TRANSCRIPT OF PROCEEDINGS

UNITED STATES SENATE

- - -

IMPEACHMENT TRIAL COMMITTEE

- - -

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

PRE-TRIAL DEPOSITION OF LORI MARCOTTE

- - -

C-L-O-S-E-D H-E-A-R-I-N-G

Washington, D.C.

August 2, 2010

HP Exhibit 448

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

PRE-TRIAL DEPOSITION OF LORI MARCOTTE

CLOSED HEARING

- - -

MONDAY, AUGUST 2, 2020

United States Senate,

Impeachment Trial Committee,

Washington, D.C.

The pre-trial deposition of Lori Marcotte convened at 1:06 p.m., in Room SD-215, Russell Senate Office Building, Hon. Mark Udall, presiding.

Present: Senator Udall; Matt Nelson, Counsel for Senator Udall; Congressman Johnson, House Managers; Mark Dubester, Counsel for the House Managers; Jonathan Turley, Counsel for Respondent; P.J. Meitl, counsel for Respondent; Martin Regan, Attorney for Deponent.

Staff Present: Patricia Bryan, Senate Legal Counsel; Justin Kim, Counsel, Senate Impeachment Trial Committee; Thomas L. Jipping, Staff Director, Senate Impeachment Trial Committee; Elisabeth Stein, Counsel, House Judiciary Committee.

P R O C E E D I N G S

SENATOR UDALL: In the matter of the impeachment of Judge G. Thomas Porteous, Jr., the Senate Impeachment Trial Committee has authorized this pretrial examination at the request of Judge Porteous.

Before swearing in the witness for this examination, why don't each of us introduce ourselves for the record? I'm Senator Tom Udall, a member of the trial committee. Let's start here and go around from my right-hand side.

MR. KIM: Justin Kim with the Senate Impeachment Trial Committee.

MS. BRYAN: I'm Pat Bryan with the office of legal counsel.

MR. JIPPING: Tom Jipping, counsel for Senator Hatch.

MS. DUBESTER: Mark Dubester, counsel with the house managers.

CONGRESSMAN JOHNSON: I'm Hank Johnson, United States Congress, Fourth District of Georgia.

MS. STEIN: Elisabeth Stein, counsel for the House Judiciary Committee.

MR. MEITL: I'm P.J. Meitl. I'm one of the lawyers for Judge Porteous.

MR. TURLEY: Jonathan Turley. I'm counsel for Judge Porteous.

THE WITNESS: Lori Marcotte, the witness.

MR. REGAN: Mark Regan, attorney for Ms. Lori Marcotte.

MR. NELSON: Matt Nelson, Tom Udall's counsel.

SENATOR UDALL: The witness at the pretrial examination is Lori Marcotte.

Ms. Marcotte, please rise and raise your right hand for the administration of the oaths.

Whereupon,

LORI MARCOTTE,

was called as a witness, and having been duly sworn, was examined and testified as follows:

SENATOR UDALL: As the parties have already been informed, this examination will last for up to three counsel. It is my intention that counsel for the House of Representatives will have the final 20 to 30 minutes. I appreciate counsel's cooperation of this division of time.

I expect to continue right on through the time divided, as I've just described. If the witness must have a short break, however, please let me know. Also, unlike ordinary depositions you may be

accustomed to, I highly discourage objections as to the form of the questions.

Unless a question is actually confusing to the witness, I will not sustain such objections. If the court reporter is ready, then we can begin.

MR. TURLEY: Thank you very much, Senator.

EXAMINATION

BY MR. TURLEY:

Q. And thank you, Ms. Marcotte. I know that you have able counsel here, Mr. Regan, and I believe you've also been deposed before; is that correct?

A. Yes.

Q. I'm not going to spend a lot of time going over the same rules. The two things I would encourage you to do is, first, Mary Grace can't describe your head motions/hand motions, so if you could answer verbally to questions for the record, that would be helpful to all of us. And second, if you'll allow me to finish the question, so we're sure what you're answering to -- it's something -- a lot of witnesses tend to jump the gun a little bit on.

But also, on my side, if I'm not being clear about anything, you can just stop me to say, I have no idea what you're talking about, or could you be more clear, or could you break that up. I have no

problem with doing that. So just let me know.

Are you okay with all those rules?

A. Yes.

Q. First of all, I'm going to ask you a couple of threshold questions in the case. One is, did you ever give cash directly to Judge Porteous?

A. No.

Q. Did you ever make a campaign contribution to Judge Porteous?

A. No.

Q. Did you ever work on a bond with Judge Porteous after he was a federal judge?

A. No.

Q. When did you start to work on bail bonds in your career?

A. In the late '80s.

Q. Do you have an idea of, like I said, late --

A. '89, '88.

Q. And what brought you into the bail bonds business?

A. My brother.

Q. And that's Louis Marcotte?

A. Yes.

Q. When you started with your brother, did

you start doing many of the things he did in terms of cutting bonds and securing bonds, or did you have a different function? I wasn't clear on that, was I, so let me --

A. The first starting part is what I was confused about.

Q. It was a badly crafted question. Let me start saying, when you started to work with your brother, what type of work did you do in the bail bonds business? What functions did you have?

A. If you're speaking about the late '80s, I was doing accounting work and bail also.

Q. And by bail, you were taking actual bail cases and getting them secured with courts; is that correct?

A. Yes.

Q. When you first started to work on bail bonds, did you work with Adam Barnett in that business?

A. Yes.

Q. And how did you know Mr. Barnett? Did you know him before you began working in bail bonds?

A. Yes.

Q. How did you know him?

A. Adam Barnett worked for a bail bondsman

years before. He had been in the bail bond business a while. I had gotten my brother a job working as a janitor at a bail bondsman where Adam had worked, so I didn't really know the business. I was in an auto title business at the time, but I got my brother a job as a janitor, and that's how I met Adam, when Adam was working for that bondsman.

Q. Did you want some water or anything? I didn't ask.

A. No, I'm okay.

Q. So is it correct to say that Adam had more experience in bail bonds than you or your brother at that time when you started?

A. Yes.

Q. Is that one of the reasons you all worked with him, was to gain from that experience?

A. No.

Q. Why did you work with him? What was the purpose of bringing him into your operation?

A. To make more money.

Q. And how would he do that for you?

A. Adam -- I'm just getting confused with talking. It feels like I'm starting in the '80s, and really, it progressed over time, and that's why I'm not sure exactly which timeframe.

Q. Let's start in 1989, is when you started and you were doing, if I'm correct, a mix of accounting and bond work; is that correct?

A. Yes.

Q. And when you started in '89, was Adam Barnett also working with you at that time on bond work in 1989?

A. He didn't work in the office. We were all paid a salary. Adam was a commission agent, and he would broker bonds through our office, so he would come sit at a desk on the telephone and try to make money.

Q. And why would you use Adam for that instead of just doing all the work yourself?

A. To get bonds reduced or split.

Q. So was he the person that was having the most interaction with the judges in those early years?

A. Yes.

Q. You seem pretty confident of that, so as you started out, he was the person who was generally going to the judges until a certain point?

A. Yes.

Q. Now, at that point, when he was doing most of the work, were you meeting socially with judges,

or was that pretty much after Adam left that you began to meet socially with judges?

A. That was after.

Q. And did he know all the judges? Is that what gave him a slight advantage in that regard?

A. I guess so.

Q. Do you know whether Judge Porteous knew him before or knew his father?

A. Yes.

Q. Which one?

A. Ralph Barnett.

Q. So it was Ralph Barnett that Porteous --

A. Yes.

Q. So at that time, would Adam Barnett just go to various judges to get bonds secured, or would he just go to particular judges?

A. I just remember him going to Porteous. Maybe he went to others. I don't remember.

Q. You don't have any recollection?

A. Huh-uh.

Q. That's fine. And we understand if you don't have recollection.

A. I remember he was playing golf with Porteous. That's why.

Q. Okay. Was it your recollection that, at

some point, Adam -- that you all stopped relying on Adam for this work? Is that your recollection?

A. Yes.

Q. Now, was that due to a controversy involving some bonds that he was involved in, that is, is the reason that you stopped this work due to some controversy?

A. It could be. Greed was another reason.

Q. Why greed?

A. Because we started paying Adam a lot of commission to get the bonds reduced, so he wanted more and more, and we became dependent upon him to do a lot of stuff.

Q. Would you describe him as a truthful person?

A. No.

Q. How would you describe his character?

A. He's really a character, a piece of work. That's how I would describe him.

MR. REGAN: May I speak to my client a minute?

(Witness confers with counsel.)

THE WITNESS: He was not a very honest person.

BY MR. TURLEY:

Q. What type of dishonest things was he known for doing, in relation to you and your brother? I mean, did you have particular things about his dishonesty that you recall? I mean, would he misrepresent things that he was doing or money he was taking?

A. Yes.

Q. I'm just trying to get an idea.

A. Yes.

Q. Can you explain that?

A. He would misrepresent money, get the bond lowered more, so he could make a bigger cut out of a commission. That's where the greed comes in that part.

Q. Let me go ahead and show this.

(Lori Marcotte Exhibit No. 1 was marked for identification.)

BY MR. TURLEY:

Q. Do you recall a controversy in 1993 involving Adam Barnett and a bond that made its way into the media?

A. Yes.

Q. Can you describe what that controversy was?

A. Adam put his house up for a bond, like a

surety for the bond, and collected money on it from our office.

Q. Were you all surprised by this controversy, or did you know about it beforehand?

A. I really wasn't that much involved in this case.

Q. Were you and your brother upset about the controversy when it got into the media?

A. Yes, I remember going to see a criminal attorney with my brother at that time.

Q. Now, was it this event that was -- was this around the period where you stopped using Adam Barnett?

A. It seems around this time to, yes.

Q. In front of you is an exhibit that we've marked Exhibit Number 1, and it's a single page. It's an article in the Times Picayune, entitled, "$80,000 house is used as surety for $200,000 in bonds."

And over in the corner, you'll see a small box that says, "Times Picayune," and below that, date edition, 9/14/93. Do you see that?

A. Yes.

Q. Do you recall this article by any chance?

A. No, I do not.

Q. Do you want to look at it? Is this what you were referring to earlier about the controversy, when you said he put up his house?

A. Yes.

Q. Take your time.

A. Okay. What's the question again?

Q. Having looked at the article, was this the controversy that you were referencing earlier about Mr. Barnett and his house?

A. Yes.

Q. And is this about the date that -- it says 9/14/93. Is this roughly what your recollection was in terms of time period when you stopped relying on Adam for your work?

A. Yes.

Q. So I'm going to ask you questions before then and after then, to get an idea of what was going on in the parish. You had said that, until you stopped working with him, he was the primary contact with judges; is that correct?

A. Yes.

Q. So is it fair to say that, after 9/93, that's when your brother and you began to have more contact directly with judges?

A. No, it was before this too.

Q. Can you give me an idea whether, for example, how much contact you had with judges before '93, as opposed to after you stopped working with Adam?

A. After we stopped working with Adam, we started to use some attorneys also because Adam was acting kind of like an attorney. We went to use attorneys, and from there, then we started seeing judges, but we still used Adam.

If there was money on the table, we wanted to make money, so if Adam came with a bond or we had a really difficult bond, we still used Adam, I think maybe even after -- for sure after this because I remember, so we didn't like totally ever stop.

Q. Okay. You mentioned, after '93, you started to deal with judges. Did you have more contact with judges after 1993 than you did before?

A. Yes.

Q. We're going to be talking about the lunches with judges later, but did those lunches primarily begin after '93, as opposed to before?

A. No, before.

Q. How often would you have lunches with judges before 1993?

A. I would say in '92, '91. It's a long

time. I really don't remember exact dates.

Q. But how regular were those lunches before 1993?

A. In '92, pretty often.

Q. And which judges would you often have lunch with in '92?

A. With Judge Porteous.

Q. And who else?

A. I think Judge Green, Judge Chechardy. I don't know if she was elected in '92. Again, the dates are pretty -- it's a long time ago.

Q. Did your contact with judges -- you indicated your contact with judges increased after '93; is that still true?

A. Yes.

Q. Was it a significant increase after '93?

A. Well, from '92, as I think that's the time when we started to go to lunch with Judge Porteous and after that, he facilitated relationships, helped us facilitate relationships with other judges that were elected, so, yes, from '92 and from that time on.

Q. So you would say it probably started in 1992, when you started to have lunches?

A. Yes.

Q. And your recollection is you continued to work with Adam after this particular controversy?

A. Yes.

Q. When you worked with Adam, did you ever go with him to the courthouse on bond matters?

A. Yes.

Q. When he would go and see a judge, would you often go with him, or would you wait in the hall?

A. I would wait in the hall.

Q. Why is that?

A. Because Adam wanted to keep his connections with the judges to himself.

Q. Did you, during that period, often meet with judges alone, or was it primarily Adam that met with the judges alone?

A. Say the question again.

Q. In, let's say, 1992, did you often meet in 1992 with judges alone, or was that still primarily Adam who would meet with judges alone?

A. I think it was towards the end of '92. Maybe it was the beginning of '93. Again, I'm not exactly sure on the date, '92, '93.

Q. But you seem to have an idea that, around that date, you started to have more interaction with judges; is that correct?

A. I remember waiting outside the hall with Adam, of Judge Porteous' office, and at one point, he introduced me to Rhonda, Judge Porteous' secretary, and then after that, I called Judge Porteous myself on the telephone, and he split a bond for me or set a bond. I don't remember which it was.

Q. And by Rhonda, you're referring to who?

A. Judge Porteous' secretary at the time.

Q. And her last name is?

A. Danos.

Q. Rhonda Danos. And you spent a lot of time with Rhonda, didn't you?

A. Yes.

(Lori Marcotte Exhibit No. 2 was marked for identification.)

