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NASHVILLE, TENNESSEE  
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RICHARD R. ROOPER, CLERK  
JOSHUA CONWAY,

Ces DC  
Plaintiff,

vs.

Case No. 16C-664

KUMARI S. FULBRIGHT and KUMARI FULBRIGHT, INC.,

Defendants.

DEPOSITION OF:

KUMARI FULBRIGHT

June 16, 2017

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## A P P E A R A N C E S

For the Plaintiff:

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For the Defendants:

Mr. William M. Leech, III  
Attorney at Law  
219 Fourth Avenue North, Suite 400  
Nashville, Tennessee 37201

Also Present: Mr. Josh Conway

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NOTE: THERE IS NO EXHIBIT NO. 7

1                   The deposition of KUMARI FULBRIGHT,  
2 taken on behalf of the PLAINTIFF, at 10:15 A.M., on the  
3 16th day of June, 2017, pursuant to the Tennessee Rules  
4 of Civil Procedure, to be used for ALL PURPOSES, in the  
5 above-styled cause, before James P. Beres, Court  
6 Reporter and Notary Public at Large, at 219 Second  
7 Avenue North, Suite 400, Nashville, Tennessee in  
8 accordance with the following stipulation.

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11  
12                   S T I P U L A T I O N

13  
14                   It is agreed that James P. Beres, Court  
15 Reporter and Notary Public at Large, may swear the  
16 witness, take the deposition in machine shorthand and  
17 afterwards reduce the same to typewriting, and that the  
18 deposition may be used on the hearing of the  
19 above-styled cause.

20                   All objections, except as to the form of  
21 the questions, are reserved until the hearing of this  
22 cause. It is further agreed that all formalities as to  
23 caption, certificate, transmission, filing, etc., are  
24 expressly waived.



## Deposition of Kumari Fulbright.

1                                    KUMARI FULBRIGHT,

2            having been first duly sworn, testified as follows:

3    EXAMINATION BY MR. HORWITZ:

4            Q        Good morning. I'm Daniel Horwitz. I  
5    represent the Plaintiff in this matter. Just a couple  
6    of ground-rules to go over before we begin this  
7    deposition.

8                    First, have you ever been deposed?

9            A        I have.

10          Q        So when I ask a question, I'm just going to  
11   ask that you let me finish it before answering because  
12   it's difficult for the court reporter to transcribe  
13   cross talk.

14                   If you would, when I give you a question that  
15   calls for a yes or a no, please say audibly yes or no  
16   because head nods and shakes can't go on to the record.

17                   Are you ready to begin?

18          A        Yes.

19          Q        So let's start. Your name is Kumari  
20   Fulbright; is that correct?

21          A        That's correct.

22          Q        You are the individual Defendant in this case  
23   and also the corporate Defendant in this case; is that  
24   correct?

25          A        That's correct.

## Deposition of Kumari Fulbright.

1           Q     So under the Rules of Civil Procedure, your  
2 corporation has the right to designate an official to  
3 testify on its behalf under Tennessee Rule of Civil  
4 Procedure 30.026.

5                     Is it safe to say you are the designee of  
6 that corporation?

7           A     Yes.

8           Q     Is there any reason why your testimony as an  
9 individual would differ from the testimony of your  
10 corporation?

11          A     No.

12          Q     So we can just combine this into one, this is  
13 the deposition of both, the information is accurate as  
14 to both; is that correct?

15          A     Yes.

16          Q     All right. Let's start with some easy stuff.

17                     First, what is your full name and address and  
18 if you could, will you spell it for the court reporter  
19 so that will help?

20          A     Kumari Fulbright, K-U-M-A-R-I, and then the  
21 last name is Fulbright, F-U-L-B-R-I-G-H-T.

22                     My address is 8350 Savannah Trace Circle,  
23 Tampa, Florida, 33615.

24          Q     And how long have you lived at that address?

25          A     I've lived there since April of 2003.

## Deposition of Kumari Fulbright.

1           Q     And do you have your I.D. on you by chance?  
2     Want to read it into the record.

3           A     I have it in the other room.  Would you like  
4     me to get it?

5           Q     Yes, please.  Sure.

6     (Discussion off the record)

7     BY MR. HORWITZ:

8           Q     So this is a Florida driver's license.  It  
9     says can Kumari middle name is Semon, S-E-M-O-N  
10    Fulbright, and the address is 8350 Savannah Trace  
11    Circle, number 1806, Tampa, Florida, 33615-5529.

12                   Date of birth 5/17/1982.

13                   Does that sound correct?

14          A     Yeah.

15          Q     I'm going to show you a copy of something.

16                   Tell me if you recognize this.

17          A     Sure.

18          Q     Does that look familiar to you?

19          A     Yeah.

20          Q     What is this?

21          A     This looks like for the year -- I'm kind of  
22    confused, actually, because it's 2012 here and 2015  
23    here.  I would say it's a tax for one of those two  
24    years.  I don't know which.

25          Q     Who's tax return is this?

## Deposition of Kumari Fulbright.

1           A     This is the one for my business.

2           Q     What is the address on that business?

3           A     8350 Savannah Trace, Unit 1806, Tampa  
4 Florida.

5           Q     Is that the correct address for your  
6 business?

7           A     Yes.

8           MR. HORWITZ:   Could we make this Exhibit 1,  
9 please?

10                               (The above-referred to  
11                               document was thereupon  
12                               marked Fulbright Exhibit  
                              No. 1, and is attached  
                              hereto.)

13 BY MR. HORWITZ:

14           Q     This is a second document and does this look  
15 familiar to you?

16           A     Yes.

17           Q     What is this document that we're looking at?

18           A     This would be my personal taxes.

19           Q     And what is the address on your personal  
20 taxes?

21           A     8350 Savannah Trace Circle.

22           Q     What's the apartment number?

23           A     Unit 1806.

24           Q     Is that the correct address?

25           A     Yes.

## Deposition of Kumari Fulbright.

1 MR. HORWITZ: Let's make this the second  
2 exhibit, please.

3 (The above-referred to  
4 document was thereupon  
5 marked Fulbright Exhibit  
No. 2, and is attached  
hereto.)

6 BY MR. HORWITZ:

7 Q Does this document look familiar to you?

8 A Not really but it probably is.

9 Q What's the title of this document?

10 A 2017 Florida Profit Corporation Annual  
11 Report.

12 Q And under "Current Principal Place of  
13 Business", what is the address listed?

14 A 8350 Savannah Trace Circle, Unit 1806, Tampa,  
15 Florida, 33615.

16 Q And the entity name, please?

17 A Kumari Fulbright, I-N-C.

18 Q Current mailing address.

19 A 8350 Savannah Trace Circle, 1806, Tampa,  
20 Florida, 33615.

21 Q The name and the address of the current  
22 registered agent.

23 A Fulbright, Kumari, 8350 Savannah Trace  
24 Circle, 1806, Tampa, Florida, 33615.

25 Q And on the bottom of the document there's a

## Deposition of Kumari Fulbright.

1 signature line calling for an electronic signature.

2 Whose signature is that?

3 A Mine. It's my name.

4 Q And the title is president; is that correct?

5 A Yes.

6 Q What's the date on this document?

7 A April 27, 2017.

8 Q Above the signature line there is an oath  
9 line; is that correct?

10 A Yes.

11 Q And that certifies that the information  
12 indicated on this report is true and accurate; is that  
13 right?

14 A Yes.

15 MR. HORWITZ: I'd like to make this  
16 Exhibit 3, please.

17 (The above-referred to  
18 document was thereupon  
19 marked Fulbright Exhibit  
No. 3, and is attached  
hereto.)

20 BY MR. HORWITZ:

21 Q And does this document look familiar to you?

22 A It looks like a similar document as before  
23 for the previous year.

24 Q So what's the title of this document?

25 A 2016 Florida Profit Corporation Annual

## Deposition of Kumari Fulbright.

1 Report.

2 Q And the principal place of business, mailing  
3 address and name and address are all yours and all the  
4 same address previously described; is that right?

5 A Yes.

6 Q Just for the record, what is that address one  
7 more time?

8 A 8350 Savannah Trace Circle, 1806, Tampa,  
9 Florida, 33615.

10 MR. HORWITZ: Let's make this the next  
11 exhibit, please.

12 (The above-referred to  
13 document was thereupon  
14 marked Fulbright Exhibit  
No. 4, and is attached  
hereto.)

15 BY MR. HORWITZ:

16 Q Does this document look familiar to you?

17 A Yes.

18 Q What is the title of this document? Does it  
19 say affidavit?

20 A Affidavit of Kumari Fulbright.

21 Q On the back of this document, is that your  
22 signature there?

23 A Yes.

24 Q Was this document sworn under oath?

25 A Yes.

## Deposition of Kumari Fulbright.

1 Q Would you please read paragraph No. 3 for me?

2 A "I reside at 500 West 23rd Street, Apartment  
3 11C, Manhattan, New York, New York 10011."

4 Q When was this document filed?

5 A On the bottom?

6 Q It's in blue.

7 A Blue. Okay. May 6th, 2016.

8 Q So correct me if I'm wrong, we just went  
9 through your tax returns, your identification, your  
10 business filing in 2016 and your business filing in  
11 2017 and every single one of those filings gave an  
12 address in Florida; is that correct?

13 A Yes.

14 Q And Paragraph 3 gives what address, one more  
15 time?

16 A 500 West 23rd Street, Apartment 11C,  
17 Manhattan, New York, New York, 10011.

18 MR. HORWITZ: I'd like to make this the next  
19 exhibit, please.

20 (The above-referred to  
21 document was thereupon  
22 marked Fulbright Exhibit  
No. 5, and is attached  
hereto.)

23 BY MR. HORWITZ:

24 Q Which of those addresses was correct?

25 A Both of them, I guess. The Florida one is my



## Deposition of Kumari Fulbright.

1 address and my business address and the one that is  
2 part of the affidavit, I was on a temporary work  
3 assignment so that was where I was residing at the time  
4 of the signature of that document.

5 Q So in 2016 and in 2017 you told the Florida  
6 Secretary of State that your address was in Florida; is  
7 that correct?

8 A It is in Florida, that's right, that's where  
9 I permanently live. However, if you travel for your  
10 work and you're staying somewhere for a month or  
11 something like that, you reside in that place, maybe  
12 reside at a hotel.

13 You know what I'm saying? No tricky stuff  
14 there, just --

15 Q So you submitted that affidavit for the  
16 purpose of claiming that service was incorrect; is that  
17 correct?

18 A Yes.

19 Q And you're --

20 A Well, no -- I don't know.

21 Q What was the purpose of signing that  
22 document?

23 A Can I take a look for a minute?

24 Q Yes.

25 A Primarily just to say I didn't receive it

## Deposition of Kumari Fulbright.

1 because I wasn't -- I didn't receive it here and that's  
2 when I was residing in that space.

3 Q So just to confirm, if somebody claimed that  
4 your address was 8350 Savannah Trace Circle, Suite  
5 1806, Tampa, Florida, 33615, would that be correct?

6 A Yes. That's my primary residence, yes.

7 Q All right. Would you please read Paragraph  
8 7?

9 MR. LEECH: What did you hand her?

10 MR. HORWITZ: That's the Complaint.

11 THE WITNESS: Are you clear with that I spend  
12 time in New York and -- okay. "Defendant Kumari  
13 Fulbright, Inc. is a for profit Florida corporation  
14 with its principal place of business located 8350  
15 Savannah Trace Circle, Suite 1806, Tampa, Florida,  
16 33615. Its registered agent is Defendant Kumari S.  
17 Fulbright whose current mailing address is the same."

18 Q So is that address correct or incorrect?

19 A That address is correct.

20 Q Thank you. I would like to note that was  
21 Paragraph 7 of the Plaintiff's Complaint.

22 Can I have that back?

23 A Does he mark it? No.

24 Q Will you please read Paragraph 7? Let the  
25 record reflect that I have handed the Defendant her

## Deposition of Kumari Fulbright.

1 Amended Answer.

2 A Paragraph 7. "Admitted that the corporation  
3 is a Florida for profit corporation. Fulbright's  
4 address is incorrect."

