

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

ARICK WHITSON, GEORGIA)
CHAMPION BARBEQUE COMPANY,)
INC., d/b/a BBQ MASTERS,)
)
Plaintiff,)

v.)

CIVIL ACTION FILE NO.)
1-17-cv-01985-JPB)

CITY OF STOCKBRIDGE,)
GEORGIA, and ELTON)
ALEXANDER, in his)
Individual capacity,)
)
Defendants.)

December 11, 2019 10:00 a.m. Stockbridge, Georgia

This is the deposition of
ELTON ALEXANDER
taken at 275 Scientific Drive, Peachtree Corners,
Georgia; testimony is given before J. Robin Sawyer,
Certified Court Reporter, #4882-9574-0787-9168.

Signature reserved.

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INDEX TO PROCEEDINGS

	CROSS-EXAM	FURTHER EXAM	RE-CROSS-EXAM
By Mr. Hecht:	12		376, 386
By Mr. Gray:		359	
By Ms. Woodward:		375, 384	

Disclosure: Page 389

Certificate: Page 390

Errata: Page 391

TRANSCRIPT CODES

--	denotes interruption/change in
thought	
. . .	denotes incomplete thought
[sic]	denotes word/phrase written verbatim
(ph)	denotes word spelt phonetically
(indiscernible)	denotes word cannot be understood

INDEX TO EXHIBITS

Exhibits	Page
Exhibit No. 109, Notice of deposition:	16
Exhibit No. 108, Resp. to Interrogatories, 2017:	41
Exhibit No. 110, First supplemental response:	42
Exhibit No. 111, Second supplemental response:	42
Exhibit No. 112, Family Violence petition:	70
Exhibit No. 113, Arrest warrant:	73
Exhibit No. 114, Charges:	75
Exhibit No. 115, Divorce action:	77
Exhibit No. 116, Protective order, stalking:	80
Exhibit No. 117, Protective order, stalking:	83
Exhibit No. 118, 1989 arrest warrant:	91
Exhibit No. 119, 1995 assault allegation:	93
Exhibit No. 120, 2003 assault report:	95

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 121, County report:	99
Exhibit No. 122, Email chain, ethics report:	102
Exhibit No. 38, Email:	112
Exhibit No. 40, Email:	118
Exhibit No. 39, HCSD website:	128
Exhibit No. 123, Group chat:	135
Exhibit No. 124, Group chat, Atlanta group:	137
Exhibit No. 125, Social media posts:	139
Exhibit No. 127, Facebook post:	159
Exhibit No. 129, Facebook post:	167
Exhibit No. 40, Email:	171
Exhibit No. 126, Facebook re-post:	172
Exhibit No. 37, Email:	181

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 25, Social media post:	188
Exhibit No. 73, 2/11/17 email:	199
Exhibit No. 27, 2/11/17:	200
Exhibit No. 128, 3/10/17 post:	201
Exhibit No. 44, Text:	202
Exhibit No. 130, Email:	212
Exhibit No. 131, Email:	213
Exhibit No. 72, Email:	215
Exhibit No. 132, Email:	217
Exhibit No. 133, Email:	217
Exhibit No. 41, Email:	226
Exhibit No. 67, Email:	226
Exhibit No. 42, Email:	226
Exhibit No. 71, Email:	226

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 134, Email:	229
Exhibit No. 46, Social media post:	229
Exhibit No. 33, Email:	244
Exhibit No. 24, Email:	245
Exhibit No. 135, Health Department rating:	249
Exhibit No. 136, 8/5/19 post:	253
Exhibit No. 137, Email:	267
Exhibit No. 65, Email:	273
Exhibit No. 138, Message:	275
Exhibit No. 64, Email:	276
Exhibit No. 139, Post cross-messaging:	278
Exhibit No. 140: 1/21/19 Facebook messaging:	279
Exhibit No. 141, Facebook messaging:	281

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 6, Post Henry County:	281
Exhibit No. 142, Post:	283
Exhibit No. 143, Post:	284
Exhibit No. 144, Because We Care page:	287
Exhibit No. 145, Because We Care page:	287
Exhibit No. 146, Biography:	291
Exhibit No. 62, Email:	294
Exhibit No. 63, Email:	294
Exhibit No. 8, Message:	301
Exhibit Nos. 7, 9, 10, Complaint forms:	302
Exhibit No. 2, Letter of caution:	303
Exhibit No. D-3, First censure:	306
Exhibit No. 66, Social media policy:	309

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 148, Letter of censure:	311
Exhibit No. 75, Signed permit notice:	312
Exhibit No. 149, 501(c)(3) non-profit:	312
Exhibit No. 47, Cease and desist letter:	313
Exhibit No. 48, 6/15/17 summons:	316
Exhibit No. 28, Text:	317
Exhibit No. 150, 3/9/17 email:	322
Exhibit No. 36, Email:	324
Exhibit No. 29, 6/6/16, Code Enforcement inspection:	328
Exhibit No. 12, Letter:	334
Exhibit No. 13, Email:	336
Exhibit No. 14, Letter of complaint:	337
Exhibit No. 16, Post:	339

INDEX TO EXHIBITS CONTINUED

Exhibits	Page
Exhibit No. 17, Complaint:	340
Exhibit No. 21, Mayor Stuart complaint:	340
Exhibit No. 20, Complaint:	342
Exhibit No. 19, Complaint:	345
Exhibit No. 151, Code Enforcement note:	379
Exhibit No. D-152, Un-redacted information:	384

(Reporter's disclosure presented to counsel.)

1
2
3
4
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6
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P R O C E E D I N G S

10:11 a.m.

THE VIDEOGRAPHER: Today's date is December 11, 2009, [sic], and the time is approximately 10:09 a.m.

We are on the record for the video deposition of Elton Alexander in the matter of Arick Whitson et al. versus City of Stockbridge.

This deposition is taken at 275 Scientific Drive, Suite 2000, in the offices of Karen Woodward. The case number is 1-17-cv-01985-RWS.

Would all counsel present please introduce yourselves for the record.

MR. HECHT: Greg Hecht, counsel for Plaintiffs.

MR. WARNER: Michael Warner, counsel for Plaintiffs.

MR. GRAY: Harvey Gray, counsel for the City of Doraville, Georgia.

MS. BELLER: Marisa Beller, counsel --

MR. GRAY: Dora- -- I'm sorry. Oh, I'm sorry.

MS. BELLER: -- for Defendant Alexander.

MR. GRAY: I'm sorry. It's not Doraville. It's Stockbridge.

MS. WOODWARD: Karen Woodward, counsel for

1 Defendant Alexander.

2 THE VIDEOGRAPHER: The witness may now be
3 sworn in.

4 MR. HECHT: If you'd swear the witness.
5 Whereupon,

6 ELTON ALEXANDER

7 was given the oath and testified as follow:

8 CROSS-EXAMINATION

9 BY MR. HECHT:

10 Q This will be the deposition of Elton Alexander
11 for all purposes allowed under the federal rules.

12 Sir, you know you've been given the oath. Do you
13 understand the oath?

14 A Absolutely, yes.

15 Q Okay. Do you understand you have to tell the
16 truth, the whole truth, and nothing but the truth?

17 A Yes.

18 Q All right. Are you under the -- are you under
19 the influence of any intoxicants or medications that
20 will influence your ability to tell the truth today?

21 A No.

22 Q Okay.

23 MS. WOODWARD: Excuse me, Greg. Will we have
24 the same stipulation to reserve --

25 MR. HECHT: Sure.

1 MS. WOODWARD: -- objections as to the form of
2 the question or responsiveness of the answer?

3 MR. HECHT: That's acceptable to Counsel.

4 MR. GRAY: That's agreeable.

5 MS. WOODWARD: Thank you.

6 BY MR. HECHT:

7 Q And can you tell me, sir, what's your full
8 name?

9 A My full name is Elton Davis Alexander.

10 Q Okay. And can you tell me, what is your
11 address?

12 A [REDACTED], McDonough, Georgia
13 30253, Stockbridge city limits.

14 Q I presume so. Can you tell me, sir, what's
15 your phone number?

16 A My cell phone number is [REDACTED].

17 MS. WOODWARD: Can we not have that on the
18 record?

19 MR. HECHT: I want to have that on the record.

20 MS. WOODWARD: Is that your city cell phone?

21 THE DEPONENT: That's my personal cell phone.

22 MS. WOODWARD: Yeah. And y'all have to redact
23 it before you file the deposition. Isn't it easier
24 to take that off now?

25 MR. HECHT: There's no protective order in

1 place for personal information from --

2 MS. WOODWARD: Yes. But you have to check a
3 box before you file anything. Anyway --

4 MR. HECHT: I don't -- you know, let -- let's
5 keep going, and we can work on it later.

6 MS. WOODWARD: Okay.

7 BY MR. HECHT:

8 Q Do I have a city cell phone as well?

9 A I do.

10 Q What's your city cell phone?

11 A 678-713-8729.

12 Q Have you had a cell phone prior to the cell
13 phones that you had in 2016 and 2017?

14 A They have the same numbers, but I've had
15 additional phones.

16 Q Same phone? Who's your carrier -- who was
17 your carrier in 2016?

18 A My personal cell phone is Sprint.

19 Q Okay.

20 A And then with the city, we had T-Mobile, and
21 now we have AT&T.

22 Q What's your date of birth?

23 A ■ - --

24 MS. WOODWARD: And that --

25 MR. HECHT: That can go through. You can

1 redact it -- we can redact it later --

2 MS. WOODWARD: Okay. All right.

3 MR. HECHT: -- but I want it on the

4 transcript.

5 BY MR. HECHT:

6 Q What's your date of birth?

7 A [REDACTED].

8 Q Okay. Social security number can be redacted
9 as well.

10 What's your social security number?

11 A [REDACTED Redacted].

12 Q Can you tell me, sir, since January 1, 2016,
13 have you lived in the City of Stockbridge?

14 A Yes, I have.

15 Q When were you sworn in as a city official?

16 A January of 2016.

17 Q And that was your first time as a city-elected
18 official?

19 A Yes.

20 Q And that was as a city councilman?

21 A Yes.

22 Q And can you tell me, sir -- I did serve you
23 with a Notice of Deposition, with documents to be
24 produced -- were those given to your counsel over the
25 past few days?

1 A My counsel has provided me with a number of
2 documents over the past few days, yes.

3 Q Did you provide documents to your counsel to
4 give to us with regard to the Notice to Produce?

5 A My counsel has worked with me to produce all
6 those documents. I've given access to my personal
7 documents so that they could be produced.

8 Q Can you tell me, sir, did you -- let's just do
9 this: I'll make this Exhibit 109, even though it's out
10 of order.

11 (Exhibit No. 109 was marked for
12 identification.)

13 Let me give you a copy of Exhibit 109, which was a
14 Notice of Deposition and a Notice to Produce.

15 Did you comply with that Notice to Produce?

16 A Yes, we did.

17 Q Okay.

18 MR. HECHT: And I am presuming that counsel
19 provided those to me in the share links yesterday?

20 MS. WOODWARD: That is correct.

21 MR. HECHT: Okay. For the --

22 MS. WOODWARD: Or no, it was the day before, I
23 believe, and yesterday.

24 MR. HECHT: Okay. So for the record, I think
25 I received over 2500 page at 10:00 p.m. on the

1 night before yesterday and received additional
2 documents yesterday.

3 I have not been able to complete the entire
4 review of that and am noting that for the
5 deposition and purposes of we -- we need extended
6 time later.

7 MS. WOODWARD: Well, we would object to that.
8 Most of that that you requested is -- has no
9 relevance whatsoever to the case, in any event --

10 MR. HECHT: Well, tell us --

11 MS. WOODWARD: -- but we complied.

12 MR. HECHT: I would only know what I was able
13 to review as to relevance or not, but I appreciate
14 that.

15 BY MR. HECHT:

16 Q All right. Did you provide any text messages
17 in relation to that Notice to Produce?

18 A We have went through an exhaustive search of
19 my text messages over the past few years, and we have
20 produced everything that I am aware of that is in my
21 possession at this time.

22 Q I only saw one text message or -- no, that's
23 not true. I saw two text messages presented from you to
24 our firm in the last couple of years through this
25 litigation and request for production, and I saw none in

1 relation to the Notice to Produce.

2 Do you know of any other text messages that you
3 should've produced as a result of those requests for
4 production or Notice to Produce?

5 A I have turned over everything that I am aware
6 of that I recall at this time.

7 Q Okay. And can you tell me, did you search
8 your personal cell phones as well as your business cell
9 phones for those texts?

10 A I certainly did search -- do an exhaustive
11 search of all of these, my personal and city cell phones
12 as well.

13 That should be understood pretty clearly that this
14 has been a three-year process and that, you know, during
15 the time that this was going on -- this is a small
16 window into my life, when these ethics -- these
17 frivolous ethics complaints were filed. And during that
18 time, that was a snapshot.

19 Before that time and after that time, I had no
20 interactions about this particular case, because once
21 the ethics complaint was completed, that was the end of
22 it as far as I was concerned.

23 You know, in terms of my interaction or
24 communication about this case has been just some
25 additional -- I think Mr. Whitson was arrested, and he

1 was put in prison.

2 I think that particular -- might've -- around that
3 time, there was a Marietta Daily Journal or South
4 Neighbor -- Metro Neighbor article that was posted with
5 Mr. Whitson's prison photo. When that came about, then
6 there -- I may -- I posted that particular news article
7 because I thought it was relevant in the court of public
8 opinion.

9 Q In the court of public opinion. And did you
10 post that in your role as a city councilman? Would that
11 be correct?

12 A I posted that in my -- as a freedom of
13 speech -- using my freedom of speech right, so . . .

14 Q Yes, sir. That's not what I asked you. I
15 asked you if you posted it as a -- you can just tell me.
16 Was it as an individual or city councilman, or a
17 combination of both?

18 A It's a combination of both. Because I
19 interact as -- I'm Elton -- Councilman Elton Alexander
20 24 hours a day, whether I'm serving in an official
21 capaci- -- capacity or not, but I exercised my freedom
22 of rights.

23 And during this exhaustive testimony, where we had
24 an independent investigator that cost the city \$10,000,
25 it was asserted at that time that our city charter only

1 applies to our official acts in meetings. And anything
2 that we do outside of that is not covered by our city
3 charter. So I exercised freedom of rights as a
4 freedom -- freedom of speech advocate.

5 Q So your city charter at present, in your
6 belief, does not cover the acts which you took in
7 relation to the plaintiff's; is that right?

8 MS. WOODWARD: Object to the form of the
9 question.

10 MR. HECHT: He brought up the city charter; I
11 didn't.

12 BY MR. HECHT:

13 Q Go ahead.

14 A I -- I -- what I think in this particular
15 situation, like I said, it's kind of -- you serve in
16 that role in a 24-hour capacity.

17 But in terms of this particular action, this is 100
18 percent city-related, because it was a -- a complaint
19 that was filed against me in terms of my official role
20 and capacity, a 100-percent fictional account that was
21 made up by the whole cloth. There is no truth to it at
22 all. And it was brought against me in my official role.

23 So there was two -- there was not just an official
24 city role; there was a -- a court of public opinion that
25 need -- had to be addressed. And during the court of

1 public opinion, my reputation was being soiled.

2 Yeah, I would just say that in this particular
3 action, Mr. Whitson is the -- is the plaintiff. In an
4 all-true fashion, the real victim here is me. Because
5 the story that he made up is totally fictional, it's a
6 lie, but he chose to make that up to bring this action
7 to shake down the city.

8 But this is what we face as elected officials, and
9 it discourages good people from running for office. It
10 really does.

11 Q And you would agree that shaking down someone
12 is an issue of public concern; right?

13 A I would agree that shaking down someone -- but
14 I disagree with the assessment of who was getting shaken
15 down. The city is being shaken down by you, Mr. Hecht,
16 and Mr. Whitson.

17 Q Do you have some belief that I have a
18 contingency interest in this case?

19 A I think that you have repeatedly sued the city
20 with Mr. Lee Stuart, and you have been a plaintiff
21 attorney in several actions against the city. And I
22 think you've made a pretty good living off of suing the
23 city, sir. Yes, I do.

24 Q Do you believe that when Mayor Stuart sued to
25 override the wrongful override of his veto, because the

1 city wanted to put a highway to nowhere, that he was
2 outside of his rights to do it?

3 MS. WOODWARD: Object to the form of the
4 question.

5 MR. HECHT: He's the one that said it; not me.

6 BY MR. HECHT:

7 Q Do you think Mayor Stuart was wrong to sue to
8 make sure that his veto was upheld to not spend over
9 \$1 million of the City of council -- the City of
10 Stockbridge's money on a highway to go to nowhere?

11 A I'm not -- what highway is that, sir? What
12 particular highway are you mentioning?

13 Q The alleged bypass that at the time the city
14 passed with the old administration, that I thought
15 actually you railed against in your campaign. But maybe
16 I'm wrong.

17 A Are you talking about the East Atlanta Road
18 extension? Is that what you mean?

19 Q It was a bypass that was going to go past a
20 particular councilman's land and take his land, a prior
21 councilman. Were you for that?

22 MS. WOODWARD: Object to the form.

23 THE DEPONENT: I -- I don't under -- I want to
24 understand the particular road project. If you're
25 talking about the East Atlanta Road extension, I

1 was for the East Atlanta Road extension. It's a
2 viable project that's in the city that needs to
3 move forward for connectivity in our area.

4 If you're talking about the Campground Road
5 extension, what was coming through my community,
6 it's -- it's a project that has moved forward
7 through the time. The road was not approved long
8 before I took office, so I didn't have a position
9 on it originally.

10 BY MR. HECHT:

11 Q You -- you said that the lawsuit that we
12 brought for Mayor Stuart --

13 A Uh-huh.

14 Q -- which was to uphold his veto, was basically
15 a shakedown; right?

16 MS. WOODWARD: Object to the form.

17 MR. HECHT: I didn't bring it up; your client
18 did.

19 THE DEPONENT: I think that, again, Mr. --

20 BY MR. HECHT:

21 Q Well, was it a shakedown?

22 A I think that Mr. Stuart's service and his time
23 in office was very contentious, and it is a black eye on
24 the City. I do think that. And --

25 Q So you have no opinion on the lawsuit that --

1 A I'm -- I'm --

2 Q -- that verified the veto he had?

3 A I am not in possession or knowledgeable about
4 the particular facts that you are asserting about. I
5 want more information so that I completely understand
6 the question that you're asking me, because I don't
7 know -- you can't even tell me what road you're talking
8 about. So I don't know what you -- completely what you
9 mean.

10 Q How can you say the lawsuit against the city
11 that Mayor Stuart brought to uphold his veto was a
12 shakedown when you don't know the facts?

13 A I would say --

14 MS. WOODWARD: Object to the form.

15 THE DEPONENT: -- that there have been
16 multiple lawsuits by Mr. Stuart against the city.

17 BY MR. HECHT:

18 Q Which lawsuit was a shakedown?

19 A I would think that Mr. Stuart has been -- has
20 been -- on this suit, he was actually removed from the
21 city. He resigned -- or -- because of those particular
22 legal entanglements with the city.

23 If you're asking me, in my opinion, he's behind
24 this right here. I think he is. But that's my opinion.

25 Q I'm going not asking your opinion; I'm asking

1 you to state the facts.

2 A Uh-huh.

3 Q You said Mayor Stuart's lawsuits were a
4 shakedown. What in particular about his lawsuits were a
5 shakedown that were frivolous?

6 A I think -- as I said earlier, I think
7 Mr. Stuart -- that's my opinion.

8 Q Opinion of what? Based on what?

9 A That's my opinion of my interaction of being a
10 Stockbridge resident and seeing what has taken place in
11 the city. There was multiple lawsuits that were filed
12 by you and Mr. Stuart --

13 Q Fine.

14 A -- over time.

15 Q You -- you've claimed that these lawsuits are
16 a shakedown. What's the shakedown facts that you're
17 talking about?

18 MS. WOODWARD: Object to the form.

19 THE DEPONENT: I have given you my opinion on
20 this particular case.

21 BY MR. HECHT:

22 Q What's your opinion based on?

23 A My opinion is based on what I have observed
24 over the time and my experiences, and my experiences
25 with your client and my experiences with Mr. Stuart over

1 time.

2 Q When Mayor Stuart's lawsuits to uphold a veto
3 to stop a million dollars of city expenditures, what was
4 frivolous about the suit and what constituted a
5 shakedown?

6 MS. WOODWARD: Object to the form. You're
7 mischaracterizing his testimony.

8 THE DEPONENT: You have yet to provide me with
9 the name of the road. And you're the plaintiff's
10 attorney. And you don't even -- I mean, if you can
11 tell me the name of the road or -- or of something
12 specific about the case, I can answer that question
13 with certainty. But until you have provided me
14 with enough facts to answer the question --

15 BY MR. HECHT:

16 Q You don't know the facts of the lawsuit that
17 you called frivolous and a shakedown?

18 A I think that --

19 MS. WOODWARD: Object to the form.

20 THE DEPONENT: -- there are multiple lawsuits.
21 And when I said I think that that are multiple --
22 are there multiple lawsuits?

23 BY MR. HECHT:

24 Q What -- you're the one that said they were a
25 shakedown. What --

1 A I just want to know --

2 Q -- in the lawsuits constitute a shakedown?

3 What facts? What do you base your opinion on?

4 A I want to base my opinion on the correct
5 lawsuit. There were more than one.

6 Q Okay. Since you've said they're shakedowns,
7 do you even know what they were about?

8 A I know that they were about the mayoral
9 authority of Mr. Stuart versus what the -- his role
10 being in the city versus what the city council's role
11 were.

12 Between his authority as mayor and the city
13 council's authority, those were the basic crux of what
14 was going on. I --

15 Q Okay. So what was frivolous about it?

16 A I think that in terms of how Stockbridge
17 operates now, we clearly understand the mayor's position
18 does not have that much power in our city.

19 The council -- three members in the council vote as
20 a majority, but the mayor simply signs off on
21 legislation that is sent his way. And it's been that
22 way for quite some time now.

23 Q Do -- do you know what it takes to veto -- do
24 you know what it takes to override a veto in your own
25 city?

1 A I do.

2 Q What is it?

3 A Okay. In the past, it took a whole -- it took
4 five votes. We changed that to make it four votes.
5 Currently, it takes four votes in order to override a
6 veto. Previously, it took a -- it was -- had to be
7 unanimous, I believe.

8 Q Right. Did you know that the first suit that
9 the city attorney, based on what you are talking about,
10 gave an opinion that three votes, a majority of the
11 council could override a veto and that the lawsuit that
12 was brought against the city was exactly for the reason
13 you said, that the charter provided that it had to be
14 unanimous to override a veto?

15 We brought that lawsuit based on exactly what you
16 said, and the judge told the city they'd better settle
17 because they were wrong.

18 MS. WOODWARD: Object to the form of the
19 question.

20 BY MR. HECHT:

21 Q So now my question is: Why was it frivolous?

22 MS. WOODWARD: Object to the form. You're
23 mischaracterizing his testimony.

24 THE DEPONENT: I gave --

25 MR. HECHT: I know the lawsuit; he doesn't.

1 THE DEPONENT: I gave -- again, I gave my
2 opinion. I stand by my opinion. I do.

3 BY MR. HECHT:

4 Q Your opinion is that the old charter, which is
5 what we sued under, required a unanimous vote of the
6 council, which is exactly what our lawsuit said, to stop
7 a million dollars of frivolous spending by the city.

8 So what is frivolous and abusive about the lawsuit
9 that was a shakedown?

10 MS. WOODWARD: Object to the form.

11 THE DEPONENT: And, again -- I would simply
12 say, again, it depends on what road projects.
13 Because the East Atlanta Road extension is a
14 project that we intend to move forward with at some
15 point in the future, because it's a -- it is a
16 corridor, or artery, that needs to be unclogged.

17 So --

18 BY MR. HECHT:

19 Q It wasn't that road.

20 A -- I need to know what particular road project
21 you're talking about.

22 Q But you agree at time Mayor Stuart was the
23 mayor, it took a unanimous vote of the entire city
24 council to override a veto; correct?

25 A That's what the chart -- the charter called

1 for.

2 Q Okay. And that's what the lawsuit's about.

3 All right. So now, you're not -- when you said you
4 produced text messages related to the complaint brought
5 by Mr. Whitson, did you not bring -- did you not search
6 for any other texts related to the allegations in the
7 lawsuit, such as code enforcement, sign permitage,
8 alcohol permit, retaliation, and the statements that you
9 made against BBQ Masters and Mr. Whitson?

10 MS. WOODWARD: Object to the form.

11 You can answer.

12 THE DEPONENT: There was an exhaustive search
13 from A to Z, including all of the above that you
14 have mentioned; yes, an exhaustive search.

15 BY MR. HECHT:

16 Q What does that mean?

17 A That means that we went through all of the
18 text messages that I had in my possession that we could
19 recall in regards to every line item.

20 My attorney met with me on several occasions over
21 the course of the last three years to review all
22 documents that were submitted by your side so that we
23 could verify that we were compliant with every request
24 that was made.

25 She was very diligent in making sure that I

1 understood what the requests were. And we -- and I
2 complied with those requests.

3 Q Did you go over each allegation point in the
4 complaint and verify it against your text message
5 history?

6 A We went over every -- we went over every --
7 absolutely every one of these documents and requests
8 that you have submitted over the last three years, which
9 have been exhaustive and, in our opinion, sometimes
10 overkill.

11 But we -- I went over every last one of my devices
12 to make sure that these text messages that I had in my
13 possession, or that I recall, would've been turned over
14 to you.

15 So everything that I recall -- and this has been a
16 three-year process -- I have given it to you.

17 Q When you say recall, did you think about it
18 first and then check your phone, or did you check your
19 phone and then think about it? You understand what I'm
20 asking you?

21 A No, I don't.

22 Q Okay. So if you had a text message between,
23 let's say, you and Michael Harris, did you go look in
24 your phone and check for Michael Harris texts? Or did
25 you go: I can't remember a text, so I'm not going to

1 check?

2 A It was an exhaustive search. I would done --
3 would've done both of those. I would've thought about
4 Michael Harris. I would've looked for texts from
5 Michael Harris. I would've looked for texts from any --
6 any city councilmember or any person that I thought was
7 involved in this particular case.

8 Q You said would've. Did you?

9 A I did.

10 Q Okay. Now, when was the first time that you
11 received communications about complaints about your
12 service as a city councilman outside of the plaintiff's
13 after you took office?

14 A I'm a very political animal in Henry County.
15 I serve at the pleasure of the people. And I just -- I
16 was just reelected by the same people over the course of
17 time.

18 I would simply say that I have been a public figure
19 since 2012, and at that time I brought a following with
20 me to office, many of the people who I interact with,
21 some online, some trolls, some individuals who -- in a
22 county with -- that's very transformative where we're
23 moving from a very conservative county of 20 to 30 years
24 ago to a -- what we call a purple county now, where it
25 might be -- it might go either ways.

1 And the county, it is -- in the city, are polarized
2 in many areas. And we have a contingent who wants to be
3 more progressive and be a part of metro Atlanta, and
4 then we have another segment that does not even want to
5 be associated with metro Atlanta. And it's a pull
6 between unelected officials.

7 Now, I've been out front in wanting to see us move
8 forward and become -- and become a integral part of the
9 metro Atlanta region and cog in that system, and to
10 access the funding that was due to the city and that was
11 available to the city.

12 Q Yeah. I -- I --

13 A I have -- I have --

14 Q I got that.

15 A I have -- I have -- I have had many -- I have
16 had some complaints throughout that time. And many of
17 those individuals complained -- complained about social
18 media interactions, which, again, I pursue myself and I
19 am a First Amendment advocate.

20 You talk about the things online that matter to
21 you. Might not necessarily have to do with city
22 business; it simply has to do with what -- the public
23 discourse. We talk about current events and such
24 things.

25 But do I recall what the first -- the very first

1 complaint is? The answer to that would be no.

2 Q All right. When is the first time that you
3 best remember receiving complaints from any citizen or
4 business or official in relation to how you post on
5 social media once you became a councilman?

6 A I think I hear about that, because, again, I'm
7 a very political animal that lives in Henry County and I
8 talk about current subjects that -- there are members of
9 my council who actually disagree with or have a mayor
10 actually object to -- and different questions or -- and
11 when I say that I'm a First Amendment advocate, I am.

12 MR. HECHT: I'm going to object to
13 responsiveness.

14 BY MR. HECHT:

15 Q Councilman, when is the first time that you
16 gained a complaint once you were councilman for your
17 actions as a councilman?

18 A I'm in the process of doing that. I -- in
19 the -- in the midst of talking with my councilmembers
20 and being a First Amendment advocate, I have said to
21 them: If I attain a piece of information and that
22 information is not confidential, I feel like the public
23 has a right to know.

24 And Councilwoman Gantt and Mr. Blount, they're more
25 conservative. They're very protective of the

1 information that comes out.

2 But I don't think it's up to me to decide what
3 information that the public gets. If the information is
4 not confidential, then the public should have it.

5 The first complaints probably came from -- that I
6 recall, came from Mr. Blount -- John Blount --
7 Councilman Blount and Councilwoman Lakeisha Gantt.

8 Q And when was that?

9 A Early on, maybe in the first two to three
10 months of service.

11 Q And how did that come to you?

12 A Some -- a lot of it came through social media,
13 and just interactions and responses. And then I would
14 receive some emails to our city accounts or -- or door
15 discussions or public meetings.

16 Q And did you provide copies of those complaints
17 to your counsel to provide to the plaintiffs that
18 requested them in Request for Productions 12 through 14?

19 MS. WOODWARD: Object to the form.

20 THE DEPONENT: The city did an exhaustive
21 search of all complaints and everything registered.

22 And my counsel and I, we -- we've done an
23 exhaustive search of -- of the same to make sure
24 that everything that was requested by plaintiff
25 attorney, that we have delivered.

1 And to the best of my knowledge, we have done
2 that.

3 BY MR. HECHT:

4 Q Okay. So for the record, you're saying:
5 First, you had complaints from Councilperson Gantt and
6 Blount through social media; is that correct?

7 A Yes.

8 Q All right. For the record, I haven't received
9 those complaints. And I'm presuming that you can just
10 print those off; right?

11 A When you say complaints, sir, I mean -- when
12 you say complaints, I'm not talking about formal
13 complaints; I'm talking about interactions between --
14 where they might have come on my -- well, particularly,
15 Councilwoman Gantt.

16 She is a very social media person. She might've
17 came on the page and typed in some particular comment,
18 not necessarily a complaint. It would've been a
19 disagreement.

20 Let me rephrase that and say not necessarily a
21 complaint but a disagreement with a point or a
22 contention that I had made online. Not necessarily a
23 complaint.

24 Q What was that -- what was that comment or
25 criticism?

1 A It would -- well, it would really depend on
2 what the particular subject -- what the particular
3 subject matter was.

4 Q Okay. What was it?

5 A It would depend, like I said, on the
6 particular subject matter at that particular time. As I
7 recall back over that time, some of the -- some of the
8 disagreements came in how we -- as I campaigned in 2015,
9 about the amount of lawsuits that the city would --

10 Q Generate?

11 A -- would generate over time.

12 Q And that's because of the actions they took;
13 right?

14 A That would be because we had folks in the
15 county who were very litigious and that -- that would,
16 from time to time, file frivo- -- frivolous lawsuits
17 against the city and we, the city, would have to
18 respond.

19 But in the case of the downtown development
20 authority, I wanted that to be solved. I really wanted
21 that situation to be taken care of, and I wanted it to
22 be resolved. And even before I took office, those --

23 Q But what was it -- so I don't have these
24 informal complaints or criticisms that were posted on
25 social media by Councilwoman Gantt and Councilman

1 Blount. And do you have them still?

2 A My social media posts on my page are still the
3 same as they were today, when we -- when we started. We
4 don't -- they're still there, and nothing has been
5 changed on my page.

6 You can review them at any point. We have turned
7 over everything that you requested in terms of what we
8 had in our possession.

9 Q All right. So for the record, everything on
10 your social media page, Because We Care Henry, as of
11 January 1, 2016, is the same today; is that correct
12 under oath?

13 A I have -- I have not deleted -- there have
14 been changes subsequent to different things that may
15 have come about, like a misspelled word or something
16 that I may have had to go back to do or particular facts
17 came to my attention.

18 But, to the best of my knowledge, that I recall, I
19 have not made any substantive changes to anything
20 dealing with this litigation or complaints.

21 Q So to your knowledge, nothing has been deleted
22 from your Because We Care Henry or other -- other social
23 media sites from commoners since January 1, 2016; is
24 that right?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: To the best of my knowledge, I
2 have not gone back to alter any information or
3 change any facts pertaining to that as it occurs --
4 as it refers to -- there have been some changes
5 along the way, as I said, in terms of verbiage of
6 when some facts came to my attention.

7 In particular --

8 BY MR. HECHT:

9 Q How about deletions, Councilman? Have you
10 deleted any comments or posts because you're on the
11 Because We Care Henry page or any other of your social
12 media sites since January 1, 2016, to today?

13 A I could not say that, because I do -- you
14 know, it's been three -- it's been three and a half to
15 four years. I don't know the answer to that. It's
16 possible.

17 Q So you may have --

18 A It's possible.

19 Q You may have deleted some comments?

20 A It's possible, yes.

21 Q Okay. You may have deleted some comments
22 since the lawsuit was filed?

23 A I don't believe I deleted any comments in
24 relation to this particular lawsuit. I don't think
25 that -- I know that I did not intentionally go out to

1 delete any facts from this case, and -- I did not do
2 that. I know that.

3 Q And you didn't make any clarifications after
4 the lawsuit was filed either; correct?

5 A No, I don't -- no, I did not. I don't -- no,
6 I did not make any -- we've made some amendments to
7 statements that we -- that we have turned over to you as
8 we have -- as facts have come our way and we collect
9 things that come --

10 Q Wait, wait, wait, wait. What do you mean
11 you've clarified facts that have been posted on social
12 media related to the case? What have you amended or
13 clarified?

14 A When I say -- let me -- let me make sure that
15 I didn't misspeak. We have not changed anything. What
16 we have done is that as we -- this has been a long,
17 exhaustive search. And I do sometimes seven or eight
18 posts a day for the last five or six years.

19 I have given my attorney access to all of my
20 Facebook files. They've done an exhaustive search.
21 I've given them access to my email. They've done an
22 exhaustive search.

23 So we can definitively say that we have searched
24 and we have done our due diligence to discover
25 everything or anything as I -- not just my word. But

1 they have had an opportunity to go through all of these
2 facts on the email and on the social media.

3 Q So did your counsel go through your social
4 media sites or did you go through your media sites, or
5 both of you?

6 A Both of us.

7 Q Okay. And which social media sites are we
8 referencing?

9 A All of them.

10 Q What are they?

11 A Because We Care Henry, Stockbridge Atlanta
12 South, Progressive Henry, Georgia Black Municipal
13 Association, Community Development for Real People, and
14 the now de-active I Love Stockbridge page, Because We
15 Care Metro Atlanta, my blog bwcatlantasouth.com.

16 Q Did you provide all responsive social media
17 posts and comments from all of those social media sites
18 in relation to the discovery request we made?

19 A To the best of my knowledge and everything
20 that I recall, yes.

21 Q Okay. I'm going to give you Exhibit 108,
22 which is your initial responses to interrogatories that
23 we served on you in 2017.

24 (Exhibit No. 108 was marked for
25 identification.)

1 And then I'm going to also give you a copy of what are
2 now supplementary responses, I believe, as well.

3 MR. HECHT: I know you have these, but I'll
4 give them to you. This will be 110.

5 (Exhibit No. 110 was marked for
6 identification.)

7 MS. WOODWARD: Was this not 110?

8 MR. HECHT: That's --

9 MS. WOODWARD: Oh, that's 108.

10 MR. HECHT: -- 108, 110.

11 BY MR. HECHT:

12 Q And then you, yesterday, I believe, provided
13 second supplemental responses in the afternoon.

14 MR. HECHT: And this is 111. I've only got
15 one copy of that. I think that's for Harvey
16 because y'all have it.

17 (Exhibit No. 111 was marked for
18 identification.)

19 BY MR. HECHT:

20 Q All right. Mr. Alexander, let's first talk
21 about your job history. So in response to Interrogatory
22 No. 2, which I believe you've verified all of your
23 responses as of -- your initial responses as well as
24 yesterday, your first and supplemental responses, under
25 penalty of perjury, that the foregoing is true and

1 correct. Is that correct?

2 A Which one have you got?

3 MS. WOODWARD: Where -- where are you on --

4 BY MR. HECHT:

5 Q First, look at 108. Then look at 110. Then
6 look at 111.

7 MR. GRAY: What's 108 --

8 MS. WOODWARD: Which one?

9 MR. GRAY: -- what's 110, and what's 111?

10 MR. HECHT: 108 is the first responses by
11 Plaintiff Alexander to our -- excuse me; Defendant
12 Alexander to our first interrogatories.

13 Then 110 is the first supplemental responses,
14 and then 111 is the second supplemental responses
15 that were served yesterday afternoon.

16 MR. GRAY: Okay. Did we skip 109, or is there
17 a copy that's coming in --

18 MS. WOODWARD: That was the notice to -- the
19 deposition notice was 109.

20 MR. GRAY: Okay. I got it. Okay.

21 BY MR. HECHT:

22 Q All right. And your answers, if you look at
23 the last page of 108 and the last page of 111, is it
24 correct that you verified these under penalty of
25 perjury? Is that correct?

1 A My work history, you mean?

2 Q All your answers to the interrogatories
3 including the ones to the work history.

4 A Yes.

5 Q Okay. Now, can you tell me with regard to
6 your answer on your work history: Is that your entire
7 work history as reflected, I guess, in your last
8 supplemental responses in 111?

9 Oh, excuse me; it looks like it's in your second --
10 it's in your first supplemental responses, which is 110.

11 MS. WOODWARD: Page 7.

12 BY MR. HECHT:

13 Q Page 7 and 8.

14 A Yes.

15 Q All right. And can you tell me: Your first
16 particular note is that, of course, you're a city
17 council person and you've just been re-elected; correct?

18 A Right.

19 Q And then you were a realtor with Better Homes
20 and Gardens Metro Broker -- or are one with Metro
21 Gardens -- Metro Broker from February of 2017 to the
22 present; is that correct?

23 A Independent contractor, yes.

24 Q Okay. And then you were a -- you owned
25 Community Home Services from 2013 to the present. What

1 is that?

2 A What we do is we provide referral services to
3 particular -- it kind of complements what we do in terms
4 of my home sales, if somebody needs repair work done
5 around the house. It's basically inactive. I do a
6 little bit here and there. It's not anything major.

7 Q Is that incorporated?

8 A Yes.

9 Q Okay. And what's the name of the corporation?

10 A Community Home Services, LLC.

11 Q And can you tell me: Are you the hundred
12 percent member of that?

13 A Yes.

14 Q And then you were a realtor with Keller
15 Williams from January through February of 2017; is that
16 right?

17 A I was. I had just gotten my real estate
18 license, and this is my attempt to change careers. And
19 right after I did that, I lost my job because
20 Mr. Whitson filed this fictitious complaint against me.

21 Q Who is it that fired you from that job?

22 A I was terminated by the -- my contract was
23 terminated by Keller Williams, the owner. I don't
24 know -- I can't remember his name now. They called me
25 into the office and said this is what's going on and we

1 will have to separate.

2 Q Okay. Who was it that called you in the
3 office?

4 A I think the own- -- I don't remember. I think
5 the owner's name is Tom. I'm not sure right now.

6 Q What's Tom's last name?

7 A I don't recall.

8 Q You don't remember the person who terminated
9 you from Keller Williams?

10 A I don't. It was such a brief time. I was
11 only there for like two months. Lindsey Morton is
12 the -- was the -- was the -- she was the site office
13 manager, and she -- I dealt mostly with her.

14 She just -- that was the first time I had met them
15 when she set up the -- they set up a meeting. And they
16 called me in, and she sent me in there, and it took
17 about five minutes.

18 Q What happened in that five minutes? What did
19 they say?

20 A In the five minutes, they said: We have
21 become aware of these ethics complaints -- because it
22 was on Channel 2 and Channel 5 and Channel 11 -- and
23 that, you know, we're very protective of our brand. And
24 we don't know how this is going to come out, so it's
25 best that we end our relationship.

1 Q Had any complaints been filed at you at Keller
2 Williams outside of this?

3 A Not that I'm aware of or I recall.

4 Q Were there any employee complaints about you
5 at all during your time at Keller Williams?

6 A The only thing that I recall about being at
7 Keller Williams is a person who was a Tea Party
8 republican, Robert Payne. He is persistent -- has been
9 an advocate in trying to stop us from doing a lot of the
10 changes and movements that we made in the county.

11 He was always in the ear of ownership and -- about
12 anything or everything that was going on with me. And
13 I'm pretty sure he was the one that dialed in the
14 ownership.

15 Q You're not stating that Mr. Whitson is a
16 republican, are you?

17 A I don't know what political persuasion
18 Mr. Whitson is.

19 Q You have no knowledge of Mr. Payne knowing Mr.
20 Whitson, do you?

21 A No, I do not.

22 Q Okay. But Mr. Payne is the one that
23 complained to Keller Williams' management, by your
24 testimony; is that correct?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I don't have knowledge of the
2 fact that Mr. Payne did that. But I know Mr. Payne
3 did -- he did relay to Lisa Alexander that -- and
4 if -- in the messages that we turned over to you,
5 there was a brief exchange between myself and
6 Melissa -- and Lisa -- and Lisa Alexander where she
7 was telling me that Mr. Payne had been complaining
8 about me; yes.

9 BY MR. HECHT:

10 Q And what was he complaining about?

11 A Mr. -- I -- I don't exactly know what he was
12 complaining about. He was telling her about the ethics
13 complaints, I believe. And that was a person-to-person
14 kind -- a person-to-person communication, not any
15 written or text or anything like that. It was face-to-
16 face at the office.

17 Q Is Lisa Alexander related to you?

18 A No. She's a white female, and she just
19 happens to be named Alexander.

20 Q Okay. And did she say exactly that Mr. Payne
21 was complaining about the ethics complaint, or she just
22 said he complained about you?

23 A She just said he complained about me.

24 Q So you're guessing and speculating that it's
25 about the ethics complaints; right?

1 A I'm -- I'm -- I'm asserting my opinions on
2 that. It was at the same time. It was shortly
3 thereafter.

4 Q Well, other than it being at the same time,
5 your -- your guess is just based on timing; is that
6 right?

7 A Correct.

8 Q Okay. And in the meeting, did they
9 specifically talk about Mr. Whitson's complaint at all?

10 A They talked about the channel -- what they had
11 seen on Channel 2 and the complaints. Yes, they did.

12 Q Uh-huh. Did they use Mr. Whitson's name, if I
13 were going to depose them?

14 A They did not. I don't think they used his
15 name. I just think they said the restaurant owner.

16 Q Uh-huh. Uh-huh. Okay. And that was -- but
17 it's by a guy named Tom that you can't remember the last
18 name of; is that correct?

19 A That's correct.

20 Q And where was that -- what's the address of
21 that location?

22 A Think it's 3- -- it's right down the street
23 from your office. I think it's at 303 Corporate Center,
24 in that building. I believe they're still there.
25 That's where they were at the time.

1 Q Okay. And then, from all of these other jobs,
2 have you ever been terminated from any of them?

3 A I don't think I've been terminated from any
4 job that I recall at this time, but -- but moved on for
5 other opportunities. I don't think I've been
6 terminated.

7 Q Which one did you move on from for better
8 opportunities?

9 A The BP -- the McDonald's, I moved on to BP
10 from that opportunity. And then I start -- I moved on
11 to Ecolab for a better opportunity, and then I started
12 my own business with Community Home Trucking --
13 Community Trucking for a better opportunity.

14 Q I thought you owned Community Trucking?

15 A I did.

16 Q Okay. And what was the corporate name of
17 Community Trucking?

18 A Community Trucking, LLC.

19 Q And were you a hundred percent owner?

20 A Yes.

21 Q Did you have any litigation from -- in --
22 within Community Trucking?

23 A I think we might have had one litigation in
24 terms of a load that went bad.

25 Q Uh-huh. And what happened in that litigation?

1 A I'm not sure if it was litigation. I know it
2 was a complaint. I'm not sure it was a litigation. I
3 think -- it's been such a long time. Let me think about
4 it. They -- they filed a claim against our insurance,
5 and the insurance denied the claim.

6 Q And then?

7 A Well, I think they were going to sue us -- sue
8 me personally, but we were an LLC. And they -- they had
9 just -- and I think it just kind of set there and went
10 away. I'm not -- not even sure exactly what happened
11 with it.

12 Q What was the party that was doing that?

13 A Oh, man, it's been so long ago.

14 Q You mean 2013?

15 A No. I mean, like --

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: -- 2005 or '06, something like
18 that. It was maybe somewhere in that area. So it
19 was -- what was that? It was a freight company. I
20 don't -- I don't remember which one it was.

21 BY MR. HECHT:

22 Q Don't remember?

23 A Huh-uh.

24 Q Okay. And did you have any employee
25 complaints against you in that time?

1 A I don't recall any employee complaints.

2 Q And Ecolab, you said you moved on from there
3 for a better opportunity. What was that to?

4 A I started my own trucking business.

5 Q Were you asked to leave?

6 A No.

7 Q Did you have any complaints against you while
8 at Ecolab?

9 A Not that I'm aware of.

10 Q Were you disciplined at all while at Ecolab?

11 A Not that I'm aware of.

12 Q How about at K-Chemicals?

13 A Not that I'm aware -- I don't recall -- I
14 don't recall any.

15 Q Okay. Who were your bosses at Ecolab and
16 K-Chemicals?

17 A Dick Britton -- it was one company. Ecolab
18 was a company under -- K-Chemicals was a division of
19 Ecolab.

20 Q Okay. And then BP Amoco, were you disciplined
21 at all there?

22 A No.

23 Q Were you -- did you have any employee
24 complaints against you?

25 A I'm not sure. As a store manager, you may

1 have -- I may have had some complaints, but I'm not sure
2 of any specific complaints; may have had some customer
3 complaints --

4 Q And who --

5 A -- concerns of service, not in terms of my
6 personal interaction with anyone.

7 Q Okay. And you worked at McDonald's Corp. as a
8 store manager; is that correct?

9 A I worked for a franchisee up in Cobb County.
10 I -- I was a -- I worked there for quite some time. I
11 was the general manager of the store.

