

## AFFIDAVIT OF CINDY STORMER

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

STATE OF TEXAS

COUNTY OF TARRANT

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

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

  
Cindy Stormer, Affiant

### **I. Stormer's Background**

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

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

## **II. Mental Illness Before the Election**

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

## **III. Mental Illness after the Election**

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

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

#### **IV. Financial Improprieties**

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

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

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

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

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

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

#### **V. Gross Mismanagement Resulting in Costs to Taxpayers**

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

#### **VI. Hot Checks on the Hot Checks Fund**

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

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

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

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

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

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

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

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

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

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

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



## VII. Orders to commit an illegal act

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

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

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

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

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

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

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

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

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

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

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

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



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

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

### **VIII. Extreme Paranoia**

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

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

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

## **IX. Inability to Understand Basic Concepts**

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

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

## **X. Psychotic Behavior affecting other County Offices**

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

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

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

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

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

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

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

## **XI. Jeopardizing Public Safety**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

STATE OF TEXAS  
COUNTY OF TARRANT

FURTHER AFFIANT SAYETH NAUGHT.

SIGNED this the 13<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Ms. Cindy Stormer

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

  
\_\_\_\_\_  
Notary Public

