

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA,	:	Docket No. 04-20075
	:	
Plaintiff,	:	
vs.	:	March 17, 2010
	:	
GREGORY JAMES CATON,	:	
	:	
Defendant.	:	Lafayette, Louisiana

REPORTER'S OFFICIAL TRANSCRIPT OF THE REVOCATION HEARING
BEFORE THE HONORABLE TUCKER L. MELANCON
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

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FOR THE DEFENDANT:	RANDAL P. MCCANN Law Office of Randal P. McCann P.O. Box 3685 Lafayette, LA 70502
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P R O C E E D I N G S

(Call to order of the court.)

THE COURT: All right. Good morning. Please be seated.

The first matter before the Court today is Criminal Docket Number 04-20075, *United States of America vs. Gregory James Caton*. The matter is before the Court on a petition to revoke supervised release.

At this time I would ask that the attorneys involved in the case, starting with the attorney for the United States, to identify themselves for record purposes.

MR. MCCOY: Daniel McCoy for the United States, Your Honor.

MR. MCCANN: Randal McCann appointed by the Court to represent Greg Caton, Your Honor.

THE COURT: All right. Now, let me just say a couple of things about what this hearing is and what this hearing is not. And I want to start out -- I know we've got family or friends or some people out here that are in the audience.

Mr. McCann, I'm getting ready to say something and then you can say something. Okay?

What this hearing --

MR. MCCANN: I --

THE COURT: Just a minute, Mr. McCann.

MR. MCCANN: That's okay, sir. I'm fine.

1 THE COURT: What this hearing is about is whether or
2 not this defendant, who the Court is very familiar with, very
3 familiar with from his history, from a review of the documents --
4 it's about whether or not he violated the terms of his supervised
5 release, period, end of subject.

6 And I will say this. My first -- this isn't my first
7 rodeo, and thank God I'm a Senior United States District Judge
8 now and I don't have to take criminal cases in the future,
9 because what I saw in this case for the first time in my tenure
10 is requests --

11 Okay. I don't want to run anybody out of the
12 courtroom, but if the baby can't be quiet, we need to get the
13 baby out of the courtroom.

14 I saw for the very first time in my over 16-year
15 judicial tenure a request go out on the internet to help
16 Mr. Caton.

17 And, Mr. McCann, I'm going to ask you -- and you'll get
18 to say what you want to say in a little while, but I'm going to
19 ask you -- I think they gave the judge's address and they gave
20 your address and said send them to you.

21 Did you have anything to do with that?

22 MR. MCCANN: The support letters that --

23 THE COURT: I'm talking about what went out on the
24 internet.

25 MR. MCCANN: Oh, no, sir. In fact, I didn't even read

1 what you're talking about.

2 THE COURT: Mr. McCann, knowing you, knowing your legal
3 ability and the integrity you have as an officer of this court, I
4 couldn't imagine that you would be part of it, but they had your
5 name on the notice. That's all over the internet.

6 Now, I will say this. The great thing about our
7 country -- and I mean this -- with its warts and scars and
8 everything else is that we have open criminal proceedings,
9 whether it's a trial or if it's a proceeding just like this, and
10 there's a record made every time.

11 And I want to say -- and I will say for the record --
12 in my 16-plus years I've tried to read every letter that comes to
13 me, particularly those of people -- immediate family members like
14 a wife -- which I read this one today because I got it yesterday,
15 I believe.

16 MR. MCCANN: Yes, sir, you did.

17 THE COURT: But after I started mulling through -- and
18 I don't know. I'm going to put them all in the record. It will
19 go to wherever this record goes if it goes anywhere after this.
20 I didn't read all of that. I mean, it was ridiculous.

21 And I don't -- you know, it's not important to what I'm
22 doing here today about what happened in Ecuador or what
23 allegations were made about the DEA or any other government
24 agency about how it was that, from the record and from my
25 recollection, Mr. Caton was apprehended in Ecuador. That's not

1 what this hearing is about.

2 Now, I did issue a warrant back on, I think, November
3 the 7th of 2007 or some date thereabouts because -- Mr. McCann,
4 you don't need to speak -- because Mr. Caton, who had been given
5 permission by this Court to make a business trip down to Ecuador,
6 out of country, didn't come back.

7 And there was information presented at that time that
8 Mr. Caton -- and that's one of the allegations here today, but
9 we're going to -- we'll listen to what the testimony is. It was
10 that Mr. Caton was doing pretty much what he had gotten busted
11 for in this country for doing up here illegally that he admitted
12 to.

13 And, again, I'm just -- in my view -- and, again, I'm a
14 has-been as far as criminal cases, but I pity my poor colleagues
15 if we're going to see this kind of activity, go dump this many
16 letters on the judge and think that's going to get sympathy or
17 empathy. What judges are supposed to do is to apply the law.
18 That's all this case is about here today for me, plain and
19 simple.

20 But I want the record to reflect I did not read all of
21 this solicited e-mail out there. I will say that some of the
22 websites that my astute young law clerk -- she started saying
23 something is not right here. She went out and researched the
24 internet and found out where it's coming from. I just -- the
25 material that's out there -- and I'm not suggesting Mr. Caton put

1 it out there, but it's bogus and it's false about the history of
2 this proceeding, period, end of subject. I was the judge
3 presiding, and I remember this case well because it was very
4 unusual, and I reread today and yesterday the presentence report.
5 And, you know, I just -- I'm at a loss, but, at any rate, that's
6 what I had to say before we start.

7 But, Mr. McCann, what do you want to say when I cut you
8 off by saying, just a minute, I want to say what I need to say
9 for the record?

10 MR. MCCANN: I was going to suggest to you that we had
11 witnesses in the courtroom and perhaps we could had done the
12 sequestration first.

13 THE COURT: I'm not going to sequester anybody in this
14 proceeding, even with the request of an attorney, because this is
15 not the strict rules of evidence on these kind of things as you
16 well know. Everybody can hear what I just said. In fact, I'm
17 glad they heard what I said because I don't know what they're
18 going to come to court under oath and testify to, but I want
19 everybody to know that this is not the first time I've dealt with
20 this matter.

21 MR. MCCANN: Understood.

22 THE COURT: You don't have to respond, Mr. McCann.

23 And, again, I expect everybody to walk up here, take
24 the oath to tell the truth and to tell the truth as best they
25 understand it, but, remember, you're not getting somebody who

1 doesn't know anything about this case. All the case is about is
2 did he violate the terms of his supervised release.

3 And let me just say this, too, for those who are here
4 who don't know. I am, just by fate, a two-time male breast
5 cancer survivor with stage four male breast cancer. The reason
6 I'm senior status right now at age 64 and not at age 65, which is
7 the norm, is because under the disability provision, if you've
8 served a certain number of time, over ten years -- and I served
9 over 15 before I took it. If you've got a prognosis that says
10 you're supposed to die from the disease that you have, you can
11 take senior on disability. So you're not -- you know, I
12 understand about cancer, but this, too, is not what this is
13 about.

14 And I don't know what you want to say and I don't want
15 to cut you off, but if you're thinking that you're going to tug
16 at my heart because of what good works you may perceive this
17 defendant to have done, that's not what the proceeding is about.
18 I'll let everybody testify to whatever they want to testify to if
19 it's relevant, and if there's an objection by the government, I'm
20 not going to go down that road.

21 But everybody just needs to know here because most of
22 you, I take it, are probably new to this courtroom and this
23 proceeding and you just don't know what the history is, and I'm
24 going to go into that in a little bit depending on how this
25 proceeding goes. At any rate, that's the rules of the road.

1 I'm going to ask the probation officer for the record
2 to go ahead and to read the alleged violations of the supervised
3 release that have been made against Mr. Caton which he's either
4 going to admit or deny. If he denies, he'll be able to put on
5 whatever case he wants to put on.

6 THE PROBATION OFFICER: Violation number one is special
7 condition number one. The defendant shall refrain --

8 THE COURT: Okay. Go ahead, if you would, and state
9 your name for the record, please. And I'm going to get you --
10 you don't have to come up here, but go ahead and state into that
11 microphone if it's working right there.

12 Is it working, Chris?

13 It is. I hear it.

14 Okay. State, first of all -- well, it sounded like it
15 was. It might be just as easy to get you on the stand and sit
16 there. You're not going to be testifying, so you're not under
17 oath, but -- and you may be at some point if the government calls
18 you as a witness, and if they're going to call you as a witness,
19 you can just stay up there and we'll administer the oath to you.

20 Does the government intend to call the probation
21 officer as a witness?

22 MR. MCCOY: We intend to call a probation officer
23 witness, but we intend to call Jacqueline Fontenot.

24 THE COURT: Okay. Well, you go ahead and state the
25 alleged violations. We won't need to do the oath for you. Okay?

1 Go ahead.

2 THE PROBATION OFFICER: Clint Mitchell, U.S. Probation
3 Office, Lake Charles, Louisiana.

4 THE COURT: And let me ask you quickly, are you the
5 probation officer currently assigned to this case?

6 THE PROBATION OFFICER: Yes, I am.

7 THE COURT: And how long have you been so assigned?

8 THE PROBATION OFFICER: Only for a couple of months.

9 THE COURT: Okay. Go ahead. If you would state the
10 allegations that have been brought against the defendant for
11 violation of his terms of supervised release.

12 THE PROBATION OFFICER: Violation number one is of
13 special condition number one. The defendant shall refrain from
14 involvement in the manufacture and/or sale of any product not
15 approved by the U.S. Food and Drug Administration.

16 The defendant has been involved in the manufacture
17 and/or sale of products not approved by the U.S. Food and Drug
18 Administration.

19 THE COURT: And did he do that in the United States of
20 America?

21 THE PROBATION OFFICER: Yes.

22 THE COURT: Okay. That's the allegation?

23 THE PROBATION OFFICER: Yes.

24 THE COURT: Okay. Go ahead.

25 THE PROBATION OFFICER: Violation number two is of

1 standard condition number two. The defendant shall report to the
2 probation officer and shall submit a truthful and complete
3 written report within the first five days of each month.

4 The defendant was given approval from the Court to
5 travel outside the United States for employment purposes as a
6 consultant with Global Preservatives. While traveling, the
7 defendant was given permission to send in monthly supervision
8 reports via e-mail or fax and his last monthly report was
9 submitted in September of 2007.

10 THE COURT: Okay. So the last time, the allegation is,
11 you heard from him in the file you have shows that any contact
12 with probation was when?

13 THE PROBATION OFFICER: In September of 2007 he
14 e-mailed a monthly supervision report and that was the last time
15 he e-mailed a report in.

16 THE COURT: Did you have any other contact with him
17 since that date from the file?

18 THE PROBATION OFFICER: There have been some e-mails
19 since then, but his last correspondence with the Court -- with
20 the probation office was in November of 2007 when he sent his
21 last e-mail, and that's violation number three.

22 THE COURT: And the allegations that I recall -- or the
23 documents that I've read that were sent to me in preparation for
24 today's hearing indicate that at his initial return date he said
25 that he was sick.

1 THE PROBATION OFFICER: Yes.

2 THE COURT: And then at some point he said he was
3 coming back on another date, but then he said he was sick yet
4 again; is that right?

5 THE PROBATION OFFICER: Yes. I can read this.

6 THE COURT: I wish you would because I want to make
7 sure the record is clear. My recollection is not as great as it
8 used to be, but it's pretty good.

9 THE PROBATION OFFICER: Violation number three is of
10 standard condition number three. The defendant shall answer
11 truthfully all inquiries by the probation officer and follow the
12 instructions of the probation officer.

13 The defendant was given approval from the Court to
14 travel outside the United States as a consultant on August 21st,
15 2007. He was given a permit to travel to Ecuador from
16 August 31st to September 28th of 2007.

17 On September 26th Mr. Caton requested permission to
18 extend his permit to October 16th via e-mail. This request was
19 approved. On October 16th, the date he was scheduled to return,
20 he advised via e-mail that he was having medical problems and was
21 unable to return as scheduled.

22 On October 22nd, 2007, the defendant advised via e-mail
23 that he would return to the United States on October 24th. On
24 that date the defendant again failed to return as scheduled
25 citing additional medical problems.

1 On October 30th the probation office contacted the
2 defendant via e-mail and instructed him to respond as soon as
3 possible with his medical status and advise of his plans to
4 return to the United States. He replied via e-mail that his
5 condition had improved and he would contact the probation office
6 within 48 hours to advise of his return schedule.

7 The probation office again attempted to contact the
8 defendant via e-mail on November 7th informing him that he needed
9 to return to the Western District as soon as possible and he
10 failed to respond. And that was the last time. We hadn't heard
11 from him since then until the date of his arrest.

12 THE COURT: Okay. And shortly after that is when I
13 issued the warrant, the --

14 THE PROBATION OFFICER: The warrant was issued actually
15 while he was overseas.

16 THE COURT: But what I'm asking you, sir, is after you
17 had your last contact with him, as he was trying to work through
18 whatever medical issues he told you he had, after he didn't
19 respond, is that when the warrant was issued?

20 THE PROBATION OFFICER: Yes.

21 THE COURT: And the warrant date again was for the
22 record?

23 THE PROBATION OFFICER: The warrant date was --

24 THE COURT: It seems like November 7th, 2007, but I
25 might have that date wrong.

1 MS. JACQUELINE FONTENOT: Your Honor, you signed off on
2 the request for warrant on November 13th, 2007.

3 THE COURT: I'm sorry. I can't hear you because I'm
4 getting hard of hearing, too.

5 MS. JACQUELINE FONTENOT: November 13th.

6 THE COURT: November 13th. I was off a week.

7 Okay. But that would have been the time from the
8 file -- because this wasn't your case then, but from the file
9 these are the allegations. From the file that's what it
10 indicates --

11 THE PROBATION OFFICER: That's correct.

12 THE COURT: -- was the last contact with the probation
13 office?

14 THE PROBATION OFFICER: That's correct.

15 THE COURT: Okay. How does the defendant -- does the
16 defendant admit or deny the allegations that have been made
17 against him, sir?

18 MR. MCCANN: He denies number one.

19 THE COURT: Which is?

20 MR. MCCANN: That he has engaged in prohibited
21 activities of selling unapproved substances in the continental
22 United States.

23 THE COURT: And what about the other two?

24 MR. MCCANN: He admits that he did not file a truthful
25 and complete report, the last monthly report being September,

1 2007. He admits that.

2 THE COURT: Okay. And what about the other?

3 MR. MCCANN: And he admits that he didn't follow the
4 instructions of the probation officer because he failed to return
5 to the United States, but he has mitigating factors.

6 THE COURT: Okay. Well, we'll sure listen to him and
7 see what he thinks he needs to tell the Court, what his witnesses
8 need to tell the Court, and we'll see what the government's proof
9 is and I'll try to do the right thing under the law.

10 You can step down, sir. Thank you very much.

11 The government may call its first witness.

12 MR. MCCOY: Thank you, Your Honor. If it please the
13 Court, Your Honor, we would like to call first Jacqueline
14 Fontenot with the U.S. Probation Service.

15 THE COURT: You may do so. And as soon as she is --
16 she comes up here and takes the oath, you can begin your
17 questioning of her.

18 Ms. Fontenot, if you'd face Ms. Guidry.

19 THE COURTROOM DEPUTY: Do you solemnly swear that the
20 testimony you will give in this case will be the truth, the whole
21 truth, and nothing but the truth?

22 THE WITNESS: I do.

23 Whereupon,

24 JACQUELINE FONTENOT

25 was called as a witness, having been first duly sworn, was

1 examined and testified as follows:

2 **DIRECT EXAMINATION**

3 BY MR. MCCOY:

4 Q Good morning, Ms. Fontenot. Could you please state your
5 name and spell your last for the record.

6 A Jacqueline Fontenot, F-O-N-T-E-N-O-T.

7 Q And where are you currently employed?

8 A With the United States Probation Office for the Eastern
9 District of Texas. I'm assigned to the Beaumont office.

10 Q And how long have you been employed with U.S. Probation?

11 A With the agency as a whole, almost five years.

12 Q And did you have an occasion to work as a U.S. probation
13 officer in the Western District of Louisiana?

14 A Yes, I did.

15 Q And as a probation officer in the Western District, did you
16 have the opportunity to in fact supervise the defendant, Greg
17 Caton?

18 A Yes, I did.

19 Q And do you see the defendant here in the courtroom today?

20 A Yes, I do.

21 Q And could you please identify what he's wearing for the
22 record.

23 A A blue jumpsuit.

24 THE COURT: The Court will note for the record that the
25 witness has identified the defendant, and the Court will state

1 further that the Court recognizes the defendant from its previous
2 dealings with him.

3 MR. MCCOY: Thank you, Your Honor.

4 BY MR. MCCOY:

5 Q Now, Ms. Fontenot, noting that the defendant has admitted
6 two of the three violations, there are a few additional questions
7 that I would like to discuss with you as it relates to the first
8 violation which is the manufacture and sale of any product not
9 approved by the U.S. Food and Drug Administration.

10 During your period as the supervising probation officer
11 for Mr. Caton, did you receive information that he was in fact
12 continuing to manufacture products that were not approved by the
13 Food and Drug Administration?

14 A Yes, I did.

15 Q And do you recall, if at all, what your recollection is what
16 some of those products were?

17 A I don't specifically remember the names of the products. I
18 just remember that when I found out what they were, they were the
19 same names that I had read in the presentence report for what his
20 offense of conviction was.

21 Q Were some of them, if you recall at all -- was it like
22 Cansema, C-A-N-S-E-M-A?

23 A Yes, sir, that sounds familiar.

24 Q Does the term H₃O ring any recollection to you?

25 A Yes.

1 Q And you had received information that he was in fact
2 continuing to do that?

3 A That is correct.

4 Q Okay. And this was while he was still within the Western
5 District of Louisiana, correct?

6 A I'm not sure exactly when I got that information.

7 Q Okay. But did you receive any information that he was
8 actually manufacturing products while he was still in the United
9 States?

10 A Oh, yes. It was my understanding, from the information I
11 received, that the manufacturing of the products was occurring in
12 the United States, yes.

13 Q Now, did you also receive information -- you were aware that
14 he was in Ecuador, correct?

15 A Correct.

16 Q In fact, the Court had originally given him permission to in
17 fact travel to Ecuador; is that correct?

18 A That's correct.

19 THE COURT: I think I gave him the permission. She may
20 have extended it, but I'm the one that gave the permission,
21 Mr. McCoy. I'm the only one that could do that initially.

22 MR. MCCOY: Yes, Your Honor.

23 BY MR. MCCOY:

24 Q After the judge had given him permission to go to Ecuador on
25 that business trip, he never returned, correct?

1 A On the final business trip. He had made -- during the
2 course of my supervision of the defendant, he had made several
3 trips to and from Ecuador where --

4 THE COURT: That is also the Court's recollection, and
5 that's why I had no hesitation, when he made the request
6 subsequent, to allow him to do that, because he had always done
7 what he had said before. And my recollection -- were you the
8 initial probation officer?

9 THE WITNESS: Yes, sir.

10 THE COURT: And I think this defendant -- or I know
11 this defendant had been incarcerated before he got to me, and
12 after he pled guilty, I, over the government's objection, I
13 believe, allowed him to go home under some pretty specific
14 conditions; is that right?

15 THE WITNESS: Yes, sir, I do recall that.

16 THE COURT: And I remember at the time, which is not
17 necessarily germane here, that he had a weapons charge because he
18 was a felon before. He had counterfeit charges and he had some
19 weapons and some considerable ammunition or something to that
20 effect. Do you recall that basically?

21 THE WITNESS: I do recall that information.

22 THE COURT: And there was some concern expressed by the
23 government, my recollection was, well, we don't know what we're
24 dealing with here. We might have one of these guys that might do
25 some bad things because you don't need that kind of arsenal

1 there. Do you remember that?

2 THE WITNESS: I do remember that.

3 THE COURT: That's what I thought I remembered. Of
4 course, I didn't take the time to go read the transcript, but it
5 was over the government's objection. I said that -- I listened
6 to what he said. I listened to what his lawyer said. He had a
7 very good lawyer. And I listened to what the government said.
8 And I said, get rid of all the guns, y'all go pick him up, turn
9 them in, ammunition, whatever it was, and this guy can go home to
10 his wife. I think that's what I said, something like that; is
11 that right?

12 THE WITNESS: That's my information.

13 THE COURT: Go ahead, Mr. McCoy.

14 MR. MCCOY: Thank you, Your Honor.

15 BY MR. MCCOY:

16 Q And you did attempt to contact him via e-mail to find out
17 what his status was, when he was going to return on that final
18 trip around that October 30th, 2007, time frame?

19 A Yes, sir.

20 Q Now, noting that he has admitted to those violations, number
21 two and number three, I do have some specific questions I would
22 like to discuss with you, what you can recall, if at any time he
23 had expressed concerns to you about returning back to the
24 United States on these trips that he would take to Ecuador. Did
25 he ever express any concerns about returning to the

1 United States?

2 A No, sir.

3 Q Do you recall if ever he expressed concerns about the safety
4 of his family within the United States?

5 A No, sir, I don't remember that at all.

6 Q Do you recall him ever mentioning to you any concerns he had
7 as regards potential criminal activity as towards his children
8 which would prevent him from coming back to the United States?

9 A No, sir.

10 Q Okay. If you recall, while you were supervising him did you
11 have any interaction with his wife?

12 A Yes, I did.

13 Q Okay. Did she ever express any concerns about returning to
14 the United States based on safety?

15 A No, sir.

16 MR. MCCOY: Okay. And that's all the questions I have
17 for you, Ms. Fontenot. Thank you.

18 THE COURT: All right. You may proceed, Mr. McCann.

19 **CROSS EXAMINATION**

20 BY MR. MCCANN:

21 Q Good morning, ma'am.

22 A Good morning.

23 Q During the many e-mails that you received from either
24 Mr. or Mrs. Caton, did some of them include medical records
25 reflecting that he had a kidney infection of some sort?

1 A The documentation that he sent indicated that he had been to
2 the doctor and that there were some kidney problems, and they
3 said that attached were some medical documentation. I can't say
4 for certain what the documentation said because it was in Spanish
5 and I'm not familiar with Spanish.

6 THE COURT: And let me ask you this. At the time doing
7 whatever due diligence you did or might have done or didn't do,
8 did you get those Spanish medical records translated?

9 THE WITNESS: No, I did not.

10 THE COURT: Okay. And may I ask you, did you take
11 Mr. Caton at his word based on his history that, well, he said
12 he's got something and he's sending me this stuff in Spanish, so
13 I'm going to believe him based on his history up to that point?

14 THE WITNESS: Yes, I did. And just as a further
15 explanation, Your Honor, at that time we were just -- he had a
16 set date that he was supposed to return from travel because we
17 had a pending hearing that we thought was going to be set before
18 the Court. At that time it was thought that it was going to be a
19 consideration of an early termination request that had been filed
20 by his attorney.

21 THE COURT: That was mentioned in his wife's letter to
22 me today that I received -- I read today, I guess. I got it
23 yesterday, so maybe I read it last night. I don't remember.

24 THE WITNESS: And so the deadline for him to return
25 from travel was supposed to be two or three weeks -- I don't

1 remember the exact time frame -- with plenty of time to make sure
2 he was in the country and he'd have time to meet with his
3 attorneys or anything else that he may need to be available for.

4 So when the correspondence came through saying I'm not
5 able to get on the flight that I was scheduled for due to these
6 medical conditions, at that point his correspondence led me to
7 believe that the situation could still be resolved with enough
8 time to appear before the Court as scheduled. That was another
9 reason that I didn't pursue any further interpretation of the
10 medical documentation because we had built into that window of
11 time to allow for emergency situations.

12 THE COURT: But at that time you know there's a hearing
13 set before this Court to try to terminate his supervised release
14 so he's through with me?

15 THE WITNESS: Yes, sir.

16 THE COURT: You knew that?

17 THE WITNESS: Yes.

18 THE COURT: Okay. Proceed there, Mr. McCann.

19 BY MR. MCCANN:

20 Q That brings me to my next point, Ms. Fontenot. Did you ever
21 have any communication with either Mr. Caton, Mrs. Caton, or
22 Moose Billeaud, a lawyer -- or Lawrence Billeaud, a lawyer in
23 town, relative to a request for early termination of his
24 supervised release?

25 A Did I have contact with him regarding that matter? Yes,

1 sir.

2 Q Did you discuss it openly with him?

3 A I don't recall. I know that we talked about it and that was
4 being brought up before the Court. I don't know what you mean
5 exactly by openly.

6 THE COURT: But the wife advises, if I recall her
7 letter, that you had told them, look, it's not an automatic
8 thing, you've got to file a motion with the judge, you probably
9 need to get a lawyer to file it for you. Do you recall that now?

