

Cause No. DC-15-12517

STATE OF TEXAS,

ex rel.

CINDY STORMER

vs.

**SUSAN HAWK, CRIMINAL DISTRICT
ATTORNEY OF DALLAS COUNTY,
TEXAS**

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IN THE DISTRICT COURT

OF DALLAS COUNTY, TEXAS

101st JUDICIAL DISTRICT

**SECOND AMENDED PETITION FOR REMOVAL, AND
MOTION TO SUSPEND THE DEFENDANT FROM OFFICE AND
APPOINT A TEMPORARY REPLACEMENT PENDING TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Acting pursuant to statute and on the relation of **CINDY STORMER**, and also acting at the behest of the Commissioners Court of Dallas County, Texas, the **STATE OF TEXAS**, hereby makes and files this **Second Amended Petition For Removal** seeking to remove **SUSAN HAWK, CRIMINAL DISTRICT ATTORNEY FOR DALLAS COUNTY, TEXAS – Defendant**, from her public office. The **STATE** also respectfully files and submits its related **Motion To Suspend The Defendant From Office And Appoint A Temporary Replacement Pending Trial**.

**I.
NATURE OF THE PENDING ACTION**

By means of this civil ouster or removal action, the **STATE** seeks to have the Defendant temporarily suspended from the office of Criminal District Attorney for Dallas County, Texas, pending trial, and then permanently removed from this office because of her incompetency and

official misconduct.

This action is founded wholly upon Chapter 87 of the Texas Local Government Code. Tex. R. Civ. P. 53. This governing statute provides for the ouster or removal of a district attorney from office who is found by a jury to be incompetent, or who is found by a jury to have engaged in official misconduct. Tex. Loc. Gov't Code §§87.013(a) & 87.015(a).

This action is necessary to guard the public welfare and to protect the interests of the people of Texas.

II. PARTIES

This action was instigated by **CINDY STORMER**, the Relator. She is a resident of Texas who has lived in Dallas County for at least six months. She is not currently under any indictment. The Relator filed the initial verified Original Petition and the current First Amended Verified Original Petition seeking the Defendant's removal from office pursuant to Tex. Loc. Gov't Code §87.015. The Relator contends that **SUSAN HAWK, CRIMINAL DISTRICT ATTORNEY OF DALLAS COUNTY, TEXAS – Defendant**, should be temporarily suspended and then permanently removed from her public office by jury trial because of her incompetency and/or official misconduct.

Acting on the relation of **CINDY STORMER**, the **STATE OF TEXAS** has filed its **NOTICE OF APPEARANCE** in this cause, thereby assuming control of this lawsuit on behalf of the public. Tex. Loc. Gov't Code §§87.018(b) & (f).

On December 23, 2015, the Presiding Judge assigned to hear this matter signed and entered an **Agreed Order Granting Motion To Recognize And Re-Align Parties**. That Order identified

and recognized the real parties in interest in this cause: the STATE is the party seeking affirmative relief, and SUSAN HAWK, CRIMINAL DISTRICT ATTORNEY FOR DALLAS COUNTY, TEXAS, is the Defendant. Although CINDY STORMER remains named in these proceedings as the Relator, she is a party for the limited purposes set out in the removal statute.

Both the Relator and the STATE have filed and submitted applications to the Presiding Judge requesting the issuance and service of Citation upon the Defendant – as permitted by Tex. Loc. Gov't Code §87.016. The STATE respectfully renews its application to the Presiding Judge that Citation be promptly issued and served on the Defendant, together with a certified copy of this Second Amended Petition For Removal, by and through her designated counsel of record: Mr. Daniel K. Hagood - State Bar No. 08698300; FITZPATRICK, HAGOOD, SMITH & UHL, L.L.P.; Chateau Plaza – Suite 1400; 2515 McKinney Avenue; Dallas, Dallas County, Texas 75201; (214) 504-1133 / (214) 237-0901 (fax); dhagood@fhsulalaw.com. Tex. Loc. Gov't Code §§87.016(a) & (d).

III. **DISCOVERY**

Discovery in this case is to be conducted under Level 3 of the Texas Rules of Civil Procedure.

IV. **REQUESTS FOR DISCLOSURE**

Pursuant to Tex. R. Civ. P. 194, the Defendant is requested to disclose to the STATE, within 30 days of the service of this request, the information or material described in Tex. R. Civ. P. 194.2.

V.
JURY DEMAND

The STATE hereby asserts its demand for a jury trial in this cause. Tex. Loc. Gov't Code §87.018; and Tex. R. Civ. P. 216.

VI.
LEGAL GROUNDS FOR REMOVAL

Texas law provides that a district attorney may be removed from office upon petition and trial if after trial a jury determines that at least one of the statutory grounds for removal alleged in the removal petition are true. Tex. Loc. Gov't Code §87.018(c).

According to Tex. Loc. Gov't Code §87.013(a), a public officer (such as a district attorney) may be removed upon proof of **incompetency or official misconduct**.

“(2) ‘**Incompetency**’ means: (A) gross ignorance of official duties; (B) gross carelessness in the discharge of those duties; or (C) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer’s election.

(3) ‘**Official misconduct**’ means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.”

Tex. Loc. Gov't Code §87.022(2) & (3) (emphasis added)

The STATE contends that the Defendant should be removed from her office as Criminal District Attorney for Dallas County, Texas, because of her incompetency, and also because of her official misconduct – as detailed and described below and in the attached Affidavits. Tex. Loc. Gov't Code §87.015(c).

VII.
THE FACTS JUSTIFYING
THE DEFENDANT'S REMOVAL FROM OFFICE

The Defendant was duly elected in November of 2014, and then assumed her official duties as the Criminal District Attorney of Dallas County, Texas on January 1, 2015. The official duties of this vital public office are prescribed by the law of the State of Texas:

“DUTIES OF DISTRICT ATTORNEYS. Each district attorney shall represent the State in all criminal cases in the district courts of his district and in appeals therefrom... It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused.”

Tex. Code Crim. Pro. Art. 2.01.

The Office of the Criminal District Attorney of Dallas County, Texas, serves a county with a population of approximately 2,500,000. Its declared mission is stated as follows:

“The Dallas County District Attorney’s Office mission is to see that justice is done by protecting the innocent in our county without respect to race, gender, religion, sexual orientation, or socio-economic status. Our office will maintain the highest level of honesty, integrity, and transparency. We will always be accountable to our community. As public servants, we are committed to diversity, hard work, and re-imagining the traditional role a prosecutor should play in a community. While we will vigorously prosecute violent and habitual offenders, we are also committed to crime prevention by implementing innovative programs to break the cycle of crime for youthful offenders, first-time offenders, mentally-ill offenders, and drug addicted offenders.”¹

In order to accomplish its declared mission and to fulfill the official duties assigned by law,

¹ Dallas County District Attorney Susan Hawk - https://www.dallascounty.org/department/da/da_index.php - accessed January 3, 2015.

this Office employs more than 450 attorneys, investigators and technical staff, and is funded by an annual operating budget of approximately \$50,000,000.00. Each year, this Office handles and prosecutes thousands of felony and misdemeanor crimes in Dallas County. This Office works to enforce the law, administer justice, guard the public welfare and to protect the interests of the people of Dallas County and of the State of Texas. Thus, it is essential that the person elected to run this Office should be someone of high integrity, competence and experience who is thoroughly committed to efficient and effective management, and to the just enforcement of the law. Unfortunately, the Defendant's conduct while attempting to serve the public in this high office has been thoroughly tainted by her incompetence and official misconduct – to the extent that she has proved herself unfit and unable to promptly and properly discharge her official duties. In fact, the Defendant's dereliction of duty, incompetency and official misconduct have wasted tax dollars and jeopardized public safety and to such an extent as to justify her removal from this Office as provided for by law.

Acting pursuant to Tex. Loc. Gov't Code §87.015(c), the STATE contends that the following facts are grounds for the removal of the Defendant from her office as Criminal District Attorney of Dallas County, Texas:

First, the STATE hereby adopts and incorporates by reference for all purposes the Realtor's Affidavit, executed on October 13, 2015, which is attached to this pleading as **Exhibit "A."** This Affidavit was executed by CINDY STORMER, and concerns facts which she witnessed during the period January through September 2015. At that time, the Relator was the Chief of the Administrative Division of the Dallas County District Attorney's Office, and had almost daily contact and interaction with the Defendant. This Affidavit provides evidence that the Defendant is

incompetent to perform her official duties, and also that the Defendant has engaged in numerous acts of official misconduct while in office.

The STATE also adopts and incorporates by reference for all purposes the supporting Affidavits of the following witnesses, which are also attached to this pleading: the Affidavit of **Edith Santos**, executed on October 8, 2015 – **Exhibit “B”**; the Affidavit of **Jonathan Hay**, executed on October 8, 2015 – **Exhibit “C”**; the Affidavit of **William Wirskye**, executed on December 23, 2015 – **Exhibit “D”**; and the Affidavit of **Jennifer Balido**, executed on December 30, 2015 – **Exhibit “E.”** All of these Affidavits have been duly executed and provided by persons who once worked directly for the Defendant in the Office of the Criminal District Attorney of Dallas County, Texas – some in positions of high authority and responsibility. All of these witnesses have personal knowledge of facts that prove the Defendant should be removed from her Office because of her incompetency and official misconduct.

The evidence necessitating the Defendant’s ouster from office is summarized as follows:

(A.) Gross Ignorance Of Official Duties, and Gross Carelessness. After assuming office, the Defendant proved to be grossly ignorant of the legal requirements that regulate the use and disposition of certain restricted funds entrusted to her Office. For example, as described in detail in all of the attached Affidavits, the Defendant frequently made or attempted to make improper and unauthorized use of such funds to pay for office equipment and furnishings, to pay fees and salaries charged by consultants, and to pay for personal political activities (such as associated with the celebration of Martin Luther King Day in January of 2015). The Defendant refused to be informed or guided in such matters by knowledgeable and experienced members of her own staff – including senior employees and hand-picked senior management officials, all of

whom had significant experience and expertise in dealing with the proper handling of such funds.

Upon taking office, the Defendant proved to be ignorant of the fact that, because she is a public servant, she is not required to pay the State's Attorney Occupation Tax. This is a fact she should have well known because she is a career public servant, previously serving as both an Assistant District Attorney and also as a District Judge. Her surprising lack of knowledge regarding this matter became yet another point of contention and disruption with her staff.

The Defendant also demonstrated her gross ignorance of the financial responsibilities incumbent upon her Office by ordering the supplementation of staff salaries from office accounts with insufficient funds for that purpose. Further, the Defendant also withheld from proper deposit a check from the State of Texas in the amount of \$22,500.00 intended for official use by her Office. The Defendant withheld this check from proper deposit for almost two months, ostensibly because she believed this was her own paycheck.

This misconduct is evidence of the Defendant's incompetency because of her gross ignorance of her official duties, and also of her gross carelessness in the discharge of those duties. Tex. Loc. Gov't Code §87.011(2)(A) & (B).

(B.) Mismanagement As Evidence Of Gross Carelessness. The attached Affidavits are replete with evidence regarding the Defendant's arbitrary and capricious approach to the management of her high public office.

Specifically, the Defendant hired and fired numerous senior management and technical personnel on a whim, completely without regard to the competence, efficiency, or length of service of any of those persons. Some (like Mr. Wirskye) were first hand-picked by the Defendant to serve as her "second in command" of this Office, only to be fired a short time later without reason or

cause. Others (like Investigator Jeff Savage, a 26-year veteran with this Office) were summarily discharged. The turmoil and low morale created by these arbitrary personnel changes were extremely disruptive, and significantly interfered with the efficient and effective management of this Office. In fact, this gross carelessness prevented the Defendant from properly discharging her official duties and from meeting the goals and standards she set for this Office in her own "Mission Statement." These haphazard personnel changes were unnecessary and unjustified, and wasted valuable time, talent and experience. The Defendant's gross carelessness also subjected the Office to the expense of recruiting and training or re-training vital technical and management personnel, and unnecessarily delayed on-going criminal investigations and prosecutions.

The Defendant's mismanagement and gross carelessness in the discharge of her official duties significantly impaired the ability of this Office to serve the people of Dallas County and of the State of Texas. Tex. Loc. Gov't Code §87.011(2)(B).

(C.) Dereliction Of Duty As Evidence Of Gross Carelessness. On or about July 28, 2015, the Defendant suddenly "disappeared" and left work without any prior notice to anyone, and without making any arrangements for the management and operation of this important Office during her absence. The Defendant left it to her friends to make up stories about the reasons for her absence and her whereabouts. The Defendant remained absent from work, out of communication and unavailable for conference or consultation regarding her official duties for the next eleven (11) weeks. When she finally reappeared and returned to work, she explained that she had been absent to seek medical and psychiatric treatment for a debilitating psychological disorder. However, the fact remains that the Defendant essentially abandoned her post.

The Defendant's dereliction of duty is *prima facie* evidence of her gross carelessness in the

discharge of her official duties. Tex. Loc. Gov't Code §87.011(2)(B).

(D.) Dereliction Of Duty As Evidence Of Official Misconduct. This dereliction of duty also constitutes official misconduct since it evidences an intentional failure, refusal or neglect of this officer to perform duties imposed on her by law. Tex. Loc. Gov't Code §87.011(3).

