes, sir. Well, of any of the justices?**

4 A. Well, in summer of '16, 2016, I was in  
5 Portland, Oregon visiting my son and Jess called me, and  
6 said that there was a memo, that there was three  
7 questions asked by Justice Davis, wanted to know about  
8 if we had any policies or procedures written, put three  
9 other questions and was there any -- was there any  
10 justice -- was there anybody that refused to give us  
11 destinations.

12 So Jess called me, and I told him, "Well,  
13 write it up." And he wrote the letter and I tweaked a  
14 couple things in it and we sent it back to her. And we  
15 told her we didn't have any policies and procedures and  
16 that the only justice that wouldn't give us when we  
17 asked -- sometimes we didn't ask, you know, from the  
18 justices -- nobody drove -- none -- nobody drove those  
19 cars except for the justices that I can recall. Except  
20 a couple times I think -- I think Justice Workman drove  
21 one and that was to the conference. And she was coming  
22 a day late or something, for some reason she drove  
23 herself, and that's only on two occasions in the last 21  
24 years. Justice Davis has never driven a State

1 vehicle. Justice Walker hasn't. She's only been in one  
2 a couple times because -- and Menis drove himself for  
3 quite a while.

4 And -- and if Justice Loughry wanted one,  
5 he would come and ask for the keys and then he -- he  
6 would go.

7 **Q. Were you informed by Steve Canterbury when he**  
8 **was administrator that the justices didn't have to give**  
9 **you a reason?**

10 A. He walked in my office one day, and I can't  
11 remember when it was, but he come in and he said "From  
12 now on you all -- you all are not to ask the justice  
13 where they are taking the vehicles. If they come out  
14 here and ask for keys, you give them the keys and that's  
15 it. I don't want -- I don't want it -- nothing on,  
16 don't put anything on the computers and that's it."

17 Well, so that's what we did. But the only  
18 person that did that was Justice Loughry because the  
19 rest of them told me, "If we want a car or we want you  
20 to drive us somewhere, we want it documented," and we --  
21 and that's -- we continued to document it for everybody  
22 except him.

23 **Q. And to make it clear, when Mr. Canterbury told**  
24 **you that, he didn't tell you that anybody else was**

**1 exempt from that, only the justices?**

2 A. Just the justices.

**3 Q. Now, which Buick did Justice Loughry use  
4 primarily when he was using fleet cars?**

5 A. Well, before he came Chief -- became Chief, he  
6 used the brown Buick and -- but after he became Chief,  
7 he just about used the black Buick all of the time. It  
8 was the newest Buick.

**9 Q. Do you know if he had keys made for that  
10 vehicle?**

11 A. No, we had several sets of keys for all of the  
12 vehicles and we had most of the sets. When Steve  
13 Canterbury was the Director, Administrative Director, he  
14 had set -- he had keys to all of them. He had keys to  
15 the ones we used, the vans, the Impala, the Buicks. He  
16 had sets of keys down in his office.

17 When he would have left there, I guess --  
18 I guess that Justice Loughry got the keys to the Buick  
19 from downstairs because he didn't get them from me. And  
20 I didn't even know he had a set of keys to the Buick,  
21 and the brown -- the brown Buick. It was two sets of  
22 keys he had.

23 Now, I think Jess said he had the silver  
24 Buick keys, but I don't think he did.

1 Sometime after all this stuff in the media  
2 happened, sometime after we got the desk and stuff back,  
3 I walked in his office one day and he said, "Here's the  
4 keys to the brown Buick and the black Buick. I don't  
5 want them anymore. I won't be driving them." I said,  
6 "Okay." So I took them.

**7 Q. So he dropped those off to you that day?**

8 A. What's that?

**9 Q. He dropped those off to you that day.**

10 A. He gave them to me. Well, I don't know -- it  
11 was right -- maybe the next -- maybe it was the next  
12 Monday or something, but he gave me the keys, and he  
13 said "Here's the keys. I'm -- I'm done with them."

**14 Q. Do you happen to have an idea about what time  
15 that was?**

16 A. What time of day?

**17 Q. No, what -- what date.**

18 A. Well, it was -- it was sometime around the 1st  
19 of December, I guess, because we moved the -- we moved  
20 that desk on the 30th, and the -- and that was on a  
21 Thursday, so I would say it was the next Monday or  
22 Tuesday.

**23 Q. Okay. Did Justice Loughry have a practice of  
24 taking cars over the periods when the Court was sine**

**1 die?**

2 A. Yes.

**3 Q. Can you tell us about that?**

4 A. We would usually know if he was going. Before  
5 he got his key -- well, I think that Mickey still -- his  
6 secretary -- secretary still told us that he was taking  
7 the car. He was going to be getting a car or something.

8 And -- but there was several occasions that  
9 he would get it near a weekend and it would come back on  
10 the Monday or Tuesday and he would -- sometimes he'd  
11 leave his car there. Sometimes his wife would come  
12 down, drop him off and he would take the vehicle home  
13 with him.

**14 Q. Let me ask you: Were you responsible for all  
15 of the service and maintenance on the cars, as well, as  
16 fleet director?**

17 A. Well, we're -- we keep up with it, but Paul  
18 Mendez really -- we -- you know, if we think something  
19 needs to be done, we call Paul and Paul checks it and  
20 takes it to the shop or wherever and we get it worked  
21 on.

**22 Q. But you would be the one who would say, "Paul,  
23 the Buick is due --"**

24 A. Yes.

**1 Q. "-- for an oil change, take it down there and  
2 get it taken care of?"**

3 A. Yes. If I -- yes, if I knew it was due, yes.

**4 Q. Do you have the ability to print a usage report  
5 from this system on the vehicles, the one that used to  
6 be in place?**

7 A. Do I have the ability to what?

**8 Q. Print a report from the usage of the vehicles  
9 from these?**

10 A. I mean, print that report like that if I typed  
11 into it?

**12 Q. Yes.**

13 A. Yes, I could print it.

**14 Q. Okay. Have you ever had to do that for the  
15 Court's review?**

16 A. Yes.

**17 Q. Okay. Did you ever have to keep a record for  
18 yourself of Justice Loughry's travel?**

19 A. Did I ever have to?

**20 Q. Or did you?**

21 A. Yes.

**22 Q. And when did you do that?**

23 A. I did it on five or six occasions.

**24 Q. What made you do that?**

1 A. Well, at the time he wasn't speaking to us,  
2 Jess or I.  
3 **Q. Was this after the memo you all had turned in?**  
4 A. After the memo come out that Jess wrote and he  
5 got mad and he come out and said -- told Jess that he --  
6 he was ashamed of us or something, or this or that, I  
7 don't know what it was. I wasn't there. And after that  
8 point, he quit talking to Jess and I. He wouldn't even  
9 -- he wouldn't even look at us hardly. We'd go -- we'd  
10 go in, and he'd get off the elevator, go back to the  
11 justice chambers. That went on from, uh, that was  
12 sometime in August of 2016 until the 3rd or 4th of  
13 January when he fired Steve Canterbury, is the next time  
14 he talked to us.  
15 **Q. And during that time, you were keeping a log of**  
16 **his vehicle usage?**  
17 A. If I knew he was going somewhere, I'd go out  
18 and write down the mileage. And when he brought it  
19 back, I'd write down the mileage.  
20 Now, I -- I thought I was the only one  
21 knew that, but evidently I wasn't because the federal --  
22 the federal government subpoenaed my personal records.  
23 **Q. You were -- you were doing that because you**  
24 **were concerned about it?**

1 A. Yes. I was -- I was wanting to see how far he  
2 was driving it.  
3 **Q. What did you find out from that?**  
4 A. Well, actually my eyes aren't so well, so I  
5 think I added up 5 -- put 500 miles on one trip. I  
6 thought -- I couldn't figure out how he could drive so  
7 far in three days, but we got to looking at it and I  
8 made a mistake. But I think he drove -- he would drive  
9 400 or 500 miles sometimes and I thought I had him down  
10 for 900 miles, but I think I made a mistake on that.  
11 But I corrected that, but he would drive three or four  
12 or 500 miles.  
13 **Q. Over how long a period?**  
14 A. Two or three, four days.  
15 **Q. And did you have any knowledge of any Court**  
16 **functions or any activities that he was going to during**  
17 **that time that would have required him to make that kind**  
18 **of a lengthy trip?**  
19 A. No.  
20 **Q. Let me ask you a little bit on a -- on a little**  
21 **different note. As you have stated, your security**  
22 **office is right outside the chambers. So you have a**  
23 **pretty good idea of who comes and goes at the Court, do**  
24 **you not?**

1 A. Yes, sir.  
2 **Q. So during the remodeling period, did they**  
3 **remodel your office at all?**  
4 A. No.  
5 **Q. So you all were there in your office**  
6 **continuously through the period when all of the**  
7 **justices' offices were being renovated?**  
8 A. Yes, sir.  
9 **Q. Did the justices come in during the renovation?**  
10 A. Sometimes -- I mean, yeah, they come in once or  
11 twice a week, at least. I mean, it was usually done  
12 during a break, either during the summer or it was  
13 during -- done during the break from -- from  
14 Thanksgiving to the first of the year.  
15 **Q. So they would come in and view the progress**  
16 **that was being made?**  
17 A. Right.  
18 **Q. Did they -- did they take a pretty active role**  
19 **in that just from your observation of their presence**  
20 **there?**  
21 A. Some of them did. I mean, they -- they'd make  
22 sure that, you know, they was -- they were getting  
23 things done that needed to be done, but they wasn't  
24 there every day or, you know, anything.

1 **Q. Did -- did justice Loughry come in pretty**  
2 **frequently during that remodeling process?**  
3 A. He -- he was in -- he was in pretty much -- he  
4 stayed -- he didn't really take too many -- I mean,  
5 during the breaks, he would stay -- he'd come to work  
6 about every day.  
7 **Q. And where did he work when his office was being**  
8 **renovated?**  
9 A. Well, he had an office upstairs, I think, in  
10 the offices of counsel.  
11 **Q. Up in E400?**  
12 A. Up in E400 somewhere, I think.  
13 **Q. Would you describe him as being pretty active**  
14 **in keeping an eye on his renovation?**  
15 A. Yes.  
16 **Q. Now, I want to ask you about something and I**  
17 **don't want to create any kind of security risk, so I'm**  
18 **going to keep this as general as I can.**  
19 **Do you know about the threats to the life**  
20 **of the judges?**  
21 A. Yes, we have -- we get threats -- we take  
22 incident reports from the magistrate courts, family  
23 court, circuit court, probation officers. We've got  
24 files. We get threats, one or two a week, all over the

1 state. The justices have all been threatened except for  
2 Justice Walker. There have been some serious threats,  
3 but we have to take them all serious.

4 And any time they leave there -- any time  
5 they leave the Court to go somewhere, we -- we insist on  
6 driving them. Now, sometimes they don't want us, the  
7 males, especially; but Justice Davis, Justice Workman,  
8 Justice Walker, they -- they're fine with us driving  
9 them. And we need to drive them because they -- they  
10 may -- you know, they're in a court. Half of the people  
11 that leave the courtroom is upset about something every  
12 time they have a case. You know, they lose things, just  
13 like circuit court, family court. And we do have  
14 threats on -- on all of them.

**15 Q. And you would say you get threats up there on  
16 not just a near-regular basis, but a regular basis?**

17 A. Regular basis.

**18 Q. And do you turn those over for investigation?**

19 A. We -- sometimes it is a direct threat. If it  
20 is a direct threat, we do -- we look into it hard. If  
21 we can -- if we can trace a phone or something, which we  
22 usually can't in the Capitol, we do that.

