

1 MR. CRAIG: Do I have to have to fight you in court?

2 OFFICER 1: No, no. I'm not going to go to court  
3 unless you want me there.

4 MR. CRAIG: 'Cause I don't want to be in court  
5 either.

6 OFFICER 1: Okay. I don't either.

7 MR. CRAIG: All I'm --

8 OFFICER 1: Here's the way it works: you -- you'll  
9 be released today, okay?

10 MR. CRAIG: Okay.

11 OFFICER 1: All right? I -- I know I can bring you  
12 to jail, but that's not my goal here, okay?

13 MR. CRAIG: Well --

14 OFFICER 1: I'm trying to [inaudible] --

15 MR. CRAIG: -- let's -- let's don't do that.

16 You -- you --

17 OFFICER 1: I'm not going to bring you to jail, okay?

18 MR. CRAIG: You solicited me.

19 OFFICER 1: Okay. We're getting --

20 MR. CRAIG: I mean --

21 OFFICER 1: We're getting into --

22 MR. CRAIG: We can get into that.

23 OFFICER 1: We're going to get into that.

24 MR. CRAIG: Okay.

25

1           OFFICER 1: But there's -- there's two ways; yes, you  
2 can -- you can -- you can go to court, and you can plead  
3 guilty.

4           MR. CRAIG: Yeah.

5           OFFICER 1: There'll be a fine, you won't have to  
6 explain anything --

7           MR. CRAIG: All right.

8           OFFICER 1: -- in no way at all. And you pay a fine,  
9 you'll leave, that's it, done; or if you want to plead not  
10 guilty -- and I can't make these decisions for you.

11          MR. CRAIG: No, no. Just tell me where I am  
12 because --

13          OFFICER 1: And if you are not guilty --

14          MR. CRAIG: -- in all fairness, guys, I need to make  
15 this flight.

16          OFFICER 1: Okay. Okay. And then I go to -- if you  
17 go to not guilty, then I would have to come to court and  
18 that -- I'd testify to what I saw, okay? So those are the two  
19 things, okay? Did I explain that part?

20          MR. CRAIG: Yes.

21          OFFICER 1: Okay. Just going to read you your rights  
22 real quick, okay? You got that on?

23          OFFICER 2: Yep.

24          OFFICER 1: Okay. All right. The date is 6/11 of  
25 '07 at 1228 hours. Mr. Craig?

1 MR. CRAIG: Yes.

2 OFFICER 1: All right. You have the -- [phone  
3 ringing] the -- sorry about that. You have the right to remain  
4 silent. Anything you say can and will be used against you in a  
5 court of law. You have the right to talk to a lawyer now or  
6 have one present -- a lawyer present now or at any time during  
7 questioning. If you cannot afford a lawyer, one will be  
8 appointed to you without cost.

9 Do you understand each of these rights as I explained  
10 them to you?

11 MR. CRAIG: I do.

12 OFFICER 1: Do you wish to talk to us at this time?

13 MR. CRAIG: I do.

14 OFFICER 1: Okay. I just want to start off with your  
15 side of the story, okay? So --

16 MR. CRAIG: Well, I go into the bathroom here, as I  
17 normally do -- I'm a commuter through here.

18 OFFICER 1: Okay.

19 MR. CRAIG: I sit down to go to the bathroom,  
20 and -- and you said our feet bumped. I believe they did  
21 because I reached down and scooted over. And the next thing I  
22 knew, under the bathroom divider comes a card that says,  
23 "Police." Now, that's about as far as I can take it. I don't  
24 know of anything else. Your foot came toward mine, mine came

25

1 toward yours. Was that natural? I don't know. Did we bump?  
2 Yes, I think we did. You said so. I don't disagree with that.

3 OFFICER 1: Okay. I don't want to get into a pissing  
4 match here or --

5 MR. CRAIG: We're not going to.

6 OFFICER 1: Good.

7 MR. CRAIG: I don't -- I am not gay. I don't do  
8 these kinds of things and --

9 OFFICER 1: That's -- that's -- that doesn't matter.  
10 I don't care about sexual preference or anything like that --  
11 here's your stuff back here. I don't care about sexual  
12 preference. That's not what we're --

13 MR. CRAIG: I know you don't. You're out to enforce  
14 the law.

15 OFFICER 1: Right.

16 MR. CRAIG: But you shouldn't be out to entrap people  
17 either.

18 OFFICER 1: This isn't entrapment. All right?  
19 You -- you're skipping some parts here, but what -- what about  
20 your hand?

21 MR. CRAIG: What about it? I reached down with my  
22 foot like this; there was a piece of paper on the floor; I  
23 picked it up.