5 Q Please read that last sentence one more time.

6 A "Fulbright's address is incorrect."

7 Q Thank you.

8 Is there any reason why you would have been  
9 incorrect on your address in your Amended Answer?

10 A I don't think it's incorrect. It's just I  
11 travel for work and this is my residence when I do  
12 that.

13 Q So a moment ago I asked if the address was  
14 correct and you said yes. You just read your answer  
15 and you said it was incorrect.

16 So which one is it?

17 A I'm confused.

18 Q So when I asked you what -- whether the  
19 Savannah Trace address was correct --

20 A It is.

21 Q -- you said yes, sir. You've alleged the  
22 same thing in the Complaint and you said it was  
23 incorrect. Why is that?

24 A Can they both be correct? Is that an option?  
25 Can I pick C, only A or B?

## Deposition of Kumari Fulbright.

1           Q     I'm asking you why you said it was correct to  
2 me a moment ago and why you said it was incorrect in  
3 your answer.

4           A     What did I say was incorrect?

5           Q     Please read the second sentence of Paragraph  
6 7 again.

7           A     Okay. "Fulbright's address is incorrect."

8                     But what address? So this document refers to  
9 this document?

10          Q     That's correct.

11          A     Okay. Can you just ask it another way so I  
12 can answer it and we can press on?

13          Q     Sure.

14          A     Okay.

15          Q     You alleged that your address was 8350  
16 Savannah Trace Circle, Suite 1806, Tampa, Florida,  
17 33615.

18          A     Yes.

19          Q     A moment ago I asked you if that address was  
20 correct.

21          A     Both addresses are correct. I have two  
22 addresses.

23          Q     Okay.

24          A     This is the address where everything is  
25 registered, this is the address where I file taxes.

## Deposition of Kumari Fulbright.

1 All of that is correct.

2 Q Will you please read the second sentence of  
3 Paragraph 7 one more time.

4 A "Fulbright's address is incorrect."

5 Q Tell me why you got your own address wrong in  
6 your Answer.

7 A It's not that I got it wrong.

8 Q Please tell me how something can be correct  
9 and incorrect at the same time.

10 A I have two addresses.

11 Q Well, the address, 8350 Savannah Trace  
12 Circle, Suite 1806, Tampa, Florida, 33615, correct or  
13 not?

14 A Yes.

15 Q Please read the second sentence of Paragraph  
16 7 of your Answer one more time.

17 A "Fulbright's address is incorrect."

18 Q Please reconcile those two responses.

19 A I cannot do that at this time --

20 Q Okay. Here is my question --

21 A -- according to --

22 Q -- did you put together the responses in that  
23 Answer or did somebody put them together on your  
24 behalf?

25 A Someone put them together for me on my behalf

## Deposition of Kumari Fulbright.

1 and I'd have to look at the date but I did have a  
2 little bit of a change in counsel at the beginning and  
3 so there.

4 Q This is your second Answer.

5 A Okay.

6 Q This was almost a year after this lawsuit was  
7 filed.

8 Is there any reason why you would still have  
9 your own address wrong approximately nine months after  
10 this lawsuit was filed?

11 A No.

12 Q Okay. So what you're telling me is Paragraph  
13 7 of that states something that is wrong?

14 A It's a mistake.

15 Q Are there any other mistakes in this Answer?

16 A I would need probably an hour to read through  
17 this at the level of detail that you're requiring.

18 Q Okay.

19 A There could be a missing comma. I could not  
20 say for sure.

21 Q Are you familiar with the importance of an  
22 Answer?

23 A I am.

24 Q And are you familiar with the importance of  
25 accuracy in that Answer?

## Deposition of Kumari Fulbright.

1 MR. LEECH: Object. She's not an attorney.

2 Q You can answer.

3 A Can you repeat the question?

4 Q Is it important for the statements in your  
5 Answer to be correct?

6 A I suspect it would be, yeah.

7 Q But you're telling me without reviewing that  
8 Answer you don't know if those statements are correct  
9 or not?

10 A I'm not -- can you repeat that question  
11 because real -- you got some parsing going on here. I  
12 want to be accurate.

13 Q I asked you if there were any other things  
14 stated in your Answer that are wrong. You said I would  
15 need to review the Answer to make sure.

16 Is that an accurate characterization of your  
17 testimony?

18 A I believe everything is right. Perhaps the  
19 sentence that you had me read in this Paragraph 7,  
20 "Fulbright's address is incorrect", could have been  
21 worded in a different fashion.

22 Q What would that fashion be exactly?

23 A I would say Fulbright's address where this  
24 document was sent was not the correct place where she  
25 was residing at that time or, you know -- I don't know

## Deposition of Kumari Fulbright.

1 how to say it grammatically and without there being a  
2 positive or preposition that might change or alter the  
3 meaning of the sentence.

4 Q Let me ask this differently.

5 If somebody tried to serve you at 8350  
6 Savannah Trace Circle, Suite 1806, Tampa, Florida,  
7 33615, would that service have been sent to the proper  
8 address?

9 MR. LEECH: Same objection. She's not an  
10 attorney. Asking for a legal conclusion.

11 Q Is that your residence?

12 A Yes.

13 Q Thank you. Let's go over your employment  
14 history. Are you currently employed?

15 A Yes. I'm self-employed.

16 Q Self-employed. This is the corporation?

17 A Yes.

18 Q What does that corporation do?

19 A Well, it does various things in  
20 entertainment. So, sometimes event planning, sometimes  
21 promotional activity.

22 I'm not sure if you're familiar with that.  
23 Could be a company that you promote their alcohol  
24 product or maybe a race where you're handing out  
25 T-shirts and that sort of thing.



## Deposition of Kumari Fulbright.

1 Q How long have you been employed there?

2 A I couldn't give you a specific date but I've  
3 been self-employed since my release from prison.

4 Q Let's say since 2012, have you worked  
5 anywhere else?

6 A No. Briefly I worked for a modeling agency,  
7 promotion company in the office for the same company  
8 that I do the promotion stuff for.

9 Q Any other --

10 A It involved 1099.

11 Q Any other source us of income over the past  
12 five years?

13 A Like Airbnb. I can't answer that in its  
14 entirety here especially with your level of finite  
15 details.

16 Q Take your time. Where else be have you been  
17 employed in the past five years?

18 A Nowhere.

19 Q What other sources of income other than  
20 Airbnb and being self-employed have you received over  
21 the past five years?

22 A Outside of Airbnb I rented out my apartment  
23 and just working for myself, yeah.

24 Q That's it?

25 A Yeah.

## Deposition of Kumari Fulbright.

1 Q No other sources of income whatsoever?

2 A I want to answer this properly. Are you  
3 asking anything that comes through my company?

4 Q Anything that would be disclosed on your tax  
5 returns.

6 A Everything that I do is not -- is 1099. I've  
7 only been employed by myself and a small period of time  
8 for a modeling company as far as I can recall.

9 Q I'm asking what other 1099 income would there  
10 be other than being self-employed?

11 Is there anything else?

12 A I can provide you with my 1099s. I'll say  
13 that.

14 Q That's not what I'm asking. I'm asking if  
15 you can recall any specific other income other than  
16 being self-employed and Airbnb?

17 A My company receives payment from MTV.

18 Is that --

19 Q That would be one example.

20 A Yeah. Anything I do there's -- I get 1099s  
21 from various promotion companies. I couldn't list them  
22 all here.

23 Q What other income can you recall other than  
24 MTV and the Airbnb and being self-employed?

25 A I think being self-employed covers the

## Deposition of Kumari Fulbright.

1 totality of everything.

2 Q Have you ever worked at an establishment that  
3 paid you over the past five years?

4 A Well, when I work at like Publix doing wine  
5 they pay my company, yeah.

6 Q Have you ever worked at a location where you  
7 were paid in tips?

8 A Yes.

9 Q What location was that?

10 A There's been a lot of locations.

11 Q Please give me a few examples.

12 A I don't have the addresses.

13 Q What are the names of the establishments?

14 A Scores, Cheetah, Doll House.

15 Q Slowdown. So tell me what you did for  
16 Scores.

17 A I'm an entertainer.

18 Q What does that mean?

19 A It means I entertain.

20 Q Be more specific, please.

21 A What would you like?

22 Q Who do you entertain?

23 A Their clientele, their customers.

24 Q How do you entertain them?

25 A With conversation, with performances.

## Deposition of Kumari Fulbright.

1 Q What does performances mean?

2 A Stage performances. What are you asking?

3 Q I'm just trying to figure out what is a stage  
4 performance.

5 A It's whatever you do.

6 Q I don't know what that means.

7 A You could sing, you could dance, you could --

8 Q So you sing and dance?

9 A Yeah.

10 Q Anything else?

11 A Mainly just dancing, yeah.

12 Q What kind of dancing are we talking about?

13 A Interpretive dancing.

14 Q What is interpretive dancing, specifically?

15 A I would say it's like a free movement,  
16 there's no choreography.

17 Q Scores is what kind of establishment?

18 A It is a bar and restaurant.

19 Q Would it be safely described as a strip club?

20 A I think you could say that, gentlemen's club.

21 Q Just so that I understand your testimony  
22 correctly, your singing and dancing is as an  
23 interpretive dancer at a strip club; is that correct?

24 A I mean exotic dancing. Whatever adjectives  
25 that you like to put in place. People have a lot of

## Deposition of Kumari Fulbright.

1 euphuisms for it.

2 Q And the second was Cheetah?

3 A Yeah.

4 Q Cheetah also a strip club?

5 A Yes.

6 Q And Doll House?

7 A Same.

8 Q Doll House also a strip club.

9 So there are several jobs that one could have  
10 at a strip club like door manager or bartender.

11 A Well, typically there's entertainer,  
12 waitress, you know, bartender.

13 Q We're talking about the person on the stage,  
14 right?

15 A They refer to that as an entertainer.

16 Q You are the entertainer on the stage.

17 A Yes.

18 Q And how would you characterize your  
19 satisfaction with that line of work?

20 A I think it's good. It's really flexible.  
21 It's allowed me to come here without having to take a  
22 vacation day or that sort of thing. It's a good job.

23 Q Is that something you would like to do for  
24 the rest of your life?

25 A It's something that I've done all of my adult

## Deposition of Kumari Fulbright.

1 life so I think I'll see it through, yeah.

2 Q So you're happy with your job, there's no  
3 reason for you to pursue a different line of work.

4 A Well, I'm entrepreneurial so I have a lot of  
5 things going on. It's definitely something that allows  
6 me to multi-task.

7 Q I'll tell you what I'm asking.

8 A Yes.

9 Q A few questions ago I asked you what jobs  
10 you've had in the past five years. You said you were  
11 self-employed through Kumari Fulbright, Inc. and Airbnb  
12 and it took us several questions before we got to  
13 interpretive dancing at strip clubs; is that correct?

14 A Yeah.

15 Q Is there a reason why you were --

16 A You were asking if I was employed by anyone  
17 and that's not an employee situation. I guess I was  
18 unclear.

19 Q I believe I asked what sources of income you  
20 had.

21 A I did. They're all -- my source of income --  
22 I know we said we were going to merge the company and  
23 the person so I don't want tit for tat there, but my  
24 company is paid from Scores by direct deposit. I'm  
25 paid by direct deposit from that.

## Deposition of Kumari Fulbright.

1 Q The purpose --

2 A I pay myself from my company so I guess I was  
3 answering for myself that -- I don't know really.

4 Q There was no intent to be deceptive when it  
5 took us, what, 20 questions to get to the names Cheetah  
6 and Scores and Doll House?

7 A No.

8 Q Let's move on to a new, different --

9 A It's public knowledge. You have my taxes  
10 there. It's all listed. It's not any secret. My  
11 parents know. It's certainly not anything that I'm not  
12 trying to disclose.

13 It's something that I was doing at the time  
14 that I dated Mr. Conway so it's not as if I didn't  
15 think that would be a part of y'all's awareness.

