

[1] (Reporter disclosure made pursuant to
[2] Article 8.B. of the Rules and Regulations of the
[3] Board of Court Reporting of the Judicial Council
[4] of Georgia.)
[5] **MS. SPANN:** At this time I'd like for each
[6] party to the announce their name.
[7] **MR. WEAVER:** I think she's got them.
[8] **MS. SPANN:** Would you please swear Mr.
[9] Chesshire in.
[10] HOWARD WESLEY CHESSHIRE,
[11] having been first duly sworn, was examined and
[12] testified as follows:
[13] **EXAMINATION**
[14] **BY MS. SPANN:**
[15] **Q.** Please state your full name for the
[16] record.
[17] **A.** Howard Wesley Chesshire.
[18] **Q.** How are you employed, Mr. Chesshire?
[19] **A.** The Cobb County Superior Court, court
[20] administrator.
[21] **Q.** How long have you served in this position?
[22] **A.** September 22nd, 1985.
[23] **Q.** What are your duties?
[24] **A.** To do all the administrative
[25] responsibilities of the Superior Court as directed by

[1] the Superior Court Judges Council.
[2] **Q.** Did those duties at any time include
[3] supervision of pretrial release agency from Cobb
[4] Judicial Circuit?
[5] **A.** From September 22nd, 1985, to October
[6] 24th, 1985.
[7] **Q.** Under what authority did the Superior
[8] Court judges hire you?
[9] **A.** You'd have to ask them.
[10] **Q.** Excuse me?
[11] **A.** They voted. They just told me I was
[12] hired. They voted and they hired me. I didn't mean
[13] to be flippant. I didn't mean to be rude.
[14] **Q.** So the Superior Court judges hired you?
[15] **A.** Yes, they did.
[16] **Q.** Under what authority did they hire you?
[17] Were you hired under any type of statute or rules of
[18] court?
[19] **A.** I do not know. They just told me I was
[20] hired. They would have to answer that. I'm sorry.
[21] **Q.** You aren't familiar with Rule 37 of the
[22] Uniform Superior Court Rules of the Georgia Superior
[23] Courts as it relates to the hiring of Superior Court
[24] administrators?
[25] **A.** I interviewed for the job. I didn't know

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[1] about any rule.
[2] Q. What is your educational background?
[3] A. I'm a graduate of Georgia Southern
[4] University. I graduated in 1976. A fellow from the
[5] Institute of Court Management, National Center State
[6] Courts.
[7] Q. You graduated in 1978 from Georgia
[8] Southern?
[9] A. No; '76. Wait. Let me look at my ring
[10] here. '6, yes.
[11] Q. What type of degree did you receive?
[12] A. Bachelor of science in education.
[13] Q. So you hold no type of degree in court
[14] administration or criminal justice. I know that you
[15] went to the Institute of Court Management. However,
[16] did you take any type of classes as an undergraduate
[17] in this area?
[18] A. Uh-huh; took business law courses.
[19] Q. Business law courses?
[20] A. Uh-huh.
[21] Q. Where were you employed prior to your
[22] current position?
[23] A. I was the director of Juvenile Court.
[24] Q. I'm going to ask you about several
[25] previous employment up until the time you went to the

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[1] Superior Court administrator's position. So if you
[2] will, if you will just tell me where you worked, how
[3] long you worked there, and describe your duties
[4] previously, please.
[5] A. Okay. I'd be glad to.
[6] Q. Okay. So where did you work prior to --
[7] A. Do you want me to start getting right out
[8] of college?
[9] Q. If you can start from Superior Court
[10] administration position and go back from that point.
[11] A. And go back?
[12] Q. Yes.
[13] A. Prior to Superior Court administration, I
[14] was the director of the Juvenile Court. I don't know
[15] how long I was the director of Juvenile Court. It
[16] was 20-something years ago.
[17] Prior to that I was an administrator for
[18] the circuit defender's office. I don't know the
[19] dates of that because it was so long ago.
[20] And prior to that I worked in pretrial
[21] court services as an interviewer.
[22] Q. When you worked in the Juvenile Court as
[23] the court administrator, you held that position very
[24] briefly?
[25] A. I don't know exactly how long.

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[1] Q. Let me refresh your memory.
[2] A. Okay.
[3] Q. What years --
[4] A. It wasn't long, I know, but I don't know
[5] exactly definitively.
[6] Q. When did you work in the office of
[7] pretrial services? What years?
[8] A. When I got out of college in 1976 until I
[9] became administrator of the circuit defender's
[10] office.
[11] Q. What year was that?
[12] A. I don't know.
[13] Q. Isn't it true that you became
[14] administrator of the circuit defender's office in
[15] 1983?
[16] A. I do not know definitively the date. It
[17] is true I was administrator of the circuit defender's
[18] office. I don't know the date.
[19] Q. When did you become a court administrator?
[20] Which year was that?
[21] A. 1985.
[22] Q. So it's safe to say that sometime between
[23] 1980 and 1985 you worked three different jobs,
[24] pretrial services, Juvenile Court, and the circuit
[25] defender's office?

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[1] A. No. It would be pretrial and then I was
[2] promoted to circuit defender's office and promoted no
[3] Juvenile Court.
[4] Q. So you held about three to four positions
[5] prior to coming to the court administrator --
[6] A. Three, not four, three.
[7] Q. -- between 1980 and 1985?
[8] A. '85. I think -- you have the dates. I
[9] think that's correct.
[10] Q. When you went to work in Cobb County
[11] pretrial court services, who hired you?
[12] A. Helen Scholes.
[13] Q. What was her title?
[14] A. She was the director.
[15] Q. Do you know who hired Ms. Scholes into her
[16] position?
[17] A. No.
[18] Q. You never asked her?
[19] A. No.
[20] Q. Did you and I ever work together in the
[21] office of pretrial court services?
[22] A. Yes.
[23] Q. Isn't it true that you and I both worked
[24] in Cobb County pretrial court services office from
[25] 1980 until on or about March 1983 when you were hired

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[1] by the Superior Court Judges Council to serve as
[2] panel administrator of the Cobb County circuit
[3] defender's office?
[4] **A.** I don't know the exact dates. But the
[5] Superior Court judges did not hire me to be the panel
[6] administrator.
[7] **Q.** Who hired you?
[8] **A.** A tri-parte committee.
[9] **Q.** Is that committee overseen by the Superior
[10] Court Judges Council?
[11] **A.** I do not know if it was then. It may have
[12] been.
[13] **Q.** Is it now?
[14] **A.** They review bills and so forth. But the
[15] judges don't interject themselves in the bills. I
[16] know that. I don't know back then if it was. But
[17] the judges did not hire me at circuit defender.
[18] **Q.** Isn't it true that the panel administrator
[19] of the circuit defender's office reports to the
[20] Superior Court administrator?
[21] **A.** Now?
[22] **Q.** Then and now.
[23] **A.** No. Then I -- no. Then I reported to the
[24] tri-parte committee.
[25] **Q.** Who was on that tri-parte committee?

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[1] **A.** Steve Schuster, Alan Manheim, and John
[2] Hunter.
[3] **Q.** So you're saying the judges had no input
[4] whatsoever other than to oversee bills.
[5] **A.** They never interviewed me. The tri-parte
[6] committee interviewed me.
[7] **Q.** While employed in the Cobb County pretrial
[8] court services department, is it true that you
[9] supervised the interviewers of pretrial court
[10] services?
[11] **A.** Yes.
[12] **Q.** What did that job entail?
[13] **A.** Make sure the interviewers did their jobs
[14] correctly.
[15] **Q.** Who were the interviewers? What was their
[16] job?
[17] **A.** To interview people that were charged with
[18] crimes to ascertain if they should get out of jail or
[19] bonds should be lowered or if they should make a
[20] recommendation to the judge as far as a conditional
[21] release, that is, a release in which they would be
[22] let out of jail under certain conditions as imposed
[23] by the court or 10 percent -- excuse me. I'm sorry.
[24] Or 10 percent bail too.
[25] **Q.** Being in charge of the interviewing unit

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[1] allowed you to have frequent contact with the
[2] Superior Court judges; is this correct?
[3] **A.** Yes.
[4] **Q.** Isn't it true that this frequent contact
[5] allowed you to develop a close working relationship
[6] with some of the Superior Court judges?
[7] **A.** I worked with them. I wouldn't call it
[8] close.
[9] **Q.** Isn't it true that this frequent contact
[10] eventually led to a social relationship that you
[11] shared with some of the judges?
[12] **A.** I did a lot of social things with a lot of
[13] people. If they were there, they were there.
[14] **Q.** Do you recall arranging for various
[15] parties at various places in Marietta where you
[16] invited the judges?
[17] **A.** I invited everybody.
[18] **Q.** So you did have social contact with the
[19] Superior Court judges outside of the office?
[20] **A.** Sometimes I did. Sometimes I didn't.
[21] **Q.** Did you also arrange for trips to be taken
[22] to your hometown of Charleston, South Carolina, that
[23] involved some of the Superior Court judges?
[24] **A.** One Superior Court judge.
[25] **Q.** Who was that judge?

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[1] **A.** Brantley. One judge came. All were
[2] invited.
[3] **Q.** And you and Judge Brantley became very
[4] good friends; is that correct?
[5] **A.** That's correct.
[6] **Q.** You also named your son after Judge
[7] Brantley; is that correct?
[8] **A.** No. That's not correct. Grant is
[9] named -- my wife named Grant after her mother's
[10] maiden name. He's not named after my son. That is
[11] not true.
[12] **Q.** But it was pretty much a common belief in
[13] the court system at that time that you named your son
[14] after --
[15] **MR. WEAVER:** Objection; that calls for him
[16] to speculate about what other people think.
[17] **MS. SPANN:** I just want him to answer the
[18] question. Answer the question, please.
[19] **MR. WEAVER:** I don't think he can do that.
[20] **THE WITNESS:** I don't care. He wasn't
[21] named after Judge Brantley.
[22] **MS. SPANN:** Okay.
[23] **MR. WEAVER:** Let me add too --
[24] **THE WITNESS:** I don't know the relevancy
[25] of that question.

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[1] MR. WEAVER: Let me add two objections.
[2] First, all your questions are leading questions.
[3] He's not a party. I'm not sure you have the
[4] right to ask leading questions.
[5] And secondly, none of these questions go
[6] to the issue of race discrimination, which is
[7] what you have to prove in this case.
[8] MS. SPANN: I'm not alleging that he
[9] racially discriminated against me.
[10] MR. WEAVER: Well, what's the purpose of
[11] the deposition?
[12] MS. SPANN: The purpose of the deposition
[13] is to get to the bottom of some statements that
[14] Mr. Chesshire has made that have been false and
[15] misleading to the Federal Court.
[16] And I am getting there. And, Mr. Weaver,
[17] as I told you before when I interviewed Judge
[18] Cox, I answered your questions on May 25th,
[19] every single last one of them.
[20] MR. WEAVER: My questions were to the
[21] point. Your's are not.
[22] MS. SPANN: I'm not even ten minutes into
[23] this deposition.
[24] MR. WEAVER: Well, if you would go ahead
[25] and get to the questions you think are relevant

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[1] to the case.
[2] MS. SPANN: I'm going to get to the
[3] questions I have prepared.
[4] MR. WEAVER: Well, ask questions relevant
[5] to the case. Otherwise we'll call the judge.
[6] MS. SPANN: Well, then we can call the
[7] judge. The judge has allowed me the opportunity
[8] to interview Mr. Chesshire in this deposition
[9] and that's exactly what I'm going to do.
[10] MR. WEAVER: Ask relevant questions.
[11] Q. (By Ms. Spann) Okay. Did you at the same
[12] time nurture any type of friendship with lawyers who
[13] are now Superior Court judges?
[14] A. Nurture? You mean that are now judges?
[15] Q. Socially, right. Any of our current
[16] judges, back then, back in the day, as we say. Did
[17] you nurture any type of --
[18] A. They weren't judges back then.
[19] Q. They were lawyers at the time, i.e.,
[20] Judge Bodiford. Honestly.
[21] A. Of course I'm answering honestly. I don't
[22] mean to be flippant. Yes, I did a lot of social
[23] things with him.
[24] Q. Did you also --
[25] A. They were not judges. They were just

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[1] lawyers.
[2] Q. Lawyers at the time, that was my question.
[3] A. Yes. I'm sorry. I misunderstood.
[4] Q. Was current Superior Court Judge Mary
[5] Staley also one of those lawyers?
[6] A. Yes.
[7] Q. Isn't it true that former pretrial
[8] director Helen Scholes trusted you at one time?
[9] A. You'd have to ask her that.
[10] Q. Isn't it true that because of that trust,
[11] she would often leave you in charge of pretrial
[12] services during her absence?
[13] A. No. She left Kenny Hillerbrand in charge,
[14] not me.
[15] Q. She never left you in charge of pretrial
[16] services?
[17] A. Not that I -- unless Kenny wasn't there.
[18] She left Kenny Hillerbrand in charge.
[19] Q. If we were to interview former --
[20] A. If Kenny wasn't there, she would leave me
[21] in charge. But if Kenny was there, he was in charge.
[22] Q. If you can recall, Kenny Hillerbrand left
[23] pretrial services on or around the year 1982 and went
[24] to work for Lockheed; is that correct?
[25] A. That was 23 years ago. I have no earthly

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[1] idea.
[2] Q. You and Kenny were very good friends,
[3] weren't you?
[4] A. We were. But I haven't seen Kenny in
[5] ages.
[6] Q. Is it true that Kenny went to Lockheed to
[7] work?
[8] A. Yes.
[9] Q. He only stayed in pretrial a couple
[10] years --
[11] A. I don't know how long he stayed. But he
[12] did go to Lockheed.
[13] Q. You were placed in charge from time to
[14] time?
[15] A. From time to time, yes. That's correct.
[16] Q. However in 1982, sometime latter part of
[17] 1982, the work relationship changed between yourself
[18] and Ms. Scholes, didn't it?
[19] A. I don't remember.
[20] Q. Isn't it true that Ms. Scholes removed you
[21] from heading the interviewing unit for an extended
[22] period of time?
[23] A. No. No, it's not true. She -- no. She
[24] moved me over to -- when Melissa Callahan went on
[25] maternity leave, I did both.

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[1] Q. When Melissa Callahan went on maternity
[2] leave, who did you work with in the supervision unit?
[3] A. I don't remember.
[4] Q. Wasn't it I that you worked with?
[5] A. Was it? I don't remember 23 years ago.
[6] Q. The two of us worked in one unit.
[7] A. Did we? If you say we did. I don't
[8] remember. It was 23 years ago. I don't remember.
[9] Q. Isn't it true that the reason why
[10] Ms. Scholes put you back there is so that you
[11] wouldn't have any further contact with the judges
[12] because you were undermining her with the Superior
[13] Court judges; isn't that true?
[14] A. Never told me that.
[15] Q. You were upset about it, weren't you?
[16] A. That she did what?
[17] Q. That she moved you out of that unit and
[18] put you back there with me.
[19] A. I went and asked her -- if I recall
[20] correctly, like I said, it's 23 years ago.
[21] Q. Well, just tell me what you recall.
[22] A. Okay. Thank you. If I recall correctly,
[23] I went and spoke to her and she told me she needed
[24] someone with experience to supervise while Melissa
[25] was out, is what she told me. She never told me she

[1] notice. I don't remember. It's 23 years ago.
[2] Q. Just answer the questions to the best of
[3] your ability. That's all I'm asking.
[4] A. Okay. Okay. I don't -- I do not recall
[5] if I was working out a notice or not. But she was
[6] dismissed by Judge Bullard because she came back and
[7] told everyone she was dismissed by Judge Bullard.
[8] She said Judge Bullard fired her.
[9] Q. And what was Judge Bullard's position at
[10] the time?
[11] A. Wasn't he chief judge of the Superior
[12] Court?
[13] Q. Isn't it true that your live-in girlfriend
[14] at the time, Lori Arnold, was also employed in Cobb
[15] County pretrial court services?
[16] A. No, she was not living with me at the
[17] time. And I don't like the use of that word about my
[18] wife. Okay? She was not living with me at the time.
[19] Q. Were you dating Lori Arnold at the time?
[20] A. No, I was not.
[21] Q. Skip Chesshire, you're under oath.
[22] A. I understand I'm under oath. We were
[23] friends for an extended period of time. We did not
[24] date for a long period of time. We were very close
[25] friends. But dating and being close friends is