10 THE WITNESS: Yes, sir, that's correct.

11 THE COURT: That's what the wife said you said or the
12 probation officer said.

13 BY MR. MCCANN:

14 Q So you agree that in fact such a conversation may have taken
15 place?

16 A Correct.

17 Q And you would have advised the Catons that only the judge
18 can terminate supervised release early; is that right?

19 A That's correct. It's frequent for people under supervision
20 to ask about early termination and to meet the criteria. There
21 are certain things we'll recommend. And I specifically remember
22 talking to my supervisor about his request for that and that we
23 had advised Mr. Caton that if he wished to pursue that on his
24 own, that we were not willing to go forward to the Court with
25 that, but that he could seek that through an attorney and file

1 that motion himself.

2 THE COURT: And you never -- let me ask you this
3 because my recollection is -- like I say, is not what it used to
4 be, but it's still pretty good.

5 That would not be the kind of thing -- whatever
6 discussion you had about your position, that you weren't willing
7 to do that, that wouldn't be anything that would ever be
8 discussed with the Court until we got into court; is that true?

9 THE WITNESS: That's correct.

10 THE COURT: So the Court would be deaf, dumb, and blind
11 as to whatever was going on at that juncture between you and the
12 defendant or the defendant's wife; is that true?

13 THE WITNESS: Yes, sir, that's correct.

14 THE COURT: All right. Proceed.

15 BY MR. MCCANN:

16 Q Ma'am, what is the criteria to request -- now I'm talking
17 about the policy in your office, just the basic criteria that has
18 to be established before something like that would even be
19 approached.

20 THE COURT: Let me interrupt you here, counselor. And
21 maybe you'll convince me otherwise, but I don't see the relevance
22 of that at all, because in fact the record reflects, as I think
23 testified now through the probation officer under oath, what the
24 wife said. And I didn't -- frankly, I didn't go back -- I mean,
25 I remember it now. I didn't go back and check the record, but

1 I'm sure if you check the record there was something by, as you
2 said, Moose Lawrence Billeaud that was filed, that was scheduled.

3 What possible relevance could this have had to anything
4 about mitigation that you can tell me about why this man admitted
5 violating the two conditions that he admitted to, even with
6 whatever mitigation, about what their internal policy is. Just
7 tell me that.

8 And I'm going to say, even without the government
9 objecting -- and, Mr. McCoy, I ask you to focus on what this is
10 about -- what the hell relevance is that?

11 MR. MCCANN: State of mind of the defendant, Your
12 Honor.

13 THE COURT: Overruled -- I mean, I am going to not
14 allow that question. Move on.

15 MR. MCCANN: Okay. Your Honor, I may be stepping afoul
16 of your ruling just now, but please bear with me.

17 THE COURT: Well, you're a smart lawyer and a good
18 lawyer. I'm going to cut you off if I need to, but don't do that
19 to me, officer of the court. I'll cut you off again because
20 these lay people are not going to understand the procedure.
21 They'll say, gee, the judge is not letting him put on what he
22 wants to put on.

23 I want you to think about the sanctity of this
24 proceeding and represent your client with all the diligence you
25 can, but you know what my ruling is. You're a good lawyer.

1 Follow it. But go ahead and ask what you want except don't
2 violate the rule.

3 BY MR. MCCANN:

4 Q There is a representation in that motion that was filed by
5 Lawrence Billeaud that indicated that you had no objection to an
6 early termination. Is that true or is that false?

7 A At that time that was correct.

8 MR. MCCANN: Okay. Judge, that was the point I wanted
9 to make. That's it.

10 THE COURT: That's fine. You didn't violate my rule.

11 In other words, what I just understood you to say, you
12 weren't going to file it on your own, but if he got a lawyer, the
13 lawyer represented -- and the record should reflect I know
14 Mr. Billeaud. He's been in this court many times. He said
15 probation is not objecting to it. And you just said, you know,
16 if he would have showed up and come up here, you weren't going to
17 object to it, right?

18 THE WITNESS: That's correct.

19 THE COURT: Now, the government has got a dog in that
20 hunt, too. The government may or may not have objected. I don't
21 have a clue. I don't have any recollection. I didn't look at
22 it. But as far as you know -- and, of course, we never have the
23 hearing because Mr. Caton absconds and doesn't come back to the
24 country for whatever good reason he's going to tell me.

25 But did the government -- did you know if the

1 government had a position?

2 THE WITNESS: It was my understanding at that time when
3 it came up that Mr. Willis was not willing to endorse or sign his
4 name to say that he did not -- that he did in fact object.

5 THE COURT: Okay. So we would have had a hearing?

6 THE WITNESS: Yes, sir.

7 THE COURT: And then again the judge would have
8 determined to go with the judge's arms and legs under Article III
9 of our wonderful Constitution, ladies and gentlemen, and listen
10 to what she said and go against Article II, the executive branch,
11 these people that are presidential appointees not related to the
12 judiciary. She's not the government. She's the Court. She's an
13 extension of the Court. And I would have had to, based on the
14 evidence then, made a decision of we can terminate him early or
15 we don't terminate him.

16 Is that how it works and your understanding?

17 THE WITNESS: Yes, sir.

18 THE COURT: And based on the record at that time I can
19 only assume -- because he had done everything he told you he was
20 going to do up to that point, and I had let him out early over
21 the government's objection before and let him out of the country.
22 Now, I don't know if the government objected to that either, but
23 it doesn't matter. I mean, I let him out.

24 Do you recall if they objected to that or not?

25 THE WITNESS: I do not recall.

1 THE COURT: Okay. I don't either. And maybe I
2 wouldn't have even asked the government. I don't know, but it
3 doesn't matter.

4 You're standing up. What you got, Mr. McCoy?

5 MR. MCCOY: Yes, Your Honor. I believe the record will
6 reflect that Mr. Billeaud actually filed a motion to withdraw the
7 motion for early termination of release.

8 THE COURT: At some point he did?

9 MR. MCCOY: Correct.

10 THE COURT: But was that prior to the -- what date was
11 that that he filed the motion?

12 MR. MCCOY: It would have been after the -- it was on
13 the 25th day of October of 2007, Your Honor.

14 THE COURT: So would this have been prior to the date
15 that the defendant failed to report?

16 MR. MCCOY: It would have been after the original date
17 the defendant was supposed to report, which I believe -- and the
18 probation officer can correct me -- was the 24th of October. I
19 believe that was the original date.

20 THE COURT: And so again on the day after that he was
21 originally supposed to return, Mr. Billeaud for whatever
22 reason -- and I would assume knowing Mr. Billeaud -- and I'm
23 going to assume this and maybe Mr. Caton will tell me
24 differently -- he wouldn't have done that without his client's
25 permission, but I don't know that. I just -- lawyers don't

1 generally do that kind of thing. I've got great respect for
2 Mr. Billeaud. In fact, you could get malpractice for that or
3 maybe worse, but we'll find out about that. I don't want to hear
4 about it through argument. I'll hear it through testimony.

5 Okay. Next question.

6 BY MR. MCCANN:

7 Q The FDA information -- I'm switching gears. Now I'm talking
8 about violation number one.

9 THE COURT: Which is the only one that's really germane
10 to this hearing right now based on his admission. True?

11 MR. MCCANN: Pretty much.

12 THE COURT: Okay.

13 MR. MCCANN: I'm getting there, Judge.

14 THE COURT: I'm not trying to cut you off. I just want
15 to make sure that we focus -- like Reverend Jackson used to say,
16 keep your eyes on the prize here, because this is a limited
17 hearing based on what he's admitted and what my job is.

18 MR. MCCANN: Judge, I'm trying to focus and --

19 THE COURT: Go ahead. Just do it.

20 MR. MCCANN: Yes, sir.

21 BY MR. MCCANN:

22 Q What information did you have, ma'am?

23 A I had spoken with an agent with the Food and Drug
24 Administration, and I believe I also talked to the U.S.
25 Attorney's Office regarding information they had. Ultimately

1 what caused me to file the petition is I received offense reports
2 or a summary of an investigation that indicated that he was
3 involved in these activities.

4 Q Is that customary in your office to receive offense reports?

5 A If we're moving forward on something like that, we usually
6 try to have some sort of documentation or verification to back up
7 our position, yes, sir.

8 Q And at that point in time you pretty much shift the
9 responsibility over to the U.S. Attorney's Office? You don't
10 actually go out and conduct any independent evaluation or
11 examination, do you?

12 A Not when it's a new criminal offense. We try to look at the
13 whole scheme. We try to look at the facts as they are. We try
14 to just evaluate the report itself to see if it's something that
15 we need to proceed with. But if it comes to a point where we
16 bring that before the Court, at that point we do rely a lot on
17 the U.S. Attorney's Office.

18 THE COURT: And, Mr. McCann, just so our visitors, our
19 friends here -- and I made a big deal about Article III and
20 Article II. I think I understand, but just to make sure, when
21 you say there's an allegation of a new criminal charge -- you
22 guys work for the Court. These are the guys that are supposed to
23 go out and get the people that are violating the law, so you, as
24 a branch of Article III, turn it over to Article II; is that
25 right?

1 THE WITNESS: Yes, sir.

2 THE COURT: Okay. I understand. I just want to make
3 sure all our guests understand. You don't wear the same hat as
4 those folks is my point, and I want these people to understand
5 that.

6 BY MR. MCCANN:

7 Q So to summarize, you reported to the Court what the
8 allegation was, but you did not have any independent evidence to
9 suggest whether it did happen or whether it did not happen. Is
10 that an accurate statement?

11 THE COURT: That's not what I understood her testimony
12 to be, but answer the question.

13 THE WITNESS: We just have to have -- we have a lower
14 level of reliability on the -- just the basic indicia of
15 reliability of the information received, and based on that, we
16 thought there was enough information to show the Court that he
17 could be in violation. Does that answer the question?

18 MR. MCCANN: Yes, ma'am.

19 THE COURT: That's what I understood you to mean.

20 Go ahead.

21 BY MR. MCCANN:

22 Q It's an allegation only and you're not here to say that you
23 have any information to prove the truth of the allegations; is
24 that correct?

25 A When it's based on new criminal activity, yes, sir.

1 MR. MCCANN: Thank you very much. That's all I have.

2 THE COURT: But again now let's -- you know, you're a
3 good lawyer, but I know what the drill is here and I understand
4 how it works, and I'm not accepting what she just said for the
5 way that you'd like to do it. If we had a jury here, this would
6 be great jury stuff, but to make sure we're all on the same
7 page -- and, again, we've got some lay people here and I want
8 them to walk out of here, whatever I do today, and say, well, I
9 understood the process. I may or may not like the result, but --
10 and, again, I don't want them to perceive that I'm cutting you
11 off. And you're just doing your job, lawyer, but I want them to
12 understand the process.

13 In a criminal trial if he's charged with a criminal --
14 and I don't know if the government is going to charge him with
15 another criminal thing or not. They could. But that's beyond a
16 reasonable doubt to get 12 good people to find him guilty, true?

17 THE WITNESS: Yes, sir.

18 THE COURT: And for you to -- the indicia of
19 reliability that you talked about, that's not -- that's not --
20 that's a pretty low standard in a real sense, a much lower
21 standard than that?

22 THE WITNESS: Than the other, yes, sir.

23 THE COURT: And let me ask you, your policy and your
24 office's policy over there in the Lake Charles Division of the
25 Western District at the time, was that -- was that the standard?

1 I mean, it wasn't -- like some of the cases say, it wasn't
2 featherweight. You had to have something, right?

3 THE WITNESS: Correct.

4 THE COURT: Okay. Tell us what you had again so I'll
5 understand what you had when you made the allegation back in
6 2007.

7 THE WITNESS: We had documentation, offense reports, I
8 think a summary -- just an investigative report from the Food and
9 Drug Administration that laid out what they believed to be his
10 violations in terms of the law.

11 And in terms of that, my responsibility is to the
12 Court, as you've said, and it is to make sure that he is
13 following all his rules that the Court has set for him to follow.
14 One of his special conditions was that he not be involved in that
15 activity. Once I received information that he may be involved in
16 that activity, it is my responsibility to advise the Court that
17 he is possibly not following closely the rules that Your Honor
18 set forth.

19 THE COURT: And then you filed a petition just kind of
20 like we're here for.

21 THE WITNESS: Yes, sir.

22 THE COURT: And then we have a hearing. Then I listen
23 to the government's evidence, and I listen to what the defendant
24 wants to put on if he doesn't admit to the allegations or
25 whatever else he wants to put on. Then I make the decision

1 again, right?

2 THE WITNESS: That is correct, yes, sir.

3 THE COURT: That's the process?

4 THE WITNESS: Yes, sir.

5 THE COURT: And the fact that you got any information
6 from DEA about alleged violations is -- I have to assume it's
7 because they knew he was on probation. They had brought charges
8 before, the ones he admitted to. They knew you were his
9 probation officer or that your office in Lake Charles was
10 handling his case, right?

11 THE WITNESS: Yes, sir.

12 THE COURT: And that's why they sent them to you?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. Now, let me ask you this, because I
15 have a vague recollection of this, and I don't want to confuse
16 the recent internet activity with the ancient internet activity,
17 but I have some recollection at some point that some of the
18 information presented to me back in 2007 was there was an
19 internet site somewhere. Do you recall that at all?

20 THE WITNESS: Yes, sir, I do recall something about
21 that.

22 THE COURT: Okay. And that specifically mentioned, I
23 believe, the defendant. Do you remember that or not?

24 THE WITNESS: I don't recall.

25 THE COURT: Okay. But I remember about the time I was

1 issuing the warrant saying maybe to myself, damn, what happened
2 to this guy, because I had been going with him the whole way
3 since letting him out of jail the first time. I mean, that's my
4 vague recollection. You don't remember that, that's not
5 evidence, and it's not before the Court. I'm expressing what I
6 have a recall on so all our visitors here will understand why I'm
7 trying to make it as fair a proceeding as I can with everything I
8 think I know.

9 Proceed, Mr. McCann.

10 BY MR. MCCANN:

11 Q Essentially everything that you used to put into the
12 violation report was information that you received from others
13 without any independent recollection -- any independent
14 investigation on your own part. That's accurate, correct?

15 A That's not the way I would term it. I feel that's a little
16 misleading because I think there is some aspect of our job that's
17 part of our responsibility that is investigative. It's talking
18 to the people. I did talk to the agent with the Food and Drug
19 Administration to get that information.

20 I did not personally go out and investigate the alleged
21 crime myself, so from that respect, no, sir, I didn't, but there
22 is some aspect of investigation that probation officers are
23 responsible for so that we're putting information to the Court
24 that we think is reliable and that the judge can trust us to get
25 that information and give them the information that they need to

1 be able to make the best decision.

2 So there is some investigation, but not in the sense
3 where I went out into the field somewhere and interviewed people
4 and conducted an investigation in that sense of the term. Does
5 that answer your question?

6 Q Yes, ma'am, it does.

7 MR. MCCANN: Now, Judge, that's really all I have with
8 this witness.

9 THE COURT: All right. Mr. McCoy, have you got
10 anything you want to redirect?

11 MR. MCCOY: Yes, Your Honor, a couple of items.

12 **REDIRECT EXAMINATION**

13 BY MR. MCCOY:

14 Q And, Ms. Fontenot, if you don't recall, I understand, but is
15 it your recollection that Mr. Billeaud filed a motion seeking
16 early termination of Mr. Caton's supervised release on
17 October 24th of 2007 or thereabouts?

18 A It was thereabouts. I don't recall the exact date, but,
19 yes.

20 THE COURT: I'm looking at the docket sheet. It's
21 Docket Entry Number 76 that Ms. Guidry gave me and it says it was
22 filed on October 25th.

23 MR. MCCOY: I'm talking about the original motion for
24 early termination, not the motion to withdraw.

25 THE COURT: Okay. Well, the motion to withdraw motion

1 for early termination was filed on October 25th of '07. So do
2 you want to go back from your docket sheet and make sure the
3 record is clear?

4 MR. MCCOY: I will, Your Honor. Document 75 is what I
5 was discussing just for clarification of the record.

6 THE COURT: Okay. So that was October 24th. So it was
7 a day after it was filed when it was --

8 MR. MCCOY: Withdrawn.

9 THE COURT: Okay.

10 BY MR. MCCOY:

11 Q And October 24th as you recall -- or if you recall -- was
12 the day that Mr. Caton was set to return to the United States?

13 A Yes, sir.

14 Q And he did not return to the United States?

15 A That is correct.

16 Q The special condition that Your Honor placed Mr. Caton on
17 you recall is -- and I'm going to read it to you -- that the
18 defendant shall refrain from involvement in the manufacture
19 and/or sale of any product not approved by the U.S. Food and Drug
20 Administration?

21 A I recall that, yes, sir.

22 Q And that was throughout the period that he was going to be
23 under supervised release?

24 A That is correct.

25 MR. MCCOY: Thank you. I have no further questions,

1 Your Honor.

2 THE COURT: All right.

3 MR. MCCOY: I would like to --

4 THE COURT: Go ahead.

5 MR. MCCOY: I'd like to call my next witness.

6 THE COURT: All right. You may.

7 I don't know what he asked that you'd follow up, but if
8 you want recross, I'll give it to you.

9 MR. MCCANN: No, sir, I don't want it. I just saw you
10 looking at me and I stood up.

11 THE COURT: I'm sorry?

12 MR. MCCANN: I saw you look here. I was having a hard
13 time seeing you over the monitor. I stood up so I could see you
14 better.

15 THE COURT: I appreciate that pretty much because my
16 eyes are starting to fail, too.

17 MR. MCCANN: No, sir. I'm just trying to be polite.
18 That's all.

19 THE COURT: You're doing a good job. I'm just telling
20 you my eyes are starting to fail, too. I'm really not lame-lame,
21 but I'm not what I used to be. Okay?

22 MR. MCCOY: And, Your Honor, at this time the
23 government would call Mr. Anthony Dugas.

24 THE COURT: All right. Mr. Dugas, if you'd please face
25 this young lady.

1 THE COURTROOM DEPUTY: Do you solemnly swear that the
2 testimony you will give in this case will be the truth, the whole
3 truth, and nothing but the truth?

4 THE WITNESS: I do.

5 THE COURT: You may proceed as soon as he's seated.

6 MR. MCCOY: Thank you, Your Honor.

7 Whereupon,

8 ANTHONY DUGAS

9 was called as a witness, having been first duly sworn, was
10 examined and testified as follows:

11 **DIRECT EXAMINATION**

12 BY MR. MCCOY:

13 Q Mr. Dugas, could you please state your name and spell your
14 last for the record.

15 A Anthony Dugas, D-U-G-A-S.

16 Q And do you recognize the defendant in the courtroom today?

17 A Yes, sir, I do.

18 Q Could you please identify him by his clothing.

19 A Blue jumpsuit.

20 THE COURT: The record will reflect that the witness
21 identified the defendant.

22 BY MR. MCCOY:

23 Q Now, Mr. Dugas, where do you currently reside?

24 A Turner (phonetic) Street in Houma, Louisiana.

25 Q Okay. And are you currently employed?

1 A Yes.

2 Q What is your current employment?

3 A Right now I'm working for Peppers Pizzeria.

4 THE COURT: It's called Peppers?

5 THE WITNESS: Yes, sir.

6 THE COURT: P-E-P-P-E-R-S?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay.

9 BY MR. MCCOY:

10 Q In August, 2006, did you begin to work for Lumen Food
11 Company?

12 A Yes, sir.

13 Q And was Greg Caton also employed with that company?

14 A Yes.

15 Q And what was your understanding at the time you started
16 working in August, 2006? What was your understanding of what
17 Mr. Caton's role was in that company?

18 A I thought he was the manager at the moment, like he was the
19 top person.

20 Q And what was your job when you worked at Lumen Foods?

21 A I guess you would say a cook. We did soybean chips as
22 organic beef jerky. They had, I guess, three stages to it; a
23 cleaning stage, a frying stage, and then a cooking stage. I did
24 the cooking.

25 Q Now, you hadn't known Mr. Caton previous to your employment

1 in August with Lumen Foods, correct?

2 A No.

3 Q When you -- if you could for the judge kind of explain to
4 him how the company was set up in terms of what went on in the
5 front office, what went on in the back office, was there a
6 warehouse, et cetera.

7 A Well, when you pulled up at the main building, they've got a
8 side street you go down, and that was the main facility where we
9 cooked stuff at. On the left side was the inventory as far as he
10 had a bunch of boxes, totes. He had bags of stuff in there.

11 And as far as the inside, when you walked in, it was an
12 office. They had a door to where you mixed the ingredients as
13 far as like barbecue, like different types of flavors. And then
14 they also had what I would call a kitchen to where we processed
15 the beans and cooked them and, you know, processed them.

16 And then they had another spot further in the back to
17 where you would process them as far as putting them in garbage
18 cans and putting them inside of a bag machine. It was an
19 automated bag turner, and it made the soybean chips in that.

20 Q Now, that's all dealing with the Lumen Foods and the soy
21 products, correct?

22 A Yes.

23 Q Were there also portions of that company or that area where
24 there were other non-soy products or non-Lumen products being
25 created?

1 A Yes, sir. Further around in the back there was -- I guess
2 you would call it a garage door, and once it was opened, it
3 looked like a storage facility for stuff that didn't have to do
4 with Lumen Foods.

5 Q And explain to the judge, if you could, what you observed in
6 that back garage area, what type of --

7 A The only thing I recall is they had a 55-gallon drum of
8 sulphuric acid.

9 Q Okay. Now --

10 THE COURT: I'm sorry. A 55-gallon bag of what?

11 THE WITNESS: A 55-gallon drum of sulphuric acid.

12 THE COURT: Okay.

13 BY MR. MCCOY:

14 Q Now, you mentioned a 55-gallon drum of sulphuric acid. How
15 did you know that it was a 55-gallon drum of sulphuric acid?

16 A He told me himself.

17 Q And prior to your employment at Lumen Foods, you had
18 experience in the oil industry, correct?

19 A Yes, sir.

20 Q Offshore?

21 A Global Industries to be exact.

22 Q What, if any, training had you had while you were working
23 offshore with hazardous materials?

24 A You wear proper protective equipment, PPE, especially
25 whenever you're fooling with acids or anything like that.

1 Q Okay. Now, I would like for you to discuss or explain to
2 the judge that -- I believe it was about the incident that
3 occurred on or about December of 2006 while you were still
4 working at Lumen with Mr. Caton.

5 A I can't remember if it was either a Saturday or a Sunday.
6 He asked me to do some forklift work to move some stuff across
7 the street in the other warehouse, and I was doing that. It was
8 mainly soybean chips. They also had bags of powdered lime in
9 there.

10 THE COURT: Powdered lime?

11 THE WITNESS: Like limestone. I guess it was
12 limestone. It said "powdered lime" on it.

13 A Once I finished doing that, that was around 8:00 or
14 9:00 o'clock. It was kind of dark. He proceeded to ask me to go
15 in the back to help him pump some sulphuric acid out of the
16 55-gallon drum because he had no lights back there. All he
17 wanted me to do was hold a flashlight for him so he could see.

18 And once he said sulphuric acid, I asked him if he had
19 any PPE to wear when you're fooling with acid, and all he said
20 was he had regular gloves like your food industry gloves not to
21 get dirty. He said, if it makes you feel better, you can stand
22 20 to 30 feet away. I thought, well, you know, he's doing it
23 with a hand pump, so I didn't see no harm in that. Well, as I
24 was standing far away, he was pumping it. He was holding the
25 spigot with one hand, pumping with the other, and holding a

1 pitcher at the same time. I guess his finger slipped, but the
2 hose came up, and when it came up, it sprayed my arm and burned
3 me with sulphuric acid.

4 BY MR. MCCOY:

5 Q Now, explain to the judge, if you would, please, what
6 happened after you were burned by -- and I'm assuming this was
7 sulphuric acid?

8 A Yes.

9 Q What happened when you were burned?

10 A Immediately after I was burned I slung my hand backwards to
11 get the majority of the liquid off and I rubbed it on my back,
12 and three to four seconds after that I had a hole in my shirt. I
13 had a hole in my shoes, my pants. And it just -- I couldn't
14 talk. I couldn't say anything. It just burned. And I asked him
15 what to do, and he continued to -- he told me to run around the
16 building and go wash it off with soap and water.

