

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions
Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2018-002128

Lower Court Case Nos. 2017-GS-47-35, 2017-GS-47-36,
2017-GS-47-37, and 2018-GS-47-49

The State Respondent,

v.

James H. Harrison Appellant.

RECORD ON APPEAL
Volume 2 of 5

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1 So, again, I, I wouldn't assume anything. I can tell you
2 what some of the costs will be right now.

3 The forensic accountants we've hired in the past.
4 They've been paid thousands of dollars. Flying people in
5 from Virginia. We're, we're flying in probably at least two
6 or three witnesses just for this trial.

7 THE COURT: Okay.

8 SOLICITOR PASCOE: So, that's, that's some of the
9 costs, and we have not had -- and, and the reason I have not
10 disbursed any of the money is I'm waiting to see what the
11 total cost is gonna be. If there's anything left over is
12 gonna go to the State Ethics Commission.

13 THE COURT: Okay.

14 MR. LLOYD: Your Honor, again, we -- there's, there's
15 some issues with that, Your Honor, in terms of what the
16 State is allowed to recoup for costs.

17 SOLICITOR PASCOE: Is that relevant in this trial?

18 THE COURT: Pardon?

19 SOLICITOR PASCOE: Is that really relevant in this
20 trial though?

21 I mean what -- what's the relevance to that in this
22 trial?

23 MR. LLOYD: Quite honestly, Your Honor, if they've
24 struck some kind of illegal deal, that might be relevant.

25 MR. LIMBAUGH: Your Honor, let me, let me just --

1 THE COURT: Yes.

2 MR. LIMBAUGH: -- from my prospective on that -- on
3 this issue. In order for us to cross-examine these
4 witnesses who are testifying as employees or whatever of the
5 lobbyist's principals who have entered into these Corporate
6 Integrity Agreements, part -- a, a, a large part, most might
7 argue the most important part, of those agreements was the
8 money they were paying. You know, they also agreed to, you
9 know, a couple little things about having people look at
10 their filings or whatever in the future, and to amend past
11 lobbyist's principal reports, which, last time I checked,
12 none of them had done. So, it couldn't of been that
13 important of an element, but the money was.

14 So, in order for us to have any context in which to
15 examine the bias that may exist on the part of these
16 witnesses from having paid this money, we absolutely have to
17 have an idea of what the costs were that -- I mean these
18 numbers didn't come out of thin air presumably. I mean
19 there was a hundred thousand from Palmetto-Health.

20 THE COURT: Right.

21 MR. LIMBAUGH: 30,000 from the Trial Lawyers, and, you
22 know, on down the---

23 THE COURT: Right.

24 MR. LIMBAUGH: Ninety thousand from USC. So, there
25 has -- presumably there was some rational relationship to

1 something, and, in the agreements themselves, it says
2 reimbursement of costs of the First Circuit Solicitor's
3 office.

4 well, if those costs were, you know, a -- \$20,000, we
5 need to know that. If they were a million dollars, we need
6 to know that. If they are, you know, \$50,000 now, and
7 estimated to be a hundred thousand at the end of the trial,
8 I think we're entitled to know that because we have to be
9 able to put those non-prosecution agreements with these
10 entities signed in some kind of context in order to judge --
11 for the jury to judge the nature and extent or existence of
12 bias on their part.

13 MR. GRIFFIN: Just briefly.

14 The, the amounts have -- bear no relation to the costs.
15 The costs are miniscule compared to the amount of this. The
16 amounts bear relation to what these corporate principals
17 were paying RQ&A on retainer during the relevant time
18 period.

19 Now, it's not to the dollar, but that's where we
20 started, and then it's like any negotiation, you know, we,
21 we, we gave a little bit, but we started with you were
22 paying RQ&A X dollars --

23 THE COURT: Right.

24 MR. GRIFFIN: -- \$120,000 a year. That's what you're
25 gonna have to pay us, and that money, after we take out

1 costs, I mean it's hard costs---

2 THE COURT: Right.

3 MR. GRIFFIN: ---then the rest of it goes to the Ethics
4 Commission, and then we got a lot of push back so that there
5 was negotiations, but that was a starting point. Costs was
6 not any negotiating factor in the deals whatsoever.

7 THE COURT: I guess the, the part that, that I'm not
8 fully understanding then is how are you the ones that
9 designate?

10 And I understand you're the negotiating person, but how
11 are you going to designate it goes to the First Circuit
12 Solicitor's Office?

13 I, I understand and I don't know what your costs are,
14 and I said to Mr. Pascoe repeatedly, if you ask me for an
15 order to order the Attorney General's Office to pay you for
16 the investigation, which I absolutely believe they should, I
17 would sign it because I've seen the work they've done just
18 in the cases that I've handled. I sat through an all day
19 document review. I know what Kevin Brackett did. I mean
20 I -- I've seen all of that. So, I know.

21 I'm, I'm just concerned, again, and there may be
22 something that gives you the authority to say we're gonna
23 direct this amount to, you know, the First Circuit
24 Solicitor's cost, but I, I still think the Attorney
25 General's Office bears responsibility to pay Mr. Pascoe's

1 office cause he's been doing this for a long time, and,
2 obviously, he's got other people he's paying for as well.
3 He's got his own, you know, assistant solicitors that, you
4 know, have put a lot of time in the work for the Attorney
5 General's Office, which is not the First Circuit. So, this
6 should come out of this budget.

7 So, again, I, I guess I, I don't know the answers to
8 that either. I don't know where that authority comes from.
9 I'm assuming they know where it is, and that there is
10 something.

11 MR. GRIFFIN: Right.

12 THE COURT: I, I agree that it does go towards some, I
13 don't know, you had to have somewhere to put your number.

14 MR. LLOYD: Your Honor, that's -- as Mr. Limbaugh was
15 saying, our ability to cross-examine these folks is did you
16 basically buy your way out of this because, if you're
17 talking about disgorgement of what was paid to RQA, remember
18 there's -- even though First Impressions pled, the
19 disgorgement would come from RQA. They were the ones who
20 received the money.

21 So, if you're tying it to what they paid, what the
22 lobbyist's principals paid to RQA, then that's not attached
23 to any kind of fine that's obtainable either under Title 2
24 or Title 8 of the Code.

25 So, our level of inquiry on this particular matter is,

1 essentially, you need to just show you're gonna buy your way
2 out of it because, not only are you buying your way out of
3 your -- the company being prosecuted, which carries a, I
4 think, a four year ban from lobbying --

5 THE COURT: Okay.

6 MR. LLOYD: -- but your individual employees are
7 granted this immunity. So, that's why we were inquiring as
8 to what is this attached to.

9 THE COURT: Well, I think he just told you. I think
10 Mr. Griffin just told you what their basis was for it.

11 MR. LLOYD: All right.

12 THE COURT: So -- okay.

13 MR. LLOYD: Well, we, we, we, we agree he did just tell
14 us that, but we have no idea what that's tied to, but he did
15 just tell us that.

16 MR. LIMBAUGH: Well, Your Honor, the, the point -- I'm
17 sorry.

18 THE COURT: Yeah.

19 MR. LIMBAUGH: But the point isn't how they arrived at
20 the number.

21 THE COURT: Uh-huh. (Affirmative).

22 MR. LIMBAUGH: The point is how does that number relate
23 to the actual costs incurred by the First Circuit
24 Solicitor's Office. That's what matters. It doesn't matter
25 of what -- have they pulled the number or how -- whether

1 they're saying it's because that's roughly what it is.

2 THE COURT: So, tell me, why is that relevant?

3 I mean why is that -- why is that relevant?

4 MR. LIMBAUGH: Well---

5 THE COURT: How, how it---

6 MR. LIMBAUGH: ---it's expenses---

7 THE COURT: ---relates to their expenses?

8 I mean do you want to use that in trial to say look at
9 what the State expended, you know, three million dollars
10 prosecuting this case, and, you know, it's kind of -- is it
11 the theory of the Big Bad State is prosecuting, you know --
12 I don't know what your theory is what you would, you would
13 do that to turn the bias in some way.

14 MR. LLOYD: I don't know.

15 THE COURT: But I still don't know that it would be
16 biased towards the actual person testifying who will be, you
17 know, the lobbyist's principals representative. I still
18 don't know -- I still don't know what it matters. I mean
19 I---

20 MR. LIMBAUGH: I, I couldn't---

21 THE COURT: Go ahead. Tell me.

22 MR. LIMBAUGH: I can try to explain it.

23 THE COURT: Tell me.

24 MR. LIMBAUGH: The, the theory would be, that without
25 knowing what the costs are, and if -- that if the costs turn

1 out to be a million dollars --

2 THE COURT: Uh-huh. (Affirmative).

3 MR. LIMBAUGH: -- and these particular lobbyist's
4 principals got out for \$100,000, we might argue that's
5 pretty darn cheap. If, as the Corporate Integrity
6 Agreements themselves say, that money is denominated as
7 reimbursement for cost and investigation.

8 THE COURT: Right.

9 MR. LIMBAUGH: Okay. So, if it's a million dollars, we
10 might say -- our argument might be, as I said, well, you got
11 off pretty cheap, didn't you, since this investigation costs
12 a million dollars, and you got out for thirty grand.

13 THE COURT: And they're gonna say---

14 MR. LIMBAUGH: Okay. Or---

15 THE COURT: ---just the opposite.

16 MR. LIMBAUGH: Or---

17 THE COURT: If it's a lot of money, you bought your
18 freedom.

19 MR. LIMBAUGH: Or if the costs are actually \$50,000---

20 THE COURT: You and get out---

21 MR. LIMBAUGH: ---and the First Circuit Solicitor's
22 office got a hundred grand out of just one of you, then you
23 bought your way out of this thing, didn't you?

24 So, we don't -- that's the point.

25 THE COURT: Okay.

1 MR. LIMBAUGH: We don't know how we might use it
2 without knowing what that number is---

3 SOLICITOR PASCOE: That's cross-examination.

4 MR. LIMBAUGH: ---to the best of their ability.

5 SOLICITOR PASCOE: They -- that's good
6 cross-examination. He can ask -- he can do that with the
7 witness.

8 MR. LIMBAUGH: Do I get to cross-examine you about your
9 costs?

10 SOLICITOR PASCOE: Yeah, sure. Because, right now, the
11 cost is zero. I don't know what the costs are gonna be, and
12 thank you. Again, you've repeatedly made that offer. I may
13 take you up on the offer in which case---

14 THE COURT: Yeah, you know, I understand. I had just
15 assumed you are waiting until---

16 SOLICITOR PASCOE: I am waiting until some---

17 THE COURT: ---hopefully you wrap all this up because
18 this thing just keeps going.

19 SOLICITOR PASCOE: Exactly. And you know what might
20 happen. You do that, and then a hundred percent of the
21 money goes to the Ethics Committee. So, yeah.

22 THE COURT: Okay. So --.

23 MR. LLOYD: You know, I -- that's a, that's a fight for
24 another day as to whether the Ethics Commission can take
25 that or not, but that doesn't have anything do with us, but

1 --.

2 THE COURT: I guess your question is can we say in some
3 way, shape, or form that your costs for this case exceed or
4 do not exceed the amounts that were paid?

5 SOLICITOR PASCOE: Oh, for now?

6 THE COURT: Right.

7 SOLICITOR PASCOE: I would say it does not exceed for
8 now. At least not what I would reimburse my office.

9 THE COURT: Okay.

10 SOLICITOR PASCOE: Yeah, I, I can't give you an exact
11 because we're -- I guess it's just gonna be the forensic
12 accountants, the flights, the witnesses. So, it does not
13 exceed it.

14 THE COURT: Okay. Okay.

15 MR. LLOYD: Your Honor, I, I think there were some
16 discussions as to admission of the pleas for criminal
17 conduct of Mr. Harrell. I believe we started talking about
18 Mr. Quinn, and I'm not sure if Your Honor's ruling that we
19 can't---

20 THE COURT: I didn't, I didn't rule. I just -- I don't
21 know, and, again, this is just I don't know because he gave
22 a very limited view of what he pled guilty to, and we're
23 talking about Rick Quinn. But I don't know what his role
24 was other than I saw that he was his seatmate,
25 Mr. Harrison's seatmate, and I, to that extent, I have no

1 idea what he discussed with him. I don't know if he did,
2 you know, for lack of a better word, his father's bidding.
3 I don't know what he did. I don't know what his involvement
4 was.

5 I understand that he was an officer.

6 Correct me if I'm wrong, and maybe I'm even wrong on
7 this, that, RQ&A, I know that he said he ran the mail order
8 business, and I understand that that's what he's saying. I
9 don't know what his involvement was with his father
10 representing lobbyist's principals. So -- or being retained
11 on that.

12 So, again, someone has to fill that, that information
13 cause I, I just don't know. You're gonna have to tell me
14 what, how that is intertwined. I mean I see some emails
15 that have both Richard Quinn and Rick Quinn on them.

16 So, he, obviously, knew some of what was going on, but,
17 again, I, I don't know to say I'm gonna absolutely tie their
18 hands and say you can't talk about Rick Quinn cause I don't
19 know what he did, again, and I don't know what his
20 interaction was. And then, and then I don't fully
21 understand if it's -- and I'm assuming y'all are gonna prove
22 this to a jury is was Mr. Harrison's dealings that you
23 alleged he has with Richard Quinn or were they with Rick
24 Quinn or I just don't know.

25 MR. LLOYD: Your Honor, I---

1 THE COURT: So---

2 MR. LLOYD: ---guess the only other thing we would ask,
3 Your Honor, is that if they're gonna get into the conduct of
4 Mr. Rick Quinn or Jimmy Merrill or John Courson, for
5 example, or Mr. Harrell, that, unless they call those people
6 to the stand, that they not be allowed to get into that.
7 Because, likewise, we weren't a party to any of those.

8 THE COURT: Right.

9 MR. LLOYD: As I understand it today, Your Honor, I
10 don't believe the State and Mr. Quinn's attorneys, Richard
11 Quinn's attorney, agree on exactly what he pled to. They
12 know what the charge was.

13 THE COURT: Are you talking about Rick Quinn or Richard
14 Quinn?

15 MR. LLOYD: Richard Quinn. What the factual basis of
16 that plea, I don't know that they all agree on it.

17 THE COURT: I don't know. I think they challenged Rick
18 Quinn's plea. That's what I understood cause that's what's
19 in front of me.

20 MR. LLOYD: Well, there, there's---

21 THE COURT: Cause---

22 MR. LLOYD: I wasn't even gonna go there. I -- that's
23 been sort of in the press a good bit, but my understanding
24 is, is that the First Impressions---

25 THE COURT: The corporation.

1 MR. LLOYD: ---entered the plea. There really wasn't a
2 factual allocution as to what the basis of the, the
3 admission that they failed to act, to register as a lobbyist
4 was.

5 THE COURT: Uh-huh. (Affirmative).

6 MR. LLOYD: Now, we've heard Richard Quinn through his
7 attorney's version of what that was.

8 THE COURT: Uh-huh. (Affirmative).

9 MR. LLOYD: We've heard sort of a bit of, based on
10 that, what Jimmy Merrill's attorney believes it might have
11 been or might not have been, and I think we've had very
12 limited understanding from the State as to what that basis
13 was.

14 THE COURT: Uh-huh. (Affirmative).

15 MR. LLOYD: But it's not a written plea deal.

16 THE COURT: Right.

17 MR. LLOYD: And there was really nothing stated on the
18 record that we can go back and watch, and discern from the
19 video that's out there as to what everybody was admitting to
20 during the course of that plea.

21 So, again, Your Honor, unless that person's on the
22 stand so that we can cross-examine them regarding that, our
23 contention would be, and I understand your ruling that you
24 don't even know what their involvement was, unless they're
25 on the stand subject to our cross-examination, we would just

1 ask that that not be brought out in the trial.
2 SOLICITOR PASCOE: Oh, I don't think---
3 THE COURT: Do you know?
4 SOLICITOR PASCOE: Just how much do you want me to go?
5 THE COURT: Oh, okay. I guess you're telling me no.
6 SOLICITOR PASCOE: We can just wait to see what we put
7 up?
8 I don't, I don't see any need for us to put up---
9 THE COURT: The problem is what I don't want to do is a
10 bunch of proffers because we need to make sure that there's
11 some valid connection first. I don't want to keep sending
12 the jury out here.
13 SOLICITOR PASCOE: I don't---
14 THE COURT: I tell you, I've learned for the first time
15 today that, that Jimmy Merrill, Courson, and I, I, I hate to
16 say that I assume, but I, I figured Richard and Rick had
17 something to do with Harrison, but I had not idea that there
18 was any overlap whatsoever between say Harrison and Courson
19 or Harrison and Merrill. Again, I didn't take his plea.
20 So, that was all before my time. So, I don't know, but---
21 SOLICITOR PASCOE: Mr. Merrill testified before the
22 Grand Jury with regards to Jim Harrison.
23 THE COURT: Okay.
24 SOLICITOR PASCOE: So, he is a very relevant witness.
25 THE COURT: Okay.

1 SOLICITOR PASCOE: We may call him. So, I mean the
2 only way I could see us getting into Merrill is if he
3 testifies, and then obviously we will go into---
4 THE COURT: Okay. If he testifies. Okay.
5 SOLICITOR PASCOE: Courson is a potential witness cause
6 he is provided some information to us concerning
7 Mr. Harrison.
8 THE COURT: Okay.
9 SOLICITOR PASCOE: Who else was there, Judge?
10 Was there another?
11 MR. LLOYD: Rick.
12 SOLICITOR PASCOE: Rick Quinn is a very relevant
13 witness. We may or may not call him.
14 THE COURT: Okay.
15 SOLICITOR PASCOE: What I don't foresee us doing is
16 having a SLED agent get up there and going into---
17 THE COURT: Right.
18 SOLICITOR PASCOE: ---Courson and Merrill --
19 THE COURT: Right.
20 SOLICITOR PASCOE: -- their cases and the facts of
21 their cases. I wouldn't expect there to be an objection,
22 and you look at me like they're right.
23 THE COURT: It's not relevant. Exactly.
24 SOLICITOR PASCOE: It's not relevant---
25 THE COURT: Okay.

1 SOLICITOR PASCOE: ---unless, you know, their conduct.
2 So --.

3 THE COURT: Okay.

4 MR. LLOYD: And that's all we're asking, Your Honor --

5 THE COURT: Okay.

6 MR. LLOYD: -- is unless they put them on the stand---

7 THE COURT: I understand that.

8 MR. LLOYD: ---we don't want to mention that---

9 THE COURT: Okay.

10 MR. LLOYD: ---Mr. Harrison worked at RQA, and RQA,
11 through First Impressions, pled guilty.

12 THE COURT: Uh-huh. (Affirmative).

13 MR. LLOYD: Mr. Courson pled guilty. The relationship
14 between Mr. Courson and Mr. Harrison if they both know each
15 other. That's, that's the relationship, Your Honor. I, I
16 know that there's been a lot promised---

17 THE COURT: Okay.

18 MR. LLOYD: ---about this case throughout the two years
19 it's been going on.

20 THE COURT: Right.

21 MR. LLOYD: A lot of that's not material---

22 THE COURT: Okay.

23 MR. LLOYD: ---in this presentation, and that's
24 irrelevant. But that's all we're asking that, unless that
25 witness is on the stand so we can cross-examine them without

1 their conduct and what they pled to and didn't plead to,
2 then we're just asking that they not be allowed to bring up
3 that First Impressions pled, that Rick Quinn pled, that sort
4 of stuff.

5 THE COURT: Okay.

6 MR. LLOYD: We believe that breeds prejudice to Mr.
7 Harrison in front of the jury.

8 THE COURT: Okay. All right. What else do we need to
9 go to---

10 MR. LLOYD: Your Honor---

11 THE COURT: ---that relates to this?

12 MR. LLOYD: ---did agree, through a phone conversation,
13 conference call, to order the State to release transcripts
14 of anybody that the State is -- anticipates calling --

15 THE COURT: As witnesses.

16 MR. LLOYD: -- if there's a Grand Jury transcript that
17 exists.

18 THE COURT: Okay.

19 MR. GRIFFIN: Yes, you ordered and we're ready to do
20 it.

21 THE COURT: I'm ordering it. Do it.

22 MR. GRIFFIN: We got it right here.

23 THE COURT: Perfect. Thank you.

24 All right. What else?

25 You just keep pulling out thumb drives, don't you?

1 SOLICITOR ALLEN: Be, be prepared.

2 THE COURT: Okay. And now -- what are you -- and

3 you -- he's already given you the witness list, and it

4 should be on the witness list to be able to --.

5 SOLICITOR ALLEN: And the transcripts are by name so

6 you can -- it's not like the jump drive.

7 MR. LLOYD: I guess my question is there were like 32,

8 36 people called to the Grand Jury.

9 THE COURT: He said -- no, you should have the witness

10 list. So --.

11 MR. GRIFFIN: Yeah, we just emailed the witness list

12 around with the testimony on that disk is -- I mean on that

13 thumb drive is broken out by witness. So, they just---

14 THE COURT: Let me ask you.

15 Did y'all narrow down that witness list or is it

16 everyone and the kitchen sink?

17 MR. LLOYD: And then, Your Honor, I haven't seen---

18 THE COURT: I mean I don't know. Often times people do

19 that and you put everybody in there, and you just, you know.

20 MR. LLOYD: We haven't seen it. I haven't seen it yet.

21 THE COURT: Okay. Okay.

22 MR. GRIFFIN: Well, Your Honor, certainly for voir dire

23 purposes, I mean, I mean these names might come out during

24 the course of the trial.

25 THE COURT: Right.

1 MR. GRIFFIN: So, we have to be over inclusive. I mean
2 --
3 THE COURT: Right.
4 MR. GRIFFIN: -- in questioning the jurors.
5 THE COURT: Right. We'll, we're just talking about
6 their ability to look at the Grand Jury transcript and know
7 exactly who is on there.
8 MR. GRIFFIN: Right.
9 THE COURT: So --.
10 MR. LIMBAUGH: They're not trying to help us, Your
11 Honor.
12 THE COURT: Clearly. I don't think that's their job
13 though.
14 MR. LIMBAUGH: No, it's not.
15 THE COURT: All right. What else, y'all?
16 Let me talk about something really quickly. I
17 understand I've gotten your motion on the perjury
18 indictment, which was filed earlier.
19 Do you plan on trying all of it next week?
20 I, I just don't know. So, I just want to make sure
21 that we're not reading off -- so, you plan on charging all
22 four indictments, correct, trying all four---
23 SOLICITOR PASCOE: Yes.
24 THE COURT: ---at the same time?
25 SOLICITOR PASCOE: Yes, ma'am.

1 THE COURT: And I didn't see many motions saying, you
2 know, I understand a motion for prosecutorial vindictiveness
3 as to the perjury indictment. But you haven't asked to have
4 it tried separately or late notice or anything along those
5 lines, and I just want to know what your position is.

6 MR. LLOYD: No, Your Honor. We want them all tried
7 together.

8 THE COURT: You want all the charges -- okay. I
9 understand that.

10 Okay. Do we need to argue this cause I haven't heard
11 it?

12 MR. LLOYD: Your Honor, in light of your other rulings,
13 I don't think we need to take that up. I, I think -- my
14 understanding is from Mr. Griffin, as to one of the
15 witnesses that they would need to call is Mr. Chris Garrett,
16 who's a special agent with the FBI, and we would actually
17 like Mr. Garrett to testify. So --

18 THE COURT: Okay.

19 MR. LLOYD: -- you know, we're hoping that -- proceed
20 on that count, and then you call him. So --.

21 THE COURT: Okay.

22 MR. LLOYD: We're happy for them---

23 THE COURT: All right.

24 MR. GRIFFIN: I think Mr. Lloyd will be accommodating
25 us. So, glad we can work together on this.

1 THE COURT: Okay. What else?

2 Anything else?

3 So, you're gonna get each other -- I know you've done
4 witness lists.

5 When can I get voir dire?

6 I mean I'm assuming it can be done now. I mean I'm
7 assuming. Everybody's looking at each other.

8 SOLICITOR PASCOE: I know.

9 THE COURT: Can we share them---

10 MR. LLOYD: Your Honor, that's sort of our problem.
11 You know, this isn't just about, you know, SCANA and AT&T,
12 and ones that made the list here. That's why we were
13 raising this issue earlier, and we're talking about Wal-Mart
14 and all these other folks. I mean that, that -- I mean we,
15 we can do voir dire all day. I mean if that's --.

16 THE COURT: Oh, I know. I know. And that kind of
17 jumps to the next question of everyone jumping up and down
18 asking people if you struck for cause. You know, I really
19 thought about it kind of in the, you know -- I, I think
20 whether or not someone can be fair and impartial. I don't
21 think it matters that they were formerly, you know, Jim
22 Harrison's constituent or not. You know, they have to be a
23 personal friend. They have to be someone that stands up and
24 tells me they can't be fair and impartial.

25 What else are we anticipating, y'all, that, again, I

1 just want to pull a good jury, fair jury?

2 Is there anything else that, that causes either the
3 state or you to say this is really a, you know, just biased
4 juror even if they don't disclose it?

5 MR. LLOYD: I think one of the issues, Your Honor, that
6 we may have, from Mr. Harrison's standpoint, is, and I know
7 it's, it's always tricky to get into political affiliations,
8 but we would certainly want to know, if given sort of some
9 of the allegations made in this case and some of the
10 history, that testimony that relates to RQA and its work for
11 John McCain, Jim Huntsman, and Lindsey Graham, and that
12 sort, and asking, asking about peoples' affiliation, on, in
13 terms of a really work or strong volunteer background with
14 one party or the other.

15 THE COURT: Okay.

16 MR. LLOYD: Because I, I think a lot of what you're
17 gonna hear testimony, it will include not just the political
18 individuals that, that we've been talking about,
19 Mr. Harrell---

20 THE COURT: Uh-huh. (Affirmative).

21 MR. LLOYD: ---and Quinn, and others, but work that RQA
22 did on behalf of Governor McMaster --

23 THE COURT: Okay.

24 MR. LLOYD: -- you know, a number of presidential
25 candidates---

1 THE COURT: Right.

2 MR. LLOYD: ---that came through here. Some issues,
3 for example, of the school choice issue --

4 THE COURT: Right.

5 MR. LLOYD: -- at some point, RQA, for example, did
6 campaign polling, and other work related to increasing the
7 cigarette tax. So, it's those kind of things. If, if
8 somebody's got just a background where they did a lot of
9 volunteer work for or against some of these issues or for or
10 against particular candidates or parties then, yeah.

11 THE COURT: And you're gonna put that in your voir dire
12 then for me to ask --

13 MR. LLOYD: Right.

14 THE COURT: -- just so I can understand?
15 Okay.

16 SOLICITOR PASCOE: If we have voir dire, we'll get it
17 to you today. I think Mr. Scott was working on some that
18 was just gonna be very similar to whatever we sent---

19 THE COURT: Okay.

20 SOLICITOR PASCOE: ---in the Courson case. It's gonna
21 be very short.

22 THE COURT: Okay.

23 MR. GRIFFIN: Your Honor, I do want to raise one issue.

24 THE COURT: Yeah.

25 MR. GRIFFIN: Apparently, through a big dragnet---

1 THE COURT: Yeah.

2 MR. GRIFFIN: ---for jury selection, and they called
3 Dick Harpootlian, and he's gonna -- he has been summoned for
4 jury selection, and, you know, it probably ought to be down
5 there -- I think it would -- I think they draw them randomly
6 to come up here. He would have---

7 THE COURT: Wait a minute. The -- okay. Wait a
8 minute.

9 So, what about Dick Harpootlian?

10 Is he actually in the pool?

11 MR. GRIFFIN: Yeah.

12 SOLICITOR PASCOE: He's already been picked as the
13 foreman of the jury.

14 MR. GRIFFIN: Yeah, he, he got a summons on jury duty.
15 He will be down wherever qualifications are.

16 THE COURT: I mean randomly this just happens.

17 That is what you're saying?

18 MR. GRIFFIN: Yes. Yes. Yes.

19 THE COURT: Wow.

20 MR. GRIFFIN: And so---

21 THE COURT: All I can say is wow.
22 Okay.

23 MR. GRIFFIN: It's a small world. So---

24 MR. LIMBAUGH: Can we excuse him today?

25 THE COURT: Yes, I think---

1 MR. GRIFFIN: So, we certainly don't want him coming up
2 for the -- for this case, and stand up in response to every
3 question, and---

4 THE COURT: Can you both agree that we can excuse him?

5 SOLICITOR PASCOE: I was gonna ask he be the foreman,
6 Your Honor, but, if we can't do that --.

7 MR. GRIFFIN: Yes. Yes.

8 SOLICITOR PASCOE: Not only that, but isn't he --
9 isn't -- if you're over 65, Your Honor, that's a---

10 THE COURT: But that's his choice.

11 SOLICITOR PASCOE: I'll talk to him. I'll tell him not
12 to.

13 THE COURT: No, that's his choice.

14 Doesn't he have to campaign?

15 Isn't he working---

16 SOLICITOR PASCOE: See, what I'm worried about is he's
17 gonna show up, and the jury's gonna come up here, and you're
18 gonna ask the simple question, has anybody heard anything
19 about this, and they're all gonna stand up and say Mr.
20 Harpootlian told us all about it downstairs. So, we'll tell
21 him that you have barred him.

22 MR. GRIFFIN: No.

23 THE COURT: We won't say barred. You tell him that I
24 have excused him for the trial of this case by consent of
25 both parties, and if you need to call him, I will do that as

1 well. We don't need him anywhere near this.

2 SOLICITOR PASCOE: Okay. Thank you, Your Honor.

3 THE COURT: That's just inviting -- and you guys have
4 been through the list, and is there anyone else that's a
5 political lightening rod that's --?

6 MR. LLOYD: Your Honor, we haven't been---

7 THE COURT: We're probably calling them back. So,
8 that's probably okay.

9 MR. LLOYD: Your Honor, we were gonna pick up the list
10 today.

11 THE COURT: Okay.

12 MR. LLOYD: We haven't gotten our list yet.

13 THE COURT: Okay. So, obviously, if there is anyone
14 else that is obviously like that or that you-all think is
15 pretty obvious, let me know.

16 Okay. I mean I can't imagine if we got another
17 legislator who maybe are now sitting legislators who are on
18 it, I, I don't know. I don't know if that would
19 specifically, but I'm assuming there's something on this.
20 You're right. I don't want them contaminated before we pull
21 that's for sure.

22 SOLICITOR PASCOE: We'll make sure.

23 THE COURT: Okay. All right. So, but I just expect
24 you, when you review the list, y'all email me if there's
25 anyone that you say well, now, wait a minute, you know, we

1 need to stop him.

2 Okay. But yeah, we'll get rid of them. I actually
3 thought you were joking when you said that.

4 SOLICITOR PASCOE: No.

5 MR. GRIFFIN: No.

6 THE COURT: Unbelievable.

7 MR. GRIFFIN: Wish I was.

8 THE COURT: Okay, Mr. Griffin.

9 SOLICITOR PASCOE: So, we expected he'd come with
10 cameras.

11 MR. GRIFFIN: Filming a commercial.

12 THE COURT: All right. Anything else that we can take
13 up right now?

14 The jury is coming in at 9:30, correct, and do they --
15 you have a jury assembly room here, don't you?

16 I mean they -- where Jocelyn will qualify them.

17 Is that correct?

18 MR. LLOYD: They should do it up here, Your Honor.

19 THE COURT: Oh, they do.

20 MR. LLOYD: My understanding is it's gonna be done in
21 2-A or 2-B.

22 THE COURT: Okay.

23 MR. LLOYD: On Monday, they probably won't start right
24 around 9:30. I think they have second and third
25 appearances.

1 THE COURT: Oh, okay.
2 THE BAILIFF: Qualifications will probably take place
3 about 9:30 or maybe 9:40, and they are---
4 MR. LLOYD: They are---
5 THE COURT: So, maybe a little later than that.
6 MR. LLOYD: Yeah.
7 THE COURT: Okay.
8 MR. LLOYD: I think there's just gonna be like not only
9 for this pool, but just hundreds of people showing up for
10 second and third appearances---
11 THE COURT: Okay.
12 MR. LLOYD: ---on Monday as well.
13 THE COURT: Okay.
14 MR. LLOYD: So, it's probably gonna take some time in
15 the courtroom---
16 THE COURT: All right. Okay.
17 MR. LLOYD: ---to scan through.
18 THE COURT: Okay. Okay.
19 SOLICITOR PASCOE: Are we in this courtroom next week?
20 THE COURT: We are, aren't we, Julia?
21 THE LAW CLERK: I'm not sure.
22 THE COURT: Are we in this courtroom next week?
23 Do you know, sir?
24 THE BAILIFF: Not sure, but I, I can find out.
25 THE COURT: Well, they told me I was in Judge Hood's

1 chambers. So, where -- is that right here?
2 SOLICITOR PASCOE: Can't remember.
3 THE COURT: I don't know.
4 MR. GRIFFIN: He's on the second floor I'm pretty sure.
5 MR. LLOYD: Hood is on second. He was on second.
6 THE COURT: We'll have to find out cause they told me
7 they were -- I, I just heard that they were putting me in
8 Hood's chambers.
9 Next week we're in Hood's.
10 MR. LLOYD: Well---
11 THE COURT: I'm assuming -- they always put me near
12 wherever the courtroom is. So, I mean---
13 MR. LLOYD: I think you're right here -- I think --
14 aren't they doing appearances up here?
15 SOLICITOR PASCOE: They might.
16 MR. GRIFFIN: By that sign right there would indicate
17 yes.
18 THE COURT: Let me check.
19 MR. LLOYD: Cause they normally open the partition.
20 THE COURT: Okay. She'll email Jim. This is what
21 we'll do. She'll email him and ask him and Julia will email
22 y'all, and tell you where we're trying the case, and where
23 we're gonna pull our jury, and are you with us next week?
24 THE COURT REPORTER: I am.
25 THE COURT: Good.

1 okay. okay.

2 SOLICITOR PASCOE: what, what's your gut feeling, will
3 we start Monday you think or Tuesday morning?

4 THE COURT: It depends on how long jury selection
5 takes, and how much more you have to argue. I don't know.

6 MR. LIMBAUGH: And whether you grant our motion.

7 THE COURT: Yeah, and whether I grant your motion.

8 SOLICITOR PASCOE: We'll have some witnesses here.

9 THE COURT: I can tell you I might, I might hope -- my
10 great hope is that at least you will get opening statements.
11 I know that doesn't help you with what to tell your
12 witnesses, but I think, Mr. Pascoe, I think you do need to
13 have maybe your first couple of witnesses.

14 SOLICITOR PASCOE: Yeah.

15 THE COURT: I was gonna tell you too I, I don't know
16 how judges break, but I don't think -- I, I've tried cases
17 with any of y'all. We pretty much -- I mean I break at 1:00
18 like most judges. I don't take particularly long breaks
19 in-between. You-all just need to tell me what you need. If
20 you need more time, I'm happy to give it to you. I don't
21 want you to feel like I'm rushing you or pushing you, but I
22 also don't like to sit back there and chat, number one,
23 because unless Judge Manning's here, I have no one to jabber
24 with or otherwise. I don't know who's gonna be here next
25 week.

1 But the point being is that I want to move us along. I
2 will work every day, and I'm staying here. So, as long as I
3 don't wear everybody out, you know, we'll work as long as
4 the jury's willing. So, if it's 5:00, 5:30, whatever, you
5 know, obviously I worry about them cause they're not use to
6 this.

7 So, you know, we'll take an hour, maybe 15 minutes for
8 breaks. I've already asked about, you know, bringing food
9 in here, how they handled that, and they're very efficient.
10 They don't complain about the costs. So, it's very likely
11 that I will, if I feel like we're going slow or something,
12 and I really want to move this along, I really want to get
13 through some testimony, you know, I'll say would you mind
14 bringing, you know, some food in for the jury.

15 So, we can work that out, and I don't know how good
16 they are with you-all about everybody throws in money, and
17 we'll get you sandwiches as well. I don't know how that
18 works here, but I can tell a lot of places we just say just
19 get the lawyers, you know, let's take care of them.

20 So, anyway, but anything else y'all can anticipate?

21 And, again, also too, for those of all, if you can come
22 and go as you please. I mean if you need to go do
23 something, I -- you know, as long as one of you is sitting
24 at the table, I'm gonna feel comfortable, and the same thing
25 with you-all. You know, don't be asking to leave. Just,

1 just go do what you need to do.

2 okay. So, anything else that you-all can think of?

3 Like I said, I just want y'all to try your case. I
4 just -- get it done, if I don't grant your motion. I want
5 y'all to try your case.

6 Yes, I'm learning.

7 So, you'll come back here just after jury
8 qualifications, and we'll be here.

9 SOLICITOR PASCOE: And we'll have a couple -- we'll
10 have two witnesses just in case---

11 THE COURT: Okay.

12 SOLICITOR PASCOE: ---we get to witnesses.

13 THE COURT: Okay. So, you've got the witness list.
14 And if you can narrow down the witness list at all too.

15 SOLICITOR PASCOE: Okay.

16 THE COURT: The other thing I really need to know, and
17 this is helpful for me, and -- in cases, and it's become a
18 problem important recently, I need to know the importance of
19 some witnesses cause a lot of times y'all will list
20 witnesses. Some of them will say they know them, but they
21 don't know them really well. Like, you know, your typical
22 well, he's my neighbor. I see him. We wave. You say does
23 he talk about cases with you, does he not, do you know
24 anything about this, no. But I don't know how involved and
25 how important they are.

1 I mean if they're just, you know, the guy that just
2 stands up here and authenticates a document, that doesn't
3 matter, but I kind of need to know key people if it's not
4 obvious to me. You know, I can the -- you know, chief
5 investigating officer, but you guys have to kind of let me
6 know that just so I know of their importance, you know, and
7 not just they're a side witness that really doesn't matter.
8 Do you understand what I'm saying?
9 SOLICITOR PASCOE: Sure.
10 THE COURT: It's just lately it's become an issue in
11 cases. So --.
12 Okay. Anything else?
13 How many, how many witnesses are on that list just so I
14 know?
15 MR. GRIFFIN: This in my hand?
16 SOLICITOR PASCOE: That we're gonna absolutely call?
17 THE COURT: Yeah.
18 SOLICITOR PASCOE: Twenty.
19 THE COURT: Okay.
20 SOLICITOR PASCOE: Twenty-two.
21 THE COURT: Okay.
22 MR. GRIFFIN: Well -- and then, then there's a big
23 block for custodians, which that's probably---
24 THE COURT: Okay.
25 MR. GRIFFIN: ---a few there for that.

1 THE COURT: Okay.
2 MR. GRIFFIN: That would be short.
3 MR. LIMBAUGH: That's the smokescreen.
4 How many are on the list we got?
5 MR. GRIFFIN: Oh, I don't know.
6 THE COURT: Okay.
7 MR. LIMBAUGH: Okay.
8 THE COURT: Just make sure you're ready on everything.
9 We will need to pretty much talk about any voir dire that
10 you-all object to. I mean I obviously know, you know, the
11 general stuff, you know. Other than that -- so, just let me
12 know.
13 Okay?
14 MR. LIMBAUGH: Thank you.
15 SOLICITOR PASCOE: Thank you, Your Honor.
16 THE COURT: Y'all good?
17 Y'all okay?
18 MR. LLOYD: Yes, ma'am.
19 THE COURT: Okay.
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22 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 19th day of October, 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

April 19st, 2019

PAMELA E. GREEN, Court Reporter

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 JAMES HARRISON,) 2017-GS-47-35 - 37
8 DEFENDANT.) 2018-GS-47-49

9
10 October 22nd - 26th, 2018
11 Columbia, South Carolina
12

13 B E F O R E:

14 THE HONORABLE CARMEN T. MULLEN, Judge.

15 A P P E A R A N C E S:

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18 SOLICITOR, ASSISTANT SOLICITORS, and ESQUIRE
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23 PAMELA E. GREEN
24 Circuit Court Reporter
25 Seventh Judicial Circuit

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<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>Defendant's Exhibits</u>		
D-1	House Journal	1165	1172
D-2	House Journal	1165	
D-3	House Journal	1165	

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<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>Court's Exhibits</u>		
C-1	Note from Jury		1361
C-2	Note from Jury		1361
C-3	Indictment		1364

1 P R O C E E D I N G S

2
3 (WHEREUPON, the following takes place outside the
4 presence of the jury.)

5 (WHEREUPON, State's Exhibit Nos. 1 through 9 were
6 marked for identification purposes only at this time.)

7 THE COURT: All right. I just wanted to do a few
8 housekeeping matters before we start.

9 In looking at the voir dire, are there any objections
10 to the State's voir dire from the defense?

11 I did have one question.

12 Gentlemen, this Question Number 4 that said something
13 about Soak Day Spa that Mr. Harrison and his wife own, is it
14 necessary to say that they own it or just it's a question of
15 is anyone -- I just don't know anything about it. So, help
16 me out with it.

17 If you don't object to it, that's fine and not a
18 problem.

19 MR. LLOYD: Your Honor, unless the State is just
20 insisting on that. We're -- obviously, they're gonna be --
21 both be introduced to the jury.

22 THE COURT: Okay. I mean I -- what did I, when I
23 circled it, I just said is anyone here -- and I don't know
24 if everybody knows that he and his wife own it or not. I
25 don't know if that's common knowledge. I don't live here,

1 but I just said is anyone, you know, it says a customer of
2 Soak Day Spa. I mean I was just asking that. I didn't know
3 if it was necessary to say that they owned it. I don't know
4 how long y'all have owned it.

5 Is this something your wife --?

6 THE DEFENDANT: We don't own it anymore.

7 THE COURT: Oh.

8 THE DEFENDANT: She sold it.

9 THE COURT: Okay. Okay.

10 THE DEFENDANT: But she owned it for eight or ten
11 years.

12 THE COURT: Okay. So, I think it's fine then if I just
13 say a customer of Soak Day Spa just in case they are someone
14 that maybe met her during that. I mean I guess he's having
15 some kind of, you know, business relationship with her based
16 on how frequently. So, I'll do that.

17 Anything else that the defense objects to the State's
18 request?

19 MR. LLOYD: We have no other objection, Your Honor.

20 THE COURT: No, no other objections.

21 All right. And then as to the defense's, any objection
22 to anything?

23 MR. GRIFFIN: Your Honor, Number 22.

24 THE COURT: Number 22. Yeah, I, I typically don't ask
25 that either. It's just saying can you follow the law --

1 MR. GRIFFIN: Right.

2 THE COURT: -- which they have to swear that they're
3 able to do. So, I typically don't ask that. So, if that's
4 fine with you, I won't ask that.

5 I changed a couple of words like have you heard any
6 information about or consumed any press coverage, which I, I
7 like the word consumed, but I think I may have to say read
8 or you consumed. I may just explain it a little more.

9 MR. GRIFFIN: Oh, that's fine, Your Honor. We have no
10 objection.

11 THE COURT: It's a jury, yeah, but I like it.

12 Okay. Thank you.

13 Anything else?

14 As far as that, I think, I think it all looks fine, and
15 fair certainly.

16 I did want to tell you, Mr. Limbaugh, I went through,
17 during the weekend, and reread the Pascoe v. Wilson case,
18 and revisited, again, the subject matter jurisdiction.
19 Obviously I ruled on it before in Courson's case, but I will
20 say that I think you very well articulated what the issue
21 was. I think brought to light a little more in depth for
22 me.

23 In going back and looking at the case, you know, I'm
24 going back almost to what Pleicones wrote in their holding,
25 and what stands out to me is that it says a State Grand Jury

1 proceeding is an investigatory tool, which we find is
2 available to the Attorney General or his designee vested
3 with the authority over an investigation within the subject
4 matter jurisdiction of the Act, and then they go on to say
5 we conclude that the individual acting with the authority of
6 the Attorney General may lawfully seek to impanel a State
7 Grand Jury. Accordingly, we find that Pascoe was acting
8 within the authority of the Attorney General when he signed
9 the initiation of the State Grand Jury investigation, and we
10 hold the initiation was lawful and valid.

11 From there, and I went through and I will tell you what
12 I did, every time Justice Pleicones referenced, and I guess
13 he was Chief Justice at the time, referenced the case, he
14 said repeatedly the redacted legislators, the redacted
15 legislators, and I see that that was something he repeatedly
16 referred back to. But I don't think that limitation
17 anticipated the other people that were gonna come out of
18 this investigation because it wasn't before them.

19 I think, if it had been properly before them, then
20 there could of been a question that there were other
21 legislators, other than the two reacted legislators, it
22 could of properly been put in front of them, but it wasn't.

23 So, my thought process is, is that once Pascoe's
24 allowed to initiate this investigation, he's able to impanel
25 this jury, and go ahead and investigation -- what's he

1 suppose to do when other people come out as subjects of the
2 investigation?

3 I don't see anything that requires, in the State Grand
4 Jury Act, that there needs to be new case initiations for
5 any new persons as long as it is related to the course of
6 conduct or the offense that was in the original
7 investigation, and that was public corruption by
8 legislators.

9 So, looking at it, I think he had the authority to do
10 it. I just wanted to put that on the record. Obviously,
11 we need to preserve it as an issue certainly, but I just
12 wanted you to know that I certainly went back, and thought
13 about it, and looked at it repeatedly, and went back and
14 looked at the State Grand Jury Act. And I see it as -- I
15 understand it's a very good argument. I just think, based
16 on what I'm seeing -- well, I don't think it went as far as
17 Mr. Pascoe thought it did when he said he had full authority
18 or anything. I do think he did have authority specifically
19 as to other legislators or former legislators in this case
20 that were dealing with Richard Quinn & Associates.

21 So, that kind of seems to be the spoke in the wheel
22 that comments as to this investigation. So, with that said,
23 that's my ruling just for the record.

24 Okay. But I appreciate that, and I appreciate your
25 arguing it so well.

1 MR. LIMBAUGH: Well---

2 THE COURT: It really was put out for me.

3 MR. LIMBAUGH: Thank you. I appreciate that, and, and

4 I appreciate -- I just want to say thank you for taking the,

5 the time, and, and taking the motion so seriously as you

6 clearly did. So, thank you very much.

7 THE COURT: I appreciate it.

8 MR. LIMBAUGH: Again, thank you.

9 THE COURT: Okay. All right. Well, other than that,

10 the panel is ready to come in, and I don't know.

11 Where do they usually sit?

12 Do they usually come right here?

13 Where, where do we sit the panel typically, Jim?

14 I'm gonna ask, if the two of you don't mind, to moving

15 up, whoever is down here, just so I can see as many of them

16 as possible. We're pulling in about 60 or so.

17 Is that what we're doing, Jim?

18 THE CLERK: I'm sorry?

19 THE COURT: How many persons are we bringing in, 60?

20 THE CLERK: Approximately.

21 THE COURT: And you've put that many in those pews?

22 THE CLERK: Might have to be a little up there.

23 THE COURT: Okay. A little.

24 Okay. So, if we could all just kind of scoot you-all

25 to that end just so you're not a part of the panel.

1 any witness, the prejudice of any witness, and you can look
2 at the opportunity that the witness had to have seen the
3 matters and things about which the witness may testify. You
4 can also look at the way the witness acts on the witness
5 stand. You have the right to use anything that is in the
6 record to help you evaluate the testimony of that witness.

7 Therefore, ladies and gentlemen, I ask that you pay
8 close attention to the testimony of the witnesses so that,
9 at the very end of the case, you are able to accurately
10 remember, when you get the case for your deliberations, the
11 testimony as it was given.

12 Now, in order to reserve everyone's rights, is there
13 anything further you'd like me to instruct the jury,
14 Mr. Pascoe?

15 SOLICITOR PASCOE: No, Your Honor.

16 THE COURT: Mr. Lloyd.

17 MR. LLOYD: Nothing, Your Honor. Thank you.

18 THE COURT: Ladies and gentlemen, at this time we're
19 gonna go ahead and begin the trial of this case.

20 All right. Mr. Pascoe.

21 SOLICITOR PASCOE: May it please the Court?

22 THE COURT: Yes, sir.

23 SOLICITOR PASCOE: The core principle of any democracy,
24 any republic, is that you can't use your elected office to
25 make a profit. That applies when you're a city councilman

1 or the Sitting President of the United States. But as you
2 hear and see from the evidence this week, that's exactly
3 what the Defendant, Jim Harrison, did.

4 Specifically, the Defendant, Jim Harrison, one of the
5 most powerful public officials in state government for over
6 a decade, with the help of his friend, Richard Quinn, made
7 hundreds of thousands of dollars because of his position.
8 Jim Harrison was Chairman of the South Carolina House
9 Judiciary Committee where 40 percent of all legislation has
10 to go before it can become law. Forty percent. And, from
11 1999 until his last month in office in 2012, his friend,
12 Richard Quinn, secretly paid him approximately \$900,000.

13 I say secretly because the public didn't know about it,
14 secretly because the Defendant lied about it, secretly so
15 the Defendant could go into the State House, and then vote
16 on legislation for Richard Quinn's clients. And all we ask
17 of you this week, ladies and gentlemen, is that you hold the
18 Defendant accountable for his actions. Let him know that
19 those laws he passed in the Legislature apply to him too.

20 Ladies and gentlemen, good afternoon. Again, my name
21 is David Pascoe, and I, along with Jim Griffin, will be
22 prosecuting this case on behalf of the State. Also seated
23 at the State's table is Lieutenant Jeremy Smith of the South
24 Carolina Law Enforcement Division. He's the lead
25 investigator on this case.

1 And, on behalf of the State, I want to thank each and
2 every one of you for your service. It's often said that
3 jury duty's one of the most important duties you can perform
4 for your country, and that's true. I certainly concur with
5 it.

6 Your service is not only important to the Defendant,
7 it's important to the State. It's important to the citizens
8 of South Carolina. So, thank you.

9 As Judge Mullen told you, the Defendant is charged with
10 one count of common law misconduct, one count of statutory
11 misconduct in office, one count of criminal conspiracy, and
12 two counts of perjury. It's four indictments for counts --
13 five count. Four indictments. Five counts.

14 And, before I go further into what some more of the
15 facts are gonna be in this case, I want to very briefly go
16 over the law with you with regards to these crimes. I
17 promise to be brief cause you're gonna have a number of
18 opportunities to hear about the law.

19 The most important time coming, when Judge Mullen
20 charges you on the law, before you're asked to render your
21 verdicts, and I'm glad the Judge mentioned this to you. Let
22 me give you one caveat. If I ever say anything or anyone
23 ever says anything that contradicts the law that Judge
24 Mullen tells you, you take the law according to Mullen, not
25 the law according to Pascoe, cause just like you're the sole

1 triers of the facts in this case, Judge Mullen is the sole
2 trier of the law.

3 The first thing I want to talk to you about is common
4 law misconduct in office. Common law misconduct in office
5 is where a public official, and a legislator is a public
6 official, so it's where a legislator willfully and
7 dishonestly fails to properly discharge a duty---

8 MR. LLOYD: Your Honor?

9 SOLICITOR PASCOE: ---imposed by law.

10 MR. LLOYD: I hate, I hate to interrupt, but can we
11 take up a matter?

12 THE COURT: You may. Come on up.

13 (WHEREUPON, a bench conference was held out of the
14 hearing of the jury at this time.)

15 SOLICITOR PASCOE: Let me remind you what I said. It's
16 where a legislator willfully and dishonestly fails to
17 properly discharge a duty imposed by law. That's it.

18 Every legislator has a duty to abide by the Ethics Act.
19 If you find that the Defendant willfully and dishonestly
20 violated provisions of the Ethics Act to make a profit, you
21 must find him guilty.

22 The second crime is statutory misconduct in office.
23 Statutory misconduct in office is where a public official
24 commits acts or omissions constituting fraud, corruption, or
25 habitual negligence. One of the main differences between

1 common law misconduct and statutory is, if it was statutory,
2 you don't even need that willfulness or dishonesty.
3 Habitual negligence is enough to be guilty of statutory
4 misconduct.

5 Next, criminal conspiracy. Criminal conspiracy is
6 nothing more than an agreement between two or more people to
7 commit an unlawful act. If you have a legislator, and a
8 political consultant, and, together, they violate Ethics Act
9 provisions together to make a profit, not only do you have
10 that tacit understanding to violate the law, but you have
11 the actual act.

12 And the final charges against the Defendant are for the
13 two counts of perjury. And, unlike the other crimes, they
14 can take place over a period of months or years, perjury is
15 a very specific act that takes place at a specific time.
16 Perjury is defined as providing materially false,
17 misleading, or incomplete testimony while under oath.
18 Simply put, you go in and testify under oath to a Grand Jury
19 and you lie or provide incomplete testimony, that's perjury.

20 And, finally, the standard of proof which the State
21 must prove the Defendant's guilt is just proof beyond a
22 reasonable doubt. And this phrase means exactly as it
23 sounds. It's not proof beyond any doubt. It's not proof
24 beyond any possible doubt. It's proof beyond a reasonable
25 doubt.

1 And, in essence, what proof beyond a reasonable doubt
2 means is, after you look at all the evidence, not just part
3 of it, but after you look at all the evidence, if you're
4 firmly convinced, just firmly convinced of the Defendant's
5 guilt, you must find him guilty. And I submit the evidence
6 will leave you much, much more than firmly convinced.

7 The evidence will be that the Defendant is an attorney.
8 The Defendant was Chairman of the South Carolina House
9 Judiciary Committee where laws are passed. The Chairman,
10 the, the -- Chairman Harrison, the Defendant, was in the
11 Legislature when the Ethics Act passed into law. Yet, he
12 trampled over it for the better part of a decade to make a
13 profit.

14 You're gonna hear that the South Carolina Law
15 Enforcement Division, SLED, was looking at evidence that was
16 gathered in the State House corruption probe. When they
17 were looking at that evidence specifically, they were
18 looking at bank records of a company called First
19 Impressions, Incorporated, which does business as, d/b/a
20 Richard Quinn & Associates. They're the same thing. They
21 were looking at the bank records of Richard Quinn &
22 Associates.

23 Richard Quinn is a political consultant. He runs
24 political campaigns for, for people like the Defendant, Jim
25 Harrison, but he also was a consultant for companies,

1 companies that lobby legislators, companies that have high
2 regard for the Defendant because of his position in the
3 Legislature.

4 You're gonna hear that, when SLED was looking at those
5 bank records, they found money coming in from those
6 lobbyist's principles, those SCANA's, the AT&T's, the
7 Palmetto-Health's, the BlueCross BlueShield. They saw money
8 coming in to Richard Quinn & Associates. What they found to
9 be unusual was money going out from Richard Quinn &
10 Associates every month to legislators. The highest paid of
11 those legislators, Chairman Jim Harrison.

12 So, in a nutshell, this is what SLED found from the
13 bank records. Thousands of dollars every single month in
14 retainer money going from the BlueCross's, the SCANA's, the
15 Palmetto-Health to Richard Quinn & Associates, which we will
16 prove, in itself, is illegal. Then thousands of dollars
17 every month going from Richard Quinn & Associates to the
18 Defendant, Chairman Jim Harrison.

19 They also found the Defendant, Jim Harrison, for over a
20 decade, failed to report, on his annual statement of
21 Economic Interest form, the lobbyist's principal money that
22 his employer, Richard Quinn, made, and they found that the
23 Defendant was going into the State House, and voting on
24 legislation for Richard Quinn's clients.

25 Now, there are a multitude of legal issues with that,

1 and problems which we'll prove during the course of the
2 trial. Just a few is that, under our laws, legislators are
3 suppose to publically report money their employers get from
4 lobbyist's principals if they know about it. The Defendant
5 didn't do it for over a decade.

6 Under our laws, legislators aren't suppose to vote on
7 legislation when you have a conflict of interest. The
8 Defendant voted on legislation for Richard Quinn clients.
9 Under our laws, those retainers I was telling you about from
10 BlueCross and Palmetto-Health to Richard Quinn & Associates,
11 that's against the law cause they're not allowed to give
12 retainer money to companies that employ legislators. Kind
13 of obvious why. But those companies didn't know about it
14 cause the Defendant never noticed them. They didn't know
15 about them. And, again, there are multitude of legal
16 issues. That's just a few.

17 Now, I'm gonna give you a very brief timeline, very
18 brief, I promise, of what we intend to prove. By 1999, the
19 Defendant, Jim Harrison, had been in the Legislature for
20 about a decade, and he was Chairman of the House Judiciary,
21 and many of you maybe note this -- know this, but
22 legislators, that's a part-time job. It's not a full-time
23 job. Most legislators are part-time. Most legislators have
24 full-time employment.

25 The Defendant's full-time employment was suppose to be

1 that of being an attorney, and we know that because it was
2 in his legislative bio. It was on his Statement of Economic
3 Interest. What the Defendant didn't put in there though was
4 that he was an employee of Richard Quinn & Associates. In
5 fact, from 1999 until 2010, Richard Quinn & Associates paid
6 the Defendant a salary of \$80,000 a year.

7 So, he's a legislator, a Chairman of the Judiciary, a
8 full-time lawyer, and Richard Quinn & Associates, from 1999
9 to 2010, paid the Defendant \$80,000 a year. And we're gonna
10 prove to you how they came up with the Defendant's salary.
11 It's based on lobbyist's principal money that Richard Quinn
12 & Associates was getting every single month.

13 You're gonna hear that, in September of 2006, in the
14 middle of that \$80,000 a year, in September of 2006, the
15 Defendant gave an interview with The State Newspaper. And
16 he said, "I am not on the payroll at Richard Quinn &
17 Associates." He flat out lied. Again, if it's not obvious
18 as to why the Defendant lied, we will prove why the
19 Defendant lied in September of 2006.

20 You're also gonna hear that, in the Fall of 2010, the
21 Defendant's employment status changed at Richard Quinn &
22 Associates. In around October of 2010, he went from being a
23 salaried employee making \$80,000 a year to being a contract
24 employee making \$2,000 a month, and we'll prove why his
25 salary went down to \$2,000 a month even though it doesn't

1 matter. And he got that \$2,000 every single month until his
2 last month in office. Once the Defendant was out of office,
3 the payment stopped, and we're gonna prove to you about the
4 Defendant's misrepresentations about his employment of
5 Richard Quinn & Associates, and I'm not just talking about
6 his lies to the press and not reporting. I'm talking about
7 his perjury.

8 You're gonna hear that, on March the 15th of 2017,
9 the Defendant gave sworn testimony before the State Grand
10 Jury under oath, and he told them that he made that \$80,000
11 a year solely because he was a political consultant, and ran
12 political campaigns at Richard Quinn & Associates.

13 Now, nevermind that we will prove it doesn't matter
14 what he got paid for, he's still guilty of misconduct, and
15 he's still guilty of criminal conspiracy, but, when you lie
16 to a Grand Jury, you're guilty of perjury because the
17 Defendant says that he ran campaigns, and that is all he did
18 at Richard Quinn & Associates, but the evidence will prove
19 otherwise.

20 The evidence will be that the Defendant did little to
21 almost no work on political campaigns. The evidence will be
22 that the Defendant did do work for lobbyist's principals.
23 As I told you earlier, his salary was set because of
24 lobbyist's principal money, and the evidence will be that,
25 in a letter we just received this summer, in 1999, the

1 Defendant signed a letter that the public didn't get to see,
2 but he signed the letter to the House Ethics Committee where
3 he said he was the chief operating officer, COO, and partner
4 at Richard Quinn & Associates running the day-to-day
5 operations.

6 Now, this is just some, some of the evidence that we're
7 gonna prove to you in this case proving, beyond a reasonable
8 doubt, the Defendant's guilt.

9 Ladies and gentlemen, public corruption begets lies,
10 but that's what's so great about our jury system because the
11 12 of you who decide this case, you've been training for
12 this job your entire life. You've been training as
13 teachers, as truck drivers, in the military, as parents, and
14 it's the diversity of experience you're asked to bring
15 together, use your common sense, and render a verdict.
16 Verdict comes from the Latin word veredicto. That means to
17 speak the truth, which is very appropriate cause it's your
18 job to assess the credibility of the witnesses, and the
19 credibility of the witnesses.

20 You know when somebody's not telling the truth. You
21 know when they have something to hide. And I submit, when
22 you deliver those verdicts, when you assess the witness --
23 the evidence in this case, the only verdicts you can render
24 will hold the Defendant accountable for his actions, and the
25 only verdicts you can render are that the Defendant is

1 guilty of all charges.

2 Thank you.

3 MR. LLOYD: May it please the Court?

4 THE COURT: Yes, sir.

5 MR. LLOYD: Good afternoon, ladies and gentlemen.

6 We've almost put in a full day.

7 Ladies and gentlemen, I was introduced to you earlier,
8 and most of you saw me next door when you-all were being
9 qualified this morning. My name is Reggie Lloyd, and I have
10 the pleasure of representing Mr. James H. Harrison along
11 with my cocounsel, who was sitting right beside me,
12 Mr. Hunter Limbaugh.

13 Now, ladies and gentlemen, I'm gonna tell you a little
14 bit about Mr. Harrison in a moment. Forgive me, I'm gonna
15 call him Jim a lot. Everybody knows him as Jim. We'll
16 probably refer to him a lot during this trial as Jim.

17 Ladies and gentlemen, Jim Harrison was born and raised
18 in Greenwood, South Carolina until he went to college, and
19 he went to The Citadel, and graduated from The Citadel in
20 1973. When he did that, he graduated not only with a degree
21 from The Citadel, but a commission in the military, and his
22 life has been about public service everyday since then.
23 Honor, public service.

24 Ladies and gentlemen, Jim is here with his wife who is
25 sitting right behind him, and he's the father of two grown

1 daughters.

2 And you're gonna have to ask yourself, at the end of
3 all the evidence that was put into this record, and that you
4 will consider back in the jury room, why does a man with
5 everything to lose, his family, his career, his reputation,
6 both as a public servant in the General Assembly, as a
7 lawyer, as a military officer, why does he risk that over
8 this.

9 My mama always said to be nice, but I have to offer
10 this up right now, Your Honor -- ladies and gentlemen. What
11 you've heard about the evidence that you'll hear thus far is
12 hogwash. Let me explain a little bit about Jim's service in
13 the House of Representatives.

14 In 1989, after a career as the general counsel to our
15 state agency that use to exist, the old ABC Commission, many
16 of you may remember that, the old Alcoholic Beverage &
17 Control Commission, Jim went into private practice, and his
18 law practice concentrated mostly on administrative law and
19 dealing with licenses for alcohol, and beer and wine for
20 both grocery stores, restaurants, that sort of thing. But
21 Jim, at that point, also wanted to run for office, and serve
22 his community here in Richland County.

23 So, in 1989, he ran and won, and was seated in the
24 House of Representatives. Now, you-all have heard
25 eventually Jim rises to the position of the Chairman of the

1 House Judiciary Committee, and we'll come back to that in a
2 moment.

3 Mr. Pascoe explained to you-all that 40 percent of all
4 legislation goes through House Judiciary. We don't know the
5 exact number, but it's a lot. It is a lot.

6 One of the things you'll hear though, ladies and
7 gentlemen, this week about what does go through Judiciary,
8 and what doesn't go through Judiciary is that most of those
9 clients that Mr. Pascoe talked about, those lobbyist's
10 principals, their bills didn't go through Mr. Harrison's
11 committee. He had nothing to do with them. His only
12 ability to affect those bills came as one of 124 members on
13 the Floor, a vote up or down.

14 Now, I do want to sort of give you a little bit more
15 background on Jim's service, public service because, once he
16 got out of active duty, Jim also, ladies and gentlemen,
17 continued on as a member of the U.S. Army Reserves, and he
18 was called up three times during his service both in the
19 House, and as a lawyer. So, he had to leave his legal
20 practice, his family, and his legislative duties to go
21 serve. He served in Saudi Arabia, and he served in Bosnia,
22 and he served in Haiti.

23 Ladies and gentlemen, Jim was so well thought of among
24 his peers though in the House that members campaigned for
25 him when he couldn't be here to run his own races. It

1 wasn't just Republican members of his caucus who campaigned
2 for him. People thought so highly of him that members
3 crossed the aisle to campaign for him because he wasn't
4 here.

5 That's Jim Harrison. That's the Jim Harrison you'll
6 get to know this week. Honest, and public service above
7 everything.

8 Now, ladies and gentlemen, when I was growing up, I was
9 an old world war II fan. My sixth grade teacher was a huge,
10 a huge fan of world war II history. She got me interested
11 in it, and there's a figure out of that period in post-war
12 named Lavrentiy Beria. He was the security chief to Stalin,
13 Joseph Stalin, in the old Soviet Union, and some of you may
14 of heard this quote that's been attributed to him many
15 times. "Show me the man, and I'll find you the crime."