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[1] felt I undermined her or anything like that.
[2] Q. Didn't she issue a memorandum to all of us
[3] that you were not to have any -- that we were not to
[4] give you any type of warrants to take to the Superior
[5] Court judges. She put you on lockdown, didn't she?
[6] A. I don't recall that. What's lockdown?
[7] Q. Lockdown meaning you couldn't even come to
[8] the Superior Court building at that time.
[9] A. I was never banned from any building. Not
[10] that I recall. Not that I recall.
[11] Q. Okay. Isn't it true that you were
[12] promoted to the circuit defender's post while
[13] Ms. Scholes was still employed in pretrial services?
[14] A. I don't recall if she was or wasn't to be
[15] honest, Wanda. I don't remember. I'm not trying to
[16] be evasive. It was 20-something years ago. I don't
[17] remember if she was still there or not there to be
[18] honest with you.
[19] Q. Isn't it true that Ms. Scholes was
[20] terminated by Chief Superior Court Judge James
[21] Bullard and ultimately the Superior Court Judges
[22] Council while you were working out your two-week
[23] notice in pretrial services?
[24] A. I don't recall. I know she was dismissed.
[25] I knew -- but I don't know if I was working out a

[1] another situation.
[2] I don't know exactly when I dated her.
[3] But she did not live with me when I was at pretrial.
[4] Q. Weren't you also Lori Arnold's supervisor
[5] at pretrial services?
[6] A. Yes, I was for a period of time. That's
[7] correct.
[8] Q. If you will bear with me for one moment.
[9] I'm going somewhere with these questions.
[10] A. I was going to say what is this.
[11] Q. Just bear with me. Okay.
[12] A. All right. All I did was sign an
[13] affidavit.
[14] Q. I'm going to get to your affidavit.
[15] A. Okay.
[16] Q. Isn't it true that Lori Arnold was a
[17] disgruntled employee under the Scholes
[18] administration?
[19] A. Not to my knowledge.
[20] Q. Isn't it true that because of this, Lori
[21] Arnold left her employment in pretrial during the
[22] Scholes administration?
[23] A. I don't recall when she left, Wanda. It
[24] was 23 years ago.
[25] Q. Isn't it true that I was appointed interim

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[1] director of Cobb County pretrial services in March of
[2] 1983, shortly after Ms. Scholes' termination?
[3] **A.** Yes.
[4] **Q.** Isn't it also true that I was permanently
[5] hired to the position by the Cobb County Superior
[6] Court Judges Council in June of 1983?
[7] **A.** I don't know the dates, but I know you
[8] were permanently hired.
[9] **Q.** Isn't it true that sometime thereafter you
[10] approached me and asked me to consider rehiring Lori
[11] Arnold?
[12] **A.** I don't recall that.
[13] **Q.** Did I rehire Lori Arnold?
[14] **A.** I don't know because I don't recall that.
[15] **Q.** Isn't it true -- I'm going to ask you
[16] again.
[17] **A.** You can ask me.
[18] **Q.** That I rehired Lori Arnold into her former
[19] position after about eight months of her working for
[20] an insurance company?
[21] **A.** I thought she went to work for Juvenile
[22] Court after the insurance company. I don't remember.
[23] I honestly -- I'm answering to the best of my
[24] ability. It was 23 years ago. I don't remember,
[25] Wanda. I really don't remember. And I'm sorry I

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[1] don't, but I don't. But I thought she went to
[2] Juvenile Court after the insurance company.
[3] **Q.** Isn't it true that I subsequently promoted
[4] her to the No. 2 spot in Cobb County pretrial court
[5] services in 1983?
[6] **A.** I didn't know you did that.
[7] **Q.** But was forced to demote her due to
[8] work-related issues in 1983.
[9] **A.** I don't know. You'd have to ask her.
[10] **Q.** You don't remember my demoting Lori in
[11] 1983?
[12] **A.** I know that there was a problem that
[13] occurred with you two. But I don't know if you
[14] demoted her. I thought you fired her. You didn't
[15] fire her? I thought you fired her. I didn't know
[16] you demoted her. I thought you fired her. But I
[17] know there was a problem.
[18] **Q.** Isn't it true that I began having problems
[19] with you after I demoted Lori Arnold?
[20] **A.** No. I never had a problem with you. You
[21] never caused me any problem.
[22] **Q.** I'm going to remind you again that you are
[23] under oath.
[24] **A.** You don't have to remind me.
[25] **Q.** We have numerous witnesses that are going

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[1] to be called into this court case who are going to
[2] back up everything that I'm asking you.
[3] **A.** And that's fine.
[4] **MR. WEAVER:** It's improper for you to
[5] interject your own position statement. Just ask
[6] the witness questions. He knows he's under
[7] oath.
[8] **MS. SPANN:** Thank you, Mr. Weaver.
[9] **Q.** (By Ms. Spann) How long -- let me go
[10] back. Lori Arnold is now Lori Chesshire, your wife;
[11] correct?
[12] **A.** Correct.
[13] **Q.** How long have the two of you been married?
[14] **A.** Since 1989. Austin is 15. Yeah, 1989,
[15] October 30th of 1989.
[16] **Q.** Isn't it true that she went to work for
[17] Juvenile Court shortly after I demoted her?
[18] **A.** I know, Wanda, she went to work for
[19] Juvenile Court, but I thought it was after the
[20] insurance thing. It wasn't? But she did work for
[21] Juvenile Court. I don't know the sequence of events
[22] like you do. I'm sorry.
[23] **Q.** When did you say you became the Superior
[24] Court administrator? Was that September 1985?
[25] **A.** September 22nd, 1985.

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[1] **Q.** Whom did you replace as Superior Court
[2] administrator?
[3] **A.** Bill Herndon, rest in peace. He's
[4] deceased. That's why I said that.
[5] **Q.** Was Mr. Herndon hired by the Superior
[6] Court Judges Council?
[7] **A.** You would have to ask them that.
[8] **Q.** Were you hired by the Superior Court
[9] Judges Council?
[10] **A.** Yes. I'm not avoiding your questions. I
[11] don't know how Bill was hired.
[12] **Q.** Shortly before you took over the Superior
[13] Court administrator's office in 1985, do you remember
[14] telling former pretrial secretary Deloris Adams that
[15] your first order of business when you took office was
[16] to get rid of pretrial services?
[17] **A.** To get rid of pretrial services? No.
[18] **Q.** You never told Deloris Adams that?
[19] **A.** I don't recall saying that. It's
[20] 20-something years ago. I don't recall ever saying
[21] that.
[22] **Q.** Are you aware that Ms. Adams was concerned
[23] about our jobs. And when I say our jobs, I mean my
[24] job and Belinda Brock's job, and forewarned us about
[25] your threat?

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[1] **MR. WEAVER:** Let me object. Assumes facts
[2] not in evidence; asks him to speculate about
[3] what somebody else might have thought.
[4] But you can answer. If you cannot, just
[5] say so.
[6] **THE WITNESS:** No, I can't.
[7] **Q.** (By Ms. Spann) When you assumed your
[8] position as Superior Court administrator, how long
[9] had the pretrial services department been in
[10] existence?
[11] **A.** Like from the beginning of time?
[12] **Q.** When was it established?
[13] **A.** If Bob Burchfield was the first one -- gee
[14] whiz, in 1976 maybe. I don't know. I don't know the
[15] exact date.
[16] **Q.** So you would agree that the agency was not
[17] created in 1985 as indicated in Judge Baverman's
[18] nonfinal recommendation?
[19] **A.** I can't --
[20] **MR. WEAVER:** He may not have seen the
[21] recommendation. Just ask him the question.
[22] **THE WITNESS:** I don't know officially when
[23] it was created. I'm sorry. But it was a long
[24] time ago.
[25] **Q.** (By Ms. Spann) Was it before 1985?

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[1] **A.** Yes.
[2] **Q.** How long has the Cobb County Magistrate
[3] Court been in existence?
[4] **A.** I don't know.
[5] **Q.** Isn't it true the Cobb County Magistrate
[6] Court was implemented in 1983?
[7] **A.** I don't know.
[8] **Q.** From the old JP system?
[9] **A.** I don't know.
[10] **Q.** Are you the Superior Court administrator
[11] of Cobb County?
[12] **A.** I sure am. Not magistrate court
[13] administrator.
[14] **Q.** To whom did the pretrial services director
[15] report from 1983 to 1985?
[16] **A.** I wasn't court administrator then. I
[17] don't know. I don't know. I do not know.
[18] **Q.** Isn't it true that the pretrial services
[19] director and the pretrial services office reported to
[20] the court administrator, Superior Court
[21] administrator, from 1983 to 1985?
[22] **A.** I don't know. I wasn't there. I wasn't
[23] at --
[24] **Q.** When you --
[25] **A.** Excuse me, Wanda. If I may, please. I

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[1] wasn't there then. I wasn't in pretrial then. I
[2] don't know.
[3] **Q.** You were an assistant, weren't you?
[4] **A.** I was at circuit defender.
[5] **Q.** And the circuit defender's office was
[6] under Superior Court; is that correct?
[7] **A.** No. I still worked with the tri-parte
[8] committee. That's not correct. I did not report to
[9] the court. I reported to the tri-parte committee at
[10] that time.
[11] I'm not meaning to be rude with that. But
[12] I know -- that answer.
[13] **Q.** When you took over in 1985 court
[14] administrator's office, was the pretrial director
[15] reporting to you?
[16] **A.** In 1985?
[17] **Q.** Yes.
[18] **A.** Yes. Because they had just done the
[19] Uniform Rules -- is that what it's called -- that
[20] were effective on July 1, I think.
[21] **Q.** But the pretrial services office reported
[22] to the Superior Court administrator long before the
[23] Uniform Rules went into effect; is that correct?
[24] **A.** If you say so. I don't know.
[25] **Q.** Do you recall the reason why Helen Scholes

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[1] was terminated?
[2] **A.** No.
[3] **Q.** Isn't it true that Helen Scholes was
[4] terminated because the office was going to start
[5] reporting to the Superior Court administrator, Mr.
[6] Herndon?
[7] **A.** I don't know.
[8] **Q.** And she was against that.
[9] **A.** I don't know. That was speculation, I
[10] think. But I don't know that for a fact. Because I
[11] heard that she got a commissioner mad. I heard all
[12] kind of stuff. But what's true and not true, I don't
[13] know. But I did hear that, but I heard other things
[14] also. But who knows what's true? I don't know it
[15] personally to be true, so I can't say.
[16] **Q.** Are you aware of the fact that the
[17] Superior Court administrator as of 1983 to 1985
[18] completed the performance evaluation of the pretrial
[19] services director on behalf of the Superior Court
[20] judges?
[21] **A.** No.
[22] **Q.** While reporting to the Superior Court
[23] administrator, did the court -- did you as the court
[24] administrator during the time that you were so-called
[25] supervising pretrial, have the authority to hire the

[1] pretrial director?
[2] **A.** I would assume I would.
[3] **Q.** What gives you that assumption?
[4] **A.** Because when I assumed the job, the judges
[5] told me to read the local court rules. And one of
[6] the local court rules was that pretrial would report
[7] to the Superior Court or court administrator.
[8] **Q.** What local court rules are you referring
[9] to?
[10] **A.** The local court rules that they drew up at
[11] the time.
[12] **Q.** Are you referring to the Uniform Court
[13] Rules or --
[14] **A.** Yeah, the Uniform Court Rules. That's
[15] what I meant. Sorry. Sorry about that.
[16] **Q.** And the Uniform Court Rules give you
[17] authority to hire the pretrial services director and
[18] fire the pretrial services director?
[19] **A.** I don't know. I think so. I think that's
[20] what the judges told me. But it was only for a
[21] month.
[22] **Q.** Have you ever read the Superior Court
[23] Rules as they relate to pretrial services?
[24] **A.** Not in a long, long, long, long, long,
[25] long, long time. Because I had no need to. I had no

[1] to correct on this.
[2] **THE WITNESS:** There's one item, if you
[3] don't mind, I want to correct that's not
[4] correct.
[5] **Q.** (By Ms. Spann) What is that?
[6] **A.** It says on the page -- how should I refer
[7] to it?
[8] **MR. WEAVER:** Why don't you get it marked
[9] and then we can talk about it.
[10] (Plaintiff's Exhibit 1 was marked for
[11] identification.)
[12] **THE WITNESS:** No. 7, it says the Superior
[13] Court has had no administrative role with regard
[14] to pretrial since June 30th, 1985.
[15] **Q.** (By Ms. Spann) What is the correction?
[16] **A.** That is incorrect. It should say -- what
[17] was the -- that's not correct. One second. I'm
[18] sorry. Since October -- I'm sorry, I'm sorry --
[19] since October 24th, 1985. I apologize. That should
[20] be October 24th, 1985.
[21] **Q.** You want to go ahead and make the
[22] correction and initial it for me, please.
[23] **A.** Yeah, I'd be glad to. May I borrow your
[24] pen? What should I do? Just draw it out and put
[25] October 24th?

[1] interaction with pretrial.
[2] **Q.** Since this court case has begun, have you
[3] at any point in time read those Uniform Court Rules
[4] as they pertain to pretrial release?
[5] **A.** I read the letter that I wrote. I read
[6] the -- the Uniform Court Rules, is that like what the
[7] judges drew up? Is that what you're talking about,
[8] Wanda?
[9] **Q.** The Uniform Court Rules are the uniform
[10] rules that apply to all counties statewide.
[11] **A.** But then the judges draw up local rules
[12] too. There are two different things here. I read --
[13] let me tell you what. Can I tell you?
[14] **Q.** Sure.
[15] **A.** I read the local rules, and then I think
[16] they're the Uniform Court Rules in the blue book
[17] maybe. It's a blue book. If that's what it is. I
[18] think. But I didn't read just pretrial. I read
[19] about circuit defender also. I read that. So I read
[20] those. I read that, yes.
[21] **Q.** Okay. Let me have you take a look at this
[22] affidavit.
[23] **A.** Excuse me. Have you got any eye drops?
[24] (Discussion off the record.)
[25] **MR. WEAVER:** There was one item he wanted

[1] **MR. WEAVER:** Sure.
[2] **THE WITNESS:** That's my birthday, by the
[3] way. Should I initial it?
[4] **Q.** (By Ms. Spann) Please.
[5] **A.** There you go. Thank you.
[6] **Q.** If you would just hold that in front of
[7] you, please. You can keep that and we'll turn it in
[8] to the court reporter in just a minute.
[9] **A.** All right.
[10] **Q.** You stated just a minute ago that you were
[11] not completely familiar with the Uniform Court Rules
[12] pertaining to pretrial services; is that correct?
[13] **A.** I said I read them. I read them. I read
[14] the Uniform Court Rules, and the Uniform Court Rules
[15] say you have to set up local rules. So I did read
[16] them. I read the Uniform Rules.
[17] **MS. SPANN:** I'm going to mark this as
[18] Plaintiff's Exhibit 2.
[19] (Plaintiff's Exhibit 2 was marked for
[20] identification.)
[21] **Q.** (By Ms. Spann) And it's the Uniform
[22] Superior Court Rules for the Georgia Superior Court.
[23] **MR. WEAVER:** Is that all of the rules or
[24] just some of them?
[25] **MS. SPANN:** This is just the rules

[1] pertaining to pretrial services located on the
[2] second page of this document.
[3] **Q.** (By Ms. Spann) The first page of the
[4] document is the table of contents of the uniform
[5] Superior court rules. Are you familiar with this
[6] table of contents --
[7] **A.** Yes, I am.
[8] **Q.** -- Mr. Chesshire?
[9] **A.** Yes, I am.
[10] **Q.** Have you reviewed the section of the
[11] Uniform Rules 27.1 pertaining to the appointment of
[12] pretrial directors in Georgia counties? Rule 27.1,
[13] second page.
[14] **A.** Yes. Yeah, I have read this.
[15] **Q.** Will you read that for me, please.
[16] **A.** The whole thing?
[17] **Q.** Starting with the Superior Court judges.
[18] **MR. WEAVER:** Out loud or to himself?
[19] **MS. SPANN:** Out loud, please.
[20] **THE WITNESS:** The whole thing?
[21] **Q.** (By Ms. Spann) I'll tell you when to
[22] stop.
[23] **A.** "Structure, the Superior Court judges
[24] under whose authority the program shall function
[25] shall appoint a director --

[1] **THE WITNESS:** Who said that? I didn't say
[2] that.
[3] **MR. WEAVER:** Well, hang on a second.
[4] **THE WITNESS:** I never said that. This is
[5] all I ever did. I didn't put any other
[6] documents.
[7] **MR. WEAVER:** The Uniform Superior Court
[8] Rules also say, as you know, that there can be
[9] exceptions to the Uniform Rules.
[10] **MS. SPANN:** We're going to get there.
[11] We're not there yet.
[12] **MR. WEAVER:** Let me finish what I'm
[13] saying. So whether 27 is clear or not, is
[14] really a misleading question because it doesn't
[15] take into account the fact that there could be
[16] local exceptions.
[17] **MS. SPANN:** We're not there yet.
[18] **Q.** (By Ms. Spann) If you will, Mr.
[19] Chesshire, turn to No. 10 of your affidavit.
[20] **A.** Okay.
[21] **Q.** It states here the Superior Court Judges
[22] Council is not an entity that has the ability to hire
[23] and fire employees.
[24] Is that contradictory to what you just
[25] read in terms of the appointment of the pretrial

[1] (Discussion off the record.)
[2] **Q.** (By Ms. Spann) Slow down, please.
[3] **A.** You ready? "The director shall, A, be
[4] responsible for the supervision and execution of the
[5] duties enumerated hereinafter in connection with the
[6] program.
[7] "B, receive such compensation as may be
[8] set by the Superior Court judges from time to time
[9] subject to the approval of the governing authority.
[10] "C, hold office at the pleasure of the
[11] Superior Court judges."
[12] **Q.** Thank you.
[13] **A.** Is that all you need?
[14] **Q.** 27.1 is very clear, is that not correct,
[15] that the director of pretrial court services holds
[16] office at the pleasure of the Superior Court judges?
[17] **MR. WEAVER:** Objection; calls for a legal
[18] conclusion. The rule says what it says.
[19] **MS. SPANN:** Well, Mr. Weaver, he has
[20] stated time and time again in written documents
[21] that the --
[22] **THE WITNESS:** I only have one written
[23] document.
[24] **MS. SPANN:** -- Superior Court judges have
[25] no authority to hire or fire personnel.