17 Q Did you go see a medical doctor about that?

18 A Yes, sir.

19 Q And what did the doctor inform you?

20 MR. MCCANN: Objection, Your Honor.

21 THE COURT: Overruled. This is not the strict rules of
22 evidence.

23 Go ahead.

24 A I had second and third degree burns on my arm.

25 BY MR. MCCOY:

1 Q When you witnessed him -- explain to the judge what you
2 witnessed him mixing. What were the --

3 A Before he was even mixing anything, he had me -- he had a
4 big box come in the middle. It was these high-powered magnets,
5 and I'm not talking about --

6 THE COURT: Excuse me. High-powered magnets?

7 THE WITNESS: High-powered magnets, not regular magnets
8 you would put on your refrigerator. Like you had to put them
9 against something and force them apart from each other. He had
10 me tape them on a five-gallon bucket for him all the way down.
11 And he proceeded --

12 THE COURT: Wait. Help me. Tape them on a five-gallon
13 bucket?

14 THE WITNESS: Yes, sir.

15 THE COURT: Tape them?

16 THE WITNESS: Like tape them. Like put them on the
17 bucket and put a piece of tape around them all the way down.

18 THE COURT: A plastic bucket?

19 THE WITNESS: Yeah, a five-gallon bucket.

20 THE COURT: All right.

21 THE WITNESS: He also -- he was on the phone. I don't
22 know who he was on the phone with, but as he was on the phone, he
23 was measuring everything out as far as powdered lime, sulphuric
24 acid, and water with the magnets and the bucket and continued to
25 blend it and it made like a rotten egg smell.

1 THE COURT: Now, was this the same date that you have
2 the incident where you get burned?

3 THE WITNESS: That was before, yes, sir, before I got
4 burned, and then I'm --

5 THE COURT: In other words, it was on that day?

6 THE WITNESS: It was that day and before that day.

7 THE COURT: So you had done this before with sulphuric
8 acid?

9 THE WITNESS: Yes, sir. I didn't know it was sulphuric
10 acid at the time, though.

11 THE COURT: Okay. And you said -- I believe you said
12 that he told you on that day -- you asked him what it was, and he
13 said it was sulphuric acid. That's when you asked him about the
14 protective clothing?

15 THE WITNESS: Yes, sir.

16 THE COURT: But you had actually done this before?

17 THE WITNESS: Yes, sir.

18 THE COURT: How many occasions?

19 THE WITNESS: Just those two.

20 THE COURT: Two times before the time you got burnt?

21 THE WITNESS: One time before.

22 THE COURT: Okay. Proceed.

23 BY MR. MCCOY:

24 Q Now, if I could clarify, Mr. Dugas, you had placed the
25 magnets on the bucket before the incident with the sulphuric acid

1 spraying on you, correct?

2 A Yes, sir.

3 Q But you hadn't actually -- prior to that Saturday or Sunday
4 when you were burned, you hadn't -- you'd never mixed the formula
5 together, correct?

6 A No, sir.

7 Q You had just observed Mr. Caton doing that?

8 A Yes, sir.

9 THE COURT: Wait a minute. I'm confused now. Were you
10 mixing it on the day you got burned yourself?

11 THE WITNESS: No, sir.

12 THE COURT: You were just holding a flashlight?

13 THE WITNESS: I was just holding the flashlight.

14 THE COURT: So you never mixed it?

15 THE WITNESS: No, sir.

16 THE COURT: And one time before the day you got burned
17 you saw him mixing it before?

18 THE WITNESS: Yes, sir. And he even himself told me to
19 touch the five-gallon bucket, because when I did, it was like
20 hot, like almost boiling hot.

21 THE COURT: Okay. I understand.

22 Mr. McCoy, you got me confused because I thought I
23 understood what he said.

24 MR. MCCOY: I apologize, Your Honor.

25 BY MR. MCCOY:

1 Q And if you could explain to the judge what happened -- and
2 I'm talking about the bucket with the magnets. After the mixture
3 was created, what happened?

4 A After he would wait a day or two. I'm not really exactly
5 sure on how many days, but he would wait and it would separate.
6 It had a clear liquid at the top and a white paste at the bottom.

7 Q And do you know what he would do with the paste or the
8 liquid?

9 A No, sir. I do know that he did have these white containers
10 that looked like -- I guess you would say almost like a Scope
11 bottle, like the Listerine or Scope, and it had a big top at the
12 bottom and he would write H₃O on it.

13 Q Okay. As a result of your burns that you suffered, did you
14 in fact have an action against Mr. Caton?

15 A Yes, sir, I did. I did sue him.

16 THE COURT: That would have been workers' compensation?

17 THE WITNESS: Yes, sir. It wasn't against him. It was
18 actually against his insurance company.

19 THE COURT: And he had insurance?

20 THE WITNESS: Yes, sir.

21 THE COURT: And they took care of your medical
22 situation?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Proceed.

25 MR. MCCOY: Thank you, Mr. Dugas. I have no further

1 questions.

2 I tender the witness.

3 THE COURT: Mr. McCann.

4 **CROSS EXAMINATION**

5 BY MR. MCCANN:

6 Q Good morning, sir.

7 A How are you doing?

8 Q Mr. Dugas, do you know anything about sulphuric acid?

9 A No, sir, not really.

10 Q Do you know anything that causes that rotten egg smell?

11 A No, sir, I don't.

12 Q Do you know the chemical composition of H₃O?

13 A No, sir, I don't.

14 Q All right. Had you ever received any instructions on how to
15 do anything of that mixing on your own?

16 A No, sir.

17 Q Had you seen anybody mix anything of the sort by anybody
18 else?

19 A No.

20 Q Okay. In the oil field days you've heard of the term H₂S
21 gas well, right?

22 A Not really.

23 Q No?

24 A No, sir. When I say I worked offshore, I worked in the
25 offshore business. Actually I was never on a barge or on a

1 vessel or on a ship. I was in the yard as a pipe welder and
2 pipefitter.

3 Q Okay. That's fine.

4 Is it fair to say that you don't really know anything
5 about the mixture of what he was mixing or what the ultimate
6 result was? Is that a fair statement?

7 A That's true.

8 Q Okay. Now, didn't he actually tell you what he was making
9 was something called a rust preventative or a rust remover?

10 A I don't recall. I really don't remember him telling me
11 that.

12 Q Okay. Do you remember giving a statement to a law
13 enforcement officer on October the 17th of 2007?

14 A About what?

15 Q Well, about this case. Let me back up so I can be fair to
16 you.

17 THE COURT: Well, let's talk about this because I think
18 I understand where you're going. You have a statement that's
19 purportedly made by this witness that at some point he said that
20 Mr. Caton told him it was a rust remover. Is that what your
21 point is?

22 MR. MCCANN: Yes, sir.

23 THE COURT: If he's got a statement that he made -- do
24 you recall giving an interview to somebody sometime back in that
25 time?

1 THE WITNESS: I don't recall. I might have, sir.

2 THE COURT: Okay. Is his statement signed?

3 MR. MCCANN: Actually I got it in discovery from the
4 government.

5 THE COURT: Is it signed or you don't know?

6 MR. MCCANN: It's not signed.

7 THE COURT: It's a government document that says that's
8 what he told them, right?

9 MR. MCCANN: Let me clarify. This is a memorandum of
10 interview from the Food and Drug Administration.

11 THE COURT: So if we're going to get to that, it will
12 be through somebody else, not this witness, because he wouldn't
13 know.

14 And your testimony is you don't recall, one, giving a
15 statement, or, two, that he ever said that it was a rust remover?
16 Is that what your testimony is?

17 THE WITNESS: Yes, sir.

18 THE COURT: I'm sorry?

19 THE WITNESS: Yes, sir.

20 THE COURT: Now, if the government agent gets up here
21 or there's a government document that's admitted in evidence here
22 that says in fact on a certain day that you were interviewed by
23 that government agent and on that day of the interview you told
24 that agent that Mr. Caton told you it was a rust remover, would
25 you have any reason to doubt, even though you don't remember,

1 that you didn't say all of that?

2 THE WITNESS: I might have. I just don't recall.

3 THE COURT: Okay. I understand.

4 Move on.

5 MR. MCCANN: Your Honor, may I show him the statement
6 so it may refresh --

7 THE COURT: He just said if the guy gets up there, he
8 said he would -- he said I may have done it. I've told him what
9 the document said. I don't think it will serve any useful
10 purpose, but if you think you want to walk up there and do that,
11 I'll let you do it.

12 Look at it quickly. If it changes your answer, say,
13 yeah, I remember now because I see it.

14 Go ahead.

15 MR. MCCANN: That's what I would like to accomplish,
16 Your Honor.

17 THE COURT: Well, I said you could do it. We don't
18 need any ad lib comments. Okay?

19 MR. MCCANN: Yes, sir.

20 THE COURT: Let him look at it and read it and then you
21 can ask your question. Go back to the lectern. And, again,
22 Mr. McCann, I'm not trying to give you a hard time. I'm just
23 trying to keep our eyes on the prize. And this is not the rules
24 of evidence. That's why I take the liberty I take. I think
25 you've got all you're going to get, but if he says, yeah, I do

1 remember, I don't think it changes anything that I've got to
2 decide here, but maybe I'm wrong.

3 THE WITNESS: Like I say, sir, I may have said that. I
4 just...

5 THE COURT: You don't recall.

6 You can get your document back, Mr. McCann, and you may
7 proceed.

8 BY MR. MCCANN:

9 Q Do you know how many products Lumen Foods processed?

10 A All that I know is the soybean chips.

11 Q Okay. Now, the soybean factory, did y'all produce bags of
12 soybean chips?

13 A Yes, sir.

14 Q And there were boxes that were shipped out of the door with
15 a forklift on a pallet?

16 A Yes, sir.

17 Q And how many hours a day did you work?

18 A Around six to eight depending on the days. Some days we
19 wouldn't have a big -- we'd have certain orders to fill and it
20 would just depend on that day on how many bags and five-gallon
21 buckets -- or excuse me -- 55 garbage cans we would fill because
22 that's how they were -- we'd put it in garbage bags and they
23 would bring them over to the conveyor belt and dump them, and
24 they'd be processed in, I believe, two- to three-ounce bags.

25 Q Okay. Now, I want to focus your attention to the back

1 storage area where you were burned with the sulphuric acid.

2 Okay? Now, were there any crates of material that were shipped
3 out out of that container or out of that structure and put on a
4 truck and sold to people?

5 A No.

6 Q So the only thing we're talking about is one -- one
7 55-gallon drum of sulphuric acid?

8 A I really couldn't tell you, sir. It was very dark. I had
9 to use a flashlight. There was no lights in there.

10 Q Okay. Did you have occasion to see that location every day
11 of the week?

12 A No. There was just one or two times -- actually there's
13 only one time that I've seen it and that was the night I got
14 burnt.

15 Q Okay. But did you have occasion to see whether anyone else
16 went to that shed on a regular basis?

17 A I couldn't -- I couldn't say.

18 Q Okay.

19 A I can't recall. I stayed more in the kitchen than anything.

20 MR. MCCANN: Thank you very much.

21 THE COURT: All right. Redirect?

22 MR. MCCOY: One question.

23 **REDIRECT EXAMINATION**

24 BY MR. MCCOY:

25 Q Mr. Dugas, you had said that -- in response to Mr. McCann's

1 question that you didn't see any mixing by anyone else, you
2 answered no. That's just to clarify. You did observe Mr. Caton
3 mixing?

4 A Yes, sir, I did.

5 THE COURT: That's what I understood the witness's
6 testimony to be.

7 MR. MCCOY: I have no further questions.

8 THE COURT: All right. You're excused and may step
9 down, sir.

10 Next witness.

11 MR. MCCOY: Your Honor, at this time the government
12 would call Tabitha LeDoux.

13 THE COURT: All right. If you'd please face this young
14 lady and she'll administer the oath. Then you may be seated.

15 And you may proceed, Mr. McCoy. Go ahead.

16 THE COURTROOM DEPUTY: Do you solemnly swear that the
17 testimony you will give in this case will be the truth, the whole
18 truth, and nothing but the truth?

19 THE WITNESS: Yes, ma'am.

20 Whereupon,

21 TABITHA BERMUDEZ

22 was called as a witness, having been first duly sworn, was
23 examined and testified as follows:

24 **DIRECT EXAMINATION**

25 BY MR. MCCOY:

1 Q Good morning, ma'am. Could you please state your name and
2 spell your last for the record.

3 A Tabitha Bermudez. It's B-E-R-M-U-D-E-Z.

4 Q And some background information. Where do you currently
5 reside?

6 A Baytown, Texas.

7 Q Okay. And you do recognize Mr. Caton here today?

8 A (Nodding head.)

9 Q How long have you known --

10 THE COURT: You're shaking your head yes. Would you
11 identify him for the record.

12 THE WITNESS: Yes, sir. Mr. Caton is in the blue
13 jumpsuit.

14 THE COURT: All right. The record will reflect that
15 the witness has identified the defendant.

16 BY MR. MCCOY:

17 Q How long have you known Mr. Caton?

18 A Since 2000.

19 Q So over ten years at this point now?

20 A Yes, sir.

21 Q And you respect Mr. Caton?

22 A I love him.

23 Q And you respect the work that he's doing in his Alpha Omega
24 Labs, et cetera, correct?

25 A Yes, sir.

1 Q You understand the products that he's making?

2 A That he made, yes.

3 Q And that he was continuing to make while he was in Ecuador
4 to your understanding, correct?

5 A I don't know what all he was doing in Ecuador. I'm not
6 there.

7 Q And I know this is difficult for you to testify here today.

8 A Yes, sir.

9 Q But I just -- I do have some questions. I believe you have
10 relevant information that the judge deserves to hear as it
11 relates to the defendant.

12 THE COURT: Well, is the witness here under subpoena,
13 counselor, or no?

14 MR. MCCOY: The witness was subpoenaed.

15 THE COURT: Okay. So you're here because you got a
16 paper to be here?

17 THE WITNESS: Yes. I was forced to be here, yes, sir.

18 THE COURT: All right. Proceed, counselor.

19 BY MR. MCCOY:

20 Q Now, Ms. Bermudez, when did you start working at Lumen
21 Foods?

22 A I believe in 2000.

23 Q Okay. And at that time Alpha Omega Labs was located within
24 Lumen Foods or could you explain to the judge how that worked?

25 A It was -- it was a separate entity, but, yes, we answered

1 the phones in the same building. The products were not made in
2 the same building as where Lumen Foods products were made, but it
3 was in an adjacent building.

4 Q Now, what, then, was your role? What was your role in the
5 organization?

6 A When I first started working there, I worked in the
7 warehouse with Heather Quibodeaux and Xenula Farris, but shortly
8 after I started working there, I found out I was pregnant.
9 That's when Greg gave me an offer to work in the office with him
10 answering phones and doing customer service.

11 Q Okay. And that was for Lumen Foods as well as AOL?

12 A Yes.

13 Q And I say AOL. I mean Alpha Omega Labs.

14 A Yes.

15 Q Now, you continued to have interaction with Mr. Caton
16 throughout his situation, correct, including when he was
17 arrested --

18 A Yes.

19 Q -- the guilty plea and his follow-on sentence; is that
20 correct?

21 A Yes.

22 Q What, if any, communications did you continue to have with
23 him while he was in prison?

24 A I would go with his wife to go see him when he was here in
25 Lafayette incarcerated, and I would also -- me and Greg would

1 write back and forth via mail, regular mail.

2 Q Okay. Now, you did receive a phone call from Mr. Caton
3 about potentially moving to foreign countries outside of the
4 United States?

5 A I don't really ever remember getting phone calls. We
6 communicated by mail --

7 Q Okay.

8 A -- or, like I said, when we would come to visit. Me and his
9 wife would come to visit him.

10 THE COURT: Well, let me make sure I understood your
11 answer. You knew something about somebody moving or maybe
12 considering moving to a foreign country. Was he inviting you to
13 move, too, or was he talking about him moving?

14 THE WITNESS: Basically Greg's purpose at that point
15 was once he had finished his probation and parole, him and his
16 wife wanted to leave the country once he was legally allowed to
17 do so to basically be free to do things that free people are able
18 to do.

19 THE COURT: And was he asking you to go, too, or not?

20 THE WITNESS: He didn't really ask me. It was an
21 option. It was more this is what him and his wife were doing
22 once, you know, he was legally allowed to do it. He said, if you
23 would like to come, you're more than welcome, but, you know, it
24 wasn't --

25 THE COURT: Thank you. I understand.

1 Proceed, Mr. McCoy.

2 BY MR. MCCOY:

3 Q And was part of that reason because he wanted you -- or he
4 was offering you employment in whatever country he chose to
5 eventually live in?

6 A Well, pretty much at that point Greg and me and Ms. Cathryn
7 had almost like a family relationship, and Greg was more
8 concerned about my well-being. At the time I was a single mother
9 and we had all gone through a lot, including the raid, the death
10 of my brother, the death of Xenula's fiance at the time, and he
11 was just wanting to make sure that I was going to be okay.

12 Q Now, did Greg ever contact you or speak with you about, hey,
13 I'd like to find a country to move to without an extradition
14 treaty with the United States? Do you recall that?

15 A I don't think extradition was ever a verbal word. We looked
16 at a lot of countries, some of them with extradition treaties.
17 It wasn't just -- we looked at Monterrey, Mexico. We looked at
18 Belize. We looked at Ecuador. There was several of them and not
19 all of them had -- or didn't have an extradition treaty.

20 Q Okay. But did you all ever discuss let's look at moving to
21 a place without an extradition treaty?

22 A At that point it wasn't discussed because Greg's intention
23 wasn't to leave before he was legally allowed to, so it wasn't
24 a -- it wasn't a -- it was a moot point at that point, at that
25 time.

1 Q When, if ever, was it discussed?

2 A When I told him that Crystal Leslie had gone back to the FDA
3 and told them that he was making products.

4 Q And was that --

5 THE COURT: Who is Crystal Leslie?

6 THE WITNESS: She's sitting in the audience.

7 THE COURT: Okay. Was she a worker over there?

8 THE WITNESS: Yes, sir, she was a worker.

9 THE COURT: She worked at the same company y'all all
10 did?

11 THE WITNESS: Yes. After we had our meeting with
12 John Ormond and the district -- or whoever it was. I'm sorry. I
13 don't remember who it was. Crystal Leslie apparently was under
14 the impression that Dana, who was the new owner of Lumen Foods,
15 had told Greg that she had gone to the FDA, but it wasn't Dana.
16 It was me.

17 I went to Greg after that meeting and told Greg what
18 happened, that I was pretty much forced to go to this meeting. I
19 didn't want to and neither did Zoe. I told him what happened,
20 and I also told him that they wanted me to find on the computers
21 any kind of documentation of Greg sending out products that they
22 thought were illegal.

23 THE COURT: So this was an FDA meeting you went to?

24 THE WITNESS: It was a meeting with me, Crystal Leslie,
25 Xenula Farris, John Ormond -- and I'm sorry. There was another

1 person, but I don't remember who it was.

2 THE COURT: And how do you get notice of the meeting
3 and end up going to the meeting?

4 THE WITNESS: Crystal pretty much came to me and said
5 that she was mad at Greg and Cathryn for things that happened
6 within the company. In my opinion that was beyond Greg's control
7 because he had already sold the company. And that she was going
8 to notify the FDA that Greg was making the products that he had
9 made before his arrest.

10 THE COURT: So I understand what she might have said,
11 but why is it -- I mean, did they issue a subpoena like you were
12 to come --

13 THE WITNESS: Yes, sir, because --

14 THE COURT: -- to go to their meeting?

15 THE WITNESS: -- I told --

16 THE COURT: Just a minute. Just a minute. She can
17 only pick us up one at a time.

18 THE WITNESS: I'm sorry.

19 THE COURT: But they issued a subpoena to go to some
20 kind of hearing or meeting?

21 THE WITNESS: John Ormond come and -- after Crystal
22 asked me, I told Crystal I didn't really want to be involved.
23 Then she had John talk to me. I told John the same thing, I
24 don't want to do this, and at that point John said, well, I will
25 subpoena you if need be so you can be there because we need you

1 to be there.

2 THE COURT: And did they subpoena you?

3 THE WITNESS: Yes, sir.

4 THE COURT: And that's why you went?

5 THE WITNESS: Yes, sir.

6 THE COURT: And before they subpoenaed you, did you
7 tell Mr. Caton or his wife, hey, I'm getting subpoenaed to go to
8 this meeting?

9 THE WITNESS: I don't think it was before. I think it
10 was after I went to the meeting.

11 THE COURT: All right. And at this meeting did all of
12 you sit around and talk about it and they asked questions all
13 together or did they take you one at a time?

14 THE WITNESS: No. We were all in there together.

15 THE COURT: All right. Now, to your knowledge -- and I
16 recognize that you had a limited role in some sense. You worked
17 in the front office by then; is that right?

18 THE WITNESS: Yes, sir.

19 THE COURT: And you had limited knowledge. But to your
20 knowledge -- and you're under oath and I know you know that, and
21 I know you know that's a serious thing when one comes to a
22 federal court and takes an oath to tell the truth.

23 THE WITNESS: Yes, sir.

24 THE COURT: Was he making any kind of drug product at
25 that time to your knowledge, ma'am?

1 THE WITNESS: To my knowledge Greg was working with
2 Mr. Bill Woodward with preservatives, and, yes, I saw Greg mixing
3 products in the back, but my job was customer service and
4 answering the phones. I can't tell you what he was mixing up. I
5 assumed it had to do with Preservix or Global Preservatives which
6 was -- it was Preservix. Then it turned to Global Preservatives.

7 THE COURT: But you don't know what it was that you saw
8 him mixing?

9 THE WITNESS: I sure don't.

10 THE COURT: All right. Proceed, Mr. McCoy.

11 BY MR. MCCOY:

12 Q Now, Ms. Bermudez, when Mr. Caton had been released from
13 prison, you're aware that he went to Belize, correct?

14 A Yes, sir.

15 Q And why did he go to Belize or what was your understanding
16 of why he went to Belize?

17 A I don't know. He didn't discuss that with me. I just know
18 he went to Belize.

19 Q Okay. And did he also go to Ecuador?

20 A I think he did because he got permission to go to Ecuador.

21 Q And did he visit Ecuador as a potential -- was it your
22 understanding he was visiting Ecuador as a potential relocation
23 site?

24 A Yes. Like I stated before, Greg wanted to relocate after it
25 was legally possible to do so, and that was one of the locations

1 that he had decided he wanted to go.

2 Q Now, you mentioned to the judge that you did see him mixing
3 products. You weren't sure what those products were. If you
4 recall, previously I believe you had mentioned that you saw -- I
5 mean, he was sending products to other -- what's called an
6 herbalist or herbalists?

7 A Yes, sir.

8 Q And what's your understanding of what an herbalist is?

9 A Someone who makes natural remedies with natural herbal
10 products.

11 Q Okay. Were you employed at Lumen Foods when Mr. Dugas was
12 burned?

13 A Yes, sir.

14 Q Okay. Now, you're aware that Mr. Caton did go -- with the
15 judge's permission -- to Ecuador, but never returned? You're
16 aware of that?

17 A Yes, I am aware of that.

18 Q And he had spoken, previous to his trips that he took to
19 Ecuador, to you about finding a country where after -- as you're
20 saying, after his probation was ended, he could go and there
21 might not be the treaties with --

22 A There was several countries; some with an extradition
23 treaty, some without. He was trying to find a safe place for him
24 and his family to go where he wouldn't be prosecuted for things
25 that he -- once it was legally possible for him to leave, he

1 wanted to be able to go, and he wanted to be able to help people
2 without being prosecuted for it.

3 Q That would be in a country perhaps like Ecuador where he
4 could continue to make the products away from the long arm of the
5 FDA. Is that your understanding?

6 A I just know he wanted to make herbal products. I don't know
7 exactly which products because there were products that the FDA
8 didn't take with them, and we were told that if they didn't take
9 them, they didn't care about them. So I don't know what all
10 Mr. Caton continued to sell once he left to go to Ecuador because
11 I wasn't with him.

12 Q Okay. But have you ever visited -- did you ever visit his
13 website when he was -- that he had created while he was in
14 Ecuador?

15 A I went and looked at a statement about Toby McAdam on there.
16 Yes, sir, I did go to the website.

17 Q And were there order forms on that website?

18 A I didn't go look at the order forms. I went specifically to
19 go look at the information about Mr. McAdam because that is what
20 I had discussed with Mrs. Caton.

21 Q So is it your understanding that there were no order forms
22 on there or that you just did not go there?

23 A I just didn't go there. I was looking at one specific
24 thing.

25 THE COURT: That's what I understood her answer to be.

1 Let's proceed.

2 MR. MCCOY: That's all the questions I have for you.

3 THE COURT: Mr. McCann -- or I tell you what we'll do.
4 I want to take about a five-minute break right now before you
5 start. Okay?

6 Ma'am, you're not to discuss the testimony you have
7 given or will give in this proceeding with anyone. Okay?

8 THE WITNESS: Yes, sir.

9 THE COURT: And unless you need to excuse yourself,
10 which you may do, please just sit up here right now until I
11 return.