24 OFFICER 1: Okay.

25 MR. CRAIG: What about my hand?

1           OFFICER 1: Well, you're not being truthful with me.  
2 I'm kind of disappointed in you, Senator. I'm really  
3 disappointed right now. Okay? I'm not -- just so you know,  
4 just like everybody --

5           MR. CRAIG: Yeah?

6           OFFICER 1: -- I -- I -- I treat with dignity. I  
7 try to pull away from the situation, not embarrass them.

8           MR. CRAIG: I -- I appreciate that.

9           OFFICER 1: And -- and I --

10          MR. CRAIG: And you did that after we stepped out of  
11 the stalls --

12          OFFICER 1: I will say, every person I've had so far  
13 has told me the truth. We've been respectful to each other,  
14 and then they've gone on their way.

15          MR. CRAIG: Yeah, I --

16          OFFICER 1: I've never had to bring anybody in jail  
17 because everybody's been truthful to me.

18          MR. CRAIG: I don't want you to take me to jail, and  
19 I think I've been --

20          OFFICER 1: I'm not going to take you to jail as long  
21 as you be cooperative, but I -- I'm not going to lie.  
22 I -- we -- we can --

23          MR. CRAIG: Did my hand come below the divider? Yes,  
24 it did.

25

1           OFFICER 1: Okay. Sir, we deal with people that lie  
2 to us every day.

3           MR. CRAIG: I'm sure you do.

4           OFFICER 1: We deal with -- and we deal with -- I'm  
5 sure you do too, sir.

6           MR. CRAIG: Gentlemen, so do I.

7           OFFICER 1: I'm sure you do. We deal with a lot of  
8 people that are very bad people. You're not a bad person.

9           MR. CRAIG: No, I don't think I am.

10          OFFICER 1: Okay. So what I'm telling you is I don't  
11 want to be lied to right now.

12          MR. CRAIG: Okay.

13          OFFICER 1: Okay? So let's start over. You're going  
14 to get out of here, you're going to have to pay a fine, and  
15 that'll be it, okay?

16          MR. CRAIG: Fine.

17          OFFICER 1: I don't call media. I don't do any of  
18 that type of crap.

19          MR. CRAIG: Fine.

20          OFFICER 1: Okay?

21          MR. CRAIG: Fine.

22          OFFICER 1: All right. So let's start from the  
23 beginning. You went into the bathroom.

24          MR. CRAIG: I went in the bathroom.

25

1           OFFICER 1: And then what did you do in the bathroom  
2 next?

3           MR. CRAIG: I waited -- I stood beside the wall  
4 waiting for a stall to open. I got in a stall, sat down, and I  
5 started to go to the bathroom.

6           OFFICER 1: Okay.

7           MR. CRAIG: Did our feet come together? Apparently,  
8 they did bump, but I don't dispute that.

9           OFFICER 1: Okay. When I got out of the stall, I  
10 noticed other -- other stalls were open. Was there any --

11          MR. CRAIG: They were at the time. At the time I  
12 entered, I -- at the time I entered, I stood and waited.

13          OFFICER 1: Okay.

14          MR. CRAIG: They -- they were all busy, you know?

15          OFFICER 1: Were you looking at me while you were  
16 waiting? I could see your eyes. I saw you playing with your  
17 fingers, then look up, play with your fingers and --

18          MR. CRAIG: Did I glance at your stall? I was  
19 glancing at a stall right beside yours, waiting for a fellow to  
20 empty it. I saw him stand up; and, therefore, I thought it was  
21 going to empty.

22          OFFICER 1: Okay. How long do you think you stood  
23 outside the stall?

24          MR. CRAIG: Oh, a minute or two at the most.

25

1           OFFICER 1: Okay. And when you went in the stall,  
2 then what?

3           MR. CRAIG: Sat down.

4           OFFICER 1: Okay. You do anything with your feet?

5           MR. CRAIG: Positioned them. I don't know. I don't  
6 know at the time. I'm a fairly wide guy. I --

7           OFFICER 1: I understand.

8           MR. CRAIG: I tend -- I tend to spread my legs --

9           OFFICER 1: Okay.

10          MR. CRAIG: -- when I lower my pants, so they won't  
11 slide.

12          OFFICER 1: Okay.

13          MR. CRAIG: Did I slide them too close to yours? Did  
14 I -- I looked down once. Your foot was close to mine. Yes.  
15 Did we bump? You said so. I don't recall that, but apparently  
16 we were close.

17          OFFICER 1: Yeah. Well, your foot did touch mine on  
18 my side of the stall.

19          MR. CRAIG: All right.

20          OFFICER 1: Okay? And then with the hand, how many  
21 times did you put your hand under the stall?

22          MR. CRAIG: I don't recall. I remember reaching down  
23 once -- there was a piece of toilet paper back behind me -- and  
24 picking it up.

25



1           OFFICER 1: Okay. Was your -- was your palm down or  
2 up when you were doing that?

3           MR. CRAIG: I don't recall.

4           OFFICER 1: Okay. I recall your palm being up, okay?

5           MR. CRAIG: All right.

6           OFFICER 1: When you pick a piece of paper off the  
7 ground, your palm would be down when you pick something up.

8           MR. CRAIG: Yeah, it probably would be. I recall  
9 picking the paper up.

10          OFFICER 1: And I know it's hard to describe here on  
11 tape; but, actually, what I saw was your fingers come  
12 underneath the stall. So you're actually touching the bottom  
13 of the stall divider; is that correct?