(E.) Unfitness Or Inability To Promptly And Properly Discharge Official Duties Because Of A Serious Physical Or Mental Defect. All of the acts demonstrating the Defendant's incompetency in the matters made the subject of this removal action were tainted by her noticeably bizarre and erratic behavior. As stated in the attached Affidavits, the Defendant was frequently observed to have trouble concentrating on matters at hand, and refused to be guided in any way by those in her Office who had prior experience and expertise regarding important administrative and personnel matters. Her management and personnel actions were arbitrary and erratic, and always accompanied by undue suspicion and alarm – to the point where all of the Affiants who have submitted evidence in support of this action have characterized them as “paranoid” and “delusional.”

Since the Defendant's return to work, she has admitted that she suffers from major clinical depression, and also attention deficit disorder.² Further, she has admitted to struggling with thoughts of suicide, and also to having abused or become dependent on prescription medication. While the Defendant now claims that she is stable and that she has these problems “under control”, these problems remain serious enough to require her to participate in frequent therapy sessions, and to take daily doses of medication simply in order to function.

² See, e.g., Jamie Thompson, *A Woman On The Verge: The Untold Story Of Susan Hawk*, D MAGAZINE, November 2015, pp. 46-51 & 161-165.

The combination of these physical defects and addictions and these mental defects help explain the Defendant's erratic and grossly careless behavior in 2015 while she has attempted to serve as the Criminal District Attorney of Dallas County, Texas. More important, these defects and the manner in which they have become manifest have rendered the Defendant unfit and unable to discharge her official duties. Tex. Loc. Gov't Code §87.011(2)(C).

The evidence on each of these issues is more than sufficient to justify and support a "true" finding upon the trial of this cause, and to also justify and support the subsequent entry by this Court of a Final Judgment requiring the removal of the Defendant from her office as authorized by Chapter 87 of the Texas Local Government Code.

VIII.
MOTION TO TEMPORARILY SUSPEND THE DEFENDANT
AND TO APPOINT ANOTHER PERSON
TO PERFORM THE DUTIES OF CRIMINAL DISTRICT
ATTORNEY OF DALLAS COUNTY, TEXAS, PENDING TRIAL

Because of the gravity and public importance of the issues raised in this removal action, and because the evidence shows that the Defendant is incompetent to perform her official duties and is personally responsible for numerous instances of official misconduct while in office, the STATE respectfully requests that the Court temporarily suspend the Defendant from her office as Criminal District Attorney of Dallas County, Texas, and then appoint another qualified and competent person to perform the duties of that office pending the trial of this cause. Such action is required is specifically authorized by Tex. Loc. Gov't Code §87.017.

The requested temporary suspension is also necessary because the prosecution of this matter will require sworn testimony from, and the production of evidence by, many employees who currently work under the Defendant's supervision in the Office of the Criminal District

Attorney of Dallas County, Texas. The prospect of producing evidence against their employer would undoubtedly place these employees in an untenable position. The potential for the possibility of such undue influence can be avoided only by the temporary suspension of the Defendant as requested by the STATE.

IX.
REQUESTED RELIEF

Accordingly, for the foregoing reasons, the **STATE OF TEXAS** respectfully requests the following relief from the Court:

(1) That the Court grant the pending applications for issuance and service of Citation upon the Defendant, and then enter an Order providing that a certified copy of this Second Amended Petition For Removal be served upon the Defendant in accordance with the requirements of Tex. Loc. Gov't Code §87.016 and the applicable Texas Rules of Civil Procedure.

(2) That the Court enter an Order temporarily suspending the Defendant from her office as the Criminal District Attorney of Dallas County, Texas, pending the jury trial of this cause as authorized by Tex. Loc. Gov't Code §87.017.

(3) That, upon the temporary suspension of the Defendant, the Court enter an Order appointing another person to perform the duties of the Criminal District Attorney of Dallas County, Texas, pending the jury trial of this cause as authorized by Tex. Loc. Gov't Code §87.017.

(4) That, upon the jury trial of this cause, the Court enter a Final Judgment permanently ousting and removing the Defendant from her office as Criminal District Attorney for Dallas County, Texas, for the incompetency and/or official misconduct found to be true by the jury in its verdict.

(5) That the Court assess and tax costs against the Defendant as authorized by Tex. R. Civ.

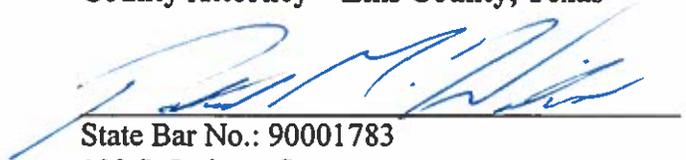
P. 131 and related Rules, or against the Relator as authorized by the Rules and also by Tex. Loc. Gov't Code §87.016 – as circumstances may warrant.

(6) That the Court also authorize the issuance of appropriate writs of execution providing for the collection of said costs.

Finally, the **STATE OF TEXAS** also requests such other and further relief to which it may be justly entitled.

Respectfully submitted,

PATRICK M. WILSON
County Attorney – Ellis County, Texas

A handwritten signature in blue ink, appearing to read "Patrick M. Wilson", is written over a horizontal line.

State Bar No.: 90001783
109 S. Jackson Street
Waxahachie, Texas 75165
(972) 825-5035 / (972) 825-5047 fax
patrick.wilson@co.ellis.tx.us
ATTORNEY FOR THE STATE OF TEXAS

VERIFICATION

STATE OF TEXAS

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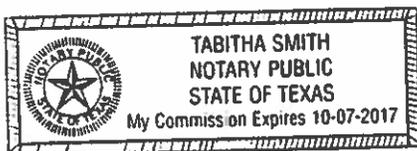
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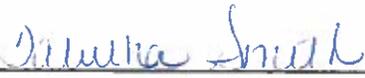
Before me, the undersigned authority, on this day personally appeared **CINDY STORMER** - the Relator in the above referenced lawsuit, who upon her oath stated that she has read the foregoing Second Amended Petition For Removal of Susan Hawk, Criminal District Attorney of Dallas County, Texas, and that the facts stated in the foregoing pleading are all within her personal knowledge, or information and belief, and are true and correct.



Cindy Stormer

SUBSCRIBED TO AND SWORN BEFORE ME, the undersigned authority, on this 4th day of January, 2016.





Notary Public in and for
the State of Texas

My commission expires: 10 07 2017.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF filing system on this 6th day of January, 2016, which will send notification of this filing to the following named counsel of record:

Mr. Daniel K. Hagood
State Bar No. 08698300
dhagood@fhsulalaw.com

FITZPATRICK, HAGOOD, SMITH & UHL, L.L.P.
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**ATTORNEYS FOR SUSAN HAWK, DALLAS CRIMINAL DISTRICT
ATTORNEY - Defendant**



Patrick M. Wilson

AFFIDAVIT OF CINDY STORMER

AFFIDAVIT AND VERIFICATION OF ORIGINAL VERIFIED PETITION FOR REMOVAL FROM OFFICE OF DALLAS DISTRICT ATTORNEY SUSAN HAWK AND DISCOVERY REQUESTS

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned official, on this day appeared Cindy Stormer, who is known and first being duly sworn according to law upon her oath deposed and said:

"My name is Cindy Stormer; I am over the age of eighteen years and my mailing address is 3225 Turtle Creek Blvd., Dallas, Texas 75219. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct. Moreover, I have read the ORIGINAL VERIFIED PETITION FOR REMOVAL FROM OFFICE OF DALLAS DISTRICT ATTORNEY SUSAN HAWK and verify the facts recited in the Petition are true and correct to the best of my knowledge."


Cindy Stormer, Affiant

I. Stormer's Background

I served as the Chief of the Administrative Division of the Dallas District Attorney's Office from March 2015 until September 2015. I was the former Chief of the Mental Health Division, overseeing the mental health trial docket in all criminal courts in Dallas County. I was the former DNA Attorney for Dallas County's internationally famous Conviction Integrity Unit (investigating and re-evaluating hundreds of cases to determine if there were wrongfully convicted persons in Texas prisons, special emphasis on DNA, working on many exonerations). I am the author of two law related books *Texas Small Firm Practice Tools*, by James Publishing 2006 to date - a law book covering sixteen practice areas and *BrainStormer* (dealing logically, ethically, and efficiently with the mentally vulnerable and those with addictive tendencies in the criminal justice system) published 2015. I was the elected District Attorney for the 235th Judicial District, Cooke County Texas. I had a successful law practice for fourteen years. I was an Assistant City Attorney in Dallas where I was the Chief Attorney for the Dallas Police Department, and an Executive Officer in the Dallas Police Department, supervising many attorneys, clerks, and secretaries with various duties including: being in charge of the entire legal curriculum for the Dallas Police Academy, overseeing the budget, and much more. I was an Assistant District Attorney in Tarrant County from 1986 - 1989, where I handled criminal trials and appeals and much more. I have been a college instructor at different colleges teaching government, law, and criminal justice. I was a



police officer an in police work for ten years. I have made numerous presentations on the law to entities such as the Texas Association of Drug Court Professionals, State Bar Advanced Criminal Law course, Dallas Criminal Defense Lawyers Association, District Attorney's Office, Dallas Fire Department, Center for American and International Law, the American Bar Committee for Indigent Defense; the first legal delegation from U.S. allowed into Tibet; Texas District and County Attorney's Association; and I have had numerous publications. I have successfully handled many jury trials, trials before the court, thousands of criminal cases, and over three hundred appellate briefs and writs. I was selected by the Texas Department of State Health Services to assist in developing a Jail Based Competency Restoration program as mandated by the Legislature (SB 1475 in 2013) which resulted in Dallas receiving the grant for same 2014; I received the "Above and Beyond" award 2009, Dallas District Attorney's Office; I was on the Planning Committee for the State Bar Advanced Criminal Law Course (2006, 2007 and 2008); a Distinguished Alumni of Tarrant County College; Attorney Ad Litem of the Year, Court Appointed Special Advocates of North Texas, Inc. (representing abused and neglected children); I have been the president of the Cooke County Bar Association; President of the Cooke County Child Welfare Board; Founder and Former Director - Texas Association for Women Police; Former State Coordinator - International Association of Women Police; I hold hundreds of hours of police "in-service" police training, including the F.B.I. Academy in Quantico, Virginia; Outstanding Young Woman of America; Who's Who in American Law; Who's Who in America; top score in Trial Advocacy and Dean's List in law school; I am licensed in the United States Supreme Court; State Bar of Texas; United States District Court-Eastern District; United States District Court-Northern District; and much more.

II. Mental Illness Before the Election

District Attorney Susan Hawk did not appear to suffer from depression and did not require in-patient treatment for it before taking office as District Attorney of Dallas County (January 1, 2015). It was AFTER HER ELECTION TO OFFICE that she suffered a major depressive episode that resulted in her unexplained absence for weeks. I knew D.A. Hawk well before she was elected District Attorney of Dallas County. I practiced before her when she was a District Judge over the 291st Judicial District Court. I had seen her at social functions. Before she became District Attorney I knew of no instance where she suffered from major depression or from a mental illness so profound that it prohibited her ability to do her job.

III. Mental Illness after the Election

As the Administrative Chief of the Dallas District Attorney's Office I had more contact with her than any other person in the office as she was frequently in my office inquiring about finances and management. My office was next to hers and she was in my office several times per day. From March 2015 through July 2015 (she disappeared from the office July 28th, 2015), I observed her at the office in a floridly psychotic state or what appeared to be a drug induced psychosis on countless occasions. She had a complete inability to comprehend basic concepts.

She would briskly walk into my office and make demands and ask questions, then turn quickly and leave before I responded. When called to her office she would type on her computer while asking questions, reading stories on the internet or engaging in some other distracting conduct while her eyes wildly darted around the room. I never observed such behavior before she was elected as District Attorney.

IV. Financial Improprieties

District Attorney D.A. Hawk has committed numerous instances of trying to use public funds illegally. Most recently, Monday, September 14th, 2015, I discovered that she and First Assistant, Messina Madson, had in their possession a check for twenty-two thousand and five hundred dollars (\$22,500) apportionment funds from the Comptroller's Office in Austin and were keeping it from the Financial Services Division. We had been expecting the check for approximately two months. The Financial Administrator of the District Attorney's Office had been in contact with the Comptroller's Office in Austin about the missing check and had finally had to ask them to void the first check (which we did not know was in D.A. Hawk's possession) and issue a second check. The District Attorney stamp on the envelope indicated that the check, made out directly to "Susan Hawk", had been received by the District Attorney's Office on July 28. The envelope was addressed to "Susan Hawk". All such funds should go directly to the Financial Services Division. The First Assistant had received the check recently from D.A. Hawk. D.A. Hawk had been missing from the office since July 28th (the day the check came up missing) and rarely seen for the two weeks preceding that.

While I was the Chief of the Administrative Division (March to September 2015) these are some of the improper expenditures that D.A. Hawk ordered me to make from public funds (and it required many conversations to convince her not to make the purchases, to the point of drafting a written opinion advising that such expenditures were illegal): contributions, donations, supplementing salaries from the hot check fund depleted by the previous Administration (i.e. writing hot checks on the hot check fund), TV Eyes (a monitoring software for watching TV to be explained below), personal lawyer association dues, her personal Rotary dues, awards, security cameras not in the budget, Texas Association of District Attorney's Association dues for the entire office for \$43,750. etc.

