

1           guessing, they didn't have to prove -- they knew  
2           they had to prove -- they don't have Tom's voice  
3           (inaudible). And I think that's about it. If I  
4           was just --

5                     MR. COOK: Do you want to hear something  
6           funny about voices?

7                     MR. VITATOE: (Inaudible) proof of  
8           extortion is going to be with -- it's going to be  
9           those audios (inaudible).

10                    MR. COOK: Oh, by the way, Recording 1 is  
11           missing.

12                    But here's the other funny thing. When  
13           Andrew called my employer in Tampa to try to get  
14           them to terminate me, he get the CEO of the  
15           company. The CEO said, "Quit sending us anonymous  
16           letters," because Andrew denied it, but everything  
17           in those anonymous letters was exactly what Andrew  
18           was talking about. He said, "Quit sending us  
19           anonymous letters. Quit calling us. We're not  
20           going to fire your brother. This has nothing to  
21           do with us. He's a productive employee. Leave  
22           him alone."

23                    Then he calls me and he says, "I just got  
24           off the phone with your brother." He said, "By  
25           the way, you two sound exactly alike."

1 MR. VITATOE: Well, that's -- I think if  
2 I were in your shoes, especially if you weren't --  
3 if you're representing yourself now, I mean, I  
4 would put all my efforts into disregarding --  
5 discrediting those audios. That's what's going to  
6 hurt you.

7 MR. COOK: My -- no, what I'm going to do  
8 is go and present a motion to dismiss based on the  
9 DA concealing evidence. They concealed the  
10 Vonage -- they concealed the forensic analysis.  
11 They've concealed phone logs. They've concealed  
12 emails.

13 You haven't seen the discovery. There's  
14 been two discoveries.

15 MR. VITATOE: I haven't seen anything.

16 MR. COOK: Well, he was ordered last  
17 November 16th to turn over the nonredacted email.  
18 And in his statement, the new discovery when he  
19 sends a letter to McKeon, he says "Me and Hedrick  
20 basically went over and over how to get that  
21 email, and we can't think of a way to get it."

22 But see, here's the funny thing. There  
23 was an outstanding subpoena at Earth Link to get  
24 that email. And Hedrick kept telling me month  
25 after month, "Yeah, I'm going to call Demarcus

1 Horton over at Earth Link and get it."

2 Demarcus Horton wouldn't talk to me  
3 because I was represented by counsel. And he sent  
4 part -- partial emails, some before, some after,  
5 but we didn't get the ones we wanted.

6 And he told me probably a dozen times he  
7 was going to call Demarcus Horton and follow-up on  
8 it, and then he never did.

9 Well, if you know you've got to turn over  
10 a nonredacted email and there's an outstanding  
11 subpoena sitting over at Earth Link, and all  
12 either Hedrick or Edwards has to do is call  
13 Demarcus Horton, why didn't they do it?

14 MR. VITATOE: Who was the email from?  
15 Was it from Andrew to me, or --

16 MR. COOK: Yes.

17 MR. VITATOE: It was an email from him to  
18 me?

19 MR. COOK: Yeah.

20 MR. VITATOE: Okay.

21 MR. COOK: I don't expect you to remember  
22 it. Hell, I'm sure you've slept since then and  
23 you've probably deleted it. But, you know, why  
24 would -- Jeff, you could tell there was white-out  
25 run across it. You know how you get those

1 white-out strips and you run them and they're like  
2 perfect straight lines?

3 MR. VITATOE: Uh-huh.

4 MR. COOK: It's like someone ran a  
5 white-out strip across it.

6 MR. VITATOE: I don't understand why -- I  
7 don't understand that. And I told Bob that. I  
8 think -- I think my response is, if you've got --  
9 if Bob gave you the email that I sent him that  
10 you -- that is the only correspondence I've had  
11 since I left in 2013.

12 I've not seen anything in your case, I've  
13 not -- I've not read any documents. I only got  
14 quizzed about that redacted email, and I got an  
15 email from -- and I guess it's from Bob or from  
16 Julia Clevenger, one, but anyway, I responded to  
17 it.

18 No, I didn't redact anything. I don't  
19 know what the name would be.

20 MR. COOK: Now I'm getting really  
21 concerned, because you tell me there -- he did  
22 find something in the forensic analysis, and Shane  
23 Harold says he didn't.

24 MR. VITATOE: Yeah, that's true. I think  
25 he found -- I think -- I have a contract that

1 Shane told me he found at least one of those email  
2 addresses.

3 MR. COOK: You know what I think they  
4 found that they didn't want to turn over? And  
5 again, call me a conspiracy theorist. Do you know  
6 what I think they found that they didn't want to  
7 turn over? Emails that exonerate me. There's an  
8 email Andrew sent to me, or he sent to Tom, and he  
9 said, "Spoke to Roy today. It was just a  
10 dick-waving contest. He didn't even ask for any  
11 money."

12 Now, Jeff, if you had seen that email,  
13 what would you think?

14 MR. VITATOE: I don't know.

15 MR. COOK: "It's just a dick-waving  
16 contest." I didn't even ask him for money.  
17 Andrew's own email. I know that was on my  
18 computer. I was able to retrieve that one.

19 MR. VITATOE: I think all I asked Shane  
20 to look for was those email addresses that the  
21 harassment come from. I didn't ask him to analyze  
22 every line of the thing or every email.