12 And I would ask anybody that needs to excuse
13 themselves, they may do so, but be back here within five minutes.
14 We won't be longer than five minutes.

15 We're in recess.

16 (RECESS)

17 MR. MCCOY: Your Honor, if I may briefly just -- I'd
18 request that we have Mr. Dugas be excused.

19 THE COURT: Absolutely.

20 Now, let me say -- y'all be seated.

21 The lady back there that's in the audience that's
22 shaking her head and waving her hand and all of that, do that one
23 more time, ma'am, and I'm going to throw you out of the
24 courtroom. That's not proper procedure and I'm not going to
25 allow you to testify. Just sit there. If you've got something

1 to say, you can get up under oath just like this lady and you can
2 say what you think.

3 All right. Mr. McCann, you may proceed.

4 MR. MCCANN: Thank you, sir.

5 **CROSS EXAMINATION**

6 BY MR. MCCANN:

7 Q Good afternoon.

8 THE COURT: Like I say, if I would have seen you do
9 that -- it was brought to my attention during the break by,
10 frankly, the court security officer.

11 MR. MCCANN: I'm sorry, Judge Melancon. I didn't hear
12 what you just said.

13 THE COURT: I said if I would have seen her doing it
14 previously, I would have said it at the time. I didn't see her
15 do it. It was brought to my attention by the court security
16 officer. That's why I just said what I said.

17 Proceed.

18 MR. MCCANN: Thank you, sir.

19 BY MR. MCCANN:

20 Q Tabitha, the trip to Belize, that occurred in 2008, didn't
21 it?

22 A I don't even remember to be honest.

23 Q Okay. You haven't suggested that Mr. Caton went to Belize
24 after he got out of jail without the Court's permission, are you?

25 A No.

1 Q Okay. The interview that you went to -- or the meeting that
2 you went to, using your terminology, did you feel intimidated
3 there?

4 A Yes.

5 Q Did you feel that you were being told what you had to say?

6 A I felt like -- first of all, I didn't want to be there. I
7 made excuses not to be there. They subpoenaed me. Then I made
8 an excuse that I didn't have a ride and Mr. Ormond come and
9 picked me up. I, to be honest, wasn't really the one doing the
10 talking. We were asked questions. Every once in a while we'd
11 say yes or no. We'd ask if, you know -- we were asked questions,
12 but I tried to do as little talking as I could.

13 THE COURT: Let me ask you this. His question was:
14 Did you feel intimidated?

15 THE WITNESS: Yes, sir, I did.

16 THE COURT: All right. And were you there -- was it
17 your -- while you were there, were you trying not to say any more
18 than you had to?

19 THE WITNESS: Yes, sir, that's correct.

20 THE COURT: Anything more than you had to that would
21 hurt Mr. Caton; is that fair?

22 THE WITNESS: I was trying not to say anything at all,
23 and I was definitely trying to just tell the truth and say as
24 little as possible.

25 THE COURT: And not hurt Mr. Caton if you didn't have

1 to --

2 THE WITNESS: Yes, sir.

3 THE COURT: -- in the course of telling the truth?

4 THE WITNESS: Yes, sir.

5 THE COURT: Okay. Proceed. I got it. I got the
6 picture.

7 BY MR. MCCANN:

8 Q Did you see -- okay. Let's back up.

9 Before Mr. Caton went to jail, did you know what
10 Cansema is?

11 A Yes, sir.

12 Q From the standpoint of Cansema being sold to the public,
13 were you aware of that?

14 A Yes, sir.

15 Q You did the invoicing and such things like that?

16 A Yes, sir.

17 Q Was it shipped in boxes and put on forklifts and put on
18 trucks and such things like that?

19 A No. It was really sold to individuals.

20 THE COURT: I'm convinced of two things, Mr. McCann.
21 First of all, that they sold a lot of soy chips, and the only
22 evidence before me is it was moved by Mr. Dugas on forklifts and
23 boxes, the soy chips. The other thing, I'm familiar with the
24 product Cansema Tonic III.

25 Is that what you're talking about? Is that what it was

1 called?

2 THE WITNESS: Well, there was two different kinds of
3 Cansema. There was -- well, three actually. There was a tonic,
4 there was a capsule, and there was a salve.

5 THE COURT: Okay. Well, I'm familiar I think. The one
6 that comes to mind -- and I'm looking at it, Tonic III -- was the
7 one that ate up that poor lady's nose. Do you remember that?

8 THE WITNESS: Yes, sir, I know about that.

9 THE COURT: Okay. Go ahead.

10 BY MR. MCCANN:

11 Q Okay. To focus a little better, the way the company ran
12 before Greg Caton went to jail with Alpha Omega Labs, it sold
13 Cansema to people who asked for it?

14 A Yes.

15 Q Okay. Now, I want you to focus on after Greg Caton got out
16 of jail. Was he working for a company besides Lumen Foods?

17 A Yes, sir.

18 Q Okay. Who was that?

19 A He worked for some other guy, but I can't remember his name.
20 Then he also worked for Mr. Bill Woodward. But right after he
21 got out of prison, he had to do some kind of work release, but I
22 don't remember who it was for.

23 Q Does the name Mallet Construction ring a bell to you?

24 A Yes, sir, it does.

25 Q Mallet Construction. So his real job was Mallet

1 Construction, right?

2 A Yes, sir. That's where he went to work every day.

3 Q And you are aware that Lumen Foods was sold to Dana
4 Decastro (phonetic)?

5 A Yes, sir.

6 Q And Dana became your boss, didn't he?

7 A Yes, sir.

8 Q And Greg was on a consulting agreement with Dana?

9 A That is correct.

10 Q All right. And that consulting agreement was supposed to
11 last for how many days?

12 A I just -- I think 90 days or six months. I'm not sure.

13 Q That's fine.

14 Now, I want to focus on the activities of Lumen Foods
15 after Greg got out of jail. All right? Did you see Cansema
16 around there then?

17 A No.

18 Q Did you see packages going out relative to people buying
19 Cansema?

20 A No. We --

21 Q Did you have to -- I'm sorry. Go head and finish your
22 answer.

23 A We weren't selling it to individuals -- I mean, we didn't
24 sell Cansema after that. That was what they took from us.

25 Q Right.

1 Okay. Did you have to invoice anybody for Cansema
2 after Greg got out of jail?

3 A No.

4 Q No?

5 A (Shaking head.)

6 Q Please verbalize.

7 A No, I did not.

8 Q Okay. So the way the company ran after Greg got out of jail
9 was completely different than it was from before Greg went to
10 jail; is that accurate?

11 A Yes.

12 Q Okay. Now, when he was mixing things, did he tell you he
13 was mixing -- working for Mr. Woodward for Global Preservatives?

14 A No. It was not Greg -- it was not in my description to know
15 what Greg was doing. It wasn't my concern to know what he was
16 doing. I was strictly there to do a job upfront.

17 THE COURT: So you don't know what he was doing?

18 THE WITNESS: No, sir.

19 THE COURT: Okay. Proceed.

20 BY MR. MCCANN:

21 Q Did you ever hear the name or the terminology "rust
22 preventative" ever mentioned around there?

23 A A metal preservative, yes.

24 Q A metal preservative?

25 A Yes, rust preservative.

1 Q And that's the project he was working for, something called
2 naturals.com (phonetic)?

3 A I knew it to be Global Preservatives.

4 THE COURT: Did you ever invoice anybody for this metal
5 resistant thing, whatever you called it?

6 THE WITNESS: We did send out samples to people for
7 testing. There was a lot of different things that Greg would
8 send out for testing, you know, for clinical trials.

9 THE COURT: Okay. When you say a clinical trial --
10 well, what other kind of thing besides this metal resistant thing
11 that you remember?

12 THE WITNESS: Well, I mean, there was like a bread
13 preservative that he did --

14 THE COURT: I'm sorry. A what?

15 THE WITNESS: A bread conservative.

16 THE COURT: Breath?

17 THE WITNESS: Bread.

18 THE COURT: Oh, bread. I thought you said breath.

19 THE WITNESS: When Greg had Lumen Foods and Alpha
20 Omega, he also had a company called Preservix, and it started out
21 as being a preservative for bread.

22 THE COURT: Okay. What else besides Preservix whatever
23 and this other metal rust resistant thing?

24 THE WITNESS: Whatever the FDA left after they raided
25 us, once they left it, me and Ms. Cathryn called the FDA and

1 asked them if we were allowed to use this or sell this, and they
2 said if we didn't take it, then we didn't have a problem with it.

3 THE COURT: So you kept selling stuff and you did
4 invoices for those. Okay. I understand that.

5 THE WITNESS: Yes.

6 THE COURT: But what I was trying to get at is what
7 else you sent out that you didn't invoice for what you call
8 clinical trials besides the two things?

9 THE WITNESS: The metal preservative.

10 THE COURT: And the Preservix -- or you were selling
11 that?

12 THE WITNESS: Well, Mr. Woodward -- because at that
13 time Greg had sold the company, so Mr. Woodward handled that part
14 at that time, but before Greg sold the company, yes, we sold --
15 we sent that out to a bunch of different companies like Sara Lee
16 and a lot of companies.

17 THE COURT: Okay. So those would have been for what
18 you call clinical trials, not for sale?

19 THE WITNESS: Well, it was to try to get them to --

20 THE COURT: I understand. But you weren't selling it
21 to individuals or companies?

22 THE WITNESS: No.

23 THE COURT: Okay. Proceed, Mr. McCann.

24 BY MR. MCCANN:

25 Q Now, when you're talking about the FDA raid, that was an FDA

1 raid before Greg went to jail; is that right?

2 A Yes.

3 Q Okay. When you were approached by Agent Ormond after Greg
4 got out of jail, did he call you on the phone?

5 A I believe he did, yes.

6 Q All right. Did he ask you questions about whether Greg was
7 producing Cansema?

8 A Yes.

9 Q And you told him no?

10 A I told Mr. Ormond that I didn't know what Greg did when I
11 was working upfront. I worked phones, you know. I didn't see
12 him mix Cansema. I never saw him mix Cansema.

13 THE COURT: And that's pretty much the same thing
14 you've said today. You don't know what he was mixing. You were
15 in the front office.

16 THE WITNESS: Yes, sir.

17 THE COURT: You love him. He's your friend. You don't
18 know that he did anything wrong. You don't know what he did. Is
19 that true?

20 THE WITNESS: That's correct. My job was to answer the
21 phones and do invoicing which was mostly for Lumen Foods. I
22 don't know what -- Greg had to do a lot of things for the
23 companies that he worked for. I don't know what he was doing.

24 THE COURT: I've got the picture, Mr. McCann.

25 BY MR. MCCANN:

1 Q Do you go by the name of LeDoux?

2 A That's my maiden name.

3 THE COURT: What's the name?

4 THE WITNESS: LeDoux.

5 THE COURT: LeDoux. Okay. I thought you said
6 Meduce (phonetic). I said I've never heard that last name around
7 here.

8 MR. MCCANN: French name, Your Honor, L-E --

9 THE COURT: I know LeDoux. I thought it was Meduce
10 which didn't make sense to me, but go ahead.

11 BY MR. MCCANN:

12 Q And you were -- when this interview occurred in October of
13 2007 with Agent Ormond, you're really sure you did not tell him
14 that Greg was producing anything pertaining to Cansema; is that
15 accurate?

16 A Someone else in the meeting said that he was, and at that
17 time I felt intimidated. I don't remember saying that Greg ever
18 produced Cansema because I never saw it. I was trying to answer
19 as little questions as I could, but I do not recall ever telling
20 them that I saw Greg produce Cansema.

21 THE COURT: Okay. And her testimony here under oath
22 today was I don't know what he was doing back there. She's just
23 said what she said. I don't know how you can exhaust that any
24 more thoroughly than you have, Mr. McCann.

25 MR. MCCANN: I have one more step to go, Your Honor.

1 THE COURT: Go ahead and do it, but make sure you hit
2 between the eyes on this one.

3 MR. MCCANN: It would require me to approach the
4 witness.

5 THE COURT: What are you going to show her?

6 MR. MCCANN: The memorandum of the interview that she
7 allegedly gave.

8 THE COURT: And what I understood -- is that going to
9 tell her that she in fact -- you've got that copy, right,
10 Mr. McCoy?

11 MR. MCCOY: I do, Your Honor.

12 THE COURT: You're going to stand up and say what?

13 MR. MCCOY: I'm going to object. For what purpose is
14 he giving her a record --

15 THE COURT: Well, this isn't the strict rules of
16 evidence. I'm going to overrule the objection. That's number
17 one.

18 But let me tell you -- it's like I told you before when
19 you wanted to show something. All she's said here is I don't
20 know what he was doing, one. I don't recall saying that, but I
21 felt intimidated. So I guess the next step would be if you said
22 it then -- it says you said it here. If you don't recall giving
23 it and if it's in here, does that refresh your memory that, yeah,
24 you did. Then I guess the next step would be, well, she said she
25 was intimidated, so I don't know. Go ahead and ask your

1 question. I'm not sure what you're going to get out of it, but
2 go ahead.

3 MR. MCCANN: It goes in a little different direction.

4 THE COURT: Just give it to her and then ask your
5 question. Return to the lectern and ask your question.

6 BY MR. MCCANN:

7 Q Ms. LeDoux --

8 THE COURT: Go to the lectern to ask your question,
9 okay, and make your statements, okay? We're going by the strict
10 rules here, Mr. McCann.

11 Now you may tell her what you want her to do.

12 BY MR. MCCANN:

13 Q Ms. LeDoux, I have highlighted a passage in that interview.
14 I would like for you to read it to yourself.

15 A Okay.

16 Q And after you have read it, I would like you to tell me
17 you've read it so I can ask you a question about it.

18 (Pause in Proceedings)

19 A Okay.

20 Q All right. Based upon what you're saying to this Court
21 under oath, what's in that statement is not true?

22 THE COURT: Stop. Don't answer that yet. Read to me
23 what it is that he highlighted that you just read and he asked
24 you about.

25 THE WITNESS: It says: In 2007 LeDoux observed Greg

1 Caton sending Cansema product samples to other herbalists in the
2 U.S.

3 THE COURT: All right. Now answer his question.

4 A What I remember sending samples out was of a metal cleaner.
5 I do not remember sending any Cansema sample products out.

6 THE COURT: All right. Now, let me ask you the
7 question. He asked you if that's not true. My question to you
8 is that you said you were intimidated. You said you didn't
9 recall saying it. That's what I took you to say earlier under
10 oath. Is that true?

11 THE WITNESS: Yes, sir.

12 THE COURT: Is my recollection correct?

13 THE WITNESS: Yes, sir. I do not recall saying that.

14 THE COURT: Now, the fact that it's in that agent's
15 report now that you've seen it, do you recall that you may have
16 said that?

17 THE WITNESS: I don't recall saying it at all. I
18 recall another person in the meeting saying that.

19 THE COURT: I understood that, but you don't recall
20 saying it. You made the comment a while ago about in the
21 meeting -- and I think it was around the comment by somebody else
22 saying that she had observed or he had observed this Cansema
23 being made, and you said you -- you were about to tell me again
24 that you felt intimidated.

25 THE WITNESS: Right.

1 THE COURT: Now, because you felt intimidated, would
2 you have said anything like that and not recall at this point?

3 THE WITNESS: I don't think I would have said it. I
4 felt intimidated about having to be there, but I still don't
5 think I would have said it. I do remember saying I saw Greg
6 mixing products, but I never, number one, said Cansema.

7 THE COURT: Okay. So what you just read is not
8 accurate?

9 THE WITNESS: It's not accurate.

10 THE COURT: Okay. I understand.

11 Pick up your document. Let's go.

12 MR. MCCANN: Thank you, Judge.

13 BY MR. MCCANN:

14 Q When you were approached -- now I'm talking about in 2007.
15 Okay? When you were approached by Agent Ormond, did he ask you
16 to get documents off of the company computer?

17 A Yes.

18 Q Okay. Did he have a search warrant asking for you to get
19 documents off of the company computer?

20 A No.

21 Q Did he use intimidation to try to get you --

22 THE COURT: Excuse me just a minute. What period of
23 time are we talking about, Mr. McCann?

24 MR. MCCANN: Approximately July through October of
25 2007, Your Honor.

1 THE COURT: Okay. Go ahead.

2 You said he didn't have a search warrant.

3 THE WITNESS: No.

4 THE COURT: And he just asked you if you were
5 intimidated and you're going to answer the question. Go ahead
6 and answer the question.

7 THE WITNESS: I'm sorry. What was the question?

8 THE COURT: Did you feel intimidated?

9 THE WITNESS: Yes. I felt intimidated the entire time
10 because I was told when we had the raid to sit down and shut up.
11 They wouldn't give me a warrant when they raided us. At that
12 point I was told by FDA agents that if I didn't cooperate with
13 them, that I would go to jail with Greg and my children would get
14 taken away.

15 THE COURT: Okay. Now, this is in 2007 or this is
16 before he goes to jail?

17 THE WITNESS: This is before he goes to jail, but to me
18 it was all -- I felt like because of what they said and what I
19 watched Greg and Cathryn go through, that if I didn't do what
20 they wanted me to do, that I myself would go to jail and lose my
21 children.

22 THE COURT: Okay. I get the point. Now, in 2007 that
23 he's asking you about, tell me the scenario. Who called you or
24 comes to see you?

25 THE WITNESS: We were at the meeting with John.

1 THE COURT: Okay. And he says what?

2 THE WITNESS: He wants me to find documents on the
3 computer where we sent out samples to people.

4 THE COURT: Okay. And you feel intimidated for the
5 reasons you've said and you go ahead and do it; is that right?

6 THE WITNESS: I went to the office to go see if I can
7 get whatever documentation he wanted because, number one, like I
8 said, you know, they asked me to do this. I already felt -- I
9 felt intimidated the whole time.

10 THE COURT: I understood that. I'm just saying after
11 you get asked, for the reasons you've said, you go down there.
12 Do you actually get the documents?

13 THE WITNESS: No.

14 THE COURT: Why not?

15 THE WITNESS: Because I didn't know where they were. I
16 couldn't get on the computers.

17 THE COURT: Okay. Understood.

18 Let's go.

19 BY MR. MCCANN:

20 Q Do you have any knowledge of whether any documents
21 pertaining to Cansema even existed on the Lumen Foods computer?

22 A Before the raid there was tons of documents.

23 Q All right. Now I'm focusing on after Greg gets out of jail.
24 Were there any other documents on that computer that had anything
25 to do with Cansema?

1 A Just what we had already -- I mean, any kind of
2 documentation that we had researched or -- you know what I'm
3 saying?

4 THE COURT: No, I don't understand, and it's important
5 that -- I'm the most important one in the room to understand.
6 It's not that I'm the most important person in the room, I don't
7 mean that, but I'm the one that's got to make the decision, so
8 I've got to understand.

9 I understood you just to say -- and I'm looking at your
10 answer. Mr. McCann was trying to make sure you didn't talk
11 about -- it's after the big raid that resulted in Mr. Caton
12 getting arrested and going to jail. He's talking about after
13 that time. And you were starting to answer, well, the only
14 documents we had is like what I just already said, I mean,
15 documentation that we had researched or -- you know what I'm
16 saying? I don't know what you're saying.

17 THE WITNESS: Okay. After the raid the only samples of
18 products that we sent out that I can recall that I did were
19 samples of metal cleaner for Mr. Woodward.

20 THE COURT: Understood now. So you weren't trying to
21 qualify anything about Cansema. To your recollection here under
22 oath, ma'am, you say there were none? Is that what you're
23 saying?

24 THE WITNESS: I was not aware of any.

25 THE COURT: And you had complete access to all the

1 computer files or not?

2 THE WITNESS: I had my own computer. That's the
3 computer I used.

4 THE COURT: So you don't know what else might have been
5 on anybody else's computer?

6 THE WITNESS: No.

7 THE COURT: How many computers were in there, in the
8 office?

9 THE WITNESS: At least four.

10 THE COURT: Okay. Thank you.

11 Proceed, Mr. McCann.

12 BY MR. MCCANN:

13 Q This meeting or interview that you talked about on October
14 the 10th of 2007, because that's the date it took place, did it
15 take place in the office of Lumen Foods?

16 A No.

17 Q Where did it take place?

18 A In I guess the federal courthouse building in Lake Charles
19 on Broad Street.

20 Q Okay. Did Mr. Ormond attempt to go look at the building
21 where Lumen Foods was located?

22 A At what point?

23 Q Right around October of 2007, October the 10th of 2007.

24 A If he did, I'm not aware of that. I don't know.

25 Q Okay. From that point forward all the way to the time Greg

1 got out of jail, did Mr. Ormond ever go execute a search warrant
2 and search the building looking for Cansema products?

3 THE COURT: To your knowledge.

4 A To my knowledge, no.

5 THE COURT: Okay. Proceed.

6 BY MR. MCCANN:

7 Q Did you see anything having to do with Cansema in that
8 building after Greg got out of jail?

9 A Just what had been left by the FDA as far as labels and the
10 bowls that they had been mixed in.

11 Q But not the product?

12 A No.

13 THE COURT: Now, who was this person at this meeting
14 that said she had seen or he had seen Cansema being produced?
15 Who was that?

16 THE WITNESS: Ms. Crystal Leslie.

17 THE COURT: Okay. And was Ms. Leslie working there
18 back before Greg got arrested?

19 THE WITNESS: Yes, sir.

20 THE COURT: So the fact that there were labels or bowls
21 there, she would have known that that was left there from back at
22 the time the FDA came in there and raided the place, right?

23 THE WITNESS: Yes.

24 THE COURT: All right. Proceed, Mr. McCann.

25 BY MR. MCCANN:

1 Q Now, I want to get your attention on that terminology of
2 extradition treaty. Do you know what that is?

3 A Pretty much, yeah. Yes, sir.

4 Q Tell me what an extradition treaty is to you.

5 A What I understand it to be is if it's -- you go somewhere
6 and the United States government can't make you come back. They
7 can't go legally and bring you back for any reason.

8 THE COURT: Because the two countries don't have a deal
9 that says you can do that, right?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. That's what I thought you were
12 saying.

13 Okay. Go ahead.

14 BY MR. MCCANN:

15 Q So in an absence of an extradition treaty, the United States
16 can't go in another country to make somebody come back; is that
17 accurate?

18 A Yes.

19 Q Okay. Now, did you have a discussion with Agent Ormond
20 about an extradition treaty?

21 A Well, he asked me about if me and Greg had had any
22 discussions about it, yes.

23 Q Okay. I want to be very clear about this. Did Greg Caton
24 ask you to find a country that does not have an extradition
25 treaty with the United States?

1 A That was not his question to me, no.

2 THE COURT: What was his question to you?

3 THE WITNESS: His question to me was we needed to do
4 research on several different countries where once it was legally
5 possible -- once his probation or parole, whatever it was, was
6 over, that him and his wife could go and live peacefully.

7 THE COURT: And -- go ahead. I'm sorry.

8 THE WITNESS: And, yes, an extradition treaty was
9 brought up, but we did not research countries that just had
10 extradition treaties.

11 THE COURT: Go ahead again. I want to ask you a
12 question before Mr. McCann does after you finish your answer.

13 THE WITNESS: The original discussion that me and Greg
14 had didn't have anything to do with extradition treaties because
15 he wasn't concerned about that because his original plan was to
16 leave once all of his legal problems were solved and over and
17 done with. He had no reason to run and have to worry about being
18 extradited back to the U.S. It wasn't until I informed Mr. Caton
19 what was happening that he and I had a discussion about the
20 countries we had already looked at.

21 THE COURT: And the countries you looked at, that's
22 when he brought up -- or did he bring up at that point -- because
23 you said it wasn't at that point that you discussed extradition
24 treaties. Was it after you told him what was going on that he
25 brought the subject up or it came up in your discussion with him?