I have offered to pay for items that D.A. Hawk has ordered out of my personal funds to keep from paying for it with public funds. D.A. Hawk continued to order me to make inappropriate expenditures during my tenure as Administrative Chief. The Administrative Chief prior to me had the same experience.

These improper expenditures (whether potential or completed) made me very uncomfortable, as does having to expose them now. While I was only eight months from retirement, I constitute the third person that D.A. Hawk has terminated from this position in a period of only nine months. In the seven years I have had the honor to work for the taxpayers of

Dallas County, I have had exemplary evaluations with absolutely no negative comments. I have never had a negative evaluation in my forty-year career (as an attorney and a police officer).

As the Chief of the Administrative Division, I had been tasked with responding to ten or more audits on the local, State, and federal level all while performing all the many regular duties of the position. I was entrusted with fifty million dollars' worth of budgets for the District Attorney's Office. While I served as check and balance against improper uses of public funds, there is now nothing between D.A. Hawk and the public funds she has tried to use inappropriately in the past. On Thursday, September 17th, 2015, the First Assistant asked me to pay for pizza with public funds. I explained once again that such expenditures were inappropriate (she was the fourth attorney to make that same request that this same pizza be paid with public funds). This is not the first time that the First Assistant has requested that food be paid from public funds. Such requests are made frequently. D.A. Hawk's personnel decisions have had direct negative impacts on the funds management in the Dallas District Attorney's Office.

V. Gross Mismanagement Resulting in Costs to Taxpayers

In D.A. Hawk's second week as District Attorney, January 9th, 2015, an Office meeting of all 450 employees was called at 3:30 P.M. At this meeting D.A. Hawk stated words to the effect of "your jobs are safe, each of you is here because you are good at what you do" and "we should all treat each other nicer." Immediately after the meeting the Chief of the Checks (Financial Crimes) Division was called to her office and terminated. The fired attorney was also a psychologist with not only a genius-level IQ, but also an IQ that was several points above the minimum level to be a genius. The fired attorney was both much loved for his personality and attitude, and highly respected for the skills and talents he displayed as an attorney. That attorney had been specifically brought in to the Dallas District Attorney's Office and trained to run the Checks (Financial Crimes) Division. That attorney disposed of over 500 felony cases a year (most felony prosecutors in Dallas average a little over one-hundred cases per year), while also handling misdemeanor cases, working in the Justice of the Peace courts, and supervising a staff of over twenty employees all at the same time. After that attorney was fired, the income of the Checks (Financial Crimes) Division dropped dramatically (by more than one-third).

VI. Hot Checks on the Hot Checks Fund

When a salary is supplemented from funds in the "hot check" fund, Dallas County payroll pays the money upfront and is then reimbursed by money from the District Attorney's Office. When I was put in charge of the Administrative Division in March 2015, I quickly discovered that the eighty-nine thousand dollars (\$89,000.00) was owed to Dallas County from the "hot check" fund. The money owed to the County from the check fund was for salary supplements paid by the County to members of the Watkins administration not reimbursed in the last six months of the previous administration. There were not sufficient funds in the "hot check" fund to pay that money back to Dallas County. From the time D.A. Hawk assumed the office of District Attorney, D.A.

Hawk had been supplementing the salary of Community Manager in an amount of one-thousand dollars (\$1,000.00) on a bi-weekly basis. D.A. Hawk had authorized that two thousand dollars (\$2,000.00) be paid per month to Community Manager from late January 2015 to June of 2015 when the hot check fund was overdrawn. This is an approximate total of ten thousand dollars (\$10,000) D.A. Hawk expended or encumbered out of an overdrawn account, hot checks from the "hot check" fund.

Upon learning of the aforementioned use of the "hot check" fund, I approached the Commissioner's Court and secured the supplementation of the Community Manager's salary from another source. That source of proper supplementation did not take effect until June 2015.

D.A. Hawk eventually fired the Community Manager. After the Community Manager had been fired, D.A. Hawk told me she had fired the Community Manager because the office needed the money. However, D.A. Hawk did not want to reimburse Dallas County, but was obsessed with getting the salary of the Public Information Officer raised. The Public Information Officer is the D.A. employee responsible for releasing information to the news media. Even though D.A. Hawk knew that the situation had been remedied regarding the source of the supplement to the Community Manager's salary, D.A. Hawk fired the Community Manager a mere ten (10) days before the corrected-salary situation was to take effect. The Community Manager was fired because of D.A. Hawk's own mistake.

Regarding the money owed to Dallas County from the "hot check" fund, the Dallas DA's Office did not pay that money back to Dallas County until just shortly before my employment was terminated. Before I left the office, in mid-September 2015 (and for the first time in D.A. Hawk's tenure) there was more money in the hot check fund than was owed to Dallas County.

In March 2015, D.A. Hawk called an emergency meeting of the entire D.A.'s Office, which was comprised of approximately 450 employees at that time. There was no apparent office-related reason for the meeting and no such reason was communicated during the meeting. D.A. Hawk made comments to the effect that people in the office talking about her and her personal life. D.A. Hawk cried at one point and stated something to the effect of "it's OK to cry because I'm a girl" and asked for confirmation from the audience by asking "right, girls?" D.A. Hawk then stated something about the people in the room not liking her and she didn't care whether they did or not. Her demeanor was childish and unprofessional. In light of how nothing of substance relative to the functioning of the D.A.'s office was discussed by D.A. Hawk at the meeting, the atmosphere of the meeting was very odd.

In light of the lack of substantive content of the meeting, I mulled over what the cost to Dallas County of having such a large, seemingly-unnecessary meeting would be because neither the assistant D.A.s nor the staff members were doing any or their work while attending the meeting. While I would be interested to see a precise analysis conducted by the Human Resources Department, a conservative estimate of the money wasted would attribute to assistant D.A.s lost money in an average amount of \$50 per attorney (250 attorneys) and perhaps one-half of that amount per staff member (200 employees). That meeting was undoubtedly not a good use of Dallas County funds.

A similar, less-than efficient use of the limited resources of Dallas County occurred regarding the budgeting process. D.A. Hawk called seven separate budget-related meetings of all the Administrative Chiefs, presumably so D.A. Hawk could tell all the Administrative Chiefs what D.A. Hawk wanted submitted in the budget requests. However, after the seventh meeting, D.A. Hawk gave the Administrative Chiefs no input and told them something to the effect of "all of you turn in your requests by Friday." All seven meetings proved to be unnecessary and of no benefit. The First Assistant, who was young and inexperienced and had never prepared a budget before, emailed to the Chiefs toward the end of the budget process asking them to resubmit their requests. They all resubmitted their requests. The legal assistant put the resubmitted requests in the notebook I had already prepared. This caused several days of extra unnecessary work for me to read the duplicated submissions. This is evidence of D.A. Hawk's numerous terminations resulting in inexperienced attorneys rising to high-ranking administrative positions resulting in more costs to the taxpayers due to mismanagement.

March 18, 2015 stands out because it was the only time I ever saw D.A. Hawk at the office late (I was frequently working late responding to the audits). On that day at about 6:30 PM, D.A. Hawk summoned me to her office by yelling out from her office. Since our offices were very in close proximity to each other, I could respond promptly to her having called for me. D.A. Hawk then demanded to know how much money was then in the "hot check" fund. I explained the negative balance status of the "hot check" fund, which prompted D.A. Hawk to angrily, scream "cut the shit." The Community Manager was present. D.A. Hawk then ordered me to obtain and compile all the bank statements and reconciliation statements that pertained to the "hot check" fund to demonstrate how it had been depleted. Such a process would require going back over a period of many months.

I explained to D.A. Hawk that the information was on the computers of employees and would have to be printed out from those computers. D.A. Hawk told me to have the printed reports on her desk by 8 AM the next day or "it's your job". I understood this to mean that I would lose my job. I had to call D.A.'s Office employees at night and inform them that they either had to come in at night or come in early enough the next morning so that all the documents could be printed out and on D.A. Hawk's desk at 8 AM. Regarding staff employees, such additional work requires Dallas County to pay compensatory time, which ultimately comes from the taxpayers of Dallas County.

At 8:30 AM the next morning, D.A. Hawk arrived, walked up to the front of my desk, and asked me, "That's not true what you told me yesterday, is it?" She was very angry and appeared to be suffering from some mental disorder. What is even more troubling is that she did almost the exact same thing each of the next three days, walking up to my desk and asking, "That's not true what you told me the other day, is it?" As for the documents gathered late at night and early in the morning as she had ordered, D.A. Hawk did not seem interested in those documents when they were provided to her. I had only been in the position of Administrative Chief for a few days. D.A. Hawk had been obligating a salary to be supplemented out of the "hot check" fund starting in January.

VII. Orders to commit an illegal act

Another such example that stands out involves the events of April 13, 2015. On that day, D.A. Hawk entered my office and outright ordered me to supplement the salary for the position of Public Information Officer and to supplement the salary from the "hot check" fund. D.A. Hawk angrily told me to "get it done." I advised her that such an expenditure was illegal and she snapped "make it happen, now." Once again (as on numerous occasions) D.A. Hawk appeared to be suffering from some type of psychosis. D.A. Hawk was ordering me to supplement the Public Information Officer position for four thousand dollars (\$4000.00). I was being ordered by D.A. Hawk to increase the cost/salary of that position by \$4000.00 a month and to do so out of that already-overdrawn "hot check" fund. I did not do this. I wrote a legal opinion to her dated April 14th advising that it might violate criminal law if she persisted in such an expenditure. She continued to order me to make such the expenditure. After conversations with her about how this could not be done, I wrote an additional legal opinion with the same information on April 17th and gave it to her. She also repeatedly ordered me to make such an expenditure from the State Forfeiture account. I was repeatedly advising her that that was an improper expenditure also.

Several times, she would ask me to do something for the first time and then snap "get it done."

In budget-related talks, D.A. Hawk advocated for trying to pay the Public Information Officer twice as much as the amount of the budgeted salary for the position. D.A. Hawk opined that she needed to pay such a high salary because she needed a high quality journalist for that position because such a journalist could better save D.A. Hawk's reputation. In the first nine months of her tenure as D.A., D.A. Hawk never filled that Public Information Officer position and it remains open. There are other Public Information Officer positions in Dallas County and each such position has the same salary level and salary limits as the other such positions.

Previously D.A. Hawk reported to the news media she could not fill the Public Information Officer position. On July 20, 2015 the position was not listed as being an open position on the County website. I checked in our Oracle system and it was not advertised. It has either not been filled because D.A. Hawk wants to pay far more than the allowable County salary or due to D.A. Hawk's paranoia about the public knowing what is going on in her office.

After D.A. Hawk's disappearance in July, the First Assistant advised the news media for weeks that D.A. Hawk was at work and attending meetings, i.e. employees are forced to do D.A. Hawk's bidding or risk losing their careers.

After numerous requests from D.A. Hawk to supplement salaries with funds from the State Forfeiture Account, and a response from me each time that that was not allowed by law, in April 2015, I gave D.A. Hawk a written legal opinion stating that it was not legal to supplement salaries with funds taken from the State Forfeiture Account. Days later, on April 23, 2015, D.A. Hawk came into my office and asked me if salaries could be supplemented by taking funds from the State Forfeiture Account. Consistent with the written legal opinion I had already provided to

her, I told D.A. Hawk that the law did not permit what she was proposing. This is evidence of her deteriorating mental condition. She cannot remember the content of recent conversations.

Also during the budget process, D.A. Hawk wanted me to argue for an additional Chief's position in the Appellate Division. A Chief's position is an Attorney Level Five, with an annual salary of more than one hundred thousand dollars (\$100,000.00). Adding such a high-level position to the Appellate Division would have resulted in the Appellate Division having eleven chief level positions. That would have meant that one-half of the Appellate Division would have been comprised of Chief-level positions.

On January 15, 2015, D.A. Hawk announced to the Behavioral Health Steering Committee (approximately 40 in attendance) "Cindy Stormer has done a fantastic job. The Mental Health Division is the Dream Team." On April 4th, 2015 D.A. Hawk told me "I had so much peace knowing that you're there. You're going to be a rockstar. I'm getting a lot of positive feedback about putting you in that position." When she called an office wide meeting to announce the replacement of First Assistant Wirsky, she had all the super chiefs, myself included, stand behind her and announced that those behind her had jobs for as long as they wanted.

On April 24th D.A. Hawk indicated that she wanted to purchase an internet software program called TV Eyes and wanted it paid out of the State Forfeiture account. The cost was two-thousand and four hundred dollars (\$2,400). This software allows a television to direct the watcher to specifically indicated programs in real time, e.g. when programmed for certain things, such as, the name "Susan Hawk" (or whatever subject the watcher chooses). The State auditors had been asking questions about such purchases. I was given a written memo with a list of ten D.A. employees who would watch TV at work to monitor for certain programs, including anything aired about "Susan Hawk." Just days earlier, on April 14th, 2015, the First Assistant came asking what this service was and stated that Watkins was using this to spy on Judge Hawk and "I'm going to do something about it."

On April 28th, I asked D.A. Hawk to be moved to another position in the D.A.'s Office. She said "no you are too valuable here ". I asked this more than once. The audits are endless, hours are long, there is insufficient staff to deal with the audits and the regular routine duties, plus the most obvious reason-the stress of having to deal with a severely, mentally ill individual on such a constant basis.