12 Q Okay. And then were you asked to leave there?

13 A No. I actually -- well, I left for an
14 opportunity. I was working for a franchisee with very
15 little benefits, so I took the job with BP for the
16 benefits and expansion, growth.

17 Q Okay. Next in Interrogatory No. 3, you
18 describe all the legal -- any and all legal actions that
19 you have faced; correct?

20 MS. WOODWARD: Page --

21 THE DEPONENT: Well, one --

22 MS. WOODWARD: -- page 9 of --

23 MR. HECHT: Page 9 of -- this one would be in
24 110.

25 MS. WOODWARD: -- 110.

1 BY MR. HECHT:

2 Q The same document you should have.

3 A Right.

4 Q And those represent all of the legal actions
5 that you have faced; correct?

6 A That I'm aware of, yes, sir.

7 Q Well, you --

8 A Yes, yes.

9 Q All right. So the first action that you talk
10 about is that you have Superior Court Case No.
11 98-107494, a divorce proceeding in Cobb Superior Court.
12 Were you the plaintiff in that case?

13 A I was the defendant.

14 Q You were the defendant in that case, okay.

15 You said there was a mutual restraining order
16 issued against both parties. What was the basis of the
17 restraining order?

18 A There was no violence or anything like that.
19 I think the judge had really gotten tired of seeing my
20 ex- come in there with different com- -- different
21 things going on with a -- with association with this,
22 there was no criminal charge associated with it.

23 And then that the end of this hearing, as you see
24 in these documents, I was awarded custody of my
25 children -- and I raised them --

1 Q Uh-huh.

2 A -- because of the facts that were discovered.
3 I was given custody. And then ori- -- then ini- -- then
4 after the 12 months' restraining order, I received
5 permanent custody of my children, and I moved down to
6 Henry County.

7 Q And was this -- which -- which spouse was
8 this? What's her name?

9 A Her name is -- it's not in there? Her name
10 is -- it's -- her name is Daphne Katrina Dailey.

11 Q Alexander at the time?

12 A We were kind of common law, kind of. We got
13 married and never turned in the marriage certificate, so
14 it was kind of -- well, whether it was recorded or not,
15 I don't know.

16 Q All right. But as you said, there was no
17 violence involved in this. This was just a dissolution
18 of a marriage that was common law; is that right?

19 A No; right. On this particular hearing, yes.

20 Q Okay. And so -- and then there was no -- who
21 was the judge in that, you said?

22 A I don't remember his name.

23 Q Okay. And this was in Cobb County; right?

24 A Right.

25 Q Okay. All right. And then let's see. What

1 was the -- you said there was no violence involved.

2 What was the mutual restraining order for?

3 A We had -- there was a number of calls to the
4 home for different things --

5 (Telephonic interruption.)

6 Q Go ahead. You didn't --

7 A Leading -- leading -- leading it up to this
8 particular order, there was some -- you know, we had
9 separated, and there were some calls to the home for
10 different things.

11 There were some allegations of violence, but there
12 was no -- there was no proof, and -- and the allegation
13 was actually false.

14 As you see, the judge gave me custody of the kids
15 because there was inconsistencies in her story of what
16 happened and he didn't believe her.

17 Q All right. So you had -- you had an
18 opportunity to defend yourself in the front of the judge
19 and explain your position to him; correct?

20 A Correct.

21 Q Okay. And then let's see. You -- you were
22 divorced from your second wife in Henry Superior Court,
23 it looks like in SU-CV-2014-3508, according to your
24 interrogatory response; is that right?

25 A That's correct.

1 Q Okay. And the final decree was entered on
2 February 2, 2015; is that right?

3 A That's right.

4 Q And what was the name of this spouse?

5 A Angela Alexander.

6 Q Okay. And was there any violence alleged
7 between you and Ms. Alexander?

8 A No.

9 Q And where is she now?

10 A I think she's in North Carolina.

11 Q Do you know where in North Carolina?

12 A I don't.

13 Q And in 2004, you said there was a stalking
14 order issued against you by the judge in Henry County on
15 SU-CV-2004-003678; correct?

16 A That's correct.

17 Q Okay. And Ms. Williams stated that you had
18 been violent with her; correct?

19 A No.

20 Q No? She did not state that?

21 A Not to my knowledge.

22 Q Okay.

23 A I do not recall that.

24 Q All right. And were there any complaints by
25 Ms. Williams that you had lied about her?

1 A The whole thing was a lie. What really
2 happened was -- you know, these are the kind of things
3 that you hate to talk about, but it's what it is.

4 She was married. Her husband found out that we
5 were having an affair. And he -- he insisted that she
6 would file this complaint to -- to guarantee that she
7 wasn't seeing me any longer.

8 So he pressured her to file this complaint against
9 me so that he could ensure that they were no longer
10 seeing each other -- that we were no longer seeing each
11 other.

12 And, in the end, as you see, it was dismissed. On
13 the court -- she admitted on the stand that a lot of the
14 things in the petition were false. And then the judge
15 just dismissed the case, and we moved forward.

16 Q So you had a chance to defend yourself and get
17 the -- your side of the facts to be presented; is that
18 right?

19 A That's correct.

20 Q Okay. In 2007, you had another stalking order
21 issued against you in another family violence matter by
22 Ms. Tonya Demar; is that correct?

23 A That is correct.

24 Q And can you tell me: Did Ms. Demar ever state
25 that you had been violent with her?

1 A No. That's not what the case was. And I
2 told -- like I told my attorney is: At that time, I was
3 living a player lifestyle, and I was dating multiple
4 women at the same time.

5 And Ms. Williams and Ms. Demar knew each other.
6 And I had confided in Ms. Demar about this situation
7 that happened with Ms. Williams. And they exchanged a
8 few phone calls and everything.

9 And me and Ms. Demar's breakup was contentious.
10 There was no violence or anything associated with it.
11 So she knew how much this 2004 case had bothered me
12 because she knew it was a lie. And then she chose to do
13 the exact same thing because she knew how much this
14 affected me.

15 Q So she was -- and you were able to present
16 your case and present your defense and state your
17 position; correct?

18 A And it was dismissed.

19 Q Right. You had the opportunity to present
20 your side of the facts; correct?

21 A That's correct.

22 Q Okay. And did she make any complaints that
23 you've lied about her to anyone?

24 A Not that I'm aware of.

25 Q Okay. And what about Ms. Williams; did she

1 have the opportunity -- or did she state that you had
2 lied about her to anyone?

3 A Not that I'm aware of.

4 Q Did you talk about Ms. Williams at all on
5 social media?

6 A I don't even think Facebook was around in
7 2004.

8 Q All right. Did you talk about Ms. Demar on
9 social media at all?

10 A I joined Facebook, I think, in 2008 or '09,
11 and that was after. At that time, Facebook was just
12 starting.

13 Q All right. So these are all the matters --
14 the violence matters that were filed against you; is
15 that correct?

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: There was no violence
18 associated with these.

19 BY MR. HECHT:

20 Q All right. And these are all the -- all the
21 family-related matters that were filed against you,
22 then; correct?

23 A These are the family-related with no violence
24 attached.

25 Q And these are all of them; correct?

1 A Resolved.

2 Q All of them; is that correct?

3 A Yes.

4 Q Okay. And in Chapter 7 -- you filed a
5 bankruptcy in 1991; is that correct?

6 A That's correct.

7 Q How much debt did you fail to pay creditors?

8 A There may be about -- I would just be guessing
9 at this point. I -- I don't recall. I would just be
10 guessing.

11 Q Okay. Did you fault -- did you default on
12 your mortgage?

13 A No.

14 Q Okay. What did you not pay?

15 A Various credit cards, and that was about -- it
16 was various credit cards. Of course, they caught up my
17 mortgage. And that was it. I didn't have very many
18 bills. I just was over my head in terms of my earnings
19 and buying a -- buying a house.

20 Q So you had an opportunity to present to the
21 Court why your bankruptcy was valid and present the
22 facts to the Court; correct?

23 A I did.

24 Q Okay. You were able to defend yourself
25 against anybody that would say that's not a fair

1 bankruptcy; right?

2 A Correct.

3 Q And then in 1990, you had a tax lien filed
4 against you; is that correct?

5 A Correct.

6 Q What was that for? Was it property taxes?
7 Was it IRS taxes? Was it some of other type of taxes?

8 A Think it was IRS. It was either state or
9 federal. I'm not sure; I think one of the two.

10 Q You don't know if it was -- was it income tax?

11 A I think it -- yes. I think -- I think I --
12 one of my returns was audited and I had to pay
13 additional funding. Of course, at that time, I didn't
14 have it. So I think it was -- I think it was -- that's
15 a long time ago. I think it -- yes, I believe it was
16 IRS.

17 Q Okay. And the IRS audited you and stated you
18 failed to pay your proper taxes; is that correct?

19 A They -- they -- they assessed some penalties,
20 I think, or some -- you know.

21 Q Right. And the reason they assessed penalties
22 is because they stated that you failed to pay your
23 proper taxes under the law; correct?

24 A That would be correct.

25 Q All right. And then how much did you fail to

1 pay?

2 A It was like 7- or \$800. I don't think it was
3 a whole lot, maybe \$1000 or somewhere around there. It
4 wasn't a whole lot, because there wasn't a lot of money
5 involved at that time.

6 Q And what property did they lien?

7 A 4479 Wesley Way, Austell.

8 Q Okay. And can you tell me: Have you had any
9 other tax liens?

10 A I think that one sat around for quite some
11 time. I believe it did. Off my head right now, I -- I
12 can't think of another one. I think it would've showed
13 up on my credit report or -- and that -- that was the
14 only one that I can think of at this point.

15 Q Okay. Did you have any other IRS penalties
16 for failure to pay your taxes on time?

17 A Not that I'm aware of.

18 Q Okay. And how about state income tax
19 penalties?

20 A I think that one triggered a state, because
21 when you do the federal and they do it, the state goes
22 back and does the same things. So I think it was kind
23 of -- it triggered some state taxes too.

24 Q Okay. And how much did you have in state
25 taxes that you failed to pay?

1 A Maybe a couple of hundred dollars, maybe like
2 \$200 -- 2-, \$300.

3 Q When did you pay that off?

4 A I'm not sure when it was paid off, but I know
5 it was paid off.

6 Q Okay. And then you said the federal tax lien
7 stayed around a while. How long did it stay around?

8 A A few -- maybe a few years, until I was able
9 to come up with the mon- -- a payment -- a payment plan,
10 I think, and then I paid it off. Maybe a few years, I
11 believe.

12 Q A few years for your IRS taxes that you hadn't
13 paid, and a few years for your state taxes that you
14 hadn't paid?

15 A I think that would be -- it's been a long time
16 ago, so I -- I -- I -- I assume that that would be
17 correct. But it's been a long time. I don't recall --
18 to be the specific time, I don't recall a specific time.

19 Q All right. And then you said, not in this one
20 but in your earlier response in your first
21 interrogatory, that you had some collections proceedings
22 against you.

23 Did people sue you for not being paid for services?

24 A No.

25 Q Did people sue you for not paying debts that

1 you owed?

2 A Credit cards and various things.

3 Q Okay. Who sued you on credit cards that you
4 charged and did not pay?

5 A I think Sears did. But, then, Sears tried to
6 sue me after the bankruptcy, but they were included in
7 the bankruptcy. And then they had to go back and adjust
8 that, and then they wiped it out after they sued me.

9 Q What did you get from Sears that you didn't
10 pay?

11 A I don't -- household items; I am not exactly
12 sure what it was it's been so long ago.

13 Q Refrigerator, oven, appliance, washer, dryer,
14 or anything like that?

15 A Washer and dryers; I think it was a dryer, I
16 believe it was.

17 Q So you received a dryer from them and didn't
18 pay for it, and they tried to sue you; is that right?

19 A I believe that was the case, but it should've
20 been resolved in the bankruptcy.

21 Q Okay. And did you receive any other goods or
22 services that you didn't pay for, for which you were
23 sued or gained -- gained a demand letter?

24 A I also was sued by Wells Fargo just maybe like
25 a year or so ago.

1 Q Was that failure to pay your mortgage?

2 A No. It was for a credit card that we had a
3 dispute on about the charges. There was -- has been
4 quite a significant impact to my finances because of
5 this frivolous lawsuit that's been filed against me, and
6 the timing of which, which is -- I had just changed my
7 profession to being a realtor.

8 See, I don't have to imagine what it's like when
9 people Google me and then the first thing that they see
10 is these ethics complaints. It's kind of hard to hire a
11 realtor when that person, the first thing that comes up
12 is that they've got ethics complaints against them.

13 See, somehow Google doesn't have the vindication of
14 me being clear till maybe, like, page two or three. But
15 it always comes up with ethics complaints against -- you
16 understand what I'm saying?

17 Q Right. So you would say that having your face
18 plastered on social media could be devastating to your
19 career or business; correct?

20 MS. WOODWARD: Object to the form.

21 THE DEPONENT: No, I wouldn't say that.

22 BY MR. HECHT:

23 Q You wouldn't say that? Well, you just said it
24 was very difficult on your own career because the ethics
25 complaints come up. But you've posted that you've been

1 cleared, so why isn't your business fine?

2 A What I -- what I said to you is what I
3 believe, sir.

4 Q Okay. So having your ethics -- having
5 something negative about you plastered onto Google or
6 social media has been very difficult on you as a
7 realtor; right?

8 MS. WOODWARD: Object to the form.

9 THE DEPONENT: What was very difficult about
10 my particular situation was: I was on Channel 2.
11 I was on Channel 5. I was on Channel 11. I was in
12 the AJC.

13 This wasn't just social media. This was like
14 every day for, like, two or three weeks, I was on
15 the television every day with this lie.

16 BY MR. HECHT:

17 Q So if anybody can understand the difficulty
18 facing press and social media presence for false
19 statements, it's you; right? From your own experience;
20 correct?

21 A My own experience --

22 MS. WOODWARD: Object to the form.

23 THE DEPONENT: My own experience tells me that
24 when somebody makes up a lie, something that is
25 totally fictitious, something that they created out

1 of whole cloth in collusion with others, it tells
2 me that that's very dangerous. It is.

3 BY MR. HECHT:

4 Q In the Wells Fargo case, how much did you get
5 sued for?

6 A 17,000.

7 Q And did they get a judgment against you for
8 17,000?

9 A They did.

10 Q And what was that \$17,000 that that lender
11 gave to you that you didn't payback, what was it for?

12 A It was for various items: Household
13 improvements -- like, household improvements, household
14 goods, furnishings.

15 Q What kind of furnishings?

16 A Couch, sofa, that kind of thing.

17 Q All right. Do you have the couch and sofa
18 still?

19 A I do.

20 Q Okay. But you didn't pay for it; right?

21 A That's correct.

22 MS. WOODWARD: Object to the form.

23 BY MR. HECHT:

24 Q All right. And what happened to the debt?
25 They just have a judgment on it now?

1 A Correct.

2 Q And that's all the -- from what I see,
3 that's -- are there any other suits that I'm missing?

4 A That's a -- that's all that I'm aware of at
5 this time, sir.

6 Q Okay. And that's all the -- all the legal
7 actions against you that you are aware of at this time;
8 is that correct?

9 A That's correct.

10 Q All right.

11 MR. GRAY: Hey, Greg, she said can we take a
12 break?

13 MR. HECHT: You need to take a break?

14 Okay. That's fine. Let's take a break, then.

15 THE VIDEOGRAPHER: Off the record at
16 approximately 11:17 a.m.

17 We are back on the record at approximately
18 11:26 a.m.

19 BY MR. HECHT:

20 Q All right. Mr. Alexander, you understand that
21 you are still under oath; is that correct?

22 A Yes.

23 Q All right. Now, in addition to the civil
24 actions mentioned in your interrogatory responses, I'm
25 going to give you also Exhibit -- I believe it is,

1 what -- 112? I'm going to give you Exhibit 112.

2 (Exhibit No. 112 was marked for
3 identification.)

4 This is actually a family violence petition -- a
5 civil family violence petition that your ex-wife, Daphne
6 K. Dailey Alexander, actually took out against you,
7 isn't it?

8 A What's the date on it?

9 Q This date would be -- you -- it appears that
10 you were served on the -- on March 13, 1998. Do you see
11 that on the last page of the exhibit?

12 A Yes.

13 Q All right. And is that family violence
14 petition -- isn't it true that Daphne stated under oath:
15 On February 21, 1998, I was physically abused by my
16 soon-to-be ex-husband. Both of my hands were scarred
17 up. My ear had a cut in it. I was repeatedly beaten in
18 my head and arms. I was grabbed by my neck and thrown
19 out of my truck.

20 That's what your ex-wife stated under oath in the
21 family violence petition against you; is that correct?

22 A That's correct.

23 Q And she swore that under oath and verified it
24 to a judge; correct?

25 A She swore that under oath.

1 Q Okay. And you actually were subject to a
2 family violence prevention order signed by a Superior
3 Court judge on March 12, 1998; is that correct?

4 A This was in -- as of -- I do recall -- can I
5 see that?

6 Q Yeah, you've got it.

7 A This is the order that was issued. And the
8 judge did not believe her, which is right -- right after
9 this, I was -- received -- this is -- I received custody
10 of the kids.

11 Q Is this -- in this action, sir?

12 A No. I'm saying following this particular
13 assertion, the judge didn't believe her, as I recall.

14 Q Well, sir, wasn't it true that the judge
15 ordered you to be removed from 4479 Wesley Way, Austell,
16 Georgia? Is that correct

17 A See, there's multiple of these she filed. So
18 I'm trying to figure out which one this is.

19 Q Oh, there were other family violence petitions
20 against you?

21 A She filed -- she filed a couple of actions,
22 and those actions -- again, like I said, I ended up with
23 custody of the kids. I'm trying to figure out which one
24 this was.

25 Q So there were other family violence petition

1 actions that you did not disclose in your interrogatory
2 responses --

3 A No. This --

4 Q -- under oath; correct?

5 A They're all --

6 MS. WOODWARD: Object to the form.

7 THE DEPONENT: Right.

8 BY MR. HECHT:

9 Q So is it correct that the judge ordered you
10 removed from the family home? Is that correct?

11 A (No verbal response.)

12 Q Is it also true that the judge ordered you not
13 within 500 feet of Ms. Alexander -- Daphne Alexander?

14 A I think this was the initial complaint. And,
15 yes, this is correct. But at a later date, I was
16 allowed back into the house and given custody --
17 given -- given the house.

18 Q In a separate, different action; correct?

19 A Well, just I was trying to understand what
20 this was. Yes.

21 Q Okay. And then she swore that you grabbed her
22 by her neck and threw her out of a truck; is that
23 correct?

24 A She swore that. I denied that.

25 Q Okay. She also swore that you beat her in the

1 head so bad that her ear was cut, and that her hands
2 were scarred; is that correct?

3 A And I denied that.

4 Q Okay. And you had a chance to get in front of
5 a judge and present your position to them so that you
6 could get a rendering of justice; correct?

7 A Correct.

8 Q And -- but this is a different action. In
9 this action, you were ordered from the property; right?

10 MS. WOODWARD: Object to the form.

11 THE DEPONENT: Yes.

12 BY MR. HECHT:

13 Q Okay. And in this action, you were ordered by
14 a judge not to have contact with her within 500 feet; is
15 that correct?

16 A That's correct.

17 Q Okay. Let me show you Exhibit 113.

18 (Exhibit No. 113 was marked for
19 identification.)

20 And, Mr. Alexander, isn't it true that Exhibit 113
21 is a copy of an arrest warrant for you for obstruction
22 of an officer trying to serve this family violence
23 order? Is that correct?

24 A This -- this obstruction of an officer
25 occurred, yes, that's correct. This is a service in

1 relation to all of this, yes.

2 Q Okay. And instead of stopping for the
3 officer, you fled on foot. And before that, you fled by
4 vehicle so bad that the officer had to try and force you
5 off the runway with his emergency vehicle in order to
6 serve you; is that correct?

7 A I disagree with that assessment; yes.

8 Q So the officer lied?

9 A I disagree with the assessment. I said that,
10 you know, he pulled in front of me and I stopped. He
11 did not have to force me off the road.

12 Q Well, let's see. His report says, and I quote
13 from this exhibit: On the above date and approximate
14 time, I attempted to serve a family violence order --
15 giving the number -- on the accused; did intentionally
16 hinder and obstruct a uniformed Cobb County sheriff's
17 deputy from the lawful discharge of his duties by
18 fleeing from the above-mentioned location once in a
19 vehicle, once on foot, and finally had to be forced from
20 the roadway with emergency equipment activated in order
21 to execute service on said order. Then the accused was
22 arrested.

23 Is he lying in his report?

24 A I disagree with the facts around what was
25 described in this report, and I did so in court.

1 Q But isn't it true, sir, that you actually
2 didn't disagree in court; that you actually did not even
3 contest the -- did not even contest the charges and were
4 put under a one-year sentence for obstruction of an
5 officer, exactly as the officer said? Here's
6 Exhibit 114.

7 (Exhibit No. 114 was marked for
8 identification.)

9 Isn't the truth of the matter that you did not
10 contest the charges?

11 A And the truth of the matter is I came into
12 court, I was a black man in Cobb County with no money,
13 and I took the easy way out because I didn't have the
14 money to fight it. That's the truth of the matter.

15 The truth of the matter is the judge said to the
16 prosecutor at that time: You're bringing this charge
17 because some woman is coming in here complaining.

18 Mr. Alexander, can you pay the fine today?

19 I took what little money I did have; I paid the
20 fine that day. I did not have to report.

21 Because the judge was kind of sympathetic to what
22 was going on, because this was after I had been given --
23 allowed back in the home, and I was staying in the home
24 at that point.

25 So I took a deal in order to move on with my life

1 and to rid myself of this marriage once and for all.

2 Q So you did not contest the charges, as you
3 said earlier; correct?

4 A I explained what happened in court, sir.

5 Q And you did not contest the charges; right?

6 A There was a deal -- the judge offered me a
7 deal, and I took it.

8 Q Gotcha. And, actually, previously to the
9 divorce that you mentioned in your -- mentioned in your
10 interrogatories, your wife actually filed a complaint
11 for divorce earlier --

12 A Uh-huh.

13 Q -- in 1997; isn't that correct, as shown in
14 Exhibit 114?

15 A That's correct.

16 Q Okay. And in that complaint, she stated that
17 you admitted cruel treatment, both physical and mental,
18 which she swore under oath as well, did she not?

19 A And I denied that.

20 Q Right. You denied that and you had an
21 opportunity to contest that in court; correct?

22 A Correct.

23 Q An opportunity to present your position and
24 opinions; correct?

25 A That's correct.

1 Q Okay.

2 MS. WOODWARD: Greg, you have two 114s.

3 MR. HECHT: Let's see. This will be 115.

4 (Exhibit No. 115 was marked for
5 identification.)

6 BY MR. HECHT:

7 Q All right. As your counsel has pointed out,
8 in Exhibit 115, the divorce papers, which your wife
9 served a year earlier on you to your subsequent divorce,
10 she stated under oath that you provided cruel
11 treatment -- or imposed cruel treatment on her, both
12 physical and mental; correct?

13 A That's what this says, and I disagreed with
14 that.

15 Q Right. Right. And you -- you're saying that
16 she's lying under oath; correct?

17 A I disagreed with the facts that are asserted
18 in this allegation.

19 Q All right. And she says that you had un-
20 condoned adultery; is that correct?

21 A I disagree with the facts that are asserted in
22 this allegation.

23 Q Are you avoiding the question? Did you have
24 un-condoned adultery within the marriage?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I don't --

2 BY MR. HECHT:

3 Q Were you an adulterer during that marriage,

4 Mr. Alexander?

5 A I do not recall having a -- an affair in this

6 relationship.

7 Q Well, what does she mean by un-condoned

8 adultery, then?

9 A I don't know what she means.

10 Q Did you sleep with other women while you were

11 married to Ms. Daphne Katrina Dailey Alexander?

12 A I will say this: Subsequent to us breaking

13 up, I did have some relations with other women. We were

14 still married at that time, but this divorce action had

15 been filed previous to -- previous to that.

16 Q Did you have any affairs while you were in the

17 same home?

18 A This relationship went on since high school,

19 okay? She was my high school sweetheart. And I was

20 thinking, whether was it before we actually got married

21 or not, there was other women in between that time,

22 between high school in -- in '87, when I graduated, and

23 the time we got married. So, yes, the answer to that

24 would be yes.

25 Q Yes, you slept with other women while you were

1 in the same home, married; is that correct?

2 A I'm not sure whether we were married or not.
3 I don't think we were married yet. I think we were
4 living in the same house.

5 When we moved into the house in Austell, we were
6 not married yet. We got married a few years later.

7 Q Were you common-law married at the time?

8 A Yes.

9 Q Okay.

10 A Well, I'm not sure. I think Georgia outlawed
11 common law marriage, which I assumed we -- if
12 intimately -- knowledge of it at that time.

13 But this was a high school sweetheart. We had been
14 together since '84, and we were -- graduated high school
15 in '87, and then we got married sometime in the '90s.

16 Q All right. And isn't it true that you were
17 represented by John Gilchrist at the time for that
18 divorce for a period of time?

19 A True.

20 Q And then he withdrew from your representation
21 because you would not follow his advice or
22 recommendations; correct?

23 A He withdrew from the case. I'm not sure why
24 he withdrew.

25 Q Is that what it says on his motion to withdraw

1 in that particular --

2 A Did you give me --

3 Q -- 115, where he says in his Notice to
4 Withdraw that he signed to the court: There's been a
5 failure of communication between the client and myself
6 in that he refuses to follow my recommendations and
7 advice.

8 Is that correct?

9 A That is correct.

10 Q Let me give you Exhibit 116.

11 (Exhibit No. 116 was marked for
12 identification.)

13 Isn't it true that you were subject to a stalking
14 protective order in 2007 by the Superior Court of Henry
15 County? Is that correct?

16 A That's correct.

17 Q And --

18 MS. WOODWARD: And that's the --

19 MR. HECHT: All right. Let me give you this
20 one. Thank you.

21 BY MR. HECHT:

22 Q And isn't it true that Ms. Demar said that you
23 had stalked her repeatedly in Exhibit A of her petition
24 for a temporary protective order? Is that correct?

25 A She stated that, and I disagreed. And this

1 case was dismissed on the facts.

2 Q And you had a chance to present your position
3 on the facts and statements; correct?

4 A Correct.

5 Q Isn't it true that she swore under oath that
6 you went up to Farrell Martin -- by the way, is that
7 Keith Martin? Is that Keith Martin, the attorney, or is
8 that a different Mr. Martin?

9 A I don't -- I don't know. This -- the same --
10 okay. The same -- it's not the same person.

11 Q Okay. It says that you stated to Mr. Martin
12 that you knew where he lived and to watch his back, she
13 stated under oath, threatening him. Is that truthful?

14 A I disagree with that, and the facts dictated
15 that this action was dismissed.

16 Q So she lied about you?

17 A I disagreed with that.

18 Q Okay. And then Ms. Ale- -- and then she says
19 that Mr. Alexander, you, followed us in his vehicle up
20 the aisle and parked his vehicle up next to Mr. Martin's
21 vehicle and put down his window and called Mr. Martin by
22 his middle name, Keith.

23 Mr. -- it says that Mr. Alexander was able to
24 locate me to other places. It also says that Mr.
25 Alexander followed me to a coworker's house in Fairburn,

1 Georgia. Says that on several occasions, that you
2 called her male friends and asked them not to call her,
3 and that you even made contact with her son illegally.

4 Is that what she swore against you?

5 A She swore against me, and I denied those
6 facts.

7 Q So all of those facts, Ms. Demar lied about;
8 is that correct?

9 A I disagreed with the characterization of those
10 facts, but some of them are correct. The -- the
11 insinuation that I contacted her son is false.

12 We lived in the same neighborhood on the same
13 street. So some of her assertions that I followed her
14 or what have you, I had to drive by her house every day
15 to get out the subdivision.

16 And the judge allowed me to stay into my home. As
17 you see, there's no order to leave the house because he
18 didn't perceive that there was a threat, because,
19 literally, to get out of my subdivision, I had to drive
20 by her house every day.

21 Q Right. But didn't he enjoin you with a
22 stalking ex parte temporary protective order that you
23 could not go on her premises, that you could not go
24 within 20 yards of her in any public place, and that you
25 could not go to where she works? Is that correct?

1 A And it was dismissed based on the facts.

2 Q Right. Because you had an opportunity to
3 present your position as opposed to her position;
4 correct?

5 A That's her position; my position was
6 different. I disagreed, yes, sir.

7 Q If we were to depose Ms. Demar today, would
8 she say she's scared to death of you?

9 A No.

10 Q What would she say?

11 A She would say that she calls me sometimes to
12 converse with me. Her house -- she lived -- she moved
13 out of the neighborhood. Her house is in the
14 neighborhood.

15 She calls me from time to time to check on her
16 house or to see how things are going; to check on me.

17 Q All right. And then -- I believe it is 117.

18 (Exhibit No. 117 was marked for
19 identification.)

20 Isn't it true also, Mr. Alexander, you were also
21 given another stalking temporary protective order, and
22 that was by the Superior Court of Henry County as
23 brought by Ivy Denise Williams? Is that correct?

24 A I have stated that previously on the record
25 that this was an allegation that was made against me and

1 the facts had determined that they were unsubstantiated
2 and the action was dismissed.

3 And to follow up on your question today, Ms.
4 Williams -- Ms. Sears now -- does call me from time to
5 time, texts me to see how I'm doing and to -- and she's
6 very -- was very apologetic about all of these taking
7 pla- -- all the things that have taken place. She's
8 moved on with her life, and so have I.

9 Q Well, at the time, back in 2004, she swore
10 that you repeatedly stalked her, didn't she?

11 A She -- yes, she did state those, which I
12 disagree with those facts. I was invited to that. And
13 even at the TPO hearing, it was asserted that I was
14 contacting her, when I had proof that we met at a hotel
15 for a sexual encounter. And she acknowledged it, and we
16 had text messages to back it up. So her case was
17 dismissed.

18 Q Have you ever heard of battered spouse
19 syndrome?

20 MS. WOODWARD: Object to the form.

21 BY MR. HECHT:

22 Q Have you?

23 A Yes.

24 Q Okay. Do you understand sometimes that
25 battered victims feel guilty and also take back their

1 allegations when they feel intimidated or stigmatized by
2 the result of their own allegations? You ever heard
3 that?

4 A I do. But I understand Ivy Williams loves
5 Elton Alexander; I do, even today.

6 Q And during that time, she swore that she asked
7 you to stop calling, stop paging, stop coming by her
8 job; that you had driven through her neighborhood on
9 several occasions; that you kept going to her husband,
10 you kept calling her husband; he had to change his cell
11 phone number and that he had to change -- or was
12 thinking about changing his job locations as a result of
13 your continuing stalking.

14 Did she lie in that allegation?

15 A Yes, she did.

16 Q Okay. So she lied under oath, and you had an
17 opportunity to present your case against her; right?

18 A As I stated earlier on the record, and I shall
19 repeat, Mr. Hecht, she made this up because her husband
20 found out that we were having an affair.

21 And that's a sad chapter in my life. But I have
22 moved on; she's moved on. And she contacts me from time
23 to time to see how I'm doing and to make sure that I'm
24 okay.

25 She -- matter of fact, she contacted me when my

1 father previously died -- passed away the past few weeks
2 to see how I was doing.

3 MR. HECHT: You want to change the tape out
4 now? That's fine. Let's change the tape. We'll
5 go off.

6 THE VIDEOGRAPHER: This concludes Video Tape
7 No. 1 of the video deposition of Elton Alexander.
8 The time is approximately 11:45 a.m. We are now
9 off the record.

10 We are now back on the record. Today's date
11 is December 11, 2019, and the time is approximately
12 11:52 a.m. This is Video No. 2 in the video
13 deposition of Elton Alexander.

14 BY MR. HECHT:

15 Q Mr. Alexander, you understand that you're
16 still under oath?

17 A I do.

18 Q All right. Is it correct: Do you have an
19 anger problem, Mr. Alexander?

20 MS. WOODWARD: Object to the form.

21 BY MR. HECHT:

22 Q Do you have a recognized anger problem?

23 A I've had counseling in the past for anger,
24 court-ordered.

25 Q Were you actually ordered by two different

1 courts to get anger management counseling?

2 A I was ordered by the court to get anger
3 management dealing with the mutual restraining order
4 that my wife and I were issued.

5 Q That was in the case that you put in your
6 interrogatories; right?

7 A That was in the case that we've been talking
8 about this morning.

9 Q And you were also -- in the separate family
10 violence petition, Daphne Alexander versus Elton
11 Alexander, in 1998, you were ordered to go to mental
12 health and anger management counseling in that
13 petition -- in that action, too, weren't you?

14 MS. WOODWARD: Object to the form.

15 THE DEPONENT: It's all surrounding the
16 same -- Ms. Daphne Dailey. It's all -- all
17 connected.

18 BY MR. HECHT:

19 Q All right. And it wasn't because anyone lied
20 that you were ordered to anger management; it was
21 because something was true about your anger problem;
22 right?

23 MS. WOODWARD: Object to the form.

24 THE DEPONENT: It was that I acknowledged the
25 fact that anger played a role. And, actually, I

1 think those classes are very helpful in that they
2 teach you how to deal with frustration and emotion
3 and anger. So it was very -- it was a very
4 valuable time in my life.

5 And sometimes things come at you in a funny
6 way, but at the same time, it -- I -- I'm thankful
7 for those classes because they actually presented
8 facts on how to deal with and to de-escalate
9 situations.

10 And in that particular situation, it taught me
11 that I needed to leave this marriage. And I did.

12 BY MR. HECHT:

13 Q Okay. So you admit you have anger problems
14 which the anger management counseling did assist you in;
15 correct?

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: I acknowledge that those
18 classes were very helpful.

19 BY MR. HECHT:

20 Q Okay. And then would it be fair to say that
21 you have a recognized habit of getting angry at critics,
22 whether it's physically or by retribution through social
23 media posts? Would that be correct?

24 A No.

25 Q Okay. But you have a habit of lashing out

1 physically or on social media at issues that you're
2 upset about; would that be fair?

3 A I have never lashed out at anybody physically
4 on social media. And, you know what? I went -- those
5 classes are -- are a tribute to how I deal with anger
6 and situations now versus how I might have dealt with
7 them as a younger man.

8 You grow and you develop in life. And I have not
9 had any physical confrontations or it -- with anyone
10 over social media.

11 Q Okay. And do you think you still have an
12 anger problem?

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: Do I -- do I think that I still
15 have an anger problem?

16 BY MR. HECHT:

17 Q Yes, sir.

18 A No, I don't. I think that it's something
19 that -- that I have received these classes on. I
20 attended them, I was focused in class, and I use those
21 same skills today.

22 Q And can you tell me, sir: Have you changed
23 what you do with your anger now? Do you speak out when
24 you're angry?

25 A I don't get angry very often as a result of

1 being able to recognize the signs and attending class
2 and being able to understand what causes anger.

3 So I have not been physical with anyone. And I --
4 I engage in social media discussions with people, and we
5 disagree, and then I move on to the next one.

6 I don't hold it against anybody. I say -- I said
7 the same thing: that I use freedom of speech and others
8 are allowed to do the same.

9 Q Is -- are these the only women that have said
10 that you have stalked them or physically injured them?

11 A To my knowledge.

12 Q Okay. Anyone else that you can think of,
13 women that have said you've either stalked them or
14 physically injured them?

15 A Not that I'm aware of.

16 Q Okay. Have you ever been arrested?

17 A I was arrested in -- in the case that you
18 brought before us, in 1998, in the obstruction of
19 justice case out in Cobb County.

20 Q Have you been arrested other than that?

21 A I was arrested one other time in Atlanta.
22 And, of course, it was related to Daphne, which was
23 another false allegation that was made.

24 Q What was that allegation that --

25 A The allegation that you saw on the protective

1 violence where she claimed I beat her and all of that.

2 That was false.

3 Q And that was in 1998 or '97?

4 A Right.

5 Q Any other time you've been arrested?

6 A No.

7 Q What about the time you were arrested in 1989
8 for simple battery? This is Exhibit 118, I believe.

9 (Exhibit No. 118 was marked for
10 identification.)

11 I'm going to show you an exhibit, 118, that says
12 you were actually arrested in 1989 for simple battery,
13 which is, of course, an arrest for violence.

14 What was that arrest for?

15 A I'm sorry. Let me collect -- correct the
16 record. This is, again, with Daphne Dailey, again in
17 1989, as a 19-year-old. I was -- lost my memory there
18 about this.

19 I was fresh out of high school. I graduated in
20 '87, and this was in '89. So this is actually correct.
21 I'm sorry. I must correct that.

22 Q So she said you beat her up; right?

23 A She said that in this particular case. This
24 was another allegation as well.

25 Q So she lied about it in 1989, and she lied

1 about it twice subsequently in 1997 and 1998?

2 A In this particular case, as a -- as you
3 brought it to my attention -- it had slipped my mind
4 because it was so long ago -- I actually did push her; I
5 did. And I was -- I did shove her in this manner, and I
6 was -- I was culpable in that particular incident. So I
7 did push her.

8 Q Uh-huh. And did you push her to the ground
9 when you were in the middle of an argument?

10 A I don't think I pushed her to the ground. I
11 think I just -- as I recall, I think I shoved her.
12 Not -- not real sure -- it's been such a long time
13 ago -- exactly what all happened. But I think I -- it
14 was in the middle of an argument and I shoved her. I
15 don't know if she fell or what. I know I shoved her.

16 Q So you were culpable in that action, you said.
17 Did you plead guilty to it?

18 A I did -- no, I didn't. No, I didn't. I
19 pleaded nolo to it.

20 Q Pleased nolo contendere?

21 A Yes.

22 Q So you did not contest the charges of beating
23 up Ms. Daphne Alexander?

24 A I didn't --

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I didn't contest the charges
2 that I shoved her.

3 BY MR. HECHT:

4 Q Okay. And, again, this is 119.

5 (Exhibit No. 119 was marked for
6 identification.)

7 Were you actually also arrested in 1995, also --
8 excuse me -- let me give you this one; in 1995, in
9 addition to what you just told me about, where you were
10 arrested, I believe, for battery again?

11 A No, not that I'm aware of. I don't recall
12 this at all.

13 Q Okay. Was there an incident reported that
14 said, according to Daphne Alexander: I met with
15 Ms. Alexander, who was bleeding from a laceration under
16 her right eye and complaining of a sore jaw. She said
17 that she and her husband had gotten into an argument and
18 he had hit her while holding a pair of scissors.

19 She -- Ms. Alexander said she tried to get out of
20 the house, but he, Mr. Alexander, wouldn't let her.
21 Then she managed to run into the bedroom and from there
22 to the bedroom where she locked the door and called 911.

23 Do you remember this incident now?

24 A No, I don't. And I don't remember this
25 arrest. So, no, I don't.

1 Q Well, maybe you weren't arrested, actually. I
2 think it says: I advised her of the warrant process,
3 although she indicated that she did not want her husband
4 arrested. I checked through the house. There were
5 blood droplets on the banister leading to the foyer in
6 the upstairs hallway and in the den.

7 Do you remember this incident now?

8 A I certainly don't. No, I don't. So I
9 don't. So I -- this -- this is -- there are several,
10 like I said, where she called and made reports. And the
11 judge finally got tired of these false reports, and
12 that's when he put her out the house, gave me the house.

13 In that 12-month order that you saw, he gave me
14 possession of the house. He gave me custody of the
15 kids, because he saw a pattern of these reports coming
16 in that were not backed up by the facts.

17 So, no, I do not -- I was not arrested in this
18 case. And, no, I do not acknowledge any of this
19 allegation.

20 Q So this was back in 1995, when judges allowed
21 the domestic battery victim to determine whether or not
22 to bring charges.

23 To your knowledge, Daphne Alexander did not bring
24 charges against you for this; correct?

25 A Correct. And I'm totally --

1 MS. WOODWARD: Object to the form.

2 THE DEPONENT: And I'm totally clueless as to
3 this particular incident. I do not recall this at
4 all.

5 BY MR. HECHT:

6 Q And so the officer, Jay Perry from the Cobb
7 County Police Department, when he says that he saw blood
8 droplets on the banister leading to the foyer in the
9 upstairs hallway and in the den, is he making that up?

10 A I don't see -- is there any statement from me
11 of -- that I was there or whatever happened, because I
12 don't recall any of this. No, I deny that 100 percent.
13 I deny that.

14 Q Okay. And let me show you Exhibit 120.

15 (Exhibit No. 120 was marked for
16 identification.)

17 Let me ask you a question: Are you angry because
18 there's an incident report in Exhibit 119 that states
19 that you were violent and beat up your wife, including
20 having blood droplets on a carpet, that you have not had
21 a chance to defend yourself on?

22 A I'm not angry, no. Because I have no
23 recollection of that, and I believe that to be another
24 one of the false allegations in a series of allegations,
25 which is why I had to leave that marriage.

1 Q Okay. And let me give you Exhibit 120. Were
2 you also arrested in 2003, that you didn't include
3 previously, by the Cobb County Police on March 22, 2003,
4 pursuant to a call from Alicia Alexander?

5 A No.

6 MS. WOODWARD: Object to the form.

7 BY MR. HECHT:

8 Q You were not?

9 A No.

10 Q Okay. Oh, I see. Is this a report from your
11 former wife, Alicia Alexander, where she stated that she
12 and her husband, Elton Alexander, got into a dispute
13 about her plans for the day. She was going to spend the
14 day alone for her birthday. Alexander did not want her
15 to do that.

16 He pushed her left side of her face, causing her to
17 go back on the bed. He took out her new outfit and
18 ripped the pants in half. After the altercation, he
19 took his son and left the residence. I advised Ms.
20 Alexander of the warrant process.

21 Do you remember this incident now?

22 A I do not. And -- actually, I'm sorry. Yes, I
23 do. In this particular incident -- unfortunately, my
24 wife has passed. She's not here with us any longer. I
25 loved her deeply. I do. I still love her today. I

1 have a women's history month in her honor.

2 Unfortunately, she had a very bad drinking problem,
3 and she would drink to excess. And when she would drink
4 to excess, it caused friction in the marriage.

5 But there's nothing in this report that's actually
6 factual. She was very apologetic the day after. As you
7 know, the people who have drinking issues, they do
8 things, they get upset, and then when they get upset,
9 the day after -- it's a cycle that you deal with -- and
10 they are very apologetic. She was very apologetic for
11 making these claims.

12 And then as we -- our marriage continued on and
13 then several months later, she was killed in a traffic
14 accident in Cobb -- in -- in Atlanta, where she was
15 driving our vehicle. It overturned, and she was ejected
16 from the vehicle. And it was a --

17 Q All right.

18 A -- tragic time in our life. But, no, the
19 incident is false.

20 Q All right. But the Officer B.D. Smith's
21 report about that she stated that you pushed the left
22 side of her face causing her to fall back on the bed and
23 took out her outfit and ripped the pants in half, you
24 don't believe that the officer is being dishonest;
25 right?

1 MS. WOODWARD: Object to the form.

2 THE DEPONENT: I think -- I think she was very
3 apologetic for making that call and -- and making
4 that -- she was -- had been drinking. And she was
5 very apologetic for what had actually happened.

6 I still -- I love my wife, and I -- and this
7 is sickening that we have to talk about this now.
8 But it is what it is.

9 And, you know, it -- it's a course of reliving
10 every negative thing that ever happened in my life.
11 But all of those negative things helped me to be
12 the person that I am today.

13 And I still hold the -- I hold the women's
14 history month honors in her -- in her honor.
15 Because of that, I do that today. But what is
16 written in this report is a hundred percent
17 inaccurate.

18 BY MR. HECHT:

19 Q Okay. So but this was --

20 A The officer did not say there was -- he
21 witnessed any clothes torn. He said he used her
22 statement. And there's no legal action to follow this.
23 There's no arrest. No, sir.

24 Q So all three of your wives have said you
25 either imposed physical violence on them or stalked them

1 later; is that correct?

2 A I've only been --

3 MS. WOODWARD: Object to the form.

4 THE DEPONENT: I object to the form in that
5 this statement is absolutely false. I was -- and
6 there's no police action surrounding it.

7 So I deny -- I acknowledge that I did shove
8 Daphne in the report earlier, where I was arrested
9 at, but I do not acknowledge this report.

10 BY MR. HECHT:

11 Q Let me show you Exhibit 121.

12 (Exhibit No. 121 was marked for
13 identification.)

14 A Uh-huh.

15 Q And Cobb County shows you as having been
16 involved in one, two, three, four, five, six, seven,
17 eight domestic disputes within, it looks like, a five-
18 year period. Do you see that?

19 A You have -- you have ascertained and presented
20 these, and I have told you exactly -- and I will say it
21 again: Those allegations are false. I have
22 acknowledged the one that I was accountable for. And at
23 the end of all of this, the judge gave me custody of
24 both of the children and primary custody of the
25 residence.

1 Q And you had an opportunity to defend yourself
2 in court or otherwise here today; right?

3 A Right.

4 Q And no one posted any --

5 MR. GRAY: Is this 115?

6 MS. WOODWARD: 121.

7 MR. GRAY: 121?

8 MR. HECHT: 121.

9 BY MR. HECHT:

10 Q And no one has posted anything about these
11 domestic violence incidents or these stalking orders
12 about you in social media, have they?

13 A Yes, they have.

14 Q Who has posted them?

15 A This page called Because We Care About
16 Stockbridge. They -- they put that on their page on
17 social media.

18 Q Who put that there?

19 A I don't know who it is. It's somebody -- they
20 don't acknowledge who the person is that runs the page.
21 They named their page after my page. So when people
22 type in the description, their name comes up.

23 But all of that what you just showed me, the
24 stalking order in Cobb County, they posted that on
25 social media.

1 Q And it made you angry, didn't it, that
2 something false might've been posted on social media
3 against you; correct?

4 A It did not make me angry. What it made me
5 understand was that these people were expressing their
6 freedom of speech. They had an opportunity to do that.

7 The allegations were false. And I felt the need
8 that I -- I responded to acknowledge that these
9 allegations were false.

10 Q Are there other incidents that are unreported
11 about violence that occurred within any of your
12 relationships that have not been brought up today?