BY MR. TURLEY:

Q. Ms. Marcotte, I'm handing you an exhibit that is a single paragraph. We've marked it Exhibit 2. It was previously marked, "Impeachment Task Force Deposition Exhibit 9," and you can see that yellow sticker in the corner. Do you see that?

A. Yes.

Q. This is a picture of two individuals. I believe one of them appears to be you, but can you tell me who is in the picture?

A. Yes. I'm the one with the hat on.

Q. Do you remember where this was taken?

A. In Las Vegas.

Q. Why are you both dressed the same?

A. Because we had those T-shirts made -- I had them made, actually.

Q. Who is the other person?

A. That's Rhonda Danos.

Q. Were you all friends?

A. Yes.

Q. On this Las Vegas trip, did you hang out with her a great deal?

A. Yes.

Q. What type of things did you do on the Las Vegas trip with her, do you recall?

A. We went to shows, gambled. She taught me how to play blackjack; those T-shirts.

Q. Is it safe to say you developed a relationship with Rhonda before you developed a relationship with Judge Porteous?

A. Yes.

Q. And after Adam Barnett introduced you, did you begin to see Rhonda outside the courthouse for lunch or social engagements?

A. Not really. I think twice. I had a party

at my house once that she came to, and I can't remember exactly what the other one was.

Q. How about lunches? Did you go out to lunch with her sometimes?

A. Not that I recall.

Q. With Rhonda?

A. Not alone. In Las Vegas, we did.

Q. And when you met with her on these occasions, did you only talk about the bond business, or did you talk about personal stuff as well?

A. We talked about personal stuff too.

Q. Did you talk about family, things like that?

A. Family was my brother and my sister and my parents at the time, yes. I do remember another time. New Year's Eve, Rhonda and I got together and went somewhere with her friends too, it wasn't often.

Q. Did you celebrate New Year's Eve with her that year?

A. Yes.

Q. What year was that?

A. It might have been this year, '93.

Q. This was in 1993, this picture?

A. (Witness nodding.)

Again, on the dates, it could have been

'94.

Q. When did you no longer have dealings with Adam Barnett? Do you remember what year that stopped?

A. We continued to have business dealings with Adam Barnett.

Q. Until when?

A. Until we got out of the business.

Let me rephrase that.

Until I think he went missing on some bad check somewhere or something, he disappeared, and it was after that, that our business ended.

Q. How many times do you think you had lunch with Rhonda Danos with other people present? You said you went out with her a few times alone. How many times do you think you went out with her with other people?

A. Hundreds, maybe.

Q. Would you routinely just invite her to come along to lunches?

A. Either we would invite her and the judge, or they would call us and invite themselves.

Q. Did Rhonda ever come to these lunches when the judge could not?

A. I don't remember any. It's possible.

Q. Was Rhonda at most of the lunches when you would go out with Judge Porteous?

A. Yes.

Q. Now, how many times did you think you went to Las Vegas with Rhonda? Do you recall? Was it just this once, or was it more than once?

A. It was more than once. Three times, myself personally, and then she came every year to Las Vegas.

Q. With you or --

A. With our company. This trip, I invited her to come, and then the next trip, yes, I invited her again, and there were probably trips after that where I invited her also.

Q. Was that during the bonds convention or conference?

A. Yes.

Q. And when you say that she came every year, would you pay for her every year or she just come?

A. No, we would pay for her every year.

Q. How many times do you recall Judge Porteous going to Las Vegas with you?

A. I've never been to Las Vegas with Judge Porteous.

MR. REGAN: Can I speak to her for one

moment?

(Witness confers with counsel.)

MR. REGAN: Thank you.

MR. TURLEY: No problem.

BY MR. TURLEY:

Q. When Rhonda would go on these trips with you, would you spend time usually on those trips with you? When you said she went every year, would you generally see her every year on these trips?

A. In this trip, we stayed in the same room.

Q. Oh, you shared a room?

A. Yes. Only the first trip, we shared a room. After that, we got her, her own room, and we kind of made Rhonda the person of -- the activity person, to plan all the shows and gather all the people, kind of made her the social event person.

Q. So she would sort of help organize these later trips, you mean, in Vegas?

A. Yes. We wanted to spend money on the people that we brought there.

Q. And who did you bring there generally on these trips?

A. People from our office, a couple of people that work at the jail, and other people in the bail bond business.

Q. Would you sometimes bring judges to Las Vegas on these trips?

A. Yes, the company did. Again, I've never been to Las Vegas with a judge, but my brother was in Las Vegas with Judge Porteous twice, I think.

Q. And I don't mean to interrupt.

A. And so was Rhonda also. Like when my brother went to Las Vegas with Judge Porteous, Rhonda also went, but I didn't go that trip -- no, wait. Rhonda didn't go. I wasn't there. That's why I'm not really sure.

Q. And there is no need to push yourself. If you don't remember, that's fine.

A. Okay. Thank you.

Q. What other judges were you aware of going to Vegas with your brother or with the company?

A. Judge Gucobbie.

Q. Did y'all pay for that, do you recollect, his trip?

A. Yes.

Q. Who else? Anyone else?

A. As far as judges? No.

Q. Is your answer that there might have been others or you don't know them or you know there weren't others?

A. I don't recall any other judges, no.

Q. So Rhonda began to do some of the social scheduling, is what you had explained on these trips?

A. Yes.

Q. Would you tell her in advance -- you know, we have a trip coming up to Vegas to get her to do that in advance? Or how would it work? Would you tell her about the date of the convention -- is it convention or conference? I don't know how to refer to it.

A. The convention.

Q. Would you call her and say, well, the convention is like next month or something, so she could start to look for things to do?

A. Well, they put out an agenda, the association of Louisiana -- of the United States bail agents, put out an agenda for the conference -- you know, when we would be in class, and then when we would be free, so we would schedule the activities around that.

Q. But would she get that agenda? Because she's not in the bail bonds business. Would it come to you, and then you would call her?

A. Yes.

Q. So is that how it would work, you would

get this thing in the mail or whatever, and you would call her and say, The convention is coming up?

A. Yes.

Q. Did you give her any guidance on the type of social things you want to happen, like you should go and get -- you know, tickets to Cirque de Soleil or something? Did you ever make suggestions to her like that?

A. I didn't really know that much about Vegas until our first trip, so I wasn't an expert on Vegas, and I thought she had been there before.

Q. So how would she do it? So would she give you, when you get to Vegas, would she just say, look, here's a couple of things we can go to or shows that are here? I'm trying to get an idea of how she would lay it out for you.

A. Well, we wanted to spend money to make her happy, to make the people from the jail happy, and make our workers happy, so we wanted the best, and we had a heavy cash flow at that time, so spend the money pretty much, is kind of how that went down.

Q. Did you put a cash limit, like try to keep it below this amount for a show, or did you just pretty much let her come up with ideas?

A. Well, pretty much all the popular things

that were around the same price. I'm thinking, like the Blue Men, $150 a person; Siegfried & Roy, maybe the same thing. So pretty much, it's competitive.

Q. Did she also arrange like transportation? Would she help with that too, trying to figure out how to get people from point A to point B?

A. Yes, yes.

Q. Was that usually just by taxi, or did you all rent limos, or how did you go around?

A. Not when I was there. By taxi.

Q. Would she have some money to pay for taxis, or would you all just pay for the taxis for all of your guests?

A. We paid for everything.

Q. Did she ever pay for anything and ask for reimbursement in doing these social things? Like on occasion, does she pay for, I don't know, show tickets, and then ask you to reimburse her?

A. Not for show tickets, no. We paid for her to have a massage or her toes done or her hair done. We paid for those kind of things too.

Q. But how about for others that she was doing the social scheduling for, did she ever cover those and then seek reimbursement?

A. For -- I think it was Judge Porteous' trip

with Gucobbie, the ticket. We reimbursed the ticket.

Q. Now, does she help you arrange social functions as well back in Gretna? Did you use her for the same purpose, sometimes, to help you out organizing parties?

A. Lunches, yes.

Q. How about a Christmas party at the Blue House? Is that what you referred to? You all call your former business the Blue House? Am I correct?

A. That's correct.

Q. Did she help you on occasion, on at least one occasion, plan and prepare for a Christmas party at the Blue House?

A. Yes.

Q. Do you remember what year that was?

A. I don't know. '92, '93.

Q. You're talking to someone who has a terrible memory. So you're thinking maybe early '90s?

A. Yes. That year we had remodeled our office, and since we were now rubbing elbows with Judge Porteous and opening doors to other judges, we wanted to show off our office, that we were professional people -- you know, we didn't have a little shack on the corner.

We wanted to show we had a beautiful office, so we rented a Santa Claus and had Santa Claus. We had a little jazz band, and really, the whole courthouse came to see. It was kind of like a coming out party, so to speak.

Q. And when you say the whole courthouse came to see, was there a lot of judges there?

A. People from the jail and clerks, criminal clerks, people that could help us in the bail bond business that would call in bonds, and Rhonda was there, some of her friends that worked at the courthouse, too.

Q. Do you remember how Rhonda helped out? Was she the one that got the rented Santa Claus or the band? Or do you remember how you guys divided up the work for that party?

A. I don't remember.

Q. Was she good at preparing parties? Did she know a lot of places to go?

A. Yes.

Q. Did you ever go to music concerts with her?

A. Yes.

Q. Was one of those a Rolling Stones concert?

A. Yes.

Q. Now, I think that was reported as October 1994. Is that what your recollection was?

A. I couldn't say. It was a long time ago.

Q. Was it just the two of you?

A. No. We had brought another judge with us.

Q. Who is that?

A. Kernan "Skip" Hand. He didn't ride with us, but I don't remember if we bought the tickets or I don't know how it came about, and his girlfriend at the time he was with.

Q. Did you like Rhonda?

A. She was fun.

Q. Do you think she viewed you as a friend?

A. I don't know. The reason I hesitate that is because, on one trip, I don't know if it was the trip after this, the second trip, at one point, Rhonda started to work for a travel agency, and she was making commission on some of the tickets, so she was real eager to book tickets, so she could make a commission.

And I was dating a man at the time, and he was going to come with us on the trip, and I got in an argument with him or something, and he ended up not coming, and I had the extra ticket, so since Rhonda's a ticketing agent, I said, Rhonda, while we

were at the airport in Las Vegas, I said, why don't we get a refund on this ticket?

And she said, well, you can't get a refund on plane tickets, and I kind of knew that, but since she was a travel agent, she didn't even ask, and I kind of, at that point, I was like, it's really just about the money. So I went to the counter and I told the lady, listen, this guy is not coming, if you could issue a credit on the other person's name, so they wanted to give me a ticket, I don't want to buy this guy a trip to Las Vegas. It's on my credit card, the company credit card. I really would like a credit.

The girl was really -- to like show that I could get it done, she credited the credit card, and I just turned to Rhonda, and I said, see? And after that, I didn't feel the same about her. I knew it was about money then.

Q. So this was sort of a falling-out at that point?

A. Yes.

Q. And when you said it was just about money, you decided that she was less interested in your friendship than the money, you mean; is that correct?

A. Yes, and us too probably, too, interested

in making money too, but since she was making commission and she got a trip to Las Vegas, I'm sure the commission was a way lot less than what we had spent, so it would have been better to try and help me get the -- at least try, if they had told her no, like if she tried to help us get some money back.

Q. So this was about 1996-'97 that that falling-out happened?

A. I'm trying to think of the time I dated that man. Let me see. Give me a second to think about that.

Q. Sure.

A. That sounds about right.

Q. So during that period, your understanding was she was working for the judge, but she was also doing travel arrangements on-site?

A. Yes.

Q. Do you remember the company she was with, by any chance?

A. Trips Unlimited.

Q. Now, I want to get to the bonds thing for a second about some of your recollections. Were you aware whether Judge Porteous had a reputation for not liking to do bonds in drug cases?

A. I didn't know.

Q. Now, you said you were never in Vegas when Judge Porteous went on any trip; is that correct?

A. I think what I said, and what I meant to say, if I didn't say it another way, was I didn't go with him to Vegas.

Q. Were you ever in Vegas when Judge Porteous was in Vegas?

A. I don't remember. I remember him scheduled to speak, and I think he didn't show up the year I was there, and the year he did speak was another time -- speak at the convention, I wasn't there, so I really don't think so.

Q. Now, do you recall that occasion when he spoke to the convention? Was he speaking to the convention on bonds, on the bond subject, to the best of your recollection?

MR. REGAN: Just objection, if she knows. You said you weren't there.

THE WITNESS: Yes.

BY MR. TURLEY:

Q. But from your brother.

MR. REGAN: Were you told?

THE WITNESS: Well, I was a member of the association, and we got letters of who was speaking and what, but I don't remember who he was speaking

about.

BY MR. TURLEY:

Q. Was it your impression that Judge Porteous was very experienced on bond issues, both as a prosecutor and as a judge?

A. Yes.

Q. Was Judge Porteous known as a judge that knew a lot about the bond process?

A. Yes.

Q. Was he considered, to your knowledge, one of the more experienced judges in handling bond issues?

A. Yes. Judge Porteous was pretty brilliant.

Q. Now, I'm going to ask you a little bit about splitting bonds.

A. Okay.

Q. During the 1990s, the jails were under a court order for overcrowding; were they not?

A. What year?

Q. Actually, during the entirety of the 1990s, was it your understanding that the jail was under an overcrowding order?

A. I don't recall how early it started, but, yes, there was jail overcrowding.

Q. And were people being released under

mandatory release orders because of overcrowding?

A. Yes.

Q. To the best of your knowledge, did you know of problems in having those people come back once they were released mandatorily? Did many of them not come back?

A. We tracked who didn't show up for the bonds that we needed to chase the people after, but, yes, and the association did some studies on free bonds versus commercial bonds. It was a good sales pitch to promote our business.

Q. And by that sales pitch, did you often tell judges that prisoners released without bond had a lower percentage of returning to the court?