23 And on hindsight, it doesn't look like  
24 that Shane had a very methodical process for doing  
25 his work.

1 MR. COOK: Well, see, the problem is if  
2 he didn't have a methodical process for doing his  
3 work and he missed something, then he could have  
4 also have missed emails that would have exonerated  
5 me.

6 MR. VITATOE: Well, he was -- he was only  
7 looking for what I asked him to look for, and I  
8 just asked him to look for these email addresses  
9 at the time to make the harassment case. And I  
10 don't think we were -- I don't think Andrew ever  
11 alleged that there was emails about the extortion  
12 aspect in an email. I thought all that was  
13 verbal.

14 I don't -- I don't think there was -- and  
15 I think -- actually, I think there was some of the  
16 emails where he was talking about it was not even  
17 to Andrew, they were to other people, like --  
18 maybe like his teacher, maybe, rings a bell.  
19 Possibly somebody that he works with that got  
20 fired over the whole process. You probably know  
21 what I'm talking about, but I'm just trying to  
22 wrack my brain and remember it.

23 But it seems like he accused you of  
24 contacting somebody, getting somebody in trouble.

25 MR. COOK: He's -- oh, yeah, yeah, okay,

1 his --

2 MR. VITATOE: Does that ring a bell?

3 MR. COOK: His buddy -- oh, what was it?  
4 Actually, it was Tom that did that. A guy named  
5 Ed Saltow.

6 MR. VITATOE: That's the guy, yeah, he  
7 was pitching work for somebody else or something  
8 like that.

9 MR. COOK: No, no, Ed Saltow worked for  
10 GE. And Ed Saltow, Andrew went in -- GE was one  
11 of Andrew's competitors. Andrew's small time,  
12 GE's pretty big.

13 So he knows Ed Saltow, and he says, "Ed,  
14 send me stuff that GE doesn't want to do and I'll  
15 cut you a 10-percent commission on it."

16 Well, how do you think GE felt when they  
17 found out about Ed? And there was a recording on  
18 one of the computers that Tom had where Ed had  
19 left a message, Tom just sent that over to GE and  
20 poor old Ed got fired.

21 Here's something else that I'm concerned  
22 about. There was also a recording on Tom's  
23 computer of you. You had left a message for  
24 Andrew, and it was on Tom's computer.

25 See, Andrew's Vonage log, the voicemails

1 are forwarded to Tom's email address. This is how  
2 smart Andrew is. When he fired Tom, he forgot to  
3 cut that off, so every voicemail that was left  
4 ended up in Tom's email. Yeah, yeah.

5 MR. VITATOE: Well, I can (inaudible).

6 MR. COOK: Well, no, no. But here's the  
7 thing. That's why it made me think, okay, you  
8 guys didn't do a forensic analysis, because my  
9 god, man, if you would have found that you  
10 probably would have crapped out, like "How the  
11 hell'd they get that?"

12 MR. VITATOE: Yeah. No, I remember, I  
13 was just looking for something in specific and it  
14 was about -- it was about some emails that he had.  
15 And I think that's the words, the handwritten  
16 stuff that you're probably looking at is probably  
17 where I said "See if you can find anything from  
18 this email address or that email address."

19 Whereas, you know, in a --

20 MR. COOK: Well, don't you think -- don't  
21 you think that if Andrew would have withheld  
22 pertinent information from you, like the fact that  
23 he found his shit six weeks before you hit the  
24 search warrant, maybe seven weeks, don't you think  
25 he could have doctored the recordings? Would you



1 put that past him?

2 And then the timestamps don't match. His  
3 own words, the timestamps don't match. Because  
4 Jeff, no matter how well you can line shit up, you  
5 can't make everything match if it ain't real.

6 MR. VITATOE: Yeah.

7 MR. COOK: And, you know, you're telling  
8 me all you guys may have had the Vonage logs.  
9 Maybe that's why somebody destroyed them, because  
10 they don't match.

11 And then you see the places where he  
12 called himself. Why would he call himself?

13 MR. VITATOE: Yeah, I don't know. I  
14 mean, you get -- you'll get to -- you'll get to  
15 cross-examine him. Are you going to take yourself  
16 to trial? I mean, you know what they say about a  
17 guy who represents himself.

18 MR. COOK: Yeah, he's got a fool for a  
19 client.

20 MR. VITATOE: (Laughing).

21 MR. COOK: Well, Jeff, let me ask you  
22 something here.

23 MR. VITATOE: All right.

24 MR. COOK: If you found out that two of  
25 your attorneys violated -- or you suspect one did

1 and you know one definitely violated  
2 attorney-client privilege, you know that they're  
3 all afraid to confront Bob Edwards and say the  
4 prosecution has withheld information, which they  
5 obviously have now, what would you think if you  
6 were me?

7 MR. VITATOE: I don't know. Were they  
8 appointed or did you hire them?

9 MR. COOK: I can't afford them. I went  
10 out looking for an attorney. Everyone I talked to  
11 wanting anywhere from a \$10,000 to a \$40,000  
12 retainer.

13 MR. VITATOE: I don't doubt that.

14 MR. COOK: And you know what they all  
15 said?

16 MR. VITATOE: Is it coming up this year,  
17 or in '17?

18 MR. COOK: No.

19 MR. VITATOE: Your court date.

20 MR. COOK: Oh, July the 11th, but we got  
21 a lot of work to do. I've got authorization to  
22 hire a private investigator. This is another one.  
23 Attorney No. 4 hires a private investigator,  
24 right? And he knows that I'm sitting up there  
25 accusing the prosecution of prosecutorial

1 misconduct, withholding information. So he hires  
2 a guy named Cohen.