16 And I will suggest to you what the evidence will show
17 you this week is that is exactly what happened here.
18 Mr. Pascoe's right about one thing. SLED agents saw some
19 bank records, and they thought they found their man. And so
20 they fit their man into some imaginary crimes.

21 Let's talk about what Mr. Pascoe laid out for you in
22 terms of the charges. You-all, at the end of this case,
23 will get a charge from the Judge on the law that you're to
24 apply.

25 The one thing he left out in talking about this

1 particular case is that everything you hear about today is
2 governed by what's called the South Carolina Ethics Act.
3 You don't have to go to the statutory misconduct, common law
4 misconduct, any other crime. It is a crime in and of itself
5 to violate the South Carolina Ethics Act.

6 What you will hear this week though is, is that Mr.
7 Harrison's never been charged with anything in the Ethics
8 Act. What they're attempting to do, as Mr. Beria said, is
9 fit the crimes to a man, and, therefore, they're attempting
10 to bootstrap what wasn't a crime under the Ethics Act, and
11 make it one under some, some other charges.

12 Let's talk about what brings us here today. Around
13 1989, after service in the House for about ten years ago,
14 Mr. Harrison's desk mate, his seatmate, and good friend, is
15 named Rick Quinn. Rick Quinn's father owned a public
16 relations and political consulting firm.

17 Now, what do they do?

18 Public relations, they do on behalf of corporate
19 clients, and it's pretty much what you-all think. Shapes
20 public opinion about that entity or that person or issues
21 that they're working on. And he worked on political
22 campaigns.

23 In fact, Richard Quinn, Senior, and RQA, which was
24 Richard Quinn & Associates, did work for major campaigns in
25 this state. Most presidential candidates that came into

1 South Carolina on the Republican side hired Richard Quinn &
2 Associates. John McCain, Governor Huntsman, and others,
3 came to South Carolina for early primaries in the GOP
4 Primary, and they would hire RQA. RQA also did political
5 work for Charlie Condon, Governor Beasley, Henry McMaster,
6 Tommy Hartnett, some of you may remember. A host of
7 statewide faces.

8 He also did political work for House and Senate
9 candidates in the South Carolina General Assembly, and
10 you'll hear about the, the long list of clients that Richard
11 Quinn, and RQA represented, and that's what Jim Harrison
12 did, and that's what Rick Quinn talked to him about coming
13 to RQA to do.

14 Now, what you'll also hear from the evidence and
15 testimony is that, early on, that was all they talked about,
16 doing political work. Around that time though, you'll hear
17 that Mr. Richard Quinn was having some health problems, and,
18 because of those health problems, his family was trying to
19 get him to cut back on the amount of time he spent in the
20 office, and doing the day-to-day work.

21 One of the things they begin to talk to Jim Harrison
22 about is him coming over and running things full-time,
23 making the trains run on time so to speak. Jim wasn't sure
24 he was gonna do that, and, because of that, and the
25 pressures on his law practice and whether he was gonna close

1 his law practice, Jim continued to have those discussions,
2 but said wait a minute. If I'm gonna have that role, let me
3 do something that I think I need to do, and that's get an
4 opinion from an entity called The House, South Carolina
5 House, Ethics Committee.

6 Now, you'll hear testimony this week about ethics, and
7 sometimes they'll use the term Ethics Commission, which is a
8 state commission that governs candidates and officeholders
9 such as your sheriff or your County Council or your mayors,
10 and sometimes we'll be referring to the Ethics Committees in
11 both in the State House of Representatives as well as the
12 Senate. They're separate Ethics Committees that oversee
13 members of the Legislature, and that's what Jim did.

14 Said let me get an opinion from House Ethics as to
15 whether this is okay, and you'll see that, that evidence,
16 ladies and gentlemen. Jim's statement to them was I want to
17 make sure this is legal, and he writes an opinion -- a, a
18 letter requesting an opinion from them, and says I'm
19 thinking about going to work at RQA, Richard Quinn &
20 Associates. Richard Quinn & Associates has some lobbyist's
21 principal clients that they do PR work for.

22 Is this okay?

23 Is this legal?

24 The lawyers at House Ethics researched that.

25 Eventually the Chairman, then Chairlady of House Ethics,

1 sends him a letter saying yes, it is legal for you to work
2 for an entity that has lobbyist's principal clients.
3 Nothing against the law. You'll also hear testimony this
4 week many other members work for entities or themselves have
5 businesses that do work for lobbyist's principals.

6 Now, one of the things I want to make sure you-all
7 don't do is get caught up in this week the words lobbyist
8 and lobbyist's principals cause some people have a, a sense
9 of that's a dirty term. There something dirty going on
10 there.

11 You'll hear from those folks. You'll understand what
12 they do, the issues they work on, and the education they try
13 to bring to members of the General Assembly. But nothing
14 illegal about that. In fact, Mr. Pascoe said that this was
15 an attempt to do this all in secret. The letter that Jim
16 Harrison writes to House Ethics is called -- is a public
17 document. Anybody can go through and look at it. If
18 anybody here wants to research anything about what their
19 members are doing or filing can go to House Ethics where
20 it's all on file. That's what Jim did, and you'll hear
21 about it.

22 So, Jim goes to work there, but Richard Quinn never
23 goes out. He never takes more time off. Jim never steps
24 into the role of chief operating officer or partner at RQA
25 like Mr. Pascoe said. In fact, you'll hear testimony and

1 evidence that Mr. Harrison, and at the very beginning, use
2 to come into that office every day, and split time between
3 that office at RQA and his little -- law office and law
4 practice.

5 As time went on, his attendance at RQA dwindled, and he
6 would make himself available. Whenever Richard Quinn needed
7 him, Richard Quinn would call him, and he would work on a
8 project with him. Not a COO. If you're not there, you're
9 not a COO.

10 Eventually, Jim Harrison doesn't even have an office at
11 RQA. Kind of hard to be COO without an office.

12 Now, Mr. Pascoe talked to you-all about some of the
13 statutes, and I'm not gonna get into all of them because,
14 before this is done, you'll be sick of hearing about Ethics
15 Act Statutes. I want to point out to you why I said, as
16 Beria said, we'll fit -- we'll -- you show me the man, we'll
17 find a law that applies.

18 Mr. Pascoe told you just a moment ago that there's a
19 statute that prohibits lobbyist's principals from paying
20 retainers. He contends that the evidence is gonna show you
21 that Mr. Harrison and RQA were being paid retainers by
22 lobbyist's principals.

23 Ladies and gentlemen, the evidence will also show you
24 that there's a very specific definition of retainer, and
25 retainer means, under our law, a payment to do nothing

1 except be available. Some day I might call you, and, if I
2 call you, you be available, and then I'll hire you.

3 Ladies and gentlemen, that conflicts directly with
4 another statute that Mr. Pascoe says is applicable in this
5 case, and you'll hear about it, 8-13-1130, and it says you
6 must disclose the identity of any lobbyist's principals that
7 do business of more than \$200 with a business with which
8 you're associated, or, if you're a legislator and you own
9 your own business, they do, do that business directly with
10 you. Two of those can't exist together.

11 If they were purchasing goods or services from RQA,
12 those weren't retainers under the law, and you'll hear about
13 that. You'll hear very specific testimony about what those
14 statutes actually say.

15 Ladies and gentlemen, John Adams once said, and this
16 will be the last history lesson for the day, facts are
17 stubborn things. Facts are gonna be very stubborn things
18 dogging this case this week. The facts about what Jim
19 Harrison did, and didn't do, what laws do and do not apply,
20 and whether or not he ever intended or tried to break any of
21 those laws are stubborn facts, and they're gonna be readily
22 apparent.

23 Sometimes trials are about what's presented to you-all
24 as jurors, and sometimes trials are about what is not
25 presented. We contend that, in both of these, the evidence

1 that you see and the evidence you do not see in this case
2 are gonna be critical, and you make your decision when all
3 is in. We believe that you're gonna find, beyond a
4 reasonable doubt, find beyond a reasonable doubt, that Jim
5 Harrison not only never broke any laws, he never sought to
6 break any laws. He never set out to cause any kind of
7 scheme to get around the ethics laws. Every step of the way
8 you're gonna find out that none of this is secret, and none
9 of this was with the intent to violate any statutes because
10 none were broken.

11 Thank you, ladies and gentlemen.

12 THE COURT: State will call their first witness.

13 SOLICITOR PASCOE: Yes, Your Honor.

14 THE COURT: Thank you.

15 SOLICITOR PASCOE: State calls Jeremy Smith.

16 THE COURT: All right.

17 THE CLERK: Mr. Smith, please step forward to be sworn
18 in please, sir.

19 (WHEREUPON, the witness complies.)

20 THE BAILIFF: Come up. Come up. Come up. Place your
21 left-hand on the Bible, raise your right, and face the
22 clerk's desk.

23 JEREMY SMITH, being first duly
24 sworn, testified as follows:

25 THE CLERK: Please state your full name.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 THE WITNESS: Jeremy Christopher Smith.

2 THE CLERK: Thank you. Please be seated.

3 THE WITNESS: Thank you.

4 THE BAILIFF: Watch your step.

5 THE WITNESS: Thank you, sir.

6 DIRECT EXAMINATION

7 BY SOLICITOR PASCOE:

8 Q Good afternoon, Lieutenant.

9 A Good afternoon, sir.

10 Q Where do you work, sir?

11 A I work with the South Carolina State Law Enforcement
12 Division otherwise known as SLED.

13 Q And what is SLED?

14 A It is the -- we are the state police essentially.
15 We're an investigative agency, assisting agency.

16 Q And how long you been with SLED?

17 A I've been with SLED for approximately 11 years.

18 Q Where did you work before you went to SLED?

19 A Prior to that I was an investigator for the South
20 Carolina Department of Probation, Parole, & Pardon Services.

21 Q And how long were you there?

22 A Approximately nine years.

23 Q Okay. So, you've been in law enforcement a total of 20
24 years?

25 A Approximately, yes, sir.

Jeremy Smith - Direct examination
By Solicitor Pascoe

- 1 Q Okay. What are your current duties at the -- at SLED?
- 2 A I'm a Lieutenant, which means -- in, in the Midlands
3 region, which is everything from here in Richland County up
4 to Aiken all the way to Lancaster. I supervise six agents.
5 I also still work on some cases, as you can see, and I'm
6 also the regional polygraph examiner.
- 7 Q Okay. Where is the State House located?
- 8 A In Richland County. Columbia, South Carolina.
- 9 Q Okay. Right down the street from here down Main
10 Street?
- 11 A Yes, sir.
- 12 Q And are you currently the lead investigator in the
13 State House corruption probe?
- 14 A Yes, sir, myself and Major Richard Gregory.
- 15 Q And he's in the courtroom as well?
- 16 A Yes, sir.
- 17 Q Okay. When and what was your initial investigation in
18 the probe?
- 19 A I had some initial involvement very early on in the
20 Bobby Harrell matter.
- 21 Q Okay. Did you do much on the Bobby Harrell case?
- 22 A Not much at all.
- 23 Q When was that?
- 24 A That was around 2013, 2014.
- 25 Q When were you officially assigned to be the lead

1 investigator on this case?

2 A 2016.

3 Q Okay. Who assigned you?

4 A That would be chief, SLED Chief Mark Keel.

5 Q And who assigns or appoints Chief Keel?

6 A The Governor of the State of South Carolina.

7 Q Explain for the jury very briefly, just to give them
8 background, very briefly, what your involvement in this
9 investigation was, and how it led to the Defendant
10 specifically?

11 A Yes, sir, it was approximately the Summer of 2016. We
12 were looking into allegations about two legislators. At the
13 time, Rick Quinn and James Merrill. We were looking into
14 their ties to Richard Quinn & Associates. So, we're looking
15 at bank records of a corporation called First Impressions
16 that does business as Richard Quinn & Associates, RQA. And
17 we simply saw payments going from RQ&A to the Defendant.

18 Q Okay. And how far deep in -- and you got those bank
19 records?

20 A Yes, sir.

21 Q And how far back do those bank records for Richard
22 Quinn & Associates go from the bank?

23 A They went back about ten years, which would of been
24 September of 2006, was about ten years back from the date
25 that we got them.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q And where were those bank records from?

2 A First Citizens.

3 Q And why were they only able to go back ten years?

4 A That's just all that they had.

5 Q Okay. And in the -- specific to this case, in the
6 Summer of 2016, did you learn legislators received payments
7 from Richard Quinn & Associates?

8 A Yes, sir, we did.

9 Q And who received payments?

10 A The Defendant, James Harrison.

11 Q Okay. And other legislators as well?

12 A Yes, sir.

13 Q Okay. What did you acquire seeing that established the
14 payments from Richard Quinn & Associates and the Defendant?

15 A We had checks that -- from 2010 to 2012 where we
16 received payments from Richard Quinn & Associates.

17 Q And you testified you got those from First Citizens.
18 How did you get those checks from First Citizens?

19 A We got those via subpoena.

20 Q Okay. Anything else come with those checks?

21 A They came with a certification letter.

22 Q I'm gonna show you what's been marked for
23 identification purposes as State's Exhibit 4, and then
24 there's attached to it State's Exhibit 4-A through 4-Y I
25 believe.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Do you recognize that, sir?

2 A Yes, sir.

3 Q And what do you recognize that to be?

4 A On top is the certification letter from First Citizens
5 Bank regarding the checks.

6 Q Authenticating those checks from Richard Quinn &
7 Associates to the Defendant?

8 A Yes, sir.

9 Q And---

10 A And as I looked through it, there are the checks from
11 First Impressions doing business as Richard Quinn &
12 Associates to Jim Harrison.

13 Q And those are the exact certified copies you got from
14 the back -- back and front?

15 A Yes, sir.

16 Q Both the check and the endorsements on the back?

17 A Yes, sir.

18 Q Okay. Let me see it.

19 At this time, Your Honor, I'd ask that State's Exhibits
20 4, and 4-A through Y be admitted into evidence.?

21 MR. LLOYD: No objection.

22 THE COURT: Without objection, they're in evidence.

23 SOLICITOR PASCOE: Thank you, Your Honor.

24 (WHEREUPON, State's Exhibit Nos. 4 and 4-A through 4-Y
25 were received into evidence at this time.)

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q I'm gonna let you hold on to State's Exhibit 4-A
2 through Y for now cause I'm gonna ask you some questions
3 about it.

4 A Yes, sir.

5 Q How many checks would -- and this is from what -- from
6 when to when again?

7 A It's from October 1st, 2010, all the way to
8 November 6th of 2012.

9 Q Okay. When is the first check to the Defendant?

10 A October 1st, 2010.

11 Q Okay. Nothing like being asked the same question
12 twice.

13 And that's State's Exhibit 4-A, Your Honor. I'm just
14 gonna show it to the jury. This is already in evidence.

15 MR. LLOYD: Your Honor, may I come around just to see
16 it?

17 SOLICITOR PASCOE: Yeah, I'm sorry.

18 THE COURT: Certainly.

19 SOLICITOR PASCOE: Can everybody see it?

20 Okay. And so I'm showing you, sir, State's Exhibit
21 4-A.

22 This is the first check from October 1st, 2010.

23 A Yeah. Yes, sir.

24 Q Okay. And what is First Impressions, Incorporated
25 d/b/a Richard Quinn & Associates?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 A That's the corporate entity that does business as
2 Richard Quinn & Associates.

3 Q And are -- and they're the same thing?

4 A They're the same thing.

5 Q Okay. And do you know who would sign the checks at
6 Richard Quinn & Associates?

7 A Rebecca Mustian.

8 Q Okay. What position did Rebecca Mustian have at
9 Richard Quinn?

10 A She's essentially the bookkeeper.

11 Q Okay. And, in the memo, is there anything in any of
12 the checks that discuss what the Defendant's job is in the
13 memo?

14 A No, sir.

15 Q And who endorses -- what name endorses 4-A?

16 A James H. Harrison.

17 Q Okay. When -- have you had an opportunity to interview
18 the Defendant, Jim Harrison, in this case?

19 A We did.

20 Q Okay. Along with the FBI Special Agent Garrett?

21 A Yes, sir.

22 Q Okay. When was that interview?

23 A September of 2017. I believe it was September 22nd
24 of 2017.

25 Q And you've also received other documents with regards

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 to the Defendant's pay?

2 A Yes, sir.

3 Q As well as Defendant's own statement?

4 A Yes, sir.

5 Q Why are there no checks to the Defendant from RQA prior
6 to October 1st, 2010?

7 A Based on what he told us, and what the records reflect
8 that he was getting direct deposit, and he got direct
9 deposit from June of '99 until October of 2010.

10 Q Okay.

11 A He was a salaried employee at the time. He was making
12 a lot more money than it was a salaried employee.

13 Q So, from June of 1999 to October of 2010 he was a
14 salaried employee and direct deposit?

15 A Yes, sir.

16 Q Okay. Now, after you received these checks, why, for
17 the purpose of your investigation, were you interested in
18 them and to continue to look into them?

19 A Well, we were interested in them because he's in the
20 Legislature, and he's Chairman of the Judiciary. And we, we
21 just, you know, we wanted to find out, you know, why he was
22 receiving all this money from Richard Quinn & Associates.

23 Q Okay. When was the Defendant elected to the State
24 House, sir?

25 A 1989 I believe it is.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q And when did he become Chairman of the House Judiciary?

2 A 2004.

3 Q What was the Defendant's district?

4 what district did he represent?

5 A Part of it was here in Richland County. 75 is the
6 particular district.

7 Q And what is the Defendant's purported full-time
8 employment?

9 A As an attorney.

10 Q And have you looked at the Defendant's legislative
11 biographies for every year prior to coming here today?

12 A I have.

13 Q Have you looked through -- and you've looked through
14 his Statement of Economic Interest?

15 A Yes, sir.

16 Q Does he -- when does he ever list, as a profession,
17 being a political consultant?

18 A Never.

19 Q Campaign consultant?

20 A Never.

21 Q What's the only profession that he has listed in his
22 bios?

23 A Attorney.

24 Q Has he ever mentioned in his biography about being an
25 employee of Richard Quinn & Associates?

Jeremy Smith - Direct examination
By Solicitor Pascoe

- 1 A No, sir.
- 2 Q And what is Richard Quinn & Associates?
- 3 A Richard Quinn & Associates is a political consulting
4 firm. They run campaigns. They have corporate clients.
5 You had mentioned a 1999 letter. Mr. Harrison defined what
6 they did.
- 7 Q Did Richard Quinn & Associates do lobbyist work for
8 lobbyist's principals between 1999 and 2012 while the
9 Defendant worked there?
- 10 A They did.
- 11 Q How much money a year did Richard Quinn & Associates
12 get from lobbyist's principals, lobbyists?
- 13 A Hundred of thousands of dollars.
- 14 Q All right, sir. And what are some of the lobbyist's
15 principals that did work with Richard Quinn & Associates
16 between '99 and 2012?
- 17 A BlueCross BlueShield, University of South Carolina,
18 SCANA, Palmetto-Health, South Carolina Ports Authority,
19 Trial Lawyers Association, just to name a few.
- 20 Q So, well over a dozen?
- 21 A Yes, sir.
- 22 Q And back to the Defendant for a minute so we can get
23 our bases covered, how often is he up for election in his
24 district?
- 25 A Every two years.

Jeremy Smith - Direct examination
By Solicitor Pascoe

- 1 Q And is he elected in a single district?
- 2 A Yes, sir.
- 3 Q When was his last election?
- 4 A 2010.
- 5 Q Okay. Did he run for reelection in 2012?
- 6 A No, he did not.
- 7 Q When was a candidate official -- a candidate officially
- 8 elected to replace the Defendant, Jim Harrison, in District
- 9 75 in Columbia?
- 10 When was that?
- 11 A November 6th, 2012.
- 12 Q So, on November the 6th, 2012, that was the day his
- 13 replacement was elected?
- 14 A Yes, sir.
- 15 Q I'm gonna show you what's been marked as State's
- 16 Exhibit 4-Y, and can you see that check, sir, and you've
- 17 seen it earlier today?
- 18 A I've already seen it before.
- 19 Q When is the date of the last check for \$2,000 written
- 20 to Jim Harrison from Richard Quinn & Associates?
- 21 A It's November 6th, 2012.
- 22 Q And that check was endorsed by signature of James
- 23 Harrison?
- 24 A Yes, sir.
- 25 Q Did he receive any more money, to your knowledge from

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 your investigation, after November the 6th, 2012, after his
2 seat was up for election?

3 A Not to my knowledge.

4 Q From Richard Quinn & Associates?

5 A Not to my knowledge.

6 Q How many checks total did the Defendant, Jim Harrison,
7 get from Richard Quinn & Associates in-between
8 October 1st, 2010, and November 1, 2012?

9 A He would of gotten 25 checks.

10 Q For \$50,000?

11 A Yeah, they were all for the same amount, \$2,000.

12 Q Is it like one month that's missing amongst those
13 checks?

14 A Could, could be.

15 Q Okay. Sir, are you aware whether or not the Defendant
16 testified under oath in front of the Grand Jury on
17 March 15th, 2017?

18 A He did.

19 Q And do you recognize State's Exhibit 1?

20 A I do.

21 Q What do you recognize that to be?

22 A It's a transcript of his Grand Jury testimony.

23 Q Certified copy of his transcript?

24 A It is.

25 Q And you've had opportunities to go through this

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 transcript?

2 A I have.

3 SOLICITOR PASCOE: Okay. Your Honor, I'd ask that
4 State's Exhibit 1 be admitted into evidence.

5 THE COURT: Without objection?

6 MR. LLOYD: Without objection, Your Honor.

7 THE COURT: Thank you, gentlemen.

8 (WHEREUPON, State's Exhibit No. 1 was received into
9 evidence at this time.)

10 SOLICITOR PASCOE: And, Your Honor, we're gonna go
11 through the transcript, parts of the transcript, and I have
12 copies for all the jurors, the Court, and Mr. Lloyd is
13 that's okay so to make it easier to follow the transcript?

14 Is that all right?

15 THE COURT: That's fine.

16 SOLICITOR PASCOE: Okay. Get the evidence guy to get
17 that stuff to you.

18 And while he's getting that, Lieutenant, what time was
19 the Defendant -- do you need a copy of it or do you have a
20 copy?

21 A I've got a copy.

22 Q You've got a copy of it.

23 what time was the Defendant's testimony given that day?

24 A It started at 12:29PM.

25 Q And what time did it end?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 A It's 1:35PM.

2 Q Where was the Defendant's testimony given?

3 A At the Dennis Building, the Robert C. Dennis Building
4 in Columbia, South Carolina not far from here.

5 Q Okay. Right there at the State House grounds?

6 A Right at the State House grounds.

7 Q Is that in Richland County, sir?

8 A Yes, sir.

9 SOLICITOR PASCOE: We'll give these to the bailiff,
10 Your Honor.

11 How do you want us to pass them around?

12 THE COURT: Certainly the bailiffs can---

13 SOLICITOR PASCOE: Okay.

14 THE COURT: ---hand them out.

15 SOLICITOR PASCOE: Okay. Oh, Judge, do you need a copy
16 or you don't?

17 THE COURT: Actually I believe I have a copy from that.

18 SOLICITOR PASCOE: Okay.

19 THE COURT: Thank you.

20 SOLICITOR PASCOE: Okay.

21 THE BAILIFF: All the jurors have their copies.

22 SOLICITOR PASCOE: Thank you, sir. Thank you.

23 And just looking at Page 3, Lieutenant, it does state
24 that Mr. Harrison was first duly sworn by the foreperson,
25 and then he, he testified, correct?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 A Yes, sir, he's sworn in.

2 Q All right. I want to turn your attention to Page 7,
3 Line 12, sir.

4 A (Witness complies.)

5 Q The Defendant was asked under oath when were you
6 elected to the House of Representatives.

7 What was his answer?

8 A His answer was 1989.

9 Q Okay. On Line -- on Page 7, Line 21, he was asked and
10 you served in the House of Representatives until when.

11 What was his answer?

12 A His answer was till 2012.

13 Q Okay. Now I'm going to Page 8, Line 8, Lieutenant.

14 A Yes, sir.

15 Q What was the Defendant's response to the committees he
16 had served on in the South Carolina -- in the South Carolina
17 House of Representatives, and specifically from Lines 8
18 to -- well, 13, and then I'll ask you the question.

19 Go ahead and give his answer.

20 A His answer was my very first year I was on the 3M
21 Committee, medical, military, and municipal affairs. After
22 that I was moved to Judiciary, and, in 1994, I became the
23 chairman of the Judiciary Committee, and remained the
24 chairman until I retired in 2012.

25 Q The question. So, you were Chairman almost 18 years?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 what was his answer, sir?

2 A His answer, for 18 years, yes, sir.

3 Q On Line 19, Lieutenant, the Defendant was asked all
4 right. And Chairman of the House Judiciary. That's a
5 fairly coveted and important position in the House, isn't
6 it?

7 You can brag for a second if you want it, but it's --
8 what was his answer?

9 A His answer was I don't like to, but it -- we took up
10 probably 40 percent of the bills that went through the
11 General Assembly, and would come through the Judiciary
12 Committee.

13 Q Okay. Thank you.

14 Now I direct your attention to Page 13.

15 On Page 13, Line 21, Lieutenant, the Defendant was
16 asked were you ever close friends with Richard Quinn,
17 Senior.

18 What was his answer?

19 A His answer was never was close to Richard at all, no.

20 Q Okay. Now I'm going to Page 16, Lieutenant.

21 On Line 16, the Defendant was asked, on Line 16, and
22 you spent a lot of time at the offices of Richard Quinn &
23 Associates at one point.

24 What was the Defendant's answer with regards to the
25 amount of time he spent there, sir?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 A His answer was, early on, I probably spent more, but I
2 was still an attorney.

3 Q Okay. You can continue.

4 A Still had a law practice, and, between my law practice
5 and what was going on in the General Assembly, plus I was in
6 the Army Reserves for 30 years, it, it got to the point
7 where I had less and less time that I could spend working on
8 campaigns with Richard Quinn.

9 Q Okay. Now if you could go to Page 18, Line 17, and
10 what -- are the -- the question and answer now, Lieutenant,
11 from Page 18 until Page 26.

12 All right?

13 A Yes, sir.

14 Q Okay. On Line 17, the question is okay. And Richard
15 Quinn & Associates, they didn't have a printer, but mail
16 marketing and strategies had a printer, had the printer to
17 do the printing, correct?

18 Answer.

19 A His answer was to put out a mass mailing printer, yes.
20 Mail marketing strategies had that.

21 Q Question. Okay. And did you have a lot of interaction
22 with the Quinns at their offices early on when you were a
23 legislator, a member of the House?

24 Answer on Page 19.

25 A His answer was not a lot. Mr. Quinn kind of kept a

1 strange schedule. He's not a day person. He would come in
2 at maybe two o'clock in the afternoon, and then work till
3 midnight. When I agreed to help them with campaigns, they
4 knew that I had a law practice, and I couldn't do business
5 that way. So, early on, I would go over there in the
6 morning, and spend a couple of hours, do what I needed to
7 do. Then, if they needed me for anything special, I would
8 always be available to them, but, over the years, I probably
9 spent less and less time there.

10 Q Question. And let's go into that now. When did you
11 start working and getting money from Richard Quinn &
12 Associates and why?

13 Explain that to the jury, and when and why did you
14 start working there, and -- answer?

15 A His answer was sure.

16 Q And then the question, what did you get paid for?
17 What's his answer?

18 A His answer, around 2,000, and I hadn't gone back and
19 pulled my tax records, but I think it was 2,000. Richard
20 asked me if would consider, and he might have started asking
21 me before if I'd consider coming to work with them. I think
22 he enjoyed the way I seem to handle my campaign, and could
23 help him on other campaigns. Initially I discouraged that
24 because I thought it would hurt my law practice too much,
25 but, eventually, once I was satisfied that they knew I was

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1 an attorney primarily, but I would enjoy helping them with
2 some of the campaigns they did, they made me an offer, and I
3 said I would do it. But I made sure they understood that
4 that was not my primary job.

5 Q Question. Uh-huh. (Affirmative).

6 what was his answer?

7 A His answer, but that was something I thought I would
8 enjoy doing.

9 Q Question. And what, what were you working on in 2012
10 when they hired you?

11 what was his answer?

12 A You mean what, my private, my other job or --

13 Q Question. No, with the Quinns. I'm interested -- were
14 interested in what you did with the Quinns.

15 A His answer was, you know, over the years --.

16 Q Question. What did you get a paycheck from Richard
17 Quinn & Associates for First Impressions for?

18 Answer?

19 A His answer, the Grand Jury probably doesn't know. I'm
20 sure you know about running campaigns. I mean part of the
21 campaign, you're developing issues to -- that a candidate
22 should run on. You conduct polling in the district to see
23 what are the issues that are important in the district. You
24 work on a mail piece to send out to the district letting
25 them know what your position is on various issues. I mean

- 1 those kinds of things that go with a typical campaign.
- 2 Q Okay. Question. So, you started working there around
- 3 2000. whose campaign was it that you were working on?
- 4 was it John McCain?
- 5 was that the one?
- 6 A His answer, you know --.
- 7 Q Question. That, that brought you in?
- 8 A His answer, over the years, I lose track of the order
- 9 they came.
- 10 Q Okay. And what was his answer?
- 11 A His answer, John McCain is one that --.
- 12 Q And, question, I'm refreshing your --?
- 13 what was his answer?
- 14 A His answer, I believe we worked out in 2000. we worked
- 15 on in 2000. He was not successful in getting the nomination
- 16 that year. Then, again, heavy in 2008 I think. we worked
- 17 on Henry McMaster's campaign for Attorney General. I mean
- 18 --.
- 19 Q Question. Did you draw pay from Richard Quinn &
- 20 Associates in 2000, 2001, 2002?
- 21 A His answer, yes.
- 22 Q 2003?
- 23 A His answer, yes, I did.
- 24 Q Question. In 2004?
- 25 A His answer, I drew pay all the way up to 2012.

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1 Q Question. Okay. And did you have a contract for that
2 pay you drew?

3 A His answer, no, not a written contract.

4 Q Question. No written contract?

5 A His answer, no, sir.

6 Q Question. And so you were paid from 2000 all the way
7 until you left the House in 2012.

8 what was his answer?

9 A His answer, to the best of my recollection, it was
10 during that period of time. I don't think it started before
11 2000, and I believe I continued to do it until I left the
12 House. When I took the position as the state code
13 commissioner, and director of legislative counsel, that's a
14 full-time position. I couldn't work for anyone else. So
15 --.

16 Q Question. But you didn't have enough on your plate as
17 a legislator, Chairman of the Judiciary, and an attorney
18 with a law practice -- private practice?

19 That wasn't a full slate and you were able to work and
20 draw a paycheck from Richard Quinn & Associates as well.

21 what was his answer?

22 A His answer, yes, sir.

23 Q Page 23. Question. Okay. You didn't have any
24 misgivings about being in the Legislature, sitting
25 legislator, and being paid by Richard Quinn & Associates?

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1 what was his answer?

2 A His answer, none at all because I saw nothing
3 inappropriate with my representing various candidates for
4 local, state, and national office.

5 Q Question. Were you paid by the job or were you paid a
6 monthly retainer fee?

7 A His answer, I was paid a salary for most of that
8 period. It was a set salary. Toward the end, and I can't
9 tell you what year that would have been without going back
10 through my tax records, but the Quinn -- Mr. Quinn asked me
11 if I would consider going off payroll, and become a contract
12 consultant, and I did that. And we discussed, because I was
13 not available as much as maybe I had been earlier, that my
14 salary was significantly reduced because I acknowledged to
15 them I didn't think I could put the time into it that we
16 initially had agreed that I could -- I would do.

17 Q Question. So, early on, you had a private law
18 practice. You were a legislature, Chairman of the House
19 Judiciary, and were on the payroll of First Impressions?

20 Answer?

21 A His answer, yes, sir.

22 Q Question. And then later you became a contract
23 employee of First Impressions?

24 Answer?

25 A His answer, yes, sir.

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- 1 Q Question. For a consulting fee?
- 2 A His answer, yes, it was a set fee per month.
- 3 Q Question. Every single month you got the same amount
- 4 of money?
- 5 what was his answer?
- 6 A His answer, yes.
- 7 Q Question. Whether you were consulted with or not?
- 8 A His answer, yes, sir.
- 9 Q Which is basically a retainer?
- 10 A His answer, yes, sir.
- 11 Q Okay. Because, you know, campaigns aren't year round?
- 12 A His answer, there's always work to do year round. The
- 13 majority of it is crammed into the six months period, but
- 14 you've always got newsletters, fundraisers.
- 15 Q Do you recall when you started becoming the contract
- 16 employee, and got the same salary every single month for
- 17 that same money every single month?
- 18 A His answer, if I had to guess, I would probably say
- 19 around 2008. It might of been 2010, but it was -- I mean it
- 20 was toward the end of the time that I was affiliated with
- 21 them.
- 22 Q Okay. And how would you go about getting your money?
- 23 would it be a wire transfer or a paycheck?
- 24 A His answer, payroll deposit.
- 25 Q Okay. You were aware at the time that Richard Quinn &

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1 Associates, of course, represented or were -- had a lot of
2 clients that were lobbyist's principals?

3 A His answer, I was aware that Mr. Quinn did some work
4 for some lobbyist's principals, yes, sir.

5 Q Such as the Trial Lawyers Association?

6 A His answer, he did some work for them, yes, sir.

7 Q And, of course, the Trial Lawyers Association has a lot
8 of interest in the House Judiciary?

9 A His answer, yes, they do.

10 Q South Carolina Ports, he represents them?

11 A His answer, after I left, I think he may have started
12 representing them. I don't believe he had any involvement
13 with the Ports prior to me leaving, but then I wasn't
14 involved in that part of the business.

15 Q And if they did, you're not trying to mislead this
16 jury?

17 You're just not aware of --?

18 A His answer, I'm not aware that he represented the Ports
19 while I was there.

20 Q It doesn't mean he wasn't, you're just --?

21 A His answer, no. Exactly.

22 Q Okay. That's what I wanted to make sure of.

23 A His answer, yes, sir.

24 Q SCANA?

25 A His answer, I was aware that he did some work for

1 SCANA.

2 Q Question. BlueCross BlueShield?

3 A His answer, BlueCross -- no, I'm not aware of any work
4 for BlueCross BlueShield. The one I'm aware of, SCANA,
5 BellSouth, AT&T, and I don't remember when those mergers
6 occurred.

7 Q Uh-huh. (Affirmative).

8 A His answer, and they went from being BellSouth to AT&T,
9 but it was basically the -- that telephone group. I believe
10 Palmetto.

11 Q And final question for now, Palmetto-Health?

12 A His answer, hospital.

13 Q Okay. So, in those pages, 18 to 26, he was asked
14 questions about what he did at RQ&A, correct?

15 A Yes, sir.

16 Q Okay. Did he ever say then, or even later, anything
17 about being asked to work at Richard Quinn & Associates to
18 help keep the trains running on time?

19 A No, sir.

20 Q Did he ever say anything about being asked to go to
21 work there as the chief operating officer or partner?

22 A No, sir.

23 Q It was just to work on what?

24 A Campaigns is what he said.

25 Q And the Defendant admitted how many years at least that

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1 he worked at Richard Quinn & Associates?

2 A At least 13 years.

3 Q And, in those 13 years, in his testimony with the Grand
4 Jury, how many alleged campaigns was he able to think of
5 that he might of worked on?

6 A To the Grand Jury, he said two, McCain, and then
7 Attorney General McMaster.

8 Q And how many lobbyist's principals was he able to
9 mention according to his memory?

10 A At least five.

11 Q Two campaigns in 13 years, correct?

12 A Yes, sir.

13 Q Okay. Now, going to Page 31, Line 1, Page 31 -- let me
14 mark that. I'm sorry. Page 32, Line 1. Page 32, Line 1.
15 The Defendant was asked and, of course, the Trial Lawyers
16 paid a consultant who was the Chairman of the House
17 Judiciary on their payroll, and you don't see kind of
18 conflict with that or a problem.

19 What was his answer?

20 A His answer, not one. I don't know how Mr. Quinn
21 handled his businesses, whether the campaign side of the
22 business, and the consulting side are even under the same
23 corporation. I don't know how he was set up, but I knew
24 that, as long as I worked on campaigns and nothing more,
25 that I didn't feel I had any conflict of interest.

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1 Q So, the Defendant was alleging to the Grand Jury that
2 he wasn't aware of how RQ&A was set up with other
3 businesses?

4 A Yes.

5 Q Such as the lobbyist's principal angle, correct?

6 A Yes, sir.

7 Q Have you since been able to get more evidence relevant
8 to the Defendant's employment at Richard Quinn & Associates
9 since March 15th of 2017?

10 A Yes, sir.

11 Q Let me show you what's been marked as State's Exhibit
12 2.

13 Do you recognize that?

14 A I do.

15 Q What do you recognize that to be?

16 A It is a letter from the Defendant to Becky Meacham
17 whose a representative, and she was on the House Legislative
18 Ethics Committee at the time.

19 Q And when was that letter sent from Chairman Harrison to
20 Chairman Meacham?

21 A It's dated June 17th, 1999.

22 SOLICITOR PASCOE: I'd ask that State's Exhibit 1,
23 excuse me, 2 be admitted into evidence. It's the letter.

24 MR. LIMBAUGH: It's the letter to Becky?

25 SOLICITOR PASCOE: Yeah, to Becky.

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1 MR. LIMBAUGH: No objection.

2 THE COURT: Without objection, it's in evidence.

3 SOLICITOR PASCOE: Thank you.

4 (WHEREUPON, State's Exhibit No. 2 was received into
5 evidence at this time.)

6 Q Do you need a copy?

7 A I have a copy.

8 Q You have it.

9 Court's indulgence one moment.

10 (Pause.)

11 SOLICITOR PASCOE: I'm gonna go ahead and publish the
12 letter for the jury, Your Honor, since it's in evidence.

13 THE COURT: Go ahead.

14 SOLICITOR PASCOE: Dear Representative Meacham -- and
15 it is being shown. I'm sorry. It is being shown.

16 THE COURT: It's okay.

17 SOLICITOR PASCOE: Dear Representative Meacham, I have
18 recently accepted the position of partner and chief
19 operating officer with Richard Quinn & Associates, a
20 Columbia consultant and public relations firm. I
21 respectfully request guidance from the House Ethics
22 Committee relative to my ethical responsibilities as a
23 member of the General Assembly with reference to the duties
24 and responsibilities contemplated in this new position.

25 As a way of background, RQ&A manages election campaigns

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1 for candidates for various federal, state, and local
2 offices, and, in addition, the firm provides public
3 relations and communications services for its corporate
4 clients several of whom are registered as lobbyist's
5 principals.

6 As chief operating officer, a salaried position, my
7 responsibilities would include managing the day-to-day
8 operations of the firm as well as providing public
9 relations, corporate communications services to its clients.
10 From time to time, these services may include contact with
11 various federal, state, and local government agencies.
12 However, under no circumstances would they include lobbying
13 as defined in section 2-17-10(12). In order to ensure that
14 all of my professional activities are both legal and
15 ethical, I respectfully request a formal opinion from the
16 Committee on this arrangement.

17 Thank you in advance for your guidance. Sincerely,
18 James H. Harrison.

19 Okay. Did you have this letter, State's Exhibit 4,
20 when the Defendant testified before the Grand Jury?

21 A No, sir.

22 Q Did you have this letter when you met with the
23 Defendant in September of 2017 when you took an interview
24 with him?

25 A No, sir.

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By Solicitor Pascoe

1 Q Did he ever provide this letter for you in September
2 when you had that interview with him?

3 A No, sir.

4 Q You've heard Mr. Lloyd, earlier this afternoon, say
5 that this was a public record.

6 Months ago, maybe even a year ago, did you try to get
7 records from the House Ethics Committee with regards to
8 subjects including the Defendant?

9 A We did.

10 Q And was this letter ever turned over to you?
11 This alleged public letter, was it turned over to you?

12 A No, sir.

13 Q Did you know anything about that letter?

14 A No, sir.

15 Q When did you get that?

16 When did we receive that letter?

17 A We got it as a, a part of the Defendant's motion that
18 they filed.

19 Q This summer?

20 A Yes, sir.

21 Q And, and just also to be clear, was -- that letter
22 wasn't even turned over until after we had Ms. Meacham's
23 letter back to the Defendant in July of 1999?

24 In other words, a letter from Ms. Meacham to the
25 Defendant in 1999?

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1 A Yes, sir.

2 Q Okay.

3 A I'm sorry.

4 Q We'll straighten that out later.

5 So, did the public have this letter?

6 A No, sir.

7 Q Where in this letter does it say that he was thinking
8 about taking a job as partner and chief operating officer?

9 A It doesn't say he was thinking about it. He says he
10 accepted the position.

11 Q How helpful and material towards your investigation
12 would it have been if you had this State's Exhibit 2?

13 A I mean it would, it would of been very helpful. I mean
14 it would of let us know what his relationship was to the
15 company. Early on, we would of known, you know, and we
16 just, you know, found out that they were receiving monies
17 from lobbyist's principals as well. So, it would of been
18 very important to let us know what he did there.

19 Q The Defendant, to the State Grand Jury, on Page 32 of
20 the transcript, transcript, you just read that he said he
21 did not know how Mr. Quinn handled his businesses.

22 Does this letter apparently state how Richard Quinn &
23 Associates handled his business?

24 A It does.

25 Q We'll go back to the transcript now, Lieutenant. I'm

1 gonna direct your attention to Page 35, Line 20, sir, and
2 I'm gonna go -- I'm gonna go ahead and do the questions from
3 Page 35, and look at the answers until Page 37.

4 Okay?

5 A Okay.

6 Q Page 35, Line 20.

7 well, what kind of campaign work were you doing in
8 2010?

9 Tell me about the campaigns you were working on in
10 2010.

11 A His answer, seven years ago. I couldn't tell you.

12 Q Uh-huh. (Affirmative).

13 A His answer, I mean in 2000, I couldn't tell you exactly
14 which. There were so many over a long period of time.

15 Q Great. Give us a couple of names.

16 A His answer, I mean even if it wasn't a campaign at the
17 time, it was still the newsletter work, going to fundraisers
18 with people.

19 Q Tell us about the work you did in 2011, which is not an
20 election year, and you made \$24,000 that year.

21 A His answer, same. I couldn't tell you right now
22 without going back and looking at clients, and who had an
23 election at this time or any specific year, who the
24 candidates were on that particular year. I mean it was
25 seven years ago.

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1 Q So, the Quinns gave you \$50,000 in your last 25 months
2 as a legislator, and you can't tell us one of the campaigns
3 you worked on?

4 Tell us about a newsletter you wrote during that, that
5 two years.

6 Tell us about an op ed you wrote.

7 Were there any op eds that you wrote?

8 A His answer, I'm sure there were, but they wouldn't have
9 been for RQA. They probably would have been in my
10 legislative capacity.

11 Q Question. What was RQ&A -- you said that you're sure
12 they would loved to have kept you on to work on campaigns,
13 but you can't remember any campaigns you worked on.

14 Is it possible you were paid -- you were -- they were
15 paying you \$2,000 a month when you were a legislator because
16 you had a vote at the South Carolina House of
17 Representatives?

18 A His answer, absolutely not.

19 Q Okay. Lieutenant, let me ask you now about another
20 area.

21 Very briefly, what is the South Carolina Conservative
22 Action Alliance?

23 A It is a, a nonprofit that essentially they, they deal
24 with energy conservation. They were -- they run political
25 ads for candidates they back for causes they think are

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1 similar to theirs, and Richard Quinn & Associates did work
2 for them.

3 Q It's basically a pact?

4 It was a pact?

5 A It is a pact.

6 Q A legal -- how much money did Richard Quinn &
7 Associates make from the South Carolina Conservative Action
8 Alliance over the years?

9 A It's a -- a lot. Hundreds of thousands of dollars.

10 Q Okay. And the reason I was asking you that, now I'm
11 gonna direct your attention to Page 42 where the Defendant
12 was asked questions about the South Carolina Conservative
13 Action Alliance. Page 42, Line 21, and we'll go through
14 Page 46.

15 Okay, sir?

16 A Yes, sir.

17 Q Question on Line 21.

18 What is the South Carolina Conservative Action
19 Alliance?

20 A His answer, that is a nonprofit organization set up
21 to -- the bylaws of the charter, I believe, says to promote
22 energy independence, but it generally supported conservative
23 causes. When those issues came up that, that the group felt
24 needed public information, the -- it would conduct public
25 campaigns, television, radio to promote a conservative cause

1 probably.

2 Q Yes, sir.

3 And when we say nonprofit, the entity's not suppose to
4 make money, correct?

5 A His answer, exactly.

6 Q But others will make money that, that the entity sends
7 businesses to -- out to?

8 A His answer, yes, television ads.

9 Q That's right.

10 A His answer, so.

11 Q TV stations make money, correct?

12 A His answer, right, TV stations make money.

13 Q Radio stations make money?

14 A His answer, radio stations make money.

15 Q And the cont -- and the consultants make money?

16 A His answer, that's correct.

17 Q Whose idea was it to start the SCAA, the Conservative
18 Action Alliance?

19 A His answer, I'm not sure. I received a call from
20 Speaker David Wilkens, who -- I'm trying to remember when
21 the group was formed. He was no longer speaker. I think he
22 was Ambassador or had just left the Ambassadorship at that
23 time, and asked me if I would be involved with that group.

24 Q Question. And you were actually, at one point, the
25 president of the group?

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By Solicitor Pascoe

1 A His answer, I think the organization's bylaws say
2 president, but I was never president.

3 Q Question. Okay.

4 A His answer, and this -- Ambassador Wilkins was the
5 president.

6 Q To your knowledge, is it still in existence today, the
7 SCAA?

8 A His answer, yes, it is.

9 Q Okay. And you're still on that board?

10 A His answer, yes, sir.

11 Q Okay. Kevin Hall is also on it?

12 A His answer, Kevin Hall is on that.

13 Q Wes Jones?

14 A His answer, Wes Jones, the organization probably hasn't
15 had a formal meeting, I think, in the last year, maybe two
16 years. At one point, Wes was on the board.

17 Q Okay. What involvement does Richard Quinn have with
18 it -- in it?

19 A His answer, Richard was hired as a consultant for that
20 group to arrange for the TV, the radio, to develop a
21 strategy to, to write the commercials, those things that
22 involve a public relations campaign.

23 Q And the Board would make the decisions on which
24 consultant to hire?

25 A His answer, yes.

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By Solicitor Pascoe

- 1 Q Okay. And you were a member of that Board?
- 2 A His answer, yes.
- 3 Q Okay. Being paid by Richard Quinn & Associates at the
- 4 time?
- 5 A His answer, yes, sir.
- 6 Q Okay. Can you think of, other than Bob McAlister and
- 7 Richard Quinn, were any other consultants hired by the Board
- 8 that you can recall?
- 9 A His answer, those are the only two that I know.
- 10 Q Do you know why Rebecca Mustian appears on the tax
- 11 forms as the person who keeps the books?
- 12 A His answer, why she appears on them?
- 13 Q Question. On the IRS because, as a 501(c)(3) or
- 14 (c)(4), you have to file taxes?
- 15 A His answer, right.
- 16 Q With the IRS, correct?
- 17 A His answer, right.
- 18 Q Question. Rebecca is obviously not on the Board?
- 19 A His answer, no.
- 20 Q Richard Quinn, you say, was just hired by the Board to
- 21 do consulting?
- 22 A His answer, right.
- 23 Q Why is Rebecca Mustian listed on the IRS forms as the
- 24 bookkeeper for them --
- 25 A His answer, I'm --.

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By Solicitor Pascoe

- 1 Q -- South Carolina --
- 2 A His answer, I'm sure --
- 3 Q -- Conservative Action Alliance?
- 4 A His answer, I'm sure she offered her services.
- 5 Q Uh-huh. (Affirmative).
- 6 A His answer, to do that or Mr. Quinn offered her
- 7 services to do that.
- 8 Q And Richard Quinn & Associates, as you knew, know, has
- 9 made money off of the SCAA, yes?
- 10 A His answer, they were one of his clients, yes. I mean
- 11 I don't know how much he made, but I would -- he would of
- 12 charged a fee for doing the work as he did for that
- 13 organization.
- 14 Q Have you made any money off of the South Carolina
- 15 Conservative Action Alliance?
- 16 A His answer, no, sir.
- 17 Q Okay. And who is Rebecca Mustian?
- 18 Where does she work?
- 19 A She is Richard Quinn's daughter, Rick Quinn's sister,
- 20 CFO at Richard Quinn & Associates, the bookkeeper.
- 21 Q And as you read from your testimony, the Defendant
- 22 tried to say that RQ&A was just a consultant for the SCCAA,
- 23 correct?
- 24 A Yes, sir.
- 25 Q But who was listed to take the books for the SCCAA?

1 Page 45, Rebecca Mustian appears on the tax forms to be
2 keeping the books?

3 A Right.

4 Q Okay. So, Rebecca Mustian?

5 A Rebecca Mustian.

6 Q And who made money from the SCCAA?

7 A Richard Quinn & Associates.

8 Q Who said he was listed as a president, but wasn't
9 really the president of the SCCAA?

10 A The Defendant.

11 Q Almost done with the transcript.

12 Direct your attention to Page 60, Lines 13 through 21.

13 Okay. Question, on Lines 13 through 21.

14 Okay. Question on Line 13. Any documentation or
15 records that could -- you could produce that consists on
16 what campaigns you worked on in 2010, 2011, 2012, 2013,
17 2014?

18 A His answer, no, anything that I have remained there
19 when I left.

20 Q Of course, I asked '13 and '14, but he left in November
21 of 2012, correct, regarding---

22 A That's correct.

23 Q But his answer is no, nothing, anything that he would
24 of done on campaigns would still be at Richard Quinn &
25 Associates?

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1 A That's what he said.

2 Q So, where do you have to go to get documentation,
3 according to the Defendant, to find out if he worked on
4 campaigns?

5 A RQ&A.

6 Q And did SLED, right around that time, go to Richard
7 Quinn & Associates?

8 A Yes, we did.

9 Q Okay. Was a search conducted at Richard Quinn &
10 Associates?

11 A Yes, sir, we did. We executed a search warrant.

12 Q When was the search warrant executed at Richard Quinn &
13 Associates?

14 A March, 2017.

15 Q March 2nd?

16 A March 2nd.

17 Q Who executed the search warrant?

18 A Agents of SLED.

19 Q And tell the jury where exactly Richard Quinn &
20 Associates is located.

21 A It's, it's not far from here. Gervais Street in
22 Columbia.

23 Q And how was the search conducted?

24 A We, we did very carefully. We had myself and, and
25 Richard Gregory were there mostly in a supervisory capacity.

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By Solicitor Pascoe

1 we had other agents from computer crimes, and other agents
2 that weren't lead associated with the case search by room,
3 and very carefully.

4 Q what types of items were you looking for when you
5 conducted the search at Richard Quinn & Associates?

6 A We were looking for items like -- it was a document
7 search. Memos, contracts, computer hard drives that would
8 have other documents on them, things of that nature.

9 Q Okay. And you personally assisted on the search?

10 A I, I did in a supervisory capacity mainly.

11 Q How much did you do with regards to the searches on the
12 computers?

13 A I didn't do any search on any computer.

14 Q Who was involved in that?

15 A SLED computer crimes searched all the computers.

16 Q Were you involved in the seizing of hard copy items and
17 documents in Richard Quinn & Associates?

18 A Again, mainly in a supervisory capacity. If something
19 came to us that was gonna be seized, seized, it was put in
20 an envelope and, and sealed.

21 Q Okay. Okay. And why was it sealed?

22 A Cause it needed to go through a review process and
23 taint team.

24 Q And that's standard procedure, correct?

25 A Yes.

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By Solicitor Pascoe

1 Q You weren't -- okay. So, you weren't allowed to look
2 at the items and read them back in March of 2017, correct?

3 A I -- that's correct. We did not.

4 Q Okay. Now, by March of 2017, the Defendant had been
5 out of RQ&A for four, almost -- four and a half years, but,
6 as you just read from his transcript, he said he -- there
7 should be documents there about his working on campaigns?

8 A Yes, sir.

9 Q Were items seized at Richard Quinn & Associates
10 relevant to the Defendant's employment there?

11 A Yes, sir.

12 Q Were those items available to you though on March the
13 15th when the Defendant testified in 2017?

14 A No, they were not.

15 Q Were, were most or rarely any, but certainly most of
16 those items available to you when you got to interview him
17 in September of 2017?

18 A No, they were not.

19 Q Cause they were still being reviewed to see if you
20 could -- you and I could---

21 A They were---

22 Q ---look at those items?

23 A They were still going through the review process.

24 Q Okay. When were you able to review most of the items
25 that were seized at Richard Quinn & Associates?

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 A We, we got most of the items, I would say, in December,
2 2017.

3 Q I forgot the number.

4 Let me show you what's been marked as State's Exhibit
5 5.

6 Do you recognize that?

7 A Yes, sir, I do.

8 Q And, briefly, what do you recognize that to be?

9 A I recognize it as a memorandum of understanding between
10 Jim Harrison and Richard Quinn & Associates.

11 Q From---

12 A A partnership agreement and a memorandum of
13 understanding.

14 Q From back in April of 1999?

15 A April 19th, 1999, it's dated.

16 Q Is this the exact document that you seized that the --
17 when -- the SLED agents seized at Richard Quinn &
18 Associates?

19 A Yes, sir.

20 Q Okay. Hadn't been altered in any way---

21 A No, sir.

22 Q ---since -- I'd ask that State's Exhibit 5 be admitted
23 into evidence, Your Honor.

24 MR. LLOYD: Your Honor, we have an objection as to this
25 document.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 May we approach?

2 THE COURT: I think we'll need to take it up.

3 what do you think?

4 SOLICITOR PASCOE: I take it -- it is. I have some---

5 THE COURT: It's a good time to take a little break.

6 SOLICITOR PASCOE: I have some other items I could get
7 him to ID if you want to, and then we can take them -- take
8 them up or I'll do what, whatever you want.

9 THE COURT: Okay. Ladies and gentlemen, let's go ahead
10 and take a little break. What I need to know from
11 you-all -- Mr. Pascoe, how much longer do you have on direct
12 of the Lieutenant?

13 SOLICITOR PASCOE: Less than ten minutes I hope.
14 Maybe. Not much. Not much. Not much. Don't, don't hold
15 me to that less than ten minutes, but --.

16 THE COURT: Okay.

17 SOLICITOR PASCOE: -- we're almost there.

18 THE COURT: Ladies and gentlemen, let's do this.

19 Y'all go refresh yourselves. Get a Coke, a drink of
20 water. I don't plan on running past 5:30 unless that's a
21 problem for you. If 5:30's a problem, if that's too late, I
22 need to know.

23 okay. I did get your note that you-all would like to
24 begin at 9:00AM tomorrow morning, and I truly appreciate
25 that. Thank you.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Do not discuss this case when you go back to your jury
2 room. Again, refresh yourselves, come on back, and, like I
3 said, as long as you-all are able, we will run till roughly
4 5:30 today. If you would like us to close at 5:00, just let
5 me know.

6 Okay. I appreciate it.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: Y'all want to take a break first or do you
10 want me to take up this---

11 SOLICITOR PASCOE: A break would be great.

12 THE COURT: ---memo first?

13 Break first?

14 Is that okay?

15 MR. LLOYD: That's fine, Your Honor.

16 THE COURT: All right. Let's go ahead.

17 So, you think roughly ten minutes.

18 SOLICITOR PASCOE: Honestly---

19 THE COURT: I said roughly. I understand. I'm not
20 holding you to it.

21 SOLICITOR PASCOE: I said don't hold me to it.

22 THE COURT: I won't hold you to it.

23 MR. LLOYD: Your Honor, can we get some sense of how
24 much longer they're gonna be on direct if we could?

25 THE COURT: He just told me like a little more than ten

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 minutes---

2 MR. LLOYD: Ten minutes.

3 THE COURT: ---probably. That's what I heard.

4 MR. LLOYD: Cause what we were -- what I know I'm gonna
5 do is to actually---

6 THE COURT: Break in the---

7 MR. LLOYD: ---break in the middle.

8 THE COURT: ---of yours, and I was just thinking, you
9 know, maybe, maybe -- I mean that's why I was asking if we
10 could go till 5:30. I don't know.

11 Are you gonna be more than an hour with him?

12 MR. LLOYD: We could be, Your Honor.

13 THE COURT: Okay. Let's do this. Let's take a break.

14 MR. LLOYD: At least -- since he's the lead
15 investigator, we probably will be.

16 THE COURT: What we may do then, let's, let's take a
17 break, ten minute break. Let's then take up this memorandum,
18 and then we'll see how much longer Mr. Pascoe goes. And if
19 this jury -- it sounds like they want to be aggressive, and
20 move pretty quickly. They're the ones that asked me about
21 9:00AM. I'm---

22 SOLICITOR PASCOE: What is up with that?

23 THE COURT: They, they want to work.

24 SOLICITOR PASCOE: Yeah.

25 THE COURT: So, anyway, I agree with you. I don't like

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 doing it -- stopping in the middle of your cross. So, let's
2 just see how long we're gonna take. We may just wrap it up
3 for the evening because they, they didn't know they were
4 starting, and I know they didn't realize this earlier.

5 So, ten minutes, come back, and we'll take that up.

6 And we'll go from there.

7 Of course, sir, you are more than welcome to step down.

8 THE WITNESS: Okay.

9 MR. LLOYD: Your Honor, I know this is a formality, but
10 can we just remind that witness not to discuss his
11 testimony?

12 THE COURT: Absolutely.

13 Lieutenant, don't talk about your testimony with
14 anyone.

15 THE WITNESS: I got to go to the bathroom. That's all.

16 THE COURT: No worries.

17 (WHEREUPON, a short recess was taken at this time.)

18 THE COURT: All right. Very quickly, if we can go back
19 on the record, Pam.

20 The jury asked that they would like to take notes. So,
21 I think absolutely.

22 MR. LLOYD: I don't have any objection.

23 THE COURT: So, you-all give them pads and pens here I
24 assume?

25 THE BAILIFF: I'm sorry. I didn't understand you.

1 THE COURT: The jury has asked to take notes, and I
2 think that's a great idea. We give them pads and pens where
3 I come from.

4 Do we do that here?

5 THE BAILIFF: We can. It will take us a little while
6 to round them up.

7 THE COURT: All right. Start rounding them up.

8 THE BAILIFF: Okay.

9 MR. LLOYD: I assume you give the standard---

10 THE COURT: Of course.

11 MR. LLOYD: ---charge?

12 Okay. That's fine.

13 THE COURT: Of course.

14 Next issue, this document.

15 MR. GRIFFIN: Yeah, Your Honor. I'm gonna give it to
16 you and let you look at it. I don't think you've seen it.

17 THE COURT: I have.

18 It's unsigned, right?

19 MR. LLOYD: That's correct.

20 THE COURT: Okay. So, correct me if I'm wrong, it was
21 a letter from Richard Quinn to Jim Harrison?

22 MR. LLOYD: I'm sorry, Your Honor. I didn't hear that.

23 THE COURT: It's a letter from Richard Quinn to Jim
24 Harrison. I've already seen a copy of this, and I've read
25 it.

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By Solicitor Pascoe

1 MR. LLOYD: Right. It's been---

2 THE COURT: It's just an unsigned copy.

3 MR. LLOYD: That's right.

4 THE COURT: Okay.

5 MR. LLOYD: And, Your Honor, it was not -- there is no
6 signed copy that we're aware of. That letter, in and of
7 itself, is hearsay, but, again, it's an unexecuted document.

8 THE COURT: Where's the signed copy?

9 MR. LIMBAUGH: It was never signed.

10 MR. LLOYD: There was never---

11 THE COURT: Oh.

12 MR. LLOYD: From our standpoint, Your Honor, from what
13 our evidence shows, there was never a signed copy of that
14 letter.

15 THE COURT: Okay.

16 MR. LLOYD: That agreement was never entered into.

17 THE COURT: Okay. How are you---

18 MR. GRIFFIN: It's a---

19 THE COURT: How are you getting it in?

20 MR. GRIFFIN: Well---

21 THE COURT: Is this a business record?

22 MR. GRIFFIN: A, it's a business record. It was found
23 in the business of doing a search of -- so, it's a record of
24 Richard Quinn & Associates, and, and Richard Quinn
25 specifically. So, that's an indicia of reliability because

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1 it's authentic. It was found in a search of their offices.

2 As to the hearsay, in addition to the business records
3 exception, it falls under two other exceptions.

4 THE COURT: Which are?

5 MR. GRIFFIN: On definition of non hearsay under
6 801(d), I'm sorry, 801(2)(d), which is the general category
7 of admission of a party opponent.

8 THE COURT: Uh-huh. (Affirmative).

9 MR. GRIFFIN: It says a statement by the party's agent
10 concerning a matter within the scope of the agency or
11 employment made during the existence of, existence of
12 relationship, and then or, or, B, a statement by
13 coconspirator or party during the course and furtherance of
14 the conspiracy.

15 Now, both of those apply. The, the setting forth the
16 terms of, of the employment relationship, and it is, you
17 know, for purposes of this matter, they're both agents of
18 each other, and Mr. Harrison's an agent of Richard Quinn &
19 Associates. And then it's just a statement that's been
20 authenticated through the search of Richard Quinn setting
21 forth the terms of the---

22 THE COURT: Well, wait a minute. You say -- how has it
23 been authenticated---

24 MR. GRIFFIN: Well---

25 THE COURT: Go ahead.

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By Solicitor Pascoe

1 MR. GRIFFIN: It was in a -- files of Richard Quinn &
2 Associates.

3 THE COURT: Okay.

4 MR. GRIFFIN: That's how it's been authenticated.

5 THE COURT: That's where it was found.

6 MR. GRIFFIN: Right. It wasn't created outside. It
7 was in the business records of Richard Quinn & Associates.

8 THE COURT: Okay.

9 MR. GRIFFIN: And, and, Your Honor, for further
10 evidence of -- will corroborate that this arrangement was
11 entered into, that salary amount that's handwritten, \$3,750
12 --

13 THE COURT: Uh-huh. (Affirmative).

14 MR. GRIFFIN: -- that was it. That was it for ten
15 years that he received bi-weekly. That's the exact amount,
16 and there's other, other---

17 THE COURT: This 3,000 -- so, this little handwritten
18 note?

19 MR. GRIFFIN: Yeah.

20 THE COURT: Who handwrote it?

21 Who wrote this handwritten note?

22 How do you have any idea who did it?

23 MR. GRIFFIN: I don't know exactly who wrote the
24 handwritten note.

25 THE COURT: That's your problem. I mean I don't think

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1 you can make that -- I mean that's a huge jump and an
2 assumption.

3 I'm hearing you, and would agree to the extent on -- I
4 don't know if it's necessarily admission by a party
5 opponent. I, I -- because it's from Richard Quinn to Jim
6 Harrison, but I think it might be an exception to the
7 hearsay rule as it's a memo from a coconspirator.

8 But my problem with this is, is it's still not
9 authenticated. So -- and I, and I don't know. I mean I
10 guess you could argue that this is binding, but I mean,
11 unless we're charging them on contract law, no one's signed
12 this. I mean until and unless Richard Quinn says yeah, this
13 is the agreement we worked under or this is the agreement we
14 were using --

15 MR. GRIFFIN: Well --

16 MR. LLOYD: Your Honor, I---

17 THE COURT: Go ahead.

18 MR. LLOYD: Can I speak on that issue?

19 This witness can't authenticate it as a business
20 record.

21 THE COURT: Yeah, I'm just not sure how he's doing it.
22 I think Mr. Harrison takes the stand, he can -- they can ask
23 him all day long if they want to.

24 MR. LLOYD: Your Honor, even as to the coconspirator
25 statement, that's not in furtherance of a conspiracy.

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1 That's still---

2 THE COURT: Oh, I don't know about that one.

3 MR. LLOYD: It has to be---

4 THE COURT: I think that might be in---

5 MR. LLOYD: It has to be in furtherance of a
6 conspiracy. There's no -- well, Your Honor, and I think
7 look, looking at it like this --

8 THE COURT: Okay.

9 MR. LLOYD: -- the conspiracy has to be either an
10 unlawful act --

11 THE COURT: Right.

12 MR. LLOYD: -- or a lawful act in, in furtherance --

13 THE COURT: Furtherance---

14 MR. LLOYD: -- of an illegal.

15 THE COURT: Right.

16 MR. LLOYD: -- objective. They haven't established
17 that at this point. There's no prima facie case or initial
18 presentation that there was, in fact, a conspiracy.

