

IN THE SUPREME COURT OF THE STATE OF MISSOURI

STATE <i>ex rel.</i> ALBERT WATKINS)	
)	
Relator,)	
)	
v.)	
)	
HONORABLE REX BURLISON,)	
)	
Respondent.)	CASE NO. _____
)	

CERTIFICATE OF PROOF OF SERVICE FOR WRIT OF PROHIBITION

The undersigned certifies that a copy of the Petition for Writ of Prohibition, the Writ Summary, and Suggestions in Support of Petition for Writ of Prohibition was served via electronic mail upon Respondent and all parties to the underlying action on May 1, 2018 as follows:

Hon. Rex M. Burlison
St. Louis City Circuit Court
22nd Judicial Circuit
Rex.Burlison@courts.mo.gov

Respondent

Kimberly M. Gardner
Robert Steele
Robert Dierker
St. Louis Circuit Attorney
1114 Market Street, Room 401
St. Louis, MO 63101
Facsimile: (314) 622-3369
steeler@stlouiscao.org
gardnerk@stlouiscao.org

Attorneys for State of Missouri

James F. Bennett
Edward L. Dowd
James Garvin Martin
Michelle Nasser
Dowd Bennett LLP
7733 Forsyth Blvd., Suite 1900
St. Louis, MO 63105
jbennett@dowdbennett.com
edowd@dowdbennett.com
jmartin@dowdbennett.com
mnasser@dowdbennett.com

John F. Garvey #35879
Carey Danis & Lowe
8235 Forsyth, Ste. 1100
St. Louis, MO 63105
jgarvey@careydanis.com

Scott N. Rosenblum
120 S. Central Ave., Ste. 130
Clayton, MO 63105
nkettler@rsflawfirm.com

Attorneys for Defendant Eric R. Greitens

By:

STINSON LEONARD STREET LLP

/s/ Charles W. Hatfield

Charles W. Hatfield, Mo. Bar No. 40363
230 West McCarty Street
Jefferson City, MO 65101
Tel.: (573) 636-6263
Fax: (573) 636-6231
chuck.hatfield@stinson.com

John R. Munich, Mo. Bar No. 29799
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
john.munich@stinson.com

Attorneys for Relator Albert Watkins

TABLE OF CONTENTS OF EXHIBITS

Affidavit of Albert WatkinsA-1
Transcript of April 30, 2018 HearingA-3

MISSOURI COURT OF APPEALS
EASTERN DISTRICT

STATE *ex rel.* ALBERT WATKINS)
)
 Relator,)
)
v.) CASE NO. _____
)
HONORABLE REX BURLISON,)
)
 Respondent.)

AFFIDAVIT OF ALBERT WATKINS

1. In early January, 2018, I met with Scott Faughn. At that time, I discussed an attorney-client relationship with Mr. Faughn and he sought my advice on matters, including legal issues relating to the payment of legal fees by third parties. During those conversations, I provided Mr. Faughn with legal advice.

2. In early January, 2018, after my meeting with Mr. Faughn, I received two payments, each in the amount of fifty-thousand dollars (\$50,000.00). The first payment was delivered to me by Mr. Faughn. The second payment arrived the next day, and was delivered by a person I believed to be a courier.

3. During my conversations with Mr. Faughn, we discussed the purpose of the payments and why the money was being delivered, in connection with the advice I provided to Mr. Faughn.

4. My understanding is the payments were delivered to me in connection with my representation of P.S., the victim's ex-husband.

Further affiant sayeth not.



Name: Albert Watkins

Subscribed and sworn to before me this 30th day of April, 2018.



Notary Public

Commissioned in St. Louis County

My commission expires:

SCOTT T. FILMORE
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
Commission # 15386385
My Commission Expires: 8/21/2019

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
Honorable Rex M. Burlison, Judge**

STATE OF MISSOURI,

Plaintiff,

vs.

ERIC GREITENS,

Defendant.

Cause No. 1822-CR00642

TRANSCRIPT OF MOTION HEARING

April 30, 2018

**JENNIFER A. DUNN, RPR, CCR #485
OFFICIAL COURT REPORTER
CITY OF ST. LOUIS CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT**

A P P E A R A N C E S

FOR THE DEFENDANT ERIC GREITENS:

MR. JAMES MARTIN

MR. EDWARD DOWD

Dowd Bennett LLP
7733 Forsyth Blvd. #1900
St. Louis, MO 63105

FOR THE WITNESS ALBERT WATKINS:

MR. CHARLES W. HATFIELD

MR. JOHN R. MUNICH

Stinson Leonard Street
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105

MR. CHARLES INSLER

Hepler Broom LLC
211 N. Broadway
St. Louis, MO 63102

1 (The following proceedings were had in open
2 court at 3:10 p.m., on the afternoon of April 30, 2018:)

3 THE COURT: Thank you. Court will be back in
4 session, please be seated.

5 We're back on the record in Cause Number
6 1822-CR00642, State of Missouri versus Eric Greitens. What
7 do we have going on here?

8 MR. MARTIN: Judge, that is the videotape of
9 Mr. Watkins when he was on the courthouse steps a couple of
10 weeks ago. And the interview. We have it synced up to the
11 time frame that you were curious about, which is the -- when
12 he said a courier came and dropped off the money and he
13 didn't know who it was for or whatever.

14 We were setting it up there because we thought we
15 had the microphone system working in the courthouse and it
16 might be if the other attorneys needed to hear what you were
17 seeing.

18 THE COURT: Okay. When we get to it we'll
19 see what can be heard on there. What do we have?

20 MR. MARTIN: So, Judge, we don't have any
21 other attorneys that have shown up, maybe Mr. Hatfield can
22 address that issue.

23 MR. HATFIELD: No.

24 THE COURT: Okay. So for the record, we had
25 a discussion about 2 o'clock here today regarding something

1 that came up in Mr. Watkins' deposition, and there was an
2 issue of whether or not parties and attorneys should be
3 present, and the Court gave everyone about 50 minutes, until
4 3 o'clock, it's 10 after 3:00, to make contact for those
5 parties, or for those people and attorneys that may need to
6 be here.

7 MR. HATFIELD: And, your Honor, I have
8 communicated that message as best I can with the information
9 that I have, and I don't expect anybody to be here. As far
10 as I know no one is here.

11 THE COURT: Okay. So let's put on the record
12 what you need to, Mr. Martin.

13 MR. MARTIN: And, your Honor, I assume I can
14 name names without jeopardy then?

15 THE COURT: Let's set forth first, let's
16 frame the issues.

17 MR. MARTIN: Okay.

18 THE COURT: And then we'll get to that.

19 MR. MARTIN: Okay. Judge, as you know,
20 Mr. Al Watkins is being deposed right now. He's being
21 deposed in significant part because he went on the
22 courthouse steps and announced to the world that he had
23 received two anonymous \$50,000 payments, implying that they
24 were on behalf of at least his client, though he said a
25 multitude of clients, P.S., who he represents in this

1 matter, and presumably other people related to this matter.

2 We have asked him about the delivery of that
3 money. He has indicated that the first 50,000 was delivered
4 by a person he knew by name. He has provided that name.
5 And then said the second one was delivered by courier.

6 We are trying to ascertain from him both the
7 source because he claims that the person that delivered the
8 money was not the actual source of the funds. We are
9 attempting to find out the source of the funds, and as well
10 as what instructions he was given, Mr. Watkins was given
11 that the purpose of the money and what he could or could not
12 do with the money.

13 Judge, it's -- the name that has been given is a
14 highly connected political individual, and it -- I'm
15 trying -- I'll say nothing more until you bless it.

16 THE COURT: Okay. So you're telling --
17 you're saying in deposition that Mr. Watkins said the first
18 50,000 came from this individual that you haven't named that
19 he knew?

20 MR. MARTIN: That's correct.

21 THE COURT: Is that what was said on the
22 courthouse stairs?

23 MR. MARTIN: No. On the courthouse steps he
24 simply says an unnamed courier came by. He did not know --
25 he said he did not know when the package was delivered, what

1 was in it, and he didn't know until he went back to his
2 office and opened it up. He said he didn't know who it was
3 from, whose account it was for, or for what purpose it was
4 supposed to be used.

5 Now, candidly, that is contradicted what he is
6 saying in this deposition about the first 50,000.

7 THE COURT: Okay. So on the -- what you have
8 here I guess on the computer, on the stick drive,
9 Mr. Watkins said unknown courier delivered for an unknown
10 reason.

11 MR. MARTIN: Correct.

12 THE COURT: Was he saying that that was the
13 first or second delivery?

14 MR. MARTIN: He was referring to that as the
15 only delivery. He did not reference a first and a second in
16 that video.

17 THE COURT: So if we assume that the first
18 delivery, what he testified to today was 50,000 cash was
19 delivered by someone that he knew, and I think you told me
20 in chambers that he knows the purpose it was delivered.

21 MR. MARTIN: No. He claims -- he refuses to
22 answer that question.

23 THE COURT: I know. But didn't you ask him
24 did he know, not what he knew.

25 MR. MARTIN: And he hasn't answered that

1 question yet either.

2 THE COURT: Okay. So if we track what was
3 said today in deposition, he knew the person that delivered
4 it, then it would be presumed that the second delivery was
5 known because he knew the first delivery, and so when he
6 says an unknown courier for purpose unknown, it seems to
7 contradict what he's saying today.

8 MR. MARTIN: And in addition, he says it's an
9 unnamed courier and he hasn't supplied the name of the
10 courier.

11 THE COURT: Okay. So it's still unclear
12 which delivery, whether the courier's delivery was first or
13 second?

14 MR. MARTIN: That is correct. Or whether at
15 the time he was claiming both were.

16 THE COURT: Okay. All right.

17 MR. MARTIN: I will say we think the
18 individual that delivered -- that Mr. Watkins has identified
19 is an individual who has put his name in the game and that
20 there is absolutely no reason why his name should be
21 protected. He is not in any way some sort of alleged
22 victim, the delivery of money referred to in the video as an
23 intermediary is not done for the purpose of seeking legal
24 advice, and that, candidly, the name, because of his
25 connections, his political connections, and candidly his

1 actions during the course of the last two months is highly
2 relevant to the credibility of the case overall, and
3 particularly of the witnesses and the ability to believe
4 that the witnesses are not motivated by money.

5 THE COURT: All right. So what we have here
6 is -- what I've got is three items here. Who delivered the
7 funds, what was the source of the funds, and what was the
8 purpose of the funds.

9 MR. MARTIN: Those are where we wanted to
10 start, and we're short on --

11 THE COURT: Mr. Hatfield.

12 MR. HATFIELD: Thank you, your Honor. Just
13 at the risk of reframing a little bit --

14 THE COURT: Okay.

15 MR. HATFIELD: -- what was said. I assume
16 that what the defense is asking you is to compel Mr. Watkins
17 to answer certain questions today. We have -- I have
18 instructed him not to answer certain questions in the
19 deposition. And that's where we are. We objected and we
20 instructed him not to answer.

21 So, your Honor just framed three questions. Who
22 delivered the money. I believe that your Honor ordered
23 Mr. Watkins to answer that question last Friday. He has
24 answered that question.

25 THE COURT: Okay. Are you claiming any

1 privilege over that name?

2 MR. HATFIELD: Over the first name, yes, we
3 are.

4 THE COURT: As to who delivered?

5 MR. HATFIELD: As to who delivered the money,
6 no, sir, no, sir, I misunderstood. He has answered the
7 question who delivered the money by giving the name. We are
8 not claiming that that is privileged. We told them in
9 court.

10 THE COURT: That's the name that you were
11 restraining yourself from saying?

12 MR. MARTIN: Yes.

13 MR. HATFIELD: The issue of whether we say
14 the name, your Honor in chambers instructed me to try to
15 contact. I have sent a message that your Honor delivered
16 about whether to be here. That person is not here, nor is
17 an attorney here on their behalf.

18 So I do think on behalf of Mr. Watkins, because I
19 derivatively have an obligation to his client. I don't see
20 any reason that that name needs to be released right now.
21 It's not important to this motion. The fact that a name has
22 been disclosed is important to this motion, whether the
23 person had attorney-client privilege will be important to
24 this motion. The name is not important to this motion.

25 So the only reason to do it right now is because

1 of who's sitting in the audience. That's the only reason to
2 do it right now.

3 THE COURT: Is that the only reason,
4 Mr. Martin?

5 MR. MARTIN: No, your Honor. There are
6 significant connections that he has that once we explain
7 those to you make clear why there should be more information
8 forthcoming from Al Watkins, and why the deposition should
9 continue in earnest beyond just those three questions.

10 THE COURT: And do we know the name of the
11 courier?

12 MR. HATFIELD: Mr. Watkins believes he knew
13 the name of -- the first name of the courier, which he has
14 said in the deposition. But he did not know the last name
15 of the courier.