1 THE WITNESS: It came up in the discussion with him.

2 THE COURT: Did he bring it up to you?

3 THE WITNESS: No. I brought it up to him.

4 THE COURT: And what did you tell him?

5 THE WITNESS: I told him out of all of the countries
6 that we looked at, Monterrey, Mexico, Belize, where he's at
7 now --

8 THE COURT: Ecuador.

9 THE WITNESS: Ecuador. That there were certain
10 countries that had extradition treaties and some that didn't.

11 THE COURT: Did you tell him that Ecuador didn't?

12 THE WITNESS: I think I did because I was the one who
13 looked at it.

14 THE COURT: Okay. And, again, just so I'm clear on
15 what was going on here, this was after the meeting?

16 THE WITNESS: This is after me and John and Crystal and
17 Zoe had that meeting.

18 THE COURT: Okay. I understand now. Let's move.

19 BY MR. MCCANN:

20 Q Ms. LeDoux, if there is a statement in this memorandum of
21 interview that says: On March the 14th, 2008, Greg Caton
22 informed LeDoux again that he wanted her --

23 THE COURT: Which statement?

24 MR. MCCANN: The same statement that she saw earlier,
25 Your Honor.

1 THE COURT: Well, if you want her to read it again --
2 you don't need to read it to her.

3 MR. MCCANN: Well, Your Honor, the way you handled it
4 earlier --

5 THE COURT: Let her go ahead and read what you want her
6 to and ask her if it's true.

7 MR. MCCANN: Then I'll do it that way, Your Honor. You
8 seemed to want it to be done a different way the last time.

9 THE COURT: Well, let's stay with what you perceive
10 then. I want to go whatever way is the most efficient, and if
11 it's most efficient for you to read to her, then you can ask her
12 did you make the statement. Okay?

13 MR. MCCANN: Your Honor, I perceived that the most
14 efficient way for me to do this is for me to read it to her. Is
15 that okay?

16 THE COURT: Absolutely. I just said that I thought,
17 but read the statement to her. Then you ask her if she remembers
18 making it.

19 MR. MCCANN: Yes, sir, I will.

20 BY MR. MCCANN:

21 Q On March the 14th of 2008 Greg Caton informed LeDoux again
22 that he wanted her to find a country that had no extradition
23 treaty with the U.S.

24 MR. MCCOY: Objection, Your Honor.

25 THE COURT: Just a minute. Don't answer anything.

1 What are you objecting to before he gets through
2 reading it?

3 MR. MCCOY: I believe he's got the wrong date.

4 THE COURT: That's a good objection if it's true.
5 Y'all compare notes, guys.

6 MR. MCCANN: Your Honor, this is a faxed copy. Perhaps
7 he's correct.

8 THE COURT: Okay. Let's just make sure the record is
9 correct and I understand.

10 (Pause in Proceedings)

11 THE COURT: All right. Do you want to state the date
12 again?

13 MR. MCCANN: I'm going to correct the date, Your Honor.
14 It is a faxed copy.

15 So, ma'am, please disregard what I said earlier. Now
16 pay attention.

17 BY MR. MCCANN:

18 Q On March the 14th of 2006 Greg Caton informed LeDoux again
19 that he wanted her to find a country that had no extradition
20 treaty with the U.S. Caton advised LeDoux to look at South
21 America, Belize, Ecuador, and Nicaragua.

22 That's verbatim from this statement. Now, my
23 question --

24 THE COURT: Just a minute.

25 Do you recall making that statement?

1 THE WITNESS: I recall talking about countries.

2 THE COURT: Okay. Do you recall making the statement
3 that he asked you to do that and gave you some examples of South
4 America and these countries? Do you recall making that
5 statement?

6 THE WITNESS: I recall, yes, different countries that
7 he suggested to look at, yes.

8 THE COURT: Okay. And do you recall telling that to
9 whoever the agent was that took this statement?

10 THE WITNESS: Yes, but --

11 THE COURT: Proceed -- or go ahead. I'm sorry. I cut
12 you off.

13 BY MR. MCCANN:

14 Q Do you recall making that statement --

15 THE COURT: Just a minute. I cut her off.
16 Proceed.

17 THE WITNESS: But I still don't remember talking about
18 extradition charges back on that date.

19 THE COURT: Okay. Ask your question.

20 BY MR. MCCANN:

21 Q So you do not remember using the terminology "extradition"
22 to that agent sitting right over here?

23 A No, sir, not on that date. I mean, we talked about it in
24 the meeting, but when I told him that Greg and I had those
25 discussions, the date is wrong when the extradition part came up.

1 Q So it is your understanding that Greg really wasn't
2 concerned about an extradition treaty?

3 THE COURT: No. I'm not going to let you testify.
4 Okay? You can ask a question. Don't testify.

5 MR. MCCANN: Okay.

6 BY MR. MCCANN:

7 Q Did you get the impression that Greg was worried about an
8 extradition treaty?

9 A Not until I told him that the FDA was looking at him, at new
10 charges.

11 MR. MCCANN: Thank you very much, ma'am.

12 THE COURT: All right. Redirect?

13 **REDIRECT EXAMINATION**

14 BY MR. MCCOY:

15 Q Ms. Bermudez, when did you inform Mr. Caton that you
16 believed the FDA was looking back into his conduct?

17 A The day that Mr. John Ormond asked me to go to Lumen Foods
18 to try to find any kind of documentation about Cansema.

19 Q Do you recall when that was?

20 A It was either the same day or the day after we had that
21 meeting, and I can't recall the day of the meeting.

22 Q Okay. Now, you also had mentioned some things about what
23 you did and did not recall, and I want to clarify some things.
24 When Mr. McCann was asking you certain questions about what was
25 in this -- he called it a statement, but I would prefer to call

1 it a memorandum of interview because it's not your statement,
2 correct?

3 A Right.

4 Q It was just the record of an interview conducted?

5 THE COURT: The Court is familiar with the concept.

6 BY MR. MCCOY:

7 Q When you stated that you don't recall, that's at this time
8 frame now. You're saying I don't recall if I said x, y, and z on
9 October 10th of 2007. Is that a fair statement?

10 A On which part?

11 Q Well, you mentioned that -- for most of the times when he
12 was asking you a question, you said I don't recall. There was
13 one point where you said, no, I did not say that. Okay? And I
14 believe that was about the Belize question, correct?

15 A I don't --

16 THE COURT: If you're not confusing her, you're
17 confusing me. That was a backward way to ask that question.

18 BY MR. MCCOY:

19 Q I'll rephrase it. Okay?

20 A Okay.

21 Q And let me see if I can just clear this up. Some of the
22 items that you stated -- when Mr. McCann had you read this
23 memorandum of interview, you stated, I don't recall if I said
24 that, there were a lot of people there, I don't recall. Do you
25 remember saying that on the stand?

1 A Yes, I do.

2 Q And you still hold that -- you're not saying it didn't
3 happen? What you're saying is I don't recall if it happened?

4 A On the ones that I said I don't recall, then, yes, I don't
5 recall what exactly was said in the meeting.

6 Q Okay. Now --

7 THE COURT: What you said in the meeting you mean?

8 THE WITNESS: Well, what everybody said in the meeting.

9 THE COURT: No. But that's not -- it doesn't matter
10 what anybody else said. The statements he's asking you about are
11 the statements you may have made in the meeting as related in
12 that memorandum of the meeting. He's wanting to know about when
13 you say under oath here today I don't recall if I made the
14 statement or not except with the one that you know you didn't --
15 you said you didn't make. That's what he wants to know.

16 THE WITNESS: That's correct. I know what I said, and
17 what he's saying it was said that I said, I don't remember. I'm
18 going to say I don't recall because I don't remember saying that.

19 THE COURT: What he wants to know is you're not saying
20 you didn't say it, you just don't recall saying it, or are you
21 saying I didn't say that, by God.

22 THE WITNESS: I think my words were taken and twisted,
23 and I don't think that the way I said it was the way it came out
24 in whatever -- because I didn't sign a statement.

25 THE COURT: That's not the point, though. So what

1 you're saying now -- and he just wants to know. Is anything that
2 you were asked about from your -- you said you didn't recall.
3 Are you now saying I never said any of those things?

4 THE WITNESS: No, I'm not saying I didn't say those
5 things. I'm just saying that the way they're stating that I said
6 it, I don't recall that that's the way it was said.

7 THE COURT: I understand now.

8 Proceed.

9 MR. MCCOY: Thank you. That clarifies a lot for me as
10 well.

11 BY MR. MCCOY:

12 Q Now, Ms. Bermudez, you mentioned -- when Mr. McCann spoke to
13 you about the trip to Belize, you believed it was in 2008.
14 That's what you've just said on the stand today. Okay?

15 A No. I think I said I don't remember when he went to Belize.
16 I just know he went.

17 Q Okay. I was under the impression that you told Mr. McCann
18 that he took the trip in 2008.

19 THE COURT: Is that relevant to anything?

20 MR. MCCOY: Well, I believe it is, Your Honor,
21 because --

22 THE COURT: Well, proceed then. Go ahead. You don't
23 have to tell me. Proceed.

24 BY MR. MCCOY:

25 Q Because, Ms. Bermudez, you mentioned -- in other words, it

1 wasn't in 2008 that you recall he went to Belize, that it was
2 actually shortly after his release from prison that he got to
3 Belize, correct?

4 A I think what I said --

5 THE COURT: Excuse me. Turn off that microphone when
6 he blows his nose, please.

7 THE DEFENDANT: I'm sorry.

8 A I don't remember when Greg went to Belize, and I think
9 that's what I said under oath, that I don't recall when he went
10 to Belize. Is there any way we can --

11 THE COURT: We don't need to do it. I've heard what
12 you've said. I've got what you said.

13 BY MR. MCCOY:

14 Q Well, when you made this statement or when you met with
15 Mr. Ormond and the other folks at the courthouse in Lake Charles,
16 was that in October of 2007?

17 A I believe so.

18 Q Okay. If I told you that in the memorandum of interview it
19 mentions that you stated that he went to Belize on a trip, would
20 that make sense that it would have been sometime prior to that
21 interview?

22 A Before the interview, yes, sir.

23 THE COURT: And the record ought to reflect when I gave
24 him permission to go, right?

25 MR. MCCOY: Well, that's one of the issues, sir, is we

1 don't believe you ever gave permission for him to travel to
2 Belize.

3 THE COURT: Okay. Well, if it's not in the record, it
4 would sure seem like it's not. I understand your point now.

5 BY MR. MCCOY:

6 Q Briefly, Ms. Bermudez, when Mr. Caton was released from
7 prison and was working at Lumen Foods and you were working on the
8 front desk, you mentioned that you saw the Preservix, you saw the
9 metal --

10 A Preservative.

11 Q Metal preservative. But there were other items being
12 created, clinical trials, clinical samples, et cetera?

13 A It was to do with his company, Lumen Foods, with Preservix,
14 Global Preservatives. That's the stuff that I saw.

15 Q Okay. But there could have been other stuff being created
16 that you're not aware of?

17 A I mean, yes. I mean, I wasn't with Greg 24 hours a day. I
18 don't know what he did when I wasn't with him.

19 MR. MCCOY: All right. Thank you, Ms. Bermudez. I
20 have no further questions.

21 THE COURT: Okay. Let me just say this, too. The
22 issue of whether or not he went to Belize without this Court's
23 permission is not before the Court. That's not an issue for me.
24 The Court is not going to consider any testimony or the comment
25 made by the Assistant United States Attorney nor any reaction the

1 Court may have had. That's not before me, so move on.

2 MR. MCCANN: Your Honor, I have -- I'm sorry. Did you
3 tender?

4 MR. MCCOY: I did.

5 MR. MCCANN: Your Honor, I have one recross question.

6 THE COURT: All right. I'm going to hold you to it
7 because lawyers always say one and it goes to about 10 or 12 or
8 15. So you've got one question, Mr. McCann, because you told me
9 that's what you wanted.

10 **RECCROSS EXAMINATION**

11 BY MR. MCCANN:

12 Q Around the time of your encounter with Agent Ormond, did he
13 search your home?

14 A He did come into my home, yes. He asked for any products
15 that I had that had anything to do with Alpha Omega, and he also
16 asked for letters that Greg and I had corresponded with via mail
17 while Greg was incarcerated.

18 Q Were any of those things --

19 THE COURT: That's a second question, Mr. McCann.

20 MR. MCCANN: Your Honor --

21 THE COURT: Did you turn any documents or any product
22 over to him?

23 THE WITNESS: I had products that were left over from
24 before the raid that I had purchased myself from before the raid,
25 yes, and I think I did turn some over to Mr. -- to John Ormond.

1 THE COURT: Were some of those the ones that had been
2 picked up by the FDA?

3 THE WITNESS: No. I had it in my home before we were
4 ever raided.

5 THE COURT: I understand. But were some of the
6 products that you had in your home still products that had been
7 picked up by the FDA?

8 THE WITNESS: Yes, sir. It was products that the FDA
9 had confiscated.

10 THE COURT: And about when was that that they came to
11 your home, in October of '07?

12 THE WITNESS: Yes, right before we had the meeting.

13 THE COURT: And when was the raid that resulted in his
14 arrest, in '04?

15 THE WITNESS: I think in '03.

16 THE COURT: So you had the product lying around in your
17 house four years after the fact; is that right?

18 THE WITNESS: Yeah. It's product that I had received
19 before the raid.

20 THE COURT: That's what I'm saying. You had it for
21 four years. You hadn't used them up.

22 THE WITNESS: I had used them. I took a mole off of my
23 face with them.

24 THE COURT: But you still had them four years after the
25 fact?

1 THE WITNESS: Yes, sir.

2 THE COURT: I understand.

3 That was two questions because I asked the second one.
4 You've got one more, Mr. McCann, you've got to ask?

5 MR. MCCANN: No, sir, I do not.

6 THE COURT: All right. The witness is excused and may
7 step down. Thank you very much. And unless somebody wants to
8 keep you here, you're excused for the duration. You can go home
9 if you want to.

10 MR. MCCANN: I have no reason to keep her, Your Honor.

11 THE COURT: All right. Does the government care?

12 MR. MCCOY: I have no objection.

13 THE COURT: All right. You're excused. Thank you so
14 much.

15 Next witness.

16 MR. MCCOY: We call Ms. Crystal Leslie.

17 THE COURT: All right. Please face this nice lady.

18 THE COURTROOM DEPUTY: Do you solemnly swear that the
19 testimony you will give in this case will be the truth, the whole
20 truth, and nothing but the truth?

21 THE WITNESS: Yes, I do.

22 THE COURT: All right. As soon as she's seated, you
23 may proceed.

24 MR. MCCOY: Thank you, Your Honor.

25 Whereupon,

1 CRYSTAL LESLIE

2 was called as a witness, having been first duly sworn, was
3 examined and testified as follows:

4 **DIRECT EXAMINATION**

5 BY MR. MCCOY:

6 Q Good morning, ma'am. Could you please state your name and
7 spell your last for the record.

8 A Crystal Leslie, L-E-S-L-I-E.

9 Q And where do you currently reside, what city?

10 A Lake Charles, Louisiana.

11 Q Are you currently employed?

12 A Yes, sir.

13 Q And where are you currently employed?

14 A I work for a few charities, Big Brothers Big Sisters,
15 American Legion, VFW Charity. They do bingo sessions and I call
16 bingo for charity groups.

17 Q Okay. Are you aware of the defendant, Mr. Greg Caton? Do
18 you recognize him in the courtroom today?

19 A Yes, sir.

20 Q Could you please describe what he is wearing.

21 A He's right there in the blue jumpsuit.

22 THE COURT: The record will reflect that the witness
23 has identified the defendant.

24 BY MR. MCCOY:

25 Q Now, Ms. Leslie, how long have you known Mr. Caton for?

1 A I believe around 2001.

2 Q Okay. So you knew him prior to his arrest and eventual
3 guilty plea and sentence?

4 A Yes, sir.

5 Q If you could, please, give the Court just a brief background
6 on your interaction with Mr. Caton prior -- both prior to his
7 arrest and after his release from prison?

8 A I went to work there as a beginning accountant, ended up
9 becoming very good friends. I would have their son to my house,
10 helped discipline. They thanked me for helping discipline their
11 child because they didn't know how. He practically lived at my
12 home. My son would go to their home.

13 We were like -- me and Ms. Cathryn were like sisters.
14 I considered them very personal friends. I ended up doing all
15 the accounting, everything to do with any of the financials. I
16 also hired, I fired. I worked in the kitchen. I did the
17 packaging machine. I worked in the warehouse. Anywhere I was
18 needed I did.

19 THE COURT: Now, let me ask you this. You said that
20 you helped discipline the child because they didn't know how. My
21 recollection is they adopted the child. Is that true?

22 THE WITNESS: Yes, sir.

23 THE COURT: And how old was the child when -- it was a
24 little boy?

25 THE WITNESS: Yes, sir.

1 THE COURT: How old was the boy when they adopted?

2 THE WITNESS: I'm not sure. I remember him and my son
3 are pretty much the same age. He would yell and scream and cuss
4 at his parents. And I would start taking him home with me and
5 teaching him, and when he would do it in the office and I would
6 come in, I would be like, Myron, that's enough, and he would say,
7 yes, ma'am, and he would stop. So Ms. Cathryn would say, thank
8 you, Crystal.

9 THE COURT: Okay. But you got to be friends personally
10 over that?

11 THE WITNESS: Yes, and working with him.

12 THE COURT: All right. Understood.

13 Proceed.

14 BY MR. MCCOY:

15 Q Now, Ms. Leslie, when Mr. Caton was arrested, do you
16 recall -- did Alpha Omega Labs -- and now he was in jail. He's
17 still awaiting trial. But did you receive or did Alpha Omega
18 receive a shipment of products in of Cansema products
19 specifically?

20 A After the raid there had been powdered substances which were
21 can supports. The Cansema powder, no. There was lung can
22 support, brain can support, which is a form of the Cansema, but
23 it targets specific areas, your lung, your brain, your heart,
24 your breast, colon, you know, different things like that.

25 Those products -- the powder had been shipped out to be

1 capsulated before the raid and had come back to us after he was
2 incarcerated. I was asked to do something and put them in a
3 storage unit in my name, which I did, and held there until Greg
4 had gotten out of jail.

5 THE COURT: Now, let me ask you this because -- and I
6 want to make sure.

7 This lady has just admitted to a crime, counselor.

8 THE WITNESS: Yes, sir.

9 THE COURT: I mean, that doesn't escape me.

10 THE WITNESS: At the time --

11 THE COURT: Just a minute, ma'am.

12 And I don't know if she hasn't been advised that she's
13 got a right to have a lawyer here with her. I mean, that's a
14 serious thing she just said. And I don't want to make this
15 harder on anybody.

16 But what I mean to say, ma'am, is you just admitted
17 that you committed a crime.

18 THE WITNESS: Can I respond?

19 THE COURT: Well, I want to make sure I understand from
20 the U.S. Attorney. I mean, what's going to happen with this?
21 Has she been promised anything? Is she going to get prosecuted
22 because now she's in a conspiracy? I mean, you knew this coming
23 in. Did you tell her she might ought to talk to a lawyer? Did
24 you make a deal with her that we're not going to prosecute you?

25 MR. MCCOY: I can tell you, Your Honor, she's not a

1 target of an investigation.

2 THE COURT: Well, right now that's great, but, you
3 know, they say that about Grand Jury people all the time. They
4 get indicted later on down the road. I mean, do you have the
5 authority to -- because I don't want to put her at risk. She's
6 already said something that's against her interest here.

7 And, again, I mean, if you can't say it and you need to
8 get on the phone and talk to somebody and say we've got that
9 crazy liberal judge down here and thank God he doesn't have any
10 criminal cases anymore, but I'm worried about this lady right now
11 and what you guys might do to her.

12 Can you represent to me as an officer of the court that
13 you haven't promised her anything, you just wanted her to come
14 here and tell the truth?

15 MR. MCCOY: That's correct, Your Honor.

16 THE COURT: All right. Looking out for her interest, I
17 want to make sure she's not going to be prosecuted because I take
18 you at your word.

19 Now, Mr. McCann, you stand up here. Is there anything
20 you need to say just as to what I just said here, because if it's
21 not, I don't want to hear it now.

22 MR. MCCANN: I'm just paying attention, Judge.

23 THE COURT: All right. So we'll wait for you. You go
24 talk to -- they ought to be back from lunch up there now. You
25 talk to Rick Willis or whoever is running the show up there in

1 the office and say crazy Melancon. You can call from my chambers
2 right quick. Okay?

3 MR. MCCOY: If you don't mind, Your Honor, I can run
4 down there. It's just as --

5 THE COURT: I want you back here in five minutes,
6 whatever you figure is better.

7 MR. MCCOY: That's fine, Your Honor.

8 THE COURT: We'll all excuse ourselves.

9 Ma'am, you can't talk to anybody, including the
10 lawyers, about what you've said or are going to say.

11 And we'll be back here within five minutes.

12 I'm holding you to it, Mr. McCoy. Check that clock up
13 there.

14 (RECESS)

15 THE COURT: All right. The witness may return to the
16 stand. Where is the witness? Okay. Come on up, ma'am.

17 Mr. McCoy, did you talk to whoever up in the --
18 whatever the hell they are -- that this lady can't get in trouble
19 for anything she says here or are you liable to prosecute her and
20 she better shut up?

21 MR. MCCOY: Your Honor, I have spoken very briefly to
22 Mr. Willis. He's actually on his way up here. He'll be here in
23 probably two minutes.

24 THE COURT: What's that got to do with anything?

25 MR. MCCOY: And I would -- I don't have an answer for

1 you in the five minutes allotted, Your Honor.

2 THE COURT: All right. Y'all sit down.

3 You told him what the issue is and he couldn't say
4 we're not going to prosecute this lady?

5 MR. MCCOY: Yes, Your Honor, I did tell him what the
6 issue was.

7 THE COURT: All right. What do I need to do to get the
8 Public Defender over here? I want a lawyer here.

9 MR. MCCANN: Your Honor, the telephone number is
10 262-6336.

11 THE COURT: And I'm going to probably recess this
12 proceeding.

13 MR. MCCOY: Your Honor, if I may clarify my answer for
14 you.

15 THE COURT: Okay. Well, stop Laura from calling
16 anybody if we're going to clarify something that he couldn't have
17 just said over the phone at my request.

18 I can't believe Rick Willis -- he knows he's tying up
19 my court proceeding right now?

20 MR. MCCOY: Your Honor, he was in the parking lot when
21 I contacted him. What I can tell you, Your Honor, is this.
22 Mr. Willis said, yes, we are not going to prosecute her. What I
23 wanted to do --

24 THE COURT: Here comes Mr. Willis.

25 Mr. Willis, this lady has made an admission that she

1 violated the law of this country, the conspiracy law, even under
2 the old conspiracy before we got the new conspiracy, and the
3 question I asked Mr. McCoy was, well, wait a minute, did y'all
4 talk to her about this? Do y'all intend to do anything about
5 this? And he needed to go talk to somebody for sure. And I
6 wasn't going to continue the proceeding without getting a Public
7 Defender or somebody over here to talk to her and then just shut
8 it down.

9 And if you would state your name for the record and
10 what your position with the office is.

11 MR. WILLIS: Richard Willis, Deputy Chief of the
12 Criminal Division for the U.S. Attorney's Office, Western
13 District of Louisiana.

14 THE COURT: All right. And I did make the statement so
15 you'll know -- and I'll make it again -- oh, my God, there goes
16 that liberal Melancon, or whatever they think, trying to worry
17 about some -- but, anyhow, that's how I saw it.

18 Okay. But can you represent to the Court that -- not
19 no matter what she says, but anything related to the reason we're
20 here for, she would not be prosecuted in the Western District of
21 Louisiana?

22 MR. WILLIS: That's correct. She would not.

23 THE COURT: Thank you very much. I appreciate your
24 attention and time to it and you're excused --

25 MR. WILLIS: Thank you, Judge.

1 THE COURT: -- unless you choose to stay.

2 Mr. McCoy, you may proceed.

3 Ma'am, just don't worry about any of that legal mumbo
4 jumbo. I was just trying to do the right thing by my job as I
5 see my job.

6 MR. MCCOY: And I apologize for the time delay, Your
7 Honor.

8 THE COURT: That's all right. It's not the first time
9 the government has done that to me, but it's getting close to the
10 last few times they can do it.

11 MR. MCCOY: Yes, sir.

12 BY MR. MCCOY:

13 Q Ms. Leslie, you were speaking about the products that you
14 had placed into the storage bin.

15 A Yes, sir.

16 Q And after they were in the storage bin, what happened?

17 A I was under the assumption that as long as we didn't sell
18 them or move them, that, you know, it would be fine. Lumen Foods
19 would write a check out to me to go pay the storage unit so that
20 it would not come back to Lumen Foods because they did not want
21 the FDA to come and take the products away. I was under the
22 assumption that they wouldn't come take them, but them hiding
23 them, okay, I was a little iffy. I didn't know. I did put them
24 in there. If it was against the law, I'm sorry.

25 THE COURT: No. Don't worry. That's not an issue

1 anymore, ma'am, but I'm going to ask you to do this for me. You
2 need to slow down just a little bit. The court reporter has been
3 going for several hours without much of a break, so slow down a
4 little bit.

5 A So after the products were put in storage, the check was --
6 a check each month was made out to me to go pay the storage bill.
7 When Greg had gotten out of jail, he went down -- I believe I
8 gave him the keys and he went down there and loaded up all of the
9 shipment and brought all the boxes back to Lumen Foods.