3 MR. VITATOE: A guy named who?

4 MR. COOK: His last name was Cohen.

5 MR. VITATOE: I don't know him.

6 MR. COOK: Well, Bob Edwards does,  
7 because him and Bob have been close personal  
8 friends for 30 years. Would you hire a guy who  
9 has been close personal friends with the  
10 prosecutor for 30 years? That's the only private  
11 investigator you could find? (Laughing).

12 And then, you know, I talked to him and  
13 gave him stuff. Now that McKeon is off the case,  
14 he -- he don't want to be the private investigator  
15 no more.

16 I mean, you keep telling me I'm a  
17 conspiracy theorist, but look at this ;12 days  
18 after I originally request that someone subpoena  
19 Andrew's phone records, 12 days, the 901 number is  
20 shut off.

21 By the way, I got lucky. He told them to  
22 cancel it. They just shut it off. It would have  
23 canceled in a year. If they would have delayed it  
24 another six weeks, I never would have got those  
25 phone records.

1           So then, you find out that you do get the  
2           stuff, things don't match up. You discover an FBI  
3           agent Andrew made contradictory statements to, but  
4           no one wants to talk to the FBI agent or get  
5           his -- go to court with what he's got to say.

6           And then you find out that  
7           attorney-client privilege has been broken. And  
8           every time you want something done, you get  
9           stonewalled by your own attorney.

10          MR. VITATOE: Yeah.

11          MR. COOK: I mean, put yourself in my  
12          place. Would you trust an attorney? Let's face  
13          it, these guys that work for the PD's office,  
14          they're bottom feeders. They're not really bright  
15          to be working that cheap.

16          Here's one for you. How well do you know  
17          Walter Johnson?

18          MR. VITATOE: I don't know Walter that  
19          well, at all.

20          MR. COOK: Walter had not been my  
21          attorney since April of 2015. June of this year,  
22          he subpoenas the transcript from March 7th of this  
23          year. Now, if Walter's not been my attorney for  
24          over a year, why would he subpoena a transcript?

25          MR. VITATOE: Oh, the only reason I could

1 think of is you got him hit with the personal  
2 responsibilities board.

3 MR. COOK: That was before I filed the  
4 complaint.

5 MR. VITATOE: Okay. I don't have an  
6 answer for you.

7 MR. COOK: Well, no one else seems to  
8 have one, either. But that just -- you know,  
9 well, I read that transcript, and I think I know  
10 why he got it. I think he was looking for  
11 something.

12 That transcript, saying what he said in  
13 front of the judge, he inadvertently ratted out  
14 Hedrick for violating attorney-client privilege.

15 MR. VITATOE: Oh, I see.

16 MR. COOK: So tell me again, if you knew  
17 that your second attorney had disclosed the  
18 existence of the FBI agent and had discussed your  
19 case with someone who wasn't even your attorney  
20 for over a year, would you trust anybody the  
21 DA's -- the PD's office recommends?

22 MR. VITATOE: Well, you know, Josh is --  
23 I don't -- I think I met Josh. I can't --

24 MR. COOK: Yeah, you did. You met him  
25 October last year at the Monroe County Sheriff's

1 Department.

2 MR. VITATOE: Yes, yes, that's right,  
3 there at the -- no, I'm thinking about the  
4 courthouse.

5 MR. COOK: The courthouse, yeah, okay,  
6 yeah, the courthouse.

7 MR. VITATOE: The Loudon County  
8 courthouse. I was there for something else, I  
9 think?

10 MR. COOK: You, him, and Edwards had a  
11 conversation.

12 MR. VITATOE: Yes, okay, I got you. I  
13 did meet him. I think that was the only time.

14 But I guess if I was -- if I was Josh and  
15 I was representing you and I thought that I had  
16 some information from your previous attorney, I  
17 guess in my mind I'm wondering did attorney-client  
18 privilege go to that previous attorney, because he  
19 was already privy to the information? If he was  
20 going to somebody outside of the previous  
21 attorney, then I would really have a problem with  
22 that.

23 But what if -- what if Walter had  
24 information that might help you?

25 MR. COOK: Walter didn't have anything

1 because Walter didn't do anything.

2 MR. VITATOE: Yeah.

3 MR. COOK: For 14 months, never asked for  
4 a bill of particulars.

5 MR. VITATOE: I only had one case against  
6 Walter. It was a homicide case, and I won.

7 MR. COOK: I'm not surprised. Walter's  
8 not a very good attorney.

9 MR. VITATOE: Well, he didn't win the  
10 judge. Well, he run for something, didn't he, up  
11 there last year?

12 MR. COOK: When I get done with him, he  
13 won't be able to get elected dogcatcher.

14 MR. VITATOE: Well, I don't think he got  
15 elected, anyway.

16 MR. COOK: I know he didn't. And you  
17 know what, I hate to be vengeful like that, but he  
18 is working against me. And there's no doubt about  
19 it. The only ways I found out that he ordered  
20 that transcript, somebody accidentally put it in  
21 my file at the Clerk's Office. I asked the clerk,  
22 "How did this get here? Who subpoenaed it?" "I  
23 don't know."