23 We do what we can. If -- you know, if we  
24 can't do anything, you know, we just, you know -- like

1 Justice Davis's office on April the 4th this year, they  
2 got a call back there, and the guy said "I know where  
3 you are," blah, blah, blah. He didn't make any sense,  
4 started cussing and carrying on, so I tried to trace it  
5 and I tried to find out where it came from, but I  
6 couldn't.

**7 Q. When you've went to events with the justices,  
8 have you ever had to drive any of the justices to an  
9 event that was not an official Court event?**

10 A. No.

**11 Q. Okay. There were some questions raised earlier  
12 about some lunches that were purchased for the Court.**

13 A. Watches?

**14 Q. Lunches.**

15 A. Oh, lunches, yeah.

**16 Q. Were you -- were you one of the people for whom  
17 the lunches were purchased?**

18 A. For a while, then I quit. I mean, I never did  
19 feel like it was quite right -- right, so I -- so, yeah.

**20 Q. And so you got out of that, would you say,  
21 pretty quickly?**

22 A. About a year, but it's been going on for -- for  
23 probably since at least 2013, maybe before that.

**24 Q. Did any of the justices stop getting those**

**1 lunches?**

2 A. Justice Davis did.

**3 Q. Let me ask you, did you -- when you went to  
4 Justice Loughry's house, did you ever have to make  
5 another trip up there?**

6 A. I went up there -- I went up there to -- on a  
7 -- I went up there the day that I was -- I think I was  
8 serving a subpoena or something on him and he was on his  
9 way to Tucker County, he said for a viewing or a funeral  
10 or something. And he said, "Do you want me to come  
11 back?" And I said -- he said, "I'm halfway to Tucker  
12 County." I said, "No, go on." I said, "Come back  
13 Monday." And I said, "I'll be back here Monday. I  
14 need -- I need to see you Monday when you come back."

15 And I think I -- I think I was trying to  
16 get some stuff back from him because he had been -- I  
17 think he was -- he had already been suspended. I think  
18 I served it -- I think I served a subpoena on his lawyer  
19 and -- at the Federal Building and I can't remember what  
20 I was doing going up there the first time.

21 The second time I went up there, we went  
22 up there to pick up his computers and so forth that he  
23 had up at his house.

**24 Q. Did you get all of those computers when you**

**1 went up there?**

2 A. I didn't have the list, so I didn't know if we  
3 got them all or not. I was filling out something else  
4 on what I needed to get back, passes and cards and so  
5 forth and access cards and this and that. I got back  
6 what I was supposed to get back.

7 When we come back, uh, the IT man, I can't  
8 remember his name right now, but, anyway, he said -- he  
9 said -- or maybe it was that evening I found out. They  
10 said there was -- there was a computer missing here. We  
11 didn't get one of the computers.

12 And -- but before we left there, I  
13 remember Justice Loughry standing there and he said,  
14 "Now, did you get everything you wanted, you needed?"  
15 And the guy said, "Yes." And I said, "Yeah, I got  
16 everything I need." And he said, "Okay."

17 And then he -- and then he called -- he  
18 called me on my way down the hill and he said, "Did you  
19 get everything you needed?" And I said, "I suppose we  
20 did." And that was it.

**21 Q. But you hadn't been -- you didn't have the list  
22 of computer equipment that he had?**

23 A. He did -- our computer, IT person did, George  
24 something, I think.

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1 **Q. To the best of your knowledge did George ever**  
2 **get that other computer?**  
3 A. No.  
4 **Q. So to the best of your knowledge, it's still at**  
5 **the justice's house?**  
6 A. Or it's missing.  
7 MR. CASTO: All right, that is all I have  
8 for you right now, sir.  
9 THE WITNESS: Thank you.  
10 CHAIRMAN SHOTT: Mr. Angus, our practice  
11 and procedure is to allow the members of the Committee  
12 to ask follow up questions, so I'd ask your patience a  
13 little longer.  
14 I believe I'm going to start -- I'm going  
15 to start at the back row, left side. Questions on the  
16 back row. Delegate Canestraro.  
17 DELEGATE CANESTRARO: Thank you,  
18 Mr. Chairman.  
19 EXAMINATION  
20 BY DELEGATE CANESTRARO:  
21 **Q. Sir, you testified that you used a Cass Gilbert**  
22 **desk in your office?**  
23 A. Yes, sir.  
24 **Q. Okay. Do you know anyone else that -- whether**

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1 **anyone else at the Court is using a Cass Gilbert desk?**  
2 A. Yes, sir. There's five Cass Gilbert desks.  
3 There's one in Justice Ketchum's office, one in Justice  
4 Ketchum's secretary's office, Ruth's office, that we --  
5 I didn't really think it was a Cass Gilbert until they  
6 come up there to look at them. It is a Cass Gilbert  
7 desk, an executive. There's one in my office. There's  
8 one in Trina Leone's office, she is a clerk. She's  
9 upstairs in the library. And the one that we brought  
10 back from Justice Loughry's house is now in Ashley  
11 Deem's office, who clerks for Justice Walker on the  
12 fourth floor, in Office Counsel. That's all five of  
13 them.  
14 **Q. Any knowledge whether anybody else on the Court**  
15 **wanted to use that fifth desk that was in his home?**  
16 A. Ashley did. I mean, Ashley -- we had it over  
17 at the warehouse and we wanted to use it so we brought  
18 it back over and she's using it now.  
19 **Q. Okay. And you testified that Justice Loughry**  
20 **had keys to the Court's vehicle or the State vehicles,**  
21 **the Buicks. Any of the -- did any of the other justices**  
22 **have keys to these vehicles?**  
23 A. No.  
24 **Q. And you also testified that at some point he**

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1 **quit talking to you and Mr. Gundy?**  
2 A. Yes.  
3 **Q. Any reason why he quit talking to you?**  
4 A. He was upset with the -- the last sentence of  
5 the request that Justice Davis made, the memo that went  
6 back to her that said when she asked, "Has anybody  
7 refused to give you destinations?" And we put on the --  
8 we put the last sentence, said, "Nobody except for  
9 Justice Loughry."  
10 **Q. Just a few more questions. Do you have access**  
11 **to all of the transponder data from the E-Z Passes for**  
12 **the vehicles?**  
13 A. I don't.  
14 **Q. Does anyone -- do you know if anyone at the**  
15 **Court does?**  
16 A. I think if we -- we'd have to get that  
17 information from the Turnpike Commission up there.  
18 **Q. Okay. And just one more question then that I**  
19 **have for you. Do you have any knowledge whether Steve**  
20 **Canterbury or anyone else told Justice Loughry that he**  
21 **could have Justice Albright's couch?**  
22 A. I don't have any knowledge of that.  
23 DELEGATE CANESTRARO: Okay, thank you.  
24 THE WITNESS: You're welcome.

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1 CHAIRMAN SHOTT: The second row starting  
2 from the inside out. First row beginning on the left  
3 side. Delegate Hollen -- Hollen.  
4 DELEGATE HOLLEN: Thank you, Mr. Chairman.  
5 EXAMINATION  
6 BY DELEGATE HOLLEN:  
7 **Q. Thank you, Mr. Angus, for being available today.**  
8 **Just a couple questions.**  
9 **You -- you'd mentioned that you would drive**  
10 **the justices to various locations and a lot of times it**  
11 **was due to a possible threat against them, is that the**  
12 **main reason you drove them?**  
13 A. Not just because of threats. We -- we normally  
14 drove the justice if they was going -- if they were  
15 going to a Court function, we would drive them, because  
16 any time they leave there we're in charge of security.  
17 We can't secure them, we can't protect them if they take  
18 off in a car and drive themselves. And -- and so I  
19 always insisted that we drive them. If they'd say, "No"  
20 - which Justice Loughry didn't want us driving him,  
21 Menis, Justice Ketchum, he would -- he was driving  
22 himself back and forth - but -- but normally we drove  
23 them if they were going to a Court function.  
24 **Q. Okay, and back to my same question is due to**

1 the threats, that was one of the main reasons you would  
2 like to make sure that they are secure going back and  
3 forth to the Court functions throughout the State; is  
4 that correct?

5 A. Yes, sir.

6 Q. Did -- some of these threats you said were  
7 serious.

8 A. Yes, sir.

9 Q. Without getting into any details - I don't want  
10 you to do that - but with the seriousness of the threats  
11 and you felt that -- the need to drive them, did you  
12 feel the need to -- that they needed security after  
13 Court hours?

14 A. Well, we couldn't -- we couldn't -- they didn't  
15 want it. And I mean, if we thought -- if it was real  
16 bad, you know, we would have -- we'd have -- like a --  
17 well, the justice, we didn't. We'd never had one real  
18 -- that serious that we'd follow them home or  
19 anything. Some of the circuit court judges around the  
20 state has had real serious. They were direct threats  
21 and they -- we knew that it was ser -- real serious.

22 The justices have had indirect threats  
23 except for a couple times. And that's when I first come  
24 on the Court, there was a couple serious threats and we

1 had the State Police go to Mount Olive, take statements,  
2 and it was from people that were getting in or out --  
3 you know, getting out of jail. And against Justice  
4 Maynard, we had a real serious threat and we had one  
5 against another one of the justices there at the  
6 beginning of my tenure up there.

7 Q. Okay. It's come to our knowledge from a Post  
8 Audit Division report that you had drove Justice  
9 Davis --

10 A. Yes.

11 Q. -- on a trip to Wheeling, to Parkersburg, back  
12 to Charleston.

13 A. Yes, sir.

14 Q. Do -- do you recall that trip?

15 A. Yes, sir.

16 Q. In -- in your statement, testimony here, you  
17 said you never drove to a non-court function.

18 A. That's right.

19 Q. Do you recall her attending a non-court  
20 function in Parkersburg?

21 A. But I was driving her to her Court function  
22 when I drove her to Parkersburg. She went to a non --  
23 she went to a political function. I didn't go to  
24 it. We were going -- we were going to have a function

1 that -- we went to Wheeling, stayed overnight. The next  
2 morning she went to -- she went to a newspaper -- for a  
3 newspaper release about the anti-truancy program that  
4 she'd started. After that, we went to the courthouse at  
5 Art Recht's courtroom and we had the function.

6 I then drove her to the -- to the airport  
7 at Wheeling. She got on her private plane and flew to  
8 Parkersburg. I drove to Parkersburg. I picked her up  
9 at the Parkersburg airport. I took her to the  
10 Blennerhassett Hotel. She -- we checked in. She -- she  
11 left there, I guess, and went to a political function  
12 because I -- that was it.

13 Q. Okay. During that trip to -- in Parkersburg,  
14 you -- you both checked into the hotel, the  
15 Blennerhassett; is that correct?

16 A. Yes.

17 Q. Okay. And were you not concerned about her  
18 safety after you got there and you let her go, whatever  
19 she wanted to do?

20 A. I am always concerned about their safety, but I  
21 can't go to -- I can't go to a private, political  
22 function as a Court -- I mean, because if I did, you all  
23 would be asking me questions about that.

24 DELEGATE HOLLEN: True. Okay. Nothing

1 right now. Thank you.

2 THE WITNESS: Thank you.

3 CHAIRMAN SHOTT: Delegate Pushkin.

4 DELEGATE PUSHKIN: Thank you,

5 Mr. Chairman.

6 EXAMINATION

7 BY DELEGATE PUSHKIN:

8 Q. I will briefly follow up on the questions about  
9 the trip to Wheeling and then to Parkersburg. Who paid  
10 -- do you know who paid for the hotel rooms?

11 A. She paid for her hotel room and the Court paid  
12 for mine.

13 Q. Okay, she paid for her own?

14 A. That is what I understand.

15 Q. Okay, thank you. Let's see, we heard earlier  
16 from Mr. Gundy that a part of your all's duties were to  
17 -- if somebody was fired, you would escort them out of  
18 the building. That was the standard procedure; is that  
19 correct?