10 BY MR. MCCOY:

11 Q Okay. Now, what happened, if you are aware, of what
12 happened to that shipment of product once it went back to Lumen
13 Foods?

14 A Some of it -- there was a few bottles given to a Dr. John
15 Moreno. There were, you know, a few bottles passed out to
16 friends. Other than that, as far as I know, it was being shipped
17 with their household items later on to -- they were getting
18 everything ready to move. The talk of moving out of the country
19 started while he was in prison. I would go and see him in
20 prison, too, and the talk of an extradition company -- or an
21 extradition country was brought up in prison before he got out.

22 Q And who was present when these discussions were made?

23 A I think Tabitha LeDoux -- well, Tabitha Bermudez her name is
24 now. She went with me one time. I would have to go once a month
25 or once every couple of months with Mrs. Caton to go see Greg

1 just to go over business things.

2 THE COURT: Excuse me. Did you say that Ms. Bermudez
3 was with you when the subject of extradition was mentioned while
4 he was in prison or do you recall that?

5 THE WITNESS: Honestly I can't say if it was in prison
6 or if it was at the office, but it was while he was in prison
7 without a doubt.

8 THE COURT: Wait. I don't understand because if he was
9 in prison, how could it have been at the office? You and she
10 talked about it is what you're trying to say or Mrs. Caton talked
11 about it?

12 THE WITNESS: Me and Mrs. Caton and Greg talked about
13 it in prison while Greg was incarcerated, and when we got back to
14 the office, Tabitha LeDoux -- well, at the time she was Tabitha
15 LeDoux -- her job was to start looking into countries that did
16 not have extradition charges.

17 THE COURT: So, in other words, that was said between
18 you, Mrs. Caton, and Ms. Bermudez who at the time was Ms. LeDoux?

19 THE WITNESS: Yes, sir.

20 THE COURT: I understand. Proceed.

21 BY MR. MCCOY:

22 Q Okay. Now, when he was incarcerated, did he also advise you
23 he was going to change the name of Alpha Omega Labs?

24 A At some point he said, yes, because he would not be able to
25 use it anymore because of the FDA.

1 Q I want to talk to you about Mr. Caton's release from prison.
2 Once he was released from prison, are you aware of whether he
3 went back to work or where he went to work?

4 A He went to work with Lee Mallet and he was supposed to be
5 working for Lee Mallet, but did not really work for Lee Mallet.
6 He was working on books. I would go over to Mallet Construction
7 with the financials from Lumen Foods to go over with him, which
8 he -- you know, I was the bookkeeper. He wanted to see all the
9 financials. I took everything over to him.

10 THE COURT: Slow down a little bit.

11 A And he would show me what he was doing over there which was
12 writing his books. He was receiving a paycheck that would go to
13 him which we turned around and gave a paycheck back to Lee Mallet
14 Construction because he did not actually do any work for them.

15 BY MR. MCCOY:

16 Q Now, what was he doing -- well, let me ask this question.
17 Did you ever observe him either selling, distributing, or
18 manufacturing any unapproved FDA products after his release from
19 prison?

20 A Not until I came back. After he had been released and was
21 allowed to go back to work at Lumen Foods and things were
22 settled, I was missing home. I went back to California for
23 approximately I want to say four months, and in those four months
24 I continued to have contact with them.

25 Then I wanted to come back, and they said I could have

1 -- you know, they wanted me back at the company. I went back to
2 the company. While I was in California I had contact with all of
3 them, Tabitha, Xenula Farris and Mrs. Caton and Mr. Caton.

4 THE COURT: Again, Tabitha -- help me.

5 THE WITNESS: Bermudez now. It was LeDoux.

6 THE COURT: Okay. For my sake so I don't keep
7 interrupting you, if you could refer to her as Ms. Bermudez
8 during this proceeding. Okay?

9 A I had contact with all of them. While in California I was
10 informed by Ms. Bermudez and Xenula -- and Ms. Farris that there
11 was a new guy, Anthony, working at Lumen Foods that had been
12 burned because Greg was trying to make the H₃O himself. The H₃O
13 we had sold was purchased from a company in California. Alpha
14 Omega Labs did not make that product itself. Greg was trying to
15 recreate it himself. They told me themselves the guy was burned
16 because Greg was trying to do it.

17 When I came back from California and went back into
18 work there, the magnet buckets that Anthony Dugas was describing
19 I saw myself. Greg was mixing on our shipping table the Cansema
20 salve. I know how it was done. I had seen it done before the
21 raid. He was mixing it on our shipping table in our warehouse
22 that pertained to Lumen Foods. He had the metal -- the magnets
23 with the buckets and the sulphuric acid in our print shop which
24 was right behind our Lumen products in the same warehouse
25 building. I told him when I came back I didn't feel comfortable

1 with him -- and Xenula and Tabitha Bermudez when I was in
2 California said they did not feel comfortable with the products
3 in the warehouse again because --

4 THE COURT: Who said that besides Ms. Bermudez?

5 THE WITNESS: Xenula Farris.

6 THE COURT: Who?

7 THE WITNESS: Xenula Farris.

8 THE COURT: How do you spell her first name?

9 THE WITNESS: X-E-N-U-L-A.

10 THE COURT: Okay. Proceed.

11 A So they had informed me of things that had been going on
12 while I was away. When I came back and I saw all of it, I did
13 tell Greg, you're putting us all in jeopardy, get it out of the
14 warehouse, get it out of Lumen Foods, and he did.

15 BY MR. MCCOY:

16 Q And do you know where it went?

17 A Just to a back trailer behind Lumen Foods.

18 Q Would that have been the trailer that Mr. Dugas was injured
19 in or --

20 A He was injured while I was in California. At that point I
21 believe he was injured in the print shop, but I honestly wasn't
22 there at that time. I just recall them telling me he was burned
23 when Greg was trying to recreate the H₃O himself because the
24 company we purchased it from would no longer sell it to him.

25 Q So, in conclusion, how many times do you estimate you

1 observed Mr. Caton creating either the Cansema product or the H₃O
2 product after his release from prison while he was still in
3 Louisiana?

4 A Up until he left for Ecuador.

5 MR. MCCOY: Thank you. I have no further questions.

6 I tender the witness.

7 THE COURT: Mr. McCann.

8 **CROSS EXAMINATION**

9 BY MR. MCCANN:

10 Q Ma'am, did you call the FDA to report Greg's activities?

11 A Yes, I did.

12 Q And when did you do that?

13 A I do not recall the exact date. It was -- honestly I do not
14 know the month or the date.

15 Q Okay. And why did you do that?

16 A Several reasons. He was putting us in jeopardy. Secondly,
17 they had made promises to us as employees that they did not keep.
18 And, thirdly, he was trying to make a product he had not made and
19 people were getting hurt by it.

20 Q All right.

21 THE COURT: Wait. He was trying to make a product he
22 had not made and people were getting hurt by it?

23 THE WITNESS: Yes, sir. He was trying to recreate the
24 H₃O and that was when Anthony had been burned. He had no idea
25 what he was doing, how to make it. He did not make it before, we

1 purchased it from another company, and with the sulphuric acid,
2 he was putting us all at risk.

3 THE COURT: And let me ask you this. The Cansema, did
4 you say you saw him -- besides him making the H₃O, you saw him
5 making Cansema after he got out?

6 THE WITNESS: Yes, sir.

7 THE COURT: And Cansema is that -- well, the Cansema
8 that I'm talking about is Cansema Tonic III and that's -- when I
9 asked Ms. Bermudez, she said, well, there were several kinds of
10 Cansema.

11 THE WITNESS: Correct.

12 THE COURT: The Cansema Tonic III is the one that made
13 that poor lady's nose fall off that I'm familiar with when I did
14 this sentencing originally.

15 THE WITNESS: Yes, sir. We called it the Cansema
16 salve. That is the mixture he was making.

17 THE COURT: That would have been the same thing that
18 I'm familiar with as Cansema Tonic III?

19 THE WITNESS: Yes, sir.

20 THE COURT: All right. Proceed.

21 BY MR. MCCANN:

22 Q Ms. Leslie, you've had some problems with the Caton family,
23 haven't you?

24 A At some time after the -- after what had happened, after the
25 sale of the company and when I came back from California with the

1 products being in the warehouse, yes, we did. We butted heads.

2 THE COURT: Tell us about those problems. Tell me
3 about those problems.

4 THE WITNESS: Well, first, the products, he did move
5 them out of the Lumen warehouse.

6 THE COURT: Wait, wait, wait. I thought you were
7 talking about the storage thing. Were these products still in
8 storage, when you came back from California, in your name, the
9 ones that hadn't been seized?

10 THE WITNESS: No, sir.

11 THE COURT: You had given them back to him before?

12 THE WITNESS: Yes, sir.

13 THE COURT: When did you give them, before you went to
14 California?

15 THE WITNESS: Yes, sir. When Greg got out of prison,
16 they went down -- I think they may have stayed in there a month
17 or two after he got out of prison. Then he had -- he went down
18 and loaded up the truck and took all this stuff out of storage.

19 THE COURT: Okay. Do you know where he brought those?

20 THE WITNESS: To the Lumen Foods warehouse across the
21 street.

22 THE COURT: Okay. Now, you said you butted heads after
23 you got back from California. Tell me about that.

24 THE WITNESS: Okay. Well, first, with the H₃O and the
25 magnet buckets and the sulphuric acid being in the vegetarian

1 part of the company, him mixing the salves -- Xenula and
2 Ms. Bermudez both had complained to me about it being in the
3 warehouse of Lumen Foods when I was in California.

4 So when I got back, I used to manage -- when Greg was
5 in prison I ran that company with the help of Tabitha and Xenula,
6 and when he got out, he continued to -- he started making the
7 same products. They had concerns when I was in California. When
8 I came back I asked him to get them out. He did move them out of
9 our work area. Then there was -- we knew he was selling the
10 company and there were some problems.

11 THE COURT: Okay. But stop. You said you butted
12 heads. I mean, you asked him to do something and he did
13 something. Did he complain about having to do it or not? What
14 was the butting heads?

15 THE WITNESS: Well, yeah, he wasn't happy because he
16 was my boss and I was trying to tell him to get it out.

17 THE COURT: Okay. But the butting heads. That's what
18 you made reference to?

19 THE WITNESS: One of them, and a contract. He had
20 promised that when they sold the company, that unless the three
21 of us -- because we had been there so long. We kept that company
22 going while he was in prison because his wife did nothing. The
23 three of us kept that company going.

24 He did make us a promise that in the contract, when he
25 sold the company, we would be guaranteed our jobs for at least a

1 year unless there was reason for wrongful termination and that we
2 would get our raises and be taken care of, that they would not do
3 what they did to us.

4 THE COURT: Okay. So you get upset after he sells the
5 company because -- and I'm going to assume apparently because
6 you're telling me -- well, I'll ask you. You got fired from the
7 company when the company was sold?

8 THE WITNESS: Not for a few months, no.

9 THE COURT: Okay. And then when it was sold and you
10 keep working, do you think you got that deal in the contract that
11 he told you?

12 THE WITNESS: No. When they signed the papers, I asked
13 him -- I asked him and Mrs. Caton. I said, is that in there?
14 And I had called the FDA actually before I found out that it was
15 not in there, that we were not going to be guaranteed our jobs
16 and we were not getting our raises.

17 THE COURT: Well, back to what Mr. McCann asked you.
18 Why did you call the FDA? It wasn't about the contract then?

19 THE WITNESS: No. Because he kept making the products,
20 and I know -- I believe in a lot of the products. I have no --
21 you know, the products -- I have seen many of the products work,
22 but the way he was going about it and doing it is making it
23 harder for the people who want to do it legally, and I think it's
24 hurting the natural herb companies with the way he's doing it.

25 THE COURT: Okay. But I'm still trying to understand.

1 I mean, you still think you've got a job for a year at that point
2 when you talk about the FDA. He's moved out what you asked him
3 to move out, but he's still -- he put it across the street or put
4 it in a trailer or whatever he did and he's still making it. So
5 your answer is what you just told me, that, gee, I believe in the
6 product, but he's screwing it up for everybody else?

7 THE WITNESS: Yes, sir.

8 THE COURT: Is that why you called them?

9 THE WITNESS: No. The main reason was because the
10 products were still on the Lumen Foods properties, and, yes, we
11 were worried about the FDA coming back.

12 THE COURT: And when you say we were worried about it,
13 who was worried about it?

14 THE WITNESS: I was, Tabitha and Xenula.

15 THE COURT: That's Ms. Bermudez again, right?

16 THE WITNESS: Yes.

17 THE COURT: And you sat through all the testimony of
18 Ms. Bermudez here today, didn't you?

19 THE WITNESS: Yes, sir.

20 THE COURT: And, again, you heard the questions that
21 were asked of her and you heard her answers?

22 THE WITNESS: Yes, sir.

23 THE COURT: All right. Do you note from your
24 perspective and your recollection some discrepancies in her
25 testimony and what you recall her knowing and saying at that

1 time?

2 THE WITNESS: Definitely, sir.

3 THE COURT: Okay. Now, let me ask you this. So,
4 again, your focus -- we've got two issues now. We've got, well,
5 he's screwing it up for everybody else in making these kind of
6 products and I believe in some of them, and, two, he's putting us
7 all at risk because he's still on the property. We were worried
8 about that.

9 Now, when you say all at risk, did you think that you
10 might get arrested and you might go to jail?

11 THE WITNESS: Well, after being raided the first time
12 and they did not put us in jail or anything, I figured if they
13 came back a second time and we were all there with the products,
14 that, yes, possibly this second time we would go to jail.

15 THE COURT: All right. Proceed, Mr. McCann. I think I
16 understand the answer, but you do what you want with it.

17 BY MR. MCCANN:

18 Q Ma'am, haven't you been accused of embezzling money from
19 Lumen Foods?

20 A They have made false accusations.

21 THE COURT: When were you accused of that?

22 THE WITNESS: After I called the FDA.

23 BY MR. MCCANN:

24 Q Okay. And isn't it true that you called the FDA because you
25 thought that you were supposed to get a raise from \$13 an hour to

1 \$15 an hour and you didn't get it?

2 A That was part of what was supposed to be in the contract.

3 THE COURT: Excuse me again to make sure I understand.
4 You told me a while ago that you called the FDA before you knew
5 you weren't in the contract.

6 THE WITNESS: Right, but he's bringing up the contract.

7 THE COURT: But I'm trying to make sure I understand
8 because I'm getting confused. Now, correct me if I'm wrong, but
9 you said, Judge, the reasons I called the FDA, I was at risk,
10 these other people that were there were at risk, and he's
11 screwing it up for people that are making the products I believe
12 in. I didn't know I wasn't in the contract until after I called
13 the FDA. Is that true? Did I understand that right?

14 THE WITNESS: Yes, sir, that is the truth.

15 THE COURT: All right. Next question.

16 BY MR. MCCANN:

17 Q And, in fact, you think that you were terminated by Dana
18 DeCastro wrongfully. Is that a correct statement?

19 A Oh, yes, sir.

20 Q Okay. So let me see if I can summarize this. You come back
21 from California. You take your job back. The company is sold.
22 You believe you're supposed to get a raise.

23 A The company was not sold at the time I came back.

24 Q Okay. At some point in time the company was sold?

25 A Yes, sir.

1 Q And you think you were supposed to get a raise. You didn't
2 get the raise, correct?

3 A No, I did not.

4 Q And then you called the FDA?

5 A No, that is not what happened. I did not find out about the
6 company and the raise -- everything was still up in the air until
7 after I was -- after I called the FDA was when I found out about
8 the contract and we weren't in it and that things weren't
9 followed through with what they were saying. I was still
10 employed at the time.

11 THE COURT: That's what I understood the witness's
12 testimony to be in response to my questions on two occasions,
13 after.

14 BY MR. MCCANN:

15 Q All right. I understand it was after.

16 A Yes, sir.

17 Q Because you testified today that it was after, correct?

18 A Yes, sir.

19 Q All right. Didn't you have a workers' compensation claim
20 against Lumen Foods as well?

21 A I had hurt my back at work. Normally we did not send them
22 to workman's comp as a -- as when people -- when employees were
23 injured, they didn't want to do workman's comp. We just sent
24 them to the hospital ourselves and paid the hospital bill
25 ourselves. When I hurt my back at work, I told them, and they

1 told me for some reason to go through workman's comp, and I said,
2 well, you know, we always went to the doctor, but however you
3 want to do it, and, yes, we went through workman's comp.

4 Q Okay. And because you went through workers' comp, you filed
5 a claim with the Office of Workers' Compensation, is that true?

6 A Yes, sir.

7 THE COURT: Did you ever have to hire a lawyer to do
8 that?

9 THE WITNESS: Yes, I had a workman's comp lawyer.

10 THE COURT: Did you do that -- did you do that -- did
11 you initially file your claim through the insurance company like
12 they told you to do?

13 THE WITNESS: Yes, sir. Greg and Cathryn Caton --

14 THE COURT: When did you hire a lawyer?

15 THE WITNESS: After they told me to go through
16 workman's comp, when Greg and Cathryn told me to put this injury
17 on workman's comp which was unusual. I mean --

18 THE COURT: I understand that. But why did you end up
19 having to hire a lawyer -- thinking you had to hire a lawyer just
20 because you were filing a workman's comp claim? You get hurt.
21 You get paid. Why did you get a lawyer?

22 THE WITNESS: Because I wasn't getting paid workman's
23 comp. I was still working. I mean, workman's comp was not
24 paying me. I was working still.

25 THE COURT: So you got a lawyer. I understand now. So

1 you get a lawyer. Your lawyer goes to a hearing with you before
2 a hearing officer?

3 THE WITNESS: Yes, sir.

4 THE COURT: And were you able to recover on your
5 workman's comp claim?

6 THE WITNESS: Yes, sir.

7 THE COURT: And did they pay you for a certain number
8 of weeks for a period of time or did they give a lump sum
9 settlement?

10 THE WITNESS: No, sir. The doctor recommended surgery
11 or cortisone shots and I refused and I took a very low settlement
12 because I would not let them cut me open.

13 THE COURT: Okay. How low a settlement did you take?

14 THE WITNESS: \$5,000.

15 THE COURT: All during this period were you still
16 working with the Catons?

17 THE WITNESS: Yes, sir.

18 THE COURT: And they were aware of the whole proceeding
19 during this time?

20 THE WITNESS: Yes, sir.

21 THE COURT: And were they aware -- after you got the
22 \$5,000 settlement, did you continue to work with them?

23 THE WITNESS: I believe so, yes, sir.

24 THE COURT: Okay. Proceed, Mr. McCann.

25 THE WITNESS: I was not fired at that time.

1 BY MR. MCCANN:

2 Q Okay. Let's get back to what I was saying. The deposition
3 you gave -- do you remember giving a deposition?

4 A Yes, sir.

5 Q And your lawyer was Mr. Mark Zimmerman from Lake Charles,
6 correct?

7 A Yes, he was.

8 THE COURT: Mark who?

9 MR. MCCANN: Mark Zimmerman.

10 THE COURT: Okay.

11 BY MR. MCCANN:

12 Q And you were asked by Douglas Hunter, the counselor for
13 Lumen Foods, several questions --

14 THE COURT: Who?

15 MR. MCCANN: Douglas Hunter.

16 THE COURT: Okay.

17 MR. MCCANN: A lawyer from Opelousas, Judge.

18 THE COURT: I understand. But the court reporter
19 doesn't know who these people are and I'm trying to make sure the
20 record is clear.

21 MR. MCCANN: Yes, sir.

22 BY MR. MCCANN:

23 Q Now, you were asked a question in that deposition about why
24 you called the FDA; is that right?

25 THE COURT: Do you remember being asked that question?

1 THE WITNESS: In a workman's comp, no, I don't
2 remember.

3 THE COURT: Are you trying to impeach the witness by
4 previous testimony?

5 MR. MCCANN: Yes, sir.

6 THE COURT: Are you?

7 MR. MCCANN: Yes, sir.

8 THE COURT: All right. Well, you go ahead and you walk
9 over there and you -- well, first of all, tell her what -- tell
10 me what date the deposition was taken. Then you go ahead and you
11 tell her which pages and lines you want her to read. Let her
12 read them. And then after that you can ask the first question,
13 does that refresh your memory, and then you can ask her whatever
14 you want to after that.

15 BY MR. MCCANN:

16 Q The deposition was taken on October the 10th of 2007; isn't
17 that correct?

18 A I honestly do not remember when the deposition was taken.

19 THE COURT: You can tell me as an officer of the court
20 it's October the 7th --

21 MR. MCCANN: October the 10th.

22 THE COURT: -- 2007. Tell her which pages and lines
23 you want her to read.

24 MR. MCCANN: Page 41, and I'm going to show her the
25 page if that's okay, Judge.

1 THE COURT: No. Just tell her because I'm going to let
2 her read it. You're going to walk back while she's reading it.

3 MR. MCCANN: Page 41.

4 THE COURT: Which line?

5 MR. MCCANN: The copy I have is -- it's not a numbered
6 line, but I have it highlighted, Judge.

7 THE COURT: All right. Well, you go ahead and bring it
8 to her. I've never seen a deposition that didn't have lines, but
9 I guess there's an explanation for that.

10 BY MR. MCCANN:

11 Q Ma'am --

12 THE COURT: Just a minute. When you get through
13 reading that, whatever he's highlighted, you let me know and then
14 I'm going to tell him to ask the next question.

15 MR. MCCOY: Your Honor, if I may briefly ask for a
16 copy.

17 THE COURT: That would be very nice, yes, sir. I
18 should have done that myself before I let him approach with the
19 witness.

20 When you get through, let me know, ma'am.

21 THE WITNESS: Okay. He said he --

22 THE COURT: No. You read it to yourself.

23 (Pause in Proceedings)

24 THE WITNESS: Okay.

25 THE COURT: Okay. Now, you've finished reading it,

1 right?

2 THE WITNESS: Yes, sir.

3 THE COURT: And the next question he was going to ask
4 you, but I'm going to ask you, does that refresh your memory as
5 to what you said back on October 10th, 2007? Does it refresh
6 your memory?

7 THE WITNESS: No.

8 THE COURT: No? You don't remember saying that?

9 THE WITNESS: In this --

10 THE COURT: No. Just do you remember saying that or
11 not?

12 THE WITNESS: Honestly, no, I don't.

13 THE COURT: Okay. Ask your question, counselor.

14 BY MR. MCCANN:

15 Q Did you tell Douglas Hunter in that deposition that the
16 reason you called the FDA was because you felt that you did not
17 get the pay that you were supposed to get?

18 A After I had been --

19 THE COURT: Excuse me, ma'am. Did you say that in the
20 deposition?

21 THE WITNESS: I honestly can't remember.

22 THE COURT: Would you read to me the part of the
23 deposition you just read to yourself slowly.

24 THE WITNESS: (As read:) He said he would guarantee us
25 and they never did and said, oh, I'm sorry. And so then I said,

1 okay, John, hi -- I'm sorry. And you're talking about -- that's
2 why you reported him to John Ormond? Yes, I did.

3 THE COURT: Okay. That's the end of this subject
4 unless you want to go further. You may retrieve the deposition.

5 MR. MCCANN: No, sir, I'm done.

6 BY MR. MCCANN:

7 Q Now, do you also remember telling him that you were
8 wrongfully terminated?

9 A Telling who I was wrongfully terminated?

10 Q Mr. Douglas Hunter.

11 THE COURT: In this deposition --

12 MR. MCCANN: In this deposition --

13 THE COURT: Just a minute. You may not remember who
14 Hunter was. That's what I said a while ago.

15 Ask your question again, Mr. McCann.

16 BY MR. MCCANN:

17 Q Do you remember discussing with Mr. Hunter why you were
18 terminated?

19 A No. During the workman's comp case there were a lot of
20 questions.

21 THE COURT: No, ma'am, that's not the question. You
22 don't -- you answered no to the question.

23 Next question.

24 BY MR. MCCANN:

25 Q Did you tell him you were wrongfully terminated?

1 THE COURT: She said no.

2 THE WITNESS: I don't recall.

3 THE COURT: And now she says she doesn't recall.

4 THE WITNESS: I don't.

5 THE COURT: Okay.

6 MR. MCCANN: Same process, Your Honor. May I approach
7 the witness?

8 THE COURT: You may indeed. And tell us which page and
9 make sure your adversary has a copy of that page. We don't have
10 lines, so his copy of 38 is also highlighted, right, Mr. McCann?