On April 28, 2015, D.A. Hawk asked me if there was any way to combine two positions so the Public Information Officer could be paid a yearly salary over one hundred thousand dollars (\$100,000.00). While we had engaged in the same conversation about the same subject on approximately ten occasions to that point, I again told D.A. Hawk that what she was proposing could not be done. These events were troubling not only because they amply illustrated how D.A. Hawk suffers from severe attention deficit disorder, but also because D.A. Hawk again ordered me to use the "hot check" fund to supplement the salary of the Public Information Officer. More recently (while D.A. Hawk was confined at a clinic in Houston for depression), our Human Resource Officer (an employee under my chain of command) contacted

the County Human Resource Office asking again how these two positions could be combined. I learned of this while attending Commissioner's Court. D.A. Hawk was continuing to ask employees other than myself to investigate this even though I had already instructed her repeatedly on the matter. This is evidence that she is still not well.

On another occasion, I wrote a legal opinion indicating that a specific monetary contribution was not appropriate from public funds. D.A. Hawk agreed. Later she went to the office accountant and told the accountant to make the contribution. The Administrative Division staff came to me confused about whether to make this improper expenditure. I went to D.A. Hawk and asked her if she was making that contribution and she said "I didn't tell (the accountant) to write the check, I only asked her when it would be written" then D.A. Hawk again agreed with me that the contribution should not be paid out of public funds. This illogical statement was further evidence of her deteriorating mental state.

VIII. Extreme Paranoia

On April 29, 2015, D.A. Hawk came to my office, closed the door, and said "I don't want any other positions going through Civil Service. This is turning my employees into civil servants." I assured her this was not correct and that all D.A. employees are employed "at will" (meaning they can be terminated without cause). D.A. Hawk continued to say that processing the positions through Civil Service was converting those employees into civil servants and "don't send anything to civil service." It was important to her to fire employees without cause. According to the rules and policies of Dallas County, all personnel changes go through the Civil Service Department. Without going through the proper channels, I could do none of the work to change, add, raise positions, etc. I reminded her I had been working for two months on some positions on the verge of coming up. I had another attorney explain to her that civil service did not mean they would become civil servants. D.A. Hawk continued to tell me she wanted nothing sent through the Civil Service Department.

On May 11, I provided D.A. Hawk with a list of questionable expenditures of which the Auditor's Office wanted answers. Most were regarding the Community Prosecution Unit and made before I took on the role as Administrative Chief. D.A. Hawk told me if there were any improper expenditures by the Community Prosecution Unit she would hold me responsible. After this Unit was established it was viewed by many as being a campaign tool. Though it is established under a Memorandum of Understanding indicating that it may only be used for pretrial diversion, it is frequently used for other activities i.e. organizing parade events, presentations in schools, attendance at community events, organization of the Citizens Police Academy, etc. The previous D.A. structured the D.A.'s Office so the Unit answered to the Special Fields Bureau Chief. D.A. Hawk moved the Unit to answer directly to her (see recent organization chart)

On May 18, 2015, I found on my desk an invoice for seven-hundred and fifty (\$750) to the Dallas Young Lawyers Foundation. D.A. Hawk ordered this be paid out of public funds. In response to D.A. Hawk's repeated requests that the invoice be paid out of public funds, I finally had to issue a written legal opinion explaining the inappropriate nature of the proposed use of the funds.

IX. Inability to Understand Basic Concepts

On another occasion, I provided to D.A. Hawk a memorandum indicating that eighty-nine thousand (\$89,000) was overdrawn on the hot check fund; she came back to my office and asked "so I can pay the Public Information Officer \$89,000 per year out of this account?" I reiterated to D.A. Hawk what I had told her multiple times in the past regarding how the "hot check" fund could not be used to supplement salaries until the "hot check" fund was no longer overdrawn. This is one of many examples that indicated that she could not understand simple and repeated explanations due to her rapidly decreasing mental function.

On May 29 when I was away from the office, D.A. Hawk asked the accountant to pay her Rotary dues. I had told her on two previous occasions that such personal dues would not be paid with public funds. (See opinion on TDCAA April 9 and Dallas Young Lawyer Association dues memo.) This prompted yet another legal opinion on June 1. The opinion was an attempt by me to protect the District Attorney employees from her inappropriate requests.

X. Psychotic Behavior affecting other County Offices

On June 1, 2015, D.A. Hawk ordered me to obtain a credit card in her name. D.A. Hawk desired to have such a credit card so her purchases on it could be made without oversight and "paid directly from the State forfeiture funds." It was not possible to have such a credit card as the card could not be paid directly out of that fund. Also, such an act would constitute a violation of County policy. When D.A. Hawk told me she wanted a credit card in her name paid directly from State forfeiture funds, my discomfort with the request compelled me to call the new County Purchasing Director, one Daniel Garza, to ask for his help in dealing with D.A. Hawk's request. Garza came to the District Attorney's Office with his assistant and explained that it was improper for an elected official to have a credit card of any kind paid with County funds, as there was no procedure for oversight of such a potential situation. I was grateful to Garza and his assistant for their assistance. D.A. Hawk now claims she did not make such a request. This lapse of memory is yet another example of her break with reality.

On yet another occasion, D.A. Hawk ordered that four-hundred dollars (\$400) of public funds be paid to KwanzaaFest in order she and the Community Prosecution Unit could attend this community function. The Community Prosecution Unit is obligated to only work on pre-trial diversion of defendants, any other activities would violate the Code of Criminal Procedure. The County Auditor and his assistant came to the District Attorney's Office and had a meeting with myself and D.A. Hawk and indicated that they would not approve such an expenditure. I was grateful to the County Auditor and his assistant of potentially paying public funds to KwanzaaFest.

On June 1st the First Assistant told me she needed to be present whenever I spoke to the County Budget Officer about the budget, more evidence of D.A. Hawk's paranoia.

As D.A., D.A. Hawk receives an eight-thousand four-hundred dollar (\$8,400) annual stipend from the county that pertains to her personal car use. This is besides her annual \$210,000

salary. On June 2, 2015, she told me she wanted to take an investigator car out of the County on June 9. Such cars are equipped with flashing lights, a siren, and a police radio. This is would have constituted a violation of County policy unless it had been briefed to Commissioner's Court and was for a law-enforcement purpose only. The D.A.'s Office has ready access to a black Tahoe parked in the basement of the Frank Crowley Courts building used to escort her to appropriate functions. On another occasion, DA Hawk called me into her office and asked if she could use public funds to rent a car to attend a conference. Before I could answer her, DA Hawk literally hissed, "Because you always tell me 'no' to every single thing I ask for."

Sometimes when I was talking to attorneys in my office she would come in and ask what we are talking about. Once when I was out sick (which is a very rare thing) she came in and aggressively asked "what was wrong with you?" D.A. Hawk's inquiry did not seem like a benign question, but like she thought my having taken a sick day had been a ruse to cover up something.

When I first took the position of Administrative Chief four State auditors were in the office expounding thousands of questions and requesting thousands of documents, the budget was due, and many functions of the position had gone unattended because of the position having been left open and the lack of passing on of knowledge as the two Administrative Chiefs before me were fired. I was working long hours and occasionally needed to close my door to do the necessary work without distractions. When I would close my door D.A. Hawk would come and open it and stand outside my door staring at me through the one inch crack she had left between the door and the wall.

XI. Jeopardizing Public Safety

D.A. Hawk's paranoia has extended even to firing good, talented people doing important work for the District Attorney's Office and the citizens. On June 3, 2015, she fired an investigator, and a forensic investigator: Jonathan Hay, ACE (AccessData Certified Examiner), CBE (Black Light Certified Examiner), CCLO (Cellibrite Certified Logical Operator), LCE (Lantern Certified Examiner); and the Community Manager. Edith Santos, CFE (Certified Forensic Examiner), CFCE (Certified Computer Forensic Examiner), ACE, CBE resigned out of fear. None were given any excuse for the termination. D.A. Hawk then had Santos escorted from the building even though Santos had already submitted her two-week notice. The Trial Bureau Chief is now the only person D.A. Hawk brought with her on her transition staff. The Secret Service had loaned the District Attorney's Office computer software and equipment with a value of one-hundred and fifteen thousand dollars (\$115,000). When D.A. Hawk disbanded the Digital Forensic Unit all of the valuable and useful equipment had to be returned to the Secret Service. The County matched that with another approximately fifty-thousand dollars (\$50,000) in equipment, software etc.

As for the equipment from Dallas County, it is now sitting unused. On June 14th, D.A. Hawk inquired whether the D.A.'s Office could sell that computer equipment by sending the First Assistant to talk to employees of the District Attorney about how she could accomplish this. D.A. Hawk never discussed her attempts to sell this equipment with me. However, it is illegal for

any County employee to appropriate or sell County-owned equipment without going through the proper channels and procedures. It is well established that County property that is no longer being used must go through the Administrative Division and then be sent to the County Purchasing Department so it can be put up for sale at a public auction. It would have been highly illegal for any member of the D.A.'s Office to just sell the forensic computer equipment.

It is well known by anyone with an understanding of how any agency or business functions that every time an employee is lost there are costs to the employer for approximately three times the salary of the fired employee. Replacement employees must be trained, which costs the employer. Frequent staff turnover contributes to a decrease in the quality of services rendered and the speed with which such services may be rendered. Losing experienced employees results in losing institutional knowledge by the employer. For example, for six years I was the Chief of the Mental Health Division where one of my many functions was to keep those who have been found not-guilty-by-reason-of-insanity in the mental institutions where they belong. I knew of the facts in the cases and close relationships with many victims and we worked together to ensure the safety of Dallas County citizens. That knowledge is now lost to the citizens of Dallas County. I am no longer in that office to be alerted about such releases. Also I worked on the many audits for seven months. That work is now lost to the citizens and someone else must start over. D.A. Hawk's rash decisions regarding firing employees have only been detrimental to the ability of the D.A.'s Office to function at peak efficiency and are jeopardizing public safety.

Also the County pays the wrongfully terminated employee's unemployment. Staff turnover contributes to a decreased quality of services, and institutional knowledge is lost. The reason the Tarrant County District Attorney's Office, where I was once a prosecutor, is the best district attorney's office in the State, has such a good reputation, and the highest salaries in the State, is because the Tarrant County District Attorney who held the post for over thirty years did not fire people without very good cause. He hired the best and mentored them.

By my count there have been thirty to forty people fired by D.A. Hawk. That is a loss of 6 to 9% of the staff. The County lost the safety derived from the valuable work the forensic investigators were doing in the high intensity drug trafficking areas. The forensic investigators were monitoring cell phones and e-mails of criminals. Before Hay was fired and before Santos was escorted out of the building before her two-weeks had run out, both Hay and Santos had been asked if they had been monitoring D.A. Hawk's e-mails and/or phone. It has been estimated that the costs incurred by Dallas County regarding the losses of Hay and Santos and losing use of the valuable equipment loaned and the training in the use thereof is half of a million dollars. Losing these valuable investigators is evidence of D.A. Hawk's continued actions jeopardizing public safety. Also using this calculation, the four chiefs she has fired since taking office and the seven chiefs she fired just before taking office may have cost the County over five million dollars. This does not include the full thirty to forty terminations many of which were important and key personnel.

On June 3, 2015, D.A. Hawk released a new organization chart with the Community Prosecution Unit answering directly to her. She had previously indicated that she would create a Rehabilitative Justice Unit and put Community Prosecution (which is required by law to only do

pretrial diversion) under that newly created Unit. D.A. Hawk called a meeting with the Chief Public Defender, and several others were she announced her plan. However D.A. Hawk did not follow through with her plan she laid out in the meeting. D.A. Hawk had wanted me to pay for a tablecloth with public funds that would bear the words "Community Prosecution Unit". The cost was over three-hundred dollars (\$300). Then she changed the name of the Unit. First she said she would name it the Rehabilitative Justice Unit, then the Restorative Justice Unit (this was the name I put on the org charts that must be submitted when I submit the budget) and she finally settled with the name Reformatory Justice Unit. That inappropriate expenditure of public funds would have served no purpose as she changed the name shortly after that idea.

Divert Court now answers directly to D.A. Hawk. Also, D.A. Hawk separated the Appellate Division from the Special Fields Bureau Chief. I had previously advised her not to do that as they were inextricably intertwined.

I once found D.A. Hawk's notepad on my desk. She sent another prosecutor to my office to retrieve it. Sometimes she would come to my office and order me to turn off my computer saying "people can hear us." Once she came to my office rambling rapidly about the appellate division. She suddenly stopped, glared at me and furiously stated "don't interrupt me." She continued glaring at me silently for an uncomfortable length of time.

On June 4, 2015, D.A. Hawk called an Administrative Chiefs meeting where she ordered the eleven super chiefs in attendance to shut off their phones, and then in an angry voice said "anyone running against me or helping someone who is running against me needs to get out now" there was a long uncomfortable pause, and then she repeated it. Which led to another long and comfortable pause. Then she addressed each of us individually about why we should be loyal to her.