16 THE COURT: Okay. I'm going to allow both
17 those names to be announced.

18 MR. HATFIELD: Do you want to do that now?

19 THE COURT: No, I want to take these one step
20 at a time.

21 MR. HATFIELD: Okay, great.

22 MR. MARTIN: Your Honor, the individual that
23 Mr. Watkins has identified as having delivered \$50,000 in
24 cash is Scott Faughn. And Scott Faughn is the owner of a
25 publication, if we can honor it with that name, Missouri

1 Times. Missouri Times has been trashing the governor.

2 THE COURT: Okay. What's the -- what's the
3 courier's first name?

4 MR. MARTIN: According to Mr. Watkins,
5 Skyler.

6 THE COURT: All right. I'm going to go to
7 the second, the source of the funds. That was part of the
8 deposition questioning today.

9 MR. MARTIN: Yes, your Honor.

10 THE COURT: And did anybody write down
11 exactly what the question was, or can you give me an idea?

12 MR. HATFIELD: Your Honor, I don't know if he
13 wrote it down, but it was asked three times. Mr. Watkins
14 has said he does not know the ultimate source of the funds,
15 and that -- I have allowed him to answer that question
16 because --

17 MR. MARTIN: The ultimate source of the funds
18 is different than does he have some hint, was there a
19 description of who the source was, was there any indication
20 as to whether it was from Democrats or Republicans.

21 There's a lot of questions when you ask about the
22 source. All he said is I don't know who the ultimate source
23 is.

24 THE COURT: All right. Ultimate source, can
25 there be sources, more than one ultimate source, or

1 intermediate sources or --

2 MR. HATFIELD: I wasn't meaning to play games
3 with that, Judge, if I did. He has said that he knows Scott
4 Faughn handed him the first money, that a courier brought
5 the second money. He doesn't know beyond that. I don't
6 know if he's asked the question that specifically. He
7 doesn't know beyond that where it came from.

8 If we're still talking source, Judge, I just want
9 to make sure. We were here Friday, the issue was, according
10 to the transcript, and this is your Honor: The identity of
11 the donor of the \$50,000 cash payments is relevant in the
12 Court's balancing and consideration believes that if the
13 source of those are GoFundMe funds as opposed to the source
14 being from a political operative, I think this is very
15 relevant at this stage. We've answered that question.

16 THE COURT: No, you haven't.

17 MR. HATFIELD: He doesn't know what the
18 source was. He knows Mr. Faughn brought the first 50 and
19 Skyler brought the second 50. That's all he knows, and he's
20 answered that in the deposition. If they want to know that,
21 they can go ask Skyler and Mr. Faughn.

22 MR. MARTIN: Judge, we need to ask further
23 questions because the credibility of saying he doesn't know
24 the source is highly suspect, in part, because as the Court
25 knows, he has an ethical obligation to understand whose he

1 getting paid for.

2 MR. HATFIELD: No, he doesn't. No, he
3 doesn't. It happens all the time. Somebody comes in and
4 said I got some money from my friend, I want to pay my legal
5 bill. The attorney doesn't have any obligation.

6 MR. MARTIN: The client didn't come in with
7 this money. An unknown courier came in with some of the
8 money. He put it into an account, and if he doesn't have
9 any clue as to the source of those funds, that's not
10 credible. And we have a right to at least ask a series of
11 questions to test that credibility.

12 MR. HATFIELD: By the way, Judge, since we're
13 talking about what he said on the steps, he's been
14 completely consistent on this every time he's talked. Jim
15 Salter in the AP on April 23rd, said a courier delivered
16 each 50,000 payment, the word "courier" there. This is not
17 in quotes, by the way.

18 THE COURT: Isn't that the first sentence,
19 isn't that not accurate to what your client testified to
20 today?

21 MR. HATFIELD: It's not a quote. But if you
22 think the word "courier" means another person.

23 THE COURT: No. Mr. Hatfield, my problem is
24 reading media accounts that the first sentence you read
25 contradicts what was testified to. Because a courier did

1 not deliver both, did it?

2 MR. HATFIELD: Depends on if you think of Mr.
3 Faughn as a courier, somebody delivering for somebody else.
4 But he said two payments, not one payment, which is where
5 this all started, that they say he said on the steps one
6 payment. He also says it was anonymous, the source was
7 anonymous. That's according to the AP. He's been
8 consistent on that. He doesn't know the ultimate source of
9 this money.

10 Now they want to ask him about the source and the
11 purpose, and as we discussed with your Honor, Mr. Faughn had
12 a client relationship that predates the payment of this
13 first money, and we'd like to make a record on that however
14 your Honor thinks that's appropriate.

15 He had an attorney-client relationship that
16 predates the payment of this money that he sought advice,
17 including advice on how to pay attorneys' fees for someone
18 else, and he sought advice on all of that before he
19 delivered money.

20 He received advice on those issues, and then he
21 delivered money, and he talked about what he was doing and
22 what the purpose was. And that's privileged communication.
23 And that's why we've instructed him not to answer. And we
24 can make a record in whatever form your Honor feels
25 appropriate, either by affidavit or continuing in the

1 deposition, that we shouldn't have to discuss the purpose.

2 We answered who delivered. We answered everything
3 that he knows about the source. But the conversations
4 between him and Mr. Faughn are privileged.

5 MR. MARTIN: Judge, he just described Mr.
6 Faughn as a courier. He said if you look at who delivered
7 the money, he was a courier.

8 MR. HATFIELD: A client courier.

9 MR. DOWD: And an intermediary.

10 MR. HATFIELD: And a client intermediary.

11 MR. MARTIN: Give me a second. A client can
12 seek attorney-client counsel. But a client can also act
13 outside the relationship of the attorney-client
14 relationship, and if he's a courier or an intermediary, he's
15 not acting as the client with Mr. Watkins. And, therefore,
16 what Mr. Watkins was told by the courier, by the
17 intermediary, is not attorney-client privilege.

18 MR. DOWD: We also intend to ask him, Judge,
19 including the questions that Mr. Martin was just describing
20 to you, which clearly are admissible, but what -- where do
21 you believe the source of these funds were. He can say I
22 don't know. I'm sure he has a belief. And I'm sure he
23 knows as well.

24 THE COURT: So when asked about the source of
25 either or both of the 50,000, he said he didn't know,

1 Mr. Watkins said he didn't know.

2 MR. HATFIELD: I believe that's correct.

3 MR. MARTIN: He's been asked that question,
4 what's the source. But we have not been able to probe
5 either his credibility or whether he knew of the
6 intermediaries.

7 The reason Scott Faughn was important to name is
8 because of his position in Missouri. In this Missouri
9 Times. This publication that has been trashing Mr.
10 Greitens, the governor, for months.

11 And Mr. Faughn has direct connections with a group
12 that has been very hurt and upset that their tax credits
13 have been taken away, and so if Mr. Watkins has some
14 indication that that group is behind this push to give money
15 to P.S. and others, then that is highly relevant and it's
16 not privileged.

17 MR. HATFIELD: So, Judge, of course they can
18 ask Mr. Faughn all those questions.

19 THE COURT: Right.

20 MR. HATFIELD: As we've explained before.
21 That's the way to handle this.

22 THE COURT: And they'll be allowed to ask
23 Mr. Watkins about the source of the funds with follow-up
24 questions to be able to test his credibility when he says he
25 doesn't know.

1 MR. HATFIELD: Okay. So on the source, he
2 can -- you're directing him to answer questions about the
3 source of the funds?

4 THE COURT: Well, you said he doesn't know.

5 MR. HATFIELD: He doesn't know.

6 THE COURT: Well, that's his answer. He's
7 already answered that question.

8 MR. HATFIELD: Yes, sir, he's asked and
9 answered that three times.

10 THE COURT: But the defense is able to probe
11 his veracity on that answer.

12 MR. HATFIELD: Okay. And the problem I have
13 is if that probing means that he would have to talk about
14 what Mr. Faughn told him in the source of seeking this
15 advice on how he could make a third-party donation,
16 donation, whatever word you want to use, how he could pay
17 these fees, then we're into the privilege and that's the
18 problem, and that's where I'm instructing him not to answer.

19 So, I mean, they can ask him do you know the
20 purpose, we've done that. I'm sorry, do you know the
21 source, purpose is next. Do you know the source. How do
22 you know -- if he had said, yes, how do you know the source?
23 Mr. Faughn explained it to me. What did Mr. Faughn say?

24 Core privilege, core privilege. And that's where
25 we are. Do you know who the source was? No, I don't know.

1 Now they want to ask him more questions about what Mr.
2 Faughn said. That's what they want to ask him.

3 THE COURT: So the information would
4 originally come from a -- from the original source of the
5 fund, that information is delivered to Mr. Faughn.

6 MR. HATFIELD: I don't know the answer to
7 that question, Judge.

8 THE COURT: Well, Mr. Faughn you would assume
9 got that -- whatever information from this original donor.

10 MR. HATFIELD: Hypothetically, yeah, I don't
11 know. I don't know what Mr. Faughn might say about that.

12 THE COURT: Well, but whatever information
13 Mr. Faughn would have received from the original donor of
14 that money, that's not -- you're not claiming that
15 information be privileged, are you?

16 MR. HATFIELD: I don't know what Mr. Faughn's
17 relationship was with that donor. But I know that Mr.
18 Faughn had a relationship with Mr. Watkins that was
19 privileged. So if Mr. Watkins is there, I think I'm
20 following your Honor, as an agent for somebody else.

21 THE COURT: No. What I'm saying is it seems
22 that you're asserting that the -- that you can make
23 privileged a non-privileged communication. Because the
24 communication from the original source to Mr. Faughn doesn't
25 seem to be a privileged communication.

1 The fact that a client of Mr. Watkins delivers
2 that non-privileged communication, I don't see that it turns
3 it into attorney-client privilege.

4 MR. HATFIELD: I think I'm following your
5 Honor's hypothetical. So a client's sitting in front of me,
6 he's accused of robbing a bank, and the client says to me, I
7 robbed a bank because my boss Joe told me to rob the bank.
8 The communication from my client to me, my boss Joe told me
9 to rob the bank, it's privileged communication.

10 THE COURT: Sure it is, because it attaches
11 for a particular purpose, but if your client's sitting in
12 front of you having not robbed a bank and says, hey, this
13 original donor gave me this money to give to you and he said
14 keep my name out of it, that's not privileged.

15 MR. HATFIELD: Well, I mean, your Honor, I
16 think it is.

17 THE COURT: No, it's a non-privileged
18 communication that your client would then try to protect it
19 by turning it into privileged. The privilege attaches on
20 the original, the original announcement of the information.
21 Originally it was announced by an original donor, which I
22 didn't hear was a lawyer, to Mr. Faughn, who I haven't
23 heard's a lawyer.

24 MR. HATFIELD: I don't think Mr. Faughn is a
25 lawyer. I'm not asserting that he is.

1 THE COURT: So I just -- tell me how you can
2 turn non-privileged communication into privilege.

3 MR. HATFIELD: Well, I can't do that, Judge.
4 But Mr. Faughn is asking for privileged advice on how to
5 fund this -- I want to -- I want to give money that is --

6 THE COURT: I've got a friend who wants to
7 give money.

8 MR. HATFIELD: Okay. I don't know what he
9 said exactly. But I want to hand you money that's going to
10 go wherever. And I want legal advice on whether I can do
11 that and how I would do that.

12 THE COURT: Yeah.

13 MR. HATFIELD: And then in the course of
14 providing that legal advice, he and Mr. Watkins, if they
15 talked about what the source was, or gave him any hints on
16 what the source was, they're doing that for legal advice.

17 So, for example, if Mr. Faughn had said I want to
18 provide some money to -- and I'm pretty sure he didn't say
19 what I'm going to say, just for everybody, I want to provide
20 some money to you and it's from a drug cartel in Mexico.
21 Can I do that? I'm assuming the attorney would advise no,
22 you can't do that. We can't engage in that.

23 THE COURT: But Mr. Watkins didn't,
24 Mr. Watkins took the money.

25 MR. HATFIELD: Mr. Watkins took the money

1 after whatever conversation they had. So if they had a
2 conversation around this money where he didn't tell him what
3 the source was, but he told him some things about where it
4 was coming from whatever, in order to get legal advice,
5 privileged.

6 THE COURT: And when did the privilege
7 attach, the first delivery?

8 MR. HATFIELD: No, the privilege attached
9 before the money was ever brought in. There were
10 conversations days before the money where Mr. Faughn had
11 approached, and it may have been longer than that, we'll
12 have to see what the testimony is, but it was not the same
13 day.

14 There was a conversation before the money where
15 the attorney-client privilege relationship was established,
16 client relationship was established. Then later the money
17 was delivered.

18 THE COURT: Okay.

19 MR. MARTIN: Well, number one, that story
20 would be completely different than what he said on the
21 courthouse steps. Because then he would have known exactly
22 when that money was delivered, who it was coming from, and
23 what the purpose of it was for.