24 The clerk, "How do you know" -- so I  
25 actually called the court reporter, "Who

1 subpoenaed this?" "Walter Johnson." Walter's so  
2 damned stupid he couldn't even figure out that if  
3 he put that -- he couldn't even keep that from  
4 getting in my file.

5 MR. VITATOE: That's weird.

6 MR. COOK: Well, tell me again I'm a  
7 conspiracy theorist, right?

8 MR. VITATOE: No, I'm not giving you a  
9 hard time.

10 MR. COOK: I know.

11 MR. VITATOE: You know, I think you're  
12 talking to a guy that, you know, I'm sitting in my  
13 chair. I think you've got several avenues that  
14 could get you acquitted in this case.

15 MR. COOK: I'm not worried about me.  
16 This case never goes to trial. And if it does go  
17 to trial, god, let me just get Andrew on the stand  
18 one time. Let him explain why he didn't tell you  
19 for six or seven weeks that, "Oh, by the way, I  
20 found my boards." I think finding them in his own  
21 house would be such a revelation that he would be  
22 calling you immediately.

23 MR. VITATOE: I agree with you. I agree  
24 with you.

25 MR. COOK: He's deceitful, he's



1 dishonest, and you knew that. And don't take this  
2 the wrong way. This upset me. Well, I guess I  
3 shouldn't be upset, because like you say you  
4 didn't present the case to the grand jury. But  
5 you knew he was deceitful and dishonest. The day  
6 he presents the case to the grand jury he called  
7 you three or four times.

8 MR. VITATOE: Yup, he's definitely --  
9 he's got a hate for you, and I'm sure that it's  
10 mutual. And it seemed like it was not so much  
11 toward Thomas as it was toward you for some  
12 reason.

13 MR. COOK: Well, Bob Edwards is going to  
14 find out everyone that's ever hitched his wagon to  
15 Andrew Cook or did him a favor ends up getting  
16 burnt. There's no -- Bob Edwards can sit there  
17 and say he didn't know all this existed. The  
18 problem is, according to Rule 16 of the Rules of  
19 Evidence, he should have known.

20 MR. VITATOE: I'm glad that I made the  
21 decision to ask the General not to present the  
22 case. I feel like that was a smart move on my  
23 part.

24 And I'm sure that right now Russ Johnson  
25 probably wishes that he would have never even let

1 the case be presented by anybody.

2 MR. COOK: Russ Johnson has the power to  
3 dismiss this indictment right now. The fact that  
4 they withheld a forensic analysis from me for  
5 three years is grounds for dismissal.

6 MR. VITATOE: Yeah. It seems like that  
7 would be the easiest thing to do. I don't -- you  
8 know, I don't work for him. I don't talk to  
9 anybody down there anymore, and --

10 MR. COOK: Did he ever tell you why he's  
11 got such a boner for me?

12 MR. VITATOE: No, no, I haven't talked to  
13 him in -- I couldn't tell you. I was in Tennessee  
14 about a month ago. My daughter got married in  
15 Florida, and I came back to visit family, but I --

16 MR. COOK: What part of Florida?

17 MR. VITATOE: Clearwater.

18 MR. COOK: My nephew got married last  
19 December down in, oh, Key Largo.

20 MR. VITATOE: Oh, yeah.

21 MR. COOK: You know the problem with  
22 destination weddings? You got to take a week off  
23 work to go to the damned things.

24 MR. VITATOE: Yup, you're exactly right.  
25 I've taken -- I had to take about ten days.

1 MR. COOK: Well, I'm complaining because  
2 I had to go from Tennessee to Key Largo. You had  
3 to go from Montana.

4 MR. VITATOE: Oh, yeah.

5 MR. COOK: By the way, how -- how's the  
6 life up in Montana? Is it more relaxing?

7 MR. VITATOE: Yeah, man, it is. It is,  
8 it's a -- I've got a good job and I've got some  
9 good friends out here we've made. I love the  
10 outdoors. We've got a good church that we're  
11 attending out here. So there's no regrets for me.  
12 It was the right move.

13 MR. COOK: Well, one day, maybe when all  
14 this is over, we can enjoy the outdoors together.  
15 I'm into backpacking on the Appalachian Trail as  
16 much as possible.

17 MR. VITATOE: I'd like to do the whole  
18 thing sometime.

19 MR. COOK: Well, you only got to take six  
20 and-a-half months off work and hope you don't get  
21 injured.

22 If you ever get a chance to read, there's  
23 a book by a guy named Bryson called Into the  
24 Woods. They made a movie out of it. It was  
25 Robert Redford and Nick Nolte. The movie didn't

1 do well, but the book's funny to read.

2 And then I read another one about two  
3 sisters that hiked it barefoot about 12 years ago.

4 MR. VITATOE: Wow.

5 MR. COOK: Well, they -- they did it --  
6 I'll say this, they did about 80 percent of this  
7 barefoot. They went from Maine to Georgia.

8 And then after I get to the end of the  
9 book I found out, well, hell, they went back and  
10 do it northbound right after that. So I've got to  
11 go find that book.

12 MR. VITATOE: Yeah, that'd be cool.  
13 That's on my list of things to do as soon as I  
14 retire.

15 MR. COOK: Yeah.

16 MR. VITATOE: The first thing I'm going  
17 to do.

18 MR. COOK: Yeah, mine too. I take my  
19 dogs with me and, you know, it's -- I'll tell you  
20 this, if it wasn't for my dogs I wouldn't go  
21 backpacking as much as I do. We did four -- let's  
22 see, three two-day excursions last year -- or this  
23 year, and then one that was four days.