On another occasion, which occurred on June 5, 2015, D.A. Hawk not only expressed being glad about having fired 26-year employee, Investigator Jeff Savage (a well-liked and highly respected Investigator fired eight months before his retirement), but also smiled and said "I'm happy about it" (his termination). D.A. Hawk said that she had fired Savage because Savage had spoken to reporter Tanya Eiserer before he was fired. Recently Eiserer indicated that she had never met Savage before she heard he was terminated. This is evidence of extreme mental illness. "Confabulation" is a memory disturbance, defined as the production of fabricated, distorted or misinterpreted memories about oneself or the world, without the conscious intention to deceive. D.A. Hawk imagined that Savage had talked to the reporter BEFORE the termination, because she saw his interview on television with the reporter AFTER the termination.

Then, D.A. Hawk addressed firing the Community Manager and explained that the Community Manager's position was needed for increasing the salary of the Public Information Officer. Despite our having discussed this same subject in the past, I again told D.A. Hawk that the two positions of Community Manager and Public Information Officer were not related and could not be combined.

On June 26, 2015, D.A. Hawk called me to her office and said "you didn't tell me my State Bar Dues weren't paid". Payment of her State Bar Dues is her personal responsibility. When I informed D.A. Hawk I had previously had this discussion with her, she responded "well maybe you did." She had also previously left her campaign finance reports on my desk for me to prepare. I did not do so as I did not have the information about her personal finances. There are serious penalties and fines for failure to fill out such reports.

I told D.A. Hawk I needed information that only Edith Santos, Forensic Computer Investigator, had in order to respond to the Federal Forfeiture Review. D.A. Hawk said "well get her in here and let's talk to her." I had to remind D.A. Hawk she had Santos escorted out of the building after Santos submitted her resignation three weeks earlier.

Many, many times other attorneys in the office came or called me and asked me to convey information to D.A. Hawk. Employees are afraid to tell her things themselves. They are also afraid to even be seen in the Administrative Division on the eleventh floor of the D.A.'s office.

D.A. Hawk would request that attorneys do legal research and then when asked about it again later she would say "do we need that?"

The Administrative Chief's Position responded to the many audits, budget, supervising Financial Services (two accountants and an administrative assistant), Checks Division (6 attorneys, 5 investigators), Mental Health Division (4 attorneys), Technology, Records, Victim Witness, Grants, Human Resources, Truancy, Toll Tag, Court of Appeals 1 (1 attorney), Switchboard, Video Room, Support staff (130+), authorizing purchase orders, requests for payments (RFP)(vendors, witnesses, furniture, electronic equipment, notary, ammo, . . .), requests for reimbursements (employees, travel, . . .), Records of Material Received (RMR)(furniture, electronics, BIPP counseling, temp employees, etc.), forfeiture accounts, inventories, Oracle requisitions, briefings to Commissioners Court, travel requests, and much more (thousands of such requests, purchase orders, payments, . . .per year, sometimes hundreds per day) and countless other duties. D.A. Hawk moved requests for public information to the Civil Division to some very overworked attorneys. That was a movement from the Special Fields Bureau Chief position. That Special Fields Bureau Chief, level eight, position now only supervises two people. This example of allocation of duties is evidence of her mismanagement.

D.A. Hawk moved a level five attorney from the Civil Division to the Juvenile Division. The Civil Division is grossly overworked. The Juvenile Division has had declining numbers of cases year after year (a 36% decline in cases over the past ten years). The Budget Director requested an explanation for this move and she could not give one. The County Budget Department and the Commissioner's Court was very disappointed about this mismanagement.

D.A. Hawk has approached the staff in the Administrative Division frequently asking to sign for things without my knowledge or oversight. It is required by the Auditor's office that the Chief of the Division sign for such purchases.

On August 13, 2015, a letter was left on my desk to pay D.A. Hawk's attorney occupation taxes from public funds. Not only was it inappropriate to pay this with public funds, it was inappropriate to ask another attorney to do this work for her. I asked D.A. Hawk's secretary where the letter came from and she said the First Assistant gave her the letter and instructed her to give it. D.A. Hawk was still in an undisclosed rehabilitation facility and had been missing from the office since July 28th (and had not been seen by me for almost four weeks). I had only seen the First Assistant thirty minutes for the immediately preceding two-week period and had been told that the First Assistant was not in the office much for the last week of July either. My office is on one side of D.A. Hawk's and the First Assistant's office is on the other side. I walk past the First Assistant's office several times a day and we park near each other. The First Assistant was spending County time obtaining documents from D.A. Hawk while D.A. Hawk was in a facility (not only this letter in mid-August but also the \$22,500 apportionment check mentioned above in mid-September). I knew that D.A. Hawk had not been in the office much since mid-July; however, I learned virtually all other details about her absence from the media. Even with the absence of the D.A. (and the First Assistant) the office was running better than it ever had.

On August 13, 2015, I learned that the First Assistant had put a non-forensic investigator in Jonathan Hay's position. Hay's position was uniquely created through an agreement with federal authorities. The agreement was to pay the first year and then the County would take it up. I learned from the County Auditor's office that the position had been filled even though there were no funds from which to pay the salary. This position was lost when D.A. Hawk fired Hay's because the County had not yet claimed up. The County would have taken it up one month after D.A. Hawk fired Hay.

So many employees have been fired that it was necessary to hire from outside the office in August to keep from promoting prosecutors to the level of Chief that had just been with the office for three months. These rapid-fire terminations waste the time of other county officials to discuss the issues with the new employees, I had to have very lengthy meetings with the local auditors, State auditors, federal auditors, Budget Department staff, Purchasing Department staff, etc. Now the next person must take up the valuable time of these officials again. There is no retention or overlap in employment to allow institutional knowledge to be passed on. By firing three Administrative Chiefs in a nine month period, D.A. Hawk paved the way for her to make inappropriate expenditures.

D.A. Hawk claimed that she held the \$22,500 check (apportionment funds from Austin mentioned above) because she thought it was her pay stub. If D.A. Hawk cannot distinguish a \$22,500 check representing public funds from a personal pay stub, then this indicates yet another serious break with reality.

There is an atmosphere of terror, fear and intimidation in the Dallas D.A.'s office. It is unhealthy and unproductive.

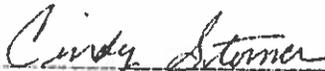
There are many other instances of sick, psychotic behavior by D.A. Hawk. It is too frequent to document here. While I am very sympathetic to her mental illness, and wish her no ill will, she cannot resume the duties of that office or regain the public trust. It is particularly disturbing that she has terminated, without cause, three separate Administrative Chiefs. The position of Administrative Chief is that of the Chief Financial Officer of the District Attorney's Office and these rapid-fire terminations contribute to instability in an area where there is much room for vulnerability. D.A. Hawk has demonstrated gross incompetence, gross ignorance of official duties, gross carelessness in the discharge of those duties; and unfitness and inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist before or during her election. Such leadership is draining Dallas County resources, jeopardizing criminal cases and jeopardizing the safety of citizens.

On Friday, September 18th, D.A. Hawk's abuse of public funds was reported to the F.B.I., the State Whistleblower Hotline, the local Whistleblower Hotline, the Attorney General, the State Auditor's Office, the Dallas County Auditor's Office, the Department of Justice, the Dallas Police Department Public Integrity Unit, and others. Her erratic and psychotic behavior is costing the Dallas taxpayers dearly and she must be removed from office before she inflicts further damage.

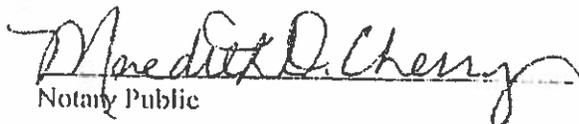
STATE OF TEXAS
COUNTY OF TARRANT

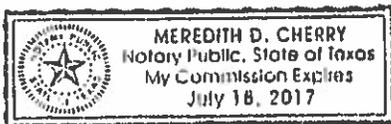
FURTHER AFFIANT SAYETH NAUGHT.

SIGNED this the 13th day of October, 2015.


Ms. Cindy Stormer

SUBSCRIBED TO AND SWORN BEFORE ME, the undersigned authority, by Ms. Cindy Stormer on this the 13th day of October, 2015.


Notary Public



NO.
AFFIDAVIT

Regarding Dallas County District Attorney Susan Hawk

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned official, on this day appeared Edith Santos, who is known personally known to me and first being duly sworn according to law upon her oath deposed and said:

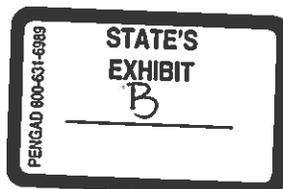
"My name is Edith Santos; I am over the age of eighteen years and my mailing address is 932 Peavy Rd Dallas, TX 75218. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct."


Edith Santos, Affiant

I, Edith Santos, joined the Dallas County District Attorney's Office in October 2006. I personally do not know Hawk. Prior to her election as District Attorney my only interaction with her had been requesting her signature for search warrants. As a Judge, I never experienced any odd behavior during my brief interactions with her.

When Hawk was elected District Attorney, I was assigned to the Digital Forensic Lab. It was a newly created division and Tommy Hutson was the Director at the time. The Digital Forensic Lab was officially opened in November 2014 and a Press Release sent to the media. The examiners in the digital forensic lab consisted of John Hay and me. In the creation of the lab, the Dallas County District Attorney's Office purchased two forensic workstations and some software and licensing and spent approximately \$55,000.00. I was advised that funds from the forfeiture funds were used to purchase the equipment/software. Both John Hay and I were assigned to the United States Secret Service Electronic Crimes Task Force.

I was a member of the task force since mid 2012. The USSS invested a lot of money and time in my digital forensics training. The following are some of the classes I attended at the National



Computer Forensics Institute or at the USSS Dallas Field Office and at the expense of the United States Secret Service and the Alabama District Attorney's Association.

Network Forensics Training April 2015
United States Secret Service

Basic Mobile Device Forensic Training April 2015
United States Secret Service

Certified Cyber Forensics Professional Training November 2014
United States Secret Service

Macintosh Forensics Training Program June 2014
United States Secret Service - NCFI

Web Hacking and Forensics Course April 2014
United States Secret Service

Basic Computer Evidence Recovery Training July 2013
United States Secret Service - NCFI

Basic Network Intrusion Training Program November 2012
United States Secret Service - NCFI

Certified Encryption Specialist August 2012
United States Secret Service - EC-Council

I was also invited to assist in teaching forensics at the National Computer Forensics Institute (NCFI) to Prosecutors and Judges all over the nation. All expenses including training and

teaching were paid for by NCFI. The following are some of the speaking/teaching engagements I have participated in.

Computer Forensics in Court -- Prosecutors Class National Computer Forensics Institute, USSS	March 2015
Computer Forensics in Court -- Prosecutors Class National Computer Forensics Institute, USSS	January 2015
Basic Computer Forensics Training -- Prosecutor Dallas County District Attorney's Office	July 2014
Dallas County Citizen's Police Academy Cybercrime Overview Dallas County District Attorney's Office	February 2014

Shortly after Hawk took office, Hawk visited the Digital Forensics Lab. This was my first interaction with Hawk. Tommy Hutson, the Director at the time, attempted to explain the division's capabilities. Hawk though was distracted and kept asking questions about cell phones. For example, she asked whether or not it was true that SIM cards could be cloned and before anyone could answer she would ask another question. Then she gave her phone to forensic examiner John Hay and asked him if all of her settings were correct so no one could track her. Within seconds of giving John Hay her phone she began to continuously ask "what are you doing?" She asked this two or three more times even though John Hay was attempting to answer. John Hay had her phone in his hand in front of her the whole time. John told her that her settings were correctly set and all tracking was off. Towards the end of her visit she turned around to look at John Hay and simply stated, "I'm feeling some animosity here." No one had any idea why she would say or sense that.

Shortly thereafter, I made arrangements so that she could meet with USSS Dallas Field Office Special Agent in Charge and Supervisory Agent over the Electronic Crimes Task Force. I wanted to make sure that Hawk understood what the Task Force brought to the Dallas DA's Office and the citizens of Dallas County. Not only did the Task Force provide us both with training but also with the tools to perform our jobs. It is my understanding that NCFI invests about \$75,000 in equipment, training, travel, and accommodations for each person attending Basic Computer Evidence Recovery Training, which I attended in July 2013. This amount does not include the other trainings I have attended at NCFI. The program is designed so that when you finish the basic five week training course, you can return to your law enforcement agency with the training and equipment and be able to work digital forensic cases.

I briefly spoke to both Hawk and Chief Johnson after both attended the meeting at USSS Dallas Field Office. Both stated that they had a great conversation with the Special Agent in Charge and the Supervisory Agent. Hawk said to me "You guys are doing a great job. Keep up the good work." This was my second interaction with Hawk.

Around February 19th, 2015, an employee within the Technology Division came and asked for my assistance. The employee asked that I conduct a forensic examination of a personal thumb drive. The employee did not give me much detail about the events and only stated he wanted to give Hawk proof that he didn't delete a file on that day or prior days and asked me to recover any deleted files titled "AttachedPhones.txt." I conducted a forensic examination on the thumb drive and did not locate any files with that title as ever being saved, or erased on the thumb drive. The result of the examination was provided to the employee.

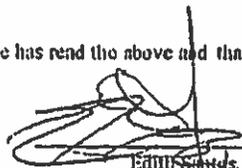
Approximately a week or two later, the Chief Investigator Randall Johnson came into the lab and asked if either John Hay or I had been "reading her email or looking at her phone." At first I was confused and didn't quite understand the question, I was taken off guard with such an odd question. I asked him who and what he was talking about. The Chief said, "The Judge's." I asked, "What?" in a disbelief tone and the Chief stated "I was directed to ask the question." I shook my head "no" and verbally told the Chief "No." It was then that I knew we would be her next target. I had previously heard through other employees about her bizarre, paranoid behavior such as continuously disconnecting the network cable to her county computer and disconnecting another employee's printer, but I hadn't experience that behavior until I was asked if I was reading her email or looking at her cell phone.