16 Q I've just handed you a document. Would you  
17 please read the name of the document beginning on line  
18 15?

19 A "CHANGE OF PLEA".

20 Q And the caption that covers lines 4 through 8  
21 says what?

22 A "STATE OF ARIZONA PLAINTIFF VERSUS KUMARI  
23 SEMONE FULBRIGHT, DEFENDANT".

24 Q That's you; is that correct?

25 A Yes.

## Deposition of Kumari Fulbright.

1           Q     Please flip through this for me just to  
2 refresh your memory.

3           A     Okay.  Okay.

4           Q     Does this look familiar to you?

5           A     Where can I find -- yeah.  Okay.  Yeah.

6           Q     Looking through this, does it appear to be  
7 accurate?

8           A     Yeah.

9           Q     Safe to say this is an authentic copy of your  
10 Change of Plea transcript?

11          A     Yeah.

12          Q     Are there any statements in this transcript  
13 that are incorrect?

14          A     What do you mean by that, like is there an  
15 error, not transcribed properly?

16          Q     There are situations where your attorney is  
17 speaking on your behalf --

18          A     Okay.

19          Q     -- and where you are speaking.  I'm asking if  
20 any of the statements either made by your attorney or  
21 made by you are incorrect.

22          A     Gosh, I couldn't say without full review of  
23 this.  If I was under oath I'll say it's accurate.  I'm  
24 not sure.

25          Q     So this was conveyed to a Court; is that



## Deposition of Kumari Fulbright.

1 correct?

2 A Yes.

3 Q Is this any reason why you would have said  
4 anything false to a Court?

5 A No.

6 Q Let me just ask about a couple of statements  
7 so I'm on Page 7.

8 A Okay. I'm going to read until Page 8. This  
9 is going to take a little while but bear with me.

10 Q This is Mr. Weiss, your attorney, speaking;  
11 is that correct?

12 A Yes.

13 Q So beginning on line 7 of Page 7, This  
14 actually will cover both counts. The evidence will  
15 show -- would show that Mr. Conway was invited to Ms.  
16 Kumari's house on Knox on December 8th, 2007 and all  
17 events that I am describing took place on that date and  
18 in Pima County. Mr. Ergonis was heard talking to  
19 someone on his cell phone and he indicated that he  
20 would call when he was ready for her to get in the  
21 shower and to make sure that a key was left under the  
22 mat. Our records would show that there were  
23 approximately 14 cell phone calls believed to be made  
24 on Mr. Ergonis's phone to Ms. Fulbright's phone on  
25 December 8th, the early morning hours, and in the early

## Deposition of Kumari Fulbright.

1 afternoon hours on that date, and Mr. Conway then came  
2 over to Ms. Fulbright's residence, she then got into  
3 the shower. Mr. Ergonis and Mr. Radde arrived at the  
4 Kumari Fulbright residences on Knox and knocked down  
5 Mr. Conway, he was tied up and taken at gunpoint to  
6 another residence located on Bryant Street. Then  
7 Mr. Ergonis brings back Mr. Conway to Ms. Fulbright's  
8 residence on Knox. Mr. Hammond would testify that, as  
9 he enters the residence, the door is opened by Ms.  
10 Fulbright and Mr. Conway is there and he is still  
11 bound, and Ms. Fulbright says where have you been, it's  
12 about time. And then during the course of Mr. Conway's  
13 presence at Knox, at this point in time the evidence  
14 would show that Ms. Fulbright said I have been waiting  
15 all week for this. Mr. Conway was kept at the Knox  
16 residence and was bound and at some point in time the  
17 Defendant -- that's referring to you -- held a knife  
18 for or brandished a knife towards his ear and made  
19 threats to him about cutting his ear.

20 Is that statement correct?

21 A Yes. And it's just really hard to read in  
22 here and this is the first time that I've seen Josh  
23 since that time and I just want to say I'm really sorry  
24 for what you've been through.

25 Q Please don't look at him. Will you read your

## Deposition of Kumari Fulbright.

1 statement on line 19?

2 A Yes.

3 Q What is that statement?

4 A "Do you agree with what your attorney said,  
5 Ms. Fulbright?" Is that part of what --

6 Q Sure.

7 A Then, "Absolutely not."

8 Q So the Court asked you do you agree with what  
9 your attorney said, Ms. Fulbright, and you said  
10 absolutely not; is that correct?

11 A Yes.

12 Q Well, I'm having trouble reconciling this  
13 again.

14 A Okay.

15 Q You just told me the statement was true and  
16 on line 19 here you're saying it's false.

17 So, is it true or is it false?

18 A When did I say -- repeat it. I'm sorry.

19 Q I'm only going to ask you if you disagreed  
20 with this statement. You said no and it's hard to  
21 read, and then you apologized.

22 A When you first handed me the document you  
23 asked me did I have any reason to believe there was  
24 anything said in it that was not accurate.

25 Q Correct.

## Deposition of Kumari Fulbright.

1           A     Then now you're asking me to read my  
2 statement here on line 19 where I say, "Absolutely  
3 not."

4           Q     Right.

5           A     Okay.

6           Q     So --

7           A     So when I answered your question the first  
8 time I believe it's accurate, I believe my attorney  
9 said what he said and I believe I said what I said and  
10 I believe everything written here is accurate so I  
11 stand by that.

12          Q     The question is, do you agree with what your  
13 attorney said?

14          A     I also said without being able to review this  
15 fully I couldn't say for sure.

16          Q     I'm just asking you right now. You just  
17 heard the statement. Is the statement correct or not?

18          A     Yes.

19          Q     The statement is correct. Is that your  
20 testimony?

21          A     Did I say absolutely not; is that correct?

22          Q     I'm asking if the facts that your attorney  
23 recited are accurate.

24          A     You know, it was like a very difficult time  
25 and taking this plea was really difficult.

## Deposition of Kumari Fulbright.

1 Q That's not the question I'm asking.

2 A So what my statement here is really if he  
3 said one little thing that wasn't perfect or that I  
4 felt didn't occur in that exact way I'm just absolutely  
5 not -- that's not what I agree with. That was the  
6 mindset there. I'm not sure.

7 Q I'm not sure what that means.

8 I'm asking you right now having just reviewed  
9 that statement whether the facts recited by your  
10 attorney are accurate or not. Are they accurate?

11 A I can't recall.

12 MR. LEECH: I'm going to object here real  
13 quick. This has been asked and answered a couple times  
14 and it's getting argumentative.

15 MR. HORWITZ: I want to know -- for the  
16 record, the first answer was they were accurate, the  
17 second answer in the plea is that it is absolutely not  
18 accurate and then upon being pressed, the third answer  
19 was I do not recall. I'd like to make this the next  
20 exhibit, actually.

21 (The above-referred to  
22 document was thereupon  
23 marked Fulbright Exhibit  
No. 6, and is attached  
hereto.)

24 BY MR. HORWITZ:

25 Q Ms. Fulbright, you pleaded guilty in the case

## Deposition of Kumari Fulbright.

1 of State of Arizona versus Fulbright; is that correct?

2 A Yes.

3 Q What did you plead guilty to?

4 A I pled guilty to two counts, one was for  
5 kidnapping and then one was for assault.

6 Q Did you commit those crimes?

7 A I did.

8 Q I've just handed you another document. Tell  
9 me if this document looks familiar to you.

10 A It does.

11 Q What is this document?

12 A It's titled "PLEA AGREEMENT".

13 Q Take a moment to look through this, please.

14 MR. LEECH: Go off the record for five  
15 minutes and read it?

16 MR. HORWITZ: We'll take five and y'all take  
17 a break.

18 (10:48 a.m., a recess was had until 10:50 a.m.)

19 BY MR. HORWITZ:

20 Q Have you had an opportunity to look through  
21 this agreement?

22 A I have.

23 Q Does it look familiar to you?

24 A It does.

25 Q And is there anything in this agreement that

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1 you think was not something that you agreed to?

2 A Can you rephrase that question, please?

3 Q Sure.

4 A Thanks.

5 Q Will you please turn to Page 6?

6 A Okay.

7 Q Is that your signature on the bottom of Page  
8 6?

9 A Yes.

10 Q Above that on line 7 do you see the caption  
11 "ACKNOWLEDGMENT OF SIGNATURES"?

12 A Yes.

13 Q On lines 8 to 9 of this document, tell me if  
14 you agree that it says, I agree to be bound by the  
15 terms and conditions of this plea agreement and  
16 acknowledge the following: I am not on or under the  
17 influence of any drug, medication, liquor or other  
18 intoxicant. My plea is not as a result of force,  
19 threats, assurances, promises other than those which  
20 are contained in this -- in writing in this agreement.  
21 I've read this agreement with the assistance of counsel  
22 and I understand its terms and understand the rights I  
23 give up by pleading guilty. If I am granted probation  
24 by the Court, the terms and conditions of probation are  
25 subject to modification at anytime during the period of

## Deposition of Kumari Fulbright.

1 probation in the event that I violate any written  
2 condition of my probation."

3 Is that an accurate recitation of what that  
4 says?

5 A Yes.

6 Q Did you sign this?

7 A Yes.

8 Q And Pages 1 through 5 precede your signature;  
9 is that correct?

10 A Yes.

11 Q Is there anything on Pages 1 through 5 that  
12 you did not mean to agree to?

13 A Okay. I don't believe so, no. No.

14 Q I'd like to turn to Page 1.

15 A Okay.

16 Q I'm going to read from the section that  
17 begins, "SPECIFIC TERMS THE PLEA."

18 A Okay.

19 Q It says, "The Defendant, Kumari Fulbright,  
20 agrees to plead guilty to the charges of Count One:  
21 CONSPIRACY TO COMMIT KIDNAPPING, A Class 2 Felony."

22 Is that correct?

23 A Yes.

24 Q Did you plead guilty to that offense?

25 A I did.



## Deposition of Kumari Fulbright.

1 Q Are you guilty of that offense?

2 A I am. I was. I am.

3 Q And are on Page 2, the section that says,  
4 "COUNT FOUR: AGGRAVATED ASSAULT, NON-DANGEROUS, A  
5 Class 3 Felony", did you plead guilty to that offense?

6 A I did.

7 Q And on or about the 8th day of December,  
8 2007, did you knowingly assault Joshua Conway at 1227  
9 E. Knox with a deadly weapon or dangerous instrument,  
10 to wit, a knife in violation of multiple Arizona  
11 statutes?

12 A Yes.

13 Q You did do that.

14 A Yes.

15 MR. HORWITZ: I'd like to make this the next  
16 exhibit, please.

(The above-referred to  
document was thereupon  
marked Fulbright Exhibit  
No. 8, and is attached  
hereto.)

20 BY MR. HORWITZ:

21 Q I'm going to hand you this. I don't think  
22 I'm going to make it an exhibit because I don't intend  
23 to use it, at least not at this time. I want you to  
24 review it. I've given you this in discovery.

25 MR. LEECH: Okay. Is that the sentencing

## Deposition of Kumari Fulbright.

1 hearing?

2 MR. HORWITZ: Yes.

3 MR. LEECH: Okay. Look at it and review it  
4 for accuracy. I have no reason to doubt it's not that.

5 THE WITNESS: Yeah, fine.

6 MR. HORWITZ: Take your time.

7 THE WITNESS: I don't think skimming it is  
8 really --

9 BY MR. HORWITZ:

10 Q Does it appear to be a transcript of your  
11 sentencing hearing?

12 A I agree, yes.

13 Q I've given your attorney that in discovery.  
14 I'd like to give you an opportunity to take  
15 as much time as you'd like to review it after this. If  
16 there are any inaccuracies in it, will you make the  
17 corrections a supplemental exhibit?

18 A Sure.

19 MR. LEECH: That works.

20 Q So you have been convicted of two felonies;  
21 is that right?

22 A I have.

23 Q Have you ever had any other brushes with the  
24 law?

25 A About two and a half years ago me and my

## Deposition of Kumari Fulbright.

1 sister got into an argument in a public bar and it  
2 ended up with police contact.