A. Yes, that's fair to say, yes.

Q. Now, were there many judges, in your experience, that believed that it was better to put a bond on someone than to have them mandatorily released for that reason?

A. I think, after they heard that several times from Judge Porteous, they believed that.

Q. Was it just Judge Porteous or did other judges believe that having bonds on prisoners helped guarantee that they would return?

A. Yes, other judges and some judges like to

let people out free anyway.

Q. Was there a significant problem in the parish with having people disappear and not return to court after they were released mandatorily?

A. I don't know what you mean by significant. Can you be more specific?

Q. Well, was this something that was often discussed among judges and lawyers, the problem of having people just disappear after mandatory releases?

A. Of course, people were attached in court, and we made a lot of bonds on people that had missed court, that had got out, overcrowded, or got released free that didn't end up going to court, we ended up making a bond on a lot of those people too.

I would think that that would have been a problem, people not coming back to court, if no one is chasing them.

Q. Let me ask you this, Ms. Marcotte: You said that, after they heard our pitch -- is I think the term you used -- did you believe that pitch, when you were telling judges, it's better to have these people bonded than to have them released mandatorily, did you believe that that was true?

A. Oh, yes, yes.

Q. Why did you believe that was true?

A. Because if they didn't go to court, we had to pay, and we didn't want to pay the bond, the full face of the liability on the bond, so we definitely would go hunt them down. We had bounty hunters and a police force and a lot of expense to clean that up.

Q. So if they didn't have the bond, then there was really no one hunting them, except the police?

A. Yes.

Q. And did the police in the parish usually hunt these guys down, or was that a high priority for them?

A. No.

Q. Now, I'm going to go to split bonds for a second. Were you aware of judges before Judge Porteous doing split bonds? I mean, was that a practice before Judge Porteous became a judge?

A. Not that I could remember.

Q. Is it your belief that Judge Porteous was the one that helped invent split bonds?

A. I had come into the business around the time I got to know Judge Porteous, so, yes, in my experience, that's really the only person I had known to split a bond.

Q. Really? You didn't know of any other judges that split bonds in the parish?

A. Not that I can remember.

MR. DUBESTER: I'm just trying to clarify, not to interrupt. I can't tell if the question is when she first started the business or during the time that she was in the business. That's all.

THE WITNESS: Thank you. I was assuming you were asking me before Judge Porteous split bonds. Is that where --

BY MR. TURLEY:

Q. I'm going to continue with the questions.

A. Okay.

Q. Did you have much knowledge, before you went into the business, of what judges were doing at all, in terms of bonds or split bond?

A. No, I really didn't know anything about the business.

Q. So is it true to say that, if judges would have been splitting bonds, you wouldn't have known about it?

A. Yes.

Q. And then, when you began in the business and then after that date, did you know of, during your career, other judges splitting bonds?

A. Yes, and I want to back up to the other question.

Q. Sure.

A. I worked at the auto title company for the bail bondsman, Rock Hebert, Hebert Bond, where my brother had actually learned the business. I wasn't in the bonding business, but I heard my brother talk of stories of stuff like this going on, all kind of things going on way back when, and this man owned some property and would make a bunch of bonds and get a lot of fees to do that, and I don't know, maybe that was legal at the time.

I just kind of overheard this kind of thing, but I really was never directly involved with any of that. I wasn't in the bail bond business. So back to did I know of any judges? No. And the practice of this kind of stuff was -- I really didn't have any direct knowledge, but hearsay on this.

Q. That's fine. Let's go back. I understand that was before you got into the business. I can understand that entirely, but after you got into the business, you said, yes, you did know other judges that split bonds; is that correct, during your career?

A. Yes.

Q. Did most of the judges split bonds in the parish?

A. I would say so.

Q. Now, were they all splitting bonds for corrupt purposes or do you think many of those judges split bonds because they thought it was a good idea?

A. For both.

Q. Was there a reason to split a bond other than corrupt purposes? I mean, is there a valid reason to split a bond?

A. Sure. To have a commercial bond on the Defendant to have them come back to court.

Q. So can you explain a little further to some of us not in the bond business? Why did some judges think it was a good idea to split bonds?

A. Instead of the people getting out free --

MR. REGAN: Carry on. Why is that? What is the logic behind it?

THE WITNESS: Because if we didn't go to court, we would have to pay the bond, so no matter if the bond is little or big, if there is a bond on the person, then we're going to go chase them.

MR. REGAN: And who chase them?

THE WITNESS: The bounty hunters.

MR. REGAN: And the Jefferson Parish

sheriff's department didn't do that, did they?

THE WITNESS: No, they had a warrants and attachment division, but really, it was whenever somebody got stopped for a ticket, they ran the name, they would bring them in.

BY MR. TURLEY:

Q. So it was sort of by accident that they would nail these guys on traffic?

A. Yes.

Q. Were you aware that, sometimes, bonds were set initially too high in the case and that judges would sometimes split the bonds because they would correct that problem?

A. Yes.

Q. And did that happen -- fairly happen, that the bond was just set too high, and then later, they split the bond to bring it down?

A. Yes.

Q. And tell me how that worked. Is it true that, sometimes, a judge would have one idea of what a case involved and set the bond high and then later find out that it didn't involve such serious conduct? Is that the type situation?

A. Yes.

Q. Now, when you wanted to get a judge to

sign off on a bond, you had said that, initially, you went with Adam, and you would stay in the hall and then eventually you began to meet with judges, correct?

A. Yes.

Q. When you needed a judge to sign off on a bond, would you sometimes go to the courthouse late in the day and just try to find a judge in their office for that purpose?

A. Yes.

Q. And how would you do that? Would you just ask around what judge is here right now? Is that how it would work?

A. Yes.

Q. How would you ask? Like the guards or something?

A. Go in, shopping it around, like going in each judge's office, seeing who was around.

Q. So were like the doors open where, like in Congress, you could go down the hall and see if someone is in or something?

A. No, they have a secretary. If the judge is gone, usually his secretary is gone too. You could ask whoever is in the office. A criminal clerk, a civil clerk, and a bailiff. Is the judge

here? No. Is the judge here?

Q. Was Judge Porteous known as a judge that was a hardworking judge?

A. Can you be more specific?

Q. Well, was he known as a judge that tended to move his docket faster than other judges, for example?

A. I really don't know the statistics on that.

Q. You say that he was a really smart judge. Was he a respected judge?

A. Yes, very respected.

Q. And why was he respected? Was it just because he was smart?

A. Well, he had really good legal mind, Judge Porteous. He was very funny too, funny guy, what a card, but he worked in the district attorney's office, so I think he had a lot of experience in the legal system on all sides. He was smart enough -- you know, to get picked to get appointed, I guess.

Q. Ms. Marcotte, let me ask you: In terms of the district attorney's office, if the district attorney objected to a bond, was it your experience that, generally, the judges would not agree to the

bond?

A. Yes.

Q. And did that occur on occasion where the district attorney said, look, we don't want a bond in this case?

A. I don't recall one specific one. At one time, they started to put a code VP, vertical prosecution, on some people, so they started to put that on the jail inventory sheet, and that would let a judge know this guy is a multiple bail, to set the bond high, if that's what you're asking me.

Q. It was a VP?

A. Yes.

Q. Do you know what that stands for?

A. Vertical prosecution.

Q. Oh, okay. Do you know, generally, where they would write VP? Was there a separate box or did they just write it on top or --

A. It was actually 6 VP, code 6 VP. That was this guy's multiple bail. I think that's what that meant.

Q. Do you know when they started doing that?

A. No. I would think -- wait. I don't know. I remember they put this guy George Hessni in charge of that department in the DA's office, so whatever

year that was.

Q. Was there someone in the DA's office that was following bonds? Was there someone that was designated in the DA office, as sort of the -- who would keep track of bonds, or is that just each individual prosecutor kept track of them in their cases?

A. I really don't know, but I can tell you this, that Adam went to the district attorney's office a couple of times and had somebody from the DA's office call Judge Porteous' office saying, we don't object. So I don't know who that was or what, but I know that happened a few times.

Q. And why do you think they did that with Judge Porteous, have him call up to say, we don't object, like that?

A. I think Judge Porteous would say, Adam, get someone to -- something to hang my hat on, or if Adam would say, they don't object in the DA's office, maybe Judge Porteous didn't believe him, so maybe he had to go prove it. I don't know exactly why. I'm just speculating right now.

Q. That's fair enough. Are you familiar with a standard operating procedure, where Judge Porteous would have Rhonda call the jail to confirm facts on

bond cases before he signed off?

A. Yes.

Q. And was it your understanding he asked her to, generally, do that for all bonds, to call and confirm basically the rap sheet type of information?

A. Yes.

Q. Did Judge Porteous ever turn down any of your bonds?

A. Yes.

Q. And what were some of the grounds that he would turn down bonds with you, do you recall? Was there any like pattern?

A. No. Most judges, again, violence or quantities of drugs, fair bail.

Q. Did Judge Porteous ever talk to you about -- or did you ever hear him speak about the need to lower bonds because of the Constitutional requirement of a fair bail?

You just referenced fair bail. Did you ever hear Judge Porteous talking about the need for bail to be lowered to satisfy the constitution?

A. No, but we made that argument a lot because we wanted to make the bonds. We had to book and -- you know, the family can't afford it. What is fair? If they don't have the money, then can they

afford it? That's kind of like with our argument.

Q. When you split bonds, what do you think was the percentage of people that would come back to the court when you split a bond? Do you have any idea what the rough percentage was, as opposed to bail jumpers?

MR. REGAN: In which year? Is there differences in years?

BY MR. TURLEY:

Q. I was going to ask you just sort of for your entire career with the bail bonds unlimited, if you had maybe a rough idea of those with split bonds, did host of them come back or did half of them come back?

A. Split bonds comparing to what, free bonds or nonsplit bonds that are commercial?

Q. I guess split bonds compared to free bonds.

A. I really don't know the percentage. More people came back on a commercial bond because we went to get them.

Q. Now, when you had to go and get these bonds, there was a judge that was designated every week as the magistrate judge, correct?

A. Yes.

Q. Now, this was just a judge that was given that job by rotation; is that correct?

A. Yes.

Q. That is, you would do it one week, and then another judge would do it another week?

A. I think it was done by rotation, but there was also a justice of the peace, and then later on, commissioners were appointed by the judicial, 24th judicial, that would have bond hearings too, so the justice of the peace would go in the jail and set bonds.

And then after that, the magistrate judge would set the bonds and then later came the commissioners. They would set the bonds. And then anything else above that would go to the magistrate judge after that.

Q. Now, did you recall complaints that there were some judges, when they became magistrate judges, they were rarely around, you had a hard time finding them?

A. Sure, and a lot of people didn't want to be bothered at home.

Q. Now, was it fairly common, when you couldn't reach the magistrate judge, to go to the courthouse and try to find another judge to sign off

on a bond?

A. Yes, and sometimes, we didn't even call the magistrate if we knew it was someone that wouldn't help us.

Q. Now, they went to a commissioner's process later, didn't they?

A. Yes.

Q. Even after the commissioner process, did some people still go to other judges when they couldn't reach the commissioner or to get another judge to sign off on bonds?

A. Yes, even more because, if the commissioner was -- it depends who was on. We worked this 24 hours a day, 7 days a week. We kind of knew who would do what on looking at the person's record and the charges and putting the whole thing together. We could kind of guess what each person would say.

So we would want to go around -- hurry, let's get this bond set before it goes to the commissioner because it's going to be too high.

Q. So when you say we would know who would do what, were there some judges that just didn't like drug cases and some judges didn't like violent cases, is that what you're referring to?

A. And some judges that didn't want to be

bothered.

Q. Now, were you aware that some of the judges complained that other judges weren't doing enough bond work and it was falling onto their lap all the time?

A. Yes.

Q. And were you aware that there was -- a lot of times, judges would encourage other judges to try to carry more of the bond load on their own?

A. I think either. We started with that complaint too because we were -- and maybe judges that were helping us too, like Judge Porteous, for example. We're calling him, calling him, he's aggravated. Hey, everybody else, your turn to do your job and -- you know, we can't wear him out at one point.

Q. You also said you complained about it. Did sometimes bondsmen go into these judges and say, could you just talk to Judge A and ask him to do a little more bond work or -- you know, did bondsmen ever complain to judges to try to say, you really need to talk to this guy, to get him to do a little more of this?

A. Well, we kind of did that at lunch.

Q. Do you recall a bond with a guy from New

York who I believe your brother handled? It was a guy who was accused of fraud, and originally, Judge Porteous granted his bond and then called back and said, I just found out more about this guy, and I'm not going to sign the bond? Do you recall that case?

A. Not really, no.

Q. Do you have any idea, during the 1990s -- really, I guess the period we're looking between is probably 1992 to 1994, is really the key period here.

A. Okay.

Q. Do you have any recollection of how many bonds BBU would secure from judges in the 24th judicial district during every month? Do you have just a rough idea of what your traffic was like?

A. I have no idea. I really don't know.

Q. How about annually? Do you have any idea just how many bonds you would move through that district annually?

A. I don't know what the number would be in '92 and '94, but I know, around '99, it may have been 40,000 items a year, but that doesn't mean 40,000 defendants. If one person has three or four charters and the bonds are written separately, one person could have four bonds, so the amount of items, but in '92 and '94, we had -- before that, we had a

mom-and-pop shop, and during that time, we really became a booming business. We made a lot of money. We started buying property and -- you know, coming out, so to speak, here we are.

Q. So forget about the numbers. I can understand that. So during '93-'94, were you handling as many bonds as your brother, or were you doing fewer bonds than your brother?

A. About as many.

Q. And by '93-'94, were you, at that point, doing most of the direct contact with judges?

A. Yes.

Q. Did you get bonds signed by most of the judges at one time or another in that district?

A. I would think so.

Q. Did Judge Porteous ever reject the amount of bond that you were asking and make it higher or sometimes make it lower? Did he ever adjust the figure himself?