The weeks thereafter I feared that our section (Digital Forensics Lab) would be next, that her paranoia would lead us to being fired. That fear became reality on Wednesday, June 3rd, 2015. She called in John Hay, my partner in the lab and fired him. She gave him no explanation as to why she fired him. I was told later she didn't even know his name before calling him in. That very next morning on Thursday, June 4th, 2015 at approximately 10 am, after almost 15 years in law enforcement, I submitted my resignation to Assistant Chief Robert Miller since Chief Johnson was out. The evening of June 3rd I took my personal belongings home believing that she would not allow me to stay the last two weeks. Thursday afternoon I was told that she was going to allow me to stay my two full weeks. I worked all day Friday, and most of the day on Monday. On Monday, June 8th, 2015 at approximately 3pm, First Assistant Messina Madson and Chief Investigator Randall Johnson came into the lab and Messina stated that Hawk changed her mind and decided not to let me stay my full two weeks and that Randall would be escorting me out of the building. (Both Madson and Johnson were out of the office the week before, during the time period in which John Hay and other employees were fired.)

I explained to Chief Johnson that I needed to let someone know how to deal with all of the physical evidence that were in line to be processed. He had me call Bob Alvarado, Technology Director who took Tommy Hutson's place after he was fired. Alvarado came to the lab and I explained what was to be taken care of and how to contact the agencies to pick up their evidence and to instruct the agencies to take their evidence to another digital forensic lab since there was no one left at the office with our specialized skills to conduct such examinations. As I was speaking to both Alvarado and Johnson, the door to the lab opened and Hawk walked in and simply asked "What is going on?" I ignored Hawk and walked passed her telling Alvarado to follow me to the evidence room so that I can show him what was left in the evidence room and what evidence needed to go back to the agencies. After explaining what was left in the evidence room we walked back to the lab and Hawk had already left. This was my third and last interaction with Hawk.

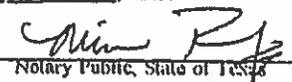
STATE OF TEXAS
COUNTY OF DALLAS

Edith Santos, the Affiant above named, being duly sworn, says that she has read the above and that the facts set forth are true.

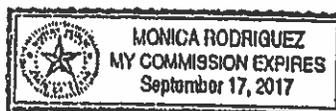


Edith Santos, Affiant

SUBSCRIBED AND SWORN before me 8 on October, 2015.



Notary Public, State of Texas



AFFIDAVIT OF JONATHAN HAY

NO.

AFFIDAVIT

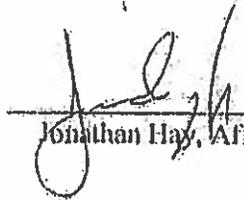
Regarding Dallas County, Texas District Attorney Susan Hawk

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned official, on this day appeared Jonathan Hay, who is personally known to me and first being duly sworn according to law upon her oath deposed and said:

"My name is Jonathan Hay and I am over the age of eighteen years. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct."

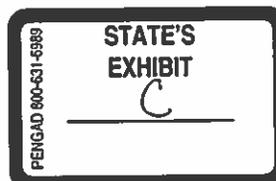

Jonathan Hay, Affiant

My name is Jonathan Hay and I was employed as a Special Investigator / Digital Forensic Examiner with the Dallas County District Attorney's Office from August 19, 2014 to June 03, 2015. I was recruited by the District Attorney's Office to create and manage the first ever Digital Forensics Program in the Dallas County District Attorney's Office. My position carried the responsibilities of working with Edith Santos, another Special Investigator / Digital Forensic examiner, to create and manage the program, conduct forensic examinations of digital evidence in support of criminal investigations and prosecutions, provide guidance to law enforcement personnel and prosecutors on the proper collection of electronic devices and electronic records, the proper handling of evidence, obtaining search warrants, and analyzing any evidence collected from forensic examinations.

Prior to January 2015 my only interaction with Judge Susan Hawk was having testified in her court (291st District Court) and meeting with her to sign search warrants. I did not know her personally and I never witnessed any odd or unusual behavior. I had only heard positive statements about her and understood her to be a very competent Judge with an excellent reputation.

Prior to beginning employment with the Dallas County District Attorney's Office I served as a police officer for sixteen (16) years. Eleven (11) of those was spent as a detective and four (4) of those years was spent in a dual role as a detective and as a Digital Forensic Examiner assigned to

STATE OF TEXAS, COUNTY OF DALLAS



AFFIDAVIT OF JONATHAN HAY

the North Texas Electronic Crimes Task Force at the Dallas Field Office of the United States Secret Service. During those sixteen (16) years I received the Life Saving Award and was named Detective of the Year for 2007. I was nominated for Detective of the Year three (3) other years and I was nominated for Dallas County Law Enforcement Office of the Year one (1) year and Collin County Law Enforcement Officer of the Year one (1) year. I have obtained four (4) industry accepted computer and cell phone forensics certifications.

I hold a Bachelor of Arts degree in Criminology and Criminal Justice from the University of Texas at Arlington and I have completed post-graduate coursework at the University of Texas at Dallas.

My assignment with the Dallas County District Attorney's Office also involved my remaining a member of the same task force. In this capacity I was also sworn in as a Special Deputy United States Marshal. During my total of five (5) years assigned to the task force I attended multiple courses on computer forensics, cell phone forensics, network intrusion investigation, python scripting, and online social network investigations. I was a guest speaker at the 2014 United States Secret Service annual electronic crimes conference in Austin, Texas. I was scheduled to instruct a course at the 2015 Crimes Against Children Conference in Dallas, Texas at the time of my termination.

My training with the United States Secret Service included being assigned a large amount of equipment and software. While it is difficult to determine an exact dollar amount I would estimate that it was in the range of \$75,000.00 to \$100,000.00. I am also aware that the Dallas County District Attorney's Office spent approximately \$55,000.00 on equipment and software for the new Digital Forensics Program.

Judge Susan Hawk was elected as the District Attorney for Dallas County in November 2014. She took office on January 01, 2015. I was one of her supporters and looked forward at advancing the Digital Forensics Program during her administration.

In January 2015 Judge Hawk visited the Digital Forensics Lab to inquire why Edith Santos and I cooperated with KTVT channel 11 for a news story related to mobile spyware. We explained that it was a project approved by the previous District Attorney, Craig Watkins, prior to him leaving office (the work for the story was completed prior to Mr. Watkins leaving office and the story was set to air on the same date as the visit by Judge Hawk). This was my first interaction with Judge Hawk. At this time the Digital Forensics Lab fell under the Technology Division, which was supervised by Tommy Hutson. He attempted to explain the capabilities and functions of the lab; however, he was continually interrupted by Judge Hawk. She asked numerous questions pertaining to her own personal cell phone, but would never allow anyone to fully answer her questions before interrupting to ask a new question. She asked how she could determine if anyone installed spyware on her own cell phone. I attempted to answer her questions, but she interrupted me several times. I volunteered to look at the apps that were installed on her cell phone and to check the security settings. She handed her Apple iPhone to me, but somewhat quickly asked what I was doing. I held her cell phone in front of me while seated next to her and explained to her that no suspicious apps appeared to be installed and that all settings appeared to be set correctly. Towards the end of her visit Judge Hawk looked at me

AFFIDAVIT OF JONATHAN HAY

and stated, " I am sensing some animosity here." Soon after, Judge Hawk left the lab. To this day I have no idea why she made that comment to me. I discussed this with Edith Santos and Tommy Hutson and both advised they all did not know why she made this statement.

Tommy Hutson was unexpectedly fired shortly after that meeting. I was not informed of the reason for his termination.

Within the next few weeks I was informed that Judge Hawk would be visiting the Dallas Field Office of the United States Secret Service. Edith Santos contacted our supervisors at that office and scheduled the meeting. I was later made aware that Judge Hawk and Chief Investigator Randall Johnson met with the Special Agent in Charge of the Dallas Field Office. Chief Johnson told Edith Santos and I that the meeting went very well with Secret Service officials praising our work and dedication. Chief Johnson stated to us that Judge Hawk told him she was quite happy with the meeting and that she did not want to change anything with how we were managing our work.

Sometime between February and May 2015 (I simply do not recall the date) Chief Johnson entered the lab and asked Edith Santos and I if we were reading Judge Hawk's emails and/or if we had looked at her cell phone. I did not understand his question initially, but when he again asked if we were monitoring her communications I assured him we were not and that I did not understand why we would be asked this question. Chief Johnson apologized for the question and stated he had been instructed to ask.

On Tuesday, June 02, 2015 and Wednesday, June 03, 2015 I testified in a trial in the 291st District Court. The prosecutor was ADA Hilary Blake. In the weeks prior to the trial I met with ADA Hilary Blake on multiple occasions to prepare for the trial. ADA Blake praised my assistance, forensic work, and testimony.

On Wednesday, June 03, 2015, approximately two (2) hours after finishing my testimony I received a phone call from Assistant Chief Investigator Robert Miller asking if I was in the courthouse. He requested that I go to his office. Upon entering his office I was surprised to find Judge Hawk seated in the corner. She asked me to sit down. She then stated, "Mr. Hay, it is time we part ways. You may resign if you like, okay." She then instantly exited the office. I sat there stunned and looked at Assistant Chief Miller to ask for clarification that I was just fired. I then asked why this was occurring and what I had done to deserve this. Assistant Chief Miller instructed to walk with him back to the forensics lab. Once back in the lab, I informed Edith Santos that I had just been fired without being given a reason or an explanation. We asked Assistant Chief Miller why I was fired and he replied that he did not know either. He said when he attempted to ask Judge Hawk why I was being fired, Judge Hawk told him it was decision "above your pay grade" and that if he continued to question her decision he would also be fired. Assistant Chief Miller further told me that Judge Hawk had not remembered my name and only referred to me as "the guy that does stuff with cell phones." Before leaving the building I updated Edith Santos and Assistant Chief Miller of the examinations I was currently working on and of the evidence on my desk.

AFFIDAVIT OF JONATHAN HAY

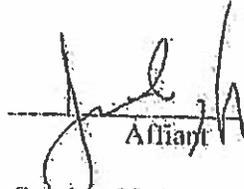
In the evening of Wednesday, June 03, 2015 Edith Santos called me to inform she would be submitting her resignation on Thursday, June 04, 2015. She stated that would no longer work in the current environment or work in fear of also being terminated without cause.

On Tuesday, June 09, 2015 I received a phone call from Chief Johnson. He stated I had been a valued employee and he did not know the reason for my termination. I told him I insisted upon receiving an honest explanation for my termination. As of October 08, 2015 I have not received a response.

Jonathan Hay

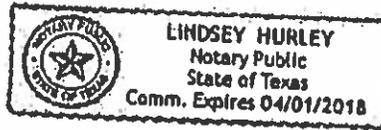
STATE OF TEXAS
COUNTY OF DALLAS

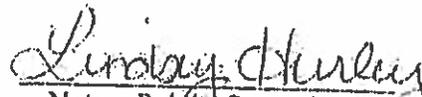
Jonathan Hay, the Affiant above named, being duly sworn, states that he has read the above statement and all facts set forth are true.



Affiant

SWORN AND SUBSCRIBED to before me by Jonathan Hay on October 08, 2015.





Notary Public, State of Texas

STATE OF TEXAS, COUNTY OF DALLAS

THE STATE OF TEXAS

ex rel.

CINDY STORMER

vs.

SUSAN HAWK, CRIMINAL DISTRICT
ATTORNEY OF DALLAS COUNTY,
TEXAS



IN THE DISTRICT COURT

OF DALLAS COUNTY, TEXAS

101st JUDICIAL DISTRICT

AFFIDAVIT

I am giving this affidavit at the request of Patrick Wilson, County and District Attorney of Ellis County, Texas, to summarize my 2015 experiences as First Assistant to Dallas County District Attorney Susan Hawk.

I served as First Assistant District Attorney of Dallas County from January 1st, 2015, until my termination by Ms. Hawk on March 23, 2015. It is my opinion that during this time, Ms. Hawk became increasingly mentally unstable, culminating with Ms. Hawk becoming mentally incompetent to hold office. It is my belief that her incompetency was due to severe mental illness and/or substance abuse, characterized by delusional paranoia, limited cognitive ability, and, ultimately, a complete break from reality. I have had no contact with Ms. Hawk since March 23, 2015. I have no desire to injure Ms. Hawk or the Dallas County District Attorney's Office. I wish a healthy and full recovery for Ms. Hawk and all success for that office.

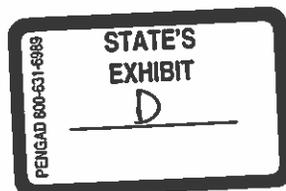
Soon after taking office in January, Ms. Hawk began to exhibit signs of paranoia focused on her computer and on her phone. She told me that someone had "hacked" her email and that someone was "in her phone." She was never able to rationally explain who was doing this to her, or why. Both DA employees and Dallas County IT personnel were summoned numerous times by her to fix these issues. Several new computers and phones were provided to her. I was told by these IT experts that there was nothing wrong with Ms. Hawk's computers and phones.