24 Number two. I think the Court's point is directly
25 on in that no matter what legal advice he was soliciting, he

1 still, in the course of that, was also sharing information
2 he had learned from somebody else. And that portion isn't
3 privileged.

4 It might be privileged that he sought the advice
5 of can I do that, which they may have just waived right
6 there, but I got money from X and X wants you to use it for
7 this amount, and I'm giving you X's money, that isn't part
8 of the question of can I get legal advice from you. That's
9 here. I have been asked to give you this money, and I'm
10 giving it to you.

11 MR. HATFIELD: Judge, the same issue will
12 come up with purpose, and that was the third one on your
13 list. But it's the same issue. Right? If they want to
14 know what the purpose of the funds was, Mr. Faughn gave it,
15 they want to ask about conversations that were had. Skyler
16 didn't say anything, so Skyler's off the table. But there
17 were conversations between Mr. Faughn and Mr. Watkins, and
18 those are the ones that we don't think -- and I think we're
19 pretty far away here.

20 We talked about this last Friday, but we're pretty
21 far away from the elements of this crime. We're now into
22 the conversations that an attorney for a witness who has
23 been endorsed solely for the purpose of authenticating an
24 audiotape, whether that attorney had conversations with
25 another client about some money. They can go get all this

1 from Mr. Faughn, if they can find Skyler, they can talk to
2 Skyler. That's the way this ought to be handled, and then
3 we don't have any of these privileged problems.

4 But privilege is a pretty important concept, even
5 if your Honor has concerns about how all this went down,
6 privilege is still a pretty darn important concept.

7 MR. MARTIN: What he just said was if we ask
8 Mr. Faughn it would be all right. So if we ask Mr. Faughn
9 then what he told Al is also all right.

10 MR. HATFIELD: He can waive the privilege,
11 Mr. Watkins can't.

12 MR. MARTIN: It's not a privilege.

13 MR. HATFIELD: It's his choice, not
14 Mr. Watkins' choice.

15 THE COURT: Mr. Hatfield, I think the
16 information -- if it was delivered from Mr. Faughn, that I
17 have some money from a third party that I'm giving to you
18 and here's the purpose, I don't believe that that's
19 privileged. I'm not going to find it privileged, and you're
20 going to have to find a judge on a higher court to find that
21 privilege.

22 I think that -- I think that that scenario where
23 someone comes to a lawyer and says I have Mr. X's money, or
24 Mrs. X's money, I'm delivering it to you for this particular
25 purpose, I don't believe that is privileged. And as such, I

1 believe that the witness, Mr. Watkins, has to answer that,
2 and I believe it's going to have to be a higher court to say
3 that he doesn't.

4 MR. HATFIELD: Would your Honor allow us to
5 continue the rest of the deposition by written examination
6 rather than by oral testimony so we can take these questions
7 one at the time? Otherwise I'm afraid we're going to be
8 right back down here.

9 MR. MARTIN: Judge, with all due respect to
10 Al Watkins, he is a slippery fellow. Written questions is
11 not going to be able to pin him down.

12 THE COURT: We'll be right back on written
13 questions. Mr. Hatfield, what I can offer is some time to
14 get a writ.

15 MR. HATFIELD: Yes, sir, I appreciate that.
16 We'll file a writ as quickly as we can.

17 THE COURT: Because it is a critical issue,
18 but I just feel that a higher court's going to be the one
19 that's going to say that the source of those funds is
20 protected.

21 MR. HATFIELD: I understand. We would
22 appreciate some time to get a writ, your Honor, as we did on
23 Friday. I will file one as soon as we can. It's now 4:40.

24 THE COURT: What kind of accommodations are
25 you prepared to offer?

1 MR. MARTIN: Well, I guess if we put it to
2 tomorrow afternoon. They moved very quickly on the first
3 set of writs, so if we put it --

4 THE COURT: 1 p.m. tomorrow.

5 MR. HATFIELD: Is today Tuesday? Yeah.

6 MR. MARTIN: Is that doable?

7 MR. HATFIELD: I'm on another deposition, but
8 we'll discuss that on our side and figure that out.

9 THE COURT: I think that's the proper way to
10 handle it. Let's give you until 1 o'clock tomorrow. Seek
11 your writs, and we'll see what the higher courts say.

12 MR. DOWD: Thank you, your Honor.

13 THE COURT: Anything further today?

14 MR. HATFIELD: No. Thank you, Judge.

15 THE COURT: Court will be adjourned.

16 (The hearing was concluded.)
17
18
19
20
21
22
23
24
25

CERTIFICATE

1
2 I, Jennifer A. Dunn, Registered Professional
3 Reporter and Certified Court Reporter, do hereby certify
4 that I am an official court reporter for the Circuit Court
5 of the City of St. Louis; that on April 30, 2018, I was
6 present and reported all the proceedings had in the case of
7 STATE OF MISSOURI, Plaintiff, vs. ERIC GREITENS, Defendant,
8 Cause No. 1822-CR00642.

9 I further certify that the foregoing pages
10 contain a true and accurate reproduction of the proceedings.
11
12
13
14
15