20 A. Yes, sir.

21 Q. So were you present when Mr. Canterbury was  
22 fired?

23 A. Yes.

24 Q. Now, it was stated in an op-ed by Justice

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1 Loughry that he made some threatening remarks when he  
2 was being fired. Did you hear any of those?  
3 A. No.  
4 Q. Okay. I believe it's -- as he said, "I will  
5 destroy you." You didn't hear anything like that?  
6 A. I didn't hear that.  
7 Q. Okay. If you were present for removing a lot  
8 of people from -- or escorting a lot of people from the  
9 building after they were fired, from the time that  
10 Justice Loughry became Chief Justice, would you say  
11 there were more firings?  
12 A. In a shorter period of time, yes.  
13 Q. There were a lot of firings in a short period  
14 of time?  
15 A. Yes.  
16 Q. Okay. Okay. Well, I quoted this  
17 earlier. This is from the Code of Judicial Conduct Rule  
18 2.12, Section (C.) "A judge shall not direct any court  
19 personnel to engage in any activity or perform any work  
20 not reasonably related to the official position or  
21 functions of the personnel." Now, have you ever, before  
22 the incident going to Justice Loughry's house to remove  
23 the couch and the desk, have you ever been asked to go  
24 to a justice's house to remove furniture, whether it was

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1 public or private property?  
2 A. No.  
3 Q. Okay. So would you say that was reasonably  
4 related to your official position or function at the  
5 Court?  
6 A. Well, it's not a security matter, but -- and I  
7 work for the Justice and he is a friend of mine and if  
8 he wanted help to move furniture, I'd help him move it.  
9 Q. Okay.  
10 A. But it wasn't -- it wasn't a Court function.  
11 It wasn't security related, so I could have said no.  
12 Q. You said you could have said no?  
13 A. I could have said no, yes.  
14 Q. You said -- just stated earlier there were a  
15 lot of firings --  
16 A. Yes.  
17 Q. -- after Justice Loughry became -- did you --  
18 would you be worried about keeping your job if you said  
19 no?  
20 A. I was worried -- I was worried along that  
21 period of time about losing my job.  
22 Q. Would you say a lot of people around there were  
23 worried about losing their job around that period of  
24 time?

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1 A. Yes.  
2 Q. So it probably would have been -- would have  
3 been tough to say no for any request at that point in  
4 time, huh?  
5 A. Yes.  
6 Q. Uh, and you -- after the memo that came out  
7 where you -- at the last question, you said that Justice  
8 Loughry was upset that you answered it. It was -- the  
9 question was asked, "Have any justices refused to offer  
10 what their destination was when they were using a State  
11 car?" You said he was upset with you for answering that  
12 he was the only one, I think. Were you being honest --  
13 A. Yes.  
14 Q. -- when you answered it that way?  
15 A. Yes.  
16 Q. So he was upset with you for telling the truth?  
17 A. Yes.  
18 DELEGATE PUSHKIN: Thank you.  
19 CHAIRMAN SHOTT: On the left side, I'll  
20 start in the back of the room. Delegate Moore.  
21 DELEGATE MOORE: Thank you, Mr. Chairman.  
22 EXAMINATION  
23 BY DELEGATE MOORE:  
24 Q. Thank you for being here.

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1 A. Yes, sir.  
2 Q. Your colleague, Mr. Gundy, had stated that you  
3 all are responsible for the property within the  
4 Court. Does that sound -- is that factually true? Is  
5 that correct?  
6 A. We'd be responsible if somebody stole it out of  
7 there, yes. I mean, we'd be responsible for  
8 investigating it.  
9 Q. Right. Is -- so who authorizes the removal of  
10 property from the Court?  
11 A. I don't know who would have -- who would have  
12 authorized him to move that furniture up there.  
13 Q. Well, just in general terms, I mean?  
14 A. Well, Steve Canterbury could have.  
15 Q. So Steve gave -- and what does that process  
16 look like? Is there some type of e-mail or form that's  
17 filled out? I know we have this form here in terms of  
18 vehicle use. Is there a form for removal of State  
19 property from the Court?  
20 A. Not that I know of.  
21 Q. So would -- so the process, I mean, can you  
22 maybe, perhaps, give me an example of another piece of  
23 property that you've removed under the authorization of  
24 Mr. Canterbury or somebody else in a position to be able

1 to do that?  
 2 A. I don't know of any.  
 3 **Q. You don't know of any. So somebody, though,**  
 4 **has to say that it's okay for this piece of property to**  
 5 **be removed from the Court or people would just walk in**  
 6 **there and remove whatever they like.**  
 7 A. That's right.  
 8 **Q. But you're not sure who that is, who --**  
 9 A. No.  
 10 **Q. So how would you know if it's been authorized**  
 11 **or not authorized for something to be removed?**  
 12 A. I didn't know it was removed. I didn't know it  
 13 was up there until the day we went to get it. I just  
 14 figured since they remodeled -- remodeled stuff -- we're  
 15 not -- I'm not in charge of the furniture and so  
 16 forth. That would be the administrative assistant that  
 17 takes care of the logistics, which would be Kim Ellis  
 18 right now and it was Fletch Adkins. Excuse me. They  
 19 take care of the inventory of all of the -- of all of  
 20 the furniture, of all -- everything that's probably  
 21 worth over \$1,000 or whatever, that belongs to the  
 22 State.  
 23 If they move furniture from one room to  
 24 another or they move it or sell it or take it to

1 surplus, I'm not -- I don't have to be privy to that. I  
 2 don't know it. I wouldn't have to know it.  
 3 **Q. Right, okay, but I think you just stated if it**  
 4 **was removed in an unauthorized manner, then you would**  
 5 **be, perhaps, privy to that because it would be -- fall**  
 6 **under the purview of your duties then, would it not?**  
 7 A. If it was and I knew it.  
 8 **Q. So it's, typically, as you said, Mr. Canterbury**  
 9 **would say, "All right, this is ready to be removed," but**  
 10 **has there ever been an instance where Mr. Canterbury or**  
 11 **someone else has said, "This is missing. Can you go try**  
 12 **to figure out what happened to it?" A piece of property**  
 13 **or furniture?**  
 14 A. No, we've -- since I have been here with the  
 15 Court, I've -- we've -- I've only had a couple larcenies  
 16 and we -- and that was personal property from one person  
 17 to another. And we got -- we took care of that, but  
 18 there wasn't any -- I don't think there has ever been  
 19 any stolen property that belonged to the Court taken out  
 20 of there, furniture or anything.  
 21 **Q. So it was a larceny in between two people that**  
 22 **were working there, is that --**  
 23 A. I don't know if it was larceny or not. If --  
 24 evidently, somebody told him that they could furnish --

1 they could furnish a office at their houses and I'd say  
 2 it was Steve Canterbury, because I don't know anybody  
 3 else would have told him that and told him he could move  
 4 the furniture. I don't know if you'd call that a  
 5 larceny or not.  
 6 **Q. Uh-huh. So -- but there is someone that gives**  
 7 **-- that grants some authority to say, "This is okay to**  
 8 **be removed." And if a piece of property were removed**  
 9 **from the Court without some type of approval, would you**  
 10 **define that as stolen?**  
 11 A. If somebody removed it without approval and  
 12 took it to their house, I'd say that it -- it could  
 13 possibly be considered a larceny of some kind.  
 14 **Q. So would you define that as an illegal act?**  
 15 A. If he wasn't given permission and he carried it  
 16 out of there and took it to his house without anybody  
 17 knowing it, yeah, I would say it was. But I think they  
 18 got invoices signed by the moving company and paid for  
 19 by the Court that they moved that furniture up there to  
 20 his house, so somebody knew they was moved up there.  
 21 And if there was an invoice signed and paid for by the  
 22 Court, I don't know how you could consider that a  
 23 larceny.  
 24 **Q. Uh-huh. Could a Supreme Court Justice**

1 **unilaterally decide to remove furniture from the Court?**  
 2 A. I wouldn't think so.  
 3 **Q. So there's somebody else who granted the**  
 4 **removal of this, but you're not aware of who that is?**  
 5 A. No, I'm not.  
 6 **Q. Uh-huh. All right. No, I think that's -- that**  
 7 **is all I have. And I really appreciate it. Thank you.**  
 8 A. Thank you, sir.  
 9 CHAIRMAN SHOTT: Delegate Summers.  
 10 DELEGATE SUMMERS: Thank you,  
 11 Mr. Chairman.  
 12 EXAMINATION  
 13 BY DELEGATE SUMMERS:  
 14 **Q. Can you tell me, Mr. Angus, if the judiciary**  
 15 **has started to implement House Bill 4015, the fleet**  
 16 **management bill?**  
 17 A. On us?  
 18 **Q. Yes, is the judiciary started to implement the**  
 19 **fleet management process?**  
 20 A. Yes. Yeah, we've -- we've gone to training and  
 21 spent the day over there, three or four of us, and we --  
 22 we've come into compliance of what we are supposed to  
 23 do. We've put -- we had -- we had state plates on all  
 24 of our vehicles except for two trucks that had class A

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1 plates on them and we didn't have front plates on some  
2 of our vehicles, but now we have front plates and back  
3 plates -- State plates on all of our vehicles.  
4 **Q. Okay, thank you.**  
5 A. You're welcome.  
6 CHAIRMAN SHOTT: First row. Delegate  
7 Fast.  
8 DELEGATE FAST: Thank you.  
9 EXAMINATION  
10 BY DELEGATE FAST:  
11 **Q. Mr. Angus, were you -- did you work holidays?**  
12 A. Do I -- no, I don't usually work holidays, no.  
13 **Q. Do you recall if you would have worked a**  
14 **holiday, West Virginia Day, in 2013?**  
15 A. No, I wouldn't work -- I wouldn't have worked  
16 it, no.  
17 **Q. Okay. So if that's the day that a desk or a**  
18 **desk was moved to Justice Loughry's home, you wouldn't**  
19 **have been there anyhow.**  
20 A. No, sir, I wouldn't have.  
21 **Q. Okay. Now, Exhibits 9 and 10 in your book**  
22 **there, Exhibit 9 appears to be a document prepared by --**  
23 **I believe, by Steve Canterbury. Exhibit 9, and the**  
24 **second paragraph, the last sentence says "All of my**

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1 **calendars should be on file in the Administrative**  
2 **Director's office." Do you see that?**  
3 A. Yes.  
4 **Q. Are you aware of these calendars?**  
5 A. I didn't know he had a cal -- I did -- I'm -- I  
6 would imagine he would have a calendar there that his  
7 two secretaries, administrative assistants, would have  
8 so they could keep track of where he was going and what  
9 he was doing, but I wasn't aware of it personally.  
10 **Q. Okay, Exhibit 10 is a memorandum to Gary**  
11 **Johnson from Joan Mullins. And it states there that**  
12 **"The 2013-2016 calendars that were previously in my**  
13 **files are now missing." Do you know anything about**  
14 **that?**  
15 A. No, I don't.  
16 **Q. Have you heard about, in the buzz of the Court**  
17 **any --**  
18 A. Not until -- not until I heard it here. I  
19 mean, I have heard it in the last couple days.  
20 **Q. Has there been any investigation about -- about**  
21 **this internally?**  
22 A. No.  
23 **Q. Why not?**  
24 A. I just become aware of it. I figure he took