13 A This is all that -- I have given you
14 everything that I have here in terms of my
15 acknowledgement of what really happened and in terms of
16 all the things that we're involved in to the best of my
17 recollection at this particular point -- to the best of
18 my recollection.

19 MR. WARNER: Can I ask a question? You said
20 that there was another site -- social media site
21 called Because We Care --

22 THE DEPONENT: -- About Stockbridge.

23 MR. WARNER: -- About Stockbridge.

24 THE DEPONENT: But that's not my page.

25 MR. WARNER: I gotcha.

1 THE DEPONENT: They just named their page to a
2 similar name.

3 MR. WARNER: Right.

4 BY MR. HECHT:

5 Q I'm going to ask you -- Exhibit 122.

6 (Exhibit No. 122 was marked for
7 identification.)

8 I know you said that's all the instances you
9 remember, but let me show you Exhibit 122, which was
10 produced by your attorney yesterday for the first time,
11 EA-2386, which is Elton Alexander.

12 A Uh-huh.

13 Q Isn't it true that Commissioner Blake Prince
14 said that you got angry at him and shoved his wife to
15 the ground in 2016? Isn't that correct?

16 A Commissioner Blake Prince is a liar. It's not
17 true. There was -- there was at least 20 people out
18 there at this particular event. He was standing on one
19 side of the tent; I was standing on the other side of
20 the tent, and not one of the 20 people out there said
21 anything.

22 He didn't say anything about it. His wife didn't
23 say anything about me. And then subsequently, several
24 months later, he makes this allegation against me.

25 Never contacted police. Never did anything to follow up

1 on it besides file this ethics report.

2 Q Didn't he send this to Scott Gray at the
3 police department in the cc?

4 A The whole -- the police officers contacted on
5 here, I cc'd these people.

6 Q Well, it says from Blake Prince, cc Scott
7 Gray, PD.

8 A Right. I had -- if there's a --

9 Q That says Captain Gray and Chief Nichols,
10 doesn't it, to -- from Blake Prince to Commissioner --

11 A Right. I --

12 Q -- to Captain Gray and Chief Nichols, saying,
13 I can produce several witnesses who would be willing to
14 testify against Elton. I'm seeking your input about him
15 pushing or shoving a woman. Isn't that an assault?
16 Right?

17 A There's a series of emails here, and I copied
18 these people. And I told Chief Nichols in an email I
19 wanted this to be put on record in case something came
20 out of this because it was false.

21 It was in a conversation where we were discussing
22 other issues, and I copied those folks, and then he
23 started responding with them on the email.

24 Initially, in this series of emails, as I recall
25 it, I copied those individuals to include them.

1 Initially, it only included the Henry County
2 commissioners, myself, Tommy Smith, and the rest of
3 those individuals.

4 And then we started to go back and forth, and I
5 asked Chief Nichols -- I wanted -- because I wanted -- I
6 wanted this to be documented.

7 It's -- it's a terrible thing when a black man is
8 accused of pushing a white woman, okay, being -- and
9 being where we are. It's a terrible thing. That's a
10 thing that goes out and what -- black men have been
11 lynched and killed over time from such accusations. And
12 for him to make an accusation like that was really out
13 of place and out of mind.

14 And I'm thinking to myself: If that would've
15 actually been true, what woman could respect her man?
16 He stood there and watched another man shove her to the
17 ground, and he didn't do a thing. What woman could look
18 at that man and have any respect for him? Not one.

19 Q So you mean he should've beaten you up right
20 then?

21 A I mean, he lied.

22 Q Well, doesn't he say, we should go meet at the
23 karate studio and take care of business that way, and
24 notifies the police before that occurs?

25 A I know that I -- as I said earlier, if you go

1 back through the series of the emails, I recall that I
2 added the police officers on there, and you should see
3 the message where I said to them I wanted this noted
4 because this allegation is false.

5 And I was very sensitive to the understanding if
6 that got out in the public that me, as a black man, had
7 shoved this white woman, it would be a problem.

8 Q So the vice chairman of the Henry County
9 Commission was lying when he said you shoved his wife to
10 the ground?

11 A Yes.

12 Q Okay. And that's not a continuing habit of
13 yours where you get angry and you end up taking it out
14 on other people either by physical violence or by
15 posting false social media reports; correct?

16 A That would be false.

17 MS. WOODWARD: Object to the form.

18 THE DEPONENT: That would be false, because I
19 have not done that. I did not shove his wife on --
20 not -- not on this occasion, not on any occasion,
21 and that is 100 percent false.

22 He made that up. And, no, because on that
23 particular occasion, I wasn't angry at all about
24 anything.

25 We were celebrating the Carrie Mae Hambrick

1 event in Stockbridge, where we celebrate an
2 African-American woman who owned the first
3 restaurant in the city of Stockbridge.

4 The first restaurant; I didn't say the first
5 black restaurant, I said the first restaurant. It
6 was a great thing. It was a festive day.

7 Everybody was enjoying themselves, and we enjoyed
8 the day.

9 BY MR. HECHT:

10 Q All right. So you were -- we were talking
11 about social media for a minute and you were stating
12 that you were upset about a social media post made
13 against you; correct?

14 MS. WOODWARD: Object to the form.

15 THE DEPONENT: I never said that I was upset.
16 I said that I believe in people's First Amendment
17 rights to express themselves and that I was
18 disappointed that someone would post this
19 information. But they had every right to because
20 it was public information.

21 BY MR. HECHT:

22 Q Even if it's untrue?

23 A This information that they posted -- you know,
24 people have the right to be wrong.

25 Q People have the right to be wrong. Have you

1 ever been trained by the City of Stockbridge in civil
2 laws of defamation?

3 A People have the right to be wrong. And there
4 is definitely opportunities to sit down, talk, and try
5 to rectify.

6 But being violent, as you -- has not -- never been
7 a solution to any of incidents or any of the things that
8 have happened on social media.

9 Your question -- I'm sorry. Will you restate the
10 question?

11 Q My question is: Would it be correct to state
12 that the City of Stockbridge has never -- never trained
13 you on the defamation laws of the State of Georgia? Is
14 that correct?

15 A We received training through Georgia Municipal
16 Association. We attend particular trainings dealing
17 with all types of things: Media, social media --

18 Q Would it be correct that in all of that
19 training that you've undergone, you've never been
20 trained on the defamation laws of the State of Georgia?
21 Is that correct?

22 A I don't specifically recall defamation being
23 mentioned. But on social media classes, they talk to
24 you about things to post and they talk to you about the
25 hazards of social media, but not specifically line by

1 line what the code section was; no.

2 Q And they didn't teach you about what
3 constitutes defamation; correct?

4 MS. WOODWARD: Object to the form.

5 MR. GRAY: I'll object to the form too.

6 THE DEPONENT: I don't recall whether or not
7 the specific definition of defamation was included.
8 But there was -- it was a whole section on just
9 what the hazards of social media was and, you know,
10 what we should expect and that kind of thing.

11 But I don't know whether -- I don't recall
12 whether the definition of defamation was in there.

13 BY MR. HECHT:

14 Q You have no memory of that; correct?

15 A Have no memory, no.

16 Q Similarly, would it be correct to say that you
17 have received no training on the retaliation of people
18 after they have filed a complaint against you? Would
19 that be correct?

20 A I've received plenty of training over the last
21 three years I've been retaliated against by your client.

22 Q Well, I understand your position. My question
23 is: Is it correct that the city or GMA has not trained
24 you with regard to retaliation in regard to a public
25 complaint? Would that be correct?

1 A No, it --

2 MR. GRAY: Objection as to form.

3 THE DEPONENT: I don't think that that would
4 be correct. I think the Georgia Municipal
5 Association does go over -- you know, we have a
6 code of ethics class that we attend that talks
7 about these particular things in terms of how to
8 conduct yourself, in terms of making sure that
9 we're upstanding citizens -- and repeat that one
10 more time, sir.

11 BY MR. HECHT:

12 Q Would it be correct to stay that -- state that
13 you have no knowledge of any particular course or
14 training related to anti-retaliation in relation to
15 public complaints filed against you as an official?

16 MR. GRAY: Objection as to the form.

17 MS. WOODWARD: Object.

18 THE DEPONENT: I believe in those -- in the
19 ethics class, retaliation is mentioned. I'm not
20 sure if there is a course that's in the curriculum
21 or not. But I know that the -- the teacher -- or
22 the person teaching the class did mention that.

23 BY MR. HECHT:

24 Q Was that retaliation in the employment context
25 that GMA generally teaches about employment retaliation

1 for someone who files an EEOC complaint?

2 A It was mentioned in the ethics class.

3 Q Right. Was it mentioned at all in relation to
4 the filing of the public complaint?

5 A That -- that was the context that it was
6 mentioned in, in the ethics class, which was to state
7 that, you know, when the complainant files, you know, it
8 would be -- retaliation was not something that -- you
9 could be held accountable if you retaliated against
10 somebody. That was mentioned by the -- the person who
11 was holding the class.

12 Q You could not be held accountable?

13 A That you could be held accountable.

14 Q All right. And in what way?

15 A That it was against the law.

16 Q Okay. So it was against the law. So you knew
17 that prior to making your social media posts; is that
18 correct?

19 MS. WOODWARD: Object to the form.

20 THE DEPONENT: I knew. I -- excuse me. I
21 knew -- but you know what -- posting --
22 intentionally posting information that you knew to
23 be inaccurate left somebody liable.

24 But in my opinion, I have not posted any
25 information that I knowingly posted false -- to be

1 false -- knowingly posted to be false.

2 BY MR. HECHT:

3 Q Well, did you post any information with
4 reckless disregard for checking on the truth? Would
5 that be a fair statement?

6 A I post --

7 MS. WOODWARD: Object to the form.

8 THE DEPONENT: You want me to answer it?

9 MS. WOODWARD: You can answer.

10 BY MR. HECHT:

11 Q Did you post false statements with reckless
12 disregard for checking on the truth?

13 A I don't -- I don't believe that I have posted
14 information with reckless degard [sic]. I posted
15 information that came to my attention that I presumed to
16 be true.

17 At a later date, I might've found out that it was
18 false. But at the time that I posted it, I believed it
19 to be true.

20 Q You believed it to be true because you wanted
21 it to be true; right?

22 A No.

23 MS. WOODWARD: Object to the form.

24 THE DEPONENT: You want me to answer the
25 question?

1 MR. HECHT: You have to answer the question.

2 MS. WOODWARD: Is that a question? Is that a
3 question?

4 BY MR. HECHT:

5 Q It was something to be vindictive about. You
6 could go after someone's character because you hoped it
7 to be true; right, without checking on it?

8 MS. WOODWARD: Object to the form.

9 THE DEPONENT: No. No, sir.

10 BY MR. HECHT:

11 Q Okay. Well, let's do this instead, then. I'm
12 going to give you Exhibit 38.

13 (Exhibit No. 38, previously marked, was
14 entered into the record.)

15 And would you agree that on February 27, after BBQ
16 Master owner Arick Whitson and Eric Smith filed an
17 ethics complaint, you conveyed to the council, the city
18 attorney, the mayor, the city manager, and the official
19 city clerk that, quote, this man is a predator in our
20 community just -- who was just removed from the sex
21 offender registry last year; right?

22 A At the time that I said --

23 Q No, no, no. First, did you do that?

24 A Yes.

25 Q Okay. Now, you want to explain, you explain.

1 But, first, answer my question.

2 A I said yes.

3 Q All right. And then, next, it says from

4 Elton --

5 A You want me to explain?

6 Q Let me ask this, then I'll let you explain.

7 A All right.

8 Q Next, it says, from Elton primary,

9 [REDACTED]@gmail, to city cell phone

10 eltonalexander@cityofstockbridgegeorgia.gov.

11 Who are you sending this from and to? Who is Elton
12 primary to city cell phone?

13 A At that time, to the best of my recollection,

14 Elton primary would be my personal email account,

15 [REDACTED]@gmail.com.

16 I wanted to have this information readily available
17 for recall because this was at the time of the ethics
18 hearing, and I needed to be able to produce the
19 information that I'd shared with the council.

20 Because of how the ethics process works out, is
21 that if the -- the ethics board is a review board, and
22 whatever happens subsequent to that would come to the
23 council.

24 I personally don't know how you got your hands on
25 these documents because I had -- I'd been told that --

1 Mr. Williams told us that when we communicate with him,
2 it was attorney-client privilege. And we do these --
3 have these discussions in executive session.

4 This was an executive session discussion that we
5 had, and this was executive-session material. But you
6 have it. I stand by the fact that when I sent this
7 information, I believed it to be true.

8 Q So you never sent it out to Mr. Whitson to be
9 able to defend himself, did you? You just sent it to
10 the mayor and council; right?

11 A I sent it to the mayor and council in what I
12 believed to be an executive-session setting, which is
13 only those individuals who would ever have access to it
14 because it was confidential and a personnel matter.

15 Q So you sent a statement that Arick Whitson,
16 the owner of BBQ Masters, was a sex offender on the sex
17 offender registry in the most secret of secret meetings
18 you could so that there was absolutely no way that Arick
19 could defend himself; right?

20 MS. WOODWARD: Object to the form.

21 MR. GRAY: Objection as to form.

22 BY MR. HECHT:

23 Q Isn't that correct? Isn't that what you're
24 saying?

25 MR. GRAY: Same objection.

1 MS. WOODWARD: Same objection.

2 THE DEPONENT: I'm saying that I sent this
3 information in a setting that was not public, that
4 no one would've seen but the individuals who were
5 going to decide my fate had the ethics board
6 believed this frivolous complaint.

7 BY MR. HECHT:

8 Q Let me ask you a question: You and the
9 council and the mayor discussed this in executive
10 session; is that right?

11 MS. WOODWARD: Object to the form of the
12 question.

13 THE DEPONENT: Initially, the ethics complaint
14 was given to me -- or presented to me in executive
15 session.

16 BY MR. HECHT:

17 Q So there was no lawsuit or litigation at the
18 time; right?

19 MS. WOODWARD: Object to the form.

20 BY MR. HECHT:

21 Q Is that correct?

22 A It was an ethics complaint.

23 Q Right. Right. There was no litigation at the
24 time, no lawsuit filed against you; right?

25 A I had the pending ethics complaint.

1 Q Okay. That's all you had; right?

2 A Uh-huh.

3 MS. WOODWARD: Object to the form.

4 BY MR. HECHT:

5 Q So you spoke in executive session under

6 Georgia law about Arick Whitson and BBQ Masters --

7 A No, sir.

8 Q -- and then signed the --

9 A No. No.

10 Q -- affidavit --

11 A No, sir.

12 Q -- that you didn't violate the Open Meetings

13 Act?

14 A No, sir. What happened was -- I did not say

15 we discussed it. I said they presented it to me in

16 executive session.

17 Q You just said you presented this in executive

18 session. And they are only three exceptions to when you

19 can go into a private meeting.

20 A I did not say that I presented this in

21 executive session. I said I expected -- for

22 clarification, I expected this email to be treated as if

23 it was executive-session material.

24 Q Why?

25 A Because it was discussed with the city

1 attorney.

2 Q I don't understand. That is not in executive
3 session. I thought a minute ago you said this was in
4 executive session.

5 A Well, no. I --

6 MS. WOODWARD: Object to the form.

7 THE DEPONENT: No, that's not -- I did not say
8 that.

9 BY MR. HECHT:

10 Q What'd you say?

11 A And I want to be 100 percent crystal clear if
12 I misspoke. I said the ethics complaint was presented
13 to me. It was -- in that I was given the document that
14 we have a complaint.

15 I did not say I discussed it with them in there. I
16 said the document was given to me; that's when I first
17 received it for me to review.

18 Q Were you under the impression that Mike
19 Williams was your attorney for a defense on the ethics
20 complaint?

21 A No. I was under the impression -- I guess
22 mistakenly at this point -- that when Mr. Williams is
23 involved in a conversation -- and I thought because it
24 was presented to me at that time that it was executive
25 session because it was given to me in executive session.

1 This was a continuation of -- I'm letting them
2 know: Listen, I got this information in executive
3 session. I'm sending this out.

4 Because I had no clue. I'm like, what in the world
5 is this? This -- this is something that I've never
6 seen. I have no clue what this is. Why would this
7 individual say these things about me knowing that they
8 were 100 percent inaccurate, knowing that they were a
9 lie?

10 Q I thought you said that Lakeisha Gantt and
11 Councilman Blount, in the first three months in which
12 you were a councilmember, were con- -- were confronting
13 you about what they thought were improper or false
14 posts. Is that not correct now?

15 MS. WOODWARD: Object to the form.

16 THE DEPONENT: I said to you, and I stand
17 behind that statement, they had -- they were --
18 disagreed with some of the posts that I was making
19 because I post information. If I get that
20 information and it is for the public and is not
21 confidential, I share it with the public.

22 It's not -- they would say, it's not ready to
23 go out yet. It's not ready to go out yet.

24 No. You got it. You're a public servant.
25 The public should have the information.

1 BY MR. HECHT:

2 Q Did -- did you sign an affidavit about only
3 abiding by the Georgia Open Meetings Act when y'all
4 discussed this ethics complaint in executive session?

5 A We didn't discuss this in executive session,
6 sir. I said it was presented to me --

7 Q In executive session.

8 A -- in executive session. They gave me the
9 document for me to -- presented it to me in executive
10 session. There was no discussion.

11 Q And did you sign the affidavit from that
12 executive session that you only went into matters that
13 constitute executive-session matters under the Open
14 Meetings Act?

15 MS. WOODWARD: Object to the form.

16 THE DEPONENT: We always signed this document,
17 but there was no discussion.

18 BY MR. HECHT:

19 Q The affidavit?

20 A Yes.

21 Q Okay. Let me show you Exhibit 40.

22 (Exhibit No. 40, previously marked, was
23 entered into the record.)

24 Exhibit 40, you also, on March 2, sent to the
25 investigator on the ethics complaint: Whitson was

1 somehow removed from the sex offender registry in 2016
2 after his sentence on a previous conviction.

3 Correct?

4 A That's correct. I believed that to be true at
5 this time.

6 Q But it was not true; right? It's false?

7 A I have since come to the knowledge that this
8 was false.

9 Q Okay. And you have not taken down the page
10 where you said he was sex offender on the sex offender
11 registry; right?

12 A What I did was I changed the post. I changed
13 the post in a matter of hours. It only stayed up there
14 for maybe about 12 hours. I think I posted it late at
15 night, maybe around midnight or so, and then I changed
16 it to take that particular portion out.

17 Because it was relayed to me by Marvin Johnson that
18 Mr. Whitson was a sex offender. He sent me the
19 information -- or he told me about the information over
20 the phone that Mr. Whitson was a sex offender and
21 that -- he told me to go to the Henry County website and
22 look -- look up Eric L. Smith and to see that it was
23 there. I'm looking at this; I'm thinking it's the same
24 person.

25 Q So you posted on which social media site that

1 Elton -- excuse me.

2 On which social media site did you post that Arick
3 Whiston -- Whitson was a sex offender on the sex
4 offender registry?

5 A To my recollection, I posted it on the
6 Stockbridge Atlanta South group -- it was not on a
7 Page -- a group at that time that may have had around a
8 thousand people in it. It was up there for maybe
9 about -- again, about 12 hours.

10 And when I woke up the next day and I looked at it,
11 and I said, you know, I might -- I need to veri- --
12 check to see whether or not did it match up, I couldn't
13 match it up.

14 So once I could not match it up, I -- I went back
15 and I said, okay, well, maybe I should take this out.
16 So I did. So it was only up there for about maybe a
17 half a day.

18 Q So what day did you post it that Arick Whitson
19 was a sex offender on the sex offender registry?

20 A I'm sorry?

21 Q What day did you post that Arick Whitson was a
22 sex offender on the sex offender registry on the
23 Stockbridge page that you're talking about?

24 A I don't remember the particular date. It
25 was -- I'm not sure what the particular date was. I'd

1 have to see the post.

2 Q What approx- -- was it approximately in
3 February or March of 2017?

4 A It was -- if you -- that sounds to be correct
5 because it was in the ethics -- it was during the period
6 of the ethics report.

7 Q Okay. So during the time of the ethics
8 report, you posted on your social media page, that has a
9 thousand viewers, that Arick Whitson was a sex offender
10 and on the sex offender registry; correct?

11 MS. WOODWARD: Object to the form.

12 BY MR. HECHT:

13 Q Is that correct?

14 A I posted and then removed it.

15 Q Right.

16 A And changed -- changed -- I edited it.

17 Q You edited it. How did you edit it?

18 A I changed the wording and removed that
19 first -- removed that -- removed that text out of it. I
20 took -- I took that text out that referred to the sex
21 offender registry. I took that out.

22 So at that point I looked at it, I saw it, and
23 then I think somebody had commented. And then I said
24 you know what? If it's -- that's when I went back and I
25 said, you know, this -- I edited that, because I was

1 like, you know what? This -- I couldn't match it up the
2 way that I wanted to, so I decided to -- to move on from
3 that and to edit the post to take that out.

4 Q So who commented on it?

5 A There was a young lady that commented on it.

6 You probably have the post where she commented on it.

7 I think we had a copy of the post where -- on that page.

8 Q Was this on Because We Care Henry or the
9 Stockbridge page you just talked about?

10 A The Stockbridge page.

11 Q Tell me again about -- what's the name of
12 Stockbridge Facebook page that you're talking about

13 MS. WOODWARD: Object to the form

14 THE DEPONENT: Because We Care Atlanta South

15 BY MR. HECHT:

16 Q Because We Care Atlanta South?

17 A I'm sorry. No, no, it's -- I'm sorry, that's
18 not the -- the name of it is Stockbridge Atlanta South.

19 Q Stockbridge Atlanta South. So this is a
20 social media site targeting Stockbridge residents and
21 business?

22 A Group. Group.

23 Q Group of about a thousand people?

24 A It's not a page. It's a group.

25 Q That's a group. How many people? You said a

1 thousand people in the group?

2 A At that time, it was about a thousand. Now
3 there's about 2600.

4 Q 2600. And who all was in that group at that
5 time?

6 A What do you mean who all was in --

7 Q Were there any officials on it?

8 A I don't know if they were on it or not. I
9 mean, it was a thousand people in there. I'm not sure
10 whether the other councilmembers were on it or not. I
11 don't know.

12 Q Were there any reverends or pastors on it?

13 A Possibly.

14 Q Okay. Do you know any particular ones that
15 were on it?

16 A I think maybe -- yeah; let me see. I don't
17 think Pastor -- maybe Pastor Spence was on it.

18 Q What's Pastor Spence's full name?

19 A Spencer O'Neal.

20 Q Pastor Spencer O'Neal was on it. What other
21 pastors?

22 MS. WOODWARD: Object to the form.

23 THE DEPONENT: He's the only one that I really
24 talk to on social media, really. I don't think --
25 not that I can think of right offhand.

1 BY MR. HECHT:

2 Q Were there city council people that were on
3 it?

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: I don't know that to be the
6 case. I'm not sure whether Councilwoman Gantt was
7 in at that time.

8 BY MR. HECHT:

9 Q Were there officials from Henry County on
10 the -- that were a part of the group?

11 A It was a Stockbridge page, but it's possible.

12 Q Uh-huh, could be?

13 A Could be.

14 Q Were there business owners on the -- on the
15 group?

16 A Yes.

17 Q Okay. Who were some of the business owners
18 that were on the group?

19 A It's so many of them. I mean, it's like
20 every -- and people come on the page to advertise their
21 business and to talk about what's going on in their
22 business. There's so many of them.

23 But let's be perfectly clear: I don't know any of
24 these people personally. A lot of them I might come
25 into contact with them or see them on a random basis,

1 but I -- I'm not friends with a lot of people on social
2 media.

3 Q So they advertise on your page in order to
4 boost their reputation for the community and the
5 citizens of Stockbridge that might patronize their
6 companies?

7 A To make citizens aware that they're there.

8 Q Okay. So it's an important -- do they pay for
9 that advertising?

10 A They do in some cases on the Because We Care
11 Henry page. And they do their -- in terms of the group,
12 until recently, they did not. But all we had was ads
13 going on there every single day. So no one is paying
14 for any advertisement on that group page, no.

15 Q Okay. They would advertise for free on there;
16 is that right?

17 A Right.

18 Q Okay. And it would just boost your
19 circulation, so to speak?

20 A The idea was to -- to let business -- to
21 support local business and to let them know -- let
22 residents know that they were there and to let outside
23 interests know, if they looked at Stockbridge, they
24 could kind of see what the community was about.

25 Q Did you provide to your attorney the copy of

1 the page before it was changed?

2 A What do you mean?

3 Q Did you provide her with a copy of the page
4 before it -- from before it was changed, the way it
5 looked?

6 A Before what was changed? I'm sorry.

7 Q Did you go back into your history and provide
8 her a copy of the group page where you called Arick
9 Whitson a sex offender and on the sex offender registry?

10 THE DEPONENT: Does that answer that question?

11 MS. WOODWARD: You know it's been produced. I
12 don't understand what you're at.

13 I don't understand why you're shaking your
14 head.

15 MR. HECHT: Because it hasn't been produced.

16 MS. WOODWARD: Yes; back a million years
17 ago -- two years ago.

18 MR. HECHT: They're different pages.

19 BY MR. HECHT:

20 Q Let me ask you a question.

21 A That one has been produced, because we talked
22 about it. It's been produced.

23 Q Okay. So did you also put that Arick
24 Whitson -- let me ask you a question: The realize --
25 reason that you changed it is because you realized very

1 quickly, you said within a day, that it was false or
2 unverified; correct?

3 MS. WOODWARD: Object to the form.

4 THE DEPONENT: I realized that I -- I did not
5 realize that it was false. I realized that I could
6 not 100 percent prove that it was true.

7 BY MR. HECHT:

8 Q Did you work to corroborate that it was
9 untrue?

10 A I worked to -- to confirm it. I worked to
11 confirm whether or not it was true. The names did not
12 seem to match up. I did, you know, just -- just trying
13 to see whether -- I went on the -- yeah, possibly on
14 the -- yeah, on the Henry County website for offenses,
15 the sheriff's department website to see whether or not
16 that was -- that was -- whether the names matched up.

17 So I did work to see whether or not it was true.
18 And when I could not, after a short period of time, I
19 decided to remove it.

20 Q Okay. And when you say you went on the Henry
21 County sheriff's office website -- I'm going to show you
22 Exhibit 39 --

23 (Exhibit No. 39, previously marked, was
24 entered into the record.)

25 A Uh-huh.

1 Q -- did you find this particular page, Eric
2 Lamar Smith, that is a different person from the
3 plaintiff that had these sexual offenses in Ohio?

4 A No, I did not. I found a name -- and matter
5 of fact, Lamar wasn't even on there. It said Eric L.
6 Smith.

7 And at that time -- the website's been updated
8 because they didn't have pictures -- this picture was
9 not there. It just said Eric L. Smith.

10 Q So you -- you changed it because you didn't
11 know if it was true that Arick Whitson was a sex
12 offender; correct?

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: Yes.

15 BY MR. HECHT:

16 Q And you changed it because you could not
17 determine if it was true that Arick Whitson was on the
18 sex offender registry; correct?

19 A Correct.

20 Q And you never put a comment on your group
21 social media site that said: I cannot confirm my prior
22 post that said Arick Whitson was a sex offender.
23 Correct?

24 A I do not recall making a post to that -- to
25 that effect. It was up for about 12 hours, as I said.

1 I did remove it from there, but I do not recall posting
2 an update.

3 Q You have no -- you have no memory, under oath
4 today, that you ever clarified that you could not prove
5 this was actually Arick Whitson; right?

6 A No. I did that with individuals, like, face-
7 to-face, like, with the councilmembers when we talked in
8 person to -- to let them know that this was not
9 something -- in face-to-face encounters that, you
10 know, it was not -- I couldn't confirm it.

11 Q But -- but to the thousand people in the group
12 that you posted it to, you never put a communication
13 that said: I could not show that this is the same
14 person. Right?

15 A To my knowledge, I do not recall doing that.
16 And the way that Facebook works, a thousand people
17 could've potentially seen it. But in reality, most
18 posts on Facebook, less than a hundred people see them.

19 Q You got a comment from a lady that saw it;
20 right?

21 A Uh-huh.

22 Q Is that correct?

23 A Yes. I don't know her.

24 Q So you didn't put a comment back that said
25 this is the wrong person; right?

1 A I did not.

2 Q And you did not clarify that you thought you
3 might have the wrong person; right?

4 A At that time, I did not, no.

5 Q And you have never posted anything in that
6 group or in any page of social media saying you had the
7 wrong person when you said they were a sex offender;
8 correct?

9 A I did not post anything to that knowledge,
10 because I wanted to leave that subject alone. I figured
11 correcting it, removing the text from it, was -- after a
12 few hours where very few people would've seen it. But I
13 did not go back to put down that particular thing.

14 But this time, while this was being on, there was a
15 lot going on. You know, the day after Mr. Whitson
16 appeared on television, I got a call from about five or
17 six people that just was, like, his name is not Arick --
18 Arick Whitson. His name is Eric Smith. He did the same
19 thing to me.

20 I got a call from Bernice Randolph. Bernice
21 Randolph say he raped her in Michigan. She testified to
22 the fact that he -- she told me he raped her Michigan.
23 She filed a report with the police department, that he
24 had left her -- in Michigan after working a festival, he
25 left her destitute.

1 Q And do you have a copy of that report?

2 A I don't have -- have a copy of the report. I
3 just know that she sent me a number of bad check
4 charge -- bad-check-type things and -- and what have you
5 to -- to me, which I forwarded to the solicitor to see
6 whether or not -- because she stated that it was a
7 crime. But I was alarmed --

8 Q So now you have reported sexual assault issues
9 to people about Arick Whitson and put it in
10 communications but not given Mr. Whitson an opportunity
11 to defend himself; right?

12 A I never post --

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: I never posted the fact that
15 Ms. Randolph told me that Mr. Williams -- or Mr.
16 Whitson raped her -- or Smith raped her. I know
17 that she told me that --

18 MR. HECHT: Objection; responsiveness.

19 THE DEPONENT: She called me unsolicited the
20 next day to tell me about what had happened.

21 BY MR. HECHT:

22 Q This is Ms. Randolph, that is a former
23 employee; is that correct?

24 A I don't know if she's a former employee or
25 not. She said she went to Michigan to -- to work a

1 festival with Mr. Whitson and that he left her up there
2 destitute, with no money, on the side of the road after
3 he raped her.

4 Q Uh-huh. Can you tell me, sir -- the sex
5 offender registry comments, can you tell me -- you also
6 included these bad check comments that you just
7 mentioned; correct?

8 A Again, those -- those messages were sent to
9 the mayor-council -- or to the solicitor to make sure
10 that, you know, when something is brought to our
11 attention, it's our desire -- it's our responsibility to
12 move that forward to make sure that the appropriate
13 authorities know.

14 I was alarmed with the phone calls. I didn't -- I
15 did not expect what happened when my phone started
16 ringing the next day with person after person that was
17 telling me about what was happening and Mr. Whitson had
18 did this to them and failed to pay them and --

19 Q Well, let me ask you question about that. So
20 you're a man who has had at least four women say that
21 you battered them and beat them, and you had the
22 opportunity to defend yourself.

23 So from your own experience, don't you think Mr.
24 Whitson should have the same opportunity before you post
25 such things about him?

1 MS. WOODWARD: Object to the form of the
2 question.

3 THE DEPONENT: Mr. Whitson has had numerous
4 opportunities to defend himself, even at a March
5 8 -- March 8 hearing that I attended where he was
6 the subject of a TPO, where he state -- where he
7 was on the stand, had an opportunity to defend
8 himself, and the judge issued a 12-month protective
9 order against him.

10 BY MR. HECHT:

11 Q You mean like -- like a protective order
12 that's been issued against you?

13 A That's correct.

14 MS. WOODWARD: Object to the form.

15 BY MR. HECHT:

16 Q All right. Let me give you exhibit --

17 MS. WOODWARD: Object to the form.

18 MR. HECHT: What are we on; 122?

19 MR. GRAY: Yeah.

20 THE COURT REPORTER: 123.

21 MR. GRAY: Sorry.

22 MR. HECHT: 123.

23 THE DEPONENT: I -- I will continue to say
24 that -- and -

25 //////////////

1 BY MR. HECHT:

2 Q Yeah, but you're not answering the questions.
3 You're just going on monologs, Mr. Alexander. You'll
4 have your opportunity.

5 Let me show you, Mr. Alexander, Exhibit 123.

6 (Exhibit No. 123 was marked for
7 identification.)

8 A Uh-huh.

9 Q Is that a part of the group chat that you're
10 talking about?

11 A Yes.

12 Q Is that --

13 A This -- this may be another of the -- I don't
14 think this -- I'm not sure if this was the same one. I
15 think this may be something different.

16 Q Right. Because this is on the Because We Care
17 Henry page; right?

18 A No, I don't -- I know Audie (ph.) T. Turner is
19 not -- is a -- is a -- it would've been somebody -- he
20 would've been on my personal Facebook page.

21 These people would not. I don't know if that was
22 in the group. I think that was my personal Facebook
23 page.

24 MR. GRAY: What number is this?

25 MR. HECHT: 123.

1 BY MR. HECHT:

2 Q So on 123 -- Exhibit 123, what is this? This
3 is your personal Facebook page?

4 A I believe -- I believe it is. I'm not sure.
5 There's no -- this is a screenshot. So I'm not sure
6 what this is.

7 Q Is this -- where you said -- after Angel
8 Fountain said: That is terrible. Are they going to
9 close his business? Also, I'm very concerned about the
10 sexual registry stuff with him.

11 Is your response to that: He is done this
12 repeatedly to woman after woman and gotten away with it,
13 intimidating many victims. Now those victims know they
14 are not alone.

15 And Audie Turner says: Well, damn.

16 A Well, see this --

17 MS. WOODWARD: Object to the form.

18 THE DEPONENT: This is on March 10, which is
19 two days after the TPO hearing that Mr. Whitson was
20 in. So this response -- this is not the same post.
21 This is a different post.

22 BY MR. HECHT:

23 Q I see.

24 A I don't think it is.

25 Q So obviously you posted on a different social

1 media site that Mr. Whitson was a sex offender on a
2 sexual offender registry; correct?

3 MS. WOODWARD: Object to the form.

4 THE DEPONENT: I'm -- I cannot definitely say
5 what this is because this is not an actual Facebook
6 post. This is a screenshot. And I'm not -- I
7 can't even verify the validity of this particular
8 post.

9 Where has this come from? Because when you do
10 a Facebook, there's an edit, there's a bunch of
11 other things that go with this. This could've been
12 created. I'm not sure what this is. I don't know
13 what this is.

14 BY MR. HECHT:

15 Q All right. Well, let me show you a
16 Stockbridge Atlanta South page. This is Exhibit 120- --

17 A Right. This is a screenshot. I'm not --

18 MS. WOODWARD: -4.

19 BY MR. HECHT:

20 Q -- 124.

21 (Exhibit No. 124 was marked for
22 identification.)

23 Let me ask a question: Do you agree that you made
24 this response to Angel Fountain in response to her
25 denotation that the business should close and that she

1 was concerned about the sexual registry stuff?

2 MS. WOODWARD: Object to the form.

3 THE DEPONENT: I do not remember -- do not
4 recall this particular post. I want to see what
5 page it was posted on.

6 That's a screenshot, sir. That could be --
7 anybody could create that or Photoshop that. So
8 I'm not confirming that because I don't know what
9 page it came off. It has no notations of what it
10 is. That's a screenshot.

11 BY MR. HECHT:

12 Q Have you searched your social me- -- will you
13 search your social media sites for this page, then, and
14 tell me where it's from?

15 A We -- we will.

16 Q Okay. Great. I'll give it to your -- your
17 counsel will have it as 123, then, in her hands.

18 MS. WOODWARD: And you have it already.

19 MR. HECHT: I have it from you? Do you know
20 what site it came from?

21 MS. WOODWARD: I don't.

22 MR. HECHT: It came from Elton Alexander,
23 though, right?

24 MS. WOODWARD: Did -- well --

25 THE DEPONENT: Before you say that, let's --

1 MS. WOODWARD: Can we go off the record a
2 second.

3 MR. HECHT: Stop talking.

4 MS. WOODWARD: I mean, if you want to talk --

5 THE VIDEOGRAPHER: Off the record at
6 approximately 12:50 p.m.

7 We are back on the record at approximately
8 1:41 p.m.

9 BY MR. HECHT:

10 Q Okay. Mr. Alexander, do you understand you're
11 still under oath?

12 A Yes.

13 Q And, Councilman, tell me this: So on March
14 10, 2017, in the midst of all this complaint processing
15 that Mr. Whitson and BBQ Masters filed, you posted
16 information about Mr. Whitson on or about March 10,
17 2017; is that correct?

18 A Yes, that's correct.

19 Q I'm going to show you Exhibit 125, which you
20 have in front of you, which I believe was produced by
21 you.

22 (Exhibit No. 125 was marked for
23 identification.)

24 Is that correct?

25 A We produced this.

1 Q You produced Exhibit 125; correct?

2 A Yes, we did.

3 Q All right. And then Exhibit 125, if you look
4 at the -- I'm actually going to trade you that 125 for
5 this 125, if you'll give me that one back.

6 MS. WOODWARD: 125.

7 BY MR. HECHT:

8 Q If you look at page 3 of Exhibit 125, is this
9 you that stated in this social media post: Whitson also
10 applied, in Henry County Superior Court in 2016, to be
11 removed from the sex offender registry, and it appears
12 he was removed by the Court.

13 I am still seeking information on why Eric Smith --
14 Eric L. Smith was placed on the sex offender registry in
15 the first place. This serves as a warning for the
16 community, making you aware of this behavior by a
17 business owner in our community. Is that your post?

18 A Yes, it is.

19 Q And this was on March 10, 2017, at about
20 12:38 a.m.; is that correct?

21 A Correct.

22 Q And you tagged certain people on this as well;
23 is that correct?

24 A Yes.

25 Q That includes Pinky Willis, Chaz Har (ph.), Al

1 Miller, John Bailey -- John Bailey, Christy Sims, Koya
2 Davenport, Katie Dunn, Yvette Davis, Earnestine Martin,
3 Elaine Gattis, Dr. Terrance Gattis, Shaleetra Home --
4 Hornes (ph.), An Imperfectly Perfect Blessing, Benjamin
5 Carter II, Linda Jones, Keith Peavy, Kesha Ross Nixon,
6 Ramona White, Alice and Roddy Cruz, Christian Tillman,
7 Yvette Dabney, Sandra Vincent, Charles Vent Webb,
8 Eugenia Moore Webb, Thomas White, Yolanda Barber, and
9 Marvin Johnson; is that correct?

10 A That's correct.

11 Q Are these all citizens of Henry County?

12 A No, I don't think -- let me see. Let me
13 double check that. No. Marvin Johnson does not live in
14 Henry County. He's the one that actually supplied the
15 information to me.

16 Q But you posted it; right?

17 A Correct.

18 Q All right. And then this goes to people
19 beyond just this; it goes to all people in the
20 Stockbridge Atlanta South group; right?

21 A If that's -- if it was a share, that would be
22 correct, as a -- as a share group.

23 Q And was this a share group?

24 A It's shared. It was shared.

25 Q So that would go to the thousand people or so

1 that were active in that group in 2017?

2 A It would make it possible for them to see
3 that, but it's not -- how Facebook works, unless you pay
4 to boost it, maybe a hundred people might see it or
5 maybe fewer than that. It just really depends. No one
6 knows what their algorithm looks like, so sometimes it's
7 hit or miss.

8 Q But it could go to a thousand people?

9 A Possibly up to.

10 Q All right. And then these people that are on
11 the bottom of this that you sent the information about
12 Eric Smith being on the sex offender registry, who is
13 Pinky Willis?

14 A She is someone that I came into contact with
15 through the political circles in Henry County.

16 Q She's active in politics in Henry?

17 A She's just somebody who -- she's not running
18 for office or anything, but she's very politically
19 active.

20 Q So she knows a lot of people?

21 A I think that she's very politically active.

22 Q Okay. Chaz Har, who is that?

23 A I don't know her. She's just somebody that
24 used the group.

25 Q Who of these people do you know?

1 A The only ones that I know are Pinky Willis,
2 Christy Sims --

3 Q Who is Christy Sims?

4 A She's a -- she is a speak- -- or a counselor
5 and motivational speaker. Katie Dunn --

6 Q When you say motivational speaker, Christy
7 Sims speaks in front of a lot of crowds and motivates
8 them?

9 A Yeah. She speaks -- she speaks on domestic
10 violence and other areas. She talks about counseling
11 others. She was the person that was actually --
12 suffered from the acid attack from her then-boyfriend.

13 We helped to get that person -- bring that back,
14 because, initially, they weren't going to prosecute the
15 person. And through political pressure, we were able
16 to, collectively, as a community, get that person --

17 Q All right. And who else do you know from here
18 besides that?

19 A Terrance Gattis, Elaine Gattis; I don't --

20 Q Who is Dr. Terrance Gattis?

21 A He -- he is a -- he's the pastor for Mount
22 Olive Baptist Church.

23 Q Is that the -- the church that Stacey Abrams
24 spoke to in Henry County?

25 A It is.

1 Q The gubernatorial candidate that lost by a few
2 votes, is that person the pastor of that church?

3 A He's the past- --

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: Well, he's the pastor of that
6 church, yes.

7 BY MR. HECHT:

8 Q Right. Okay. Didn't you promote that Stacey
9 Abrams, on your Because We Care page, was going to the
10 Mount Olive's church?

11 A I promoted it on several things as just a
12 community event.

13 Q Right. Right. And was it well-attended?

14 A It was a regular church service. It was
15 about a regular service, maybe about 400 people.

16 Q Okay. And then who else? Do you know the --
17 the wife of Dr. Gattis? What's her name?

18 A Elaine Gattis.

19 Q Is she active within the ministry in the
20 community?

21 A She is.

22 Q Okay. Is she well known in female circles
23 around the county?

24 A Pretty much, I would say so, yes.

25 Q Okay. And then who else do you know out here?

1 A Saletra Hornes (ph.).

2 Q Who is Saletra Hornes?

3 A She's a neighbor.

4 Q Is she -- what's her occupation, and does she
5 do any charity work?

6 A She does do some charity work. She -- her
7 occupation, she works with her husband. They have a --
8 an Airbnb business, and they do online selling.

9 Q So they're present on online selling and in
10 social media?

11 A Online, yes.

12 Q Okay. Who else do you know?

13 A Benjamin Carter.

14 Q Who is Benjamin Carter?

15 A He's -- he's just a friend that I met off of
16 Facebook. He actually was a follower. And I met him a
17 couple of times. We're not friends, but we -- we -- he
18 supports my -- on my page.

19 Q What does he do?

20 A Him -- him and his wife -- I'm not sure
21 exactly. Him and his wife do the costume jewelry. They
22 do -- they sell costume jewelry throughout. They're
23 pretty big in that.

24 Q They're pretty big in it. Do they have a big
25 present on social media for their business?

1 A Yes.

2 Q Okay. And who else do you know?

3 A Linda Jones, she's a beautician and a business
4 owner in Stockbridge.

5 Q Where is her business?

6 A Downtown.

7 Q Is she a successful beautician?

8 A Yes.

9 Q Does she have a lot of ladies and men coming
10 in and out of her salon?

11 A She does.

12 Q Is there a lot of gossip in those salons that
13 you've been involved in, Councilman?

14 A I'm not aware of that.

15 Q Best place to follow the (indiscernible). All
16 right.

17 What other -- who else do you know in here?

18 A Keith Peavy.

19 Q What does Mr. Peavy do?

20 A He works for the federal government as -- he
21 was a contractor for the federal government. He does
22 OSHA safety-type things for them, I believe.

23 Q I gotcha. Does he have an active social media
24 page?

25 A Yes. It's a personal page.

1 Q Does he have a lot of followers?

2 A I'm not -- he has a personal page. I don't
3 think he has a business page.

4 Q Gotcha. All right. Who else do you know on
5 here?

6 A Kesha Ross Nixon, she was a former neighbor
7 that moved out of the neighborhood.

8 Q What does she do?

9 A I don't know.

10 Q Is she active on social media?

11 A Yes.

12 Q What is she active in?

13 A Social media, just commenting and posting on
14 her personal page.

15 Q All right. Who else do you know in here?

16 A Ramona White. Again, just an associate, not
17 someone that I know.

18 I know -- I -- I -- Alice and Roddy Cruse, I know
19 her. She's is an associate as well.

20 Q What does she do?

21 A I don't know.

22 Q What does he do?

23 A I don't know.

24 Q Okay. Are they active on social media?

25 A Yes.

1 Q All right. Who else?

2 A Yvette Dabney.

3 Q What does Yvette Dabney?

4 A Well, I don't know. She's Shirley Dabney's
5 daughter, I believe.

6 Q Who is Shirley Dabney?

7 A She was a former councilmember.

8 Q Is Yvette Dabney politically active?

9 A Somewhat.

10 Q Is she active on social media?

11 A Somewhat.

12 Q Okay. Who else do you know?

13 A Sandra Vincent's a councilwoman in McDonough.

14 Q I see. So she's -- obviously, as a
15 councilwoman in McDonough, she's politically active and
16 gets her message out to the community; correct?

17 A Right. Charles Vent Webb is a neighbor -- is a
18 friend from Greene County, where I'm from. He's
19 originally -- grew up with him; his wife as well, Ms.
20 Eugenia Moore.

21 Q Who -- Charles Vent Webb, what does he do?

22 A I don't know.

23 Q Is he active in social media?

24 A A little bit, yeah.

25 Q Eugenia Moore, who is that --Eugenia Moore

1 Webb?

2 A That's his wife. And they're -- they're both
3 from my hometown.

4 Q Are they active in social media is?

5 A Somewhat, not a whole lot.

6 Q All right. Who else do you know?

7 A Thomas White. He's very active. He was the
8 former democratic chair in Henry County, and he works in
9 corrections.

10 Q Okay. And he's very active in politics in
11 Henry County?

12 A Yes.

13 Q Is he very active on social media in terms of
14 politics and social issues?

15 A Yes.

16 Q Okay. And Yolanda Barber, did you say you
17 knew her?

18 A Yeah. She just got elected to city council
19 along with myself and Mr. Blount.

20 Q Oh, Yolanda Barber is now a city councilwoman
21 who was politically active in 2017?

22 A Yes.

23 Q And is -- was she social-media active in 2017?

24 A A little.

25 Q But she's now quite social-media active?

1 A Yes.

2 Q All right. Marvin Johnson, is that -- that
3 is, I believe, a boyfriend of Vanessa Rios (ph.); is
4 that correct?

5 A He's a man that Mr. Whitson is upset that she
6 left him for.

7 Q Okay. Who is Frank Noble?

8 A Frank Noble is a burner account that I use.

9 Q It's a burner account? What's a burner
10 account?

11 A A burner account is, you know -- in the old
12 days, they called it a pen name. So a burner account is
13 an account that you usually use -- you know, sometimes I
14 use that account on a page to gin up the conversation to
15 keep things going and to make them move in a certain
16 direction.