[1] director by the Superior Court Judges Council --
[2] **A.** You'd have to ask the judges.
[3] **Q.** -- and the pretrial director?
[4] **A.** You'd have to ask the Judges Council that.
[5] **Q.** Well, you wrote this in your affidavit.
[6] What were you talking about?
[7] **A.** What was I talking about?
[8] **Q.** Yes.
[9] **A.** That they don't have anything to do with
[10] personnel except with their staff personnel. They
[11] hire their secretary -- excuse me -- administrative
[12] assistant, their law clerk, and some do or do not
[13] hire a court reporter. But they do not hire or fire
[14] anyone else in the court system. But that's what
[15] that's referring to.
[16] **Q.** So are you saying that these Uniform
[17] Superior Court Rules 27.1 through 27.3 as they relate
[18] to pretrial services are invalid?
[19] **MR. WEAVER:** Objection; calls for a legal
[20] conclusion. The document speaks for itself.
[21] **MS. SPANN:** He needs to answer the
[22] question because he's written this affidavit.
[23] **THE WITNESS:** The affidavit says what it
[24] says. I have no -- I'm not a lawyer. I don't
[25] know.

[1] Q. (By Ms. Spann) You can read, can't you?
[2] MR. WEAVER: Don't be insulting. You're
[3] being argumentative.
[4] MS. SPANN: He can read. And he's saying
[5] that he has no idea --
[6] THE WITNESS: Of course I can read.
[7] MS. SPANN: That --
[8] THE WITNESS: I don't know if this is
[9] contradictory. I don't know. I'm not a lawyer.
[10] Q. (By Ms. Spann) That's good enough for me.
[11] That's good enough for me.
[12] A. I said what I said in the affidavit.
[13] Q. I think you've answered the question.
[14] Thank you very much.
[15] MR. WEAVER: Okay. Let's move on.
[16] Q. (By Ms. Spann) No. 5 of your affidavit,
[17] you state, "During the period between July 1, 1985,
[18] and October 24th, 1985, pretrial services were under
[19] the supervision and administrative office of the
[20] court administrator," is that correct, of the Cobb
[21] Superior Court.
[22] A. Yes.
[23] Q. "As provided in Georgia Uniform Court Rule
[24] 27.1."
[25] A. Uh-huh. And then because --

[1] Q. -- in the document, what's the verbiage?
[2] A. I don't know word for word.
[3] Q. To the best of your recollection.
[4] A. It says that there should be created an
[5] office of pretrial court services in the Cobb
[6] Superior Court, and I think should report to Superior
[7] Court and blah, blah, blah, effective July 1, 1985.
[8] Q. You've told me what I needed to know. But
[9] in the document that you sent to -- first of all let
[10] me ask you. How did you come about writing this
[11] affidavit?
[12] A. I didn't write it. Judge Staley wrote it.
[13] Q. Judge Staley wrote the affidavit?
[14] A. Yes.
[15] Q. Did she sign your name to it?
[16] A. No, she didn't sign my name to it.
[17] Q. She wrote it and you signed your name.
[18] A. Yes. The judges, I believe, asked her to
[19] do an affidavit.
[20] Q. Which judges?
[21] A. I said I believe. You'd have to ask Judge
[22] Staley that. I don't know if they did or didn't.
[23] Q. Has Judge Staley signed any affidavit
[24] stating that pretrial --
[25] A. I don't know the answer to that.

[1] Q. So you acknowledge --
[2] A. Let me finish. Because the judges issued
[3] local rules stating that pretrial -- there are local
[4] rules on file stating that pretrial would report to
[5] the court administrator effective July 1. Not this,
[6] there were local rules.
[7] Q. I'm familiar with what you're saying about
[8] the local rules.
[9] A. Okay.
[10] Q. But those local rules cannot deviate from
[11] the Uniform Court Rules -- is that true -- without
[12] certain things having been done?
[13] A. You'd have to ask the judges that.
[14] Q. Do you have a copy of those local rules?
[15] A. Uh-huh. In my office.
[16] I'm one of the few that has those rules.
[17] Q. Are you referring to this court order or
[18] something similar to this court order?
[19] A. No. That's not it.
[20] Q. Are you saying that those rules state as
[21] they pertain to pretrial release?
[22] A. Uh-huh.
[23] Q. What is the verbiage that's used in that
[24] particular --
[25] A. That they used?

[1] Q. -- was under some other entity other than
[2] the Superior Court judges?
[3] A. I don't know if she has or hasn't, Wanda.
[4] Q. Did you notify the attorney general's
[5] office that these were the words of Judge Staley
[6] instead of the words of Skip Chesshire?
[7] A. No. I read them. I concurred with the
[8] words.
[9] Q. But she wrote the document. And who is
[10] Charlotte Rooks?
[11] A. Her administrative assistant.
[12] Q. So everything was done in Judge Staley's
[13] office as it pertains to this affidavit?
[14] A. Yes.
[15] Q. Has this affidavit been approved by the
[16] Council of the Superior Court Judges?
[17] A. You'd have to ask Judge Staley that. I
[18] don't know the answer.
[19] Q. Who do you work for?
[20] A. The Superior Court Judges Council. But I
[21] don't know because any discussions with personnel --
[22] that concern -- may I finish -- that concern you and
[23] pretrial at the time, Ms. Harper and I,
[24] administrative assistant, were excused from the room.
[25] So I don't know if she brought it up or not. I'm not

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[1] avoiding your question, Wanda. I don't know if she
[2] brought it up or not. We were excused from the room.
[3] **Q.** This document was signed November 2004,
[4] November 10th, 2004?
[5] **A.** Uh-huh. That's correct.
[6] **Q.** Have the Superior Court judges to your
[7] knowledge seen this document?
[8] **A.** I don't know. You'd have to ask Judge
[9] Staley.
[10] **Q.** Are you aware that I am suing the Superior
[11] Court Judges Council?
[12] **A.** No. I know you were suing a lot of
[13] people, but I didn't know if you were suing them.
[14] May I state -- may I? Whenever any discussions
[15] involving pretrial or any personnel are ever done in
[16] the Council's meetings, I am always excused along
[17] with Ms. Harper. So I was never privy to any
[18] discussions concerning pretrial and what they did or
[19] didn't do. I just wasn't in the room.
[20] **Q.** So Judge Staley composed this entire
[21] document and you signed it?
[22] **A.** Yes.
[23] **Q.** That's all I needed to know on that.
[24] Have any of the Superior Court judges
[25] within the last couple of weeks questioned you about

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[1] any information you've sent down to the Federal Court
[2] pertaining to this case?
[3] **A.** One judge asked me about an anonymous
[4] letter. Someone wrote an anonymous letter saying,
[5] "Has your court administrator responded to this?" It
[6] was anonymous.
[7] **Q.** What type of anonymous letter?
[8] **A.** It was a letter. It said, "Has your court
[9] administrator responded to this?" And it had the
[10] letter that I sent to the Supreme Court that the
[11] judges asked me to send. And the next one was to
[12] Judge Staley where Judge White told me he is the one
[13] that received --
[14] **Q.** I'm familiar with those documents.
[15] **A.** Yeah. But someone sent an anonymous
[16] letter --
[17] **Q.** We're going to get to those documents.
[18] **A.** But someone sent an anonymous letter, and
[19] only one judge asked me about it.
[20] **Q.** Thus far it appears that the only
[21] information that's going down to the Federal Court is
[22] information that you've compiled or information has
[23] been compiled in your name; is that correct?
[24] **A.** No. This is the only thing I ever signed.
[25] I never did anything else.

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[1] **Q.** In terms of the Federal Court case that's
[2] pending.
[3] **A.** No. This is the only thing I ever signed.
[4] This is the only thing I've ever signed.
[5] **Q.** And do you stand by everything in this
[6] document?
[7] **MR. WEAVER:** He made a correction earlier,
[8] except for that.
[9] **THE WITNESS:** Did you get the correction?
[10] I'm familiar with the program, yes. It was
[11] established, yes. It was under supervision,
[12] yes. By the order -- with the approval of the
[13] Supreme Court. No administrative role since
[14] October, yes. In addition the Superior Court
[15] has not -- yes. Does not make decisions, yes.
[16] Yes. Yes, ma'am.
[17] **Q.** (By Ms. Spann) Have any judge -- has any
[18] judge stated to you ever, especially during the last
[19] couple of years, that the chief magistrate judge had
[20] no authority over pretrial services?
[21] Let's go down the line. Has judge --
[22] **A.** No. I can tell you. No.
[23] **Q.** Not one judge?
[24] **A.** No. No.
[25] **Q.** They haven't met with you to discuss --

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[1] **A.** No.
[2] **Q.** -- anything pertaining to this particular
[3] document?
[4] **A.** No. No.
[5] **Q.** When did -- according to No. 6, you state
[6] here that by order of October 24th, 1985, the
[7] administration of pretrial court services was
[8] transferred entirely from the court administrator to
[9] the chief magistrate judge. This was done pursuant
[10] to Uniform Superior Court Rule 1.2(b) and with
[11] approval of the Georgia Supreme Court.
[12] **A.** Uh-huh. Yes, ma'am.
[13] **Q.** Are you familiar with that 1985 order?
[14] **A.** I sure am.
[15] **MS. SPANN:** This will be our next exhibit
[16] as well.
[17] **THE WITNESS:** I've never seen this. No,
[18] that's the wrong one.
[19] **Q.** (By Ms. Spann) That's not it?
[20] **A.** But I am familiar with it, Wanda.
[21] (Plaintiff's Exhibit 3 was marked for
[22] identification.)
[23] **THE WITNESS:** Role supervision is
[24] transferring to -- yes.
[25] **Q.** (By Ms. Spann) Take a look at the judges

[1] who signed this document. Are any of those judges
[2] still on staff here?
[3] **A.** Only two.
[4] **Q.** And who are they?
[5] **A.** Judge Rollins and Judge Gregor. Judge
[6] White is a senior judge, but I'm assuming when you
[7] say staff like an active judge.
[8] **Q.** Active judge.
[9] **A.** Yeah.
[10] **Q.** Is Judge Dorothy Robinson the author of
[11] Uniform Superior Court Rule 27?
[12] **A.** I don't know.
[13] **MR. WEAVER:** There's no single author.
[14] **MS. SPANN:** She was on the committee, and
[15] she wrote that particular area.
[16] **THE WITNESS:** I don't know.
[17] **MR. WEAVER:** You're testifying now.
[18] You're assuming facts not in evidence.
[19] **MS. SPANN:** You asked me a question. I
[20] answered it.
[21] **MR. WEAVER:** No, I didn't. I said there's
[22] no single author. I didn't ask you anything.
[23] **Q.** (By Ms. Spann) Has Judge Robinson
[24] approached you about any of the information you've
[25] sent to the Supreme Court?

[1] **Q.** Does it look like your handwriting?
[2] **A.** I don't know. I don't know if it is or
[3] isn't. I don't know if it is or isn't. It could be,
[4] could not be.
[5] Judge White -- an order dealing with chief
[6] judges, I don't know. If I drew it up, I'll be glad
[7] to -- can I finish, please? I'll be glad to say I
[8] didn't.
[9] But on orders dealing with the court, the
[10] chief judge has always drawn the orders up and given
[11] them to me to disseminate. So it's very possible
[12] that I could have gotten it from Judge White, dated
[13] it, and then drew it around. I may have dated it. I
[14] don't know for a fact if I did, though.
[15] **Q.** Isn't it true that you made an agreement
[16] with Judge Bodiford, who was the chief magistrate at
[17] the time, that you will assist him in gaining extra
[18] powers by transferring pretrial services to him?
[19] **A.** Assist him gaining what?
[20] **Q.** Extra power.
[21] **A.** Not that I recall, no.
[22] **Q.** Which judge brought this to your
[23] attention?
[24] **A.** Brought what to my attention?
[25] **Q.** This 1985 order. Who are you saying

[1] **A.** Huh-uh. No. But I haven't sent anything.
[2] **Q.** I mean your affidavit.
[3] **A.** No. No judge has.
[4] **Q.** Who drew up this 1985 order?
[5] **A.** I have no idea. I assume Judge White
[6] being the chief judge.
[7] **Q.** Isn't it true that you drew this order up?
[8] **A.** I don't think I did. That was a long time
[9] ago. I think Judge White did. Didn't Judge White
[10] draw it up?
[11] **Q.** You were angry because of --
[12] **A.** I didn't draw this up. The Council voted.
[13] Judge White drew it up. I never drew up orders.
[14] **Q.** You were angry with me, weren't you?
[15] **MR. WEAVER:** In 1985?
[16] **Q.** (By Ms. Spann) In 1985, yes.
[17] **A.** No.
[18] **Q.** You tried to abolish pretrial, didn't you?
[19] **A.** No.
[20] **Q.** And when you couldn't abolish pretrial,
[21] you drew this order up, didn't you?
[22] **A.** No.
[23] **Q.** Did you sign -- did you date this order?
[24] Is that your handwriting?
[25] **A.** I do not honestly know.

[1] brought this to your attention?
[2] **A.** No one brought it to my attention.
[3] **Q.** And you've had this 1985 on file for
[4] years?
[5] **A.** I've got everything in my office on file.
[6] **Q.** Everything. Okay.
[7] **A.** I got stuff dating back --
[8] **Q.** This states that it is hereby ordered the
[9] supervision and administration of pretrial services
[10] be transferred to the court administrator's office,
[11] the chief magistrate of Cobb County until further
[12] order of this court.
[13] The Uniform Rules have already shown that
[14] the authority of pretrial services is in the hands of
[15] the Superior Court judges; is that correct?
[16] **MR. WEAVER:** Objection; calls for a legal
[17] conclusion; asked and answered. He already
[18] responded.
[19] **MS. SPANN:** He's being very vague in his
[20] answers, Mr. Weaver. You're fully aware of
[21] that.
[22] **MR. WEAVER:** No, I'm not.
[23] **THE WITNESS:** I'm not being vague.
[24] **MS. SPANN:** He's got a selective memory.
[25] **MR. WEAVER:** Quit debating his memory and

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[1] ask him questions.

[2] **MS. SPANN:** I'm not debating his answers.

[3] **THE WITNESS:** I'm not a lawyer. You would
[4] have to ask Judge White who drew it up. He was
[5] the chief judge, not me. He's the legal
[6] authority.

[7] **Q.** (By Ms. Spann) You're making some
[8] statements. Even though you're saying that Judge
[9] Staley drew this up, but you signed it. And you bear
[10] the responsibility for it; is that correct?

[11] **A.** That's correct.

[12] **Q.** And anything that's in this document
[13] that's inaccurate is not going to fall on Judge
[14] Staley, is it?

[15] **A.** No.

[16] **Q.** It's going to fall on you; is that
[17] correct?

[18] **A.** It's not going to fall on the Council.
[19] Excuse me. It would fall on me, yes. Because I
[20] signed. That is correct.

[21] **Q.** Are you saying that you signed a document
[22] that you aren't really fully aware of the contents of
[23] the document?

[24] **A.** No. I did understand it, and I read it.

[25] I just missed the date. I just missed that date. I

[1] **Q.** Uh-huh.

[2] **A.** I wish -- that's good work. I wish I
[3] could take credit. That's a good order. Judge White
[4] was the chief judge at the time. I'm positive he
[5] drew it up.

[6] **Q.** Now, the only thing that was supposedly
[7] transferred was administration; right? Does it say
[8] anything about the authority?

[9] **A.** Yeah. It says supervision and
[10] administration.

[11] **Q.** Until further order of this court.

[12] **A.** That's what the order says. That's what
[13] the Council voted.

[14] **Q.** So do you interpret that to mean that the
[15] authority of the department including the hiring and
[16] firing of the director was transferred?