24 The easy section, if you want to do an  
25 easy one, go up towards Elizabethton, and there's

1 a place to get on the trail up near there and you  
2 can hike 30 miles into Damascus. It's almost no  
3 climbing at all.

4 MR. VITATOE: Wow.

5 MR. COOK: Two days.

6 MR. VITATOE: Okay.

7 MR. COOK: Spend the night at Abingdon  
8 Gap and then drop into Damascus.

9 MR. VITATOE: I did the Rogers Pass area  
10 up there, I guess it's Greene County. I've done a  
11 few sections, but that was one of them that I  
12 thought was really cool. Had some good -- had  
13 some good sites on it, you know. They had  
14 those -- they got those horses up there.

15 MR. COOK: Oh, yeah.

16 MR. VITATOE: Just run wild. You know  
17 what I'm talking about? It was -- it was pretty  
18 cool. You get up there and there's all these wild  
19 horses that just live up there, and I --

20 MR. COOK: I remember what I -- one of  
21 the ones I did, I took one of my dogs. It was  
22 just me, because my wife had shoulder surgery.  
23 And I take this dog in and we start this one going  
24 into Damascus, and he goes right through the  
25 middle of this -- these cow pastures with these

1 gates that close automatically. You can't even  
2 leave them open because gravity will close them  
3 for you.

4 Well, Tiger thought it would be cute to  
5 chase one of those calves that started running.  
6 Then when the 20 adult cows started chasing him,  
7 he didn't think it was such a great idea.



8 He came running to me, and he's hiding  
9 behind me the rest of the way until we got out of  
10 that cow pasture. I'm like, "What's the matter,  
11 bud? Didn't like the herd running?"

12 I'll tell you what, I hope the fire in  
13 the Smokies didn't damage the parts of the trail  
14 up there, but --

15 MR. VITATOE: Me, too. I hope it don't.

16 MR. COOK: Hey, look, man, it's been good  
17 talking to you. And I'm sorry to bug you about  
18 this. And I'm going to try to keep from having to  
19 subpoena you, because I just -- hey, one other  
20 thing, then, before you go.

21 You're telling me when you -- when you  
22 turn merchandise over to people to move around you  
23 do make them sign for it, right?

24  MR. VITATOE: Yup. 

25 MR. COOK: And when it's turned back into

1 the evidence -- the evidence room, who would --  
2 who would have received it back in?

3 MR. VITATOE: Well, you know, with the  
4 AG's office being so small, it's not like there's  
5 an evidence person. When I worked there, I was  
6 the evidence person. So in your case, you know,  
7 as soon as -- as soon as your stuff come to my  
8 office, usually I would process stuff, package it  
9 up, put the name and the case number and all that  
10 stuff. And then I would carry it downstairs and  
11 log it into the evidence room.

12 In your case, I sent some of it --  
13 instead of going straight to the evidence room, I  
14 took it straight to my office, processed what had  
15 I -- you know, took the hard drives and stuff out  
16 and contacted Dan Schneider, who was going to take  
17 it to Monroe County.

18 But I am 99-percent sure that there was a  
19 property receipt with those items that I had give  
20 with the property and said, "Dan, you take this to  
21 Shane and have him sign this property receipt."  
22 Then that would have kicked back to me and been  
23 inserted into the file that says, "Hey, on this  
24 date Dan Schneider from the AG's office  
25 transferred it to Shane Harold."

1                   So that there -- there should be a  
2                   property receipt with Shane Harold's name --  
3                   signature on it.

4                   MR. COOK: But if it came back and you  
5                   weren't here because you -- you left in November  
6                   of 2013, didn't you?

7                   MR. VITATOE: Now, when I left, Brendan  
8                   Deboers (phonetic) took over the -- as the  
9                   computer director of the task force and he assumed  
10                  control of the evidence log. So there's only two  
11                  people that I said that had access at that time,  
12                  and it would have been -- actually, it would have  
13                  been -- it would have probably actually been just  
14                  one person, just -- just Brendan.

15                  MR. COOK: What about Steve Cook?

16                  MR. VITATOE: Well, we went out -- when  
17                  Steve used to do that job, and when I started down  
18                  there, the evidence room needed some work so I  
19                  revamped it. And when we revamped it, they asked  
20                  me if I would maintain it. And I said, "I would  
21                  only maintain it if we change the code because I  
22                  didn't know how many people have access to the  
23                  code."

24                  And I said, "I don't want to be  
25                  responsible for a vault that I can't control



1 access to."

2 So when I went through and reorganized  
3 and reinventoried everything in that vault -- this  
4 is probably before your case ever come along --  
5 I -- I had -- we hired a guy, some locksmith to  
6 come in and change the combination to the vault.

7 I also purchased a dropbox, so if  
8 somebody seized evidence or whatever they could  
9 put it in a dropbox and I could get it the next  
10 morning. And I had a code to the dropbox, and I  
11 would take stuff out of the dropbox and then I  
12 would enter it into the evidence room.

13 So if -- if that thing went from Monroe  
14 County back into the evidence room, I'm assuming  
15 that Brendan Deboers had to open the vault to put  
16 it in there.