17 Q So you're able to hide your identity and make
18 comments to gin up more enthusiasm and followers with a
19 fake name?

20 A It's a burner account.

21 MS. WOODWARD: Object to the form of the
22 question.

23 BY MR. HECHT:

24 Q It's not your name; right?

25 A It's not my name. It's a burner account.

1 Q All right. And then who is Bone McBraswell
2 (ph.)?

3 A I don't know her.

4 Q Is Bone McBraswell -- do you know when she
5 lives?

6 A I don't.

7 Q Do you have any affiliation with the name Bone
8 McBraswell?

9 A No.

10 Q Is it -- is it any kind of ID associated with
11 you, Mr. Alexander?

12 A I don't -- no, it's not. And I do not know
13 her at all, period.

14 Q All right. You would agree that this sexual
15 registry and sex offender comments did not stay within
16 the group that you listed below; correct?

17 A We --

18 MS. WOODWARD: Object to the form.

19 THE DEPONENT: We have acknowledged that we
20 posted on my personal page and my social media
21 pages.

22 And I have -- of course, if I tag people, it
23 might've gotten outside. That's correct.

24 BY MR. HECHT:

25 Q So let me -- I want to make sure I understand

1 exactly where all you posted that Arick Whitson was a
2 sex offender and on the sex offender registry.

3 You posted it in this group, the Stockbridge
4 Atlanta South group that up to a thousand people could
5 see. That's one; correct?

6 A Uh-huh.

7 Q Is that right?

8 A That's correct.

9 Q Okay. Two, you posted it also on your
10 personal Facebook page; is that correct?

11 A It was a --

12 MS. WOODWARD: Object to the form.

13 THE DEPONENT: What it is, is it was posted on
14 one page and shared to the rest of them.

15 BY MR. HECHT:

16 Q Oh, I see. So the post about the sexual
17 offender registry was shared with what other pages?
18 Tell me one by one, and we'll go through them.

19 A The Because We Care page. It was posted on --

20 Q Hold on. Because We Care Henry?

21 A Yes.

22 Q All right. So the sexual offender comment
23 about Mr. Whitson being on the sexual offender registry
24 also was shared with the Because We Care Henry page in
25 March of 2017; correct?

1 A It was -- it was shared to multiple pages at
2 the same time. Because on Facebook, when you share,
3 you -- the same content. So when it was changed, it was
4 changed on all of the pages at the same time.

5 Q I know. Let's go with before you changed.
6 Everything's going to be about before you changed. I
7 want to make sure we get all the social media sites.

8 The Because We Care Henry page where you said that
9 Arick Whitson was a sex offender and on the sexual
10 offender registry was shared on the Because We Care
11 Henry page in March of 2017; right?

12 A Right.

13 Q And that page had, at the time, over 15,000
14 followers; correct?

15 A Right.

16 Q Okay. All right. It was also shared on what
17 other social media page?

18 A We've already accounted the Stockbridge
19 Atlanta South page.

20 Q Hold on. All right. That's the one with
21 about a thousand people on it; right?

22 A And then my personal page.

23 Q Your personal page has how many people that
24 are viewers?

25 A At that time, I think I might've had a --

1 maybe like 1500 or something like that, a thousand to
2 1500. Now it's about 5000, but at that time it was
3 about maybe 1500.

4 Q That -- that the information that Arick
5 Whitson was a sex offender and on the sexual offender
6 registry was shared with those 1500 people,
7 approximately?

8 A It was shared with up to. As again, how
9 Facebook works, very few people see unless you pay to
10 boost it.

11 Q Okay. Well, if you paid to boost it, it could
12 go to thousands more; right?

13 A It would go to all of your friends first and
14 then it would go to other people.

15 Q Okay. Is there any place else that the
16 information about Arick Whitson being a sex offender on
17 the sex offender registry was shared?

18 A I've said that one, Because We Care. Might've
19 been Progressive Henry; I'm not sure.

20 Q How many viewers do you have on Progressive
21 Henry?

22 A At that time, at Progressive Henry -- I'm not
23 even sure if that was really around. It's Progressive
24 Atlanta South now. It was Progressive Henry.

25 But all of that information was turned over. At

1 that time maybe about -- now it only has a thousand in
2 it; at that time maybe about five or 600, yeah.

3 Q Five to 600 people. Any other sharings?

4 A That's all that I can recall right now.
5 That's all that I can recall. It may have been shared
6 in the Henry County Crime Group, but I don't run that
7 page. It's a -- it's a page --

8 Q How many people are in the -- view the Henry
9 County Crime --

10 A Stockbridge Crime Group, one of the two. I'm
11 not sure how many people follow that. At that time, I
12 think it's the Stockbridge -- I think now it's the
13 Stockbridge Information Page. At that time, it was
14 Stockbridge Crime Group or something like that.

15 Q Okay.

16 A But everything was -- was turned over.

17 Q I understand. And -- and the -- okay. All
18 right.

19 Now let me show you -- the exhibit that I had given
20 you before that we needed to make some clarifications
21 on, can you go back to the big-page screenshot of one of
22 these.

23 A (Deponent complied.)

24 Q Yes, sir, 123. If you could look at Exhibit
25 123, do you agree -- now, that's a screenshot from your

1 posting from your personal page that was also on the
2 share sites; is that right?

3 MS. WOODWARD: Object to the form.

4 THE DEPONENT: No. This would've been on my
5 personal page because Audi T. Turner and -- is a --
6 is a friend. He does not live -- he lives in
7 Virginia. And at that time, he was living in
8 Virginia. I think now he lives in Georgia
9 somewhere.

10 BY MR. HECHT:

11 Q Okay. So --

12 A But at this time, he did not live here. So
13 the only way he would've been able to comment on this is
14 that this would've been on my personal page.

15 Q All right. And you had a thousand followers
16 at that time on your personal page; is that right?

17 A That would be about correct; yes.

18 Q Or maybe --

19 A Around --

20 Q -- about 1500?

21 A Around or about.

22 Q You had a thousand to 1500 followers, I think
23 you said, on your personal page at that time?

24 A I believe that to be correct.

25 Q Okay. And then on your personal page, at the

1 time the lady's name was Angel Fountain.

2 A Yeah.

3 Q She said: That is terrible. Are they going
4 to close the business? I am very concerned about the
5 sexual registry stuff with him.

6 Talking about Arick Whitson; right?

7 A In the context of this, I believe that is the
8 case.

9 Q Okay. And your response is: He has done this
10 repeatedly to woman after woman and gotten away with it,
11 intimidating many victims. Now those victims know they
12 are not alone.

13 To which, one of your followers, Audi T. Turner,
14 says: Well, damn. Right?

15 A Right.

16 Q So the message is not that I'm unsure if he's
17 on the sexual offender registry; it's that he has done
18 this repeatedly; right?

19 A The message --

20 MS. WOODWARD: Object to the form.

21 THE DEPONENT: This post, in its context, was
22 a post about the March 8 TPO hearing where I had --
23 I was shocked and astonished at some of the
24 claims -- testimony of Vanessa Rios.

25 MR. HECHT: Right. But I'm going to object to

1 responsiveness.

2 BY MR. HECHT:

3 Q You can, at any time your attorney wants to
4 ask you questions, go can through all that. I'm asking
5 you about this response.

6 When she said I'm concerned about the sexual
7 registry stuff with him, and aren't they going to close
8 his business, your response is he has done this
9 repeatedly; right?

10 A My response is not to the sexual registry. It
11 was -- I don't see all the comments here, but my comment
12 was about, at this time, concerning that March 8
13 hearing. And I was alarmed at all of the things that
14 were coming my way.

15 Q Okay. Let me ask you a question.

16 A I'm not sure if this response was to her. Is
17 it -- you have -- we have the --

18 Q I do have your personal page, and I'm going to
19 give it to you in a minute.

20 A Okay. Well, is it a -- is it a response
21 directly to her, or is it a response to her comments?

22 Q I believe it was a response directly to her in
23 the comments. But why don't we do that. I'll give
24 you --

25 A Okay. Let me see that --

1 Q -- Exhibit --

2 A Does it say response, Angel?

3 Q -- 120- -- let's make this Exhibit 120- --

4 that's 124. That's 125. Let's just make this 127 just
5 to be safe.

6 (Exhibit No. 127 was marked for
7 identification.)

8 A Yeah, because if it was to her, it would say
9 at Angela Fontaine [sic], because there were a bunch of
10 people commenting on this particular subject.

11 Q Let me give you Exhibit 127. I'd ask you
12 about the last two page of your post.

13 MS. WOODWARD: What's the Bates number at the
14 bottom?

15 MR. HECHT: Here, take that. Let me take this
16 one. There are two copies.

17 And I'll give one to Harvey too. Oh, you've
18 got it. Okay.

19 BY MR. HECHT:

20 Q If you look at the last page --

21 A Uh-huh.

22 Q -- I believe that it's -- her name now is
23 Angel Manyon (ph.); is that correct?

24 A Yes. The comment appears directly under her,
25 but it does not say at her. It would -- I'm not sure

1 how the recall would print if it was specifically
2 targeted to her. Because if you look at what come
3 before that on the previous page, there's a bunch of
4 different comments that are being made here, and I'm
5 responding to the entire group.

6 Q Oh, no, I understand you're responding to the
7 entire group. At no time do you come back on your
8 personal page, on the shared Because We Care Henry page,
9 on the shared Progressive Atlanta page, on any of the
10 other share sites that you've mentioned and said, folks,
11 hold on. I have the wrong person.

12 A At that time, I did not know whether we had
13 the wrong person or not. I just couldn't confirm it.
14 We were still --

15 Q Well --

16 A -- doing research on -- to determine whether
17 or not Mr. Whitson was that particular person.

18 Q Okay. But you said you checked with Henry
19 County and couldn't match up the names. And you said
20 that very quickly you took it down; right?

21 A I did.

22 Q But you did not come back ever and say I can't
23 verify it's the same guy; right?

24 A I did -- I did not know -- we're talking about
25 March 10. On March 10, I was still looking at Eric L.

1 Smith, with no picture, not knowing whether that was him
2 or not.

3 Q All right. Well, you got sued in June of
4 2017; right?

5 A Huh-uh, this time, this was during the ethics
6 report. The lawsuit has not come yet.

7 Q I understand. In June of 2017, you ended up
8 getting sued for defamation partly on this post that was
9 shared with thousands of people; right?

10 A Uh-huh.

11 Q Was that correct?

12 A It was shared.

13 Q And you did not come back and clarify that you
14 were wrong, that Arick Whitson was not on the sex
15 offense registry; correct?

16 A I have not.

17 Q Okay. And then similarly, on this same
18 exhibit that we're talking about, 127 --

19 A Uh-huh.

20 Q -- you comment to the entire group on page 3:
21 Angel Fountain, these are facts. You're not stating
22 that as an opinion, are you?

23 A Page 3 on which one? On this one?

24 Q EA-1279.

25 A It says: Angel Fountain, these facts are

1 taken from court records and testimony I personally
2 witnessed in court on March 8.

3 So that's exactly what I said, which was --

4 Q Wait -- wait a minute. It's not exactly what
5 you said. You -- you inverted two words there, didn't
6 you? You actually said --

7 A These are facts --

8 Q -- Angel -- these are facts --

9 A -- taken from the court --

10 Q -- not these facts are taken. You said these
11 are facts.

12 A These -- okay. Angel, these are facts taken
13 from the court records and testimony I personally
14 witnessed in court myself on March 8.

15 Q Yeah, but -- but actually, there was no
16 testimony in the court that Arick Whitson was a sex
17 offender; right?

18 A But, see, she didn't make that sex offender
19 comment until after this post. I did not -- she did
20 not -- my comment --

21 Q And -- and there was no testimony in the court
22 that he, Mr. Whitson, was on the sex offender registry;
23 right?

24 A No, there was no --

25 Q And -- and you actually posted that

1 information 10 hours before this, didn't you, at about
2 midnight on March 10, 2017; right?

3 A (No response.)

4 Q Isn't that correct, Mr. Whitson -- Mr.
5 Alexander?

6 A I'm reading this.

7 Q You'll have to look at Exhibit 125, I think,
8 to find your time for the post.

9 A I'm looking for this fact where it says --

10 Q If you look at Exhibit 125 --

11 A I'm -- I'm looking at 1278 to see where it
12 says these -- the sex offender in this post.

13 Q That's -- I'll move -- I'll move on. I was
14 just going to tell you the best place to look would be
15 Exhibit 125 to find the time that you posted.

16 But if you are looking also more at Exhibit 127,
17 you note that Angel Madyon, previously Angel Fountain,
18 said, aren't they going to close his business? Also,
19 I'm very concerned about the sexual registry stuff with
20 him.

21 You recognized that these allegations that you
22 were making, which you now know are false, could end up
23 resulting in the closure or damage to Mr. Whitson and
24 his business; right?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I recognize. And I don't see a
2 sex offender comment on this particular post.
3 Maybe she read a previous -- read a previous post
4 in the group. But did I see that comment? I don't
5 know. There's a --

6 BY MR. HECHT:

7 Q Did you see it coming? If you made this post
8 about Mr. Whitson and BBQ Masters -- the owner of BBQ
9 Masters, couldn't you see that having horrible damage on
10 his restaurant?

11 A I -- I don't see --

12 MS. WOODWARD: Object to the form.

13 THE DEPONENT: -- anything about the sex
14 offender in this particular post, but I could see
15 that I was alarmed.

16 And as my statement says, I witnessed this
17 testimony from Vanessa Rios on March 8. That's
18 what my testimony was based on.

19 This post is not based on the sex offender
20 registry. It's based on what I saw in court March
21 8.

22 BY MR. HECHT:

23 Q Right. Her comment is about the sex offender
24 registry; right?

25 A Right. Whether I saw that comment or not --

1 with all of these comments going, you don't read every
2 comment on social media. Maybe I should have, but I
3 did -- I don't know whether I saw that or not.

4 Q Let me ask you something else about your
5 comments about this hearing. You didn't post anything
6 about Mr. Whitson denying all of this and saying that
7 she actually was the one that was the aggressor, did
8 you?

9 A Say what?

10 Q You didn't post anything with Mr. Whitson's
11 side, did you?

12 A I -- I -- I saw -- I saw the testimony myself.
13 I was sitting in the courtroom. I saw Mr. Whitson lie
14 repeatedly.

15 Q How do you know he lied?

16 A I saw an attorney put up two documents: One
17 that he altered and one that was an original with a
18 stamped date on it from where he had gotten it from the
19 Internet provider, and that document was altered with
20 added information to it.

21 Q You --

22 A I saw that. I saw Mr. Whitson change his
23 story multiple times back and forth. I saw Mr. -- I
24 saw --

25 Q No, let me ask you a question.

1 A -- Vanessa Reel's son break down crying
2 because Mr. Whitson had falsely accused him of a crime
3 in Gwinnett County when he was outside of Vanessa Reel's
4 home.

5 Q Well, Mr. Alexander, let me ask you this: You
6 keep saying -- just like, when in your particular
7 situation, one of your ex-wives said, he beat me,
8 created scars, had a cut in my ear where he beat me, and
9 you had a different version which you said were the
10 facts, and you just totally disagreed, and didn't give
11 Mr. Whitson any opportunity to respond, did you?

12 MS. WOODWARD: Object to the form.

13 BY MR. HECHT:

14 Q From your own experience, don't you think what
15 you --

16 MS. WOODWARD: Object to the form.

17 BY MR. HECHT:

18 Q -- did was trying to convict him in social
19 media without giving him an opportunity to respond?

20 A Mr. Whit- --

21 MS. WOODWARD: Object to the form.

22 THE DEPONENT: Mr. Whitson had an opportunity
23 to respond on the stand.

24 BY MR. HECHT:

25 Q But not in your social media page because he

1 wasn't a part of your group; right?

2 A He could've joined the group. Anybody
3 could've been on that group. It was -- it was open to
4 the public. What really happened was one of my
5 councilmembers sent him the information.

6 Q Let me ask you this: Your councilmember saw
7 he was outside of the group.

8 A She -- I'm not -- it was on my personal page.
9 At that point, Councilwoman Gantt was our -- a personal
10 friend of mine. So she had -- she sent Mr. Whitson some
11 screenshots that we have since turned over -- he -- you
12 turned over to us.

13 Q Let me ask you this: Obviously, you said you
14 don't know who Bone McBraswell is; right?

15 A I don't.

16 Q Let me show you Exhibit 124, which I think you
17 already have a copy of. Pull that out.

18 If you'll look at Exhibit 124, this is --

19 MS. WOODWARD: This is 124.

20 MR. HECHT: Let me change that. Let's make it
21 129.

22 (Exhibit No. 129 was marked for
23 identification.)

24 BY MR. HECHT:

25 Q Let me give you Exhibit 129.

1 A Uh-huh.

2 Q Do you see in Exhibit 129 where Bone
3 McBraswell -- not Angel Fountain or whoever used to be
4 Angel -- or who's now Angel Madyon -- she says, you are
5 doing the proper thing because he said he loved her but
6 did all these evil things. Why did he change his name?
7 Because his name and picture showed up on the sex
8 offender registry, for sure, in response to comments you
9 made. Is that correct?

10 A Because I didn't -- yeah, she made that
11 comment.

12 Q Right. And then on the next page, you state,
13 the purpose of this page is to inform the community in
14 all aspects. I cannot think of a more appropriate way
15 to provide the community with valuable information than
16 where they are on Facebook.

17 And Ms. McBraswell chimes in: If this is not a
18 platform to inform a community of harmful activity, then
19 what the heck is? The news, not everyone looks at the
20 news. A word -- and words of mouth to your neighbor,
21 they're not always someone you want to associate with.

22 My question to you is: Obviously, this information
23 about the sexual registry posting -- the sexual registry
24 offense went way outside of your -- of your tagged
25 individuals; right?

1 A I cannot state whether that did or not. I
2 know certain people got it. I'm not sure how far it
3 went.

4 Q You don't even know Bone McBraswell, you said;
5 right?

6 A I don't.

7 Q So without your control or ability, Ms.
8 Mcbraswell, Nadia Riddick (ph.), Tony Horton, and others
9 were able to see this comment about the sexual registry
10 and sexual registry offense; correct?

11 MS. WOODWARD: Object to the form.

12 Do you have another 129?

13 MR. HECHT: Yes.

14 THE DEPONENT: So what -- what date is this
15 one?

16 BY MR. HECHT:

17 Q Produced by you. I don't know. I presume --
18 it looks like March.

19 A Right. So it was in March. I'm not -- the
20 March one that you have shown me and that I have
21 reviewed did not have the sex offender on there.

22 Maybe there is one, maybe we turned over one, but
23 in the comments that I have reviewed, I did not see sex
24 offender mentioned.

25 As I said, she might have seen it in the previous

1 post, but I don't see it in the content that you
2 provided to me for me for -- for review -- or we
3 reviewed here.

4 Q Well, that's -- my point is: It's spreading
5 to people that we don't even know, even though it's
6 false, about Arick Whitson; right?

7 A I -- I say the same thing that I said to you,
8 is that this information at this particular time, I
9 did -- I still did not know whether it was Mr. Whitson
10 or not. I couldn't confirm it.

11 And I wasn't spreading it or sharing it anymore
12 because I could not determine whether it was him. I
13 took the post down within -- within less than -- than a
14 half a day.

15 But as to this right here, I'm not sure, because
16 I'm -- the post that you presented me with does not have
17 the sex offender on there. But I did post it originally
18 in February.

19 Q But in response to everyone who commented on
20 it and others who could see it, you never said, I'm not
21 sure this is the guy; right?

22 A I did not say that, because this particular
23 post right here is about the March 8 hearing.

24 Q Okay.

25 THE VIDEOGRAPHER: This concludes Video No. 2

1 in the video deposition of Elton Alexander.

2 The time is approximately 2:18 p.m. We are
3 now off the record.

4 We are now back on the record. Today's date
5 is December 11, 2019. The time is approximately
6 2:24 p.m.

7 This is Video No. 3 in the video deposition of
8 Elton Alexander.

9 BY MR. HECHT:

10 Q All right. Getting back to the sex offender
11 registry false statements: Exhibit 40 -- you gave an
12 email to the investigators of the complaint brought
13 against you by the plaintiffs; correct, which is shown
14 in Exhibit 40?

15 (Exhibit No. 40, previously marked, was
16 entered into the record.)

17 A That's correct.

18 Q And in that, you told the investigator also
19 that our client, Mr. Whitson, was a sex offender on the
20 sex offender registry; right?

21 A Which I believed to be true at that time, I
22 did.

23 Q I understand. But you then, on March 10, you
24 said, that night, took away the statement that he was a
25 sex offender on the sex offender registry; correct?

1 A Well, it's convoluted with the question.

2 Restate the question.

3 Q Sure. Let me give you Exhibit 126.

4 (Exhibit No. 126 was marked for
5 identification.)

6 At 126, you reposted -- in Exhibit 126, it looks
7 like at 6:09 p.m., you reposted the information about
8 Elton Alexander and the hearing you attended; right?

9 A Right. It was about the March 8 hearing that
10 I had attended.

11 Q Right. And in that particular post, you took
12 out the sex offender registry information; is that
13 right?

14 A I believe, yes. I don't think I had that in
15 there. I think maybe I might've copied and pasted
16 something or whatever. But, no, it wasn't -- I
17 wanted -- that was not in there.

18 Q Okay. But did you just repost what was about
19 the hearing without the sex offender information?

20 A It has been three years ago. I don't -- I
21 don't really -- I don't recall. I think I did, but I'm
22 not really -- I'm not sure. I couldn't answer that
23 because I don't know at this point.

24 Q Well, I -- well, I know. And so my point is:
25 Did you actually go back and take out the sex offender

1 registry information that was false, or did you just
2 repost this information about the hearing without
3 mentioning the sex offender information?

4 A Well, the edit --

5 MS. WOODWARD: Object to the form of the
6 question.

7 THE DEPONENT: Well, the edit history would
8 show how many times I changed it. And then if we
9 did, we -- they -- or they -- we sent over
10 everything that we had in terms of my Facebook
11 posts.

12 My attorney was granted access to every post
13 that I had made. They did an exhaustive search
14 using a thousand terms just make sure that -- with
15 your request coming, that we had everything that we
16 could. So --

17 BY MR. HECHT:

18 Q All right. Well, let me just put it this way.
19 And the night of March 10, 2017 --

20 A Uh-huh.

21 Q -- you had knowledge of uncertainty with
22 regard to whether Arick was on the sex offender registry
23 or not; right?

24 A I --

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I could not confirm it.

2 BY MR. HECHT:

3 Q Okay. So you gave the information to the
4 investigator of the complaint to try and, I presume,
5 state that Mr. Whitson did not have credibility in
6 filing the complaint against you, to mention the sex
7 offender registry; right?

8 A I -- I wanted them to know the kind of person
9 that I was dealing with and what I had heard on -- under
10 oath from a victim on the stand.

11 Q Right. And so your point was to the
12 investigator: This fellow's character and reputation
13 are not credible to be considered by you, Mr.
14 Investigator, when you're looking at his complaint;
15 right?

16 A No. It was -- it was my attempt to show the
17 type of person that he was and to also indicate, you
18 know, all the facts that I had before me, which was
19 Mr. Whitson was arrested and imprisoned for filing a
20 false police report in Henry County.

21 Q Right.

22 A So those were the type things that I wanted
23 them to understand, because I was being -- you know, my
24 reputation was being soiled both in -- with his false
25 accusation repeatedly --

1 Q Well --

2 A You know, I -- I don't think Mr. Whitson has
3 ever apologized for his lie he told.

4 Q Have you ever apologized for saying he was on
5 the sex offender registry?

6 A I have not spoken with Mr. Whitson. And --

7 Q Have you ever apologized on your social media
8 page for saying he's on the sex offender registry?

9 A I have not spoken with Mr. Whitson, and I have
10 not posted on my page. I have received other
11 complaints, as I said, from Bernice Randolph, who said
12 that he raped her.

13 I have received complaints from Vanessa Rees, who
14 said that he sent all of this pornography to her
15 distribution list. She testified that, with her hand up
16 in the air, under oath, that he sent -- it was him. She
17 said it was Arick Whitson --

18 Q And --

19 A -- that sent 45,000 people her and him engaged
20 in a sex act, in her distribution list. And then he
21 testified that she sent the information herself.

22 Q Mr. Alexander -- Councilman Alexander, isn't
23 it true that you told the investigator that he was on
24 the sex offender registry, and you never took it back?
25 Isn't that right?

1 A I do not recall whether I had that discussion
2 with the investigator or not.

3 Q You have no -- you have no memory of it;
4 right?

5 A I have no memory of it.

6 Q Okay. So --

7 A I'm not saying that I did not. I don't know
8 whether I did or not.

9 Q And then you said that you talked with the
10 councilpersons about the sex offender registry
11 allegation. Can you tell me who you talked to about
12 that, that you took it back?

13 A I think maybe I had conversations with Neat
14 Robinson about whether or not -- about that particular
15 situation.

16 Q What did you say: Did you tell her I was
17 wrong? I had the wrong guy.

18 A I believe I told her that it was the same --
19 that I -- that we could not confirm it, but it looked
20 like -- it looked it was the same -- at this point, I
21 was saying it looks like him, but I cannot confirm that
22 that was him.

23 And then later on did find out that it was not him,
24 I did tell her. I had a one-on-one conversation that it
25 wasn't him.

1 Q When was that?

2 A Sometime probably in 2018 -- 2017, 2018. I'm
3 not sure of the exact date.

4 Q And then, did you talk to the other
5 councilmembers and tell them that you had the wrong
6 person when you mentioned the sex offender registry?

7 A Well, at that point, the lawsuit had been
8 filed. And now I have a separate attorney, then the
9 City has a separate attorney, so we have not been having
10 these discussions on what needs to take place.

11 Because I'm -- I'm -- when they have discussions
12 about this particular case, I'm not allowed in the room,
13 and they're not in the room when I'm having -- having my
14 litigation discussions.

15 Q So the answer is, no, you didn't tell the
16 other councilmembers that you had the wrong person when
17 you said Mr. Whitson was on the sex offender registry;
18 correct?

19 A I don't believe I did.

20 Q Okay.

21 A I think that, again, I was exchanging these
22 messages in a closed envir- -- which I perceived to be a
23 closed environment.

24 Q All right. So to sum up, you posted on a --
25 on a Facebook page that was shared with many other

1 social media sites to thousands of people that Arick
2 Whitson was a sex offender and on the sex offender
3 registry, which turned out to be false, and that you
4 never clarified on these social media sites that you had
5 the wrong person; correct?

6 A I had heard testimony on the stand that said
7 Mr. Whitson --

8 Q No, no, no. Respond --

9 A -- was --

10 Q -- to my question. Then you can explain.

11 A I have not --

12 Q Is what I said true?

13 A I have not gone back and posted publicly about
14 Mr. Whitson to clarify. I simply changed the post to
15 eliminate that information -- edited that 12 hours
16 later.

17 Q So to sum up, you posted falsely that
18 Mr. Whitson was a convicted sex offender on the sex
19 offender registry. You had -- it was shared with
20 thousands on other social media sites, and you never
21 went back and said this is the wrong guy.

22 MS. WOODWARD: Object to the form.

23 BY MR. HECHT:

24 Q Correct?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I think you mischaracterized my
2 statement in that, again, I shared, which I
3 believed to be true at the time.

4 BY MR. HECHT:

5 Q Which you now know --

6 A I posted --

7 Q -- is false, and you never clarified that it
8 is false.

9 A I did not go back and post. I simply changed
10 the post. I did not post an additional post about
11 Mr. Whitson.

12 I did not -- I felt kind of conflicted about that
13 because of the testimony that I heard on March 8. On
14 March 8, Ms. Rios said that Mr. Whitson committed a -- a
15 sexual -- a crime -- a sexual-type violation of her with
16 revenge porn. And then I had heard Ms. Randolph say
17 that Mr. Whitson raped her.

18 So, you know, we might argue about whether the
19 registry comment was correct, but if these women --
20 Bernice Randolph, who will -- is fully willing to be
21 deposed, and Mr. -- Ms. Rios are willing to testify to
22 that, you know -- Mr. Whit- -- he might not be on the
23 registry, but these are indeed violations.

24 Q So -- so again, with your experience having
25 several women say that you beat them up and stalked

1 them, you aren't giving, again, Mr. Whitson an
2 opportunity to defend himself because he filed a
3 complaint against you; right?

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: Thank you.

6 Let me say this, and let's -- let's clarify
7 this right now. Okay. Anyone can go out and make
8 an accusation. There's a hundred --

9 BY MR. HECHT:

10 Q On -- on social media --

11 A There's a hundred --

12 Q -- or any other site; right?

13 A There's a hundred-degree difference between
14 showing up in a court and being vindicated, like I was,
15 and then showing up to court like Mr. Whitson did and
16 having the order being issued against you and then
17 having to be asked for counseling, mental evaluation.

18 Q Weren't -- weren't you asked to get mental
19 evaluation and mental counseling?

20 A I was asked to get anger counseling -- anger
21 counseling.

22 Q Well, didn't --

23 A And I'm sure part of that probably would've
24 been some evaluation, but --

25 Q But -- but wait a minute. In 2019, in a

1 censure resolution, didn't the council ask you, because
2 of this continuing social media and anger problem, to
3 get mental health counseling?

4 A You know --

5 MS. WOODWARD: Object to the form.

6 THE DEPONENT: You know as well as I do that a
7 censure is only a statement. It -- that carries no
8 weight of enforcement. It's a civil action. I
9 think you know that very well, just like I do.

10 BY MR. HECHT:

11 Q I agree with --

12 A Just like you know --

13 Q Mr. Alexander, I couldn't agree with you more.
14 It has no weight to it. I agree with you there.

15 A Okay.

16 Q All right. Mr. Alexander, I'm going to show
17 you Exhibit 37.

18 (Exhibit No. 37, previously marked, was
19 entered into the record.)

20 Do you see Exhibit 37?

21 A Uh-huh.

22 Q And, sir, is that you who sent an email on
23 February 4, 2017, that said Mr. Whitson was a convicted
24 domestic violence offender? Is that correct?

25 A Which I believe to be true.

1 Q All right. Councilman, you've had stalking
2 orders against you; right?

3 A I have --

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: I have been in that courtroom
6 and been vindicated, and I had -- I have been on
7 that stand, and I've been through the situation.

8 I had a mutual restraining order issued
9 against me, as -- as you -- as we have detailed
10 again and again here.

11 BY MR. HECHT:

12 Q Sure.

13 A But, again, as an attorney, you know the
14 difference between sitting on there and then the
15 dismissals versus Mr. Whitson --

16 Q And --

17 A -- and then what he was asked to be done --
18 asked to be done.

19 Q My point's the same as yours.

20 A Uh-huh.

21 Q There's a difference between having a stalking
22 order that may or may not include violence and being
23 convicted of a domestic violence offense, from your own
24 experience; right?

25 A Let me say this to this day. Let me just say

1 this.

2 Q No, no. First, answer my question. Then you
3 can answer.

4 A I believe that to be true, and I -- and I
5 somewhat believe that to be true today.

6 Q So there's a difference between stalking
7 orders and being convicted of a domestic violence
8 offense; right?

9 A There is a difference. Today, I -- I -- I
10 have -- we've done some extensive research, and -- and
11 I -- I don't -- I'm not exactly sure whether that is
12 true or untrue. We shall find out.

13 Q What is it that makes you think it is true?

14 A It possibly could be. Now, at this stage, you
15 don't know.

16 Q Well, why did you share it?

17 A I don't --

18 Q Share it to --

19 A I don't -- I don't -- I don't know whether
20 that to be true or not. Based on what victims have told
21 me, that called me the very next day, I had reason to
22 believe that. I had reason to believe that --

23 Q So you have -- you have reason to believe that
24 there is a conviction out there for domestic violence
25 somewhere?

1 A I -- I have reason to believe that.

2 Q Well, who told you?

3 A I was told that by a --

4 Q Who told you?

5 A -- caller who called me on the phone.

6 Q What's their name?

7 A Who you have told -- who -- we turned over
8 that evidence --

9 MS. WOODWARD: You can show him the record and
10 let him refresh his recollection.

11 MR. HECHT: I don't have a record of a
12 conviction --

13 MS. WOODWARD: You do.

14 MR. HECHT: -- of domestic violence.

15 MS. WOODWARD: You do.

16 MR. HECHT: No, ma'am.

17 MS. WOODWARD: We've produced them.

18 BY MR. HECHT:

19 Q What -- who is it that you talked to that told
20 you there was a conviction of domestic violence?

21 A We -- I had a phone call the very next day.
22 It was an anonymous call that we turned over to you.
23 There's a video of the phone call of the person
24 stating --

25 Q No, I --

1 A -- that Mr. Whitson -- she had a TPO against
2 him in 2000 to 2001 or '02, and she had -- she was --
3 that she was called back by Clayton County to testify
4 against Mr. Whitson in cases that were brought before
5 them because there were additional victims in these
6 particular cases. So I have reason to believe that that
7 may be true.

8 Q But you've seen a -- just like you, you had
9 the opportunity to go testify in court --

10 A Uh-huh.

11 Q -- right?

12 A Uh-huh.

13 Q And try to get rid of some of these things;
14 right? So from your own experience, you know the
15 difference between being convicted of an offense of
16 domestic violence, like you were alleged to have, versus
17 some other --

18 A I wasn't -- hold on.

19 Q -- people doing the same --

20 A I was not convicted of domestic violence.

21 Q No, I said having people allege that you
22 committed domestic violence; right?

23 A Right.

24 Q You had several ladies allege that you
25 could -- you --

1 A Well, we got through talking about that
2 already. We -- in a courtroom, you know you can't take
3 that to the stand about an accusation about something --
4 being accused of something which was dismissed.

5 Q Right. So the point is: If you haven't been
6 convicted, it's different than being accused, isn't it?

7 A The individual --

8 Q Right?

9 A -- on that --

10 Q Right?

11 A -- phone call told me he was convicted. Okay.

12 Q So you found a record of a conviction in
13 Clayton County in a domestic violence case; is that
14 right?

15 A I will -- I will leave you to be able to
16 discover that in what we have turned over. I'll leave
17 that to my attorney.

18 Q If this -- so let me just make sure. Exhibit
19 37, where you told the council and mayor that Mr.
20 Whitson was a convicted domestic violence offender, you
21 have never changed that; correct?

22 A I have not.

23 Q Okay. And you know that to be absolutely
24 true?

25 A I know -- I believe that to be true.

1 Q And the basis of your belief is that you've
2 seen a conviction?

3 A The basis of my belief is that the victim
4 relayed it to me directly in a phone call.

5 Q You have never seen a conviction; correct?

6 A Have I seen a conviction? I have seen -- we
7 have seen information in the information that was turned
8 over to you by an attorney that you should review.

9 Q I have. Would it be correct to say that
10 you've never seen any type of certified conviction of
11 domestic violence against my client?

12 MS. WOODWARD: Object to the form.

13 BY MR. HECHT:

14 Q Is that correct?

15 A I have seen information that would indicate
16 that your client is -- is guilty of that. I have not
17 seen a certified, as you speak.

18 Q All right. Have you seen -- all right.

19 Would it be correct to say that you haven't seen an
20 uncertified conviction document or a charging instrument
21 for domestic violence against my client?

22 A It would be correct to say that the victim had
23 relayed it to me, and I have seen some information to
24 indicate that that it would possibly be true.

25 Q Just like your failure to verify the sex

1 offender registry, have you not verified this allegation
2 as well?

3 MS. WOODWARD: Object to the form.

4 THE DEPONENT: Objection again. I ask that
5 you refer to my attorney and the information that
6 we turned over to you in discovery.

7 BY MR. HECHT:

8 Q Have you seen a conviction for domestic
9 violence, yes or no?

10 A Have I seen a conviction for domestic
11 violence? I have seen information. I have not seen a
12 conviction.

13 Q Let me show you Exhibit 25.

14 (Exhibit No. 25, previously marked, was
15 entered into the record.)

16 A All right. Work in progress.

17 Q Would you agree that you posted Exhibit 25 on
18 your Because We Care Henry County page?

19 A I would agree.

20 Q And this is the posting where you start with:
21 Henry County, we are better than this. Right?

22 A This is information that was posted to our
23 page. And, yes, we are better than this.

24 Q All right. And you posted this as Elton
25 Alexander, Stockbridge City Council; right?

1 A This was on the Because We Care page.

2 Q Right, that you posted on the Because We Care
3 page?

4 A Uh-huh.

5 Q Correct?

6 A Uh-huh.

7 Q Is that --

8 MS. WOODWARD: Say yes or no.

9 BY MR. HECHT:

10 Q -- yes -- yes or no?

11 A Yes.

12 Q Okay. And you -- you criticized the business
13 owner, Mr. Whitson, for filing a complaint against you
14 and then state that he has an unsafe and unsanitary
15 place and then say you will stand up for better in
16 Stockbridge and always stand up against poor businesses
17 representing our city poorly because we deserve better,
18 Elton Alexander, Stockbridge City Council. Correct?

19 A That's correct.

20 Q Okay. And that's -- that's part of what you
21 see as your duty as a city councilman 24 hours a day;
22 right?

23 A That's part of what I see as my duty -- my
24 official duties as covered by the charter that applies
25 to official meetings. But I consider myself in 24

1 hour -- I serve 24 hours. If I see something out there
2 that requires my attention, I react to it.

3 Q All right. And you recognize the fact that
4 when a city councilman calls out a business like this,
5 claims it's poor, unsanitary, and unsafe, and that Henry
6 County can do better than this, that it's likely to
7 damage the restaurant; right?

8 A It might -- might damage those consumers who
9 are -- are participating in this. Because I had not
10 seen any of the BBQ Masters file. I requested the file
11 in November, because, I'm like, what in the world
12 happened? What is this? Who filed this complaint
13 against me, and what is it all about?

14 So when I looked through the file and I saw the
15 pictures that I saw and I saw the -- the spiel out
16 there. And then it kind of -- as I remember what I saw,
17 when I'm driving down the road, I saw this trailer with
18 a piece of wood over the door. I saw it sitting on
19 bricks in our main corridor. It reminded me that I was
20 in the ghetto.

21 And I said you know what? We are better than this,
22 and we cannot -- we've got to do a better job of
23 asserting where we are. We are better than that.

24 And -- and accordingly, Mr. Whitson came into
25 compliance. He put wheels on the trailer. He removed

1 the -- the board. All of that was in the file,
2 unbeknownst to me.

3 So if all of that was me harassing him, why did he
4 fix it? He fixed it because Code Enforcement had
5 interacted with him, unbeknownst to me. Because I had
6 to request the file to even know what he was talking
7 about.

8 Q When you requested the file and interacted
9 with Code Enforcement, did you expect Code Enforcement,
10 as a result, to go out and visit BBQ Masters?

11 A They did --

12 MS. WOODWARD: Object to the form.

13 THE DEPONENT: They did not have to go out and
14 visit BBQ Masters. This was old stuff that had
15 happened the previous year that I was unaware of.

16 I was unaware that Mr. Whitson had this -- had
17 been visited with all these boxes and an oil spill
18 in the parking lot. I didn't know anything about
19 any of that.

20 I -- I -- only thing that I know is that I saw
21 this trailer with the board on it on blocks. I
22 didn't learn about those Code Enforcement
23 interactions until I requested the file.

24 BY MR. HECHT:

25 Q I see. So the first time you understood there

1 were any Code Enforcement issues with BBQ Masters was in
2 February of 2017; is that correct?

3 A No. I had seen this trailer in -- driving
4 down the road, and I had reported -- reported that. And
5 I went on a drive with Dale Hall. And there's an email
6 that we turned over to you where -- Mr. Whitson was
7 nothing special. We noted a lot -- we noted several
8 businesses along that corridor that was substandard.
9 His business was one of those that was substandard.

10 Q And yet --

11 A He needed to come into compliance, which he
12 did come into compliance. And as I later learned, he
13 wasn't even given a citation. He was just counseled on
14 what to do to improve his performance.

15 He acquiesced, came into compliance, and this
16 trailer does not sit on blocks or have a board on the
17 window or any of that now.

18 Q Well, in December of 2016, you specifically
19 went to his facility at 72 Highway 138; correct?

20 MS. WOODWARD: Object to the form.

21 THE DEPONENT: Mr. Whitson acknowledged I did
22 not even recognize him when I went there on
23 December.

24 BY MR. HECHT:

25 Q I didn't ask you that, sir. I asked you: In

1 December of 2016, you went to BBQ Masters?

2 A I went to BBQ Masters not knowing who was the
3 owner and who was the proprietor. I saw a business, as
4 I do -- if you follow my page along, that's how I get
5 all of my information.

6 I see stuff going on down the road, I stop by to
7 talk to the proprietor. We talk about it. I did
8 not encounter -- when I encountered Mr. Whitson -- he
9 says in this statement to the independent investigator
10 and to -- in the e- -- in documents and statements, I
11 hardened myself, because I did not recognize him.
12 Because I didn't know who he was. When I --

13 Q Well, you -- you realized who it was once you
14 got there; right?

15 A I realized who I -- who it was when I
16 approached the contractor. And the contractor, eyes got
17 this big and fled to his truck and left the premises
18 with it with, like -- with -- like Speedy Gonzales.

19 Q Well, let me -- let me --

20 A He left it -- he left it, and he said, you'll
21 have to talk to the owner. He's inside. That's when
22 Mr. Whitson came out the door. I still didn't know who
23 he was.

24 He started to talk to me, and he told me who he was
25 at that point. And then he said -- I said -- that was

1 nothing against him. We wasn't -- I'm not trying to do
2 anything over there. I just want to know what you --
3 you know, what's going on in here. What -- what do you
4 have coming to the city.

5 Q And let me ask you a question: Did you see
6 things in December of 2016 that bothered you about the
7 restaurant?

8 A I saw -- I -- what bothered me about the
9 restaurant -- Mr. Whitson -- is that -- our
10 conversation. Your conver- --

11 Q No, not my -- my question is this --

12 A -- his conver- --

13 MS. WOODWARD: Object to your -- your --
14 BY MR. HECHT:

15 Q My question is -- the reason we're running
16 long --

17 A Uh-huh.

18 Q -- is because of this.

19 A Okay.

20 Q But you say whatever you want to say, but I
21 can assure you the reason we're here long is because of
22 this. You're not answering my question.

23 My question is: Did you see anything at the
24 barbecue restaurant in December of 2016 that you felt
25 was offensive or violative of any of the codes or laws

1 of Henry County or the State of Georgia, in December of
2 2016?

3 A Did I see anything?

4 Q Yes, sir, in 2016.

5 A I saw something.

6 Q Okay. What'd you see?

7 A I didn't -- I saw Mr. -- I spoke with Mr.
8 Whitson, and he said, what we're going to do is we're
9 going to cut a hole in the wall, and we're going to
10 insert this trailer that used to be on blocks into the
11 wall, and it will function as the kitchen.

12 I didn't see any permits for that. I didn't see
13 anything -- that's what I saw. It alarmed me. We're
14 about -- this site -- we were about to have a trailer
15 sticking out the side of a building on our main
16 corridor, and this business owner -- I -- I know enough
17 about construction to know that, man --

18 Q Sure. Right.

19 A -- I don't see any permits --

20 Q I get that.

21 A -- up there.

22 Q Right. Right. And you were upset about it,
23 and you reported it to Code Enforcement; right?

24 A I didn't report it to Code Enforcement. I --

25 Q Who'd you report it to?

1 A To George Patterson.

2 Q All right. Henry County. You reported it to
3 Henry County?

4 A I -- I asked --

5 MS. WOODWARD: Object to the form.

6 THE DEPONENT: I reported it to -- I asked
7 George Patterson whether or not they had permits
8 for anything at this particular location, and I
9 think I put the address down to see.

10 Because I was alarmed, and I -- I wanted to
11 know did -- did you approve a trailer sticking out
12 the side of this building?

13 BY MR. HECHT:

14 Q Sure. I -- I get that you were alarmed. I
15 get what you saw in December of 2016.

16 You didn't post anything on your social media site
17 in December of 2016 about BBQ Masters; right?

18 A No, I did not.

19 Q All right. But after Mr. Whitson filed an
20 ethics complaint against you in February, you posted
21 about BBQ Masters being a terrible business and one that
22 citizens of Henry County shouldn't go to; right?

23 MS. WOODWARD: Object to the form.

24 BY MR. HECHT:

25 Q As a city councilman.

1 A I -- what I did --

2 MR. GRAY: Objection as to form.

3 THE DEPONENT: I had already talked to Code --
4 talked to the city manager -- let me correct that,
5 the city manager.

6 BY MR. HECHT:

7 Q Well, first, answer my question.

8 A Okay.

9 Q It wasn't until my client filed an ethics
10 complaint against you that you actually told all the
11 Henry County citizens, we can do better than this;
12 right?

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: I believe there was a post that
15 was sent over previously. I have to go back and
16 look through the notes to see whether or not that
17 was pointed out.

18 But on my ride with Dale Hall --

19 BY MR. HECHT:

20 Q Well, no; first --

21 A Well, hold on. My ride with Dale Hall was way
22 before this.

23 Q I -- I know. My point is: You made your post
24 within days of the complaint against you by my client,
25 and you mentioned it in the second sentence of your post

1 in February of 2017; right?

2 A I mentioned it on this post, yes.

3 Q And you mentioned it in your capacity as a
4 city councilman for Stockbridge; right?

5 A I mentioned it as using my freedom of speech.

6 Q Absolutely. And in your freedom of speech as
7 a city councilman, you're telling them that this is a
8 poor business that people don't need to go to that is
9 unsanitary and unsafe; right?