[17] **A.** Absolutely. Because after that there was
[18] zero interaction.

[19] **Q.** Okay. But the court -- well, that calls
[20] for a whole lot of speculation.

[21] **A.** There was no --

[22] **Q.** But the court administrator never had the
[23] authority to hire or fire the pretrial director; is
[24] that correct?

[25] **A.** Court administrator what?

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[1] did miss the date. I missed the date.

[2] **Q.** You're mentioning the Uniform Court Rules
[3] in here, Rule 27, and how important they are as that
[4] particular rule relates to pretrial services.

[5] **A.** I didn't say that. I'm sorry. Go ahead.
[6] I interrupted you. I apologize. That was rude.

[7] **Q.** But yet you cannot explain any
[8] relationship. This 1985 order that you mentioned
[9] time and time again, you have no knowledge of it,
[10] according to what you're saying now?

[11] **A.** That's not what I said.

[12] **MR. WEAVER:** Let me object. That's not a
[13] question. That's an argument. Ask him a
[14] question. You're asking him to reconcile these
[15] things.

[16] **MS. SPANN:** He's being vague. It will
[17] come out.

[18] **THE WITNESS:** Did I have knowledge of it?
[19] Yes. That's not what you asked me. You asked
[20] me did I draw this up. And I said the chief
[21] judge of the court always drew up orders.
[22] That's what I said. You'd have to ask Judge
[23] White. I've never drawn up orders.

[24] **Q.** (By Ms. Spann) You never drew this up?

[25] **A.** No.

[1] **Q.** The Superior Court administrator never had
[2] power to hire and fire the pretrial director
[3] according to these rules.

[4] **A.** According to the local rules that I have
[5] in my office, the court administrator did.

[6] **Q.** I want you to show those to me before we
[7] leave.

[8] **MR. WEAVER:** He doesn't have to do that.
[9] You have not served him with a subpoena for
[10] those.

[11] **MS. SPANN:** Well, that's fine. He can be
[12] evasive. He can fail to turn in.

[13] **THE WITNESS:** I don't care. Wanda, I'll
[14] show it to you. I'll be glad to. I've got
[15] them. There's no reason not to.

[16] **MS. SPANN:** Why don't we take a
[17] five-minute break and you go get them.

[18] **THE WITNESS:** I don't need a five-minute
[19] break. I can get them in two minutes.

[20] (A recess was taken.)

[21] **Q.** (By Ms. Spann) Okay. So this is the same
[22] document that I showed you. This is the only
[23] document in here pertaining to pretrial services.
[24] I've seen this before.

[25] **A.** Okay. Sorry.

[1] Q. Okay. Let the record reflect the document
[2] that Mr. Chesshire retrieved is a document entitled,
[3] "In The Superior Court of Cobb County, State of
[4] Georgia Order pursuant to Rule 27 of the Uniform
[5] Superior Court Rules promulgated by the Supreme Court
[6] of Georgia it is hereby ordered and there is
[7] established a pretrial release program.

[8] "And Wanda Stokes shall continue as
[9] director and shall function under the authority of
[10] this court through the office of court administration
[11] consistent with the provision of the said Uniform
[12] Rules.

[13] "This order supercedes and cancels any
[14] prior inconsistent orders of the court effective July
[15] 12, 1985." And it's signed Watson White, Dorothy A.
[16] Robinson, Grant Brantley, T. Harris Hines, and George
[17] H. Kreeger.

[18] Now, this order states that as of this
[19] particular date that pretrial is hereby established.
[20] But isn't it true that pretrial was established in
[21] 1973 pursuant to this court order?

[22] A. Yes.

[23] Q. And also true that I was pretrial director
[24] prior to the order that I just read being signed?
[25] This was signed 1985.

[1] A. It says this hereby order, supervision to
[2] the chief magistrate of Cobb County. It does say
[3] that.

[4] Q. Does it say anything about the authority?
[5] Authority and supervision are two different things.

[6] MR. WEAVER: Objection; you're assuming
[7] facts not in evidence. Authority and
[8] supervision may not be two different things.
[9] That's your take on it. He doesn't have to
[10] assume your premise.

[11] Q. (By Ms. Spann) Well, going back to his
[12] same affidavit, he says here under No. 6 --

[13] A. Supervision, administration.

[14] Q. Of pretrial services and transfer
[15] entirely --

[16] A. Says exactly what that says.

[17] Q. This is under Uniform Superior Court Rule
[18] 1.2(b). Do you know what Rule 1.2(b) states? Are
[19] you familiar with Rule 1.2(b)?

[20] A. I'd have to look at it.

[21] MS. SPANN: Mark that our next exhibit.
[22] (Plaintiff's Exhibit 5 was marked for
[23] identification.)

[24] Q. (By Ms. Spann) Take a look at this
[25] document. If you would direct your attention to Rule

[1] A. Yes. Again, I'm not good on my dates.

[2] Q. We've already established that I was
[3] appointed in 1983; is that correct?

[4] A. Okay.

[5] MS. SPANN: I want to go ahead and label
[6] this exhibit.

[7] (Plaintiff's Exhibit 4 was marked for
[8] identification.)

[9] Q. (By Ms. Spann) The order that I just read
[10] was signed the same date the Uniform Superior Court
[11] Rules were implemented.

[12] And isn't it true this was nothing more
[13] than just an adoption of the Uniform Court Rules that
[14] had just been established by the Supreme Court of
[15] Georgia?

[16] A. You'd have to ask the judges that.

[17] Q. This order also states that the director
[18] shall function under the authority of this court; is
[19] that correct?

[20] A. Does the order say that?

[21] Q. Yes.

[22] A. You just read it, so, yes, it does.

[23] Q. Does anywhere on this 1985 order show that
[24] the authority was transferred to the chief magistrate
[25] judge?

[1] 1.2(b) of this document. This is a document -- are
[2] you familiar with this document?

[3] A. Yes, I am.

[4] Q. 1.2(b) refers to what? 1.2(b) of this
[5] document refers to what?

[6] A. Do you want me to read it?

[7] Q. Please. If you're not familiar with it,
[8] if you can't summarize.

[9] A. You asked me if I was. I said I was
[10] familiar with it. Do you want me to read it again?

[11] Q. If you're familiar with it, what's the
[12] purpose of it?

[13] A. It says the majority of the judges can
[14] amend the Uniform Court Rules from time to time with
[15] approval of the Georgia Supreme Court.

[16] Q. So 1.2(b) indicates that any changes to
[17] the rules -- this particular pertains to
[18] administrative changes; is that correct?

[19] A. Do you want that back?

[20] Q. Hold onto it. It pertains mainly to
[21] administrative rules, right, administrative changes?

[22] A. I don't know.

[23] Q. If you move on to C, it refers to
[24] administrative changes.

[25] A. Again, I don't know. I don't know if it

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[1] does or doesn't.
[2] **Q.** But B states --
[3] **A.** If they change --
[4] **Q.** I'm sorry?
[5] **A.** Go ahead.
[6] **Q.** You go ahead.
[7] **A.** No. It says -- B says that the majority
[8] of the Superior Court judges can deviate from the
[9] Superior Court rules with the permission of the
[10] Supreme Court or any director from the Supreme Court
[11] of Georgia.
[12] **Q.** Was that done in the 1985 order? Was that
[13] done with this 1985 order? Was that --
[14] **A.** Was what done?
[15] **Q.** Was this particular rule applied?
[16] **A.** I sent a letter down to the Supreme Court
[17] and then Judge White said he either heard -- but
[18] you'd have to ask Judge White -- he either heard from
[19] the chief justice or got something from the chief
[20] justice saying it was okay. They never notified me.
[21] **Q.** So you're saying that this order, this
[22] 1985 order, to the best of your knowledge has been
[23] filed and approved by the Supreme Court of Georgia?
[24] **A.** Well, if they didn't, they lost it because
[25] it was sure sent down there. And they responded back

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[1] to Judge White, not me.
[2] **Q.** Okay. But you believe -- this is what you
[3] believe.
[4] **A.** Well, yeah, I sent it.
[5] **Q.** You sent it?
[6] **A.** By mail. If it's not there, they lost it.
[7] Because it was sent. And they responded back to
[8] Judge White, so that means to me they got it.
[9] **Q.** So was it your belief that this -- because
[10] this order had been supposedly filed and approved by
[11] the Supreme Court justices, that the administration
[12] and supervision of pretrial went to the chief
[13] magistrate?
[14] **A.** After the judges signed it and Judge White
[15] told me to do it, yes.
[16] **Q.** So that's your belief that --
[17] **A.** Uh-huh.
[18] **Q.** -- everything was in order?
[19] **A.** Yes.
[20] **Q.** Did you ever see anything in writing? Or
[21] you're just --
[22] **A.** No. Judge White just told me. They did
[23] not -- again, let me say, they did not respond back
[24] to me, as I said. They responded back to the chief
[25] judge.

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[1] **Q.** I just want to make sure we're both clear
[2] on the same thing. I'm going move on in just a
[3] second.
[4] But if this order is not in the Georgia
[5] Supreme Court filed and approved by the justices as
[6] you have stated time and time again in your
[7] affidavit --
[8] **A.** Stated once in my affidavit.
[9] **Q.** Once in your affidavit and the attorney
[10] general picked it up from there. It's gone down to
[11] the judge several times.
[12] If this were not the case, is it your
[13] opinion that this order is invalid?
[14] **MR. WEAVER:** Objection; calls for
[15] speculation; calls for a legal conclusion. I
[16] don't think he can answer that.
[17] **MS. SPANN:** He's written an affidavit, Mr.
[18] Weaver.
[19] **MR. WEAVER:** I don't think he can answer
[20] that.
[21] **MS. SPANN:** He's written this affidavit as
[22] though he's an expert on this, and this is
[23] really the meat of my case.
[24] **MR. WEAVER:** He's talking about the
[25] factual background. He's not talking about the

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[1] legal issues.
[2] **MS. SPANN:** I want him to answer the
[3] question, please.
[4] **MR. WEAVER:** I don't think he can. If you
[5] can, go ahead.
[6] **THE WITNESS:** I can't. I can't.
[7] **Q.** (By Ms. Spann) You can't answer that
[8] question?
[9] **A.** No.
[10] **Q.** That's very good that you can't answer it
[11] because it --
[12] **MR. WEAVER:** Don't debate with him. Ask
[13] him a question.
[14] **MS. SPANN:** Calm down, Mr. Weaver.
[15] **MR. WEAVER:** You're trying to argue your
[16] case.
[17] **MS. SPANN:** No. Calm down. I'm not
[18] arguing my case.
[19] **MR. WEAVER:** Yes, you are.
[20] **MS. SPANN:** He's proving my case. And I
[21] really appreciate it very much.
[22] **MR. WEAVER:** That comment right there is
[23] not appropriate for a deposition.
[24] **MS. SPANN:** I really appreciate it very
[25] much that he's proving my case. I'm not upset

[1] in the least bit.

[2] **MR. WEAVER:** Go ahead. Next question,
[3] please.

[4] **Q.** (By Ms. Spann) Now, we've already
[5] determined that the Superior Court judges hired you
[6] as the court administrator; is that correct?

[7] **A.** Yes.

[8] **Q.** Have you ever come under any type of
[9] scrutiny by the judges during your course of
[10] employment here as court administrator?

[11] **A.** What do you mean scrutiny?

[12] **Q.** Have you ever been called in and
[13] questioned about anything they were dissatisfied
[14] with?

[15] **A.** No.

[16] **Q.** Is it true that you got into a bit of
[17] trouble a few years back by having an inappropriate
[18] relationship with young girls?

[19] **A.** No.

[20] **MR. WEAVER:** Let me object. This is
[21] totally irrelevant.

[22] **MS. SPANN:** Well, he's saying here that
[23] they have no authority to determine the terms
[24] and conditions of employees of pretrial services
[25] or any other entity. I'm asking him a question.

[1] **A.** In an unexpired term?

[2] **Q.** Yes.

[3] **A.** Yes.

[4] **Q.** And your affidavit was attached to the
[5] motion to dismiss in lieu of an answer or in the
[6] alternative the motion for summary judgment on behalf
[7] of defendant Cobb County Superior Court Judges
[8] Council. This was an order that was filed by the
[9] State attorney general's office. Are you familiar
[10] with that?

[11] **MR. WEAVER:** It wasn't an order. It's a
[12] brief.

[13] **MS. SPANN:** I'm sorry. The brief. Thank
[14] you. This document.

[15] **THE WITNESS:** May I see it?

[16] **MS. SPANN:** Sure.

[17] **THE WITNESS:** No, I haven't seen this.

[18] **Q.** (By Ms. Spann) You've never seen that
[19] before?

[20] **A.** Huh-uh. No, I have not.

[21] **Q.** Do you realize that the majority of the
[22] arguments made in this particular document by the
[23] State attorney general is based on statements that
[24] you made in your sworn affidavit?

[25] **A.** No.

[1] **THE WITNESS:** I'll be glad to answer that.
[2] No.

[3] **Q.** (By Ms. Spann) You were never under
[4] investigation for that sort of behavior?

[5] **A.** No.

[6] **Q.** Were you under any type of investigation
[7] for that sort of behavior by the district attorney's
[8] office?

[9] **A.** No.

[10] **Q.** Have the judges ever called you in and
[11] questioned you about unapproved or unauthorized
[12] salary adjustments that you were making to your
[13] salary to the State Legislature?

[14] **A.** No.

[15] **Q.** Did the Superior Court judges recently
[16] appoint a Juvenile Court judge?

[17] **A.** Yes.

[18] **Q.** And who was that?

[19] **A.** Judge Whitfield.

[20] **Q.** Do the Superior Court Judges Council also
[21] appoint the chief magistrate judge of Cobb County
[22] when there's a vacancy if there's no election? In
[23] other words, if the chief judge of the magistrate
[24] court were to leave today, would that appointment
[25] fall in the hands of the Superior Court judges?

[1] **Q.** Who's been keeping the judges abreast of
[2] the progress of this case?

[3] **A.** I don't have any idea.

[4] **Q.** You're writing sworn affidavits, but yet
[5] you have no idea about --

[6] **A.** No.

[7] **Q.** -- who's apprising the judges on the
[8] lawsuit where they're being sued?

[9] **A.** No.

[10] **Q.** Can you pass those up to me, please.

[11] **A.** These two?

[12] **Q.** All of those. In fact, everything that
[13] you have there in front of you.

[14] Have you had any conversation with Judge
[15] Ken Nix regarding this situation, this lawsuit?

[16] **A.** He may have mentioned -- he called me and
[17] asked me what the anonymous letter was about. He did
[18] call and ask that. That's all he asked.

[19] **Q.** Have you had any conversations with Judge
[20] Jim Bodiford about this case?

[21] **A.** Just to keep him abreast when he became
[22] chief judge.

[23] **Q.** So --

[24] **A.** That I was going to give a deposition, I
[25] did tell him that.