3 Q Did you get arrested?

4 A Yes.

5 Q For what were you arrested?

6 A Domestic fighting in a public place or  
7 something. It was a strangely worded thing. It was in  
8 the State of Texas. They have lingo.

9 Q Did you spend time in jail?

10 A Just a couple of hours.

11 Q What was the disposition of that arrest?

12 Were you convicted?

13 A No.

14 Q Any other arrests?

15 A No.

16 Q Have you ever been sued?

17 A Yes.

18 Q When?

19 A I'm being sued by Mr. Conway.

20 Q Any other occasions?

21 A Yes. By another individual in the State of  
22 Florida.

23 Q Who was that individual?

24 A His name is Russell Norwood.

25 Q What did Mr. Norwood sue you for?

## Deposition of Kumari Fulbright.

1           A     Some contracting work.

2           Q     Please be a little more specific.  He sued  
3 you for violating a contract?

4           A     No.  Construction contracting, some --

5           Q     What were the terms of the lawsuit?

6           A     It is pending.

7           Q     Is he seeking damages from you?

8           A     Yes.

9           Q     How much money is he seeking from you?

10          A     \$40,000.

11          Q     What are the nature of his allegations?  What  
12 is he alleging that you did?

13          A     That he's owed \$40,000 for his work.

14          Q     Did you contract him to do work?

15          A     I'm not in a position to take that question  
16 because it is a pending lawsuit.

17          Q     Your attorney can object to form.  I'm going  
18 to instruct you to answer.

19          A     Okay.  I'm going to decline to answer.

20               MR. LEECH:  I'll object to the form.

21               THE WITNESS:  I can't discuss that.

22               MR. LEECH:  Can I have a quick minute with  
23 her?

24               MR. HORWITZ:  Sure.  Take ten and then we  
25 should talk.

## Deposition of Kumari Fulbright.

1 (10:57 a.m., a recess was had until 11:10 a m.)

2 MR. HORWITZ: Would you read back the last  
3 question, please.

4 (The question was read back by the reporter).

5 BY MR. HORWITZ:

6 Q Did you contract him to do work?

7 A No.

8 Q Why is he suing you?

9 A He's suing me for \$40,000 for work he did on  
10 my condo.

11 Q So he did work on your condo without you  
12 contracting him to do it?

13 A Yes.

14 Q Why would he do that?

15 A We were lovers.

16 Q Did you ever threaten him?

17 A Not that I can recall.

18 Q Who is representing you in that case?

19 A Wesley, W-E-S-T-L-E-Y, last name Lockwood.

20 Q How many lawyers have you had over the course  
21 of your adult life?

22 MR. LEECH: I'm going to object to this,  
23 attorney-client privilege. Who she contracts with with  
24 an attorney can, in some cases, be protected.

25 MR. HORWITZ: I'm just wondering how many.

## Deposition of Kumari Fulbright.

1           THE WITNESS: I think I had five as a part of  
2 the criminal case.

3           Q     Five attorneys --

4           A     Six.

5           Q     Six attorneys for one case.

6           A     Uh-huh. And -- are you asking me how many  
7 attorneys I've ever talked to? What is the question  
8 again?

9           Q     How many have you employed?

10          A     More than six, less than 12.

11          Q     Six for your criminal case, four for this  
12 case; is that correct?

13          A     I don't know. Do you count everybody in the  
14 office because I didn't do that --

15          Q     Counting the three who are currently on your  
16 filings plus there's a reference to a fourth attorney  
17 in New York; is that correct?

18          A     I'm not sure.

19          Q     How many lawyers have you fired over the  
20 course of your adult life?

21          A     One.

22          Q     Have you ever had a lawyer withdraw from a  
23 representation because you asked him to do something  
24 illegal?

25               MR. LEECH: Objection, attorney/client

## Deposition of Kumari Fulbright.

1 privilege. It's still privileged, what she talks with  
2 the lawyer.

3 Q Are you familiar with the name Mike Storie?

4 A Yes.

5 Q Do you recall if Mr. Storie testified in the  
6 trial of Robert Ergonis?

7 A I don't.

8 Q If I --

9 A I was in custody during that trial so I don't  
10 know a lot of the particulars.

11 Q You don't know a lot of particulars of the  
12 trial.

13 A Yeah, I wasn't -- I was in custody so --

14 Q Because I believe you previously stated in  
15 some of your Interrogatories that you reviewed the  
16 exhibits of that trial and the witnesses.

17 A I did but not everything because it wasn't my  
18 case, you know?

19 Q Sure. What about the transcripts, have you  
20 read any of the transcripts?

21 A Some. Mostly just mine and I think I've -- I  
22 haven't even reviewed his.

23 Q None of the other witnesses, just your own.

24 A Uh-huh, yes.

25 Q So you don't recall Mr. Storie's testimony.

## Deposition of Kumari Fulbright.

1           A     No.

2           Q     If Mr. Storie testified that he was asked to  
3 remove a gun, would that testimony be accurate?

4           A     No.

5           Q     Have you ever asked anybody to do something  
6 illegal on your behalf?

7           A     Probably.

8           Q     Give me a couple of examples.

9           A     I mean I've smoked weed before so, you know,  
10 yeah, I've not --

11          Q     Have you asked someone else to do something  
12 illegal on your behalf?

13          A     I can't think of every instance but I would  
14 say yes, I've not followed every law. Clearly I'm a  
15 convicted felon. I asked Robert to kidnap somebody.

16          Q     Anything recent, by chance?

17          A     Not anything that I can think of. Nothing  
18 that stands out outside of maybe park my car in the  
19 handicapped for a minute or something innocuous. But I  
20 can't think of anything.

21          Q     Do you know anyone by the name of Kio  
22 Vasquez?

23          A     Yes.

24          Q     Who is Ms. Vasquez?

25          A     Is a girlfriend of mine in Tampa.



## Deposition of Kumari Fulbright.

1 Q She lives in Tampa?

2 A Yeah.

3 Q She doesn't live in Nashville; is that  
4 correct?

5 A No, sir.

6 Q Any reason why she would be in Nashville, to  
7 your knowledge?

8 A No.

9 Q Do you have any idea why Ms. Vasquez would be  
10 contacting Mr. Conway's wife?

11 A I do, yeah. This was kind of towards the  
12 beginning of the suit and I was just like, oh my God, I  
13 can't believe this, you know, I knew he was getting  
14 married.

15 I thought about the spousal privilege and I'm  
16 like maybe his wife knows something, maybe he's  
17 admitted to her he stole my jewelry, and it was a very  
18 stupid thing to do, can you meet with her.

19 And so I was trying to orchestrate something  
20 to get information.

21 Q What did that orchestration entail?

22 A It entailed her having Mr. Conway's wife show  
23 her a house because she was a real estate agent and my  
24 girlfriend is very congenial and I thought maybe she  
25 could elicit some information that would help my case.

## Deposition of Kumari Fulbright.

1           Q     So you orchestrated a fake house showing for  
2 the purpose of interrogating Mr. Conway's wife?

3           A     A fake house showing.

4           Q     Was Ms. Vasquez interested in buying a house  
5 from Mr. Conway's wife?

6           A     She was interested in -- be clear. I've been  
7 clear and up-front.

8           Q     I'm not done here.

9           A     Okay.

10          Q     You had Ms. Vasquez reach out to Mr. Conway's  
11 wife; is that correct?

12          A     Yes.

13          Q     In the pretense of that was to show her a  
14 house?

15          A     Yes.

16          Q     And the real reason that you wanted her to  
17 contact Mr. Conway's wife is because you wanted to get  
18 information from her about this case, is that correct?

19          A     Yes.

20          Q     Do you happen to know if Ms. Vasquez was  
21 confronted about this by Mr. Conway's wife?

22          A     I don't know the exact details but I know  
23 that Ms. Conway put two and two together and realized  
24 that Kio had a connection to me.

25          Q     Did Ms. Vasquez acknowledge that the request

## Deposition of Kumari Fulbright.

1 to have the house be shown to her was a pretense?

2 A I'm not sure.

3 Q If she lied about it, would that surprise  
4 you?

5 MR. LEECH: Object to the form.

6 THE WITNESS: What do you mean, do I think  
7 Ms. Vasquez is a liar? I don't know.

8 Q How did this correspondence come about? Did  
9 you call her?

10 A I did call --

11 Q Ms. Vasquez.

12 A Call or text, I'm sure, yeah. Maybe call.

13 Q You think you might have texted her?

14 A Actually it was in-person. I was there in  
15 Tampa.

16 Q Have you ever texted her about this  
17 particular incident?

18 A No. It was always on the phone.

19 Q You're absolutely positive about that?

20 A I'm not positive.

21 Q Do you have your phone on you today?

22 A I do.

23 Q Will you produce it, please?

24 MR. LEECH: I'm going to object to that. You  
25 can submit a request for an inspection, you can ask me

## Deposition of Kumari Fulbright.

1 what you want to do. You do not have the right to go  
2 through my client's phone.

3 MR. HORWITZ: I would like to inspect the  
4 text message chain between Ms. Fulbright and Ms.  
5 Vasquez.

6 MR. LEECH: What dates?

7 MR. HORWITZ: Between now and --

8 MR. LEECH: No, what dates. You don't get --  
9 let's go off the record for a second.  
10 (Discussion off the record)

11 THE WITNESS: Ms. Vasquez and I did.

12 MR. LEECH: I think this needs to be off the  
13 record. We're getting into where we're testifying.  
14 This is getting confusing. I'm not sure that it's at  
15 all appropriate for you to just ask for my client to  
16 bring up her phone.

17 MR. HORWITZ: Respectfully, your client just  
18 said she orchestrated this scheme to get to my client's  
19 wife, and that it was possible that there were text  
20 messages involved in that scheme.

21 I would like to review those text messages.

22 MR. LEECH: Take a ten minute break. Let's  
23 go in here. I need to do some research real quick.

24 MR. HORWITZ: I don't want the phone leaving  
25 the room.

## Deposition of Kumari Fulbright.

1 MR. LEECH: Is the phone with you right now?

2 THE WITNESS: No.

3 MR. LEECH: I'm going to go get it and give  
4 to it Mr. Beres.

5 (11:20 a.m., a recess was had until 11:23 a.m.)

6 MR. LEECH: Just for the record, Ms. Horwitz,  
7 I'm instructing my client not to let Mr. Horwitz just  
8 go through her phone in this deposition.

9 If you want to submit a request in writing  
10 under Rule 34, you can. Also, we at anytime don't know  
11 if those text messages are even in there or not.

12 THE WITNESS: Because I got a new phone.

13 MR. LEECH: So, you know, I think it's highly  
14 inappropriate for you to ask it here in the middle of a  
15 deposition. If you want to submit an Interrogatory,  
16 you can.

17 MR. HORWITZ: So I don't want to touch the  
18 phone. I do want to instruct the witness to go through  
19 it herself and read the text message chain between her  
20 and Ms. Vasquez for the record as far as it goes back.

21 MR. LEECH: No. That's overbroad. You don't  
22 get an entire personal conversations you have with  
23 somebody.

24 MR. CONWAY: The date she texted Christy was  
25 July 8th.

## Deposition of Kumari Fulbright.

1 MR. HORWITZ: Go back to July, 2016.

2 MR. LEECH: I'll allow that. Go in your  
3 phone and see if you still have it. I'll allow her to  
4 do it to see if it's still in there.

5 MR. HORWITZ: I'd like to put in on the  
6 record that I'm making an official request for  
7 preservation.

8 MR. LEECH: How far back does it go?

9 THE WITNESS: Just to May of this year.

10 MR. LEECH: May of this year?

11 THE WITNESS: Yeah.

12 MR. LEECH: The record it goes to Tuesday,  
13 May 2nd.

14 BY MR. HORWITZ:

15 Q Where would your phone from July, 2016 be?

16 A Like when you get a new phone you turn in the  
17 old one. I had a software issue with my phone so a lot  
18 of stuff got deleted.