10 A I -- my --

11 MS. WOODWARD: Object to the form.

12 MR. GRAY: I object to the form.

13 THE DEPONENT: I was concerned about this
14 business, yes.

15 BY MR. HECHT:

16 Q Okay.

17 A I was concerned about this business when I
18 went on the ride with Dale Hall, and numerous others.

19 Q You just decided to wait to slam it on your
20 social media site after he filed a complaint within --

21 MS. WOODWARD: Object to the --

22 THE DEPONENT: No --

23 BY MR. HECHT:

24 Q -- days after it; right?

25 MS. WOODWARD: Object to the form.

1 MR. GRAY: Object to the form.

2 THE DEPONENT: No, sir. I have been posting
3 on -- on businesses that did not meet the standards
4 since 2014. I have done that numerous times on
5 numerous businesses that did not meet the standard,
6 car washes that did not meet the standard,
7 businesses that served cold food, businesses that
8 did not meet the standard, built poor buildings --
9 Dollar Stores, various businesses, not just Mr.
10 Whitson. He was nothing special. It was all about
11 cleaning up Highway 138.

12 BY MR. HECHT:

13 Q So you're posting these types of issues as
14 part of your habit of criticizing folks that are opposed
15 to your view; right?

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: No, sir. Amazon has made a
18 trillion dollars off of reviews. It's a review.

19 BY MR. HECHT:

20 Q All right. I'm going to give you Exhibit 73.

21 (Exhibit No. 73, previously marked, was
22 entered into the record.)

23 Exhibit 73, I believe, is a reprocessing of your
24 February 11, 2017, email to the ethics board.

25 Is it correct that you state to them that Mr.

1 Whitson was convicted of violently victimizing his
2 significant other -- significant other in that
3 particular post at the bottom of Exhibit 73?

4 A Which I believed to be true at that time, and
5 I still maintain that to be true.

6 Q Except you've never seen a conviction of it;
7 correct?

8 MS. WOODWARD: Object to the form.

9 BY MR. HECHT:

10 Q All right. Let me give you Exhibit 27.

11 (Exhibit No. 27, previously marked, was
12 entered into the record.)

13 You made the exact same allegation as well on
14 February 11, 2017, in Exhibit 27; correct, where you
15 also state that Mr. Whitson was convicted of violently
16 victimizing his significant other? And it also went to
17 the city attorney and the city clerk; right?

18 A That's correct.

19 Q Okay. And I believe that you also, at one
20 point, claimed to the city and council that --

21 MR. HECHT: We're on what number, Madam?

22 THE COURT REPORTER: We went from 129 back
23 to -- we did -- we don't have a 128.

24 MR. HECHT: Okay.

25 //////////////

1 BY MR. HECHT:

2 Q Let me give you Exhibit 128.

3 (Exhibit No. 128 was marked for
4 identification.)

5 All I want to know about Exhibit 128: Is this what
6 you posted on your Because We Care Henry page on or
7 about March 10, 2017?

8 MS. WOODWARD: Object to the form.

9 THE DEPONENT: I -- it appears to be so. I
10 think it is.

11 MR. GRAY: Objection.

12 THE DEPONENT: I don't have a -- again, this
13 is a screenshot. But I believe that to be true.

14 BY MR. HECHT:

15 Q And this is also sent to certain specific
16 people from Angela [sic] Dyer down to Simeon Nunnally;
17 is that right?

18 A It's not sent. These are tags on Facebook,
19 just like the other tags that we had.

20 MR. GRAY: Is this Because We Care?

21 BY MR. HECHT:

22 Q This is Because We Care Henry; right?

23 A Yes.

24 Q All right. And is this --

25 A No -- no, no. This couldn't be Because We

1 Care Henry, because you can't -- I don't think so. You
2 don't -- tagging -- this is a personal page because
3 tagging -- can't tag individuals from -- all of these
4 people -- tagging these people from Because We Care
5 would've been very -- it's very difficult to tag an
6 individual from a page.

7 This appears to be from my personal page. It
8 might've been shared on Because We Care Henry, but the
9 original post would've been on my --

10 Q Personal page?

11 A -- personal page.

12 Q So it would've gone to your thousand or 1500
13 people that view this page and then maybe shared on your
14 other social media sites, like Because We Care Henry?

15 A Possibly.

16 Q Okay. And then let me ask you about Exhibit
17 44. What is Exhibit 44?

18 (Exhibit No. 44, previously marked, was
19 entered into the record.)

20 Is Exhibit 44 a text message by you that says: My
21 lawyer is the bomb. Whitson to serve time for sexual
22 contact with a minor in Ohio. He was or is a sex
23 offender. SMH.

24 And then I believe Marvin Johnson says:

25 Unfortunately, the Eric Smith who spent time in jail in

1 Ohio is not the same person according to my lawyer

2 MS. WOODWARD: Object to the form.

3 THE DEPONENT: No. That -- that was -- this
4 is a statement that I sent to him: Unfortunately,
5 Eric Smith, who spent time in jail in Ohio is not
6 the same person according to my lawyer.

7 This is my response to him saying that it --
8 we couldn't -- we -- it was not the same person.

9 BY MR. HECHT:

10 Q Who is -- who is Whitson to serve time for
11 sexual contact with a minor?

12 A Well, isn't -- wouldn't this be attorney-
13 client privilege?

14 Q No, it's not.

15 A It says -- well --

16 Q It's a -- it's a text.

17 A I understand that. But it says my lawyer.

18 Q It doesn't matter. It's -- it's -- it's in a
19 text. You published it.

20 MS. WOODWARD: You can discuss the text with
21 Marvin, just don't say anything you and I
22 discussed.

23 BY MR. HECHT:

24 Q You can talk about your lawyer all day long.

25 You just can't talk about what you get advised about in

1 conference.

2 So what is this about?

3 A In this particular case, it was relayed to me
4 that an individual matching Mr. Whitson's name and -- in
5 Ohio was convicted of a sexual offense and -- in Ohio.
6 And this was relayed to me.

7 I relayed that to -- to Marvin because Marvin was
8 actually trying to find the sexual conviction for him to
9 be put on the sexual offender -- sex offender registry.

10 Q And --

11 A And --

12 Q -- so you conveyed this information to Marvin?

13 A Marvin had originally conveyed the information
14 to me, and Marvin was trying -- and I told him I
15 couldn't find it. I was looking for some confirmation.

16 I thought that I had received some confirmation at
17 that time, and I believed it to be true at the time that
18 this text was sent. And when I discovered that this was
19 not true, I messaged Marvin back to tell him that this
20 was not the same person.

21 Q You used the term unfortunately, like, isn't
22 it too bad that the guy that we're trying to find bad
23 information on is not the guy who committed the sex
24 offense on a juvenile. Is that what you meant?

25 A No. What I meant was it was unfortunate that

1 I had relayed incorrect information to him.

2 Q So you had previously stated to Marvin Johnson
3 that Mr. Whitson had served time for sexual contact with
4 a minor in Ohio and that he was a sex offender, but you
5 clarified that that was wrong?

6 MS. WOODWARD: Object to the form.

7 THE DEPONENT: Mr. Johnson originally
8 conferred to me that Mr. Whitson was a sex
9 offender, okay.

10 During the course of that time, I told him
11 that I could not confirm that. That's why I
12 changed the post. It was not something that I was
13 able to confirm.

14 So at that point, it was still: Do I know?
15 Don't I know? Do I know? Don't I know?

16 And then we came across this information right
17 here, which I believed to be true at the time. I
18 sent it to him. So I went back to say, well,
19 unfortunately, I gave you some bad information, not
20 the fact that we were -- you know, I want the
21 information to be true, just like anybody else
22 does.

23 BY MR. HECHT:

24 Q You wanted the information to be true that
25 Arick Whitson was a person who had had sexual contact

1 with a minor in Ohio and was convicted of it? You
2 wanted that to be true?

3 A No.

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: No. I wanted it to be -- I
6 wanted the facts to be correct. I wanted the facts
7 to be correct. No matter who it was, I wanted the
8 facts to be correct.

9 BY MR. HECHT:

10 Q You wanted the facts to be correct?

11 A Yeah.

12 Q So you told Marvin Johnson, one person, that
13 Eric Smith, who spent time in jail in Ohio, is not the
14 same person; right?

15 A Right.

16 Q To the thousands of people that you told Mr.
17 Whitson was a sex offender from Ohio and on the sex
18 offender registry, you did not make this exact same
19 clarification; right?

20 A I never --

21 MS. WOODWARD: Object to the form.

22 THE DEPONENT: I never told anybody that Mr.
23 Whitson was a sex offender from Ohio. I said that
24 he was on the sex offender registry in Henry
25 County. That's what the post said.

1 BY MR. HECHT:

2 Q And just like you showed Mr. Johnson that
3 there was some wrong information you sent him
4 previously, you clarified to him that on that fact you
5 were wrong; it was the wrong Eric Smith?

6 A It was a direct, one-on-one communication to
7 someone who I know. You know, communication says it's
8 responsive, you know? You want to make sure.
9 Responsibility of the sender; right, to make sure that
10 that message is received.

11 I know that he -- it was sent. It was received.
12 He said that it was received via phone. And then I went
13 back to -- to communicate to him that that information
14 was incorrect.

15 Q So it's the responsibility of you to clarify
16 when something is incorrect to the people that receive
17 it; right?

18 A When I know that that's factually incorrect.

19 Q So you were -- after you received the lawsuit,
20 you didn't go back and clarify it; right, on social
21 media?

22 MS. WOODWARD: Object to the form.

23 THE DEPONENT: I had changed the post 12 hours
24 later.

25 //////////////

1 BY MR. HECHT:

2 Q Without saying you had the wrong person.

3 A I changed the post, significantly removing
4 that text from the post 12 hours later.

5 Q The sex offender registry information, did you
6 orally tell it to other people in addition to posting it
7 on your media sites?

8 A I may have had some discussions with
9 individuals, but we have noted those individuals in the
10 information that was turned over.

11 Q Well, let's note it again on the record. Who
12 did you tell -- tell that Arick Whitson was a sex
13 offender on the sex offender registry orally?

14 A The people that we mentioned: The
15 councilmembers, the mayor, city manager, Michael Harris,
16 city attorney Mike Williams. Let me see. That's not
17 something that I went around talking to people about.
18 It ain't that -- many of the people that you saw tagged,
19 the ones that I knew, maybe my neighbor, Shalettra Horne.
20 But most of the communication was via social media.

21 Q Who you may have orally told the people that
22 were tagged that Mr. Whitson was a sex offender on the
23 sex offender registry also?

24 A Very few of them. This was not a discussion
25 that took up much of my time, talking to people about it

1 face-to-face.

2 I was trying it to turn the -- turn the -- not --
3 not wanting to discuss this face-to-face with many
4 individuals. The ones that we did, we compiled them
5 over time, and have given that and turned that over to
6 you to encompass who that was.

7 Q But you told a few of them that were in the
8 tag group about Mr. Whitson being on the sex offender
9 registry and being a sex offender; right?

10 A In the tag group, there might've been one or
11 two of them where I might've talked about it face-to-
12 face, because I don't see any of these people, hardly.

13 Folks follow your social media page because of who
14 you are. You don't -- you don't interact with them a
15 lot of times in real life. So none of the people on
16 this particular list that I see here . . .

17 Q And more people -- you said more people follow
18 you because of who you are. So being a councilperson
19 helps you in terms of volume of followers; right?

20 A No. I mean, that was it -- when I took
21 office, I had about, what, 14-, 15- -- I had about
22 15,000 when I -- when I took office. So I -- I use the
23 social media site to -- to make sure folks are informed
24 of what's going on.

25 But that was long before -- actually, growth has

1 slowed down since I became a city councilmember.

2 Because I was at 15,000, that was back in 2014, '15.

3 Q So when you were posting these sex offender
4 registry comments and they were shared on the Because We
5 Care Henry page, you had over 15,000 followers; correct?

6 A That would be correct for the 12 hours it was
7 posted.

8 Q Okay. And then --

9 A Less than a day it was posted; I'm sorry.

10 Q Got it. Unless it was shared by people after
11 it was posted, like by Angel Fountain or by Shalettra
12 Hornes or by Raja Neddick (ph.) or by any of the other
13 people that commented in that string of comments that
14 day; right?

15 A How it --

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: How Facebook works is when the
18 original post is changed, all of the posts change.
19 So then if they -- even if they shared it, when I
20 changed the original post, their post changed too.

21 The person who makes the original post
22 controls how it's viewed. And if I -- if I deleted
23 it, all of theirs would've been deleted. But if I
24 changed -- when I changed the post, all of the
25 shares were changed too. That's how Facebook

1 works.

2 BY MR. HECHT:

3 Q But their comments about the sex offender
4 registry and closing up his restaurant would not change;
5 right?

6 A No, their comments would not change.

7 Q So when Angel Fountain comments this sexual
8 registry stuff really concerns me, and have they closed
9 up his restaurant, that comment would remain forever?

10 A That comment --

11 MS. WOODWARD: Object to the form.

12 THE DEPONENT: -- remained on my personal
13 page, which I tagged her on -- or I tagged the
14 individuals on. Because to tag those individuals,
15 it would've been on -- on the personal site.

16 Just because the information that -- that --
17 even -- each share -- each individual page works
18 differently. The comments that are made on Because
19 We Care Henry are going to show up on Because We
20 Care Henry. The comments made on Stockbridge
21 Atlanta South are going to show up. My personal
22 page, they're not going to show up -- cross over on
23 the other pages --

24 BY MR. HECHT:

25 Q Right.

1 A -- from what I understand.

2 Q But once they're there, they're never going
3 away; right?

4 MS. WOODWARD: Object to the form.

5 BY MR. HECHT:

6 Q Once the comments -- the sexual registry stuff
7 really concerns me; have they closed his business, those
8 kinds of comments are never going to go away; right?

9 MS. WOODWARD: Object to the form.

10 THE DEPONENT: Those comments won't go away
11 unless I delete them.

12 BY MR. HECHT:

13 Q And you have not deleted them; right?

14 A No.

15 Q All right. Let me ask you about -- let me ask
16 you about Exhibit --

17 MR. HECHT: What are we on; 130?

18 THE COURT REPORTER: Let's see. We are at
19 130, yes.

20 (Exhibit No. 130 was marked for
21 identification.)

22 BY MR. HECHT:

23 Q All I want to know is your confirmation that
24 you sent Exhibit 130 to prosecutor Michelle Stevens. Is
25 that correct?

1 THE DEPONENT: Did we turn this over, or did
2 they turn . . .

3 MS. WOODWARD: I don't see a Bates number on
4 it. No, that could be some --

5 THE DEPONENT: Okay. That's --

6 BY MR. HECHT:

7 Q Is that an email that you sent to Michelle
8 Stevens?

9 A It -- it appears to be, yes.

10 Q Okay. And that came from your City of
11 Stockbridge, Georgia, email?

12 A Right. This was my attempts to make sure that
13 these crimes that were reported to me orally, that I
14 relayed them. And then several of the complainers sent
15 emails with the subject matter and case numbers for the
16 allegations that were made against Mr. Whitson.

17 Q Okay. And let me show you Exhibit 131.

18 (Exhibit No. 131 was marked for
19 identification.)

20 You sent from -- first, from Elton Alexander to
21 [REDACTED]@gmail information indicating that Mr.
22 Whitson had given bad checks to people; is that correct?

23 A That's correct. The person who sent me this
24 information sent the case numbers and everything. And
25 we sent that over to -- to the solicitor.

1 Q Right. You re- -- you republished it and sent
2 it to also yahoo@emailverification. So that's to
3 Randolph, Bernice; is that right?

4 A I think -- let me see. Let me see.

5 Q No, I'm sorry. That's sent from Ms. Bernice
6 to you.

7 A It was sent to me, right.

8 Q And then you send it -- when it says
9 [REDACTED]@gmail, is that just one email address?

10 A That's one email address. You know, during
11 this time -- again, this is during the ethics
12 complaint -- I wanted --

13 Q You're sending it to yourself?

14 A -- to be able to lay my hands on these
15 documents for when that day comes where I get to testify
16 to the investigator.

17 Q You wanted to be able to use that in the
18 investigation to show the investigator that maybe Mr.
19 Whitson doesn't have the credibility he should and to
20 show that his character is no good; is that right?

21 A It was information they needed. Thank you.

22 Q I mean, but it has nothing to do with the
23 allegations against you. It's to damage his reputation
24 so they won't believe him; right?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: This -- these were sent to --
2 because these were potential crimes.

3 BY MR. HECHT:

4 Q Potential crimes?

5 A Uh-huh.

6 Q You're indicating to the investigator that you
7 believe that Mr. Whitson gave bad checks to someone.

8 A Uh-huh.

9 Q Right?

10 A Uh-huh.

11 MS. WOODWARD: Object to the form.

12 BY MR. HECHT:

13 Q Is that -- you keep saying uh-huh. Is that
14 correct?

15 A Yes, sir. I'm sorry.

16 Q Okay. Now, we'll just go through the number
17 of people you sent it to first. Let me give you Exhibit
18 72.

19 MS. WOODWARD: Wait, do you have another 131?

20 MR. HECHT: Actually, I do.

21 BY MR. HECHT:

22 Q And you sent the same bad check statements
23 to -- I think I gave you, what, 72?

24 (Exhibit No. 72, previously marked, was
25 entered into the record.)

1 A 131 and 72.

2 MR. GRAY: Which exhibit is this?

3 MS. WOODWARD: That's 131.

4 BY MR. HECHT:

5 Q All right. So you sent this to Neat Robinson,
6 Anthony Ford, Mike Williams, Michael Harris, and
7 yahoo@emailverification.

8 And yahoo@emailverificiation is who?

9 A I'm not sure why that says that. I don't know
10 who that is. I'm not sure why it says that.

11 Q Is that a list of distributees?

12 A Not from me, nope.

13 Q Okay. But that's -- who is -- then you don't
14 know who that address is for?

15 A I'm not sure who that address is for because
16 that's not something -- that's not an email address that
17 I use or recognize.

18 Q And your point is it's shocking that this man
19 is supposedly giving bad checks to people; right?

20 And you're sending that to the mayor and council,
21 basically.

22 A I wanted them to understand the complaint that
23 Bernice Randolph had supplied to me.

24 Q Okay. And was that in relation to your -- it
25 doesn't look like it's in relation to any ethics

1 complaint. You're just sending them the information
2 about a business in Stockbridge; right?

3 A No. This information was -- Bernice Randolph
4 contacted me in regards to the ethics complaint.

5 Q Okay. Again, you also sent this same
6 information -- I think this is Exhibit 132. You sent it
7 on February 17, it looks like a later date, again to
8 yahoo@emailverification at a later time during the day.

9 And I don't have --

10 (Exhibit Nos. 132 and 133 were marked for
11 identification.)

12 MS. WOODWARD: What is that?

13 MR. MR. HECHT:

14 Q You don't know who yahoo@emailverification is?

15 MS. WOODWARD: It looks like copy rights. I'm
16 not trying to --

17 BY MR. HECHT:

18 Q Is that correct? You don't know who that is?

19 A No, I don't.

20 Q Okay. That's all right. I'm just trying to
21 make sure we got what we got.

22 All right. And then you sent the same information
23 alleging that Mr. Whitson was giving a -- giving bad
24 checks to a particular vendor, in Exhibit 133; is that
25 correct?

1 A This was sent to --

2 Q Who is HCSG@?

3 A That's Henry County government -- Henry County
4 government.

5 Q So who is -- who is HCSG@henrycounty?

6 A It's Henry County Solicitor General.

7 Q I see. I see. So you're sending information
8 to the Henry County Solicitor General that Mr. Whitson
9 allegedly gave bad checks to people; is that right,
10 for --

11 A If you look here, it says -- this is Bernice
12 Randolph's address. It says Yahoo email verification.

13 Q I see.

14 A So it's not my -- anything associated with me.

15 Q I got it. But you're sending it to the
16 solicitor general for hopes there's an investigation and
17 prosecution; right?

18 A For the investigation; I don't know what the
19 outcome is going to be.

20 Q Okay. All right. And then you also --
21 well, so did you ever contact Mr. Whitson to get his
22 explanation that a vendor gave him spoiled food and that
23 he actually gave him a proper check when he got it? Did
24 you ever contact Mr. Whitson about it?

25 A Mr. Whitson -- no, I didn't because Mr.

1 Whitson made up a lie. At any encounter, there's no way
2 I would ever be in any room alone with Mr. Whitson
3 because there's no telling what -- what he might say.

4 Q So you just sent this to people, the mayor,
5 the council, the solicitor, and never let Mr. Whitson
6 know that it was being sent to the mayor and council as
7 they were processing his business permits, as they were
8 processing his alcohol permit, as they were working
9 supposedly on putting Code Enforcement on him; is that
10 right?

11 MR. GRAY: I'll object as to form.

12 MS. WOODWARD: Object to the form.

13 MR. GRAY: Nobody put Code Enforcement on him.

14 THE DEPONENT: Let me say it again. I have
15 nothing to do with Mr. Whitson's permits, signs,
16 alcohol, or any of the above. I had no knowledge
17 of those processes and how Henry County handled it,
18 or the staff handled it.

19 Me, as a councilmember, I can't tell anybody
20 to do anything without going through the city
21 manager. We have to work through the city manager
22 to task them with anything. I can't simply go to
23 somebody and say do this or do that.

24 BY MR. HECHT:

25 Q Wasn't Code Enforcement directly taking your

1 calls to go see particular sites --

2 MS. WOODWARD: Object to the form.

3 BY MR. HECHT:

4 Q -- in 2017?

5 A Was Code Enforcement taking direct calls from
6 me?

7 Q When you --

8 A Code Enforcement takes calls from any citizen.
9 If you see something, you can say something as a
10 citizen.

11 Citizen Elton Alexander can call Code Enforcement
12 just like citizen Greg Hecht can call or anybody can
13 call. I made a habit of calling long before I took
14 office in the City of Stockbridge.

15 But did I call Code Enforcement ever and tell them
16 to go to Mr. Whitson's business? No.

17 Q Okay. Good to know.

18 A For clarification -- I'm sorry. For
19 clarification, there was -- I think Councilwoman
20 Robinson reported, and it was maybe in 20- -- late 2017,
21 late 2018 as well, the smoker was put out in front of
22 the business and then it was smoke going all across
23 Highway 138.

24 But that was not a direct call to Code Enforcement.
25 It was a call to the city manager. And then, as a

1 matter of fact, Mr. Whitson received preferential
2 treatment, because Councilwoman Robinson reported it and
3 I reported it, and no one want -- wanted to go out
4 because this lawsuit was in effect. So he -- he's been
5 protected against this because this lawsuit is pending.

6 Q So your testimony is you asked Code
7 Enforcement to go out there, but they didn't go out; is
8 that right?

9 A My -- my --

10 MS. WOODWARD: Object -- object to the form.

11 MR. GRAY: Objection as to form. He didn't
12 say that.

13 THE DEPONENT: I did not say that. My
14 testimony is it was reported to the city manager,
15 who at that time made a determination that it was
16 not going to be anybody go out.

17 But two councilmembers had actually -- we had
18 not even talked to each other, but both of us had
19 reported it.

20 BY MR. HECHT:

21 Q Did you ask for Code Enforcement to go out
22 there to check out Mr. Whitson's restaurant after the
23 lawsuit was filed?

24 A I asked for that safety issue to be looked
25 into, as I would with any business. I'm not going to

1 walk past a dangerous situation and to look for it.

2 That is the only time that I recall that we
3 actually did -- that I actually did have a conversation
4 about his particular business only; most of the time it
5 was in a context of all the businesses.

6 But it was a problem because there was smoke
7 literally billowing out on the highway. And driving
8 through there, you had to drive through the smoke.

9 Q Okay. Because you saw what you saw, did you
10 ask for Code Enforcement, after the lawsuit was filed,
11 to go check up on BBQ Masters?

12 MS. WOODWARD: Object to the form.

13 BY MR. HECHT:

14 Q Is that a correct statement?

15 A I had asked the -- the city manager to look
16 into this. Yes, I did.

17 Q Okay.

18 A Now, the city manager is in charge of sending
19 whoever out.

20 Q Okay.

21 MR. HECHT: Let's take a two-minute break.

22 MR. GRAY: Okay.

23 MR. HECHT: I'll talk to my client for a
24 minute.

25 THE VIDEOGRAPHER: Off the record at

1 approximately 3:20 p.m.

2 We are back on the record. The time is
3 approximately 3:34 p.m.

4 MS. WOODWARD: I just wanted to go on the
5 record and say that there was some discussion
6 earlier about some documents that we produced --
7 EA, I think it was 2386 -- that you had questioned
8 Mr. Alexander about.

9 And we had redacted some of the discussion
10 that didn't have the search terms in it. But
11 because it came up in the conversation, we decided
12 to produce them. So I am doing that now.

13 The discussion that was related to the
14 discussion that was produced.

15 MR. HECHT: All right. Let's go off for a
16 minute.

17 THE VIDEOGRAPHER: Off the record at
18 approximately 3:35 p.m.

19 We are back on the record at approximately
20 3:36 p.m.

21 BY MR. HECHT:

22 Q Councilman Alexander, the sexual
23 offender/sexual offender registry comments you made
24 about Mr. Whitson, did you also publish them to any
25 media sources such as WSB or Ms. Choi or the Henry

1 Herald or anybody like that?

2 A To the best of my recollection, none of that
3 was ever published. I don't recall sending it to media
4 entities about this sexual -- I need to review some
5 documents to make sure that I didn't email it. I know
6 it never was published. So I'm not sure.

7 Q Did you send it to Ms. Ashley at the Henry
8 Herald?

9 A I turned over all of my emails that I sent to
10 her.

11 Q And I'm asking you from your memory: Did you
12 send the sex offender and sex offender registry comments
13 about Mr. Whitson to Ms. Ashley at the Henry Herald?

14 A It's possible.

15 Q Okay. Did you send the sex offender and sex
16 offender registry comments about Mr. Whitson to Ms.
17 Choi?

18 A It's possible, but I don't recall.

19 Q Is Ms. Choi with -- who's she with; WSB?

20 A WSB.

21 Q All right. Did you send the sex offender and
22 sex offender registry comments about Mr. Whitson to
23 other media or news organizations?

24 A It might've went to the South Metro Neighbor,
25 and that would -- newspaper, but it never was published.

1 I'm not sure whether I did or not. I just want to make
2 sure that I'm not stating anything that's incorrect.
3 It's possible, but I don't know for sure.

4 Q Okay. After you found out you had the wrong
5 person, did you go back and tell them it's the wrong
6 person?

7 MS. WOODWARD: Object to the form

8 THE DEPONENT: I don't recall ever sending it,
9 so I don't know whether that's the case or not.

10 BY MR. HECHT:

11 Q Okay. So if we were to find out that you had,
12 we would just do that by sending some kind of request to
13 them; is that right?

14 A I'm sure that you could probably request these
15 documents from them and -- to verify it. You know,
16 during this period of time, I was defending my
17 reputation, and I -- and -- against this complete lie.

18 Q Well, what you say is a lie. I understand.

19 All right. Now, let me ask you -- I'm going to
20 give you a series of emails that, basically, I'm just
21 trying to find out if you sent them. Okay?

22 A Uh-huh.

23 Q Because I've told Harvey and your attorney
24 going to try and move a little quicker.

25 So I'm going to give you Exhibit 41, I'm going to

1 give you Exhibit 67, I'm going to give you Exhibit 42,
2 and I'm going to give you Exhibit 71.

3 (Exhibit Nos. 41, 67, 42, and 71, previously
4 marked, were entered into the record.)

5 And what I want to know is, just making sure I'm
6 right: Exhibit 41 is from you to the city council, the
7 mayor, and the city manager.

8 It's the one where you email, quote, this man sent
9 explicit -- explicit sexual videos of him and the victim
10 to all 45,000 of the employees at her job and to her son
11 and sister.

12 Is that what you sent?

13 A Yes. This was following the May 8 hearing.

14 Q All right. And then it says on 41 from Elton
15 primary to city cell phone. Again, is that going to
16 your contacts, or is that just going to your cell phone?

17 A On 41, you said it says . . .

18 Q See where it says here Elton primary to city
19 cell phone?

20 A That's coming from -- Elton primary is an --

21 Q An email --

22 A -- [REDACTED]@gmail.com.

23 Q Okay. But when it goes to your city cell
24 phone, is that going to the city cell phone contacts, or
25 is that going to just your city cell phone?

1 A Just the city cell phone email address --

2 Q So is just coming to you?

3 A -- for my records to make sure that I sent it
4 to me.

5 Q I got it. This is so you have it for the
6 ethics complaint process?

7 A Yes.

8 Q Okay. Let's go to 67. 67 is a similar
9 sentence: This man sent explicit sexual videos of him
10 and the victim to all 45,000 of the employees at her job
11 and to her son and her sister.

12 And this is from you to Mike Williams, the city
13 attorney; the council and mayor and the city manager; is
14 that correct?

15 A That's correct.

16 Q Okay. And then 42, very similar sentence,
17 sent Elton primary to Elton Alexander on March 8, 2017.
18 Is that from one email address just to another email
19 address of yours, or is that an email list of
20 recipients?

21 A It's never to an email list of recipients. I
22 don't even have any groups set up in my email.

23 Q Okay. So -- so if I see an email from you
24 that says, like, from Elton Alexander to Elton
25 Alexander, it's not to a group of presets?

1 A No. It's coming to me.

2 Q Okay. That clarifies it. All right. And
3 then I think they gave you one more. What do you have;
4 67?

5 A 71.

6 Q 71. 71; all right. And 71 is an email about
7 this sending adult-themed pictures to a corporate email
8 in McKesson, received by her directors, VPs, and
9 managers.

10 This is sent from you on February 16, 2017, to
11 Ashley -- to A. Ashley at the Henry Herald; is that
12 correct?

13 A That's correct.

14 Q What's Ms. Ashley's first name?

15 A Asia.

16 Q Asia, and she is a reporter for the Henry
17 Herald?

18 A Correct.

19 Q Was this published in the Henry Herald?

20 A No, not to my knowledge.

21 Q All right. And was any of this published in
22 any other media site that you sent this information to?

23 A Not to my knowledge. It was for information.
24 It never got posted, to my knowledge.

25 Q All right. And -- but you did post this

1 information on your social media sites, including
2 Because We Care Henry; is that correct?

3 MS. WOODWARD: Object to the form

4 THE DEPONENT: I posted some of this
5 information on the site. Maybe not all of it, but
6 some of it, I did.

7 BY MR. HECHT:

8 Q Okay. And then is it correct --

9 MR. HECHT: We're on 134. Is that correct,
10 Madam Reporter?

11 THE COURT REPORTER: Yes.

12 BY MR. HECHT:

13 Q 134. And then just to make sure, I'm going to
14 give you 134.

15 (Exhibit No. 134 was marked for
16 identification.)

17 Did you also send this same information to Henry
18 County Solicitor General on February 24, 2017?

19 A Yes.

20 Q Okay. Did you send it also to WSB-TV?

21 A It's possible.

22 Q And then, I'm going to give you Exhibit 46,
23 very similar.

24 (Exhibit No. 46, previously marked, was
25 entered into the record.)

1 Is this information that you posted in March 2017 on
2 your Because We Care Henry site, or is this your
3 personal Facebook page, which is shared with
4 Because We Care Henry?

5 A This appears to be my personal page because
6 it's got a profile picture on it. And then the bottom
7 one is probably a share.

8 Q Okay. So -- and the people you are sharing it
9 with are Angelitha Dyer and a Simeon Nunnally?

10 A What page is that on?

11 Q The last page.

12 A That's -- that would be several of those
13 individuals' tags -- tags again.

14 Q So when you tag, that means it is definitely
15 going to them; right?

16 A Right.

17 Q Okay. It is like an email message but on
18 Facebook?

19 A Yes. It does a tag that -- well, it shows
20 them that they have a notification that something is
21 coming.

22 Q And they'll open it on Messenger or some other
23 platform? Is that --

24 A Normally, they just -- no. It'll give a
25 notification, and they can open it.

1 Q Got it. All right. And then it's open for
2 your followers if they want to visit the page; is that
3 right?

4 A Correct.

5 MS. WOODWARD: Object to the form.

6 BY MR. HECHT:

7 Q Okay. Did you send any of the information
8 that is posted in 46 to WSB; do you know?

9 A I don't think I did.

10 Q Okay. Did you send it to the Henry Herald?

11 A I believe I did.

12 Q Did you send it to Sonya Choi at WSB?

13 A Sophia Choi?

14 Q Sophia Choi.

15 A I -- I believe I did.

16 Q Did you send it to other media representatives
17 or news organizations?

18 A Probably South Metro Neighbor.

19 Q Anybody else?

20 A Possibly.

21 Q Okay. And these people that you tagged are
22 folks that you often tag. Would that be correct?

23 A These are people that I come in contact with
24 that frequent the page. And, yes, I do; I tag different
25 individuals. But, yes, I do to some of those folks --

1 Q All right.

2 A -- repeatedly.

3 Q All right. And then -- so you have mentioned
4 some of these folks. Who do you know personally, of
5 these people that you tagged, outside of the ones you've
6 already mentioned on the last page of this exhibit?

7 A Last page of 46?

8 Q Yes, sir.

9 A I know Angelitha Dyer.

10 Q Who is she, so to speak, in terms of work and
11 charity?

12 A I don't know her in terms of work and all. I
13 think she works for Microsoft on the road, not -- just
14 an acquaintance and somebody I see from time to time --

15 Q Is she active on social media?

16 A She is.

17 Q Okay. Who do you know next?

18 A Jeffery Benoit.

19 Q Who is Jeffery --

20 A Sandra Vincent, of course.

21 Q Right.

22 A Jeffery Benoit.

23 Q Who is that?

24 A He's the National Action Network in Clayton
25 County/Henry County. He knows Mr. Whitson from his past

1 experiences with him in Clayton County. He's one of the
2 individuals that called to tell me about the things that
3 Mr. Whitson was doing in Clayton County.

4 Q What is the National Action Network?

5 A Al -- Reverend Al Sharpton.

6 Q Oh, I see. All right. Who is Sarah -- are
7 these people that would have visited your page around
8 this time in February and March 2017?

9 A Yes.

10 Q And then who else is one of your constant
11 visitors that you recognize?

12 Sarah Billups?

13 A Sarah -- Sarah Billups is -- Brenda Winston.

14 Q Who is -- who is Sarah Billups?

15 A She's very politically active in Henry County.

16 Q Who is Brenda Winston?

17 A She's a member of the Henry County Delta's
18 sorority, and she -- we spread her messages for the
19 community.

20 Q Is she an officer in those -- the Delta
21 sororities?

22 A I think she's some type -- yes, I believe she
23 is.

24 Q Paul Burt, who is that?

25 A He does a lot of jazz and items like that. I

1 just see him from time to time.

2 Q Okay. How about Michelle Bryer?

3 A She's Bishop Irvine Bryer's wife. I see her
4 from time to time at big functions or something.

5 Q He is a bishop of what congregation?

6 A CrossRoad Christian Church in Stockbridge.

7 Q How big is that congregation?

8 A About maybe 50.

9 Q Okay. And is she active within the community
10 in civic organizations?

11 A Yes.

12 Q Okay. Who else? Who's next?

13 A People that I see regularly -- I mean that
14 follow me, Damon Hudson.

15 Q Who is that?

16 A That's a neighbor who follows me on social
17 media. I don't really interact with him. He just
18 follows me a lot on social media. Dexter Wimbish.

19 Q Who is that? Is that a reverend?

20 A It's Judge Dexter Wimbish. He's a friend --

21 Q Oh, he's --

22 A -- who represents me from time to time.

23 Q He's the judge that represents you from time
24 to time?

25 A He's a judge that functions as a personal

1 attorney.

2 Q All right. Where is he a judge?

3 A Greensboro, Georgia.

4 Q All right. And he's an attorney also in this
5 area?

6 A He lives in Griffin.

7 Q Okay. And is he active politically?

8 A Yes; civil rights lawyer.

9 Q Okay. And what about -- is that Bishop
10 Michael Strickland, or is that something different and
11 I'm missing it?

12 A Yes. That -- he serves on a church over in
13 Kelleytown -- in the Kelleytown area. I don't really
14 see him much. At that time, we were doing some things
15 together.

16 Q What is the name of his church?

17 A Victory Tabernacle, I believe.

18 Q Is that a large church?

19 A I think they may have maybe 100 or 200,
20 something like that.

21 Q Is he active in the community and politics in
22 the area?

23 A He is.

24 Q Okay. Dee Clemmons, is that a Henry County
25 commissioner?

1 A Yes, she is. At that time, she was -- she
2 contact -- I talk to her from time to time. Not -- not
3 really see her a lot, but I talk to her from time to
4 time, or call or text or something.

5 Q Michael Strickland, who is that?

6 A That's Bishop Michael Strickland.

7 Q Oh, I'm sorry. And Rosalynn Bishop, is
8 that --

9 A I don't -- I don't know her, just see her on
10 social media.

11 Q Okay. Paul Burt, who is that?

12 A He does jazz promotions and stuff like that at
13 different clubs. He just contacts me to share their
14 information.

15 Q Who's Michelle Bryer?

16 A Bishop Bryer's wife.

17 Q And which church?

18 A CrossRoad Christian.

19 Q Partha Chakraborty, who was that?

20 A He's a young man that actually ran for mayor a
21 couple of years ago in Stockbridge. The young man that
22 ran for mayor.

23 Q So he's politically active?

24 A He was. I haven't -- kind of disappeared off
25 the scene here lately.

1 Q Christy Sims, who's that?

2 A She's the counselor that I told you about
3 earlier.

4 Q Cherice Hollis, who's that?

5 A She ran for city council here in the last
6 election too.

7 Q So politically active?

8 A Uh-huh.

9 Q Daytonia Forrest, who's that?

10 A A former neighbor that moved out of the
11 neighborhood.

12 Q Dexter Wimbish, you said, was a reverend;
13 right?

14 A A judge.

15 Q A judge; I'm sorry.

16 A And an attorney.

17 Q Frederick Walker is who?

18 A Old high school friend.

19 Q Is he active politically?

20 A Not really. He just posts on social media a
21 lot.

22 Q Is he an active social media poster?

23 A In Greensboro, Georgia, he is.

24 Q All right. Who's Keith Moore?

25 A He's a high school person -- high school

1 friend that moved here. He lives in Locust Grove now.

2 Q Is he active politically or in civic
3 organizations?

4 A He's in the military, very -- retired veteran.

5 Q Sandra Givens, who is that?

6 A That's Georgia House Representative Sandra
7 Scott Givens.

8 Q Carlotta Harris Harrell, who's that?

9 A She is the head of the Democratic Federation
10 of Women here in Georgia.

11 Q For the state of Georgia?

12 A For the state of Georgia, and she ran for
13 county -- county chairperson a couple of times,
14 unsuccessfully.

15 Q Is she the one that commented on one of your
16 posts: Never -- well, you -- never have eaten there,
17 never will?

18 A I don't -- I don't recall that. It's
19 possible. I don't know.

20 Q Okay. Incog -- wait a minute. Is Carlotta
21 Harris Harrell the lady who finished within a percentage
22 point or two of winning the Henry County chairman's --
23 chairperson seat?

24 A Yeah. They were in a runoff.

25 Q Okay. Incog Williams, who is that?

1 A I don't remember who that was. It's probably
2 somebody that changed their name. I don't know who that
3 would've been.

4 Q I think you told us about Lisa Alexander.
5 Who's Jay Zavorios Williams (ph.)?

6 A She's someone that follows me on social media.
7 She's a fan.

8 Q Is she an active social media poster?

9 A Yeah, and fan.

10 Q Jacqui Rose-Tucker, who's that?

11 A She was a former pastor at Red Oak United
12 Methodist. She's moved into the city now.

13 Q City of Stockbridge?

14 A No; into the city of Atlanta.

15 Q I gotcha. Red Oak, you're talking about down
16 there on Walt Stephens?

17 A Right.

18 Q And that's a fairly sizable African-American
19 church; correct?

20 A Yes.

21 Q Okay. Kim McNair, who's that?

22 A A friend that I see on social media from time
23 to time. She runs her organization. She does
24 promotions, basically.

25 Q What's her organization?

1 A Business Women Empowerment Project, I think
2 that's the name of it.

3 Q Business -- so she -- she has a social media
4 presence for business with women; is that correct?

5 A Right.

6 Q All right. Who is Jacqui Rose-Tucker?

7 A I just told you she's the pastor.

8 Q I apologize. Kaelyn Kirkpatrick, who's that?

9 A She is someone that I see on social media.
10 It's another person that follows me.

11 Q What does she do?

12 A I don't know.

13 Q Who is Jones, Kamali Verner? I don't know
14 if --

15 A That's Kaelyn Kirkpatrick Jones.

16 Q Ah.

17 A And then Kamali Verner is a city councilmember
18 in McDonough.

19 Q So Kamali Verner is a city councilwoman?

20 A Yes.

21 Q And Kaelyn Kirkpatrick Jones is an active
22 social media poster?

23 A Right.

24 Q What else?

25 A Anetta Lee is somebody -- she's -- and she

1 lives in Stockbridge. She volunteers on our Downtown
2 Development Authority.

3 Q Ashonte Lyles?

4 A She's a friend as well. She volunteers for
5 various jobs and works with the Democratic Party.

6 Q Timothy McBride?

7 A It's Pastor McBride at Tabernacle at that
8 time. He was --

9 Q Tabernacle Baptist Church?

10 A Uh-huh.

11 Q That's a fairly large African-American church
12 in Henry County?

13 A That's correct.

14 Q As I remember it, Reverend McBride's a fairly
15 strong civil rights leader in the community?

16 A He is.

17 Q Okay. Simeon Nunnally, who's that?

18 A Just a friend that I come into contact with
19 from time to time.

20 Q What's his occupation?

21 A I really don't know.

22 Q All right. Is he an active social media
23 poster?

24 A I haven't seen him post in a while. I'm not
25 sure.

1 Q Coylitia Williamson, who's that?

2 A She's Spencer O'Neal's wife. She's the first
3 lady of his church.

4 Q That's Reverend Spencer O'Neal?

5 A Uh-huh.

6 Q And which church is that, again?

7 A Global Impact.

8 Q Global Impact.

9 A In Stockbridge.

10 Q Is that a large church?

11 A They're a pretty -- fairly size -- fairly
12 medium-sized church.

13 Q What's medium size?

14 A They have a pretty good membership, maybe
15 about a thousand, three services.

16 Q Okay. And she's the first lady of the church?

17 A Right.

18 Q Okay. And who's our next person?

19 A I -- I see her from -- I used to see her from
20 time to time. I haven't seen her in quite some time.

21 Q Who is that?

22 A Ms. Olayinka.

23 Q Oh, I see. And what -- and what does Ms.
24 Olayinka do?

25 A I don't know.

1 Q And do you know where she is?

2 A I don't.

3 Q Who's our next person?

4 A Oswin Jackson. He's an older retired senior
5 that lives in Monarch Village. I see him from time to
6 time at political events.

7 Q Who's LaChanda Quinta?

8 A She's someone that just followed me on social
9 media and became a fan.

10 Q Okay. Is she an active social media poster?

11 A Personal things, yeah.

12 Q How about the next person?

13 A Rosalyn Williams, I saw her couple -- a couple
14 of weeks ago. She's active politically. She's working
15 on campaigns and stuff like that in the community.

16 Q And this -- who's Triplett?

17 A That's the same person, LaQuinda [sic] --

18 Q Oh, I see.

19 A -- Triplett.

20 Q Okay. And these are people that you said
21 followed your page pretty actively around this
22 timeframe; correct?

23 A That's correct.

24 Q Okay. And then they're pretty influential
25 people in the community from what I see; is that right?

1 A Some of them.

2 Q I mean, I've got a -- somebody with an action
3 network. I've got a county commissioner. I've got a
4 couple of councilmembers. I've got pastors, first
5 ladies. They seem like pretty influential people that
6 are connected to your page; is that right?

7 A They're people that follow the page, yes, sir.

8 Q And that would be true in January of 2017 to
9 present?

10 A Correct.

11 Q Okay. And let's see. All of these people had
12 the opportunity to see these social media posts, such as
13 the convicted domestic violence offense, the sexual
14 offender registry offense, and sexual offender registry
15 comments; correct?

16 A Possibly.

17 Q And now let me show you Exhibit 33.

18 (Exhibit No. 33, previously marked, was
19 entered into the record.)

20 Is Exhibit 33 an email where on February 1, after
21 Mr. Whitson filed his complaint on January 30, 2017, you
22 asked for the code enforcement file for Mr. Whitson and
23 BBQ Masters?

24 A I definitely did, because I had no clue what
25 was going on.

1 Q Okay. And let me show you Exhibit 24.

2 (Exhibit No. 24, previously marked, was
3 entered into the record.)

4 Is Exhibit 24 an email which you sent to the
5 county -- the city attorney and the mayor and council,
6 the city clerk and the city manager regarding BBQ
7 Masters and Mr. Whitson?

8 A Yes.

9 Q Okay. Did you first start out to all of them
10 and say that BBQ Masters and Mr. Whitson illegally
11 remodeled their new location? Is that correct?

12 A I believe that to be true, yes.

13 Q Do you know if that is correct?

14 A I don't. Based on what I saw, I believed it
15 to be correct.

16 Q Right. But you didn't say you believed it to
17 be correct. You actually said you confirmed with George
18 Patterson that BBQ Masters illegally remodeled their
19 location; right?

20 A I confirmed with --

21 MS. WOODWARD: Object to the form.

22 THE DEPONENT: I confirmed with George
23 Patterson that they didn't have any permits to do
24 any major renovations, and from the outside, from
25 what I could see, because I never went inside, it

1 looked like they were doing major renovations to
2 the building. I had never -- I had not been there
3 since it was Sea Port, and it looked quite
4 different.