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[1] Q. So are you the one who the attorney
[2] general is corresponding with pertaining to this
[3] case?
[4] A. No.
[5] Q. Why are you keeping Judge Bodiford abreast
[6] if you weren't the one who --
[7] A. Because I'm giving a deposition, I need to
[8] tell him what I'm doing.
[9] Q. Prior to the deposition. This case has
[10] been going on for over a year now.
[11] A. No. No. No, I was not keeping him -- no.
[12] No.
[13] Q. Who is the information coming into from
[14] the court?
[15] A. I have no idea. You'd have to ask the
[16] chief judges that. I don't know. It's not me.
[17] Q. But yet they're using you to write
[18] affidavits?
[19] A. Not affidavits. One affidavit.
[20] Q. Did Judge Staley tell you why she didn't
[21] write an affidavit?
[22] A. I'm sorry?
[23] Q. Did she tell you why she didn't write an
[24] affidavit? Did you question her as to why she wanted
[25] you to write an affidavit or sign one that she had

[1] May 2003 agenda when my job was taken, that was done
[2] in a judges' meeting; right? Was there a vote taken
[3] in the judges' meeting as to whether or not Judge Cox
[4] had authority to terminate me?
[5] A. I was not -- remember I was not at the
[6] meeting. You'd have to ask Judge Staley.
[7] Q. And nothing was told to you afterward?
[8] A. No. No.
[9] Q. Has Judge Kreeger had any discussion with
[10] you about my termination?
[11] A. No, not at all.
[12] Q. Has Judge Lark Ingram had any discussion?
[13] A. No; except that anonymous letter.
[14] Q. What about Judge Flournoy, Robert
[15] Flournoy, III?
[16] A. About your termination?
[17] Q. This lawsuit, my termination, anything.
[18] A. Not substantively, not that I recall any
[19] substantive matter, no.
[20] Q. Judge Adele Grubbs?
[21] A. Not substantively.
[22] Q. So do the judges know who's answering
[23] these questions on their behalf, who's responding to
[24] this lawsuit on their behalf? Are they aware?
[25] MR. WEAVER: Objection; calls for

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[1] written?
[2] A. No.
[3] Q. Judge Staley is fully involved in this
[4] conspiracy against me, isn't she?
[5] MR. WEAVER: Objection; use of
[6] "conspiracy" assumes facts not in evidence;
[7] calls for a legal conclusion.
[8] Q. (By Ms. Spann) Judge Bodiford is also
[9] involved, isn't he?
[10] MR. WEAVER: Same objection. Take out the
[11] word "conspiracy" and ask your question again.
[12] Q. (By Ms. Spann) Is Judge Bodiford in
[13] communication with Judge Staley and yourself about my
[14] termination prior to my termination by Judge Cox?
[15] A. Not to my knowledge. Like I -- let me say
[16] it before. Whenever there was any discussions about
[17] pretrial during this time period, I was always
[18] removed from the room, as was Ms. Harper.
[19] Q. Intentionally?
[20] A. I don't know if we were, but we were.
[21] Q. It was done to keep your hands clean; is
[22] that right?
[23] A. No. They do that any time personnel is
[24] discussed.
[25] Q. On the agenda that particular day, that

[1] speculation as to what people think.
[2] MS. SPANN: Well, he's the court
[3] administrator. He should know.
[4] MR. WEAVER: Maybe so. Maybe not. But
[5] you're asking him to say what's in their mind.
[6] THE WITNESS: You'd have to ask the chief
[7] judge. I don't know who's answering for them
[8] and so forth concerning the lawsuit.
[9] Q. (By Ms. Spann) Are you familiar with this
[10] particular document?
[11] A. No.
[12] Q. This is a document that was obtained from
[13] the Georgia Supreme Court clerk's office. And it
[14] represents all of the counties throughout Georgia who
[15] requested changes to the Uniform Court Rules as they
[16] pertain to their local jurisdiction. And --
[17] MR. WEAVER: Objection; assumes facts not
[18] in evidence.
[19] Q. (By Ms. Spann) This document spans over a
[20] period of time from June 20th, 1985, to 10/19, 1992.
[21] Do you see Cobb County listed on this particular
[22] document?
[23] A. No.
[24] Q. So you see the 1985 order listed on the
[25] document?

[1] A. No.
[2] (Plaintiff's Exhibit 6 was marked for
[3] identification.)
[4] (Discussion off the record.)
[5] (A recess was taken.)
[6] Q. (By Ms. Spann) I'm going to direct your
[7] attention back to your affidavit that I believe would
[8] be No. 7 of your affidavit. You don't have to read
[9] it. I can just go over it.
[10] "The Superior Court has had no
[11] administrative role with regard to pretrial services
[12] since October 24th, 1985."
[13] How did you arrive at that conclusion?
[14] A. Because it was transferred by court order
[15] since July 1, 1985, and I've had no administrative
[16] role, no signing of papers, no authority, no
[17] anything, zero. And I have not signed any documents
[18] dealing with personnel or anything since that time
[19] which would be administrative.
[20] Q. The court administrator --
[21] A. Budgets, nothing, zero.
[22] Q. The court administrator never signed any
[23] type of personnel documents anyway other than my
[24] evaluation; is that correct?
[25] A. I do not know that because I never had

[1] freeze was placed on our office until sometime in
[2] 1996 -- I'm sorry -- 1986 or 1987?
[3] A. No.
[4] Q. If that were the case, wouldn't those
[5] dates have been after October 24, 1985?
[6] A. According to the dates you mentioned, but
[7] I never remember a hiring freeze.
[8] Q. You don't remember a hiring freeze?
[9] A. No. I had no authority to do that.
[10] Q. I didn't say that you had the authority.
[11] Do you recall the Superior Court judges placing a
[12] hiring freeze on the office of pretrial services
[13] sometime 1984, 1985? That lasted --
[14] A. You said '84.
[15] Q. I'm not exactly sure of the date, but it
[16] was prior to your coming on board.
[17] A. Then I wouldn't know, if it was prior to
[18] me coming on board.
[19] Q. But it continued on until after you were
[20] appointed court administrator. You can't recall
[21] that?
[22] A. No.
[23] Q. Were you aware of the fact that Judge Jim
[24] Bodiford was the chief magistrate judge at the time
[25] when the hiring freeze was lifted by the Superior

[1] your evaluation. But I never did evaluations --
[2] Q. Shortly after you became court
[3] administrator is when you drew this order up kicking
[4] us -- or at least attempting to kick us out of
[5] Superior Court. That's why you would not have done
[6] my evaluation. But there are evaluations on file in
[7] my personnel file pertaining to the court
[8] administrators.
[9] A. You made a statement, not a question.
[10] MR. WEAVER: Objection.
[11] MS. SPANN: I know. I know. I'll move
[12] on.
[13] Q. (By Ms. Spann) And you stated this is a
[14] valid statement because of this 1985 order. And do
[15] you know for a fact that there was no administrative
[16] role whatsoever since October 24th, 1985?
[17] A. Not through me.
[18] Q. Are you familiar with or can you recall a
[19] hiring freeze that the Superior Court judges placed
[20] on the office of pretrial court services in 1985?
[21] A. No.
[22] Q. You're not familiar with the hiring
[23] freeze?
[24] A. No, I'm not.
[25] Q. Are you aware of the fact that a hiring

[1] Court judges would let me know periodically in
[2] writing that the Superior Court judges had lifted the
[3] hiring freeze for your fifth person or sixth person
[4] or seventh person as far as positions?
[5] A. Are you asking me?
[6] Q. Right. Are you familiar with --
[7] A. No.
[8] Q. -- the fact that he was --
[9] A. No.
[10] Q. -- apprising me of when --
[11] A. No.
[12] Q. -- the judges were --
[13] A. No.
[14] Q. -- allowing me --
[15] A. No.
[16] Q. -- to fill positions?
[17] A. No.
[18] Q. When did Judge Bodiford become chief
[19] magistrate judge?
[20] A. I don't know.
[21] Q. Was he the chief magistrate judge when you
[22] became the court administrator?
[23] A. I don't know. I don't know if he was or
[24] wasn't. I don't remember the date. He may have. He
[25] may have not.

[1] Q. Isn't it true that when this 1985 order
[2] was signed that there was no prior meeting with me to
[3] discuss this 1985 order?

[4] A. I do not know that. That was the judges'
[5] decision.

[6] Q. Are you aware of the fact that Judge
[7] Bodiford is the one who called me and told me about
[8] this 1985 order?

[9] A. No.

[10] Q. In 1986 isn't it true that you took as the
[11] Superior Court administrator one of only two
[12] computers that I had for the entire office and
[13] brought it over here to Superior Court?

[14] A. I don't remember that.

[15] Q. Isn't it true that two years later, 1988,
[16] when I spoke at a Kiwanis meeting -- I was the
[17] keynote speaker at a Kiwanis meeting -- that you
[18] walked up to me and said that you were going to
[19] return the computer back to me that next week?

[20] A. I don't remember.

[21] Q. Do you recall that during this hiring
[22] freeze sometime in 1998, which was three years after
[23] this so-called no further administrative role took
[24] place, that you transferred the only middle
[25] management position that I had in pretrial services,

[1] Q. (By Ms. Spann) Did you talk to Sheila
[2] Buckner, the former personnel director, and have her
[3] to transfer the position from my budget to the
[4] court --

[5] A. What year was this? 1988?

[6] Q. 1988.

[7] A. No, I don't remember 17 years ago. Sorry.
[8] Not being evasive.

[9] Q. Well, if this were the case, then these
[10] would have been administrative transactions that
[11] occurred after October 24th, 1985. Just given it's
[12] true.

[13] MR. WEAVER: Objection; calls for
[14] speculation.

[15] THE WITNESS: It may have been done with
[16] Judge Bodiford telling me to do it. I don't
[17] know. I have no idea.

[18] Q. (By Ms. Spann) Do you realize that I was
[19] very upset when that position was taken. I went to
[20] Judge Bodiford, and he said there was nothing he
[21] could do it about it because we were still under
[22] Superior Court?

[23] MR. WEAVER: Objection; assumes facts not
[24] in evidence.

[25] MS. SPANN: He's doing fine. He's doing

[1] you as the Superior Court administrator transferred
[2] the only position that I had in pretrial services for
[3] employees to move up to a middle management position,
[4] called releasing unit supervisor, do you remember
[5] transferring that position to the circuit defender's
[6] office?

[7] A. No.

[8] Q. You don't recall transferring that
[9] position as the Superior Court administrator and
[10] putting Mr. Gary Parrot in that position from the
[11] circuit defender's office?

[12] A. No.

[13] Q. How long have you worked with Cobb County?

[14] A. Since 1977 or '76.

[15] Q. Wouldn't you say that the personnel
[16] department keeps pretty accurate records?

[17] A. At times yes, at times no. No. At times
[18] no.

[19] Q. Do you think they would have a record of
[20] that transfer of Mr. -- of my position in pretrial
[21] services to the circuit defender's office?

[22] MR. WEAVER: Objection; calls for
[23] speculation.

[24] THE WITNESS: I don't know. I don't mind
[25] answering.

[1] very well.

[2] MR. WEAVER: I don't need you to comment
[3] on the witness's performance. Just ask
[4] questions.

[5] Q. (By Ms. Spann) Does Judge Bodiford -- you
[6] said you've been in communication with Judge
[7] Bodiford; right?

[8] A. No, that's not what I said. I said --

[9] Q. You said you apprised him of the
[10] deposition.

[11] A. I said that I told him that I was taking a
[12] deposition here today in case he needed me. That I'd
[13] be out of pocket for that period of time. That's why
[14] I notified him.

[15] Q. Do you understand that Judge Bodiford
[16] routinely advised me that we were still a Superior
[17] Court function?

[18] MR. WEAVER: Objection; assumes facts not
[19] in evidence.

[20] THE WITNESS: No.

[21] Q. (By Ms. Spann) When was Judge Kreeger
[22] serving as the chief judge of the Cobb Superior
[23] Court? Do you remember the year?

[24] A. No.

[25] Q. Is it true that the judges rotate?

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[1] A. Every two years. Yeah, they rotate -- let
[2] me go ahead and -- with Judge White, he was chief
[3] judge. That changed only when Judge White quit being
[4] the chief judge. Then they rotated every two years.
[5] Q. Judge Kreeger served as the chief judge of
[6] Superior court a few years back; is that correct?
[7] A. Yes.
[8] Q. So it's not time for him -- he's not up
[9] any time soon?
[10] A. No.
[11] Q. Are you aware of the fact that when Judge
[12] Kreeger served as Superior Court chief judge in 1997
[13] that I had a serious personnel issue that he assisted
[14] me with?
[15] A. No. Huh-uh. News to me.
[16] Q. Are you familiar with the name -- you were
[17] the court administrator at the time; is that correct?
[18] A. I'm sorry?
[19] Q. You were the court administrator in 1997?
[20] A. With Judge Kreeger, yes.
[21] Q. Are you aware of the fact that I had a
[22] personnel issue with an employee by the name of Name Withheld
[23] that Judge Kreeger handled?
[24] A. No.
[25] Q. If Judge -- Judge Kreeger placed Mr.

[1] A. It's a hypothetical and I'm not going to
[2] answer a hypothetical.
[3] Q. You need to answer the question.
[4] A. I'm not going to answer it because it's a
[5] hypothetical question.
[6] Q. Well, again the more you don't answer
[7] questions, the worse you make it for yourself.
[8] A. Wanda, Wanda, because I don't know what
[9] happened.
[10] Q. Placing an employee on administrative
[11] probation.
[12] A. Maybe the magistrate judge asked him to
[13] help.
[14] Q. Is that an administrative decision?
[15] MR. WEAVER: Same objection.
[16] Q. (By Ms. Spann) Okay. You don't want to
[17] answer the question?
[18] A. No. Because it's a hypothetical.
[19] Q. It's not a hypothetical question. It
[20] happened.
[21] MR. WEAVER: He doesn't know that.
[22] THE WITNESS: I was never consulted about
[23] it.
[24] Q. (By Ms. Spann) If it were the case, would
[25] that be considered an administrative action?

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[1] Name Withheld On employment probation for being rearrested
[2] on an alcohol-related charge. You have no knowledge
[3] of that?
[4] A. Zero. He never said one word to me about
[5] that.
[6] Q. If that were true, would you say that that
[7] was some type of administrative role that was taken
[8] with regard to pretrial employees and pretrial
[9] services?
[10] MR. WEAVER: Objection; calls for
[11] speculation.
[12] MS. SPANN: He needs to answer the
[13] question.
[14] Q. (By Ms. Spann) Would that be considered
[15] administrative action if that were the case? Would
[16] that be considered administrative action?
[17] MR. WEAVER: It calls for speculation.
[18] MS. SPANN: He's the court administrator.
[19] He knows administrative actions from anything
[20] else, so I need him to answer the question.
[21] THE WITNESS: I don't know the background
[22] on it. I don't know the background. I'm sorry.
[23] So I can't answer the question what Judge
[24] Kreeger did or why he did it.
[25] Q. (By Ms. Spann) Is Judge Kreeger --

[1] MR. WEAVER: That's speculation about
[2] something he doesn't know about.
[3] Q. (By Ms. Spann) Would that be considered
[4] administrative action?
[5] MR. WEAVER: He's already said he can't
[6] answer.
[7] THE WITNESS: I don't know the background.
[8] Judge Kreeger never talked to me.
[9] Q. (By Ms. Spann) Are you still saying there
[10] was no administrative role with pretrial services --
[11] A. Not with me.
[12] Q. -- since October 24th --
[13] A. Not with me.
[14] Q. -- 1985?
[15] A. Not with me.
[16] Q. With the Superior Court judges. I'm not
[17] talking about with you.
[18] A. I can't answer for the judges. Not with
[19] me.
[20] Q. You didn't take my computer after 1985.
[21] A. Wanda, I don't remember.
[22] Q. You didn't transfer a position from my
[23] office in 1988?
[24] A. I don't remember.
[25] Q. Okay. Judge Robert Flournoy, Jr., he's

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[1] now deceased, isn't he?
[2] **A.** Yes, he is.
[3] **Q.** But he also served as a chief Superior
[4] Court judge; is that correct?
[5] **A.** Yes.
[6] **Q.** And he would have been Superior Court
[7] judge in the year 2000; is that correct?
[8] **A.** Is it? I don't know. Judge Flournoy,
[9] Judge Stoddard, Judge Staley. No, I think that would
[10] have been '98 to 2000, wouldn't it? I think it would
[11] have been. Yeah, I think it's 1998 to 2000.
[12] **MS. SPANN:** What time do we have, Mr.
[13] Weaver?
[14] **MR. WEAVER:** It's 11:25.
[15] **THE WITNESS:** Wanda, I think it was 1998
[16] to 2000. But I may be wrong. But I think it
[17] was 1998.
[18] **Q.** (By Ms. Spann) Let me direct your
[19] attention to a letter that I wrote to Chief Judge
[20] Flournoy in the year 2000 pertaining to computer
[21] equipment and a software program that I was trying to
[22] acquire.
[23] Do you recall during the time I was trying
[24] to obtain these moneys to purchase the computer, that
[25] I actually sent Judge Sturdivant over here to meet

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[1] with Judge Flournoy regarding that?
[2] **A.** I do remember this, yes.
[3] **Q.** Do you recall having a conversation with
[4] Judge Sturdivant during that time regarding this 1985
[5] order?
[6] **A.** I don't know if I had a conversation with
[7] him, but I do remember this. I do remember that you
[8] did want to get \$30,000. I do recall that.
[9] **Q.** Didn't that grant fall through? We
[10] weren't able to get that grant, were we?
[11] **A.** I don't know the outcome.
[12] **Q.** Isn't it true because we weren't able to
[13] get the grant, the money had to come from Superior
[14] Court to pay for that system, as my budget had no
[15] funds.
[16] **A.** I don't remember transferring \$30,000.
[17] I'm not saying Judge Flournoy --
[18] **Q.** 30,000 --
[19] **A.** I'm not saying Judge Flournoy didn't do it
[20] because he was the chief judge and Judge Flournoy did
[21] a lot of things on his own.
[22] **Q.** Let me go back.
[23] **A.** Can I finish answering? Judge Flournoy
[24] did a lot of things as chief judge on his own, but I
[25] never transferred any money.