17 MR. COOK: And he would have signed that  
18 he received it back, wouldn't he?

19 MR. VITATOE: That's correct.

20 MR. COOK: And wouldn't that be part of  
21 what they turned over to me?

22 MR. VITATOE: Unless it's -- our evidence  
23 log was maintained on a laptop in there, as well,  
24 that was in Excel form. So they could have -- he  
25 could have entered the date and time that it came

1 in on that form and that not be something that's  
2 been given to you, and you might be able to ask  
3 for it.

4 So there's two -- there's a property  
5 receipt, you know, the hard copy of the property  
6 receipt itself. There's also an Excel  
7 computerized digital copy of everything that comes  
8 and goes from the vault.

9 MR. COOK: Well, the thing -- the reason  
10 I question it at all is that you read on there  
11 "Highlighted items turned over to Lieutenant Dan  
12 Schneider for forensic analysis." Nothing's  
13 highlighted.

14 MR. VITATOE: Well, that's probably not  
15 an original copy, then. You know, if you copy the  
16 highlighted pages, the highlights don't show up.

17 MR. COOK: Well, actually, the highlights  
18 on Andrew's do show up.

19 MR. VITATOE: Okay.

20 MR. COOK: And that's just something that  
21 looks like -- okay. And then when I asked him, I  
22 said, "The stuff never left here," they're like  
23 "No."

24 And the one I got is not a copy. The one  
25 that's in the discovery file is the original.

1 MR. VITATOE: Okay. Does it have  
2 highlighting on it?

3 MR. COOK: No. I'll check. Maybe it's  
4 not an original, but I thought it was the  
5 original.

6 MR. VITATOE: Yeah, you might be --

7 MR. COOK: But basically somebody would  
8 have -- there should have been something signed in  
9 and out on the original form. I'm telling you,  
10 there's not in and out. It really looks like it  
11 sat there for 20 months.

12 MR. VITATOE: Well, this should be an in.  
13 There's probably not going to be an out, because  
14 it never made it to the vault. I put it together  
15 and sent it straight to Monroe County. There  
16 wasn't no sense in -- in storing it in the vault.

17 I don't -- I don't think it ever went to  
18 the vault. Actually --

19 MR. COOK: I can find out how. Did  
20 Monroe County have their own log?

21 MR. VITATOE: Let me back up. Some of it  
22 would have out, because -- because we took the  
23 tower itself to the vault because Shane Harold  
24 didn't want the whole tower. So it was logged  
25 into the vault.

1                   There should be -- there should be a  
2                   record of when it went in. But the hard drive  
3                   itself, the hard drive and the laptops went pretty  
4                   much from my desk to Dan Schneider's possession.

5                   MR. COOK: But Schneider would have  
6                   signed something saying he received them, right?

7                   MR. VITATOE: Yes. Well, Dan -- Dan may  
8                   not have, because he -- he somewhat was assigned  
9                   to our task force. It's kind of like, you know,  
10                  if me or my partner took something from A & B, I  
11                  wouldn't sign it over to my partner. But if I was  
12                  signing it over to somebody that was outside of  
13                  our agency, of course there has to be a signature  
14                  for that.

15                  So you should have one from Dan Schneider  
16                  to Shane Harold, and you should have one from  
17                  Shane Harold back to Dan Schneider. And there  
18                  should also be a record of when that came back  
19                  into the DA's office after that.

20                  MR. COOK: Well, there's things missing.  
21                  Like you say, it looks like sloppy police work.

22                  MR. VITATOE: Well, I'm guilty of some of  
23                  that, too, Roy. I -- I --

24                  MR. COOK: Well, yeah, everyone can be.  
25                  Okay?

1 MR. VITATOE: No, I did it in your case.  
2 I just -- I had -- you know, I was -- I was  
3 working some, you know, some victim crimes. I  
4 worked drug cases. And this one, I just didn't  
5 have an interest in. And I did a half-butt job on  
6 it, and I will be in front of a jury saying "Yes,  
7 I did sloppy police work." I admit that to you  
8 and I'll admit it on the stand. I just -- I just  
9 didn't put the care into it.

10 I really didn't think that it would ever  
11 even go to anywhere. I just didn't think -- I  
12 didn't have -- I didn't have any intentions of it  
13 making it anywhere. I tried to -- tried to buy  
14 some time and think, "Well, these guys will" --  
15 "they'll make up and it'll be all right."

16 And then it didn't, and then Andrew was  
17 persistent. And then I went to Russ and I said,  
18 "You know, hey, I don't" -- "I don't like this  
19 case."

20 MR. COOK: Let me tell you what kind of  
21 guy Andrew Cook is. Thomas Cook died on a bus in  
22 Costa Rica, had a heart attack. I got a phone  
23 call at 7:00 or 8:00 in the morning telling me  
24 from his mother-in-law.

25 And I've dealt with my wife, she's from

1 Colombia. And sometimes news down South is not  
2 accurate, and I thought a sister-in-law of mine  
3 was dead for two days and found out she wasn't.

4 So before I decided to run 65 miles to  
5 tell my parents that their youngest son is dead I  
6 wanted to be sure, and then I wanted to beat any  
7 phone call getting made to them. Because my  
8 parents are in their 70s, all right?

9 MR. VITATOE: Sure.

10 MR. COOK: And I called Andrew. I said,  
11 "Will you please go down to the bus stop and make  
12 sure he's dead?" "No." Wouldn't do it.