16 **"/s/JENNIFER A. DUNN, RPR, CCR #485"**
17
18
19
20
21
22
23
24
25

<p>MR. DOWD: [3] 15/8 15/17 25/11 MR. HATFIELD: [46] MR. MARTIN: [32] THE COURT: [58]</p>	<p>accurate [2] 13/19 26/10 accused [1] 19/6 act [1] 15/12 acting [1] 15/15 actions [1] 8/1 actual [1] 5/8 addition [1] 7/8 address [1] 3/22 adjourned [1] 25/15 admissible [1] 15/20 advice [14] 7/24 14/16 14/17 14/18 14/20 17/15 20/4 20/10 20/14 20/16 21/4 21/25 22/4 22/8</p>	<p>are [16] 5/6 5/8 8/4 8/9 8/19 8/25 9/3 9/7 10/5 12/13 15/4 15/20 17/25 18/15 22/18 24/24 around [1] 21/2 as [28] ascertain [1] 5/6 ask [15] 6/23 11/21 12/21 12/22 13/10 14/10 15/18 16/18 16/22 17/19 18/1 18/2 22/15 23/7 23/8 asked [7] 5/2 11/13 12/6 15/24 16/3 17/8 22/9</p>	<p>24/1 24/2 believes [2] 10/12 12/12 Bennett [1] 2/5 best [1] 4/8 between [2] 15/4 22/17 beyond [3] 10/9 12/5 12/7 bill [1] 13/5 bit [1] 8/13 bless [1] 5/15 Blvd [2] 2/5 2/10 boss [2] 19/7 19/8 both [5] 5/6 7/15 10/16 14/1 15/25 Broadway [1] 2/9 Broom [1] 2/9 brought [4] 12/4 12/18 12/19 21/9 Burlison [1] 1/2</p>	<p>19/18 20/2 compel [1] 8/16 completely [2] 13/14 21/20 computer [1] 6/8 concept [2] 23/4 23/6 concerns [1] 23/5 concluded [1] 25/16 connected [1] 5/14 connections [4] 7/25 7/25 10/6 16/11 consideration [1] 12/12 consistent [2] 13/14 14/8 contact [2] 4/4 9/15 contain [1] 26/10 continue [2] 10/9 24/5 continuing [1] 14/25 contradict [1] 7/7 contradicted [1] 6/5 contradicts [1] 13/25 conversation [3] 21/1 21/2 21/14 conversations [6] 15/3 21/10 22/15 22/17 22/22 22/24 core [2] 17/24 17/24 correct [4] 5/20 6/11 7/14 16/2 could [4] 5/11 5/11 17/15 17/16 counsel [1] 15/12 couple [1] 3/9 courier [22] 3/12 5/5 5/24 6/9 7/6 7/9 7/10 10/11 10/13 10/15 12/4 13/7 13/15 13/16 13/22 13/25 14/3 15/6 15/7 15/8 15/14 15/16 courier's [2] 7/12 11/3 course [4] 8/1 16/17 20/13 22/1</p>
<p>\$ \$50,000 [3] 4/23 10/23 12/11</p>	<p>add [1] 20/21 affidavit [1] 14/25 afraid [1] 24/7 after [2] 4/4 21/1 afternoon [2] 3/2 25/2 agent [1] 18/20 ago [1] 3/10 AI [4] 4/20 10/8 23/9 24/10 ALBERT [1] 2/7 all [16] 7/16 8/5 11/6 11/22 11/24 12/19 13/3 14/5 14/18 16/18 22/25 23/5 23/8 23/9 24/9 26/6 alleged [1] 7/21 allow [2] 10/16 24/4 allowed [2] 11/15 16/22 already [1] 17/7 also [5] 14/6 15/12 15/18 22/1 23/9 am [1] 26/4 amount [1] 22/7 announced [3] 4/22 10/17 19/21 announcement [1] 19/20 anonymous [3] 4/23 14/6 14/7 another [3] 13/22 22/25 25/7 answer [13] 6/22 8/17 8/18 8/20 8/23 11/15 14/23 17/2 17/6 17/11 17/18 18/6 24/1 answered [9] 6/25 8/24 9/6 12/15 12/20 15/2 15/2 17/7 17/9 any [9] 3/20 7/21 8/25 9/20 11/19 13/5 13/9 20/15 23/3 anybody [2] 4/9 11/10 anything [2] 22/16 25/13 AP [2] 13/15 14/7 appreciate [2] 24/15 24/22 approached [1] 21/11 appropriate [2] 14/14 14/25 April [4] 1/13 3/2 13/15 26/5</p>	<p>asking [2] 8/16 20/4 asserting [2] 18/22 19/25 assume [4] 4/13 6/17 8/15 18/8 assuming [1] 20/21 attach [1] 21/7 attached [1] 21/8 attaches [2] 19/10 19/19 attempting [1] 5/9 attorney [12] 9/17 9/23 13/5 14/15 15/12 15/13 15/17 19/3 20/21 21/15 22/22 22/24 attorney-client [7] 9/23 14/15 15/12 15/13 15/17 19/3 21/15 attorneys [4] 3/16 3/21 4/2 4/5 attorneys' [1] 14/17 audience [1] 10/1 audiotape [1] 22/24 authenticating [1] 22/23 away [3] 16/13 22/19 22/21</p>	<p>came [6] 3/12 4/1 5/18 5/24 12/7 13/7 can [29] can't [4] 20/3 20/22 20/22 23/11 candidly [3] 6/5 7/24 7/25 cartel [1] 20/20 case [2] 8/2 26/6 cash [3] 6/18 10/24 12/11 Cause [3] 1/6 3/5 26/8 CCR [2] 1/23 26/16 certain [2] 8/17 8/18 CERTIFICATE [1] 26/1 Certified [1] 26/3 certify [2] 26/3 26/9 chambers [2] 6/20 9/14 CHARLES [2] 2/8 2/8 choice [2] 23/13 23/14 CIRCUIT [4] 1/1 1/24 1/25 26/4 CITY [3] 1/1 1/24 26/5 claiming [4] 7/15 8/25 9/8 18/14 claims [2] 5/7 6/21 clear [1] 10/7 clearly [1] 15/20 client [23] 4/24 9/19 9/23 13/6 13/19 14/12 14/15 15/8 15/10 15/11 15/12 15/12 15/13 15/15 15/17 19/1 19/3 19/6 19/8 19/18 21/15 21/16 22/25 client's [2] 19/5 19/11 clients [1] 4/25 clue [1] 13/9 come [3] 13/6 18/4 22/12 comes [2] 13/3 23/23 coming [2] 21/4 21/22 communicated [1] 4/8 communication [9] 14/22 18/23 18/24 18/25 19/2 19/8 19/9</p>	<p>conversations [6] 15/3 21/10 22/15 22/17 22/22 22/24 core [2] 17/24 17/24 correct [4] 5/20 6/11 7/14 16/2 could [4] 5/11 5/11 17/15 17/16 counsel [1] 15/12 couple [1] 3/9 courier [22] 3/12 5/5 5/24 6/9 7/6 7/9 7/10 10/11 10/13 10/15 12/4 13/7 13/15 13/16 13/22 13/25 14/3 15/6 15/7 15/8 15/14 15/16 courier's [2] 7/12 11/3 course [4] 8/1 16/17 20/13 22/1 court [14] 1/1 1/24 1/24 3/2 3/3 4/3 9/9 12/24 23/20 24/2 25/15 26/3 26/4 26/4 court's [3] 12/12 21/24 24/18 courthouse [6] 3/9 3/15 4/22 5/22 5/23 21/21 courts [1] 25/11 CR00642 [3] 1/6 3/6 26/8 credibility [5] 8/2 12/23 13/11 16/5 16/24 credible [1] 13/10 credits [1] 16/12 crime [1] 22/21 critical [1] 24/17 curious [1] 3/11</p>
<p>/ /s/JENNIFER [1] 26/16</p>	<p>1 1 o'clock [1] 25/10 1 p.m [1] 25/4 10 [1] 4/4 1100 [1] 2/10 1822-CR00642 [3] 1/6 3/6 26/8 1900 [1] 2/5</p>	<p>are [16] 5/6 5/8 8/4 8/9 8/19 8/25 9/3 9/7 10/5 12/13 15/4 15/20 17/25 18/15 22/18 24/24 around [1] 21/2 as [28] ascertain [1] 5/6 ask [15] 6/23 11/21 12/21 12/22 13/10 14/10 15/18 16/18 16/22 17/19 18/1 18/2 22/15 23/7 23/8 asked [7] 5/2 11/13 12/6 15/24 16/3 17/8 22/9 asking [2] 8/16 20/4 asserting [2] 18/22 19/25 assume [4] 4/13 6/17 8/15 18/8 assuming [1] 20/21 attach [1] 21/7 attached [1] 21/8 attaches [2] 19/10 19/19 attempting [1] 5/9 attorney [12] 9/17 9/23 13/5 14/15 15/12 15/13 15/17 19/3 20/21 21/15 22/22 22/24 attorney-client [7] 9/23 14/15 15/12 15/13 15/17 19/3 21/15 attorneys [4] 3/16 3/21 4/2 4/5 attorneys' [1] 14/17 audience [1] 10/1 audiotape [1] 22/24 authenticating [1] 22/23 away [3] 16/13 22/19 22/21</p>	<p>C came [6] 3/12 4/1 5/18 5/24 12/7 13/7 can [29] can't [4] 20/3 20/22 20/22 23/11 candidly [3] 6/5 7/24 7/25 cartel [1] 20/20 case [2] 8/2 26/6 cash [3] 6/18 10/24 12/11 Cause [3] 1/6 3/5 26/8 CCR [2] 1/23 26/16 certain [2] 8/17 8/18 CERTIFICATE [1] 26/1 Certified [1] 26/3 certify [2] 26/3 26/9 chambers [2] 6/20 9/14 CHARLES [2] 2/8 2/8 choice [2] 23/13 23/14 CIRCUIT [4] 1/1 1/24 1/25 26/4 CITY [3] 1/1 1/24 26/5 claiming [4] 7/15 8/25 9/8 18/14 claims [2] 5/7 6/21 clear [1] 10/7 clearly [1] 15/20 client [23] 4/24 9/19 9/23 13/6 13/19 14/12 14/15 15/8 15/10 15/11 15/12 15/12 15/13 15/15 15/17 19/1 19/3 19/6 19/8 19/18 21/15 21/16 22/25 client's [2] 19/5 19/11 clients [1] 4/25 clue [1] 13/9 come [3] 13/6 18/4 22/12 comes [2] 13/3 23/23 coming [2] 21/4 21/22 communicated [1] 4/8 communication [9] 14/22 18/23 18/24 18/25 19/2 19/8 19/9</p>	<p>conversations [6] 15/3 21/10 22/15 22/17 22/22 22/24 core [2] 17/24 17/24 correct [4] 5/20 6/11 7/14 16/2 could [4] 5/11 5/11 17/15 17/16 counsel [1] 15/12 couple [1] 3/9 courier [22] 3/12 5/5 5/24 6/9 7/6 7/9 7/10 10/11 10/13 10/15 12/4 13/7 13/15 13/16 13/22 13/25 14/3 15/6 15/7 15/8 15/14 15/16 courier's [2] 7/12 11/3 course [4] 8/1 16/17 20/13 22/1 court [14] 1/1 1/24 1/24 3/2 3/3 4/3 9/9 12/24 23/20 24/2 25/15 26/3 26/4 26/4 court's [3] 12/12 21/24 24/18 courthouse [6] 3/9 3/15 4/22 5/22 5/23 21/21 courts [1] 25/11 CR00642 [3] 1/6 3/6 26/8 credibility [5] 8/2 12/23 13/11 16/5 16/24 credible [1] 13/10 credits [1] 16/12 crime [1] 22/21 critical [1] 24/17 curious [1] 3/11</p>
<p>2 2 o'clock [1] 3/25 2018 [3] 1/13 3/2 26/5 211 [1] 2/9 23rd [1] 13/15</p>	<p>2 2 o'clock [1] 3/25 2018 [3] 1/13 3/2 26/5 211 [1] 2/9 23rd [1] 13/15</p>	<p>back [5] 3/3 3/5 6/1 24/8 24/12 balancing [1] 12/12 bank [5] 19/6 19/7 19/7 19/9 19/12 be [30] because [17] 3/14 4/21 5/7 7/5 7/24 9/18 9/25 11/16 12/23 12/24 13/25 16/8 18/23 19/7 19/10 21/21 24/17 been [13] 5/13 9/22 11/1 13/13 14/7 16/3 16/4 16/9 16/12 16/13 21/11 22/9 22/23 before [5] 14/18 16/20 21/9 21/10 21/14 behalf [3] 4/24 9/17 9/18 behind [1] 16/14 being [3] 4/20 4/20 12/14 belief [1] 15/22 believe [8] 8/3 8/22 15/21 16/2 23/18 23/25</p>	<p>can [29] can't [4] 20/3 20/22 20/22 23/11 candidly [3] 6/5 7/24 7/25 cartel [1] 20/20 case [2] 8/2 26/6 cash [3] 6/18 10/24 12/11 Cause [3] 1/6 3/5 26/8 CCR [2] 1/23 26/16 certain [2] 8/17 8/18 CERTIFICATE [1] 26/1 Certified [1] 26/3 certify [2] 26/3 26/9 chambers [2] 6/20 9/14 CHARLES [2] 2/8 2/8 choice [2] 23/13 23/14 CIRCUIT [4] 1/1 1/24 1/25 26/4 CITY [3] 1/1 1/24 26/5 claiming [4] 7/15 8/25 9/8 18/14 claims [2] 5/7 6/21 clear [1] 10/7 clearly [1] 15/20 client [23] 4/24 9/19 9/23 13/6 13/19 14/12 14/15 15/8 15/10 15/11 15/12 15/12 15/13 15/15 15/17 19/1 19/3 19/6 19/8 19/18 21/15 21/16 22/25 client's [2] 19/5 19/11 clients [1] 4/25 clue [1] 13/9 come [3] 13/6 18/4 22/12 comes [2] 13/3 23/23 coming [2] 21/4 21/22 communicated [1] 4/8 communication [9] 14/22 18/23 18/24 18/25 19/2 19/8 19/9</p>	<p>conversations [6] 15/3 21/10 22/15 22/17 22/22 22/24 core [2] 17/24 17/24 correct [4] 5/20 6/11 7/14 16/2 could [4] 5/11 5/11 17/15 17/16 counsel [1] 15/12 couple [1] 3/9 courier [22] 3/12 5/5 5/24 6/9 7/6 7/9 7/10 10/11 10/13 10/15 12/4 13/7 13/15 13/16 13/22 13/25 14/3 15/6 15/7 15/8 15/14 15/16 courier's [2] 7/12 11/3 course [4] 8/1 16/17 20/13 22/1 court [14] 1/1 1/24 1/24 3/2 3/3 4/3 9/9 12/24 23/20 24/2 25/15 26/3 26/4 26/4 court's [3] 12/12 21/24 24/18 courthouse [6] 3/9 3/15 4/22 5/22 5/23 21/21 courts [1] 25/11 CR00642 [3] 1/6 3/6 26/8 credibility [5] 8/2 12/23 13/11 16/5 16/24 credible [1] 13/10 credits [1] 16/12 crime [1] 22/21 critical [1] 24/17 curious [1] 3/11</p>
<p>3 3 o'clock [1] 4/4 30 [3] 1/13 3/2 26/5 3:00 [1] 4/4 3:10 [1] 3/2</p>	<p>3 3 o'clock [1] 4/4 30 [3] 1/13 3/2 26/5 3:00 [1] 4/4 3:10 [1] 3/2</p>	<p>B back [5] 3/3 3/5 6/1 24/8 24/12 balancing [1] 12/12 bank [5] 19/6 19/7 19/7 19/9 19/12 be [30] because [17] 3/14 4/21 5/7 7/5 7/24 9/18 9/25 11/16 12/23 12/24 13/25 16/8 18/23 19/7 19/10 21/21 24/17 been [13] 5/13 9/22 11/1 13/13 14/7 16/3 16/4 16/9 16/12 16/13 21/11 22/9 22/23 before [5] 14/18 16/20 21/9 21/10 21/14 behalf [3] 4/24 9/17 9/18 behind [1] 16/14 being [3] 4/20 4/20 12/14 belief [1] 15/22 believe [8] 8/3 8/22 15/21 16/2 23/18 23/25</p>	<p>can [29] can't [4] 20/3 20/22 20/22 23/11 candidly [3] 6/5 7/24 7/25 cartel [1] 20/20 case [2] 8/2 26/6 cash [3] 6/18 10/24 12/11 Cause [3] 1/6 3/5 26/8 CCR [2] 1/23 26/16 certain [2] 8/17 8/18 CERTIFICATE [1] 26/1 Certified [1] 26/3 certify [2] 26/3 26/9 chambers [2] 6/20 9/14 CHARLES [2] 2/8 2/8 choice [2] 23/13 23/14 CIRCUIT [4] 1/1 1/24 1/25 26/4 CITY [3] 1/1 1/24 26/5 claiming [4] 7/15 8/25 9/8 18/14 claims [2] 5/7 6/21 clear [1] 10/7 clearly [1] 15/20 client [23] 4/24 9/19 9/23 13/6 13/19 14/12 14/15 15/8 15/10 15/11 15/12 15/12 15/13 15/15 15/17 19/1 19/3 19/6 19/8 19/18 21/15 21/16 22/25 client's [2] 19/5 19/11 clients [1] 4/25 clue [1] 13/9 come [3] 13/6 18/4 22/12 comes [2] 13/3 23/23 coming [2] 21/4 21/22 communicated [1] 4/8 communication [9] 14/22 18/23 18/24 18/25 19/2 19/8 19/9</p>	<p>conversations [6] 15/3 21/10 22/15 22/17 22/22 22/24 core [2] 17/24 17/24 correct [4] 5/20 6/11 7/14 16/2 could [4] 5/11 5/11 17/15 17/16 counsel [1] 15/12 couple [1] 3/9 courier [22] 3/12 5/5 5/24 6/9 7/6 7/9 7/10 10/11 10/13 10/15 12/4 13/7 13/15 13/16 13/22 13/25 14/3 15/6 15/7 15/8 15/14 15/16 courier's [2] 7/12 11/3 course [4] 8/1 16/17 20/13 22/1 court [14] 1/1 1/24 1/24 3/2 3/3 4/3 9/9 12/24 23/20 24/2 25/15 26/3 26/4 26/4 court's [3] 12/12 21/24 24/18 courthouse [6] 3/9 3/15 4/22 5/22 5/23 21/21 courts [1] 25/11 CR00642 [3] 1/6 3/6 26/8 credibility [5] 8/2 12/23 13/11 16/5 16/24 credible [1] 13/10 credits [1] 16/12 crime [1] 22/21 critical [1] 24/17 curious [1] 3/11</p>
<p>4 485 [2] 1/23 26/16 4:40 [1] 24/23</p>	<p>4 485 [2] 1/23 26/16 4:40 [</p>			