The IT chief for the District Attorney's Office, Tommy Hutson, was fired by Ms. Hawk in mid-January. His termination took place while I was away from the office. Ms. Hawk was unable to provide any explanation to me as to why Mr. Hutson was let go.

Ms. Hawk soon began to believe that I was audio taping our work conversations. Several times she demanded I hand over my phones to her to prove I was not taping her. Due to her level of paranoia on this issue, I stopped bringing my cell phones to our meetings.

Ms. Hawk also began accusing me of talking about her to my friends and members of the media. In order to give her no reason to distrust me, I ceased communications with many long-time friends, including members of the media. Ultimately, Ms. Hawk demanded that I stop communicating even basic information (i.e. trial schedules) to any reporter. This was contrary to our stated pledge of unprecedented transparency with the press.

Ms. Hawk also began accusing me of conspiring with several of her key campaign supporters to have her removed from office so one of her supporters could be DA. This accusation soon morphed into accusing me of trying to remove her from office so I could become DA. These allegations were untrue.



Ms. Hawk also began to believe that Jennifer Balido and I were conspiring against her and withholding financial information from her. This paranoia culminated in Ms. Hawk removing Ms. Balido from my chain of command so we would have “no reason to be talking behind closed doors.”

By mid-February, Ms. Hawk’s level of paranoia was paralyzing the administrative operations of the office. On February 19th, while I was out of the office, Ms. Balido resigned in lieu of termination. Ms. Hawk was unable to provide any explanation to me about the circumstances of Ms. Balido’s departure.

By late February, I noticed signs of what appeared to be substance abuse. When Ms. Hawk would enter my office and sit directly in the morning sun coming in through a window, her pupils were not responsive to the light. Her mood and demeanor was becoming almost exclusively agitated and manic. Her ability to grasp simple issues and concepts was diminishing. Ms. Hawk would fail to remember important recent events and important items of relevant information. Her paranoia was much more pervasive and delusional. She had stopped appearing at the office as regularly as she had been in earlier weeks.

Ms. Hawk had previously told me that she was taking prescription medications. I asked her if she was having problems with them. She denied any issues with her medications.

I later learned that Ms. Hawk had been in a car wreck during a late February ice storm. She did not tell me about the accident.

By March, Ms. Hawk began calling long-time employees into her office for bizarre, disjointed conversations wherein she would question the employee’s loyalty to her. I was summoned into several of these meetings. Afterwards, I would try to convince Ms. Hawk that she should not fire the employee. Ms. Hawk was never able to give any basis in fact for wanting to fire these employees. She would just repeat that she “knew what was going on around here,” or that someone “told me things I can’t tell you.” It became increasingly evident to me that Ms. Hawk was having periods of complete breaks from reality.

Other members of the office also began to notice Ms. Hawk’s paranoid and bizarre behavior. Several employees expressed their concerns to me. Several meetings were had where we discussed what we could do to both help Ms. Hawk and keep the office moving forward. We discussed contacting the State Bar, the Governor, and the Texas Rangers. None of these options seemed tenable at the time--we did not want to injure either Ms. Hawk or the office. I began contacting people I trusted outside the office to gain insight into Ms. Hawk’s illness and/or addiction.

On Saturday morning, March 14th, I was at the office working when Ms. Hawk appeared, looking disheveled. Instead of coming into my office as would have been customary, she passed by my door and went into her office. After a few minutes, Ms. Hawk came into my office telling me in a loud, agitated voice that she “would never hurt my family” and that our “families should be off-limits.” Her tone was both bizarre and aggressive. When I asked what she was talking about, she accused me of calling her mother and harassing her, breaking into her parent’s garage, and breaking into her house and stealing a photo of her. (These accusations were all untrue.) It was apparent to me that Ms. Hawk was completely delusional and detached from reality. Not knowing what to do, and trying to jolt her back to reality, I encouraged her to call 911 right now if she was delusional enough to think I committed these crimes. Instead she demanded that I call our chief investigators and get them to the office. By the time they arrived, Ms. Hawk had calmed down some. The four of us talked and while she maintained that these things had happened to her and her family, she now admitted that she now no longer thought I was responsible. We tried to further calm her down and encouraged her to cancel an appearance scheduled for later that afternoon. After a few hours, she apologized to me profusely and begged

my forgiveness. We were uncomfortable letting her leave the office that day but felt we had no choice. Ms. Hawk and I traded texts later that day. I wanted to check on her well-being and state of mind. She seemed somewhat stable.

After this incident, I began to contacting people I trusted to stage an intervention with Ms. Hawk. The people I spoke with gave me more insight into the nature of Ms. Hawk's condition; however they were unwilling to help confront her about treatment.

I ultimately decided to confront Ms. Hawk by myself after she called an unscheduled, office-wide meeting where her bizarre behavior alarmed many employees in the audience.

I spent the weekend of March 21st and 22nd at the office hoping Ms. Hawk would appear so I could confront her. She did not. Numerous calls and texts to her went unreturned.

On Monday, March 23rd, I arrived at the office to find Ms. Hawk already there. She came into my office and appeared to be in the midst of another break from reality. She wanted to fire a top administrative employee because she "didn't trust him." She was unable to articulate any reason for her distrust. At this point, I began to express my concerns to her about her health and her mental well-being. She abruptly left my office without comment and went into her own office.

Several minutes later she summoned me to her office for a private, closed-door conversation. Her cell phone was out on her desk and I believed she was audio taping our conversation. Ms. Hawk began to accuse me of failing to do my job. I told her this was untrue. Ms. Hawk became more agitated and demanded that an investigator join our meeting. Once the investigator was present, she continued to accuse me of failing to do my job. She asked for my resignation several times, and each time I refused. I expressed concerns about her health and the effect it was having on the office. Finally, she told me I was fired and asked the investigator to escort me from the office.

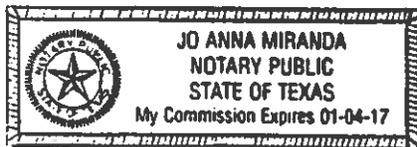
Immediately, after leaving the courthouse I contacted Ms. Hawk's political advisor and asked for a five minute meeting. I told the advisor that Ms. Hawk had had complete, delusional break from reality and needed to be in in-patient treatment immediately.

The foregoing summarizes my experiences with Ms. Hawk during 2015. There are numerous other examples that further illustrate the behaviors I've described. A full recounting of each example would be beyond the scope of the requested affidavit. As stated earlier, I have no desire to hurt Ms. Hawk. I wish her a full recovery.



AFFIANT

Sworn to before me, this 23rd day of December, 2015



NOTARY PUBLIC

My commission expires 1-4-17

CAUSE NO. DC-15-12517

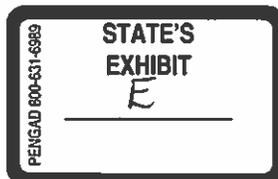
THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
ex rel.	§	
	§	
CINDY STORMER	§	OF DALLAS COUNTY
	§	
v.	§	
	§	
SUSAN HAWK, CRIMINAL	§	101ST JUDICIAL DISTRICT
ATTORNEY OF DALLAS COUNTY,	§	
TEXAS	§	

AFFIDAVIT

I am giving this affidavit at the request of Patrick Wilson, County and District Attorney of Ellis County, to summarize my experience with Susan Hawk up to and including my employment as Administrative Chief of the Dallas County District Attorney’s Office in 2015.

I have known Susan Hawk since she joined the Dallas County District Attorney’s Office as an intern in the early 1990s. I observed her in and out of court throughout her tenure as an Assistant District Attorney; first as a co-worker, and then as opposing counsel, when I worked as an Assistant Public Defender in Dallas County. Additionally, after Ms. Hawk was elected as Judge of the 291st Judicial District Court, I served as the assigned Public Defender in her court for approximately two years. In December 2009, Governor Rick Perry appointed me as Judge of the 203rd Judicial District Court in Dallas County to fill an unexpired term, and at that time, I had the opportunity to observe Ms. Hawk in various judicial meetings and functions. I later worked as an attorney in private practice and was assigned cases (both potential trials and appeals) in Ms. Hawk’s court. After Ms. Hawk resigned her bench in 2014 to run for Dallas County District Attorney, Governor Perry appointed me to fill her unexpired term.

I served as an Assistant District Attorney in the Dallas County District Attorney’s Office, first as Chief of the Public Integrity Unit and then as Administrative Chief, from January 1, 2015 until I resigned in lieu of termination on February 19, 2015. During my tenure, I observed various acts by Ms. Hawk which led me to believe that Ms. Hawk was not mentally fit to hold the office of District Attorney of Dallas County. Whatever the cause, I believe that it adversely affected her ability to serve as District Attorney of Dallas County in a competent manner.



I was initially hired by Ms. Hawk to serve as Chief of the Public Integrity Unit of the District Attorney's Office. She called me the day before Christmas 2014, and offered me the job. I accepted on the spot. I was sworn in with the other Assistant District Attorneys on January 1, 2015. On January 2, 2015, I began working. On January 5, 2015, I was walking down the hall and Ms. Hawk called me into her office. She told me that she needed me to work in another position in the office, and she offered me the position of Administrative Chief, whose primary duties were running the administrative arm of the office, constructing the budget, and working with the Dallas County Commissioners Court. She told me that she needed someone in that position who she could trust and who could work well with the members of the Commissioners Court. I told her if that was her criteria, I was the person for the job. I was immediately moved into the office directly across from hers on the 11th floor of the DA's office.

One of my first duties as Administrative Chief was to review all of the funds overseen by the District Attorney's Office, to determine the balance in each account, and to determine what was or was not a proper expenditure of the money in each account. The District Attorney's Office has a number of bank accounts holding funds from various sources, and each account has different statutes that regulate how those funds can and cannot be used. Ms. Hawk was concerned about these accounts because there had been some accusations from her campaign and the media that the funds were not being properly used by the previous administration. I reviewed the funds and researched the legal issues surrounding the expenditures from the accounts, and I provided Ms. Hawk with a memo in which I summarized the purpose, balance, and regulations of each account. I informed her how these accounts should be used in her administration. I presented these memos to Ms. Hawk during the second week of my tenure, and told her to let me know if she had any questions. While she had hounded me for these memos while I was working on them, I soon learned by her subsequent actions and questions that she had not reviewed them in full.

After the first week in my new position, I began to notice that Ms. Hawk was becoming increasingly scattered and unduly suspicious without apparent cause. She frequently asked me questions about issues we had previously discussed. It became clear to me that she had not read or reviewed the memos I had submitted to her about the various financial accounts, because she would accuse me of not telling her specific things about those accounts. I had Ms. Hawk (and First Assistant Bill Wirskye and Felony Chief Kevin Brooks) sign signature cards for the various accounts held by the District Attorney's Office, and she later did not remember signing the cards. She did not understand how we had expenditures from the various accounts when she had not personally approved them. I explained to her the processes that were set up within the Financial Services section of the office, and that I was personally approving all the expenditures. She initially seemed comfortable with my explanation, but would come into my office and question me about the various expenditures. She would come into my office many times during the day and ask, "What are you not telling me?" and would state, "I know you are not telling me

everything". I would assure her that I was keeping her up to date on the financial workings of the office and she would leave my office, only to return later, asking the same questions. I suggested that we set up a specific time each week (I suggested Tuesday afternoon, after the weekly Commissioners Court meeting) to discuss what was occurring in my section of the office, but she declined.

When I first began my tenure as Administrative Chief, I had a meeting with Ms. Hawk and First Assistant Bill Wirskye, in which they explained that they believed the office should run with a clear chain-of-command; all decisions should follow the chain-of-command both up and down the chain. I was therefore surprised when the IT Chief, Tommy Hutson, was unexpectedly fired without my knowledge, as I was his direct supervisor. When she told me of his termination, Ms. Hawk apologized for not consulting me, saying "it had to be done".

She then explained that Mr. Hutson had set up her Dallas County email account and her Dallas County cell phone without her permission. She showed me her Dallas County iPhone and pointed at the "apps" on the screen and said that she had not given him permission to put those applications on her phone. I explained to her that he was just doing his job by setting up her email account and cell phone so she and the office could function properly from her very first day, but she reiterated, "He had to go". She frequently summoned Hutson's replacement to her office to solve her perceived technology problems, including why things were appearing and disappearing on her email and cell phone.

During the first few weeks of my tenure, Ms. Hawk had not yet hired the Chief of the Civil Division, the Chief of the Appellate Division, or the Chief of the Conviction Integrity Unit, so many times, personnel of these various divisions would contact me to ask questions or seek guidance. Ms. Hawk questioned me as to why I had so many people coming to my office. I also was handling the Office's responses to requests for Open Records or requests under the Freedom of Information Act concerning the District Attorney's Office (all other Open Records or FOIA requests concerning other county agencies were being handled by the Civil Section of the Dallas County District Attorney's Office). First Assistant Wirskye was my immediate supervisor, and it was necessary that we discuss many confidential matters regarding the Open Records requests and that affected the various department that I was *de facto* supervising. These discussions were held in either my office or Mr. Wirskye's office with the door closed. Many times, Ms. Hawk would walk into the office and make a comment that Mr. Wirskye and I were always meeting behind closed doors and asked what we were discussing. We explained that we were talking about matters that were confidential and needed privacy.