11 MR. MCCANN: Page 38.

12 THE COURT: Is it also highlighted?

13 MR. MCCANN: Yes, sir, it is.

14 THE COURT: All right. Give it to her.

15 When you get through reading it, ma'am, let me know.

16 THE WITNESS: Which part am I supposed to read?

17 THE COURT: The highlighted portion.

18 (Pause in Proceedings)

19 THE WITNESS: Okay.

20 THE COURT: All right. Does that refresh your memory
21 as to what you might have said about being wrongfully terminated?

22 THE WITNESS: I had said I was wrongfully terminated to
23 many people many times on different occasions.

24 THE COURT: All right. Pick up your document. If you
25 want to ask anything else -- I think that's been exhausted, but

1 you're the lawyer.

2 BY MR. MCCANN:

3 Q Ma'am, did you also tell Mr. Hunter that you abused cocaine?

4 A No, sir, I did not.

5 THE COURT: What's that got to do with anything?

6 MR. MCCANN: Your Honor, I think that if this witness
7 has abused cocaine, that's a credibility call.

8 THE COURT: I'm not going to let that in there. That
9 doesn't make a rat's to me.

10 BY MR. MCCANN:

11 Q Okay. Ma'am, let's talk about what your focus was. What
12 was your --

13 THE COURT: And let me say, first of all, it's not
14 established that she did. She said she didn't say that. It
15 doesn't matter to me that she may have used it. It would matter
16 to me, I suspect, if she's lying under oath right now or was
17 lying under oath in the deposition. So if that's the point
18 you're trying to make, Mr. McCann, tell me the page you've got
19 highlighted and show it to her.

20 MR. MCCANN: Yes, sir, and that is precisely --

21 THE COURT: All right. I understand. Go ahead and
22 tell me what page.

23 MR. MCCANN: Page 16, Your Honor.

24 THE COURT: All right.

25 MR. MCCANN: And actually, Danny, for purposes of

1 clarification, the question is on the bottom of Page 15. The
2 answer is on Page 16.

3 THE COURT: All right. Ma'am, he's going to show you
4 highlighted areas on 15 and 16.

5 Go ahead and approach.

6 And then when you get through reading that, you let me
7 know, ma'am.

8 MR. MCCANN: Your Honor, I would like to clarify my
9 question if I may.

10 THE COURT: I don't know what you're trying to do, but
11 go ahead.

12 BY MR. MCCANN:

13 Q Ma'am, isn't it true that you in fact have been addicted to
14 cocaine in the past?

15 A I have not been addicted to cocaine. Over 25 years ago I
16 did use.

17 THE COURT: And did you tell him that in the
18 deposition?

19 THE WITNESS: Yes, sir, I did.

20 THE COURT: All right. That's all I need to hear.

21 THE WITNESS: Twenty-five years ago.

22 THE COURT: All right. That's fine, ma'am. I'm not
23 holding that -- you don't get any demerits or any points for that
24 either way. Don't worry about it. If you put me on the stand
25 about what I did 25 years ago, I might not be a federal judge.

1 MR. MCCANN: I just wanted to hear her say no first,
2 Your Honor.

3 THE COURT: It doesn't matter. Hell, I wouldn't have
4 been a federal judge.

5 BY MR. MCCANN:

6 Q Ma'am, do you have any knowledge about what's in H₃O?

7 A Honestly, no, I don't. I know there's some type of acid and
8 I know it's used for a million different purposes.

9 Q Okay. Did you know anything about the metal preservative or
10 rust inhibitor that was being manufactured at Lumen Foods?

11 A Yes, I did.

12 Q Okay.

13 A But it was -- that was being manufactured before Greg went
14 to jail, and then it was being manufactured down at the Preservix
15 plant which Mr. Woodward purchased.

16 Q Right. So is it a fair statement to say that you really
17 don't know the chemical differences between H₃O as it was
18 purchased from California prior to 2003 and the metal
19 preservative that was purchased -- that was dealt with by the
20 company after 2006? Is that a fair statement?

21 A No, that is not, sir. I do know the --

22 Q Okay. What is the --

23 THE COURT: Let her finish her answer. No, that is not
24 --

25 THE WITNESS: No, that is not --

1 THE COURT: Just a minute, ma'am. No, that is not a
2 fair statement. Explain what that means.

3 THE WITNESS: Because I did know the differences. The
4 H_3O was a different type of formula. The rust formula was
5 created with Preservix when he was trying to make the
6 preservative for breads and flowers and foods. It was making a
7 preservative. They happened to come across that it removed rust.
8 That was the same as the Preservix. It was just mixed a
9 different way.

10 BY MR. MCCANN:

11 Q Okay. Now, back to my original question. What is the
12 chemical formula of H_3O , ma'am?

13 A I couldn't tell you that.

14 Q What is the chemical formula of this Preservix?

15 A I can tell you part of it is some jelly looking stuff and
16 some things that were down at the plant. Nothing that was
17 purchased somewhere else. Things that were down at the plant, at
18 Woodward's plant. Nothing that came from H_3O .

19 Q Right. But was sulphuric acid in both?

20 A Not that I know of. To my knowledge, no.

21 Q All right. Now, you have a two-year business degree, don't
22 you?

23 A Yes, I do.

24 Q Now, during the course of Alpha Omega Labs before 2003, did
25 you have occasion to deal with invoices where things were sold

1 to -- for Cansema to other people?

2 A Occasionally, yes.

3 Q Okay. Was that your routine function?

4 A No. My routine function was bookkeeping, and then it turned
5 into management, and then at one time I was appointed CEO by
6 Greg.

7 Q Okay. Now, let's talk about your function as a bookkeeper.
8 Does bookkeeping to you encompass dealing with invoices?

9 A Well, partly, yes. I have to go over invoices to verify
10 they match my statements. It all combines together.

11 Q Yes, ma'am. Now, I presume that the sale of Cansema prior
12 to 2003 generated invoices, did it not?

13 A Yes, it did.

14 Q Okay. Now, when you called the FDA in 2006 or 2007, did you
15 have copies of invoices where Cansema was being shipped to
16 anybody?

17 A No, I did not.

18 Q Okay. Did you take photographs of anything pertaining to
19 Cansema in the warehouse, in the shop, or on this mixing table
20 that you're talking about?

21 A No, I did not.

22 Q Okay. Did you preserve any samples that you could pick up
23 and carry to Mr. Ormond and say, hey, look, this is what Greg
24 Caton is doing, he's violating the terms and conditions of his
25 supervised release, and he cheated me on my contract, and you

1 need to arrest him? Did you do any of that?

2 A I did not take them, but I do have samples he put for us
3 because he gave me samples afterwards because I had a mole that I
4 was concerned about and I asked for the salve and he labeled it
5 blood root paste.

6 Q Now, did you keep any of that salve and give it to
7 Mr. Ormond to determine whether or not it is the same substance
8 that Cansema carried the name of in 2003?

9 A No, but I do still have the samples if they would like them.

10 Q But you didn't offer that? You didn't say -- when
11 Mr. Ormond was helping you with your unemployment claim -- and he
12 was doing that, right?

13 A No. Ormond had nothing to do with my unemployment or
14 workman's comp claim.

15 THE COURT: What is the basis for you asking that
16 question as an officer of this court, Mr. McCann?

17 MR. MCCANN: Because she stated in her same deposition
18 that Mr. Ormond helped her with her work -- her unemployment
19 claim, and, Your Honor, I can show you the page.

20 THE COURT: You said workman's comp to her.

21 MR. MCCANN: Actually she had two different claims.

22 THE COURT: I understand that. But you just asked her
23 about workers' comp and then you said unemployment or vice versa,
24 but that was the basis. You answered my question. Move on.

25 BY MR. MCCANN:

1 Q Okay. Did Mr. Ormond help you with your unemployment claim?

2 THE COURT: That's not relevant right now.

3 MR. MCCANN: Yes, sir. Got it.

4 BY MR. MCCANN:

5 Q Did you offer to bring a sample to that October the 10th,
6 2007, meeting?

7 A No, I did not think of that. Had they asked me for one, I
8 would have gladly brought it. It is still in my home.

9 Q Okay. And does it have a date on it?

10 A No, they do not. None of our products had the date on them.

11 THE COURT: Does it say blood root paste on it?

12 THE WITNESS: It has labeled blood root paste on it and
13 inside of it is the Cansema salve.

14 THE COURT: And so if I wanted to get an analysis of
15 that, you could bring it over here, or I could get the DEA to go
16 pick it up this afternoon sometime?

17 THE WITNESS: Yes, sir, I could.

18 THE COURT: And who wrote blood root paste on it?

19 THE WITNESS: Greg put the blood root -- I'm not sure
20 if it was -- yeah. Michelle was gone at this point. Greg had
21 put blood root on the jar himself.

22 THE COURT: So he handwrote that on this?

23 THE WITNESS: No. He put our blood root sticker label
24 that we had that we had put on our blood root.

25 THE COURT: So for the sake of this discussion -- and

1 I'm not saying I'm going to do that yet, but if I wanted it --
2 you're sitting here under oath -- I could get -- instruct the DEA
3 to go over to your house -- you're in Lake Charles, right?

4 THE WITNESS: Yes, sir.

5 THE COURT: They'd call somebody in Lake Charles.
6 They'd go back over there, follow you over there, walk with you
7 to your closet or your bathroom. You'd pick it up and hand it to
8 them and they could get it analyzed.

9 THE WITNESS: Yeah. There are some that have no label
10 that are Cansema, and then I believe I have one or two --

11 THE COURT: No, ma'am. That's not -- you just said
12 something under oath.

13 THE WITNESS: I believe I have --

14 THE COURT: Just a minute, ma'am. You can't talk over
15 me. Okay? I don't want to talk over you, but you can't talk
16 over me because she can only take one of us down. That's the
17 first time I believe I hear that you had other than the one that
18 he put blood root paste on. Now you've got a bunch of them?

19 THE WITNESS: I do have several. I have some blood
20 root. I have some Cansema. I believe I have one or two of the
21 Cansema that he labeled blood root.

22 THE COURT: Okay. Disregard all of that line of
23 questioning. We didn't need to go there.

24 Proceed.

25 BY MR. MCCANN:

1 Q Let's talk about this storage bin. All right? Now, this
2 storage bin was paid for by Lumen Foods?

3 A Yes, sir.

4 Q But the storage bin, according to your testimony, is in your
5 name, right?

6 A Yes, sir.

7 Q Did you have a written contract? Storage bins always have
8 written contracts.

9 A Month to month, yes.

10 Q Do you have a copy of that storage bin contract?

11 A Not at this time.

12 Q Well, did you have it then?

13 A I believe I may have given it to Cathryn or I may have shown
14 it to Cathryn, but at some point, yes, I had one.

15 Q When you paid your bill for the storage bin, did you pay
16 with a check from you?

17 A Normally, no. I would go cash the check from Lumen Foods
18 and go pay cash.

19 Q Why wouldn't you just put a check in the mail from you to
20 them and just put it in the mail and then take the Lumen Foods
21 check and put it in your own account?

22 A Because it was on my way home, so I would rather just cash
23 the check and go pay them cash because I didn't want to do it out
24 of my checking account.

25 Q Why not?

1 A Because it had nothing to do -- my checking account had
2 nothing to do with Lumen Foods.

3 Q Okay.

4 A That storage unit had nothing to do with me except that I
5 did it as an employee of Lumen Foods. I put it in my name. The
6 checks were made out to me to pay the storage unit. So I cashed
7 the checks and I paid the storage unit with the cash from the
8 check that Lumen Foods wrote to me or actually I had to write to
9 myself.

10 Q Right. So the way you would mechanically accomplish this
11 feat would be to take the check from Lumen Foods, physically
12 drive to a bank, physically cash the check, and then physically
13 go deliver it to the storage bin company. Is that accurate?

14 A Yes, sir. I went to the bank every day.

15 THE COURT: Mr. McCann, I think we've exhausted this
16 line. To quote Reverend Jackson again, keep your eyes on the
17 prize. I think we're getting far afield, both of us.

18 MR. MCCANN: Yes, sir.

19 BY MR. MCCANN:

20 Q Okay. When you were in California and you were keeping
21 contact with Zoe and Tabitha and Cathryn, were you doing it by
22 e-mail?

23 A No. Telephone.

24 Q Okay. Only telephone?

25 A I did not have internet at my father's house, no.

1 Q Okay. Do you have any physical proof that Cansema was
2 produced in the business of Lumen Foods after Greg was released
3 from prison?

4 A No physical except what's at my house.

5 Q Okay. And what you have at your house might have a sticker
6 or it may not. Is that accurate?

7 A There are some with stickers and there are some without
8 stickers. I have several jars.

9 THE COURT: And they're not here today and I said I'm
10 not concerned with that. That's over with.

11 BY MR. MCCANN:

12 Q Do any of those things have dates on them?

13 A No. None of our products had dates.

14 THE COURT: Again, they're not here today and I'm not
15 concerned with them. I'm not going to consider that.

16 MR. MCCANN: Yes, sir.

17 BY MR. MCCANN:

18 Q When Anthony Dugas was hurt with his burn, you were in
19 California at the time, weren't you?

20 THE COURT: That's what she testified to, yes.

21 MR. MCCANN: My apologies, Judge, but sometimes I
22 didn't hear everything she had to say, primarily because she
23 spoke quite fast.

24 (Pause in Proceedings)

25 THE COURT: Next question.

1 MR. MCCANN: I'm coming, Your Honor. Thank you, sir.

2 THE COURT: You've got about another ten seconds or I'm
3 going to conclude you're through, Mr. McCann.

4 MR. MCCANN: Your Honor, what I would like to do is
5 have about 30 seconds to confer with Mr. Caton.

6 THE COURT: You certainly may do that.

7 MR. MCCANN: Sir?

8 THE COURT: You certainly may do that.

9 (Conferring)

10 THE COURT: All right. Proceed there, Mr. McCann.

11 MR. MCCANN: Yes, sir.

12 BY MR. MCCANN:

13 Q Ma'am, it would seem that you got irritated with the Catons,
14 and then you --

15 THE COURT: Are you testifying or are you asking a
16 question?

17 MR. MCCANN: Sir?

18 THE COURT: Are you testifying or are you asking a
19 question?

20 MR. MCCANN: I'm leading up to a question.

21 THE COURT: Well, it doesn't need to be complex and
22 compound, so why don't you ask the question. I know you've got
23 her on cross, but, gee, I've heard all the testimony. She is --
24 you're going to say you got upset with them and this is why you
25 did this and that, and she's going to say, no, that's not why.

1 The reason why is what I told you already.

2 MR. MCCANN: Your Honor, I think I've made my point
3 with the Court.

4 THE COURT: All right. Thank you, sir.

5 Redirect?

6 MR. MCCOY: No, Your Honor. I have no further
7 questions.

8 THE COURT: Ma'am, you're excused and may step down.
9 You're excused if you'd like to be.

10 Next witness.

11 MR. MCCOY: May I have one minute, Your Honor?

12 (Pause in Proceedings)

13 THE COURT: Mr. McCoy, I'm ready to roll. Are you
14 through or are you ready to go?

15 MR. MCCOY: Your Honor, I'm not going to call any other
16 witnesses. I may call my agent in rebuttal. What I would like
17 to --

18 THE COURT: Well, it would be rebuttal only. And,
19 again, that's your call. I don't know what your agent could
20 possibly say, but if you feel like whatever is here is sufficient
21 for your purposes, then that's your business.

22 MR. MCCOY: But what I would like to -- and I don't
23 know. The defendant has submitted several letters of which we
24 received a copy of yesterday that you have mentioned are now
25 entered into the record.

1 THE COURT: I'm going to place them in the record under
2 seal. I want this to be clear. I read the wife's letter that I
3 got yesterday. I think I said either yesterday or today. It was
4 today I read it. I'm clear on that.

5 I started reading all the other letters until I
6 realized that this outfit out there, Natural News, a nonprofit
7 website that purports natural health, natural living, and
8 provides natural news, had organized a letter-writing campaign
9 seeking to lend support to Mr. Caton for his upcoming revocation
10 hearing.

11 The website urged readers to send letters to the
12 presiding judge and show support for the work that Mr. Caton
13 does, and they gave contact information for Mr. McCann. That was
14 the reference I made.

15 And when I realized that was going on after I got
16 through with the first few of them, I said I'm not going to read
17 all of this, but it's going to be in the record under seal. I'm
18 not going to consider that in the decision I make here today, and
19 I don't think it's germane to the issue about whether he violated
20 the terms of his supervised release. I'm not going to read that.

21 MR. MCCOY: Well, Your Honor, I would just -- the
22 special condition that you placed on Mr. Caton was to refrain
23 from the involvement and manufacture and sale of any product not
24 approved by the USDA, and in the several letters that have been
25 submitted to this Court, individuals are writing to this Court

1 telling you that they are still using these products.

2 THE COURT: I don't think that's what they said, not
3 the ones I got. If you've got some you want to introduce into
4 evidence that say I'm using H₂O or I'm using the other one, the
5 Cansema Tonic III -- I didn't see those. I've got a ton of them,
6 and after I realized what was going on, I said I'm not going to
7 waste my time on this, but if you've got some specifically you
8 want to introduce into evidence, I'll make sure I've got them.
9 Where did you get your copies from?

10 MR. MCCOY: From Mr. McCann.

11 THE COURT: From Mr. McCann. Okay. So that would
12 be -- I'm not worried about authenticity or hearsay stuff. I
13 mean, they're sending them out. I said why they're coming in,
14 because Natural News is asking people to send them in.

15 So what have you got there, Mr. McCoy, that you want to
16 tender? And I'll let Mr. McCann say what he wants to say on why
17 I shouldn't consider them.

18 MR. MCCOY: I have several of them, Your Honor. I was
19 under the impression that they would all have been admitted in.

20 THE COURT: Nothing is admitted in. It's going to be
21 filed with the presentence report under seal. If there is an
22 appeal of any anything I do by -- in this case it would probably
23 only be the defendant, I suspect, or maybe the government could
24 do that. If the Fifth Circuit thought they wanted to take their
25 time, which I can't imagine, to read all of this internet

1 solicitation, they could do it.

2 But now you've got specifics you want to introduce as
3 government exhibits in here to show that, hey, Judge, he was
4 doing that. But, again, I'm saying what's -- if the probation
5 officer would read -- the only remaining of the three violations.
6 Read it again for the record so we can make sure we can --
7 quoting Reverend Jackson the third time -- keep our eyes on the
8 prize. What is that?

9 THE PROBATION OFFICER: Special Condition Number One,
10 the defendant shall refrain from involvement in the manufacture
11 and/or sale of any product not approved by the U.S. Food and Drug
12 Administration.

13 THE COURT: All right. And that sure seems like it's
14 germane to me if the letters are saying that he's doing some
15 products.

16 Mr. McCann, do you want to say anything about why that
17 wouldn't be?

18 MR. MCCANN: Your Honor, I don't see how -- the letters
19 to some degree just ramble. They ramble against --

20 THE COURT: Well, let's see which ones he wants to
21 introduce. Okay?

22 MR. MCCANN: Probably a good point, sir.

23 MR. MCCOY: Okay, Your Honor.

24 THE COURT: How many have you got?

25 MR. MCCOY: Several.

1 THE COURT: Well, tell me a number. I mean, one, two,
2 three, five, ten?

3 (Pause in Proceedings)

4 THE COURT: You know, I always tell lawyers -- because
5 I meet with juries. One thing that really upsets juries is when
6 lawyers fumble through papers. I never realized it also upsets
7 judges, but you're getting to a point, Mr. McCoy, where --

8 MR. MCCOY: I do, Your Honor. I was going to read
9 quotes from the individual letters.

10 THE COURT: How many though?

11 MR. MCCOY: Approximately ten, Your Honor.

12 THE COURT: Okay. You're going to identify the letters
13 and then you're going to want me to put the whole letter in
14 there, but you're going to read to me -- why don't you just do
15 this. Let Mr. McCann know which letters you've got. You go
16 ahead and you highlight those. Then if he's got an objection to
17 them, then I'll listen to his objection. Then you can file it
18 into the record and highlight it and I'll read them myself if I
19 let them in. If I don't let them in, it won't even matter.

20 In the meantime we'll break. And I can't imagine it
21 will take you more than about 15 minutes for the two of you to
22 accomplish that and you to have them in a form that if I do admit
23 them, they will be highlighted. They'll be Government -- I've
24 forgotten what exhibit it will be. We'll make each one of
25 them -- you can read out the date and the name of the person

1 writing the letter and it will be a government in globo exhibit,
2 those ten letters.

3 All right. We're in recess for 15 minutes.

4 (RECESS)

5 THE COURT: All right. We've got the documents.

6 Let me just say this. I have not -- I said before that
7 I have not read all the letters. I got a couple more today. The
8 letters are going to say what they say, but this one was a very
9 negative one saying put that guy in jail as much as you can
10 because he's a fraud. So it's not all favorable. So there's at
11 least two sides, whatever that means. It will be just -- my
12 secretary just said here's one of them. I looked at it, but this
13 one happened to be from way away. So this is all over the world.
14 It's not just in Lake Charles, Louisiana.

15 All right. What have we got document-wise that you
16 actually want in the record? All of them will go with the
17 presentence report under seal.

18 MR. MCCOY: Yes, Your Honor. I have nine letters which
19 I'd move to offer in evidence as Government's Exhibit 1 in globo.
20 I can give the names of each letter for the record. I have --

21 THE COURT: These are letters you've turned over to
22 him?

23 MR. MCCANN: Yes.

24 THE COURT: Is there an objection, and, if so, what
25 basis?

1 MR. MCCANN: The objection is not an objection as to
2 the authenticity. The objection is that they're not relevant.
3 The prosecution is suggesting that these letters prove that
4 Cansema is still being sold. The letters do not say we bought
5 the product yesterday. We bought the product last year. We
6 bought the product the year before that. It does not say that.
7 All it says is I have used it or I am currently using it, but it
8 doesn't say anything about where it's coming from, who's it
9 coming from, whether it's coming from Greg Caton or when they got
10 it.

11 THE COURT: Is that true, Mr. McCoy?

12 MR. MCCOY: I would disagree with that.

13 THE COURT: Well, read to me what it is and I'll decide
14 if I'm going to consider it.

15 MR. MCCOY: Okay. The first letter is a letter signed
16 by Ms. Jane Brown. It's dated March 5th, 2010. Well, the
17 highlighted portion, which I'll read to you, says: Mr. Caton's
18 products are not drugs. His products are made from nature, from
19 God's very creation. Thousands of people are alive today because
20 of Mr. Caton and the research that goes into his products. That
21 is more than I can say about the FDA.

22 THE COURT: Okay. You know, I'm not going to listen to
23 any of that. That doesn't matter to me. You know, I did read
24 enough of that kind of stuff.

25 And, look, the FDA deserves a lot of criticism in a lot

1 of ways, but the fact that what it's doing or not doing in this
2 case and what these people perceive to be -- unless it's saying I
3 bought stuff from this man and he's making it out there, I don't
4 want to hear any of that kind of stuff.

5 MR. MCCOY: I have a letter --

6 THE COURT: That's all I want. So tell me which one
7 that is.

8 MR. MCCOY: This is a letter from Mr. John Wright
9 signed March 5th -- or dated March 5th, 2010, and it states: At
10 this very moment I am using Mr. Caton's product to treat a skin
11 cancer condition that is responding very well to this treatment.

12 THE COURT: Why isn't that relevant?

13 MR. MCCANN: Because it doesn't have a date as to when
14 he got it. He could have gotten that in 2005. He could have
15 gotten it from someone else. He calls it Caton's product, but
16 Cansema is sold by others.

17 THE COURT: Good point. Go ahead. I'm not letting
18 that in. What else have you got?

19 MR. MCCOY: I have a letter from Jean Saltzman that's
20 dated March 5th of 2010. In part it states: Greg Caton deserves
21 to be freed from being held by U.S. authorities. For years he
22 sold an anti-cancer salve that helped thousands of people.

23 THE COURT: What's that got to do with now, Mr. McCoy?

24 MR. MCCOY: It's going to get there, Your Honor.

25 THE COURT: All right.

1 MR. MCCOY: Caton created the Cansema product line and
2 marketed it to customers around the world using honest and
3 truthful descriptions of the anti-cancer properties of its herbal
4 ingredients. So Caton set up a legitimate business buying
5 medicinal herbs from a variety of sources, including local
6 farmers, manufacturing his Cansema product and exporting it to
7 customers all over the world, including the USA. His product is
8 still sold online at <http://www.altcancer.com/cansema.htm>.

9 THE COURT: That sounds pretty relevant to me.

10 MR. MCCANN: Except it does not say that -- it came
11 from a website that has nothing to do with Greg Caton.

12 THE COURT: Overruled. I'll leave that one in. And
13 again the strict rules of evidence don't apply, but, anyhow, I'd
14 like to do that. This is in solicitation from this Natural News.

