the hearing room. Okay.

Q Okay.

A That's the way I understood from him in talking to him that that's the way it happened.

Q And he was doing that to locate Greg Holder?

A I think that's what he was doing. He told me he called his name a couple of times and walked through, didn't hear anything. The lights were on. I remember he told me that.

Q How many lights did he tell you were on?

A He just told me the lights were on.

Q Did he tell you how he got into that office?

A Jerry, like I told the investigators when I talked to them, I'm not sure if he told me the door was open, the door was unlocked.

Q The door was ajar?

A The door was ajar.

Q "I used my key"?

A I don't know. I didn't -- the way he got in to me, to be honest with you, wasn't important then. To me it's not important now. The fact that he was in there, you know, he didn't deny being in there. So really, I didn't ask him, "How did you get in?" I
didn't even bother to ask him.

Q    Well, and we will take a look at that
directly.

A    Again, like I said, I'm not sure if he
told me the door was open, unlocked, ajar.

Q    I guess what I'm trying to get you to
help us with is just to draw some conclusions. You
know the man. You've talked to the man.

A    Uh-huh.

Q    Bluntly. If anybody can help justify
what was going on that evening you can.

A    Well, I think he's a very nosy
individual.

Q    What do you think he was looking for?

A    Hell, I don't know. Knowing Bob, Bob is
a nosy guy.

Q    Do you think he was in there to nose
around?

A    No. No. Like I told you, looking at
everything, I pulled the Barbas file and I looked at
the chronological that I've got here of the Barbas
file. I truly believe that that's what he was there
for.

Q    Did you --

A    I don't think Bob was there for any, any,
any ill reason whatsoever.

Q    Well, tell me what you believe. Do you believe that Judge Bonanno was in there when Sylvia Gay opened that front door? That's the bailiff.

A    I assume he was. I don't know. I haven't talked to Sylvia. The only thing I've seen from Sylvia was her -- I would assume that he was in there.

Q    Do you believe that she yelled more than once --

A    No.

Q    -- to him?

A    No.

Q    Okay. And why don't you believe her?

A    Because I think if she had yelled Bob would have answered right away. Or maybe he did answer and she didn't hear him.

Q    Do you believe that Bob, when he heard the door, yelled, "Greg?" or, "Judge Holder?" when he heard the door?

A    I don't know.

Q    Do you believe that he heard the door?

A    I don't know. I would assume he would have heard the door open.

Q    What motive could you possibly -- well,
what motive could you give Sylvia Gay for not telling
the truth?

A    Well, I'm not Sylvia. I'm not going to
say Sylvia is not telling the truth, all right. Sylvia
and Holder, and Greg, are very, very close. In fact,
he considers her family; very close.

I still believe today that the memo that
she wrote to Judge Holder, she didn't write it and she
didn't type. That's my opinion. I've got no proof.
That's my gut feeling. I don't think she wrote that on
the 30th, as it says, I think that was written on the
29th.

Q Which was a Sunday?

A Which the 29th was a Saturday.

Q A Saturday.

A Okay. It's dated 29th. And the reason
why I say that is because the letter that Judge Holder
gives me on the 31st, the date on that is the 29th, and
he mentions Sylvia's memo to him on the 29th. And it
wasn't the 29th when she wrote the letter. The memo
she wrote was dated the 30th.

So what I'm saying is that Judge Holder
and Sylvia wrote the memo and the letter on the
Saturday. She dated his -- hers on Sunday, and then
when he attempted to give it to me on the 31st,
remember the X that I made through it?

Q    Yes.

A  I said, "No, this is not the 31st," it's not that it was the 29th, I scratched through the 29th and I put the 31st, that, that Monday. But if you look at the letter, the dates, it was -- so I think what she did, to be honest with you, Jerry, she didn't contact her supervisor, which she should have. She contacted Judge Holder, tried to contact Judge Holder. And I don't think she told her supervisors until probably Monday or Tuesday of the following week.

Q    Here's what I want you to help me with because of all of that, and speculation is good.

A  Okay. Well, no, I --

Q    We need it.

A  Okay.

Q    We need your thoughts --

A  Okay.

Q    -- and your understanding of these human beings. But apparently, and I say this to elicit a response from you, apparently the only thing Judge Bonanno has ever told you is that, "I was in there to see Greg Holder about," and then one of the two reasons?

A  Uh-huh. Never denied it to me.
Q    Has he ever said, "I shouldn't have
stayed so long," or, "Gosh, I wish I would've turned on
those -- or why didn't I --" he never said anything
other than that?