14          MR. CRAIG: I don't recall that.

15          OFFICER 1: You don't recall? Okay.

16          MR. CRAIG: I don't believe I did that. I don't --

17          OFFICER 1: I saw -- I saw --

18          MR. CRAIG: I don't do those things.

19          OFFICER 1: I saw your left hand, and I could see  
20 the -- the gold wedding ring when it -- when it went across, I  
21 could see that. On your left hand, I could see the --

22          MR. CRAIG: Wait a moment. My left hand was over  
23 here.

24          OFFICER 1: I saw -- there's a --

25          MR. CRAIG: My right hand was next to you.

1           OFFICER 1: I could tell it was my -- I could tell it  
2 was your left hand because your thumb was positioned in a  
3 faceward motion. Your thumb was on this side, not on this  
4 side.

5           MR. CRAIG: Well, we can dispute that. I'm not going  
6 to fight you in court, but --

7           OFFICER 1: I -- I saw --

8           MR. CRAIG: I reached down with my right hand to pick  
9 up the paper.

10          OFFICER 1: What I'm telling you is I could see that,  
11 so I know it was your left hand. Also, I could see a gold ring  
12 on this finger. So it's obvious that was a left hand, okay?

13          MR. CRAIG: Well, okay. My left hand was in the  
14 direct opposite of the stall from you.

15          OFFICER 1: Okay. You -- you travel through here  
16 frequently, correct?

17          MR. CRAIG: I do. Almost weekly.

18          OFFICER 1: Have you been successful in these  
19 bathrooms here before?

20          MR. CRAIG: I go to that bathroom regularly in the  
21 morning.

22          OFFICER 1: I mean for any type of other activity.

23          MR. CRAIG: No, absolutely not. I don't seek  
24 activity in bathrooms.

25          OFFICER 1: It's embarrassing?

1 MR. CRAIG: Well, it's embarrassing for both --

2 OFFICER 1: Embarrassing.

3 MR. CRAIG: I'm not going to fight you.

4 OFFICER 1: I know you're not going to fight me, but  
5 that's not the point. I would respect you, and I still respect  
6 you. I don't disrespect you, but I'm disrespected right now.  
7 And I'm not trying to act like I have all kinds of power or  
8 anything, but you're sitting here lying to a police officer.

9 MR. CRAIG: No, I -- I -- I don't --

10 OFFICER 1: And that is not a testament that I'm  
11 getting from somebody else. I'm [inaudible] to this, I trained  
12 in [inaudible] and I know what I'm doing.

13 MR. CRAIG: Did I -- okay, did I --

14 OFFICER 1: And I saw you put your hand under there,  
15 and you're going to sit there and --

16 MR. CRAIG: I admit I put my hand down.

17 OFFICER 1: You put your hand and rubbed it on the  
18 bottom of the stall with your left hand.

19 MR. CRAIG: Now, wait a moment --

20 OFFICER 1: And I'm -- I'm not dumb. You can say, I  
21 don't recall, I don't recall --

22 MR. CRAIG: If I had -- if I had turned sideways,  
23 that was the only way I could get my left hand over there.

24 OFFICER 1: Not that hard for me to reach.

25 MR. CRAIG: All right.

1           OFFICER 1: That's my answer to that. It's not that  
2 hard. I see it happen every day out here now.

3           MR. CRAIG: Oh.

4           OFFICER 1: Okay?

5           MR. CRAIG: Okay. You do.

6           OFFICER 1: I'm just -- I'm just -- I guess --

7           MR. CRAIG: All right.

8           OFFICER 1: I guess I'm going to say, I'm just  
9 disappointed in you, sir. I just really am. I expect this  
10 from the guy that we get out of the hood; but, I mean -- I  
11 thought -- I mean, people vote for you.

12          MR. CRAIG: Yes, they do on a regular basis.

13          OFFICER 1: Unbelievable, unbelievable.

14          MR. CRAIG: And I'm a respectable person, and I don't  
15 do these kinds of --

16          OFFICER 1: And I don't see respect right now,  
17 though.

18          MR. CRAIG: But I didn't use my left hand.

19          OFFICER 1: I saw a gold ring.

20          MR. CRAIG: I reached down with my right hand like  
21 this to pick up a piece of paper.

22          OFFICER 1: Was your gold ring on your right hand at  
23 any time today?

24          MR. CRAIG: Of course not. Try to get it off. Look  
25 at it.

1           OFFICER 1: Okay. Then that was your left hand. I  
2 saw it with my own eyes.

3           MR. CRAIG: All right. You saw something that didn't  
4 happen.

5           OFFICER 1: Embarrassing, embarrassing.

6           OFFICER 2: I want to [inaudible].

7           OFFICER 1: You have anything to add?

8           OFFICER 2: No, I don't.

9           OFFICER 1: All right. It's embarrassing. Dated  
10 6/11 of '07 at 1236. Interview's done.

11           MR. CRAIG: Okay.

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