19 Q Did you know that it was wrong to have Ms.  
20 Vasquez contact Mr. Conway's wife at the time?

21 A I knew my lawyer wouldn't like it but I  
22 didn't think it was illegal.

23 Q What was the specific request that you made  
24 of Ms. Vasquez?

25 A I just told her that she knew the back story

## Deposition of Kumari Fulbright.

1 of my history and I said I was being sued by Mr. Conway  
2 over me saying that he stole my jewelry and I was  
3 hoping that maybe he had admitted that to his wife or  
4 his girlfriend at the time.

5 I said they're getting engaged, they're  
6 probably going to get married and she'll have spousal  
7 privilege, maybe she will say something to you, maybe  
8 you can elicit something, maybe talk about boyfriends  
9 or just maybe get anything that would help me prove  
10 that he did take it and that he admitted it to somebody  
11 like his girlfriend.

12 Q And she agreed?

13 A Yes.

14 Q Do you know Ms. Vasquez's husband?

15 A Yes.

16 Q Was he involved in this scheme as well?

17 A No.

18 Q Did you ever ask him to be involved in this  
19 scheme?

20 A No.

21 Q To your knowledge, did she ever ask him to be  
22 involved in this scheme?

23 A No.

24 Q And from your perspective, you believed that  
25 Mr. Conway's wife might be a useful witness in this

## Deposition of Kumari Fulbright.

1 case; is that correct?

2 A Yeah.

3 Q So you orchestrated a scheme to get to a  
4 witness in this case; is that correct?

5 MR. LEECH: Object to the form.

6 THE WITNESS: I'm not sure. I mean scheme  
7 and you're just --

8 Q You used the word "orchestrated" before, did  
9 you not?

10 A Yeah.

11 Q The purpose of what you were orchestrating  
12 was what, specifically?

13 A Just to get details and information that  
14 would help for the case. An investigatory method. I  
15 don't know the lingo. I feel like every word that I  
16 say is being challenged to the exact definition of what  
17 that would be and I don't know, I feel like I'm being  
18 taken so literally it's hard for me to even communicate  
19 candidly with you. I'm trying to answer truthfully and  
20 give you what you want to know but --

21 Q Let's use colloquial terms.

22 A Let's do that.

23 Q You were trying to get to this witness.

24 A Is she a witness?

25 MR. LEECH: Object to the form.



## Deposition of Kumari Fulbright.

1           Q     You were trying to get to someone who you  
2 thought might be a useful witness here; is that  
3 correct?

4           A     Yeah. I'm doing that in other regards as  
5 well, you know what I mean? I'm looking for ways to  
6 help my case, yeah, absolutely, I mean anybody that  
7 would know anything, of course, I'm seeking out.

8           Q     Was it ever your intent that Ms. Vasquez  
9 threaten Ms. Conway?

10          A     No. What good is that going to do?

11          Q     Was it your intent to have anyone kidnap Ms.  
12 Conway?

13          A     No.

14          Q     Have you ever had someone kidnapped before?

15          A     I have. But I've been rehabilitated.

16          Q     Does that rehabilitation including enlisting  
17 colleagues of yours to orchestrate schemes to get to  
18 witnesses?

19               MR. LEECH: Object to the form.

20               THE WITNESS: Are you asking if in prison  
21 they had rehabilitation programs that addressed what  
22 you just said?

23          Q     No. I'm asking whether you believe that  
24 having a colleague of yours orchestrate a scheme to get  
25 to Mr. Conway's wife --

## Deposition of Kumari Fulbright.

1 MR. LEECH: Object to the form.

2 Q -- is part of your rehabilitate personality?

3 MR. LEECH: Object to the form.

4 THE WITNESS: Is that something that's wrong?

5 Did I do something wrong? It's not wrong. It's not  
6 illegal. I mean I'm seeking out all kinds of witnesses  
7 and trying to find out what I can.

8 Q I'm handing you a document.

9 A Okay.

10 Q Now, I am representing to you that this is  
11 the testimony of Michael Storie in the trial of Robert  
12 Ergonis.

13 Any reason to dispute that representation?

14 A No.

15 Q Will you turn to Page 29 for me, please?

16 A Sure.

17 MR. LEECH: Can she have a minute to read  
18 this before you ask questions about it?

19 MR. HORWITZ: Sure.

20 MR. LEECH: Go off the record.

21 (Discussion off the record)

22 BY MR. HORWITZ:

23 Q Do you dispute any of the characterizations  
24 in this testimony?

25 MR. LEECH: Object to the form.

## Deposition of Kumari Fulbright.

1 THE WITNESS: It was his recount of  
2 conversation with a person besides me.

3 So, I don't know.

4 Q You have no reason to believe that he is  
5 testifying falsely.

6 A I can't say. I barely know him. I don't  
7 know his character. I couldn't answer that. I'm  
8 sorry.

9 Q On Page 29, lines 14 to 16, the question is,  
10 "And your involvement in this case deals with a gun"  
11 and the answer is, "Right".

12 A Okay.

13 Q Do you know what gun they're talking about,  
14 by chance?

15 A I do.

16 Q Which gun is that?

17 A There was a gun that may or may not have been  
18 involved in the kidnapping but it was at my home and  
19 when I got back to my home after being released from  
20 jail, I gave that gun to my attorney because in my  
21 little one class of Law School I know you can turnover  
22 the evidence to your attorney and they can handle it.

23 So I gave it to my attorney at the time.

24 Q Where was that gun?

25 A That gun was somewhere in my apartment.

## Deposition of Kumari Fulbright.

1 Q Where specifically?

2 A I was kind of frazzled in that moment. I  
3 think in the bathroom or under a couch, under the sink.  
4 Somewhere.

5 Q Could it have been in the toilet?

6 A Yes. Yes, it is.

7 Q Do you recall how the gun got into that  
8 toilet?

9 A I don't.

10 Q Is it possible that you put it there?

11 A It's possible but it could have been Rob. I  
12 don't know. It could have been anybody. There was a  
13 lot of people there that night and, again, I wasn't  
14 even sure if it was one of the guns that were used that  
15 night. There's a gun in my house involved in this and  
16 let's turn it over to my attorney because that's what  
17 you're supposed to do.

18 Q That's what you're supposed to do. Is that  
19 what you just said?

20 A Yeah, if you find evidence, from what I  
21 remember.

22 Q Your house was a crime scene, was it not in?

23 A Yes.

24 Q This gun was in the house?

25 A Yes.

## Deposition of Kumari Fulbright.

1           Q     And the evidence could have been involved in  
2 this kidnapping; is that correct?

3           A     Yes.

4           Q     Then you took that evidence from the house;  
5 is that correct?

6           A     I can't recall exactly how it all played out.

7           Q     At some point you removed the gun from the  
8 toilet; is that correct?

9           A     Yeah, and gave it to my attorney.

10          Q     You wouldn't have hidden the gun in that  
11 toilet, would you?

12          A     I don't know.

13               MR. LEECH:  Objection, asked and answered.

14               THE WITNESS:  I can't really remember.  It  
15 was a really -- when all this has happened, police  
16 sirens, I can't remember every detail.

17          Q     It's a pretty important detail, is it not?

18          A     Important to who?

19          Q     Well, to me, for one.

20          A     Okay.  Fair.

21          Q     Did you call Mr. Ergonis after Mr. Conway  
22 escaped?

23          A     The phone records showed that I did, yes.

24          Q     My question was whether you did.

25          A     That was a very shocking moment and I can't

## Deposition of Kumari Fulbright.

1 remember very much of anything at that time. I mean we  
2 had just had a gun go off, drag down the street. It  
3 was very intense.

4 I can't remember anything. I don't know what  
5 I was wearing, I don't know -- that particular moment  
6 especially was very lost.

7 Q So my question was, did you call Mr. Ergonis  
8 after --

9 A The phone records reflect that I did and I  
10 would say that must have been the case.

11 Q Do you remember what you talked about with  
12 Mr. Ergonis?

13 A I don't.

14 Q Do you remember how long your conversation  
15 was with Mr. Ergonis?

16 A I don't. I think the phone records show it  
17 was a long call but I tend to think that maybe I just  
18 dropped the phone and the phone was still going because  
19 there was a very short time between, you know, Josh  
20 being able to escape and free himself and the police  
21 apprehending me.

22 I don't even know that the length of the call  
23 that the phone records shows. May even be longer than  
24 that time period.

25 To answer your question, no.

## Deposition of Kumari Fulbright.

1           Q     What was the purpose of your call to  
2 Mr. Ergonis?

3           A     To let him know that Josh had escaped from  
4 the kidnapping.

5           Q     And what did he say?

6           A     I cannot remember.

7           Q     Do you happen to know if anyone else  
8 overheard this call?

9           A     No, I don't know that.

10          Q     Is it possible that you asked Mr. Ergonis  
11 where to hide a gun?

12          A     It's possible but I don't know. I really  
13 can't remember and I can remember a lot of things at  
14 that time more than Mr. Conway did yesterday so --

15          Q     Move to strike.

16                 Is it possible that you asked Mr. Ergonis  
17 where to hide a gun? Yes or no?

18          A     It's possible. Anything is possible.

19          Q     Is it possible that he instructed you to hide  
20 a gun in the toilet?

21          A     Yeah, I mean it is. I honestly don't  
22 remember the details of that conversation but -- and  
23 maybe in my testimony I did at that time.

24                 I would be happy to go back and defer to that  
25 because I do remember being questioned about this back

## Deposition of Kumari Fulbright.

1 then and I would stand by whatever I said then.

2 Q To the best of your knowledge, is hiding  
3 evidence illegal?

4 A Yes --

5 MR. LEECH: Objection. Calls for a legal  
6 conclusion.

7 THE WITNESS: -- to the best of my knowledge.

8 Q Why would you have hid evidence?

9 A Because I was a criminal.

10 Q If testimony had been offered to indicate  
11 that you hid the gun in the toilet, would you have any  
12 reason to dispute that testimony?

13 A Again, like I said, that's very possible. I  
14 don't know if that gun was hidden in the toilet at that  
15 time, sometime during this 8 hour span.

16 It's a little jumbled to me.

17 Q You mentioned the reason that you hid, might  
18 have hid that evidence is because you were a criminal;  
19 is that correct?

20 A Yeah.

21 Q What was the specific goal of hiding that  
22 evidence?

23 A Not to get caught. That's most criminal  
24 goals.

25 Q Any other criminal goals?



## Deposition of Kumari Fulbright.

1           A     I can't recall any specific goals other than  
2 not getting caught.

3           Q     Have any of those goals dissipated?

4           A     I don't understand that question.

5           Q     Do you still have those goals?

6           A     Of not getting caught?

7           MR. LEECH: Object to the form.

8           THE WITNESS: I don't do crime anymore. I  
9 mean -- I don't know. Mr. Horwitz, I don't know.

10          Q     Are you still attempting to avoid  
11 accountability for your actions during the kidnapping?

12          A     No. I take full responsibility for  
13 everything that happened that night and I --

14          Q     You don't take responsibility for hiding the  
15 gun; is that correct?

16          MR. LEECH: Object to the form.

17          THE WITNESS: I take responsibility for  
18 everything that happened that night whether I recall or  
19 don't recall what I did in exact detail.

20          Q     Do you take responsibility for fabricating an  
21 allegation that Mr. Conway stole your jewelry?

22          A     No --

23          MR. LEECH: Object to the form.

24          THE WITNESS: -- because he did steal my  
25 jewelry.

## Deposition of Kumari Fulbright.

1 MR. HORWITZ: I'd like to make this the next  
2 exhibit.

3 (The above-referred to  
4 document was thereupon  
5 marked Fulbright Exhibit  
6 No. 9, and is attached  
7 hereto.)

8 (11:44 a.m., a recess was had until 11:55 a.m.)