A    I know what I told him. I told him he
was dumb, he was stupid. When he found that Holder
wasn't there, he should have left. I told him, "You
know the way Holder is. You shouldn't do that," you
know.

And it's not that -- again, it's not that
it hasn't happened before, other judges walking in
another judge's chambers. It happens.

Q    But these guys aren't even close friends.

A    But it still happens. I've had -- I've
had judges come in my chambers, Jerry, where the lights
have been off and I've been in the bathroom.

Q    Not only are they not close friends, but
at this point in time on the 27th there's reason to
believe that there's even some real friction between
the two of them.

A    Could be. Could be. But again, I think
if -- I think I have seen, and I'm trying to speculate
as to why other than the Barbas case and the fact that
he's trying to keep down the media with Greg's and my
trouble, and I don't want to speculate as to why he
would have been there.

Q Well, we've already said that Greg Holder has this reputation of being the courthouse leak. Could he have been looking for e-mails, correspondence, news clippings, personal notes, anything that relates to any of these issues that were relevant at that time?

A No. No, because he couldn't get in his computer to begin with.

Q What about a physical file or something of that nature?

A No.

Q You say he couldn't get in his computer, who's in charge of the courthouse computer system? Do you have a judge that oversees that?

A I oversee it.

Q Judge Bonanno has no responsibility for that?

A No, no. He's -- we've got a JADS committee, all right, but I oversee everything.

Q Was Judge Bonanno on that committee? Is that --

A Oh, you know, he's the chair of the committee. He's the chair of the committee.

Q He's the chair?

A Yeah. But as far as dealing with staff,
as far as --

Q   How many other judges are on that committee?
A   We've got a judge from every division.
Q   Okay.
A   We've got Judge Barton, Judge Foster, Judge Tharpe, Judge Ficarrotta, Judge Menendez, Judge Bonanno, myself, we've got two representatives from the Clerk's office, my Court Administrator, and then court tech staff that meets with us.
Q   Who are the Clerk's representatives on that committee?
A   Jerry Alfonso and Pete Flynn. But as far as --
Q   Okay. And Judge Bonanno is the chairman of that committee?
A   Yeah. But as far as having access to a judge's computer, the only people who have -- who have that capability would be court staff because they've got the confidential password to get in each individual judge's computer.
Q   Okay.
A   Okay.
Q   Just to --
A   And if he tried to get in I think there
would be computer records where he would have tried to
log in his computer. There would be a record of that.

Q      Okay. Just to keep this moving --
A      Yeah, okay.

Q      I apologize.
A      No, it's all right. I've got all day,
Jerry.

Q      We know about the e-mails. I think
that -- and by the way, as Chief Judge why wouldn't you
know that Greg Holder was out of town on military duty
and therefore not covering his docket for a day or two?
A      Well, most of the time Greg sends me an
e-mail that he's going to be out of town and so forth.
This time he didn't. When he told me, I discussed this
before, I couldn't tell you when he was going.
Monday or Tuesday of that week, maybe

Wednesday, whatever, I'm not sure if I called him, but
I found out sometime that week that he was going. And
again, I'm not sure whether it was Tuesday or that
morning.

But normally when it -- he always lets me
know when he's going. I don't think he called me on
his own this time to tell me. I think I called to talk
to him about something and he told me that he was going
to be gone.
But again, let me speculate. There's been a lot in the press and in his letter that it was widely known that he was going to be gone, and I take issue with that.

I have personally talked to Judge Arnold, Judge Menendez, Judge Pendino, Judge Bonanno, Judge Barton, Judge Greco, Judge Ward, Judge Maye, Judge Crenshaw, Judge Baumann, and Judge Stoddard. None of those individuals knew he was going to be gone.

Q     Okay. All right.
A     I've talked to Judge Picarrotta, Ron and Judge Picarrotta, Gaspar, Judge Gallagher, and Greg Holder. Those are the only ones that tell me for sure he knew he was gone. And the reason why I talked to Judge Stoddard, because Judge Stoddard is Greg's Administrative Judge. I would assume he would tell him. I don't think Stoddard can come under oath and tell you, Jerry, one way or the other. I don't think he remembers.

Q     Well, I think what I'm hearing, and I just want to paraphrase it, is there's nothing uncommon about this. Judges take time off all the time without reporting to you about it?
A     All the time. In fact, I'll give you one example that I made. Judge Ward, because of the
problems, was removed from the bench. Okay. August 31st was his last day.