19 One of the things we brought up at Fridays hearing,
20 Your Honor, was on this specific issue of, if they want to
21 get into proper -- coconspirator---

22 THE COURT: Uh-huh. (Affirmative).

23 MR. LLOYD: -- statements, then they need to make that
24 showing in advance.

25 THE COURT: Is Richard Quinn gonna testify?

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1 MR. GRIFFIN: Excuse me?

2 THE COURT: Is Richard Quinn going to testify?

3 MR. GRIFFIN: He's available under subpoena.

4 THE COURT: He's been subpoenaed?

5 MR. GRIFFIN: Yes. Rebecca Quinn is under subpoena.

6 She's gonna testify. She's a CFO.

7 THE COURT: That she did what, type this or how is she
8 gonna authenticate this document?

9 MR. GRIFFIN: She -- well, she has notes where she
10 worked off that document, and entered it in payroll, and
11 processed payroll, and accounted for his payroll relying on
12 that document, and we, we've got those records also. And,
13 and she's -- be able to -- testifying tomorrow afternoon.

14 MR. LLOYD: Your Honor, they can, they can try to
15 introduce it through her, but the, the suggestion that she
16 was relying on that document I think is false at this point.

17 MR. GRIFFIN: Well, we, we can link it up with her for
18 sure.

19 MR. LLOYD: If nothing -- it's nothing to suggest that
20 she relied on that document to any calculations or make
21 payroll in any kind of way.

22 THE COURT: I guess my concern is this is you're trying
23 to use this 3,285 some kind back-door it in where I think
24 you probably could through Mr. Harrison or through Mr. Quinn
25 if you can say, in fact, you were paid \$3,285 for whatever.

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1 Isn't this a memo that was contemplated?

2 Haven't you seen this?

3 He may say he never agreed to it, and this was not our
4 agreement, but this is what was discussed, and this is what
5 was submitted to---

6 MR. GRIFFIN: Right.

7 THE COURT: ---Becky Meacham for consideration for her,
8 you know, this idea.

9 MR. LLOYD: Your Honor, there, there was a specific
10 letter for Mr. Harrison that was written to House Ethics.
11 That's the letter that---

12 THE COURT: I saw that.

13 MR. LLOYD: ---Ms. Meacham---

14 THE COURT: Yeah.

15 MR. LLOYD: ---replied to. Not this document.

16 THE COURT: I understand that.

17 MR. GRIFFIN: And, and, Your Honor, one -- so, when Ms.
18 Mustian testifies tomorrow---

19 THE COURT: Uh-huh. (Affirmative).

20 MR. GRIFFIN: ---you know, a number of these records
21 were seized during the search. And so what we need to
22 authenticate that they were obtained through this case
23 agent, and then just, unless they want to stipulate that
24 they're -- they were in, in the offices of Richard Quinn &
25 Associates, and then we can have Ms. Mustian come in and---

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1 THE COURT: She can say that this is a business record.

2 MR. GRIFFIN: Right.

3 THE COURT: This was one of the things that was in the
4 file in regards to Mr. Harrison's employment by RQ&A.

5 MR. GRIFFIN: Right.

6 THE COURT: But I think she has to lay that foundation.

7 MR. GRIFFIN: Okay.

8 THE COURT: Again, my concern is that it's just not
9 signed, and so---

10 MR. GRIFFIN: Okay.

11 THE COURT: ---again, I don't know how we back-door
12 that in. Plus you've got handwritten information on this
13 that we don't know who wrote.

14 MR. GRIFFIN: Well, I think she'll be able to identify
15 that.

16 THE COURT: You think she can?

17 MR. GRIFFIN: Yeah.

18 THE COURT: It's probably her writing?

19 Is that what you're thinking?

20 MR. GRIFFIN: Yes.

21 THE COURT: Cause she was the CFO?

22 Okay. I just think she's the proper person to get it
23 in.

24 MR. GRIFFIN: Okay.

25 THE COURT: Okay. So, let's hold it for tomorrow.

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1 okay?

2 SOLICITOR PASCOE: Okay.

3 THE COURT: Okay.

4 MR. LLOYD: Your Honor, I just want to make sure
5 that --

6 THE COURT: Yeah.

7 MR. LLOYD: -- as at least as to the particular
8 witness, he's testified that he didn't see that document
9 until after Mr. Harrison's Grand Jury testimony, and after
10 his, his proffer interview with SLED and FBI, and that part
11 of, at least this document anyway, was a part of this tainted
12 team of documents that were separated. I would like to be
13 able to cross-examine him as to this because this document
14 obviously had nothing to do with attorney/client privilege,
15 and we would want to be able to get into that issue with him
16 on cross without admitting the document.

17 THE COURT: I'm not sure how you have it both ways.

18 MR. GRIFFIN: Right.

19 THE COURT: I mean --.

20 MR. LLOYD: The only other -- if, if we were allowed---

21 THE COURT: Yeah.

22 MR. LLOYD: ---to get into that then, Your Honor, we
23 would ask that his testimony that this was an agreement
24 between Richard Quinn and Jim Harrison be stricken.

25 THE COURT: Okay.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Has there been any testimony---

2 THE COURT: I think all he's testified to, correct me
3 if I'm wrong, is that this is a memorandum of understanding,
4 what you believe to be a memorandum of understanding between
5 Richard Quinn and with Jim Harrison. I don't think -- we
6 haven't entered the document, and, from what you're telling
7 me, it was never entered into. There's no signed contract.
8 It was never the agreement he worked under.

9 MR. LLOYD: No, Your Honor.

10 THE COURT: I don't know. I don't, I don't think
11 necessarily it's for me to make a comment as to striking
12 testimony cause I don't think the testimony was that far out
13 there that it described what it is they're working under. I
14 just think the proper person is if someone else can lay the
15 foundation for it, someone else can say it's a business
16 record, and it come under -- comes under the hearsay
17 exception for that, I just don't think, pointblank, anything
18 that they got in the search all of a sudden is authenticated
19 cause it was gotten in a search at, at Richard Quinn &
20 Associates office.

21 I mean just because it's in the office doesn't
22 necessarily mean it's a business record kept in the ordinary
23 course of business although it begs the question because it
24 is at the office. But I don't think we just assume that it
25 was. So --.

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1 MR. LLOYD: Your Honor, the only reason I raise that of
2 this particular issue in, in either allowing us to
3 cross-examine him on his statement in front of the jury or
4 to strike that is---

5 THE COURT: Uh-huh. (Affirmative).

6 MR. LLOYD: ---it appears that their line of
7 questioning on that issue is to bolster their perjury count
8 basis in terms of materiality, and what they were led to
9 believe or misled to believe.

10 THE COURT: Okay. So, what would be your questioning
11 of him on that?

12 what would it be other than you don't have a -- you
13 know, this was never a signed copy, you have no evidence?

14 MR. LIMBAUGH: No, I don't even want to get into that,
15 Your Honor.

16 THE COURT: Yeah.

17 MR. LLOYD: It relates to his testimony that, at the
18 time he -- Mr. Harrison testified to the Grand Jury as well
19 as at the time he did his proffer interview, that he did not
20 have this document, after he described what it was,
21 available to him for purposes of questioning Mr. Harrison.

22 THE COURT: Okay. And, again, I guess you could ask
23 that to the extent of Mr. Harrison may not of had a copy of
24 it either cause it was found at RQ&A and not --.

25 MR. LLOYD: True.

1 THE COURT: I think, for the limited amount of what
2 you're trying to do, when you're saying you're to -- I mean
3 I understand your argument is the same -- you're saying why
4 didn't -- why wasn't it turned over by Mr. Harrison.

5 I mean is that --?

6 MR. LLOYD: Your Honor, I, I can only assume the way
7 they brought -- are bringing these issues up is that their
8 contention is, is that, because they didn't have these
9 documents, that's what delayed them in filing their charges
10 of perjury. Otherwise, I don't know what relevance it has.

11 SOLICITOR PASCOE: Well, one -- the one relevance -- I
12 just caught when he said let's explain to the jury why we
13 didn't use it when he was testifying on March the 15th.

14 THE COURT: In front of the Grand Jury?

15 SOLICITOR PASCOE: Exactly. So, I mean they're a bunch
16 of reasons why you like to give the jury a timeline of when
17 you had the evidence and looked at it, and, you know---

18 MR. LLOYD: Again though, Your Honor, if he had it
19 available because it was not part of the taint documents
20 which would of applied to---

21 SOLICITOR PASCOE: It was part of the taint documents.

22 MR. LLOYD: ---the documents---

23 SOLICITOR PASCOE: And I can answer that.

24 THE COURT: That was taken out as one of the documents?

25 SOLICITOR PASCOE: Yes, that was not given to us until

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1 November---

2 THE COURT: On what basis because it was between
3 Richard Quinn and Jim Harrison unless they're trying to
4 somehow say Jim Harrison is a lawyer because his name was on
5 it which their---

6 SOLICITOR PASCOE: Preaching to the choir, but you were
7 the one we finally had to get to let us have that document.
8 That was you, and I'm not -- I'm saying this as a
9 compliment. It was November of 2017, and, you know, I don't
10 throw compliments out very often that way.

11 THE COURT: Not towards me you don't. You're right.

12 SOLICITOR PASCOE: Anyway, it was---

13 MR. LLOYD: Well, Your Honor?

14 THE COURT: Okay.

15 MR. LLOYD: Even if he was a lawyer---

16 SOLICITOR PASCOE: You know, we---

17 MR. LLOYD: Either he was a target of the investigation
18 I guess---

19 THE COURT: So, that was one of the documents that was
20 held back---

21 SOLICITOR PASCOE: Yes.

22 THE COURT: ---in the taint.

23 SOLICITOR PASCOE: Kevin Brackett---

24 THE COURT: Well, that just means Kevin Brackett had
25 concern about it. Rightly or wrongly, he had some kind of

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1 concern.

2 SOLICITOR PASCOE: You know, there was---

3 THE COURT: So---

4 SOLICITOR PASCOE: I can't remember. It wasn't
5 Braçkett. It was -- it doesn't matter.

6 THE COURT: Okay.

7 SOLICITOR PASCOE: We didn't get it until December or
8 late November.

9 THE COURT: All right. Well, I don't know why it
10 wasn't turned over. I'd be surprised it was part of the
11 taint documents, but okay. I would have no recollection. I
12 know I sat in the room for a very long time going through
13 documents.

14 So, let's do this. I will give you some leeway, Mr.
15 Lloyd, to ask him in regards simply to you're trying to
16 establish timelines as far as when the perjury charge came,
17 but let's not talk about the substance of it. Again, you
18 can't have it both ways. You can't say you don't want it
19 in, but then use it.

20 okay?

21 MR. LLOYD: Absolutely, Your Honor.

22 THE COURT: Okay. All right. What else besides that?

23 So, it's not gonna be in right now as far as the memo
24 is concerned, but so can we go ahead and finish up?

25 I intend on, based on the time, let's go ahead and

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1 finish with the direct of the Lieutenant, and then we'll
2 go -- we'll break till in the morning. Apparently this jury
3 wants to be back at 9:00. So, we're good to go.

4 THE BAILIFF: Your Honor, the jurors informed me that
5 they would wait till in the morning to start taking notes.

6 THE COURT: Very good. Thank you. Okay.

7 MR. LIMBAUGH: It's like the world's most cooperative
8 jury.

9 THE COURT: I think we have a leader.

10 All right. You ready to go?

11 Mr. Pascoe, Lieutenant, you ready to go?

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Are y'all ready to go?

14 SOLICITOR PASCOE: Yes, Your Honor.

15 MR. LLOYD: Yes, Your Honor.

16 THE COURT: Let's go. Let's bring the jury in.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: All right. welcome back, ladies and
20 gentlemen.

21 THE BAILIFF: The jurors are seated, Your Honor.

22 THE COURT: Mr. Pascoe.

23 SOLICITOR PASCOE: Thank you. Thank you, Your Honor.

24 CONTINUED DIRECT EXAMINATION

25 BY SOLICITOR PASCOE:

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1 Q And just for purposes of identification, State Exhibit
2 5 was seized from Richard Quinn & Associates in -- on
3 March 2nd, 2017, correct?

4 A Yes, sir.

5 SOLICITOR PASCOE: Okay. That's just for ID, Your
6 Honor.

7 Now I'm gonna show you what's been marked as State's
8 Exhibit 6.

9 Do you recognize that item?

10 A Yes, sir.

11 Q Was that item also seized at Richard Quinn & Associates
12 on March 2nd, 2017?

13 A Yes, sir.

14 Q And that item is relevant to Mr. Harrison's pay at
15 Richard Quinn & Associates?

16 A It is.

17 Q Okay. And it -- has it been altered or manipulated in
18 any way after, after y'all seized it?

19 A No, sir.

20 MR. LLOYD: Your Honor, same objection as Exhibit No.
21 5.

22 THE COURT: Okay.

23 SOLICITOR PASCOE: What I'll do, I'll let you look at
24 it first. I'm not gonna do it -- I'll just wait for Ms.
25 Meacham.

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1 THE COURT: Got it. Just wait until tomorrow.

2 SOLICITOR PASCOE: So, just for purposes, purposes of
3 identification, Your Honor.

4 And let me show you what's been marked as State's
5 Exhibit 3.

6 Do you recognize that?

7 A Yes, sir.

8 Q What do you recognize State's Exhibit 3 to be?

9 A That's a, a letter from the Ethics Committee to
10 Mr. Harrison giving him an opinion on his employment with
11 RQ&A.

12 Q And that -- this letter's from July 12th, 1999. I
13 believe the defense has already talked about it.

14 A Yes, sir, that's correct.

15 Q Okay. And did you seize this from Richard Quinn &
16 Associates?

17 A It is part of the search warrant, yes.

18 Q Have, have you altered it in any way?

19 It's the same letter -- exact letter you seized from
20 RQ&A?

21 A Yes.

22 SOLICITOR PASCOE: Okay. Any objections to State's
23 Exhibit 3 being admitted into evidence?

24 MR. LLOYD: Same objection would apply, Your Honor, but
25 we, we---

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 THE COURT: It's a public record. Just so I'm clear,
2 this is---

3 MR. LLOYD: Had he done that, Your Honor, we would have
4 no objection.

5 THE COURT: It's a public record. So, obviously, and
6 it's kept in the regular course of the business of the
7 Legislative Ethics Committee. So, you can publish that.

8 SOLICITOR PASCOE: Thank you, Your Honor.

9 THE COURT: It's in evidence.

10 SOLICITOR PASCOE: Thank you. Thank you, Your Honor.

11 (WHEREUPON, State's Exhibit No. 3 was received into
12 evidence at this time.)

13 Q And that's a letter that's already been referred to
14 that the Defendant got an opinion from South Carolina
15 Ethics, correct?

16 A Yes, sir.

17 Q About his -- about employment at RQ&A, correct?

18 A That's correct.

19 Q When did you know that you had that document?

20 A November, December, 2017.

21 Q And I guess what I'm -- you've, you've already
22 testified why, because of the review team.

23 A Yes, sir.

24 Q Did Mr. Harrison give you a copy of this?

25 A No, he did not.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q Let me show you, sir, what's been marked as State's
2 Exhibit 7.

3 Do you recognize that?

4 A I do.

5 Q Okay. And is this a document that you seized at
6 Richard Quinn & Associates on March 2nd, 2017?

7 A It is.

8 Q And it's in the exact same condition as when you seized
9 it from Richard Quinn & Associates on March 2nd, 2017?

10 A Yes, sir.

11 Q And like these other documents, did you know that you
12 even had this document until December of 2017?

13 A No, I did not.

14 Q Okay. So, nobody's provided this document to you.
15 This came from the search and seizure at Richard Quinn &
16 Associates just like those other documents.

17 Correct?

18 A Yes, sir.

19 MR. LLOYD: Your Honor, we just have a 403 objection to
20 that.

21 SOLICITOR PASCOE: For now, I'll just mark it as ID,
22 and we can argue it later.

23 Is that okay---

24 THE COURT: That's fine.

25 SOLICITOR PASCOE: ---so we can keep rolling?

1 THE COURT: Yeah.

2 SOLICITOR PASCOE: Thank you, Your Honor.

3 Since there's objection, it's just ID.

4 Now, were, were any other items seized on March 2nd,
5 2017, from Richard Quinn & Associates that dealt directly
6 with the Defendant, and his overall pay structure of Richard
7 Quinn & Associates other than those that have been marked
8 for ID?

9 A Yes, sir.

10 Q Okay. And you've seen those?

11 A Yes, sir.

12 Q Where and who seized most of that information?

13 A It's the same team --

14 Q Okay.

15 A -- we had before.

16 Q The computer crimes?

17 A Computer crimes team.

18 Q And just to be clear, the documents that you've
19 identified for today, those were hard copy documents that
20 you got from Richard Quinn, correct?

21 A That's right. Those were hard copies, but they were
22 found in the office.

23 Q But they're also computer documents that you didn't
24 really technically seize, your computer crimes team did?

25 A That's correct.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q I know I've asked you this, but with regards to the
2 Defendant's pay at Richard Quinn & Associates, did he freely
3 and voluntarily give you a statement in September of 2017,
4 the Defendant, Jim Harrison?

5 A He, he did.

6 Q Okay. And as a result of the Defendant's admissions to
7 you and the bank records you have, and the records from
8 Richard Quinn & Associates, what years did the Defendant get
9 paid approximately \$80,000 a year from 1999 to 2010?

10 A It would of been from the Fall of '99 to---

11 Q I---

12 A ---October 1 of 2000 -- of 2010.

13 Q How much money---

14 A He---

15 Q ---did he make then?

16 A He was a salaried employee. When I say that, I mean
17 they took taxes out, and he, he made a much larger salary to
18 approximately \$80,000 a year.

19 Q And between October 1, 2010, to November 6th, it was
20 \$2,000 a month contract?

21 A He became a contract employee at the time for \$2,000.

22 Q And what's the difference between a contract and a
23 salary?

24 A The, the -- like I said before, the salary employee is,
25 is on payroll. He was given direct deposit. They were

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 taking out taxes, and there's a lot more -- you got benefits
2 essential with that.

3 Q And that's one of the things I was going forward is
4 what did he say he was -- how was he getting paid prior to
5 October, 2010?

6 A He was, he was paid a direct deposit.

7 Q Now, you testified under oath a little while ago when
8 we were reading the Grand Jury testimony of the, of the
9 Defendant that the Defendant said the reason his pay cut was
10 paid -- his pay was cut to \$2,000 a month is because he
11 didn't do an -- spend enough time or have enough time to
12 spend at RQ&A.

13 Is that consistent with what the Defendant told you on
14 September the 22nd, 2017, in your interview?

15 A No. No, it wasn't.

16 Q All right. What did -- what was the Defendant's
17 reasoning on September 22nd, 2017, as to why his pay was
18 cut?

19 A He told myself and Special Agent Garrett it was a, a
20 cash flow problem at RQA.

21 Q And who was Special Agent Garrett?

22 A Special Agent Chris Garrett with the FBI, Federal
23 Bureau of Investigations.

24 Q And he was part of the interview with the Defendant?

25 A He was.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q And, to your knowledge, he's gonna testify in this
2 trial as well?

3 A Yes, sir.

4 Q Okay. Who is Rick Quinn, Junior?

5 A He was in the House of Representatives until recently.

6 Q Okay. What years was he in the House of
7 Representatives?

8 A I believe he was first elected in '88, and then, from
9 '88 to '04, and then he took a break cause he lost his seat.
10 And then he was in from 2010 to here recently in 2016 I
11 believe it was. He was also former House Majority Leader I
12 believe it was of the House.

13 Q So, he was out of the House from 2005 until 2010?

14 A He was.

15 Q And when was Rick Quinn officially reelected, and knew
16 that he was going back to the House of Representatives?

17 A That would of been November 6th, 2010.

18 Q And what is the date -- okay. In the Fall of 2010,
19 right then, what happens to the Defendant's salary at
20 Richard Quinn & Associates?

21 A His salary got cut dramatically.

22 Q Lieutenant, what is a Statement of Economic Interest?

23 A Just a, briefly, a Statement of Economic Interest,
24 elected officials have to disclose certain personal
25 investments like real property, sources of income, liens,

1 and, and business positions. They have to disclose all that
2 to the public essentially.

3 Q Do legislators have to file them?

4 A They do.

5 Q And they're suppose to be public record?

6 A They, they are.

7 Q And they have to file it every year?

8 A They do file it every year. It's available for the,
9 for the public to review.

10 Q And where can the public go to look at Statement of
11 Economic Interest for candidates such as me?

12 Where can they go and look at SEI's?

13 A Since 2006, they're online. So, you can go -- anyone
14 can go and they can see it. Prior to that, there were hard
15 copies that were either filed with the State Ethics or House
16 Ethics. That was where they would be, be filed and stored
17 at.

18 Q Obviously, if they're online, they're easy to find?

19 A Yes, they are.

20 Q The ones that aren't online, they're much more
21 difficult for even the public to get access to now?

22 A Yes, sir.

23 Q In fact, if I went to the State Ethics Commission right
24 now and looked for a candidate's Statement of Economic
25 Interest prior to 2006, to your knowledge, do the Ethics

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Commission have those?

2 A Not to my knowledge. My knowledge is they destroyed
3 all of those.

4 Q Can you go to the courthouse and get Statement of
5 Economic Interest prior to 2006?

6 A To my knowledge, no, we tried. In this case, we were
7 unsuccessful.

8 Q I was gonna ask did you try to do that and were
9 unsuccessful.

10 Were you able, however, to recently obtain the
11 Defendant, Jim Harrison's, Statement of Economic Interest,
12 even prior to 2006 before those came online?

13 A Yes, sir, we were.

14 Q Okay. How did you obtain those records?
15 what did you have to use to get those records?

16 A We used a trial subpoena to get those records.

17 Q Did you even think they would have those records?

18 A We, we didn't not -- we did not because we tried to get
19 them earlier, and we were unsuccessful. So --.

20 Q You tried to get them earlier?

21 A We tried to get them earlier and were unsuccessful.
22 So, we did not get them.

23 Q Okay. But you sent another subpoena, and did you
24 receive his Statement of Economic Interest forms?

25 A Yes, I did.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Q From what years?

2 A We got them from as far back I believe it was -- I
3 think it was '89 to 2005.

4 Q well, the hard copies till '05?

5 A The hard copies of everything---

6 Q That's right.

7 A ---up to what you could see online. So, they had
8 copies -- hard copies dating back prior to 2006.

9 Q And you also were able to get the ones from 2006 to
10 2013, correct?

11 A Yes, sir.

12 Q And those would be online?

13 A Yes, sir.

14 Q I'm gonna show you what's been marked as State's
15 Exhibit 9.

16 And, Your Honor, we marked them from 9-A -- looks like
17 to 9-N as in November.

18 Is that right?

19 Do you recognize those?

20 A Yes, sir.

21 Q Okay. What do you recognize those to be?

22 A Those are the Defendant's Statement of Economic
23 Interest forms.

24 Q And the ones you got from both the State House Ethics
25 Committee and online from the -- and -- actually those are

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 from the Ethics Committee too, correct?

2 A Yes, sir.

3 Q And it came with a Letter of Certification?

4 A Yes, sir.

5 SOLICITOR PASCOE: Any objections to State's Exhibit 9
6 being admitted into evidence, and it's -- these, however,
7 are only entered as 1999 through either 2000 and -- I think
8 2012.

9 MR. LLOYD: No objection.

10 THE COURT: Okay. Without objection.

11 (WHEREUPON, State's Exhibits 9-A through 9-N were
12 received into evidence at this time.)

13 THE COURT: All right.

14 SOLICITOR PASCOE: We'll get back to those in just a
15 minute. We'll do the Statement of Economic Interest now.
16 We're almost done.

17 Okay. You had an opportunity to review all of these
18 Statement of Economic Interest by the Defendant?

19 A Yes, sir.

20 Q And let me ask you this.

21 Is there a difference between the availability of
22 services and services actually rendered?

23 The difference between being available for services and
24 rendering services?

25 A Yes, sir.

Jeremy Smith - Direct examination
By Solicitor Pascoe

- 1 Q Okay. Pretty obvious?
- 2 A I -- yes, sir, I --.
- 3 Q Okay.
- 4 A I understand.
- 5 Q It will be relevant later.
- 6 A Thank you.
- 7 Q Okay. Now, looking at the Statement of Economic
8 Interest, did the Defendant, Jim Harrison, report the
9 lobbyist's principal money that Richard Quinn & Associates
10 made in 2004?
- 11 A No, he did not.
- 12 Q 2005?
- 13 A No, he did not.
- 14 Q 2006?
- 15 A No, sir.
- 16 Q Okay. Or 2012, the last year that he made \$24,000?
- 17 A No, sir.
- 18 Q Okay. But you -- do you have evidence that Jim
19 Harrison knew that he was suppose to file lobbyist's
20 principal money that---
- 21 MR. LLOYD: Objection to the leading, Your Honor.
- 22 THE COURT: Okay.
- 23 Q What evidence is there---
- 24 THE COURT: Sustained. Don't lead.
- 25 SOLICITOR PASCOE: You're right.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 What evidence is there that the Defendant, Jim
2 Harrison, knew he was suppose to report lobbyist's principal
3 money that his employer made?

4 A He, he put it in a letter himself, December 19th of
5 2016, where he said in the letter that he --.

6 Q So, it's actually stated in a letter---

7 A Yeah.

8 Q ---that he knew he was suppose to do that?

9 A And he lists some of the lobbyist's principals in that
10 letter.

11 Q And also, sir---

12 MR. LLOYD: Your Honor, is, is that being admitted or
13 is --?

14 SOLICITOR PASCOE: Well, that's actually not where I
15 was going, but let me show you.

16 State's Exhibits 9-B, let me show that to you.

17 A Uh-huh. (Affirmative).

18 Q Is this a -- I'm gonna show you State's Exhibit 9-B,
19 which is Defendant, Jim Harrison, Statement of Economic
20 Interest which he filed on March 20th, 2000.

21 A That's it.

22 SOLICITOR PASCOE: I want to publish this for the jury,
23 Your Honor.

24 MR. LLOYD: Your Honor, we have no objection.

25 THE COURT: Without objection.

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Well, it's already in evidence.

2 It's, it's already in evidence.

3 THE COURT: That one is part of the group---

4 SOLICITOR PASCOE: Yes, ma'am.

5 THE COURT: ---that came in already?

6 SOLICITOR PASCOE: Yes, ma'am.

7 THE COURT: So, absolutely.

8 SOLICITOR PASCOE: Uh-huh. (Affirmative).

9 who reports lobbyist's principal money to Richard Quinn
10 & Associates, Associates on his 2000 Statement of Economic
11 Interest with regards to BellSouth and SCANA?

12 A The Defendant, Jim Harrison.

13 Q Jim Harrison did?

14 A He did.

15 Q And he even put what the goods and services were?

16 A Yes, he did.

17 Q He states public relations corporate communication?

18 A Yes, sir.

19 Q He even puts down the amounts that Richard Quinn &
20 Associates made from the lobbyist's principals?

21 A Yes, he did.

22 Q He puts down purchased from Richard Quinn & Associates?

23 A He did.

24 Q And what relationship does the Defendant say he has
25 with Richard Quinn & Associates?

Jeremy Smith - Direct examination
By Solicitor Pascoe

- 1 A I cannot see that from here.
- 2 Q Okay.
- 3 A He says he's an officer.
- 4 Q Richard Quinn & Associates continued to get lobbyist's
5 principal money in 2001?
- 6 A Yes, they did.
- 7 Q Did the Defendant list that in his Statement of
8 Economic Interest?
- 9 A No, he did not.
- 10 Q Who was still being paid by Richard Quinn & Associates
11 then?
- 12 A He was.
- 13 Q Was, was Richard Quinn & Associates getting lobbyist's
14 principal money in 2002?
- 15 A They were.
- 16 Q Who was being paid by Richard Quinn & Associates in
17 2002?
- 18 A The Defendant, James Harrison.
- 19 Q Okay. We're not -- from 2003 to 2012, every year, what
20 company was getting lobbyist's principal money?
- 21 A Richard Quinn & Associates.
- 22 Q And what legislator was getting paid by Richard Quinn &
23 Associates in all those years?
- 24 A The Defendant, James Harrison.
- 25 Q And who failed to put in his Statement of Economic

Jeremy Smith - Direct examination
By Solicitor Pascoe

1 Interest for all those years the lobbyist's principal money
2 that his employer, Richard Quinn, was making?

3 A The Defendant, James Harrison.

4 SOLICITOR PASCOE: Beg the Court's indulgence.

5 (Pause.)

6 SOLICITOR PASCOE: That's all I'd have, Your Honor.

7 Thank you.

8 THE COURT: All right. Ladies and gentlemen, I think
9 now is a good time to break.

10 Is that fine for everyone?

11 MR. LLOYD: Yes, Your Honor.

12 SOLICITOR PASCOE: Yes, ma'am.

13 THE COURT: All right. Ladies and gentlemen of the
14 jury, a couple of guidelines just very quickly.

15 Do not discuss this case. Don't do any independent
16 research. You are not to tell anyone what case you're on
17 when you go home tonight. If there's anything in the
18 newspaper, on the news, or radio, anything along those
19 lines, you are not to read it.

20 Again, I'm gonna put you under oath tomorrow, and I'm
21 gonna ask you whether or not you've read it. Don't read it.

22 All right. Go home. Get a good night's sleep, ladies
23 and gentlemen. These are gonna be long days, and I will
24 tell you that right now.

25 So, please understand. You've asked me to start at

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 swear him in again this morning just because it is a new
2 day.

3 So, Mr. Parks, if you'll go ahead and swear him as
4 well, and we'll go ahead and continue with his testimony.

5 THE CLERK: Please place your left-hand on the Bible,
6 and raise your right-hand.

7 JEREMY SMITH, being first duly
8 sworn, testifies as follows:

9 THE CLERK: Please state your name again for us.

10 THE WITNESS: Jeremy Christopher Smith.

11 THE COURT: Thank you.

12 THE CLERK: Please have a seat.

13 THE COURT: Thank you, Lieutenant Smith.

14 MR. LLOYD: May it please Your Honor?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. LLOYD:

18 Q Lieutenant, if you'll bear with me for a moment. I
19 want to rearrange a little furniture for me.

20 A Yes, sir.

21 (Pause.)

22 Q Good morning, Lieutenant Smith.

23 A Good morning, sir.

24 Q I want to go over a couple of ground rules. If you
25 don't understand the question I ask, just ask me to repeat

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 it.

2 A Okay.

3 Q My wife does that to me all the time. So, if, if I
4 need to rephrase something, please let me know.

5 okay?

6 A Thank you. I will.

7 Q And if I slip into calling Mr. Harrison Jim, you can
8 agree that we're both talking about James Harrison?

9 A Yes, sir, I think I've done it myself.

10 Q Yeah. We're gonna, we're gonna try not to do it, but
11 sometimes it happens, and I appreciate you following me on
12 that.

13 Now, I want to go back to yesterday's testimony if we
14 can start there. You said you became the lead investigator
15 in this case in 2016.

16 Is that right?

17 A Yes, sir, as I recall.

18 Q And, before that, you had some involvement with, you
19 said, an investigation into Representative Bobby Harrell.

20 Is that right?

21 A Just very minimal, sir. Very minimal.

22 Q So, your, your first involvement with this case, this
23 subject matter, was, was really when you became lead
24 investigator?

25 A Yes, sir.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Now, as lead investigator, can you describe for the
2 jury sort of what that means?

3 I know you said yesterday you're sort of supervising
4 this case.

5 How many agents work under you on this case?

6 A On this case, so, now Major Gregory and I worked it
7 together. So, we were the two, two leads on the case. We
8 also had some assistance or some other people throughout the
9 case. You know, we had Special Agent Bobby Bancroft who
10 came and worked on it, and we had -- we mentioned the search
11 warrant. We had other SLED agents with computer crimes come
12 and assist with that. So, numerous SLED agents.

13 Q Were there any other agents assigned full-time to this
14 case?

15 A No, sir.

16 Q And let's -- Major Gregory assigned full-time to this
17 case?

18 A He, he was.

19 Q Now, just for the jury's background, sometimes we use
20 these terms cause we're familiar with them, but they may not
21 be.

22 Would this -- would it be fair to call this a white
23 collar case?

24 A I would call it a public corruption case. That's the
25 term I would use.

1 Q Yeah.

2 And when we talk about types of cases, can you just
3 briefly describe for the jury the different types of cases
4 that you investigate?

5 A As a SLED agent, officer involved shootings, violent
6 crime, other public corruption cases. I mean it could be
7 any number of things we get asked to be involved with.

8 Q And have you been the lead investigator in any other
9 public corruption cases?

10 A No, not particular. I mean we've worked cases on, you
11 know, other -- I mean I -- I've worked cases on police
12 officers, and things of that nature. So, I mean I guess we
13 would call that public corruption as well. So, you know, so
14 numerous times.

15 Q Is it safe to say, and I use the term white collar to,
16 to encompass public corruption of -- we'll call it public
17 corruption. In a lot of public corruption cases, they're a
18 lot of documents involved.

19 Is that right?

20 A I would, I would say so.

21 Q And sometimes it involves financial issues or finances.

22 Is that right?

23 A That -- that's true.

24 Q And, in this particular case, did, did you have any
25 assistance, either agents or other help, at dealing with

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 sort of the financial matters of this case?

2 A Yes, sir.

3 Q And can you explain to the jury what help you had?

4 A Well, I mean we worked the case. Major Gregory and I
5 worked out of Solicitor Pascoe's office. We had other
6 attorneys who assisted us. I mean we, we, you know, worked
7 on, as a group, collaborative effort. Like I said, when it
8 comes to that, you get spreadsheets out, and you do stuff.
9 You know, you all collaborate and do it together.

10 Q Yesterday you, you, and we'll get into it in a moment,
11 the bank records you referenced to the jury yesterday.

12 But when you have bank records or financial documents,
13 did you have any sort of accounting expertise to help you
14 analyze those records?

15 A I, I do not have accounting expertise, but we also had
16 assigned to the case, we mentioned, was Special Agent Chris
17 Garrett who did from the FBI.

18 Q And he was there to help you deal with sort of the
19 financial side as well?

20 A He was there to assist in, you know, any issues that
21 may come up as far as the federal side.

22 Q And we'll talk about Agent Garrett in a moment.

23 Did you have the help of any forensic accountants, for
24 example?

25 A We did have a forensic accountant assigned to us on

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 this case. He was hired by the Solicitor's Office.

2 Q Okay. And during the course of your investigation, did
3 that forensic accountant help you go through those bank
4 records you referenced yesterday?

5 A I never -- he and I never sat down together, and went
6 through any records.

7 Q Do you know whether that forensic accountant ever sat
8 down with Major Gregory?

9 A I'm not aware if he sat down. He could have, and I
10 didn't know about it, but --.

11 Q So, any analysis during the course of the investigation
12 into the finances at Richard Quinn & Associates would of
13 been done by you or -- and/or Major Garrett -- I mean Major
14 Gregory?

15 A I think that what you're talking about is any financial
16 analysis expressly what we stated yesterday. You know, you
17 do spreadsheets. You get checks. You look at checks, and
18 you just go through everything. I mean so --.

19 Q And in a little bit we'll, we'll talk about the
20 accounts at Richard Quinn & Associates, but, during the
21 course of your investigation, did you analyze any other bank
22 records for any other parties in this case or, or subjects
23 in this case?

24 A We, we did.

25 Q Okay. Can you state for the jury who those individuals

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 or entities would of been?

2 A Off the top of my head, some of the entities that I can
3 think of, Jimmy Merrill, John Courson, Rick Quinn. We
4 looked at some of the campaign account records. There were
5 some other companies under First Impressions that were
6 associated with them like Capital Investments I, II, and
7 III. That's, off the top of my head, what I can think of.

8 Q Yesterday you said that this investigation began around
9 the time of the Summer of 2016.

10 Is that correct?

11 A I think that's correct.

12 Q And it began with you looking into allegations into
13 then Representative Rick Quinn and Representative Jimmy
14 Merrill.

15 Is that right?

16 A Yes, sir, that's right.

17 Q And Mr. Pascoe described this yesterday as a State
18 House corruption probe.

19 Is that right?

20 A Yes, sir.

21 Q Was this a corruption probe into numerous members of
22 the State House or just members who were associated with
23 Richard Quinn & Associates?

24 A I would not say that it was into numerous members of
25 the State House. That would be overbroad. It was the

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 two -- initially the two legislators that were mentioned in
2 the report.

3 Q Did your investigation ever involve looking at the
4 activities of any legislators not employed or associated
5 with Richard Quinn & Associates?

6 A I just don't recall that.

7 Q Now, one of the things you said that is central in this
8 whole case against Mr. Harrison is the relationship between
9 certain lobbyist's principal clients of RQA, and Mr.
10 Harrison's employment at RQA.

11 Is that correct?

12 A Yes, sir.

13 Q So, during the course of your investigation, do you
14 recall looking to see whether any other legislators,
15 currently serving or formerly serving, had relationships
16 similar to Mr. Harrison's with lobbyist's principals?

17 A I mean we, we looked at the ones that we could, could
18 see there. You know, we were investigating that --

19 Q And which ones did you look---

20 A -- situation.

21 Q I'm sorry.

22 A I mean we was -- what we had there in front of us.
23 Richard Quinn & Associates.

24 Q Okay. Just so that I understand, were there any
25 legislators that you looked at other than ones associated

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 with Richard Quinn & Associates?

2 A I, I can't recall any that we, that we did.

3 Q During the course of your investigation, did you
4 discover, at any point, that there are current legislators
5 as well as former legislators that directly worked for
6 lobbyist's principals?

7 A I seem to recall that we -- was mentioned at some point
8 in some of our, our talks about the case.

9 Q Do you recall, during the course of your investigation,
10 that they're current or former lawmakers that actually have
11 consulting contracts directly with lobbyist's principals?

12 A Yeah, I am aware of that.

13 Q All right. Now, did your investigation ever pursue
14 further inquiry into those legislators or pursue charges
15 against those legislators?

16 A No.

17 Q And you didn't pursue that as to them because you
18 didn't determine that they did anything illegal?

19 A I think that, based on what we saw, if I -- and I don't
20 even remember who it, who it was, but I know that we talked,
21 at one point, about, you know, these people had claimed it
22 on their Statement of Economic Interest, which is what they
23 had to do.

24 Q And they say they---

25 A So there wouldn't be any, any need to charge anyone.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 They reported their association with lobbyist's principals.

2 Q Okay. That brings up two issues.

3 One, do you know what years they claimed that on their
4 Statements of Economic Interest on the---

5 A I don't. I was, again, you know moved on to what we
6 were investigating.

7 Q Could it have been those legislators who had
8 economic -- Statements of Economic Interest after 2016?

9 A I'm not sure about that, sir.

10 Q And in and of itself, whether they -- if they had
11 reported it on their Statement of Economic Interest, the
12 fact that they had contracts directly with lobbyist's
13 principals was not against the law in your, in your opinion
14 or your view as an investigator?

15 A In my view as an investigator. Not as an expert.

16 Q And if I get into your view of what the law required or
17 anything, I'm not asking for your opinion, legal opinion, of
18 any sort. I'm just asking from the standpoint of how you
19 viewed the law as it impacted your investigation.

20 Okay?

21 A Yes, sir.

22 Q And as part of your investigation, did you have to
23 familiarize yourself with the South Carolina Ethics Act?

24 A Yes, sir, I mean as far as -- as much as I could
25 reading it, you know, and trying to understand it as best

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 that I can.

2 Q And, and you weren't trying to play lawyer or judge or
3 anything in interpreting it, were you?

4 A Absolutely not.

5 Q Your, your role though is to familiarize yourself with
6 the Act in order to determine what direction your
7 investigation should go.

8 Is that right?

9 A Right. The best I can.

10 Q And what, what information is important to your
11 investigation versus not important.

12 Is that correct?

13 A I would say that's correct.

14 Q And based on your investigation and your knowledge of
15 the State Ethics Act, there would of been nothing illegal
16 with legislators having employment with or contracts with
17 lobbyist's principals.

18 Is that correct?

19 A Not outright. Not having employment with.

20 Q Right.

21 In and of itself, just by itself, there's nothing
22 illegal about that?

23 A No, sir.

24 Q And so your investigation didn't pursue members or
25 former members who may of just had contracts or employment

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 with lobbyist's principals?

2 A No, sir.

3 Q Now, Lieutenant Smith, how many people do you think you
4 interviewed or that your team interviewed during the course
5 of your investigation?

6 A Wow. I, I don't have a, a number. I mean it was a, a
7 great deal, great many people, interviews conducted.

8 Q would at least 50 sound about right?

9 A I would think we interviewed at least 50.

10 Q It could of been even more?

11 A I think you would be right about that.

12 Q And as part of your investigation, did you issue -- I
13 know we heard about one yesterday, did you issue search
14 warrants in this case?

15 A We, we issued more than, more than one search warrant.

16 Q And were there subpoenas issued by the Grand Jury in
17 this case for documents?

18 A Yes, sir, there were. There were.

19 Q And, at different points, did you get documents
20 voluntarily from individuals?

21 A Sometimes.

22 Q In total, how many pages of documents do you think you
23 accumulated over the course of this investigation?

24 A Thousands. Thousands of pages of documents.

25 Q Could it have been a million pages of documents?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A It's some astronomical number, but I mean I haven't sat
2 down and counted the exact page. I've heard the number
3 before, but I can't recall it exactly.

4 Q Is the number you heard before over 900,000 pages?

5 A That sounds about right.

6 Q And those documents that you received as a part of your
7 investigation, they span a number of years of activities at
8 Richard Quinn & Associates.

9 Is that correct?

10 A That's correct.

11 Q And they span a number of years in the past of
12 activities of some of the lobbyist's principals.

13 Is that correct?

14 A That's correct.

15 Q Now, Agent or Lieutenant Smith, early in your
16 investigation you saw -- you stated to the jury yesterday
17 that you saw paychecks from Richard Quinn & Associates --
18 I'm just gonna call it RQA --

19 A Okay.

20 Q -- to save ourselves a little time. To Mr. Harrison.
21 Is that right?

22 A That's true.

23 Q And did you know immediately these were paychecks?

24 A They were checks and they were consistently the same
25 amount. So, there's nothing in the memo --

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And---

2 A -- that I can recall.

3 Q -- do you recall when you -- what time of the
4 investigation that you first saw these checks?

5 A It would of been right after we were able to, to get
6 them from First Citizens Bank.

7 Q And this investigation you said began in the Summer of
8 2016.

9 Was it the Summer or Fall of 2016?

10 A We had a, a break in the case. So, I think it would of
11 been somewhere getting past fall into the winter I believe
12 when we got those.

13 Q Now, when you saw those payments to Mr. Harrison, did
14 you interview anyone at Richard Quinn & Associates about
15 those payments?

16 A Mr. Harrison, at some point, we interviewed him. I
17 mean there were other people that we talked to about -- we'd
18 had interviews with who were employed at RQ&A. Adam Piper,
19 former employees. Trey Walker was a former employee. Tracy
20 Edge was a former employee.

21 Q Let me be more specific. You saw some checks that were
22 pretty regular.

23 Is that right?

24 A That's right.

25 Q Did you, at that point, even Summer, Fall, or Winter of

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 2016, go talk to anybody at Richard Quinn & Associates about
2 why there were these regular payments to Jim Harrison?

3 A I don't recall. We had people come to the State Grand
4 Jury. That was how that happened. They were -- testified
5 at the State Grand Jury regarding it.

6 Q And was that during the Summer, Fall, or winter of
7 2016?

8 A That would of been some time during the Grand Jury was
9 going on, yes, sir, I think.

10 Q And do you recall who was asked about these checks to
11 Mr. Harrison?

12 A I think it was getting the records, and then, when they
13 had people come up, they would ask who did what at RQ&A. I
14 mean I know, for instance, you know Trey Walker was asked
15 about what he did.

16 Q Okay. Well, Trey Walker wasn't writing checks, was he?

17 A Not to my knowledge. He was not.

18 Q Richard Quinn owned RQA, right?

19 A That's correct.

20 Q Did you ask Richard Quinn, during the Summer, Fall, or
21 winter of 2016, why there were checks going to Mr. Harrison?

22 A I didn't ask him personally. He was not made available
23 for interview.

24 Q Okay. Did somebody else on your investigative team ask
25 Mr. Quinn, during the Summer, Fall, or winter of 2016, why

Jeremy Smith - Cross-examination
By Mr. Lloyd

- 1 there were checks going to Mr. Harrison?
- 2 A He was asked at Grand Jury I believe --
- 3 Q Okay. When was that?
- 4 A -- or one of the lawyers who interviewed him.
- 5 Q Okay. When was he asked that at the Grand Jury?
- 6 Do you remember---
- 7 A I don't remember---
- 8 Q ---the time period?
- 9 A ---the exact date.
- 10 Q Do you remember the year?
- 11 A It would of been last year I believe.
- 12 Q It would of been 2018?
- 13 A Or six -- I'm sorry. It's 2018 now. It would of been
- 14 '16, '17---
- 15 Q Okay.
- 16 A ---in that time.
- 17 Q Okay. Richard Quinn didn't testify until 2018 before
- 18 the Grand Jury.
- 19 A Okay.
- 20 Q Is that correct?
- 21 A I believe that's correct. We had him subpoenaed.
- 22 Q Okay. Is that the first time Mr. Quinn was asked about
- 23 the checks to Mr. Harrison?
- 24 A I'm not sure. I'd have to see the transcript.
- 25 Q Okay. Yesterday you told -- said that the checks were

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 signed by Rebecca Mustian.

2 Is that right?

3 A That's right.

4 Q And during the Summer, Fall, or Winter of 2016, did you
5 ask Rebecca Mustian why there were checks going to Jim
6 Harrison?

7 A I never interviewed her personally. She wasn't made
8 available.

9 Q Okay. Did anybody on your investigative team interview
10 her during the Summer, Fall, or Winter of 2016?

11 A She was questioned at the Grand Jury at some point.

12 Q Do you remember when that was?

13 A I don't remember the exact date. I'd need to see the
14 transcript.

15 Q Do you know whether it was in the Summer, Fall, or
16 Winter of 2016?

17 A I just -- I don't know what the exact date is.

18 Q Did any -- did you or anybody else on your
19 investigative team call Jim Harrison and say why were you
20 getting checks from Richard Quinn & Associates?

21 A When you say call, do you mean --?

22 Q Did, did you pick up the phone and call him at his
23 office?

24 Did you call him at his home?

25 A I know I didn't personally pick up the phone and call

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 him and ask him that outright.

2 Q well, during -- you've seen these checks early in your
3 investigation, the Summer of 2016. We go through the Fall
4 of 2016, and into the winter of 2016.

5 If you wanted to know why he was receiving checks, you
6 could of contacted Mr. Harrison, right?

7 A I think we did contact him for interviews.

8 Q I'm talking about this time period specifically then.
9 Eventually you talked to him.

10 Is that right?

11 A Right.

12 Q Okay. We'll get into that in a moment, but during this
13 time period, between the Summer and the Winter of 2016, did
14 anybody call Mr. Harrison to ask him about these checks?

15 A I'm not aware that anybody picked up the phone, and
16 called him, and asked him specifically about any checks.

17 Q Did anybody go visit him and ask him about these
18 checks?

19 A I'm not aware of anyone doing that.

20 Q SLED agents and FBI agents do knock and talks all the
21 time though, don't they?

22 A To say we do knock and talks all the time, I mean I
23 don't know how you --.

24 Q Well, as part of your investigations, you go out and
25 talk to people you think might have information relevant to

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 your investigation?

2 A Okay. We, we do go out and talk to people and conduct
3 interviews.

4 Q And, and is kind of colloquially called knock and
5 talks. You knock on somebody's door, and you say can we
6 talk to you.

7 Right?

8 A At -- sometimes you do. Sometimes you don't.
9 Depending on the situation.

10 Q But at no point during either the Summer, Fall, or
11 Winter of 2016 did you-all contact, in any way, Mr. Harrison
12 to ask him about these payments.

13 Is that right?

14 A I don't recall us -- no one ever doing that or anyone
15 ever doing that.

16 Q Now, when you saw those checks to Mr. Harrison early
17 on, during the -- when you were looking at the bank records
18 from the -- First Citizens, did anything immediately, just
19 the checks themselves, jump out to you as illegal?

20 A No, nothing jumped out illegal. As you can recall,
21 this was a, a big case with a lot of moving parts. Like I
22 said, there were questions to be asked, but certainly
23 concerning. So, you know, it's one of those things that we
24 followed up on eventually.

25 Q Why did it concern you?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A well, because he's in the Legislature, and he's getting
2 money from a political consulting firm.

3 Q And what about that concerned you?

4 A Along with others because it was others.

5 Q Well, I'm asking why, why did that concern you?

6 You were the lead investigator.

7 why did that concern you?

8 A Cause I -- it concerned me because I wanted to know
9 why, why is this political consulting firm paying all these
10 legislators. That's why it concerned me.

11 Q Okay. How many legislators were you talking about that
12 you were concerned about?

13 A Essentially with RQ&A --

14 Q Yes, sir.

15 A -- Jimmy Merrill, Rick Quinn, Junior, then Senator John
16 Courson, then Representative Tracy Edge.

17 Q That's it?

18 A Well, he was a former representative at that time when
19 we saw him. Tracy Edge was.

20 Q And Mr. Harrison?

21 A Mr. Harrison as well.

22 Q Now, what does a -- what did you understand a political
23 consulting firm to be at the time?

24 A A political consulting firm, so they run campaigns.

25 They have corporate clients. They consult with these

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 corporate clients on issues that concern them is the best
2 way I would put it.

3 Q They're a political consulting firm that would of
4 consulted with corporate clients?

5 A They had corporate clients.

6 Q Was that tied to political consulting or another aspect
7 of the---

8 A It was---

9 Q ---RQA business?

10 A RQ&A was RQ&A. They did all of that.

11 Q I understand that.

12 A It was all together.

13 Q But were they -- nobody at the lobbyist's principals
14 was running for office, were they?

15 A Well, no, the people they employed were.

16 Q The people that who employed?

17 A RQ&A employees held office, ran for office.

18 Q Right.

19 But the -- RQA was not providing political consulting
20 services to lobbyist's principal clients, were they?

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

22 Q Okay. You just told us what you understand a political
23 consulting firm to be.

24 A Uh-huh. (Affirmative).

25 Q Is that right?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A Yes, sir.

2 Q Okay. And that normally involves advice and services
3 related to campaigns, right?

4 A It can.

5 Q Okay. Provide us with any other understanding that you
6 had of what other services a political consulting firm would
7 of provided?

8 A I think I understood -- I think I understand what
9 you're asking me. So, I'm gonna---

10 Q And I'm happy to rephrase it if you need me to.

11 A And I'm gonna answer it. So, if, for instance, let's
12 say BlueCross BlueShield has a concern about an issue that's
13 coming up at the State House, the cigarette tax or something
14 like that, then they could employ Richard Quinn &
15 Associates, which they did, for an advocacy campaign as far
16 as that goes, media, anything along those lines, what should
17 we do, flyers, anything like that. I think I'm answering
18 your question.

19 Q So, your understanding would be that BlueCross &
20 BlueShield could be pushing an issue, an advocacy position,
21 on a subject matter for the public.

22 Is that right?

23 A I think that's, that's fair to say, and was beneficial
24 to them.

25 Q Now, when you were looking at the checks to RQA, you

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 didn't see anything from BlueCross BlueShield going from RQA
2 to Mr. Harrison, did you?

3 A Could you ask that one more time?

4 I'm sorry.

5 Q Let me break it up.

6 A Okay.

7 Q The checks that you saw from First Citizens that were
8 regularly going from RQA to Jim Harrison had nothing to do
9 with BlueCross BlueShield, did they?

10 A I do not believe so.

11 Q Okay. There was nothing on the checks that indicated
12 they came from any place other than Richard Quinn &
13 Associates.

14 Is that right?

15 A That's right.

16 Q And when you saw that they were at political -- that
17 RQA was a political consulting firm, what information did
18 you have at that point that they were doing any political
19 consulting for BlueCross BlueShield?

20 A Well, we had, we had checks. I mean we could see, you
21 know, they were paying -- you know, we had financial, bank
22 statements. I mean we could see that they were getting
23 money, and we also had, you know, you've mentioned search
24 warrants. We had emails where they communicated with each
25 other. So, I mean they were doing---

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q At this point in time, they were---

2 A They were meeting -- they were meeting at the Richard
3 Quinn & Associates offices.

4 Q At -- this is, this is when you first see the checks.
5 You didn't have emails at that point, did you?

6 A We, we just saw checks. We just saw money coming in,
7 money going out.

8 Q All you saw was checks, in this particular case, going
9 regularly and about the same amount or all the same amount,
10 is that correct, from RQA to Jim Harrison?

11 Is that right?

12 A That was the \$2,000 a month we previously discussed.

13 Q And you said -- yesterday you told the jury that there
14 was nothing in the memo line as to what Mr. Harrison did.

15 Is that right?

16 A I don't recall. You know, the one you showed me, no,
17 there was nothing in the memo line.

18 Q I'm sorry.

19 Could you repeat that?

20 A The one he showed me yesterday had nothing in the memo
21 line, and I don't recall seeing any of them, any of them.

22 Q I believe yesterday you told the jury that the checks
23 had nothing in the memo line that indicated what
24 Mr. Harrison's job was or what he did?

25 A Yeah, I don't recall ever seeing anything that

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 indicated what his job was.

2 Q Okay. And does your paycheck include a description of
3 what your job is?

4 A I don't get a paycheck. I get direct deposit.

5 Q Are you familiar with any paycheck that delineates in
6 the memo line what someone's job is?

7 A I don't recall. It's been a long time since I've
8 gotten a personal check. I mean, just personally with me,
9 if -- when, when someone comes out to do my termite
10 inspection, I write termite inspection in the memo. I mean
11 that's, I guess, the best way I could answer that. So, I
12 guess, yes. So --.

13 Q But you're not paying the termite man a salary, are
14 you?

15 A No, it would be a one day contract person.

16 Q Now, yesterday you talked about Mr. Harrison's
17 paychecks, and you said -- you noticed that they ended in
18 November of 2012.

19 Is that correct?

20 A That's correct.

21 Q And did you learn later, at least you told the jury
22 that you learned, that he took a job as co-commissioner and
23 director of Legislative Council in December of 2012.

24 Is that correct?

25 A That's right. Yes, sir.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And yesterday you intimated to this jury that
2 Mr. Harrison's checks from RQA stopped when he was no longer
3 a legislator.

4 Do you recall that?

5 A Yes, sir.

6 Q And you said that they indicate, to be fair, to the
7 jury that well, they didn't need him anymore at RQA. So,
8 they stopped paying him.

9 Is that correct?

10 A I didn't say it that way. I mean I -- you know, it is
11 what it is.

12 Q Did you talk to anybody at Legislative Council about
13 Mr. Harrison's taking that position in December '12 -- 2012?

14 A No, I did not.

15 Q And he's appointed by a Commission.

16 Is that right?

17 A I believe that's how he explained it to us when we
18 talked.

19 Q And as Director of Legislator Council, he works for the
20 members of the General Assembly.

21 Isn't that right?

22 A I think that's how he explained it to us when we
23 talked.

24 Q All the members of the Senate?

25 A I think that's fair to say, yes, sir.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q All the members of the House of Representatives?

2 A I think that's fair to say, yes, sir.

3 Q Did you ever find out, during the course of your
4 investigation, that, when he took that job, Mr. Harrison was
5 no longer allowed to be involved in partisan politics?

6 A I'm not aware of that.

7 Q Are you aware that, at the same time or around the same
8 time in November, before he took the job at Legislative
9 Council, that Mr. Harrison also closed his law practice?

10 A I think he may of mentioned that to us when we talked
11 to him.

12 Q Prior to him mentioning that, you didn't, you didn't
13 find that out in the course of your investigation?

14 A I don't recall finding out that he closed his law
15 practice.

16 Q You were only interested in his relationship with RQA.
17 Is that right?

18 A That's what we wanted to talk to him about.

19 Q And so anything else he did or ceased to do at the
20 exact same time he took the job at Legislative Council you
21 weren't interested in?

22 A I mean I wouldn't go to that extreme, but I mean we're
23 certainly investigating the matter, and that's what we were
24 focused on.

25 Q During the course of your -- well, let me ask it this

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 way.

2 Your investigation into this case, and in particularly
3 Mr. Harrison, it spans about a 17, 18 year period.

4 Is that correct?

5 A It does.

6 Q And, at some point, you've already told the jury,
7 Mr. Harrison testified to the Grand Jury.

8 Is that right?

9 A Yes, he did.

10 Q And were you, were you present at the Grand Jury?

11 A I'm -- I can't sit in when they testify. I can be
12 outside. I can be around, but I was not present for his
13 Grand Jury testimony.

14 MR. LLOYD: Your Honor, may I approach the witness?

15 THE COURT: You may, sir.

16 Q Lieutenant Smith, I'm gonna show you what was marked
17 yesterday and admitted as State's Exhibit 1.

18 Has -- that's the Grand Jury testimony of Mr. Harrison.

19 Is that right?

20 A Yeah, it does.

21 Q And Mr. Pascoe had you go through that testimony for
22 the jury to some degree yesterday.

23 Is that right?

24 A He made me read a lot.

25 Q Do you recall anywhere in that testimony, in that

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 testimony that you reviewed, that transcript, that
2 Mr. Harrison was shown any documents during the course of
3 his examination?

4 A I don't recall from what I've read or he showed me.

5 Q Is it safe to say he was shown no documents during the
6 course of that examination?

7 A As my reading of the transcript to not be. Be safe to
8 say, yes, sir.

9 Q And may I have a copy of that?

10 Thank you.

11 This was -- his testimony was March 15, 2017.

12 Is that correct?

13 A That's right.

14 Q In March of 2017, you had more than just bank records
15 in terms of documents in the course -- in, in your
16 relation -- let me rephrase that.

17 March of 2017, you had way more documents than just
18 bank records from RQA.

19 Is that safe to say?

20 A We were, we were starting to get some of the emails and
21 things like that that we obtained.

22 Q Did you show Mr. Harrison any of those emails?

23 A It looks like no.

24 Q Now, did you, Agent, go through the almost million
25 pages of documents you accumulated during this

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 investigation?

2 A I'm sure I didn't go through every single document, but
3 I looked at a great deal of them.

4 Q would either you or your agents assigned to this case
5 have gone through those documents?

6 A Yeah, we divided that stuff up at some point, and, you
7 know, we all took turns going through stuff including some
8 of the assistant solicitors, the lawyers assigned to the
9 case.

10 Q Now, we're pretty clear that Jim Harrison worked at RQA
11 at least through 2000 to 2012.

12 Is that correct?

13 A Approximately 13 years. I'd say '99 to --.

14 Q And the documents you accumulated during the course of
15 your investigation, they span a time well before this
16 investigation started.

17 Is that correct?

18 A Yes. Yes, sir.

19 Q Some of those emails and other documents were pretty
20 candid about business activity at RQ&A.

21 Is that correct?

22 A I think that's fair to say, yes, sir.

23 Q Did any of those emails or documents indicate any
24 communication between Richard Quinn and Jim Harrison about
25 any lobbyist's principal legislative matters?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A We -- you know, off the top of my head, without looking
2 at any of the emails, I do know that there were some
3 meetings that were discussed and some lobbyist's principals
4 and things of that nature.

5 Q Okay. My question though is do you recall any, whether
6 they're emails or other documents, that indicated
7 communication from Richard Quinn to Jim Harrison about
8 lobbyist's principal legislative matters?

9 A Specifically legislative, no, sir.

10 Q Did any interviews that you conducted or your agents
11 conducted lead you to believe that there was any information
12 in your investigation that Richard Quinn ever communicated a
13 desire about legislation one way or the other to
14 Mr. Harrison?

15 A I don't specifically recall.

16 Q Did you interview folks who worked at the lobbyist's
17 principals that were the subject of your investigation?

18 A We did conduct some interviews.

19 Q Did any of, any of your investigative efforts directed
20 towards those employees indicate communications from them to
21 Mr. Harrison about legislative matters?

22 A No, sir.

23 Q And we're still talking about 17, 18 year period?

24 A Yes, sir. I mean specifically on, on those would be
25 when they started employment.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And as part of your investigation, you, you indicated
2 yesterday that, at some point, SLED did a search warrant on
3 Richard Quinn & Associates.

4 Is that right?

5 A That's right.

6 Q And you seized not only a number of, of -- a vast
7 amount of documents, but also a number of computers.

8 Is that right?

9 A Hard drives, I know at least a laptop. You're right.
10 Computer, flash drive, and then some just documents.

11 Q And either you or somebody at -- as, as a parter,
12 agent, team reviewed what information was on those hard
13 drives.

14 Is that correct?

15 A Right, initially it would be SLED computer crimes.

16 Q During the course of your investigation, either through
17 that search warrant or any other documents that you came
18 into possession of, did you find contracts between Richard
19 Quinn & Associates and lobbyist's principals?

20 A There were contracts and -- written up between some
21 lobbyist's principals and Richard Quinn & Associates.

22 Q And those contracts stated the services that were --
23 been purchased from Richard Quinn & Associates?

24 A Yes, sir.

25 Q And do you recall whether any of those contracts were

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 for lobbying services from RQA?

2 A They weren't specifically for lobbying.

3 Q Now, the lobbying principal clients that we're talking
4 about, were a number of those clients or all of those
5 clients of RQA before Mr. Harrison's term of employment?

6 A I'd have to see the contracts. I know that he was in
7 business with someone for a while. I just -- I can't recall
8 specifically what the dates of the contracts were.

9 Q Okay. Yesterday you indicated to the jury that this
10 whole public corruption case was about these lobbyist's
11 principals influencing these legislators who worked for RQA.

12 Is that fair?

13 A I think that would be.

14 Q Is that a fair statement of what you were --?

15 A Could you repeat that please?

16 Q -- intimating to the jury?

17 A I'm sorry.

18 Q I'm sorry?

19 A Could you repeat that for me please?

20 Q What you described to the jury yesterday was that the
21 concern of this investigation was the association of these
22 legislators, who worked at RQA, and these lobbyist's
23 principals.

24 Is that fair to say?

25 A Yes, sir.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Okay. And your concern was that they were -- they had
2 undue influence over these legislators.

3 Is that correct?

4 A That was one of our concerns, yes.

5 Q Was it important to your investigation as to whether
6 these lobbyist's principal clients were clients of RQA
7 before Mr. Harrison started working there?

8 A Was that part of our investigation?

9 Q Yes, sir.

10 Was it important to your investigation?

11 A I mean it was -- I wouldn't say that it was not
12 unimportant, but I mean, like I said, you know, he was still
13 employed there when they were doing business with lobbyist's
14 principals.

15 Q And one of the things you're suggesting to this jury
16 though is that the reason these lobbyist's principals were
17 hiring RQA is because of the influence they could exert --
18 assert over Mr. Harrison and other legislators.

19 Is that right?

20 A Well, Mr. Quinn advertised all of the legislators that
21 he had on his payroll. So, I think that it was very
22 important. I mean he would put that out in his business
23 pitch to companies, lobbyist's principals.

24 Q Yesterday you told this jury that all of this, as well
25 as Mr. Pascoe, you told them that all of this was a secret.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Is that right?

2 A I didn't say it was a, a secret.

3 Q Okay. Do recall Mr. Pascoe---

4 A It was not available to the public. That was what I
5 recall being said. It was not available to the public.

6 That's what I recall.

7 Q Okay. Do you recall Mr. Pascoe referring this, this
8 whole employment situation to you yesterday as a secret
9 arrangement between Mr. Harrison and Mr. Quinn?

10 A Yeah, it's fair to say.

11 Q And a secret arrangement between Mr. Quinn and other
12 legislators, Mr. Merrill, Mr. Edge, and others?

13 A Yes, sir.

14 Q Okay. You're, you're conceding now though that RQA at
15 least advertised the fact that they worked there to
16 lobbyist's principal clients.

17 Is that right?

18 A I'm not conceding that. What I'm simply saying is that
19 I think what, if I'm correct, Mr. Pascoe said with the
20 public. I, I -- you -- I can't -- you know, you're kind of
21 putting words in my mouth. I mean I'm just -- the public is
22 what he said. Kept from the public. It wasn't certainly
23 not keeping it from some of the people he was trying to get
24 contracts with.

25 Q Were any of those clients, lobbyist's principal clients

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 of RQA, did they continue to be lobbyist's principal clients
2 or clients after Mr. Harrison ended his employment at RQA?