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1 them with him when he left. He was fired. He took all  
2 of his personal stuff and I would say that if he had a  
3 Court calendar that had his personal times, time sheets  
4 or times on it, I would imagine he'd take it with him.  
5 **Q. Well, Mr. Canterbury was terminated in 2017;**  
6 **correct?**  
7 A. Yes.  
8 **Q. Okay. And he writes this memorandum - and I**  
9 **believe it is from him - Exhibit 9, that "All of my**  
10 **calendars should be on file in the Administrative**  
11 **Director's office." And then this memorandum dated**  
12 **February 16, 2018, by Joan Mullins, Executive Assistant**  
13 **to Gary Johnson, Administrative Director, states that**  
14 **"The 2013-2016 calendars that were previously in my**  
15 **files are now missing." So, I mean, that memo would**  
16 **have been generated in February of this year, but there**  
17 **hasn't been any investigation on that?**  
18 A. No, nobody had said anything to me about it.  
19 **Q. Okay. Regarding the desk and the couch, are**  
20 **you aware of any policies that were violated regarding**  
21 **the desk being in Justice Loughry's home or the couch?**  
22 A. No, I'm -- no, I'm not.  
23 **Q. And as far as the statements, basically, "We**  
24 **want to avoid the neighbor when we go back and get the**

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1 **desk and the couch --" or actually the desk, was that**  
2 **illegal to try to avoid the neighbor in your opinion?**  
3 A. I don't think it's illegal, no.  
4 **Q. Okay. And you were asked something, and I just**  
5 **didn't -- couldn't quite hear the answer, but as far as**  
6 **moving the desk, I thought you said that there was some**  
7 **document that stated that a moving company had moved the**  
8 **desk. Were you talking about to the home or from the**  
9 **home?**  
10 A. To the home.  
11 **Q. Okay, because I don't think we've seen anything**  
12 **about moving to the home and this -- have you seen this**  
13 **document?**  
14 A. I can't remember if I've seen it or if I heard  
15 of it, but it was -- it was Young's Moving Company that  
16 moved the desk, I guess, and the couch up there to his  
17 house.  
18 **Q. To the home?**  
19 A. On June 20th of whatever year it was. I don't  
20 even know what year it was.  
21 **Q. Okay, and did you say that -- were there any**  
22 **payments by Justice Loughry for that? That's the part I**  
23 **didn't hear.**  
24 A. I don't -- I don't know of any. I don't know.

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1 **Q. Okay, I didn't hear that.**  
2 **Now, what policies are there, and I think**  
3 **I know the answer to this, but what policies are there,**  
4 **if any, as to home offices for justices?**  
5 A. I don't know of any.  
6 **Q. Okay. Do all of the justices have home**  
7 **offices?**  
8 A. I -- I would imagine that all of the justices  
9 have a computer or a laptop or something at their -- at  
10 their home so they could work from home sometimes, but  
11 as far as any furniture goes or anything like that, I  
12 don't know of any.  
13 **Q. Okay. You -- okay. Would you be in a position**  
14 **to know of any policies regarding computers, printers,**  
15 **office paper, desks, pencils, paper, chairs, anything?**  
16 **Would --**  
17 A. No.  
18 **Q. -- you wouldn't be in a position to know that?**  
19 A. I wouldn't necessarily know it, no.  
20 **Q. Who would?**  
21 A. Kim Ellis might know it since she is the  
22 logistics officer and she is over such things. They may  
23 call Kim and say, "We need -- I need a printer at the  
24 house or a computer," but I wouldn't necessarily know

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1 anything about that.  
2 **Q. Okay, what about bringing something to**  
3 **someone's house?**  
4 A. Taking it to someone's house?  
5 **Q. Yes.**  
6 A. I said Kim Ellis may -- may have been -- she  
7 may be privy to that information, she probably is, or it  
8 could be our IT people because if they wanted a computer  
9 or something, it would fall under to the -- our IT  
10 people that are at City Center East. They would call,  
11 one of them, say, "I need a -- I need a computer or a  
12 printer," whatever, and they would come up and set it up  
13 at their house so they could use it there.  
14 **Q. Okay. Regarding vehicles, were there times**  
15 **when other justice -- justices besides Justice Loughry**  
16 **would reserve vehicles without giving a destination?**  
17 A. No.  
18 **Q. Okay. We -- can you turn to -- there is a**  
19 **exhibit -- it's actually Exhibit 7. You can turn to**  
20 **Exhibit 7. And it has -- it -- I believe it is a letter**  
21 **from Justice Loughry's attorney to Denny Rhodes,**  
22 **Director of Legislative Auditor's office.**  
23 **And it has attached to Exhibit 7, its own**  
24 **Exhibit 1. And there are some instances even on the**

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1 **corrected -- the things that are highlighted, if you can**  
2 **go ahead and flip a couple of pages there, you'll see**  
3 **this Exhibit 1. The highlighted in yellow portions are**  
4 **portions that were, uh -- uh, corrected. And some of**  
5 **those -- uh -- state that there were no -- like the**  
6 **third page in, I think it is, specific purpose of trip**  
7 **not listed on calendar. It -- and that's Justice**  
8 **Loughry's own correction -- I'm sorry, Justice Davis's**  
9 **own correction.**  
10 A. Yes, yes.  
11 **Q. A purpose was not stated on the calendar. And**  
12 **there's -- on the next page, specific purpose of trip,**  
13 **not listed on calendar, one, two, three -- three times**  
14 **right there.**  
15 **So are you certain that there were not**  
16 **other times that justices -- other justices besides**  
17 **Justice Loughry would take out a State vehicle and not**  
18 **list the purpose?**  
19 A. I'm -- I'm positive of it. I was with her. I  
20 was either with her -- I signed it out. She would tell  
21 me, "I need to go such and such a place," maybe she told  
22 me what she was going for, "and reserve us a  
23 vehicle." I would go in and reserve the vehicle, and I  
24 may have neglected to put down the purpose, but I put

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1 down the destination. And that -- that would be my  
2 fault. And it wasn't done intentionally, it's just that  
3 I just didn't do it or whatever. And that would be the  
4 request.  
5 Sometimes she would even call back and say,  
6 "I'm not going." But I never took it off the computer.  
7 It still stayed on there, so it looks like we used a  
8 vehicle when we didn't.  
9 **Q. Well, that would explain the many times where**  
10 **she stated "Do not believe " used -- "a car was used."**  
11 A. Right.  
12 **Q. It could explain. So what you are saying is,**  
13 **perhaps, she didn't give a destination or you didn't**  
14 **record a destination, but the record reflects there was**  
15 **no destination given.**  
16 A. Well, where's that record at? Because I think  
17 there --  
18 **Q. Well, it's that Exhibit 1. If you flip --**  
19 A. There was a destination. There may not have  
20 been a purpose, but there was a destination given. I  
21 mean, I would've put down destination. What page are  
22 you on?  
23 **Q. Well, it's the third -- second-to-the-last**  
24 **page.**

1 A. What county are -- what counties is on that ex  
2 -- that page?  
3 **Q. I don't know. It's the purpose, actually, the**  
4 **purpose, specific purpose. Some places it says that**  
5 **there was not a specific purpose listed and some places**  
6 **it says there was.**  
7 A. Yeah.  
8 **Q. So anyhow, is there any explanation for that?**  
9 A. No.  
10 **Q. Okay.**  
11 A. There was a list -- I think I saw a chart,  
12 there were six -- six times that I may have reserved a  
13 car for her and I drove her and there wasn't a purpose.  
14 But, like I say, I left it off. Just --  
15 **Q. I see that there does appear to be a**  
16 **destination put in, in the yellow sections.**  
17 A. Yes.  
18 **Q. But then several places there's no purpose**  
19 **given.**  
20 A. That's possible.  
21 **Q. And is it -- did you normally record a purpose,**  
22 **as well?**  
23 A. Usually, usually.  
24 **Q. Okay. And when you said that Steve Canterbury**

1 **came in and said, "Don't ask the justices where they**  
2 **were -- they are going," and I am paraphrasing there. I**  
3 **think that's just what you said.**  
4 A. Yes.  
5 **Q. Was this before Justice Loughry became Chief**  
6 **Justice?**  
7 A. No, I think it was after he was Chief  
8 Justice. I might -- wait a minute, let me think a  
9 second.  
10 **Q. Wasn't he -- wasn't Steve Canterbury terminated**  
11 **promptly --**  
12 A. Yes, that's right. He was -- no, no, I -- I  
13 think Menis was Chief Justice, whoever was ahead of  
14 Justice Loughry. I believe it was Menis and -- and that  
15 was -- I think -- I can't remember what the time frame  
16 was, but it was -- yeah, it was before he was Chief  
17 Justice.  
18 **Q. Okay. Now, sine die, when the Court's out sine**  
19 **die, were there, nonetheless, still events that just --**  
20 **Court events that justices attended, speaking**  
21 **engagements and other probation events and things of**  
22 **that nature?**  
23 A. Well, I think when Justice Benjamin was on the  
24 Court, yeah, he would still go to the drug court

1 graduations and so forth, but most of the time during  
2 sine die, especially during the -- the July sine die,  
3 which was around the middle of November, just before  
4 Thanksgiving and through Christmas, they didn't normally  
5 sign themselves up to go out and give any speeches  
6 anywhere or -- and usually there wasn't any conferences  
7 going on. So that wasn't -- that wasn't a normal  
8 practice.  
9 **Q. Okay. There -- what about like high school**  
10 **civic classes, legal education programs, graduation**  
11 **ceremony, courthouse visits, did -- did justices go to**  
12 **those type of things?**  
13 A. They could have. They could have.  
14 **Q. Did you ever attend, as a security person, a**  
15 **justice to one of these such events?**  
16 A. I don't think I've gone to any high school  
17 graduations. What else did you say?  
18 **Q. Uh, civic classes, legal education programs,**  
19 **courthouse -- visiting courthouse, things of that**  
20 **nature?**  
21 A. Yes, I have. I've taken -- taken several of  
22 them to the courthouse visitations and they -- they've  
23 gone and given speeches at the high schools and so forth  
24 about the truancy program, Justice Davis did.

1 I don't remember going to any -- and they  
2 had a -- they had a program in 2000 and -- I think '07  
3 or '08 and it was called Robes to Schools. And they --  
4 they kind of pushed mag -- talked to the magistrates and  
5 other judicial officers throughout the state to go to  
6 read to the elementary schools. Some of them went to  
7 that.  
8 **Q. So justices went also to read to elementary**  
9 **kids?**  
10 A. Justices went to them. I think I drove Justice  
11 Davis to Boone County a couple times or other counties,  
12 and I drove, I think -- believe, Justice Workman. I  
13 took Justice Maynard to a school and Justice Starcher,  
14 and they -- they read to elementary schools. That  
15 was -- that was around -- that was around 2008 or '09,  
16 something like that.  
17 **Q. Okay, these were in State vehicles?**  
18 A. In State vehicles and I drove them.  
19 **Q. State gas?**  
20 A. State gas.  
21 **Q. Okay. But they were not holding court?**  
22 A. Weren't holding court.  
23 **Q. Okay. When -- are you aware that -- whether**  
24 **Justice Loughry engaged in such activities that we just**

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1 **talked about?**  
2 A. Uh, not -- not to my knowledge, but I guess he  
3 could have.  
4 **Q. Okay. Did he request security like Justice**  
5 **Davis did?**  
6 A. He never requested security.  
7 **Q. Okay. Now, you said that at a certain time,**  
8 **you decided to go out and start recording the mileage on**  
9 **vehicles that Justice Loughry was using. Did -- first**  
10 **of all, did you go record the mileage of any other**  
11 **justice?**  
12 A. No.  
13 **Q. Okay. Just Justice Loughry, and were you**  
14 **directed to do that?**  
15 A. No.  
16 **Q. Okay. And what were your findings? Well, I**  
17 **think you -- actually, you -- that has been asked and**  
18 **answered, that's fine.**  
19 **You had mentioned that you had made some**  
20 **mistakes on some of your recordings, which is okay. It**  
21 **happens to the best of us.**  
22 A. Yeah, okay.  
23 **Q. Let me ask you this. Were -- did you make the**  
24 **feds aware of your mistakes that you had just referred**