A. Sure.

Q. Why would he do that? Would he explain why he was doing that?

A. Either something would be on their record or there was an indication he wanted to go to lunch.

Q. When you say something is on their record,

did you ever say, when he was signing the bond, I looked at this guy's jacket, and I've noticed a couple of things here that bother me?

A. Sure.

Q. And your experience was he would generally get that from Rhonda who would get that from the jail?

A. Or he would call himself sometimes too like from his house or on his cell phone. Rhonda is not there to call the jail. We could only get information from the family and the Defendant, and we would kind of grill them a little bit, so when we went to Judge Porteous, we would say, this is what we know, of course, check it out.

And that's where the difference between Adam and us, and Judge Porteous bragged about that a lot because, if Adam knew something that was bad, he would still lie about it. If we knew something that was bad, we would say it.

Q. I see.

A. That was the difference.

Q. And so was it your impression he didn't trust Adam much?

A. Yes.

Q. Adam Barnett?

A. Yes.

Q. How about this guy? It's Hebert, right?

A. Hebert.

Q. With Hebert, was it your understanding that Hebert would sometimes take judges out to lunch?

A. Which Hebert, the one that my brother had worked for?

Q. Yes, the one that had the bond business before your brother. This is Adam Hebert.

A. Yes, Adam Hebert.

Q. Didn't he have the business before your brother?

A. Yes.

MR. REGAN: Rock?

THE WITNESS: Yes.

BY MR. TURLEY:

Q. His name was Rock?

A. Yes, but his name was Adam. I forgot that until you reminded me.

MR. REGAN: You're back on track.

BY MR. TURLEY:

Q. I'm better at Rock than I am Hebert.

To the best of your knowledge, did he sometimes take judges out to lunch?

A. I really don't know. I remember him -- he

had a fishing boat. I remember him taking some judges on a fishing boat.

Q. Were you aware whether he would sometimes deliver shrimp to judges, free shrimp to judges in Gretna?

A. I really don't know that firsthand. I mean, he had property, and all this property was put up like this in Lafitte, which is a fishing town, and he had a yacht and a fishing boat so I would assume shrimp came with that too, but, no, I didn't see him bring any shrimp that I remember.

Q. And how about Adam Barnett. Would he sometimes go out to lunch with judges?

A. Yes.

Q. You said pretty quickly. Was it a regular thing that he would go out to lunch with judges?

A. Yes. You're talking about during the Adam Rock Hebert time, or when he was working in our office?

Q. During the whole time when he was working with your office and with Hebert, did he regularly go out with judges for lunch?

A. I really don't know about the Hebert thing because when he worked for Rock Hebert, Adam worked in the New Orleans division, not really so much in

Gretna, and I worked in the title company. I was 16 years old at that time. I'm 47 now, so that's a long time ago.

Q. Believe me, I know. How about after you started working the bonds business. Did you see him go out to lunch a lot with judges?

A. Yes, and he worked us for that too. $500 to take Judge Porteous to lunch or to go golfing or this one or that one or take the guy in the DA's office. I need some extra money. That's where the give me more, more, more started coming in.

Q. How about other judges? Do you remember him taking other judges out to lunch?

A. If you could jog my memory, I could probably agree with some stuff, but no, not really. I just remember him --

Q. It's not really you can't remember -- did you believe that he went out to lunch with other judges or do you believe he only went out to lunch with one judge?

A. I just know about him going to lunch with Judge Porteous and some judges in New Orleans. I remember him speaking about some traffic judge or something in New Orleans. I mean, if I had a list of the judges who were on the bench at that time, I

could probably say, yes, well, maybe, yes, I heard Adam say this, but I can't remember all those names.

Q. Fair enough. Now, one follow-up question. We were talking about how sometimes when Judge Porteous was at home, he would call the jail. Do you remember mentioning that?

A. Yes.

Q. Did you sometimes go to his house or call him at his house at night about a bond?

A. Yes. I've never been to his house.

Q. But you would call him?

A. Yes.

Q. And would he tell you, I want to call the jail first, and then get back to you?

A. Sometimes, but -- you know, he had to call the jail to split the bond anyway, so then we would call the jail in a few minutes to see if the bond was split. I mean, if it wasn't split, we wouldn't call back and say why. We would kind of end it there.

Q. Why didn't you call back and try to get him to change his mind?

A. That's kind of rude, I guess.

Q. Did you think that he would not take well to that, to have you call back and try to argue with him about it?

A. Well, maybe, in person, it would have been easier to argue. It's enough to get cooperation at home or to get him on the phone.

Q. Now, we're talking again -- you said that you started -- when do you think you started having lunches with judges? Was it 1992 or 1993?

A. I think it was '92.

Q. Late 1992, mid?

A. After Judge Alan Green was elected, we started going to lunch with other judges. Judge Porteous kind of introduced us to other judges, but before that, it was Vegas.

Q. Why does Green's election stick out as a time period to you?

A. Because that kind of comes up as what I call the training period, to bring other judges in, to train them on how to split bonds, to train them on the bail bond business, to train them to trust us, to hang around us, and Judge Porteous was respected and loved by people in the courthouse, and he's hanging around us, going to lunch, going to Vegas.

It wasn't a secret either. And to get other judges at the table, then -- that's why when I called it a sales pitch earlier, I just remember Judge Porteous always saying the same thing. I would

rather have a commercial bond. I mean, that was just kind of like repeated over and over and over and over.

Q. He would rather have --

A. A commercial bond.

Q. As opposed to what?

A. As opposed to overcrowding or a free bond or signature bond.

Q. So you would often hear him at lunch saying he would prefer a commercial bond than or mandatory release or free bond, is that it?

A. Yes.

Q. Was there anyone who disagreed with him on that? Was there like debates about that or did people pretty much agree with that?

A. People pretty much agreed except --

MR. REGAN: Sassone?

THE WITNESS: Yes.

BY MR. TURLEY:

Q. Judge Sassone had an issue?

A. Sassone and Vernon Wilty. He was a pretrial officer, and they believed in letting the people out free.

Q. Now, when you talk about the training period, did some of these judges, when they came to

the bench, have very little experience on bonds?

A. Yes.

Q. And so is that what you meant by training period, where you had to try to show them how the system worked? I mean, was that part of the training?

A. Sure. Most lawyers, I mean, that aren't in the criminal court, they don't even know how bonds work, so it's not just the judge. I mean, a lot of people don't know how bonds work. It's something, if you don't do it every day, you really don't understand, but it's insurance.

I bet if you polled people outside and asked them if a bail bond is an insurance policy, people wouldn't know the answer.

Q. So you mentioned when Judge Green was elected -- I'm not so sure when that is, but you said it might have been '92. Do you recall going to lunch with Judge Porteous in '92 or with Judge Porteous in '93?

A. No, I remember going to lunch with Judge Porteous in '92.

Q. And these lunches with Judge Porteous, I mean, I'm talking between '92 and '94, this period.

A. Okay.

Q. Would you often go to lunch with your brother Louis and Judge Porteous?

A. And Rhonda and several other people too.

Q. So these were largely large lunches?

A. Yes.

Q. How did you get such a large group? Did people just tag along or how did people join the lunch group?

A. Judge Porteous liked to have people around them. He's kind of an entertainer. He's a jolly person. He needs an audience.

Q. So was it your impression that, when he was going to lunch, he would just say, why don't you come on the to lunch? Is that the type of thing? Or would he call people?

A. He would invite people in his staff. We would call, or they would call, let's go to lunch, let's go to lunch, let's get some bonds done, go in his office. Let's go to lunch. Okay. Where do you want to go? We'll meet you in this restaurant. And other people would come.

Or if it was something more planned, like trying to get other judges. Someone new gets elected on the bench, go to Judge Porteous, let's get this judge at lunch, so the more he could help us get

people at the table, the less we could bother him too.

Q. Was it sometimes easier to find judges at lunch than during office hours?

A. No, I really didn't get bonds done at lunch, but right before lunch or right after.

Q. I'm sorry. I keep on interrupting.

A. That's all right. I thought I would be doing that.

Q. It's called being the youngest in a large family, trying to get a word in edge-wise. I interrupted you.

Did you have something else to add to that?

A. Trying to get people at the table. As soon as a judge gets elected, let's try to get him at the table. Let's try to train him. And that was an opportunity for Judge Porteous to have an entourage with him too. Let's invite two or three judges and their staff and the table would be big like this. Thousands of dollars later, hours later, fun.

It was fun. It really was fun.

Q. And you said that you wouldn't necessarily talk business. Would you just basically -- these were sort of social conversations like --

A. The same thing came up all the time, commercial bond, and then the strippers in Las Vegas, that story. Just the same -- Adam Barnett climbed to the top of a tree to tell a lie and stand on the ground to tell the truth. That was one of Porteous' favorites, just rehashing the same old, and it was funny. The way he told it was funny.

Q. So he would often trash Adam Barnett in front of the other judges?

A. Yes, and that was a way kind of to get the other people to -- look, don't trust this guy because he's like this, but trust these people because we're at lunch together kind of thing.

Q. Did you just have lunches where you primarily -- was it usually talking about bonds, or did it also talk about politics or sports?

A. All of that. Just trash talk, small talk, and funny. We would talk about ourselves too, you know, laugh at ourselves.

Q. And did a lot of the judges drink? I mean, did people drink for a while at these things?

A. Yes.

Q. Did judges, other than Judge Porteous, drink at these occasions?

A. Yes.

Q. Would you often raise bond cases at lunch, or would you primarily just be sort of socializing?

A. Repeat it again.

Q. At these lunches, would you actually raise individual bond cases at these lunches, or would you primarily socialize?

A. Socialize, but unless it was a really big bond, we didn't bring -- we had no work sheet that we made. We wouldn't bring the work sheet to the table. We thought that was rude. But if it was something really big, then -- and I don't recall one particular one that -- you know, we did at lunch, but something would be said like, after lunch, I want to go see you in your office. Okay. Sure. Or right before lunch, let's do the bond, let's go get lunch. Okay.

And it depends -- you know, if he had people already taking him to lunch. Sometimes, we were fighting over, no, it's our turn. We wanted to get him at lunch, but other people were taking him to lunch too.

Q. And do you remember what other judges were at some of these lunches? You said these were large engagements. Do you remember any of the names of the other judges?

A. I remember the Alan Green one

specifically.

Q. How about Judge McCave?

A. Yes, Judge McCave. I think he was at that one too. Judge Chechardy. I remember that one specifically because that was the initial -- that sticks out because kind of like the training session, that one, a couple of new elected judges at the same time, and it was maybe 15 people.

Q. Judge Gucobbie?

A. Yes.

Q. Judge Cascio?

A. Yes.

Q. Judge Grant?

A. No, never been to lunch with Judge Grant.

Q. Judge Fitchue?

A. Yes.

Q. Judge Wanehurst?

A. Yes.

MR. REGAN: Wanehurst?

CONGRESSMAN JOHNSON: I would interpose an objection at this point. I know that counsel can communicate and coordinate with his client, Ms. Marcotte, but to actually testify himself through her, I think, is inappropriate, and I've seen it happen more than --

MR. REGAN: I apologize. The name was pronounced Windhorst, not Wanehurst. I was just trying to correct the pronunciation.

THE WITNESS: I thought you interrupted me because you might have had a conflict with him.

MR. REGAN: No, it was Windhorst.

BY MR. TURLEY:

Q. Judge Dotson?

A. Yes. I haven't been to lunch with Windhorst as a judge, but when he was a state senator or rep, whatever it was, I had lunch with him, but not as a judge that I can recall.

Q. Was there any particular restaurant where most of these lunches occurred at?

A. The Beef Connection, Ruth's Chris Steak.

Q. And I was just at the Beef Connection about two days ago. Was there a time when the Beef Connection was the only -- sort of main restaurant people went to? I mean, was there a period where that was sort of the go-to restaurant for lawyers and judges?

A. The Red Maple was always that also. They had lingerie shows at the Red Maple. The Red Maple has been there maybe 100 years in Gretna, and Old Gretna, close to the Gretna Courthouse, of course,

has been around, but the Beef Connection has a great lobster, really does, really thick lobster.

But, yes, on the West Bank, to this day, I really don't know any really good steak houses. I mean, there is a new one, but there is still the Red Maple and the Beef Connection still there.

Q. Let me ask you: Extending these lunches past '94, when the judge entered the federal bench, did you have many lunches with the judge after he became a federal judge?

A. No.

Q. Did you have any lunches with him after he became a federal judge?

A. I don't remember. If so, maybe one or two, but I don't really recall. I don't remember any right now. I know my brother did with another executive at that point. We had really gotten busy, and I wasn't taking long, long lunches.

Q. Do you recall your brother going to New York and coming back with some fake Rolexes, watches?

A. Yes.

Q. Were you in New York with him when he did that?

A. Yes.

Q. And you all went to Chinatown, I think, to

get those things?

A. Yes.

Q. Did you specifically go to Chinatown to buy the fake Rolexes?

A. I don't know how we got to Chinatown.

Q. But were you guys looking for fake Rolexes? Was that one of the items on your trip?

A. I don't know. We had never gone to New York. We went there to see an insurance company, to get another contract, and that guy sent us to some shows. You know, we had had never been to New York. We were small town Gretna people from Fourth Street.

I don't know how the Rolexes came about or how we ended up in Chinatown, but, yes, when we went back another time, we made it a trip to go back to Chinatown, but the first time, I don't remember how we ended up there.

Q. You said something interesting. You said you're small town people from Gretna Fourth Street. Would you consider Gretna and this judicial district a relatively small town community?

A. Well, the judicial district is the parish, but the city of Gretna itself is a small town. It has a little police department, and it's got a city hall, and you go there, and they're writing receipts,

and they're stamping with a stamp -- you know, paid, the big round -- you know, they're still doing that now.

You feel like you're walking in your house at city hall. So, yes, it's still a small town, Gretna, so the courthouse is located in the municipality of Gretna.