5 BY MR. HECHT:

6 Q But you would agree that -- were you at the
7 deposition of Mr. Patterson the other day?

8 A No.

9 Q Okay. Did George Patterson tell you that BBQ
10 Masters illegally remodeled their location?

11 A He told me they didn't have any permits. He
12 did not tell me they illegally remodeled their location.

13 Q Okay. Did he tell you that they were required
14 to have any permits?

15 A He said if they were doing major renovations
16 that they would need permits.

17 Q Did you ever confirm that they were doing
18 major renovations?

19 A I could see that they were doing major
20 renovations.

21 Q Okay. Did you ever confirm that they required
22 permits?

23 A Any major interior alterations require
24 permitting, besides painting and all of that. They were
25 doing structural changes inside up in -- working up in

1 the ceiling. They were refiguring all of the booths and
2 everything in there, and that kind of thing, so it
3 was -- they were doing a lot of work.

4 And the contractor behavior alarmed me. Because
5 when I talked to him, he fled the -- got in his truck
6 and fled the scene.

7 Q Okay. Can I ask you a question?

8 A Sure.

9 Q Did -- you contacted George Patterson at this
10 particular time to check on BBQ Masters the day after an
11 official complaint was filed against you; correct?

12 A I contacted --

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: I initially contacted George
15 Patterson back in December after stopping by the
16 location.

17 BY MR. HECHT:

18 Q No; I understand that.

19 A Uh-huh.

20 Q But then the day after the official complaint
21 was filed by Mr. Whitson against you is when you asked
22 George Patterson, on February 1, to check on him; right?

23 A I did not -- I had not followed up upon my
24 stop in December. I just made a report. I didn't know
25 what the outcome was, and I wanted to see what the

1 outcome was.

2 Q Sure. And you decided to follow up on it now,
3 the day after the official complaint was filed against
4 you; right?

5 A I wanted to see it after I looked at the file
6 and I determine what was -- what exactly was going on in
7 terms of his complaint.

8 I did not know what was going on, did not know
9 what the -- whether George had went over there and shut
10 him down or what the case may be and why he would lie
11 and make up this complaint.

12 Q Sure. But -- but your first sentence on your
13 statement, in the second part of your email, is: To say
14 this ethics complaint against me is total garbage is an
15 understatement.

16 Is that correct, on Exhibit 24?

17 A Yes. It was total garbage, and it is total
18 garbage.

19 Q I understand. But that's the -- that was the
20 first concentration of your email, and the second part
21 was that you had asked George Patter- -- Patterson to
22 follow up for you; right?

23 A I -- I wanted to follow up, yes.

24 Q All right. Let me show you Exhibit 24. I've
25 shown you Exhibit 24.

1 A I got 24.

2 Q You sure do. Oh, also in Exhibit 24, you
3 called BBQ Masters a dump; correct, in the third
4 paragraph?

5 A I did.

6 Q Okay. And then are you aware -- I'm going to
7 give you exhibit --

8 MR. HECHT: Make this one of --

9 THE COURT REPORTER: 135.

10 MR. HECHT: -- 135.

11 BY MR. HECHT:

12 Q Are you aware in February of 2017 -- I'm going
13 to give you Exhibit 135 -- the exact month in which you
14 called BBQ Masters a dump, that it received a 100 rating
15 from the health department?

16 (Exhibit No. 135 was marked for
17 identification.)

18 A I'm aware that -- I was not aware of that. I
19 was aware of the fact that I saw a trailer on blocks
20 sitting out in front of this building being used as a
21 kitchen that spilled grease all over the parking lot
22 after I reviewed the file.

23 Q Did it spill grease or did someone actually
24 hit the trailer and it caused grease to come out and you
25 decided to pick on that problem?

1 A Well, that's what your client maintains. I'm
2 not sure what happened.

3 Q Oh, okay. Let me show you an exhibit that --
4 let me ask you a question: There are a lot of
5 restaurants in the City of Stockbridge; right?

6 A Uh-huh.

7 Q Is that correct?

8 A Yes.

9 MS. WOODWARD: Yes or no.

10 BY MR. HECHT:

11 Q And have you ever, for any other similarly
12 situated restaurant, posted that the business is a -- is
13 a restaurant that should be closed?

14 MS. WOODWARD: Object to the form.

15 THE DEPONENT: I don't think I posted that BBQ
16 Masters should be closed.

17 BY MR. HECHT:

18 Q Have you ever posted about any other similarly
19 situated restaurant in the City of Stockbridge that
20 Henry County, we can do better than this?

21 A Yes. I've told -- I have plenty of times --

22 Q What other --

23 A -- whether, you know, businesses --

24 Q What other business?

25 A -- that needed to be -- be improved and need

1 to be closed. Right before -- I can't remember the name
2 of it, but the restaurant that was where the Ryan --
3 where the Silver Bay is now that used to be the Ryan's,
4 they got shut down.

5 They got, like, a -- a 40 or something on their
6 health inspection, and then they were closed shortly
7 thereafter. Everybody in town was talking about it,
8 including me.

9 Q But -- but --

10 A I pointed out that that was unsatisfactory,
11 that needed to be taken care of at that particular
12 restaurant. And then --

13 Q Have -- have you ever said that about a
14 restaurant that scored 100 on their health department
15 score?

16 A I understand, as a food safety professional
17 myself, you can go from a zero to a failing in the same
18 day.

19 Q So you, as a caterer, who has run a food
20 business, understand the restaurant business and what
21 your comments about it as a city councilman could do
22 to -- to cause it to close its door just about as good
23 as anybody; right?

24 MS. WOODWARD: Object to the form.

25 THE DEPONENT: I understand the restaurant

1 business, and I understand Mr. Whitson's lot is
2 full every Friday and Saturday. And he has not
3 suffered. He's still in business.

4 And, as a matter of fact, if the true figures
5 ever come out, his business has actually increased.
6 Because we have looked at every business in
7 Stockbridge because we rose every vote in the city
8 because of the improvements that have been made.

9 BY MR. HECHT:

10 Q So you believe that your actions as a
11 councilman improved his business; is that right?

12 A I think that the actions that I have made
13 overall have improved his business. I've made comments
14 about his business and numerous others that needed to --
15 did not meet the standard. They have lifted themselves
16 to the standard.

17 And his business, in my opinion, has increased over
18 that time, as many businesses have. And businesses are
19 now flocking to the same corridor that he's on, and the
20 rates have gone up tremendously.

21 Q So you're about to write him a great review?

22 A I'm about to say, you know what, why don't you
23 take this lie back?

24 Q Yeah. You could take your lie back.

25 MS. WOODWARD: Object to the comment.

1 BY MR. HECHT:

2 Q All right. One 130- --

3 MR. HECHT: What are we on; 130 what?

4 THE COURT REPORTER: 136.

5 (Exhibit No. 136 was marked for
6 identification.)

7 BY MR. HECHT:

8 Q I'm going to give you an exhibit that was
9 given to me yesterday by your counsel, and I want to ask
10 you: Is this a post -- this is 136. Is this a post
11 that --

12 MR. HECHT: Actually, let's use that one
13 that's in color. Let me grab that back. That's a
14 little easier to read.

15 There you go. You can have that one anyway,
16 and Harvey can have this one.

17 BY MR. HECHT:

18 Q Do you recognize Exhibit 136 that was first
19 provided to me yesterday from, I guess, your -- your
20 counsel?

21 A I do.

22 Q All right. You write -- and what is this on?
23 What is this post on as of August 5, 2019? Was this on
24 Because We Care Henry?

25 A That date seems incorrect. I don't remember

1 posting anything on this particular date. I know this
2 is something that -- this is something we . . .

3 Q Something you produced to us.

4 A This is when she might've went back and went
5 through the account.

6 MS. WOODWARD: It's the personal --

7 THE DEPONENT: Huh?

8 MS. WOODWARD: The personal page.

9 THE DEPONENT: Right. This went back -- this
10 went -- must've went back when the download was
11 posted, and posted -- this must be the download
12 date.

13 BY MR. HECHT:

14 Q Well, I think the -- you mean that -- that
15 she --

16 A August 5 is the download --

17 Q The date that she -- she got the --

18 MS. WOODWARD: Well --

19 BY MR. HECHT:

20 Q You mean found this?

21 A Hold on one second.

22 Q Sure.

23 MR. HECHT: Let's go off time.

24 THE VIDEOGRAPHER: This concludes Video No. 3
25 in the video deposition of Elton Alexander. The

1 time is approximately 4:10 p.m. We are now off the
2 record.

3 We are now back on the record. Today's date
4 is December 11, 2019. The time is approximately
5 4:31 p.m.

6 This is Video No. 4 in the video deposition of
7 Elton Alexander.

8 BY MR. HECHT:

9 Q Mr. Alexander, I had started to show you
10 Exhibit 136. Can you look at that for a minute for me?

11 A (Deponent complied.)

12 Q This is an exhibit that was provided yesterday
13 by you and your counsel, to our firm. Do you see it?

14 A Uh-huh.

15 MS. WOODWARD: Yes or no.

16 BY MR. HECHT:

17 Q Is that yes?

18 A Yes, sir.

19 Q That's okay. And can you tell me: Is this an
20 email to a -- I believe you said a radio personality?

21 A This was a -- DC. He -- this is an inbox. It
22 was an email. It was only sent to one person, and the
23 conversation was about politics and the election, where
24 we kind of went back where he was working with the
25 opposition and attacking us.

1 And I was responding with the critical talking
2 points that he had been using to attack us.

3 Q Okay. I haven't seen the critical talking
4 points. I've just seen your response; is that right,
5 from what was provided?

6 A Correct.

7 Q Okay. This is -- DC, you said, is a radio
8 personality on the Internet. Is that what you said?

9 A Yes.

10 Q So what is -- does he have a show?

11 A Yeah. It's Mix 106 or something like that.

12 Q Okay. And does he have a lot of listeners?

13 A I think in his mind he does.

14 Q He has some listeners; is that right?

15 A Yeah. He claims 100,000, but it doesn't look
16 like that. It look like about five people every day.

17 Q Well, he says he has 100,000 listeners; is
18 that right?

19 A He says, yeah.

20 Q All right. And you don't whether that's
21 correct or not?

22 A Yeah. Really, he didn't talk about any of
23 this online.

24 Q Okay. Well, speaking of this, you provided a
25 radio personality who claims to have 100,000 listeners,

1 this response; right?

2 A I did.

3 Q Okay. And in your response, you said, quote,
4 The white man puppet master, Stuart, paid the barbecue
5 guy to lie and is paying his legal fees.

6 Do you see that?

7 A I believe that to be true.

8 Q So who told you that -- first, that Lee
9 Stuart, the former mayor of Stockbridge, is paying Mr.
10 Whitson's legal fees?

11 A I have believed that from the very beginning.
12 No one told me that. I just saw it come all together
13 with these five ethics complaints filed against me
14 simultaneously within seven days of each other.

15 All of these people -- it's not even logical that
16 they didn't even talk to each other, didn't discuss it,
17 any of the above. And subsequent to that point, all of
18 that has been cut out. Five, and what's this one --

19 Q Yeah, right. Right. I know. But that's not
20 what I asked you about. I mean, you're -- you're good.
21 You're schooled in politics. I get all that. But are
22 you --

23 A The truth --

24 Q -- just guessing that Lee Stuart's paying his
25 legal fees?

1 A You know, it's a mystery to me. Because if
2 someone who filed bankruptcy can afford \$200,000 in
3 legal fees, buy a new 2018 van, remodel the
4 restaurant --

5 Q Do you think Lee Stuart paid for his van or
6 paid for his remodeling in his barbecue restaurant?

7 A I think that there are some people behind the
8 scenes that are supporting this. I don't know who all
9 they are, but I know that --

10 Q Do you have a single source, a single human
11 being that has told you that Lee Stuart is paying his
12 legal fees?

13 A I do.

14 Q Who?

15 A I'm not going to tell you who it is. I'm just
16 going to --

17 Q Oh, no. Oh, yes, sir, you are. Unless you
18 want me to get the Court to find you in contempt, you
19 will --

20 A Uh-huh.

21 Q -- unless you're lying.

22 MS. WOODWARD: Object to the form of the
23 statement.

24 BY MR. HECHT:

25 Q Who told you that Lee Stuart is paying legal

1 fees for Mr. Whitson?

2 A I object to that because that is covered under
3 attorney-client privilege.

4 Q No -- no, it's not.

5 A Yes, it is.

6 Q Are you telling me your attorney told you --

7 A I'm not going to tell you who told me.

8 Q You're telling me Harvey Gray told you?

9 A I'm not going to tell you.

10 Q There isn't anybody, is there, sir?

11 A It's attorney-client privilege, sir.

12 Q You're -- you're making something up under
13 oath, aren't you?

14 A No -- no, I'm not.

15 Q There's not a soul that told you that, is
16 there?

17 A That's not true, sir.

18 Q Well, then, who is it?

19 A I'm not going to tell you because I'm
20 protected by attorney-client privilege.

21 Q Who is the attorney that you talked with that
22 is allegedly your attorney for which there's attorney-
23 client privilege on this matter?

24 THE DEPONENT: Do I have to answer that
25 question?

1 BY MR. HECHT:

2 Q Yes.

3 MS. WOODWARD: You can say who the attorney
4 is.

5 MR. GRAY: Seems like that would be answering
6 the question.

7 MS. WOODWARD: Yeah.

8 MR. HECHT: Who is your --

9 MS. WOODWARD: Is your attorney the person --

10 MR. HECHT: Okay.

11 MS. WOODWARD: That's true.

12 BY MR. HECHT:

13 Q Who's your attorney? You can answer that.
14 Who's your attorney?

15 A I've had conversations behind the scenes with
16 various attorneys, including my own, where --

17 Q Who's your attorney?

18 A -- where we believe that to be true.

19 Q Who is your attorney?

20 THE DEPONENT: Do I get to discuss that, what
21 we talk about and all that?

22 MS. WOODWARD: You can -- we'll refuse to
23 answer that, and we can come back to it.

24 BY MR. HECHT:

25 Q Okay. So there is no one that you're going

1 to -- so you think it's attorney-client privilege that
2 someone told you that Lee Stuart is paying the
3 attorney's fees for Arick Whitson?

4 You think that's attorney-client privilege. And
5 your attorney is telling you not to answer that based on
6 privilege; is that right?

7 A I'm not answering that question because I
8 believe it's covered by attorney-client privilege.

9 Q So it was an attorney that told you this?

10 A Yes.

11 Q And it was an attorney that's serving as your
12 attorney?

13 A I'm not going to answer that question because
14 it's covered by attorney-client privilege.

15 Q No, sir. You have to answer who if he's
16 serving as your attorney. I can guarantee you that.

17 THE DEPONENT: Do I have to answer that?

18 MS. WOODWARD: What's the question? Is the
19 person serving as his attorney?

20 MR. HECHT: Is this a person that is
21 serving -- he's claiming some crazy attorney-client
22 privilege, which doesn't exist. And he is saying
23 there is some attorney-client privilege that is
24 coming from an attorney. And I want to now examine
25 this privilege.

1 MS. WOODWARD: If the attorney is serving as
2 your attorney, that's your -- that's the question?

3 You can answer that.

4 THE DEPONENT: Well, I -- we've had
5 discussions about that behind the scenes. We've
6 had discussions. And Mr. Gray even said that --

7 BY MR. HECHT:

8 Q Wait. We, who, have had discussions about
9 that?

10 A I've had this discussion with my attorney.
11 I've had this discussion --

12 Q You mean Karen Woodward?

13 A -- with Karen. I've had this discussions
14 with -- and I heard Mr. -- Mr. Gray say it -- ask you
15 that question right there in --

16 Q So are you saying your sources are Karen
17 Woodward and Harvey Gray?

18 A I'm not saying that. I'm saying that they are
19 two of the sources that I talked to that I believe --
20 they believe the same thing that I believe.

21 Q What is it based on, what evidence? Or is it
22 more, like, he is a sex offender that you post on the
23 Internet without a shred of evidence?

24 MS. WOODWARD: Object to the form.

25 //////////////

1 BY MR. HECHT:

2 Q See, I know who's paying my fees, and it's not
3 Mr. Stuart. But I just want to know who --

4 A Well, you -- I -- I --

5 Q -- you're making --

6 A You know what, I could be very wrong, but I
7 don't know how somebody comes out of bankruptcy and
8 affords \$200,000 in legal fees.

9 Q But that's not what you said, sir. You said
10 Lee Stuart is paying Mr. Whitson's legal fees. So, once
11 again, you're saying something that you have no legal
12 basis for; right?

13 A I'm saying something that I believe to be true
14 today.

15 Q Because out of thin air, you want it to be
16 true; right?

17 MS. WOODWARD: Object to the form.

18 THE DEPONENT: I believe it to be true today.

19 BY MR. HECHT:

20 Q Right, sir. And just like all this other
21 stuff, what's the basis of it being true? You want it
22 to be true, or are you just guessing?

23 A I live my life where I had five people file an
24 ethics complaint against me in seven days --

25 Q No, no, no, no. I'm talking about the

1 attorney's fees.

2 A Those individuals colluded against me --

3 Q Attorney's fees.

4 A -- in order to do so.

5 Q You're -- you're --

6 A I truly -- I believe that to today.

7 Q It's like a political pivot, sir. I get it.

8 The question is the one you don't want to answer.

9 There's really no source that states to you any
10 evidence that Mr. Whitson's legal fees are being paid by
11 Lee Stuart; correct?

12 A I've talked to people behind the scenes who
13 believe that, and I believe that to be credible today.

14 Q Well, you know, people believe certain people
15 did certain things without evidence. I get all that.
16 You have no evidence of this, do you?

17 A I don't have any payment or no receipts for
18 it. No, I don't. But I believe it to be true today.

19 Q It's a guess; right?

20 A I believe it to be true.

21 Q So whatever you believe, whether true or
22 false, you can tell to a radio personality that may have
23 100,000 listeners, and it may turn into something that
24 defames someone; right?

25 MS. WOODWARD: Object to the form.

1 THE DEPONENT: I believe that to be true.

2 BY MR. HECHT:

3 Q Based on nothing; right?

4 A I believe that to be true.

5 Q I get it. And then you said the white man
6 puppet master Stuart paid the barbecue guy to lie.

7 What's your evidence that the white man puppet
8 master Lee Stuart, the former mayor, paid the barbecue
9 guy to lie?

10 A There was five ethics complaints filed against
11 me within seven days. Mr. Whitson was one of them, Mr.
12 Stuart was one of them, Blake Prince was one of them,
13 John Blount was one of them, and Alfred Britt.

14 All of these individuals are familiar with each
15 other, and that was coordinated. That was no accident.
16 No one will ever be able to tell me that that was an
17 accident.

18 Q Well, wait a minute, though. You said to a
19 radio personality with potentially 100,000 listeners a
20 white man puppet master paid the barbecue guy to lie.

21 How do you know, on what evidence, the puppet
22 master, former mayor Lee Stuart, paid Arick Whitson to
23 lie?

24 A I believe it to be true.

25 Q Based on what?

1 A Based on the fact that Mr. Stuart made up a
2 complete lie in his ethics report, just like Mr. Whitson
3 did. And the way he --

4 Q What is the -- where is the money exchange?
5 Where did Mr. Stuart pay Mr. Whitson to make a lie?
6 Where's that come from?

7 A Where does your \$200,000 come from?

8 Q Mr. Whitson -- I mean, Mr. Alexander, you have
9 to answer my questions. And I appreciated --

10 A I'm trying to answer your question.

11 Q My question is --

12 A I'm not trying to be argumentative. I'm just
13 understanding. I want to understand how somebody --

14 Q I want to know what's the basis of your
15 statement that Lee Stuart paid Mr. Whitson to lie?

16 A Common sense and being understanding that five
17 ethics complaints were filed by these gentlemen. I
18 truly believe that today --

19 Q All right. All right. Has any witness --

20 A That's my evidence.

21 Q All right. Let's do this. This is what a
22 prosecutor would do.

23 Has any witness told you that Lee Stuart, they
24 know, paid Mr. Whitson to lie?

25 A No one has told me.

1 MS. WOODWARD: He said --

2 BY MR. HECHT:

3 Q Okay. Two: Have you seen any payment
4 register -- records that show that Lee Stuart paid Mr.
5 Whitson to lie?

6 A No.

7 Q Do you have any concrete evidence on paper,
8 testimonial, or otherwise, showing that Lee Stuart paid
9 Mr. Whitson to lie?

10 A I don't, no.

11 Q But you gave to a man with the 100,000
12 listeners?

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: I gave it --

15 MR. HECHT: All right. It's a new amendment
16 to my complaint.

17 BY MR. HECHT:

18 Q All right. I'm going to give you Exhibit 137.
19 (Exhibit No. 137 was marked for
20 identification.)

21 MR. GRAY: You mean if your first one is
22 approved.

23 MR. HECHT: Agreed. Agreed.

24 BY MR. HECHT:

25 Q I give you Exhibit 137. Who is -- is this

1 sending this to you, these -- the arrest list? Is this
2 you sending this to you?

3 A Yeah, this is me sending this to me.

4 Q Okay. So you're just -- and you're just
5 having this in February '15 so you can show it to the
6 investigators in the complaint; is that right?

7 A That's correct.

8 Q And when I say the investigators, that's the
9 Tony Powell firm; is that right?

10 A Right.

11 Q Is that --

12 A Ethics investigators.

13 Q Right. And he was in one of the exhibits. Is
14 there something about West Legal? Is that somebody?

15 A Not from me. I don't --

16 Q Okay.

17 A Might be related to the City. I don't know.

18 Q Have you sent any of this information or
19 comments about Elton Alexander to government agencies?

20 A What do you mean?

21 Q I mean, about -- I'm sorry. Have you sent any
22 of this information that you posted or communicated to
23 the city council to any kind of law enforcement or
24 government regulatory agencies about Mr. Whitson?

25 A To the sheriff's office, to the solicitor, I

1 think to the police department -- local sheriff's
2 department, police department, solicitor, and the
3 district attorney.

4 Q Okay. Have you sent it to any other non-law
5 enforcement agencies?

6 A Not that I can recall.

7 Q Have you sent any of this information to -- or
8 any related information about Mr. Whitson to any county
9 agencies?

10 A I sent it to the Henry County commissioners.
11 You kind of saw some of that in the -- in the email
12 exchanges that we turned over --

13 Q Have you --

14 A -- with Mr. Prince and all of that.

15 Q Have you sent any of the information about Mr.
16 Whitson of any kind to any state agencies or
17 commissions?

18 A Not that I'm aware of.

19 Q Okay. Have you sent any information about Mr.
20 Whitson to any federal agencies?

21 A No.

22 Q Have you sent any other information that we've
23 presented here to any media outlets which we haven't
24 gone over about Mr. Whitson or BBQ Masters?

25 A It was all local media outlets: WSB -- we

1 talked about them -- the Henry Herald, possibly the
2 Henry Times, the South Metro Neighbor newspaper.
3 Generally, those are the individuals that I communicate
4 with on a regular basis.

5 It would've been somebody local. I told you about
6 DC, but he never -- that was an inbox. That was never
7 posted. Let me say that again: That was never posted.

8 Q Okay. And who is Bone -- oh, you don't know
9 who Bone McBraswell is.

10 A I don't know who she is, no.

11 Q Okay. And who is Kyle Vickers?

12 A Kyle Vickers is someone that helps me with my
13 website and stuff like that. He does a lot of -- he
14 did -- he completed the website for me.

15 Q Which website?

16 A bwcatlantasouth.com.

17 Q Anything else he has helped you with?

18 A He did, like, some promotional flyers and that
19 kind of thing.

20 Q And he's in Stockbridge?

21 A I think he's in Covington now. I don't think
22 he's in Henry County. He was in Henry County, but he's
23 in -- I think he said -- the last I talked to him a few
24 months ago, he said he was in Covington.

25 Q Do you have any -- any social media sites that

1 you haven't talked about that are not re- -- somewhat
2 related to you, in other words that don't show up your
3 name?

4 A No, not that I'm aware of.

5 Q Do you have any email addresses that would not
6 be known by your name?

7 A Not that I'm aware of. I think that -- I
8 think I had -- yeah, I had to set up an email address
9 for Frank Noble. And I think I set that up for Frank
10 Noble.

11 Q Do you --

12 A But there is no communications or emails or
13 anything like that involved.

14 Q Do you have a website for Frank Noble?

15 A No.

16 Q Do you have a social media page for Frank
17 Noble?

18 A No. You have to set up a -- you have to have
19 an email address to set up a burner account. You have
20 to have an email address.

21 Q Do you have any other burner accounts?

22 A Maybe a -- Calvin Baker. But it's not -- it's
23 not used.

24 Q Have you -- when's the last time you used it?

25 A Maybe about six -- probably six months ago.

1 Q What'd you use it in relation to?

2 A To do the same thing with the Frank Noble, to
3 kind of get things going on the page, to talk about
4 different items, that kind of thing.

5 Q Do you have anything that -- do you have a
6 website related to Calvin Baker?

7 A No.

8 Q Do you have an email address?

9 A No.

10 Q Do you have any social media pages or sites
11 under Calvin Baker?

12 A Well, the Facebook, like I said, that's a
13 burner account.

14 Q Do you have any other burner accounts?

15 A No.

16 Q Do you have any other social media, email,
17 website, or other names associated with those by names
18 other than Elton Alexander?

19 A No.

20 Q Do you have any phone numbers that are not
21 listed in your name but another name?

22 A No.

23 Q Do you have any texts that would come under
24 another name and not your name?

25 A No.

1 Q Have you made other derogatory verbal
2 statements about Mr. Whitson or BBQ Masters other than
3 what we've talked about today so far?

4 MS. WOODWARD: Object to the form.

5 THE DEPONENT: Not that I'm -- not that I can
6 recall at this time.

7 BY MR. HECHT:

8 Q You're -- I'm going to show you Exhibit 65.
9 (Exhibit No. 65, previously marked, was
10 entered into the record.)

11 And what I want to ask you about Exhibit 65, this
12 is an email story -- not an email. This is an email
13 about a story that WSB-TV picked up from your social
14 media page, I presume; is that right?

15 A Yes.

16 Q And which page is this that WSB follows daily,
17 which you've referenced in Exhibit 65?

18 A At that time, Craig Lucie was following
19 Because We Care Henry.

20 Q Okay. And that, Because We Care Henry --

21 A Atlanta South, yeah.

22 Q Which one was it?

23 A Because We Care Atlanta South.

24 Q How many followers do you have on that?

25 A Now we have about 20- -- we have 21,000.

1 Q And back in 2016, when this was, about 15,000?

2 A About 15-.

3 Q Okay. And is it common for the media to
4 follow certain pages like this to pick up stories or
5 photographs or council or city business?

6 A Say again.

7 Q Is it common for the media to follow certain
8 pages like Because We Care Henry to pick up local
9 business or local stories?

10 A I think they do, yes.

11 Q And is that your experience from, say, January
12 of 2016 to present?

13 A Yes.

14 Q Okay. And that's -- okay. And so WSB and
15 other media organizations would follow your Because We
16 Care Henry and Because We Care South Atlanta and other
17 media sites?

18 A It's the same. It's called Because We Care
19 Henry Atlanta South. It's one page.

20 Q I got it. Okay. Got it. So that's pretty
21 common, what I was talking about, media following your
22 page?

23 A Yes.

24 Q And then let me give you exhibit --

25 MR. HECHT: What are we up to, Madam Court

1 Reporter?

2 THE COURT REPORTER: 138.

3 (Exhibit No. 138 was marked for
4 identification.)

5 BY MR. HECHT:

6 Q And you use this page as a fairly common tool
7 for your city business; do you agree?

8 MR. HECHT: Oh, sorry. I was going to give
9 you one.

10 MS. WOODWARD: Do you have the other one?

11 MR. HECHT: I don't have the other one; sorry.
12 You and Harvey will have to share.

13 THE DEPONENT: This -- the protest was
14 nothing -- it wasn't city -- it wasn't connected to
15 the city. Like I said, I'm Councilman Elton
16 Alexander 24 hours a day, but the city did not
17 participate in this rally. They were just
18 simply -- I just used any name as a councilmember
19 so people who -- would identify me.

20 BY MR. HECHT:

21 Q Is this on --

22 A It was election time, of course.

23 Q Is this on your social media page, your
24 personal Facebook page? What is this on, this 138?

25 A It looks like my personal Facebook page.

1 Q Okay. And this is --

2 A It's a message. I'm sorry. It's a message.

3 Q And this is the posting of your statement on
4 the closing of Cochran Park and cc'd to all these media
5 organizations, that were tagged to all these media
6 organizations?

7 A That's correct.

8 Q And then let me give you Exhibit 64.

9 (Exhibit No. 64, previously marked, was
10 entered into the record.)

11 Is it true that you run city business through your
12 Facebook Because We Care Henry Atlanta South page in
13 terms of gaining positions from constituents, gaining
14 complaints and referring them up to the city for action?

15 A It's true that I -- I have my page, and I make
16 sure that -- that the public is informed, not just in
17 Stockbridge, but every single city and town and the
18 state. That's my role here --

19 Q Right.

20 A -- is if the issue happens in McDonough, it
21 would be posted, if it happens in Locust Grove or
22 Hapeville or any city surrounding us.

23 So it -- I don't treat Stockbridge any differently
24 than I would treat any other city that we serve in South
25 Metro.

1 Q Sure. But you use it to assist your
2 constituents as a councilperson, too, like you did on
3 September 30, 2016; right?

4 A I use it to spread community messages, like I
5 would do in any community event. My community events
6 related to the city would -- just like if one of the
7 McDonough councilmembers sent me something, I would
8 share that too.

9 Q Sure. My point being: You use this Because
10 We Care page with the 15- to 20,000 followers sometimes
11 in city business, such as September 30 when you gave
12 complaints to City Manager Harris regarding the trails;
13 correct?

14 A When I get a complaint from a citizen via
15 Facebook, I share it with the city manager, and I
16 will -- I would send that over. Just like if I got a
17 complaint out in McDonough or any other city, I would
18 send it over to them.

19 I don't just do this for -- just for Stockbridge.
20 I do this for other municipalities as well. We -- the
21 county manager, if she has something that the county
22 comes up with, somebody's got a county complaint, we
23 refer -- I'll refer that over as well.

24 Q Sure. And I'm not suggesting you don't. I'm
25 just suggesting that it's a tool that assists you in

1 your city council work. That's all. Would that be
2 correct?

3 A Yes.

4 Q All right. I'm going to show you Exhibit 133.
5 Is this also part of your Because We Care Henry
6 Atlanta South page?

7 THE COURT REPORTER: I'm sorry; 133? Are we
8 going back, or is this a new one?

9 MS. WOODWARD: You have another 133.

10 MR. HECHT: What am I on?

11 THE COURT REPORTER: You are on --

12 MS. WOODWARD: 130- --

13 THE COURT REPORTER: -- 139.

14 MR. HECHT: I'm getting a little tired. All
15 right.

16 BY MR. HECHT:

17 Q Is 139 another post on your Because We Care
18 Henry page and used in your function as city councilman?

19 (Exhibit No. 139 was marked for
20 identification.)

21 A I posted this for the public to understand
22 what was going on with the library issue and to rally
23 support, because there was supporters on both sides,
24 some people that wanted the library or to open the
25 library.

1 Councilman Blount did not want to open the library.
2 So I wanted the citizens to be informed on what was
3 going on.

4 Q Right. And you signed it Stockbridge City
5 Councilman, and you sent it to the Stockbridge city
6 manager and posted it for all -- on your page, all
7 20,000 people to see if they wanted; right?

8 MS. WOODWARD: Object to the form.

9 BY MR. HECHT:

10 Q Is that correct?

11 A This is a message, it says?

12 This is a message that I sent to someone directly.

13 Q From your Facebook page?

14 A Right. This was not sent to Mr. Harris. This
15 was sent to somebody informing them that I had sent this
16 message to Mr. Harris.

17 Q I see. Okay. So that was informing one of
18 your constituents?

19 A Right.

20 Q Okay. And then let me give you Exhibit 140.

21 (Exhibit No. 140 was marked for
22 identification.)

23 Is this a posting of an official City of
24 Stockbridge event for a January 31, 2019, deadline?

25 A It is. It sure -- yes, it is, to make sure

1 that the public is aware of the event.

2 Q Right. And this is posted on your Because We
3 Care Henry County Atlanta South Facebook page?

4 A Yes.

5 Q All right. And it has the official
6 Stockbridge seal on it?

7 A This is -- this is an emblem that I sent to --
8 this is another message that was sent to Judy -- Judy
9 Smith, a direct message that was sent to her, it appears
10 to be.

11 Q Another constituent --

12 A Uh-huh.

13 Q -- that you're using Facebook for to do city
14 business; is that right?

15 A Another --

16 MS. WOODWARD: Object to the form.

17 THE DEPONENT: To inform about what's going on
18 because -- this is to inform about what's going on.

19 BY MR. HECHT:

20 Q All right. Similarly, you're using your
21 Facebook page here in 140 to message another constituent
22 about the road signs?

23 MS. WOODWARD: Is this 141?

24 MR. HECHT: That is 141. You're right. 141.

25 I'll trade you.

1 (Exhibit no. 141 was marked for
2 identification.)

3 THE DEPONENT: This is a message that was --
4 looks like this is a message that was sent to me
5 from Katherine (indiscernible) informing me of it,
6 and I'm going to forward it to the city to take
7 care of it.

8 BY MR. HECHT:

9 Q All right. And using your Facebook page to do
10 that; is that correct?

11 A To receive the message, yes.

12 Q All right. And then in Exhibit 6, are these
13 several of your posts as a Stockbridge city councilman
14 on Because We Care Henry Atlanta South in 2019?

15 (Exhibit No. 6, previously marked, was entered
16 into the record.)

17 A This is an issue that was brought up by
18 constituents concerned for the safety of these children.

19 Q No, no. I know that. I mean, I appreciate
20 that. I'm not -- I appreciate the content of all of
21 this.

22 A Uh-huh.

23 Q All I'm really trying to figure out is: In
24 Exhibit No. 6, are all these posts on your Because We
25 Care Henry Atlanta South page for your viewers or

1 followers to see?

2 A Yes.

3 Q And all of these are posted in your capacity
4 as city councilman; is that correct?

5 A No. They are posted in my capacity as a
6 private citizen using my First Amendment rights.

7 Q Well, on the first page of Exhibit 6, it
8 says -- it shows you're posting as Elton Alexander,
9 Stockbridge City Councilman, and then it sends it out to
10 a bunch of different media sites; right?

11 A Right. I'm Elton Alexander, Stockbridge City
12 Councilman, 24 hours a day. But again, our charter only
13 applies to official city meetings.

14 Q All right. From all of these posts where you
15 put Stockbridge City Councilman, you're posting to all
16 20,000 followers that you're giving these messages out
17 in your role as a Stockbridge City Councilman; right?

18 A This -- these are in the role of Councilman
19 Elton Alexander trying to get reelected.

20 Q Oh. So even though it doesn't say these are
21 campaign materials, you are claiming they're campaign
22 materials?

23 A This is right at the cycle where we're trying
24 to get information out so people will know that there
25 was an election. That's why you see an increase in

1 these. These are political posts to let everybody know
2 that the election is coming, or to increase awareness.
3 Not really a political post but just to reach --
4 increase awareness and name recognition.

5 Q Let me ask you a question: Do you have to pay
6 anything for Because We Care Atlanta South? Do you have
7 to pay any domain fees or any other --

8 A No.

9 Q -- fees for it?

10 A No.

11 Q Do you have to pay any advertising fees to it
12 if you're campaigning on it?

13 A Do I have to pay anything?

14 Q I -- yes.

15 A No. It's free for me. I run the page.

16 Q Right. Exactly. Okay. And then similarly --

17 MR. HECHT: What are we on, Madam, 142?

18 THE COURT REPORTER: Yes, sir.

19 (Exhibit No. 142 was marked for

20 identification.)

21 BY MR. HECHT:

22 Q Is this 142 also a posting on your Facebook
23 page Because We Care Henry County Atlanta South about a
24 City of Stockbridge special-called meeting?

25 A It is.

1 Q All right. And similarly, is 143 another post
2 on your Because We Care Henry Atlanta South noting a
3 town hall meeting and your proposal to -- to hopefully
4 increase the minimum wage?

5 (Exhibit No. 143 was marked for
6 identification.)

7 MS. WOODWARD: Object to the form.

8 THE DEPONENT: It's a name recognition post to
9 get ready for the campaign.

10 BY MR. HECHT:

11 Q Of course, none of these says that these are
12 campaign materials. They are posted in your capacity as
13 Elton Alexander, Stockbridge City Councilman; right?

14 A I can't post to my personal so -- as --
15 officially as Councilman Elton Alexander. I have to
16 post as myself. It's not -- that is not attached to the
17 city because the city does not have jurisdiction over my
18 First Amendment rights.

19 And I've argued that with the city. I got censured
20 over that. But the city does not have the right to
21 regulate my free speech.

22 Q Right. So --

23 A And they've tried to do so several times.

24 Q Well, under the city policies, they haven't
25 created a policy that could discipline you for posting

1 matters that are untrue on your Because We Care Henry
2 Atlanta South page; right?

3 A There is no policy, because our charter only
4 covers what happens in official city meetings, which a
5 \$10,000 investigation stated and confirmed that whatever
6 we do outside of our city council meetings, we are
7 allowed to do that because the charter does not cover
8 that.

9 Q And then this exhibit -- actually, I'll wait
10 on that.

11 Do you believe that your posting things as a city
12 councilman in violation of policy or policy does not
13 cover your posting as a city councilman?

14 A I think policy does not cover my posting as a
15 city councilman, but I think the US Constitution does.
16 It guarantees freedom of speech and freedom of the
17 press.

18 Q All right. Let me ask you this: Your Because
19 We Care Henry page that is linked to 20,000 followers,
20 tell me, how did you -- how did you establish it and how
21 did you grow it?

22 A I established it by being out in the community
23 and rallying citizens.

24 You live in the South Metro, sir?

25 Q How did you grow it, and how did you create

1 it?

2 A Well, for those of us who live in the South
3 Metro, we have to leave our community to work, shop,
4 eat, and for all the amenities that we drive to the
5 north side for.

6 I galvanized a group of citizens that galvanized
7 around this issue. I just started posting on Facebook
8 one day, and we started talking about it, and it started
9 to grow.

10 Q How'd you grow it to -- first of all, how do
11 you get past the \$5000 limit on a personal -- 5000-
12 person limit on a -- on a page, how do you get past
13 that?

14 A See, a personal Facebook page has a limit of
15 5000. A "page" page that's not tied to an individual,
16 you can have as many as you like --

17 Q Got you.

18 A -- following you.

19 Q But you built it successfully. What did you
20 do to boost it so high? What did you do to get to
21 20,000 people?

22 A What I did was I got out in the community. I
23 worked very hard, judiciously, to make sure that, you
24 know, from -- that these were issues that people cared
25 about.

1 I made media contacts to help share the page on TV,
2 on radio, and whatever. And from time to time, I would
3 sponsor ads, sponsor a boost post on Facebook so people
4 could see it in addition to.

5 Q Okay. And let me ask you a question: Are you
6 also -- this is 144. Let me give you 144, and I'm going
7 to give you 145 too. Are you -- here is 145 and here is
8 144.

9 (Exhibit Nos. 144 and 145 were marked for
10 identification.)

11 Your Because We Care Henry page, Atlanta South,
12 with what used to be 15,000 followers and now is 20,000
13 followers, is linked to the City of Stockbridge official
14 Facebook page?

15 A No.

16 Q No?

17 A No.

18 Q Is it a -- a related page?

19 A No.

20 Q No? Okay.

21 A It predated my involvement with the city in
22 2014.

23 Q What predated your involvement?

24 A This, when I started this page.

25 Q No, no. I'm not asking you that. What I mean

1 is: Did it become your -- Because We Care Henry Atlanta
2 South page, which has 20,000 followers, did it become a
3 related page to the official City of Stockbridge social
4 media site?

5 A No.

6 Q No? All right. Look at Exhibit 144.

7 A Uh-huh.

8 Q And look where it says related page Because We
9 Care Henry. Do you see that?

10 A Uh-huh.

11 MS. WOODWARD: Yes or no.

12 BY MR. HECHT:

13 Q Is that a yes?

14 A Yes, I see that. But what Facebook does is
15 that these pages don't have to be grouped together. I'm
16 not associated with the Henry County Police Department.
17 These are suggestions that Facebook makes on page that
18 you might like that are similar to this page.

19 Q Right. But if I go on the Facebook page, or
20 anybody has gone on the Facebook page, from January
21 2016, when you were first a councilman, and they go on
22 the City of Stockbridge's Facebook page -- page, does
23 not one of the related pages, Because We Care Henry
24 Atlanta South, come up which you created?

25 A Not necessarily. Sometimes they're random.

1 What it does is it kind of like the last few pages that
2 you were on, it makes different suggestions.

3 These are not constant. They change.

4 Q All right. Have you seen before that the City
5 of Stockbridge's Facebook page is linked to your Because
6 We Care Henry Atlanta South page?

7 A I have not, because they're not linked.

8 Q Okay. Have you seen before, when you've gone
9 on the City of Stockbridge official Facebook page, that
10 it has a related page show up, Because We Care Henry
11 Atlanta South?

12 A No.

13 Q Okay. So you've never seen this before?

14 A No.

15 Q Okay. Do you know if the City of Stockbridge
16 has ever attempted to de-link these two Facebook sites?

17 A Not that I'm aware of. I remember Mayor Tim
18 Thompson tried to shut it down. He tried to shut -- in
19 order to serve on the --

20 MR. GRAY: He's making a legal --

21 THE DEPONENT: -- advisory board.

22 MR. GRAY: -- a legal argument. It doesn't
23 matter what you say. He's just trying to make a
24 legal argument. It's got no basis. I object to
25 the question.

1 MR. HECHT: All right; whatever that was.

2 BY MR. HECHT:

3 Q The factual question I have is you said Tim
4 Thompson tried to shut down the related page --

5 A Uh-huh.

6 Q -- or he tried to --

7 A They've never been related. He wanted me to
8 shut down my private page before I took over -- before I
9 became the zoning advisory board member for the City.

10 Q And why did he want you to do that?

11 A Because of some things that were going on in
12 the city that I was critical of.

13 Q I see. I see. But -- so you don't know that
14 the pages between the city and Because We Care Henry
15 come up together when you go on the City of
16 Stockbridge's official Facebook page?

17 A No, I don't, because they are not linked in
18 any way. And the city, as a matter of fact, takes a
19 distance. You will not see in -- when our -- our public
20 information officer, she does not share any information
21 from my page. And that's because the other
22 councilmembers are a little envious of what we have
23 going on. So they don't share information from my page.

24 They might share information from other outlets,
25 but they don't share it because they don't want to show

1 favoritism for one councilmember or the other.

2 Q Let me show you --

3 A So there -- there are definitely separations
4 between the two.

5 Q I see. Let me show you your official
6 biography on the City of Stockbridge's website, I
7 believe that is. Is this your official biography?

8 A It is.

9 Q Did you create that official biography to be
10 put on the website?

11 A I did. They wanted a bio or the personal
12 information to post when people would come to the page
13 to be able to get to see us and know us a little bit
14 better, a little background on us.

15 Q Okay. And on the third paragraph --

16 MS. WOODWARD: Greg, I think that better be
17 146.

18 MR. HECHT: It probably should be.

19 MS. WOODWARD: Sorry.

20 MR. HECHT: Let's make it 146.

21 (Exhibit No. 146 was marked for
22 identification.)

23 BY MR. HECHT:

24 Q And in your official biography for the City of
25 Stockbridge's website, you note in your third paragraph

1 your Because We Care Atlanta South page promoting the
2 South Metro to bring in jobs and economic development to
3 Stockbridge and Henry County.

4 And you note that your site numbers on Facebook now
5 exceed 13,000 followers and has reached as many as
6 100,000 people in one week; is that correct?

7 A That's correct.

8 Q Okay. So your particular Because We Care
9 Henry Atlanta South page has reached as many as 170,000
10 people in one week. Is that a factual statement? Is
11 that correct? Is that truthful?

12 A That would be very truthful in that what
13 happens is that this is how Facebook works: When you
14 share something like Dave & Buster's coming to Henry
15 County, everybody shares it. And when they share it, it
16 just goes viral.

17 So on a particular week, depending upon what the
18 story is, even though you have 20,000 followers of
19 everybody sharing the story, it gives you reach outside
20 of that on items like Dave & Buster's coming to Henry
21 County.

22 At one point, I think I posted we thought Costco
23 was coming to Henry County. I posted that, and it
24 went -- it singularly went over 100,000.

25 We still might get them, but that went over

1 100,000. And several posts like that, when you post a
2 business that -- like we haven't seen before coming to
3 the area, folks will share it. So that's for -- it says
4 up to, which is -- it depends on what is going on. If
5 something significant is going on, that could happen.

6 Q All right. And it says that you have also
7 launched a new website, bwcatlantasouth.com. When did
8 you start that?

9 A A couple of years ago.

10 Q Do you know what year, about?

11 A I think it was 20- -- it was 2015 or 2016.
12 Because what I was finding out is some people just don't
13 do social media.

14 Like my lawyer, she don't do social media. So in
15 order to each people who refuse to do social media, we
16 wanted to have an outlet for them to be able to access
17 the information without going to social media.

18 Q Understood.

19 A There's no hosting fees or anything like that.
20 It's set up as a blog, so there's no charge for it.

21 Q Is it correct that you got an award, a
22 Certificate of Appreciation from the City of Stockbridge
23 in 2016, for your use of the Because We Care Henry site
24 for the City of Stockbridge?

25 A I don't think that was in 2016. I think that

1 was -- that might've -- that was in -- that was before I
2 took office.

3 Councilwoman Lakeisha Gantt had presented me at
4 that time because I was promoting a lot of the items
5 that were going on with the city and the interest was
6 growing. That was before I took office, so I'm not sure
7 if that date is correct.

8 Q Okay. At some point, the City of Stockbridge
9 recognized your site for promoting Stockbridge; is that
10 right?

11 A Yes.

12 Q You talked about Lakeisha Gantt. I'm going to
13 show you Exhibit 62 and Exhibit 63.

14 (Exhibit Nos. 62 and 63, previously marked,
15 were entered into the record.)

16 You were talking about Ms. Gantt and, I believe, in
17 Exhibit 62, she is angry, saying that you have been
18 lying about everything.

19 And then, I believe -- in 63, I believe she
20 references you as "an Internet bully."

21 Do you believe that reference is true with regard
22 to how you use your social media sites?

23 A No. I think Ms. -- Councilwoman Gantt is
24 overly sensitive to things that go on. She spends too
25 much time reading my social media pages and other social

1 media pages instead of engaging the public. And as we
2 have found out, she was in cahoots in meeting up with
3 Mr. Whitson and sending him texts and emails in regards
4 to what was going on.