3 A Yes, sir.

4 Q Do you recall any of the contracts between the
5 lobbyist's principal clients of RQA and Richard -- and, and
6 RQA changing in terms of the, the amount of money that was
7 paid to RQA?

8 A I don't specifically recall that, no, sir.

9 Q Would you agree that, for the lobbyist's principal
10 clients who were clients of RQA during the time of Mr.
11 Harrison's employment, that the amount that they paid to RQA
12 continued to be the exact same after he left?

13 A It was the exact same, yes, sir, I believe so.

14 Q Now, yesterday, one of the things you made a point of
15 saying to this jury was that the Trial Lawyers were a client
16 of RQA.

17 Is that correct?

18 A Yes, sir, they were. They were one of the lobbyist's
19 principals who employed RQA.

20 Q And can you explain to the jury, when we're talking
21 about the Trial Lawyers Association, what is that?

22 A It's an association of attorneys who try cases I think
23 is probably the -- like a professional organization I
24 believe.

25 Q Is it fair to say that the Trial Lawyers represent a

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 part of the Bar that what most people, lay people, would
2 know as lawyers who recover damages on behalf of clients.

3 Is that right?

4 A I, I think so. That's part of it.

5 Q Medical malpractice actions.

6 Is that correct?

7 A I -- yes, sir, I think so.

8 Q Accident cases.

9 Is that correct?

10 A I'm sorry, sir?

11 I'm sorry.

12 Q Do you need some water?

13 A I'm good.

14 Q I can get you some water.

15 A Thank you. I appreciate it.

16 THE COURT: Yeah, thank you.

17 THE WITNESS: I'm sorry. Sorry.

18 THE COURT: If you need a break, Lieutenant, just let
19 me know.

20 okay?

21 THE WITNESS: I'm good. Thank you.

22 Q You all right?

23 A Yes, sir. Thank you.

24 Q Now, yesterday, Lieutenant, you used a phrase in
25 answering one of Mr. Pascoe's questions about the Trial

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Lawyers, and you said it was an interest to you because they
2 had a member of the House Judiciary -- they were paying a
3 member of House Judiciary.

4 Do you recall that?

5 A That I said?

6 Q Yes, sir.

7 A No, I did say that, you know, that he was Chairman of
8 the Judiciary. I don't know if that was specific to the
9 Trial Lawyers, but I mean yes, that's an important position.

10 Q And do you recall telling the jury yesterday that the
11 Trial Lawyers paid a legislator on Judiciary?

12 A I, I don't recall that. I did not say that. I don't
13 recall saying that.

14 Q Well, one of the things you wanted to suggest to this
15 jury is that, as clients of Richard Quinn & Associates,
16 Mr. Harrison would be predisposed to do things favorable to
17 the Trial Lawyers.

18 Is that correct?

19 A I didn't, I didn't say that.

20 Q Well, they were registered as a lobbyist principal at
21 the State Ethics Commission.

22 Is that correct?

23 A Yes, sir.

24 Q And you were concerned about these lobbyist's
25 principals who had a relationship with RQA.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Isn't that right?

2 A Yes, sir.

3 Q So, you were concerned about the Trial Lawyers, which
4 you brought up yesterday, was that, by being a client of
5 RQA, they had some undue influence over Mr. Harrison.

6 Isn't that correct?

7 A Well, I mean we wanted to investigate that matter and
8 see.

9 Q And did you investigate the Trial Lawyers Association
10 relationship to Jim Harrison?

11 A Not specific to Jim Harrison, but to RQ&A.

12 Q RQA -- RQ&A is not here today, is it?

13 A I don't see anyone.

14 Q They're not on trial today, are they?

15 A No, sir.

16 Q Mr. Harrison is, right?

17 A That's right. That's correct.

18 Q At any point did you investigate to determine whether
19 or not the Trial Lawyers Association had any undue influence
20 over Mr. Harrison?

21 A No, sir.

22 Q Did you look at any bills that went before the House
23 Judiciary Committee during Mr. Harrison's term of a -- as an
24 employee at RQA?

25 A Specific bills?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Yes, sir.

2 A I mean we sort of, as an overview, looked at a few
3 pieces of legislation, but---

4 Q Okay.

5 A ---for instance, I mentioned like cigarette tax.

6 Q Well, I'm talking specifically about the Trial Lawyers
7 right now.

8 A No. No, sir.

9 Q During the course of your investigation, is it safe to
10 say that you learned that, during the time Mr. Harrison was
11 Chairman of House Judiciary, House Judiciary was not a
12 friend to the Trial Lawyers Association?

13 Isn't that correct?

14 A I think he may of mentioned that when we interviewed
15 him.

16 Q The reason they weren't a friend to the Trial Lawyers
17 Association is that, at that time, under Republican control
18 of the House, the House Judiciary kept passing bills that
19 would put limits on damages that were able to be recovered
20 by trial lawyers.

21 Isn't that right?

22 A I was not there for that, but I think you -- I think I
23 would agree what you said about that.

24 Q Now, let's talk about what you referred to yesterday as
25 an interview that you conducted with Mr. Harrison.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Do you recall Mr. Harrison voluntarily coming in to
2 talk with you?

3 A With myself and FBI Special Agent Chris Garrett.

4 Q And we're gonna get into this in a moment of whether
5 this was a regular interview or a different type of
6 interview, but Chris Garrett was there, Agent Chris Garrett.

7 He's with the FBI?

8 A Yes, sir.

9 Q And why was the FBI there?

10 A They had interest in the case as well. They were
11 working on it with us.

12 Q And specifically the FBI has jurisdiction over matters
13 that involve public corruption where a legislator or a
14 public official might be bribed by someone.

15 Is that correct?

16 A I think that's somewhat fair to say, yes.

17 Q And generally they're called honest services cases?

18 A That could be one of the interests that they would have
19 in one of those, yes.

20 Q Can you think of some famous cases, honest services
21 cases, the jury might be familiar with just to give them a
22 description -- a better example of what we're talking about?

23 A I, I don't recall---

24 Q Let me---

25 A ---anything in the State here.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Let me ask you, those of us who are old enough may
2 remember the early '90s, Lost Trust in South Carolina. That
3 was the type of public corruption case the FBI has
4 jurisdiction over.

5 Is that correct?

6 A They did work Lost Trust.

7 Q And that was when legislators were selling their vote.
8 Is that correct?

9 A That's correct.

10 Q Cases around the country, Former Governor Blagojevich
11 in Illinois, that was a public---

12 SOLICITOR PASCOE: Objection, Your Honor, relevance to
13 the Governor of Virginia. But I will say this, Agent
14 Garrett is gonna testify hopefully today. So, maybe those
15 questions will be more appropriate for the FBI agent.

16 THE COURT: I think he can go ahead and ask them.

17 SOLICITOR PASCOE: Okay. Okay.

18 Q That's another example of a type of public corruption
19 case the FBI gets involved in.

20 Is that correct?

21 A Yes.

22 Q And it's not uncommon for the Feds and the State to
23 work together on cases.

24 Is that correct?

25 A You're right.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And because this case, this investigation involved
2 allegations of public corruption, that was the jurisdiction
3 that the FBI had to participate in this case.

4 Is that correct?

5 A Yes, sir.

6 Q And just so the jury does understand, the federal law
7 enforcement that -- can't just show up any time, can they,
8 and, and investigate a case?

9 A They, they have certain, you know, parameters that they
10 have to meet.

11 Q And they have to have jurisdiction in order to be able
12 to investigate.

13 Is that correct?

14 A Better, better way of phrasing it than I did.

15 Q Now, Agent Garrett was there with you when Mr. Harrison
16 came.

17 Do you recall the time period of when Mr. Harrison came
18 in to talk with you?

19 A September, 2017.

20 Q And I sort of hinted at this earlier.

21 This wasn't a standard interview like when you or other
22 agents go out, and we're talking about doing a knock and
23 talk, just knock on somebody's door and saying hey, do you
24 mind talking to me.

25 Is that correct?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A That's right.

2 Q This was pursuant to what's called a Proffer Agreement.

3 Is that right?

4 A Yes, it was.

5 Q And would you explain to the jury just briefly what is
6 a proffer interview?

7 A It's where the, the State and the, the party makes or
8 tries to enter into an agreement, if he will tell the truth,
9 the whole truth, and then, you know, get something for it
10 essentially, which a lot of times would be immunity or
11 something like that.

12 Q Well, specifically a Proffer Agreement because -- let
13 me rephrase, and let's not get in too much in the weeds
14 here.

15 A Yeah, I'm really trying.

16 Q Because they're gonna, they're gonna throw something at
17 us.

18 Proffer Agreements are different than Immunity
19 Agreements, right?

20 A Yes, sir.

21 Q And Proffer Agreements are different than Cooperation
22 Agreements, right?

23 A I would say.

24 Q Proffer Agreements just say, essentially, come in and
25 talk to us, as long as you're truthful, we won't use

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 anything you say against you?

2 A Against you---

3 Q Is that right?

4 A That's right.

5 Q And when we do a proffer interview, it's not just on a
6 handshake, is it?

7 A No, sir.

8 Q It's usually a signed agreement between the government
9 and the interviewee.

10 Is that right?

11 A It's usually a document created.

12 Q And, in this case, Mr. Harrison signed a Proffer
13 Agreement.

14 Is that correct?

15 A He did.

16 Q And he did that with you and Agent Garrett there that
17 day, didn't he?

18 A You were there as well.

19 Q Now, how many Proffer Agreements have you had
20 experience with, Lieutenant?

21 A A handful I would say.

22 Q Do they tend to be pretty standard language wise?

23 A They certainly -- they can be.

24 Q And, essentially, it binds the State and the
25 interviewee to certain terms and conditions of -- like a

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 contract.

2 Is that right?

3 A Yes, as long as you're telling the truth.

4 Q All right, sir. And they're certain things that you're
5 allowed to do to follow-up and determine if an interviewee
6 is telling you the truth including future debriefings or
7 future interviews.

8 Is that right?

9 A Correct.

10 Q And among the other things that are typically agreed to
11 is that you have the ability, as the Government, to require
12 the interviewee to take a polygraph.

13 Isn't that right?

14 A That's correct.

15 Q And you have the ability to require the interviewee to
16 take a polygraph with an examiner of your choice.

17 Isn't that correct?

18 A Correct.

19 Q And, in this particular case, you had an agreement with
20 Mr. Harrison that allowed you to require him to take a
21 polygraph examination.

22 Isn't that correct?

23 A Well, we could of chosen to, that's correct.

24 Q And you did not.

25 Is that correct?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A No polygraph was offered.

2 Q Lieutenant, during the course of your proffer interview
3 with Mr. Harrison, did you ask him about political campaigns
4 that he had worked on?

5 A We did.

6 Q Did he talk about the McCain campaign?

7 A He said that he worked on it.

8 Q Did he talk about the John Huntsman campaign?

9 A He said that he worked on it.

10 Q Did he talk about the Lindsey Graham campaign?

11 A I don't, I don't really recall him mentioning work on
12 Lindsey Graham.

13 Q Did he talk about the Henry McMaster, Lieutenant
14 Governor's campaign?

15 A He did.

16 Q Do you recall that he asked that, if you could show him
17 documents specifically related to certain years, that he
18 could explain to you more what he did in terms of
19 campaigning?

20 A I think we just asked him could he point to anything
21 specifically that he did, and, you know, it was very -- he
22 just -- he didn't have anything specific that he could point
23 us to other than talking to Richard Quinn, and going to some
24 campaign meetings or functions.

25 Q Okay. But he said, if you could show me some documents

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 and some specific years of campaigns, I could tell you more
2 about it?

3 A You mean Mr. Harrison saying to us?

4 Q Right, Mr. Harrison.

5 A I think he may have.

6 Q During the course of your interview with him, proffer
7 interview, did you show him documents related to campaigns
8 that were worked on by RQA?

9 A There were some documents shown to him, but not
10 campaign related. I don't recall ever seeing any documents
11 then.

12 Q During the course of your proffer interview with
13 Mr. Harrison, do you recall that he told you about a letter
14 he had written to House Ethics before he went to work at
15 RQA?

16 A Yeah, he did tell us about a -- he -- a letter that he
17 told us, to be specific, that he -- told us that he had
18 essentially been given permission that he could work at RQA.
19 Didn't tell us about the fact that Ethics had responded with
20 a formal opinion warning him about some of the things he
21 needed to do.

22 Q Lieutenant, he told you that he had written an
23 opinion -- he had written for an opinion to House Ethics
24 prior to going to work at RQA.

25 Is that right?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A He, he said he didn't initially report it. He, he said
2 he wrote a, a -- what he said was, years before, that he was
3 provided -- all he said was he was provided with a written
4 opinion that I can recall from House Ethics. And he simply
5 told us that he felt he was allowed to work at RQA without
6 any problems.

7 Q Okay. I'm not sure if we're agreeing on the same thing
8 or not.

9 During the course of the proffer interview,
10 Mr. Harrison told you that he wrote to House Ethics to get
11 an opinion about his employment at RQA.

12 Is that right?

13 A I think we are agreed.

14 Q And he indicated to you that House Ethics had sent him
15 back an opinion authorizing and saying that it was legal for
16 him to work at RQA even if they have lobbyist's principal
17 clients.

18 Is that correct?

19 A That was what he told us. Like I said, he didn't get
20 into the specifics of it. We, we found later was not
21 exactly like he told us.

22 Q Well, that's all he mentioned to you is that he had
23 written---

24 A That's all he mentioned to us.

25 Q ---for an opinion, and they sent him an opinion.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Isn't that right?

2 A That's right.

3 Q Okay. And he said I don't have a copy of it. It might
4 even -- there might be a copy still at RQA.

5 Is that right?

6 A Anything that he had related to his work he said would
7 be at RQA.

8 Q He told you that there may be a copy of that opinion
9 letter at RQA.

10 Is that right?

11 A That's right.

12 Q So, at that point in time in your investigation, it was
13 your understanding that there may be this opinion letter
14 somewhere out there?

15 A Somewhere out there. We couldn't find one.

16 Q Well, yesterday you made mention to this jury about
17 certain documents that weren't provided by Mr. Harrison to
18 you or that you didn't know about.

19 Is that right?

20 A Yes, sir.

21 Q Okay. This is one document he told you existed.
22 Isn't that correct?

23 A He said existed, but we didn't have any copies.

24 Q And he didn't have a copy of it, did he?

25 A Not that he gave us.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Okay. He told you where you might go to look for it.

2 Is that correct?

3 A He told us where it might possibly be. He didn't tell
4 us where to go look for it.

5 Q Did you go check the records you'd gotten from RQA to
6 see if it was in there?

7 A Again, as we mentioned yesterday getting back to
8 whether -- for the search warrant, to get into it, the
9 attorneys for RQ&A, for the search, had essentially claimed
10 there were attorney/client privilege information all
11 throughout the business. So, all of these documents, out of
12 an abundant -- abundance of caution were given to a, what we
13 call, a taint team. So, we didn't have a lot of this stuff
14 accessible to us until months later. So, to say that we
15 couldn't -- it wasn't just a question of getting and looking
16 at it.

17 Q Okay. Yesterday you were handed a document. I believe
18 it was State's Exhibit 2.

19 Do you recall that?

20 A This is it, yes, sir.

21 Q When you say this is it, what is that?

22 A This is what we're talking about. This is the
23 opinion -- excuse me. This is the letter that Mr. Harrison
24 sent to House Ethics saying that he is accepted a position
25 with partner and chief operating officer with Richard Quinn

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 & Associates.

2 Q And that's the letter he referred to in his Proffer
3 Agreement, correct?

4 A In his proffer interview, from what I can -- what I'm
5 looking at, he said that he had written to them and gotten
6 an -- and gotten an opinion. So, I guess, yeah, this is
7 what he wrote to them, and then the opinion would be
8 something -- another document. Yeah, this is the one where
9 he says that he went to work for them as partner and chief
10 operating officer.

11 Q Okay. But yesterday you indicated that -- well, let
12 me, let me -- before we get there.

13 When's the first time you saw that letter was marked as
14 State's Exhibit No. 2?

15 A The first time I saw this signed letter, I think we got
16 that letter from your motion if I recall. That was the one
17 that we publically -- that was publically filed by you. I
18 think that was the first time I saw that letter.

19 Q Okay. Well, do you remember what time period that was?

20 A I, I think around December. I can't recall. I think
21 it was December.

22 Q Of---

23 A It was some time --

24 Q ---2017?

25 A I get my years mixed up again. Yes.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 SOLICITOR PASCOE: What, what was the question and
2 answer?

3 MR. LLOYD: When was the first time he saw it.

4 SOLICITOR PASCOE: And that's that -- okay. Thank you.

5 THE WITNESS: This came from the motion. I'm sorry.

6 SOLICITOR PASCOE: If Mr. Lloyd knows the, the date of
7 that motion, so maybe he could lead him on that date.

8 THE WITNESS: I'm getting my letters mixed up. I'm
9 sorry.

10 MR. LLOYD: Your Honor, I'll, I'll be honest with you.
11 We don't need to know the exact date.

12 THE WITNESS: Okay.

13 Q It was, it was after your proffer interview with
14 Mr. Harrison?

15 A Yes.

16 Q Okay.

17 A Yes.

18 Q After your proffer interview with Mr. Harrison, you
19 said that you didn't really have a -- much access to the
20 documents from RQA because they were part of a taint review.

21 Is that right?

22 A Yes, sir.

23 Q Did you go to House Ethics and say hey, was there ever
24 an opinion issued to Jim Harrison about RQA?

25 A We tried to get a lot of documents through them,

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 anything that they may of had. They just didn't -- they
2 didn't have it.

3 Q They didn't have what?

4 A Say they didn't have it. They didn't have it available
5 at the time cause they couldn't find it. But they found it
6 later.

7 Q How soon after the proffer interview did you go to
8 House Ethics and ask about that opinion?

9 A I didn't, I didn't go to House -- excuse me. I did not
10 go to House Ethics. I believe that Major Gregory spoke with
11 Jane Shuler.

12 Q Okay. How soon after the proffer interview that Major
13 Gregory talked to House Ethics about that opinion?

14 A I'm not sure of the exact date that he, that he -- he
15 dealt with her on that. So, I can't give you the exact
16 date.

17 Q Was it a fairly short time after his interview?

18 A It was all right in there together.

19 MR. LLOYD: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 (Pause.)

22 THE COURT: Right now might be a good time for a break
23 possibly?

24 SOLICITOR PASCOE: Great.

25 MR. LLOYD: Whatever Your Honor desires.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 THE COURT: Ladies and gentlemen, we've been going for
2 about an hour and a half or so. Do you want to go and take
3 a jury break for the morning if we could?

4 (WHEREUPON, the jurors nod affirmatively.)

5 THE COURT: Ladies and gentlemen, I do need to talk to
6 you about note taking very briefly. To begin with, you have
7 been provided with looks like notepads from here. I need
8 you to write your juror number on those notepads. You are
9 gonna leave them in your seats when you come and go from the
10 courtroom.

11 At the very end of the case, during your deliberations,
12 you will have those notepads for you, but I need to caution
13 you. Number one, no one's required to take notes. If you
14 are a person who doesn't wish to take notes, don't. Also, I
15 am gonna tell you, at the end of this case, that your notes
16 are for your own review, and memory, ladies and gentlemen.
17 At the end of this case, I don't want you relying on someone
18 just because they took notes as far as testimony that's been
19 given. You're suppose to rely on your own recollection.

20 So, to that end, as you come and go from the courtroom,
21 you are always going to leave your notes turned over in your
22 seat.

23 All right. So, with that said, ladies and gentlemen,
24 again, do not discuss this case. It wouldn't be appropriate
25 to do so. You haven't heard all the evidence. We're gonna

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 take just a quick, a quick break.

2 Mr. Foreperson, thank you for your willingness to serve
3 as our foreperson.

4 will you please let the bailiffs know when you-all have
5 refreshed yourselves and are ready to come back into the
6 courtroom?

7 THE FOREMAN: Yes, ma'am.

8 THE COURT: Thank you. You-all are excused back to
9 your jury room.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. Lieutenant Smith, you are
13 certainly welcome to step down. Don't discuss your
14 testimony with anyone.

15 Anything else we need to put on the record before we go
16 ahead and take about a ten minute break?

17 MR. LLOYD: Nothing, Your Honor.

18 SOLICITOR PASCOE: No, ma'am.

19 THE COURT: Anything, Mr. Pascoe?

20 No?

21 SOLICITOR PASCOE: No, ma'am.

22 THE COURT: All right. Thank you. Let's take a ten
23 minute break.

24 MR. LLOYD: Thank you, Your Honor.

25 THE COURT: Ten minutes. It could be a little longer

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 than that. However long it takes the jury.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: Yes, sir, you ready?

4 MR. LLOYD: Yes, ma'am.

5 THE COURT: Mr. Pascoe, ready?

6 SOLICITOR PASCOE: Ready.

7 THE COURT: I guess, most importantly, Lieutenant, are
8 you ready?

9 THE WITNESS: I'm ready too, ma'am.

10 THE COURT: All right, sir. Let's bring them in.

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: Thank you.

15 Mr. Lloyd, you may continue, sir.

16 MR. LLOYD: Thank you, Your Honor.

17 CONTINUED CROSS-EXAMINATION

18 BY MR. LLOYD:

19 Q Lieutenant Smith, we'll go back to talking about the
20 letter that you received or eventually received from House
21 Ethics.

22 A Right. I think I understand what you're talking about
23 now.

24 Q Okay. Thank you. And that's been marked as State's
25 Exhibit 2.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Is that right?

2 A We're talking about the 1999 letter where, where he, he
3 asked for a formal opinion from House Ethics regarding him
4 accepting a position of partner, chief operating officer
5 with Richard Quinn & Associates.

6 Q Right.

7 Oh, State's Exhibit 2 is actually the reply -- I'm
8 sorry.

9 A That---

10 Q It's actually his letter.

11 Is that right?

12 A Okay. This is the -- this is the 19 -- this is his
13 letter to House Ethics, yes, sir---

14 Q Yes, sir.

15 A ---where we asked about accepting that position of
16 partner and chief operating officer.

17 Q And is there -- eventually you did see a reply that
18 came from House Ethics to Mr. Harrison.

19 Is that right?

20 A Yes, sir, we, we did eventually find the formal
21 opinion.

22 Q And that letter from House Ethics to Mr. Harrison, at
23 least at the initial part of the letter, just parrots back
24 his description of the role he would play at RQA.

25 Is that correct?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A Yeah, I have it in front of me, and it says this letter
2 is in response to your request for a formal opinion
3 regarding your ethical responsibilities as a member of the
4 General Assembly in your position as partner and chief
5 operating officer for Richard Quinn & Associates.

6 Q And that information is in response to Mr. Harrison
7 because that's the information he gave to House Ethics.

8 Is that correct?

9 A That's what he put down in writing is what his position
10 would be.

11 Q Now, earlier you testified you were -- you had to
12 familiarize yourself with the State Ethics Act in order to
13 understand where your investigation should go and what was
14 important.

15 Is that right?

16 A The best I could, yes, sir.

17 Q And yesterday there was a lot of testimony and
18 discussion about whether Mr. Harrison was a partner or a
19 chief operating officer at RQA.

20 Is that right?

21 A I would say that's fair, yes, sir.

22 Q And, during the course of your investigation, did you
23 find any documents that ever indicated that Mr. Harrison
24 took on a partnership at RQA?

25 A Yes, sir.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Okay. Can you tell the jury what documents indicated
2 that he was a -- took on a partnership?

3 A Well, he's listed in his Statement of Economic Interest
4 that he, he put himself as an officer.

5 Q Okay. An officer in a company or a corporation is not
6 the same as a partner, is it?

7 A Well, he said in the letter that you showed me just
8 before it says I have recently accepted a position of
9 partner and chief operating officer.

10 Q I understand. That was not my question what's in the
11 letter. My question is you-all have access to RQA's
12 financial documents.

13 Isn't that correct?

14 A Yes, sir.

15 Q Okay. You also had access to other information such as
16 from the Secretary of State's Office.

17 Is that correct?

18 A That -- we, we had access to that.

19 Q And business filings are generally filed at the
20 Secretary of State's Office.

21 Isn't that correct?

22 A Yes, sir.

23 Q And you could conceivably have access to tax
24 information for both RQA and Mr. Harrison with the
25 Department of Revenue.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Isn't that correct?

2 A Conceivably.

3 Q Is there any document that you're aware of, in the
4 course of your investigation, that indicates that
5 Mr. Harrison had a partnership at RQA other than those two
6 letters you just told the jury about?

7 A Off the top of my head, I cannot -- hang on one second.
8 (Pause.)

9 A I mean I've seen documents where he says he's the
10 partner of record.

11 Q Okay. Do you recall what those documents were?

12 A Just one of the documents that you put in yesterday. A
13 memo, internal memo --

14 Q You put a memo in---

15 A -- to Jim Harrison from Richard Quinn.

16 Q Okay. You put a memo into evidence yesterday?

17 A It was the memo that was discussed. The 1999 -- April,
18 1999 memo. Says he's a partner of record.

19 SOLICITOR PASCOE: It was objected to, Your Honor, and
20 it's not in evidence cause it's---

21 THE WITNESS: I'm sorry.

22 SOLICITOR PASCOE: The defense objected to it. So,
23 it's not in evidence at this time.

24 THE COURT: Thank you.

25 Q Okay. Since Mr. Pascoe reminded us it's not in

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 evidence, and it's the 19 -- 1999 memorandum.

2 Is that right?

3 A Yes, sir.

4 Q Is that what you recall?

5 A Yes, sir.

6 Q That wasn't signed, was it?

7 A No, sir.

8 Q Okay. And, again, those are the other exhibits that
9 were admitted yesterday.

10 Is there anything in the exhibits that have been
11 admitted into evidence in this Court that indicate that
12 Mr. Harrison actually ever effectively or actually operated
13 as a partner at RQA?

14 A From what you handed me, he listed himself as an
15 officer in this.

16 Q Things like partner and officer, those are important
17 differentiations within a corporate entity.

18 Is that correct?

19 A I think so.

20 Q And the only thing you can tell this jury that exists
21 to indicate that he was ever a partner at RQA is a letter to
22 the House Ethics Committee and an unsigned memo?

23 A A letter that he wrote to the House Ethics Committee.

24 Q Nothing to follow-up on that?

25 A An opinion back.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Okay. No, I mean within RQA, nothing to follow-up on
2 that?

3 No corporate documents that indicate he was ever a
4 partner?

5 A No, sir.

6 Q No tax records to indicate he was a partner?

7 A No, sir.

8 Q That letter also indicated that he was going to be
9 chief operating officer.

10 Is that right?

11 A Yes. Yes, sir.

12 Q One was -- what was your understanding, during that
13 point in the investigation, of what a chief operating
14 officer does?

15 A Handles the day-to-day business.

16 Q You seized or were provided, during the course of your
17 investigation, almost a million pages of documents.

18 Is that right?

19 A Yes, sir.

20 Q Hard disks, more records from RQA.

21 Is that right?

22 A I'm sorry. Could you---

23 Q Hard, hard disks or computer disks of more records?

24 A Yes, sir.

25 Q You had, again, access to Secretary of State's Office

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 documents.

2 Is that right?

3 A Yes, sir.

4 Q Potentially Department of Revenue documents.

5 Is that right?

6 A Yes, sir.

7 Q You or your team went through a million pages of
8 documents from RQA.

9 Isn't that right?

10 A Approximately.

11 Q In any of those documents, did you ever find any
12 evidence that Mr. Harrison handled hiring decisions at RQA?

13 A I don't recall ever seeing anything where he hired
14 anyone.

15 Q And during the course of your proffer interview with
16 Mr. Harrison, you and Agent Garrett had the opportunity to
17 ask him about who the employees were at RQA, didn't you?

18 A We did ask him about who the employees were at RQ&A.

19 Q And he didn't know who all the employees were at RQA,
20 did he?

21 A He claimed that he, and, again, somewhere he worked for
22 13 years, he claimed he only could really say that Rebecca
23 Mustian was an employee there. He mentioned another name.
24 I think it was one other person. He also mentioned Trey
25 Walker working there too.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And he mentioned---

2 A And seeing a couple other people around, but couldn't
3 tell us what they did either.

4 Q I'm sorry.

5 And that's what I was asking you about -- asking you.
6 He mentioned that there were always other people in and out.
7 Isn't that correct?

8 A I think that's fair to say.

9 Q And he wasn't sure whether those individuals were
10 employees of RQA or not.

11 Isn't that correct?

12 A That's what he said.

13 Q Now, during the course of your investigation, million
14 pages of documents, maybe 50 witnesses, did you ever find
15 any information that contradicted whether or not
16 Mr. Harrison knew who the employees were at RQA?

17 A I mean I certainly said he saw certain people around,
18 you know, and he was there. He was asking about having a
19 key. He wasn't sure whether he had a key one time or not.
20 So, you know, but he said he would go to the building where
21 people worked, and he mentioned those people. Mentioned
22 seeing Merrill. Mentioned seeing Trey Walker, Skelton.

23 Q My question to you is, during the course of your
24 investigation, did you develop any evidence at all that
25 would indicate that Mr. Harrison would know -- know or

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 should of known who the employees were at RQ&A?

2 A So, if I understand the question, you're asking me
3 whether or not he knew a place where he was at for 13 years
4 whether other people worked there?

5 Q No, sir.

6 A I'm sorry. I'm just---

7 Q I'm asking you---

8 A Yes, sir.

9 Q ---were there any documents or other evidence developed
10 during the course of your investigation that indicated
11 Mr. Harrison either hired employees?

12 Any?

13 A No, sir.

14 Q Fired employees?

15 A No, sir.

16 Q Did employee evaluations?

17 A No, sir.

18 Q Sent an email to an employee?

19 A He was certainly emailed. I can tell you that. So, I
20 don't know if I've seen any where he emailed anybody other
21 than Mr. Quinn.

22 Q That's my question.

23 Did he email any employees?

24 A I don't recall that he emailed anyone.

25 Q Did you find any documents indicating that he

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 supervised Ms. Mustian?

2 A No.

3 Q That he supervised anybody?

4 A No, sir.

5 Q Yesterday you talked to this jury about your concern
6 about whether he was partner or COO versus just a campaign
7 consultant.

8 Isn't that right?

9 A That's -- yes, sir.

10 Q The letter that Mr. Harrison wrote to House Ethics,
11 there's a pretty broad description of possible
12 responsibilities he could of had at RQA.

13 Isn't that true?

14 A No, it says, as chief operating officer, a salary
15 position, my responsibilities would include.

16 Q It's pretty broad --

17 A That's what it says.

18 Q -- area of responsibility, right?

19 A I mean he says what his responsibilities are.

20 Q You couldn't get much higher in a, in a business than
21 partner and chief operating officer, could you?

22 A I don't think so.

23 Q And if he were just doing campaign consulting work at
24 RQA, that would be fair to say less responsibility than
25 being COO and partner.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Isn't that correct?

2 A I would think so.

3 Q Yesterday you told this jury that you -- it was very
4 critical to your investigation to know whether he was COO
5 and partner or just a campaign consultant at RQA.

6 Do you recall that testimony?

7 A I don't think I said that exactly.

8 Q Was it important at all?

9 A It was definitely we'd like to know the distinction.

10 Q It was material to your investigation?

11 A Yes, sir.

12 Q Okay. Tell the jury why it was material to your
13 investigation.

14 A Well, I mean it's important because he told us that he
15 was -- essentially, he told us he worked on campaigns.
16 That's what he said. He's always said and we have in his
17 own words where he did something else.

18 Q Okay. Let's, let's take it this way. Earlier you told
19 me that, as part of getting ready for your investigation and
20 conducting your investigation, you had to familiarize
21 yourself with the State Ethics Act.

22 Do you recall that?

23 A I think I understand, yes, sir. I think I understand
24 what you're asking me.

25 Q And based on your familiarity or knowledge of the State

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Ethics Act, would it have mattered whether he was COO, and
2 partner or campaign consultant or whether he was the night
3 watchman at RQA in terms of whether or not it was legal for
4 him to work there?

5 A He still, he still -- it was a business in which he was
6 associated.

7 Q Answer my question.

8 A I guess---

9 Q Did it matter---

10 A Sir, the answer---

11 Q ---whether or not---

12 A ---is no. It was still a business in which he was
13 associated.

14 Q Did it matter, under the Ethics Act, as far as you
15 knew, and in the -- as enabling you to conduct your
16 investigation, whether he was COO, or partner, or campaign
17 consultant, or whether he just showed up at night to check
18 the doors?

19 Did it matter as to whether or not it was legal for him
20 to work at RQA?

21 A I think I, I -- I'm answering your question when I say
22 that it, again, you asked me to reference to the ethics law.
23 And, as I understand it, RQ&A was a business in which he was
24 associated, and RQA did business with lobbyist's principals.

25 Q Is that---

Jeremy Smith - Cross-examination
By Mr. Lloyd

- 1 A So, that's, that's the answer to the question.
- 2 Q His association with RQA didn't change, in terms of
- 3 your investigation or your analysis under the Ethics Act,
- 4 whether he was COO or the night watchman, did it?
- 5 A Could you ask that one more time?
- 6 Q Okay.
- 7 A I'm sorry.
- 8 Q If he's COO of RQA --
- 9 A Right.
- 10 Q -- or he's the night watchman at RQA, he's still
- 11 associated with RQA, right?
- 12 A He is.
- 13 Q Okay. If he is a part-time employee at RQA who's just
- 14 responsible for bringing the lunch, it doesn't change his
- 15 association with RQA under the Ethics Act, does it?
- 16 A It's his association, right.
- 17 Q So, the association that you did know about earlier in
- 18 your investigation was that Mr. Harrison had said, at least
- 19 at some point, that he had the most -- almost the most broad
- 20 area of responsibility at RQA that you could have.
- 21 Isn't that correct?
- 22 A Right. When you see -- oversee everything, that's what
- 23 you mean by broad.
- 24 Q Right.
- 25 A Okay.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And what you came to learn or at least what
2 Mr. Harrison told you was his responsibilities were actually
3 less than that.

4 Isn't that correct?

5 A I know what he said versus what he put in writing.
6 That's all I know.

7 Q And we're not just -- we're not, we're not gonna argue
8 about what he said or whether you believe it or not.

9 A Okay.

10 Q Okay. What he told you is his responsibilities were
11 actually less than what he told House Ethics.

12 Is that correct?

13 A That's what he told me, yes, sir.

14 Q Based on statutes under the Ethics Act, and based on
15 your investigation, all the witnesses, all the documents,
16 everything that you could of brought together in this
17 investigation, did it matter in terms of whether or not it
18 was legal for Mr. Harrison to work at RQA, whether he was
19 COO, campaign consultant, or just the night watchman?

20 A I mean my---

21 Q You can look at Mr. Pascoe.

22 A My answer's still the same.

23 SOLICITOR PASCOE: He's not looking at me.

24 A I mean no, my, my answer's still the same as it was
25 before when I answered it the first time.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Okay. What was your answer?

2 A I mean my answer was it's a business in which he's
3 associated. I think I'm answering it correctly.

4 Q Does the degree of association change depending on the
5 status that he had at RQA?

6 A Does the degree of association -- in, in what way?
7 Of course, it does, but then again he's a, he's a
8 legislator---

9 Q Under it.

10 A ---and he, he is a -- it's a business in which he's
11 associated with.

12 Q Okay.

13 A I mean I'm---

14 Q Under the statutes of the Ethics Act---

15 THE COURT: Do you need to explain your -- do you need
16 to explain---

17 THE WITNESS: Yeah, could I---

18 THE COURT: ---your answer, sir?

19 THE WITNESS: I guess I'm not understanding---

20 MR. LLOYD: I'm sorry. Go ahead.

21 THE WITNESS: ---exactly what you're asking.

22 THE COURT: Okay. You certainly are entitled to
23 explain your answer, sir.

24 THE WITNESS: Yeah.

25 I just, like I said, I -- the way you're asking me,

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 like I said, you know, you asked me a reference to the
2 ethics law, and I'm not an expert in the ethics law.

3 Q okay.

4 A But as I read, and we're talking about just him being a
5 legislator, and his association with this business, and as a
6 person who, who reads it and tries to understand it as a,
7 you know, not an expert, it just says, as a legislator in a
8 business that he is associated with, whether he's COO or
9 not, he's associated with this business, and, you know, as a
10 lay person, of course, he has -- he got paid more money at
11 one point, you know, from, from when he first started to
12 later on in his time there.

13 So, something changed, but at -- throughout all that,
14 it is a business in which he is associated as far as the
15 ethics laws go, my understanding of it. Whether he is COO
16 or whether he is working on campaigns, this is a business in
17 which he's associated. I think, cause you asked me in
18 reference to the ethics law, that's why I'm, I'm, I'm
19 answering the way I, I think---

20 Q we're here to determine---

21 A Maybe I---

22 Q I'm sorry.

23 A I'm trying to answer a question.

24 Q we're here to determine---

25 A I really am.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q ---whether or not he violated the Ethics Act, right?

2 A Say that one more time, sir.

3 Q We're here to determine whether he violated the Ethics
4 Act.

5 Isn't that correct?

6 A That's true.

7 Q How he's associated with the business isn't impacted
8 whether he's COO or campaign consultant.

9 Isn't that correct?

10 A He's -- right. He's associated with the business.

11 Q The Ethics Act doesn't make that distinction, does it?

12 A I don't believe so.

13 Q Okay. And the opinion from House Ethics said that it
14 was legal for him to have a much broader role at RQA than
15 just campaign consultant.

16 We would agree on that, right?

17 A Could you say that one more time, sir?

18 I'm sorry.

19 Q The Ethics Committee response to Mr. Harrison's lawyer
20 --

21 A Uh-huh. (Affirmative).

22 Q -- said that it was legal for him to work at RQA even
23 if he had a much broader role at RQA than just campaign
24 consultant?

25 A They did with limits, with certain things he needed to

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 do.

2 Q Would those things he needed to do change whether he
3 was COO or campaign consultant?

4 A You'd have to ask the House Ethics.

5 Q Did your investigation ever delve into whether those
6 requirements would change?

7 A I mean we -- it's the same thing we've looked at.

8 Q Okay. That's not my question.

9 A That's---

10 Q Did you, as part of your investigation, did you ever
11 try to ascertain whether Mr. Harrison's requirements under
12 the Ethics Act changed depending on whether he was COO or
13 campaign consultant?

14 A We certainly interviewed a number of people throughout
15 the course of the investigation, and it's the same thing.
16 You still had to report certain things. Had to report the
17 name, had to report the, the -- had to report these things
18 on the Statement of Economic Interest.

19 Q Lieutenant, I'm not trying to be difficult, but you
20 were---

21 A I'm not either. I'm sorry.

22 Q I know.

23 But you referenced a moment ago---

24 A Right.

25 Q ---that the letter from House Ethics was contingent on

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 him doing certain things because he was COO.

2 Is that right?

3 A Right.

4 Q Okay. My question to you is, is there anything that
5 you uncovered during the course of your investigation or
6 that guided you under the Ethics Act that tells this jury
7 that his requirements under the Ethics Act or those
8 requirements stated in that opinion would have changed
9 depending on whether he was COO or campaign consultant?

10 A I don't have any, any documents that I've seen that
11 would tell me that. The requirements were the requirements.

12 Q So, at what point did you having a disagreement with
13 Mr. Harrison about whether he was a campaign consultant or
14 COO drive your investigation off the rails?

15 A I don't think the investigation has been driven off the
16 rails. I'm not sure.

17 Q When did it negatively impact your investigation?

18 A That he didn't tell us the truth---

19 Q That he said---

20 A ---about what he did?

21 Q Well, that's your opinion.

22 A So, I mean that's -- that would be what we're talking
23 about right now.

24 Q Your opinion is he never told the truth.

25 My question to you is, regardless of whether it's true

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 or not, regardless of whether you believe it or not, what
2 point did his telling you that he was a campaign consultant
3 change the course of your investigation?

4 A If we could have got a -- of course, changing the
5 course of the investigation, as I said before, that was a
6 very big investigation encompassing many things. It would
7 of been very helpful for us, as I think I said yesterday,
8 had we been able to answer the simple question what he did,
9 why he got paid. But we -- and from what you've seen and
10 heard, we have him saying he was COO. All he told us was he
11 worked on campaigns. I mean I didn't put those things in
12 writing. He did.

13 Q We're not here to determine whether you like Mr.
14 Harrison exactly.

15 A Don't know him.

16 Q We're not here to determine whether you even believe
17 Mr. Harrison.

18 Is that right?

19 A That's correct.

20 Q And we're here to determine whether he violated any
21 statutes under the Ethics Act.

22 Is that correct?

23 A We're here to determine whether he violated the law,
24 yes, sir.

25 Q Does his being COO or campaign consultant, or as we

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 said before night watchman, change his obligations under the
2 law?

3 SOLICITOR PASCOE: Objection. Asked and answered five,
4 six, seven times, Your Honor.

5 THE COURT: Agreed. I think we can go ahead. I think
6 he's answered this.

7 MR. LLOYD: We'll move on.

8 Yesterday you testified to this jury that you looked to
9 see, in Mr. Harrison's Statements of Economic Interest,
10 whether he reported his salary from RQA.

11 Do you recall that?

12 A I do, yes, sir.

13 SOLICITOR PASCOE: The only objection I would have,
14 Your Honor, is I didn't say salary. It was money from
15 lobbyist's principals. It's not the salary.

16 Q Well, since Mr. Pascoe interjected it, during the
17 course of your investigation, can you tell me what statute
18 required Mr. Harrison to determine -- to disclose on those
19 forms income he received from RQA?

20 A RQA specifically there---

21 Q Yes, sir.

22 A ---wouldn't, wouldn't be one.

23 Q Okay. Is there anywhere on there -- and, and you said,
24 just so I understand, he's not required to disclose income
25 from RQA.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Is that right?

2 A He's required to disclose income from -- because RQA
3 does business with lobbyist's principals, and RQA is a
4 business in which he is associated, he's required to report.

5 Q Okay. My question to you is what statute requires
6 that?

7 A So, all of this comes off of 11 -- 1130, which is the
8 ethics law.

9 Q And just so we -- we're on the same page with the jury,
10 you're talking about eight -- section 8-13-1130?

11 A Correct.

12 Q Okay. You may continue. I'm sorry.

13 A Okay.

14 Q And I should of asked, you have a copy I assume---

15 A Of---

16 Q Of 1130?

17 A I don't have it sitting right here in front of me, no.

18 Q Oh.

19 A I'm sorry.

20 Q I thought you were looking at it.

21 A I mean I -- you know, I have some stuff, but I don't
22 have that.

23 Q Would it refresh your memory of what 1130 says if I
24 showed you the statute?

25 A It would help greatly.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 MR. LLOYD: May I approach, Your Honor?

2 THE COURT: You may.

3 A So, again, specific numbers, I think what you're asking
4 me is 8-13-710(a) that requires a legislator who accepts
5 anything of value from lobbyist's principal to report the
6 value of anything received on a Statement of Economic,
7 Statement of Economic Interest.

8 Q Okay. You're reading what section?

9 A 8-13-710(a).

10 Q Okay. And would you read that whole section for the
11 jury?

12 And, again, I just want to be sure, we're not talking
13 about your interpretation of the statutes. We're talking
14 about how it affected your investigation.

15 Am I correct?

16 A Okay. You want me to read it?

17 Q Yes, sir.

18 A Unless provided by Subsection B, in addition to the
19 requirements of Chapter 17 Title 2, public official or
20 public employee required to file a Statement of Economic
21 Interest under Section 18-13-1110, which is -- probably go
22 back specifically to what you wanted me to read, accepts
23 anything of value from lobbyist's principals must report the
24 value of anything received on Statement of Economic Interest
25 pursuant to Section 8-13-1120(A).

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 All right. If we go to 1110 --.

2 Q And just not to interrupt you, I'll let you---

3 A Uh-huh. (Affirmative).

4 Q ---continue in a moment, but 1110 outlines what's
5 suppose to be in the Statement of Economic Interest.

6 Is that correct?

7 A It's person required to file Statement of Economic
8 Interest. I think that's where -- what you wanted me to go
9 to initially.

10 Q Well, I'm, I'm asking you to point us to the statute
11 that requires him to disclose income from RQA.

12 A So, again, that one I just read, report the value, and
13 what we're going into with this---

14 Q And---

15 A ---is the name, right?

16 Q ---let's stop at---

17 A Is that what you wanted me to do?

18 Q ---710 first.

19 Did you find any documents, either bank records,
20 financial records, anything from RQA, lobbyist's principals,
21 Jim Harrison, that indicated he received payments from
22 lobbyist's principals?

23 A But it goes back to, if you read back further, it's a
24 business which he is associated. So, he has to report. It
25 has to do with SEI. He has to put it on his statement.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 He's---

2 Q Okay.

3 A ---required to, to fill out the Statement of Economic
4 Interest, and, because the business in which he is
5 associated does business with lobbyist's principals, he's
6 required to report that -- report to, excuse me, to report
7 the name, the purpose, and the amount.

8 Q Okay. Lieutenant, the jury's not familiar with these
9 sections. Only because I'm familiar these sections do I
10 know that you're all over the place in terms of the statute.

11 A Because I'm not an expert on---

12 Q I understand.

13 A ---ethics law. So, I'll give it to you best I can.

14 Q What I'm asking you though is cite me the specific
15 statutes that you used in the course of your investigation
16 that led you to believe that Mr. Harrison was suppose to
17 report income from Richard Quinn & Associates?

18 A So, 8-3 -- 8-13-1130, 8-13-1110, 8-13-700.

19 Q Okay. Let's start with 700.

20 A Uh-huh. (Affirmative).

21 Q Would you read that section to the ladies -- to the
22 jury?

23 A What part do you want me to read?

24 Q The part that you say requires him to disclose income
25 from RQA.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A No public official, public member, or public employee
2 may knowingly use his official office, membership, or
3 employment to obtain economic interest for himself.

4 THE COURT: Sir?

5 Q I'll ask you to slow down.

6 THE COURT: Yeah, the court reporter is gonna start
7 jumping---

8 MR. LLOYD: Sorry.

9 THE COURT: ---up and down at me. So, you need to slow
10 down as you're reading.

11 Okay. I appreciate it.

12 A Start with family member where I left off reading.

13 Q Yeah, why don't you just start over again?

14 I'm sorry, Your Honor.

15 A No public official, public member, or public employee
16 may knowingly use his official office, membership, or
17 employment to obtain an economic interest for himself,
18 family member, an individual with whom he is associated, or
19 a business with which he is associated.

20 Q Okay. Let's -- is that all you wanted to read?

21 A I mean certainly for that part.

22 Q For 700.

23 Okay. Let's just stop right there at 700 for a moment.

24 A Uh-huh. (Affirmative).

25 Q There's no disclosure requirement in there, is it?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A It defines the business in which he's associated.

2 Q Okay.

3 A That's the part that comes out.

4 Q Okay. The definition of business with which you're
5 associated is actually in 8-13-100.

6 Am I correct?

7 A Yes.

8 Q And there's no disclosure requirement discussed in
9 8-13-700.

10 Am I correct?

11 A I don't think so in 700.

12 Q Okay. Now, let's go to 8-13-1110.

13 would you read that section to the jury?

14 A Do you want me---

15 Q Again, I'm assuming---

16 A ---to keep that?

17 Q That this---

18 SOLICITOR PASCOE: Objection, Your Honor. You're gonna
19 read to the jury. I let him go with this for a long time.
20 You're gonna charge the jury on the law at the end of this
21 case. So, this is inappropriate, him reading statutes.

22 MR. LLOYD: Your Honor, I'm not getting into his
23 opinion about the law.

24 THE COURT: I understand. You couched it as in how it
25 affected your investigation --

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 MR. LLOYD: Right.

2 THE COURT: -- in looking at it. So, I'm gonna give
3 you some leeway.

4 MR. LLOYD: Okay.

5 THE COURT: But, again, realizing we're kind of getting
6 in the weeds for the jury.
7 okay?

8 A So, what do you want me to read?

9 Q would you read 1110?

10 You said 1110 had a disclosure requirement, and would
11 of required Mr. Harrison to disclose income from RQA?

12 SOLICITOR PASCOE: He has -- objection. He has never
13 said that you have to disclose income from RQA. That is not
14 the law. So, he's never said it.

15 MR. LLOYD: Your Honor, that was my---

16 SOLICITOR PASCOE: It's the third time I've had to
17 object to that.

18 MR. LLOYD: That was my question to him, and that's
19 what he was answering.

20 THE COURT: Okay. Let him answer. This is his
21 cross-examination.

22 SOLICITOR PASCOE: Okay.

23 THE COURT: You can clean it up or do whatever you need
24 to do on direct.

25 SOLICITOR PASCOE: Okay.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q And just so we're clear, I'm asking you specifically
2 about what required Mr. Harrison to disclose income from
3 RQA?

4 A So, I -- again, as a person who reviewed the -- it
5 requires -- you have to make certain disclosures if you're
6 gonna do business with lobbyist's principals, a business in
7 which he is associated. And that also goes to just his
8 position as a member of the General Assembly.

9 Q Part of your investigation was to discern whether or
10 not Mr. Harrison should of disclosed income from RQA.

11 Is that correct?

12 A Yes, sir.

13 Q Okay. It's not in 700.

14 Is that correct?

15 A It's been a long time since I've looked at it. So, in
16 8-13-700(B) -- let me find it. I apologize. So, it says --
17 so, it says under 700, 700(B) -- excuse me.

18 Q That's a recusal. It says that---

19 A No public official, public member, or public employee
20 may make, participate in making, or any way attempt to use
21 his office, membership, and then it goes down, and then it
22 says, Number 1, prepare a written statement describing a
23 matter requiring action or decisions in the nature of this
24 potential conflict of interest with respect to action or --
25 see, if he's a member of the General Assembly.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Number 3, it says entities of the public employee shall
2 furnish a copy of the statement to his supervisor, and then
3 it goes on to State Ethics Commission.

4 Q You would agree with me that that's the recusal
5 statute.

6 Is that correct?

7 In other words, an elected official who has some type
8 of interest that creates a conflict of interest has to go
9 through certain things to recuse themselves. It applies to
10 mayors or city council members or legislators.

11 Is that right?

12 A Correct.

13 Q So, there's not a disclosure requirement of RQA income
14 in 1110, is there, or, I'm sorry, 700(B) that you were just
15 reading?

16 A That's correct.

17 Q And the last one you mentioned was 1130.

18 What is the, if you would like to review that, what is
19 the, the requirement contained in 8-13-1130 that would of
20 required Mr. Harrison to disclose income received from RQA?

21 A It says in addition to the Statements of Economic
22 Interest required pursuant to Section 8-13-1110, person
23 required to file the statement shall further report to the
24 appropriate supervisor and office the name of any person he
25 knows to be a lobbyist as defined in Section 2-17-1013 or a

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 lobbyist's principal as defined in section 2-17-1014, and
2 knows that the lobbyist or lobbyist's principal has, in the
3 previous calendar year, purchased from the filer, a member
4 of the filer's immediate family, an individual with whom the
5 filer is associated, or a business with which the filer is
6 associated, goods or services in the amount in excess of
7 \$200.

8 Q You would agree with me that there's no requirement
9 under 1130 for Mr. Harrison to disclose income from RQA?

10 A It says report to the appropriate supervising office
11 the names.

12 Q Okay. You never uncovered any evidence of payments
13 from any lobbyist's principals to Mr. Jim Harrison, did you?

14 A To the business of which he was associated.

15 Q No, sir.

16 My question is did you find any evidence of payments
17 from lobbyist's principals to Mr. Harrison?

18 A Not specifically to him. Just the business in which he
19 was associated.

20 Q And you would agree with me, based on your familiarity
21 with the Ethics Act as well as what you were looking at in
22 terms of possible charges, that, by itself, a violation of
23 8-13-1130 is not even subject to the criminal penalties of
24 the Ethics Act.

25 Is that correct?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 SOLICITOR PASCOE: Objection. It absolutely is, and
2 he's going---

3 THE COURT: Okay. But hold on a second. I don't need
4 you testifying.

5 SOLICITOR PASCOE: Okay, Judge.

6 THE COURT: If that is a misstatement, then your
7 objection is just that is a misstatement.

8 SOLICITOR PASCOE: It's a, it's a misstatement---

9 THE COURT: Misstatement of law.

10 SOLICITOR PASCOE: ---that Your Honor will charge
11 you -- the jury about that later.

12 THE COURT: That your objection will be a misstatement
13 of law then, but --.

14 Q And do you have an -- did you look at that issue,
15 during the course of your investigation, as to whether you
16 could charge Mr. Harrison with a criminal violation under
17 the Ethics Act for failing to file under 1130?

18 A I just went with the facts of what we had. That's what
19 we looked at.

20 Q I'm sorry?

21 A Just simply the facts. I didn't make the charging
22 decision.

23 Q Jeremy, I'm gonna hand you back what's marked
24 cumulatively as State's Exhibit 9. Those are Mr. Harrison's
25 Statements of Economic Interest.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A Okay.

2 Q Now, in any of the Statements of Economic Interest that
3 you reviewed from Mr. Harrison, do you see him listing his
4 income from his law practice, his salary?

5 A It says legal services.

6 Q And when it says legal services, what's attached there?

7 A Who he did the legal services for, and the amount that
8 he charged.

9 Q And can you tell the jury why that's attached there
10 under the Ethics Act?

11 Well, let me ask you this.

12 A It's listed as, as -- I'm sorry.

13 Q You would, you would agree with me that the Ethics Act
14 requires him to list any fees earned if he's practicing
15 before an Administrative Court---

16 A Right.

17 Q ---or regulatory bodies?

18 A Yeah, he did the work for the Department of Revenue---

19 Q Well, he represented---

20 A ---on this one that I see -- I'm looking at right here.
21 You asked me. That's what I'm looking at.

22 Q He represented clients before the Department of
23 Revenue?

24 A That's right.

25 Q And the statutes under the Ethics Act require him to

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 specifically disclose fees earned or income earned from
2 representation of clients before administrative bodies.

3 Isn't that correct?

4 A Yes, sir.

5 Q But there's no disclosure of any salary he earned from
6 his law practice.

7 Is that corrects?

8 A Well, it says legal services.

9 Q Okay. That doesn't necessarily mean---

10 A For any other client, no. So no.

11 Q There's no -- we've heard, at least during opening,
12 that Mr. Harrison was a member of the U.S. Army Reserve.

13 There's no listing of income earned as a member of the
14 Army Reserve on any of his SEIs, is there?

15 A I don't see it on the one I'm looking at here in
16 particular.

17 Q Now, Lieutenant, let me finally ask you this. Earlier
18 you testified that, during the course of your investigation,
19 you, you understood or learned that there were other
20 legislators who had employment with lobbyist's principals or
21 had contracts to provide goods or services, sometimes
22 consulting services, directly to lobbyist's principals.

23 Is that right?

24 A Yes, sir.

25 Q And some of those folks who worked directly for

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 lobbyist's principals or earned money from contracts with
2 lobbyist's principals sometimes earned hundreds of
3 thousands, if not thousands, tens of thousands rather, of
4 dollars from those relationships.

5 Is that right?

6 A I think it's all individual.

7 Q And you have testified earlier that those didn't
8 concern you because they were on the disclosure form or SEI.

9 Is that right?

10 A Right.

11 Q And you didn't know whether that was a requirement, or
12 let me ask you, did you know whether or not that was a
13 requirement at the time Mr. Harrison served in the
14 Legislature?

15 A Well, we were, we were looking at the SEIs, and it was
16 my understanding they needed to be reported.

17 Q Okay. Did you ever, during the course of your
18 investigation, look at whether the requirement to disclose
19 all sources of income, regardless of where they came from,
20 was that in effect at the time Mr. Harrison served in the
21 Legislature?

22 A I definitely think it's changed. I mean, I mean
23 sometimes it was, and sometimes it wasn't. I mean you
24 mentioned things changed after you've mentioned Lost Trust
25 earlier, and a lot of this stuff came about because of that.

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 Q Other than Mr. Harrison's association with RQA, what is
2 the difference, from your investigation standpoint, between
3 Mr. Harrison and other legislators that earned money
4 directly from lobbyist's principals?

5 A Mr. Harrison reported at one time, and then he stopped
6 reporting.

7 Q And sitting here today, you can't tell the jury whether
8 or not your investigation revealed a requirement of Mr.
9 Harrison to report that income?

10 A He was required to report the income.

11 Q Okay. We're not gonna revisit the exercise we just
12 engaged in. I asked you to point out the statutes that
13 required him to the -- disclose income earned from RQA. You
14 gave me three statutes.

15 Is that right?

16 A I think so.

17 Q 700.

18 Is that right?

19 A I think so.

20 Q 1110?

21 A 1300.

22 Q And 1130.

23 Is that right?

24 A Excuse me. Yes.

25 Q Those three?

Jeremy Smith - Cross-examination
By Mr. Lloyd

1 A Yes.

2 MR. LLOYD: Beg the Court's indulgence. I'm sorry,
3 Your Honor.

4 (Pause.)

5 THE COURT: Ladies and gentlemen of the jury, if anyone
6 wants to stand up and take a stretch, you are welcome to.

7 Y'all need to?

8 (Pause.)

9 Q Lieutenant Smith?

10 A Yes, sir.

11 Q I have no more questions for you. Thank you.

12 A Thank you.

13 THE COURT: Thank you.

14 Mr. Pascoe.

15 SOLICITOR PASCOE: Thank you, Your Honor.

16 REDIRECT EXAMINATION

17 BY SOLICITOR PASCOE:

18 Q Lieutenant Smith, Mr. Lloyd may of asked you some
19 questions about statutes as I recall?

20 A Yeah, he, he got in --.

21 Q All right. Let's talk about some of those statutes.

22 A Okay.

23 Q Were statutes -- were there also House Ethics opinions
24 that you relied on as to, to the reporting requirement of a
25 legislator?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Yes, sir, there was.

2 Q And you did point out, as I recall, 8-13-1130 requires
3 legislators to report lobbyist's principal money that their
4 employer gets, correct?

5 A I did.

6 Q Okay.

7 A May not of read it so well, but I did.

8 Q I'm gonna show you what's been marked as actually
9 State's Exhibits 11 and 12.

10 Do you recognize these from the course of your
11 investigation?

12 A Yes, sir.

13 Q And what are those?

14 A Those -- this is an advisory opinion from the House
15 Legislative Ethics Committee.

16 Q Okay. And it deals with legislators needing to report
17 the lobbyist's principals money their companies make?

18 A Right, and it, it cites 8-13-1130.

19 MR. LLOYD: Your Honor, I would just object to Mr.
20 Pascoe publishing anything out of the body of those
21 documents.

22 SOLICITOR PASCOE: I'd ask that State's Exhibits 11 and
23 12 be admitted into evidence, Your Honor, which they have.
24 We turned those over to you.

25 THE COURT: But they haven't been admitted into

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 evidence yet?

2 SOLICITOR PASCOE: They have not, no.

3 THE COURT: And correct me if I'm wrong, they're
4 Advisory Opinions that are public?

5 SOLICITOR PASCOE: These are the House Advisory
6 Opinions.

7 MR. LLOYD: Your Honor, we have---

8 SOLICITOR PASCOE: Public opinions.

9 MR. LLOYD: ---a matter to take up on that issue that I
10 don't, I don't know if you've seen these.

11 THE COURT: I haven't seen them.

12 So, do you need me to send the jury out?

13 Now will be a good time or not or can we take care of
14 it?

15 MR. LLOYD: Could we approach please?

16 THE COURT: Please come on up. Bring them with you.

17 (WHEREUPON, a bench conference was held out of the
18 hearing of the jury at this time.)

19 THE COURT: Ladies and gentlemen, this is going on a
20 good bit. I'm gonna send you back to the jury room. Do not
21 discuss this case. It wouldn't be appropriate to do so.
22 We'll be right back with you.

23 Okay.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 THE COURT: Okay. So, let's go back on the record.

2 The defense has made an objection to the admission of
3 the House Legislative Ethics Committee Advisory Opinion
4 dated April 21st, 1999. It's a 1998 opinion or is opinion
5 Number 98.1.

6 Let's first talk about this. Is a House Advisory
7 opinion binding on House members?

8 Answer that question yes or no, and to what extent.

9 MR. LLOYD: Yes, but --.

10 THE COURT: Okay.

11 MR. LLOYD: It is -- the, the statute specifically say
12 that a member who relies -- who discloses all the
13 information to the House or the Senate Ethics Committee
14 relies on that as being---

15 THE COURT: Cannot be punished.

16 Okay.

17 MR. LLOYD: Cannot be punished by the House or Senate
18 Ethics Committee. The same applies to the State Ethics
19 Committee.

20 THE COURT: Right.

21 MR. LLOYD: Beyond that though, Your Honor, no.

22 THE COURT: Okay. I guess the question is, is while
23 we, we can all say that this is a public document, and
24 that's, that's where I'm -- two concerns.

25 Number one, it's a, it's a public published document.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 However, it also gives a legal opinion, and that's where I
2 have concerns about interpreting a statute, and interpreting
3 how you fill out the economic interest form.

4 Mr. Pascoe, tell me, you are using this form to show
5 what?

6 SOLICITOR PASCOE: Everything.

7 THE COURT: Okay.

8 SOLICITOR PASCOE: It's, it's very probative to the
9 case. They repeatedly asked Mr. Smith what did you use in
10 the course of your investigation to establish there is a
11 reporting requirement. So, it goes to that.

12 THE COURT: Okay.

13 SOLICITOR PASCOE: It goes to willful and dishonesty.
14 The Defendant has been on notice, since 1992, that he is
15 suppose to report the lobbyist's principal money. It goes
16 to habitual negligence. You know, two defendants have
17 already---

18 THE COURT: I mean just so I understand, in 1992, back
19 to -- it's a '98 Advisory Opinion. You're talking about he
20 filled out his first or his -- what I'm seeing is a 2000
21 Advisory Opinion---

22 SOLICITOR PASCOE: Uh-huh. (Affirmative).

23 THE COURT: ---or economic interest form.

24 Is that correct?

25 SOLICITOR PASCOE: Which, by the way, he must have read

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 that opinion cause he filled it out exactly the way that
2 opinion says to fill it out. This goes to habitual
3 negligence at the very least. It doesn't go to habitual
4 negligence. It's not habitual negligence. It goes to
5 willfulness and dishonesty that he intentionally failed to
6 file the Statement of Economic Interest reports because, if
7 the public had seen the lobbyist's principals that worked at
8 Richard Quinn & Associates, he wouldn't have been able to
9 vote on their legislation. Richard Quinn & Associates
10 wouldn't have been able to put those companies on retainer
11 anymore. It's incredibly probative and important, and it
12 should come in.

13 He did it right the first year, and then stops. All
14 the other legislators that we will---

15 THE COURT: All right. Let me just tell you when you
16 look at that -- my concern -- the only concern I have with
17 this is not that it's not a public document. My concern is
18 this is an opinion of an interpretation of the statute. It
19 doesn't say in the statute what this opinion says where it
20 says the 8-13-1130 requires you to report on your Economic
21 Interest Statement anyone you know to be a lobbyist or
22 lobbyist's principal who you know has purchased services
23 from, in this case, it's your bank worth over \$200.

24 SOLICITOR PASCOE: And how do you know it's over \$200
25 unless you report it?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 But that goes to weight. Your---

2 THE COURT: It has nothing to do with the \$200. That's
3 not the point.

4 SOLICITOR PASCOE: I---

5 THE COURT: The, the point -- basically I, I agree that
6 what this Ethics Opinion says is that you need to report if
7 you work for a business that gets money from a -- lobbyist's
8 principals. You need to report that if it's over \$200. I
9 agree that that's what it says.

10 The problem I have, as we all know, a legal opinion is,
11 is as only as good as who wrote it. In this case, I don't
12 know who wrote it because you don't have the author on this.

13 SOLICITOR PASCOE: That's my---

14 THE COURT: I'm going to just go ahead and assume it's
15 legal counsel for the House Legislative Ethics Committee at
16 the time, but we don't know that. I mean it's not like an
17 Attorney General opinion where we know typically who wrote
18 it if it's someone specific.

19 And then the other concern I do have is how do you
20 cross-examine the writer of this I mean cause I don't -- it
21 can't be used for the truth of the matter asserted. It
22 would only go to that here someone was on notice that there
23 was an opinion, right or wrong.

24 SOLICITOR PASCOE: He's on notice of how you're suppose
25 to fill out the report, which he did exactly like the

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 Advisory Opinion says to do.