In late January, I happened to be on the elevator with Ms. Hawk after returning from lunch. She inquired about where I ate lunch and with whom. I told her that I had eaten lunch with a reporter from *The Dallas Morning News*. She asked me why, and I told her that we were friends. Later

that afternoon, she came into my office and asked me if I thought it was appropriate to eat with members of the press. I told her I believed it was appropriate. She said she did not think it was appropriate. She left my office, only to return a few minutes later. She then asked what the reporter and I talked about at lunch. I told her that the reporter had twins in day care and they were getting sick frequently, and she was asking my advice, since I had children that had been in day care. I told her again that the reporter and I were friends. She told me that she did not think it was appropriate for me to consort with reporters and stated that I could not have contact with any reporters without her permission. I then ceased contact with members of the press and only contacted them about open records issues with Ms. Hawk's explicit permission. Ms. Hawk soon asked me why I was asking for her permission to talk to reporters, and I reminded her of our conversation, and she denied saying that I couldn't talk to reporters.

It became clear to me rather early in my tenure as Administrative Chief that Ms. Hawk did not understand the budget process. I explained to her that our budget for the year was set by the Commissioner's Court based on the requests of the previous administration, and that we could not change it.

Ms. Hawk told me that she had hired (without my prior approval) a community relations liaison at a salary of \$70,000 because her political consultant told her that no good candidate would accept the position for less than that salary. I contacted our Human Resources department, who told me that the position paid \$40,000. I told Ms. Hawk this information and she told me that the prior administration had paid their community relations liaison more than \$100,000 and to "make it happen". I determined that the prior administration had supplemented the salary of the community relations liaison with fund from the DA "Hot Check Fund", an account funded by the fees paid by defendants who owed money from their "hot check" cases handled by the DA's Office. In the memo regarding this fund that I prepared and presented to Ms. Hawk in the first weeks of my tenure, I explained that the "hot check" fees funding this account were decreasing yearly due to the increased use of debit and credit cards and that we should not supplement any salaries out of this account. Ms. Hawk denied me telling her this and told me again to "make it happen". I then contacted the Auditor's Office, who told me that the previous administration had not repaid the County for the previous six-months of salary stipends for the community relations liaison and other DA employees, so there would not be enough money to cover the stipend for the new hire. This matter was on my desk when I resigned in lieu of termination.

In the week preceding the Martin Luther King weekend and holiday, Ms. Hawk told me and other supervisory attorneys that she wanted "the office" to participate in two different MLK events. Her statement surprised me, since she had emphatically stated at our first office-wide meeting that she would never ask anyone at the office to campaign for her. Her exact quote was, "It is my job to get re-elected and it is your job to do justice". Ms. Hawk wanted to use a county vehicle and purchase candy to throw from the vehicle in the parade. I cautioned her that I

thought it would be inappropriate to use a county vehicle and use county funds at a campaign event. She said that she would be appearing as a public official. I advised that there could be no campaign literature on the County vehicle. Ms. Hawk then instructed an administrator to send out an email to the entire office “inviting” them to participate in the MLK events. The candy was purchased and the receipt was submitted to me to pay out of forfeiture funds. I did not believe that it was an appropriate expenditure, so I decided to pay for the candy out of my own personal funds.

Ms. Hawk later told me she wanted to hire a website designer, using money from the funds from “Memo Agreements”, a misdemeanor diversion program in which the defendant would pay the DA’s Office \$500.00, do community service, take two urinalysis tests in a two-month period and the case would be dismissed. I explained to her, as I had in my prior memo to her regarding this account, that I did not believe that expenditures from this account could be used in this manner. Ms. Hawk and I had previous discussions in which she stated that the prior administration was running his re-election campaign out this account by forming the “Community Prosecutions Unit” which participated in community outreach and produced public service announcements that ran during the election cycle. I reminded her of the memo about the account and that previous discussion and I suggested that we should lobby the legislature to change the language in the statute which regulated these funds to allow for this type of expenditure. She told me that the prior administration had used the funds for this type of expenditure, and for me to “make it happen”. I again told her that I did not think the expenditure was appropriate under the statute, and I didn’t care what the prior administration did. A few days later, the community relations liaison came to my office to ask me what was the salary and benefit package for the website designer because she and Ms. Hawk were interviewing for the position.

During the first week of February, the Dallas County District Attorney’s Office was notified that it would be required to turn over a large number of documents maintained in the Financial Services section, which I supervised. I met with Ms. Hawk, Mr. Wirskye, and Russell Roden, the new Chief of the Civil Section of the District Attorney’s Office to develop an internal strategy as to how we would comply with the requirement. After the meeting I returned to my office, but was soon summoned back into Ms. Hawk’s office, and she shut the door. She then stated, “If I am the last person to know what is going on in my office, someone is getting fired.” I asked her what she was talking about. She repeated, “If I am the last person to know what is going on in my office, someone is getting fired.” I again asked her what she was talking about. She just stared at me. I asked if it had something to do with the paperwork we had received that day, and she said yes. I told her I had no prior knowledge of the matter, and that I was just as surprised as she was. She again repeated, “I am saying that if I am the last person to know what is going on in my office, someone is getting fired”. I told her that I was worried that she did not trust me. I told her that I was “100% loyal to the office”. She said that she wanted to know if I was 100% loyal to her. I told her that I believed that she and the office were one in the same,

and I was 100% loyal to the office. She said that she wanted me to say I was 100% loyal to her. I said I was 100% loyal to her. She then sent me back to my office.

Soon after, Ms. Hawk informed me that she was changing the structure of the office, and that I was going to report directly to her and not Mr. Wirsky. She stated that “now, you and Bill don’t have a reason to talk anymore.” I later notified Mr. Wirsky of the change, as he was out of town at the time.

Many times, I would have conversations with other Assistant DAs or private attorneys in my office, and Ms. Hawk would walk by and look in my doorway to see who was there. After the person would leave, Ms. Hawk would ask me why I was talking to that person, sometimes leaving and returning to ask me again why I was talking to that person.

As my tenure continued, Ms. Hawk’s visits to my office to ask what I was hiding from her increased in number. Additionally, there were times that no one, including Mr. Wirsky, Chief DA Investigator Randall Johnson or her secretary Dan’l Simpson, knew of Ms. Hawk’s whereabouts or whether or not she was going to attend work that day. She would not return phone calls or texts. Her attendance at the office and other community functions became increasingly sporadic.

The week of February 9, 2015, I was reviewing emails and preparing an affidavit regarding those emails to be filed in a civil case pending against the District Attorney’s Office filed by *The Dallas Morning News* against the previous administration because *The News* believed that the DA’s Office had not turned over all responsive documents to their numerous open records requests. I had many conversations with Ms. Hawk about the lawsuit, both before she hired the new Civil Division Chief Russell Roden and after his hire. I also notified her whenever I had a meeting with Mr. Roden about the lawsuit and verbally summarized each meeting for her after the meeting was complete. The email search was a large project that included the review of over 10,000 emails that contained the various terms (e.g. “Porsche”) requested by the media. Most of those emails were not responsive to the request, so I had to review each one to make sure that we were turning over responsive emails only. The project took over 18 man-hours to complete, and I was working on a separate laptop (given to me by the Chief of our IT department, who placed all the emails found on the Dallas County email server by the Dallas County IT department on the hard-drive of the laptop) so that I could keep the project open and separate from my other duties.

As I was preparing to leave the office on Friday, Ms. Hawk entered my office and asked me what I had been working on. She was very “twitchy” and would not look me in the eye; her pupils were fixed and dilated, and I watched her eyes as they constantly roamed all around my office. I reminded her (as I had all that week) that I had been working on *The Dallas Morning News*

lawsuit and she stated that wanted to see my work. I explained again to her that the lawsuit had nothing to do with our administration and I was trying to make sure we turned over everything responsive to the media's open records request and I could swear in my affidavit that we had turned over all the information that was responsive to the Open Records request. She accused me of hiding something from her and said, "I don't know why you won't show it to me, since it is my office we are talking about". I again explained it had nothing to do with our administration, but only the prior administration. She ordered me to show her, so I handed her a copy of my affidavit while I rebooted the extra laptop. As she flipped through the affidavit, I noticed that she was not reading it, but rather scanning my desk, looking at the other papers and files stacked upon it. I then showed her the emails I had been reviewing on the extra lap top. She began to scan through them, which made me nervous because I was afraid something might get jumbled or deleted inadvertently as she clicked through the files. The DA IT Chief had inserted some folders for me to use, but I did not end up using them. One was labelled "DA". Ms. Hawk got highly agitated and inquired about that folder. I told her I had not used that folder, so there was nothing in it. She said she wanted to see it, and I again told her there was nothing in the folder. She again stated that she wanted to see it, because it was labelled "DA" and she was the DA. I clicked on the folder and it showed that there was nothing in it. She then asked me why there was nothing in it, and I again explained that I had not put anything in the folder. She again told me she was the DA. I told her I knew that. She then wanted to see what was in the "deleted items" folder under DA. I told her that I had not used that folder and there was nothing in it. She said that she wanted to see it. I clicked on it and showed her that there was nothing in it. She asked me why there was nothing in it, and I again explained that I hadn't used the folder. She then looked at me and stated, "This is exactly what I am talking about. I need to know about these things". I told her that I would certainly give her a copy of my final affidavit and a list of the emails after it was finalized, so if she got a media call on it after the affidavit was filed, she would know what was filed. She asked if any of the emails mentioned her or talked about her, and I assured her that they didn't. She then said, "This is exactly what I am talking about, I need to know these things about my office, and I don't know why you are not telling me. If it is too much trouble for you to tell me these things..." I responded that it was not too much trouble, and I was keeping her informed as to what I was doing, but again that it was regarding the previous administration and had nothing to do with her administration. She seemed somewhat satisfied, but still in a highly-agitated state. I turned off my computer and the lap-top and left the office for the weekend.

The following week, I was forced to miss work because of the death and funeral of my childhood best friend's father. When I told Ms. Hawk I needed to miss work because of the funeral in Midland, she stated, "That must be why you have been so upset lately." I told her I didn't think I had been upset. Before I went out of town, I dropped off a copy of the emails that I had determined as responsive and a copy of my affidavit at the Civil Section of the DA's office for Mr. Roden to review. When I returned to the office on Thursday, February 17, 2015, she came

into my office, hugged me, asked me if my friend was doing well, and we had a short conversation. Later that afternoon, Mr. Roden came into my office while he was waiting to meet with Ms. Hawk. We began discussing *The Dallas Morning News* case and he showed me a copy of my affidavit that he had reviewed and revised, shortening it. Ms. Hawk came into my office and asked what we were talking about. We told her we were talking about the case. She asked if she could see what Mr. Roden had in his hand, and he said it had nothing to do with what we were talking about (it didn't). She said that if it had something to do with her office, "it has something to do with me, and I want to see it". She then ordered him into her office and shut the door.

Five minutes later, she came to my office and told me she wanted to see me. I walked into her office and Mr. Roden was still there. I took a seat next to Mr. Roden, Ms. Hawk showed me a copy of the revised affidavit and told me that my affidavit was different than the one I showed her on Friday. I told her yes it was, I had shown her a draft and Mr. Roden had reviewed and revised it. She repeated that the affidavit was different, that it was longer. I told her that yes, it was different, but no, it was shorter. Ms. Hawk seemed flustered. She then stated that I didn't tell her that I changed the affidavit. I told her that I had only been shown the revised copy five minutes prior and that I had not even had a chance to review it in whole. She again stated that I didn't tell her that I changed the affidavit, and I told her again I had just received the revised copy five minutes prior. She stated, "This is exactly what I am talking about," and I asked what was she talking about. She stated that nothing was to go out of her office without her explicit approval. Mr. Roden stated that the amount of open records requests processed by his section made her request impossible, especially due to the time restraints the law puts on responses to Open Records requests. Ms. Hawk looked at Mr. Roden and said to him, "Your answer to me is always YES." Mr. Roden then answered, "Yes." She then told him he could leave. He left her office.

After Mr. Roden left Ms. Hawk's office, Ms. Hawk said, "This isn't working." I responded, "No it is not." She then walked out of her office and I sat there alone for a moment before she returned with Chief DA Investigator Randall Johnson, and she said in his presence, "I don't think you should work here anymore." I then asked her if I could resign, and she said yes. I then walked across the hall to my office, with Ms. Hawk and Mr. Johnson following me, and I typed out my resignation on my computer and printed it. She told me not to touch anything on my desk and to give her my County cell phone and my DA badge and ID. I complied. Mr. Johnson then escorted me to the underground parking garage and I left the building. I then called Mr. Wirsky and left him a voicemail to notify him that I had been fired.

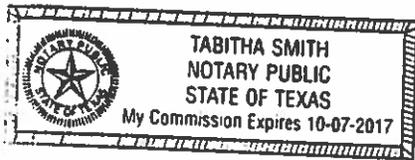
I have not had any contact with Ms. Hawk since that day. I did attend a Republican meeting in May where she was supposed to be the featured speaker, but she did not show up and did not

contact the club to tell her of her absence. We waited for her for 45 minutes, but she never arrived.

The facts outlined above best summarize my experiences with Ms. Hawk during January and February of 2015.

Jennifer Balido
AFFIANT

Sworn to before me, this 30th day of December, 2015



Tabitha Smith
NOTARY PUBLIC

My commission expires 10-07-2017.