13 MR. VITATOE: Wow.

14 MR. COOK: And he's never called my  
15 parents, except one time, and it's to try to  
16 explain why he's not responsible for Tom's death.

17 And by the way, I don't know if you know  
18 Tom got a judgment against Andrew for \$24,000.

19 MR. VITATOE: No, I didn't know that.

20 MR. COOK: Yeah. The Labor board down in  
21 Costa Rica. If Andrew would have paid Tom what he  
22 was owed, Tom would have been able to see a  
23 private doctor, they would have found his heart  
24 problem.

25 He had an appointment with a public

1 doctor 12 days after he died. That's why my  
2 parents don't speak to him anymore.

3 MR. VITATOE: Well, that's sad -- that's  
4 a sad state of affairs. It really is.

5 MR. COOK: Well, I'll tell you this:  
6 When he dies, I'll go to Costa Rica to dance a jig  
7 on his grave.

8 MR. VITATOE: I understand.

9 MR. COOK: This -- this stuff here, like  
10 I say, you did your job. You served the search  
11 warrant. You refused to present it to the grand  
12 jury because you realized what it was.

13 I still would like to know why Russell  
14 Johnson dismissed the one against Tom and not me.  
15 I -- I know you don't believe it, but I've told  
16 you before. I think Russell Johnson dislikes me  
17 because of something that happened before. I  
18 think he's using his office for a personal  
19 ven- -- maybe not a vendetta, but for a personal  
20 grudge against me.

21 And then the other thing; look at all the  
22 money that's been wasted on this. Don't you think  
23 the DA's office has better ways to spend their  
24 money?

25 MR. VITATOE: Yup.

1 MR. COOK: Hired a private investigator,  
2 Edwards spending all his time. Five attorneys  
3 now.

4 MR. VITATOE: Yup, I can -- every --  
5 every couple of years, you know, I hear it. I'll  
6 hear from you or I'll hear from -- you know, of  
7 course I heard about Bob about that email. Other  
8 than that, you know, I don't have any -- I don't  
9 have any connections down there except for my  
10 family.

11 MR. COOK: I'm going to ask you, and if  
12 you don't want to tell me, that's fine. But last  
13 year when I called you, you knew about that  
14 article within four days of it coming out. Can  
15 you tell me who told you about the article?

16 MR. VITATOE: I think my wife told me. I  
17 think she heard it somewhere, but I'm not sure.

18 MR. COOK: Would she have heard it from  
19 someone that worked at the DA's office? That's  
20 something else. My whole thing is, if they don't  
21 care about the press, why would anybody call you  
22 and tell you about it?

23 MR. VITATOE: Yeah.

24 MR. COOK: Something bugs them. They  
25 don't like this. Even my own attorney told me



1 that they're not going to dismiss this because you  
2 went public.

3 MR. VITATOE: Yeah, because they're  
4 afraid you're going to sue them if they do. You  
5 know, it's got to be one of the two. We talked  
6 about that once before.

7 MR. COOK: Here's the funny thing, you  
8 know. I can't really sue them. I don't know if  
9 you're aware of it, but police officers,  
10 prosecutors -- oh, I thought about suing the hell  
11 out of them. I can't do it. You guys -- you guys  
12 enjoy the privilege of prosecutorial immunity.

13 You know, you guys can lie, doctor  
14 evidence, and I can't even sue you for it. Ain't  
15 that -- ain't that just a bitch?

16 MR. VITATOE: (Laughing).

17 MR. COOK: Here's the other funny thing.  
18 I'm telling you there's doctored evidence. We  
19 have to agree, there's a whited-out email. You  
20 don't have to agree anything else has been  
21 doctored, but you and I both know there is a  
22 whited-out email. You've seen it, right?

23 MR. VITATOE: I've -- I've heard about  
24 it.

25 MR. COOK: Okay. All right. April 15th,

1           when Edwards was up there before my case gets  
2           called, they sentenced a woman to two years'  
3           probation for tampering with evidence. Don't you  
4           find it a bit hypocritical that they sentence her  
5           to two years' probation for tampering with  
6           evidence and somebody in the prosecutor's office  
7           whited-out a name on an email? Don't you find  
8           that just major hypocrisy?

9           MR. VITATOE: When you get to the bottom  
10          of that white-out thing I'll be anxious to hear  
11          how it pans out, because I -- I didn't do it. And  
12          I wouldn't have had no reason to do it. And I'll  
13          stand behind it. I -- I'll never (inaudible)  
14          nobody.

15          MR. COOK: You're probably the one person  
16          I do believe, because you're the only one that  
17          ain't got a dog in the fight.

18          MR. VITATOE: Yeah.

19          MR. COOK: Everyone else has something to  
20          lose. And I'm sorry to file that complaint  
21          against Edwards and Hedrick and Walter.

22          MR. VITATOE: I don't care about that.

23          MR. COOK: Well, my thing is, I didn't do  
24          that for me and I didn't do it for vengeance. You  
25          know why I did it? How many people do you think

1 take stupid plea bargains they don't have to take  
2 because the Public Defender's Office is just too  
3 damned lazy to do their job?

4 MR. VITATOE: No, I agree. That happens  
5 every day.

6 MR. COOK: When I went to get my record  
7 expunged in Knoxville this year from that stupid  
8 thing I did back in 1986, I stood in court and I  
9 watched a guy who was half drugged out plead  
10 guilty to something just so he could get out of  
11 jail that day.