2 THE COURT: In 2000.

3 SOLICITOR PASCOE: Exactly. Right after that opinion,
4 and then he willfully and dishonestly fails to do it again.
5 That Advisory Opinion is how the other legislators who get
6 lobbyist's principal money have done it.

7 I don't---

8 MR. LIMBAUGH: Your Honor?

9 SOLICITOR PASCOE: It's incredibly probative.

10 THE COURT: This is, this is what my concern is though.
11 what, what I have a problem with is, is this witness using
12 it as the law, and what he relied on as the law, although
13 you did ask him that question Mr. Lloyd repeatedly. It
14 seems to me that this would appropriately come in under
15 Chairman Meacham that this comes from her committee, and
16 that this is an Ethics Opinion that is public and been
17 published. I'm just not sure if we're getting it in the
18 right way.

19 SOLICITOR PASCOE: And I objected about the law stuff,
20 and it was overruled, and I understand that. But that's why
21 it's important for me to get it out through Jeremy --
22 Lieutenant Smith that he relied on this as well, and the
23 statute.

24 THE COURT: Okay. I'm gonna allow him to testify that
25 the basis for his investigation, and how he continued, and

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 believed because that was the question you asked was what
2 are you using. Not rightly or wrongly. What did you use in
3 your investigation. And I think that's what he's used. I
4 mean he's pretty much testified to that.

5 So, what we're gonna do is this. We're gonna go ahead
6 and take some time. I am gonna charge the law, and, again,
7 this is not the law, but I think he can use it for what
8 Mr. Harrison was on notice for.

9 SOLICITOR PASCOE: Thank you, Your Honor.

10 THE COURT: As a public document.

11 So, let's just go ahead. Let's take five, ten minutes,
12 but I'm gonna let Mr. Pascoe use it.

13 SOLICITOR PASCOE: Thank you, Your Honor.

14 MR. LLOYD: Your Honor, can I just---

15 THE COURT: Yes.

16 MR. LLOYD: I want to be sure not to belabor this
17 point.

18 THE COURT: Yeah.

19 MR. LLOYD: That he can testify if he -- when he saw
20 that document, and whether he relied, relied on it in any
21 way in his investigation.

22 SOLICITOR PASCOE: Right.

23 MR. LLOYD: I don't think he can get into whether Mr.
24 Harrison was on notice of that document---

25 THE COURT: I think that's all speculation.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 MR. LLOYD: ---or even knew about it.

2 THE COURT: I mean we know---

3 MR. LLOYD: Perfect.

4 THE COURT: ---he can't testify to any of that. He can
5 just say that this is what it was, and it's up to Mr. Pascoe
6 to make the tie in with the 2000 report that he did it
7 properly. And I'm sure he'll do that.

8 So, I'm gonna give you back the report, but he can
9 say---

10 MR. LIMBAUGH: Your Honor?

11 THE COURT: ---this is what he relied on, and, you
12 know, again --.

13 MR. LIMBAUGH: I know---

14 THE COURT: ---you're not a lawyer, you know. Again,
15 an opinion is only as good as, you know, who wrote it, and
16 we all know that legal opinions are often wrong. Let's go
17 ahead and say that.

18 MR. LIMBAUGH: I don't want to argue after the Court
19 has, has---

20 THE COURT: Ruled.

21 MR. LIMBAUGH: So---

22 THE COURT: In violation of the---

23 MR. LIMBAUGH: I'm asking---

24 THE COURT: ---ruling.

25 MR. LIMBAUGH: I'm gonna ask, I'm gonna ask permission

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 to make---

2 THE COURT: You have permission too.

3 MR. LIMBAUGH: ---additional comment.

4 THE COURT: Yes, sir.

5 MR. LIMBAUGH: And that is one of the things I

6 mentioned at---

7 THE COURT: At the bar.

8 MR. LIMBAUGH: ---the bar. The concern, a big concern
9 is that those legal opinions that Your Honor has determined
10 to admit into evidence---

11 THE COURT: Uh-huh. (Affirmative.)

12 MR. LIMBAUGH: ---we can talk all we want about how
13 limited their use is going to be, and what he can testify
14 to. Mr. Pascoe is going to be waiving those in front of the
15 jury, in his closing argument, telling them that this is
16 what the law was. Now he's gonna do the normal
17 qualification, the judge is gonna follow-up, but he's gonna
18 be waiving those Ethics Opinions---

19 THE COURT: I see.

20 MR. LIMBAUGH: ---and they're wrong. They're wrong,
21 and that's the problem.

22 THE COURT: And then I would expect you, if he does
23 that in his closing -- if he says this is the law, and he
24 says that this Ethics Opinion is the law in his closing
25 argument, I expect you to object, and I would sustain that

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 objection because it is not the law. He, he can argue that
2 this is what Mr. Harrison, in his argument, again, it's only
3 speculation, but relied on, and we know that because. I
4 think Mr. Pascoe knows how he's gonna do it.

5 I mean I think everyone's gonna be very careful in not
6 misstating the law in their closing arguments.

7 I mean, quite frankly, you did open the door, Mr.
8 Lloyd, by going through and reading statutes and I gave you
9 huge leeway with this witness who really has no business up
10 here reading statutes.

11 MR. LLOYD: Well, Your Honor, I---

12 THE COURT: So -- and I understand why you're doing
13 it---

14 MR. LLOYD: Right.

15 THE COURT: ---and how it drove this investigation, and
16 I understand what you need to do, but, again---

17 MR. LLOYD: And I would just point out, Your Honor,
18 again please don't hurt me.

19 THE COURT: Oh, no.

20 MR. LLOYD: Mr. Harrison can be charged under the
21 statutes. He can't be charged under that Ethics opinion.

22 THE COURT: I agree.

23 MR. LLOYD: We would ask Your Honor to consider that,
24 if it's admitted into evidence, that you give some curative
25 instruction at the time of its admission that this -- that

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 you're gonna instruct them on what the law is.

2 THE COURT: Well, I mean if you want to cross him, you
3 can say that -- I mean, truthfully, House, House Ethics
4 Opinion is just that. It is a legal opinion by a lawyer,
5 and it's not binding law. I mean if you want a jury charge
6 on that, I, I am happy to do that.

7 I don't think there needs to be -- as long as he
8 doesn't misstate it through Mr. Pascoe. If, for some
9 reason, Lieutenant Smith says this is the law, I would
10 assume that, again, you need to clean that up. And, at that
11 point, might be appropriate for me to give some type of a
12 curative instruction at that time. I certainly will do it
13 at the end that says listen, the law of this State is, and
14 it's these statutes, and this is what he's charged with.
15 And I will talk about Ethics Opinions, and I -- you-all want
16 to craft a charge that says they are not the law, I am happy
17 to do that.

18 MR. LLOYD: Your Honor, I'm gonna shut up and sit down.
19 I think your wisdom is shown us the light.

20 THE COURT: Well, I thank you.

21 All right. Y'all, let's just take five minutes or so.

22 Okay. Ten, Mr. Limbaugh.

23 Let's take ten minutes, and then we'll bring the jury
24 back. I'd like to run to roughly one o'clock or so. This
25 jury's been going since, you know, a little after 9:00. So,

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 they've been real good.

2 Okay. So, let's take ten minutes.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: Okay. All right. Y'all okay to keep
5 going?

6 Is there any chance we're gonna finish with him before
7 lunch?

8 What do you think, Mr. Pascoe?

9 SOLICITOR PASCOE: I don't know. Fifteen minutes
10 maybe, Your Honor.

11 THE COURT: Perfect. Okay.

12 SOLICITOR PASCOE: I think. I hope.

13 THE COURT: Okay. All right. Of course, you can do
14 all the recross you want. Whatever you need to do, I'm
15 fine.

16 MR. LLOYD: I don't think we're gonna be---

17 THE COURT: I will never, you know, cut you off.

18 MR. LLOYD: All right.

19 THE COURT: So, let's bring the jury in then.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you.

24 You can continue, Mr. Pascoe.

25 SOLICITOR PASCOE: Thank you, Judge Mullen.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 CONTINUED REDIRECT EXAMINATION

2 BY SOLICITOR PASCOE:

3 Q Lieutenant Smith, you were asked about what you relied
4 on with regards to the law, and what legislator's suppose to
5 do with their Statement of Economic Interest, right?

6 A Yes.

7 Q And what they're suppose to report on it?

8 A Yes, sir.

9 Q Of course, you relied on the statute?

10 A Yes, sir.

11 Q And let me show you what's been marked as State's
12 Exhibits 11 and 12.

13 Do you recognize those?

14 A I do.

15 Q And what are those?

16 A Those are Advisory Opinions from the House Legislative,
17 Legislative Ethics Committee.

18 Q Okay. And you relied on those opinions as well?

19 A We did.

20 Q Okay. And who gets these opinions?

21 A Members of the Legislature.

22 Q Okay. And that's who they're for, members of the
23 Legislature?

24 A They are, yes, sir. Yes, sir.

25 SOLICITOR PASCOE: I'd ask that State's Exhibits 11 and

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 12 be admitted into evidence, Your Honor.

2 THE COURT: Yes, subject to prior objections, they're
3 in evidence.

4 SOLICITOR PASCOE: Thank you, Your Honor.

5 (WHEREUPON, State's Exhibit Nos. 11 and 12 were
6 received into evidence at this time.)

7 Q And I would publish State's Exhibits -- I'm looking at
8 State's Exhibit 12.

9 A Yes, sir.

10 Q That opinion is 92-38.

11 So, it's published around 1992?

12 A Yes, sir.

13 Q And I'm gonna read the question, and, and these
14 questions come from legislators, correct?

15 A Yes, sir.

16 Q Okay. As a bank employee, am I required to list on my
17 Economic Interest Statement any lobbyist or lobbyist's
18 principals who do business with my employer bank? And the
19 answer by the House is, as a House member, Section 8-13-1130
20 requires you to report, on your Economic Interest Statement,
21 anyone you know to be a lobbyist or lobbyist's principal
22 whom you know has purchased services from your bank worth
23 over \$200.

24 And that's one of the statutes you relied on, 11-1130,
25 correct?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Yes, sir.

2 Q State's Exhibit 11 is another Advisory Opinion issued
3 on April the 21st, 1999.

4 A Yes, sir.

5 Q Which would be issued two months prior almost to
6 June 17th, 1991, when the Defendant asked for his question
7 or had his question for House Ethics?

8 A That's right.

9 Q Okay. And I'm gonna read that Advisory Opinion.

10 Advisory Opinion 98-1. If a House member works for a
11 law firm that has a -- lobbyist's principal clients, does
12 the member have to report the relationship if its interest
13 in the firm is less than 5 percent? If yes, what
14 information must the member report.

15 And what is the first word as far as the answer?

16 A Yes.

17 Q So, has to be reported. Yes.

18 Under Section 8-13-1130 of the Ethics Act, a member who
19 works for a law firm must report the relationship between
20 his firm and the lobbyist's principal, and he knows has
21 purchased goods or services in excess of \$200 from his firm.
22 Whether the member has a five percent interest in the firm
23 is irrelevant with regards to the reporting requirements
24 under 8-13-1130.

25 Okay. And this opinion goes on to even -- and this is

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 just an opinion. It's not the law. It's not the statute.
2 But goes in to telling you where to report the lobbyist's
3 principal services?

4 A Yes, sir.

5 Q And the amount of those services?

6 A Yes, sir.

7 Q And let me show you what's already in evidence, State's
8 Exhibit 9-B.

9 Do you recognize that document?

10 That's a Statement of Economic of, Economic Interest
11 filed by the Defendant?

12 A Yes, sir.

13 Q When did he file that?

14 A It's dated March 20th, 2000.

15 Q And on March 20th, 2000, who filled out his Statement
16 of Economic Interest exactly the way, the way the law, the
17 statute says to do it, and the House Advisory Opinion said
18 to do it?

19 A The Defendant, Mr. Harrison.

20 MR. LLOYD: Your Honor, I'm gonna objection -- raise an
21 objection that Mr. Pascoe raised earlier, which is he's
22 misstating the law.

23 SOLICITOR PASCOE: May -- maybe I'll rephrase cause I
24 don't even remember.

25 THE COURT: Go ahead.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Okay.

2 THE COURT: Go ahead.

3 Q In March -- on March 20th, 2000, who filled out his
4 Statement of Economic Interest exactly the way the Statute
5 1130 says to do it, and exactly the way the Advisory Opinion
6 said to do it?

7 MR. LLOYD: Same objection, Your Honor, but --.

8 THE COURT: Okay.

9 Q who filled it out just like the Advisory Opinion?

10 A The Defendant, James Harrison.

11 Q The Defendant.

12 Did he put the name of the lobbyist, lobbyist's
13 principals there under lobbyist?

14 A He did.

15 Q Did he put the goods and services purchased?

16 A He did.

17 Q Says public relations, corporate communications.

18 Did he put a dollar amount as to how much money Richard
19 Quinn & Associates received?

20 A There's a dollar amount in there.

21 Q Did he put who those items or that service was
22 purchased from?

23 A Yes, he did.

24 Q And who did he say the item was purchased from?

25 A Richard Quinn & Associates.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 Q And did he say what his position was at Richard Quinn &
2 Associates?

3 A He listed his position as officer.

4 Q Did he put political consultant?

5 A No, he did not.

6 Q Did he put someone to get the trains to run on time?

7 A No, he did not.

8 Q Did he fill out -- now, based on your investigation,
9 the Defendant continued to get money -- did he continue to
10 get money from Richard Quinn & Associates in 2001?

11 A He did.

12 Q In 2000?

13 A Yes, sir.

14 Q In 2002?

15 A Yes, sir.

16 Q 2003 all the way through 2012?

17 A Yes, sir.

18 Q Did he ever fill out his Statement of Economic Interest
19 the way he did in March of 2000?

20 A Not on any that we've seen.

21 Q Did he ever list the lobbyist's principals that Richard
22 Quinn & Associates did services for?

23 A Never again after that first time.

24 Q So, if he failed to do it from 2001 all the way through
25 2013, how many years would that be?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Approximately 13.

2 Q Mr. Lloyd asked you some questions about 8-13-700(A),
3 and I'll get you to look at that again in a minute.

4 Does it matter whether the Defendant is COO, a
5 political consultant, or just being paid because he's a
6 legislator, does that matter in your investigation?

7 A He's a legislator who's COO.

8 Q Can a legislator get paid money just because he's a
9 legislator from another company?

10 A No, he cannot.

11 Q In fact, what does 8-13-700(A) say about a legislator
12 being paid?

13 A It's says no public official, public member, or public
14 employee may knowingly use his office -- official office,
15 membership, or employment to obtain an economic interest for
16 himself, a member of his immediate family, an individual
17 with whom he is associated, or a business with which he is
18 associated.

19 Q So, my point being -- let's say he's not chief
20 operating officer.

21 If he's just being paid because he's, he's a
22 legislator, is that important to your investigation?

23 A Yes.

24 Q Let's say he is not a political consultant, and he's
25 nothing up there.

1 If he's just being paid to be a legislator, is that a
2 problem?

3 A That's a problem.

4 Q I mean during the course of this investigation now for
5 two years, do you really know even what Jim Harrison did up
6 there?

7 A I, I still don't know.

8 Q But whose bills did he vote for at the State House?

9 A Rick Quinn's and the bills that clients of Quinn's,
10 Richard Quinn & Associates.

11 Q And whose candidates did he always endorse?

12 A Richard Quinn & Associates.

13 Q And something else that was brought out, Mr. Lloyd --
14 and maybe, maybe I misstated the law earlier, Your Honor,
15 I -- that, that there's no where you have to say -- Mr.
16 Lloyd kept asking is there any place where you have to say
17 or report where Richard Quinn & Associates gave you money if
18 you're Jim Harrison.

19 Remember that question all the time?

20 A Yes, sir.

21 Q Under 700 -- under 8-7 -- 8-13-700(B)(1), if you have a
22 conflict of interest such as legislation, what does it tell
23 you you're suppose to do?

24 A Prepare a written statement describing the matter
25 requiring action or decisions, and the nature of its

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 potential conflict of interest with the -- respect to the
2 action or decision.

3 Q So, you could have -- need to put the amount of money
4 you get from a company if you're voting on legislation for
5 them?

6 A Right.

7 MR. LLOYD: Your Honor, again---

8 THE COURT: Okay.

9 MR. LLOYD: ---I'm gonna object. This is misstating
10 the law again.

11 SOLICITOR PASCOE: It says---

12 THE COURT: Okay. Sustained. That is too something
13 specific. That is to reporting requirements, if you need to
14 recuse yourself. So --.

15 SOLICITOR PASCOE: Okay.

16 THE COURT: You need to move past that. That's not
17 appropriate.

18 Q He asked you questions about Richard Quinn & Associates
19 not being on trial, but who claimed he was the chief
20 operating officer of Richard Quinn & Associates?

21 A The Defendant, James Harrison.

22 Q Who claimed that he was a partner at Richard Quinn &
23 Associates, whether it's true or not?

24 A The Defendant, James Harrison.

25 Q Who claimed that he's a political consultant at Richard

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 Quinn & Associates, whether it's true or not?

2 A The Defendant, James Harrison.

3 Q And who admitted to getting hundreds of thousands of
4 dollars between 1999 and 2012 from Richard Quinn &
5 Associates?

6 A The Defendant, James Harrison.

7 Q With regards to Richard Quinn, did he have an attorney
8 back in 19 -- 2016 and 2017?

9 A He did.

10 Q Are you able to just go in there and talk to him when
11 he has an attorney?

12 A No, sir.

13 Q And, in fact, to refresh your memory, part of the
14 investigation, did you try to get Richard Quinn, Senior to
15 talk back in the -- in February of 2017?

16 A Yes, sir, we subpoenaed him.

17 Q To go where?

18 A To testify before the State Grand Jury.

19 Q And was he willing to testify?

20 A Not at that time. I mean --.

21 Q He took the Fifth?

22 A He did.

23 Q With regards to Mr. Harrison's proffer back in
24 September 22nd, 2017, is that a standard proffer for most
25 subjects that you interview?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

- 1 A If, if a proffer is introduced, then it's, it's
2 standard, yes.
- 3 Q That's the standard one you use for most subjects?
- 4 A For, for proffers, yes.
- 5 Q Okay. And you yourself are a polygraph examiner?
- 6 A I am.
- 7 Q Are polygraph exam -- results ever admissible in a
8 criminal court?
- 9 A Both sides would have to agree on it, but the answer is
10 no. It's very limited.
- 11 Q He asked you questions about Jimmy Merrill and John
12 Courson.
- 13 Do you remember that?
- 14 A Yes.
- 15 Q Who is Jimmy Merrill?
- 16 Tell the jury who he is.
- 17 A He's a former legislator. He's a representative out of
18 the low country area. He was a subject of this
19 investigation. He was a former employee of Richard Quinn &
20 Associates, and he is no longer in office due to him
21 pleading guilty to a misconduct in office charge.
- 22 Q He's been convicted as a result of this investigation?
- 23 A As a result of this investigation.
- 24 Q Did he report his lobbyist's principal money to---
- 25 A No.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 Q ---on his SEIs?

2 A He did not.

3 Q Tell the jury who John Courson is.

4 A John Courson is now former state senator here out of
5 Richland County area who has also -- he's now former senator
6 because he also pled guilty, and he was a RQ&A client.

7 Q And of Jim Merrill and John Courson, and you mentioned
8 Tracy Edge's been indicted, of them, who received the most
9 money over the years from Richard Quinn & Associates?

10 A The Defendant, Jim Harrison.

11 Q And Mr. Edge though, he's still pending, correct?

12 A He has pending charges.

13 Q You were asked questions about the lobbyist's
14 principals, about lobbyist's principals and the law.

15 Can lobbyist's principals put a company with a
16 legislator in the company on retainer?

17 A No, they can not.

18 Q I went over that.

19 If anyone like Mr. Lloyd has any information about
20 other legislators and he brings that to you, what would you
21 do with it?

22 A We would have to -- we would have to investigate.

23 Q And has anyone brought you any other information other
24 than the information you acquired in this investigation of,
25 of Richard Quinn & Associates and the people that work

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 there?

2 A Yeah, I don't have -- we didn't -- no other
3 information.

4 Q He asked you questions about BlueCross BlueShield.
5 Do you remember that?

6 A Yes, sir, I think so.

7 Q Now, refresh my memory.

8 Was it specific about the tobacco tax?

9 A I think, yes, sir. I think we talked about that.

10 Q Just give you these to refresh your memory.

11 MR. LLOYD: Your Honor, I'm not sure what he's
12 refreshing his memory on.

13 SOLICITOR PASCOE: Pull it---

14 THE COURT: Go ahead and just show it to him.

15 SOLICITOR PASCOE: Yeah.

16 (Pause.)

17 Q What did BlueCross BlueShield hire Richard Quinn &
18 Associates for in 2008 and 2009?

19 A If -- I think I recall that, that was for the cigarette
20 tax advocacy. I think that's what was -- they hired them
21 for specifically.

22 Q Do you remember how much money BlueCross BlueShield
23 gave to -- I mean to Richard Quinn & Associates for
24 cigarette tax, tax advocacy?

25 A I think it was \$15,000. I think.

1 Q Okay. Got a good memory.

2 From 1999 through 2008, did the Legislature try to pass
3 a cigarettes tax, and they couldn't get it done?

4 A Yes, sir.

5 Q And you just testified that, in 2008/2009, BlueCross
6 paid Richard Quinn & Associates \$15,000 for tax, tobacco tax
7 advocacy.

8 who sponsored that bill that year?

9 A Mr. Harrison.

10 Q And was that bill finally passed?

11 A It finally got passed.

12 Q It, it finally overrode the Governor's veto?

13 A There, there -- it was Governor Sanford at the time who
14 vetoed it.

15 Q And then -- and Mr. Harrison also voted to override
16 Sanford's veto that summer, correct?

17 A Yes, I think that's the way it, it works, yes, sir.

18 Q After who got paid \$15,000 did the cigarette tax
19 finally pass?

20 A Richard Quinn & Associates.

21 Q The Governor had vetoed the tobacco tax prior to that
22 in 2008, correct?

23 A Right.

24 Q Who voted, at that time, to sustain the Governor's
25 veto?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Mr. Harrison did initially.

2 Q So, prior to the \$15,000, how did Mr. Harrison vote on
3 the tobacco tax with the Governor's veto?

4 A He, he voted to sustain the Governor's veto.

5 Q So, to not have a tax?

6 A To not have a tax.

7 Q After BlueCross BlueShield gives \$15,000 to Richard
8 Quinn & Associates, who is now sponsoring the bill?

9 A Mr. Harrison.

10 Q You were asked about having a whole lot of documents
11 back in March 15th, way more documents on March 15th,
12 2017, when the Defendant testified.

13 You remember that?

14 A Yes, sir.

15 Q All right. But I just want to make sure that that is
16 clear for everyone.

17 State's Exhibit 2, what is that again?

18 What's the date on it?

19 A The day on it is June 17th, 1999.

20 Q June 17th, 1999, and that is the letter from the
21 Defendant to H -- to the House Ethics Committee?

22 A Right. He wrote specifically to Becky Meacham, House
23 Legislative Ethics Committee.

24 Q That looks good right there.

25 That's suppose to be Defendant, by the way, Mr. --.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Okay.

2 Q To the House Ethics Committee, right?

3 A Yes, sir.

4 Q Did, did you have that letter on March 15th, 2017?

5 A No, sir.

6 Q In fact, do you recall Mr. Lloyd didn't want you to say
7 when you received that letter?

8 Said don't worry about it?

9 MR. LLOYD: Objection, Your Honor.

10 SOLICITOR PASCOE: Well, that's exactly what he said.

11 I'm refreshing his memory. That's exactly what he said,
12 don't worry about it.

13 THE COURT: Your basis.

14 MR. LLOYD: I never asked -- told him, during my
15 questioning, I don't want you to---

16 THE WITNESS: It's---

17 MR. LLOYD: ---recall that letter. I just said -- he
18 didn't recall the date or anything. So, I just said okay,
19 don't worry about that. Let's move on to something else.

20 THE COURT: Okay.

21 MR. LLOYD: But---

22 SOLICITOR PASCOE: Can I get in my next question?

23 I'll just go to my next question.

24 THE COURT: You can ask the next question.

25 SOLICITOR PASCOE: Okay. Thank you, Judge.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 when did you receive -- the earliest that you had
2 received that House Ethics letter from the Defendant to
3 House Ethics?

4 A As I said, a part of his motion is June 12th, 2018.

5 Q So, it wasn't even until the Summer of 2018 that the
6 Defendant produced this letter?

7 A That's correct.

8 Q Did the Defendant produce it during your interview in
9 September?

10 A He did not.

11 Q Did he produce it for the Grand Jury?

12 A He did not.

13 Q But he had it and produced it over the summer?

14 A Yes, sir.

15 Q Was that after, however, you already had State's
16 Exhibit 3, which is the July 12th letter from House Ethics
17 to the Defendant?

18 A I believe this would be after.

19 Q So, you got the Defendant's letter after you already
20 had that for many months?

21 A Yes, sir.

22 Q And just so the -- the date, again, is July 12th,
23 '99, that Defendant got a letter back from the House Ethics
24 Committee?

25 A Yes, sir.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 Q And since it's published, does that House Ethics letter
2 warn the Defendant of a bunch of issues that he could have
3 with his work at RQ&A?

4 A It does.

5 Q Do they repeatedly warn him about lobbyist's principals
6 and lobbyists?

7 A Yes.

8 Q And the jury will have this, this. So, I'm not
9 gonna -- did they warn him about 8-13-700(A)?

10 A They do.

11 Q Do they warn him about 8-13-700(B)?

12 A They do.

13 Q Do they warn him that companies are not allowed to take
14 retainers from lobbyist's principals if he works there?

15 A Yes, sir, it states that.

16 Q So, he's put on notice July, 1999 about those things?

17 A Yes, sir.

18 Q Is that State's Exhibit 9-B, and that was an SEI filed
19 on March -- is it 20th, sir?

20 A Yeah, he's, he's dated and signed it March 20th,
21 2000.

22 Q Okay. If you could just educate the jury a little bit.
23 Statement of Economic Interest, if you're suppose to
24 report your employment or income or what does the Statement
25 of Economic Interest do?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

- 1 A So, it's, as I understand, it's kind of like taxes.
2 You -- in 2000, you would file through your '99 year.
3 Q Okay.
4 A So, it's---
5 Q So, you had to file it like in April?
6 A Yes, sir, April.
7 Q Okay. And we've already discussed he, he filled out
8 the lobbyist's principals in March of 2000?
9 A Yes, sir.
10 Q And the Defendant calls himself what?
11 A Officer.
12 Q From -- we'll just say April, 2001, now to April, 2011,
13 on all the Defendant's Statements of Economic Interest, does
14 he report lobbyist's principals that Richard Quinn &
15 Associates did business with?
16 A He does not.
17 Q So, doesn't report, and from what the Defendant told
18 you, and the information you have, was the Defendant's
19 salary the same from 2001 to 2011 as it was in 2000?
20 A His --?
21 Q Actually from -- to 2010. I'm sorry. But---
22 A Yeah.
23 Q ---he reported in '11.
24 A Right, he was a salaried employee.
25 Q And stayed the same?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Yes, it did.

2 Q And then for salary purposes, when did his salary
3 change?

4 A In 2010.

5 Q You testified it was October, 2010?

6 A Right.

7 Q And who is going back to the House of Representatives
8 in the Fall of 2010?

9 A Rick Quinn, Junior.

10 Q So, Rick Quinn is back.

11 How long had he been out of the House?

12 A Since '04 I believe it was.

13 Q Okay.

14 A He was majority leader.

15 Q So, at the time the Defendant's salary is cut from
16 about \$6,500 a month to \$2,000 a month as a contract, who's
17 going back to the House?

18 A Rick Quinn, Junior.

19 Q Okay. And when did the Defendant receive his last
20 paycheck?

21 A It would of been in November of 2012 if my memory---

22 Q November.

23 A I believe it --.

24 Q And what happens on November the 6th, 2012?

25 A Rick Quinn goes back.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

- 1 Q well, he's been back.
- 2 A I'm sorry. He leaves the office, and he's --.
- 3 Q When you say he leaves the office, who?
- 4 A Mr. Harrison.
- 5 Q And is someone elected in his district?
- 6 A They are.
- 7 Q I believe you were asked, and I put in quotes about
8 undue influence, did you have any concern, in your
9 investigation, about Richard Quinn & Associates having undue
10 influence over legislators?
- 11 A Yes, sir.
- 12 Q Did you have concern about House legislative -- House
13 members using their office for profit?
- 14 A Yes, sir.
- 15 Q How does the public get to know where -- if a, a
16 legislators's income is derived from, and what businesses
17 they work for?
- 18 A From their Statements of Economic Interest.
- 19 Q Looking at Mr. Harrison's Statement of Economic
20 Interest in 2001 through '13, would they ever had known that
21 he worked for a company that got lobbyist's principal money?
- 22 A They never would have.
- 23 Q But as Mr. Lloyd pointed out, what does he go through
24 the trouble of doing on all his -- all of his Statement of
25 Economic Interest forms?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A He lists all the work he does for the Department of
2 Revenue.

3 Q As a lawyer. Pages of clients.
4 Correct?

5 A Yes, sir.

6 Q I'm almost done. He asked you repeatedly are there any
7 documents that you seized that indicate Mr. Harrison was a
8 partner.

9 Do you remember that, sir?

10 A Yes, sir.

11 Q And indeed, are there documents that you seized from
12 Richard Quinn & Associates that establish he was a partner
13 or chief operating officer?

14 A Yes, sir.

15 Q Or at least that's what they were calling him?

16 A That's what we previously discussed.

17 Q All right. I'm gonna show you what's been marked as
18 State's Exhibit 5.

19 Is that one of the many documents that you found that
20 discussed the Defendant's relationship at Richard Quinn &
21 Associates?

22 MR. LLOYD: Objection, Your Honor.

23 A It is.

24 MR. LLOYD: We're publishing what's in --.

25 SOLICITOR PASCOE: No, I'm not.

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 MR. LLOYD: -- a document that's not been admitted.

2 SOLICITOR PASCOE: I'm intentionally---

3 THE COURT: He's not gonna publish it.

4 SOLICITOR PASCOE: Yeah, I'm intentionally not --.

5 THE COURT: Okay.

6 SOLICITOR PASCOE: -- going into -- that's why I did
7 such a general question.

8 THE COURT: Okay.

9 SOLICITOR PASCOE: That's why I -- sorry.

10 THE COURT: It's okay.

11 Q Okay. Does that document -- is that part of the
12 documents you seized that discussed the Defendant's
13 employment at Richard Quinn & Associates?

14 A It is.

15 SOLICITOR PASCOE: I'd ask at this time that, let me
16 have it, that State's Exhibit 5 be admitted into evidence as
17 a result of their cross-examination.

18 MR. LLOYD: Same objection, Your Honor, as yesterday.

19 THE COURT: Let's, let's do this.

20 SOLICITOR PASCOE: We can take it up -- we can take it
21 up later.

22 THE COURT: Can we take it up at lunch?

23 Is that okay?

24 SOLICITOR PASCOE: Yes, ma'am.

25 THE COURT: Is that okay?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Absolutely.

2 THE COURT: Okay.

3 SOLICITOR PASCOE: And I'll just---

4 THE COURT: I think it's already been marked for ID
5 purposes.

6 SOLICITOR PASCOE: This one has.

7 MR. LLOYD: I'm sorry.

8 SOLICITOR PASCOE: I want to make sure I don't put it
9 in the evidence.

10 THE COURT: Okay.

11 Q And are there other documents that were seized from
12 Richard Quinn & Associates that linked the Defendant to
13 lobbyist's principals?

14 A Yes.

15 Q Look at those.

16 Are those part of those documents that you were talking
17 about that link him to lobbyist's principals?

18 A It is.

19 SOLICITOR PASCOE: And we can take that up after lunch
20 too, Your Honor.

21 MR. LIMBAUGH: Can we see what they are so we'll know
22 what we're getting ready to take up?

23 THE COURT: Okay. Mr. Pascoe, will you show them to
24 them?

25 we'll take those up directly---

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: After lunch.

2 THE COURT: During lunch.

3 SOLICITOR PASCOE: During lunch.

4 THE COURT: While the jury's having lunch. Let's put
5 it that way.

6 SOLICITOR PASCOE: Okay.

7 MR. LIMBAUGH: Is this for us or is it---

8 THE COURT: You need to give it back I think.

9 SOLICITOR PASCOE: That might be it, Your Honor.
10 Beg the Court's indulgence.

11 THE COURT: Sure.

12 (Pause.)

13 SOLICITOR PASCOE: That's all I have. Thank you,
14 Judge.

15 THE COURT: Okay. Any recross?

16 MR. LLOYD: Just very briefly, Your Honor.

17 THE COURT: Yes, sir.

18 RECROSS EXAMINATION

19 BY MR. LLOYD:

20 Q Lieutenant Smith, Mr. Pascoe just asked you about a
21 letter from House Ethics Committee, and it warned Mr.
22 Harrison of a number of things to be on the lookout for, be
23 wary of.

24 Is that correct?

25 A Yes, sir.

Jeremy Smith - Recross examination
By Mr. Lloyd

1 Q 1130 is not one of those things in, in that House
2 Ethics letter, is it?

3 A In that particular letter, I don't see it.

4 Q Now, Mr. Pascoe and you just went through a litany of
5 individuals who are associated with Richard Quinn &
6 Associates who were also legislators as well as Mr. Quinn.

7 Do you remember that testimony?

8 A Yes.

9 Q And you said that, first of all, you attempted to talk
10 to Richard Quinn in February of 2017.

11 Is that right?

12 A We, we had -- we, we certainly made contacts to see if
13 we could get him to sit down for an interview.

14 Q And he had an attorney at that time?

15 A I believe he did have an attorney at that time.

16 Q Okay. And you said that he took the Fifth.

17 Do you recall that?

18 A That was at State Grand Jury, yes, sir.

19 Q Right.

20 And when he testified -- when he was called to the
21 State Grand Jury, he had been informed, as well as his
22 attorney, that he was a target of this investigation, wasn't
23 he?

24 A Yes, sir.

25 Q Now, you talked about the number of other folks

Jeremy Smith - Recross examination
By Mr. Lloyd

1 pleading in this investigation.

2 Did Mr. Quinn enter a plea for himself in this case?

3 A Which Quinn?

4 Q Mr. Richard Quinn.

5 Did he plead guilty to anything in this case?

6 A The company did.

7 Q Okay. Mr. Quinn himself, did he plead guilty to
8 anything?

9 A I don't believe Mr. Quinn pled guilty.

10 Q And the company that you talk about is First
11 Impressions?

12 A Richard Quinn & Associates. First Impressions.

13 Q First Impressions is the actual company name, right?

14 A Do business -- doing business as Richard Quinn &
15 Associates.

16 Q And they entered a plea of one count in this case.
17 Is that correct?

18 A They did.

19 Q Did anything related to their plea have to do with
20 Mr. Harrison?

21 A Well, they were -- they pled to illegal lobbying.

22 Q All right. Did any of the reasons why they pled to
23 that one count have anything to do with Mr. Harrison?

24 A It, it was part of it. All of the---

25 Q What part of it was it?

Jeremy Smith - Recross examination
By Mr. Lloyd

1 A We're talking about lobbyist's principals. We're
2 talking about illegally lobbying. I just -- the documents,
3 but yes.

4 Q Okay. You have to -- normally when somebody pleads
5 guilty, they state what they're pleading guilty to, not only
6 in terms of the charge, but also factually what they did
7 wrong, right?

8 A Uh-huh. (Affirmative).

9 Q Is that correct?

10 A I think I'd say the same.

11 Q Okay. During the course of that corporate plea, did
12 Mr. Harrison's name even come up?

13 A I was not present for the corporate plea.

14 Q Okay. A moment ago you were educating this jury on
15 what he pled to.

16 A I mean they -- I, I am aware -- yeah, I'm getting
17 confused with something else.

18 You mean when the corporation, First Impressions, pled?

19 They pled to illegal lobbying. One count.

20 Q Okay. Did any of that have to do with Mr. Harrison?

21 A I think what, what you're -- what you're asking me is
22 it was a total of things as far as the illegal lobbying
23 went. It was a totality for years.

24 Q Okay. Is that based on what you understand actually
25 happened in Court that day or are you---

Jeremy Smith - Recross examination
By Mr. Lloyd

- 1 A That's my understanding of---
- 2 Q where did you get that understanding from?
- 3 A I mean that's just my understanding.
- 4 Q where did you---
- 5 A Nobody gave it to me. That was just --.
- 6 Q Okay. where did you develop---
- 7 A -- my understanding.
- 8 Q -- that understanding from?
- 9 A I don't understand that question.
- 10 Q where did you get that understanding from, that
- 11 that's -- they were pleading to a totality of things over
- 12 years?
- 13 A That's just my understanding.
- 14 Q Okay. Lieutenant, I'm not trying to be difficult. I'm
- 15 just trying to get a feeling for---
- 16 A I'm not either.
- 17 Q ---what---
- 18 A I'm really not.
- 19 Q Did you get that understanding from press reports?
- 20 A No, I was actually -- I'm -- actually was there. I
- 21 just don't remember much about the plea.
- 22 Q Okay. I'm a little bit confused.
- 23 were you at the plea?
- 24 A I just know that they did. That's why I can tell you
- 25 that they did.

Jeremy Smith - Recross examination
By Mr. Lloyd

1 Q Okay.

2 A But I don't have the specifics of it memorized. I
3 don't have---

4 Q Were you at---

5 A ---a document in front of me to read from. There was a
6 lot going on.

7 Q Were you at the plea for First Impressions or not?

8 A I think I was. I believe I was present for that.

9 Q Jimmy Merrill pled to one count of statutory
10 misconduct.

11 Is that correct?

12 A That's right.

13 Q And he pled because he didn't report income from
14 lobbyist's principals.

15 Is that correct?

16 A That's -- yes, sir.

17 Q And the income he didn't report from a lobbyist
18 principal came directly to his company, Geechie
19 Communications, not RQA, isn't that correct?

20 In other words, Mr. Merrill's plea had to do with his
21 activities as owner of Geechie Communications, not with any
22 association with RQA.

23 Isn't that correct?

24 A Yes, sir.

25 Q John Courson entered a plea to statutory misconduct, is

Jeremy Smith - Recross examination
By Mr. Lloyd

1 that correct, or common law misconduct maybe?

2 A I, I think common, common law is what we're talking
3 about.

4 Q And that had to do with the way he was handling
5 reimbursements from his campaign account.

6 Isn't that correct?

7 A That's right.

8 Q The activity that Mr. Merrill and Mr. Courson pled to
9 didn't involve Mr. Harrison at all, did it?

10 A Mr. Courson, no.

11 Q Or Mr. Merrill?

12 A Or Mr. Merrill, no. Specifically---

13 Q In fact, Mr. Harrison's name didn't even come up as a
14 part of that plea, did it?

15 A No, sir.

16 Q No reference to any other legislators other than the
17 activity of those two that pled?

18 A No, sir.

19 Q Eventually, after the corporate plea of First
20 Impressions, the, the Government gave Mr. Richard Quinn
21 immunity.

22 Isn't that correct?

23 A Yes.

24 Q And what does immunity mean?

25 A Immunity from prosecution.

Jeremy Smith - Recross examination
By Mr. Lloyd

1 Q And as long as he was truthful with you-all, no charges
2 would be brought against him?

3 A That's correct.

4 Q Related to anything he did at RQA?

5 A Yes, sir.

6 Q Did you have a chance to interview Mr. Quinn after you
7 granted him immunity?

8 A We have not interviewed Mr. Quinn.

9 Q Did he testify in front of the Grand Jury?

10 A He has.

11 Q How many times did he testify in front of the Grand
12 Jury?

13 A At least one that I can think of.

14 Q I'm sorry?

15 A At least one that I can think of.

16 Q Okay. Did he testify on more than one day?

17 A Yes.

18 Q And as part of -- as a part of his testimony to the
19 Grand Jury, did Mr. Quinn identify for you-all, as
20 investigators, any activity that Mr. Harrison undertook at
21 Mr. Quinn's instructions to vote a certain way or sponsor a
22 certain piece of legislation?

23 A I would have to look at the transcript again to be real
24 specific, but, as I recall having read it, that his memory
25 was he didn't remember. His memory was spotty on a few

Jeremy Smith - Recross examination
By Mr. Lloyd

1 issues. So, that's how I can answer the question.

2 Q Your testimony is, just so that we understand --

3 A Right.

4 Q -- that when asked about whether he ever asked
5 Mr. Harrison to vote a certain way on legislation or to
6 sponsor legislation, or do anything in his official capacity
7 as a legislator, that Mr. Quinn told the State Grand Jury---

8 SOLICITOR PASCOE: Objection. Hearsay, Your Honor. He
9 can't go into what Mr. Quinn told the State Grand Jury.
10 That's hearsay. It's objection to hearsay.

11 MR. LLOYD: Your Honor, I want to argue that they
12 opened the door on him testifying about the plea agreements
13 which came out of nowhere.

14 THE COURT: Okay. Well, I'm gonna allow it to some
15 extent.

16 A I wasn't present. So, I mean it's a guess. When you
17 asked me, I wasn't---

18 Q Did you---

19 A I wasn't---

20 Q Did you read the transcripts at some point?

21 A It's been quite a while.

22 Q And I just want to be sure that we understand.

23 Again, your understanding from reading those
24 transcripts was that, at some point, Mr. Quinn informed the
25 Grand Jury, and thereby you-all as investigators, that he

Jeremy Smith - Recross examination
By Mr. Lloyd

1 just didn't remember whether he ever asked Mr. Harrison to
2 take any legislative action or official action?

3 A I don't recall any, no, sir.

4 Q You don't recall him saying any or you don't recall
5 him---

6 A I don't recall reading anything in the transcript that
7 says that he did that.

8 Q Now, you just talked about the BlueCross BlueShield
9 involvement in the cigarette tax.

10 Is that right?

11 A Right.

12 Q What position was BlueCross BlueShield taking on that?

13 A They were for the tax.

14 Q And how long had BlueCross BlueShield been a client of
15 RQA?

16 A Been a client for some time. I don't know the exact
17 days. They---

18 Q Well before---

19 A Many years. They were before, yes, sir.

20 Q Well before the cigarette tax issue?

21 A Yes, sir.

22 Q A moment ago you -- and let me come back to the
23 BlueCross BlueShield thing in just a moment. I'm just --
24 have one or two other questions before that. You indicated
25 that members of the public learn about income and where that

Jeremy Smith - Recross examination
By Mr. Lloyd

1 income comes from that legislators earn by looking at the
2 SEIs.

3 Is that correct?

4 A Yes, sir.

5 Q Let's say a number of people are crazy enough to elect
6 me to the Legislature.

7 Think you can have that fantasy for a moment?

8 A Okay.

9 Q And I fill out an SEI and I work at a gas station. My
10 salary's paid by BP Gas Station.

11 Do I ever put that income on my SEI?

12 A I mean I don't, I don't, I don't think that you -- I
13 don't know whether BP is a lobbyist principal or not.

14 Q well, let's assume they're not a lobbyist principal.

15 A well, you're -- I don't think you would.

16 Q Now, I just want to make sure I understand. This is my
17 last issue, Lieutenant. You're basically trying to tell
18 this jury that BlueCross & BlueShield, and other lobbyist's
19 principals, and RQA got together to influence action on the
20 Floor of the House of Representatives on the part of
21 Mr. Harrison on a number of bills.

22 Is that correct?

23 A I didn't say they basically got together. I didn't---

24 Q You said but they did.

25 A I didn't say they -- you said all these people

Jeremy Smith - Recross examination
By Mr. Lloyd

1 basically got together. I didn't say that.

2 Q Well, let's talk about BlueCross. Your insinuation a
3 moment ago was that Mr. Harrison was taking action on the
4 cigarette tax bill because RQ -- BlueCross BlueShield was a
5 client of RQA.

6 Is that right?

7 A That's just the action that he took. I didn't -- I
8 told you what action he took.

9 Q At the time that Mr. Harrison was against the cigarette
10 income -- the cigarette tax increase, do you know what the
11 votes were in defeating that proposed legislation in the
12 House of Representatives?

13 A I don't know what the specific votes were.

14 Q Would you -- would it be fair for me to say it was way
15 more than one vote?

16 A I think you can say that.

17 Q And that would be important into determining whether or
18 not somebody was trying to pay or illegally pay to influence
19 Mr. Harrison's vote, right?

20 A You could make that argument.

21 Q Let me, let me just sum it up. Not since they created
22 the great scheme of new Coke would any scheme be as foolish
23 as this one to pay one legislator to vote one way or another
24 way on, on the Floor of the House when those votes are just
25 one of a hundred for or a hundred against.

Jeremy Smith - Recross examination
By Mr. Lloyd

1 Right?

2 A I didn't hear the question in that.

3 Q If all they were trying to do is influence
4 Mr. Harrison, and there were a hundred members or
5 overwhelmingly there was a number of members for or against
6 something, Mr. Harrison's vote doesn't influence the outcome
7 of that legislation at all, does it?

8 A I, I don't know that. You know, people have influence
9 in the State House. They -- I know they get together. They
10 push certain things. So, I couldn't, I couldn't say that.

11 Q Did you ever go to any legislators who served with
12 Mr. Harrison and say hey, here are these bills, I think
13 they're of interest to lobbyist's principal clients of
14 Richard Quinn & Associates, did Mr. Harrison ever talk to
15 you about this bill?

16 A Me personally, no, I did not go there.

17 Q Did any of your investigators---

18 A We talked about -- I mean when we -- you know, we, we
19 talked about, you know, Mr. Merrill about how things work on
20 the Floor and things of that nature, but no.

21 Q That wasn't my question.

22 My question is did you or your investigators ever go to
23 any member of the House that Mr. Harrison served with and
24 say, for example, cigarette tax, did Mr. Harrison ever come
25 and lobby you on the Floor about voting one way or the other

Jeremy Smith - Recross examination
By Mr. Lloyd

1 on that?

2 A No, sir.

3 Q No, sir, you didn't do that or no -- they told you no,
4 they didn't?

5 A No, we did not.

6 Q You would agree that that would be an important fact to
7 know if you're wondering whether or not Mr. Harrison is
8 being influenced improperly on the cigarette tax increase,
9 wouldn't you?

10 A It's a fact I would like to know.

11 MR. LLOYD: Nothing further, Your Honor.

12 MR. LIMBAUGH: Wait, wait, wait.

13 MR. LLOYD: I'm sorry.

14 THE COURT: That's all right.

15 (Pause.)

16 Q I did forget one thing.

17 Mr., Mr. Pascoe showed you what was marked as House --
18 State's Exhibit 11 and 12.

19 Do you recall those?

20 A That's not it.

21 MR. LLOYD: I'm sorry. May I approach, Your Honor?

22 THE WITNESS: That's not it.

23 THE COURT: Sure.

24 A I think this is it. 11 and 12.

25 Q When was the last time you saw those?

Jeremy Smith - Recross examination
By Mr. Lloyd

1 A I don't remember the first time I, I saw them. I mean
2 they -- it was some time ago that I had seen them though.

3 Q Was it before or after you charged Mr. Harrison?

4 A I recall seeing these before. We looked at a lot of
5 stuff.

6 Q And if you would of seen those, as a law enforcement
7 officer, let me ask you this, would you of been able to
8 charge Mr. Harrison with a crime for violating a House
9 Ethics Opinion?

10 A I mean the -- again, we're back to it talks about the
11 law --

12 Q No, no, I'm asking you---

13 A -- in here. So, not, not necessarily this, but it
14 says -- what it says in here is as under the law.

15 Q That's an attorney -- we're assuming it's an attorney's
16 opinion.

17 A You know, I'd reading it. That's just what I'm reading
18 is what it says.

19 Q I, I understand that, but we assume an attorney for
20 House Ethics drafted that, right?

21 well, let me rephrase the question.

22 You don't know who drafted that?

23 A I don't know who drafted this.

24 Q You don't know whether it's an accurate interpretation
25 of the law or not, do you?

Jeremy Smith - Recross examination
By Mr. Lloyd

1 A I'm not an attorney, but, like I said, I'm looking
2 at -- it references what the law says, which is what
3 8-13-1130.

4 Q Okay. And you and I covered 1130.

5 A Yeah, I tried to read it, but --.

6 Q I'm not gonna go back over that.

7 By itself, you couldn't take a House Ethics Opinion and
8 go out and arrest anybody, could you?

9 A I've never done that.

10 Q Okay. You couldn't do it, could you?

11 A I've never heard of anyone doing it. So, I don't think
12 that I could.

13 MR. LLOYD: Nothing further, Your Honor.

14 THE COURT: Okay. Anything, Mr. Pascoe?

15 SOLICITOR PASCOE: Can I ask two questions?

16 THE COURT: Of course.

17 SOLICITOR PASCOE: Thank you.

18 REDIRECT EXAMINATION

19 BY SOLICITOR PASCOE:

20 Q He asked you some questions about Richard Quinn.

21 Is Richard Quinn a legislator?

22 A He's not.

23 Q Do most of the Ethics Act apply to Richard Quinn?

24 A None of it.

25 Q what company pled guilty to illegally lobbying?

Jeremy Smith - Redirect examination
By Solicitor Pascoe

1 A Richard Quinn & Associates. First Impressions that
2 does business as Richard Quinn & Associates.

3 Q And what legislator was either a CEO, chief operating
4 officer, or a political consultant, or nothing at the
5 company that pled guilty to illegal lobbying Richard Quinn &
6 Associates?

7 who were they?

8 A Jim Harrison.

9 Q Okay.

10 A James Harrison, the Defendant.

11 SOLICITOR PASCOE: All right. That's, that's all, Your
12 Honor. Thank you.

13 THE COURT: Anything further?

14 MR. LLOYD: None, Your Honor.

15 THE COURT: All right. You may step down, sir.

16 Ladies and gentlemen, now is a very good time for
17 lunch. I need to remind you do not discuss this case. It
18 wouldn't be appropriate to do so. Don't do any other kind
19 of research.

20 Grab a bite to eat, ladies and gentlemen, and be with
21 me back in the jury room at 2:15. We're gonna go ahead and
22 continue with the trial of this case.

23 Mr. Foreperson, I would like to know, when you come
24 back from lunch, how late the jury is willing to work today.

25 THE FOREMAN: Yes, ma'am.

1 THE COURT: All right. Thank you. Y'all are excused.
2 Leave your pads in your seats please.

3 THE WITNESS: Your Honor, did you excuse me?
4 I'm sorry.

5 THE COURT: I did.

6 THE WITNESS: Thank you.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: All right. We all have that look about you
10 that you're hungry and restless and would like to go for
11 lunch.

12 How about we all come back at two o'clock?

13 We'll talk about this memorandum, and the issues of
14 that under the hearsay rule, and what else?

15 What other issues do we have besides that document?

16 MR. LLOYD: Nothing from us, Your Honor.

17 THE COURT: Okay. I suggest everyone go look up Rule
18 807 as far as that document is concerned.

19 MR. LLOYD: I'm sorry, Your Honor, 807?

20 THE COURT: Look up Rule 807, which was the former
21 803(24) for the hearsay rule. Let's take a look at that,
22 and we'll go from there.

23 Okay?

24 MR. LIMBAUGH: Thank you.

25 MR. LLOYD: Thank you, Your Honor.

1 THE COURT: Have a nice lunch, everyone.

2 SOLICITOR PASCOE: Thank you, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON, Court was in recess for the lunch hour.)

5 THE COURT: Let's talk about this memorandum.

6 All right. I can tell you just kind of how I'm walking
7 through it looking at it.

8 To start with, I think it's certainly relevant. It is
9 a memorandum from Richard Quinn to Jim Harrison regarding
10 potential, I don't want to say employment, but duties. It's
11 not signed. It was recovered during the search warrant at
12 RQ&A offices. Obviously, it hasn't been altered in any way.
13 At least I haven't heard any testimony to that end, and I
14 think Lieutenant Smith stated that.

15 It's a letter from Richard Quinn, who is an alleged
16 coconspirator in this case. Although he's not a defendant
17 in this case. I think the State's gonna argue that they are
18 part of their business records. I don't know if Rebecca
19 Mustian or someone at RQ&A would testify to that, but I'm
20 assuming that's how you would couch them if I'm correct.

21 I'd also look and think that there are some
22 circumstantial guarantees of trustworthiness because much of
23 what is outlined in the memorandum Mr. Harrison puts in a
24 letter to Chairman Meacham to the House Ethics Committee in
25 the opinion. I certainly understand your theory of it was

1 just a -- very expansive to make sure we are covering
2 anything that potentially could do so we don't run afoul of
3 the Ethics Act.

4 So, based on that, it looks, going through 807, and
5 tell me I'm wrong, and tell me why I'm wrong, but those
6 three questions seem to be answered in my head. So, I am
7 happy to hear argument on, you know, if there's anything I
8 left out from the State, and I see Mr. Pascoe's not even
9 here. I apologize.

10 But as long as you're---

11 MR. GRIFFIN: We can go ahead.

12 THE COURT: Okay. Is there anything I left out as far
13 as what else you would also argue in allowing it in?

14 MR. GRIFFIN: Substantively you've said everything we,
15 we would say. The -- there were two other, two other
16 documents that, that he asked the agent about, and, and the
17 line of questioning was did you find any evidence in, in
18 your investigation that Mr. Harrison was receiving money
19 from lobbyist's principals. And the -- and they're two
20 other documents where, internal business records of RQA,
21 allocate retainer payments from lobbyist's principal to Mr.
22 Harrison's salary.

23 THE COURT: I think we have to -- I think we have to
24 treat this separately unless you're telling me that those
25 documents were attached to that memoranda.

1 MR. GRIFFIN: They were not attached, no.
2 THE COURT: So, let's deal with that separately --
3 MR. GRIFFIN: Okay.
4 THE COURT: -- because I do think probably Rebecca
5 Mustian can address that.
6 MR. GRIFFIN: Sure.
7 THE COURT: Cause what I remember hearing was that one
8 of those pieces of paper was on a notepad, and it looks like
9 numbers were written, and you, you or Mr. Pascoe represented
10 to me that those were by Rebecca Mustian.
11 MR. GRIFFIN: Yes.
12 THE COURT: And that was her writing. So, but---
13 MR. GRIFFIN: But Rebecca---
14 THE COURT: I'm sorry?
15 MR. GRIFFIN: Rebecca Mustian, you're correct.
16 THE COURT: Sorry.
17 MR. GRIFFIN: Yeah.
18 THE COURT: Rebecca. And what's -- the other one's
19 Raegan, correct?
20 MR. GRIFFIN: Raegan.
21 THE COURT: They're both daughters of Mr. Quinn.
22 Is that correct?
23 MR. GRIFFIN: But the handwritten notes Ms. Mustian
24 says are hers.
25 THE COURT: Okay. I think she has to authenticate

1 those.

2 MR. GRIFFIN: Right.

3 THE COURT: I think those have to come in through her.
4 I don't think they can come in---

5 MR. GRIFFIN: Right.

6 THE COURT: ---the other way. Right now I think we
7 need to deal with this memoranda.

8 Gentlemen, tell me why it doesn't come in.

9 MR. LLOYD: Your Honor, could you refresh me as to
10 which rule you're referring to?

11 THE COURT: Well, it was the original Rule 803 under a
12 hearsay document, 24, which is now, from what I understand,
13 Rule 807. It's just the residual exception to the hearsay.
14 It's kind of a catchall, and I don't know -- let me see if
15 my book is just old, and it might just be under the Federal
16 Rules.

17 MR. LLOYD: Yeah, I'm thinking that's --.

18 THE COURT: But I'm looking right now. It might be
19 under the Federal Rules. Hold on. I guess -- and, and I
20 just walked through it.

21 My concern is this, again, it's a coconspirator
22 statement, and a little problematic for all this for me is
23 that I would prefer obviously Richard Quinn to be
24 testifying. He's on the, on the witness list, but I don't
25 know that he's going to be here. So, I keep hearing that

1 Ms. Mustian's gonna be here, and then the other -- possibly
2 the other Quinn daughter, but I haven't heard that Richard
3 Quinn, Senior is gonna be here.

4 MR. LLOYD: Your Honor, just first on the conspiracy
5 issue, and I know we cited---

6 THE COURT: Uh-huh. (Affirmative).

7 MR. LLOYD: ---a couple cases to Your Honor Friday.
8 There, there, there -- the fact that he's charged with
9 conspiracy doesn't establish a conspiracy.

10 THE COURT: I know. They have to establish a prima
11 facia case---

12 MR. LLOYD: Right.

13 THE COURT: ---before any evidence comes in, and I
14 completely agree with that.

15 MR. LLOYD: And, at this point, there hasn't been any
16 prima facie case established that there was a conspiracy
17 between Jim Harrison and Mr. Quinn or Rebecca Quinn or
18 anybody else.

19 So, first, we would say look, you have to lay that
20 foundation first, and, at this point, they haven't done
21 that. The fact that they knew each other, the fact that
22 they worked together doesn't establish that conspiracy cause
23 it doesn't establish the agreement. There's, there's no
24 evidence that they had an agreement for Mr. Harrison not to
25 file, which is, I assume, what they're trying to say, not to

1 file any SEI disclosures or any other disclosures that they
2 contend should of required him to, to disclose income from
3 RQA.

4 THE COURT: I'm gonna assume though that what they
5 believe is the agreement is that actual memorandum of
6 understanding.

7 Correct?

8 MR. GRIFFIN: Well---

9 THE COURT: That---

10 MR. GRIFFIN: ---that it---

11 THE COURT: ---you're gonna work for us, and this is
12 what you're gonna do.

13 MR. GRIFFIN: Sure.

14 MR. LLOYD: But, Your Honor, that, that wouldn't be
15 the -- that would not be, again, evidence of the conspiracy
16 itself. That's just evidence that they knew each other and
17 they're working together. There's not evidence that they
18 agreed to do any illegal act or do an lawful act to, to get
19 to an illegal objective.

20 So, at this point, the fact that they agreed to work
21 together, get married, or do anything else isn't, in and of
22 itself, doesn't lend itself to any evidence of an agreement
23 between these two parties to do one of those two specific
24 things, either an illegal act, or a legal act to reach an
25 illegal objective.

1 THE COURT: Well, let me ask you.

2 why isn't just the checks that they showed paying from
3 RQA to Mr. Harrison over the years, why is that not evidence
4 of potentially an illegal -- because, again, I guess it
5 comes back to whatever, whatever is he being paid for, but
6 that's kind of the ultimate issue.

7 MR. LLOYD: Right. But they haven't put up any
8 evidence other than he was being paid. I think---

9 THE COURT: I think evidence they put up is that he was
10 being paid, and that Richard Quinn & Associates had
11 lobbyist's principal clients.

12 MR. LLOYD: Nothing illegal about that.

13 THE COURT: I understand that.

14 MR. LLOYD: And that's sort of where we've been going
15 back and forth on a number of these issue. It is perfectly
16 legal, and that's why we, we went through that examination
17 with Agent Smith. There is nothing that prohibits
18 Mr. Harrison from working for RQA with the fact that they
19 have lobbyist's principal clients just as there's nothing
20 illegal about a legislator working directly for a lobbyist
21 principal, nor is it illegal for a legislator to go out and
22 say look, I want to do PR services for you or transportation
23 consulting services for a lobbyist principal.

24 There's nothing illegal in any of that, and what we
25 were establishing with Agent Smith nor can -- and I know

1 we've gone over this a number of times at the hearings in
2 front of Your Honor, nor can they cite one statute that
3 says, in and of itself, that relationship, either direct
4 employment, a contractual employment or in a consulting
5 way, creates any kind of illegality under the Ethics Act.
6 There's absolutely nothing illegal about that.

7 THE COURT: So, what do you believe they have to show
8 to be able to get in a memorandum of what their relationship
9 is under the work?

10 It would have to come in through Richard Quinn and
11 Richard Quinn only?

12 MR. LLOYD: There's, there's---

13 THE COURT: I guess my question is is Rebecca Mustian
14 gonna come in here and say, as CFO or bookkeeper or whatever
15 she was, is she gonna say yeah, these are documents that
16 were within, you know, at our office, and this was just
17 their understanding of his work relationship?

18 MR. LLOYD: I think---

19 THE COURT: And while I understand your argument, how's
20 that not relevant, and how's that not authenticated then?

21 MR. LLOYD: The relevance doesn't, I don't believe,
22 Your Honor --

23 THE COURT: Uh-huh. (Affirmative).

24 MR. LLOYD: -- respectfully go to the issue of whether
25 it's admissible.

1 First, Rebecca Mustian could come in and lay the
2 foundation under the business records exception.

3 THE COURT: Uh-huh. (Affirmative).

4 MR. LLOYD: She certainly can do that. I don't -- I
5 assume she could, and will testify to that, or Richard Quinn
6 could come in did you, did you write this, did you type it,
7 and he could get into that.

8 THE COURT: Or Mr. Harrison takes the stand, he can ask
9 that --

10 MR. LLOYD: Or Mr. Harrison did that.

11 THE COURT: -- whether or not he received this.

12 MR. LLOYD: But not only do you have this issue of
13 hearsay, and the lack of foundation under the business
14 records exception, you also have an inability, in this case,
15 under the Sixth Amendment, for us to confront either
16 Mr. Quinn or Ms. Mustian about this particular document.
17 For all intents and purposes, Your Honor, we don't know
18 that, for a fact, that Richard Quinn wrote the document.

19 THE COURT: Don't you think it's problematic though
20 that the letter that Mr. Harrison wrote to Chairman Beacham,
21 Meacham, I am sorry, Chairman Meacham that's asking whether
22 or not he can do X, Y, and Z correlates pretty similarly to
23 that memoranda?

24 MR. LLOYD: Can I be a partner, can I be COO?

25 THE COURT: Right.

1 MR. LLOYD: There's a lot of other stuff that goes in
2 there about relationships in terms of services being
3 provided for lobbyist's principals at RQA that was in no
4 where in anything Jim Harrison attached himself to. So --.

5 THE COURT: I understand your argument. I understand
6 is that you wanted to ask everything to make sure that you
7 weren't afoul of anything.

8 MR. LLOYD: Right. But the specific---

9 THE COURT: That is testing your argument.

10 MR. LLOYD: The specific issues about what clients he
11 would be assigned to, that sort of stuff, that's not
12 something that Jim Harrison could testify to if he's never
13 seen this document. We don't know whether he ever saw this
14 document, but the only ability for us to cross-examine as to
15 the substance of that letter or memo is either through
16 Rebecca Quinn, as records custodian, yeah, we get this in
17 the regular course of business, it was normal activity for
18 us to do so, or through Richard Quinn saying yeah, I either
19 wrote it or had it written, and this is what it means.

20 So, the -- otherwise, there's no ability for us to, to,
21 in fact, cross-examine the document quite honestly.

22 THE COURT: How's it any different than an email
23 exchange between Richard Quinn and Mr. Harrison?

24 I mean it would be the same thing as, as---

25 MR. LLOYD: Through which witness though, Your Honor?

1 THE COURT: The -- between -- and I don't know, but I'm
2 just saying if you were trying to enter in something from
3 Richard Quinn to Mr. Harrison, and it would be under the
4 business records, and then, again, that would be to get it
5 past the hearsay exception.

6 MR. LLOYD: Your Honor, we did bring this up last week
7 I think. I'm losing track of time.

8 THE COURT: That's okay.

9 MR. LLOYD: That -- unless there's really a, a company
10 policy regarding email retention, most Courts have said,
11 they've looked at that issue, and say emails aren't business
12 records.

13 THE COURT: Right. I understand that.

14 MR. LLOYD: So, through that method of, of using a
15 business records exception, I would argue an email would not
16 be admissible. Now, there may be other ways to authenticate
17 that email that the State could propose through a witness,
18 but at least through that method I don't believe they could.

19 MR. GRIFFIN: Your Honor, there is independent
20 evidence. You don't have to prove the existence beyond a
21 reasonable doubt, but, for evidentiary purposes, there is
22 independent evidence of a conspiracy. Your Honor pointed
23 out there's the letter to the House Ethics, Ethics
24 Commission saying exactly what this memo says. I'm a
25 partner here. The memo says partner of record, and it says

1 for these clients. The -- and it's got -- and so there's
2 existence of this financial relationship between
3 Mr. Harrison and, and Richard Quinn & Associates. This
4 independently proves -- there's independent proof that
5 Richard Quinn & Associates paid Mr. Harrison for 12 plus
6 years, that Richard Quinn & Associates -- that Mr. Harrison
7 reported the payments to lobbyist's -- principals to -- from
8 lobbyist's principals from Richard Quinn & Associates in
9 year one, and never reported it again.