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[1] **Q.** Did you have a conversation with Judge
[2] Sturdivant pertaining to moneys that we were trying
[3] to acquire from the Superior Court?
[4] **A.** Yes. I do remember he wanted some money
[5] for computers or something. I don't recall exactly
[6] what.
[7] **Q.** Do you recall judge -- presenting this
[8] 1985 order to Judge Sturdivant saying that pretrial
[9] was not a part of Superior Court per the 1985 order
[10] and therefore was not entitled to any moneys from the
[11] Superior Court budget?
[12] **A.** I don't remember.
[13] **Q.** You don't remember that?
[14] **A.** No.
[15] **Q.** Do you recall Judge Sturdivant and also
[16] Judge Flournoy telling you at the time to put that
[17] order away because it wasn't worth the paper it was
[18] written on?
[19] **A.** No.
[20] **Q.** Are you aware that Judge Sturdivant came
[21] back to me and told me about that conversation?
[22] **A.** No. Because I don't remember it.
[23] (Plaintiff's Exhibit 7 was marked for
[24] identification.)
[25] **Q.** (By Ms. Spann) Okay. Mr. Chesshire, are

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[1] you aware that since 1985, October 24th, 1985, and
[2] prior to, that the Superior Court judges required me
[3] to write an annual report of operations of the
[4] pretrial services department each year that was to
[5] distribute -- be distributed to the judges?
[6] **A.** No.
[7] **Q.** That was a requirement.
[8] **A.** I never got one, so no.
[9] **Q.** Are you saying that the Superior Court
[10] judges never received any, or you didn't receive any
[11] annual reports from me?
[12] **A.** No. No. I didn't. They have their
[13] separate boxes. I didn't receive an annual report.
[14] I'm not saying they did not. I'm not saying that.
[15] They have their separate boxes up there, Wanda. They
[16] have a separate mail room.
[17] **Q.** Let me direct your attention to this next
[18] document. This document was taken directly from our
[19] policy and procedure manual in the pretrial services
[20] office.
[21] And this particular document says
[22] effective date January 1, 1999, rescinds January 1,
[23] 1994. So it was repeatedly updated from time to
[24] time.
[25] This document pertains to the authority of

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[1] the department, which includes a statement about the
[2] Uniform Court Rule 27. And this was part of our
[3] policy and procedure manual. Certainly done after
[4] 1985. The date is here. It's very clear when this
[5] was issued.

[6] "The department operates under the
[7] authority of the Cobb Superior Court through local
[8] court order in accordance with Rule 27, Pages 459 to
[9] 460 of the Uniform Superior Court Rules for the State
[10] of Georgia."

[11] And this was supplied to all the
[12] employees. The chief magistrate judge also had a
[13] copy of this. Are you aware that the chief
[14] magistrate judge agreed with my policies on the
[15] statement on authority?

[16] **A.** No.

[17] **MR. WEAVER:** Objection; assumes facts not
[18] in evidence.

[19] **THE WITNESS:** No. I've never seen this
[20] before until you just showed it.

[21] (Plaintiff's Exhibit 8 was marked for
[22] identification.)

[23] **Q.** (By Ms. Spann) Have you ever seen this
[24] article, newspaper article, from 1983 when I was
[25] appointed director of pretrial services by the

[1] this date appointed Ms. Wanda Stokes the director of
[2] pretrial services."

[3] **Q.** Is Stokes my maiden name?

[4] **A.** Yes.

[5] (Plaintiff's Exhibit 10 was marked for
[6] identification.)

[7] **Q.** (By Ms. Spann) Do you have anything at
[8] all showing that the authority of pretrial and the
[9] hiring and firing specifically of the pretrial
[10] director was vested in the magistrate court judge?

[11] **MR. WEAVER:** Objection; asked and
[12] answered. We talked about that.

[13] **MS. SPANN:** Is that a no? Do you have
[14] any --

[15] **MR. WEAVER:** No, the answer is not no.
[16] The answer is as he previously stated.

[17] **MS. SPANN:** Calm down, Mr. Weaver, please.

[18] **MR. WEAVER:** No, Ms. Spann, you calm down
[19] and ask new, relevant questions.

[20] **MS. SPANN:** I'm fine. I'm getting ready
[21] to go into a related line of questions. I want
[22] that question answered.

[23] **MR. WEAVER:** He's already answered the
[24] question.

[25] **THE WITNESS:** It was my understanding that

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[1] Superior Court Judges Council?

[2] **A.** Not that I remember. When was this? '83?
[3] No, I don't remember.

[4] **Q.** In that article the announcement is being
[5] made by the then court administrator, Bill Herndon.

[6] **A.** 1983; right? Okay.

[7] **Q.** In the article Mr. Herndon states that the
[8] Superior Court judges hired me or named me as
[9] pretrial services director. So therefore the
[10] Superior Court administrator was not part of that
[11] hiring process; is that correct?

[12] **A.** I don't know.

[13] **Q.** Take a look at it.

[14] **A.** I've taken a look at it. There's no -- I
[15] mean, you want me to read what the article says?

[16] **Q.** I just want you to take a look at it.

[17] **A.** Okay.

[18] (Plaintiff's Exhibit 9 was marked for
[19] identification.)

[20] **Q.** (By Ms. Spann) This will be the next
[21] exhibit which is a personnel action form that was
[22] signed by the chief judge of the Superior Court at
[23] the time, Judge James Bullard. And would you please
[24] read this statement here at the bottom of it.

[25] **A.** "The Superior Court Judges Council has

[1] the supervising -- this is what I think sufficed
[2] in writing. That's what I think.

[3] **Q.** (By Ms. Spann) So whatever authority you
[4] had as the court administrator was transferred to the
[5] chief magistrate?

[6] **A.** Correct.

[7] **MR. WEAVER:** And let the record reflect he
[8] referred to Plaintiff's Deposition Exhibit
[9] No. 3.

[10] **MS. SPANN:** Thank you. The 1985 order.

[11] **Q.** (By Ms. Spann) Take a look at those two
[12] documents. Okay. The documents that you have before
[13] you, one is dated March 19th, 2003. I want to
[14] address that one first.

[15] And it's from Judge Mary E. Staley to
[16] Frank Cox pertaining to pretrial services.

[17] **A.** Uh-huh.

[18] **Q.** And it says, "The Council of Superior
[19] Court Judges met yesterday with respect to the issue
[20] of supervision of pretrial services. We recognize
[21] that except for elected officials every person in
[22] Cobb County government is subject to being
[23] supervised.

[24] "The history of supervision of pretrial
[25] services indicates that in 1985 the judges of the

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[1] Superior Court of Cobb County transferred the
[2] supervision from the Superior Court administration to
[3] magistrate court.

[4] "This action was taken with consent of the
[5] chief magistrate and the director of pretrial
[6] services. And this arrangement has lasted for 18
[7] years.

[8] "The Supreme Court of the State of
[9] Georgia," and this is the part I really want you to
[10] pay close attention to, "The Supreme Court of the
[11] State of Georgia has authorized this supervisory
[12] restructure as well. We affirm the action of the
[13] Council of the Superior Court Judges in 1985. The
[14] Magistrate Court retains authority to supervise
[15] pretrial services, its director and its employees."

[16] Do you know whether or not the other
[17] Superior Court judges were aware of this memorandum
[18] that Judge Staley --

[19] A. You'd have to ask Judge Staley.

[20] Q. I'm just asking you are you aware.

[21] A. Am I aware? No. I never even saw it.

[22] Q. Wouldn't you agree that the same verbiage
[23] that Judge Staley used here regarding the Supreme
[24] Court's approval of the supervisory restructure is
[25] also the same verbiage that was used in your

[1] Q. You don't know the answer to that when
[2] that's clearly in your affidavit? Oh, my.

[3] MR. WEAVER: Objection; argumentative.

[4] MS. SPANN: Okay. Let me go ahead and
[5] enter that one.

[6] (Plaintiff's Exhibit 11 was marked for
[7] identification.)

[8] Q. (By Ms. Spann) This is also a letter from
[9] Judge Staley to Judge Cox. And again she's talking
[10] about the Uniform Court Rule 27 and 1.2(b), which is
[11] a rule that states that any changes have to be
[12] approved or are required to be approved by the
[13] Supreme Court justices.

[14] So that's very key. Wouldn't you agree
[15] with me, Mr. Chesshire, because Judge Staley -- you
[16] have a lot of respect for Judge Staley; is that
[17] correct?

[18] A. I have a lot of respect for all the
[19] judges.

[20] Q. So Judge Staley is making that twice.

[21] A. Judge White said it was approved.

[22] (Plaintiff's Exhibit 12 was marked for
[23] identification.)

[24] Q. (By Ms. Spann) Are you aware that I
[25] objected in my response to the Federal Court that

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[1] affidavit?

[2] A. It was similar. It was similar.

[3] Q. But this also just says, "The Magistrate
[4] Court retains the authority to supervise pretrial
[5] services, its director, and its employees." Didn't
[6] say anything about hire and fire the director, does
[7] it?

[8] A. I interpret that to mean the same.

[9] Q. But even for supervision, it would have to
[10] be approved, according to what she's saying here, by
[11] the Supreme Court; is that correct?

[12] A. Judge White said it was approved.

[13] Q. I'm not asking you about Judge White.

[14] A. Well, I'm telling you --

[15] Q. I'm asking about Judge Staley's
[16] memorandum.

[17] A. You'd have to speak to Judge Staley as to
[18] what she means by the memorandum. I can't answer for
[19] someone else, Mr. Weaver.

[20] MR. WEAVER: Sure. I think he's answered
[21] the question.

[22] Q. (By Ms. Spann) Wouldn't you agree that
[23] the authority or the approval by the Supreme Court of
[24] any authority or supervision change was necessary?
[25] A. I do not know the answer to that.

[1] this 1985 order had ever been filed, let alone
[2] approved, by the Supreme Court justices as indicated
[3] in all of Judge Staley's correspondence?

[4] A. I have no idea what's happened in your
[5] case except what Mr. Weaver has briefed me on when he
[6] called me about the deposition and he brought me up
[7] to snuff on what had gone on.

[8] Q. So you weren't aware of any decisions that
[9] the Federal Court had made?

[10] A. Mr. Weaver had told me the decisions.

[11] Q. When was the last time Mr. Weaver apprised
[12] you of a decision?

[13] MR. WEAVER: Now, any particulars about
[14] our discussions are privileged.

[15] MS. SPANN: I understand that. I just
[16] need a date.

[17] THE WITNESS: I don't know the date.

[18] Q. (By Ms. Spann) Was it a week ago? Two
[19] weeks ago? A month ago? When was it?

[20] A. I don't know.

[21] MR. WEAVER: Your answer is he doesn't
[22] know.

[23] THE WITNESS: I don't know.

[24] Q. (By Ms. Spann) And is it correct to say
[25] that you supplied the affidavit -- I just want to

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[1] make sure I'm clear on this. This is just very
[2] serious. You provided the affidavit to the State
[3] attorney general, the affidavit that we went over
[4] previously.
[5] **A.** No, I didn't supply it to the attorney.
[6] The attorney general may have in fact written that
[7] for Judge Staley. I don't know who wrote it. I may
[8] be incorrect with that, Wanda. But is that my name
[9] on the affidavit? Yes. I signed that affidavit. Is
[10] that what you're asking? I'm sorry.
[11] **Q.** Yes. I'm assuming it's your affidavit.
[12] I'm not even looking at the fact that --
[13] **A.** My name.
[14] **Q.** -- Judge Staley wrote it or the attorney
[15] general wrote it, or --
[16] **A.** My name is on it.
[17] **Q.** So you have to take full responsibility
[18] for it.
[19] **A.** My name is on it.
[20] **Q.** Do you know and understand that the State
[21] attorney general is the highest law enforcement
[22] official in the State?
[23] **A.** I thought the governor was.
[24] **Q.** Law enforcement official in the State.
[25] **A.** Oh.

[1] **Q.** Are you ware of the fact that --
[2] **A.** You'd have to ask them.
[3] **Q.** Are you aware of the fact that I've
[4] pointed out to the judge in my response to this
[5] particular document that the 1985 order was never
[6] filed or approved by the Supreme Court?
[7] **A.** Was I told that?
[8] **Q.** Are you aware of the fact that I pointed
[9] out to the judge that the 1985 order was never filed
[10] or approved by the Supreme Court justices?
[11] **A.** No.
[12] **Q.** Are you aware of the fact that I went to
[13] the Supreme Court clerk's office and met with the
[14] chief clerk back in December of 2004 regarding that
[15] 1985 order?
[16] **A.** No.
[17] **Q.** Are you aware that the Supreme Court clerk
[18] advised me that the 1985 order was not there?
[19] **A.** No. They must have lost it. It was sent.
[20] **Q.** Are you aware of the fact that -- are you
[21] saying they lost it?
[22] **A.** They may have. I don't know, but it was
[23] sent. Or the mail lost it, someone. But Judge White
[24] got an answer back. So they did receive it. He
[25] couldn't have got an answer back if they hadn't

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[1] **MR. WEAVER:** That calls for a legal
[2] conclusion. I mean, attorneys can debate that.
[3] **THE WITNESS:** Yeah, really. You could say
[4] the governor with his pardon has more authority
[5] than the attorney general does. I would say the
[6] attorney general is an entity of which other
[7] elected officials would go to for legal advice,
[8] it that's your question. Because you can say
[9] the governor is the top one because the governor
[10] can pardon people.
[11] **Q.** (By Ms. Spann) When you provided the
[12] information in your affidavit to the attorney general
[13] or whomever, that information was used in this court
[14] case; is that correct?
[15] **A.** I don't know. If you tell me it was, I
[16] believe you.
[17] **Q.** The information that you provided in the
[18] form of an affidavit that was submitted with the
[19] initial motion to dismiss in lieu of answer or in the
[20] alternative motion for summary judgment on behalf of
[21] defendant Cobb County Superior Court Judges Council
[22] filed by the State attorney general's office, do you
[23] know whether or not the judge responded to that
[24] document right away?
[25] **A.** No.

[1] gotten it is my point, see.
[2] I can embellish, can't I? See, Judge
[3] White could not have gotten an answer back if they
[4] had never received that. So they did in fact receive
[5] it. So they must have done --
[6] **Q.** Judge White --
[7] **A.** They must have done something to it.
[8] **Q.** I understand.
[9] **A.** You see what I'm saying?
[10] **Q.** Are you aware that the clerk provided
[11] me -- and I went over this with you a little while
[12] ago -- with a list of every request for changes that
[13] have been made?
[14] **A.** No, I wasn't aware.
[15] **Q.** You weren't aware of that?
[16] **A.** Huh-uh.
[17] **Q.** Are you aware that I agreed with the
[18] attorney general's office in this particular document
[19] as it pertained to Rule 1.2(b) that in order for this
[20] order to have been valid, that it had to go through
[21] that particular procedure in terms of going through
[22] the justices for approval?
[23] **A.** No.
[24] **Q.** Are you aware that I agreed with them on
[25] that?



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[1] A. No.
[2] Q. Are you aware that how important that
[3] was -- right -- for all sides to know, for both sides
[4] to know whether or not that order ever was approved?
[5] MR. WEAVER: Objection; I think that
[6] calls for a legal conclusion.
[7] THE WITNESS: I have no idea.
[8] Q. (By Ms. Spann) Is it true that when the
[9] judge hadn't answered or made a decision on this
[10] particular motion, this motion to dismiss in lieu of
[11] an answer, etcetera, etcetera, that you felt that you
[12] had to come up with some type of proof that that
[13] order had been signed or approved by the justices?
[14] A. No.
[15] Q. Isn't it true that --
[16] A. That's not true, absolutely not true.
[17] Q. -- this October 28th, 1985, order only
[18] recently -- I'm sorry -- letter that I'm going to
[19] show you, only recently surfaced.
[20] MR. WEAVER: Objection; use of the word
[21] "surface" is vague and unclear.
[22] THE WITNESS: No. It's in my office.
[23] Q. (By Ms. Spann) Hold onto it for a second.
[24] A. I don't need to. I know what it says.
[25] It's been in my office forever and a day along with

[1] MS. SPANN: I'm going as fast as I can.
[2] MR. WEAVER: All I asked you was how much
[3] longer you think you need.
[4] THE WITNESS: Mr. Weaver, let her go
[5] ahead. Wanda, go ahead. Go ahead. Mr. Weaver,
[6] let Ms. Spann continue, please. Thank you. Go
[7] ahead, Wanda.
[8] Q. (By Ms. Spann) This document dated
[9] October 28th, 1985, purportedly to Ms. -- is that --
[10] A. Johine.
[11] Q. Johine?
[12] A. Yeah, that's the way you pronounce it.
[13] Q. Okay. You spelled it here J-o-h-i-n-e.
[14] A. I pronounce it Johine. I'm from
[15] Charleston. We always have the H silent. In
[16] Charleston it's silent.
[17] Q. Clerk of the Georgia Supreme Court --
[18] A. To Judge White.
[19] Q. -- 244 Washington Street -- hold on --
[20] Atlanta, Georgia 30034. "Dear Ms. Williams, enclosed
[21] is an order from the Cobb County Superior Court
[22] Judges Council transferring pretrial court services
[23] to the office of the chief magistrate. This action
[24] was taken due to the fact that 95 percent of
[25] pretrial's work is done with the Magistrate Court.