On July 31st, which is a Monday if I'm correct, Judge Arnold comes to me and he says, "We've got a problem." He says, "How are we going to handle Judge Ward's emergencies?" I said, "What do you mean?"

He says, "You didn't know he's gone -- he's taken the whole month of August off?" I didn't even know Judge Ward was going to be gone the whole month of August.

And what happens there is that if a judge is gone and an emergency arises, the next judge in the lettered divisions that -- say you're in Division A, if an emergency comes in and that judge is not available and it's an emergency, the judge in Division B takes all the emergencies. If he's not available then you go keep on going.

Well, after Ward the next division was Judge Arnold. And Jim said, "Dennis, I can't handle all these emergencies. I've got my own docket." So I didn't even know that Judge Ward was going to be gone.

Q  Got you.

A  And I was the Chief Judge.

Q  I understand. Well, --

A  So it happens, Jerry. Sometimes judges
will tell me; sometimes judges won't tell me.
Sometimes they will tell the administrative judges;
sometimes they won't. That's all basically particular
to a judge.

You know, the only time I find out when a judge hasn't told me is when they call me and say, "We can't get a hearing, the judge is gone. I've got an emergency." So I normally send them to the Administrative Judge.

Q Okay. As a result of that incident on the 27th, the series of e-mails back and forth --

A Uh-huh.

Q -- do y'all agree to have a meeting on Monday morning?

A Yeah.

Q Okay, hold it. Before that meeting --

A Okay.

Q -- did you have some contact with a Corporal Sheehan?

A Yeah.

Q Can you tell us about that, who Corporal Sheehan is and so forth?

A Corporal Sheehan is basically the individual who is assigned here to the courthouse, works for the Sheriff's Office, that handles security,
handled complaints and so forth, either a complaint about a judge, that something has occurred about a judge, something is missing from a judge's office, or there's a problem with a bailiff.

He also is the only individual in the courthouse that has basically arrest powers. That's why we keep him here. Bailiffs don't have that arrest power.

So anyway, on that Friday morning when I come it into the office, the night before I had sent an e-mail to Holder, to Bonanno, and to Dave Roland, my Court Counsel, that, "I'm available Monday, I'm going to have a meeting Monday to settle this problem or whatever, make yourselves available."

On Friday I get with Sheehan and Captain Everhart and I told them I want this investigated, I want a quick report, so at least I've got something in my hand to know what happened on Thursday.

Q You met with Sheehan and Everhart?
A I meet with Sheehan, right.
Q And Everhart?
A And Everhart.
Q To do an investigation?
A To do an investigation. I'm not -- Sheehan comes back to me and says, "I can't talk to
Sylvia Gay because she's off on Fridays. But, Judge, I will call her at home to find out what happened."

I gather that Sheehan didn't know what had happened at that time. I told him make a quick report so, you know, at least I've got an idea so when I meet with Bob and Greg on Monday morning we can discuss.

Q This was not a criminal investigation; this was just a --

A No. No.

Q -- request, tell me?

A Yeah, it was just an information investigation to let me know what had happened.

Q Okay.

A I mean, all I've got is an e-mail from Greg the night before saying that Bonanno was in his office, this, that, and the other. That's all I knew. So then Bob is telling me that he went over to see him. That's all I knew about it.

Q This investigation was essentially accomplished on Friday then?

A Right.

Q All right. And it was in your hands by late Friday or early --

A Never got it.
Q  Never got it?

A  Jerry, I get a call sometime Friday.

Being that it was a bailiff, being it was Judge Holder
and Judge Bonanno, that Sheehan, you know, is close to
some of the judges, it would be better if somebody else
from the Sheriff's Office would come over and do it.

Q  Got you.

A  And I said, "Fine, I've got no problem
with that. But for my purposes for the meeting Monday,
Mike, I still need something." Well, as of today if
he's made a report, Jerry, I've never seen it.

Q  Okay. All right. Tell us about Monday's
meeting. How did that go? Smooth sailing, right?

A  No. We meet there about eight o'clock.

Come in and -- Bob had come in first, and David, and
then Greg came in. He had his folder. The meeting
starts off. Greg starts, you know, and then Bob
starts.

And I think Bob took -- instead of taking
the position, you know, "Hey, I'm sorry I was in your
office, you know, I was just there to do this, that,
and the other," he tells Greg, he says, "You know, I'm
upset with you by the mere fact that you would even
think that I would be in your office to do anything
wrong," this, that, and the other.