10 There's evidence that, under the Ethics Act, Richard
11 Quinn & Associates could not receive retainer money from
12 lobbyist's principals if they have an employee who's in --
13 sitting member of the Legislature, which they did. That's
14 evidence that, for a motive, why you wouldn't disclose it
15 after year one. And, and there's evidence that Richard
16 Quinn & Associates continued to receive retainer money from
17 lobbyist's principals for 12 plus years. And so that's the
18 evidence of the conspiracy.

19 This document, Your Honor, is, is found during a
20 search, and, and what the defense wants the Court to adopt a
21 standard that would apply not to this case, but any case
22 where a search warrant is executed, say a booking case, a
23 gambling case, where you find evidence of a book, ledgers---

24 THE COURT: Uh-huh. (Affirmative).

25 MR. GRIFFIN: ---we're gonna have to call the, the

1 person, the custodian of records of the ledger of the --
2 kept the books to get the document in evidence?

3 THE COURT: It's the same thing in a drug case too.
4 It's when you have notes and things having to do with drug
5 cases.

6 MR. GRIFFIN: Exactly. And so it was found during the
7 search. It is what it is, what it is, and it's evidence.
8 And more so, they opened the door when they asked the agent
9 did you find any evidence showing that Mr. Harrison received
10 payments of lobbyist's principals. And it's allocated in
11 this memo, and there's evidence of that. So, it's relevant.
12 They opened the door as well.

13 THE COURT: Yes.

14 MR. LLOYD: Judge, first of all, on the retainer issue,
15 and this gets to the fundamental issue that's been part of
16 the case all along.

17 THE COURT: Uh-huh. (Affirmative).

18 MR. LLOYD: They're misciting what the, what the
19 retainer statute actually says. You can't pay -- a lobbyist
20 principal can't pay a legislator or a company with which the
21 legislator works to do nothing.

22 THE COURT: Right.

23 MR. LLOYD: There's no evidence that they were paying
24 RQA for -- either RQA or Harrison to do nothing. There's no
25 evidence -- maybe they planned to offer that, but thus far

1 they haven't offered that.

2 We keep coming back to though the fundamental issue in
3 this case all along. There's nothing illegal at all.
4 We've, we've been asking this through all of our motions and
5 through certainly this case starting.

6 There's no statute that prohibits a legislator from
7 working for a company that has lobbyist's principal clients.
8 Just like there's no statute that prohibits a legislator
9 from working directly for a lobbyist principal. There's
10 nothing that prohibits a legislator, as we argued last week,
11 from going to any lobbyist's principals and saying hey, I
12 want to provide these services for you or sell you these
13 goods and, by itself, nothing illegal. If that's all that's
14 going on, nothing illegal.

15 Now, if they have other evidence that suggests there
16 was something else going on, they can certainly put that up.
17 But the notion that the mere relationship between Jim
18 Harrison and RQA in any way establishes any illegality is
19 patently false under the statutes.

20 MR. LIMBAUGH: Can I -- I want to --?

21 THE COURT: Go ahead.

22 MR. LIMBAUGH: Can I just point to one real quick
23 thing---

24 THE COURT: Please.

25 MR. LIMBAUGH: ---I just wanted to add?

1 Because, again, this, this another thing that comes --
2 that it is sort of a conundrum in this case.

3 Mr. Griffin, in the, in the, in the argument he just
4 made, whether he knows it or not, just made completely
5 contradictory assertions. He's talking about evidence of
6 the conspiracy being two different -- there, there being two
7 different things here. One, that the lobbyist's principals
8 were paying retainers --

9 THE COURT: Uh-huh. (Affirmative).

10 MR. LIMBAUGH: -- to RQ&A --

11 THE COURT: Uh-huh. (Affirmative).

12 MR. LIMBAUGH: -- which, under the statutes, means they
13 were not paying for goods and services, right?

14 THE COURT: Right.

15 MR. LIMBAUGH: And then, in the very next breath, he
16 says that further evidence of the conspiracy is that
17 Mr. Harrison didn't file the information he was required to
18 file under Section 1130, which is only required to be filed
19 if the lobbyist's principals were paying for goods and
20 services from the business with which he's associated.

21 You cannot have it both ways. It was either -- it
22 would -- it's either a retainer, which they claim would be
23 unlawful, or Mr. Harrison is required to report that
24 relationship under 8-13-1130. It's one or the other because
25 they're either paying for nothing specifically under the

1 code---

2 THE COURT: Right.

3 MR. LIMBAUGH: ---which says you're not paying for
4 goods and services by -- I think Your Honor---

5 THE COURT: I understand that.

6 MR. LIMBAUGH: ---understands the point.

7 THE COURT: Okay.

8 MR. LIMBAUGH: It's one that the State has -- is --
9 never seems to have understood.

10 THE COURT: All right. Mr. Griffin.

11 MR. GRIFFIN: Judge, just very briefly, Your Honor.

12 THE COURT: Sure.

13 MR. GRIFFIN: They are getting the definition of
14 retainer that, that they're relying upon, not in the Ethics
15 Act, but in the, in the -- in Title 2-17, which deals with
16 the General Assembly, and that's the provision that talks
17 about retainer. It says lobbyist's principal, a person
18 acting on behalf of lobbyist's principals, may not employ or
19 retain a public official. And, and then there's a
20 definition of retainer in that section, and it says, for
21 purposes of this section, retainer means this. That's what
22 it says.

23 THE COURT: Okay.

24 MR. GRIFFIN: That -- for this section under the
25 General Assembly under this section.

1 with regard to filing under the Ethics Act, there's,
2 there's no defined term of retainer, and the -- and they
3 were on retainer, and they were being paid. And I'm not
4 buying in retainer means that you pay someone so that you
5 have the opportunity to pay them whenever you want them to
6 work. I mean that's totally illogical, but that -- that's
7 their, that's -- working interpretation is that I'm a
8 lawyer. And so, Mr. Client, you pay me \$5,000 a month, but,
9 when you want services, I'm gonna bill you \$500 an hour.

10 I mean that's their definition of retainer, and that is
11 not the definition of retainer.

12 MR. LLOYD: Your Honor, if we're to rely on
13 Mr. Griffin's definition of retainer somewhere in the Ethics
14 Act under Title 8 or somewhere just in his mind, then we
15 have some fundamental due process issues here. Mr. Harrison
16 has to be on notice of knowing what retainer we're talking
17 about. It's either one in the statute or there's one in
18 Mr. Griffin's mind, but they're saying that somewhere out
19 there floating in the ether is this definition of retainer
20 that they can't show you. Then that whole argument about
21 retainer should be excluded from this trial, and it should
22 not be the basis of any of these charges.

23 MR. LIMBAUGH: The, the statute that they're talking
24 about---

25 THE COURT: Uh-huh. (Affirmative).

1 MR. LIMBAUGH: ---that, that prohibits lobbyist's
2 principals from contracting with a business that, that
3 employs a legislator, that's the one they've always talked
4 about. That statute specifically says what is meant by the
5 term retainer. I don't care what it says about retainers
6 anywhere else or what the colloquial use is in the legal
7 world for purposes of this. That's not an issue.

8 What is it an issue is what does that Code Section to
9 which they always have referred, and on which they've always
10 relied, what does it say a retainer is, and what it says is
11 it's not paying for goods and services. It's paying to be
12 available specifically is what it says.

13 Now, how that helps Your Honor rule on this memo, I am
14 not so sure.

15 THE COURT: I have to say I'm so much more comfortable
16 if it comes in, this memo, through someone else. That, that
17 seems to be kind of where we've -- if Rebecca Mustian can do
18 it, if Jim Harrison can do it, if Richard Quinn can do it.
19 Although I will say this. I don't think it adds anything
20 other than that it comes from Richard Quinn to Jim Harrison,
21 I don't think it adds anything different than what
22 Mr. Harrison asked Chairman Meacham for as well. So --.

23 MR. GRIFFIN: I'm sorry. I---

24 THE COURT: You following me?

25 MR. GRIFFIN: Yeah, but there's something that, that I

1 think you should know is that Ms. Rebecca Mustian wasn't
2 working there in this position in 1999.

3 THE COURT: Okay. Didn't know that.

4 MR. GRIFFIN: Mr. Richard Quinn claims that he, he,
5 from health issues, he has no memory of much of what's
6 happened.

7 THE COURT: Okay.

8 MR. GRIFFIN: And so, for us to take---

9 THE COURT: Okay.

10 MR. GRIFFIN: ---a coconspirator, put him on the
11 witness stand, and try to do the litany of business records
12 under 803(6) or at whatever---

13 THE COURT: Right.

14 MR. GRIFFIN: ---is almost an impossible burden for the
15 State to meet, and I go back to the drug case---

16 THE COURT: Uh-huh. (Affirmative).

17 MR. GRIFFIN: ---the case -- and the public corruption
18 case. Executing a search warrant, you find a document. I
19 mean it's, it's hard evidence.

20 MR. LIMBAUGH: Just because it's hard doesn't mean that
21 they didn't do it.

22 THE COURT: I understand.

23 Okay. Okay. I do think though that there's guarantees
24 of trustworthiness in there when you go back and look at it.

25 Was this asked of Richard Quinn when he testified in

1 front of the Grand Jury?

2 I mean did you have this document then?

3 MR. GRIFFIN: I can't remember if it --.

4 THE COURT: My understanding was he testified after.

5 MR. GRIFFIN: Right.

6 THE COURT: Correct, after the taint review. So, you
7 would of had availability to this document.

8 Did no one ask him about it in front of the State Grand
9 Jury?

10 MR. GRIFFIN: I don't think so, and, and, Your Honor,
11 the, the reason you have to be very careful not to use a
12 State Grand Jury to bolster charges in existing criminal
13 cases.

14 THE COURT: Right.

15 MR. GRIFFIN: So, the extent that he was asked
16 questions, it was about new matters, and it wasn't about
17 this case.

18 THE COURT: Oh, okay. Okay.

19 All right. Well, I still think it does meet -- I don't
20 know. Let me just think about it some more. Let me just
21 think about it some more.

22 Again, I thought I walked through it completely, but
23 let me just make sure.

24 Okay. I certainly don't want this case coming back on
25 this issue although. Not that I think it would. Again, I

1 don't think there's a whole lot in it that, that changes the
2 letter that Mr. Harrison wrote to the House Ethics
3 Committee. So, let's just move on.
4 Your next witness, I'm gonna guess, is Chairman
5 Meacham?
6 Yes.
7 SOLICITOR PASCOE: Brad Warthen, Your Honor.
8 THE COURT: No. Okay.
9 SOLICITOR PASCOE: He's gonna be brief hopefully.
10 That's why I wanted to do, I wanted to do a brief witness.
11 THE COURT: Absolutely.
12 Okay. All right. Y'all ready to go?
13 SOLICITOR PASCOE: Yes, ma'am.
14 THE COURT: Ready for me to bring the jury in?
15 MR. LLOYD: Yes, Your Honor.
16 THE COURT: Okay. Let's bring the jury in.
17 THE BAILIFF: Yes, Your Honor.
18 (WHEREUPON, the following takes place within the
19 presence of the jury.)
20 THE BAILIFF: The jury is seated, Your Honor.
21 THE COURT: Welcome back, ladies and gentlemen.
22 The State is called their next witness. I apologize
23 again.
24 would you, for the jury?
25 SOLICITOR PASCOE: Thank you, Your Honor.

Brad Warthen - Direct examination
By Solicitor Pascoe

1 Brad Warthen.

2 THE COURT: All right, sir. We're gonna swear you in
3 if you would, sir.

4 THE CLERK: Place your left-hand on the Bible. Raise
5 your right.

6 BRAD WARTHEN, being first duly
7 sworn, testified as follows:

8 THE CLERK: Please state your full name.

9 THE WITNESS: Donald Bradley Warthen.

10 THE CLERK: Have a seat.

11 (WHEREUPON, the witness complies.)

12 DIRECT EXAMINATION

13 BY SOLICITOR PASCOE:

14 Q Good afternoon, Mr. Warthen.

15 A Good afternoon.

16 Q Where do you currently work, sir?

17 A Currently I'm the communications director for the James
18 Smith for Governor campaign.

19 Q And I know you're real busy. So, you're at crunch
20 time.

21 Is that correct?

22 A Pretty much.

23 Q And I appreciate you coming today.

24 What are your duties with James Smith campaign?

25 A I handle everything having to do with messaging,

Brad Warthen - Direct examination
By Solicitor Pascoe

1 communications, dealing with the press, writing press
2 releases, handling social media, drafting statements.

3 Q How long you been with Mr. Smith's campaign?

4 A Since the beginning of July.

5 Q Prior to that, did you ever work for The State
6 Newspaper here in Columbia, South Carolina?

7 A I did.

8 Q And how long did you work for The State Newspaper?

9 A Twenty-two years.

10 Q What years was that, Mr. Warthen?

11 A 1987 to 2009.

12 Q Okay. What were your duties and your job at The State
13 Newspaper during that 22 year period?

14 A Well, I started out at -- as governmental affairs
15 editor supervising all the political reporters in Columbia
16 and Washington. And, for the last 12 years, I was the
17 editorial page editor.

18 Q Okay. And would sometimes your duties entail
19 interviewing public officials?

20 A Yes.

21 Q Would you, as part of your job, report in the newspaper
22 or online sometimes what a, a -- you learned from a public
23 official?

24 A Yes.

25 Q Did you also have a blog back in the 2000s when you

1 were at The State Newspaper?

2 A I did, starting in 2005.

3 Q 2005.

4 And tell us about that blog, how it was created, why
5 you created it, and what it was, what it was called.

6 A It was called Brad Warthen's blog, and it -- basically
7 I started it because I saw it as a great avenue for sharing
8 a lot of stuff that we didn't have room in the newspaper to
9 show to people giving them a, a broader, a deeper view at,
10 at the information available to us, telling them more about
11 the many interviews we did, and editorial board meetings.

12 The average editorial was pretty short, and I just
13 thought it was a valuable thing because people could see
14 better what went into the editorial judgments that we made.

15 Q Okay. Tell the jury, if you could, in general, your
16 common practice back in 2005/2006, and seven, and how you
17 interview someone for a story, and then report it on the
18 blog, whether you'd even report it or not, and how it goes
19 up on the website.

20 A Well, we, we conduct interviews either with the people
21 coming in to make some kind of pitch about something that --
22 some idea they were selling to us or public officials or
23 people who were running for public office, and endorsement
24 interviews. And the, the, the ultimate object of these
25 interviews was to decide whether we wanted to take an

1 editorial position or wanted to write a column about it.

2 But the blog was just a place where, you know, I sort
3 of do a dump of what we knew, and what we had learned, and
4 then that would be distilled into what appeared in the
5 newspaper.

6 Q And you've been a reporter for how many years, since
7 when?

8 A Well, I was an editor for -- since -- I was a reporter
9 for about two years in the late '70s. And then, after that,
10 I was an editor from about 1980 on.

11 Q So, when I---

12 A 2009.

13 Q I'm sorry.

14 When I say reporter, I mean reporter and editor---

15 A Right.

16 Q ---working for newspapers for how long?

17 A From 1975 to 2008.

18 Q All right. A long time?

19 A A long time.

20 Q Okay.

21 A Yeah.

22 Q Are you -- how careful are you or were you to be
23 accurate in reporting of details that someone gave you that
24 you're interviewing?

25 A Extremely.

Brad Warthen - Direct examination
By Solicitor Pascoe

1 Q And what did it mean to you or what does it mean to you
2 if you put someone's statements to you in quotes?

3 A It means those are precisely the words that the person
4 used.

5 Q And in the last 22 or in those 22 years at The State
6 Newspaper, how many stories or op eds do you think you wrote
7 in those 22 years?

8 A I guess thousands.

9 Q And in those thousands of articles, how many times had
10 it ever been pointed out to you that you ever misquoted
11 somebody?

12 A I can't recall that happening.

13 Q Sir, did you know the Defendant, Jim Harrison, back in
14 2006?

15 A Yes.

16 Q Okay. How, how did you know him and how long?

17 A I knew him as one of the leaders in the House, and had
18 probably known him since about the mid '90s.

19 Q Was he a friend?

20 A I mean we had a cordial working relationship, but
21 that's about all.

22 Q And certainly no animosity?

23 A No.

24 Q Okay. Have you ever interviewed him?

25 A Yes.

Brad Warthen - Direct examination
By Solicitor Pascoe

1 Q And when did you interview him?

2 A Well, we use to -- we use to interview all of the, the
3 House committee chairs. The, the Speaker was in the habit,
4 in the '90s and I guess early part of the next decade, of
5 bringing them in at least once a year to talk about their
6 legislative agenda, and that kind of thing like in January.

7 Q And let me---

8 A And then I had occasion to talk with him and others
9 whenever they were running for office again and had a
10 contested race.

11 Q Did you interview him in September of 2006,
12 specifically on September the 7th, 2006?

13 A I did.

14 Q Okay. And you've had -- you've got something to
15 refresh your memory --

16 A I do.

17 Q -- over the course of the last couple weeks?

18 A Yeah.

19 Q And what is that that refreshed your memory as to the
20 interview?

21 A It's a, a blog post from, from that time --

22 Q Okay.

23 A -- that I posted about four days after the interview.

24 Q Okay. In that blog post, is that public now, and been
25 public since 2006?

Brad Warthen - Direct examination
By Solicitor Pascoe

1 A It's still available online, yeah.

2 Q Okay. Anybody can pull it up?

3 A Right, it's now called just bradwharthen.com.

4 Q Who is in charge, solely in charge of the contents of
5 that blog post?

6 A I am.

7 Q Okay. I show you what's been marked as State's Exhibit
8 10.

9 Do you recognize that, Mr. Warthen?

10 A Yes, that's a printout of the blog post in question.

11 Q Okay. And does that contain your interview with the
12 Defendant, James Harrison?

13 A It, it contains what I wrote from it, yes.

14 Q Okay. And accurately quotes the Defendant in State's
15 Exhibit 10?

16 A Yes.

17 SOLICITOR PASCOE: I'd ask that State's Exhibit 10 be
18 admitted into evidence.

19 MR. LIMBAUGH: No objection.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 10 was received into
22 evidence at this time.)

23 Q What were some of the big issues when you met with
24 Mr. Harrison on September the 6th -- September the 7th of
25 2006 that you wanted to discuss with him?

Brad Warthen - Direct examination
By Solicitor Pascoe

1 A well, based on this blog post, which without it I
2 would, I would not remember, we, we talked a good bit about
3 school choice. Particularly a bill that I referred to here
4 as PPIC. I think that was called -- that one -- that stood
5 for Put Parents In Charge, and it was a bill either to, to
6 institute tuition tax credits or vouchers. I want to say it
7 was probably tuition tax credits for people to go to private
8 school.

9 Q And what was Mr. Harrison's overall view when it came
10 to school choice?

11 A He was in favor of that bill.

12 Q Okay. Were you aware, at the time you interviewed
13 Mr. Harrison, that he was a salaried employee at Richard
14 Quinn & Associates?

15 A Not to my knowledge.

16 Q All right. Sir, have you ever heard of the South
17 Carolinians for Responsible Government particularly back in
18 2006?

19 A Yes.

20 Q What issue were they pushing back then?

21 A They were pushing the, the school choice bill.

22 Q Okay. And just a few more questions. We'll get you
23 out of here.

24 Do you recall asking the Defendant, Jim Harrison, what
25 his relationship was with Richard Quinn & Associates on that

1 day, September 7th, 2006?

2 A I do not recall asking him about it. I can only infer
3 that either I asked him about it or he brought it up based
4 on what I wrote.

5 Q And what was his response with regards to his
6 relationship with Richard Quinn & Associates?

7 A Let's see. On his relationship with Richard Quinn &
8 Associates, "I'm not on the payroll, but I work with them,
9 and I am compensated for what I do," which he said is about
10 30 percent legal work.

11 Q And did you have any reason to doubt him in 2006 when
12 he said he was not on the payroll at Richard Quinn &
13 Associates?

14 A No.

15 Q And the part that is -- now, the part is in quotes.
16 I'm gonna read it. "I'm not on the payroll, but I work with
17 them, and am compensated for what I do."

18 The part that's not in quotes, which he said is about
19 30 percent legal work, how sure are you or certain, from
20 your blog, that he did say that about the 30 percent legal
21 work?

22 A I'm, I'm completely confident in that.

23 Q Okay. Did Mr. Harrison ever contact you and tell you
24 that that is an incorrect quote from you?

25 A No.

Brad Warthen - Direct examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Beg the Court's indulgence, Your
2 Honor.

3 (Pause.)

4 Q Thank you, sir. Answer any questions that Mr. Limbaugh
5 has for you.

6 You want this?

7 MR. LIMBAUGH: If you don't mind, just leave it up
8 there.

9 SOLICITOR PASCOE: Okay.

10 MR. LIMBAUGH: I doubt if I'll use it, but thank you.

11 SOLICITOR PASCOE: Okay.

12 CROSS-EXAMINATION

13 BY MR. LIMBAUGH:

14 Q Good afternoon, Mr. Warthen.

15 A Good afternoon.

16 Q I just have a few questions honestly cause I would like
17 to see you get out in probably as much as you would like to
18 get out.

19 A Thank you.

20 Q And my, my question primarily is whether you recall --
21 you, you kind of answered this I think with Mr. Pascoe, but
22 I'm gonna try it again.

23 Do you recall how and in what context the issue of
24 Mr. Harrison's association with RQA came up?

25 A I do not. It, it could have been -- it could of been

Brad Warthen - Cross-examination
By Mr. Limbaugh

1 that he brought it up. It could of been that his opponent,
2 Boyd Summers, had said something about it, and, and urged us
3 to ask about it. It could have been there was something in
4 the news at the time about that relationship, but I just
5 cannot recall.

6 Q Okay. So, in, in any event, you -- the -- at that time
7 editorial page editor of the largest newspaper in The State
8 of South Carolina, were aware, through some source or
9 through some mechanism perhaps even because Jim Harrison
10 himself told you that there was some relationship that he
11 had, working relationship, with Richard Quinn & Associates.

12 Is that correct?

13 A Apparently so.

14 Q Okay. So, either his political opponent knew about it,
15 which presumably would of -- would mean that it wasn't a
16 secret, correct?

17 A Uh-huh. (Affirmative).

18 Q Or you had heard about it some other way, which
19 presumably would mean it wasn't much of a secret, correct?

20 A Uh-huh. (Affirmative).

21 THE COURT: That's a yes for the record?

22 THE WITNESS: Oh, I'm sorry. Yes.

23 THE COURT: That's okay. That's okay.

24 THE WITNESS: I'm sorry.

25 THE COURT: That's okay.

Brad Warthen - Cross-examination
By Mr. Limbaugh

1 Q Or Mr. Harrison himself told you, the editorial page
2 editor of the largest newspaper in South Carolina, that he
3 was working with Richard Quinn & Associates?

4 A It could of been any of those things.

5 Q Could of been any of those three things?

6 A Uh-huh. (Affirmative).

7 Q And do you recall any more reporting or writing by the
8 editorial page, either by yourself or Ms. Scoppe or Mr.
9 Bolton who I think was probably still there, whoever was
10 still---

11 A Right.

12 Q ---writing for the paper, digging into this big issue
13 of Mr. Quinn, and, and Mr. Harrison having a working
14 relationship?

15 A I, I don't recall that, and I did not run across
16 anything like that when I was looking for this.

17 Q Notwithstanding the fact that the editorial page editor
18 of the largest newspaper in South Carolina on that date in
19 2006---

20 MR. LLOYD: Six.

21 Q ---knew about it, correct?

22 A Right. Right. For whatever reason, I knew about it.

23 Q Thank you.

24 That's all I have.

25 THE COURT: Anything further?

Brad Warthen - Redirect examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: Very briefly.

2 THE COURT: Yes, sir.

3 REDIRECT EXAMINATION

4 BY SOLICITOR PASCOE:

5 Q Did you know that Mr. Harrison was getting paid \$80,000
6 a year at Richard Quinn & Associates in 2006?

7 A Not that I can recall, no.

8 Q And if you even did recall that he was a salaried
9 employee, what was his answer as to whether he was a
10 salaried employee at Richard Quinn & Associates?

11 A That he was not.

12 Q And that was for the public to read, correct?

13 A Correct.

14 SOLICITOR PASCOE: That's all I have for you.

15 THE COURT: Anything further?

16 MR. LIMBAUGH: No, ma'am.

17 THE COURT: Any objection to Mr. Warthen being excused
18 from anyone?

19 SOLICITOR PASCOE: No, ma'am.

20 MR. LIMBAUGH: No, ma'am.

21 THE COURT: You are excused, sir. Thank you.

22 THE WITNESS: Thank you, Your Honor.

23 SOLICITOR PASCOE: The next witness might object,
24 Judge. Trey Walker. He may want him to stay.

25 THE COURT: Come on up, Mr. Walker.

Trey walker - Direct examination
By Solicitor Pascoe

1 (WHEREUPON, the witness complies.)

2 THE CLERK: Place your left-hand on the Bible, and
3 raise your right-hand.

4 TREY WALKER, being first duly
5 sworn, testified as follows:

6 THE CLERK: Please state your full name.

7 THE WITNESS: Edgar Harris Walker, III.

8 THE CLERK: Thank you. Please be seated.

9 THE WITNESS: May I grab a glass of water first?

10 THE CLERK: You may.

11 THE WITNESS: Thank you.

12 DIRECT EXAMINATION

13 BY SOLICITOR PASCOE:

14 Q Good afternoon, Mr. Walker.

15 A Good afternoon.

16 Q You're just slightly busy like Mr. Warthen. So, I
17 appreciate you coming today. We'll go into that.

18 Where do you live, sir?

19 A I live in Irmo.

20 Q And what is your current job?

21 A I'm the chief of staff for Governor Henry McMaster.

22 Q Okay. And how long you been Governor McMaster's chief
23 of staff?

24 A Since January the 25th, 2017.

25 Q And very briefly, just very briefly, what all does

Trey Walker - Direct examination
By Solicitor Pascoe

1 being chief of staff for the Governor entail?

2 A Running the Governor's office, supervising and
3 overseeing the cabinet agencies, supervising the policies
4 and political activities of the Governor. As it relates to
5 legislation, monitoring legislation through the legislative
6 process along with staff, supervising that staff, to
7 determine whether the Governor signs it into law.

8 Also preparing executive budgets for the State, and
9 then going through the state budgeting process determining
10 which, if any, portions of the State budget the Governor
11 will veto.

12 Q And that's about as a brief description as you can get,
13 correct?

14 A I could go on for another hour.

15 Q You've, you've cooperated at every opportunity, when
16 asked, with this investigation and the SLED probe?

17 A Yes.

18 Q Okay. You've testified before the Grand Jury?

19 A Yes, under subpoena.

20 Q Was your testimony truthful and complete?

21 A Yes.

22 Q Now, very briefly, what I'd like for you to do is tell
23 the jury a little bit about yourself, and your background in
24 politics.

25 what got you involved in politics?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A well, as a child I had early interest in politics that
2 translated into my time at the University of South Carolina.
3 Upon graduation at the University of South Carolina, I was
4 looking for a job, and I met an individual who was looking
5 for a driver, and ended up driving that candidate around for
6 a year. He lost that campaign, but he is now Governor of
7 the State of South Carolina. That was in 1990.

8 Following that, in 1991, I worked for Congressman
9 Arthur Ravenel, Junior from Charleston both in Charleston,
10 and in Washington D.C. In 1992, late 1992, I worked on a
11 Senate campaign, Senate campaign for, in 1992, Republican
12 Nominee Tommy Hartnett. Following that, I did some contract
13 work for the South Carolina Policy Council, and then, in May
14 of 1993, when Henry McMaster was elected Chairman of the
15 South Carolina Republican Party, I became the executive
16 director of the South Carolina Republican Party until April
17 of 1999.

18 Q Okay. So -- and you've been involved in politics then
19 since at least 1990?

20 A Yes, sir.

21 Q Twenty-eight years.

22 You started out as General -- Governor McMaster's
23 driver, and now you're the chief of staff?

24 A Pretty successful story.

25 Q That's pretty good. Took you 28 years. Not bad.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Ballpark figure, how many political campaigns for
2 candidates in South Carolina do you think you've been a
3 consultant for in that 28 years?

4 A Probably over three dozen.

5 Q Okay. If I asked you, as a political consultant, what
6 you did for each of those campaigns, would you be able to
7 tell us?

8 A I would. They were very different roles at different
9 times in my professional experience.

10 Q But you would be able to tell us, even with
11 specificity, what you did for those campaigns?

12 A Yes.

13 Q Okay. How many of those three to four dozen campaigns
14 did you work with the Defendant, Jim Harrison, to assist you
15 in those campaigns as him being a political consultant?

16 A I'm not aware of Mr. Harrison being involved in a
17 professional capacity in any of the campaigns that I was
18 directly responsible for during my time of employment at
19 Richard Quinn & Associates.

20 Q Okay. Or even after or before?

21 A All I can -- all I -- all I could appropriately answer
22 is during that period of time when I was employed there.

23 Q Describe for the jury what a political consultant does.
24 Give them some background about what a true political
25 consults does.

Trey walker - Direct examination
By Solicitor Pascoe

1 A A political consultant provides services to a candidate
2 for office when they are running for office. It's a wide
3 variety of, of things from assisting them with putting out a
4 campaign plan, a campaign platform, advertising, direct vote
5 or contact, media relations, electoral strategy, and a
6 multitude of other things.

7 Q Yes, sir.

8 Any rules that you have to familiarize yourself with to
9 be a political consultant for candidates?

10 A Yes, sir, it's a -- it's, it's, it's critical that a, a
11 consultant know the election laws of South Carolina so that
12 you can provide advice to your client on what is permissible
13 as it relates to elections. It's also critical that you are
14 aware of the State Ethics Codes as it relates to campaign
15 finance, the disclosure of an expenditure of campaign funds
16 both from receiving contributions from donors, and also
17 reporting those contributions as, as what are called
18 expenditures.

19 Q Gotcha.

20 And what also -- what about Statement of Economic
21 Interest, being familiar with that?

22 A That would be -- come under election laws. You would,
23 you would know, as a consultant, that your candidate needs
24 to file a Statement of Economic Interest when they file
25 their candidacy, initial candidacy with the election office

Trey Walker - Direct examination
By Solicitor Pascoe

1 locally.

2 Q But -- and who is -- I know you said political
3 consultants need to know the laws and the rules, but who is
4 ultimately responsible to know?

5 A The ultimate person that the, the regulated, regulated
6 committees like the Election Commission, the Ethics
7 Commission, and other entities hold responsible is the
8 candidate themselves.

9 Q Okay. And who actually has to file the Statement of
10 Economic Interest every year?

11 A The candidate.

12 Q And, in this case, or public official?

13 A Or public official or agency head.

14 Q In fact, I didn't know this, who -- do you have to file
15 a Statement of Economic Interest?

16 A Yes.

17 Q Do you make sure to file it complete and accurate?

18 A Yes.

19 Q Okay. How often does a public official have to file
20 that Statement of Economic Interest, and approximately when
21 do you have to file it by?

22 A Once a year. It's usually around April.

23 Q Okay. What is the purpose of the Statement of Economic
24 Interest?

25 A A couple, a couple purposes, but the -- a primary

Trey Walker - Direct examination
By Solicitor Pascoe

1 purpose is to allow public transparency so that the public
2 is able to determine the individual who is either holding
3 office, running for office, or is the agency head who they
4 are receiving income from, and who their families
5 potentially are, are working for so that the public can
6 judge whether there's a conflicted relationship there or
7 not.

8 Q So, you testified about public transparency?

9 A Uh-huh. (Affirmative).

10 Q Would you ever allow one of your candidates or public
11 officials you worked for to fill out a Statement of Economic
12 Interest that would be incomplete or with misinformation?

13 A Not knowingly.

14 Q How long have you known the Defendant, Jim Harrison?

15 A It started about 1993 when I went to work at the South
16 Carolina Republican Party.

17 Q Okay. Was he a friend of yours?

18 A We're not social friends, but we have a working
19 relationship, which was very amicable, and I -- he's a very
20 friendly man, and I enjoyed his company.

21 Q No animosity whatsoever?

22 A No, sir.

23 Q Consider him in friendly terms?

24 A Consider him a fine man.

25 Q Okay. And in what capacity did you know him?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A The first capacity that I, I knew Mr. Harrison is when
2 he was a member of the House of Representatives, and I was
3 the executive director of the Republican Party. That would
4 be a time period starting in 1993.

5 Q Okay. He worked on any campaigns with you as a
6 political consultant back then?

7 A No, that -- not me directly, no.

8 Q Okay. Let me ask you about campaigns you worked from
9 1999 on.

10 Okay. What campaign did you work on in 1999 and early
11 2000?

12 A That would be the campaign for U.S. Senator John McCain
13 who was running for President at the time.

14 Q Okay. And what was your involvement in the John McCain
15 for President campaign?

16 A I began employment with the campaign as the national
17 field director, which required a good bit of travel around
18 the country, and then, following the South Carolina Primary,
19 I did some advance work for the campaign in other states.
20 The campaign ultimately terminated in April of 2000.

21 Q All right. How many hours a week do you think or how
22 many hours a day do you think you have put in for that
23 McCain campaign?

24 A More than ten. More than ten a day.

25 Q Okay. And approximately when did it officially end?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A I believe in April. I'm not sure of the exact date,
2 but I believe it was April of 2000.

3 Q And the eventual nominee was George Bush?

4 A Oh, yes.

5 Q Okay. And when was, when was the South Carolina
6 Primary when you really would of been working on that McCain
7 campaign?

8 Do you remember?

9 A It's fluctuated between February and March, and I
10 believe, in 2000, it was in the very early part of March,
11 2000.

12 Q Tell the jury how much work and what the Defendant did
13 as a consultant or staffer on the McCain campaign back in
14 1999/2000.

15 A I'm not aware that Mr. Harrison was employed by the
16 McCain campaign.

17 Q To your knowledge, are public officials like Mr.
18 Harrison allowed to be paid to endorse candidates?

19 A To my knowledge, and to my understanding of State Law,
20 that is not allowed.

21 Q What did you start working on, in March of 2000, after
22 the McCain campaign for President ended?

23 A At Richard Quinn & Associates.

24 Q Okay. And is Richard Quinn & Associates a subsidiary
25 of a, of a, of a corporation?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A Yes, I believe it's -- the, the parent company is First
2 Impressions.

3 Q Okay. And how did you get to know the Quinns or
4 specifically Richard Quinn back in 2000 to get the job?

5 A Well, I first met the Quinn family in 1993 when I
6 became the executive director of the South Carolina
7 Republican Party.

8 Q What was your job at Richard Quinn & Associates back in
9 2000, 2001, and 2002?

10 A I was a consultant. It's more of a -- sort of a -- an
11 account manager. I managed and handled oh, gosh, in that
12 2000 cycle, in primary and general elections, I think I was
13 the -- directly responsible for about 20 or more State House
14 and State Senate races. A lot were unsuccessful. Some were
15 successful.

16 Q Okay. Did you do any work for any of the lobbyist's
17 principals, SCANA, AT&T, or Palmetto-Health, while you
18 worked there?

19 A No.

20 Q So, you just worked on political campaigns?

21 A I just worked on political campaigns. Occasionally,
22 when Mr. Quinn, who I reported to, had a scheduling conflict
23 and couldn't attend, I would attend meetings and take notes
24 on his behalf. But I had no involvement with those
25 companies other than taking notes, and providing him what

1 was said at the meetings.

2 Q What other employees at Richard Quinn & Associates did
3 you work with on campaigns?

4 A Tripp Steiner, Jeffrey Stringer, Nancy Bouy, Mark
5 Clowden, Rebecca and Raegan Quinn, Rick Quinn, Richard
6 Quinn, Orin Smith.

7 Q So, you're able to remember a good many, and that's
8 during those three years, 2000, 2001, and 2002?

9 A Yeah, I, I was an employee and worked directly with
10 them, but have, have, have worked on -- have been involved
11 in, either as a, as a vendor at the State Republican Party
12 all the way through. So, whether it's printing or direct
13 mail from 1993, I have worked in various capacities with
14 those folks, and in, in numerous iterations of jobs and
15 campaigns and, and other things.

16 Q And back in 2000 through 2002, the Defendant, Jim
17 Harrison, was Chairman of the South Carolina House Judiciary
18 Committee?

19 A Yes, I believe he was elected back in 1994 after
20 Republicans took control of the South Carolina House.

21 Q Did -- when you worked at Richard Quinn & Associates,
22 did you ever report to Jim Harrison back in 2000, 2001, or
23 2002?

24 A No.

25 Q What campaigns did Mr. Harrison work on with you in

Trey Walker - Direct examination
By Solicitor Pascoe

1 2000, 2001, and 2002?

2 A None directly with me that I'm not aware of, but all I
3 speak for is the ones that I was involved in.

4 Q What was the Defendant, Jim Harrison's, job at Richard
5 Quinn & Associates when you were there in 2000, 2001, 2002?

6 A He has an office at Richard Quinn & Associates, an
7 office, very nice office with the name on the door as you
8 first came in. It was widely visible. It was convention --
9 it was common knowledge that, that he worked at RQ&A in some
10 sort of capacity, a partner or some other type of position.
11 I was not intimately aware nor had knowledge of his
12 relationship -- his financial arrangements or relationship.
13 As it related to his responsibilities or position, that was
14 something I was not privy to.

15 Q And you stated that you thought he was a partner.

16 This isn't the first time you've said that, correct?

17 A Yes, sir, I believe I testified before the Grand Jury
18 that he was a partner or something like that.

19 Q Basically what you testified to today?

20 A Yes, sir.

21 Q Exactly what you testified to today?

22 A Yes, sir, we all consider ourselves, the associates,
23 part of Richard Quinn & Associates. So --.

24 Q Uh-huh. (Affirmative).

25 A But --.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Q You didn't consider yourself an officer at Richard
2 Quinn & Associates?

3 A I didn't.

4 Q You considered yourself an associate?

5 A (Witness nods affirmatively.)

6 Q Okay. Now---

7 A That was a kind way of saying employee I guess.

8 Q Uh-huh. (Affirmative).

9 And you worked on a bunch of campaigns.

10 Wasn't -- who ran for Attorney General in 2002?

11 A Now Governor McMaster ran for Attorney General in 2002.

12 Q And what were your duties with the McMaster campaign in
13 2002?

14 A I was a consultant, the, the primary employee that
15 worked on day-to-day, hour-to-hour on the campaign.

16 Q If fact, I mean being modest, are you the number one
17 man, the number one consultant in the McMaster campaign?

18 A I think given my relationship with Governor McMaster, I
19 think I spent more time on an hour-to-hour, day-to-day basis
20 in that campaign than anyone.

21 Q And what did the Defendant, Jim, Jim Harrison, do as a
22 political consultant to assist you in the Henry McMaster for
23 Attorney General campaign?

24 A I'm not aware that he was employed to work on the
25 McMaster campaign. I have no knowledge of that.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Q And Henry McMaster went on to win the election in
2 November of 2002?

3 A He did.

4 Q Okay. How many hours a week do you think you had to
5 put in or a day as his consultant running that Attorney
6 General's campaign?

7 A More than ten seven days a week.

8 Q And how many people do you think you had to work with
9 at Richard Quinn & Associates and elsewhere on that campaign
10 running his campaign?

11 A The, the -- about the same number that I listed earlier
12 with the names that you asked me about. Most of those folks
13 were there during that 2000 election cycle.

14 Q And they were the consultants with you working on that
15 campaign that you worked with, the people you---

16 A They worked for RQ&A. Some of them worked in the mail
17 shop. Some of them worked in graphic design. Some of them
18 worked in accounts. Some of them had different, different
19 type jobs.

20 Q Now, where did you go after you got Attorney General,
21 then Attorney General McMaster elected?

22 A I went to work in, I believe it was the second week in
23 January, in the Attorney General's Office as Governor
24 McMaster, then Attorney General McMaster, his chief
25 executive assistant.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Q Okay. How long did you stay at the Attorney General's
2 office?

3 A During his full two terms with the exception of I took
4 a leave of absence in 2006, in November of 2006, until
5 November of 2008 to work on Senator McCain's second
6 presidential race, and then a second leave of absence in
7 October of 2010.

8 Q Can, can we go back to '08?

9 I'm sorry.

10 A Yeah, sure. I'm sorry.

11 Q If you don't mind.

12 Okay.

13 A I just want to make sure I got in there that it was two
14 leaves of absence.

15 Q Yes. Good. You just reminded me if I forget, but
16 well, let me ask you.

17 Why did you take a leave of absence?

18 A So that I could work on the presidential campaign.

19 Q So, you thought it wouldn't be right to draw a state
20 salary and work on a political campaign?

21 A You can't, you can't do that.

22 Q Can't do that?

23 A It's an unpaid leave of absence meaning that I got no
24 pay, and the State ceased paying into the retirement system.
25 And I had to pay a hundred percent of the health benefits

Trey Walker -- Direct examination
By Solicitor Pascoe

1 both for the employee and the employer contributions.

2 Q And so, for two years, what position did you hold in
3 the John McCain for President campaign?

4 A Well, in that campaign, I think I played every
5 instrument in the band. Started off as the, the State
6 director for the campaign. Then became a consultant in the
7 summer of 2007 when the campaign went broke, and there were
8 very few of us left in the campaign at that time. So, I
9 went on as a consultant at that time, stayed around.
10 Fortunes rebounded in the Fall of 2007.

11 So, I moved into more of a larger consulting role in
12 South Carolina, and then, after the South Carolina Primary,
13 I went to work as the regional campaign manager for eight
14 states along the east coast border.

15 Q Can I stop you there for a second?

16 A Sure.

17 Q We'll get into that state -- but when does it really
18 heat up in South Carolina in the Presidential Republican
19 Primary?

20 So, we're talking when in 2007 and 2008 to give the
21 jury an idea.

22 A I would say, for the actual campaign, for the totality
23 of the campaign, with all of the candidates in action and
24 all the fun that comes with that, I think the -- all of 2007
25 is when it started ramping up.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Q Okay. And you were in charge of the McCain campaign in
2 South Carolina, right, or---

3 A Yeah, I was a consultant -- I was -- I started off as
4 the state director, and I ended up being a part of the
5 consulting team. So, I had different responsibilities, but
6 --.

7 Q And tell the jury how much political consulting work,
8 to your knowledge, did the Defendant, Jim Harrison, do on
9 the McCain campaign in 2008?

10 A I'm not aware that he was paid to do any consulting
11 work on the McCain campaign.

12 Q Now, do you recall whether or not he endorsed the
13 McCain---

14 A Yes.

15 Q ---campaign?

16 A Yes.

17 Q Did he endorse McCain?

18 A He did. He was one of the very early endorsers. In
19 fact, almost 60 percent of the Republican membership of the
20 House initially endorsed Senator McCain.

21 Q And I believe you answered this, are you allowed to be
22 paid to endorse a candidate?

23 A No.

24 Q Do you recall whether he endorsed Henry McMaster in
25 2002?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A He did.

2 Q Do you recall whether he endorsed John McCain in 2000?

3 A I believe so. I'm pretty sure. He had good judgment.

4 Q He -- were you aware, in 2007 and 2008, whether the

5 Defendant, Jim Harrison, still had some arrangement with

6 Richard Quinn & Associates?

7 You knew he was there in '01, '02, '03.

8 What about 2007 and 2008?

9 A Following my departure as an employee of RQ&A in
10 January of 2003, I had no firsthand knowledge whether Mr.
11 Harrison's employment continued after my departure or not.

12 Q Okay. So, you weren't aware, in '07 or '08, whether he
13 was getting a paycheck or not, whether he was a partner, or
14 consultant, or what he was doing?

15 A I was not aware of his status.

16 Q Would you still go to -- well, after the Presidential
17 Election in 2008, that was the year that Senator McCain lost
18 in November, right?

19 A Uh-huh. (Affirmative).

20 Q Where did you go after that election in November, 2008?

21 A I came back to briefly work at the Attorney General's
22 office for the 2009 year, and then took another leave of
23 absence in February of 2010 through June of 2010 to work on
24 Attorney General McMaster's first campaign for Governor.

25 Q Okay. And what were your duties with Governor

Trey Walker - Direct examination
By Solicitor Pascoe

1 McMaster's campaign in 2010?

2 A I was his campaign manager.

3 Q And the head campaign manager for the State of South
4 Carolina?

5 A Yes, sir.

6 Q Okay. How long did that campaign take place?

7 A Until he came in third in the primary on, I believe,
8 June the 10th, 2010.

9 Q Tell this jury what the Defendant did as a political
10 consultant, to your knowledge, with Henry Master's 2010
11 gubernatorial campaign.

12 A I'm, I'm not aware that he was paid to work on Governor
13 McMaster's then 2010 campaign for Governor.

14 Q Are you aware that he or what -- any political
15 consulting work he did, paid or unpaid?

16 A I have no firsthand knowledge of any political
17 consulting work.

18 Q And you were the campaign manager for Governor
19 McMaster?

20 A Yes, he was -- he supported Governor McMaster as an
21 endorser and an enthusiastic political supporter.

22 Q So, he did endorse him?

23 A Uh-huh. (Affirmative).

24 Q Okay. Were you aware, in 2010, that the Defendant was
25 still employed at Richard Quinn & Associates?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A No, I had no knowledge of his status at that time.

2 Q And back then, where was Richard Quinn & Associates
3 headquarters?

4 where was their office?

5 A Between 1993 and my experience -- in 1993 and 2008, the
6 offices were located either 1620 Gervais Street or 1600
7 Gervais Street.

8 Q Okay. And after that, cause you testified you were
9 only there really in '01 -- 2000, 2001, 2002, right?

10 A Right, that was as of an employee of Richard Quinn &
11 Associates.

12 Q Okay. And, and he had an office there, the Defendant
13 has an office there?

14 A At 1620.

15 Q where did they move in 2008?

16 A 1600 --

17 Q Okay.

18 A -- Gervais Street. It's literally about half a block
19 right on the corner of Pickens and Gervais in downtown
20 Columbia.

21 Q And where did they move in like -- in 2009?

22 A To an office space on 12th Street in, in -- I think
23 it's Cayce. I get it mixed up. Cayce, West Columbia,
24 because the -- the line runs right around Knox Abbott.

25 Q would you go there often when you were running Governor

1 McMaster's campaign in 2010?

2 A His -- yes, because Governor McMaster's campaign
3 initially started off in the basement of that building
4 during the Summer of 2009. So, I would frequently, after
5 hours, weekends, go there to meet with the campaign, stuff
6 envelopes, you know, things like that.

7 Q And who all was working there then on campaigns that
8 you saw and worked with?

9 A You talking about on the McMaster campaign?

10 Q 2010 -- I'm glad you specified that, on that 2010---

11 A On the McMaster campaign, it was the, the folks that
12 were working on his campaign, fellow by the name of Rod
13 Godfrey was there. Sunny Phillips. She was a fundraiser.
14 Another gentleman by the name of Brad Henry, who was a
15 fundraiser that worked in and out of town, some interns.

16 Q And those are the people you remembered in 2010 --

17 A Right.

18 Q -- at Richard Quinn & Associates working campaigns?

19 A No, no, no, those people worked for Governor McMaster's
20 campaign for Governor.

21 Q Okay. Were they working at RQ&A with you?

22 A No.

23 Q Who at RQ&A, when you would go over there, would you
24 work with on campaigns in 2010, the McMaster for Governor?

25 A Richard Quinn, Rick Quinn, Rebecca and Raegan Quinn,

Trey Walker - Direct examination
By Solicitor Pascoe

1 Mustian, a gentleman by the name of Adam Fogle, Tripp
2 Steiner, and then the folks in the mail shop that was
3 located -- still located at 1620. I believe Jeffrey
4 Stringer was still there in that time. He might not have
5 been there, but that was --.

6 Q And where did you go after McMaster lost the
7 gubernatorial campaign in June of 2010?

8 A Went back to, briefly, to the Attorney General's
9 Office, and then was hired by then Candidate for Governor
10 Nikki Haley to work on her campaign, and after her
11 successful general election victory, she offered me the
12 position of, position of deputy chief of staff for
13 communications on legislative affairs, which I took, and
14 began a employment at the Governor's Office in November of
15 2010.

16 Q Did -- when you helped run her campaign, did Richard
17 Quinn & Associates help run her campaign?

18 A No.

19 Q Did Mr. Harrison endorse her campaign though?
20 Do you know?

21 A I, I, I, I have no firsthand knowledge, but it would be
22 likely that he did in the general election.

23 Q Because she was running against a Democrat?

24 A Right.

25 Q Where did you go after you left Governor Haley's

Trey Walker - Direct examination
By Solicitor Pascoe

1 office?

2 A I was hired by the University of South Carolina to be
3 the director of state government relations.

4 Q Okay. And when and how did you get the job at
5 University of South Carolina?

6 A I understood that the position was being created, and
7 they were looking at applicants.

8 Q Okay. And what type---

9 A My former employer, Richard Quinn, was previously on a
10 consulting arrangement with the University. He recommended
11 me highly to Ms. LouAnne Lawrence who was the vice-president
12 of communications. She was brand new, and he recommended me
13 to her, and I went through a lengthy interview process, and
14 was, successfully, was offered the position.

15 Q And what was the title again?

16 A Director of state government relations.

17 Q And as director of state government relations, were you
18 a lobbyist?

19 A Yes, I was a registered lobbyist.

20 Q Okay. Tell the jury a little bit about what you mean
21 by a registered lobbyist.

22 What do you have to do to be a lobbyist in South
23 Carolina?

24 A A registered lobby -- well, to be a registered
25 lobbyist, first you have to be hired by a lobbyist

Trey Walker - Direct examination
By Solicitor Pascoe

1 principal. That is a company that hires someone for the
2 purpose of lobbying meaning to ask members of the General
3 Assembly and State agencies to effect decisions and agency
4 outcomes.

5 The principal hires that individual. That individual
6 is responsible for registering with the South Carolina
7 Ethics Commission, and providing that information on when
8 they were hired, what the nature of their relationship is
9 with the lobbyist's principal, and disclosing what the
10 salary that they receive for the act, the actual act of
11 lobbying is, and disclose that.

12 You do that twice a year. Once at the beginning of the
13 year, and then once following the legislative session.
14 They're broken up in six month and seven month increments.

15 So, that's why, when you look at them, a, a, a -- for a
16 one year period, when you look at the two, one is gonna be
17 higher -- one amount for lobbying activities is gonna be
18 higher because it has that seventh month in there. Not the
19 sixth month.

20 Q Okay. Was Richard Quinn & Associates, and First
21 Impressions, a registered lobbyist at any point in time to
22 your knowledge?

23 A No.

24 Q Okay. By law, are you allowed to lobby legislators and
25 government, government officials if you're not registered

Trey Walker - Direct examination
By Solicitor Pascoe

1 for a, for a company?

2 A It's illegal.

3 Q Okay. And what years did you work at the University of
4 South Carolina again, Mr. Walker?

5 A From August of 2011 until September of 2014.

6 Q And when you were working at the University of South
7 Carolina, Richard Quinn & Associates, were they getting a
8 retainer from USC?

9 A Yes.

10 Q Okay. And you were aware of that?

11 A Yes.

12 Q Okay. Were you aware, in 2011 and 2012, that Jim
13 Harrison was getting \$2,000 a month from Richard Quinn &
14 Associates?

15 A No.

16 Q Had you known that Mr. Harrison was getting \$2,000 a
17 month from Richard Quinn & Associates, would that have been
18 a problem for you at USC?

19 A Yes, I would of been uncomfortable with it, and would
20 of likely mentioned it to supervisors.

21 Q Are lobbyist's principals allowed to put companies on
22 retainer that have legislators?

23 A No.

24 Q Did Richard Quinn & Associates or Mr. Harrison ever
25 make you aware, at USC, that there were legislators still

Trey Walker - Direct examination
By Solicitor Pascoe

1 employed at Richard Quinn & Associates when you were the
2 lobbyist there?

3 A No one made me aware of---

4 Q Yes.

5 A ---of any, any such information.

6 Q Did anybody provide you notice or knowledge that hey,
7 Jim Harrison's getting paid money at Richard Quinn &
8 Associates?

9 A No.

10 Q Do you recall how much a month the University of South
11 Carolina paid Richard Quinn & Associates in retainer?

12 A I believe it fluctuated when they start, started on
13 contract with the University before I was, was hired. I
14 think they were -- they started a year before or a little
15 less than that. I believe it was \$10,000 a month. The only
16 way I would know that is through what I may recall hearing,
17 but I was not involved in that initial hiring. So, I
18 wouldn't of---

19 Q So, it's---

20 A I think, I think it was 10,000.

21 Q So, as much as \$10,000 every single month from USC---

22 A Uh-huh. (Affirmative).

23 Q ---in retainer money?

24 A Uh-huh. (Affirmative).

25 Q And retainer money is availability of services, correct

Trey Walker - Direct examination
By Solicitor Pascoe

1 --

2 A Uh-huh. (Affirmative).

3 Q -- as opposed to actual services?

4 A It's a typical practice among advertising agencies and
5 consulting firms to have a retainer -- to have that company
6 on retainer if you need them for services.

7 Q And when you were a lobbyist for the University of
8 South Carolina, and they had RQ&A, Richard Quinn &
9 Associates, on retainer, how would you utilize Mr. Quinn,
10 Richard Quinn, for USC?

11 A Advice, information, strategy, messaging. A whole host
12 of various services to test out what the University wanted
13 to do. Say for instance in their budget request, their
14 annual budget request, which is the -- pretty much the
15 largest thing the University does from a legislative
16 standpoint every year, so it, it was good to, to have that
17 agency to provide that sort of experiential knowledge on the
18 issues that you could rely on.

19 Q So, strategy on how to deal with legislators?

20 A Right, and my supervisors expected me to work with them
21 as part of the USC team.

22 Q And you've ever heard the term Team Quinn?

23 A Yes, it's been used in a, a positive connotation, and a
24 negative connotation.

25 Q And who are some of the members, members of Team Quinn

Trey Walker - Direct examination
By Solicitor Pascoe

1 back in 2010 through 2012?

2 A Can you provide me a little context of like --?

3 Q That you would consider---

4 A That I would consider friends?

5 Q No, Team Quinn.

6 I want to know who is Team Quinn back in 2000 to 2010.

7 A They would be people who are personal friends,
8 associates of---

9 Q No, I'm asking for specific legislators.

10 A In, in the General Assembly?

11 Q In the General Assembly.

12 A Oh, folks like Rick.

13 Q Rick who?

14 A Rick Quinn.

15 Q Okay.

16 A Representative Jimmy Merrill, Representative Tracy
17 Edge, Representative Harrison, Representative Kenny Bingham,
18 Representative Bill Herbkersman. I could, I could keep
19 going.

20 Q Okay. Those are the main ones that you can think of?

21 A Right, but it -- the, the---

22 Q Okay.

23 A ---folks came on and off into that -- in that sort of
24 loosely configured friendship based on issues, and
25 campaigns, and times.

Trey Walker - Direct examination
By Solicitor Pascoe

1 Q Were you aware that Tracy Edge was also being paid by
2 Richard Quinn & Associates---

3 A I, I was---

4 Q ---between 2010---

5 A I was aware that Tracy Edge did do some campaign things
6 over the years because he actually organized rallies and/or
7 events in Horry County at Broadway at the Beach and others.
8 So, I was aware of that.

9 Q He actually did campaign work at RQ&A, correct?

10 A I, I know of instances when he provided assistance
11 putting together events in Horry County and, and the like.

12 Q And---

13 THE COURT: Mr. Pascoe, we need to take a quick short
14 break for the---

15 SOLICITOR PASCOE: I'm actually two questions. It's up
16 to -- do y'all want to still---

17 THE COURT: That's okay.

18 SOLICITOR PASCOE: That's fine.

19 THE COURT: The jury was just giving me some signals
20 that we needed a break for a minute.

21 SOLICITOR PASCOE: We'll probably -- okay. Let's do
22 it. I'll probably end there, but --.

23 THE COURT: Okay. Let's go ahead.

24 Ladies and gentlemen, do not discuss the case. It
25 wouldn't be appropriate to do so. Put your pads in your

Trey Walker - Direct examination
By Solicitor Pascoe

1 chairs, and, Mr. Foreperson, knock on the door when y'all
2 are ready to come back out.

3 okay. Thank you.

4 (WHEREUPON, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Thank you.

7 I apologize, Mr. Pascoe.

8 SOLICITOR PASCOE: No, I'm glad you---

9 THE COURT: I had a juror that was saying I have to go,
10 I have to go. He wasn't even waiting two minutes.

11 So, anyway, Mr. Walker, you're welcome to step down,
12 sir, during the break. Just don't talk about your
13 testimony.

14 THE WITNESS: Thank you.

15 THE COURT: Thank you.

16 Ten minutes. Ten minutes.

17 (WHEREUPON, a short recess was taken at this time.)

18 THE COURT: You ready to go, Mr. Pascoe?

19 SOLICITOR PASCOE: Yes, ma'am.

20 THE COURT: All right. Gentlemen, you ready to go?
21 Yes?

22 MR. LIMBAUGH: Yes, ma'am.

23 THE COURT: Let's bring the jury in.

24 The jury did ask me, if they felt sleepy, could they
25 stand up in place during the trial.

Trey Walker - Direct examination
By Solicitor Pascoe

1 MR. LLOYD: No problem here.

2 MR. LIMBAUGH: I'd, I'd rather they do whatever they
3 need to pay close attention.

4 THE COURT: I agree with you, and I'll just keep asking
5 them if we need to stand up and take our, you know,
6 stretches as we go.

7 MR. LLOYD: Your Honor, I'm fine if they do it in the
8 middle of my examination.

9 THE COURT: I know. It's after lunch, and, you know,
10 of course, that's no reflection on your testimony, Mr.
11 Walker. It's just --.

12 THE WITNESS: Thank you.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you.

17 Ladies and gentlemen, I received a note from your
18 foreperson just saying that, if you feel sleepy, are you
19 permitted to stand up during the trial. I will say yes,
20 except that I don't want you blocking other jurors.

21 So, to this extent, if someone would just give me a
22 signal like this, which just means we need a stretch, I am
23 more than happy to say let's take a quick break. Again, if
24 you just do this for me, anyone, we'll just take, you know,
25 a eight minute or eight second stretch I would say, and that

Trey Walker - Direct examination
By Solicitor Pascoe

1 will be fine.

2 Okay. I understand this is typically about the time
3 that everyone starts getting tired. It's after lunch.
4 We're all full and I recognize that.

5 So, absolutely. I don't want anyone falling asleep
6 cause, if that happens, I can assure you the bailiff will be
7 leaning over nudging you.

8 Okay. So, continue with Mr. Walker, Mr. Pascoe.

9 SOLICITOR PASCOE: Thank you, Your Honor.

10 CONTINUED DIRECT EXAMINATION

11 BY SOLICITOR PASCOE:

12 Q A couple more questions.

13 When did you leave USC, and where did you go?

14 A I left USC in September of 2014. I was hired as the
15 senior government affairs adviser for BlueCross BlueShield
16 of South Carolina.

17 Q Okay. And who helped you get that job?

18 A James D'Alessio hired me from USC. No one provided any
19 assistance to get that job.

20 Q And if I'm -- oh, I'm sorry.

21 A Mr. D'Alessio.

22 Q And finally, sir, you yourself said you got no
23 animosity towards Mr. Harrison. You thought he was a fine
24 fellow.

25 Correct?

Trey Walker - Direct examination
By Solicitor Pascoe

1 A Still do.

2 Q And still do.

3 And if Mr. Harrison had said to you I'm not on the
4 payroll at Richard Quinn & Associates, but I work for them
5 and am compensated for what I do, which is 30 percent legal
6 work, would you believe him if he told you that?

7 If Mr. Harrison told you that he was not on the
8 payroll---

9 A I, I certainly would know that it would be likely to be
10 true or accurate or seem accurate based on my experience
11 from '99, 2000, working at RQ&A. Beyond that, I have no --
12 would have no knowledge of Mr. Harrison's status beyond
13 that.

14 Q So, if he told you he was not on the payroll of Richard
15 Quinn & Associates, would you believe him?

16 A I, I wouldn't have any knowledge of that after I left
17 employment at RQ&A. I would know that and would, would take
18 that as faith because I worked with him and saw him at RQ&A,
19 you know, multiple times during the week during my
20 employment there.

21 Q Let me make it nice and simple for you.

22 In 2006, if he told you I'm not on the payroll---

23 MR. LLOYD: Your Honor, asked and answered.

24 SOLICITOR PASCOE: But I -- he's not answering the --.

25 THE COURT: Okay. I think you need to take a couple

Trey Walker - Direct examination
By Solicitor Pascoe

1 steps back too---

2 SOLICITOR PASCOE: Okay.

3 THE COURT: If you don't mind.

4 SOLICITOR PASCOE: Okay. I'm sorry. Am I blocking?

5 THE COURT: That's okay. Blocking my view of the jury.

6 Q In 2006, if he told you I'm not on the payroll at
7 Richard Quinn & Associates, knowing him the way you know
8 him, would you believe him?

9 A I would have no reason not to believe him.

10 Q Okay. Thank you, sir. Good luck to you, and please
11 answer any questions they have for you.

12 Okay.

13 MR. LLOYD: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. LLOYD:

17 Q Mr. Walker, do you mind if I call you Trey?

18 A (Witness nods negatively.)

19 Q Old habits are hard to break.

20 A Just tell me if you want me to call you judge.

21 Q No. You can just call me Reggie.

22 A Okay.

23 Q I just have a few questions for you, and then we can
24 get you out of here.

25 A Certainly.

Trey Walker - Cross-examination
By Mr. Lloyd

1 Q During the time that you worked at USC as a lobbyist,
2 you, you indicated to the jury that you-all used RQA as a
3 consultant.

4 Is that right?

5 A Yes.

6 Q And could you describe again what kind of services
7 would you consult with RQA on?

8 A They would primarily be strategy, messaging, tactics
9 for passing primarily the, the budget priorities of USC,
10 the, the -- basically what USC would ask for money,
11 additional funds in the State budget, for programs, for
12 academic programs, and such. And a strategy would be -- is
13 very common in the industry. A strategy would be prepared
14 on how to win the hearts and minds of the 107 members of the
15 General Assembly to have that included in the State budget.

16 Q And when -- you indicated earlier that a lot of times
17 the contract that you had with RQA would allow you or
18 someone else, I assume from USC, to just call Richard Quinn
19 up and discuss those kind of matters?

20 A Are you speaking about my employment by the University
21 of South Carolina?

22 Q Yes, sir.

23 A Okay. I was a direct employee. I had no contract with
24 them. And so it was, it was understood, by Doctor Pastides
25 and my, and my supervisor at the time, that they were

Trey Walker - Cross-examination
By Mr. Lloyd

1 consultants. They had been hired prior to my arrival at USC
2 to provide consulting services, and strategic services, and
3 I was expected to work with them in putting together USC's
4 legislative priorities for that upcoming fiscal year.

5 Q I guess my question goes back to you, you discussed
6 earlier with the jury what a retainer in your mind was.

7 A Uh-huh. (Affirmative).

8 Q When you-all had that agreement, and you would call
9 Richard Quinn & Associates for anything, advice about
10 messaging or strategy or anything like that --

11 A Uh-huh. (Affirmative).

12 Q -- would you get another bill from RQA because of that
13 phone call?

14 A I did not receive the bills. So, I would not know if
15 another one arrived, but it is -- I do not believe that any
16 additional bills were sent other than that monthly retainer,
17 and that retainer would cover any work performed in that
18 month if it was needed.

19 Q And that's, that's exactly what I was getting at,
20 Mr. Walker. So thank you.

21 Let me ask you. You've been around the State House a
22 good bit of your career.

23 Is that fair to say?

24 A Yes, sir.

25 Q Particularly referencing your time at the University of

Trey Walker - Cross-examination
By Mr. Lloyd

1 South Carolina, would education related bills typically or
2 ever go through House Judiciary?

3 A No.

4 Q When it came to USC's budget, would it go through House
5 Judiciary?

6 A No.

7 Q When we use that term education, they're other bills
8 that are particular interest to universities and colleges
9 other than budget or just something dealing with specific
10 courses taught.

11 Is that fair to say?

12 A Yes.

13 Q Would any of those matters ever go through House
14 Judiciary?

15 A Yes, there would be some matters that would go through
16 both judiciary committees that involved issues that were
17 outside of the regular education and budget issues.