12 MR. VITATOE: I've seen it all, my whole  
13 career.

14 MR. COOK: And I'm sitting here watching,  
15 "You know, if you fought this, you might" --  
16 "you're going to get probation anyway." The guy  
17 was a homeless guy. He was probably going to get  
18 probation anyway.

19 He -- he would said -- he would have said  
20 anything he had to to get out of jail that day.

21 MR. VITATOE: Yeah, I've seen a lot of  
22 it.

23 MR. COOK: Yeah, that's why I don't have  
24 no faith in the system. And then you see over 90  
25 percent of people that are represented by public

1 defenders go to plea bargain.

2 MR. VITATOE: I believe it.

3 MR. COOK: Walter Johnson offered me a  
4 plea bargain August 15th, 2014. I said, "Walter,  
5 have you looked at the evidence?" "No."

6 Do you know what he offered me? One year  
7 of probation and a psych exam.

8 My second attorney told me if I told the  
9 judge to go pound sand and screw himself I'd get  
10 two years' probation. So what did he really  
11 offer? Nothing.

12 MR. VITATOE: No.

13 MR. COOK: So I looked at Walter and I  
14 said, "Walter, here's my offer to you and the DA.  
15 You guys write me a check for \$25,000 and you guys  
16 go take a psych exam, because you're crazy if you  
17 think I'm going to plead out for something I  
18 didn't do."

19 I know you may not believe it. I'm  
20 telling you, these calls are doctored, and I can  
21 prove it. And if --

22 MR. VITATOE: (Inaudible). Now, in my  
23 mind, I mean, I can talk -- I mean -- and I -- and  
24 that maybe, you know, one of -- a point of  
25 contention or something that you and I will

1 disagree on. But it sure -- it sure sounds -- if  
2 somebody's doctored it, they done a good job of  
3 it. I'll put it that way.

4 But it was convincing that at least it  
5 sounded like your voice. And whether or not you  
6 ever had the chips, at least it sounded like you.  
7 And whether or not you ever would have even taken  
8 a dime from him, it just sounded like you were  
9 trying. If nothing else, just to -- just to mess  
10 with him.

11 MR. COOK: But again, you yourself said  
12 if you had known he found those PC boards you  
13 never would have even proceeded with the case.

14 MR. VITATOE: I don't (inaudible).

15 MR. COOK: He withheld that from you, and  
16 you know he did. He is deceitful. And if he did  
17 that and he did his trial run with the FBI agent,  
18 he knew exactly what he had to get you to get you  
19 to do that search warrant.

20 MR. VITATOE: I don't -- I don't dispute  
21 that.

22 MR. COOK: All right.

23 MR. VITATOE: That's a fact that should  
24 have immediately been a phone call to me. And --  
25 and you're right, he didn't until he was asked

1 about it.

2 MR. COOK: Well, I tell you what; I  
3 appreciate you taking my call. Hey, good luck in  
4 Montana. I mean, you sound like you're doing  
5 pretty well up there. Who do you work for? Is  
6 this the Gaming Commission up there?

7 MR. VITATOE: Yeah.

8 MR. COOK: I didn't even know they had  
9 casinos in Montana.

10 MR. VITATOE: Every corner.

11 MR. COOK: In every city?

12 MR. VITATOE: Every city. Mostly it's  
13 machines. They don't really have -- they don't  
14 have blackjack and roulette and that kind of  
15 stuff.

16 MR. COOK: They don't have actual like  
17 dealers?

18 MR. VITATOE: They don't have -- well,  
19 they have poker dealers, but just poker. That's  
20 the only kind of live game they can have.  
21 Everything else is machines.

22 MR. COOK: How does it compare to Vegas?

23 MR. VITATOE: Oh, that's -- it's nothing.  
24 I mean, Vegas has got all the good stuff that  
25 nobody wants to play, as far as everybody likes

1 roulette, craps, blackjack, those kinds of things  
2 in Vegas. That's why everybody wants to play  
3 there. We don't have any of that here.

4 MR. COOK: I used to live outside  
5 Atlantic City. My wife worked at Trump Plaza. I  
6 used to tell my friends, "When you go to a casino,  
7 take whatever money you're willing to part with,  
8 leave everything else at home. And when you lose  
9 that, get up and walk away."

10 MR. VITATOE: Yup. I've never -- I've  
11 always had to have my money. I didn't have none  
12 to spare. So I never -- I never have gambled.

13 MR. COOK: Yeah, you're never going to  
14 beat the house. (Laughing).

15 MR. VITATOE: I don't have much, but  
16 everything I got I've worked for.

17 MR. COOK: You're just not going to go  
18 give it up that easy, huh?

19 MR. VITATOE: No, that's right.

20 MR. COOK: Well, okay. Look, you have --  
21 you have a good day, and I'll -- I appreciate your  
22 time, man. All right?

23 MR. VITATOE: Good luck to you, Roy. See  
24 you later.

25 (Conclusion of recording.)

C E R T I F I C A T E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Rhonda S. Sansom, RPR, CRR, CRC, and Licensed Court Reporter, do hereby certify that I transcribed an audio recording provided to me by Mr. Roy Cook; that the foregoing pages were transcribed under my personal supervision and constitute a true and accurate record of the audio recording to the best of my ability.

I further certify that I am not an attorney or counsel of any of the parties, nor an employee or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my signature this the 27th day of March, 2017.

*Rhonda S. Sansom*

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