<p>D</p> <p>defense [2] 8/16 17/10 deliver [1] 14/1 delivered [25] 5/3 5/5 5/7 5/25 6/9 6/19 6/20 7/3 7/18 8/6 8/22 9/4 9/5 9/7 9/15 10/23 13/15 14/19 14/21 15/2 15/6 18/5 21/17 21/22 23/16 delivering [2] 14/3 23/24 delivers [1] 19/1 delivery [10] 5/2 6/13 6/15 6/18 7/4 7/5 7/12 7/12 7/22 21/7 Democrats [1] 11/20 Depends [1] 14/2 deposed [2] 4/20 4/21 deposition [12] 4/1 5/17 6/6 7/3 8/19 10/8 10/14 11/8 12/20 15/1 24/5 25/7 derivatively [1] 9/19 described [1] 15/5 describing [1] 15/19 description [1] 11/19 did [12] 5/24 5/25 6/15 6/24 10/14 11/10 12/3 13/25 14/1 17/23 21/6 24/22 didn't [12] 3/13 6/1 6/2 6/23 13/6 15/25 16/1 19/22 20/18 20/23 21/2 22/16 different [2] 11/18 21/20 direct [1] 16/11 directing [1] 17/2 directly [1] 21/24 disclosed [1] 9/22 discuss [2] 15/1 25/8 discussed [1] 14/11 discussion [1] 3/25 do [23] 3/7 3/19 5/12 9/18 9/25 10/2 10/10 10/18 10/18 15/20 17/19 17/20 17/21 17/21 17/22 17/25 20/3 20/10 20/11 20/21 20/22 22/5 26/3 doable [1] 25/6 does [2] 11/14 11/18 doesn't [14] 12/5 12/7 12/17 12/23 13/2 13/3 13/5 13/8 14/8 16/25 17/4 17/5 18/24 24/3 doing [2] 14/21 20/16 don't [19] 3/20 4/9 9/19 11/12 11/22 12/5 15/22 17/25 18/6 18/10 18/11 18/16 19/2 19/24 20/8 22/18 23/3 23/18 23/25 donation [2] 17/15 17/16 done [2] 7/23 17/20 donor [6] 12/11 18/9 18/13 18/17 19/13</p>	<p>19/21 DOWD [2] 2/4 2/5 down [5] 11/10 11/13 23/5 24/8 24/11 drive [1] 6/8 dropped [1] 3/12 drug [1] 20/20 due [1] 24/9 DUNN [3] 1/23 26/2 26/16 during [1] 8/1</p> <p>E</p> <p>each [1] 13/16 earnest [1] 10/9 EDWARD [1] 2/4 either [4] 7/1 14/25 15/25 16/5 elements [1] 22/21 else [4] 14/3 14/18 18/20 22/2 endorsed [1] 22/23 engage [1] 20/22 ERIC [4] 1/7 2/3 3/6 26/7 established [2] 21/15 21/16 ethical [1] 12/25 even [1] 23/4 ever [1] 21/9 every [1] 13/14 everybody [1] 20/19 everyone [1] 4/3 everything [1] 15/2 exactly [3] 11/11 20/9 21/21 examination [1] 24/5 example [1] 20/17 expect [1] 4/9 explain [1] 10/6 explained [2] 16/20 17/23</p> <p>F</p> <p>fact [2] 9/21 19/1 far [3] 4/9 22/19 22/21 Faughn [33] Faughn's [1] 18/16 feel [1] 24/18 feels [1] 14/24 fees [2] 14/17 17/17 fellow [1] 24/10 figure [1] 25/8 file [2] 24/16 24/23 find [5] 5/9 23/1 23/19 23/20 23/20 first [19] 4/15 5/3 5/17 6/6 6/13 6/15 6/17 7/5 7/12 9/2 10/13 11/3 12/4 12/18 13/18 13/24 14/13 21/7 25/2 follow [1] 16/23 follow-up [1] 16/23 following [3] 3/1 18/20 19/4 foregoing [1] 26/9 form [1] 14/24 Forsyth [2] 2/5 2/10 forth [1] 4/15</p>	<p>forthcoming [1] 10/8 frame [2] 3/11 4/16 framed [1] 8/21 Friday [4] 8/23 12/9 22/20 24/23 friend [2] 13/4 20/6 front [2] 19/5 19/12 fund [2] 18/5 20/5 funds [15] 5/8 5/9 8/7 8/7 8/8 11/7 11/14 11/17 12/13 13/9 15/21 16/23 17/3 22/14 24/19 further [3] 12/22 25/13 26/9</p> <p>G</p> <p>game [1] 7/19 games [1] 12/2 gave [4] 4/3 19/13 20/15 22/14 get [7] 3/18 4/18 21/4 22/8 22/25 24/14 24/22 getting [1] 13/1 give [8] 11/11 15/11 16/14 19/13 20/5 20/7 22/9 25/10 given [3] 5/10 5/10 5/13 giving [4] 9/7 22/7 22/10 23/17 go [4] 11/6 12/21 20/10 22/25 GoFundMe [1] 12/13 going [12] 3/7 10/16 11/6 20/9 20/19 23/19 23/20 24/2 24/7 24/11 24/18 24/19 got [5] 8/6 13/4 18/9 20/6 22/6 governor [2] 11/1 16/10 great [1] 10/21 GREITENS [5] 1/7 2/3 3/6 16/10 26/7 group [2] 16/11 16/14 guess [2] 6/8 25/1</p> <p>H</p> <p>had [17] 3/1 3/15 3/24 4/22 9/23 14/11 14/15 17/22 18/18 20/17 21/1 21/1 21/10 22/2 22/15 22/24 26/6 hand [1] 20/9 handed [1] 12/4 handle [2] 16/21 25/10 handled [1] 23/2 happens [1] 13/3 has [23] 5/3 5/4 5/13 7/18 7/19 8/23 9/6 9/21 10/6 10/13 10/23 11/1 11/14 12/3 12/25 15/22 16/9 16/11 16/12 16/13 22/22 23/5 24/1 hasn't [2] 6/25 7/9 HATFIELD [6] 2/8 3/21 8/11 13/23 23/15 24/13 have [35] haven't [3] 5/18 12/16</p>	<p>19/22 having [2] 10/23 19/12 he [116] he's [13] 4/20 7/7 12/6 12/19 13/13 13/14 14/7 15/14 15/14 16/3 17/6 17/8 19/6 hear [2] 3/16 19/22 heard [1] 3/19 heard's [1] 19/23 hearing [2] 1/12 25/16 Hepler [1] 2/9 here [15] 3/7 3/25 4/6 4/9 4/10 6/8 8/5 8/6 9/16 9/16 9/17 12/9 22/9 22/19 24/8 here's [1] 23/18 hereby [1] 26/3 hey [1] 19/12 higher [4] 23/20 24/2 24/18 25/11 highly [4] 5/14 8/1 12/24 16/15 him [21] 5/2 5/6 6/23 8/18 8/20 11/15 12/4 14/10 14/23 15/4 15/18 17/2 17/14 17/18 17/19 18/1 18/2 20/15 21/2 21/3 24/11 hint [1] 11/18 hints [1] 20/15 his [14] 4/24 6/1 7/19 7/20 7/24 7/25 7/25 9/19 16/5 16/8 16/24 17/6 17/11 23/13 honor [22] 4/7 4/13 8/12 8/21 8/22 9/14 9/15 10/5 10/22 10/25 11/9 11/12 12/10 14/11 14/14 14/24 18/20 19/15 23/5 24/4 24/22 25/12 Honor's [1] 19/5 Honorable [1] 1/2 how [9] 14/17 17/15 17/16 17/21 17/22 20/1 20/4 20/11 23/5 however [1] 14/13 hurt [1] 16/12 hypothetical [1] 19/5 Hypothetically [1] 18/10</p> <p>I</p> <p>I'll [1] 5/15 I'm [21] 5/14 10/16 11/6 15/22 15/22 17/18 17/20 18/19 18/21 19/4 19/25 20/18 20/19 20/21 22/7 22/9 23/17 23/19 23/24 24/7 25/7 I've [2] 8/6 20/6 idea [1] 11/11 identified [2] 7/18 10/23 identity [1] 12/10 implying [1] 4/23 important [7] 9/21 9/22 9/23 9/24 16/7 23/4</p>	<p>23/6 including [2] 14/17 15/19 indicated [1] 5/3 indication [2] 11/19 16/14 individual [5] 5/14 5/18 7/18 7/19 10/22 information [10] 4/8 10/7 18/3 18/5 18/9 18/12 18/15 19/20 22/1 23/16 INSLER [1] 2/8 instructed [4] 8/18 8/20 9/14 14/23 instructing [1] 17/18 instructions [1] 5/10 intend [1] 15/18 intermediaries [1] 16/6 intermediary [5] 7/23 15/9 15/10 15/14 15/17 intermediate [1] 12/1 interview [1] 3/10 is [66] isn't [4] 13/18 13/19 22/2 22/7 issue [7] 3/22 4/2 9/13 12/9 22/11 22/13 24/17 issues [2] 4/16 14/20 it [55] it's [15] 4/4 5/13 7/8 7/11 9/21 13/21 16/15 19/9 19/17 20/20 22/13 23/12 23/13 24/2 24/23 items [1] 8/6</p> <p>J</p> <p>JAMES [1] 2/4 JENNIFER [3] 1/23 26/2 26/16 jeopardy [1] 4/14 Jim [1] 13/14 Joe [2] 19/7 19/8 JOHN [1] 2/9 judge [18] 1/2 3/8 3/20 4/19 5/13 12/3 12/8 12/22 13/12 15/5 15/18 16/17 18/7 20/3 22/11 23/20 24/9 25/14 JUDICIAL [1] 1/25 just [11] 8/12 8/21 10/9 12/8 15/5 15/19 20/1 20/19 22/5 23/7 24/18</p> <p>K</p> <p>keep [1] 19/14 kind [1] 24/24 knew [8] 5/4 5/19 6/19 6/24 7/3 7/5 10/12 16/5 know [41] known [2] 7/5 21/21 knows [7] 6/20 12/3 12/18 12/19 12/25 15/3 15/23</p> <p>L</p> <p>last [4] 8/1 8/23 10/14 22/20 later [1] 21/16</p>
---	--	--	---	---