5 It seems incredible that a city councilmember would
6 say why don't you sue the City? And that's exactly what
7 he did.

8 Q And in Exhibit 63, you seem to complain that
9 you believe these are code of conduct violations that
10 are not being enforced; is that correct?

11 A I was called a liar on official city
12 communication. That's a little bit different than doing
13 that outside the bar.

14 Because as the investigator has assessed to us and
15 told us that whatever we do inside city meetings, city
16 communications -- this is official city communications.
17 This is on our official accounted city-issued -- city-
18 issued email accounts. So this is not her personal
19 email account. This is city, inside the city.

20 Q No, I got it. But my point is you seem to
21 complain that these are -- you believe these are code of
22 conduct violations; is that right, on the first page of
23 63?

24 A I believe it's code of conduct because it's
25 covered by the charter and it happened in -- on an

1 official city platform.

2 If she had done -- sent that from her personal
3 email account, I wouldn't be -- I wouldn't matter
4 because it wouldn't matter. But inside these functions,
5 our charter covers what goes on, on city platforms
6 and . . .

7 Q Has she complained about you in terms of the
8 code of conduct as well?

9 A Yes.

10 Q All right. I believe you both have stated
11 that you don't believe the code of conduct is enforced;
12 is that right?

13 A I believe that this -- if you're asking me, I
14 believe that this -- the code of conduct is politically
15 enforced. It's a 3-to-2 majority, and I'm on the
16 minority side of that.

17 You know, the first two years, I was on the
18 majority side of that. There were no censures. There
19 weren't any of that because there was no vote for it,
20 because Mayor Ford -- mayor pro tem -- or Councilman
21 Ford wouldn't -- wouldn't go -- wouldn't do that.

22 Q So you believe the custom and practice of the
23 City of Stockbridge is that the code of conduct is just
24 politically enforced; is that right?

25 MR. GRAY: Objection as to form. Calls for a

1 legal conclusion he couldn't possibly make.

2 BY MR. HECHT:

3 Q Based on your experience, is that what you
4 believe?

5 MR. GRAY: I object to the question and the
6 form of the question.

7 BY MR. HECHT:

8 Q You can answer.

9 A I believe that the public plays a role in how
10 this is informed. For instance, Councilman Blount
11 threatened me. It was on video. He got up in my face
12 and -- and at a -- at an official meeting. And nothing
13 was done about that, but you want to complain about my
14 Facebook posts.

15 Q Well, actually, you -- do you know of anybody
16 under the code of conduct that's ever been disciplined
17 that's a mayor or councilperson under the code of
18 conduct?

19 A Under the current code of -- there's been
20 councilmembers that have been kicked out of office,
21 including -- and the mayor's been kicked out of
22 office -- Mr. Stuart, as you know.

23 Q Right. But I'm talking about under the code
24 of conduct. I'm not talking about charter provisions.
25 I'm not talking about the removal procedure under the

1 charter. I'm talking about under the code of conduct we
2 are talking about.

3 A I was censured.

4 Q You were censured. Were you censured under
5 the code of conduct, or were you censured under the
6 charter provisions?

7 A I was censured under no provisions because
8 there's no underlying charge. It was a statement. But
9 that was the discipline that was issued.

10 It was a censure, but that's -- I wasn't charged
11 with anything because it didn't violate the charter.
12 But they could, with a majority vote, pass a statement,
13 which they did.

14 Q Okay. So it wasn't under any policy of which
15 you know; correct?

16 A It was -- no.

17 Q Now, you state that you have gone through
18 significant training. Have you ever gone -- been
19 trained on what extortion means?

20 A I have a general -- I don't think there's been
21 any training on what the specific extortion is, but I
22 think I understand the meaning of extortion.

23 Q Okay. Had you ever been trained on abuse of
24 office by the city or anyone else?

25 A I've read the charter, and it defines what the

1 abuses are --

2 Q Other than that --

3 A -- malfeasance and those types of things.

4 Q Other than that, have you been trained on
5 abuse of office?

6 A By general -- GMA, Georgia Municipal
7 Association about general practices and how to conduct
8 yourself as a councilmember, or social media classes and
9 different aspects of open meetings and --

10 Q Right. But I'm talking about on specifically
11 what could constitute an abuse of office.

12 A Those -- those are -- those are covered by the
13 GMA trainings.

14 Q Okay. How about have you ever been trained on
15 violation of the Oath of Office?

16 A I've read the Oath of Office and understand
17 what it means in its entirety, and it's been explained
18 to us by the city attorney and others.

19 Q Have you ever been trained on your fiduciary
20 obligations to citizens as a councilperson?

21 A My fiduciary responsibility is primarily to
22 the citizens. That's under the Oath of Office.

23 Q Have you ever been trained on what your
24 fiduciary obligations are to the businesses of the City
25 of Stockbridge?

1 A The same statement.

2 Q Have you been trained on it specifically?

3 A By general, by -- by GMA, I would say I've
4 been trained on it because they -- your -- everything
5 you do or say in any context and how it reflects upon
6 the city.

7 Q Do you know of any specific lectures, lessons,
8 training materials that you've actually had on the
9 particular issue?

10 A Under GMA, I can't -- right now, I can't think
11 of the name of the classes, but I've been through over
12 120 hours. And that's come up in lectures and comments
13 from the professors and through the class syllabus many
14 times.

15 Q Let me ask you: You've seen Mr. Alexander --
16 I'm sorry. Mr. Alexander, you've seen Mr. Whitson's
17 complaint against you; correct?

18 A Unfortunately, yes.

19 Q And I'm going to show you first an email that
20 came in from Mr. Blount to who he calls -- excuse me, a
21 text in Exhibit A.

22 It says Mr. Whitten -- that's Mr. Whitson, but he
23 misspelled -- says, you can email your complaint to V.
24 Holiday at cityofstockbridge.ga.gov on January 20, 2017.
25 Do you see that?

1 A I do.

2 MS. WOODWARD: Which number is that?

3 MR. HECHT: 8.

4 (Exhibit No. 8, previously marked, was entered
5 into the record.)

6 BY MR. HECHT:

7 Q Did you learn that a city complaint was going
8 to be filed on you by a businessperson around January
9 20, 2017?

10 A No. I think it was closer to the end of the
11 month. It was at the work session. And as I have
12 already stated, I was presented with the documents in
13 executive session, and they were given to me in there.

14 Q When was -- did you learn -- what I'm asking
15 you is --

16 A At this point, I don't believe I knew about
17 the complaint.

18 Q Did you know about the complaint coming before
19 it was filed?

20 A No.

21 Q Okay.

22 A I was completely caught off guard when I was
23 handed this document, completely.

24 Q All right. Let me show you Exhibits 7, 8, and
25 10 -- excuse me, 7, 9, and 10.

1 (Exhibit Nos. 7, 9, and 10, previously marked,
2 were entered into the record.)

3 And the only thing I want to ask you about this --
4 here's 7, 9, and 10, which are different forms of the
5 complaint --

6 A Uh-huh.

7 Q -- do you know how the complaint went from the
8 way it was in form in Exhibit 7, where there was also a
9 complaint at the bottom about not getting sign permits,
10 to Exhibit 10, where those paragraphs were taken off?
11 Do you know how that change was made?

12 A I do not know, because I was completely
13 unaware that this complaint was coming and only received
14 it as I've stated.

15 Q Okay. Did you talk to Vanessa Holiday at all
16 about the complaint that was filed?

17 A No, I did not. And to suggest that Vanessa
18 Holiday would in some way alter these forms is an insult
19 to her. She's a fine woman.

20 Q Well, no one's suggesting she's not a fine
21 woman.

22 Let me ask you this: Did -- do you know whether or
23 not she instructed Mr. Whitson to take out the last
24 three paragraphs?

25 A I am completely unaware of that.

1 Q Okay. Did you see the original complaint that
2 had the signed permit complaints that were -- that was
3 the original filing?

4 A I don't believe -- I don't -- I don't know if
5 I did or not. I just -- I'm not sure that -- I didn't
6 even know that there was two different complaints. All
7 I know is the one that I received.

8 Q Okay. Let me show you -- let me show you
9 Exhibit 2, a Letter of Caution that you received in
10 April 2016.

11 (Exhibit No. 2, previously marked, was entered
12 into the record.)

13 A Okay.

14 Q Would you agree that after you received this
15 Letter of Caution, you did not receive any substantive
16 discipline as a result? Is that right?

17 A This Letter of Caution, no. This Letter of
18 Caution carried no weight. It was simply, again,
19 another statement that was issued. But there's no
20 charter violation or anything -- any violation at
21 this -- of this.

22 Q Right. And this is not an official action of
23 the city. This is three councilmembers giving you a
24 Letter of Caution; right?

25 A That's correct.

1 Q Okay. And the city took no change in policy
2 after giving you this Letter of Caution; correct?

3 A The City did take some changes. They passed
4 the -- some type of -- I think it was a social media or
5 some type of policy stating that -- if you notice, on a
6 lot of these posts, it changes to -- I would say my
7 opinion.

8 That was done to state that anything posted
9 outside -- which was a complete violation of my First
10 Amendment rights because the city charter didn't cover
11 that.

12 Mr. Powell lately confirmed that I was right. I --
13 I received this Letter of Caution and several other
14 admonishments violating my First Amendment rights by the
15 city, but I never -- shouldn't have been.

16 Q Let me ask you a question: In this particular
17 exhibit -- exhibit mentions State Representative Scott
18 complained against you. Do you know what complaint that
19 is?

20 A I've never had -- not that I'm aware of.

21 MS. WOODWARD: Object to the form.

22 BY MR. HECHT:

23 Q If you look at page 2 of the exhibit, it says
24 mischaracterizing statements by Representative Scott and
25 David Gill from the Henry County Chamber of Commerce.

1 Are you aware of what statements they're
2 referencing?

3 A No. Because me and Senator Scott are very
4 good friends, and she consults me regularly to talk
5 about things and to share her events. Matter of fact,
6 she supports a lot of my events. We had a hurricane
7 relief effort that I delivered the water and supplies
8 for.

9 Q Do you know -- were you given any of these
10 complaints that are referencing --

11 A I don't see her signature on here.

12 Q Do you see -- were you given the complaints
13 that are referenced in this Letter of Caution by the
14 city?

15 A No.

16 Q Okay. Do you know which ones they are talking
17 about? When they say you repeatedly mischaracterized
18 facts about the city's budget and the work of the
19 Finance Committee, do you know what they're referencing?

20 A No.

21 Q When it says you have violated the charter, on
22 page 2 bullet points, do you know what they're
23 referencing?

24 A No, I don't. And as I said, these -- this
25 document was flawed.

1 Q And it doesn't present official action of the
2 city; right?

3 A No. Well, anything three councilmembers sign-
4 off does reflect some type of -- it approved the
5 statements. It was an official city statement. It just
6 didn't carry any weight.

7 Q Was it spread across the minutes of the city
8 council?

9 A No. I don't think this was.

10 Q Okay. And to take an official action to be
11 recognized by the City, it actually has to be placed in
12 the minutes; right? Is that correct?

13 A Yes, sir.

14 Q Okay. And to your knowledge, this was not
15 spread on the minutes; right?

16 A No, this was not.

17 Q Okay. I'm going to give you Exhibit D-33.

18 (Exhibit No. D-33, previously marked, was
19 entered into the record.)

20 Is this your first censure on or about January 30,
21 2018?

22 A Yes, it is.

23 Q All right. And the Ethics Committee and other
24 complaints against you were in January and February
25 2017; is that right?

1 A Yes.

2 Q And this particular censure, it doesn't
3 reference any of the ethics complaints that were brought
4 against you; right?

5 A This is just reworded; it basically was the
6 same thing --

7 Q As the Letter of Caution?

8 A -- as the Letter of Caution. It was just used
9 as a censure. It was the same rehashed information
10 provided in the censure. There's no specifics on here,
11 as you see.

12 Q Right. I agree with you wholeheartedly.
13 Did you -- as a result of this censure, did you
14 note what you were supposed to not do?

15 A I disagree with this censure. And I
16 understood that -- that this was a violation of my First
17 Amendment rights based on an official city report that
18 said the charter only covers official meetings.

19 Q And there was no censure or discipline between
20 the February 2017 filed complaints and this January 2018
21 complaint a year later; is that right?

22 A And there wouldn't have been, because Mayor
23 Ford wouldn't have voted for this.

24 Q Right.

25 A The Council changed. We added another

1 councilmember, who, within 30, made a change.

2 Q Fair enough. I'm going to give you a copy of
3 your second censure, Exhibit 66. You can review that.

4 A Gotcha.

5 Q And can you tell me: This -- this was -- oh,
6 I'm sorry. I'm wrong. I'm giving you the copy of
7 something that's not a censure. Hold on a minute.

8 Well, I'll come back to it.

9 The 2019 censure that you got, do you remember that
10 being in approximately July 2019?

11 A Correct.

12 Q All right. And that was over two years passed
13 those times that the ethics complaints were filed;
14 correct, in January and February 2017?

15 A That's correct.

16 Q Okay. To your knowledge, did they relate in
17 any way to the ethics or other complaints filed against
18 you in January of February 2017?

19 A It's the same rehashed information over again.

20 Q You mean from the Letter of Caution in 2016?

21 A From the Letter of Caution in 2016 being
22 rehashed and because there's no specifics attached to
23 this either.

24 Q I gotcha. Gotcha. All right. Let me present
25 to you what is the Exhibit 66, which is what you talked

1 about the social media policy.

2 (Exhibit No. 66, previously marked, was
3 entered into the record.)

4 A Uh-huh.

5 Q Now, did you end up voting for this social
6 media policy in the end?

7 A This social media policy does not apply to
8 elected officials. It only applies to city employees.

9 Q Right. And it does not apply to elected
10 officials' social media sites outside of the city;
11 right?

12 A It does not apply to elected officials.

13 Q And it actually says, does it not, on the last
14 page: Elected officials are encouraged to establish
15 their own social media accounts and to be solely
16 responsible for its content; is that right?

17 A Correct.

18 Q And so this really didn't address anything on
19 your social media page by policy; correct?

20 A What it really did was it -- it quantified the
21 fact that I -- that we should have our own social media
22 page, which I already had.

23 Q Right. To use as you see fit as a city
24 councilperson; correct?

25 A The Constitution guarantees that.

1 Q Okay. I think we're finally in agreement.

2 My question is: This social media page usage
3 policy did not at all change any customs and practices
4 with regard to Because We Care Henry Atlanta South;
5 right?

6 A No.

7 Q You mean yes or --

8 A It does not change any customs of what I had
9 to do, no. Because I -- I don't --

10 Q Right.

11 A That had no --

12 Q Well, we're saying the same thing. It -- this
13 social media policy that the city adopted in 2017 had no
14 effect on your Because We Care Henry Atlanta South or
15 any other social media page; correct?

16 A No. It was simply a statement. It had no
17 effect. The answer would be yes.

18 Q It had no effect on there?

19 A None.

20 Q Right. No effect on your practices and how or
21 what you post; right?

22 A Yeah. Right.

23 Q Is that correct?

24 A That's correct.

25 Q I'm going to ask you about your own Letter of

1 Caution. This is Exhibit --

2 MR. HECHT: -- 144, Madam Court Reporter?

3 THE COURT REPORTER: It's 148.

4 MR. HECHT: 148.

5 (Exhibit No. 148 was marked for

6 identification.)

7 BY MR. HECHT:

8 Q And you created a Letter of Caution back in
9 July 2016 to Councilmember Blount; is that correct?

10 A Correct.

11 Q Did you believe that Councilmember Blount had
12 violated the code of conduct for the City of
13 Stockbridge?

14 A I did.

15 Q And nothing happened officially by the city as
16 a result of your complaint; is that correct?

17 A That's correct.

18 Q Is that the general custom and practice of the
19 city that nothing happens?

20 MR. GRAY: Objection as to form; ridiculous
21 question.

22 BY MR. HECHT:

23 Q You can answer. From your experience?

24 A And the question again? I'm sorry.

25 Q Is it -- these code of conduct complaints

1 don't result in any discipline or substantive action; is
2 that right --

3 MR. GRAY: Objection as to form.

4 BY MR. HECHT:

5 Q -- from your experience?

6 A Correct.

7 Q And then I'm going to show you Exhibit 75.

8 (Exhibit No. 75, previously marked, was
9 entered into the record.)

10 This is about a sign permit for BBQ Masters in
11 2017.

12 A Uh-huh.

13 Q And it says specifically that the sign permit
14 is ready and waiting for the approval of the city.

15 Were you aware of this process in January 2017?

16 A Nope, and wasn't aware of it till now.

17 Q All right. I'm going to give you a copy of
18 Exhibit --

19 MR. HECHT: -- 149?

20 THE COURT REPORTER: Yes.

21 (Exhibit No. 149 was marked for
22 identification.)

23 BY MR. HECHT:

24 Q Can you tell me: What is the Community
25 Development for Real Property?

1 A Real People.

2 Q Real People; excuse me.

3 A It is my 501(c)(3) organization where we -- we
4 have the toy drive that we're having on December 21.

5 Q And is it a -- is it a nonprofit?

6 A It is. It's 501(c)(3).

7 Q And Cheryl Tigner, she is what for the
8 company?

9 A Cheryl Tigner previously was the treasurer for
10 the company, and she is now deceased.

11 Q And can you tell me: Is your company active
12 on social media?

13 A It is.

14 Q And is it promoted also on the Because We Care
15 Henry site?

16 A Yes.

17 Q Let me ask you -- I'm going to show you a copy
18 of Exhibit 47.

19 (Exhibit No. 47, previously marked, was
20 entered into the record.)

21 A Uh-huh.

22 Q Do you recognize Exhibit 47 as a cease and
23 desist and demand for retraction letter that went to the
24 City of Stockbridge and to you subsequently?

25 A Yes.

1 Q And did you receive this in May 2017?

2 A I did.

3 Q And did the city council and mayor receive it
4 also?

5 A I don't know if they did or not. I know I
6 did.

7 Q Did the city manager and city attorney receive
8 it?

9 A I don't know. I know I received it. I'm not
10 sure whether they did or not.

11 Q Did you talk to them about the letter?

12 A I did not.

13 Q Did you talk to the council and mayor about
14 the letter?

15 A I don't really -- I don't know. I don't -- I
16 don't recall doing so. I may have, but I don't recall
17 right offhand.

18 A lot of times these letters come. This was
19 directed to me. It doesn't say anything -- it doesn't
20 have any copies or anything to the mayor or to the
21 attorney. And, you know, I don't -- I don't recall
22 talking to them about this.

23 Q All right. After you got the cease and desist
24 and demand for retraction letter, did you take down the
25 offensive statements that are referenced in here?

1 A I -- I -- what I -- I had already done so.

2 MS. WOODWARD: Object to the form.

3 THE DEPONENT: I had already done so the
4 same -- the next day.

5 BY MR. HECHT:

6 Q You're talking about the --

7 A The -- the sex offender registry item had been
8 changed.

9 Q Did you retract and clarify? Did you tell
10 people that these comments were untrue?

11 A I believed them to be true. And, no, I did
12 not issue a retraction.

13 Q All right. Did you get disciplined after this
14 cease and desist letter was received by the City of
15 Stockbridge in any manner?

16 A No.

17 Q Did you get directed to receive additional
18 training by the City of Stockbridge after you received
19 this cease, desist, and retraction demand letter?

20 A No. Because everyone -- once the ethics
21 complaint was dismissed, we thought we were done with
22 this and I had been vindicated.

23 Q When you say you were vindicated, is that
24 because the Ethics Commission adopted the
25 recommendations of the investigator?

1 A That would be correct.

2 Q I'm going to give you Exhibit 48.

3 (Exhibit No. 48, previously marked, was
4 entered into the record.)

5 Exhibit 48 is your receipt, I believe, of the
6 summons in the civil action for which we're here today,
7 on or about June 15, 2017; is that right?

8 A Yes.

9 Q And after that, did the city discipline you in
10 any manner?

11 A No.

12 Q Did the city change any policies in any manner
13 as a result of the lawsuit?

14 A Not that I'm aware of.

15 Q Would it be correct that you did not receive
16 any additional training after the receipt of the lawsuit
17 by the city?

18 A I received -- no. And not by the City, but I
19 receive ongoing training through Georgia Municipal
20 Association as well.

21 Q But no training in relation to what's in the
22 lawsuit; correct?

23 MS. WOODWARD: Object to the form.

24 THE DEPONENT: No.

25 //////////////

1 BY MR. HECHT:

2 Q And then, also, you know of no -- at no time
3 did the Council try to utilize the removal process under
4 the charter after receiving the lawsuit with regard to
5 you as a councilman; is that correct?

6 A They would've been in violation of the law had
7 they done so. No.

8 Q So they did not?

9 A No.

10 Q Let me show you Exhibit 28.

11 (Exhibit No. 28, previously marked, was
12 entered into the record.)

13 Do you recognize Exhibit 28 as a text message
14 between you and Vanessa Holiday on or about August 4,
15 2016?

16 MS. WOODWARD: Object to the form.

17 MR. GRAY: I've stopped getting copies of --

18 MR. HECHT: They're stuff you have already.

19 THE DEPONENT: This is from Vanessa?

20 BY MR. HECHT:

21 Q I'm asking you. It was produced by you. It's
22 hard to see, but at the bottom of --

23 MS. WOODWARD: And I object -- and I object to
24 the form.

25 MR. HECHT: Okay. I -- I --

1 BY MR. HECHT:

2 Q This was produced by you in your discovery
3 responses. I'm trying to figure out, first of all, if
4 it's a text between you and Vanessa Holiday, since it
5 says from Vanessa.

6 A All three of the messages in -- in black
7 would've been. Based on how text messages work, if it
8 says from Vanessa, all three of the ones in black
9 would've been from Vanessa.

10 And then -- but this "they so stupid" don't sound
11 like something I would say.

12 Q Do you know the context and content of this
13 text message that was provided by you to us?

14 A Maybe the city provided this particular text
15 message. We provided this?

16 Q If you look at the very bottom, you can --

17 MR. GRAY: Can you see it?

18 BY MR. HECHT:

19 Q -- you can find a little EA number, and it's
20 hard to see. It doesn't come out well.

21 A I don't recall seeing this email. And I don't
22 recall sending this. This is not something that . . .

23 Q Did you talk to Vanessa Holiday about a
24 particular code enforcement email regarding BBQ Masters?

25 MS. WOODWARD: Object to the form. There's no

1 connection to Vanessa Holiday.

2 MR. GRAY: Do we know who sent this email?

3 Did you send this email? Is this your
4 handwriting?

5 MR. HECHT: It's a text.

6 THE DEPONENT: This just does not sound like
7 me: "They so stupid."

8 I don't recall this. I don't. I don't recall
9 this, and I'm -- I don't recall this. I don't -- I
10 don't -- I know it wasn't anything that we
11 produced.

12 BY MR. HECHT:

13 Q Well, actually -- actually, I believe it was.
14 There's an EA number --

15 A It might be --

16 Q -- at the bottom. Can you --

17 A -- unless the city produced it on my behalf,
18 but I don't --

19 MR. GRAY: The city didn't produce it.

20 MR. HECHT: Can you check on this, since it
21 looks like it has an EA number, and see if you can
22 figure out the context for us?

23 MS. WOODWARD: Yes.

24 THE DEPONENT: Is this a screenshot, perhaps,
25 maybe?

1 MS. WOODWARD: I -- I think it is. I'll just
2 say that I don't want to --

3 MR. HECHT: Well, let me ask you --

4 MS. WOODWARD: We can talk about it if you
5 want us to.

6 MR. HECHT: Yeah.

7 BY MR. HECHT:

8 Q Let me -- let ask you this: It appears in the
9 entirety of the discovery production that we have two
10 text messages in total about this case.

11 Are you telling me that the only text messages
12 about the plaintiff or any of these complaints that have
13 gone against you is just those two text messages?

14 A I'm telling you that I turned over everything
15 in my possession, to this date, that I know of. Now,
16 I've checked all the devices that I have in doing the
17 things that I do in terms of you seeing my social media.

18 You've seen my email, and there are very few of
19 those too. Most of the conversation was on social media
20 defending my reputation. But in terms of --

21 Q You wouldn't have --

22 A -- this, I --

23 Q -- texted with Marvin Johnson? You wouldn't
24 have texted with Vanessa Holiday?

25 A You saw the texts --

1 Q You wouldn't have --

2 A You saw the texts that I had with Marvin
3 Johnson. Marvin Johnson and I only spoke --

4 Q One time.

5 A Right. Right. Me and Marvin spoke by phone.

6 Q When -- that text that we talked with about
7 with Marvin Johnson, it sounded like there was
8 information that you had given him earlier. Was that by
9 text --

10 A No. That was --

11 Q -- or Facebook?

12 A No. I've said this repeatedly on this video.
13 Marvin gave me the information that Mr. Whitson was on
14 the sex registry. And when I found -- and when I
15 received the information that I thought to be credible,
16 I relayed it to him. And when I found out it was not,
17 that was my response, to tell him that this was not the
18 same person.

19 But the -- me and Marvin are not friends. We only
20 talked about this case around the time when the ethics
21 complaint was going on. We don't talk every day. I
22 haven't talked to Marvin in probably about -- over a
23 year at least.

24 And it was only surrounding the case -- the case,
25 and the case on March 8, where there was a TPO hearing,

1 and then that small window where we were talking about
2 the ethics complaint. So Marvin and I are not friends.

3 Q Did you -- let me do one thing.

4 MR. HECHT: Let's take a break for a minute.

5 I'm --

6 MS. WOODWARD: Okay.

7 THE VIDEOGRAPHER: Off the record at
8 approximately 5:45 p.m.

9 We're back on the record at approximately 5:55
10 p.m.

11 This concludes Video Tape No. 4 in the
12 deposition of Elton Alexander. The time is
13 approximately 5:56 p.m. We are now off the record.

14 We are now back on the record. Today's date
15 is December 11, 2019, and the time is approximately
16 6:13 p.m.

17 This is Video No. 5 in the video deposition of
18 Elton Alexander.

19 BY MR. HECHT:

20 Q All right. Mr. Alexander, I'm going to show
21 you Exhibit 150.

22 (Exhibit No. 150 was marked for
23 identification.)

24 And I want to ask you if you recognize that as a
25 copy of your email from -- from your -- from you on

1 March 9, 2017, to Asia Ashley at the Henry Herald?

2 A Yes.

3 Q Okay. And can you tell me: In that
4 particular email, you stated that BBQ Masters owner
5 Arick Whitson is a nutcase; correct?

6 A Yes. That's -- I still believe that today.

7 Q All right. Do you have evidence of him having
8 any kind of diagnosis for any kind of mental health
9 need?

10 A I saw that on display in court on March 8 in
11 Henry County where I saw -- I saw the same thing that I
12 see in this report --

13 Q All right. Well --

14 A -- delusions.

15 Q Delusions, huh? Can you tell me: Do you know
16 of any medical diagnosis in relation to Arick Whitson?

17 A No. That was my personal opinion.

18 Q Okay. And tell me this: You didn't say it
19 was your opinion that Arick Whitson was a nutcase; you
20 said BBQ Masters Arick Whitson is a nutcase; correct?

21 A That's my statement and my opinion.

22 MS. WOODWARD: Object to the form.

23 BY MR. HECHT:

24 Q Okay. And I think you also wrote that to the
25 district attorney of Henry County saying that he is a

1 psychopath and has compulsive behavior; is that correct?

2 A That would be correct.

3 Q And, again, when you wrote to the district
4 attorney of Henry County in 2017 that Arick Whitson was
5 a psychopath and had compulsive behavior, did you have
6 any medical evidence of that being true?

7 A I did not, but I heard Judge Amero scold Mr.
8 Whitson numerous times, and ordered a mental evaluation
9 on March 8.

10 Q Ordered a mental evaluation?

11 A No; it was subsequent to that. He scolded
12 Mr. Whitson numerous times. And he got fed up with what
13 was going on in the courtroom, and he questioned Mr. --
14 I recall him getting very flustered and questioning what
15 he was hearing.

16 Q Okay. But, again, the question is: Do you
17 have any evidence of -- any evidence of a medical
18 diagnosis of any mental health needs for Mr. Whitson?

19 A I do not.

20 Q Okay.

21 A I just have evidence of a delusional case that
22 was made up against me. It's completely delusional.

23 Q And let me ask you this -- I'm going to show
24 you Exhibit 36.

25 (Exhibit No. 36, previously marked, was

1 entered into the record.)

2 And this exhibit previously said in -- this is from
3 February 2017, about six days after the complaint was
4 filed against you and the City of Stockbridge.

5 It says: I know you have had a problem with this
6 location, so I wanted to give you a heads up. From Juli
7 Yoder.

8 Did you talk to that Henry County department about
9 BBQ Masters at any time in 2016 or 2017?

10 A I did not talk to anybody in Planning and
11 Zoning that I recall about BBQ Masters. George
12 Patterson is the only one that I recall talking to.

13 Q And he's in which particular department?

14 A He's in the building department.

15 Q How does that relate to the department where
16 Juli Yoder works, and Stacey Jordan in Planning and
17 Zoning?

18 A Mr. -- I think he provides -- I think -- I'm
19 not exactly 100 percent sure, but I think he gives
20 ground disturbance permits, where they do the grading
21 and all of that. And then they -- they send weekly
22 permits out to us.

23 And I've been on the list since, like, 2012, 2013,
24 where I get weekly permits. But I'm not -- I don't
25 recall talking to Juli Yoder. No, I don't.

1 Q I understand that. Do the planning department
2 and the building department work together with regard to
3 business licenses and permits which are being processed
4 for the City of Stockbridge as their intergovernmental
5 agreement representative?

6 A Honestly, I don't know the exact procedure.
7 Because at this time, Henry County was handling the
8 planning and zoning and building, and now we do all of
9 that in-house. It's totally different now.

10 But at that time Henry County was handling that,
11 not the city. So I'm not sure what the procedure is.

12 Q Right; but to your knowledge, from when you
13 were on the council in February 2017, the city had an
14 intergovernmental agreement with Henry County to do its
15 permit processing for businesses like BBQ Masters; is
16 that correct?

17 A That's correct.

18 Q Okay. And so Planning and Zoning and the
19 building department have to work together for certain
20 requirements to ensure that these licenses and permit --
21 permits gain the proper review; is that correct?

22 A That's correct.

23 Q Okay. And did you convey to George Patterson
24 that BBQ Masters was a problem site due to its
25 construction, which you said was illegal remodeling?

1 A I conveyed to George Patterson that they did
2 not have permits and I thought that those improvements
3 that were made were made without permits.

4 Q And that was right around the time of February
5 1, 2017, the day after Mr. Whitson filed his complaint
6 against you; correct?

7 A Initially, I reported these in December, when
8 I happened to drop by his location totally unknowing
9 that he was the proprietor.

10 Q Right. But you followed up on it on February
11 1, the day after the complaint against you was filed;
12 correct?

13 A I followed up --

14 Q On February 1, the day after the complaint was
15 filed against you?

16 A -- and requested the Code Enforcement file as
17 well.

18 Q Right. Okay. And then can you tell me: Had
19 you also requested Code Enforcement in June 2016 to do a
20 ride by BBQ Masters for a code inspection?

21 MS. WOODWARD: Object to the form.

22 THE DEPONENT: I requested a ride-through of
23 the entire city. Highway 138 -- and then Hall and
24 I went down Highway 138. We went down North Henry
25 Boulevard. We went down Highway 42. We circled

1 back down Rock Quarry Road.

2 BY MR. HECHT:

3 Q But you're -- you're talking about in February
4 2017, though; right? Are you talking about --

5 A I'm talking about the ride-along.

6 MS. WOODWARD: Object to the form.

7 THE DEPONENT: No. I'm talking about the
8 ride-along in -- in 20- -- I think it was in 2016.

9 BY MR. HECHT:

10 Q Okay. Let me show you Exhibit 29.

11 (Exhibit No. 29, previously marked, was
12 entered into the record.)

13 Do you agree that the very first place, on June 6,
14 2016, that you asked Code Enforcement to inspect was BBQ
15 Masters along North Henry Boulevard? Is that correct?

16 A BBQ Masters. Yes, BBQ Masters. It was a
17 number of businesses. I have Sunoco here, I have Grass
18 Uncut -- several businesses that are listed --
19 Smallcakes, Right Away.

20 BBQ Masters was nothing special. It was one of the
21 businesses that were not in compliance.

22 Q Okay. But it was one of the businesses that
23 you asked code inspection to follow up on; correct?

24 A Based on my observation of the trailer with
25 the board over the window and on bricks.

1 Q Understood. And you particularly mentioned,
2 also, Sunoco; right?

3 A I certainly did. Because they're an eyesore,
4 and we've been working on them a long time.

5 Q Gotcha.

6 MR. GRAY: Can I see that exhibit?

7 MR. HECHT: 29?

8 MR. GRAY: 29.

9 MR. HECHT: It's in here. That's just part of
10 the court reporter's . . .

11 MR. GRAY: I got it.

12 BY MR. HECHT:

13 Q All right. Let's go back to the district
14 attorney who you sent the message about Arick Whitson
15 being a psychopath and having compulsive behavior.

16 Did you have the opportunity to promote the
17 district attorney on your social media pages before his
18 election?

19 A I was a big supporter of Darius Pattilo.
20 There's -- we've been -- Darius has run several times.
21 He's not a personal friend of mine, but he was a fellow
22 democratic that we wanted to see elected. And he got
23 elected.

24 Q All right. And you prominently displayed him
25 on your social media pages, such as Because We Care

1 Henry Atlanta South; correct?

2 A On all of them, I believe.

3 Q Right. And that would've been before the
4 issues that came about in 2017; correct?

5 A He got elected in 2016, during the
6 presidential election, so, yes, before that.

7 Q All right. And you have been to events for
8 him during his campaign and promotion of his candidacy.
9 Would that be correct?

10 A In 2016, yes. But not -- not in the last
11 couple of years.

12 Q And did you applaud him on social media in a
13 couple of -- at least, posts -- for his work as district
14 attorney in 2017?

15 A Yes. I thought he was doing an excellent job.
16 He's tough on crime, like we need to be.

17 Q And can you tell me, did you do the same thing
18 with -- did you support the present solicitor -- or the
19 solicitor from 2017 also, politically?

20 A I'm not sure whether -- I don't recall it.
21 I'm not -- I think he ran a nonpartisan race. I'm not
22 sure. I don't think so. I don't believe I did.

23 I think I honored her -- the current solicitor -- I
24 think she was a solicitor at that time. We honored her
25 for Women's History Month.

1 Q Okay. And you promoted her on your social
2 media site for -- in the Women's History Month?

3 A I don't believe -- in 2016, I don't think the
4 current solicitor was --

5 Q In 2017.

6 A In 2017, I don't think -- I don't think she
7 was -- I don't believe she was the solicitor at that
8 time. I think it was somebody else.

9 Q When Michelle Stephens was one of the either
10 investigators or assistants with the solicitor's office
11 in 2017, when you forwarded the information about Mr.
12 Whitson, who was the solicitor at that time?

13 A I don't recall. I know Pam Bettis is --
14 was -- she was actually the first -- I think she was the
15 first female selected. That's what we honored her for.
16 And we just honored her last year.

17 So she was not -- it was a -- it must've been a
18 male. I don't remember who it was, but I know she was
19 the first female solicitor.

20 Q Was it Trea Pipkin before he became a judge?

21 A Yeah, Trea, before he became --

22 Q Did you support --

23 A So you probably know that.

24 Q Did you support Trea in his candidacy for
25 judge?

1 A I was -- I -- I don't know if I did or not. I
2 was supportive of him because I know the person that he
3 is, but I don't think I campaigned for him.

4 Q You received letters of complaint early in
5 your career as a city councilman, including February 23,
6 2016, by Dr. Pastor Mike Moon; is that correct?

7 A I received a complaint from Mike Moon. I
8 don't believe Mike Moon is a doctor more than I am. I
9 think that he's -- has not demonstrated any type of --
10 of -- any type of educational background to support his
11 claim that he's a doctor.

12 Q Did you research Dr. Moon's background?

13 A I looked at -- I was told that by one of the
14 people for the Henry County Genealogical Society. I
15 can't remember his name, but he moved down to Macon.
16 And he said that he thought that Alfred Britt and Mike
17 Moon, they make -- they kind of -- they knew a lot of --
18 they knew some things about history, but they kind of
19 created a lot of things.

20 I witnessed one of their presentations where he
21 said 34,000 black slaves willingly died defending their
22 homeland in the Confederacy. I almost threw up.

23 Q Did you call him racist as a result?

24 A I don't think I've ever called -- I don't
25 think -- recall calling him a racist.

1 I think I called -- I think I called his actions
2 racist and that he was promoting a false narrative on
3 celebrating the Confederacy when it was -- and claiming
4 that black folks actually fought for their bondage was
5 just way over the top.

6 Q Did you state that Mr. Moon is no doctor or
7 historian, and his credentials are fraudulent?

8 A I believe his credentials to be fraudulent at
9 this date and time.

10 Q And did you do any research to determine
11 whether or not his credentials were fraudulent?

12 A The Henry County Genealogical Society showed
13 me where he had attended Florida -- University of
14 Florida, I believe it was, for maybe like one or two
15 semesters.

16 And he said anybody could call in to check to see
17 whether or not Mr. Moon had actually graduated. And he
18 said he could not find any record that Mr. Moon had
19 actually attended college or was a doctor.

20 Q Well, did you check to see if he had been to a
21 different college or gained a degree in another manner?

22 A No, I did not.

23 Q So you just stated to the mayor that he's not
24 a doctor or a historian, and his credentials are
25 fraudulent?

1 This is in your role as a Stockbridge city
2 councilman as noted on Exhibit 12; is that correct?

3 (Exhibit No. 12, previously marked, was
4 entered into the record.)

5 MS. WOODWARD: Object to the form.

6 THE DEPONENT: I noted that because Mr. Moon
7 was coming in making fictitious presentations and
8 given 30 minutes in official council -- city
9 council meeting celebrating the Confederacy.

10 What we did was we ended the practice of
11 celebrating Confederate History Month. He was
12 upset about that. But we did it, and I'm glad we
13 did it, and I would do it again.

14 BY MR. HECHT:

15 Q Now, he has a different vision of history from
16 what you or I have; right? I mean, I don't have that
17 vision, and you don't have that vision. But is it
18 against his First Amendment rights to present that
19 vision of what he thinks history is?

20 A It's not against his First Amendment right.
21 That's why I didn't write him. I wrote to the mayor.

22 Q But --

23 A Because it was -- it was improper for the city
24 to be sanctioning Confederate history and -- and
25 sanctioning a sanitized version of slavery and bondage.

1 It was offensive.

2 Q And he had a -- an offensive, different
3 version of what he believed, and as a result, you called
4 him a fraud; is that right, and a racist?

5 A This document said that the documents were
6 fraudulent.

7 Q Okay. And you said he acted as a racist; is
8 that right, or his actions were racist?

9 A I said his actions were racist, yes.

10 Q All right. And that's because he had a
11 difference of opinion on history?

12 A No. Because he --

13 MS. WOODWARD: Object to the form.

14 THE DEPONENT: No. I said that because he
15 worked alongside Alfred Britt, who had posted many
16 racist items on his blog, and his job was to attack
17 African Americans in the community who would
18 actually speak up.

19 He made a habit of attacking Commissioner
20 Bruce Holmes, making disgusting remarks about him
21 and about me as well.

22 BY MR. HECHT:

23 Q On Exhibit 13, in June 2016, is it correct
24 that you attacked Vice Commissioner Blake Prince to
25 the -- to Commissioner Bruce Holmes; I believe it is

1 Lyndon Bonner; the city manager, Michael Harris; Dale
2 Hall; and DaVida Robinson; and the council and mayor,
3 saying on page 2: When you decide to stop being bitter
4 and take the high road, we will moving forward.
5 Speaking of low road, trying to steal the elderly
6 family's property on East Lake when giving the family
7 the property back is in the contract. Come on, now.
8 Elton Alexander, Stockbridge City Councilman?

9 (Exhibit No. 13, previously marked, was
10 entered into the record.)

11 So, again, is this your post -- excuse me. Is this
12 your email to those individuals in your role as a
13 councilman?

14 MR. GRAY: Objection as to form.

15 THE DEPONENT: This is my email in reference
16 to Commissioner Prince, who saw odds -- was at odds
17 with -- with myself many times, because he did
18 nothing for Stockbridge and participated in the
19 ability to trying to break up the city and de-annex
20 the Eagles Landing area.

21 BY MR. HECHT:

22 Q When you say he was trying to steal the
23 elderly family's property on East Lake, what are you
24 referencing?

25 A There was a zoning that had been brought

1 before the Council, and the family had actually asked
2 that the property be returned to them. And -- but, you
3 know, I think when -- I think Patrick Jaugstetter had --
4 they had discovered that it had a -- what is it called
5 when it goes back to the family automatically?

6 A revision clause already in there, and they were
7 fighting the fact that the family -- that the contract
8 had a revisionary clause that they changed the use.

9 Q And so you believe that constituted theft or
10 stealing by Commissioner Prince, Vice Chairman of the
11 Henry County Commission?

12 A I don't know what email preceded this, but me
13 and Commissioner Prince never saw eye to eye. And this
14 might -- this -- I think this is one in a series of
15 emails where he possibly -- he probably attacked me, and
16 I responded.

17 Q And then, I believe he filed a letter of
18 interaction and complaint related to you, I believe, on
19 February 7, 2017; is that correct?

20 A What date -- it's right -- it's about less
21 than a week after Mr. Whitson filed his complaint. Just
22 showed up, sure did.

23 Q So is this a letter of complaint against you
24 by Commissioner Blake Prince?

25 (Exhibit No. 14, previously marked, was

1 entered into the record.)

2 A It is.

3 Q All right. And just to be sure, nothing
4 happened to you as a result of this. There was no
5 discipline, no change of policy, no reprimand, no
6 movement to have you taken off the Council by the City
7 Council; is that right?

8 A No. I was completely vindicated by the --
9 independent investigation.

10 Q When you say vindicated, you mean the Ethics
11 Committee adopted the investigator's recommendations; is
12 that right?

13 A I think the -- yes. I mean, the investigator
14 did an exhaustive job interviewing all the witnesses,
15 including myself and Mr. Whitson as well, and found no
16 credibility to any of this.

17 Q Well, let me ask you a question. Did the
18 investigator actually exonerate you, or say that the
19 policies and discipline of the City do not cover your
20 actions?

21 MS. WOODWARD: Object to the form.

22 THE DEPONENT: He went into the -- from what I
23 understood, he went into detail. If you were at
24 the hearing, like I was, he went and looked at each
25 one of them piece by piece.

1 And what he said is there is absolutely no
2 evidence that I ordered any food, that I was in
3 the -- that I was in the location, that any of what
4 Mr. Whitson said, there was absolutely no evidence
5 besides Mr. Whitson's fraudulent testimony.

6 BY MR. HECHT:

7 Q That's what he said?

8 A In the hearing, that's what he said.

9 Q Okay. Exhibit 16.

10 (Exhibit No. 16, previously marked, was
11 entered into the record.)

12 Did you attack your fellow councilman in April
13 2016, and state that: Show me you are a minister and
14 walk the Godly walk, because this is not the way. This
15 is the definition of being petty, seeking conflict, and
16 definitely not the Jesus walk?

17 A That's correct.

18 Q And Councilman Blount is a pastor; is that
19 correct?

20 A That's correct.

21 Q And Councilman Blount seemed to take offense
22 at you questioning his relationship with God. Can you
23 understand that since he's a pastor and a counselor?

24 A I -- you know, I questioned what I thought to
25 be legitimate, because Mr. Blount -- you know, when

1 you -- you can't just tell me you're a Christian; you
2 have to show me. And I didn't see that.

3 Q So in your judgment, he was not being
4 Christian enough --

5 A His actions were not being Christian-like.

6 Q Okay. And then I'm going to show you Exhibit
7 17.

8 (Exhibit No. 17, previously marked, was
9 entered into the record.)

10 Is that actually a complaint by Councilman Blount
11 against you for falsely representing positions and
12 statements of Councilman Blount on your Because We Care
13 Henry Atlanta South page?

14 A These are Mr. Blount's allegations, and
15 they're false.

16 Q Okay. He's lying; right?

17 A Yes, he is.

18 Q And then I'm going to give you Exhibit 21,
19 former Mayor Stuart's complaint against you where he
20 says that you violated your oath of office because you
21 owed money, when you came into the city council, to a
22 public authority. Was he lying?

23 (Exhibit No. 21, previously marked, was
24 entered into the record.)

25 A He was lying. What he -- this is totally

1 ridiculous that I owed \$42 on this particular case,
2 which I believe -- which I was unaware of at that time.
3 And it says --

4 Q So he -- so he wasn't lying. It was just to
5 you a de minimis amount that shouldn't matter in the
6 oath?

7 A It was all --

8 Q Is that right?

9 A It was also a member -- it was also a party to
10 a complaint that made up a fictitious confrontation that
11 happened between me and Mr. Stuart, which never
12 occurred. None of that happened.

13 It was also a picture of my vehicle on the side of
14 the road, which, again, it shows you how super-petty all
15 of this really is.

16 Q Right. Well, let me ask you a question. I --
17 I see it's a small amount. No doubt about it. There's
18 a Cobb County tax statement from the year 2015, the year
19 before you took office in January 1, 2016, as you say,
20 stated you owed money of a small amount to the Cobb
21 County Tax Commissioner. Is that correct?

22 A I owed -- yes, sir. Everything was looked
23 into by the -- by an independent investigator.

24 Q All right. And was this owed on the date that
25 you took your oath of office?

1 A It was dismissed.

2 Q No; that's not what I asked you. I asked you:
3 Was this money owed to the Cobb County Tax Commissioner
4 on the date you took your oath of office as City
5 Councilman?

6 A Unbeknownst to me, it was.

7 Q Okay. So Mayor Stuart wasn't lying. Your
8 point is that it's just a small amount of public money
9 owed that you hadn't paid at the time; correct?

10 A My --

11 MS. WOODWARD: Object to the form.

12 THE DEPONENT: My contingent is I was unaware
13 of it. And soon I was -- discovered it, I did pay
14 it.

15 BY MR. HECHT:

16 Q Okay. And then Mark Dinges, I believe, filed
17 a complaint against you in September 2017; correct?

18 (Exhibit No. 20, previously marked, was
19 entered into the record.)