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1 **to?**  
2 A. If they asked me about it. I can't remember if  
3 they asked me.  
4 **Q. Okay, so they may be operating on some**  
5 **misinformation just because it was an honest mistake?**  
6 A. Or because they didn't ask me.  
7 **Q. Okay, and maybe that is their mistake for not**  
8 **asking.**  
9 A. Yeah, that could be their mistake.  
10 **Q. Okay. And, uh, the Exhibit 6 in there, that's**  
11 **a memo from Justice Loughry to all of the other justices**  
12 **-- well, to Ketchum, Workman, and Benjamin. Are you**  
13 **aware of, uh, any payments, extensive payments to a**  
14 **person named Mark Starcher?**  
15 A. No.  
16 **Q. Who is Mark Starcher?**  
17 A. I've -- I mean, I've heard his name since all  
18 of this started, investigation started, and I can't  
19 remember what they said he did. He worked for the  
20 Court, evidently a contract worker for the Court for --  
21 for something it -- and I can't -- I can't remember what  
22 it involved. It may have been IT stuff. I'm not sure,  
23 though.  
24 **Q. Okay, so he was a contractor?**

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1 A. I think he was, yes. I mean --  
2 **Q. Okay, was he involved in the renovations of the**  
3 **offices?**  
4 A. I don't know.  
5 **Q. Okay.**  
6 A. Like I say, I don't know for sure what he did  
7 for the Court, but he was contract worker. I don't  
8 think it was renovations.  
9 **Q. Are you aware of anything about the rainy day**  
10 **fund being drained from --**  
11 A. No.  
12 **Q. -- 29 or 26 --**  
13 A. Well, I mean, I'm aware of it now, yeah, I'm  
14 aware that it went from 29,000 to --  
15 CHAIRMAN SHOTT: Is there a point of  
16 order.  
17 (Inaudible)  
18 THE WITNESS: Well, that's true.  
19 CHAIRMAN SHOTT: Well, we've let -- we've  
20 let questions in about -- that is an issue that has come  
21 up. If he has knowledge, it is fair to ask him. If he  
22 doesn't have any knowledge, and he says he doesn't have  
23 knowledge -- let me finish. If he says he doesn't have  
24 knowledge, we'll stop the questioning.

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1 (Inaudible)  
2 A. I don't have any knowledge of that.  
3 **Q. Okay, well, now we know. Thank you.**  
4 A. You are welcome.  
5 **Q. And then the memorandum goes on, regarding the**  
6 **memorandum to Mr. Angus and Mr. Gundy, "As each of you**  
7 **is well aware, the Court has no written policy regarding**  
8 **the use of Court vehicles by either the members of the**  
9 **Court or Court employees, a fact confirmed by Mr. Angus**  
10 **and Mr. Gundy in their memorandum." Is that an accurate**  
11 **statement?**  
12 A. I can't half hear you. What?  
13 **Q. Right there, it says -- it's on the very first**  
14 **page of Exhibit 6, the second paragraph?**  
15 A. Okay.  
16 **Q. The first sentence of the second paragraph.**  
17 A. Yeah, that's true, we -- that's true, we had no  
18 written policy.  
19 **Q. Okay. And then "Mr. Angus and Mr. Gundy**  
20 **represent that I'm the only person who has not provided**  
21 **them with a destination for use of Court vehicle." And**  
22 **I think you stated that in your memorandum; correct?**  
23 A. Yes.  
24 **Q. Okay. Did you ask other justices about their**

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**1 destinations, if a destination was not given?**  
2 A. They -- they always give us destinations. I  
3 mean, or they asked us to drive -- I mean, I had to know  
4 where I was taking them, so they -- I -- I got a  
5 destination from all of them except -- except for  
6 Justice Loughry because we never did drive him much.  
7 **Q. Okay, it says as "Indeed, as readily seen in**  
8 **information provided by Mr. Angus, as summarized in the**  
9 **attached charts," and I don't think we have the attached**  
10 **charts. But it says "Mr. Canterbury used a Court**  
11 **vehicle at least 38 occasions without providing a**  
12 **destination." Do you -- can you confirm or deny that?**  
13 A. That's -- that's probably true.  
14 **Q. That's probably true. Okay, "Similarly, on at**  
15 **least eight occasions Justice Benjamin checked out a**  
16 **Court vehicle without stating a destination." Is that**  
17 **-- can you confirm that?**  
18 A. That could be true, too, yes.  
19 **Q. So you think that's true. Okay, there are**  
20 **entries for Justice Workman's use of a Court vehicle**  
21 **without a destination being supplied, as well.**  
22 A. And I think I checked those, and she either  
23 didn't use the vehicle when she had requested to get  
24 it --

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**1 Q. Okay.**  
2 A. -- and there was one mistake I made and it was  
3 -- and it was -- it was -- it was to take -- take her to  
4 a funeral, okay? I got the date wrong. And it was, you  
5 know, I don't want -- it was her daughter's funeral, so  
6 -- I got the date wrong and stuff, so --  
7 **Q. Okay. So as far as Justice Workman, was there**  
8 **-- were there or were there not destinations missing?**  
9 A. I -- I don't think so.  
10 **Q. Don't think so, but you're not positive?**  
11 A. I'm not positive.  
12 **Q. Okay.**  
13 A. There could be, I guess.  
14 **Q. Okay. And, likewise, Justice Davis did not**  
15 **list a destination for her use of a Court vehicle on**  
16 **multiple occasions. Is that true or not true?**  
17 A. Well, destination?  
18 **Q. Yes.**  
19 A. I find that hard to believe because I was the  
20 one -- I would have probably been the one driving  
21 her. She has never driven a State vehicle, so -- so I  
22 either left it out unintentionally. I'd had to be the  
23 one to leave it out. I'm the one that logs it in. She  
24 asked me to drive her and so I left it out, I mean --

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**1 Q. So if perhaps, if Justice Loughry was looking**  
2 **at records, he may come to this conclusion even though**  
3 **it may have just been missing because of a mistake.**  
4 A. That's true.  
5 **Q. Okay. So that could be a true statement just**  
6 **based upon records.**  
7 A. Yes.  
8 **Q. Okay. And then as -- "And as we are all aware,**  
9 **Chief Justice Ketchum has utilized a Court vehicle for**  
10 **many years without documentation concerning the same and**  
11 **has occasionally checked out other Court vehicles**  
12 **without providing a destination." Is that true?**  
13 A. I'm not sure without looking at the records if  
14 it's true or not.  
15 **Q. Okay. Did Justice Ketchum use a vehicle**  
16 **routinely for commuting?**  
17 A. Yes.  
18 **Q. And didn't provide a destination?**  
19 A. Well, because we knew he was -- the reason why  
20 we asked for that destination and so forth, that's a  
21 request to reserve a vehicle. That's so we don't double  
22 book the vehicle. He was the only one using the  
23 vehicle, so we didn't put it down. We knew nobody else  
24 was going to use it because he was the one driving it.

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**1 Q. Okay. All right. And then on the -- page 2 of**  
2 **that memorandum, the second full paragraph, in -- second**  
3 **sentence, "While campaigning to become a justice of this**  
4 **Court, I personally observed Justice Davis arriving at**  
5 **more than one campaign event in a Court vehicle being**  
6 **driven by Court security." Now, can you verify that?**  
7 A. That may be true a couple times, but if it was  
8 true, we were on the way to somewhere else. She went to  
9 a campaign. I didn't go to her with it. I drove her to  
10 it, she went in. We went to whatever we was doing. It  
11 was another -- there was something else going on,  
12 probably the truancy program or could be a Court  
13 security audit, but I didn't -- she never was driven to  
14 a campaign function in a State vehicle without going  
15 somewhere else before or after.  
16 **Q. So if you went to a campaign function in a**  
17 **State car with her and you didn't go in, what did you**  
18 **do? Just sit in the car?**  
19 A. Yeah.  
20 **Q. Okay. How long would you be out there in the**  
21 **car?**  
22 A. I don't know, a half hour, 45 minutes.  
23 **Q. Okay. So you believe that is true, though?**  
24 A. That could be true.

1 **Q. What's stated here?**  
2 A. It could be true, yes.  
3 DELEGATE FAST: Okay. Thank you,  
4 Mr. Chairman. Thank you, Mr. Angus.  
5 CHAIRMAN SHOTT: Delegate Capito.  
6 EXAMINATION  
7 BY DELEGATE CAPITO:  
8 **Q. Mr. Arthur, over here, sorry. Thank you for**  
9 **being here and thank you for your service. I will try**  
10 **to be brief.**  
11 **Do you report directly to the justices?**  
12 A. Yes.  
13 **Q. Okay. And so -- and is the Chief Ju -- I mean**  
14 **you have a lot of experience. Is the Chief Justice**  
15 **considered the head or I mean, if it -- if there were a**  
16 **board of directors, he would be the head; right?**  
17 A. Yes.  
18 **Q. I mean, he's in charge. So is it fair to say**  
19 **that for five months, from August of 2016 to January of**  
20 **2017, or the end of December, whenever Mr. Canterbury**  
21 **was fired, you received no direction from your boss**  
22 **pretty much? Because you said he didn't talk to you;**  
23 **right? Loughry didn't talk to you for those six months?**  
24 A. He wasn't the Chief then. I mean, he wasn't

1 the Chief.  
2 **Q. Oh, he wasn't the Chief?**  
3 A. No.  
4 **Q. Excuse me. Thank you for the correction. You**  
5 **worked -- there's been a lot of talk over the past**  
6 **couple weeks about terminating employees and people**  
7 **then -- there being consternation or unease about job**  
8 **security. For somebody that works directly for the**  
9 **justices of the Court, what is the process for**  
10 **termination, if you know the answer to that?**  
11 A. Well, I thought I knew the answer. I thought  
12 you would have to have at least three of the justices  
13 vote to terminate you, but I don't know if -- if that  
14 happened in some instances. I'm not sure.  
15 **Q. Okay. No problem. And then it is your**  
16 **testimony -- I apologize, Mr. Chairman, I think the**  
17 **gentleman hit on this, but it is your testimony that you**  
18 **clocked the mileage on the cars out of your own**  
19 **curiosity; right?**  
20 A. Yes.  
21 DELEGATE CAPITO: Okay. Thank you.  
22 CHAIRMAN SHOTT: Delegate Fleischauer.  
23 MINORITY CHAIR FLEISCHAUER: Thank you,  
24 Mr. Chairman.

1 EXAMINATION  
2 BY MINORITY CHAIR FLEISCHAUER:  
3 **Q. And thank you for coming here today and for**  
4 **your service to our state.**  
5 A. Thank you.  
6 **Q. You were talking about the location of the**  
7 **desks and when I counted them up after you talked about**  
8 **it, it sounds like there are now five.**  
9 A. Yes.  
10 **Q. All five are back?**  
11 A. Yes.  
12 **Q. So that's really good news.**  
13 A. Yes.  
14 **Q. Thank you for giving us some good news today.**  
15 A. You're welcome.  
16 **Q. Cass Gilbert would be happy.**  
17 A. Yes.  
18 **Q. And one of the things you said was during the**  
19 **breaks, that Justice Loughry would frequently come in.**  
20 A. Yes.  
21 **Q. Were you talking about the summer break?**  
22 A. He came in on both breaks, actually.  
23 **Q. Both Christmas and --**  
24 A. -- summer breaks.