18 Q Could you describe for the jury those types of matters?

19 A One that was -- is very familiar is the open carry
20 legislation that was proposed that would allow citizens to
21 carry firearms wherever they go on campus for any reason or
22 anywhere in the State, whether it be on a campus of a
23 university, on a high school, on a elementary school,
24 church, shopping mall, you got it. Any where -- that's why
25 they call it open carry.

Trey Walker - Cross-examination
By Mr. Lloyd

1 That legislation would go through Judiciary, and it
2 actually did go through Senate Judiciary during my time at
3 USC. USC was very much opposed to that legislation, and so
4 we were working to make sure that that bill did not get out
5 of Judiciary Committee on the Senate side.

6 Q And was this during the time Mr. Harrison was Chair of
7 House Judiciary?

8 A Yes.

9 Q Okay. So, that bill never made it over to House
10 Judiciary?

11 A No, sir.

12 Q Now, that bill is a, is a great example. That bill
13 wasn't just of interest to colleges and universities. That
14 also applied to say bars.

15 Is that correct?

16 A Bars, nonprofit, churches, retail, convenience stores.
17 Most of the entities that represented entities that had
18 public access were opposed to that.

19 Q And based on your experience of working at the State
20 House, is it fair to say that, much like that open carry
21 bill, Judiciary would typically deal with bills or
22 legislation that concerned our general criminal statutes.

23 Is that fair?

24 A Yes, I would say, in my experience, the majority of the
25 legislation that goes through the judiciary committees

Trey Walker - Cross-examination
By Mr. Lloyd

1 involves the criminal justice system.

2 Q And let, let me ask you. You, you started educating
3 the jury, and I'm thinking they're getting much of an
4 education this week on lobbying itself.

5 What is lobbying.

6 Can you explain to the jury your role as a lobbyist
7 for---

8 A I---

9 Q ---USC?

10 A I think the best way for me to explain is how I explain
11 it to children or kids when they would take a tour or I
12 would have to explain to my children's friends exactly,
13 excuse me, what their daddy did for a living. Excuse me.
14 And I would tell them that my job is to persuade 170 people,
15 on behalf of my employer, to do something they ordinarily
16 wouldn't do on their own, to convince them of the need and
17 the necessity, and the virtue of what I was asking them to
18 do because, if no one is asking them to do it, they wouldn't
19 do it on their own because they're unaware of the need or
20 the necessity.

21 Q You're familiar with the statutes that deal with
22 lobbying activities.

23 Is that correct?

24 A Yes.

25 Q And the statutes that deal with lobbying have a very

Trey Walker - Cross-examination
By Mr. Lloyd

1 precise definition of lobbying.

2 Is that correct?

3 A I believe they are very clear.

4 Q And let me ask you, under those statutes, if you just
5 approached a member and said hey, there's a bill that's
6 being introduced that deals with open carry, is that
7 considered lobbying?

8 A Under my experience, that would not qualify as an
9 actual ask for action.

10 Q And, Trey, you said something that I really want the
11 jury to understand based on your experience and knowledge,
12 not only in lobbying and being a government official,
13 sometimes people lobby you, as well as just your knowledge
14 of the statutes here.

15 Under the statutes, lobbying, to be within that
16 statute, is specifically asking a legislator to take a
17 specific action, vote for or vote against a piece of
18 legislation.

19 Is that right?

20 A That is been my understanding of what the definition
21 is.

22 Q And in and of itself, if you go in to educate a
23 lobbying -- a legislator as to the impact of a bill on their
24 district or on the general public, that's not considered
25 lobbying under the statute, is it?

Trey Walker - Cross-examination
By Mr. Lloyd

1 A No, we have local government officials, school
2 districts, teachers come up there and do that every day.

3 Q And if someone were to talk to a legislator about the
4 political implications of voting for or against a piece of
5 legislation, that doesn't fit in the definition of lobbying,
6 does it?

7 A I would not interpret that as fitting in that
8 definition.

9 Q If someone said hey, you know, they're a lot of hunters
10 and Second Amendment rights people in your district, if you
11 vote against open carry, it's gonna probably hurt you in
12 your next race.

13 That wouldn't be lobbying, would it?

14 A I, I -- it's getting close, but I, I would consider
15 that hard persuasion, but it, it -- I, I would think that
16 that would be in the, the kids game of hot or hotter or hot
17 or colder, colder, colder. I would think you would be
18 getting very warmer in that direction.

19 Q And what you would be concerned about is getting too
20 close to asking them to take specific action on a piece of
21 legislation.

22 Is that correct?

23 A It would be the, the -- it would be what was implied in
24 that statement is where it would, it would get into
25 uncomfortable territory.

Trey Walker - Cross-examination
By Mr. Lloyd

1 Q Now, when you worked at the University of South
2 Carolina and you-all continued to use RQA as a consultant,
3 did you ever talk to Richard Quinn about getting
4 Mr. Harrison to vote favorably or against a piece of
5 legislation that you were interested in?

6 A No, I do not recall ever having any involvement with a
7 USC bill. So, no, I don't believe that I ever asked him to
8 convince Mr. Harrison to vote on an actual bill. I don't
9 believe I did that with any member of the General Assembly.

10 Q Earlier you talked generally about some of the
11 campaigns you had been involved in, and you should start a
12 baseball card collection.

13 During that time, you were aware that Mr. Harrison,
14 from 2000 until when worked at RQA?

15 A I was aware, when I was employed at Richard Quinn &
16 Associates and was there virtually every day from the Years
17 1990, early in 1990, almost right at the beginning of 1999,
18 excuse me, to 2000, he had an office there. I saw him there
19 a lot. It was -- I knew that he was an employee. I knew
20 he, like I said to the Grand Jury, to the Grand Jury, I
21 assumed that he knew him to be like a partner or some type
22 of position. He was, he was definitely not my peer at
23 Richard Quinn & Associates.

24 Q Did he ever give you orders while you worked there?

25 A No.

Trey Walker - Cross-examination
By Mr. Lloyd

1 Q Now, was it generally understood that Mr. Harrison
2 worked at RQA to your knowledge?

3 A To my knowledge, it was.

4 Q It wasn't a secret?

5 A I did not know it to be a secret. His name was on the
6 door.

7 MR. LLOYD: Your Honor, if you and Mr. Walker would
8 indulge me for a moment?

9 (Pause.)

10 Q Trey, I got a couple more questions for you.

11 A Okay.

12 Q We're almost done.

13 When you came to work at RQA in 1999, 2000 is when you
14 -- is that right?

15 A Uh-huh. (Affirmative).

16 Q Was Mr. Harrison already working there?

17 A Yes.

18 Q Did he have any involvement in hiring you?

19 A No.

20 Q And you answered a question earlier about when you were
21 working at the University of South Carolina. You, you
22 testified that you never asked Richard Quinn to get
23 Mr. Harrison to do anything on your behalf as related to
24 legislation USC was interested in.

25 Is that right?

Trey Walker - Cross-examination
By Mr. Lloyd

1 A I never asked him to make the -- a request that would
2 constitute the definition of lobbying. I didn't do that for
3 any member of the General Assembly because that -- if you're
4 not a registered lobbyist, you should not be doing that.
5 That was my job. That was what USC paid me to do.

6 Q And does that same answer apply to your time at
7 BlueCross BlueShield?

8 A Yes, but I had almost zero involvement with Mr. Quinn
9 on any matters of BlueCross business.

10 Q Tray, I'm done. Thank you.

11 A Thank you.

12 THE COURT: Mr. Pascoe.

13 SOLICITOR PASCOE: No redirect.

14 Thank you, Mr. Walker. Thank you for coming.

15 THE COURT: Very good.

16 SOLICITOR PASCOE: Can he be excused?

17 THE COURT: You are excused, sir.

18 Call your next witness.

19 SOLICITOR PASCOE: We call Ms. Meacham Richardson. If
20 I can find her.

21 Thank you.

22 THE CLERK: If you would come forward to be sworn in.

23 (WHEREUPON, the witness complies.)

24 THE CLERK: Place your left-hand on the Bible, and
25 raise your right-hand.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 REBECCA MEACHAM RICHARDSON, being
2 first duly sworn, testified as follows:

3 THE CLERK: Please state your full name.

4 THE WITNESS: Becky Meacham Richardson.

5 THE CLERK: Okay. Have a seat in the chair. Thank
6 you.

7 DIRECT EXAMINATION

8 BY SOLICITOR PASCOE:

9 Q Good afternoon, Ms. Richardson.

10 A Good afternoon.

11 Q Thank you for coming today. You've been here all day.
12 So, I really appreciate it.

13 A Thank you.

14 Q Where are you originally from, Chairman Richardson?

15 A Chester, South Carolina.

16 Q Okay. And where do you currently reside in South
17 Carolina?

18 A In West Columbia.

19 Q And are you currently working?

20 A No, I'm retired.

21 Q Okay. Have you ever held elected office?

22 A Yes.

23 Q What offices have you had?

24 A Fort Mill City Council in 1988, and then, in 1991,
25 South Carolina House of Representatives, and held that for

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 14 years.

2 Q Great.

3 what district were you elected to represent in 1991?

4 A Forty-eight.

5 Q And what area is that?

6 I'm sorry.

7 what -- that's what I meant.

8 A It's York County, Fort Mill, Tega Cay, Lake Wylie, a
9 little bit of Rock Hill.

10 Q Okay. And as you testified to, that would be seven
11 terms, 14 years that you served?

12 A Yes, sir.

13 Q So, your last year, ma'am, was when?

14 A 2004.

15 Q Okay. What political party were you?

16 A Republican.

17 Q If you could, get you to give us a very quick civics
18 lesson.

19 How many branches of government are there?

20 A Three.

21 Q Okay. And what are they?

22 A Legislative, judicial, and -- see I told you I'd go
23 brain dead. I can't remember all this.

24 Q I'm not gonna help you. Executive.

25 A Executive.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

- 1 Q Okay.
- 2 A Which is the Governor.
- 3 Q And are they separate branches, ma'am?
- 4 A Yes, they are.
- 5 Q Okay. You testified executive's the Governor.
- 6 Who's the top of the Judicial Branch?
- 7 A Supreme Court.
- 8 Q And what bodies make up the legislative branch?
- 9 A The House of Representatives and the Senate.
- 10 Q Okay. And are those two separate bodies that make up
- 11 the Legislature?
- 12 A Yes.
- 13 Q Okay. Where do the House and the Senate convene to do
- 14 their work?
- 15 A In the State House, and they have their own separate
- 16 chambers.
- 17 Q Okay. Can one body -- can the Senate tell the House
- 18 what to do or the House tell the Senate what to do?
- 19 A No. They wish.
- 20 Q Which body's always right, the House or the Senate?
- 21 A Oh, the House, of course.
- 22 Q Okay. Of course.
- 23 How many senators are there or Senate districts are
- 24 there?
- 25 A Forty-six senators.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q okay. And how often are senators up for election?

2 A Every four years.

3 Q Okay. And how many House members or House Districts
4 are they?

5 A 124.

6 Q How often are they up for election?

7 A Every two years.

8 Q Okay. And, in very general terms, explain to the jury
9 how a law is created or passed in South Carolina.

10 A Okay. well, a legislator decides something they want
11 to pass. They go to legislative council. They draw up a
12 bill. They bring it to the legislator. They put it on the
13 desk of the, of the House. I'd say the House, which is
14 where I was. And then the Speaker puts it -- sends it to
15 committee, and the committee puts it -- sends it to
16 subcommittee. If it gets out of subcommittee, then it goes
17 to full committee. If it gets out of full committee, then
18 it gets to the House Floor.

19 They debate it. They can amend it, and, if -- then
20 they pass it, and it goes over to the Senate. If the Senate
21 amends it, then you have to form a conference committee.
22 And then, once that happens, everybody agrees, you pass it,
23 and the Governor signs it or vetoes it, one or the other.
24 It's -- as the old saying goes, it's like watching sausage
25 being made. It's not real pretty.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q Gotcha.

2 All right. What are -- so, it can be a long process?

3 A Very.

4 Q What are some of the most coveted and important
5 committees in the House of Representatives where you served?

6 A Ways and Means and Judiciary.

7 Q Okay. Why are the Ways and Means and the Judiciary the
8 most coveted?

9 A Well, Judiciary (sic) handles all the revenue and the
10 budget, and the Judiciary handles all constitutional law,
11 criminal law. Basically.

12 Q Okay. Did you mix up -- does Ways and Means deal with
13 the budget?

14 A Yes.

15 Q Okay. And Judiciary deals with the Constitution and
16 legal -- and laws?

17 A Right.

18 Q Who hid -- who is the head of the Judiciary Committee?

19 A The chairman.

20 Q And what authority does the committee chairman,
21 particular the Chairman over the Judiciary, have?

22 What kind of authority does he have?

23 A They can basically decide which bills to bring up,
24 where, where -- subcommittee to send them to, and how fast
25 to get them out. They have a lot of influence in what comes

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 out of the committee I think.

2 Q Okay. What -- as a legislator, were you allowed to use
3 your position for financial gain?

4 A No.

5 Q And are legislators public officials?

6 A Yes, they are.

7 Q You're elected by single districts?

8 A Yes.

9 Q And where are your duties prescribed?
10 Where's the legislative duties prescribed?

11 A In the Constitution of the State of South Carolina, and
12 the Ethics Law that was passed in 1991.

13 Q Are legislators allowed to receive money or anything of
14 value in return for being influenced in the discharge of
15 their duties?

16 A No, for sure not.

17 Q What procedure and practice would you have to follow as
18 a legislator if you had a conflict of interest or an
19 economic interest on a bill or vote or legislative decision?

20 A Well, they would put it in writing, give it to the
21 Speaker. The Speaker would put it in the journal, and that
22 legislator would be recused from voting or deliberating on
23 that issue.

24 Q Okay. Now, back to you personally, Madam Chair, when
25 you were elected -- what year again?

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 I'm sorry.

2 You were elected in 1990, but took office in '91?

3 A Right. Correct.

4 Q Were there a lot of women in the House of
5 Representatives back in 1991?

6 A No, I was trying to remember. Maybe five to seven.
7 Not many.

8 Q Did you serve on the Women's Caucus?

9 A Yes, and, in fact, we had split -- we had a half
10 Democrat women and half Republicans sort of split. So, we
11 made the Chairman, Candy Waites, as a Democrat, and, and me
12 as a Republican. We were cochairs.

13 Q Okay. Were you also in the Republican Caucus?

14 A Yes, I was.

15 Q Okay. In reviewing your biography, also notice you've
16 been, in the past, you're Legislator of the Year by a number
17 of groups.

18 Is that correct?

19 A Yes, sir.

20 Q What committees did you serve on when you were in the
21 Legislature from 2000 -- from 1991 to 2005?

22 A I started in Agriculture and Natural Resources. Then
23 went to Labor, Commerce, and Industry. Then went to Ways
24 and Means, and then went back to Labor, Commerce, and
25 Industry.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q Okay.

2 A My choice.

3 Q Were you ever chairman of any committees or any --?

4 A Yes, I was chairman of public utilities on LCI, and
5 then I was chairman of business and industry on the LCI.

6 Q Okay. What about the House Ethics Committee?

7 What can you tell us about your involvement with the
8 House Ethics Committee?

9 A Well, I was chairman.

10 Do you want to know what they do or --?

11 Q Well, those are the main -- I wanted to make sure that
12 you were chairman.

13 A Oh.

14 Q And what did you do as -- well, let me ask you this
15 before we go there.

16 Did you know the Defendant, Jim Harrison, when you
17 served in the House?

18 A Yes.

19 Q Okay. How well did you know him?

20 A Just like I knew everybody else in the House.

21 Q Okay. Did you consider him a friend?

22 A Yes.

23 Q Okay. Certainly not the enemy or someone you had
24 animosity towards?

25 A No.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q And what position did the Defendant hold in the
2 Judiciary?

3 A He was Chairman of Judiciary.

4 Q Okay. Did you also serve with Representative Rick
5 Quinn when you were in the House?

6 A Yes.

7 Q Okay. Were you close with him?

8 A Well, not really, but I mean he was a friend just like
9 everybody else.

10 Q Did you know Representative Rick Quinn's father,
11 Richard Quinn, Senior?

12 A I've met him.

13 Q Okay. Was he a friend of yours?

14 A Not really.

15 Q Did you ever do business with Richard Quinn &
16 Associates?

17 A No.

18 Q Now, what years were you the Chairman of the House
19 Ethics Committee?

20 A 1994 to 2004.

21 Q Okay. Now, if you could, tell the jury a little bit
22 about what the House Ethics Committee is, and what your job,
23 and what the duty of the committee was.

24 A Okay. The Ethics Committee serves as sort of an
25 advisory body for the General Assembly and its members, and

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 candidates running for office as it pertains to like their
2 disclosure forms and filing requirements. We monitor their
3 disclosure forms. We go over them. If we see an error,
4 we'll call them in, and help them make technical errors, you
5 know, to correct those.

6 we listen for -- they -- we take complaints, and meet
7 on those and come -- we offer opinions, a formal or informal
8 opinions.

9 Q Okay. How many people made or how many legislators
10 made up the Ethics Committee when you were the chair?

11 A I think it was five.

12 Q And when you were chair, did you treat the Ethics
13 Committee as a partisan committee?

14 A No.

15 Q Okay. Were you on -- in the House of Representatives
16 when the South Carolina Ethics Act passed into law then?

17 A Yes.

18 Q Okay. Was the Defendant, Jim Harrison, in the House
19 when the Ethics Act passed?

20 A Yes, I believe so.

21 Q And who is ultimately responsible to abide by the
22 Ethics Act, and the rules of the Ethics Act?

23 A Who is---

24 Q Who is.

25 A The legislator.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q You sort of hit on this.

2 Does the Ethics Committee assist in making sure
3 legislators or House members understand the Act and
4 understand the rules?

5 A Yes, we try to -- when we have reorganization, when
6 session starts, we, we do a workshop, and the chairman will
7 try to explain all of the or well -- what the Ethics Act
8 really is --

9 Q Okay.

10 A -- and try to educate them on it.

11 Q Okay. And how often do you have those workshops for
12 all the legislators?

13 A We do it once every session.

14 Q And how often do you get---

15 A But we're available for opinions anytime.

16 Q Okay. Explain the ways that the House Ethics Committee
17 can assist House members with individual questions when you
18 say---

19 A They can come to us and ask for an opinion, formal or
20 informal. Once they do, that is private, and then we will
21 issue an opinion, and we will give the opinion to them, and
22 it's still private. They can choose to make it public if
23 they, if they want to. But we do offer Advisory Opinions to
24 the body of, of the House so that they know opinions that we
25 ruled on, but those Advisory Opinions don't include the name

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 or a business or anything.

2 Q And I'm gonna -- thank you. I'm gonna get to that too,
3 but I want to make -- so, Representative David Pascoe asks
4 Chairman Meacham for an opinion from the House Ethics
5 Committee --

6 A Right.

7 Q -- and I say I'm David Pascoe. I'm thinking about
8 taking a job, are there any ethics issues, and that letter
9 with my name in it, that's a private letter?

10 A That's private.

11 Q The public doesn't get to see it unless I give you
12 permission to let the public---

13 A That's---

14 Q ---have it?

15 A That's true. It's your choice.

16 Q Your opinion back to David Pascoe where you said hey,
17 Pascoe, you can or can't do these things, is that private to
18 me?

19 A That's private.

20 Q Okay. Unless I choose to make it public?

21 A Unless you choose to make it public.

22 Q But you testified that you will issue a generic
23 opinion?

24 A The advisory---

25 Q An advisory---

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 A we call them Advisory Opinions.

2 Q Okay. Which takes---

3 A Without, without the names. It's just for information
4 for legislators to give them guidelines of things that are
5 allowed, and things that are not allowed to keep everybody
6 clean.

7 Q So, meaning the legislators clean?

8 A Yeah.

9 Q And so, so they're as clean as you can keep them,
10 right?

11 A As possible.

12 Q So, the other 20 -- 124 members will get the Advisory
13 Opinion with the names left out?

14 A Right.

15 Q Is a legislator allowed to lobby?

16 A No.

17 Q Is a legislator allowed to advocate on the House Floor
18 for a company or entity who pays them on a certain issue?

19 A No.

20 Q Can they lobby or advocate for that company they work
21 for if that company has a specific interest?

22 A No. No. In fact, a lot of legislators will recuse
23 themselves if they feel like they personally would gain
24 something by voting on that issue.

25 Q In fact, explain to the jury, if you personally were or

1 the company you worked for have an economic interest in a
2 bill or, you know, representing a lobbyist principal---

3 A Uh-huh. (Affirmative).

4 Q ---with the company you work for, what are you suppose
5 to do if a bill is up on the House Floor?

6 A Well, first -- I guess, in your Statement of Economic
7 Interest, you report that there is a -- lobbyist's
8 principals, and you report what their duties are, what
9 they're paid, and what your position is with the company. I
10 think that's where you're going.

11 Q Okay. Yes, ma'am. Hand you those.

12 Is a company that is a lobbyist principal such as SCANA
13 or AT&T, are they allowed to put another business on
14 retainer if that business employs legislators?

15 A I think that's against the law. I'm pretty sure it is.

16 Q What was the main goal -- you were in the Legislature
17 when the Ethics Act passed into law.

18 What was the main goal of the passage of the Ethics
19 Act?

20 A Transparency.

21 Q That was a big deal?

22 A That was a big deal, and distance between lobbyists. I
23 mean if -- the way of -- yeah, a lot of distance. In fact,
24 after we passed it, everybody was -- they were almost afraid
25 to talk to lobbyists. It was -- we got a little skittish

1 there.

2 Q So, transparency and distance for the lobbyists.

3 Explain to the jury what a -- briefly cause they've
4 already heard a lot about it, but what is a Statement of
5 Economic Interest?

6 A It's a form you fill out once a year. I think it has
7 to be in by March 30th. You have to report all sources of
8 income, property, anything you have an interest in. I can't
9 think of anything. I -- it was just report everything---

10 Q Is---

11 A ---that, that you own or that you have an interest in.
12 Any source of income.

13 Q Who is responsible for its accuracy?

14 A The legislator.

15 Q And is that a public report every year that the
16 public---

17 A Yes.

18 Q ---can go see?

19 A That is public.

20 Q All right. If---

21 A It's suppose to give more transparency so that you know
22 what -- where your legislator -- who's paying your
23 legislator, or who they work for, or where they get their
24 income.

25 Q Which leads to the next question about in the common

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 practice, and what you're suppose to do with your SEI.

2 If you work for a company they gets lobbyist's
3 principal money, what is the legislator suppose to do with
4 that money on his Statement of Economic Interest every year?

5 A Well, they're suppose---

6 MR. LIMBAUGH: Your Honor, I've been -- and I hate to
7 interrupt my -- Ms. Meacham Richardson.

8 I object. He's asking essentially for legal opinions
9 on the part of the witness. What is and is not required is
10 explicitly stated in the statutes. There's nothing to be
11 gained by asking the witness what her interpretation of that
12 is, and it's -- I think, I think it's an inappropriate
13 question that the, the statutes speak for themselves, what's
14 required, and what isn't.

15 THE COURT: I don't think she can give a legal opinion
16 of what is required. I think she can look at a form and say
17 this is what a form asked for.

18 Q And, as you've testified to, you give Advisory
19 opinions?

20 A Uh-huh. (Affirmative).

21 Q And you've given Advisory opinions telling legislators
22 what they're suppose to do with regards to lobbyist's
23 principal money their companies make, correct?

24 A Correct.

25 Q Now, I want to show you what's already in evidence, and

1 I think you've already seen this. In fact, State's Exhibit
2 11.

3 Is that an Advisory Opinion you were responsible---

4 A Yes.

5 Q ---giving legislators?

6 A Yes, it was.

7 Q Okay. And, in that opinion, you tell legislators they
8 need to report lobbyist's principal money their companies
9 make that they work for?

10 A Yes.

11 Q You even tell them what line to report it on?

12 A I think it's Line 18 on the Statement of Economic
13 Interest.

14 Q You're not brain dead. Got a better memory than me.
15 And I want to show you what's been marked as State's Exhibit
16 9-B.

17 If you know that the company you work for makes
18 lobbyist's principal money, you should be filling it out
19 something like that?

20 A Oh, yeah.

21 Q That looks right, right?

22 A That looks about -- yeah, that looks correct.

23 Q And just for the record, you were -- well, also in the
24 House, but not chairman in 1992.

25 Is that right?

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 A Yes.

2 Q Do you recognize State's Exhibit 12?

3 A Yeah, that's an opinion, an Advisory Opinion.

4 Q And does that also advise legislators you have to
5 report lobbyist principal money that you're -- the company
6 you work for makes?

7 A Yes, it's anyone you know to be a lobbyist or a
8 lobbyist principal with whom you know.

9 Q And if this opinion was issued in 1992, 92-38, that
10 would be within the first year of the Ethics Act?

11 A Correct.

12 Q And you were chairman of the House Ethics Committee in
13 1999?

14 A No, 1994.

15 Q And chairman of House Ethics in 1999?

16 A Chairman of House Ethics -- oh, yes, I was. Excuse me.
17 From 1994 to 2004. So, that ten year period, right.

18 Q Okay. I'm gonna show you what's already in evidence,
19 Chairman Meacham Richardson, State's Exhibit 2.

20 Do you recognize that?

21 A Yes, that's Mr. Harrison's letter to the committee --

22 Q Okay.

23 A -- asking for an opinion.

24 Q Okay. And it's already been published to the jury.

25 So, I'm not gonna do that again.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 A Okay.

2 Q But, in this letter, the public did not get to see it,
3 correct?

4 A No.

5 Q And as a result of the request from Mr. Harrison in
6 June of 1999, did you respond to his request?

7 A Yes, the committee met with legal counsel, and came up
8 with an opinion, and we issued, I think it was a three page
9 opinion, to Mr. Harrison.

10 SOLICITOR PASCOE: And I'm sorry, Your Honor. I can't
11 find it. Back here.

12 A Maybe I have it.

13 Q No, you wouldn't have evidence.

14 Beg the Court's indulgence.

15 (Pause.)

16 Q Not good when you lose the evidence.

17 A I got the last two pages, but I don't think I have the
18 first one. I pulled it up. It's not up here..

19 Do any of y'all have it by any chance?

20 MR. LLOYD: No.

21 Q Ah, there it is. It's in the back.

22 All right. Let me show you what's been marked as
23 State's Exhibit 3, and ask you if you just recognize that.
24 It's already in evidence.

25 A Yes, that's the opinion that we issued.

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 Q Okay. And that was sent to who and only whom?

2 A To Mr. Harrison.

3 Q No one else got a copy of that letter?

4 A No.

5 Q And, in that letter, do you advise him of all sorts of
6 legal issues he needs to contemplate while he works at
7 Richard Quinn & Associates?

8 A Yes, we did.

9 Q Okay. And what position did he tell you that he took
10 at Richard Quinn & Associates?

11 A I have -- he said that he was chief executive officer.

12 Q Okay. And how many pages is your response back to him?

13 A Two -- three pages.

14 Q Three pages. And, again, the jury will have it to
15 read.

16 A Okay.

17 Q We're almost done. The -- you said -- wait a second.
18 I'm losing everything now.

19 You testified that -- so, the only person who got that
20 opinion is Mr. Harrison, but was an Advisory Opinion issued?

21 A Yes, it was.

22 SOLICITOR PASCOE: Is State's Exhibit 13 admitted into
23 evidence?

24 THE WITNESS: I think I have it.

25 SOLICITOR PASCOE: I've got it. I've got it.

1 THE WITNESS: Oh, okay.

2 Q I'm gonna show you what's been marked as State's
3 Exhibit 13, which is Advisory Opinion 99-2. I'm gonna let
4 you take a look at it, and see if you recognize it.

5 A Yeah, that's the one.

6 Q Okay. And is that the Advisory Opinion that was issued
7 off of the Jim Harrison fax and request?

8 A Right.

9 Q Okay.

10 A And his name would not be on that.

11 Q And his is taken off of it?

12 A Right.

13 Q The name of Richard Quinn & Associates is taken off of
14 it?

15 A All of that, yeah.

16 SOLICITOR PASCOE: I'd ask that State's Exhibit 13 be
17 admitted into evidence, Your Honor.

18 MR. LIMBAUGH: No objection.

19 SOLICITOR PASCOE: Thank you, Your Honor.

20 THE COURT: Okay. Thank you.

21 (WHEREUPON, State's Exhibit No. 13 was received into
22 evidence at this time.)

23 SOLICITOR PASCOE: Beg the Court's indulgence.

24 (Pause.)

25 MR. LIMBAUGH: What was that number?

Rebecca Meacham Richardson - Direct examination
By Solicitor Pascoe

1 SOLICITOR PASCOE: 13.

2 MR. LIMBAUGH: I'm sorry. Thank you.

3 (Pause.)

4 Q Thank you. Answer any questions Mr. Limbaugh has for
5 you.

6 A Okay.

7 Q Thank you.

8 A Thank you.

9 CROSS-EXAMINATION

10 BY MR. LIMBAUGH:

11 Q Good afternoon, Ms. Meacham Richardson.

12 A Good afternoon.

13 Q I've just got a few questions. I don't think it will
14 take too long.

15 A Okay.

16 Q I want to go back to your testimony, and it was, it was
17 pretty brief, but you were describing, I think during the
18 civics lesson Mr. Pascoe was eliciting from you, how
19 committee -- how a bill becomes a law. School House Rock
20 deal.

21 A Correct.

22 Q And the -- one of the things you were talking about was
23 committee chairs assigning bills to subcommittees I think.

24 A Right.

25 Q And, and determining what bills would be heard and what

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 wouldn't --

2 A Right.

3 Q -- would be heard.

4 It is accurate to say, is it not, that various
5 committee chairs operated in different ways?

6 A Oh, absolutely.

7 Q So, the fact that one committee chair might be
8 extremely active in deciding what bill got heard in his or
9 her committee doesn't mean they all did that.

10 Is that right?

11 A That's, that's correct.

12 Q Okay. And you wouldn't have any -- well, I mean I'll
13 ask it in a, in a positive way.

14 Do you have any particular knowledge, any personal
15 knowledge, of how Mr. Harrison handled the assignment of
16 bills in the Judiciary?

17 A No, because I never served on Judiciary.

18 Q Okay. Okay. So, if, in fact, his practice was to,
19 when a bill came into the Judiciary Committee, to
20 immediately assign every bill to a subcommittee, and then
21 allow the subcommittee chairs to make their own
22 determinations about whether and when a bill would be heard
23 --

24 A Right.

25 Q -- you couldn't dispute that?

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 A No, I could not.

2 Q Is that right?

3 Okay. You said that you, in your time on LCI, sat on a
4 public utility subcommittee or in fact---

5 A I was the chairman.

6 Q ---you were the chair at one time?

7 A I was chairman.

8 Q Okay. Were you chair the entire time you were on that
9 subcommittee?

10 In other words, did you serve on the subcommittee at
11 times you weren't chair before you became chair?

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

13 Q Okay. Doesn't really matter obviously.

14 A I don't know when Mr. Catoe put me as, as Chairman of
15 Public Utilities.

16 Q Well, you did, you did say that you had two different
17 stints on LCI separated by one stint---

18 A Right.

19 Q ---on Ways and Means, correct?

20 A Right.

21 Q Okay. What subcommittee were you on -- were you, were
22 you always on the public utilities subcommittee both times
23 or were you on---

24 A No, no, no. When I, when I went back, I was Chairman
25 of Business and Industry.

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

- 1 Q Business and insurance?
- 2 A Business and -- business and insurance, yeah.
- 3 Q Right?
- 4 A Yeah.
- 5 Q Okay.
- 6 A Thank you.
- 7 Q All right. So, when you were on -- chairing the public
- 8 utilities subcommittee, that presumably would have been the
- 9 subcommittee to which bills that were related to SCANA, for
- 10 example, typically would go to your subcommittee?
- 11 A Right.
- 12 Q Is that correct?
- 13 A Right.
- 14 Q That's a gigantic public utility?
- 15 A Yeah, when you're doing -- trying a lot of discussion
- 16 on deregulation at that time.
- 17 Q Okay.
- 18 A So, it was -- all the utilities would of been involved.
- 19 Q All right. And as the chair of the subcommittee, I
- 20 mean you, you were 124 members of the House, but you were
- 21 the chair of the public utility subcommittee of the Labor,
- 22 Commerce, and Industry Committee.
- 23 So, would it be fair to say that you would be a person
- 24 that a lobbyist principal such as SCANA---
- 25 A Uh-huh. (Affirmative).

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 Q ---would be very interested in persuading to see their
2 point of view on their bills?

3 A Absolutely.

4 Q Do you ever recall any instance in which Jim Harrison
5 ever talked to you, when you were the chairman of the --
6 chairperson, beg your pardon, of the public utility
7 subcommittee of LCI, to persuade you to do anything on
8 behalf of SCANA?

9 A No.

10 Q Never?

11 A No, I do not remember him doing that.

12 Q Okay. Or---

13 A So, obviously, he didn't.

14 Q Or any other matter on behalf of a, of a utility, any
15 utility?

16 I did want to just let---

17 A Not that I recall, no.

18 Q Okay. What subcommittees did you serve on when you
19 were on Ways and Means?

20 A You know, I was not on the Ways and Means very long
21 because---

22 Q Okay.

23 A ---I didn't like it. I didn't favor it. I missed
24 being on LCI. I, I really don't remember.

25 Q So, you blocked out your---

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

- 1 A I blocked---
- 2 Q ---Ways and Means service?
- 3 A I guess I did.
- 4 Q Okay. That's fine. That's fine.
- 5 A I didn't serve that long. I think I served maybe two
6 months.
- 7 Q Oh, really?
- 8 A It was very short---
- 9 Q Okay. I see.
- 10 A ---lived.
- 11 Q Okay.
- 12 A The Speaker said nobody's ever done that. Everybody
13 wants Ways and Means.
- 14 Q I believe that's probably correct.
- 15 You did mention that you were on -- you were on the
16 banking and insurance subcommittee of LCI that---
- 17 A No, I didn't.
- 18 Q I'm sorry.
- 19 A No, business and insurance.
- 20 Q Business and insurance. I'm sorry. I think banking
21 and insurance is the Senate, ma'am, and I didn't mean to
22 offend you.
- 23 A That's okay.
- 24 Q All right. So, insurance matters of various
25 descriptions would come to that subcommittee presumably --

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 A Yeah.

2 Q -- given the name?

3 That being said, one would, would think that matters of
4 interest with BlueCross & Blueshield would come to that
5 subcommittee?

6 A Yes, they would.

7 Q Okay. Do you ever recall Mr. Harrison asking you to
8 take any particular action, either for or against, any
9 legislation dealing with BlueCross and BlueShield while you
10 were on that subcommittee?

11 A No, I don't.

12 Q Okay. All right. I'm gonna get away from the, the
13 legislative process now, and ask you a few more questions,
14 and they'll all be related to your service on the Ethics
15 Committee.

16 A Okay.

17 Q First one I want to ask you, did -- who were the
18 lawyers that did the work for the Ethics Committee when you
19 were chair?

20 A Laddie Howard.

21 Q Laddie Howard --

22 A Uh-huh. (Affirmative).

23 Q -- of who's now making an incredibly---

24 A Yes.

25 Q ---beautiful leather products.

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

- 1 A Yes, he is.
- 2 Q Isn't that the same Laddie Howard?
- 3 A That's the same Laddie Howard.
- 4 Q Okay.
- 5 A He was, he was probably the best legal counsel we ever
- 6 had.
- 7 Q Okay.
- 8 A He dotted every I and crossed every T.
- 9 Q Right.
- 10 Okay. And do you recall what's Laddie's period of
- 11 service would of been with Ethics roughly?
- 12 A No. No.
- 13 Q Okay.
- 14 A I mean I could find out.
- 15 Q Was he -- well, did he serve -- let me just ask it that
- 16 way.
- 17 Was he the, the counsel to the committee the entire
- 18 time you were chair---
- 19 A No.
- 20 Q ---or were there others?
- 21 A The, the, the -- I'm trying to think of the guy who
- 22 became the Speaker's counsel. Can't even remember his name.
- 23 Q I---
- 24 A He was our legal counsel for a while until Laddie came,
- 25 and I cannot remember his name, but he became the Speaker's

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 legal counsel.

2 Q Okay. Okay. Do you remember -- I know this is hard.

3 I mean we're going back almost 20 years.

4 A I know. I've been out of this for 15.

5 Q Yes, ma'am, I understand.

6 But do you remember approximately -- was -- you started
7 as Chair in '94---

8 A '95.

9 Q Well, after the '94 election.

10 A Yes.

11 Q So, it would of been '95.

12 A Charles something.

13 Q I'm sorry?

14 A Charles something. Yes.

15 Q Oh, Charles Reid?

16 A Charles Reid, yes.

17 Q Okay. Okay.

18 A He, he was our legal counsel.

19 Q Okay.

20 A So, he probably wrote the opinion that we gave to
21 Mr. Harrison.

22 Q Laddie would not have been---

23 A Laddie was later.

24 Q Okay. Yes, ma'am. Very good.

25 All right. And I mean it is accurate to say, is it

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 not, that the, the opinions, the Advisory Opinions, in fact,
2 the letter -- I don't, I don't need to get into the number.
3 So, everybody's gonna know what we're talking about.

4 The Advisory Opinions --

5 A Uh-huh. (Affirmative).

6 Q -- the letter back from the committee---

7 A Yes.

8 Q ---with your name on it---

9 A Right.

10 Q ---would have been drafted by Charles Reid or somebody
11 else?

12 A He would -- yeah, he would research the ethics law, and
13 what -- find the portions that pertain to his request or the
14 information he needed, and bring it to the committee, and we
15 would approve it or disapprove it, and, obviously, we
16 approved it, and sent it to Mr. Harrison --

17 Q Okay.

18 A -- or Representative Harrison.

19 Q Yes, ma'am.

20 And the, the, the whole point, I, I assume, correct me
21 if I'm wrong, the whole point of responding to an inquiry
22 such as the one Mr. Harrison made is to give him advice on
23 which he can rely?

24 A Right.

25 Q Okay. It doesn't, it doesn't -- wouldn't serve him

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 any -- wouldn't serve him, wouldn't serve the integrity of
2 the House Ethics Committee to give bad advice.

3 A No, and we---

4 Q Isn't that fair to say?

5 A And we told him that this was a novel situation.

6 Q Right.

7 A And that he might need to come back to us because we'd
8 never dealt with anything like that.

9 Q Okay. It's -- and I didn't want to do it. I'm sorry.
10 May I?

11 THE COURT: Okay.

12 A I don't have the first page of it.

13 Q Let me just -- I'm gonna show you or hand to you
14 State's Exhibit 3 and 12, and then I wish I knew where 11
15 was, but you don't happen to have any up, up there, do you?

16 A What?

17 Q It's---

18 A Advisory Opinion?

19 Q No, any of the marked exhibits.

20 A No, I don't have those. He took those.

21 Q I'm not going to waste everybody's time with, with it,
22 if you don't mind, if you don't mind. I'm sorry. Let me
23 just look at the numbers real quick just so I'm referring--

24 A Okay. That's 92-38.

25 Q Okay. Can I have that real quick?

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 A Yeah.

2 Q Okay. That's 12, and then that is---

3 A This is---

4 Q The number.

5 A Three.

6 Q Okay. Thank you.

7 All right. When -- what -- what's missing on Number --
8 on 3, okay --

9 A Okay.

10 Q -- is any reference to Code Section 8-13-1130, and when
11 I say it's, it's missing, if you would just confirm that, in
12 your response -- and by yours, I mean the committee's, you
13 know, response to Mr. Harrison's inquiry about what he could
14 and couldn't do and what should he be on the look out for.

15 The response doesn't say anything about any reporting
16 requirements in Section 8-13-1130, does it?

17 A 8-13 --.

18 Q 1130, yes, ma'am.

19 A I can't even find 1130.

20 Q Well, you -- if you -- we'll make it simple. If you,
21 if you just look through there, and if you can see anywhere
22 on that where it says 8-13-1130 in any context. Just --.

23 A Well, if you're asking if we're asking him to respond
24 to us, I do -- I did say the committee advises you to
25 inquire with the committee or its staff with any specific

1 questions regarding any future ethics issues because we said
2 this was a novel situation for us. It was a novel situation
3 period.

4 Q Yes, ma'am. No, I -- right. I understand that.

5 But the, the letter from Mr. Harrison that, in turn,
6 generated the response from the committee, which is No. 3 --

7 A Uh-huh. (Affirmative).

8 Q -- that you have there, asks -- it, it, it describes
9 what the role he would have at RQ&A would be, and then,
10 essentially, it says can I do it. If I can do it, what do I
11 need to be on the look out for as far as ethics issues.

12 A Okay.

13 Q Correct?

14 A Right.

15 Well, you want me to read the whole thing because it
16 clearly---

17 Q No, I'm just -- I'm trying to determine---

18 A It really tells you -- I mean it really tells him that,
19 you know, you need to be careful with this cause we -- and
20 you may need to come back to us. And I mean if you read the
21 whole thing, we do give him specific instructions. I mean
22 we give him answers of, of what he -- now what is right and
23 what is wrong or what is appropriate according to the Ethics
24 Act, and we give him contractual limitations, and, you know,
25 Section 813 -- I mean if you want me to read the whole thing

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 cause it, it -- we definitely give him advice.

2 Q Yes.

3 But none of that advice -- none of that advice included
4 anything about reporting requirements under 8-13-1130.

5 Isn't that correct?

6 A 1130?

7 Q 1130, yes, ma'am.

8 A 8-13-100. I see that, but I don't see -- I don't see
9 --.

10 Q Okay. And the reason, and maybe I'm just not doing
11 this as, as clearly for you as I might have, but the Number
12 11 -- I guess that one's 12 we decided.

13 A This---

14 Q Just want to make sure I got the numbers right.
15 Okay.

16 A Okay.

17 Q No. 12 is an Advisory Opinion from the House Ethics
18 Committee that specially talks about when reporting is
19 necessary under 8-13-1130.

20 A Right.

21 Q Correct?

22 A Right.

23 Q And that one if -- that's the one from 1992 if I'm not
24 mistaken.

25 Isn't that correct?

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 A Right.

2 Q Okay. So, that Advisory Opinion would have presumably
3 been in the possession of the House Ethics Committee six or
4 seven years anyway before Mr. Harrison wrote, and asked for
5 advice on what he was suppose to do with -- correct?

6 A This one -- from what I understand, I don't have the
7 date on here, and it doesn't have the date on here, but I
8 thought that it came out like the year after the ethics law
9 passed, which we passed in '91, and this, from what I heard
10 or assumed, this was passed in '92. So, it would of been
11 the first opinion or the first Advisory Opinion after the
12 ethics law had passed, and it, it -- I mean you're saying
13 this doesn't pertain to him?

14 Q No. No.

15 A It pertains to all members.

16 Q No. No. No.

17 A Okay.

18 Q No.

19 what I'm trying to -- what I'm trying to -- well, I
20 guess I can't say what I'm trying to establish.

21 what I'm trying to determine is that Advisory Opinion
22 did, in fact, predate the letter Mr. Harrison wrote --?

23 A Right.

24 Q -- to you cause that happened in 1999.

25 A Right.

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 Q Correct?

2 Okay. So, whatever lawyer that may of been, whether it
3 was Charles Reid or I guess we'll -- what's -- I don't want
4 to blame it on Charles, but---

5 A Or Laddie Howard.

6 Q Right. Whom, whomever it may of been. Whoever the
7 lawyer was that did the research and wrote the draft for the
8 committee to consider and, and agree to either didn't see
9 this Advisory Opinion for some reason or another, or didn't
10 think it applied to Mr. Harrison's situation.

11 It would have to be one or the other or it would of
12 been included, would it not, in your response to
13 Mr. Harrison?

14 A I don't know that it would of had to be included in the
15 response.

16 Q If a member is writing to the committee asking, asking
17 for advice, an Advisory Opinion as to what reporting
18 requirements---

19 A Okay. I see where you're going, and my response to
20 that would be he probably didn't need to write us if, if he
21 already read this because this addressed what he was talking
22 about.

23 Q Well, whether it, whether it did or it didn't would
24 vary on specific facts, would it not?

25 A Well, the situation, but it, it -- this does address

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 his situation in, in some form. Not the whole thing because
2 the opinion we gave him addressed a lot more. I mean we
3 gave him three pages of answers, and this only talks
4 about---

5 Q Right.

6 A ---your Economic Interest Statement, and you have to,
7 if you know a lobbyist or a lobbyist principal and you know
8 has purchased services, that---

9 Q Uh-huh. (Affirmative).

10 A So, it, it addresses that part, but not, not the whole
11 opinion we gave him.

12 Q Okay. You're -- and you're not a lawyer?

13 A No, I am not a lawyer.

14 Q Right. And---

15 A That's why we have legal counsel.

16 Q That's right.

17 And sometimes legal counsel even make mistakes, don't
18 they?

19 A I -- there's a room full of you.

20 Q I'm not gonna ask you which one you're making that
21 statement to, but you --.

22 A Okay.

23 Q Whether or not that opinion in Exhibit 12 is an
24 accurate statement of the law, you would have no ability to
25 opine on?

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

- 1 You don't -- you would just -- you, you don't know?
- 2 A I would have an opinion.
- 3 Q Correct.
- 4 A Yeah, I mean I can read the law, and I can interpret
- 5 and---
- 6 Q Right.
- 7 A ---just like you can read it, and you can interpret it.
- 8 And all lawyers don't always interpret the same way.
- 9 Q Okay.
- 10 A That's to say he's right or wrong. That's his opinion.
- 11 Q All right. I'll just -- we'll just slide on by this
- 12 now.
- 13 A Okay.
- 14 Q I do have one as a relatively minor matter, but I just
- 15 want to make, make sure that it's not misunderstood. I
- 16 think you testified, in response to a question by
- 17 Mr. Pascoe, that lobby -- legislators cannot lobby.
- 18 A No, they're not suppose to.
- 19 Q Okay. Isn't, isn't it a fact though that, that
- 20 legislators, if you read the definition of lobbying in the
- 21 statutes, which is to say to ask another -- ask a legislator
- 22 to vote a particular way on a matter, lobbyist --
- 23 legislators do that all the time?
- 24 A Well---
- 25 Q I mean that---

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

- 1 A They try to get that---
- 2 Q what they can't do is get paid by someone---
- 3 A That's right.
- 4 Q ---to lobby.
- 5 Isn't that right?
- 6 A That's correct.
- 7 Q okay. I just want to make sure we cleared that up, and
- 8 we weren't accusing anyone of---
- 9 A Yeah, they cannot be on retainer or anything.
- 10 MR. LIMBAUGH: Okay. Can I ask --
- 11 THE COURT: Please.
- 12 MR. LIMBAUGH: -- real quickly --?
- 13 (Pause.)
- 14 THE WITNESS: This is somebody's exhibit that I don't
- 15 get to keep.
- 16 Q okay. I just have actually literally one -- well, a
- 17 couple more questions.
- 18 You -- it will be short.
- 19 A Is this the zinger?
- 20 Q No, I hope not.
- 21 How -- you've known Jim Harrison since, I guess, since
- 22 he was elected to the -- who was elected first?
- 23 A I was -- I came in, in '91. I don't---
- 24 Q okay. So, Jim was elected in '89. So --.
- 25 A So, he was there first.

Rebecca Meacham Richardson - Cross-examination
By Mr. Limbaugh

1 Q Okay.

2 A Okay.

3 Q But, effectively, you've known him for about 30 years
4 now.

5 Is that --?

6 A Correct.

7 Q Okay. And through the course of your knowledge of, of
8 Mr. Harrison, have you formed an opinion on his -- what his
9 reputation is?

10 Do you know what his reputation for truth and voracity
11 is in the community?

12 A He's, he's a nice guy.

13 Q Do you know it -- his reputation for truthfulness and
14 honesty?

15 A I would -- I've never heard anything derogatory about
16 him if that's what you mean.

17 Q That will work.

18 A Will that work?

19 Okay.

20 Q Thank you.

21 That's all I have.

22 THE COURT: Okay. Any redirect?

23 SOLICITOR PASCOE: No questions. Just gonna make sure
24 she doesn't have any evidence on her when she leaves.

25 THE COURT: Okay. You are excused, Chairman Meacham.

1 THE WITNESS: Thank you.

2 THE COURT: Thank you, Chairman.

3 THE BAILIFF: Watch your step.

4 THE COURT: Can we talk scheduling just really quickly

5 with the lawyers?

6 SOLICITOR PASCOE: Yeah.

7 I know you weren't talking about me.

8 THE WITNESS: No, I wasn't talking about you.

9 SOLICITOR PASCOE: Do you want to meet us on---

10 THE COURT: Yeah, please, come on up, someone,

11 scheduling very quickly.

12 SOLICITOR PASCOE: I'm sorry.

13 THE FOREMAN: Can we stand?

14 THE COURT: Perfect. Absolutely.

15 (WHEREUPON, a bench conference was held out of the

16 hearing of the jury at this time.)

17 THE COURT: All right. Ladies and gentlemen of the

18 jury, you've informed me that you're willing to work till

19 5:30.

20 Is that still okay?

21 We'd like to keep going if you-all are okay with that.

22 I know sometimes we'll get tired, and juries will say let's

23 break for the day. But if you're fine with that, we'll go

24 ahead and pull another witness up.

25 Is that okay?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 THE FOREMAN: Yes, ma'am.

2 THE COURT: We'll get as far as we can.

3 Okay. All right.

4 SOLICITOR PASCOE: You want us to go ahead?

5 THE COURT: Please, Mr. Pascoe.

6 SOLICITOR PASCOE: Thank you, Your Honor.

7 State calls Special Agent Chris Garrett.

8 THE CLERK: Mr. Garrett, please step forward and be
9 sworn in, and then place your left-hand on the Bible, and
10 raise your right-hand.

11 (WHEREUPON, the witness complies.)

12 CHRIS GARRETT, being first duly
13 sworn, testified as follows:

14 THE CLERK: Please state your full name.

15 THE WITNESS: Christopher Pennell Garrett.

16 THE CLERK: Thank you. Please be seated.

17 DIRECT EXAMINATION

18 BY SOLICITOR PASCOE:

19 Q Good afternoon, Agent Garrett.

20 A Good afternoon.

21 Q Where do you work, sir?

22 A I work for the Federal Bureau of Investigations.

23 Q And how long have you been with the FBI?

24 A For a little more than 13 years now.

25 Q Okay. And what do you do at the FBI?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A I -- I'm a special agent, and I have responsibilities
2 to investigate public corruption, and white collar crime
3 typically.

4 Q And prior to going into the FBI in 2005, 13 years ago,
5 what did you do?

6 A I was a CPA, a certified public accountant, in
7 Tallahassee, Florida.

8 Q Are there any requirements in becoming an FBI agent?

9 A Yes.

10 Q And what are those requirements?

11 A You have to have a four year college degree. Typically
12 you need around three to four years of professional
13 experience. You have to be able to pass a litany of tests,
14 whether that's your background investigation, a polygraph
15 examination. They do prescreening for drug abuse just to
16 name a few of the things off the top of your head.

17 You have to be able to pass an interview a couple
18 times, and they give you -- they use to give me a funky math
19 test. I don't think they do that anymore, but it was kind
20 of trying to stress you out, I think, to -- before you did
21 an interview. But that was some of the stuff that we went
22 through beforehand.

23 Q Did you have to go anywhere to get special training?

24 A Yes, I spent about four months in our training center
25 in Quantico, Virginia.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q Okay. And where have you been as a stationed FBI
2 agent?

3 A From 2005 until 2008 I worked in our San Juan, Puerto
4 Rico office. I was assigned briefly to a white collar
5 squad, but then, for the most part, I was on the domestic
6 terrorism squad. From there I transferred into our Columbia
7 field office, which is based here in South Carolina. I've
8 been assigned to this field office since August of 2008 with
9 a brief time where I spent a year and a half at FBI
10 headquarters working in our public corruption unit
11 overseeing regional public corruption investigations.

12 Q Okay. And what areas have you most often worked on as
13 an agent?

14 A Public corruption.

15 Q Okay. Where were you working out of, sir, back in
16 October of 2017?

17 A In October, 2017 I was here in Columbia working.

18 Q Okay. And September of 2017?

19 A Yes, I, I returned from my headquarters stint in
20 February of 2017, and I've been in Columbia since then.

21 Q And do part of your duties as an FBI agent include
22 interviewing witnesses and suspects, subjects?

23 A Yes.

24 Q Okay. Especially in white collar crime?

25 A Yes, sir.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q Tell the jury a little bit about the procedure you go
2 through before you interview a subject.

3 A Well, it ultimately -- it kind of varies from person to
4 person. Sometimes we, we get the advantage of knowing quite
5 a bit about somebody before we go to interview them.
6 There's maybe a lot of prep time reviewing records,
7 reviewing financial statements. Sometimes we don't have
8 that luxury, but, in the general sense, we like to interview
9 people with two people. One person will be taking notes,
10 and may be leading the interview, and the other person will,
11 will act as a witness.

12 After the interview is concluded, I will go back to my
13 office, and type up my, my summary of the interview. It's
14 called an FD302 based off of the notes I took, and that is
15 ultimately what my supervisor will approve and get filed
16 into our FBI file.

17 Q Okay. Are subjects allowed to lie to the FBI on that
18 302 that you put together?

19 A Well, I, I can't stop them from lying, but that is
20 something that can get people in trouble, yes.

21 Q Did you have an opportunity to interview the Defendant,
22 Jim Harrison, on September the 22nd, 2017?

23 A I did.

24 Q Okay. And where did you interview the Defendant?

25 A Myself and Lieutenant Jeremy Smith from SLED, we

Chris Garrett - Direct examination
By Solicitor Pascoe

1 interviewed Mr. Harrison at the SLED office on Bush River
2 Road.

3 Q Okay. And other than you, the Defendant, and
4 Mr. Smith, anyone else present for the interview?

5 A Yes, Mr. Harrison's attorney, Reggie Lloyd, was
6 present.

7 Q And Mr. Lloyd could of participated at any point in
8 time as well?

9 A Yeah, he was there during the duration of our
10 interview.

11 Q Was the Defendant in custody?

12 A No.

13 Q Was he free to leave at anytime?

14 A Yes.

15 Q Did he answer your questions freely and voluntarily?

16 A Yes.

17 Q How long was the interview approximately?

18 A You know, I, I don't remember exactly, but, based on
19 the length of my report, I think it was between two to four
20 hours that we spent with him.

21 Q And do you remember the interview itself pretty well?

22 A Yes.

23 Q And do you have anything to refresh your memory?

24 A Yeah, I don't know if you have my FD302 with you.

25 Q Yes, sir.

Chris Garrett - Direct examination
By Solicitor Pascoe

- 1 A But that would help me to refresh my memory at times.
- 2 Q okay. You need -- do you need a copy?
- 3 A Oh, I have a copy with me as well --
- 4 Q okay.
- 5 A -- if that's okay.
- 6 Q You can use your, your copy.
- 7 A okay.
- 8 Q You can use your copy so I can use mine.
- 9 How's that?
- 10 A That's fine.
- 11 Q Do you have your 302 with you?
- 12 A Yes, sir.
- 13 Q Okay. And does that 302 that you took down accurately
- 14 and thoroughly reflect what the Defendant told you on
- 15 September 22nd---
- 16 A Yes.
- 17 Q ---2017?
- 18 Did the Defendant, at anytime, appear not to understand
- 19 any of your questions?
- 20 A Not that I recall, and even if that did happen, we
- 21 would of found a way to clarify it so that he did understand
- 22 what we were asking him.
- 23 Q Okay. He have any problems comprehending or did you
- 24 have any problems comprehending his answers?
- 25 A No.

1 Q Okay. What background information did the Defendant
2 provide you about such as where he was living at that time
3 and what he was doing?

4 A So, he told us he had a residence on Isle of Palm. He
5 also told us that he was commuting to Columbia. He had an
6 apartment in Columbia. He told us that he was currently
7 employed as the director of the Legislative Counsel, and
8 the -- and he was the State Co-Commissioner, which has
9 something to do with working with like a liaison with the
10 General Assembly.

11 Q Okay. He said when he took that job?

12 A Some time in late 2012.

13 Q Did you ask him, early in the interview, when he
14 started working with Richard Quinn & Associates?

15 A Yes, I did.

16 Q Okay. And what was his answer?

17 A He told us that he started working for Richard Quinn &
18 Associates in the Year 2000.

19 Q What did he tell you his responsibilities were when he
20 went to work at Richard Quinn & Associates?

21 A He told us that he was hired to -- by Richard Quinn &
22 Associates to help them with political campaign work.

23 Q Did he say he did anything else with Richard Quinn &
24 Associates?

25 A He did not.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q Was the Defendant able to explain to you his
2 familiarity of the corporation he worked for, which was
3 First Impressions?

4 I'm looing at Page 10 I believe of your 302 --

5 A Oh, Page 10?

6 Q -- to refresh your memory.

7 A Okay.

8 Q Skip on over.

9 A Oh, yes. He did confirm that First Impressions was
10 where he was getting his pay, payments from Richard Quinn &
11 Associates.

12 Q Okay. Now, is being a legislator a part-time or
13 full-time job?

14 A It's a part-time job.

15 Q And what was the Defendant's profession --

16 A He was---

17 Q -- according to the Defendant?

18 A He was an attorney.

19 Q Did the Defendant provide you with information of how
20 and why he went to work for Richard Quinn & Associates?

21 A Yes, he gave a story that he got to know Rick Quinn
22 while working at the State House, and, while Richard Quinn
23 determined that Mr. Harrison had a knack for operating
24 campaigns and doing political consulting, that was part of
25 the reason he was hired.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q So that Richard Quinn thought that he had a knack for
2 what?

3 A Campaigning. Campaign work.

4 Q At what point in time did he tell you Richard Quinn
5 approached him to help keep the trains running?

6 At what point did Jim Harrison tell you that Richard
7 Quinn told him he wanted to employ him to keep the trains
8 running, running?

9 A I don't think he ever told us that.

10 Q Okay. So, he told you that he was recruited to work on
11 campaigns?

12 A Correct.

13 Q Okay. And what were his alleged responsibilities at
14 Richard Quinn & Associates?

15 A The way I understood it was giving advice to different
16 campaigns that he worked on.

17 Q Did he ever tell you that he did anything more than
18 work on campaigns?

19 A No, he did not.

20 Q When did Chairman Harrison ever tell you that he was
21 hired to be the chief operating officer of Richard Quinn &
22 Associates where his responsibilities include managing the
23 day-to-day operations of the firm as well as providing
24 public relations or corporate services for RQ&A clients?

25 When did he ever tell us that?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A He did not tell us that.

2 Q Did he give you any description even remotely close to
3 that?

4 A No.

5 Q Okay. Did Mr. Harrison provide you, on September the
6 22nd, 2017, with a list of campaigns that he allegedly
7 worked on?

8 A He did.

9 Q And who were those campaigns that he allegedly worked
10 on?

11 A He told us he worked on the John McCain campaign for
12 President in both the Year 2000 and the Year 2008. He told
13 us he did work for the John Huntsman presidential campaign
14 in 2012. He told us that he worked on one of Governor
15 McMaster's campaigns for Attorney General. He told us he
16 worked on various House of Representatives races for Rick
17 Quinn. He told us he worked on various Senate, South
18 Carolina Senate campaigns for John Courson. He also told us
19 that he worked for Alan Wilson's -- one of Alan Wilson's
20 Attorney General campaigns.

21 Q Other than those six alleged candidates, for 14 years,
22 was he able to give you any more campaigns that he allegedly
23 worked on?

24 A He did say he did some work on his own campaign.

25 Q All right. So, seven counting his own?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A Yes, sir.

2 Q Okay. Did you ever ask him what he could say or claim
3 that he specifically did for any of these campaigns?

4 A Yes, we did.

5 Q Was he able to provide you with any information that he
6 specifically did on these campaigns?

7 A You know, at best, I would characterize what he told us
8 was he provided advice to Richard Quinn.

9 Q Anything else?

10 A No, sir.

11 Q Can you tell us one specific, specific thing that he
12 says he did on any of those six campaigns over 14 years?

13 A I cannot.

14 Q Were you interested in knowing if he did anything
15 specific?

16 A Yes.

17 Q And he couldn't provide you anything other than provide
18 advice to Richard Quinn?

19 A No, sir.

20 Q Did the Defendant give you an opinion about his quality
21 of work on those campaigns?

22 A Yeah, he said it -- whoever he worked with would of
23 considered his quality of work good.

24 Q Did -- was he able to tell you who any of those people
25 would of been?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A I don't think he gave us names of people that he worked
2 with.

3 Q Were you interested in whether he even knew who Richard
4 Quinn & Associates employees were back in the 2000s?

5 A Yes.

6 Q Okay. And why is that?

7 A I think it would give us a, a clue as to, you know, how
8 involved he was in the operation of the business. If you
9 know who's working there, who's coming in and out, what
10 their duties are, it would kind of give us some kind of
11 bearings as to how involved he was with the company.

12 Q So, did you ask him about whether he knew any names of
13 Richard Quinn & Associates employees?

14 A Yes, we did.

15 Q And was he able to provide you any definitive answers
16 as to who the employees were?

17 A No, I think he even said that one of the Quinn's
18 daughters might of worked for the company. I think that he
19 might of listed Rebecca Mustian as one. He gave us the name
20 of, of Adam Fogle who he recalled as being a wheelchair
21 bound individual as, as possibly working for the company. I
22 think he mentioned Trey Walker. He might of mentioned that
23 he did see Jimmy Merrill come in and out of the office from
24 time to time which may of been an indication that Mr.
25 Merrill worked for Richard Quinn & Associates.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q And who -- and who is Jimmy Merrill?

2 A He was a former state representative.

3 Q Was he able to definitely say that those people worked
4 there?

5 A No.

6 Q Just that he thought that they might of worked there?

7 A Yes.

8 Q Was that -- how did that -- how did that make you feel?

9 How was that, when you got that answer, that he
10 couldn't definitely tell, tell you who worked there?

11 A I mean just led me to question, you know, how much real
12 interaction Mr. Harrison had with the office.

13 Q As a result, did you continue to ask him about his
14 duties at Richard Quinn & Associates?

15 A Yes.

16 Q Okay. And looking at Page 4, did you, once again, ask
17 him, as a result, if he can -- that it was true that he
18 worked on political campaigns?

19 A Yes, we clarified again did you -- was the only thing
20 you did was work on political campaigns. His response was
21 absolutely.

22 Q What did the Defendant tell you about his salary at
23 Richard Quinn & Associates?

24 A He told us he started out making roughly \$80,000 a
25 year, and that, at some point, that number decreased to

Chris Garrett - Direct examination
By Solicitor Pascoe

1 \$40,000 a year.

2 Q What was his explanation about the pay cut?

3 A He was told by Richard Quinn that Richard Quinn &
4 Associates was experiencing some type of cash flow problem,
5 and it didn't -- he wasn't told what was causing the cash
6 flow problems, but that was the reason he was given as to
7 why his, his income was being cut.

8 Q At any point in time did he tell you that the reason
9 his pay was cut was because he couldn't spend as much time
10 at Richard Quinn & Associates as the Defendant told the
11 Grand Jury?

12 A No.

13 Q How did the Defendant tell you he negotiated his salary
14 at Richard Quinn & Associates?

15 A He told us he did not negotiate his salary.

16 Q Well, then how did he get his -- did he tell you that
17 he got his \$80,000 a year at Richard Quinn & Associates?

18 A He told us that that was what was offered to him by Mr.
19 Quinn, and that's what he accepted.

20 Q What -- did you know the Defendant was an attorney at
21 the time you interviewed him?

22 A I may have.

23 Q And for the purpose of your investigation, why was it
24 relevant to you that the Defendant never negotiated the
25 terms of his employment at RQ&A?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A I just -- I found it odd. Here I have someone that's
2 been a member of, of the State House for a long time. You
3 know, typically politicians negotiate about things all the
4 time. Attorneys typically negotiate things and especially
5 for, for their own benefit. I negotiate things for my own
6 benefit all the time, and I just found it odd that someone
7 would come tell you I'm gonna cut your pay in half, and your
8 reaction would just be okay, sounds great, let's keep going.

9 Q And despite all of that, how did the Defendant
10 characterize his services for Richard Quinn?

11 A That he was doing work for political campaigns.

12 Q No.

13 Did he, did he say that Quinn got his money's worth?

14 A Oh, yeah, he did.

15 Q And is that a quote from Jim Harrison when he said
16 Quinn got his money worth -- money's worth?

17 A Yes, sir.

18 Q Was the Defendant aware of any lobbyist's principals
19 that were employed with Richard Quinn & Associates when he
20 was making that 70,000 to \$80,000 a year?