20 A It's amazing how all of these individuals are
21 familiar with each other, just like Alfred Britt and
22 Blake Prince and Mr. Whitson and Mr. Blount.

23 All of these individuals, and they -- they all
24 participate in this page called Because We Care About
25 Stockbridge, that parroted my page, changed the name of

1 the page, and then picked up on the overflow that comes
2 off of my page.

3 Q So you're --

4 A The gentlemen posted on the page that he was
5 going to file an ethics complaint against me and then
6 went through with it after being encouraged by numerous
7 others on the page who had ill will toward myself.

8 So --

9 Q All right. Well, now, this is --

10 A -- that is --

11 Q This is six months after those February
12 complaints that Mr. Dinges files a complaint; correct?

13 A I -- correct.

14 Q Okay. And Mr. Dinges says six months later
15 that -- once again, that you called him a racist; is
16 that correct?

17 A I think that there are numerous individuals on
18 that page that practice racist behavior, and he was one
19 of them. And I think that --

20 Q He -- and once again, he said something
21 different from what you believed in, and so you called
22 him a racist; right?

23 A No. I -- I'm a black man that lives in
24 America. I can smell racism. I know what it looks like
25 when I see it. And you can pretend and, you know, it --

1 apparently, it's very fashionable these days to call the
2 racist person -- the person who calls racism racist.

3 But I would never be intimidated or backed down on
4 calling you or anybody else racist who displays racist
5 behavior. Because if that behavior is unchecked -- we
6 see what happened in Nazi Germany when you uncheck their
7 behavior. And in America today, that behavior is
8 surfacing and on a level like we've never seen before.

9 Q So in 2017, you believed that --

10 A I never called Mr. Dinges racist. I said that
11 there was those actions or things that he represented
12 and put themselves forward as, and he worked in cahoots
13 with a lot of the people that we're talking about behind
14 the scenes.

15 Q So there are people that are -- like a former
16 mayor and others who have different political outlooks
17 than you, and your response is to call them a racist on
18 social media?

19 MS. WOODWARD: Object to the form.

20 BY MR. HECHT:

21 Q Is that right?

22 A No.

23 MS. WOODWARD: Object to the form.

24 BY MR. HECHT:

25 Q Well, you referred to his actions as racist;

1 is that right?

2 A I refer to each individual's actions in the
3 way that I see them. I don't classify everybody's
4 actions as racist because they are simply not.

5 But some people try to hide behind the fact of
6 pointing out differences, and that behavior can be
7 particularly racist.

8 Q Should people that are your constituents be
9 concerned that if they oppose your view or have a
10 different view from what you have on a position that
11 you're going to call them out as racist on a social
12 media platform?

13 A If they're racist, I will call it like I see
14 it.

15 Q So if they have an opposing viewpoint, don't
16 mention the word race, don't say anything about race,
17 would you call them out as racist as a result?

18 A No. I don't -- people's opinions on them
19 having different opinions, I appreciate people
20 expressing differences of opinion. Because a very wise
21 person once told me that if you and I agreed on one --
22 on everything, only one of us is doing the thinking.
23 And I don't want one of us to be doing the thinking. I
24 want you to bring something in value to me, or I bring
25 something in value to you.

1 Q I'm going to give you Exhibit 19.

2 (Exhibit No. 19, previously marked, was
3 entered into the record.)

4 Is it correct -- you were talking about Alfred
5 Britt. He says that you also called him racist and
6 bigoted as well.

7 Is -- is that correct? Did you call him a racist
8 and a bigot?

9 A He is.

10 Q Would it be correct that none of these
11 complaints -- none of the complaints in the Letter of
12 Caution from 2016 resulted in any substantive discipline
13 to you from the city; is that right?

14 A All of these complaints, just like in a court
15 of law, I was vindicated. So when you're found
16 innocent, or not culpable, that's what I was found. I
17 wasn't -- I wasn't found guilty of any of these.

18 Q Were you not found guilty, or found that the
19 codes and policies of the city permitted you to do what
20 you were doing?

21 A What I was doing was not regulated by the
22 city. It was regulated by the First Amendment of the
23 United States.

24 Q Okay. So the policies and practices of the
25 city did not prohibit and allowed you to do those

1 things; is that correct

2 MR. GRAY: I object to the form of the
3 question. I wouldn't say that --

4 THE DEPONENT: It would be unwise of the city
5 to pass any policy that restricted free speech
6 because it would violate the Constitution.

7 BY MR. HECHT:

8 Q Okay. My question, though, is: The
9 city's policies allowed for your statements to be made
10 as you made them; correct?

11 MR. GRAY: Objection as to form

12 THE DEPONENT: Correct. The freedom of speech
13 allowed me to do that.

14 BY MR. HECHT:

15 Q All right. And then can you tell me, you
16 were, as a result of these complaints, never prosecuted
17 for violation of oath of office; correct?

18 A No.

19 Q None of these matters were referred to law
20 enforcement; correct?

21 A No.

22 Q No substantive changes were made to posting on
23 outside social media platforms; correct --

24 A If I --

25 Q -- by the City.

1 A Again, it was protected by First Amendment.
2 The city cannot do anything. We have people on the
3 Council, Councilwoman Gantt and Councilman Blount, who
4 want to infringe upon First Amendment rights, but they
5 don't understand a city charter cannot stack up against
6 the US Constitution.

7 But they want to compare it and try to write laws
8 to do that, but they are unable to do so. If they could
9 do -- restrict my speech, they would do it.

10 Q All right. And you were not -- no one from
11 the city ever tried to remove you under the charter
12 process; correct?

13 A There were discussions of trying to remove me.
14 And had this ethics complaint moved forward, I probably
15 would've been -- that probably would've been my fate.
16 But thank God for our Constitution.

17 Q All right.

18 A Isn't America great?

19 Q But that would be correct; no one did move
20 forward with the process to have you removed under the
21 charter provision; is that right?

22 MR. GRAY: How many times are you going to ask
23 the same question, Greg?

24 MR. HECHT: When he gives me an answer --

25 MR. GRAY: He's given you an answer --

1 MR. HECHT: -- and then we can get through it.
2 MR. GRAY: -- a million times. You know he
3 wasn't --
4 MR. HECHT: I didn't know you were even his
5 attorney, Harvey.
6 MR. GRAY: -- removed from office.
7 MR. HECHT: But it's good to hear your
8 comment.
9 MR. GRAY: But you can keep asking --
10 MR. HECHT: I guess we'll just go longer.
11 MR. GRAY: -- the same question.
12 MR. HECHT: I guess I'll just have to go
13 longer.
14 MR. GRAY: It expands the proceedings, which
15 is in violation of federal law --
16 MR. HECHT: I'm not expanding the --
17 MR. GRAY: -- and your duties.
18 MR. HECHT: He's going through a soliloquy on
19 the First Amendment, Harvey.
20 MR. GRAY: He knows -- you know, and he's
21 answered. There has been -- he was not removed
22 from office, and there was no filing --
23 MR. HECHT: You're just --
24 MR. GRAY: -- to remove him from office.
25 MR. HECHT: You're just making things longer.

1 BY MR. HECHT:

2 Q Can you tell me if you know of -- did you know
3 that BBQ Masters has been denied a sign permit since the
4 attempts to gain sign permits from the city back in 2016
5 and early 2017?

6 A I was completely unaware of that.

7 Q Are you aware of it -- have you become aware
8 of it?

9 A I have not. And I have not attempted to do so
10 because of all of this. The last thing that I wanted to
11 do was to go checking into what was going on with those
12 signs and permits and have some -- anything that I wrote
13 or said be misconstrued. So the answer is no.

14 Q Did Vanessa Holiday ever tell you that Mr.
15 Whitson had demanded his alcohol license, which had been
16 denied?

17 MR. GRAY: Objection. His alcohol license was
18 never denied, and you know that. That's an
19 improper question.

20 THE DEPONENT: His alcohol license was not
21 denied.

22 BY MR. HECHT:

23 Q Did you have conversations with Vanessa
24 Holiday about his alcohol license process?

25 A I may have had discussions with her afterwards

1 to understand what was being talked about and why would
2 he have any inkling that I had something to do with his
3 alcohol license. Because I had nothing to do with it
4 then; I have nothing to do with that now.

5 But in requesting the files and asking questions
6 about why this is going on and happening, I wanted to
7 understand: What is he talking about? What did I have
8 to do with his alcohol license? What did I have to do
9 with his sign permit? What that I had to do with
10 anything going on with his business? Nothing.

11 Q Well, maybe, Mr. -- Councilman, it's because
12 you sent to everybody that he was a sex offender on the
13 sex offender registry, which wasn't true.

14 MR. GRAY: I object to the --

15 MS. WOODWARD: Object to the form.

16 MR. GRAY: It's not a question either.

17 MS. WOODWARD: Object.

18 MR. GRAY: It's a statement.

19 BY MR. HECHT:

20 Q Is that right? Did you? During the middle of
21 this processing, didn't you send to Vanessa Holiday and
22 the City Council and the mayor and the city manager that
23 Arick Whitson was a sex offender on the sex offender
24 registry, that was false?

25 MS. WOODWARD: Object to the form and the

1 timing.

2 MR. GRAY: Object to the form, too;

3 argumentative.

4 BY MR. HECHT:

5 Q Is that correct?

6 A I'm not sure if that --

7 Q You have to answer it.

8 A -- was an objection. So the question -- you
9 want to change the form of the question?

10 Q No, I'm not going to change it.

11 A Repeat the question, then.

12 Q Isn't it true that during the time of
13 processing of the alcohol permit and the sign permit
14 that you were sending emails that said Arick Whitson was
15 a convicted sex offender on the sex offender registry
16 list?

17 A I had sent that --

18 MS. WOODWARD: Object to the form.

19 THE DEPONENT: -- email in February of 2017 in
20 defense of my ethics complaint, but not
21 understanding that Henry County was dealing with
22 alcohol license and all of that at this particular
23 time. I still don't actually know the alcohol
24 procedure at this time.

25 BY MR. HECHT:

1 Q You said you talked to Vanessa Holiday about
2 it. When did you talk to Vanessa Holiday about it?

3 MS. WOODWARD: Object to the form.

4 MR. GRAY: I do too. The question's
5 misleading and doesn't --

6 BY MR. HECHT:

7 Q When did you talk to Vanessa Holiday about the
8 alcohol permit processing for BBQ Masters?

9 A I'm unsure of the timing, but I believe it was
10 at some point when it was out -- it was put into the
11 ethics complaint that I had something to do with it and
12 I'm looking -- and I'm going down the ethics complaint
13 to try to understand what I had to do with any of this.

14 Until that ethics complaint was filed, I didn't
15 know. I wanted to find out how is it that a city
16 councilman could've possibly affected his alcohol
17 license when none of us have the power.

18 Q So you didn't talk to Vanessa Holiday about
19 the alcohol permit until after the ethics complaint was
20 filed; is that right?

21 A To understand what was going on; that's
22 correct.

23 Q All right. Was that in about February 2017?

24 A It was -- I'm not sure if it was in February
25 or not. It was during the time when we were talking to

1 the -- it may have been in February or March, possibly,
2 just to understand -- so when I sat down with the
3 independent investigator, I would understand what it is
4 that he was talking about.

5 Q Okay. I understand. I just want to get a
6 timeframe on it. So you believe it was February or
7 March 2017, during the processing of the complaint from
8 Mr. Whitson?

9 A I believe it was, but I couldn't state that to
10 be true.

11 Q Was it during the time and processing of the
12 ethics complaint?

13 A It was -- it was definitely after the ethics
14 complaint. Because before that, I didn't even know that
15 there was -- there was some issue. I didn't know his
16 alcohol license was being held up.

17 Q No, I -- I understand that. I'm just trying
18 to --

19 A Or -- or was it going forward. I had no -- no
20 clue that he had even applied for one.

21 Q All right. And was that during the time when
22 the investigation was going on with regard to the
23 complaint?

24 A Yes.

25 Q And can you tell me: Did you have the

1 opportunity to talk to Uneeda Smith-Sellers about it as
2 well, in terms of the alcohol permit?

3 A No.

4 Q Okay. Did you talk to the city manager about
5 it at all, as well?

6 A I don't recall talking to the city manager
7 about it. I -- I do recall -- I think I had a
8 conversation, like I said, with Ms. Holiday, but I don't
9 specifically recall talking to the city manager about
10 it.

11 MR. HECHT: Give me a minute.

12 THE VIDEOGRAPHER: Off the record at
13 approximately 6:51 p.m.

14 We are back on the record at approximately
15 6:56 p.m.

16 BY MR. HECHT:

17 Q Mr. Alexander, your emails to the district
18 attorney about Mr. Whitson and BBQ Masters, were they to
19 Darius Pattilo's personal email?

20 A I don't have a -- is it that -- do you have a
21 document?

22 Q I don't; that's why I'm asking you.

23 A I believe they were from my city emails.

24 Q Did they go to his personal email or his
25 official email?

1 A I think they went to his personal email. Oh,
2 no. It might've been both -- one or both.

3 Q You have both his personal and his official
4 email?

5 A I use the email they were using for -- I
6 believe for -- that I had for the campaign. And then, I
7 don't know if I sent it to his official one. I'm not
8 sure. I'd just have to see the document. But I know I
9 sent it to him, definitely.

10 Q All right. And did you send him information
11 through personal text?

12 A No.

13 Q Okay. Did you talk to him on the phone about
14 Mr. Alexander [sic] and BBQ Masters?

15 A No.

16 Q And can you tell me -- the burner, explain to
17 me again what a burner is.

18 A A burner account is an account that you use to
19 post online when you're trying to -- I do that to gin
20 things up in a particular group or something like that,
21 to try to grow interest. Sometimes, when it's a slow
22 day or whatever, you play the devil's advocate.

23 Q All right. And the two individuals who said
24 that you created as burner accounts were who again?

25 A Frank Noble.

1 Q And who is the other one?

2 A I think it was Calvin Baker.

3 Q Any others?

4 A No.

5 Q And then for Frank Noble and Calvin Baker, did
6 you check your posts and other communications for
7 anything relevant to this lawsuit and the request for
8 production?

9 A I don't recall anything being involved in
10 those particular posts about Mr. Whitson. They was
11 simply used on that page. And then we did turnover the
12 Frank Noble information in discovery to you.

13 The Calvin Baker one is barely -- maybe less than a
14 year old. And I don't think I've ever -- I don't --
15 haven't posted anything about Mr. Whitson, that I'm
16 aware of, that I can recall at this point.

17 Q All right. And your corporation, CD -- what
18 is it?

19 A Community Development Group --

20 Q For People --

21 A Uh-huh.

22 Q -- for Real People, is it featured on the City
23 of Stockbridge's Facebook page?

24 A It is not.

25 Q Okay. Is it featured on its website at all?

1 A No.

2 Q Do you have any linkage between that company
3 and the city and social media or on the Internet?

4 A No. We try to -- we keep that separate. The
5 only time we'll do -- I hold them -- like, the toy drive
6 is -- is an event that I use to col- -- to collect the
7 toys, and a lot of the donors need, or want, a 501(c)(3)
8 tax-deductible donation and letter.

9 The city does not provide any letters. And I was
10 actually producing this event long before I became a
11 city councilmember. It's just grown in -- in magnitude.
12 The city does not provide any of the toys or -- we
13 provide all of those through donation --

14 Q All right.

15 A -- through the nonprofit organization.

16 Q And then you have --

17 A But it's not connected to the city in any way.

18 Q Are you still pursuing any particular law
19 enforcement actions against Mr. Whitson right now?

20 A Am I?

21 MS. WOODWARD: Object to the form.

22 BY MR. HECHT:

23 Q Yes. Are you pursuing any investigations or
24 law enforcement actions against Mr. Whitson right now --

25 A No.

1 Q -- by dealing with law enforcement?

2 A No.

3 Q And to this day, you have not -- other than
4 taking off the sex offender registry statement at some
5 point from the post you made, but not affecting the
6 comments, you have not retracted any other of the
7 statements that Mr. Whitson has stated are defamatory in
8 his lawsuit; is that correct?

9 A Please repeat that again.

10 Q Would it be correct that you have not
11 retracted any statements which Mr. Whitson has said are
12 defamatory in his lawsuit?

13 A I have not retracted any statements.

14 Q All right.

15 MR. HECHT: Mr. Gray?

16 MR. GRAY: Okay. Thank you.

17 FURTHER EXAMINATION

18 BY MR. GRAY:

19 Q Mr. Alexander, why'd you run for public
20 office?

21 A To make a difference in the community.

22 Q And this is a community that you live in?

23 A Right; in Stockbridge and to the entire South
24 Metro area.

25 Q And before you were elected to city council,

1 did you speak --

2 THE DEPONENT: Karen.

3 MS. WOODWARD: Oh, right. Sorry.

4 BY MR. GRAY:

5 Q Before you were elected to city council, did
6 you speak out on matters that you considered to be a
7 public concern to your community?

8 A Absolutely.

9 Q Okay. Would -- and I listened to your
10 questions from Mr. Hecht and your responses. Is it fair
11 to say that you have authored emails, sent texts, and
12 published on social media comments that were critical of
13 Reverend Moon, Blake Prince, Alfred Britt, Lee Stuart,
14 and Mr. Dinges?

15 A I posted those comments, yes. And I'm sure
16 there may be others.

17 Q And did you feel that you have a right under
18 the First Amendment to make those comments?

19 A I feel that I have the right under the First
20 Amendment to make those comments.

21 Q And do you feel that you have, in relationship
22 to your position as a city councilman, as opposed to a
23 public citizen?

24 MR. HECHT: Object to form.

25 THE DEPONENT: I would do the same thing

1 whether I was serving on the city council or not.

2 I use this page to inform the public, not just
3 about Stockbridge, but about the entire South Metro
4 area.

5 It's a great time to be in South Metro with
6 what's going on now.

7 BY MR. GRAY:

8 Q And Because We Care -- I'm very ignorant about
9 social media.

10 A Uh-huh.

11 Q Because We Care, is that a Facebook page? Is
12 that -- what is that?

13 A It's a Facebook page.

14 Q Okay. And you -- you create a page. I could
15 create page on Facebook; no charge to do so?

16 A Right.

17 Q The city doesn't provide any funds to you to
18 operate or maintain your Facebook page; is that --

19 A No, sir.

20 Q How many city councilmembers serve on the city
21 council?

22 A Five, plus the mayor.

23 Q For there to be an official policy by the
24 city, how many votes does it take the city
25 councilmembers to make that an official written policy

1 of the city?

2 A A majority of three, and then the mayor has to
3 sign off on it.

4 Q Is your understanding that any single
5 councilmember can establish policy for the city?

6 A No, single councilmember can't do that.

7 MR. HECHT: Object to form.

8 BY MR. GRAY:

9 Q Were you given any expressed authorization by
10 the city to establish policy or direct oversight over
11 Code Enforcement?

12 A No, sir.

13 Q Over alcohol permits?

14 A No, sir.

15 Q Over sign permits?

16 A No.

17 Q Over occupational permits?

18 A No.

19 Q Over construction permits?

20 A No.

21 Q Is it fair to say that you and other members
22 of the city council don't agree on everything?

23 A That would be an understatement.

24 Q And, in particular, there has been
25 disagreement between you and John Blount; is that fair?

1 A Accurate; yes, Sir.

2 Q And between you and Lakeisha Gantt?

3 A Yes.

4 Q And the city council -- as I recall, three of
5 the councilpersons issued this Letter of Caution to you,
6 I think it was called?

7 A Yes, they did.

8 Q And who -- who are those council people?

9 A John Blount, Lakeisha Gantt, and Alphonso
10 Thomas.

11 Q Okay. And if anybody had moved to remove --
12 do you think you have -- strike that.

13 Do you believe that you've done anything that would
14 warrant your removal from office after having been
15 elected by the voters of the city and reelected to the
16 city?

17 A I certainly do not. And we spent \$10,000 in
18 an independent investigation to verify my right to do
19 so.

20 Q And if action had been taken in this regard,
21 would you have contested it?

22 A Yes.

23 Q With litigation, if necessary?

24 A Absolutely; yes.

25 Q Would've taken that to as high a court as you

1 needed to do to vindicate your position?

2 A Absolutely. I reached out to the ACLU to see
3 if they would help me.

4 Q To your knowledge, was Mr. Whitson or BBQ
5 Masters cited for a violation of any city ordinance at
6 any time?

7 A No. And I was -- actually, I was -- with this
8 action and everything, I thought maybe they sent him a
9 bunch of citations. And to find out he has not had any
10 citations, I'm like, wow. He got -- he got -- not only
11 got -- he got light treatment, so . . .

12 Q Was he ever called into municipal court to
13 answer any type of citation for violation of any city
14 ordinance?

15 A Not that I'm aware of. And let me add that
16 I've been disappointed that numerous businesses haven't
17 been called into court; wanting to up the stakes on
18 everybody in Stockbridge, not just Mr. Whitson but all
19 businesses, to make sure that they came into compliance.

20 Q And who makes the decision whether to issue a
21 code citation or warning for violation of the city
22 ordinance?

23 A The code enforcement officer. And they're up
24 under the Community Development director and the city
25 manager.

1 Q And is the code enforcement officer invested
2 with discretion to make those decisions?

3 A Yes.

4 Q And if a citation is issued, is it your
5 understanding that the aggrieved party can come into
6 court and is afforded due process and can contest those
7 allegations?

8 MR. HECHT: Object to form. Leading from the
9 first question --

10 THE DEPONENT: Yes. And I -- yeah --

11 MR. HECHT: -- to the last -- hold on one
12 second. You can answer in a second.

13 THE DEPONENT: Yes. And I would insist on
14 that.

15 MR. HECHT: You want to give me a continuing
16 lead to the objection, Harvey?

17 MR. GRAY: No, I'm not going to give you that.

18 MR. HECHT: Okay.

19 MR. GRAY: You can object as often as you
20 like.

21 MR. HECHT: Okay.

22 BY MR. GRAY:

23 Q When was the first time you met Arick Whitson?

24 A As I recall, the first time I believe I met
25 Mr. Whitson was at Silver Bay Seafood at a ribbon-

1 cutting.

2 Q Okay.

3 A I didn't know who Mr. Whitson was. During the
4 ground -- during the ribbon-cutting, he was not in the
5 section where the Council was, or the VIPs were.

6 He was -- when I walked out the door, he was
7 sitting in the booth outside there, and he got my
8 attention and started speaking to me.

9 But I didn't -- I didn't know who he was. We had a
10 brief interaction where pleasantries were exchanged. I
11 don't really remember the context of a lot of what was
12 said. And it was so insignificant that I didn't even
13 recognize him when we got together in December and I was
14 at his business and up in his face. I didn't even know
15 who he was.

16 Q Did he introduce himself as a businessman in
17 the city? Did he introduce himself to you as a city
18 councilman?

19 MR. HECHT: Same objection.

20 THE DEPONENT: He did --

21 MR. GRAY: It's not a leading question. You
22 know it's not a leading question.

23 That's your objection? Is that your
24 objection?

25 MR. HECHT: Objection as to form.

1 MR. GRAY: Well, what's the nature of the
2 objection?

3 MR. HECHT: Okay. We'll go back to the
4 transcript and when you did that. But, yeah, it
5 was a leading question; all right?

6 MR. GRAY: Okay. That's what I want to know.
7 Because I can correct the question and then I don't
8 have the object -- form objection, okay?

9 BY MR. GRAY:

10 Q Did he or did he not introduce himself to you
11 as a local businessman at that meeting at the Silver
12 Bay?

13 A I believe he did.

14 Q Was there anything in that conversation that
15 would -- that led you to have any animosity whatsoever
16 toward Mr. Whitson?

17 A No. The conversation wasn't even memorable
18 for me.

19 Q Okay. Did you say anything that, in your
20 opinion, could possibly have resulted in -- in his
21 having any animosity towards you?

22 A No. He -- he was -- he seemed overly friendly
23 and trying to get my attention.

24 Q Have you read the complaint that was last in
25 this case against you in the city?

1 A Yes.

2 Q Do you recall an allegation in that complaint
3 that in May of 2016, that you came into his restaurant
4 location and ordered some ribs?

5 A I remember reading that, but that was
6 absolutely false. I never did that.

7 Q Okay. And were you ever in his old location?

8 A No, I was never in his old location. I only
9 went to the new location in December.

10 Q Okay.

11 A But I had never eaten at his old location. I
12 never was there.

13 Q So --

14 A There were some other councilmembers, I
15 believe, had eaten there. I think Mr. Blount had eaten
16 there, and maybe Ms. Gantt had eaten there, but I had
17 not.

18 Q So is it your testimony that you never went in
19 his restaurant, never ordered any ribs, never refused to
20 pay for any ribs, and never told him that, when he asked
21 you to pay for them, that maybe he didn't understand
22 that he wanted to do city business?

23 MR. HECHT: Object to form, and triple
24 question.

25 THE DEPONENT: Make it -- let me make it

1 absolutely clear. This story is 100 percent false.
2 None of what is in his complaint happened. It is
3 completely fictional. I never entered his
4 restaurants -- his restaurant. I never ordered any
5 ribs. I never was there on this particular date.

6 The date has changed from May to September to
7 August on many occasions. And there's not one
8 shred of evidence that I did this.

9 And this is been tremendously damaging to my
10 reputation. It's been tremendously damaging to me.
11 And I thank God that the citizens saw through this
12 and reelected me.

13 BY MR. GRAY:

14 Q There was a time in which you went to his new
15 location; right?

16 A In December.

17 Q Okay. And what was the purpose of going by
18 there?

19 A Just like I do with any location throughout
20 Henry County, when I see some construction going on
21 there or see a sign going on there -- or just -- like, I
22 went down Eagles Landing Parkway and saw the clearing
23 beside the Chick-fil-A.

24 There's a new -- was coming there. That's how I
25 get my scoops. I'm just out and about in the community,

1 and people appreciate that.

2 Q And is this a practice that you have
3 undertaken during your tenure as a city councilman?

4 A Long before I took my tenure as a city
5 councilman, and I continued it in my tenure as a city
6 councilman.

7 Q And have I understood your testimony correctly
8 that when you saw what was going on, and the
9 construction, that you contacted George Patterson at
10 Henry County?

11 A That's correct.

12 Q And what was -- what was the nature of your
13 inquiry with Mr. Patterson?

14 A I was alarmed when Mr. Whitson told me that he
15 was going to cut a hole in the side of the building and
16 insert a portable trailer into it. So I contacted Mr.
17 Patterson to see were there any permits, because I could
18 see from the outside that they were reconfiguring.

19 They were working in the ceiling. They were
20 reconfiguring the booths and changing a lot, doing much
21 more than painting. I could see that from the outside.
22 And when I asked the contractor, he jumped in his truck
23 and left.

24 Q And what did you find out from Mr. Patterson
25 in response to your inquiry?

1 A I found out that there were no permits issued
2 at this particular location.

3 Q Okay. And what did you do --

4 MS. WOODWARD: Oh, sorry. Hold on.

5 BY MR. GRAY:

6 Q Did you question Mr. Patterson about whether a
7 permit was required or did you ask him to look at the
8 things, or what did you do, if anything?

9 A I asked him what did -- were there any permits
10 for this location because it appeared as though they
11 were doing major work to it. Because I had saw him
12 face-to-face that night; Chairwoman June Wood was
13 getting sworn in, and I saw him then, and then followed
14 up the next morning with an email.

15 Q Okay. And what did you find out about whether
16 a permit was required?

17 A There was -- I didn't immediately follow up.
18 I just sent it to them and allowed them to handle it.

19 Q Okay.

20 A But when presented with the facts of the
21 ethics complaint, I wanted to understand what happened.
22 I did not know whether he thought that I talked to
23 George and instructed George to do something.

24 I gave George information, as I would do with any
25 official, about something to see what was going on and

1 what was happening there. I did not follow up on it
2 immediately. I only followed up on it to understand:
3 What in the world is going on? Why would somebody make
4 this story up against me out of whole cloth?

5 And then four or five other complaints were the
6 same thing. Mr. Stuart's complaint was made up. In
7 turn, so was the interaction he said where I cursed him
8 out or used foul language and shot him a sign and all of
9 that. None of that happened.

10 Q Who was the -- did the city investigate the
11 ethics complaint on its own or did they go elsewhere?

12 A They got an independent investigation --
13 investigator.

14 Q And do you know Anthony Powell?

15 A I did not know him personally. I only met him
16 during the time of the investigation.

17 Q Do you know if he has any relationship
18 whatsoever to the City of Sturbridge?

19 A Not that I'm aware.

20 Q Do you know what he does?

21 A He explained that he was an outside
22 investigator, and he was here to ascertain the facts.
23 And he told me that he would talk to everybody, and he
24 would interview us all, he would record the interviews
25 and that he would make a determination based on the

1 facts.

2 Q And did he do that, to your knowledge?

3 A He did.

4 Q Did you know that he is the city attorney for
5 the City of Snellville?

6 A I -- I did not know at that time. I think
7 I've come to -- I know that he was some type of
8 attorney. I did not know exactly what -- I think
9 maybe -- maybe he did tell me. I'm not sure.

10 Q Okay. Is it true that other than meeting, as
11 you've described, Mr. Whitson initially at the Silver
12 Bay and going to the new location, as you've described,
13 did you have any other personal interactions with Mr.
14 Whitson at any time for any reason?

15 A No.

16 Q Okay.

17 MR. GRAY: That's all.

18 MR. HECHT: The only thing I'm going to say --
19 oh, wait. I've got to ask -- I do have to ask a
20 question.

21 Do you have anything, Karen?

22 MS. WOODWARD: I do.

23 MR. HECHT: Oh, you do?

24 MS. WOODWARD: I do.

25 MR. HECHT: Okay. Sorry.

1 MS. WOODWARD: But I've got to figure out
2 where in this stack of stuff, so -- do you know
3 when --

4 MR. GRAY: You can take a break now.

5 MS. WOODWARD: Do you have 124 in front of
6 you?

7 MR. GRAY: I'm on no time limit.

8 MS. WOODWARD: 124; I don't know if I have it
9 either anymore.

10 THE COURT REPORTER: 124 was the --

11 MS. WOODWARD: I know what it is.

12 THE COURT REPORTER: Oh, okay.

13 MS. WOODWARD: Well, you may not know. It's
14 the -- the text message. I just don't know where
15 my copy went in here.

16 MR. GRAY: Is this the -- the text that looks
17 like it's a screenshot?

18 MS. WOODWARD: Yeah.

19 MR. GRAY: That has the -- you can't read
20 the -- the EA number? I got 125.

21 MR. HECHT: I've got -- I've got a -- oh, no,
22 this isn't it.

23 MR. GRAY: We only want the one --

24 THE DEPONENT: Okay. Here it is.

25 THE COURT REPORTER: No, 124 is not --

1 MS. WOODWARD: Okay. It's 28. Sorry.

2 THE COURT REPORTER: 124 is a post on the --

3 THE DEPONENT: It's 28.

4 MS. WOODWARD: 28; so 124 is something
5 different. I'll have to deal with that in a
6 minute.

7 MR. GRAY: Hold on; 128 or just --

8 MS. WOODWARD: No, just 28.

9 MR. HECHT: Okay. I'm -- I'm ready.

10 MS. WOODWARD: Sorry. That's why --

11 MR. HECHT: All right.

12 MS. WOODWARD: Do you want me --

13 MR. HECHT: No; you could -- you --

14 MS. WOODWARD: He wants me to take the helm.

15 MR. GRAY: That's a good idea.

16 FURTHER EXAMINATION

17 BY MS. WOODWARD:

18 Q Do you recall Mr. Hecht asking you some
19 questions about Exhibit 28?

20 A Yes, I do.

21 Q And since that time, have you had any
22 recollection about to whom that text might be from or
23 to?

24 A Yes. In -- in recalling this text, I was
25 thinking about it and I see it says from Vanessa. This

1 was actually a text message to Councilman Neat Robinson.

2 Q From whom?

3 A From myself. And she said, they so stupid. I
4 sent this message to her because after she made the call
5 about the smoke in Mr. Whitson's restaurant and I had
6 called about the same thing, the -- there was, all of a
7 sudden, an open records request by Mr. Whitson, seeming
8 as though he had some inside information that these
9 calls were made.

10 Well, we didn't understand how it is that his open
11 records request could've come right after this request
12 was made. It was made very, very quickly, and we were
13 thinking the same thing.

14 And then, today, in retrospect, with the text
15 messages that I've seen from Councilwoman Gantt and
16 Councilman Blount, that's -- that's very likely.

17 MS. WOODWARD: Greg, while I'm hunting through
18 trying to find exhibits, you had questions.

19 MR. HECHT: Okay.

20 MS. WOODWARD: You can go ahead.

21 MR. HECHT: Well, let me see Exhibit 28.

22 RE-CROSS-EXAMINATION

23 BY MR. HECHT:

24 Q So your testimony is that Exhibit 28, which
25 says from Vanessa, is a text between you and

1 Councilwoman Neat Robinson?

2 A That's correct.

3 Q And that Neat Robinson said --

4 A -- they so stupid.

5 Q I got that. She's a -- I'm confused. Which
6 is you, and which is Neat Robinson?

7 A These are me. She said, they so stupid.

8 Q So why does it say --

9 MS. WOODWARD: He's indicating the dark
10 bubbles.

11 BY MR. HECHT:

12 Q Why does it say from Vanessa when it's yours?

13 A Because I was telling Neat that Vanessa had --
14 that I had gotten that information from Vanessa.

15 Q Oh, I see. So you said: After I sent the
16 code enforcement email, we got an open records request
17 from Arick Whitson.

18 And Councilwoman Neat Robinson said: they so
19 stupid -- talking about Mr. Whitson.

20 A No. She -- he was talking -- she was talking
21 about the other councilmembers. Because there would've
22 been no way that Mr. Whitson would've known about her
23 making the call and me making the call about -- or
24 communication that he had all this smoke. There's
25 emails to show that that information was about the smoke

1 going across Highway 138.

2 Q But the only person you're talking about in
3 the bubble above it is Arick Whitson; right?

4 A No. She says, after the code enforcement, we
5 got the call. But Mr. Whitson wasn't notified about
6 this code enforcement call, to my knowledge. I don't
7 believe he was.

8 I think at that time, like I told you, the city was
9 so worried about something going on or happening. In
10 retrospect, no one was ever sent to this because the
11 litigation had been filed. And she had reported it,
12 because she saw it as well. She had reported it, and I
13 reported it too.

14 Q Is this in August 2016 or August 2017?

15 A I think it's 2017 -- I think it's 2018, I
16 believe.

17 Q 2018. And let me ask you this: She is
18 obviously a follower on Because We Care Henry Atlanta
19 South --

20 A That's a -- that's a text message right there.
21 That's not a --

22 Q No, I -- I get it. You're asking her: Did
23 you see the Walmart video of the Earth, Wind & Fire
24 performance? They were fantastic -- on Because We Care
25 Henry.

1 A Right.

2 Q She -- she follows you on Because We Care
3 Henry; right?

4 A She comes to the page, yes.

5 Q And then you were talking about code
6 enforcement with Harvey. Does Code Enforcement look to
7 you to determine certain sites to visit?

8 A They operate independently of Council, and
9 they go out and they reply to -- from what I understand,
10 they reply to citizen complaints and what they see;
11 primarily to citizen complaints, from what I understand.

12 MR. HECHT: What exhibit are we on?

13 THE COURT REPORTER: 151.

14 BY MR. HECHT:

15 Q So I'm going to show you Exhibit 151.

16 (Exhibit No. 151 was marked for
17 identification.)

18 And Thurman Johnson -- or T.D. Johnson -- is he the
19 code inspector for the City of Stockbridge at the time,
20 in May 2017?

21 A Yes.

22 Q And you see where he sent you a note, on May
23 23, 2017, saying: Mr. Alexander, I have been looking at
24 this property at the gas station. However, I wasn't
25 sure if it annexed into the city.

1 And he talks about this issue. The code
2 enforcement management informed me that they are
3 currently handling this issue. Please see our
4 correspondence below and let me know if it's something I
5 need to get involved in. Thanks. Officer Johnson.

6 And then he is asking you if he, as the code
7 enforcement inspector, should get involved in the code
8 enforcement on this property; correct?

9 A No. What he's asking me for is that he did
10 not know that the property was in the city limits.
11 Because I contacted the city manager first, the city
12 manager sent the information and then allowed him to
13 respond to me so that I would be -- understand what was
14 going on.

15 In order for anybody to direct what was going on, I
16 would inform him by informing the city manager if I did
17 so.

18 Q Uh-huh. And so you had a habit of either
19 going through the city manager or the code enforcement
20 officer to determine which property should be inspected
21 or not?

22 MS. WOODWARD: Object to the form.

23 THE DEPONENT: I had a habit since 2014 of
24 reporting to Henry County, reporting to City of
25 Stockbridge, City of McDonough, or anybody, as any

1 citizen should do.

2 I'm proactive. I'm not going to wait on
3 somebody else to do it in all of those aspects. So
4 even today, if I see something in McDonough, I'm
5 going to call and let them know.

6 BY MR. HECHT:

7 Q Right. Like on June 6, 2017 -- 2016, you
8 asked them to inspect BBQ Masters; right? And they did.

9 A I didn't -- I do not recall asking them to
10 inspect BBQ Masters. What I asked them to do was a
11 series of restaurants or -- and businesses along
12 Highway 138. There were a number of businesses, not
13 that one.

14 Subsequent to that, their supervisor, Dale Hall,
15 and I went on a ride of the city to identify businesses
16 that were of interest that needed to be looked at.

17 Q And you identified --

18 A But I can --

19 Q -- BBQ Masters on that ride-along as one --

20 A I --

21 Q -- that needed to be visited by Code
22 Enforcement; right?

23 A One of several. And on this email, I identify
24 businesses. But you'd better bet, I identify a business
25 almost every month -- or every week -- by the week to

1 the city manager or someone to let them know what is
2 going on, whether that might be in McDonough or whether
3 that might be in Henry County.

4 Just like at I-75 at Exit 220, they -- that tire
5 shop is not in the city limits. Their grass was
6 overgrown, and that was a problem. So I contacted the
7 Henry County Code Enforcement to let them know that this
8 station -- this area needed to come into compliance.

9 Q Were you the only city councilperson on that
10 ride-along with Dale Hall?

11 A On this ride-along, I was. But there was
12 additional ride-alongs with myself, Councilwoman Neat
13 Robinson, the Public Works director, the city manager,
14 and then maybe someone else rode along with us.

15 Q Did you put together those ride-alongs?

16 A No. Mr. Hall put together the ride-alongs.

17 Q And did you get a list of code enforcement
18 sites on a monthly basis? Were you the only councilman
19 that got that?

20 A There's no -- I never got -- to my knowledge,
21 no one continually gets code enforcement violations on a
22 monthly basis. We get updates at quarterly meetings
23 where they give us the numbers on what happened, who got
24 violated, who got citations or whatever the case may be.

25 And I recall last year we had about 125 warnings

1 and zero citations, and the -- all of the councilmembers
2 were like, wait a minute; how do we have all these
3 warnings and no violations?

4 MR. HECHT: All right. I don't -- again, the
5 only thing I can say is I don't have any more
6 questions at this time except as to the 2500 or so
7 documents that were given yesterday to me that I
8 haven't had a chance to read. Go ahead.

9 MS. WOODWARD: I have something else. I think
10 this is D-38. I think that's what we're . . .

11 THE COURT REPORTER: 38 was an email.

12 MS. WOODWARD: Oh. So what's the last one. I
13 want to mark it, whatever it should be.

14 THE COURT REPORTER: Oh, the very end of --
15 would that -- 151 was just marked, so --

16 MS. WOODWARD: Not of the plaintiff's;
17 sorry --

18 THE COURT REPORTER: Okay.

19 MS. WOODWARD: -- the defendants'.

20 MR. HECHT: Oh, you mean --

21 MS. WOODWARD: I think it's 38

22 THE COURT REPORTER: All right. I don't
23 know.

24 MR. HECHT: You can just mark it 152 and not
25 worry about whether it's --

1 MS. WOODWARD: Fine. What about 152? That's
2 fine.

3 THE COURT REPORTER: Yeah, I didn't get a list
4 of those separately.

5 MS. WOODWARD: Oh, right. Just call it 152.

6 THE COURT REPORTER: So 152. We'll just call
7 it D-152?

8 MS. WOODWARD: That's -- whatever you want --

9 THE COURT REPORTER: Okay.

10 MS. WOODWARD: -- whatever will be clear.

11 THE COURT REPORTER: That will be clear.

12 MS. WOODWARD: Okay. Thank you.

13 THE COURT REPORTER: You're welcome.

14 (Exhibit No. D-152 was marked for
15 identification.)

16 FURTHER EXAMINATION

17 BY MS. WOODWARD:

18 Q Mr. Alexander, I'm going to show you what's
19 marked D-152. It's a document that I produced earlier
20 in this deposition that was some additional unredacted
21 information related to a -- materials that you discussed
22 earlier with Mr. Hecht.

23 MR. HECHT: Can I -- did you give me --

24 MS. WOODWARD: I did at the time.

25 MR. HECHT: I'm sure you did. I'll just look

1 over his shoulder here.

2 MS. WOODWARD: You're welcome to look at it
3 before he does. And in this pile, I'm sure you're
4 copy's someplace.

5 MR. HECHT: I'm sure it is. I know it is.
6 Okay.

7 THE DEPONENT: A lot of trees died today.

8 MS. WOODWARD: I feel guilty.

9 BY MS. WOODWARD:

10 Q Anyway, if you'll take a look at that. And do
11 you recall discussing that correspondence earlier with
12 Mr. Hecht? It was some hours ago at this point.

13 A I do. Yes, I do.

14 Q And do you recall discussing -- there was
15 discussion about whether you or Mr. -- is it Mr. Prince?

16 A Mr. Prince.

17 Q Had copied law enforcement officials on the
18 email.

19 A Absolutely.

20 Q And does that -- does that document with the
21 un-redacted portions refresh your recollection in any
22 way?

23 A Absolutely. It's as if -- I said, when you go
24 back through that chain, the very next email says Chief
25 Nichols -- from me says, Chief Nichols and Captain Gray,

1 please examine this implied threat by Commissioner Blake
2 Prince in an email towards me. This email makes a
3 threat and implies a fictional, nonevent where I pushed
4 over his wife two months ago. A false allegation. What
5 man would stand by while another man shoved his wife and
6 do nothing and be able to hold up his head?

7 MS. WOODWARD: That's all I have.

8 FURTHER RE-CROSS-EXAMINATION

9 BY MR. HECHT:

10 Q So your point again is that that commissioner
11 is lying; is that right?

12 A My point is -- yes.

13 Q Okay.

14 MS. WOODWARD: As to your point, Greg, I would
15 simply note that we had five business days to
16 comply with your notice to produce.

17 MR. HECHT: I got it.

18 MS. WOODWARD: So that was a new request.

19 MR. HECHT: I got it.

20 MS. WOODWARD: So the fact that you got all
21 those documents . . .

22 MR. HECHT: I'm not -- I'm not saying anything
23 else. I know --

24 MS. WOODWARD: And I maintain that they're all
25 immaterial.

1 MR. HECHT: Okay. Okay.

2 MS. WOODWARD: Whatever. You can --

3 MR. HECHT: Harvey, you going?

4 MR. GRAY: No, I'm not.

5 MR. HECHT: We're off the record?

6 MS. WOODWARD: Yeah.

7 THE VIDEOGRAPHER: This concludes the video --

8 MR. HECHT: Wait. Hold on. Don't say
9 concludes. I'm keeping it open.

10 MS. WOODWARD: Over objection.

11 MR. HECHT: Over objection. I'm keeping it
12 open over objection.

13 MR. GRAY: I'll object, too.

14 THE VIDEOGRAPHER: So this is the -- we are
15 adjourning the video deposition --

16 MR. GRAY: Hold on. Don't adjourn it.

17 THE VIDEOGRAPHER: Well, what are we doing?

18 MR. GRAY: You came up with a number --

19 THE COURT REPORTER: We are suspending the --

20 MR. GRAY: You came up with a number of how
21 much time had been used.

22 THE COURT REPORTER: Oh. And then we used 10
23 minutes more. So that would've been a total of 60.
24 So you had 30 -- 13 minutes left.

25 MR. GRAY: 13 minutes left? Okay.

1 THE COURT REPORTER: Uh-huh.

2 MS. WOODWARD: All right.

3 MR. HECHT: So we're suspending --

4 MR. GRAY: You can argue about two --

5 MR. HECHT: We're suspending.

6 MS. WOODWARD: Suspending.

7 THE VIDEOGRAPHER: We are suspending the video
8 deposition of Elton Alexander. The time is
9 approximately 7:31 p.m. We are now off the record.

10 (Proceedings suspended at 7:31 p.m.)

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DISCLOSURE

STATE OF GEORGIA Deposition of Elton Alexander
COUNTY OF ROCKDALE December 11, 2019

Pursuant to Article 8.B of the rules and regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I, J. Robin Sawyer, am a Georgia Certified Court Reporter. I am here as an independent contractor for Janice Baker & Associates.

Janice Baker & Associates was contacted by Hecht Walker, PC to provide court reporting services for this deposition. The firm will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b).

December 11, 2019

J. Robin Sawyer

J. Robin Sawyer,
CCR, CVR #4882-9574-0787-9168

C E R T I F I C A T E

G E O R G I A:

Rockdale County:

I hereby certify that the foregoing transcript was stenographically recorded by me, as stated in the caption; the colloquies, statements, questions, and answers thereto were reduced to typewriting under my direction and supervision; and the transcript is a true and correct record of the testimony/evidence given to the best of my ability.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action.

December 11, 2019

J. Robin Sawyer

J. Robin Sawyer

Certified Court Reporter

#4882-9574-0787-9168

E R R A T A S H E E T

I do hereby certify that I have read all questions propounded to me and all answers given by me on December 11, 2019, taken before J. Robin Sawyer and that:

- 1) There are no changes noted.
- 2) The following changes are noted:

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 the 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:

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If supplemental or additional pages are necessary,
please furnish same in typewriting annexed to the
interview.

(name and signature of deponent.)

Sworn to and subscribed before me,
this the day of , (year).

Notary Public