9 BY MR. HORWITZ:

10 Q I'm handing you two different documents.  
11 That was the first one. This is the second one.

12 These documents look familiar to you?

13 A Yes.

14 Q And will you please read the titles of both  
15 documents, please?

16 A Okay. We've got "RESPONSES TO PLAINTIFF'S  
17 FIRST SET OF INTERROGATORIES" and "AMENDED RESPONSES TO  
18 PLAINTIFF'S SECOND SET OF INTERROGATORIES AND REQUESTS  
19 FOR PRODUCTION OF DOCUMENTS".

20 Q Fair to assume that you participated in  
21 answering these?

22 A Yes.

23 Q Any reason to believe that anything in these  
24 requests is inaccurate?

25 A No, everything should be accurate.

Q You have signed both of these requests --

A I did.

## Deposition of Kumari Fulbright.

1 Q -- is that correct?

2 A Yes.

3 Q I'd like to turn to Page 5 of the  
4 Supplemental Amended Response.

5 A Okay.

6 Q And my question is, "List all information  
7 relied upon by Defendant to support her allegation that  
8 Plaintiff stole money from her."

9 A Okay.

10 Q The answer begins with, "Furthermore".

11 Is there something that was supposed to be  
12 there beforehand?

13 A I couldn't say for sure. I didn't draft it.

14 Q And the answer you have provided says, "Mr.  
15 Conway stole Ms. Fulbright's money based on motive and  
16 opportunity"; is that correct?

17 A Where are you?

18 Q The first sentence.

19 A Oh. Yes.

20 Q Tell me what you mean by that.

21 A Opportunity would be just by definition you  
22 have the opportunity, and motive is needing money or  
23 whatever the motive is.

24 Q I guess what I'm asking you to do is specify  
25 what you believe is his motive and specify what you

## Deposition of Kumari Fulbright.

1 believe is the opportunity.

2 A I would say the motive would be -- why anyone  
3 would steal money, they want more, they need money,  
4 they're lacking money, they -- I don't know.

5 Q Okay. And opportunity.

6 A Opportunity, I would like to refer --

7 MR. LEECH: I'll object to the form, lack of  
8 foundation.

9 Q What opportunity did Mr. Conway have that  
10 others did not?

11 A We were together, access to my purse, you  
12 know, just proximity. I don't know how complete --

13 Q I'm asking for all of the evidence you have  
14 that he stole money from you.

15 Is there anything else?

16 A Well, no, I don't have anything other than  
17 that. In regards to both -- well, we'll stay on this.

18 In regards to stealing of money, it's just  
19 money came up missing while I was with him. I don't  
20 know that he stole it. I've never said I know for  
21 certain that he stole it.

22 I just said I'm with Josh on this night.  
23 There was money in my purse. There wasn't the  
24 following day. I asked him about it. We pulled over  
25 on the side of the road he said and my purse fell and

## Deposition of Kumari Fulbright.

1 maybe it fell out.

2 So, there's other explanations, you have.

3 However, that is also a possible explanation if you're  
4 looking at something and saying what could have  
5 happened.

6 Q What other explanations might there be?

7 A It falling out of my purse, him taking it.  
8 That about covers it as far as I can think of right  
9 now.

10 Q Is it possible you lost it?

11 A That would be falling out of my purse. That  
12 would go under the umbrella of that.

13 Q Any other evidence in the entire world that  
14 you can think of that would support this contention?

15 MR. LEECH: Object to the form.

16 THE WITNESS: Can you say it again? I'm  
17 sorry.

18 Q I'm trying to get the full universe of  
19 reasons.

20 A Do you want me to give you the details of  
21 that night?

22 Q I'm asking, if you know, are you claiming  
23 that he made some kind of admission that he stole money  
24 from you?

25 A No. No.

## Deposition of Kumari Fulbright.

1 Q Did somebody see him steal money from you?

2 A No.

3 Q Were there video cameras showing him stealing  
4 money from you?

5 A No.

6 Q Now, you note later in this response, and I'm  
7 just going to read: "Defendant points Plaintiff and  
8 Plaintiff's counsel to any and all exhibits on file  
9 with the Pima County Superior Court, State of Arizona  
10 versus Robert Ergonis, number CR-2007 4823."

11 A Okay.

12 Q You also reference the parties and witnesses  
13 in that case and statements to police and prosecutors.

14 What specific evidence introduced in the  
15 Ergonis trial supports the theory that Plaintiff stole  
16 your money?

17 A Well, there were things in that trial in the  
18 testimony that would speak to the opportunity that he  
19 had. It was discussion of keys and this, that, our  
20 relationship, and I would say that might have been  
21 referring more to that than -- that wasn't the issue at  
22 that trial.

23 That trial was about Robert Ergonis's  
24 culpability in that crime that night. So many of the  
25 details that we're hammering out in this case weren't

## Deposition of Kumari Fulbright.

1 specifically identified there but things are  
2 tangentially related.

3 Q Tangentially related you said?

4 A Yes, I did.

5 Q Anything directly related to the  
6 allegation --

7 A Just in regards to the motive and  
8 opportunity. So in terms of motive, they testified as  
9 to statements Josh made about having debts and that  
10 sort of thing.

11 Am I answering you? Okay.

12 Q Anything else that you know of that supports  
13 your theory that he stole money from you?

14 A As related to --

15 Q Anything.

16 A No, just the details of the night when I  
17 believe that that happened.

18 Q Did you ever file a police report regarding  
19 your stolen money?

20 A No.

21 Q Did you ever sue Mr. Conway?

22 A I did not.

23 Q Who did you intend to call as a witness in  
24 support of your theory that Mr. Conway stole money from  
25 you?

## Deposition of Kumari Fulbright.

1           MR. LEECH: I'll object to the form. That  
2 calls for any kind of legal conclusions.

3           Q     That's fair. The reason I ask is that --  
4 let's do this: If there are witnesses you intend to  
5 call to support this theory, will you make those a  
6 supplemental exhibit?

7           A     Absolutely, yes.

8           MR. LEECH: I believe I noted that just for  
9 the record on this that we will supplement when it  
10 becomes available.

11          MR. HORWITZ: I want a timeline for this  
12 because our third-party deposition timeline is coming  
13 up.

14          THE WITNESS: Every witness that is going to  
15 be used for the trial needs to be deposed in the next  
16 45 days, is that what I understood?

17          MR. HORWITZ: Doesn't need to be but we have  
18 the option. I'd like to know which witnesses support  
19 this theory because to date none have been disclosed in  
20 support of this theory.

21                Can we say within 30 days of this deposition  
22 being concluded?

23          MR. LEECH: I'm not going to give a timeline  
24 on that because, again, discovery in this matter is  
25 ongoing up until the time of trial. There's disclosure



## Deposition of Kumari Fulbright.

1 rules of witnesses you intend to use at trial. When I  
2 discover any I will tell you.

3 There are three listed down there, Josh  
4 Conway, Larry Hammond and Kumari Fulbright already.

5 THE WITNESS: I do see David Radde's name is  
6 omitted from. I think that would be clear he's  
7 involved.

8 MR. HORWITZ: You point to the statements of  
9 Mr. Conway and Mr. Hammond and Ms. Fulbright. There's  
10 a specific question about witness designation that's  
11 still empty.

12 MR. LEECH: Okay.

13 BY MR. HORWITZ:

14 Q Let me ask you now, do you intend to call Mr.  
15 Hammond?

16 A I don't know. I think we would, right.

17 Q Does Mr. Hammond have evidence to support  
18 your theory that Plaintiff stole money?

19 A No, not --

20 Q That's what I'm asking.

21 A He would maybe provide testimony on the  
22 motive or -- I don't know what everyone is going to  
23 testify to, you know.

24 Q Who has direct knowledge of your theory that  
25 Mr. Conway stole money from you?

## Deposition of Kumari Fulbright.

1           A     Can you ask that in another way?

2           Q     Is there anyone who can testify with some  
3 degree of certainty that Mr. Conway stole money from  
4 you?

5           A     No, there was no one witnessed stealing the  
6 money. I don't know that he's stole the money. I  
7 always postured this as hey, I left this cup in here  
8 and it spilled, I walked out and any of you four people  
9 must have spilled it. That's been kind of the way I  
10 parse it. I never said he stole it and I know it.

11          Q     I'll move on. Turn to the next page, this is  
12 question No. 7. I've asked you to list all information  
13 that you've relied upon to support your allegation that  
14 Mr. Conway drugged you.

15                     And your response, if I'm reading it  
16 correctly, is, "Personal belief based on events and my  
17 abnormal physiological reactions on the evening in  
18 question."

19                     Is that a correct recital of your response?

20          A     Yes.

21          Q     Tell me what you mean by that.

22          A     This is also a part of the same evening with  
23 the money, and so based on the events, the details of  
24 that night -- which you said you aren't interested in  
25 hearing about -- and then the abnormal physiological

## Deposition of Kumari Fulbright.

1 reactions would be I just blacked out, I didn't feel  
2 good, I was groggy. It was just a really strange  
3 reaction.

4 Q Have you ever blacked out before other than  
5 this?

6 A Prior to this time?

7 Q Before or after.

8 A I can't recall anytime where I've ever  
9 experienced what I experienced that night, no.

10 Q College, never blacked out in college?

11 A No. Wasn't a big drinker in college.

12 MR. LEECH: Object to the form.

13 THE WITNESS: I was more of a weed smoker. I  
14 went to school in Ann Arbor, kind of the Colorado  
15 Midwest.

16 Q Did you get your blood drawn after this  
17 event?

18 A I did not.

19 Q Do you have any medical training?

20 A No. Well, I was pre-med.

21 Q Do you have any formal medical training?

22 Are you a doctor?

23 A No.

24 Q Are you a nurse?

25 A No.

## Deposition of Kumari Fulbright.

1 Q Are you a toxicologist?

2 A No.

3 Q Do you have any training in toxicology?

4 A No. Based on my physiological reaction, my  
5 personal assessment of my body and --

6 Q Other than your personal recollection, do you  
7 have any evidence that you were drugged?

8 A No.

9 Q Did you actually see yourself or did you see  
10 anyone put anything in your drink?

11 A No.

12 Q Again, this is another circumstance?

13 A Again, this is another circumstance of who  
14 knows what happened? Maybe it was the bartender.  
15 There's a lot of other explanations. I made that clear  
16 anytime I've ever spoken on this issue.

17 Q You were at a bar.

18 A This restaurant.

19 Q There was a bartender there?

20 A Yes.

21 Q Other people in the restaurant?

22 A Yes.

23 Q Did you know all the other people in the  
24 restaurant?

25 A No. Again, yeah, there's definitely other

## Deposition of Kumari Fulbright.

1 explanations.

2 Q Did you ever file a police report following  
3 this event?

4 A I did not, no.

5 Q Did you ever sue anyone regarding this event?

6 A No, sir.

7 Q Did you ever tell the police about this event  
8 at any point during the Ergonis trial?

9 A I can't be sure.

10 Q If I represented to you that you did not,  
11 would you have any reason to dispute that?

12 A No. If you've read every shred of paper then  
13 I'll go with that. That trial was not -- all of that  
14 stuff was focused on another issue so I only answered  
15 questions that I was asked and no one asked me about  
16 this so --

17 Q Tell me about the night in question. You  
18 were modeling at the time; is that correct?

19 A Yeah.

20 MR. LEECH: Object to the form, lack of  
21 foundation.

22 Q Were you modeling at the time?

23 A Yes.

24 Q What was your occasion to be in this  
25 restaurant that evening?

## Deposition of Kumari Fulbright.

1           A     I was working for a vitamin supplement  
2 company as a model and there was going to be an  
3 opportunity for me to be in some sort of magazine  
4 publication. I can't recall that detail.

5                     So I was going to meet with the owner of the  
6 company and meet with that person and I was really busy  
7 with studying, I can't make it, I'm not going to be  
8 able to go. This is a big opportunity.

9                     So Josh, at the time, offered to drive me so  
10 I could study in the car and then go to the meeting and  
11 then he would drive me back and I could study on the  
12 way home.