Q. And is the legal community relatively small and close-knit in Gretna?

A. The city?

Q. Yes.

A. Yes.

Q. The ones practicing in the court that Judge Porteous was a judge in?

A. No, that was the parish, not the city.

Q. But was it a small community around that parish court, where the judges and lawyers knew each other?

A. And everyone in the courthouse too. Everyone knew everyone's business.

Q. And did they tend to socialize with each other and go out to lunch with each other?

A. Yes. In fact, after things went down with our business, I used to have a Christmas party. I might have 150 people come to my party, and after the

FBI came, it was like 10 people because everyone I knew was at the courthouse.

Q. That's interesting.

A. Like I didn't -- the money went, the friends, the courthouse, yes. So does that answer your question?

Q. Yes. So going back to the watches, do you recall your brother coming back with a whole bunch of watches to Gretna?

A. Yes.

Q. And was it your recollection that he went to judges and just offered people these watches to various judges?

A. Clerks, people at the jail, yes.

Q. Did a lot of judges accept them?

A. I don't really know which judge he offered them to. I don't know who accepted them.

Q. Did people kid him a lot after that about the watches, I mean, at lunch and stuff?

A. It sounds familiar.

Q. Now, did you all bring other types of things to the judge's chambers, like turkeys and hams, on occasion?

A. Yes, and cakes. My brother was married to a woman that her sister owned a bakery and worked

there, so cakes.

Q. Like gingerbread cakes on occasion?

A. Birthday cakes. They could really draw on the birthday cake, like a kid's cake, like a theme. They could really create some beautiful cakes.

Q. So this would be like, if a judge had a birthday, that y'all would make a cake for him and bring it there?

A. Not us, the bakery, and also petit fours. Do you know what a petit four is?

Q. Yes.

A. They made delicious petit fours.

Q. Did you do that for most of the judges? You tried either cakes or hams or turkeys?

A. Yes.

Q. Did any of them refuse them?

A. Yes.

Q. Did most of them take it, or did most of them refuse it?

A. For the most part, people took cakes.

Q. When would you bring the hams and turkeys?

A. Thanksgiving, Christmas, maybe Easter sometime, I don't remember, holidays.

Q. Did you ever bring shrimp?

A. To the courthouse? No.

Q. Now, in terms of other things that --

MR. REGAN: Excuse me. May I speak with my client?

MR. TURLEY: Yes.

(Witness confers with counsel.)

THE WITNESS: To clear up about the shrimp, I thought you were asking me did I bring shrimp to the courthouse.

BY MR. TURLEY:

Q. Yes.

A. And I said, no, we never brought shrimp to the courthouse. We brought shrimp to people's houses.

Q. Oh.

A. And we brought shrimp to our office that people picked up, but to bring smelly shrimp inside the courthouse, no.

Q. So would you regularly bring things like shrimp to judges' houses?

A. About the same, at Christmas and Thanksgiving, or if -- you know, later on, we had agents all over the place. In some fishing towns, these people would bring us shrimp, and we're like, we don't want these shrimp, we don't have time to cook them, and we would give them away.

Q. Do you remember which judges you brought shrimp to their houses?

A. Yes.

Q. Can you tell me who they are?

A. Judge Greffer.

Q. Judge Greffer?

A. Yes. And I can't remember if we took shrimp to Judge Green's house or not. I don't know. That's all I really remember.

Q. Was this a pretty informal thing, that is, you sort of did the rounds, whoever wanted them would take them, or if they didn't, they wouldn't? Was it very formal, or would you send them specifically it to people's houses?

A. Whenever we got them, if somebody went shrimping and dropped off a thing of shrimp, it was more like to get rid of them, and at one point, we started buying them.

Q. We're going to talk about what you did with Judge Porteous in a second. But did you all ever do anything for judges, like repairs or helping them out or driving them anywhere? I mean, was that something that you all did as well, that is, little favors for judges?

A. Repeat the question.

Q. Besides the food, the Rolexes, stuff like that, would you sometimes do little favors for judges, beyond just the food?

A. I'm not sure what you mean by little favors.

Q. Would you do anything for judges to help them out? I mean, would you buy them tickets or take them on fishing boats? I mean, I'll trying to get an idea --

A. Yes.

Q. Can you give me an idea of the types of things you guys would do with other judges?

A. When ex-Judge Bodenheimer was a judge, we did some repairs on his house when his wife was having a baby and hired his children, paid their insurance. He tried to go in business with us a little bit at one point with some home incarceration program. I was really totally against that.

So I wouldn't say that that's a regular thing. Judge Green, I did repairs at his house. His son's graduation, I think that was, and the Destin trip, we went to the judges' convention there and took some judges on a yacht ride.

Q. Did you all charter that yacht?

A. Yes.

Q. And that's you and your brother chartered it?

A. I chartered it. My brother was out of town or somewhere else at the time. He was in London at the time.

Q. Do you remember how expensive that was?

A. Not really.

SENATOR UDALL: Counsel, we've had a request for a break. We've been going about an hour and a half now. Do you want to --

MR. TURLEY: We can stop here, but can we stop the time?

SENATOR UDALL: Are we all in agreement for maybe a 10-minute break at this point?

MR. TURLEY: Sure.

(Recess.)

BY MR. TURLEY:

Q. I was hoping you might be able to help me a little bit. I though we're having trouble with the number of bonds you all would move, and believe me, I can understand that. I was going to push you a little further, to try to see if you could give me just an estimate on like how many bonds in an average day, from the '92 to '94 period, you all would generally move in this district.

I mean, could you give me a rough idea? I mean, would it be like more than a dozen or less than a dozen, two dozen, three dozen?

A. I don't know. It's more than a dozen, less than two. Again, I'm just guessing because, before that, we were just a little mom-and-pop shop, writing a few things here and there, and then after that time, it seemed like hundreds, but compared to what was going on in '99, thousands and tens of thousands.

So what seemed like a lot in '93 was a lot back then and probably more profitable for us than what we were doing in '99, just trying to gobble up the market share.

Q. That's fair. Can I ask you about Michael Porteous? Are you familiar with Judge Porteous' son?

A. Yes.

Q. Would he have occasion to use a parking space in your parking lot during this period of '92 to '94?

A. Yes, we issued him a parking spot.

Q. Now, is it true that he actually would pay for that spot, that he would pay $5 a day when he pulled in?

A. I don't recall him paying for that spot.

Q. Really? So would you be surprised if he testified that he would pay $5 a day? Did other people pay $5 a day?

A. Some people did, the public, and maybe $5 -- this was way after. Someone was running a parking lot, and I'm talking about like really late '90s at this point, where someone -- we kind of leased it to someone, but not really for rent -- you know, here, you want to make some money, work at the parking lot. It kind of came like that.

And later on, we started making money on the parking lot, so if you tell me in the late '90s, I wouldn't be surprised because that guy didn't let anybody go without paying, but if you're talking about the mid/early '90s, I would be really surprised if he said he paid to park.

Q. Did anybody pay to park in that lot in the mid-'90s?

A. No.

Q. Would it surprise you to hear that, sometimes, he would pull up, and there would be in space in the parking lot?

A. Yes.

Q. So that would surprise you?

A. No, it would not surprise me.

Q. So when we say he had a reserved spot, other people could park in that spot, correct?

A. It was so difficult to keep the people out of everyone's spot. You would have to stand out there and monitor it. People, strangers, passers-by would have to park. You would have to put a guard around, a gate and a key, if you wanted to keep people out of it.

Q. That's what I was going to ask. There was no gate or anything. It was just an open lot; is that correct?

A. You could drive through the two buildings, but that came later also. I think you could get to it from the back way, back when. Yes, it was an open lot in the back. So many things happened through the years, how that area evolved into a big complex now.

So when I was talking about Gretna being small, a little small town, I see pictures, and Huey P. Long Avenue was a dirt road, and the parking lot in the back of the Blue House was a dirt radio too at one point -- you know, like they have the pictures in the city hall. I'm sure there are pictures somewhere in that parking lot before it was a real parking lot.

Q. Are you living in Gretna now?

A. Yes, I'm a Gretnite.

Q. A Gretnite is what it's called?

A. Uh-huh.

Q. I'm going to cut back on a couple of questions that I wanted to fill in some gaps. Forgive me if a bounce a little bit here.

A. Okay.

Q. You said that the judge would sometimes call the jail about bonds before he signed it. Would he sometimes call the district attorney himself, do you know?

A. I don't recall.

Q. How about the detectives in the case? Would he sometimes call the arresting officers?

A. Yes.

Q. And why would he call the arresting officers in these bond cases?

A. Judge Porteous wanted to do the bonds for us, and looking for something to hang his hat on is kind of how he put it.

Q. Would he sometimes find out stuff that was bad about a bond from the arresting officer and decide not to grant it?

A. Yes.

Q. Do you know, would he often ask if there was a gun or drugs involved with the arresting

officers?

A. That sounds familiar, sometimes. We would call the jail, and we had our connections inside the jail, and they would read the gist to us, and then if something was -- the police -- we got to be great detectives too, you know, knowing how police reports should be read. We could have been district attorneys too at one point, but knowing that it's a weak case by what's written in the gist on the report, and then we would bring that information to Judge Porteous sometimes.

And then he could call the officers, and if it would check out what we said, then he could do the bond, so he would try to find a way to do the bond instead of just -- some people might not take that extra step.

Q. There are some judges who would just grant or deny and not make the phone call, if that's what you mean?

A. Yes. Or if someone at the jail read the report. A lot of things like that stem from victim cases -- you know, the wife said that he's trying to kill me and the person is charged with attempted murder and the wife is in her office trying to get him out, she's not hurt -- you know, the report says

something bad.

And then the detectives interview the wife and then they find out -- you know, kind of like -- but most judges don't dig into the case like that, unless it's someone who wants to help somebody, like how many people are going to go through all of that trouble for us to make money.

Q. But did you also conclude that the judge also wanted to make sure there was nothing bad in the bond for his own purposes?

A. Yes, that too. If the policeman said -- you know, he really held a gun in the person's mouth, I think he would say no.

Q. One would hope.

(Lori Marcotte Exhibit No. 3 was marked for identification.)

BY MR. TURLEY:

Q. I'm handing you an exhibit with a cover page with the number 1 at the top and the Federal Bureau of Investigation and at the bottom, there is what's sometimes called the Bates stamp of JC202785. Do you see that?

A. Yes.

Q. I'm going to just actually ask you about one small part of this. On page 3, if you turn to

the third page, I'm just going to ask you about one sentence, is all I'm interested in.

A. Okay.

Q. If you look on page 3, you see the page number is over here, and this is in the paragraph beginning, "Porteous was the judge Lori and Louis went to."

A. Yes.

Q. At the very end of that, you said, "Porteous also called the district attorney's office and the detective to get information on the Defendant." Do you see that?

A. Yes.

Q. Do you recall saying that in an interview with the FBI?

A. Not really.

Q. Is there any reason to believe that that's an inaccurate statement? Do you think that's still a true statement?

A. If I think about it, maybe I could come up -- now that I'm reading this, it's making me remember. I don't remember if Bodenheimer was in the DA's office when Porteous was a judge, and he may have called him. It's possible.

Q. It's a long time ago. I understand. Let

me ask you about some other things. Are you familiar with repairs done on Judge Porteous' fence?

A. Not too much, but --

Q. Maybe vaguely?

A. Yes. I didn't see the repairs.

Q. But are you aware that an Aubrey Wallace and Jeff Duhon allegedly repaired his fence?

A. Yes.

Q. Do you recall signing receipts of reimbursement to them for those repairs?

A. That's very vague.

Q. Vague in your memory, you mean?

A. Yes. It seems like it because they never had any money, so either we gave them money or a credit card or something.

Q. But they would come to you, right? Weren't you the sort of accounting person of the two of you?

A. Yes.

Q. Do you think you would have kept a record of that?

A. Well, let me back up. My mother held the money. My mother held the money in a little bag, and at night, my dad would stick it in his pocket so -- you know, like he wanted to pretend like it was

his business, the father, give me the money, kind of like that.

And then later on, we had a safe, but to get money -- I don't know how the money came up about Porteous' fence or the receipts.

Q. Do you think it might have been in cash that you -- did you often just reimburse them in cash or give them cash to buy things like this?

A. In the real early '90s, yes.

Q. You don't have any recollection how long it took them to repair this fence, do you?

A. I think they built a fence, is what my understanding was, because I remember somebody saying something about so much money per board for the fence. That's how come -- that's why it makes me think it's not a repair, it's building a fence.

Q. Did you ever produce receipts for the FBI or anyone else on this fence issue?

A. No, not that I remember.

Q. Did Judge Porteous ever ask you to repair or build a fence?

A. Me, myself?

Q. Right.

A. No.

Q. Did he ever ask you, yourself, to repair

his car?

A. No.

Q. Did you ever arrange for his car to be repaired?

A. Yes.

Q. And could you tell me how many times that was?

A. I can't remember, five or six. I'm just guessing. His car was broken a lot. His son's car too.

Q. What would you do when you arranged it? I mean, would you ask someone to do it for you or how would you go about repairing his car?

A. Either Jeff Duhon or Aubrey Wallace would drive it to this place, a guy that Adam had introduced us to.

Q. Would, sometimes, Judge Porteous pay for those repairs?

A. Not that I recall.

Q. Would you have known if he did?

A. His car was broken a lot, and I'm telling you maybe five or six, that I know of. His car was broken more than that, so which five or six, you know.

Q. Once you sent someone to repair the car,

would you have known whether he paid for all five or six or whether he might have paid for two out of the five?

A. No. If we sent the car to be repaired, generally we paid for it.

Q. How would you pay for it? Would you pay for it by check or by cash?

A. I don't remember if we even had a credit card back then. Cash. Cash, probably. Just knowing the guy that owned that repair shop makes me -- cash.