<p>L</p> <p>lawyer [4] 19/22 19/23 19/25 23/23</p> <p>learned [1] 22/2</p> <p>least [2] 4/24 13/10</p> <p>legal [8] 7/23 13/4 20/10 20/14 20/16 21/4 21/25 22/8</p> <p>Leonard [1] 2/9</p> <p>let's [4] 4/11 4/15 4/15 25/10</p> <p>like [1] 14/13</p> <p>list [1] 22/13</p> <p>little [1] 8/13</p> <p>LLC [1] 2/9</p> <p>LLP [1] 2/5</p> <p>longer [1] 21/11</p> <p>look [1] 15/6</p> <p>lot [1] 11/21</p> <p>LOUIS [6] 1/1 1/24 2/6 2/10 2/10 26/5</p>	<p>Mrs. [1] 23/24</p> <p>Mrs. X's [1] 23/24</p> <p>multitude [1] 4/25</p> <p>MUNICH [1] 2/9</p> <p>my [7] 13/4 13/4 13/23 19/7 19/8 19/8 19/14</p>	<p>18/13 18/24 19/13 19/20 19/20 19/21</p> <p>originally [2] 18/4 19/21</p> <p>other [3] 3/16 3/21 5/1</p> <p>others [1] 16/15</p> <p>Otherwise [1] 24/7</p> <p>ought [1] 23/2</p> <p>our [1] 25/8</p> <p>out [3] 5/9 19/14 25/8</p> <p>outside [1] 15/13</p> <p>over [2] 9/1 9/2</p> <p>overall [1] 8/2</p> <p>owner [1] 10/24</p>	<p>17/12 17/18</p> <p>problems [1] 23/3</p> <p>proceedings [3] 3/1 26/6 26/10</p> <p>Professional [1] 26/2</p> <p>proper [1] 25/9</p> <p>protect [1] 19/18</p> <p>protected [2] 7/21 24/20</p> <p>provide [2] 20/18 20/19</p> <p>provided [1] 5/4</p> <p>providing [1] 20/14</p> <p>publication [2] 10/25 16/9</p> <p>purpose [18] 5/11 6/3 6/20 7/6 7/23 8/8 14/11 14/22 15/1 17/20 17/21 19/11 21/23 22/12 22/14 22/23 23/18 23/25</p> <p>push [1] 16/14</p> <p>put [5] 4/11 7/19 13/8 25/1 25/3</p>	<p>represents [1] 4/25</p> <p>reproduction [1] 26/10</p> <p>Republicans [1] 11/20</p> <p>respect [1] 24/9</p> <p>rest [1] 24/5</p> <p>restraining [1] 9/11</p> <p>Rex [1] 1/2</p> <p>right [16] 4/20 7/16 8/5 9/20 9/25 10/2 11/6 11/24 13/10 16/19 22/5 22/13 23/8 23/9 24/8 24/12</p> <p>risk [1] 8/13</p> <p>rob [2] 19/7 19/9</p> <p>robbed [2] 19/7 19/12</p> <p>robbing [1] 19/6</p> <p>RPR [2] 1/23 26/16</p>
<p>M</p> <p>make [7] 4/4 10/7 12/9 14/13 14/24 17/15 18/22</p> <p>MARTIN [4] 2/4 4/12 10/4 15/19</p> <p>matter [3] 5/1 5/1 21/25</p> <p>may [3] 4/5 21/11 22/5</p> <p>maybe [1] 3/21</p> <p>me [12] 6/19 9/14 11/11 15/11 17/23 19/5 19/6 19/7 19/8 19/8 19/13 20/1</p> <p>mean [2] 17/19 19/15</p> <p>meaning [1] 12/2</p> <p>means [2] 13/22 17/13</p> <p>media [1] 13/24</p> <p>message [2] 4/8 9/15</p> <p>Mexico [1] 20/20</p> <p>microphone [1] 3/15</p> <p>might [3] 3/16 18/11 22/4</p> <p>minutes [1] 4/3</p> <p>MISSOURI [8] 1/1 1/4 3/6 10/25 11/1 16/8 16/8 26/7</p> <p>misunderstood [1] 9/6</p> <p>MO [3] 2/6 2/10 2/10</p> <p>money [44]</p> <p>months [2] 8/1 16/10</p> <p>more [4] 5/15 10/7 11/25 18/1</p> <p>motion [5] 1/12 9/21 9/22 9/24 9/24</p> <p>motivated [1] 8/4</p> <p>moved [1] 25/2</p> <p>MR [41]</p> <p>Mr. [34]</p> <p>Mr. Al [1] 4/20</p> <p>Mr. Martin [3] 4/12 10/4 15/19</p> <p>Mr. Watkins [27]</p> <p>Mr. Watkins' [2] 4/1 23/14</p> <p>Mr. X's [1] 23/23</p>	<p>N</p> <p>name [24] 4/14 5/4 5/4 5/13 7/9 7/19 7/20 7/24 9/1 9/2 9/7 9/10 9/14 9/20 9/21 9/24 10/10 10/13 10/13 10/14 10/25 11/3 16/7 19/14</p> <p>named [1] 5/18</p> <p>names [2] 4/14 10/17</p> <p>need [3] 4/5 4/12 12/22</p> <p>needed [1] 3/16</p> <p>needs [1] 9/20</p> <p>next [1] 17/21</p> <p>no [22] 1/6 3/23 4/10 5/23 6/21 7/20 9/6 9/6 10/5 10/19 12/16 13/2 13/2 13/23 17/25 18/21 19/17 20/21 21/8 21/25 25/14 26/8</p> <p>non [4] 18/23 19/2 19/17 20/2</p> <p>non-privileged [4] 18/23 19/2 19/17 20/2</p> <p>not [40]</p> <p>not know [1] 5/24</p> <p>nothing [1] 5/15</p> <p>now [10] 4/20 6/5 9/20 9/25 10/2 10/18 14/10 18/1 22/21 24/23</p> <p>number [3] 3/5 21/19 21/24</p>	<p>P</p> <p>p.m [2] 3/2 25/4</p> <p>P.S [2] 4/25 16/15</p> <p>package [1] 5/25</p> <p>pages [1] 26/9</p> <p>paid [1] 13/1</p> <p>part [4] 4/21 11/7 12/24 22/7</p> <p>particular [2] 19/11 23/24</p> <p>particularly [1] 8/3</p> <p>parties [2] 4/2 4/5</p> <p>party [2] 17/15 23/17</p> <p>pay [3] 13/4 14/17 17/16</p> <p>payment [5] 13/16 14/4 14/6 14/12 14/16</p> <p>payments [3] 4/23 12/11 14/4</p> <p>people [2] 4/5 5/1</p> <p>person [6] 5/4 5/7 7/3 9/16 9/23 13/22</p> <p>pin [1] 24/11</p> <p>Plaintiff [2] 1/5 26/7</p> <p>play [1] 12/2</p> <p>please [1] 3/4</p> <p>point [1] 21/24</p> <p>political [3] 5/14 7/25 12/14</p> <p>portion [1] 22/2</p> <p>position [1] 16/8</p> <p>predates [2] 14/12 14/16</p> <p>prepared [1] 24/25</p> <p>present [2] 4/3 26/6</p> <p>presumably [1] 5/1</p> <p>presumed [1] 7/4</p> <p>pretty [5] 20/18 22/19 22/20 23/4 23/6</p> <p>privilege [17] 9/1 9/23 15/17 17/17 17/24 17/24 19/3 19/19 20/2 21/6 21/8 21/15 23/4 23/6 23/10 23/12 23/21</p> <p>privileged [23] 9/8 14/22 15/4 16/16 18/15 18/19 18/23 18/23 18/25 19/2 19/9 19/14 19/17 19/19 20/2 20/4 21/5 22/3 22/4 23/3 23/19 23/19 23/25</p> <p>probe [2] 16/4 17/10</p> <p>probing [1] 17/13</p> <p>problem [3] 13/23</p>	<p>Q</p> <p>question [13] 6/22 7/1 8/23 8/24 9/7 11/11 11/15 12/6 12/15 16/3 17/7 18/7 22/8</p> <p>questioning [1] 11/8</p> <p>questions [15] 8/17 8/18 8/21 10/9 11/21 12/23 13/11 15/19 16/18 16/24 17/2 18/1 24/6 24/10 24/13</p> <p>quickly [2] 24/16 25/2</p> <p>quote [1] 13/21</p> <p>quotes [1] 13/17</p>	<p>S</p> <p>said [30]</p> <p>Salter [1] 13/15</p> <p>same [3] 21/12 22/11 22/13</p> <p>say [13] 5/15 7/17 9/13 14/5 15/21 17/23 18/11 20/18 20/19 22/16 24/2 24/19 25/11</p> <p>saying [7] 5/17 6/6 6/12 7/7 9/11 12/23 18/21</p> <p>says [8] 5/24 7/6 7/8 14/6 16/24 19/6 19/12 23/23</p> <p>scenario [1] 23/22</p> <p>Scott [4] 10/24 10/24 12/3 16/7</p> <p>seated [1] 3/4</p> <p>second [10] 1/25 5/5 6/13 6/15 7/4 7/13 11/7 12/5 12/19 15/11</p> <p>see [5] 3/19 9/19 19/2 21/12 25/11</p> <p>seeing [1] 3/17</p> <p>seek [2] 15/12 25/10</p> <p>seeking [2] 7/23 17/14</p> <p>seem [1] 18/25</p> <p>seems [2] 7/6 18/21</p> <p>sent [1] 9/15</p> <p>sentence [2] 13/18 13/24</p> <p>series [1] 13/10</p> <p>session [1] 3/4</p> <p>set [2] 4/15 25/3</p> <p>setting [1] 3/14</p> <p>sharing [1] 22/1</p> <p>short [1] 8/10</p> <p>should [4] 4/2 7/20 10/7 10/8</p> <p>shouldn't [1] 15/1</p> <p>shown [1] 3/21</p> <p>side [1] 25/8</p> <p>significant [2] 4/21 10/6</p> <p>simply [1] 5/24</p> <p>since [1] 13/12</p> <p>sir [4] 9/6 9/6 17/8 24/15</p> <p>sitting [3] 10/1 19/5 19/11</p>
	<p>O</p> <p>o'clock [3] 3/25 4/4 25/10</p> <p>objected [1] 8/19</p> <p>obligation [3] 9/19 12/25 13/5</p> <p>off [2] 3/12 22/16</p> <p>offer [2] 24/13 24/25</p> <p>office [1] 6/2</p> <p>official [2] 1/24 26/4</p> <p>Okay [19] 3/18 3/24 4/11 4/17 4/19 5/16 6/7 7/2 7/11 7/16 8/14 8/25 10/16 10/21 11/2 17/1 17/12 20/8 21/18</p> <p>once [1] 10/6</p> <p>one [11] 4/10 5/5 10/19 11/25 14/4 14/5 21/19 22/12 24/7 24/18 24/23</p> <p>ones [1] 22/18</p> <p>only [4] 6/15 9/25 10/1 10/3</p> <p>open [1] 3/1</p> <p>opened [1] 6/2</p> <p>operative [1] 12/14</p> <p>opposed [1] 12/13</p> <p>oral [1] 24/6</p> <p>order [1] 21/4</p> <p>ordered [1] 8/22</p> <p>original [8] 18/4 18/9</p>		<p>R</p> <p>rather [1] 24/6</p> <p>read [1] 13/24</p> <p>reading [1] 13/24</p> <p>reason [7] 6/10 7/20 9/20 9/25 10/1 10/3 16/7</p> <p>received [3] 4/23 14/20 18/13</p> <p>record [5] 3/5 3/24 4/11 14/13 14/24</p> <p>reference [1] 6/15</p> <p>referred [1] 7/22</p> <p>referring [1] 6/14</p> <p>reframing [1] 8/13</p> <p>refuses [1] 6/21</p> <p>regarding [1] 3/25</p> <p>Registered [1] 26/2</p> <p>related [1] 5/1</p> <p>relationship [8] 14/12 14/15 15/13 15/14 18/17 18/18 21/15 21/16</p> <p>released [1] 9/20</p> <p>relevant [4] 8/2 12/11 12/15 16/15</p> <p>reported [1] 26/6</p> <p>reporter [4] 1/24 26/3 26/3 26/4</p>	<p>A31</p>

<p>S</p> <p>Skyler [6] 11/5 12/19 12/21 22/15 23/1 23/2</p> <p>Skyler's [1] 22/16</p> <p>slippery [1] 24/10</p> <p>so [28]</p> <p>solely [1] 22/23</p> <p>soliciting [1] 21/25</p> <p>some [12] 7/21 11/18 13/4 13/7 16/13 20/18 20/20 21/3 22/25 23/17 24/13 24/22</p> <p>somebody [5] 13/3 14/3 14/3 18/20 22/2</p> <p>someone [3] 6/19 14/17 23/23</p> <p>something [1] 3/25</p> <p>soon [1] 24/23</p> <p>sorry [1] 17/20</p> <p>sort [1] 7/21</p> <p>sought [3] 14/16 14/18 22/4</p> <p>source [39]</p> <p>sources [2] 11/25 12/1</p> <p>specifically [1] 12/6</p> <p>ST [6] 1/1 1/24 2/6 2/10 2/10 26/5</p> <p>stage [1] 12/15</p> <p>stairs [1] 5/22</p> <p>start [1] 8/10</p> <p>started [1] 14/5</p> <p>STATE [4] 1/1 1/4 3/6 26/7</p> <p>step [1] 10/19</p> <p>steps [6] 3/9 4/22 5/23 13/13 14/5 21/21</p> <p>stick [1] 6/8</p> <p>still [4] 7/11 12/8 22/1 23/6</p> <p>Stinson [1] 2/9</p> <p>story [1] 21/19</p> <p>Street [1] 2/9</p> <p>such [1] 23/25</p> <p>Suite [1] 2/10</p> <p>supplied [1] 7/9</p> <p>supposed [1] 6/4</p> <p>sure [5] 12/9 15/22 15/22 19/10 20/18</p> <p>suspect [1] 12/24</p> <p>synced [1] 3/10</p> <p>system [1] 3/15</p>	<p>than [5] 11/18 11/25 21/11 21/20 24/6</p> <p>Thank [4] 3/3 8/12 25/12 25/14</p> <p>that [159]</p> <p>that's [25] 5/20 8/19 9/10 10/1 12/19 13/9 14/7 14/14 14/22 14/23 16/2 16/21 17/6 17/17 17/18 17/24 18/2 18/14 19/14 20/9 22/8 23/2 23/18 24/19 25/9</p> <p>their [2] 9/17 16/12</p> <p>them [1] 9/8</p> <p>then [13] 4/14 4/18 5/5 7/4 14/20 16/15 17/17 19/18 20/13 21/16 21/21 23/2 23/9</p> <p>there [15] 3/14 3/19 4/1 7/20 10/5 10/7 11/18 11/19 11/25 13/16 18/19 21/9 21/14 22/6 22/16</p> <p>There's [1] 11/21</p> <p>therefore [1] 15/15</p> <p>these [5] 10/19 15/21 17/17 23/3 24/6</p> <p>they [19] 4/23 12/20 12/21 14/5 14/10 16/17 17/19 18/1 18/2 20/14 21/1 21/1 22/5 22/13 22/15 22/25 23/1 23/1 25/2</p> <p>they'll [1] 16/22</p> <p>they're [1] 20/16</p> <p>things [1] 21/3</p> <p>think [17] 6/19 7/17 9/18 12/14 13/22 14/2 18/19 19/4 19/16 19/24 21/24 22/18 22/18 23/15 23/22 23/22 25/9</p> <p>thinks [1] 14/14</p> <p>third [3] 17/15 22/12 23/17</p> <p>third-party [1] 17/15</p> <p>this [36]</p> <p>those [12] 4/4 4/5 8/9 10/7 10/9 10/17 12/13 13/9 14/20 16/18 22/18 24/19</p> <p>thought [1] 4/24</p> <p>thought [1] 3/14</p> <p>three [5] 8/6 8/21 10/9 11/13 17/9</p> <p>time [8] 3/11 7/15 10/20 13/3 13/14 24/7 24/13 24/22</p> <p>times [5] 11/1 11/1 11/13 16/9 17/9</p> <p>today [9] 3/25 6/18 7/3 7/7 8/17 11/8 13/20 25/5 25/13</p> <p>told [8] 6/19 9/8 15/16 17/14 19/7 19/8 21/3 23/9</p> <p>tomorrow [3] 25/2 25/4 25/10</p> <p>took [2] 20/24 20/25</p> <p>track [1] 7/2</p>	<p>transcript [2] 1/12 12/10</p> <p>trashing [2] 11/1 16/9</p> <p>true [1] 26/10</p> <p>try [2] 9/14 19/18</p> <p>trying [2] 5/6 5/15</p> <p>Tuesday [1] 25/5</p> <p>turn [1] 20/2</p> <p>turning [1] 19/19</p> <p>turns [1] 19/2</p> <p>TWENTY [1] 1/25</p> <p>TWENTY-SECOND [1] 1/25</p> <p>two [4] 4/23 8/1 14/4 21/24</p>	<p>U</p> <p>ultimate [6] 11/14 11/17 11/22 11/24 11/25 14/8</p> <p>unclear [1] 7/11</p> <p>understand [2] 12/25 24/21</p> <p>unknown [5] 6/9 6/9 7/6 7/6 13/7</p> <p>unnamed [2] 5/24 7/9</p> <p>until [4] 4/3 5/15 6/1 25/10</p> <p>up [7] 3/10 3/14 3/21 4/1 6/2 16/23 22/12</p> <p>upset [1] 16/12</p> <p>us [1] 24/4</p> <p>use [2] 17/16 22/6</p> <p>used [1] 6/4</p>	<p>V</p> <p>veracity [1] 17/11</p> <p>versus [1] 3/6</p> <p>very [3] 12/14 16/12 25/2</p> <p>victim [1] 7/22</p> <p>video [2] 6/16 7/22</p> <p>videotape [1] 3/8</p>	<p>W</p> <p>waive [1] 23/10</p> <p>waived [1] 22/5</p> <p>want [17] 10/18 10/19 12/8 12/20 13/4 14/10 17/16 18/1 18/2 20/5 20/5 20/9 20/10 20/17 20/19 22/13 22/15</p> <p>wanted [1] 8/9</p> <p>wants [2] 20/6 22/6</p> <p>was [71]</p> <p>wasn't [1] 12/2</p> <p>WATKINS [31]</p> <p>Watkins' [2] 4/1 23/14</p> <p>way [6] 7/21 13/12 13/17 16/21 23/2 25/9</p> <p>we [52]</p> <p>we'd [1] 14/13</p> <p>we'll [7] 3/18 4/18 21/11 24/12 24/16 25/8 25/11</p> <p>we're [9] 3/5 8/10 12/8 13/12 17/17 22/18 22/20 22/21 24/7</p> <p>we've [4] 12/15 14/23</p>	<p>16/20 17/20</p> <p>weeks [1] 3/10</p> <p>well [10] 5/9 15/23 17/4 17/6 18/8 18/12 19/15 20/3 21/19 25/1</p> <p>went [3] 4/21 6/1 23/5</p> <p>were [12] 3/1 3/11 3/14 3/16 4/24 7/15 9/10 12/9 15/21 21/9 22/15 22/17</p> <p>what [53]</p> <p>what's [3] 11/2 11/2 16/4</p> <p>whatever [7] 3/13 14/24 17/16 18/9 18/12 21/1 21/4</p> <p>when [10] 3/9 3/11 3/18 5/25 7/5 11/21 15/24 16/24 21/6 21/22</p> <p>where [12] 8/9 8/19 12/7 14/4 15/20 17/18 17/24 21/2 21/3 21/10 21/14 23/22</p> <p>wherever [1] 20/10</p> <p>whether [10] 4/2 7/12 7/14 9/13 9/16 9/22 11/20 16/5 20/10 22/24</p> <p>which [7] 3/11 7/12 10/13 14/4 15/20 19/21 22/5</p> <p>who [18] 3/13 4/25 6/2 7/19 8/6 8/21 9/4 9/5 9/7 11/19 11/22 15/2 15/6 17/25 19/22 20/6 21/22 22/22</p> <p>who's [1] 10/1</p> <p>whose [2] 6/3 12/25</p> <p>why [4] 7/20 10/7 10/8 14/23</p> <p>will [6] 3/3 7/17 9/23 22/11 24/23 25/15</p> <p>without [1] 4/14</p> <p>witness [3] 2/7 22/22 24/1</p> <p>witnesses [2] 8/3 8/4</p> <p>word [3] 13/16 13/22 17/16</p> <p>working [1] 3/15</p> <p>world [1] 4/22</p> <p>would [13] 7/4 17/13 18/3 18/8 18/13 19/18 20/11 20/21 21/20 21/21 23/8 24/4 24/21</p> <p>writ [3] 24/14 24/16 24/22</p> <p>write [1] 11/10</p> <p>writes [2] 25/3 25/11</p> <p>written [3] 24/5 24/10 24/12</p> <p>wrote [1] 11/13</p>	<p>X</p> <p>X's [3] 22/7 23/23 23/24</p>	<p>Y</p> <p>yeah [3] 18/10 20/12 25/5</p> <p>yes [6] 9/2 9/12 11/9</p>	<p>17/8 17/22 24/15</p> <p>yet [1] 7/1</p> <p>you [53]</p> <p>you're [6] 5/16 5/17 17/2 18/14 18/22 23/19</p> <p>your [27]</p> <p>yourself [1] 9/11</p>
A32									