1 **Q. -- the summer?**  
2 A. Yes.  
3 **Q. Because it was one of the more unusual things**  
4 **in the Legislative audit, was how many days he took --**  
5 **he had the car during the holiday break.**  
6 A. Yes.  
7 **Q. And, so, for example in 2013, between December**  
8 **and January, he had it, I believe, 21 days. In 2014, he**  
9 **had a car 27 days. In 2015, he had, if I have counted**  
10 **correctly, 15 days. So do you recall during that time**  
11 **period whether he went on trips, whether he was around**  
12 **the Capitol?**  
13 A. I can remember one time he asked me -- he said  
14 he was going -- this is before he was Chief and this is  
15 before they couldn't tell us where they were taking the  
16 vehicle or they was even taking it. He said that he  
17 needed the vehicle and he was -- he said, "Is it okay  
18 --" he said, "Arthur, is it okay if I leave it at my  
19 house for a couple weeks or whatever," because they were  
20 on break. I think I was taking a vacation. I think  
21 Jess was taking -- and everybody else was off. And I  
22 said, "Well, nobody else needs a car." I said, "I don't  
23 care if you keep it up at your house or not. I -- you  
24 know, it doesn't matter to me."

1 **Q. Uh-huh.**  
2 A. I mean, and he's a boss asking me  
3 permission. I said, if -- you know, he said, "It will  
4 just be parked up there beside my house by the garage  
5 and I'll bring it back when -- when I come back." I  
6 said, "That's fine."  
7 **Q. But normally it would be he's the boss and he**  
8 **would be telling you, because he was your -- he would be**  
9 **your superior.**  
10 A. Yes. I mean, yes.  
11 **Q. You answer to him.**  
12 A. Yes, I answer to him.  
13 **Q. And would that also be true to Mr. Canterbury,**  
14 **for Mr. Canterbury, that he answered to the five**  
15 **justices?**  
16 A. Supposed to be, yeah.  
17 **Q. It was a little more complicated than that?**  
18 A. Yes.  
19 **Q. So -- but, technically, he couldn't tell them**  
20 **what to do when it came to moving furniture or so on?**  
21 A. No.  
22 **Q. Okay. I was wondering about this mileage that**  
23 **you mentioned. When -- that he would drive four or 500**  
24 **or 600 miles, how often did that happen and when -- when**

1 **did you notice that? And you can answer -- that's two**  
2 **questions. You can answer those separately.**  
3 A. Well, it was during the time period that he  
4 wasn't speaking to us.  
5 **Q. Okay.**  
6 A. And that was during -- from sometime in August  
7 of 2016 until he became the Chief on January 1st,  
8 2017. And that was the time period. What was the other  
9 question? I'm sorry.  
10 **Q. Well, that -- the time period was one of the**  
11 **main things I was asking, but, also, how often?**  
12 A. How often would he take the car?  
13 **Q. Yes, how often would you notice there was that**  
14 **much mileage added?**  
15 A. Oh. Well, if I knew he was going to take the  
16 car or had -- or I saw the car out there, you -- it  
17 started -- started being something would happen most of  
18 the time on a Friday or something or a Thursday. And so  
19 I'd just go out there in the middle of the week while it  
20 was parked out there on the curb in front of the HR  
21 house and I'd write down the mileage.  
22 **Q. Okay.**  
23 A. And then if I knew if it was gone, he took it,  
24 and I knew he'd took it because he was the only one that

1 had any keys to it other than us. Of course, Steve had  
2 the keys to it, too, but I would know it was him,  
3 though.  
4 **Q. Just for my recollection, because it has been a**  
5 **long time since I have had a case before the Supreme**  
6 **Court, what days are the Court in session?**  
7 A. Tuesdays and Thursdays.  
8 **Q. Tuesdays and Thursdays?**  
9 A. I mean Tuesdays and Wednesdays, I'm sorry.  
10 **Q. Tuesdays and Wednesdays.**  
11 A. Yes.  
12 **Q. Okay. So when these -- what kind of days of**  
13 **the week would you notice that there had been five or**  
14 **600 miles added to the vehicle?**  
15 A. It would have to be between Thursday and the  
16 next week, Monday or --  
17 **Q. On the weekend?**  
18 A. Yes.  
19 **Q. And you don't have any idea where he might have**  
20 **gone?**  
21 A. No.  
22 **Q. And how many times do you think that happened?**  
23 A. Well, I think it -- I think I wrote the mileage  
24 down six or ten times -- six or eight, ten times.

1 **Q. Okay. And how about -- well, you said that he**  
2 **would normally come in to work during the breaks.**  
3 A. Yes.  
4 **Q. In the summer and also on the holidays?**  
5 A. Especially when he first became justice, he  
6 would come to work all of the time.  
7 **Q. Okay.**  
8 A. Breaks and everything, you know.  
9 MINORITY CHAIR FLEISCHAUER: All right, I  
10 think that is all the questions I have. Thank you,  
11 Mr. Chairman. Thank you, Mr. Angus.  
12 EXAMINATION  
13 BY CHAIRMAN SHOTT:  
14 **Q. Mr. Angus, I have some questions for you, as**  
15 **well. You -- you just finished talking about the six or**  
16 **eight times you wrote down the mileage. Did you record**  
17 **that in the system or was that just something you wrote**  
18 **down for your own benefit?**  
19 A. I wrote it in my personal diary that --  
20 **Q. Do you still -- do you still have that diary?**  
21 A. Yeah, everybody's got it now, I think, except  
22 maybe you all.  
23 **Q. If we don't have it, could we get a copy from**  
24 **you?**

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1 A. I would imagine if you -- you could probably  
2 subpoena it.

3 **Q. Are we going to need to do that?**

4 A. No.

5 **Q. All right. You testified that you always drive  
6 the female members of the Court. And as I understood  
7 your testimony - please correct me if I'm wrong - it is  
8 not necessarily a specific threat each time. It may be  
9 just in general for their safety; is that fair to say?**

10 A. It's just -- it's in general for their safety.

11 **Q. Was there one of the female members of the  
12 Court who used that service more than others?**

13 A. Well, I've driven Justice Davis more than  
14 others because during her -- she has been there for 22  
15 years and I was the only person there -- I was the only  
16 security person at the Court for ten years from '97 to  
17 2007 until Jess got there, so I drove them all if they  
18 wanted to go somewhere and if they wanted me to take  
19 them. And I would usually insist on taking them because  
20 I couldn't protect them if I wasn't with them.

21 And, yes, she -- she started -- she started  
22 different programs. I mean, she was -- she started the  
23 Laws program, the Antitruancy program, the Robe to Robe  
24 -- the Robe to -- the Robe to School program, several

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1 different programs she implemented. She approved -- she  
2 was instrumental in approving the -- revising the  
3 appellate rules and she would go out and educate the  
4 lawyers and go to the schools and -- with Judge Moats,  
5 who started the truancy -- Antitruancy program in  
6 2011. And that -- that -- she went all over the state,  
7 him and her. And I'd drive her, so.

8 **Q. Follow-up on that, according to the work that  
9 was done by our Legislative Auditors' staff, between  
10 2011 and 2018, Justice Davis took -- took ad -- or was  
11 able to drive with Court security about 62 times. Would  
12 that sound about right? That would be --**

13 A. That is probably right, yes.

14 **Q. And Justice Workman, they only found seven  
15 times. So she wasn't using that service as often?**

16 A. She wasn't going out on the road as often.

17 **Q. And Justice Davis -- of course, Justice Walker  
18 had only been there a short time. I think she wasn't  
19 using it at all, is that fair to say?**

20 A. I took her a couple places since she's been  
21 there and that's it.

22 **Q. Did Mr. Canterbury ever tell you, up to the  
23 time that you moved the couch and desk back, that he had  
24 given Justice Loughry permission to take either of those**

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1 **things out of the Court?**

2 A. No. I never knew they was gone. I mean, I  
3 didn't know he had them.

4 **Q. Did Justice Loughry tell you, up to the time  
5 that you went out to get them or the day you made those  
6 arrangements, that he had taken either or both from the  
7 Court?**

8 A. No.

9 **Q. But I believe you did say that Mr. Canterbury  
10 would have had authority to allow that to happen. Or  
11 did I misunderstand?**

12 A. Well, I probably said that. He probably would  
13 have authority to do -- he may have said, "Allen, go  
14 ahead and take that desk up there. Everybody's got a --  
15 everybody's got an office." I don't know if he said that  
16 or not. He could have.

17 **Q. Yeah, I think you didn't hear that. I'm just  
18 asking you --**

19 A. I didn't hear that.

20 **Q. -- if somebody had the authority there to do  
21 that, it would be Mr. Canterbury?**

22 A. Yes.

23 **Q. So and I know you were a trooper for 22 years,  
24 I'm sure you ran into situations where you had one**

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1 **person saying one thing and one person saying exactly  
2 the opposite.**

3 A. Yes.

4 **Q. Let me ask this question. At any time prior to  
5 when you went to pick up the desk or the couch, did  
6 anybody in the Supreme Court on the staff tell you or --  
7 that the couch was missing or that the desk was missing?**

8 A. No.

9 **Q. Was there any effort that you are aware of to  
10 locate the desk or the couch during that time frame?**

11 A. No.

12 **Q. So we really don't have any -- if Mr. -- if  
13 Justice Loughry says Mr. Canterbury told him to do it  
14 and Mr. Canterbury says he didn't, are you aware of any  
15 evidence that would establish which one of those two  
16 gentlemen were being truthful?**

17 A. No.

18 **Q. Okay. When the memo that was created by you  
19 and -- and I am drawing a blank. I apologize. This is  
20 the memo --**

21 A. Mr. Gundy?

22 **Q. Mr. Gundy --**

23 A. Yes.

24 **Q. -- about Justice Loughry refusing to disclose a**

**1 purpose, on any of those occasions did he tell you why**  
**2 he didn't want to give you a purpose or a destination?**  
**3 A.** He said, "It is none of their business." And I  
**4** don't know if he was -- who "they" were. I don't know  
**5** if he was talking about the justices or -- or who. Who  
**6** he was talking about. He said, "It's none -- it's none  
**7** of their business." Or "I'm driving a vehicle." Said  
**8** -- they all -- he did say at one time, he said, "We all  
**9** have our own schedules and they've got their schedules  
**10** and they go where they need to go for Court dates and so  
**11** forth, and speaking engagements and stuff. I don't care  
**12** where they go. They shouldn't care where I go,"  
**13** something to that effect. That's not verbatim or  
**14** anything.  
**15 Q. Did you -- other than the memo, did you report**  
**16 that situation to the -- any of the other justices after**  
**17 the first or second time that -- that Justice Loughry**  
**18 refused to provide that information?**  
**19 A.** Yeah. I mean, there was justices that knew  
**20** that. I made the statements and I don't know who all I  
**21** say -- said it to, but, yeah, that's -- I would imagine  
**22** the reason why the question was asked.  
**23 Q. And that -- and that question was the summer of**  
**24 2016 --**

**1 A.** Yes.  
**2 Q. -- and you were talking about -- how soon after**  
**3 Justice Loughry became justice - and he was sworn in**  
**4 somewhere in January of 2013 - did he start refusing to**  
**5 provide the destination or purpose of his use of a**  
**6 vehicle?**  
**7 A.** I don't know. I don't know if he ever -- I'm  
**8** sure he did report it for a while, but I don't know when  
**9** he stopped it. I don't know when he decided he wasn't  
**10** going to do it.  
**11 Q. Okay. I was not clear about one issue about**  
**12 these keys. Did both Mr. Canterbury and Justice Loughry**  
**13 have keys to the Buicks or did Mr. Loughry, basically,**  
**14 just get Mr. Canterbury's keys when he was let go?**  
**15 A.** Yes, that's how it happened. He got the keys  
**16** once he was let go.  
**17 Q. So there wasn't a period of time where they**  
**18 both had keys to the Buick?**  
**19 A.** No, no.  
**20 Q. Okay. Now, when Mr. -- or Justice Loughry had**  
**21 keys aft -- that would have been after January of 2017,**  
**22 and he would use the vehicle, would you all -- you or**  
**23 Mr. Gundy, still be able to determine he had the vehicle**  
**24 and make note of it in your records?**

**1 A.** Well, he would usually tell us he was going to  
**2** take the vehicle. Even though he had the keys to it,  
**3** he'd tell us he is going to take the vehicle.  
**4 Q. And would it be recorded then?**  
**5 A.** No, we wouldn't record it. I mean, after  
**6** the -- after the point -- one point there where they  
**7** said Canterbury came up and said we wasn't -- normally,  
**8** if he come out and he would ask -- before the -- before  
**9** the fact that he -- well, even before that, he didn't  
**10** tell us.  
**11 Q. He didn't tell you --**  
**12 A.** He didn't tell us where he was taking it or  
**13** what he was taking it for.  
**14 Q. But you knew he took it?**  
**15 A.** But we knew he took it.  
**16 Q. So would your records reflect that he had**  
**17 possession even though you didn't know where he was**  
**18 going --**  
**19 A.** Yes.  
**20 Q. -- or what purpose?**  
**21 A.** Yes. Up until the point that they --  
**22** Canterbury told us -- Mr. Canterbury told us that they  
**23** wouldn't have to tell us that, and I can't remember when  
**24** that was.