13           Q     Josh drove you to the meeting?

14           A     Yes.

15           Q     Then you were at the meeting.

16           A     Yes.

17           Q     Then Josh drove you back.

18           A     Yes.

19           Q     Was Mr. Conway at the meeting?

20           A     No.

21           Q     For the record, Josh and Mr. Conway are the  
22 same person.

23                     Were you feeling what you have characterized  
24 as an abnormal physiological reaction on the way to the  
25 meeting?

## Deposition of Kumari Fulbright.

1           A     No.

2           Q     Did you feel what you have characterized as a  
3 abnormal physiological reaction following the meeting?

4           A     No. The last -- maybe -- narrow that  
5 question a little bit. Immediately when it concluded?  
6 Obviously after I did, if you just use the word after  
7 to mean beyond the meeting --

8           Q     After the meeting -- was Mr. Conway at this  
9 meeting?

10          A     No. He stayed in the car. He went to get  
11 gas. He got some like big gulps of something to drink.

12          Q     Is it possible he went to a movie while you  
13 were at the meeting?

14          A     I think he did.

15          Q     Approximately when did this meeting take  
16 place?

17          A     I'm not sure but I can provide you with the  
18 date. It was in the four month span of our courtship.

19          Q     Prior to the kidnapping.

20          A     Yes.

21          Q     Maybe a couple months prior to the  
22 kidnapping?

23          A     Yes, I would say-so. I want to say September  
24 but --

25          Q     You and Mr. Conway were living together at

## Deposition of Kumari Fulbright.

1 the time; is that correct?

2 A No. He had a place and I had my own place  
3 but we stayed the night at each other's house a lot.

4 Q How often is "a lot"?

5 A I would say probably four times a week but I  
6 don't know for sure.

7 Q That's fine.

8 A It increased the more that we dated. Okay.  
9 On a Saturday night I stayed over and then it became --

10 Q More and more often --

11 A Yeah.

12 Q -- after this happened. Did you continue to  
13 stay at one another's houses?

14 A Yes.

15 Q I'll tell you why I'm asking.

16 A Sure.

17 Q If I had believed that my significant other  
18 drugged me and stole from me, I don't think I would  
19 have let that person stay over at my house anymore.

20 I'm asking if you continued to allow him to  
21 sleep over at your house after this event took place.

22 MR. LEECH: I'll object to that question.

23 THE WITNESS: I did, Mr. Horwitz, and at the  
24 time I actually thought the person that I was -- Josh  
25 said maybe it was the person who you were with. Yeah,



## Deposition of Kumari Fulbright.

1 it must have been him. What's going on?

2 So I didn't initially -- it crossed my mind  
3 about Josh but I quickly dismissed it because, again,  
4 he's my boyfriend, we are like crazy in love so I  
5 didn't want to believe that he did anything wrong.

6 Only in the aftermath of these events where  
7 he steals my things and all this stuff goes down I'm  
8 piecing together all of the past and things that  
9 happened that, you know, did you have any signs that he  
10 would do something like that?

11 I'm thinking back on all these other events  
12 that happened during our relationship, lies that he  
13 told, this, that and the other and so I'm formulating  
14 at the time I didn't think of him.

15 Q Not certain?

16 A I did ask him about the money.

17 Q If you had thought that he would drug you and  
18 stolen from you, there's no way you would have let him  
19 stay over there, right?

20 A No. No. Yeah, at the time I thought it must  
21 have been the other person who I had the meeting with  
22 and, in fact, I questioned that person about that.

23 Q I guess what level of certainty would you  
24 have required to refuse to allow him to stay at your  
25 place any longer?

## Deposition of Kumari Fulbright.

1           A     Well, if I had just been with him, Josh, me  
2 and him all night and at my apartment and no other  
3 opportunity for anyone else to have been the culprit,  
4 then obviously I would say, hey.

5           Q     What about if there was a 25 percent chance  
6 that he had drugged you and stolen from you, would you  
7 have let him stay there?

8           MR. LEECH: Object to the form.

9           THE WITNESS: I think that may be the  
10 percentage it could have been. We're talking about  
11 could have been bartender, could have been the person I  
12 was with. I don't know. We would have to count  
13 possible people and divide.

14           You know, you don't want to believe anybody  
15 that you loved did anything wrong even when you have  
16 kind of some evidence. God, well, I saw lipstick on  
17 his collar. Do you know what I'm saying? You want to  
18 believe what you want to believe.

19           Q     I'll move on. Is there anyone else, to your  
20 knowledge, observed Mr. Conway put anything in your  
21 drink?

22           A     No.

23           Q     Any documentary evidence to indicate that you  
24 were drugged?

25           A     No, uh-uh.

## Deposition of Kumari Fulbright.

1           Q     Is it possible that you had just too much to  
2 drink?

3           A     You know, I don't think so and I know that  
4 that night, it was a busy meeting, I wasn't out  
5 partying and I had a couple of drinks.

6                     I knew my tolerance at that time and that  
7 would not have at all -- I don't recall anything. He  
8 said the next morning, we were kind of laughing, "You  
9 did this?" I said, "What?"

10                    It was a complete loss of memory and  
11 consciousness of what was happening. But sometimes you  
12 drink and you drink five drinks and, man, I don't feel  
13 a thing and sometimes you drink two and you're like  
14 wow, did I eat, did I sleep? Alcohol is really  
15 temperamental when it comes to the state of your body.

16                    So it's possible.

17           Q     You mentioned loss of memory. I guess I'm  
18 trying to pin down what exact -- what's the last thing  
19 you remember?

20           A     The last thing I remember is he picked me up,  
21 I got in the car. He had something for me to drink in  
22 the car and we got on the highway and shortly after I  
23 don't remember anything.

24                    He said we pulled over on the side of the  
25 road. I don't remember that. He said I dropped my

## Deposition of Kumari Fulbright.

1     purse. I didn't remember that. I didn't remember  
2     coming home. He said we made love. I don't remember  
3     that.

4           Q     Approximately how many drinks do you recall  
5     having at the restaurant?

6           A     I think total that evening two, no more than  
7     three but I don't think I finished them all. It was  
8     kind of -- I was planning to study on the way home so I  
9     wasn't out to -- I was drinking very socially just to  
10    not be a tea totaler kind of deal.

11          Q     Did you watch the preparation of those drinks  
12    by chance?

13          A     Not with the level of closeness where I could  
14    say I was or was not drugged during those times.

15          Q     It could have been the bartender.

16          A     We know it could have been.

17          Q     Or the people that you were with.

18          A     It's possible.

19          Q     How many people were you with?

20                MR. LEECH: Object to the form lack of  
21    foundation.

22                THE WITNESS: Just one.

23          Q     Did you ever get up to go to the bathroom?

24          A     I can't recall that.

25          Q     Is it possible you went to the bathroom?

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1           A     It's possible, yeah. Yeah. I'm not denying  
2 that there's other options of people.

3           Q     You said you would characterize your level of  
4 certainty at 25 percent; is that correct?

5           MR. LEECH: Object to the form.

6           THE WITNESS: I didn't say that. I said we  
7 would have to know how many possible people there were  
8 and divide and gain the percentage that way.

9           Q     Any other evidence that you can think of that  
10 Mr. Conway drugged you?

11          A     No, not at the moment. No.

12          Q     I guess this happened a very long time ago;  
13 is that right?

14          A     Yeah. Well, maybe that I know he used drugs  
15 and had access to drugs so I guess that would be --

16          Q     The reason I'm asking, you said at the  
17 moment.

18          A     Something just popped into my head a second  
19 thought, he did use drugs and had access to drugs so I  
20 guess that would be --

21          Q     You never reported being drugged; is that  
22 right?

23          A     No.

24          Q     Is that because you didn't believe you were  
25 drugged?

## Deposition of Kumari Fulbright.

1           A     No.  I'm not -- we'll get into that I'm sure.  
2  I'm not a big police caller.  You can search all my  
3  phone records.  I don't call 9-1-1.  It's just not the  
4  way --

5           Q     What occasions would you have to call 9-1-1?

6           A     If I just like involved in a home invasion.

7           Q     Have you been involved in a home invasion?

8           A     No.

9           Q     What other circumstances would you call 9-1-1  
10 and you would not?

11          A     Oh, if --

12               MR. LEECH:  Object to the form.

13               THE WITNESS:  If my boyfriend hit me, I  
14 wouldn't call 9-1-1.

15          Q     I'll move on.  The next page is Page 7 of  
16 your second Interrogatories.  This is, again, for the  
17 record, "DEFENDANT'S SUPPLEMENTAL AND AMENDED RESPONSE  
18 TO PLAINTIFF'S SECOND SET OF INTERROGATORIES AND  
19 REQUEST FOR PRODUCTION OF DOCUMENTS".

20               This Interrogatory asks you to state all the  
21 information relied upon by Defendant to support her  
22 allegation that the Plaintiff stole jewelry from her.

23          A     Okay.

24          Q     Your answer to that is, "Deductive reasoning  
25 based on access and events".

## Deposition of Kumari Fulbright.

1           A     Uh-huh.

2           Q     Any other evidence?

3           A     Just that Josh admitted it that night.

4           Q     Which night are we talking about?

5           A     The night of the kidnapping.

6           Q     Was Mr. Conway possibly at gunpoint during  
7 that kidnapping?

8           A     I never seen a gun pointed at Mr. Conway. It  
9 wasn't like a -- I don't know if you read the testimony  
10 about how the night was with watching the Heisman  
11 Trophy, eating pizza. It wasn't like the whole night  
12 someone got a gun to his head at all.

13          Q     Was Mr. Conway tied up?

14          A     Yes.

15          Q     Was there ever a knife placed in his ear?

16          A     I don't remember doing that, to tell you the  
17 truth. I had a knife. We're arguing, he's  
18 apologizing, we're going through a banter and -- but I  
19 don't remember putting in it his ear.

20                But, again, it was a very emotionally charged  
21 night. I just don't think I did that.

22          Q     Do you recall the transcript from your  
23 "CHANGE OF PLEA" that we went over?

24          A     I do.

25          Q     Do you possibly recall whether your attorney

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1     stated that you placed a knife in his ear?

2           A     There was a lot of language around the knife,  
3     wielding, waiving, brandishing it. I don't know what  
4     verb was used in the document you're referring to. I  
5     pled guilty to that stuff because I was. I know you  
6     don't practice criminal law or I don't think you do.

7                     Sometimes you might get a DUI and plead you  
8     down to maybe excessive speed. Were you speeding?  
9     Maybe not, but you took the plea, right? Because  
10    that's what you do. So sometimes you plead to  
11    something you didn't do. You might have been drunk  
12    driving below the speed limit.

13                    They give you excessive speed, you're going  
14    ahead and take that lesser penalty. When you sign a  
15    plea agreement it's a little murky I think in terms of  
16    did this or did this not actually happen?

17                    You're really just making an agreement.

18           Q     I'm referring Exhibit 6 to this deposition.  
19    This is Ms. Fulbright's "CHANGE OF PLEA".

20                    Ms. Fulbright, do you recall my asking you  
21    whether your attorney was accurate when he stated at  
22    some point in time the Defendant held a knife or  
23    brandished a knife towards Mr. Conway's ear and made  
24    threats to him about cutting his ear?

25           A     I was going to cut -- what I said, I was



## Deposition of Kumari Fulbright.

1 going to cut his balls off. I admitted to that in  
2 trial. The ear thing just got a little weird. I don't  
3 know about that. But I did what I did, you know what I  
4 mean?

5 His ear. Is ear an issue today or in the  
6 case? I don't know why we want to belabor that.

7 Q Did Mr. Ergonis have a gun during the  
8 kidnapping?

9 A There were two guns there. I think the only  
10 time I saw Mr. Ergonis with a gun was when he was  
11 removing some bullets or something but I never saw him  
12 use the gun, wield the gun in my presence that night.

13 Q Was Mr. Conway restrained against his will?

14 A You know, it's interesting. I don't know.

15 And I say that because I think it's in his  
16 testimony they come to my place while I'm in the  
17 shower. You know that part of the story. And I guess  
18 they say do you want to stay here or go with us or  
19 there's some kind of exchange about that and Mr. Conway  
20 says he wants to go with them, and the reason he says  
21 he says that is because he didn't know if I was  
22 involved and he wanted to take the dangerous situation  
23 away from my home.