Q. Part of the record talks about a noncompete agreement that ended up being allegedly raised with Judge Porteous. Do you remember a controversy over a noncompete litigation?

A. Which one? There were three, I think.

Q. This was around 2001-2002 and it originally went in front of Judge -- is it Guidry?

A. Guidry.

Q. Does that help refresh your memory?

A. Yes. That's when Judge Porteous was a federal judge.

Q. Now, did you ever see Judge Porteous contact Judge Guidry about that case?

A. No.

Q. Did Louis tell you that Judge Porteous

would contact Judge Guidry in the case?

A. I went with Louis to Judge Porteous' office, and we asked him to contact Judge Guidry about the case, and he said he would, and then later on, something was faxed, and the FBI ended up with that fax confirmation some kind of way, that it was confirmed that somebody faxed something, either from his office or to our office.

Q. From his office, you mean Judge Porteous' office to your office?

A. Yes, or from Judge Porteous -- again, I don't know. I didn't see it, but either from Judge Porteous' office to Judge Guidry's office or from our office to Judge Porteous' office.

Q. Were you present during this conversation, or was it just Louis and the judge that had this conversation about Guidry?

A. No, I was present with Louis.

Q. Now, do you recall what Judge Guidry, ultimately, did in the case? I mean, isn't it correct that Judge Guidry ruled against you in the case?

A. I don't know what happened. I thought --

MR. REGAN: Let me interject and object. I thought there was more than one case here. Is

there a particular one you're talking about?

MR. TURLEY: Yes, we're talking about Bail Bonds Unlimited versus Chedville.

MR. REGAN: Chedville. Okay. I believe there was more than one case involving employment contracts.

MR. TURLEY: We're talking about the Chedville case.

MR. REGAN: Are you familiar with that?

BY MR. TURLEY:

Q. Before Judge Guidry.

A. I was answering questions about another one.

MR. REGAN: A different one.

THE WITNESS: I really was.

MR. REGAN: I'm just trying to clarify.

BY MR. TURLEY:

Q. No, this is really very helpful. Let me step back, so we'll make sure we get everything down, including whether the fax was in this case or another case. I'm talking about the Chedville case, the Bail Bonds Unlimited versus Chedville, in front of Guidry, and my understanding is that Guidry ultimately ruled against you in that case. Do you recall that ruling?

A. Yes.

Q. Now, was the fax in that case or a different case?

A. It was that case.

Q. Oh, it was that case?

A. It was that case. I had that confused with some other interview. I knew it was Guidry.

Q. Now, do you recall --

A. I was confusing them with the Dennis case with Chedville, worked for Matt Dennis. It was a family thing, and they were all kind of interrelated. I think more than one of them sued us then.

Q. Do you recall that BBU appealed Judge Guidry's decision to Judge McManius?

A. No.

Q. Do you recall that Judge McManius ultimately ruled against you as well?

A. Yes. I think it was just appeal to the Fifth Circuit, and that judge decided it with other judges. I don't think it went straight to him. Yes, I know, because we lost, and that was pretty much the end after that.

Q. Now, when Judge Porteous had been confirmed, but before he became a federal judge, do you recall, for example, on the last day, whether you all moved any bonds with Judge Porteous on the last

day?

A. Yes. I don't know if it was the last day or the last two days. I mean, I don't know. I remember, after he was confirmed, he did a lot of bonds for us.

Q. We have been given bonds by the House of Representatives, and we may not need this exhibit. I'll just ask.

Would it surprise you that we have only one bond that was signed on his last day in office? Would that surprise you?

A. No, if it was his last day. Was it a big one?

Q. We could take a look.

A. Again, I think after he was confirmed --

Q. Would it surprise you that we have only two or three bonds in the week before he left office that were signed by him?

A. Yes and no.

Q. Yes and no, in what sense?

A. Because Judge Porteous, before he left, he wanted to help us, so he did bonds for us. If there were a few bonds, maybe they were bonds we couldn't get done somewhere else. That's why I'm asking you are they big, are they hard. I can tell you what the

charges are.

Q. I can tell you what the bond is. Maybe it will refresh your recollection.

A. Okay.

Q. I left my glasses home so forgive me for putting this on the other side of the room. This is for Craig Massey, and it's for $5,000. That was the bond from his last day. Do you recall that?

A. Huh-uh.

Q. Would it surprise you that, for the month before he left office, he only signed less than 30 -- roughly 30 bonds for that entire month, before he left office? Would that surprise you?

MR. REGAN: Excuse me. Objection. Clarification. What part of the month? Are you talking a 30-day month or his last two weeks in office?

MR. TURLEY: All of October. That's a very important distinction.

BY MR. TURLEY:

Q. Would it surprise you if, in October, he only signed 30 bonds before he left?

A. That wouldn't surprise me.

Q. Does that help you recollect whether that was sort of the general traffic of bonds in a given

month? Does that help refresh your, memory in terms of, roughly, the number of bonds you would move through the judge?

A. Well, 30 bonds in a 20-day workweek is more than one a day, and sometimes, we would get 10 done at once versus one every day, so it's kind of hard to say, and I'm sure that last month, he must have been busy doing things. To catch him --

Q. So he might not have done many because he was doing other things, is that what you mean, that month?

A. Yes.

Q. We've talked about the other lunches and judges and gifts. Have you ever given cash to a judge?

A. Yes.

Q. Can you tell me when you've given cash to judges?

A. What year you're asking me?

Q. Well, after you started the bond business in like '92-'93, did you often give cash to judges?

A. Myself, personally?

Q. Yes.

A. I think three times.

Q. Can you tell me those three times who the

judges were?

A. Can I speak to my lawyer a second?

Q. Oh, absolutely. Do you want to step outside? Senator, should we stop the time, and we'll let them speak?

(Witness confers with counsel.)

THE WITNESS: Thank you.

BY MR. TURLEY:

Q. No problem at all.

MR. DUBESTER: Could I bother you for the exhibit with the bail bonds that you've been alluding to, but haven't marked as an exhibit yet?

MR. TURLEY: Sure. It wasn't introduced, but sure. Would you like us to introduce it?

MR. DUBESTER: I'm not asking for that. I would just like to look at it for a second. Thank you.

MR. TURLEY: No problem at all. Senator, would you like a copy of the bonds thing?

SENATOR UDALL: No, that's fine.

MR. TURLEY: Or anyone else, for that matter?

BY MR. TURLEY:

Q. I had asked about the three times with the judges. Could you describe them for us?

A. I gave Judge Gucobbie cash at a fundraiser he had in a park in Kenner, and this must have been, I want to say '94. I'm not really sure about the date exactly, somewhere in that area, and it may have been after too. I gave him cash twice.

Q. You gave Gucobbie cash twice?

A. Yes. And I gave Judge Green cash before he was a judge. I gave Judge Windhorst cash before he was a judge, but he was a senator at that time. And Judge Cascio. I didn't give the cash to him. I gave it to someone in his office.

Q. Do you remember how much money you gave to Judge Cascio?

A. $10,000.

Q. Was it in an envelope?

A. Yes.

Q. Do you remember the year of that?

A. '97. I'm just guessing on the year too.

Q. And what was that money for? Was it just giving him the cash for himself?

A. Well, I gave it to someone that worked for him, for him, not to him directly himself.

Q. And was that for just his personal use?

A. Well, he had a fundraiser at that time. We got tickets, but really, it was really a campaign

contribution that was -- it was for help on bonds.

Q. It was payment for his help on bonds?

A. Yes.

Q. Did he know the money was coming?

A. Yes.

Q. Did he ask you for the money?

A. No.

Q. How did he know it was coming?

A. We told him.

Q. And when you say, "we," was that your brother and you?

A. Yes. When his fundraiser would come up, he would give us a stack of tickets, sell them -- you know, sell the tickets, but we never did sell the tickets, and then we would say that we're going to have your money soon, we're going to have your money soon, and give it to this other guy.

Q. Were the tickets worth 10,000, or was the 10,000 more than the value of the tickets?

A. I think we would take 5,000 at a time, and the 10,000, it may have been two payments, two payments of 5.

Q. Do you recall if you gave those tickets to --

A. It was two payments of 5, I think.

Q. Do you recall if you gave those tickets to other people to go -- is this for a dinner or something?

A. For a party, yes. We gave the tickets out. The whole courthouse had tickets.

Q. Who would you give those tickets to?

A. To clerks, clerks that worked in the office that couldn't afford to buy a ticket or people at the jail.

Q. How about judges?

A. Yes. They would normally get to go free anyway, but, yes. It's nice if they had some tickets to give to some people they knew too.

Q. How about senator -- is it Winhorn?

A. Windhorst.

Q. I'm so sorry. How much money did you give him when he was a senator?

A. He was a state rep, I think. His father was a senator at one point. $2,500 at his office.

Q. And why did you give that to him?

A. I think he was running for judge, but we also gave him money to change some law, bail law, also. We paid him to change some bail law, like to charge fees and stuff, and he sponsored a bill as an attorney, and he was a state rep at the time.

MR. REGAN: I'm going to object. I don't know what the relevancy is because this isn't dealing with Judge Porteous in any way.

MR. TURLEY: It actually is because what we're looking at is the context of how things were done in Gretna, the types of contributions that were made, and we're trying to create a context that, eventually, we're going to be asking about in front of the Senate, which is the reason we're asking.

SENATOR UDALL: Overruled. Please proceed.

BY MR. TURLEY:

Q. How about Judge Gucobbie? You said two payments to Judge Gucobbie?

A. Yes, two different times, 2,500 each.

Q. And do you know if he put that into his campaign or whether he pocketed it?

A. I don't know.

Q. Do you know, by the way, if Judge Cascio put it in his campaign or pocketed that money?

A. I don't know. It didn't show up on campaign reports that I saw.

Q. Oh, did you go and look to see if it showed up?

A. Well, I looked at a lot of stuff with the

FBI over time. I didn't see any then.

Q. Does that surprise you? I mean, when you give cash to these judges, did you always assume it was going into the campaign?

A. No.

Q. So you had a suspicion that some of them might be pocketing it personally?

A. Yes, and I agree with you on the relevance, but we never would have been in the position to be friendly with someone like that, to go hand them cash, had we not sat at the table and Gucobbie had gone to Vegas. I mean, I wouldn't just go hand a judge cash. The relationship was facilitated, and that's how it became open like that.

Q. Are you familiar with two expungement cases involving former employees, Jeff Duhon and Mr. Wallace?

A. Yes.

Q. Let me focus on Wallace first. Did you all help arrange to get Wallace's attorney, Robert Rees, for him?

A. Yes.

Q. Did you talk with Robert Rees about the case when he had brought it? I mean, did you have any discussions with him?

A. I don't recall. Robert Rees was around our office a lot. One of these other lawyers that we would get to get bonds split for us, so even in the end when we had wore everybody out, pay a lawyer to go get the bonds split, so Robert Rees was doing a bunch of work for us.

Q. Do you recall whether Robert Rees described this as a routine type of case or was it described as a more difficult type of case for Mr. Wallace?

A. I don't recall. I do recall about -- remember, I told you when we were at lunch with Porteous -- you know, all the jokes that come up, now, give up a commercial bond. One of the things that we really laughed at a lot was how we met Aubrey Wallace.

Aubrey Wallace was burglarizing our office, trying to steal our copy machine, and my father pulled him out of the window. That's how we met Aubrey Wallace. And my brother hired him and gave him a job as a janitor, so a lot of times, we were laughing about how my father pulled Aubrey Wallace out of a window.

So for the record, both of those people are not my favorite people, Aubrey Wallace or Jeff

Duhon, and I was against expunging both of their records.

Q. Tell me, why didn't you like Jeff Duhon?

A. He was an opportunist. He was married to my sister.

Q. When you say, "opportunist," what do you mean?

A. He didn't work. He lived at my sister's house.

Q. Did you help arrange his counsel, as well, for the expungement or your brother?

A. I don't recall. I went to speak with Louis, to Judge Porteous, about both of those cases, but after that, I didn't follow up on it. My brother was the hound, keep going, let's get it done, let's get it done, let's get it done, because my brother just wanted to -- you know, my brother-in-law, Jeff Duhon, was a very aggravating person.

You could stick him at the jail. If he had a bail bond license, you could stick him at the jail, and he would talk -- he was obnoxious and everybody would notice him. He would bring the business in. That's the things I didn't like about him.

Q. And I can certainly see that. Did you

help pay for his lawyer?

A. I don't know did we pay for a lawyer. We were giving criminal cases out to lawyers. It could have been a favor.

Q. When Judge Porteous was discussing the Duhon case, were you present for any of those discussions?

A. Not in detail. Just asking, it's my brother-in-law, let's get it done, and I would like to get him licensed, we're shorthanded. We would like to stick this obnoxious person at the jail, would help us make business, and I think Judge Porteous said, get a lawyer to file a motion.

Q. And were you present in any conversation with Judge Richards and Judge Porteous together, or were you personally aware of any conversations between Porteous and Judge Richards on the case?

A. That was on a noncompete case also, where a guy that worked for us -- and his son worked for us also. We had noncompete agreements, and the case was drawn to Richards, and we asked Judge Porteous to call Judge Richards and ask him to rule in our favor.

Q. Thank you for that. On the bond issues, did you ever give any of these judges a percentage of the bonds that they signed? Was there ever an

agreement of when any of these judges gave you a bond, that they would get a percentage back on the bonds?

A. No.

Q. And did Judge Porteous ever ask you for such a thing?

A. No.

Q. Now, were you ever interviewed before Judge Porteous' confirmation for the federal bench? Were you ever interviewed before then?

A. No.

Q. Did you ever arrange a lunch between Judge Porteous and Senator John Breaux?

A. I was involved in that lunch. It was at Ruth's Chris, and we all went to lunch there and drank for hours, and I don't know if I was drinking a lot that day or whatever, but I left that luncheon at the end, and two of the girls that works for us stayed there, and they ended up going to a casino, riding in a limousine with John Breaux and Judge Porteous.