**1 Q. All right, now, I think I mis -- misstated my**  
**2 question because, obviously, you -- you're going a**  
**3 different direction.**  
**4 I'm talking about after he got the keys,**  
**5 which didn't occur until Mr. Canterbury was let go. So,**  
**6 obviously, Mr. Canterbury --**  
**7 A.** Yes.  
**8 Q. -- said something about he doesn't have to give**  
**9 you the destination or purpose before he left.**  
**10 A.** Yes.  
**11 Q. What I'm trying to get to is after Justice**  
**12 Loughry got the keys and he would use a vehicle, would**  
**13 you all - and I say "you all," you and Mr. Gundy - know**  
**14 he had the car and record it so we could verify how many**  
**15 days --**  
**16 A.** We -- we wouldn't -- no, we wouldn't have -- we  
**17** wouldn't know that he took it, necessarily know he took  
**18** it because he wouldn't be asking us for it. He already  
**19** had the keys to it and at that point we'd already been  
**20** told they didn't have to tell us they were taking it,  
**21** and so we wouldn't necessarily know it. But the cars  
**22** that he used was sitting out on Quarrier Street and we  
**23** could usually see if they were there or if they weren't.  
**24 Q. Okay, and if you saw they weren't there --**

1 A. -- and we -- and he wasn't there, we prob --  
2 and we could -- we could -- we have cameras out there,  
3 not on those vehicles, but close to it. We could tell  
4 if he was going to the car or not.

5 **Q. Would you record that somewhere in the records?**

6 A. Not necessarily.

7 **Q. So there is no way we can determine by records  
8 or otherwise from January of 2017 forward how frequently  
9 Justice Loughry used the -- those vehicles?**

10 A. No.

11 **Q. No way at all?**

12 A. No way. Except -- except for the notes I made  
13 in my personal book on --

14 **Q. For five or six occasions, I think you said?  
15 Six or eight?**

16 A. Six or eight, ten occasions. That would be the  
17 only way that we could tell.

18 **Q. Let me ask it a different way. By -- if you  
19 are recording the usage of the other justices of the  
20 cars, then by reconstructing, for instance, the gas  
21 purchase card with respect to those cars, would we be  
22 able to approximate usage?**

23 A. Well, I -- I don't know. I don't know if you  
24 could or not, no. Because he usually used the black

1 Buick and if the black Buick was available and another  
2 justice wanted it, I would use the black Buick to take  
3 them -- transport them, usually, sometimes the brown  
4 Buick. So I don't know with the gas, if you'd be able  
5 to figure it out or not.

6 **Q. And at some point during 2017 -- well, I think  
7 you've already indicated this. Right after the desk and  
8 the couch were picked up, he returned those keys.**

9 A. Yes, sir.

10 **Q. And as far as you know, he didn't use the --  
11 any of the vehicles after that?**

12 A. I don't think he did.

13 **Q. Okay, so we have roughly a year where he had  
14 access to the vehicles and no records other than your  
15 notes of when he used it?**

16 A. That's right.

17 **Q. Your best testimony would be in terms of just  
18 from what you observed, how frequently during that  
19 period of time would Justice Loughry use the vehicles to  
20 which he had the keys? Would it be weekly? Daily?  
21 Monthly?**

22 A. No, no, no. He wouldn't use it weekly or  
23 daily. Either -- probably, maybe a couple times a  
24 month.

1 CHAIRMAN SHOTT: Okay. I believe that's  
2 all I have. Mr. Angus, we have extended the courtesy to  
3 the justices that if they have an attorney and that  
4 attorney wishes to ask follow-up questions, we allow  
5 it. If you can bear with us just a few more minutes, I  
6 am going to ask Mr. Allen if he has questions.

7 MR. ALLEN: I do not have, thank you.

8 CHAIRMAN SHOTT: Mr. Carr?

9 MR. CARR: No, sir.

10 CHAIRMAN SHOTT: Okay. Counsel, follow  
11 up?

12 MR. CASTO: I do have just a few,  
13 Mr. Chairman.

14 EXAMINATION

15 BY MR. CASTO:

16 **Q. Mr. Angus, could you tell us again where the  
17 Cass Gilbert desks are located to the best of your  
18 knowledge, just so we have a run-down on those -- those  
19 items?**

20 A. There's one in my office. There's one in  
21 Justice Menis Ketchum's secretary's office,  
22 Ruth. There's one in Menis's office; that's  
23 three. There is one in Trina Leone's office, she's a  
24 clerk upstairs in one of the offices outside of the

1 library; and the Cass Gilbert desk that came back from  
2 Justice Loughry's house is now in Ashley Deem's office  
3 in the Office of Counsel.

4 **Q. All right. I want to go back to some  
5 questioning that was provided for you with regard to the  
6 justices' travel. Is it fair to say that in the  
7 instances where you were driving the justices - those  
8 that we saw on that Exhibit 1 to Exhibit 7, where it  
9 says "Angus-Davis," or "Workman-Angus" or "Davis-Angus"  
10 where you were driving either Justices Workman or  
11 Justice Davis - that there was a destination provided to  
12 you at the time that you took the car out?**

13 A. Yeah, I knew where we were going. I don't know  
14 if I -- you know, I may have not marked it down, like I  
15 didn't three or four or five or whatever it was, but I  
16 knew where we were going, you know, when we left the  
17 Capitol.

18 **Q. And with regard to something else that was  
19 there, Justice Benjamin served a full 12-year term as  
20 justice, did he not?**

21 A. Yes.

22 **Q. And he had, from what we have been given to  
23 understand and from the records we have seen, a fairly  
24 extensive travel schedule.**

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1 A. Yes.  
2 **Q. I know he traveled a great deal, to my**  
3 **understanding, for the establishment of the drug courts?**  
4 A. Yes, sir.  
5 **Q. So for him to have in a full 12-year term**  
6 **neglected to put down a destination eight times, would**  
7 **you have necessarily been aware of that?**  
8 A. No.  
9 **Q. And we had the testimony that Steve Canterbury**  
10 **failed to put down a travel destination 38 times. When**  
11 **I spoke to you, I asked you specifically about justices**  
12 **failing to put down travel destinations or refusing to**  
13 **give you travel destinations, did I not?**  
14 A. Yes. Yes.  
15 **Q. Was Steve Canterbury a justice of the West**  
16 **Virginia Supreme Court at that time?**  
17 A. No, he wasn't.  
18 **Q. So Steve Canterbury's refusal to provide you**  
19 **with that information was not a justice of the Court?**  
20 A. That's right.  
21 **Q. Do you happen to know, in all of the trips that**  
22 **Justice Loughry took with his family, if he took his**  
23 **family in a State vehicle on any occasion?**  
24 A. I have no knowledge of it.

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1 **Q. Another question on that. Did you report the**  
2 **use of the vehicle by Justice Loughry when you were**  
3 **taking down the mileage, to anybody?**  
4 A. No.  
5 **Q. This was for your own, personal --**  
6 A. Yes.  
7 **Q. -- interest and satisfaction?**  
8 A. Yes.  
9 **Q. Did you feel that you had a duty to report**  
10 **those findings?**  
11 A. I didn't feel I had a duty to, no.  
12 **Q. Okay. Did you have any conversations with**  
13 **Mrs. Loughry when you were up at the house moving the**  
14 **furniture?**  
15 A. Yes, we -- we talked.  
16 **Q. Can you recall anything about that?**  
17 A. She -- she -- she told me before they got back  
18 in the house, she said, "That lady is across the street  
19 taking pictures." And I said, you know, "You're  
20 kidding." She said, "No."  
21 About that time Paul and them come back  
22 in. She didn't talk a lot. We moved the -- when we  
23 moved the desk, I mean, she was back there and, you  
24 know, she'd -- she'd talk. She was pleasant.

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1 **Q. But she was the one who let you know that the**  
2 **neighbor was surveiling you all?**  
3 A. Yes, she let me know that, but they already  
4 knew it. They was outside getting their pictures taken,  
5 so --  
6 **Q. Could you call up Exhibit 21 for us, please. I**  
7 **think you've got it -- I think you've got it in one of**  
8 **the other impeachment tabs that are already open. Next**  
9 **one. The next one over. The next one over. All right.**  
10 **Could you scroll down, Charlie, to page 4**  
11 **of that, please. And I know -- I don't believe you've**  
12 **seen this exhibit, but is Young's Moving Service the**  
13 **mover that is used by the Court on a routine basis?**  
14 A. I believe they are. I believe they are; yes,  
15 sir.  
16 **Q. And there was -- in the questioning -- there**  
17 **was questioning that we had no proof via an invoice that**  
18 **any item had been moved to Justice Loughry's house.**  
19 **Could you look at the text there in the "For Remittance"**  
20 **that has been received there. Does it state that an**  
21 **item was delivered to Dudley Drive?**  
22 A. Delivered to Dudley; yes, sir, it does.  
23 **Q. Is Justice Loughry's house near or on Dudley**  
24 **Drive?**

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1 A. Yes; it is.  
2 **Q. Would that be specifically on Scenic Drive,**  
3 **which I believe turns right off of Dudley?**  
4 A. I believe it is. Like I say, I was -- I've  
5 only been to his house three times and I didn't pay  
6 attention to signs. I was following him. But I think  
7 it -- you do turn off of Dudley and I believe it is  
8 Scenic Drive or something like that.  
9 **Q. So -- so if we have an invoice that states that**  
10 **an item was loaded from the State Capitol and we had**  
11 **testimony that it was moved to Dudley Drive, you would**  
12 **believe that was probably an item that was moved to**  
13 **Justice Loughry's house?**  
14 A. More than likely.  
15 MR. CASTO: All right, that is all I have,  
16 Mr. Chairman.  
17 CHAIRMAN SHOTT: All right, we'll go one  
18 quick round and, hopefully, that will be it. And we'll  
19 start again on the back row from my left to right. All  
20 right, the second row? And the first row? Yes,  
21 Delegate Hollen.  
22 DELEGATE HOLLEN: Thank you, Mr. Chairman.  
23 EXAMINATION  
24 BY DELEGATE HOLLEN:

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1 **Q. I just have a quick question that hasn't come**  
2 **up. There's been some discussion that there was a spend**  
3 **down from 29 million dollars to under \$400,000 over a**  
4 **four-year period. And in the office, and you have**  
5 **things that you need to spend money on, I'm sure, on**  
6 **your functions as a Court security. Was you ever given**  
7 **approval to spend whatever you needed to spend to help**  
8 **reduce this because the legislatures are going to be**  
9 **possibly looking at taking control of the budget?**  
10 A. No, sir.  
11 **Q. Any rumor mill to that effect?**  
12 A. No, I never heard any.  
13 DELEGATE HOLLEN: Okay, thank you.  
14 THE WITNESS: You're welcome.  
15 CHAIRMAN SHOTT: Delegate Pushkin.  
16 DELEGATE PUSHKIN: Thank you,  
17 Mr. Chairman.  
18 EXAMINATION  
19 BY DELEGATE PUSHKIN:  
20 **Q. On the -- and thank you, again --**  
21 A. You are welcome, sir.  
22 **Q. -- for answering all of these questions**  
23 **honestly.**  
24 A. Yes, sir.