21 A I think he was, yes.

22 Q Okay. And who did he tell you, on Page 5, some of
23 those lobbyist's principals were?

24 A He was -- BlueCross BlueShield, BellSouth/AT&T, SCANA,
25 Palmetto-Health. He also listed the Trial Lawyers

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Association, and then he couldn't remember the name of this
2 association, but there's a smaller association of
3 telecommunication companies that Richard Quinn & Associates
4 did work for.

5 Q And was he able to tell you the type of work that
6 Richard Quinn & Associates was able to provide for these
7 lobbyist's principals?

8 A I'd have to refresh my memory on that.

9 Q Page 5.

10 A Yeah.

11 Q At the bottom.

12 A Yes, he told us that what Richard Quinn & Associates
13 was providing was some type of public relation work for the
14 corporate clients including messaging for public relations,
15 polling, and crisis management.

16 Q So, the Defendant was able to tell you things that RQ&A
17 did for lobbyist's principals, but what was he able to tell
18 you he did for those campaigns that he allegedly worked on?

19 A Very little.

20 Q Such as?

21 A Told us that he gave advice to Richard Quinn.

22 Q And that's it?

23 A Yes, sir.

24 Q Zero besides that?

25 A (Witness nods affirmatively.)

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q When you questioned the Defendant back on
2 September 22nd of last year, did you have a bunch of bills
3 to talk to him about with regards to say tobacco tax or
4 school choice or anything like that?

5 A No, we did not.

6 Q What bill were you able to talk to him about?

7 A I did ask him about the Base Load Review Act.

8 Q What is the Base Load Review Act?

9 Educate the jury on that.

10 A The Base Load Review Act was an act passed by the
11 General Assembly in 2007 I believe which is what allowed
12 SCANA to begin to collect rates for the construction of the
13 new nuclear reactors at V.C. Summer in Jenkinsvile.

14 Q So, really the answer to the next question, what
15 company or lobbyist's principals was pushing the Base Load
16 Review Act?

17 A My understanding is that would of been SCANA at the
18 time.

19 Q And what political consultant did SCANA pay a retainer
20 back then?

21 A My understanding is that would be Richard Quinn &
22 Associates.

23 Q And what did the Defendant say about his vote on the
24 Base Load Review Act?

25 A I believe he told us that -- I don't think he could

Chris Garrett - Direct examination
By Solicitor Pascoe

1 specifically remember that, that he voted in, in favor, but
2 that's what he thought he did.

3 Q Okay. Did he say whether he read the bill or not?

4 A He told us he did -- had not read the bill.

5 Q The, the fact that he was Chairman of the Judiciary and
6 an attorney, did that raise any concerns with you?

7 A I'd like to then -- anybody representing the people
8 would actually read what they vote on, but I'm also not
9 naive in knowing that that's not an uncommon occurrence for
10 people to vote on things that they haven't read.

11 Q And when you interviewed the Defendant, you've already
12 testified you weren't aware of all the bills he had voted
13 on.

14 were you -- did you have good numbers about the
15 Defendant's salary prior to that interview?

16 A His salary with who?

17 Q Richard Quinn & Associates. I'm sorry.

18 A I think we might of known generally what he was making,
19 yes.

20 Q Did you have State's Exhibit 2 where the Defendant said
21 he was the chief operating officer, and partner at Richard
22 Quinn & Associates?

23 A No.

24 Q In fact, when's the first time that you saw that he had
25 said he was the chief operating officer?

Chris Garrett - Direct examination
By Solicitor Pascoe

1 A The first time I saw this letter was about two weeks
2 ago when you and I met.

3 Q You testified the Defendant admitted knowing lobbyist's
4 principals were employed at Richard Quinn & Associates while
5 he worked there.

6 Did you ever report that income on his Statement of
7 Economic Interest according to him?

8 A I don't think he did.

9 Q I -- actually, let me rephrase that.

10 Did he report that RQ&A received lobbyist's principal
11 money?

12 He admitted he never received -- he never reported
13 that?

14 A I'm not sure -- I'd have to refresh my memory --

15 Q Page 7.

16 A -- if he talked about that.

17 Q Yeah.

18 A Yes.

19 Q Okay. And he admits he didn't report it on his SEI?

20 A Correct.

21 Q So, by his own admissions, he did not report the
22 lobbyist's principal money on his SEI that RQ&A received
23 in -- from 2001 all the way to 2013?

24 A Yes, he told us that he didn't initially report that
25 income that he received from Richard Quinn & Associates.

1 After Mr. Merrill was indicted in late 2016, Harrison told
2 us that he reviewed the ethics law surrounding what he
3 should and shouldn't report, and that he, ultimately,
4 decided to disclose what he had made from Richard Quinn &
5 Associates to the Ethics Commission.

6 Q What did he tell you about his getting an opinion from
7 the House Ethics Committee when he started working at RQ&A?

8 A He did tell us that he had written to the House Ethics,
9 Ethics Commission for some type of answer regarding his work
10 at, at Richard Quinn & Associates, but he didn't have the
11 letter at the time, and he thought it might of been at
12 Richard Quinn & Associates.

13 Q So, he denied having -- state that June 20 -- June,
14 1999 letter that he sent to House Ethics?

15 A He didn't tell us he had it. He, he -- what he told us
16 was that it was at Richard Quinn & Associates.

17 Q He certainly didn't provide it to you that day,
18 correct?

19 A No, he did not.

20 Q So, looking at your 302, why did you again ask him why
21 Mr. Quinn was paying him?

22 Why did you continue to ask him, ask that repeatedly?

23 A Cause it didn't make sense. I didn't understand why
24 somebody would be getting paid \$80,000 a year, and not be
25 able to give me some articulation as to what it is that they

1 were doing to justify that salary.

2 Q Did the Defendant talk to you about the Quinn team?

3 A Yes.

4 Q Did he have an actual, an actual name for it?

5 A Yeah, he used the term Quinndom during the interview.

6 Q And who were members of the Quinndom according to the
7 Defendant?

8 A He listed United States Senator Lindsey Graham, South
9 Carolina Governor Henry McMaster, South Carolina Attorney
10 General Alan Wilson, Former South Carolina Senator John
11 Courson, Former South Carolina State Representative Jimmy
12 Merrill, Former South Carolina State Representative Tracy
13 Edge. He may of listed Kenny Bingham, and he also mentioned
14 himself.

15 Q And of those, the legislators he mentioned, that would
16 be Rick Quinn, Tracy Edge, Jimmy Merrill, Kenny Bingham, and
17 himself?

18 Those are the legislators he mentioned, House members,
19 and, and Senate if you count Courson?

20 A Yes.

21 Q What else did the Defendant tell you about his terms of
22 employment at Richard Quinn & Associates, and I'm looking
23 now at Page 9 of 10 I believe of your 302?

24 A He did tell us that he had met with some corporate
25 clients at Richard Quinn & Associates.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Q Did the Defendant ever have a contract with Richard
2 Quinn with regards to his employment?

3 A No, not that I'm aware of.

4 Q And, again, you continue to ask, but what did the
5 Defendant tell you about why he was hired by Richard Quinn &
6 Associates?

7 A To provide political campaign consulting work.

8 Q And what was the Defendant's availability to the Quinns
9 according to the Defendant?

10 A My recollection is that he was made very available to
11 the Quinns.

12 Q He said he was available year round?

13 A Yes.

14 Q Did he say he would meet with him while he -- the
15 General Assembly, Assembly was in session?

16 A Yes, he did.

17 Q Almost done.

18 Have you ever seen State's Exhibit 10, sir, which is an
19 interview that Jim Harrison gave to the -- an editor at the
20 State Newspaper?

21 A You know, I have not, no.

22 Q Let me see that real fast.

23 Did Mr. Harrison, at any point in time, ever tell you
24 that "I am not on the payroll or that he was never on the
25 payroll at Richard Quinn & Associates?"

1 Did he ever tell you that?

2 A No, sir, he did not.

3 Q Did the Defendant ever told -- tell you about an
4 attorney/client relationship that he ever had with Richard
5 Quinn?

6 A You know, we asked that question, whether or not he was
7 an attorney for Richard Quinn or Richard Quinn & Associates.
8 He did tell us that he may of done some work on a lease for
9 a restaurant or bar or something, some type of establishment
10 like that called The Back Porch I think.

11 Q And other than looking for a lease for them maybe, did
12 he say he had any attorney/client relationship with Richard
13 Quinn & Associates?

14 A He did not.

15 Q So, is that totally contradictory to what -- if he had
16 said that what he does for Richard Quinn & Associates is 30
17 percent legal work?

18 A That depends on how long that lease is, sir.

19 Q When did the Defendant ever tell you that he did 30
20 percent of the money he made was for legal work for Richard
21 Quinn & Associates?

22 A He did not.

23 Q And we've already covered that.

24 Almost done, Your Honor.

25 Covered it.

Chris Garrett - Direct examination
By Solicitor Pascoe

1 Beg the Court's indulgence. Be the same question now
2 three times in here.

3 (Pause.)

4 Q Answer any questions defense counsel has for you, Agent
5 Garrett. Thank you.

6 A Thank you, solicitor.

7 THE COURT: All right.

8 MR. LLOYD: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. LLOYD:

12 Q Agent Garrett, we're gonna make it by 5:30. I promise
13 you that.

14 A What was that?

15 Q I said we're gonna make it by 5:30.

16 A Okay.

17 Q It's important for everybody.

18 Agent Garrett, it's not every day the FBI shows up, is
19 it?

20 A I might. Depends on who you are. In my house, yes.
21 Everyday the FBI shows up, sir.

22 Q Well, everybody else, it's usually bad news when the
23 FBI shows up, isn't it?

24 A I wouldn't characterize it at that, that. I mean a lot
25 of times we're trying to interview witnesses, people that

Chris Garrett - Cross-examination
By Mr. Lloyd

1 might have seen something, heard something. It, it all
2 depends, sir.

3 Q And I'm just joking with you. It's, it's -- obviously
4 you guys do a stellar job in a number of different areas for
5 this country, but I'm just having a fun time with you.

6 Let me ask you about this case in particular.

7 How did you get involved in the case?

8 A We were asked to participate in the case maybe around
9 April or May of 2017. I was aware of just how broad the
10 case was getting. Anytime you have an investigation with
11 multiple subjects, many of whom are legislators in the
12 political consulting, political operative arena, there's
13 just gonna be some natural complexities with it, and there's
14 the potential -- there was certainly the potential for
15 federal violations within what the State was investigating.

16 Q The jury heard a little bit about this earlier through
17 another witness.

18 Can you explain to the jury really what the FBI's
19 jurisdiction is in public corruption cases?

20 A So, it's kind of multi-faceted actually. It can go
21 from your traditional bribery case where some type of public
22 official takes a payment, whether that's a police officer or
23 a governor, in exchange for type of official act, or it
24 could be something a little more nuance like certain types
25 of fraud.

Chris Garrett - Cross-examination
By Mr. Lloyd

1 We do certain embezzlement cases if Federal money has a
2 nexus to what's going on, but there's a -- there's a variety
3 of different types of crimes that we, we tackle in the
4 corruption arena, but, in broad terms, it's typically some
5 type of fraud or some type of bribery that we're targeting.

6 Q And the FBI actually has what's called priorities.

7 Is that correct?

8 A Yes.

9 Q And those are set by the director?

10 A Yes.

11 Q Public corruption is currently a priority for the FBI.

12 Is that correct?

13 A Yeah, it's typically in one of the top three criminal
14 priorities at the FBI.

15 Q As far back as you can remember?

16 A Yes, sir.

17 Q Now, when you got involved in this particular case, was
18 it your understanding that this investigation had been going
19 on for some time by SLED?

20 A Yes.

21 Q And when you got involved -- first of all, did -- was
22 it only you who was assigned to this by the FBI or were
23 there other FBI Agents?

24 A It was mostly just me, yes, sir.

25 Q And when you got involved, did you review the evidence

Chris Garrett - Cross-examination
By Mr. Lloyd

1 that SLED had accumulated at that point?

2 A I had reviewed, I'm certain, some of it. I hadn't
3 reviewed all of the evidence.

4 Q And if you can just summarize for the jury, on behalf
5 of the FBI, what were you looking for?

6 A So, what I'm looking for kind of to start out something
7 like this is has a public official accepted something of
8 value in exchange for some type of official act. And so,
9 through the course of what SLED and Solicitor Pascoe had
10 already uncovered was there was a number of public officials
11 who had received some type of payment from Richard Quinn &
12 Associates.

13 Senator Courson had received checks. Former State
14 Representative Harrison had received some payments, and I
15 think Tracy Edge. And I don't know when we knew about
16 Harrison and Edge's receipt of payment from Richard Quinn &
17 Associates. But fairly early on in my case, we were focused
18 on the payments that Richard Quinn & Associates had issued
19 to John Courson, and that was part of where we were, we were
20 kind of getting a foot hold into the case.

21 Q But, at some point, you, obviously, were concerned
22 about Mr. Harrison's involvement with receiving those
23 payments?

24 A Yes, sir.

25 Q And you said you were looking for evidence that a

Chris Garrett - Cross-examination
By Mr. Lloyd

1 legislator had accepted something of value for an official
2 act.

3 Is that correct?

4 A Well, or if some type of fraud had taken place or some
5 type of embezzlement.

6 Q And is that something you looked for as it related to
7 Mr. Harrison?

8 A Yes.

9 Q And did you find any example of fraud or evidence of
10 fraud by Harrison?

11 A So, Mr. Lloyd, to kind of give you some of the
12 challenges we -- with the federal part of the case is when
13 we kind of found out about Mr. Harrison, we have a Statute
14 of Limitations. And so it -- did we find fraud related to
15 Mr. Harrison, that's kind of a complex question that, that
16 gets into legal -- I don't want to answer that necessarily
17 because I think that's kind of broad.

18 Q Well, and just to explain to the jury, South Carolina
19 has no Statute of Limitations.

20 Is that correct?

21 A That is correct.

22 Q The Federal Government does have Statute of
23 Limitations. They're different ones---

24 A Uh-huh. (Affirmative).

25 Q ---that apply to different crimes.

Chris Garrett - Cross-examination
By Mr. Lloyd

1 Is that correct?

2 A Yes.

3 Q But even under federal law, if there were a conspiracy
4 alleged that violated federal law, that would extend the
5 Statute of Limitations.

6 Is that correct?

7 A It might. I'm not sure.

8 Q And just to go back real quick.

9 Typically, when you get involved in a case,
10 particularly something like public corruption, are there
11 U.S. -- Assistant U.S. attorneys assigned to that case as
12 well?

13 A Yes.

14 Q And they work with you as agents on developing that
15 case?

16 A Yes.

17 Q And, in this particular case, was there at least one or
18 more Assistant U.S. attorneys assigned to it?

19 A Yes.

20 Q And who was assigned on behalf of the U.S. Attorney's
21 office to this case?

22 A Bill Watkins and Nancy Wicker.

23 Q Now, public corruption, under the Federal system, is a
24 pretty serious charge.

25 Is that correct?

Chris Garrett - Cross-examination
By Mr. Lloyd

1 A Yes.

2 Q And can carry pretty stiff penalties.

3 Is that correct?

4 A It can. It can. Excuse me.

5 Q And that's one of the reasons to, to root out public

6 corruption, that it's a priority for the FBI.

7 Isn't that correct?

8 A Yes, the FBI, as a general sense, we value our role in
9 trying to protect the public's trust in its public servants.

10 Q And if you found evidence of public corruption, and it
11 was within the Statute of Limitations, it's generally likely
12 that the FBI and the U.S. Attorney's Office is gonna
13 prosecute that.

14 Is that correct?

15 A I -- the answer to your question is it depends.

16 Q And what might it depend on?

17 A Quality of the evidence, timeliness, whether or not we
18 were the initial investigating agency. There's a number of
19 factors that goes into whether or not the U.S. Attorney's
20 office decides to present a case to the Grand Jury for
21 indictments.

22 Q Did any of those factors play into what eventually the
23 FBI and/or the U.S. Attorney's Office decided to do in this
24 case?

25 A Yes.

Chris Garrett - Cross-examination
By Mr. Lloyd

1 Q Okay. And would you explain to the jury what factors
2 that particular played into decisions made by the FBI and
3 the U.S. Attorney's office in this case?

4 A Well, to be clear, my investigation remains open, Mr.
5 Lloyd. We worked this case in what I considered our task
6 force model. Often times, when we open an investigation, we
7 don't necessarily know what the destination is. Unlike when
8 you get on a plane, you know -- you hope you're gonna land
9 in Miami. Sometimes we get it -- we open a case, and there
10 is a federal indictment or federal charges, and we go full
11 board with it. Other times, the facts and circumstances
12 surrounding the case make it more palatable to be within the
13 state system, and, in other times, there's no charges either
14 at the federal level or the state level.

15 So, you don't necessarily know what you're gonna get
16 into especially with these cases, I think, going into it,
17 and this was one of those. We operated this, in my mind, as
18 a task force model where we could in. We would help out the
19 SLED investigators as needed, and, if there were some, some
20 prosecutable federal violations, we would go down that road.

21 Q Mr. Harrison's interview with you and the SLED agent
22 was in September of 2017.

23 Is that right?

24 A Correct.

25 Q What have you done since September of 2017 to

Chris Garrett - Cross-examination
By Mr. Lloyd

1 investigate this case?

2 A Oh, I'd have to go back in the file and see. We -- I
3 can't remember. I was helping the team out with document
4 review for a period. I went through a number of records
5 with them. That might of been shortly before this interview
6 or afterwards. Off the top of my head, there may of been a
7 few more interviews that we did.

8 I think we interviewed Former State Representative
9 Tracy Edge after Mr. Harrison or shortly within timeframe,
10 and there may have been other investigator steps taken. I
11 just can't remember them off the top of my head, but,
12 clearly, we helped out in the production of the discovery
13 for this case, and any type of support that they needed as
14 they've gone through the prosecution, and adjudication of
15 other subjects in the case.

16 Q You indicated just a little bit ago to Mr. Pascoe that
17 the House Ethics letter issued in 1999 or Mr. Harrison's
18 letter to House Ethics you only saw a couple of weeks ago.

19 Is that right?

20 A That's true.

21 Q And you indicated that might of been important to your
22 investigation.

23 Is that correct?

24 A Oh, yes.

25 Q And did anybody from SLED ever come back to you and say

Chris Garrett - Cross-examination
By Mr. Lloyd

1 hey, Chris, we got this letter here, take a look at it?

2 A No. Well, until a couple weeks ago.

3 Q Until a couple of weeks ago?

4 A Yes, sir.

5 Q Now, after your interview with Mr. Harrison, you talked
6 about interviewing Mr. Edge and some others.

7 Is that right?

8 A Yeah, possibly others. I, I don't remember off the top
9 of head, sir.

10 Q Did you do any other investigative steps as they're
11 related directly to Mr. Harrison?

12 A Probably not, no.

13 Q You indicated that, during the interview with
14 Mr. Harrison, that there was a discussion about cash flow
15 problems at RQA.

16 Do you recall that?

17 A Yes.

18 Q And, in fact, you-all -- you and the SLED agent showed
19 him a document that referenced cash flow.

20 Do you recall that?

21 A It may of been, yes.

22 Is that in one of the emails we showed him?

23 Q If I show it to you, might it refresh your memory?

24 A Please.

25 MR. LLOYD: May I approach?

Chris Garrett - Cross-examination
By Mr. Lloyd

1 THE COURT: Yes.

2 A All right. So, what part of the email would you like
3 me to refer to?

4 Q Well, and we don't publish. It's not in evidence. But
5 you-all showed him that document prior to your beginning
6 your discussion about cash flow problems at RQA.

7 Is that---

8 A Oh, yes, sir. Yes, sir.

9 Q All right. Mr. Harrison hadn't -- didn't voluntarily
10 tell you that there were cash flow problems going on at RQA,
11 did he?

12 A By voluntariness, I mean we weren't forcing him to
13 answer our questions, but --.

14 Q Right.

15 A -- that's correct.

16 Q My question to you though is prior to you showing him
17 that email, and asking him about whether or not RQA was
18 having cash flow problems, he didn't show up and say hey, I
19 heard RQA was having cash flow problems?

20 A That sounds accurate, yes, sir.

21 Q And, in fact, when he said -- when you described to him
22 not being upset that RQ -- that his pay was cut at RQA,
23 didn't he explain to you and the SLED agent that well,
24 they're having cash flow problems, what would I be upset
25 about?

Chris Garrett - Cross-examination
By Mr. Lloyd

1 A I -- he might of said something to that effect, Mr.,
2 Mr. Lloyd, yes.

3 Q Now, as far as the Federal Government is concerned, was
4 there anything illegal, under federal law or the, or the
5 jurisdiction of the FBI, about the fact that Mr. Harrison
6 worked for RQA, and RQA had lobbyist's principal clients?

7 A No.

8 Q At any point during the course of your investigation or
9 your activities looking at this, did you find any evidence
10 where Mr. Harrison was asked by anybody to take a specific
11 vote on legislation or to sponsor legislation or to kill
12 legislation?

13 A No.

14 Q And that would be for any of the lobbyist's principal
15 clients of RQA?

16 A Yes. Correct.

17 Q And you're really not here to tell the jury anything
18 about what Mr. Harrison is required to report under state
19 ethics laws, are you?

20 A No.

21 Q In fact, your sole determination is whether or not he
22 violated federal law?

23 A Well, not necessarily.

24 Q On---

25 A On the task, let me---

Chris Garrett - Cross-examination
By Mr. Lloyd

1 Q I'll rephrase the question.

2 A Let me explain. On the task force, we do have SLED
3 officers that are permanently assigned to our task force,
4 and, like I said before, sometimes a case goes state, and
5 that's fine, you know. If we've investigated a case and
6 there is a violation of state law, part of our, our role is
7 to, to substantiate -- to support those state cases as well.

8 Q But as far as the FBI's involvement from a prosecutive
9 standpoint, you would be looking for whether or not
10 Mr. Harrison had violated any federal statute?

11 A Yes, sir.

12 Q And a way to violate federal statutes, in this arena,
13 is if he had accepted something of value, and then taken
14 official action, legislatively, because of that.

15 Is that correct?

16 A And, like I said, within our Statute of Limitations as
17 well.

18 Q Right.

19 Did you find any evidence that he did that outside of
20 your Statute of Limitations?

21 A No, I'm not aware of any, sir.

22 Q Chris, bear with me just one minute.

23 Beg the Court's indulgence.

24 (Pause.)

25 MR. LLOYD: Nothing further, Your Honor.

Chris Garrett - Redirect examination
By Solicitor Pascoe

1 THE COURT: All right. Mr. Pascoe, any follow-up?

2 SOLICITOR PASCOE: Very, very briefly. Thank you, Your
3 Honor.

4 REDIRECT EXAMINATION

5 BY SOLICITOR PASCOE:

6 Q I first just want to ask you, and you can do it -- if
7 there's no objection, we can do it tomorrow, but is there an
8 objection to putting in a clean copy of the 302 for the jury
9 to have?

10 It's up to you.

11 MR. LLOYD: You can't put in a 302.

12 SOLICITOR PASCOE: Okay. Nothing -- then I'll mark --
13 I'll withdraw it.

14 THE COURT: Okay.

15 SOLICITOR PASCOE: I'll withdraw it.

16 Q Did the FBI charge Jimmy Merrill?

17 A Nope.

18 Q Where was he convicted?

19 A State Court.

20 Q Did the FBI charge John Courson?

21 A No, sir.

22 Q Where was he convicted?

23 A State Court.

24 Q FBI charge Richard -- Rick Quinn, Junior?

25 A No, sir.

Chris Garrett - Redirect examination
By Solicitor Pascoe

1 Q Where was his convicted?

2 A State Court.

3 Q Did they charge Richard Quinn & Associates with illegal
4 lobbying?

5 A No, we did not.

6 Q Where was that conviction?

7 A State Court.

8 Q But has the FBI declined prosecution on any of them or
9 the Defendant, Jim Harrison?

10 A No, we haven't declined any, anything.

11 Q In fact, you testified you still technically have an
12 open case?

13 A Yes, I do.

14 Q But what is the Statute of Limitations in Federal Court
15 in cases you have to -- you're involved in?

16 A Typically it's five years.

17 Q Okay. And you testified you didn't just look at the
18 payments to Jim Harrison, but to, to John Courson?

19 A Yes.

20 Q Okay. And do you recall that John Courson's last
21 payment from RQA was around November of 2012 also?

22 A That is correct.

23 Q And what was the problem with that?

24 A Oh, we were just buddying up on our Statute of
25 Limitations.

Chris Garrett - Redirect examination
By Solicitor Pascoe

1 Q So, the Statute of Limitations would of run on John
2 Courson and Jim Harrison in Federal Court in November of
3 2017?

4 A Yes, without some type of extenuating thing that, as
5 Mr. Lloyd pointed out, we might be able to reach back with
6 some conspiracy issues, but it gets harder and harder for us
7 to prove the farther, the farther it goes back.

8 SOLICITOR PASCOE: Okay. Thank you, Your Honor.

9 THE COURT: Anything further?

10 MR. LLOYD: I hate to do it, but just a couple things,
11 Your Honor.

12 THE COURT: Sure.

13 THE WITNESS: Before -- do you want this email back?

14 MR. LLOYD: Yeah, I'll take it back.

15 THE WITNESS: All right.

16 REDIRECT EXAMINATION

17 BY MR. LLOYD:

18 Q Agent Garrett, Mr. Pascoe just asked you about the last
19 payment that, sorry, that Senator Courson received from RQA.

20 Do you recall that?

21 A Yes.

22 Q That check from RQA to Senator Courson wasn't a
23 paycheck, was it?

24 A No, it was not.

25 Q Now, you said you continued to be involved with this

Chris Garrett - Recross examination
By Mr. Lloyd

1 case assisting SLED, and assisting the prosecution in this
2 case.

3 Is that right?

4 A Yes.

5 Q And were you aware of Mr. Rick Quinn's plea to a guilty
6 charge?

7 A Yes.

8 Q And did it have anything to do with Mr. Harrison?

9 A I don't remember.

10 Q Do you recall, during the course of that plea, that
11 Mr. Pascoe said that he tried on multiple occasions to get
12 the U.S. Attorney's Office to take this case---

13 SOLICITOR PASCOE: Objection, Your Honor.

14 Q ---and they refused?

15 SOLICITOR PASCOE: Objection. That -- he's talking
16 about what I said during a guilty plea. Objection.

17 MR. LLOYD: On the record.

18 SOLICITOR PASCOE: This isn't relevant.

19 THE COURT: Okay. You said you withdraw it?
20 what did you say?

21 MR. LLOYD: It was on the record.

22 SOLICITOR PASCOE: Something I said on -- in a guilty
23 plea.

24 MR. LLOYD: I'm just asking---

25 THE COURT: I believe that was the question.

Chris Garrett - Recross examination
By Mr. Lloyd

1 MR. LLOYD: ---was he aware. Right.

2 SOLICITOR PASCOE: Can we---

3 MR. LLOYD: I'm just asking him if he was aware of that
4 statement being made in Court.

5 SOLICITOR PASCOE: We just---

6 THE COURT: Was he there?

7 MR. LLOYD: That's what I'm asking him.

8 SOLICITOR PASCOE: Well, ask him that.

9 THE WITNESS: I was not there, and I don't recall that,
10 sir.

11 Q And are you aware of whether or not the U.S. Attorney's
12 office refused to take this case?

13 A I don't know if refusing to take the case is, is the
14 terminology I would use, but they certainly have chosen not
15 to pursue, with federal charges, against the subjects based
16 on the facts and circumstances we know today.

17 Q And based on the facts that you knew, not only during
18 the time you interviewed Mr. Harrison, but as of today, you
19 know of no evidence to suggest Mr. Harrison took payments to
20 do any legislative acts.

21 Is that right?

22 A I do not have any knowledge about that, sir.

23 Q And that's the one thing that the FBI would be looking
24 for.

25 Is that correct?

Chris Garrett - Recross examination
By Mr. Lloyd

1 A That's not the one thing we'd be looking for.

2 Q What else?

3 A There's a number of different things we could, we could
4 be looking for.

5 Q Right.

6 That's an important thing you would be looking for.

7 Is that right?

8 A That would be important, yes, sir.

9 Q Thank you, sir.

10 THE COURT: Anything else?

11 SOLICITOR PASCOE: Just one question.

12 THE COURT: Okay.

13 SOLICITOR PASCOE: It will be 5:30.

14 REDIRECT EXAMINATION

15 BY SOLICITOR PASCOE:

16 Q If you go after him today, it's gonna have to be for a
17 check or a payment he got in 2014, '14, correct, or, no,
18 2013?

19 A Some---

20 Q Five year Statute of Limitation?

21 A Yeah, something from 2013 up until now.

22 SOLICITOR PASCOE: Okay. That's all I have.

23 THE COURT: Anything further?

24 MR. LLOYD: No, Your Honor.

25 THE COURT: Any objection to the agent being excused?

1 SOLICITOR PASCOE: No.

2 THE COURT: You want to be able to have the right to
3 recall?

4 MR. LLOYD: No, just picking at Chris.

5 THE COURT: Okay. You are excused, sir. Thank you.

6 THE WITNESS: Thank you, guys.

7 THE COURT: All right. Ladies and gentlemen of the
8 jury, I think now is definitely a good time to break for the
9 evening.

10 Do something for me. Make sure your name or your
11 number is written on the top of your notepad because you're
12 gonna hand those to the bailiffs as you go out the door.

13 All right. Secondly, Mr. Foreperson, do y'all still
14 want to start at 9:00 or 9:30?

15 What time?

16 THE FOREMAN: We'll be ready to go at 9:00, ma'am.

17 THE COURT: All right. Okay. Okay. All right.

18 Ladies and gentlemen, do not discuss this case. Don't
19 do any independent research. Get a good night's sleep, and
20 I look forward to seeing y'all tomorrow morning. 9:00AM.

21 Okay. Thank you.

22 (WHEREUPON, the following takes place outside the
23 presence of the jury.)

24 THE COURT: All right. Tomorrow morning.

25 SOLICITOR PASCOE: Can I make a motion to sleep later?

1 THE COURT: You saw one of the alternates shook her
2 head. It's no way 9:00AM.
3 MR. LIMBAUGH: He wasn't giving them any choice.
4 THE COURT: He wasn't. That was clear.
5 So, anyway, we go towards the end of the week, and we
6 have business to do, we'll be starting a little later, and
7 I'll explain that to them.
8 So, anything tonight before we get back tomorrow
9 morning roughly 8:45?
10 we'll go from there.
11 MR. LLOYD: Thank you, Judge.
12 THE COURT: All right. See y'all in the morning.
13 SOLICITOR PASCOE: Thank you, Judge.
14 THE COURT: Thank you.
15
16 (WHEREUPON, Court was in recess for the evening.)
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wednesday, October 24th, 2018

(WHEREUPON, the following takes place outside the presence of the entire jury panel.)

THE COURT: Good morning.

MR. GRIFFIN: Good morning, Your Honor.

MR. LLOYD: Good morning.

THE COURT: Tell me what we have for today.

MR. GRIFFIN: Hopefully this morning we'll get to a lot more of similar exhibits, SLED agents who executed a search---

THE COURT: Uh-huh. (Affirmative).

MR. GRIFFIN: ---seized the computer from RQ&A, took it to SLED. They made an identical copy. Then, then we had the whole taint review.

THE COURT: Uh-huh. (Affirmative).

MR. GRIFFIN: And then the documents that, that were relevant and untainted, if you will, and were identified. For purposes of introducing those documents in the trial of this case, what we've done is gone back to that original mirror image of the, of the computer hard drive, and produced those. And the agents will be here who produced those documents sort of to establish search and seizure, chain of custody --

THE COURT: Okay.

1 MR. GRIFFIN: -- and the, and the business records, and
2 the records that we're introducing are the RQ&A records
3 relating to, you know, the compensation of Mr. Harrison.
4 And that's -- and so, they're similarly to No. 5.

5 THE COURT: Uh-huh. (Affirmative).

6 MR. GRIFFIN: They were seized at the same time, but
7 they were just seized on the computer, and then -- and so
8 that's the same issue will come up for those documents as
9 well. Although we do have Ms. Mustian here later this
10 morning, but, you know, how cooperative she'll be, I don't
11 know.

12 THE COURT: Okay. Well, I got to tell you. So, I've
13 been through again this document, and, you know, sometimes I
14 feel like we've tortured something and overthink it.

15 A couple of concerns I have with that memo, and I'm
16 gonna tell you right now, I don't think it's something that,
17 in and, in and of itself, helps establish necessarily a
18 conspiracy, and I don't even know that a prima facie case
19 has been shown so far. But, but ignoring all of that, it's
20 not coming in through either Harrison, who it was sent to,
21 or by the writer, Richard Quinn. It could possible be a
22 draft, and who knows if it's, you know, the first draft of
23 many.

24 I have concerns about that. For all I know, the two of
25 them could of had a discussion. When I say the two of them,

1 it could of been Mr. Harrison and Richard Quinn could of
2 just had a discussion, and Richard Quinn could of gone back
3 to his office and typed this up. And it could of never been
4 given to Mr. Harrison.

5 And now I think about the letter that closely mirrors
6 what it really says that he writes, and it's a writing to
7 Chairman Meacham as far as for his asking for the Ethics
8 Opinion, I still come back to the document is how are we
9 getting it in. I mean I haven't had anyone that says to me
10 it's a business record. I don't have anyone that tells me
11 that they're the one that wrote it, that this is a working
12 copy of what exactly it is.

13 So, again, I, I have a hard time.

14 I mean how is it not hearsay?

15 I mean how, how is not?

16 And you're telling me Richard Quinn is not gonna
17 testify?

18 Is that, is that what I'm understanding?

19 MR. GRIFFIN: Your Honor?

20 THE COURT: When you say his health is---

21 MR. GRIFFIN: At, at this time, we, we don't plan to
22 call him.

23 THE COURT: Okay. And you said his health is bad as
24 well or was that --?

25 MR. GRIFFIN: Well, in his Grand Jury testimony, he, he

1 said he has significant memory loss issues as a result of a
2 significant health --

3 THE COURT: Okay.

4 MR. GRIFFIN: -- issue --

5 THE COURT: Oh.

6 MR. GRIFFIN: -- that he had.

7 THE COURT: Okay.

8 MR. GRIFFIN: And so, testing his memory about -- of
9 things in the past was very difficult --

10 THE COURT: Okay.

11 MR. GRIFFIN: -- when I spent two days with him.

12 THE COURT: Okay. Because, again, obviously I didn't
13 get to read his testimony cause I didn't have it. The only
14 Grand Jury testimony I had -- received or had was
15 Mr. Harrison's. So, so, now I think we need to go ahead and
16 talk about them.

17 what are these documents that you're gonna try to get
18 in, and how are we laying a foundation, and can Ms. Mustian
19 and will she testify that these are kept in the ordinary
20 course of business, you know?

21 I mean I think you can go through and say they're found
22 on your computer, would you say that they were records that
23 were kept in the ordinary course of business.

24 MR. GRIFFIN: And so what, what -- so, what I -- then I
25 would like to do with the SLED agents is just establish

1 that's where they came from, mark them for identification,
2 and then I'll call---

3 THE COURT: They're authenticate. They have---

4 MR. GRIFFIN: Then I'll call Ms. Mustian --

5 THE COURT: Okay.

6 MR. GRIFFIN: -- and just work through them with her,
7 and I have in the past. She's --

8 THE COURT: Okay.

9 MR. GRIFFIN: -- you know, in that -- my discussion
10 with her, she says well, you know, if these came off the
11 computer, then that -- then thus and so.

12 THE COURT: Okay.

13 MR. GRIFFIN: But she can't verify that they're
14 accurate documents, and that's all we have. That's why
15 we're doing this to establish what piece -- what that piece
16 of paper is, is---

17 THE COURT: Exactly what was taken.

18 MR. GRIFFIN: Well, it's what came off the computer,
19 and it wasn't modified.

20 THE COURT: Okay. Okay.

21 MR. GRIFFIN: As, as to this Exhibit 5, I will tell you
22 that expected testimony is that those -- there's a set of
23 handwritten notes that she made from this document, and
24 that, and that that was her understanding of the
25 relationship, and, and that that's carried through the

1 internal accounting at RQ&A, and that's --.

2 THE COURT: Well, I, I think, if you can lay a
3 foundation that way, I think it's possible to get it in.

4 MR. GRIFFIN: Right.

5 THE COURT: I'm just saying my, my concern, again, is
6 that I really think you've just got to be able to lay a
7 foundation for it. So --.

8 MR. GRIFFIN: Okay.

9 THE COURT: Okay.

10 MR. LLOYD: Your Honor, if it would help any, we could,
11 at least for the chain of custody issues from the SLED
12 agents, we would stipulate to the chain of custody.
13 Obviously, not to the admission necessarily---

14 THE COURT: Right.

15 MR. LLOYD: ---until Ms. Mustian testified, and that's
16 the---

17 THE COURT: They're the authenticated documents, and
18 they haven't been changed in that they were taken from---

19 MR. LLOYD: Right. We don't have any reason to believe
20 they---

21 THE COURT: Okay.

22 MR. LLOYD: ---were anything other than --.

23 MR. GRIFFIN: Well, that, that certainly saves three
24 witnesses.

25 THE COURT: Perfect. Okay. Okay.

1 MR. GRIFFIN: I don't know if the jury's here, but
2 it -- another on a document issue that we're going to have
3 today pretty early after, after some three short substantive
4 witnesses, one or two substantive witnesses --

5 THE COURT: Okay.

6 MR. GRIFFIN: -- we have a custodian here from AOL.
7 Served a search warrant on AOL to get Mr. Richard Quinn's
8 emails. And so he's, he's here to, again, authenticate the
9 emails. They're not all his emails, but emails that we've
10 pulled out, and plan to use. And so that's another witness
11 on our list we had to fly down from somewhere in Virginia,
12 but --.

13 MR. LLOYD: Again, the, the -- if they're doing it just
14 to establish the chain of custody or, or that these came
15 from AOL, we have no problem with that. We would still have
16 objections as to the admission of those because they are
17 testimonial. At the end of the day, this sort of stuff that
18 the central issue is is it testimonial, do we have a chance
19 to cross-examine the person who is either sending the email,
20 writing the email --

21 THE COURT: Uh-huh. (Affirmative).

22 MR. LLOYD: -- understands what the email is or
23 doesn't. That's the Sixth Amendment right to that I think
24 we have to object to.

25 THE COURT: Okay. Is the jury all here?

1 THE BAILIFF: Not yet.

2 THE COURT: Not yet.

3 Okay. Okay. Were any of the emails distributed to
4 anybody else that could actually authenticate them
5 potentially as well?

6 MR. GRIFFIN: So, the, the number of the emails are
7 internal between Richard Quinn and his daughters, Rebecca
8 and Raegan, and his son, Rick, about the Harrison
9 relationship. And, in those emails, there's also
10 discussions about the Jimmy Merrill relationship, and, and
11 it all happens in October, 2010, which you've heard
12 testimony where the, the pay was reduced from --

13 THE COURT: Uh-huh. (Affirmative).

14 MR. GRIFFIN: -- from a salary to a consulting fee.
15 And so that body of emails, that's what we're talking about.

16 We think probably we will need to have the AOL guy
17 because I mean I think they're business records of AOL.
18 They're in the business of maintaining servers for
19 customers, and that -- and this is how they -- I can get
20 through the 803(6) litany with this guy. I'm confident of
21 that.

22 The question is there's some other reason to not admit
23 them, but, in all candor, we will be able to authenticate
24 those emails as well with Ms. Mustian because she's on all
25 of them. Not, not every one of them. And then there's

1 another email or two with some of these corporate lobbyist's
2 principals that we plan to introduce, and, and they'll be
3 testifying as well.

4 THE COURT: Okay. Okay. And, remind me, is Ms.
5 Mustian, was she the one that did the payroll for RQ&A?

6 MR. GRIFFIN: Yes.

7 THE COURT: Okay.

8 MR. GRIFFIN: Yeah.

9 THE COURT: Okay. Okay. Anything else?

10 MR. LIMBAUGH: No, Your Honor.

11 THE COURT: So, roughly how many witnesses are you
12 gonna put up today, Mr. Pascoe?

13 Do you hope to put up today, I guess, as far as we can
14 go, yeah.

15 SOLICITOR PASCOE: Honestly don't know.

16 THE COURT: Don't know.

17 SOLICITOR PASCOE: I think we'll be all fairly quick
18 kind of like at the end of yesterday.

19 THE COURT: Okay.

20 SOLICITOR PASCOE: That's why I really don't know.

21 THE COURT: Okay.

22 MR. LLOYD: There is one issue related to Ms. Mustian,
23 and I don't know whether Mr. Pascoe or Mr. Griffin's gonna
24 examine her. There is one concern she has with her current
25 business and client list.

1 We would object on them getting into any current
2 clients that she represents, either political or charity
3 clients, that they represent. Just from the taint of this
4 whole thing, and being associated with this trial, obviously
5 that took a, a heavy toll on RQA's business. She and her
6 sister now started, started a new business, and are trying
7 to keep that business away from all of this.

8 THE COURT: Uh-huh. (Affirmative).

9 MR. LLOYD: So, certainly, they could ask her what she
10 does now, she's in a business, what do they do. But we
11 would object to, on relevance grounds, getting into any
12 current clients of theirs.

13 THE COURT: Do you have a need -- or what, what type of
14 business?

15 Is it another political consulting business?

16 MR. LLOYD: They do some political consulting, some
17 fundraising activity for charities.

18 THE COURT: Okay.

19 MR. LLOYD: And they're associated with some other
20 entities out, outside the State that also participate in the
21 fundraising activities for national charities or local
22 charities.

23 MR. GRIFFIN: Hadn't planned to really go into that.
24 Just background information, who are you, what do you do,
25 and---

1 THE COURT: Okay.

2 MR. GRIFFIN: But---

3 THE COURT: Okay. Maybe just don't ask who your
4 current clients are.

5 MR. GRIFFIN: Had not planned to do that. Kind of
6 interesting that Mr. Lloyd is standing up representing our
7 witnesses, but that's okay. Maybe it will help when -- if
8 the time arises I need to ask her leading questions.

9 THE COURT: Okay.

10 MR. GRIFFIN: Thank you.

11 THE COURT: Well, let's just -- we'll pause it when we
12 come to that if that's a necessity.

13 Okay. All right. I am told that our last juror is
14 about ten minutes away still.

15 So, anything else we need to do?

16 Can you-all premark any exhibits for this morning or is
17 there anything that you-all can agree on?

18 MR. GRIFFIN: Not yet. Well, let me get the first part
19 of that.

20 THE COURT: Mr. Pascoe, who is gonna be your first
21 witness for this morning?

22 SOLICITOR PASCOE: Adam Piper.

23 THE COURT: Okay. All right. Y'all, I'm just gonna
24 step off until this juror comes. If you need anything, let
25 Julia know. She'll come grab me if we need to put anything

1 on the record.

2 MR. GRIFFIN: Thank you.

3 THE COURT: Uh-huh. (Affirmative).

4 MR. LLOYD: Thank you very much, Your Honor.

5 (WHEREUPON, a short recess was taken at this time.)

6 THE COURT: All right. My understanding is our last
7 juror is here.

8 So, y'all ready to go?

9 I'm missing Mr. Pascoe, and Mr. Lloyd, and
10 Mr. Limbaugh. I'm missing everybody. There you go.
11 There's one.

12 SOLICITOR PASCOE: I'm getting the attorneys in.

13 THE COURT: Great.

14 SOLICITOR PASCOE: We're gonna call a witness out of
15 order.

16 THE COURT: Sure.

17 SOLICITOR PASCOE: Quickly.

18 THE COURT: Sure.

19 (Pause.)

20 THE COURT: All right. Ready to go?

21 MR. LLOYD: Sorry, Your Honor.

22 THE COURT: No worries.

23 Okay. Let's bring the jury in, sir.

24 (WHEREUPON, the following takes place within the
25 presence of the jury.)

1 THE BAILIFF: The jury's seated, Your Honor.

2 THE COURT: Thank you, sir.

3 Good morning. Pleasure to see you-all. We're gonna go
4 ahead and continue with the State's case.

5 Mr. Pascoe, if you'll call your first witness for this
6 morning.

7 SOLICITOR PASCOE: Representative Todd Rutherford.

8 THE COURT: Come on forward and be sworn,
9 Representative Rutherford.

10 THE CLERK: Please step forward and be sworn in.

11 (WHEREUPON, the witness complies.)

12 THE CLERK: If you would, place your left-hand on the
13 Bible, and raise your right-hand.

14 TODD RUTHERFORD, being first duly
15 sworn, testified as follows:

16 THE CLERK: Please state your full name.

17 THE WITNESS: Todd Rutherford.

18 THE CLERK: Please be seated, sir.

19 DIRECT EXAMINATION

20 BY SOLICITOR PASCOE:

21 Q Good morning, Representative Rutherford.

22 A Good morning.

23 Q Where do you reside, sir?

24 A In Columbia, South Carolina.

25 Q And you're a member of the South Carolina House of

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 Representatives?

2 A I am.

3 Q What district do you represent?

4 A District 74.

5 Q And what area does that encompass?

6 A Downtown Columbia.

7 Q When did you first get elected?

8 A 1998.

9 Q And so you've been in the House for 20 years now?

10 A Sounds a lot when you say it, but, yeah, about 20
11 years.

12 Q Twenty years.

13 Is every House member elected by a single district?

14 A Yes.

15 Q Okay. What is your full-time employment?

16 A I'm an attorney.

17 Q Do you have other businesses?

18 A I do.

19 Q And you fill out a Statement of Economic Interest every
20 year, Representative Rutherford?

21 A I do.

22 Q Do you list those other businesses on your Statement of
23 Economic Interest?

24 A I do.

25 Q Do you list those other businesses and your -- the fact

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 that you're an attorney on your legislative bio every year?

2 A I do.

3 Q What party do you caucus for?

4 A Democrat.

5 Q Okay. Do you hold any position in the Democratic

6 Caucus?

7 A I am the Democratic Caucus chair. I'm the Democratic

8 leader for the House.

9 Q How long have you been the Democratic leader in the
10 House?

11 A I think about six years.

12 Q What, briefly, what are your duties as the Democratic
13 leader?

14 A I am in charge of the Democratic Caucus in the House.
15 And so I run campaigns or I help on campaigns. I bring in
16 the staff. I am the tip of the spear I guess as it relates
17 to what Democrats do in the House of Representatives.

18 Q When -- you're running campaigns for the Democratic
19 Caucus to get Democrats elected in the House?

20 A That's correct.

21 Q Okay. And you know the Defendant, Jim Harrison?

22 A I do.

23 Q How long have you known him?

24 A For about 20 years.

25 Q Since you've been in the House in 1998 when you got

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 elected?

2 A Since I got elected.

3 Q Any animosity or problems whatsoever towards him?

4 A None at all.

5 Q In fact, you get along with him pretty well?

6 A I, I do.

7 Q As we'll talk about in a minute, you served under,
8 under him on Judiciary?

9 A Yes, sir.

10 Q Consider him a friend?

11 A I do.

12 Q What position did Mr. Harrison hold in the House, in
13 the South Carolina House?

14 A He was the Chairman of the Judiciary Committee.

15 Q The entire time that you were there from 1998 to 2012
16 before he left, he was the---

17 A Yes, sir.

18 Q ---Chairman?

19 How much legislation goes through the Judiciary?

20 A A bunch. I, I saw somewhere recently it's about 40
21 percent of all the legislation in the House goes through the
22 Judiciary Committee.

23 Q And what power did the Defendant have when he was
24 Chairman over Judiciary?

25 A I -- he, he is the man. When he was Chair of

1 Judiciary, he kind of controls what comes in, what goes out.
2 I mean to the extent that he's the chair. He still only has
3 one vote, but he is the chair of the committee.

4 Q Who sets the calendar for the committee?

5 A The chair of the committee. When bills get assigned --
6 now, again, I wasn't there on the internals, but bills get
7 assigned to the committee, and what subcommittee they go to,
8 and when they go, and whether a hearing is held, a lot of it
9 is up to the subcommittee chairs, but the chair kind of
10 determines what's going to happen.

11 Q Okay. So, the chair decides what bills are gonna be
12 taken up in Judiciary?

13 A Not every single one cause there's a lot of bills, but
14 certainly ones that he wants input on. Sometimes the
15 committee just flows, but if there's a big bill, then the
16 chairman would certainly have his say as to how or the
17 speaker sometimes coming in and saying this is how this is
18 going to go.

19 Q Okay. Are there subcommittees on Judiciary?

20 A Yes, sir.

21 Q What are some of the sub-judiciary or subcommittees?
22 What are some of the subcommittees?

23 A Election laws, general laws, con laws, I think special
24 law, and criminal laws.

25 Q And who decides who gets to chair all of those

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 subcommittees under Judiciary?

2 A The chair.

3 Q And that would be the Defendant, Jim Harrison, before
4 he left office in 2012?

5 A Yes, sir.

6 Q Let me ask you just a couple questions about just
7 lobbyists in general.

8 where do lobbyists usually see and meet with
9 legislators like yourself?

10 A In the lobby.

11 Q Okay. Hence the term?

12 A Yes, sir.

13 Q Okay. And they're a bunch of lobbyists?

14 A A bunch of lobbyists.

15 Q Okay. And how, how, how many do you think can be out
16 there in that lobby sometimes?

17 A So many sometimes that I try to avoid it cause they're
18 a lot of lobbyists out there.

19 Q Have you ever heard of the South Carolinians for
20 Responsible Government?

21 A Yes, sir.

22 Q Okay. what are they?

23 A I believe that they were a school choice group.

24 Q Okay. And a lobbying group --

25 A Yes, sir.

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 Q -- for school choice?

2 Ask you about a few more.

3 Did SCANA lobby the Legislature back between 1999 to
4 2012?

5 A SCANA has lobbied the Legislature I believe every year
6 --

7 Q All right.

8 A -- including those years, yes.

9 Q Did Palmetto-Health lobby the Legislature between 1999
10 and 2012?

11 A Palmetto-Health has several iterations that I know of.
12 Palmetto G.B.A -- to answer that question, that entity that
13 includes the Richland Memorial Hospital, yes.

14 Q BlueCross BlueShield?

15 A Yes, sir.

16 Q University of South Carolina?

17 A Yes, sir.

18 Q Maybe back in the early 2000s, late '90s, BellSouth?

19 A Yes, sir.

20 Q AT&T?

21 A Yes, sir.

22 Q How familiar are you with Richard Quinn & Associates?

23 A I know Rick Quinn because I served with him and I
24 worked on his first campaign, and that is, is -- Richard is
25 his father.

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 Q Okay. How well do you know Richard Quinn, Senior?

2 A I've met him one time.

3 Q Okay. Are you friends with Richard Quinn, Senior?

4 A No, sir, we're not enemies. I just met him one time.

5 Q Were -- okay. And you've testified not only did you
6 know Representative Rick Quinn, but you worked for his first
7 campaign.

8 when would that have been?

9 A A long, long time ago. I was a child and didn't know
10 the error of my ways, cause although we're friends, we're in
11 different political spectrums, but I was just volunteering
12 on a campaign. So, we just put stuff in the mailboxes for
13 them.

14 Q So, some time in early '90s or---

15 A Whenever it was he first ran.

16 Q Were y'all close friends when he was back in the House
17 after 2010?

18 A We weren't close friends, but we were friends.

19 Q When were you ever aware, as a legislator, that Richard
20 Quinn & Associates had clients such as BlueCross BlueShield,
21 BellSouth, Palmetto-Health, SCANA, and AT&T?

22 A Recently.

23 Q So, not between the years of 1999 and 2012?

24 A No, sir.

25 Q And you served under the Defendant on House Judiciary

1 for ten years approximately?

2 A If, if that's what the numbers are. I can't remember,
3 but I mean I've been there for a long time, but yes, sir.

4 Q From about 2002 to 2012, would that be -- sound about
5 right?

6 A That sounds about right.

7 Q To your knowledge, what was the Defendant, Jim
8 Harrison's, sole employment?

9 A To my knowledge, he was a lawyer, and, in fact, I sent
10 him some cases as a lawyer, and we, we shared some cases
11 together.

12 Q So, y'all were even close enough where you shared cases
13 together?

14 A Yes, sir.

15 Q When did the Defendant ever tell you, between 1999 and
16 2012, that he was the chief operating officer, and partner
17 of Richard Quinn & Associates?

18 A I, I did not know that.

19 Q When did the Defendant ever tell you that he was a
20 political consultant at Richard Quinn & Associates?

21 A I didn't know that.

22 Q Were you ever aware that the Defendant was being paid
23 anything by Richard Quinn & Associates much less between
24 800,000 and \$900,000 between 1999 and 2012?

25 A No, sir.

Todd Rutherford - Direct examination
By Solicitor Pascoe

1 Q And, and, finally, we met with you the other day, and
2 you were talking about how much power the Defendant had in
3 the House until he left.

4 Just how powerful was the Defendant, Jim Harrison, in
5 the House of Representatives?

6 A Well, Jim Harrison, as I stated, was a friend of mine,
7 and he was from Richland County. So, it led me to be closer
8 to him than I would some other Republicans that I disagreed
9 with. But he was the chair of Judiciary. Judiciary's a
10 powerful committee in the House, and, as such, he wielded a
11 great deal of power by being there, by being in his
12 position.

13 Q You've been in the Legislature for 20 years.

14 What other legislators equal or surpass his power in
15 the Legislature?

16 A I would say the Speaker and maybe the chair of Ways and
17 Means. Now that I'm on Ways and Means, I'll say the chair
18 of Ways and Means.

19 SOLICITOR PASCOE: Beg the Court's indulgence.

20 (Pause.)

21 THE COURT: Answer any questions that defense has for
22 you, Representative Rutherford. Thank you.

23 MR. LLOYD: Beg the Court's indulgence.

24 CROSS-EXAMINATION

25 BY MR. LIMBAUGH:

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 Q Morning, Representative Rutherford.

2 A Morning.

3 Q How are you?

4 A Good.

5 How are you?

6 Q I'm fine. Thank you.

7 Is, is it fair to, to say that, that different
8 committee chairs in the House of Representatives operate
9 their committees in different ways?

10 Is that fair to say?

11 A That is fair to say.

12 Q Isn't it also fair to say that, in that same vein, that
13 some committee chairs run their committees with a much
14 heavier hand than others?

15 Is that accurate?

16 A That is accurate.

17 Q Particularly with regard to directing what legislation
18 they want to come out of their committee.

19 Is that accurate?

20 A That is accurate.

21 Q Okay. And particularly with regard to Mr. Harrison, in
22 your experience with him as chair of Judiciary and your time
23 on the committee, how -- would you describe him as one of
24 those chairs who is heavy handed, and actively engaged in
25 deciding and directing what would come out of the committee?

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 A No, I think that if -- and, again, I've been on three
2 committees since I've been in the House. The first one,
3 under Chairman Joe Brown, was extremely laid back, and I am
4 currently on Ways and Means under Chairman White, and we
5 only get to speak when spoken to kind of.

6 So, no, that's -- that was not Jim Harrison. I led,
7 several times, the fight to stop, and I can't remember a
8 particular bill, but -- and so we would do a quorum call
9 where I was getting members to lead, and, no, he didn't --
10 he never stopped me from doing it. The Speaker came and
11 told me to stop doing it, but he never stopped me from doing
12 it.

13 So, no, he was, he was somewhere in the middle of he
14 knew what was going on. He was not out of touch, but---

15 Q Right.

16 A ---he wasn't heavy handed.

17 Q Okay. Let's put aside for just a second any
18 legislation that had a real partisan component to it because
19 I mean you and I both know that there are bills that the
20 House deals with that partisan considerations override
21 everything else.

22 Isn't that accurate to say?

23 A Yes, sir.

24 Q Okay. But there's also a heck of a lot of legislation
25 that's dealt with.

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 In fact, would you agree with me that the majority of
2 the legislation the House deals with doesn't have an
3 overriding partisan component to it, and that members will
4 decide where they want to be on it based on, maybe the way
5 it ought to be all the time, but just on the substance of
6 the bill?

7 Would you agree with that?

8 A I would.

9 Q Okay. So, it's not unusual, is it, for -- in fact,
10 it's the norm for members to, air quotes, Madam Court
11 Reporter, "lobby" one another on legislation, ask other
12 members to vote a particular way, try and convince other
13 members to vote a particular way?

14 That's norm?

15 A I think that's---

16 Q That's not---

17 A ---standard operating procedure, yes, sir.

18 Q Okay. And so it wouldn't have been unusual for you to
19 have other legislators come to you, other Republican
20 legislators, or, in particular, come to you and say hey,
21 Representative Rutherford, you know there's this bill.
22 Really like you to get your support on it. Explain why they
23 wanted you to support it, and see if they could get you to
24 vote the way they wanted you to vote.

25 That wouldn't have been unusual, would it?

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 A No, sir.

2 Q Was Jim Harrison one of the people who did that?

3 A I pause so that I can -- cause I've been doing it for
4 20 years.

5 Q Sure.

6 A And Jim left a long time ago. I don't remember. I
7 don't remember him doing that, no.

8 Q Okay.

9 A And, and when I say I don't remember, let me be clear.

10 Q Yeah.

11 A Not that I don't recall what went on. Just I don't
12 recall him ever coming to me, and asking me to do that on a
13 particular bill.

14 Q Okay. All right. Fair enough.

15 Some of the clients or entities that the State
16 mentioned, SCANA, AT&T, BellSouth, Trial Lawyers, I don't
17 know if they mentioned it, but I'm going to,
18 Palmetto-Health, Members of South Carolina -- well, let's
19 put aside the Trial Lawyers.

20 of all those other entities, even though the Judiciary
21 Committee may have dealt with roughly, let's just say for
22 the sake of argument, 40 percent of all of the legislation
23 that was introduced, the legislation that, that typically
24 would of involved interest of those corporate entities would
25 not typically go to Judiciary, would they?

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 A I don't know that I would agree with that statement.

2 Q All right.

3 A Because we saw so much, and as I think back in my time
4 on Judiciary, a number of those issues up, and to be quite
5 honest, those weren't my issues. I'm a criminal lawyer.

6 Q Right.

7 A And so I was on criminal laws, and I dealt with
8 criminal law issues, and, quite honestly---

9 Q Uh-huh. (Affirmative).

10 A ---I would try to avoid Jim so that we didn't disagree
11 on something. So, I would talk around him --

12 Q Right.

13 A -- rather than talk to him about stuff.

14 Q Okay.

15 A And whether he did the same thing and why -- and that's
16 why I don't recall him ever asking me to vote for something,
17 probably same thing.

18 Q Okay. With regard to the Trial Lawyers, do you have
19 any recollection of trial lawyer issues coming before
20 Judiciary?

21 A I have a recollection of a bunch of trial lawyer issues
22 coming before Judiciary.

23 Q And are you -- are you the person -- I know you say
24 you're a criminal lawyer, but are you personally -- do you
25 also do plaintiffs' personal injury work?

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 A I do.

2 Q So, are you a member of the Trial Lawyers Association?

3 A If you're asking me whether I paid my dues right now---

4 Q I, I---

5 A ---I don't know. But have I been a member in the past,
6 and have I paid dues in the past, yes. I don't know whether
7 I'm up-to-date or not.

8 Q Yeah.

9 Okay. All right. Is it -- isn't it the case that
10 Mr. Harrison's position on trial lawyer supported issues was
11 almost always, if not, in fact, always, as an adversary of
12 the trial lawyers' positions?

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

14 Q All right.

15 A ---honestly -- I know that Rick Quinn was being paid by
16 the Trial Lawyers to do something because I found it odd at
17 the time, but I don't know -- I don't know that Jim and I --
18 Jim Harrison and I ever spoke about trial lawyer issues.

19 Q All right. Well, then it's safe to say, given that
20 answer, that Mr. Harrison never asked you to vote a
21 particular way in favor of the Trial Lawyer's position
22 either?

23 A Right. But I mean nobody would have to ask me to
24 vote---

25 Q Right.

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 A ---in favor of it because that's the large class.

2 Q Right.

3 A Yes, that's right.

4 Q Right.

5 Okay. You were asked a question about the Statement of
6 Economic Interest, and, and, and what income you were
7 required to report.

8 Is it -- it is the case, is it not, that the nature of
9 the income that was required to be reported on the Statement
10 of Economic Interest changed by law in 2016, is it not?

11 A I will take your word for that.

12 Q Okay. So, you, you, you don't know?

13 A I---

14 Q Well, that's fair enough?

15 A I've been doing it for 20 years.

16 Q Right.

17 Okay. Is it, is it, is it fair to say that those
18 requirements changed from time to time?

19 A Yes, sir.

20 Q Okay. All right. Is there any reason that you can
21 think of that Mr. Harrison would have told you that he was
22 work -- that he worked at Richard Quinn & Associates?

23 A No, I don't, I don't know.

24 Q Okay.

25 A I mean --.

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 Q Well, you can't think of any, of any, any reason, in
2 your relationship with him, conversations you had with him,
3 where, in retrospect, it seems weird that he never told you
4 he worked at RQA, right?

5 A No. Well, again, and I don't want to seem evasive.

6 Q No.

7 A It's just a long time ago.

8 Q All right.

9 A Jim's left the House. And so, I, I remember, in
10 particular, fighting about things, and simply avoiding him.
11 Not trying to run and but heads with the chairman. So,
12 sometimes he'd see me and he'd call me Toddy, you know, what
13 are you doing. But I remember, on a particular DUI issue,
14 nothing related to Trial Lawyers or --.

15 Q Right.

16 okay. If I might have just a second?

17 THE COURT: Certainly.

18 (Pause.)

19 MR. LIMBAUGH: Just a couple more if I might.

20 Representative Rutherford, you can blame Mr. Lloyd for
21 the additional questions.

22 A Yes, sir.

23 Q Just wanted to ask you about a couple of specific not
24 bills necessarily. I won't -- I certainly don't have the
25 bill numbers, but you'll know what I'm talking about.

Todd Rutherford - Cross-examination
By Mr. Limbaugh

1 The legislation dealing with the Base Load Review Act
2 where -- well, the Base Load Review Act.

3 It did not come through the Judiciary Committee, did
4 it?

5 A I don't think that it did, no.

6 Q Okay. The University of South Carolina's budget
7 wouldn't come through the Judiciary?

8 A No, sir, that would be Ways and Means.

9 Q The issues around the rights and responsibilities,
10 regulatory matters dealing with either SCANA or AT&T or
11 other regulated industries, that wouldn't come through
12 Judiciary, would it?

13 A No, sir.

14 Q Okay. And, again, just to put a cap on it, you have no
15 recollection of Jim Harrison, in spite of your having served
16 ten years with him on his Committee, serving with him on the
17 Richland County Delegation, seeing him all the time in, in
18 the context of the work at the State House, being on very
19 friendly terms, you don't have any recollection of him ever
20 asking you to vote a particular way on any bill, do you?

21 A No, sir.

22 Q Thank you. That's all I have.

23 SOLICITOR PASCOE: Thank you, Your Honor.

24 REDIRECT EXAMINATION

25 BY SOLICITOR PASCOE:

Todd Rutherford - Redirect examination
By Solicitor Pascoe

1 Q Just a couple questions, Representative Rutherford.

2 Just because something doesn't go through the
3 committee, the legislator still gets a vote on the House
4 Floor, correct?

5 A That's correct.

6 Q So, even if Base Load Review Act, or tort reform, or an
7 agriculture issue doesn't go through Judiciary, but comes up
8 for vote, every legislator gets one vote on the House Floor?

9 A That's correct.

10 SOLICITOR PASCOE: That's all I have, Your Honor.
11 Thank you.

12 THE COURT: Anything further?

13 MR. LIMBAUGH: No, Your Honor. Thank you.

14 THE COURT: You are excused, sir. Thank you.

15 THE WITNESS: Thank you, Your Honor. Good to see you,
16 Judge.

17 MR. LLOYD: Your Honor, can we just note for the record
18 there is no excuse for Mr. Rutherford.

19 THE COURT: State will call their next witness.

20 SOLICITOR PASCOE: Adam Piper.

21 THE COURT: Come forward, Mr. Piper.

22 THE CLERK: Please step forward to be sworn in.

23 (WHEREUPON, the witness complies.)

24 THE CLERK: If you would, place your left-hand on the
25 Bible, raise your right-hand.