Q. Did your company pay for the limousine?

A. I'm not sure. I mean, they all had credit cards with Bail Bonds Unlimited on it, both girls did.

Q. Do you remember the names of the girls?

A. Melinda Kring and -- it was Rhonda was the other one. It was Rhonda. Rhonda Danos. I was confused about thinking it was Bridget Sadler, but she was after Melinda, so, yes, it was Rhonda.

Q. Would it surprise you if Ms. Kring said that she arranged for the limousine?

MR. REGAN: Would you clarify that, that Melinda arranged?

MR. DUBESTER: I would just object to see if there is a good-faith basis to what Mr. -- for what Mr. Turley is using to quote Ms. Kring.

BY MR. TURLEY:

Q. She just said Kring's name. Wasn't that one of the names you just used?

A. Yes.

MR. REGAN: And then my question was, you said she -- would you re-ask the question?

BY MR. TURLEY:

Q. Yes.

Would it surprise you if Ms. Kring would have hired a limousine on such an occasion?

A. If she did, she did it with our credit card because she didn't have any money, except what she spent on us, and we weren't allowing her to spend

whatever.

Q. I'm going to direct your attention back to what I believe is Exhibit Number 3 in front of you, and this is on page 3. Now, as you recall, we talked about this earlier, a statement that you had given to the FBI?

A. Uh-huh.

Q. And you see the date on the first page is 4/02/2004. Do you recollect that interview on 4/02/2004?

A. I have many interviews with the FBI, so, I mean, I don't know which one this is.

Q. If you take a look down towards the end of the page, there is a paragraph that says, "On one occasion, at a fundraiser possibly for Breaux, Porteous and Breaux were in attendance." Do you see that?

A. Which page are you on?

Q. I'm on page 3. If you look right up here in the corner right there for the 3.

A. Yes. I'm thinking about the date. I was trying to like put it in perspective, like trying to remember more about this date, and that's actually the month after I got married, so that's when -- in the beginning of my case, but we had many, many

interviews with the FBI, and this still is a long time ago too.

And a lot of things, I don't remember, like when you showed me, I remembered. So what do you want me to look at?

Q. Well, if you look at like the paragraph -- one paragraph up from the bottom, it says, "On one occasion, at a fundraiser, possibly for Breaux," do you see that?

A. Uh-huh.

Q. And at the end, it cites you as saying, "Kring arranged for limousine service, and Lori and Louis paid for it." Does that refresh your memory at all?

A. It's the same time that I'm referring to about the luncheon that we had at Ruth's Chris. I didn't remember that it was a fundraiser. Maybe it was. Maybe it was for Breaux. But it started out as a lunch, a bail lunch, and it went into the night.

And it was in a little private room with the doors closed at Ruth's Chris. It was this little private thing and -- you know, everyone had been drinking for hours. I went home, and I wasn't going to do the casino thing.

Q. Did you remember BBU paying for the

restaurant portion of that evening?

A. We paid for it. Do I remember actually paying? No, but it definitely was on us.

Q. Did you all put together that lunch? Or how did that lunch come about?

A. The same way all the lunches -- let's go to lunch or can we go to lunch, unless it was a fundraiser. I don't remember it being a fundraiser. In 2004, when I said this, maybe it was fresher in my mind. I just remember it being a long lunch, turning into something else.

Q. We talked about how small a community Gretna is. Was it very common for lawyers to buy each other lunch or buy lunches for judges in that community?

I mean, was this a common practice for people to buy each other lunches at places like the Beef Connection?

A. I think so.

Q. After he became a federal judge, did you do any car repairs for him after he became a federal judge?

A. No, not that I know of.

Q. Did you do any home repairs for him after he became a federal judge?

A. No.

Q. Do you recall personally buying him any lunches after he became a federal judge?

A. Myself, no. I remember, after the Guidry thing, that Louis had either gone to dinner or lunch with him at a place around the courthouse.

Q. Now, you referred to him as I think like friendly or live wire. I can't remember the term you used. But did he have a reputation for helping out young lawyers; that is, encouraging young lawyers in that judicial district?

A. That's a double-edged sword.

Q. I mean, did he have a reputation for helping out young lawyers as they were trying to learn the business?

A. I really don't know about that, but -- you know, being a young person, not educated at the time, I became educated after, did I really get helped being young and naive over time, did that really help me?

Q. But how about other lawyers. I mean, how about lawyers?

A. No, not really. And how much did they really help them? I don't know. Sorry.

Q. No, that's quite all right. Just bear

with me just one second.

MR. TURLEY: Senator, what we would like to do, what happened in the previous deposition next door is -- and we didn't do this in the last deposition, is we would like to reserve a few minutes for a couple of cleanup questions after the managers, as happened in the other one, just because, in the last deposition, we felt that there were questions that were left unclear.

And so with your permission, I would like to do the same thing. I could stop here, let Congressman Johnson do his questions, and I would just like to, at this point, reserve just a few minutes in case -- I don't even know if we will need it, but in case there is some question we want to clear up.

SENATOR UDALL: That's agreeable.

MR. DUBESTER: Senator, that's fine, whatever procedures you discussed, but I would urge that, if we do that, that if we genuinely open up new issues, it's one thing. If it ends up being a rehash of what he's already asked, I would ask you to take that into consideration as we go on the final round of questioning.

SENATOR UDALL: We'll deal

question-by-question.

MR. DUBESTER: Thank you very much.

SENATOR UDALL: It's your turn.

MR. DUBESTER: Understood. I would like to switch with Mr. Turley, so I can talk directly with the witness, if you don't mind?

SENATOR UDALL: Sure.

EXAMINATION

BY MR. DUBESTER:

Q. Ms. Marcotte, thank you for your patience with everybody and for being here today. We know that it's an inconvenience. Nobody likes to have to go through questioning of this nature.

I'm just going to try to go in, roughly, the same sequence that Mr. Turley went. There was this article in 1993 about Barnett. You were shown that. Do you recall being asked that?

A. Yes.

Q. And is it fair to characterize your testimony as that the process of you elbowing out Adam Barnett was not an abrupt one which followed the article, but in fact, was one which went over a process of time; is that fair?

A. Yes, like bad grass kept coming back.

Q. And in fact, you indicated that it was

Barnett who introduced you to Rhonda Danos; is that correct?

A. Yes.

Q. And, you know, from looking at records and your recollection, that you went with Danos, Porteous' secretary, to Las Vegas in 1992; is that correct?

A. Yes.

Q. Do you remember, for example, one thing that you did on that 1992 trip with Danos to Las Vegas?

A. Yes.

Q. Name one thing.

A. We flew over the Grand Canyon.

Q. In fact, you have some certificate about that, that you've turned over to the House of Representatives, and you've seen that as an exhibit in your prior deposition, correct?

A. Yes.

Q. So at least as of '92, you were already forming a relationship with Danos, which was then taking you to having a relationship with Porteous; is that correct?

A. Yes.

Q. So starting in '92, you were working your

relationship with Porteous, maybe not to the exclusion of Adam Barnett, but that process was undergoing, correct?

A. Yes.

Q. And a significant event was the fact that there was this derogatory press about Porteous and Barnett in '93, but even before that, you were having your own relationship with Porteous, correct?

A. Yes.

Q. It didn't start September of '93, correct?

A. Correct.

Q. Now, you were asked several questions about your relationship with Ms. Danos, and you and Louis both are friendly people, if I can just ask you to have a self-serving, complimentary pat on your back statement. You try to be, don't you?

A. Yes.

Q. And you tried to enjoy your time with Rhonda Danos and with the judges, correct?

A. Yes.

Q. With your relationship with Danos, in addition to just friendship part of it, because you want to be friendly when you're with people, was there anything else which was driving you when you were hanging out and paying money for Rhonda Danos?

A. Yes, access to Judge Porteous.

Q. And how was working your relationship with Ms. Danos helping you get a relationship with Judge Porteous as well?

A. All secretaries are gatekeepers for the judge. She was a gatekeeper.

Q. If you needed to find Judge Porteous, could she help you find him?

A. Yes.

Q. If she had to deal with the jail, was it helpful to use her to help you deal with the jail?

A. Yes.

Q. You wanted to be on her good side as well?

A. Yes.

Q. You were asked a bunch of questions, and they were really open-ended questions like, do you remember ever having Rhonda ask you for reimbursement, or do you ever remember giving her reimbursement, and your answers were what they were.

To the extent that you were shown something or were -- sorry, in the future, were to be shown something, confronted with something, seen a document or something else, would that have the capacity to refresh your recollection to the extent that you've made any absolute statements now which

would suggest that fact did or did not occur?

A. Yes, definitely, just by looking at this made me remember.

Q. You were asked if there were ever calls from the DA's office or instances where the DA would object to a bond. Do you recall being asked that question?

A. Yes.

Q. In most instances, when you were dealing with judges, the DAs weren't involved, correct?

A. Yes.

Q. It's an odd thing. The bail bondsman goes to the judge, says, judge -- you know, set the bond this way or this way, or this is the way we recommend it, and it's up to the -- the judge would deal with you directly.

There would be no defense lawyer, there would be no DA in chambers, and that would be the nature of your conversation, correct?

A. Yes, exactly.

Q. On occasion, you indicate that the DA might get involved on a high profile, big arrest, correct?

A. Yes.

Q. But for the most part, the vast, vast

majority of the bonds that Judge Porteous set, there was no consultation with the DA, would you agree with that?

A. Yes.

Q. Now, one of the things that comes through here is Mr. Turley asked you a lot of questions which shows that Judge Porteous was involved in setting bonds, and he would take these steps when he set them.

Why were you doing all these things for Judge Porteous? What were you getting out of him that none of the other judges in the courthouse were giving you at that time?

A. Free reign on bonds.

Q. But you've indicated he would check with the jail, check with others. What was sort of the added value that Judge Porteous was giving you?

A. I don't understand the question.

Q. Well, by giving Judge Porteous these things, taking him to lunch, doing the repairs, taking him to Vegas and so forth, why did you do that?

A. To make money, to get bonds set, to get bonds split.

Q. Would you get access to Judge Porteous

that you wouldn't get from other judges?

A. Yes.

Q. Did Judge Porteous seem to bend over backwards to find ways to set bonds that other judges wouldn't do?

A. Yes.

Q. If you had an incomplete record and another judge would kick you out of the chambers, Judge Porteous would make those phone calls that you described, right?

A. Yes.

Q. He would call from his house, he would call from chambers, he would do what he could to try to set bonds?

A. Yes.

Q. You indicated -- I think this was along the lines of the memory test questions you had before, remembering lunches you had with Judge Porteous when he was a federal judge. Let me throw out a names.

Did you ever have lunch with a judge involving Justice of the Peace Kerner?

A. Yes.

Q. Just so that it's clear that I'm not putting this in your mind.

A. Yes. I totally forgot about that one. That was big too.

Q. Just explain why it's big, so that people can see it's your memory, not mine, that's at issue here.

A. My brother is pretty smart too, like he started looking at the bail law, and we understood that justice of the peaces could set bonds that were with or without hard labor, so besides bringing in the judicial judges that were elected to the table with Porteous, we started bringing the parish judges that did traffic tickets, and then we brought the justice of the peaces in, also, and one of them was this Tim Kerner.

He's from Lafitte, Louisiana, and that's where Rhonda Danos is from, Lafitte, Louisiana. She knew him well. I think he was a major -- the mayor's court. The mayor's court can set bond municipalities like that. And we were trying to sell him on the commercial bond thing, Judge Porteous and us, and we went to lunch at the Beef Connection, and my brother brings the law book with him and starts to show Tim Kerner about how justice of the peaces and mayor's courts can set bonds.

Q. How did that lunch come about?

A. Rhonda's from the same town. We wanted to get all the justice of the peaces to start setting bonds too.

Q. So let me make sure I understand this.

A. We wanted more people working for us, so to speak.

Q. So you called Rhonda, a woman you've taken to Las Vegas, and say, put together a lunch, which includes Judge Porteous and Justice of the Peace Kerner, and that's pretty much what happened?

A. The mayor of your town, yes.

Q. And let me make sure I understand this. You're in the bail bonds business. Louis is in the bail bonds business. Some people might not think too highly of bondsmen or what have you, so the two of you are sitting there with a federal judge and a justice of the peace and with Judge Porteous at the table.

Louis is opening up bail bondsmen, and at a lunch, trying to explain to Justice of the Peace Kerner what he could do to set bonds for you, is that pretty much it?

A. That and Judge Porteous explaining that he would eat a lot of lunch, and Kerner didn't like it. He got up and said, I don't like this. He stood up

from the table and left.

Q. What about was there ever any lunches with Justice of the Peace Centanni?

A. Yes. He did the same thing too. He didn't like it either. He did not like the commercial bonds, the commercial bonds. They weren't buying that because it didn't really help them in their little town.

Q. But Judge Porteous helped try to cement a relationship with you and Justice of the Peace Centanni; is that correct?

A. Yes.

Q. What about were there lunches --

A. Centanni did set a couple of bonds for us, but that's quickly faded.

Q. Did Judge Porteous ever go to lunch with you with Norman Stotts?

A. Yes.

Q. And who is Norman Stotts?

A. Norman Stotts was our boss of the insurance company. He decided on our writing authority, how big of a bond we could write, how much collateral we needed, how to facilitate approving a large bond to also to keep us in business, to make sure that our --

Q. Was Norman Stotts an important person for your company?

A. Yes. He was our boss, so to speak, yes.

SENATOR UDALL: Counsel, you've used about 10 minutes of your 20.

MR. DUBESTER: Thanks so much.

BY MR. DUBESTER:

Q. When you're writing bonds, basically you're writing an insurance policy?

A. Yes.

Q. You're an insurance agent?

A. Yes.

Q. Mr. Stotts is the company for whom you're writing?

A. Yes.

Q. Just to be very clear about this, Judge Porteous, knowing that you had given him things of value when he was a state judge, when he's wearing a federal robe, conceptually, is at lunches with you guys while you're trying to do business with either of these other judges or with Norman Stotts; is that correct?