IN THE SUPREME COURT OF THE STATE OF MISSOURI

STATE *ex rel.* ALBERT WATKINS)
)
Relator,)
)
v.)
)
HONORABLE REX BURLISON,) Case No.
)
Respondent.)

PETITION FOR WRIT OF PROHIBITION

Relator Albert Watkins petitions this Court for a writ prohibiting the Honorable Rex Burlison (“Respondent”) from compelling Watkins’ to testify at his continued deposition set for May 1, 2018, at 1:00 p.m about conversations Watkins had with his client, Scott Faughn. This morning, Watkins' Petition for a Writ of Prohibition was denied by the Missouri Court of Appeals. This Court’s intervention is required to protect and defend the attorney-client privilege, and to prevent Watkins from being interrogated about confidential, privileged client conversations with his client.

The Missouri Supreme Court “has spoken clearly of the sanctity of the attorney-client privilege.” *State ex rel. Peabody Coal Co. v. Clark*, 863 S.W.2d 604, 607 (Mo. banc 1993). Watkins—and the courts—have an ethical responsibility to protect clients, who—like all who seek the assistance of attorneys—have a right to expect the privilege that comes from communications with attorneys. As discussed below and in Watkins’ Suggestions accompanying this Petition, the relevant discussions between Watkins and Faughn occurred within the sacred boundaries of an attorney-client relationship.

For these reasons, the Court should issue its preliminary order prohibiting any requirement that Watkins disclose attorney-client communications between himself and Faughn during the deposition scheduled to resume on Tuesday, May 1 at 1:00 pm.

FACTUAL AND PROCEDURAL BACKGROUND

1. The charges against Greitens arise from his alleged photographing of a woman referred to as K.S. Watkins serves as the attorney for P.S., the ex-husband of K.S. The charges were filed in late February, 2018.

2. In early January, 2018, over a month prior to the Greitens indictment, Watkins met with Faughn. Specifically, Watkins and Faughn engaged in conversations that established an attorney client relationship. Faughn sought Watkins' legal advice on matters, including legal issues relating to the payment of legal fees by third parties – *i.e.*, one individual paying the legal fees of another. During those conversations, Watkins provided Faughn with legal advice. (A-1, Affidavit of Albert Watkins).

3. Several days later, Watkins received two payments, each in the amount of fifty-thousand dollars (\$50,000.00). The first payment was delivered to Watkins by Faughn. The second payment arrived the next day, and was delivered by a person Watkins believed to be a courier. (A-1). Watkins testified to these facts in the first part of the deposition.

4. During Watkins' conversations with Faughn, they discussed the purpose of the payments and why the money was being delivered, in connection with the advice Watkins provided to Faughn. (A-1). Watkins' understanding is the payments were

delivered to him in connection with his representation of P.S., which he has stated publicly.

5. Watkins has publicly stated the funds were available for P.S.'s attorneys' fees. Over a month after these funds were provided, Greitens was indicted.

6. Pursuant to a subpoena issued by Greitens, Watkins appeared at a deposition on April 30, 2018, after Respondent denied Watkins' Motion to Quash and Watkins' requests for relief in the appellate courts were denied.

7. Watkins testified regarding the issues set forth above, including that Faughn made the first payment. Watkins also testified he does not know whose money was delivered. Watkins refused to answer questions about information conveyed to him by his client, Faughn.

8. Now, Respondent has ordered Watkins to testify regarding details of the conversations he had with his client, Faughn. Watkins' continued deposition is scheduled for 1:00 pm on Tuesday, May 1. (A-3, Hearing Transcript).

9. This morning, the Missouri Court of Appeals denied Watkins' Petition for a Writ of Prohibition. (ED106658).

THE RELIEF SOUGHT

10. Watkins seeks a Writ of Prohibition prohibiting Respondent from compelling Watkins' to disclose conversations Watkins had with his client, Faughn, during Watkins' continued deposition set for May 1, 2018, at 1:00 p.m, along with any other relief the Court deems appropriate.

WHY THE WRIT SHOULD ISSUE

11. A writ of prohibition is an appropriate remedy when a subpoena has issued in a circuit court proceeding requesting material that is protected from discovery. *State ex rel. Boone Ret. Ctr., Inc. v. Hamilton*, 946 S.W.2d 740, 741 (Mo. banc 1997). “This is because the damage to the party against whom discovery is sought is both severe and irreparable if the privileged material is produced and this damage cannot be repaired on appeal.” *Id.* (internal quotes omitted).

12. “Prohibition has long been available to prevent a trial court from abusing its discretion by ordering discovery of privileged matters or of work product.” *St. Louis Little Rock Hosp., Inc. v. Gaertner*, 682 S.W.2d 146, 148 (Mo. App. E.D. 1984) (citing *State ex rel. Gonzenbach v. Eberwein*, 655 S.W.2d 794, 795 (Mo. App. E.D. 1983)).

13. If not prohibited, the proceedings below will violate fundamental policies protecting attorney-client communication.

14. An attorney-client relationship is established when a prospective client seeks and receives legal advice and assistance from an attorney who intends to provide legal advice and assistance to the prospective client. *Polish Roman Catholic St. Stanislaus Par. v. Hettenbach*, 303 S.W.3d 591, 601 (Mo. Ct. App. 2010). In determining whether the legal advice and assistance of an attorney is sought and received, courts look to the substantive nature of the contacts within the relationship, “regardless of what formal or procedural incidents have occurred.” *Id.* (quoting *McFadden v. State*, 256 S.W.3d 103, 107 (Mo. banc 2008)).

15. The attorney-client privilege is to be construed broadly to encourage its fundamental policy of encouraging uninhibited communication between the client and his attorney.” *Id.* The attorney-client privilege “protects the client from a disclosure of *any information which has been derived from the client by the attorney, by reason of his employment, whether by words, acts, or deeds.*” *Weinshenk v. Sullivan*, 100 S.W.2d 66, 70 (Mo. App. 1937).

16. Watkins’ conversations with Faughn occurred in the context of an attorney-client relationship. Faughn met with Watkins in early January, 2018, prior to delivering the first payment to Watkins. At that time, they engaged in conversations that established an attorney-client relationship. Faughn sought Watkins’ legal advice on matters, including legal issues relating to the payment of legal fees by third parties – *i.e.*, one individual paying the legal fees of another. During those conversations, Watkins provided Faughn with legal advice. (*See* A-1, Watkins Affidavit).

17. Requiring Watkins to testify regarding details of the conversations he had with Faughn will force Watkins to violate bedrock principles of attorney-client communication and professional responsibility.

18. Moreover, Greitens has no substantial need for this privileged testimony as the information sought can be obtained from other sources, without the need to compel Watkins to violate the attorney-client privilege. Specifically, Greitens may attempt to obtain information from Faughn, who may have information that was not given for the purpose of receiving legal advice. Faughn might also simply choose to waive the

privilege and discuss his full conversations with Watkins. It is Faughn's decision whether to waive privilege, not Watkins and not the Courts.

WHEREFORE, Relator Albert Watkins pray that this Court issue a preliminary order prohibiting any required disclosure by Watkins of conversations between Watkins and his client during the continued deposition scheduled for Tuesday, May 1 at 1:00 pm along with any additional relief the Court deems appropriate under the circumstances.

Respectfully submitted,

STINSON LEONARD STREET LLP

/s/ Charles W. Hatfield

Charles W. Hatfield, Mo. Bar No. 40363
230 West McCarty Street
Jefferson City, MO 65101
Tel.: (573) 636-6263
Fax: (573) 636-6231
chuck.hatfield@stinson.com

John R. Munich, Mo. Bar No. 29799
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
john.munich@stinson.com

Attorneys for Relator Albert Watkins

deliveries, Faughn had met with Watkins, and they engaged in conversations establishing an attorney-client relationship. Specifically, Faughn sought legal advice on matters including the payment of legal fees by a third-party, and Watkins provided legal advice to Faughn. During their conversations, and in connection with the advice provided by Watkins, they discussed the purpose of the payments and why the money was being delivered.

Unsatisfied with knowing who delivered the payments, Greitens now intends to fish even deeper. Shortly after Watkins' deposition started, Watkins refused to reveal any conversations he had with Faughn. Respondent allowed a break in the deposition, but ordered it continue on Tuesday, May 1 at 1:00 pm. Specifically, Respondent ordered Watkins to answer questions regarding his conversations with Faughn, *i.e.*, what Faughn told Watkins about where the money came from, who provided it, and other details about the payments—an exercise that necessarily invades the attorney-client privilege. However, the privilege is not Mr. Watkins' to waive. If Greitens wishes to know about communications with Faughn, he should attempt to obtain that information from Faughn, who could choose to waive the privilege should he wish to answer Greitens' questions.