15 Go ahead.

16 MR. MCCOY: The next letter we would offer is from
17 Tamara Cooks (phonetic) dated March 5th, 2010. In part, Greg
18 Caton is a hero in my opinion, not a criminal. Cansema healed a
19 mole on my neck that I believed to be skin cancer. This product
20 truly works as attested to by thousands of other satisfied
21 customers.

22 THE COURT: Okay. I can't understand you. You're
23 going so fast and I can't hear you. I'm going to turn my little
24 speaker thing up.

25 And, Mr. McCann, when you speak, please don't speak too

1 loudly because you'll blow me out when I've got it up. Okay?

2 Go ahead.

3 MR. MCCOY: Greg Caton is a hero in my opinion, not a
4 criminal. Cansema healed a mole on my neck that I believed to be
5 skin cancer. This product truly works as is attested to by
6 thousands of other satisfied customers.

7 THE COURT: Okay. But what's that got to do with
8 anything? I'm not letting that in.

9 Go ahead. Next one.

10 And we don't know when -- the same objection you made
11 to the others, right, Mr. McCann?

12 MR. MCCANN: Yes, sir.

13 THE COURT: Same ruling.

14 MR. MCCOY: This is a letter from P. Anthony
15 Chapdelaine. It states: I'm a physician in Tennessee who
16 used --

17 THE COURT: How do you spell his name?

18 MR. MCCOY: C-H-A-P-D-E-L-A-I-N-E.

19 THE COURT: Okay.

20 MR. MCCOY: It states: I'm a physician in Tennessee
21 who used Cansema with a few patients as it is simply a
22 combination of natural herbs used traditionally by Native
23 Americans and adapted by Greg Caton to help people take care of
24 their skin problems. I quit using Cansema because an easier
25 over-the-counter cream was developed from Australian Devil's

1 Apple by Dr. Bill Cham, a dermatologist.

2 THE COURT: I'm not letting that in. Go ahead.

3 Same objection, same ruling.

4 MR. MCCANN: Yes, sir.

5 THE COURT: Let's go, Mr. McCoy.

6 MR. MCCOY: Well, Your Honor, I think that's the final
7 letter that I am -- that's the only letter I'm going to submit.

8 THE COURT: All right. The one letter, Government
9 Exhibit 1, is a letter from whom dated when?

10 MR. MCCOY: From Ms. Jean Saltzman, S-A-L-T-Z-M-A-N,
11 dated March 5th, 2010.

12 THE COURT: All right. And I allowed that in. Let me
13 just read the whole letter. I've got my copy here. What's the
14 language I let in? What was the part of the letter that I let
15 in? It's the first and the last paragraph. Okay.

16 (Pause in Proceedings)

17 THE COURT: Okay. I'm leaving that in basically
18 because of the first paragraph and the last full paragraph on the
19 first page of what is a two-page letter. She really thinks not
20 very highly of the FDA and a few other outfits. I think this is
21 one of the ones I read before I quit reading it.

22 All right. And that was -- you've got that, Chris, as
23 Government 1, right?

24 THE COURTROOM DEPUTY: Yes, sir.

25 THE COURT: Are you through?

1 MR. MCCOY: I am, Your Honor. I have no further
2 witnesses.

3 THE COURT: All right. Mr. McCann, what have you got?

4 MR. MCCANN: My first witness is Mike Wright.

5 THE COURT: All right. Come on up here, sir, face this
6 nice lady, and she'll administer the oath, after which you'll
7 take the stand.

8 After that you may begin your questioning of him,
9 Mr. McCann.

10 THE COURTROOM DEPUTY: Do you solemnly swear that the
11 testimony you will give in this case will be the truth, the whole
12 truth, and nothing but the truth?

13 THE WITNESS: Yes, I do.

14 THE COURT: Proceed, sir.
15 Whereupon,

16 KENNETH MICHAEL WRIGHT
17 was called as a witness, having been first duly sworn, was
18 examined and testified as follows:

19 **DIRECT EXAMINATION**

20 BY MR. MCCANN:

21 Q Give us your name, Mr. Wright.

22 A My name is Kenneth Michael Wright.

23 Q And what is your occupation?

24 A I'm an attorney.

25 Q And where did you go to school?

1 A I went to undergraduate school at LSU in Baton Rouge. I
2 went to law school at Loyola University in New Orleans.

3 Q How long have you been practicing?

4 A Since the fall of 1974.

5 Q And how do you know Greg Caton?

6 A Mr. Caton was represented by a lawyer named Richard Moreno
7 who I had an affiliation with beginning from 2000 to about 2004.

8 Q Did you have an occasion to deal with a business transaction
9 with Mr. Caton?

10 A Yes. One of my clients, Mr. Bill Woodward, purchased some
11 property from Mr. Caton located on Hodges Street and a food
12 preservative product and some intellectual property rights from
13 him in about 2004, I believe.

14 Q And you actually did the transaction?

15 A Yes. It was an asset sale, and I did that transaction on
16 behalf of my client.

17 Q Okay. And the food product preservative, what are we
18 speaking of?

19 A Well, it was a food product preservative that was used for a
20 number of years by Flowers Bakery in its non yeast cake products.

21 Q And that was manufactured on Hodges Street in
22 Lake Charles?

23 A That's correct.

24 Q Now, did you have on occasion to visit the location prior to
25 the sale?

1 A Yes. I actually visited the Hodges Street location, and I
2 also visited the facility that Mr. Caton had on Hodges and Scott
3 Street, I believe, if I've got the name right.

4 THE WITNESS: I'm not real good with street names, Your
5 Honor. I apologize.

6 THE COURT: No problem. I'm not either.

7 A Because the laboratory that he had was located at the other
8 facility, and at the time my client was buying the laboratory to
9 go along with the Hodges Street facility.

10 BY MR. MCCANN:

11 Q And when did that happen?

12 A I believe it was about 2004 or the end of 2003, 2004. It's
13 been over five years. I know that.

14 Q Okay. Now, since that time in 2006 have you been back over
15 there?

16 A Yes.

17 Q Okay. Why did you go back?

18 A I don't remember the reason that I went over there, but I
19 did go over there one time because I was interested in some of
20 what they were doing over there. They were making a vegetarian
21 jerky product.

22 And Mr. Moreno, who I had practiced law with, had been
23 involved in some litigation involving some automated bagging
24 equipment. Some of that stuff was interesting, so I went over
25 and looked at the facility just so see how they did the jerky

1 stuff.

2 Q Okay. Now, when you went over there to see the jerky stuff,
3 did you pretty much tour the whole facility?

4 A Well, I think I did. You need to understand that there's an
5 office -- kind of like an office complex and then it kind of goes
6 down a side street, Your Honor, and then the business that
7 involved the manufacturing of the artificial jerky was kind of on
8 the side street. So I didn't go in all the offices, but I think
9 I toured most of that facility where the lab used to be and where
10 the manufacturing and shipping and bagging area was.

11 Q Did you see anything unusual that would appear to be out of
12 place like it was used to manufacture something other than soy
13 jerky?

14 A No.

15 Q All right. Did you see anything with any label saying
16 Cansema?

17 A No.

18 Q Did you see any employees mixing anything that looks like
19 they were mixing something and working on anything other than soy
20 jerky?

21 A No.

22 Q Now, what day is this now?

23 A I think you asked me about 2006. I know it was a period of
24 time after the purchase where my client had purchased the Hodges
25 Street stuff. It may well have been -- Mr. McCann, I'm not

1 certain. I mean, I was here, Your Honor, when Mr. Caton pled and
2 he was sentenced, and I know that he went to jail and spent some
3 time incarcerated, and I did communicate with him after he got
4 out. He asked me actually to take over a civil matter that
5 Mr. Moreno had been handling against some people in California.
6 So I did communicate with him some afterwards. And I don't
7 remember if it was -- and then, of course, he ended up selling
8 that facility to another gentleman. So I don't remember if it
9 was right before he sold it, but it was -- I believe it was
10 sometime after he got out of being incarcerated, Your Honor.

11 THE COURT: Understood.

12 BY MR. MCCANN:

13 Q All right. Now, in addition to that, you have had contact
14 with Mr. Caton relative to a rust treatment that you had occasion
15 to come into possessing?

16 A Yes. And that would have been about 2004. In what my wife
17 would say is a very foolish thing, I undertook to buy a vintage
18 steel yacht and restore it, which I'm still doing. And it was a
19 steel hull vessel and it had quite a bit of rust issues.

20 Mr. Caton had told me -- he said, you know, I have something that
21 I put together that I think really works well with steel. So I
22 said fine, you know, let me have some of it, I'll see what it
23 does.

24 And we took a couple of sample gallons to -- the boat
25 was in Miami at the time. We took it down there to see what it

1 would do. It was really remarkable what it did, but it had a
2 really horrific odor. So if you were going to use it, it
3 couldn't be where you were going to have people because it just
4 smelled bad.

5 Q It was like an industrial solvent?

6 A You know, what happened is I had a piece of metal. It was
7 steel. It had rust scale. I'm not sure if you're familiar with
8 rust scale, but it makes like sheets of layers of rust. And we
9 took this piece of steel and we put it in a bucket and we
10 immersed it completely in this material. After a couple of days
11 we went back, and instead of it dissolving the rust and it being
12 a thin piece of metal left, it's like it reconstituted the rust
13 scale back into the steel. It was really remarkable to look at,
14 but it really stunk. I mean, you know, we came to the conclusion
15 that as long as it smelled like that, you couldn't use it inside
16 a vessel for protection because nobody could stand to stay in
17 there.

18 Q Now, did that smell like rotten eggs to you?

19 A Or worse.

20 Q Okay.

21 A It was very pungent and very unpleasant.

22 Q Got it.

23 Now, you were contacted by the Catons to also
24 investigate the possibility of some embezzlement?

25 A Yes.

1 Q And what was that about?

2 A One of their employees had been loaning herself money and to
3 a certain degree it was known. However, when they sat down and
4 went through the checks and went through the charged receipts,
5 they determined that it was significantly more of a loan than
6 they had ever agreed to.

7 Q How much money?

8 A In excess of \$20,000.

9 Q What was the name of that employee?

10 A Crystal Leslie.

11 Q And did she try to extort from the Catons for her to be
12 released from that debt or she would try to see to it that Greg
13 went to jail?

14 A She didn't tell me that, but Cathryn Caton told me that she
15 said that.

16 THE COURT: When did Mrs. Caton tell you that?

17 THE WITNESS: That would have been within the last
18 couple of years, Your Honor.

19 THE COURT: Much after the fact?

20 THE WITNESS: Well, what happened is when she gathered
21 up all this stuff that she had, which was copies of all the
22 checks, all the charge receipts and stuff, and she got a good
23 total of that, she asked me what she should do with it. I said,
24 if you give me a copy of it, I'll go sit down with a friend of
25 mine, Cynthia Killingsworth, who's the First Assistant District

1 Attorney in Calcasieu Parish. I'll show it to her, see what she
2 thinks about it, see if she thinks it should be something that
3 should be pursued, and we'll go from there. So that's what I
4 did. I took the material and gave it to Cindy.

5 THE COURT: Yeah. But I'm talking about when
6 Mrs. Caton told you that this lady that you just mentioned who
7 allegedly embezzled money told her that if you don't make this go
8 away, then I'm going to try to bust you.

9 THE WITNESS: That's been within the last two years.

10 THE COURT: Okay.

11 THE WITNESS: And I say that, Your Honor, because --
12 and it may have been less, but I think it's -- it arose, as I
13 recall it, after I got all the material. I think she told me --
14 she said, I'm going to call her and see what we can do about it.
15 She called me back and said, well, she said basically I could
16 take a flying leap. That's probably nicer than what was said.
17 And I said, well, fine, give me the stuff and I'll present it to
18 the district attorney's office. If they prosecute her, then
19 she'll --

20 THE COURT: Wait. So, in other words, you were
21 trying -- Mrs. Caton was trying to say, look, if you back off on
22 whatever you're doing --

23 THE WITNESS: To my knowledge she hadn't done anything
24 to Greg. She wanted to just get paid.

25 THE COURT: I'm trying to make sure I understand the

1 time frame. You said it was two years or it could be less.

2 THE WITNESS: I took the material, and it's quite
3 voluminous, and I sent a copy -- I got two copies. I gave one to
4 Cynthia Killingsworth.

5 THE COURT: I understand. And I'm not trying to
6 interrupt you. What I'm trying to understand is you said it
7 could be two years, maybe -- two years or maybe less is what you
8 told me?

9 THE WITNESS: Yes.

10 THE COURT: We're in March of 2010 now. So we're
11 talking about March, 2008, or somewhere between March, 2008, and
12 now, right?

13 THE WITNESS: I believe that's correct, Your Honor. I
14 mean, I didn't calendar it and I wasn't paying that much
15 attention to the date, but I went and presented it to the
16 district attorney's office. Of course, Mrs. Caton said she
17 talked to her and then said, well, we're just going to prosecute
18 you if you don't work out some arrangement with us because you
19 took the money and you owe us.

20 THE COURT: How much money are we talking about?

21 THE WITNESS: Over \$20,000.

22 THE COURT: And if I told you that the operative fact
23 to get us here today happened at least by October of 2007, then,
24 in other words, it doesn't seem like -- I mean, this was in play
25 before you --

1 THE WITNESS: It may have been. I don't know.

2 THE COURT: From the testimony you don't know?

3 THE WITNESS: I don't want to put a time line on it
4 because I probably would be inaccurate, Your Honor.

5 THE COURT: Well, counselor, let me ask you this,
6 because you know what I'm trying -- I'm trying to get the truth
7 here. You told me -- and I believe you're doing the best you
8 can, but you said, Judge, two years, maybe less. Now, I just
9 told you that it was well in excess of two years, October of '07,
10 and this could have predated it, and you say, perhaps it did, I
11 don't want to put a time on it because I might get it wrong.

12 THE WITNESS: Yeah. My recollection is it's more
13 recent for the reason that I was concerned about it. I don't do
14 a lot of criminal law, but I do realize that there are some
15 statute of limitations on -- I mean, if she's taking some of this
16 money, there will be a period of time after which they couldn't
17 prosecute her. So I was concerned that it would have to be
18 within that time frame, and I don't believe -- I don't remember
19 exactly when they sold the facility, but it would have probably
20 been after that when they were going through the books.

21 THE COURT: Okay. And were charges ever filed against
22 this lady?

23 THE WITNESS: They have not been as of this date, but
24 they're under review.

25 THE COURT: Who's under review -- or who's reviewing it

1 I mean.

2 THE WITNESS: Well, I spoke with Cindy Killingsworth
3 about it.

4 THE COURT: So the DA is reviewing it?

5 THE WITNESS: That's correct.

6 THE COURT: So they told you when you talked to them
7 the first time it looked like there was a case. That was two
8 years, three years?

9 THE WITNESS: It's been a good while. She said, it
10 looks like this person needs to be prosecuted. I said, fine,
11 refer it to whoever you need to see it. She said, we need a
12 report from somebody and then we'll proceed. And I said, well,
13 send it to whoever you think should have it and let me know what
14 I can do to help.

15 THE COURT: I understand.

16 Go ahead, Mr. McCann.

17 BY MR. MCCANN:

18 Q Mr. Wright, from everything that I learned about this case,
19 the company was sold on March the 15th of 2007. Does that ring a
20 bell to you?

21 A Well, I wasn't involved in the transaction. I didn't
22 represent either Greg or the purchaser, so I assume that that's
23 correct.

24 Q Okay. So if that is correct, then the conversations
25 relative to the investigation as to Crystal Leslie occurred

1 obviously between that date and some other date in the future; is
2 that right?

3 A Yes, I assume so. And, you know, perhaps I should have
4 tried to look and see if I could have created a time line, but I
5 didn't do that.

6 THE COURT: Proceed, Mr. McCann. We've exhausted this
7 area.

8 MR. MCCANN: That's all I have, Your Honor. I tender.

9 THE COURT: All right. Mr. McCoy.

10 **CROSS EXAMINATION**

11 BY MR. MCCOY:

12 Q Mr. Wright, do you recall when in 2006 you went to visit the
13 property on Hodges Street and the -- I'm going to call it a
14 factory, but the soy production center?

15 A No, but it would have been sometime before Mr. Caton sold
16 it. I mean, I went on at least two different occasions that I
17 can recall. I went once before Mr. Woodward purchased the lab
18 stuff, and then I went again after that transaction occurred but
19 before Mr. Caton had sold the facility. I want to say that it
20 would have been sometime after he had been released from the time
21 he served, I believe, in Beaumont, but I'm not positive of that.

22 Q So you believe it was at some point after June of 2006?

23 A I don't know when he was released.

24 Q Do you recall whether it was hot when you went to visit the
25 one time when you took a tour? Was it cold?

1 A I don't think it was particularly -- well, it's always hot
2 when you go in there where they make the jerky because they have
3 these things that look like concrete mixers that they tumble this
4 material in and heat it with a big heater. So it's always pretty
5 hot in that room. And their offices were air conditioned. So to
6 be honest with you --

7 Q Do you recall what the weather was like outside when you
8 went to visit?

9 A No. It didn't -- it doesn't strike me one way or the other.

10 Q Now, how long -- what employees did you visit while you were
11 there, if any, or do you recall?

12 A I probably said hello to the girls that were working there.
13 I believe there were three that were employees.

14 Q Do you recall their names?

15 A Tabitha, Zoe and Crystal.

16 THE COURT: Where are we going, Mr. McCoy?

17 MR. MCCOY: Well, Your Honor --

18 THE COURT: I heard what he said. It wouldn't surprise
19 me that if anything illegal was going on there, they wouldn't do
20 it in front of a visitor. He doesn't remember exactly when he
21 went. But what are you trying to get back about what Mr. McCann
22 put on?

23 MR. MCCOY: That's part of what I was trying to get at,
24 Your Honor.

25 THE COURT: Okay. What else?

1 BY MR. MCCOY:

2 Q How long were you there for when you visited that --

3 THE COURT: Wait. We're still on the same issue. What
4 else? Move on. Next issue for you. I think that's the only
5 issue he was asked about. I might be wrong, but if you've got
6 something else, go to it.

7 BY MR. MCCOY:

8 Q You've never seen a police report from the allegations of
9 embezzlement, have you?

10 A I haven't seen a police report.

11 Q Do you know if one was ever taken?

12 A No. I don't know what happened after I left the material
13 with Cynthia Killingsworth.

14 MR. MCCOY: No further questions, Your Honor.

15 THE COURT: All right. Mr. McCann?

16 MR. MCCANN: No redirect, Your Honor.

17 THE COURT: All right. Thank you very much, sir.

18 You're excused and may step down.

19 Next witness.

20 MR. MCCOY: Zoe Farris, please, Your Honor.

21 THE COURT: Okay. I just want to say so everybody else
22 knows, if we don't finish by 4:00, we're going to recess until
23 Monday morning. I don't have anything Monday morning right now.

24 THE COURTROOM DEPUTY: Do you solemnly swear that the
25 testimony you will give in this case will be the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE COURT: All right. You may proceed.

4 Whereupon,

5 XENULA FARRIS

6 was called as a witness, having been first duly sworn, was

7 examined and testified as follows:

8 **DIRECT EXAMINATION**

9 BY MR. MCCANN:

10 Q Give us your name, please.

11 A Xenula Farris.

12 Q And did you have -- where do you live now?

13 A In Sulphur.

14 THE COURT: And, again, how do you spell your name,
15 ma'am?

16 THE WITNESS: X-E-N-U-L-A.

17 THE COURT: Okay. F-E-R-R-I-S?

18 THE WITNESS: F-A.

19 THE COURT: F-A.

20 Okay. Proceed.

21 BY MR. MCCANN:

22 Q Now, on occasion a name called Zoe has come up. Is that
23 you?

24 A Yes. That's my nickname.

25 Q Okay. Now, you don't mind me calling you Zoe?

1 A No. Everybody does.

2 THE COURT: Even though it's against the court rules,
3 I'll let you do it. I've been letting you do it the whole trial.
4 Go ahead.

5 MR. MCCANN: Yes, sir.

6 BY MR. MCCANN:

7 Q I want to concentrate on the time frame after Greg Caton got
8 out of jail. Is that fair?

9 A Okay.

10 Q Were you working there?

11 A Yes.

12 Q Who were you working for?

13 A Lumen Foods.

14 Q What facility were you working for at Lumen Foods, what
15 street?

16 A What street? Scott Street.

17 Q Scott Street. Okay. Now, were you there every day?

18 A Yeah, I believe so. I started school towards -- after he
19 got out of jail and stuff. I don't remember the time frame.

20 Q Okay. Now, how often a week did you go to the office?

21 A To the office?

22 Q Or to the place.

23 A Monday through Friday.

24 Q Okay. And what was your function there?

25 A What was my position? What did I do there every day?

1 Q Yeah.

2 A I packaged up the soybeans and shipped them out.

3 Q Okay. Now, soybeans was the product, correct?

4 A Yes.

5 Q And it was in the shipping and receiving department that you
6 worked?

7 A Yes.

8 Q And you were also familiar with the factory part of it?

9 A Oh, yeah.

10 Q And you were there every day?

11 A Yes, sir.

12 Q All right. Did you see anything that looked like Cansema
13 the way you saw it prior to the time Greg went to jail?

14 A No, not that I recall.

15 Q Okay. Let me make sure I understand this right. You were
16 working there --

17 THE COURT: Wait. You don't have to make sure. I
18 understand. You don't have to repeat that and get her to repeat
19 it for me. It's not a jury. And it's not good for juries
20 because one of the other things juries tell me when I talk to
21 them, Judge, do the lawyers think we're stupid? We got it the
22 first time. We don't need it two or three times. So proceed. I
23 don't need it again. I heard it. Let's go.

24 BY MR. MCCANN:

25 Q You were working there before Greg went to jail?

1 THE COURT: I understood that, too.

2 A Yes. I worked for Lumen Foods since 1997.

3 BY MR. MCCANN:

4 Q So had you seen something after Greg got out of jail that
5 looked like something that you saw before Greg went to
6 jail --

7 MR. MCCOY: Judge --

8 THE COURT: Mr. McCann, that's marginally different --
9 the answer to that would be yes, right? You would have seen a
10 difference?

11 THE WITNESS: Oh, yeah.

12 THE COURT: Get the heck out of this area. Move on.

13 BY MR. MCCANN:

14 Q Okay. Now, Crystal Leslie, did she admit to you that she
15 owed the Catons money?

16 A Yeah.

17 Q How much?

18 A She never said an amount. We all borrowed money and owed
19 them money, but she never gave me an amount as far as her loan
20 was concerned. No, I don't remember.

21 Q Okay. You went to this meeting with the FDA on October the
22 10th of 2007?

23 A Yes.

24 Q You heard Tabitha testify? Did you hear Tabitha testify
25 earlier today?

1 A Yes.

2 Q Did you feel intimidated at that meeting?

3 A Yes, I was scared.

4 Q Do you feel that they were trying to get you to say
5 something that you didn't really want to say?

6 A I was more scared of the fact that I just -- I was scared.
7 You know, after everything that had happened, that was not a good
8 time for me. I just had a kid. I was scared. I just -- I don't
9 know. I was scared.

10 Q Okay. Now, let me shift gears. Did you ever see anything
11 pertaining to H₂O in that warehouse ever after Greg got out of
12 jail?

13 A Not that I remember.

14 MR. MCCANN: Okay. Thank you very much.

15 THE COURT: You said what?

16 THE WITNESS: Not that I remember.

17 THE COURT: So you're not saying you didn't? You just
18 don't remember seeing it?

19 THE WITNESS: Right.

20 THE COURT: Okay. I understand. Go ahead. Are you
21 through?

22 MR. MCCANN: I tender, sir.

23 MR. MCCOY: I have no questions for this witness.

24 THE COURT: Thank you, ma'am. You're excused and you
25 may step down. You're excused for the duration if you choose or

1 you may stay.

2 All right. Next witness.

3 MR. MCCANN: Mr. Caton.

4 THE COURT: Are we going to be finished by 4:00? I'd
5 just as soon take him on Monday afternoon.

6 MR. MCCANN: That's a good afternoon because I can't
7 see how I'm going to finish in 30 minutes.

8 THE COURT: We'll come back here Monday afternoon at
9 2:00 o'clock.

10 (Proceedings adjourned.)

11 - - -

12 Certificate

13 I hereby certify this 7th day of October, 2010, that the
14 foregoing is, to the best of my ability and understanding, a true
15 and correct transcript from the record of proceedings in the
16 above-entitled matter.

17
18 /s/ LaRae E. Bourque

19 _____
Official Court Reporter
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