A. Yes.

Q. There was a couple of questions which were asked, how many bonds do you write in a day, and then

later in the questioning, the question was how much bonds did you write that Judge Porteous approved in this October timeframe after he was a judge.

Is there any question in your mind that Judge Porteous was the single most important person in writing or approving or signing bonds and splitting and reducing and everything that you've described when he was a state court judge in the Gretna courthouse?

A. In training the other judges.

Q. Yes, and in helping you with the other judges. Is he clearly the most important?

A. Yes.

Q. And you took other judges out to lunch, but most of the time, that was with Judge Porteous, when Judge Porteous was a state judge, right?

A. Yes.

Q. Now, the other thing is --

A. I think we had gone to lunch with Judge Green's staff when Judge Porteous was a federal judge at the Beef Connection too, so I really did forget a lot.

Q. There were several questions that Mr. Turley asked, which, if you analyze the sequence of the questions, could be read as consulting with

the lawyers, talking with the lawyers, paying of the lawyers.

Just to be clear, the request to set aside Duhon's conviction and Aubrey Wallace's conviction in both instances came from you and Louis to Judge Porteous; is that correct?

A. Yes.

Q. And this business about getting the lawyers, that was the technical necessity to get it done; is that correct?

A. Yes.

Q. There was a question: What do you pay the lawyer? Your best recollection is you didn't pay the lawyer anything, did you?

A. No.

Q. And the question about arranging for counsel, that was --

A. That was to make it look right.

Q. The fact is, these expungements, after you dealt with Judge Porteous, in your mind, they were totally wired, that on your request, Judge Porteous was going to expunge or set aside those convictions; isn't that correct?

A. Yes.

Q. Now, a lot of these questions involve

Senator Breaux. When you all are paying for this limo trip or whatever it involved with Senator Breaux, in fact, that's a great benefit to Judge Porteous, isn't it?

A. Yes.

Q. Because Senator Breaux, he wasn't there to hang out with you and Louis. He was there for Judge Porteous, right?

A. Yes.

Q. So you're helping Judge Porteous entertain Senator Breaux. Isn't that what was going on?

A. Yes.

Q. And the same thing, when Judge Porteous gets all his friends at those lunches, in your mind, you're dropping $100 or $200 on Judge Porteous, not $20 on Judge Porteous and $80 or whatever it is on the rest of them. That's money dropped on Judge Porteous, right?

A. A thousand, you mean.

Q. Well, whatever the amount is, it's money, even if there are other people at the table, it's so Judge Porteous can be the big shot, the center of the table, it's for his entertainment, and that's who you, in your own mind, are spending money on; is that right?

A. That's right.

Q. You have no doubt that, because of those things you were doing, Judge Porteous took the extra step every time he could exercise discretion in your behalf; is that correct?

A. Yes.

Q. And finally, I'm going to turn it over to Representative Johnson, while I think of one more question.

EXAMINATION

BY CONGRESSMAN JOHNSON:

Q. Tell me, Ms. Marcotte, it was in your mind that making Judge Porteous available to the other state court judges after he ascended to the federal court bench would make your business look better in the eyes of those people that he was introducing you to?

A. Yes.

Q. And do you have any doubt whether or not Judge Porteous saw that he could profit from that relationship with you?

A. Yes, yes.

Q. And why do you say that?

A. Like in all the relationships where people were brought to the table, it was a networking thing

for Judge Porteous to add them to the lunch list, to add them to the casino, you know, different people brought different things to the table that he could get out of them, so to speak.

Q. And he did get things out of them?

A. Yes.

Q. Such as trips to Las Vegas, correct?

A. Yes.

Q. Trips to Mississippi for gambling purposes?

A. Yes, trips to New Orleans east.

Q. Hunting trips?

A. Yes.

Q. Fishing trips, correct?

A. Drinking trips.

Q. Drinking trips. Cash money, also?

A. I don't know about that personally.

Q. Are you aware of any instances where Judge Porteous took cash money after he became a federal district court judge?

A. Yes, from what I read in the paper, what's been in the news.

Q. But you, yourself, or your bail bonding company did not give any cash to the judge?

A. Not that I recall.

Q. After he became a federal court judge?

A. Not that I recall.

EXAMINATION

BY MR. DUBESTER:

Q. And my final question, Senator, is as follows: Just to be clear, the record should be clear, you, yourself, pleaded guilty to conspiracy to commit mail fraud, and the underlying facts were all the things that you did to give things to judges, jailers, and so forth, in the 24th JDC, that's the 24th Judicial District Court, where Judge Porteous had presided; is that right?

A. Yes.

Q. So you're basically a convicted felon for having done that, as you sit here today?

A. Yes.

Q. Are you still on supervision, by the way?

A. No.

Q. And two of the judges that you gave things to, Judge Bodenheimer and Judge Green, also pleaded guilty, correct?

A. Yes.

Q. And in your mind, is Judge Porteous' conduct any different, than you know, than that of Judge Bodenheimer or Judge Green, in terms of the

quality and quantity of what you gave and what he did for you?

A. It was no different.

MR. DUBESTER: Thank you very much.

EXAMINATION

BY MR. TURLEY:

Q. Ms. Marcotte, I'm not going to keep you very long.

A. That's okay.

Q. Which I'm sure you'll be happy to know. I just have a few clarifying questions.

A. Okay.

Q. And you'll be free to go.

First of all, this lunch that was raised by opposing counsel with Judge Kerner, do you remember discussing that with him?

A. Yes.

Q. You say there was a book brought there. Was this consistent with what you referred to before as training judges, showing them how to do bonds? Was that consistent with what you earlier referred to as training?

A. No.

Q. So what was your brother trying to do by showing the book to Kerner?

A. A lot of justice of the peaces didn't know they could set bonds. That was a different kind of training. That was just special for the justice of the peaces. The other judges that were 24th judges knew they could set bonds.

Q. Did Kerner know?

A. I don't think so. I don't know.

Q. So is it accurate to say that your brother was trying to show Kerner that he could set bonds, by opening the book?

A. Yes.

Q. And you had stated earlier that Judge Porteous would often talk about the value of commercial bonds in the criminal system. Do you remember that?

A. Yes.

Q. That he felt strongly about that?

A. Yes.

Q. In your lunch with -- is it Stotts?

A. Yes.

Q. Norman Stotts. Is it accurate to say that the limitation put on the insurance company prevented you all from doing as many bonds as you wanted? I mean, it was a limitation on the amount of bonds you could do?

A. Not so much on the amount of bonds, but on the writing authority, one bond, like we could write a million dollar bond. No other bail bond company could do that. You have to have a lot of assets, a lot of things up, or you have to convince the insurance company that you're really established, that you're connected, that you're not just going to just write a bond and leave town, that you're not fly by night, you're established in the community, and you have some assets and some money, of course.

You know, if you write a couple of million dollar bonds and the people skip town, you're out of business. The insurance company could go down too.

Q. So what were you trying to get from Stotts specifically?

A. Trying to get writing authority.

Q. And if got more writing authority, you could, presumably, do a larger bond business? Is that accurate to say?

A. In one bond, to have the writing -- we could write -- I mean, we had, I told you, at one point, 40,000-something items. So if one person has four or five items, and they have a $500 traffic ticket and this, that, and the other, the amount of items don't necessarily mean the penal liability.

Of course, a lot of items add up to something big, but I'm talking about the writing authority of one bond, to be able to write, that's a big risk for an insurance company. The insurance company sometimes has to make the decision not just based on solid assets, but based upon the security of the person that owns the business, the security of the connections, almost like the flight risk of a Defendant.

Q. Was Judge Porteous the chief judge at one point in that judicial district?

A. Yes, they all were at one point. It was rotating each year also.

Q. Do you think he cared about the judicial district and how it was run? Did he seem to take pride in that?

A. I don't know how to answer that. I think he liked being a judge, and I really think he had really good intentions to be a great judge, and he had a brilliant mind. I just think -- you know, he got sidetracked sometime.

Q. I want to clarify something.

A. He's not a bad guy. It's just people have issues sometimes. I have my own too.

Q. You had mentioned to my colleague that

Rhonda put together the lunch with Kerner. The questions were coming fast at that point. I wasn't quite sure.

A. Yes.

Q. Did the idea of that lunch come from Rhonda or did it come from you or your brother to have that lunch?

A. No, it came from my brother. Let's give -- we found out the justice -- Lou was kind of like crazy at one point. We want all the bail, let's get everybody. You know, greed had taken over us too. We wanted to go get every judge to set every bond we could, so we could write everybody out of jail.

And so we charged -- the justice of the peace, can you get Kerner's -- Rhonda -- I know Kerner. That's a known fact that Rhonda was from Lafitte. We talked about that many times. Rhonda, get Kerner to come, you know, she made the call to him.

Q. I've only got a couple more questions. You were asked, sort of quickly, did you pay for the lawyer for Duhon and Wallace? And when I asked you the question, you said you didn't know whether you paid or not, but then it seemed -- I might have

misheard it, but I thought you said that you had -- was it had not paid for the lawyer?

A. I said to you that we gave a lot of attorneys criminal cases. They had a lot. They call it vultures outside our office, wanting us to throw them a bone. Well, they're all out there. They're young lawyers, these young aspiring lawyers, like you asked me about earlier. They need business. They need to survive.

So give them a few cases and, hey, do me a favor now kind of thing.

Q. Oh, I see. So you think that --

A. I think it was a trade. Hey, here's a case, and I don't know about one particular bond that was -- and maybe they were paid or maybe, here, we made a big bond, here is 500 -- I mean, I don't know how they were paid, but they were not hired like, let me retain you for my brother-in-law, let's sign a retainer and go sit in there. No. They were somebody hanging outside the office, trying to get some free business.

Q. That's fine. Here is my question: At the very end, you were asked, look, when you had these big lunches and you were spending a thousand dollars on lunches, wasn't that money really going to

Porteous, weren't part of his lunches your effort to develop relationships with other judges; isn't that correct?

A. Yes, but what I meant by that was Judge Porteous was the king of the table. He wanted an audience. He really thrived on that. He was a funny guy. I mean, he was an entertainer.

Q. But wasn't the value of the lunches for you and your brothers in developing connections with other judges through these lunches?

A. To maximize profits for our business, yes, to write as much as we could and make as much money.

Q. And Judge Porteous didn't get any of that money from the lunch, correct? He didn't get any of the cash from that lunch, did he?

A. No, but he was an entertainment venue, and sometimes, he was booked. We couldn't get in because -- I remember a few times an attorney in his office, us fighting over who was going to be the one to take him to lunch. Everybody wanted that audience, wanted to be the audience.

Q. Do you recall at the Breaux lunch, was there federal legislation pending at the time of that lunch?

A. Yes.

Q. And it involved your industry?

A. Yes. I don't remember exactly because, every year, we fought legislation, so I don't know exactly which one, but it was something very important. I think it was getting rid of bail. That's what that one was. 10 percent.

Q. And isn't it true that Breaux, for that reason, was important to you and your brother, in terms of that legislation?

A. Yes.

Q. So that lunch was not just to build Judge Porteous up, right? It also had a purpose for you and your brother of a connection with Breaux; isn't that correct?

A. Yes, but we knew Breaux wasn't going to come to lunch with us.

Q. Now, I just want to confirm the purpose of the lunch.

MR. DUBESTER: I would ask to let her finish the answer.

BY MR. TURLEY:

Q. I'm sorry. I did interrupt you. What was the purpose?

A. We weren't going to call John Breaux and say, let's talk about this legislation. He wasn't

going to come to lunch with us, but -- you know, throw a limousine and two pretty girls and a casino, then he's going to come. Well, how do you get that?

You're not going to get it with me calling him. It's going to be with Porteous, and if Porteous wants to go to the casino and a limousine and with two girls -- it is what it is.

Q. But the interests of you and your brother at that time, there was a lot of focus on that legislation, correct?

A. Let's keep making money, yes. It all boils down -- don't take our bread out of our corner. We're going to come out fighting. Let's do something about it. Let's go to the casino.

MR. TURLEY: Ms. Marcotte, I want thank you very much. I know this has been a grueling experience for you. And Senator, thank you very much for allowing us to ask some follow-up questions.

EXAMINATION

BY CONGRESSMAN JOHNSON:

Q. Judge Porteous would benefit greatly by coming to the conventions that the bail bond industry put on out in Las Vegas on a yearly basis; is that correct?

A. As a state judge?

Q. As a federal judge.

A. As a federal judge?

Q. Let me ask you this question: Isn't it a fact that as a federal judge -- your bail bonding company paid Judge Porteous' expenses to come to Las Vegas and present to state court judges about Louisiana bail law?

A. Yes, and also other states too, he was talk to talk about that, to keep that in the whole nation of bail because, as an organization -- you know, you want unity, everybody pushing together.

Q. And my question is: Your bonding company, your bail bond company paid for his expenses in going out there, correct?

A. He went a couple of times. We paid -- I'm not sure exactly -- yes, we paid some expenses. Did we pay all?

Q. You paid for his room?

A. When he spoke at the convention, the convention would pay a block of rooms, but we paid for drinks, we paid for entertainment, we paid for dinners, we paid for -- you know, when Porteous was in Vegas, we didn't want him to get in the hands of other people.

We reeled him into us. We wanted to spend

money on us. So did we pay for every single expense? The convention may have paid for some, but we paid for many.

Q. It was a mutually beneficial arrangement that you had with Judge Porteous, correct?

A. Yes, that's correct.

SENATOR UDALL: Any other requests for questions?

MR. TURLEY: No, thank you, Senator.

SENATOR UDALL: Having heard no others, the deposition is completed.

(Whereupon, at 4:00 p.m., the taking of the instant deposition ceased.)