The Missouri Supreme Court “has spoken clearly of the sanctity of the attorney-client privilege.” *State ex rel. Peabody Coal Co. v. Clark*, 863 S.W.2d 604, 607 (Mo. banc 1993). Watkins has a duty to his client and professional responsibility not to disclose attorney-client communications. Watkins—and the courts—have an ethical responsibility to protect clients, who—like all who seek the assistance of attorneys—have a right to expect the privilege that comes from communications with attorneys. Because

Faughn and Watkins established an attorney-client relationship, their conversations are privileged and further details should not be disclosed—certainly not here, simply to enable Greitens’ crusade for sensational, irrelevant testimony that might benefit him in the media or political arena.

Greitens has strayed far from the relevant issues in his criminal trial. Greitens has argued that this line of inquiry is relevant to the credibility of P.S., who was endorsed by the State solely for the purpose of authenticating audiotapes P.S. made of the alleged victim discussing the relevant interactions with Greitens.

However, it has been established P.S. did not pay for his legal representation. Greitens learned this through a deposition of P.S. Now Watkins has identified who delivered the money used to pay P.S.’ legal fees, and testified he does not know whose money was delivered. It is also clear the legal fees were paid more than a month before Greitens was indicted, during a time when P.S. was engaged in public discussions about the alleged activity. Nothing relevant or material to this proceeding will be gained from revealing conversations between Mr. Watkins and his client, although plenty will be lost if the sanctity of the privilege is thrown aside and discarded so readily. The relevant discussions occurred within the sacred boundaries of an attorney-client relationship, and thus are entitled to protection.

For these reasons, the Court should issue its preliminary order prohibiting Respondent from requiring Watkins to disclose conversations with his client.

FACTUAL/PROCEDURAL SUMMARY

1. The charges against Greitens arise from his alleged photographing of a woman referred to as K.S. Watkins serves as the attorney for P.S., the ex-husband of K.S. The charges were filed in late February, 2018.

2. In early January, 2018, over a month prior to the Greitens indictment, Watkins met with Faughn. Specifically, Watkins and Faughn engaged in conversations that established an attorney client relationship. Faughn sought Watkins' legal advice on matters, including legal issues relating to the payment of legal fees by third parties – *i.e.*, one individual paying the legal fees of another. During those conversations, Watkins provided Faughn with legal advice. (A-1, Affidavit of Albert Watkins).

3. Several days later, Watkins received two payments, each in the amount of fifty-thousand dollars (\$50,000.00). The first payment was delivered to Watkins by Faughn. The second payment arrived the next day, and was delivered by a person Watkins believed to be a courier. (A-1). Watkins testified to these facts in the first part of the deposition.

4. During Watkins' conversations with Faughn, they discussed the purpose of the payments and why the money was being delivered, in connection with the advice Watkins provided to Faughn. (A-1). Watkins' understanding is the payments were delivered to him in connection with his representation of P.S., which he has stated publicly.

5. Watkins has publicly stated the funds were available for P.S.'s attorneys' fees. Over a month after these funds were provided, Greitens was indicted.

6. Pursuant to a subpoena issued by Greitens, Watkins appeared at a deposition on April 30, 2018, after Respondent denied Watkins' Motion to Quash and Watkins' requests for relief in the appellate courts were denied.

7. Watkins testified regarding the issues set forth above, including that Faughn made the first payment. Watkins also testified he does not know whose money was delivered. Watkins refused to answer questions about information conveyed to him by his client, Faughn.

8. Now, Respondent has ordered Watkins to testify regarding details of the conversations he had with his client, Faughn. Watkins' continued deposition is scheduled for 1:00 pm on Tuesday, May 1. (A-3, Hearing Transcript).

9. This morning, the Missouri Court of Appeals denied Watkins' Petition for a Writ of Prohibition. (ED106658).

WHY THE WRIT SHOULD ISSUE

I. Standard of Review

A writ of prohibition is an appropriate remedy when a subpoena has issued in a circuit court proceeding requesting material that is protected from discovery. *State ex rel. Boone Ret. Ctr., Inc. v. Hamilton*, 946 S.W.2d 740, 741 (Mo. banc 1997). "This is because the damage to the party against whom discovery is sought is both severe and irreparable if the privileged material is produced and this damage cannot be repaired on appeal." *Id.* (internal quotes omitted). More specifically, "[p]rohibition has long been available to prevent a trial court from abusing its discretion by ordering discovery of privileged matters or of work product." *St. Louis Little Rock Hosp., Inc. v. Gaertner*, 682

S.W.2d 146, 148 (Mo. App. E.D. 1984) (citing *State ex rel. Gonzenbach v. Eberwein*, 655 S.W.2d 794, 795 (Mo. App. E.D. 1983)). The role of the reviewing court is limited to ensuring the trial court is not acting arbitrarily or unjustly. *State ex rel. Metropolitan Transportation Services, Inc. v. Meyers*, 800 S.W.2d 474, 476 (Mo.App.1990).

II. The Continuing Deposition should be Prohibited Because Greitens seeks to Discover Privileged Attorney-Client Communications.

If not prohibited, the upcoming deposition will violate fundamental policies protecting attorney-client communication. The Missouri Supreme Court “has spoken clearly of the sanctity of the attorney-client privilege.” *State ex rel. Behrendt v. Neill*, 337 S.W.3d 727, 729 (Mo. Ct. App. 2011) (quoting *State ex rel. Peabody Coal Co. v. Clark*, 863 S.W.2d 604, 607 (Mo. banc 1993)). The relevant policy concerns are straightforward and well-established:

The relationship and the continued existence of the giving of legal advice by persons accurately and effectively trained in the law is of greater societal value ... than the admissibility of a given piece of evidence in a particular lawsuit. Contrary to the implied assertions of the evidence authorities, the heavens will not fall if all relevant and competent evidence cannot be admitted.

Id. (quoting *State ex rel. Great American Ins. Co. v. Smith*, 574 S.W.2d 379, 383 (Mo. banc 1978)). Confidentiality is essential if attorney-client relationships are to be fostered and effective. *Great American*, 574 S.W.2d at 383–84.

The scope of the privilege is broad. It attaches to (1) information transmitted by voluntary act of disclosure; (2) between a client and his lawyer; (3) in confidence; and (4) by a means which, so far as a client is aware, discloses the information to no third parties other than those reasonably necessary for the transmission of the information or for the

accomplishment of the purpose for which it is to be transmitted. *State v. Longo*, 789 S.W.2d 812, 815 (Mo. Ct. App. 1990).

“The attorney-client privilege is to be construed broadly to encourage its fundamental policy of encouraging uninhibited communication between the client and his attorney.” *Longo*, 789 S.W.2d at 815. The attorney-client privilege “protects the client from a disclosure of *any information which has been derived from the client by the attorney, by reason of his employment, whether by words, acts, or deeds.*” *Weinshenk v. Sullivan*, 100 S.W.2d 66, 70 (Mo. App. 1937).

An attorney-client relationship is established when a prospective client seeks and receives legal advice and assistance from an attorney who intends to provide legal advice and assistance to the prospective client. *Polish Roman Catholic St. Stanislaus Par. v. Hettenbach*, 303 S.W.3d 591, 601 (Mo. Ct. App. 2010). In determining whether the legal advice and assistance of an attorney is sought and received, courts look to the substantive nature of the contacts within the relationship, “regardless of what formal or procedural incidents have occurred.” *Id.* (quoting *McFadden v. State*, 256 S.W.3d 103, 107 (Mo. banc 2008)). Payment for legal services is not a prerequisite to the formation of an attorney-client relationship. *U.S. v. Bailey*, 327 F.3d 1131, 1139 (10th Cir.2003) (“For there to have been an attorney-client relationship, the parties need not have executed a formal contract. Nor is the existence of a relationship dependent upon the payment of fees.”).

Here, Watkins’ conversations with Faughn occurred in the context of an attorney-client relationship. Faughn met with Watkins in early January, 2018, prior to delivering

the first payment to Watkins. At that time, they engaged in conversations that established an attorney client relationship. Faughn sought Watkins' legal advice on matters, including legal issues relating to the payment of legal fees by third parties. During those conversations, Watkins provided Faughn with legal advice. (See A-1, Watkins Affidavit). The parties established an attorney-client relationship, and the sought-after communications are privileged.

During the hearing that followed today's deposition, Respondent Burlison suggested the conversations between Faughn and Watkins are not privileged because they presumably involve discussions between Faughn and another individual. According to Respondent, "it's a non-privileged communication that your client would then try to protect it by turning it into privileged." (A-3, Hearing Transcript at 18-19). But this reasoning is flawed. According to the Missouri Supreme Court:

When a client goes to an attorney...subsequent communications by the attorney to the client should be privileged. **Some of the advice given by the attorney may be based on information obtained from sources other than the client.** Some of what the attorney says will not actually be advice as to a course of conduct to be followed. Part may be analysis of what is known to date of the situation. Part may be a discussion of additional avenues to be pursued. Part may be keeping the client advised of things done or opinions formed to date. All of these communications, not just the advice, are essential elements of attorney-client consultation. All should be protected.

State ex rel. Great Am. Ins. Co. v. Smith, 574 S.W.2d 379, 384–85 (Mo. 1978). It does not matter whether Faughn was relaying information based on his personal knowledge, or information provided to him by someone else—Faughn was communicating with his attorney, and their conversations are entitled to protection.

CONCLUSION

Greitens can pursue the sought-after information sought through other channels, without forcing Watkins and the courts to abandon the attorney-client privilege. Respondent's directive to continue Watkins' deposition forces Watkins to violate bedrock principles of attorney-client communication and professional responsibility, all to enable Greitens' pursuit of irrelevant testimony.

The Greitens defense is entitled to pursue and present information relevant to their theories, but this court must intervene to protect the sanctity of attorney-client privilege from an inquiry that has strayed far from the issues at trial. Pursuing the details of what was said between an attorney and his client, who was delivering funds for the payment of attorneys' fees for a witness who was endorsed solely to authenticate tapes, is more than a fishing expedition—it stretches out of the pond, and into the desert. Even if the information sought were relevant, its confidentiality is held inviolate by the long-standing principle of attorney-client privilege. For the reasons discussed above, the Court should issue its preliminary order prohibiting any requirement that Watkins disclose attorney-client communications between himself and Faughn during the deposition scheduled to resume on Tuesday, May 1 at 1:00 pm.

Respectfully submitted,

STINSON LEONARD STREET LLP

/s/ Charles W. Hatfield

Charles W. Hatfield, Mo. Bar No. 40363

230 West McCarty Street

Jefferson City, MO 65101

Tel.: (573) 636-6263

Fax: (573) 636-6231
chuck.hatfield@stinson.com

John R. Munich, Mo. Bar No. 29799
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
john.munich@stinson.com

Attorneys for Relator Albert Watkins

IN THE SUPREME COURT OF THE STATE OF MISSOURI

STATE OF MISSOURI ex rel.

Albert Watkins

Relator,

vs.

No. _____

The Honorable Rex Burlison

Respondent.

WRIT SUMMARY

Identity of parties and their attorneys in the underlying action, if any:

Relator was represented by Charles W. Hatfield and John R. Munich of Stinson Leonard Street, LLP.

Nature of underlying action, if any:

The underlying action is State of Missouri v. Eric Greitens, Cause No. 1822-CR00642. The State of Missouri charged Defendant Greitens with violation of Section 565.252, RSMO, for invasion of privacy in the first degree. Relator is counsel for the husband of the victim in the underlying action.

Action of Respondent being challenged, including date thereof:

Respondent's Order (made orally at a hearing on April 30, 2018) compelling Relator to disclose the contents of certain attorney-client communications at his continued deposition scheduled to resume on May 1, 2018 at 1:00 p.m.

Relief sought by Relator or Petitioner:

Relator seeks a preliminary order from the Court prohibiting any requirement that Relator disclose attorney-client communications between himself and his client Scott Faughn during the deposition scheduled to resume on Tuesday, May 1 at 1:00 pm.

Date case set for trial, if set, and date of any other event bearing upon relief sought (e.g., date of deposition or motion hearing):

Relator's continued deposition is set for May 1, 2018, at 1:00 p.m. Trial in the matter is set to begin May 14, 2018.

Date, court and disposition of any previous or pending writ proceeding concerning the action or related matter:

Related Writ filed April 27, 2018 in the Missouri Court of Appeals, Eastern District, No. ED106651; denied by the Court of Appeals on April 30, 2018.

Related Writ filed April 30, 2018 in the Missouri Supreme Court, No. SC07115; denied by the Supreme Court on April 30, 2018.

Related Writ filed April 30, 2018 in the Missouri Court of Appeals, Eastern District, No. ED106658; denied by Court of Appeals on May 1, 2018.