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[1] the order.
[2] MR. WEAVER: Are you about finished?
[3] MS. SPANN: I'll be finished when I'm
[4] finished.
[5] MR. WEAVER: Well, you could be courteous.
[6] How much longer do you think you need?
[7] MS. SPANN: I'm trying to go as fast as I
[8] can. He's wasted most of the time.
[9] MR. WEAVER: I think you have, but are you
[10] predicting five, ten minutes?
[11] MS. SPANN: I'm not going to argue with
[12] you. If y'all want to break for lunch and come
[13] back, we can do that.
[14] THE WITNESS: No. No. I got to get my
[15] son.
[16] MS. SPANN: Well, let me get through it
[17] then.
[18] THE WITNESS: I am. I am.
[19] MS. SPANN: Let me get through it.
[20] THE WITNESS: I'm being quick, Wanda.
[21] MS. SPANN: Listen, I want to get out of
[22] here just as fast as you-all do. I spent a lot
[23] of time up here last week. I'm tired. I want
[24] to go home.
[25] THE WITNESS: I'm ready.

[1] "If this action requires approval of the
[2] Georgia Supreme Court, would you please let me know
[3] the results." And you signed here, "Skip Chesshire,
[4] Court administrator for Superior Court." And you
[5] copied Chief Judge Watson White.
[6] When was this letter written?
[7] A. What's the date on the letter?
[8] Q. October 28th, 1985.
[9] A. That's when it was written.
[10] Q. Have you supplied this letter to any
[11] Superior Court judge within the last two years?
[12] A. If they hadn't asked for it, I wouldn't.
[13] If they want it, they would ask for it.
[14] Q. When the judges met --
[15] A. Judge Staley has a copy of it, I do
[16] believe.
[17] Q. But Judge Staley is not the only judge you
[18] work for. You work for eight other judges, and it is
[19] looking more and more like Judge Staley is wrapped up
[20] in this like I don't know what.
[21] A. She's the chief judge. That's --
[22] Q. She's no longer the chief judge.
[23] A. Right. All they do is ask for it. It's
[24] in my office. All you got to do is ask for it. It's
[25] sitting right at my desk.

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[1] Q. Are you aware that Judge Staley -- I'm
[2] going to get back to the letter for just a second.
[3] Are you aware that Judge Staley called me or had her
[4] secretary to call me at home in September of 2004
[5] several months after I was dismissed and asked me to
[6] come to her office?
[7] A. No.
[8] Q. Are you aware of when I got to Judge
[9] Staley's office that she was trying to get me to go
[10] talk to Judge Jim Bodiford?
[11] A. No.
[12] Q. Are you aware of the fact that Judge
[13] Staley had just been interviewed by the EEOC?
[14] A. No.
[15] Q. Judge Bodiford and Frank Cox, are they
[16] good friends?
[17] A. You'd have to ask them.
[18] Q. Have you ever visited Judge Bodiford at
[19] home?
[20] A. Have I ever visited him?
[21] Q. Yes.
[22] A. No.
[23] Q. Do you know where he lives?
[24] A. Not now.
[25] Q. Isn't it true that Judge --

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[1] A. I don't know where he lives.
[2] Q. -- Bodiford and Judge Cox are neighbors?
[3] A. I did not know that until you just told
[4] me.
[5] Q. Isn't it also true that Judge Bodiford and
[6] Judge Staley were at one time coworkers in the
[7] district attorney's office --
[8] A. Did not know that.
[9] Q. -- as assistant DAs.
[10] A. Did not know that.
[11] Q. Are you telling me that Judge Staley is
[12] the only judge that has seen this letter?
[13] A. I don't know. I just know that I gave it
[14] to her.
[15] Q. When did you give it to her, Mr.
[16] Chesshire?
[17] A. I don't recall.
[18] Q. Did you also supply this letter to Mr.
[19] Weaver, your attorney?
[20] A. No.
[21] Q. Isn't it true that Mr. Weaver presented me
[22] with this document during my deposition of May 25th
[23] in an effort to prove to me that the Supreme Court of
[24] Georgia approved the 1985 order?
[25] A. I wasn't there. That's on file.

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[1] Q. So let me go back. Maybe --
[2] A. I don't understand your question. The
[3] letter was written October 28th, 1985.
[4] Q. Calm down. Maybe I misunderstood you.
[5] Did you supply Mr. Weaver with this document?
[6] A. Did I give you that or not?
[7] MR. WEAVER: No.
[8] THE WITNESS: No, I didn't give him that
[9] letter.
[10] Q. (By Ms. Spann) I'm not about to ask you
[11] where you got it from. But you're saying that you
[12] wrote this, and you're saying you sent it to the
[13] Supreme Court?
[14] A. Yes, I did. And I copied Judge White.
[15] Q. Who typed this letter for you?
[16] A. Let me see the bottom of it. Debbie
[17] Matthews, DM.
[18] Q. What was Debbie Matthews' position back in
[19] 1985?
[20] A. She was the assistant. We only had two
[21] people, her and -- I think she was assistant jury
[22] administrator or jury something. I don't know what
[23] it was 22 years ago.
[24] Q. So this same Debbie Matthews typed the
[25] letter of May 19th? Let me go ahead and issue that

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[1] as an exhibit first.
[2] (Plaintiff's Exhibit 13 was marked for
[3] identification.)
[4] Q. (By Ms. Spann) Okay. You also submitted
[5] a memorandum to Judge Staley dated May 19th, 2003.
[6] A. Uh-huh.
[7] Q. And that was about three days before my
[8] job was taken. And here you're communicating with
[9] Judge Staley saying this memo will connect -- let me
[10] have you take a look at it first. Are you familiar
[11] with it?
[12] A. Yeah. Because she asked me did I receive
[13] anything after she got that letter from the Supreme
[14] Court authorizing that. And I said, no, Judge White
[15] told me he did. That's what it was.
[16] Q. "This memo will connect with our
[17] conversation of May 15th, 2003, concerning the order
[18] by the Cobb Superior Court Judges Council
[19] transferring pretrial court services to Magistrate
[20] Court." So you talked with her May 15th, 2003.
[21] A. If that's what the letter says.
[22] Q. Are you aware that Judge Staley had already
[23] sent Judge Cox a letter, one that we've gone over
[24] time and time again in March, March 19th, 2003,
[25] stating that pretrial was transferred in 1985 and it

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[1] was approved by the Supreme Court?
[2] A. No, I was not aware of.
[3] Q. I've shown it to you. So you're familiar
[4] with it; right?
[5] A. I wasn't aware of it.
[6] Q. You're familiar with it now.
[7] A. I saw it because you handed it to me, yes.
[8] Q. So she would write this letter March 19th,
[9] 2003, but yet needed clarification from you on May
[10] 15th, 2003; is that correct?
[11] A. You'd have to ask her.
[12] Q. Okay.
[13] A. I can't answer for her.
[14] Q. You go on to say, "At that time then Chief
[15] Judge Watson L. White indicated to me that he had
[16] received a letter from the Georgia Supreme Court
[17] indicating their approval of the order."
[18] A. Uh-huh.
[19] Q. Now, I don't know if you can see this, but
[20] I certainly can, that on this particular document --
[21] let me go ahead and mark it first.
[22] (Plaintiff's Exhibit 14 was marked for
[23] identification.)
[24] Q. (By Ms. Spann) On this particular
[25] document it looks like there was some cutting and

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[1] pasting done on it. There's another line, appears to
[2] be another line that was whited out.
[3] A. No. I don't even need to look at it.
[4] Q. In fact, going into the next sentence is a
[5] letter as though there was a sentence there, but
[6] somebody forgot to white it out. Are these forged
[7] documents, Mr. Chesshire?
[8] A. No, they're not forged.
[9] Q. Did you feel desperate when Judge Baverman
[10] hadn't bought your idea that this 1985 order had been
[11] approved and filed by the Supreme Court? Did you get
[12] afraid and you came up with what you thought was
[13] going to be some evidence to prove that?
[14] A. I had no idea what Judge Baverman, if
[15] that's what his name is, has done or not done.
[16] Q. But you're telling me you've had this
[17] since 1985?
[18] A. Yeah.
[19] Q. You've had this since 1985.
[20] A. Right in my drawer.
[21] Q. And no other Superior Court judge has seen
[22] it other than Judge Staley?
[23] A. You'd have to ask them. I don't know if
[24] I've given it to them or not. Why would they ask?
[25] Why would they ask? If they asked, they would have

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[1] gotten it.
[2] Q. They're named in a lawsuit.
[3] A. Then you have to ask them. I have
[4] literally millions of documents in my office from
[5] being court administrator for 20 years. If they ask,
[6] they shall receive. You would have to ask Judge
[7] Staley.
[8] Q. This October 28th, 1985, letter, did you
[9] supply it also to the attorney general's office to
[10] support your statements in your affidavit?
[11] A. If it was with the affidavit. If it
[12] wasn't, then I didn't provide it.
[13] Q. You didn't provide it. Okay. Did you
[14] provide this May 19th, 2003, memorandum to the --
[15] A. If it wasn't down there, I didn't provide
[16] it.
[17] Q. -- State attorney general's office?
[18] When did you discover that you had that
[19] October 28th, 1985, letter?
[20] A. I've had it since it was written.
[21] Q. What made you pull it out all of a sudden
[22] and give it to Mr. Weaver or however Mr. Weaver came
[23] about it?
[24] A. Because I went through my file.
[25] Q. You went through your file?

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[1] A. Uh-huh.
[2] Q. And this initial DM on the May 19th
[3] memorandum to Judge Staley from you, is that also the
[4] same Debbie Matthews that would have typed this same
[5] letter almost 20 years ago?
[6] A. I don't know. Probably, but I'd have to
[7] make sure. I don't know for a fact, though.
[8] Q. In the October 28th, 1985, letter you make
[9] a statement here, "This action was due to the fact --
[10] A. Let me -- I want to say something. Judge
[11] White got a response back. So that means they got
[12] the letter. So end of my conversation about that
[13] letter. Judge White got a response back. So that
[14] means the Supreme Court received the letter.
[15] Q. Did Judge White give you a copy of the
[16] letter --
[17] A. No.
[18] Q. -- as the court administrator?
[19] A. No.
[20] Q. In other words, he said if something
[21] happens to me tomorrow, you'll have this to show that
[22] the Supreme Court approved it?
[23] A. It's not unusual at all.
[24] Q. Well, you said something --
[25] A. I keep everything.

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[1] Q. Well, when you wrote this letter to --
[2] A. Ms. Williams.
[3] Q. -- Ms. Williams --
[4] A. On October 28th, 1985.
[5] Q. -- and you found out later that Judge
[6] White had received a response back, you're telling me
[7] you didn't get a copy of that response and attach it
[8] to the initial letter that you had sent?
[9] A. No. No, I did not. You can ask him that.
[10] Q. All right. Let me ask you this. Have you
[11] received any type of -- have you gone back to Judge
[12] White since all this has come about, this lawsuit,
[13] and asked him for a copy of whatever it was he
[14] received?
[15] A. Yeah. I went and spoke to him. I said,
[16] Judge, do you remember when pretrial was -- and you
[17] told me you had got something back? And he said,
[18] yeah, I did, but I don't know where it's at.
[19] Q. Oh, it's lost?
[20] A. You have to ask Judge White.
[21] Q. Okay. Now, you wrote the letter to
[22] Ms. Williams. Nowhere in the letter are you
[23] requesting that she respond back to Judge White. You
[24] are the author of the letter; is that correct?
[25] A. Uh-huh.

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[1] Q. But yet she responded back to Judge White.
[2] A. I didn't say she did. Judge White told me
[3] the chief justice, he believes, responded back to
[4] him, not Ms. Williams.
[5] Q. The chief justice?
[6] A. Uh-huh. Not Ms. Williams.
[7] Q. You also stated here that 95 percent of
[8] pretrial's work was done with the Magistrate Court.
[9] How did you arrive at that?
[10] A. Judge White told me that.
[11] Q. Do you know if Judge White ever had a
[12] conversation with me regarding the percentage of our
[13] caseload that was handled with Magistrate Court?
[14] A. No. I have no idea if he did or didn't.
[15] Q. Are you aware that the Magistrate Court is
[16] the only court of inquiry that does not adjudicate
[17] felony cases?
[18] I'm going to give you this. This is a
[19] copy of the Magistrate Court's website. Why don't
[20] you take a look at that.
[21] A. When was this pulled up?
[22] Q. This was as of June 1st, 2005. I showed
[23] it to Judge Cox a couple of weeks ago.
[24] A. All right.
[25] Q. Do you see anything on here that relates

[1] to pretrial services on the website?
[2] A. If you go to site contents and see about
[3] Magistrate Court, does it say anything there?
[4] Because a lot of times you got to go into the guts of
[5] it. The only reason I know that is Austin is an
[6] expert at computers, and he's taught me that. So if
[7] you clicked on "about magistrate court," I don't know
[8] if it would be there or not.
[9] Q. Is there anything on this sheet --
[10] A. That says pretrial?
[11] Q. Right.
[12] A. Not that I see.
[13] Q. What about the second page?
[14] A. No.
[15] Q. Does that second page list the various
[16] divisions of Magistrate Court?
[17] A. From what my knowledge of the divisions
[18] are, yes.
[19] Q. Do you see pretrial listed on that sheet?
[20] A. No, I do not.
[21] Q. Do you see anything about the adjudication
[22] of felony cases on this particular document?
[23] A. No.
[24] Q. You worked in pretrial; correct?
[25] A. A long time ago, yes, I did, 25 years ago.

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[1] (Plaintiff's Exhibit 15 was marked for
[2] identification.)
[3] Q. (By Ms. Spann) When you worked in
[4] pretrial, do you recall that the agency handled cases
[5] from arrests to final disposition?
[6] A. No.
[7] Q. From the time a person is arrested until
[8] time they're -- you don't remember that?
[9] A. Let me answer. From my understanding, we
[10] went down there, interviewed them to see if they were
[11] eligible for release from jail. Then we showed up to
[12] make sure they appeared for their court date, and
[13] that was it.
[14] Q. You don't recall that pretrial is tasked
[15] with supervising and monitoring defendants until
[16] adjudication?
[17] A. Oh, I'm sorry. And the judge could order
[18] them -- no. It was before, never afterwards. The
[19] judge, no -- at least when I was there, we just
[20] supervised them before. We never did anything
[21] afterwards. That was a State Court function.
[22] Q. I'm not talking about after.
[23] A. You said adjudication. Adjudication means
[24] after.
[25] Q. Okay. Once the case is finished.