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1 **Q. On these -- the weekends that you personally**  
2 **logged the mileage on Justice Loughry's -- the car that**  
3 **Justice Loughry was using - and you stated some of them**  
4 **were like five, 600 miles or more in a short period of**  
5 **time - do you know if the State purchasing card was used**  
6 **to fill up on these trips or did he -- do you have any**  
7 **idea if he paid for the gas himself?**  
8 A. I think -- I think the gas card in the vehicle  
9 was used.  
10 **Q. Okay, is there a way to find out where the**  
11 **purchase was made?**  
12 A. Yes.  
13 **Q. Have you looked at that?**  
14 A. Yes.  
15 **Q. Okay. On any of these trips --**  
16 A. I believe we have looked at it. I'm pretty  
17 sure of that.  
18 **Q. Do you remember if any of them were out-of-**  
19 **state?**  
20 A. I don't remember.  
21 **Q. Okay.**  
22 A. But I do -- I do know that he had a -- he had a  
23 conference one time up in DC, and --  
24 **Q. Uh-huh.**

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1 A. -- and he took it -- I mean, he didn't tell me  
2 he was taking it there, but I knew -- I knew later on  
3 that -- through his secretary or somebody that he had  
4 gone to a conference. That it was -- it was a Court  
5 function and he drove it to DC.  
6 **Q. Okay. What about the times that we've seen**  
7 **where he had a State vehicle during, like, Christmas?**  
8 A. I don't know.  
9 DELEGATE PUSHKIN: Okay. Thank you. Have  
10 we -- inquiry for the Chair?  
11 CHAIRMAN SHOTT: Yes.  
12 DELEGATE PUSHKIN: Have we subpoenaed the  
13 purchasing card records of where the gas was purchased.  
14 CHAIRMAN SHOTT: I'm not sure -- I don't  
15 think we have. I thought the Auditor's Office had that  
16 information. So we'll -- we'll follow up with that, but  
17 I believe they have got that information.  
18 DELEGATE PUSHKIN: Yes, if we could that,  
19 could it be entered as an exhibit? I would just  
20 personally like to see where the -- where the gas --  
21 where the cars were filled up on some of these extended  
22 trips.  
23 CHAIRMAN SHOTT: We'll see what we can  
24 get.

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1 DELEGATE PUSHKIN: All right, thank you.  
2 CHAIRMAN SHOTT: On the left side of the  
3 row -- room, starting at the back, the second row?  
4 First row? Delegate Foster.  
5 EXAMINATION  
6 BY DELEGATE FOSTER:  
7 **Q. I had a question about earlier whenever you**  
8 **were talk -- I forget who asked about it, but who --**  
9 **that the Chief Justices or the Justice of the Supreme**  
10 **Court were the chief overseer of the Court and**  
11 **Mr. Canterbury reported to them. You kind of chuckled a**  
12 **little bit and I was wondering what the reason for that**  
13 **was. Is that because he would -- would he normally go**  
14 **outside of what would be seen as his duties, I guess,**  
15 **and make decisions that would more commonly be above his**  
16 **purview?**  
17 A. He made -- he made -- he made some decisions  
18 that I think it was outside his realm of responsibility.  
19 **Q. And -- and can you give me some examples of**  
20 **those, like what -- what he would do that seemed out --**  
21 **kind of out of the comfort zone of things he should have**  
22 **been doing or --**  
23 A. No, I can't give you any examples.  
24 **Q. And specifically what I was thinking that we've**

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**1 uncovered here a little bit is that the decision for the**  
**2 justices to not have to report their miles, would that**  
**3 be something you would consider --**  
4 A. I don't think he would -- he wouldn't take that  
5 on himself to do that. He wouldn't say that unless he  
6 -- they just -- I think what it was, they discussed that  
7 in an administrative conference or something. And I was  
8 told that they had -- that it was -- Steve said they had  
9 -- they had agreed. But what I just understood a month  
10 or so ago after I testified before the judicial -- the  
11 Auditor -- Auditor's Office and so forth, from one of  
12 the justices, they never did agree. They tabled that.  
13 They agreed to think about it or something and he went  
14 on and said that they agreed to it, which -- which there  
15 was nothing written. There was no written policy on it,  
16 so I don't know if they agreed to it or not, to tell you  
17 the truth, not -- for them not to give us their  
18 destination and so forth.  
**19 Q. So either --**  
20 A. But -- but Canterbury -- Steve Canterbury told  
21 us that and he told us that Allen told us -- that he  
22 told -- Allen told him, he told us.  
**23 Q. Okay. And then, also, then like giving**  
**24 direction that they could have a home office, things**

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**1 along those lines is something that --**  
2 A. He wouldn't do that.  
**3 Q. He wouldn't have made that decision on his own?**  
4 A. I wouldn't -- I wouldn't think so.  
**5 Q. And then you stated that before he had keys to**  
**6 the vehicles, as well, as you all did?**  
7 A. Yes.  
**8 Q. And did you notice or is it possible that he**  
**9 could have been using the vehicles outside -- without,**  
**10 basically, logging it and coming to you all and saying**  
**11 he was going to use it, is that possible? And did you**  
**12 notice that?**  
13 A. It's possible.  
**14 Q. Did you notice that happening at all that the**  
**15 vehicles were being used?**  
16 A. No, I mean, he would sometimes take the vehicle  
17 and take off and we wouldn't know where he was going and  
18 we'd have to call downstairs and say, you know, "Where  
19 -- where's -- where's Allen -- where's Steve going?"  
20 And his secretaries would know where he was going, but  
21 he wouldn't necessarily tell us, unless we asked and  
22 tried to run it down. Sometimes we wouldn't  
23 know. Sometimes he'd get out of town and he'd be --  
24 he'd be gone for a couple hours, and then he would call

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1 and say, "Arthur, I've got the red van. I am going to  
2 Morgantown for a meeting. And I'll be back this  
3 evening, okay?" So --  
**4 Q. But did -- did he always let you all know where**  
**5 he had gone or was going?**  
6 A. No, not always.  
7 DELEGATE FOSTER: Okay. All right, thank  
8 you.  
9 CHAIRMAN SHOTT: Del -- Delegate Fast.  
10 DELEGATE FAST: You again.  
11 EXAMINATION  
12 BY DELEGATE FAST:  
**13 Q. When Mr. Canterbury was terminated, do you know**  
**14 what room that was in?**  
15 A. They -- they was -- they were having a  
16 conference in their conference room inside the justice's  
17 chambers and the door was closed and he was inside with  
18 them. That's where --  
**19 Q. Were you in that room?**  
20 A. No, I wasn't.  
**21 Q. Okay, so if anything was said in there, you**  
**22 wouldn't have heard it anyhow?**  
23 A. No, I was standing out in the hall, and I  
24 couldn't hear it, so --

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**1 Q. Okay, thank you.**  
2 A. You're welcome.  
**3 Q. Oh, and I just want to apologize to the**  
**4 witness. When I questioned you fur -- earlier about**  
**5 this Exhibit 21, the Young's Moving statement --**  
6 A. Yes.  
**7 Q. -- between last week and this week, I got that**  
**8 twisted in my mind that that was a pick up and move**  
**9 invoice, not a take to the home invoice, so my apologies**  
**10 to you and the Committee.**  
11 A. That's fine.  
12 CHAIRMAN SHOTT: Questions? Questions?  
13 Mr. Angus, let's see, Counsel, any follow-up?  
14 MR. ALLEN: No, thank you.  
15 CHAIRMAN SHOTT: Mr. Allen? Mr. Carr?  
16 MR. CARR: No, sir.  
17 CHAIRMAN SHOTT: Counsel?  
18 MR. CASTO: No, sir.  
19 CHAIRMAN SHOTT: Mr. Angus, thank you for  
20 being here today. We thank you for your many years of  
21 service in protecting the citizens as a State Police  
22 officer as well as our judicial system.  
23 THE WITNESS: I appreciate it.  
24 CHAIRMAN SHOTT: Thank you, have a

1 pleasant evening.  
 2 THE WITNESS: You too.  
 3 (The witness was excused)  
 4 CHAIRMAN SHOTT: To the members, that  
 5 concludes our session today. Now, just a slight change  
 6 in the schedule tomorrow. The managers and staff met  
 7 with JIC officials for a couple of -- probably a little  
 8 more than two hours yesterday, and one of the issues  
 9 we'd looked at was the -- the testimony of Justice  
 10 Loughry during the Finance Committee meeting because we  
 11 had some concerns about the excerpt that we had played  
 12 for you all and the reference to that in the charges of  
 13 the JIC. And it became clear that they were actually --  
 14 JIC was actually considering the overall scope of the  
 15 entire testimony of Justice Loughry rather than the  
 16 little segment that's printed in the charges.  
 17 So to give you a better idea of what --  
 18 what they are thinking, what the JIC is thinking, we  
 19 will be playing the testimony in its entirety tomorrow  
 20 morning. It's probably about, I have been told, 30 to  
 21 40 minutes. And then we'll take our tour of the  
 22 justices' chambers and that part of the annex over  
 23 there. So we'll probably -- we will start at 9:15 and  
 24 that tour may end our day tomorrow and we have not got

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 4  
 5  
 6 STATE OF WEST VIRGINIA  
 7 COUNTY OF BROOKE, to wit;  
 8  
 9  
 10  
 11  
 12 I, Jennifer Vail-Kirkbride, a Notary Public and  
 13 Commissioner within and for the County and State  
 14 aforesaid, duly commissioned and qualified, do hereby  
 15 certify that the attached transcript of proceedings  
 16 before the House Judiciary Committee meets the  
 17 requirements set forth within article twenty-seven,  
 18 chapter forty-seven of the West Virginia Code to the  
 19 best of my ability at the time I submitted the same to  
 20 Realtime Reporters, LLC, 713 Lee Street, Charleston,  
 21 West Virginia for production, distribution, and billing.  
 22  
 23  
 24 Said transcript was transcribed by me via an audio

1 any --have anything scheduled on Saturday, so,  
 2 hopefully, next week we will have more luck with the  
 3 witnesses we are trying to schedule.  
 4 So with that I'll ask our substitute vice-  
 5 chair for a motion.  
 6 THE SUBSTITUTE VICE-CHAIR: Thank you,  
 7 Mr. Chairman. I move that the Committee stand in recess  
 8 until 9:15 tomorrow morning.  
 9 CHAIRMAN SHOTT: All in favor will say  
 10 Aye? Opposed, no? The ayes have it. We are in recess  
 11 until tomorrow morning at 9:15.  
 12 (The proceedings of the Judiciary  
 13 Committee were adjourned on 7-19-2018)  
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1 recording to the best of my ability.  
 2  
 3  
 4 My Notary Public commission expires: August 26, 2018.  
 5 My West Virginia Commissioner commission expires:  
 6 February 15, 2022.  
 7 Given under my hand this 6th day of August, 2018.  
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*Jennifer Vail-Kirkbride*  
 /s/ Jennifer Vail-Kirkbride

Registered Professional  
 Reporter  
 RMR, CRR, FCRR, RPR, WV-CCR



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