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[1] A. Were over with, it's over.
[2] Q. That's when pretrial --
[3] A. -- is out of it.
[4] Q. So in your statement you're saying that 95
[5] percent of the cases are handled in Magistrate Court
[6] when Magistrate Court is not even a court that
[7] handles felony cases.
[8] A. You'd have to ask Judge White. He's the
[9] one that gave me that figure.
[10] Q. So the judge -- you're the court
[11] administrator, but everyone else gives you the
[12] figures and what to write in the letter?
[13] A. That's not true. Judge White gave me the
[14] figures for that letter. I had been the court
[15] administrator one month during that time. One month
[16] I was court administrator. I needed help. I had
[17] only been court administrator a month, and I asked
[18] for direction from Judge White.
[19] Q. You worked in pretrial. You knew that
[20] figure was way off, didn't you?
[21] A. I had not worked in pretrial prior to that
[22] for a long time.
[23] Q. You worked in pretrial up until '83. This
[24] was '85.
[25] A. You're right. But I didn't know the

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[1] figure.
[2] Q. And the Magistrate Court was implemented
[3] in '83; right?
[4] A. If you say so.
[5] Q. Pretrial had been in existence since 1973.
[6] So how did you arrive --
[7] A. You'd have to ask Judge White. I don't
[8] mean to be rude.
[9] Q. All right. We'll put it on Judge White.
[10] A. He's the one that gave me that figure.
[11] Q. All right. I want you to take a look at
[12] this particular document. We're just about done.
[13] Okay. Are you familiar with the United
[14] States Magistrate Judges Nonfinal Report and
[15] Recommendation?
[16] A. No, I'm not.
[17] Q. You have not seen it?
[18] A. No.
[19] Q. Let me have you take a look at it. It's
[20] quite a bit to read. Let me just direct you to
[21] certain areas.
[22] A. That's fine.
[23] Q. Let's go to Page 4.
[24] A. Okay.
[25] Q. It reads, "On July 1, 1985, the judges of

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[1] the Superior Court of Cobb County issued an order
[2] establishing a pretrial release program for
[3] plaintiffs as its director under the authority of
[4] that court through the office of court
[5] administrator." Is that an accurate or inaccurate
[6] statement?
[7] A. I'm not going to draw a conclusion what a
[8] judge does. So if that's what you're asking me to
[9] do --
[10] Q. No. I'm just asking you. Well, judges
[11] are human beings to. They make mistakes.
[12] A. I don't care. No. It says, "Establish a
[13] pretrial program circuit and shall function through
[14] the office of court administration." Yeah, that is
[15] correct. That's under the local rules.
[16] Q. But that's still an inaccurate statement?
[17] A. Well, I say it's not.
[18] Q. Haven't we ascertained already that
[19] pretrial court services for the Cobb Judicial Circuit
[20] was established, i.e., created in 1973?
[21] MR. WEAVER: Objection; argumentative.
[22] Q. (By Ms. Spann) The document that I showed
[23] you previously.
[24] A. No. Because under the Uniform Court Rules
[25] they asked the court, from my understanding at that

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[1] time, to go ahead and redo everything. So that would
[2] be an accurate statement because they did create it.
[3] Q. But it was already created. It was
[4] already an existing county department at the time; is
[5] that not correct?
[6] A. Yes.
[7] Q. It's a yes or no answer.
[8] A. I said yes. What? I said yes.
[9] Q. Okay. And on Page 5, it's actually the
[10] first complete sentence, said, "It appears that the
[11] Superior Court has had no authority over any
[12] personnel matters relating to any employees of
[13] pretrial court services at any time relevant to
[14] plaintiff's case." Is that a true statement?
[15] A. Yeah. Because I've had no authority over
[16] any personnel matters. I've been court administrator
[17] since 1985.
[18] Q. Well, you don't make up the entire
[19] Superior Court, do you?
[20] A. I'm the court administrator.
[21] Q. You're just the court administrator.
[22] A. Yeah. You'd have to ask any of the
[23] judges.
[24] Q. So is it safe to say that if any Superior
[25] Court judge has had any type of personnel,

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[1] administrative matters relating to pretrial, that this
[2] would be an incorrect statement?
[3] **A.** I'm not going to count on what the
[4] judge --
[5] **Q.** If you talk about what I mentioned to you
[6] earlier regarding the personnel issue that I had with
[7] Mr. Willis whereby Judge Kreeger placed him on
[8] employment probation for three months, he was
[9] subsequently terminated because of a drinking problem
[10] and also being arrested, if that were true, would
[11] this be a true statement?
[12] **A.** I don't know because I don't know the
[13] circumstances of that case with Judge Kreeger.
[14] **Q.** Also -- and it refers to your affidavit,
[15] see Chesshire affidavit, so he's relying on what you
[16] stated, but yet you don't know anything about any of
[17] these things that I'm covering with you regarding
[18] personnel.
[19] **A.** Not with Judge Kreeger, no.
[20] **Q.** It goes on to say, "In a letter dated
[21] March 3rd, 2003, to the chief judge of the Superior
[22] Court of Cobb County, the Honorable Mary Staley, the
[23] plaintiff acknowledged that throughout the time she
[24] had served as the director of pretrial court services
[25] she reported solely to the Chief Magistrate judge."

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[1] Is that a true statement?
[2] **A.** In a letter dated -- the judge -- to Judge
[3] Staley?
[4] **MR. WEAVER:** You're asking him to
[5] speculate about a letter you wrote.
[6] **THE WITNESS:** I don't know. I don't have
[7] any idea.
[8] **Q.** (By Ms. Spann) Did the pretrial services
[9] director prior to 1985 report to anyone other than
[10] the magistrate judge? In other words, did I ever
[11] report to anyone other than the court administrator,
[12] Superior Court administrator? I was there since
[13] 1983.
[14] **A.** Did you --
[15] **Q.** In 1985 is when the order went into
[16] effect. So is it a -- is this a true statement that
[17] I never reported to anyone else? My letter doesn't
[18] say this, but I believe the judge has gotten it
[19] confused. I'm asking you --
[20] **A.** In other words, have you ever reported to
[21] the court administrator?
[22] **Q.** Yes. That's what I'm asking you.
[23] **A.** Did you report to Mr. Herndon? Because he
[24] was the court administrator.
[25] **Q.** Right. Did I report to you as well?

[1] **A.** For that one month, yes.
[2] **Q.** Okay. So the magistrate judge is not the
[3] only person I've ever reported to for the Superior
[4] Court judges?
[5] **A.** Right.
[6] **Q.** Okay. And also Page 5 under A it says,
[7] "Superior Court Judges Council is made up of the
[8] judges of the Superior Court of Cobb County and
[9] functions solely as a group in order to promote the
[10] efficient operations of the Superior Court and its
[11] duties."
[12] Have we established that the Superior
[13] Court judges is not only a group, but they can hire
[14] individuals?
[15] **A.** Only their staff.
[16] **Q.** Did they hire you?
[17] **A.** Yes.
[18] **Q.** And to your knowledge they hired me based
[19] on the information that I presented to you? Based on
[20] the personnel action form -- you know Judge Bullard's
[21] signature?
[22] **A.** Yes.
[23] **Q.** And you also agree that they hired the
[24] Juvenile Court judge, Mr. Whitfield? Is that his
[25] name?

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[1] **A.** Yes; under Georgia law.
[2] **Q.** Did they also appoint -- what's the
[3] juvenile judge before that?
[4] **A.** Judge Schuster.
[5] **Q.** Did they also appoint Judge Schuster?
[6] **A.** Yes. Actually it was Judge Poole. Sorry.
[7] (Plaintiff's Exhibit 16 was marked for
[8] identification.)
[9] **Q.** (By Ms. Spann) Had you ever heard about
[10] the type of job I was doing as pretrial services
[11] director for the 23 years that I served?
[12] **A.** No, I never kept up.
[13] **Q.** Do you realize that my performance
[14] evaluation just three months, two months before I was
[15] thrown out of the department was an exceeds standards
[16] by Judge Cox?
[17] **A.** No.
[18] **Q.** And that all of my evaluations, including
[19] the ones that were done by Superior Court
[20] administration were all outstanding and distinguished
[21] performance?
[22] **MR. WEAVER:** Objection; assumes facts not
[23] in evidence.
[24] (Plaintiff's Exhibit 17 was marked for
[25] identification.)

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[1] **Q.** (By Ms. Spann) Are you aware that the
[2] relationship between the court administrator,
[3] Superior Court administrator, and the pretrial
[4] director was more or less that person, the court
[5] administrator, completed an evaluation of my
[6] performance for the Superior Court judges?
[7] **A.** I never did it, so I wouldn't know.
[8] **Q.** Are you aware that under the Uniform Court
[9] Rules that the hiring and firing of employees of
[10] pretrial is done by the pretrial director?
[11] **A.** I have no knowledge.
[12] **Q.** And not the court administrator?
[13] **A.** I have no knowledge.
[14] **Q.** Mr. Chesshire, you don't seem to have a
[15] whole lot of knowledge about anything pertaining to
[16] this case. Is there anyone else in the court who
[17] would be more up to speed, if you will, on the
[18] workings of the court, the functions of pretrial, the
[19] Uniform Court Rules, and the like?
[20] **A.** Not that I know of.
[21] **Q.** Do you think you were the best person to
[22] have signed a sworn affidavit to the highest law
[23] enforcement person in this state?
[24] **A.** Yes; because it said I never had any
[25] authority over pretrial, which I didn't.

[1] **Q.** Do you know whether or not all the judges
[2] who attended the March -- I'm sorry -- the May
[3] meeting agree with Judge Cox?
[4] **A.** I was not in the meeting.
[5] **Q.** And you haven't heard anything since. You
[6] have not had any communication with Judge Staley
[7] regarding how they voted --
[8] **A.** No.
[9] **Q.** -- and what was said?
[10] **A.** No.
[11] **Q.** Again, they had you sign an affidavit, and
[12] you have no knowledge of what even took place.
[13] **A.** No.
[14] **Q.** The last thing I want to show you is a
[15] letter that was sent to me just this past week from
[16] the clerk of the Georgia Supreme Court.
[17] **A.** Okay.
[18] **Q.** I took that 1985 order to her for a second
[19] time a couple weeks ago. And right before me she did
[20] another search, another thorough search, came back
[21] and told me it's not here, it's just not here.
[22] **A.** You mean the order the judges signed?
[23] **Q.** The 1958 order, yes, sir, is not there.
[24] **A.** Okay.
[25] **Q.** It has never been there. She even went a

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[1] **Q.** Did you perjure any information to that
[2] official?
[3] **A.** No.
[4] **Q.** You feel comfortable in what you stated to
[5] that official?
[6] **A.** 100 percent.
[7] **Q.** Do you feel comfortable that the
[8] information that you have provided has gone even to
[9] the federal judge?
[10] **A.** Yes.
[11] **Q.** And you stand by what you stated in terms
[12] of the --
[13] **A.** The affidavit.
[14] **Q.** -- the affidavit and also the authority
[15] that you allege that the Magistrate Court had over
[16] pretrial services?
[17] **A.** I didn't -- yes.
[18] **Q.** And your -- lastly, before I move to this
[19] last item, you're telling me that no Superior Court
[20] judge to your knowledge has stated that the
[21] magistrate judge had no authority over pretrial
[22] services?
[23] **A.** No.
[24] **Q.** Not one judge?
[25] **A.** Huh-uh.

[1] step farther and took that order before the justices
[2] of the Supreme Court. And guess what they told her.
[3] We can't certify what we don't have. They don't have
[4] it. It ain't --
[5] **MR. WEAVER:** Objection. You're assuming
[6] facts not in evidence. You're testifying.
[7] You're providing information.
[8] **MS. SPANN:** The letter speaks for itself.
[9] **MR. WEAVER:** It doesn't say what you just
[10] said.
[11] **THE WITNESS:** I sent the letter order.
[12] End of conversation. As far as a response to
[13] that, you need to speak with Judge White.
[14] Period. There's nothing else to say.
[15] **Q.** (By Ms. Spann) Are you familiar with
[16] Judge P. Harris Hines?
[17] **A.** Very much so.
[18] **Q.** Pretty close to Judge Hines, aren't you?
[19] At least you were at one time. We both were.
[20] **A.** Pretty close. I have a lot of respect for
[21] Judge Hines -- Justice Hines. Excuse me.
[22] **MR. WEAVER:** Is this your next exhibit
[23] here, this letter?
[24] (Plaintiff's Exhibit 18 was marked for
[25] identification.)

[1] Q. (By Ms. Spann) Judge Hines served on the
[2] Superior Court back in the seventies and eighties; is
[3] that correct?
[4] A. He was there when I was there. I don't
[5] know the dates.
[6] Q. Right. He was there. Wouldn't it be safe
[7] to say that he elevated to the Georgia Supreme Court
[8] in the early 1990s?
[9] A. Yes.
[10] Q. Around right after Judge Bodiford elevated
[11] to the Superior Court of Cobb County. They were in
[12] the paper together. That's how I remember that.
[13] That's how I remember so clearly because Judge
[14] Bodiford was just elected and Judge Hines was moving
[15] up.
[16] A. No. Judge Bodiford ran for an open seat.
[17] Q. I know he did in 1994. Judge Hines, if I
[18] can recall, was still on staff here. He was still in
[19] office. But he subsequently was elevated to the
[20] Supreme Court; is that correct?
[21] A. He was appointed by the governor to the
[22] Supreme Court.
[23] Q. Now, Judge Hines was also on the Council
[24] of the Superior Court Judges when I was appointed in
[25] 1983. Isn't that true?

[1] court clerk --
[2] A. You're asking me to find out what the
[3] Supreme Court did with this paper. Wanda, I don't
[4] know what they did. It was down there. It was
[5] mailed. What they did with it is their business. I
[6] don't know what they did with it. Who knows? All I
[7] know is Judge White got a response back. Go ask
[8] Judge white.
[9] Q. That you have not provided to this date.
[10] A. No.
[11] MS. SPANN: I'm satisfied with your
[12] deposition.
[13] MR. WEAVER: Okay. Is that it?
[14] THE WITNESS: Thank you.
[15] MS. SPANN: And have a great day.
[16] THE WITNESS: Thank you. You too.
[17] (A recess was taken.)
[18] THE WITNESS: One clarification, Juvenile
[19] Court -- the Superior Court judges appoint the
[20] Juvenile Court judges. They don't hire them.
[21] And they appoint that judge for a period of four
[22] years and then that judge comes up for renewal.
[23] That's the only clarification I had.
[24] MR. WEAVER: All right.
[25] (Deposition concluded at 12:20 p.m.)

[1] A. Yes. I would assume. I wasn't court
[2] administrator then, but he was a Superior Court
[3] judge.
[4] Q. Judge Hines also signed this 1985 order
[5] supposedly transferring the administration slash
[6] supervision, in other words, everything that you had
[7] to the chief magistrate judge.
[8] A. Uh-huh.
[9] Q. Guess what, Judge Hines was also sitting
[10] on that panel the other day when Ms. Welch took this
[11] before the justices. His name is also on the
[12] letterhead here.
[13] One would think that Judge Hines would
[14] say, "Wait a minute. I signed that 1985 order. It's
[15] down here."
[16] He didn't do that. Do you have any idea
[17] why he didn't stand up and say, "Hey, my name is on
[18] that 1985 order. Let's go take another look because
[19] it should be here"?
[20] MR. WEAVER: Objection; calls for
[21] speculation.
[22] THE WITNESS: I have no idea. Didn't they
[23] change clerks during that time period? Didn't
[24] Ms. Williams leave and Ms. Welch come on board?
[25] Q. (By Ms. Spann) It doesn't matter. The

[1] (Pursuant to Rule 30(e) of the Federal
[2] Rules of Civil Procedure and/or O.C.G.A.
[3] 9-11-30(e), the deponent and/or a party having
[4] requested the right to review the deposition,
[5] making corrections and/or changes and signing,
[6] for that purpose the errata pages have been
[7] annexed hereto.)
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[25]	(Original Exhibits 1 through 18 have been attached to the original transcript.)		

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[1] C E R T I F I C A T E

[2]

[3] STATE OF GEORGIA:

[4] COUNTY OF FULTON:

[5]

[6] I hereby certify that the foregoing

[7] transcript was taken down, as stated in the

[8] caption, and the questions and answers thereto

[9] were reduced to typewriting under my direction;

[10] that the foregoing pages 1 through 129 represent

[11] a true, complete, and correct transcript of the

[12] evidence given upon said hearing, and I further

[13] certify that I am not of kin or counsel to the

[14] parties in the case; am not in the regular

[15] employ of counsel for any of said parties; nor

[16] am I in anywise interested in the result of said

[17] case.

[18] This, the 27th day of June, 2005.

[19]

[20]

[21] Pamela L. Porter, CCR-B-2160

[22] My commission expires on the

[23] 31st day of March, 2006.

[24]

[25]

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[1] COURT REPORTER DISCLOSURE
[ORIGIONAL ON FILE]

[2]

[3] DEPOSITION OF: HOWARD WESLEY CHESSHIRE

[4] Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: "Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer, or the referral source for the deposition, with any party to the litigation, counsel to the parties or other entity. Such form shall be attached to the deposition transcript," I make the following disclosure:

[10] I am a Georgia Certified Court Reporter. I am here as a representative of Brown Reporting, Inc.

[11] Brown Reporting was contacted by the offices of Ms. Wanda Spann

[12] to provide court reporting services for the deposition. Brown Reporting will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b).

[14] Brown Reporting has no contract/agreement to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. Brown Reporting will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

[18] /s/ Pamela L. Porter, CCR-B-2160 6/20/05

[19] Signature of attorneys present: Date:

[20]

[21]

[22]

[23]

[24] Return this form after review and/or signatures to the court reporter for inclusion in the record. Please use reverse side for additional signatures.

[25]

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[1] DEPOSITION OF HOWARD WESLEY CHESSHIRE / PLP

[2] I do hereby certify that I have read all questions propounded to me and all answers given by me on the 20th day of June, 2005, taken before Pamela L. Porter, and that:

[4]

[5] 1) There are no changes noted.

[6] 2) The following changes are noted:

[7] Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition...with a statement of the reasons given...for making them. Accordingly, to assist you in effecting corrections, please use the form below:

[10] Page No. Line No. should read:

[11]

[12] Page No. Line No. should read:

[13]

[14] Page No. Line No. should read:

[15]

[16] Page No. Line No. should read:

[17]

[18] Page No. Line No. should read:

[19]

[20] Page No. Line No. should read:

[21]

[22] Page No. Line No. should read:

[23]

[24] Page No. Line No. should read:

[25]

[1] DEPOSITION OF HOWARD WESLEY CHESSHIRE / PLP
[2] Page No. Line No. should read:
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[11] Page No. Line No. should read:
[12] Page No. Line No. should read:
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[14]
[15] If supplemental or additional pages are necessary,
please furnish same in typewriting annexed to this
deposition.
[16]
[17] HOWARD WESLEY CHESSHIRE
[18]
[19] Sworn to and subscribed before me,
This the day of , 20 .
[20]
[21] Notary Public
My commission expires:
[22]
[23]
[24]