24 So, I don't know if he said yeah, cuff me. I  
25 don't know. I wasn't present for that. I can't speak

## Deposition of Kumari Fulbright.

1 to that.

2 Q Let me ask the question this way: Do you  
3 think Mr. Conway agreed to the kidnapping?

4 A I don't know.

5 MR. LEECH: Object to the form.

6 Q Do you think Mr. Conway wanted to be there?

7 MR. LEECH: Same objection.

8 THE WITNESS: I don't know.

9 Q You've seen the episode that gives rise to  
10 this complaint; is that correct?

11 A Yes, sir.

12 Q Reasonably accurate depiction of events?

13 A I think there was some creative  
14 interpretation but, yeah.

15 Q Do you recall any guns in that episode?

16 A Yes.

17 Q Were the guns portrayed in that episode part  
18 of the creative interpretation or part of the facts?

19 A A little bit.

20 Q Were there or were there not guns?

21 A There were guns, yes.

22 Q Mr. Conway was restrained; is that correct?

23 A Yes.

24 Q There was a knife put in his ear; is that  
25 correct?

## Deposition of Kumari Fulbright.

1           A     We've been through that.

2           Q     Yes or no?

3           MR. LEECH:  Objection, asked and answered.

4           THE WITNESS:  I don't remember putting a  
5 knife in his eardrum.

6           Q     Do you remember threatening to cutoff his  
7 balls with a knife?

8           A     I do.

9           Q     Was Mr. Conway tortured during the  
10 kidnapping?

11           MR. LEECH:  Object to the form.

12           THE WITNESS:  Can you give me your definition  
13 of torture so I can answer that?

14           Q     According to your definition of torture, was  
15 Mr. Conway tortured in during this kidnapping?

16           MR. LEECH:  Object to form, lack of  
17 foundation.

18           THE WITNESS:  But I answer, right?

19           MR. LEECH:  Yes, you answer.

20           THE WITNESS:  When I think of torture I think  
21 of water-boarding and just that kind of thing.  So, no.  
22 But he was held against his will and I -- yes.

23           Q     Was his life threatened?

24           A     I don't believe so.

25           Q     Do you happen to recall if the State of

## Deposition of Kumari Fulbright.

1 Arizona characterized his kidnapping as torture?

2 A I know the media did.

3 Q That's not my question. Did the State of  
4 Arizona characterize Mr. Conway's kidnapping as  
5 torture?

6 MR. LEECH: Object to the form.

7 THE WITNESS: I'm not sure. I know that word  
8 was thrown around. You know what I mean?

9 Q If they did, you would dispute that  
10 characterization, though; is that correct?

11 MR. LEECH: Object to the form.

12 THE WITNESS: I wasn't present for all parts  
13 of it so if there was some torturing going on -- you  
14 know, there was two locations. I don't know pissed off  
15 girlfriend screaming and hitting you with a bag of  
16 pictures is torture.

17 I think that might be a little dramatic. But  
18 then when you conjunctive (sic) with the fact he was  
19 tied up, I mean -- I don't know.

20 Q If the State of the Arizona analogized --

21 MR. LEECH: Object to the form.

22 Q -- Mr. Conway's kidnapping as a violation of  
23 the Geneva Convention, would you consider that to be  
24 dramatic?

25 MR. LEECH: Object to the form.

## Deposition of Kumari Fulbright.

1           THE WITNESS: I don't understand that  
2 question.

3           Q     Do you recall whether or not the State of  
4 Arizona analogized Mr. Conway's kidnapping to the  
5 Geneva Convention?

6           A     Is that about terrorism?

7           Q     It's about torture.

8           A     I don't know.

9           Q     Do you believe that Mr. Conway was giving  
10 statements according to his free will while he was tied  
11 up?

12          A     Yes.

13          Q     Would you consider his kidnapping to have  
14 been a coercive environment?

15          A     Can you choose another word besides coercive?

16          Q     No.

17          A     I don't know what I think about that. I'm  
18 sorry.

19          Q     You went to Law School, did you not?

20          A     I did.

21          Q     Did you work in a Prosecutor's Office at any  
22 point?

23          A     No.

24          Q     Did you work for a Judge at any point?

25          A     I did some -- an externship.

## Deposition of Kumari Fulbright.

1 Q Did you ever take criminal law?

2 A No. Well, I can't remember. I think I did.  
3 I don't know if I completed it.

4 Q Are you familiar with the term "coerced  
5 confession"?

6 A No. Oh, yeah. Yes.

7 MR. LEECH: Object to the form to the extent  
8 this is calling for legal conclusions.

9 THE WITNESS: But I'm doing my best.

10 MR. LEECH: This is just for the record. You  
11 can keep answering.

12 Q If the police restrained a witness and stuck  
13 a knife in their ear at the point of a gun, would you  
14 consider that to have been a coercive environment?

15 A His confession came long before any of that.

16 Q That was not my question.

17 A Yes.

18 MR. LEECH: Again, I'll object to that form.

19 Q Prior to being kidnapped, did Mr. Conway, as  
20 you have characterized it, admit to stealing your  
21 jewelry?

22 A No.

23 Q After he escaped from the kidnapping, do you  
24 recall if Mr. Conway admitted to stealing your jewelry?

25 A Yes.

## Deposition of Kumari Fulbright.

1 Q And when did he do that?

2 A In April of 2008.

3 Q What were the circumstances of that?

4 A It was a phone call and a text message.

5 Q It's interesting to me because that's not  
6 what your response says here. So is your Interrogatory  
7 accurate or is the testimony you just gave accurate?

8 A Where did I deny -- point me where you're  
9 saying.

10 Q Your Interrogatory response says, "Josh  
11 Conway called me after this incident and arrest  
12 apologizing, circa mid to late December, 2007."

13 A I had the date wrong.

14 Q Which date is correct?

15 A The April.

16 Q The April date is correct.

17 A Yeah.

18 Q It was a phone call?

19 A Yes.

20 Q Not a text message.

21 A Both.

22 Q Did you ever produce that text message?

23 A I did at the time of the initial --

24 Q To whom did you produce that text message?

25 A My attorney.

## Deposition of Kumari Fulbright.

1 Q Did your attorneys produce it to anyone else?

2 A They did, yeah.

3 Q To whom did your attorneys produce it?

4 A To the State.

5 MR. LEECH: I'll object to the.

6 THE WITNESS: As far as I know, I'm -- I  
7 believe maybe he lied. Maybe he didn't. I don't know.

8 But I gave it to them.

9 Q I presume this text message is lost.

10 A I don't believe so.

11 Q You have not produced this text message to  
12 me.

13 A I'm trying to get it and you've been apprized  
14 of the phone and so I have -- but that particular  
15 one --

16 MR. LEECH: I'll object to the form and the  
17 argumentative nature of this.

18 MR. HORWITZ: Why don't we make that text  
19 message a late filed exhibit?

20 MR. LEECH: If we're able to find it we will.

21 THE WITNESS: There's records of it happening  
22 but we're trying to get the exact context. We have a  
23 lot of text messages, the actual --

24 (The above-referred to  
25 document to be furnished  
as Late Filed Exhibit No.  
10.)



## Deposition of Kumari Fulbright.

1 BY MR. HORWITZ:

2 Q Do you recall whether or not that text  
3 message was introduced in the trial of Robert Ergonis?

4 A It was not because there was no -- that would  
5 have been something that has to do with -- Robert was  
6 on trial for kidnapping. Josh's theft of my jewelry  
7 was never charged, never at issue.

8 Q Is it possible that this text message doesn't  
9 actually exist?

10 A No. I have the phone records to show that it  
11 took place.

12 Q But how long have you had those phone  
13 records?

14 A I have them at the time way back then. My  
15 parents just moved or really sold their home and there  
16 was some things in the attic so I came across a lot of  
17 records that I didn't know where they were, things were  
18 stored in Texas.

19 I can show you how I kind of moved around,  
20 little bit of a tumultuous time. I just e-mailed one  
21 of the attorneys involved to see if they had an  
22 electronic record of this phone record and I got that  
23 two days ago.

24 Q Did they?

25 A Did they what?

## Deposition of Kumari Fulbright.

1 Q Have a copy of this text message.

2 A They have copies of the phone records.

3 Q No text message.

4 A They're looking.

5 Q But they have not given one to you?

6 A I haven't contacted the other attorney who  
7 most likely has it. Some of the e-mail communications  
8 are privileged where that stuff is in there so we're  
9 still sorting out --

10 Q How long have you been searching for this  
11 text message?

12 A A few days, I guess.

13 Q Do you know when your written discovery  
14 deadline was in this case?

15 A I do not.

16 Q Would it surprise you to learn that it has  
17 expired?

18 MR. LEECH: I'll object to the form on this  
19 and your characterization of just about everything.

20 Q That's fine.

21 A I'm just trying to get everything I can from  
22 wherever I can and, you know, when it comes, it comes.

23 It's not --

24 Q When it comes it comes, is that the answer  
25 that we received?

## Deposition of Kumari Fulbright.

1           A     Well, what was the question that you asked?

2           MR. LEECH: I'm going to object to the extent  
3 you're inquiring into the attorney/client  
4 conversations. This is asked and answered so --

5           MR. HORWITZ: I'd like to state for the  
6 record that I have not received this alleged text  
7 message with a confession that my client stole the  
8 Defendant's jewelry.

9           MR. LEECH: I move to strike testimony by  
10 counsel.

11          Q     Who do you intend to call as a witness in  
12 support of your allegation that Mr. Conway stole your  
13 jewelry?

14          A     I mean we might call anybody who is listed  
15 here in addition to David Radde and -- I don't know.  
16 Have we figured everybody out yet? I don't know. I  
17 can't say.

18          MR. LEECH: I'll object to the form again.

19          MR. HORWITZ: Make it a late filed exhibit as  
20 well, witnesses who will testify in support of the  
21 Defendant's theory that Mr. Conway stole her jewelry.

22          MR. LEECH: I think that's unnecessary  
23 because we have to supplement our witness list before  
24 trial anyway.

25                                 - - -

## Deposition of Kumari Fulbright.

1 (The above-referred to  
2 document to be furnished  
3 as Late Filed Exhibit No.  
4 11.)

5 MR. HORWITZ: My concern is I have not had an  
6 opportunity to depose any of these potential third  
7 parties and I don't know who they are.

8 MR. LEECH: Okay.

9 BY MR. HORWITZ:

10 Q Did you ever file a police report regarding  
11 your stolen jewelry?

12 A No, but I did think about doing it and I made  
13 that known to a neighbor next door to me and also other  
14 people.

15 Q Repeat the question. Did you ever file a  
16 police report regarding your allegedly stolen jewelry?

17 A No, I did not. Oh, I did, but not at the  
18 time. No, after the fact.

19 Q You filed a police report regarding the  
20 stolen jewelry?

21 A I did.

22 Q When?

23 A May of 2016.

24 MR. HORWITZ: Let's make that a late filled  
25 exhibit, please.

(The above-referred to  
document to be furnished  
as Late Filed Exhibit No.  
12.)

## Deposition of Kumari Fulbright.

1 BY MR. HORWITZ:

2 Q May of 2016?

3 A Yes.

4 Q With which office did you file this police  
5 report?

6 A What do you mean by that?

7 Q Which Police Department?

8 A Detroit.

9 Q These events took place in Arizona; is that  
10 correct, in 2007; is that correct?

11 A (Witness nods head in the affirmative).

12 Q It's your testimony that in May of 2016 you  
13 filed a police report in Detroit?

14 A It could have been April or June. I don't  
15 want to --

16 Q But nine years later; is that correct?

17 A Uh-huh.

18 Q In a different State.

19 A Yes.

20 Q After this lawsuit was filed.

21 A Yes.

22 Q But --

23 A Yes. I need to answer your question.

24 Q What became of that police report?

25 A What do you mean?

## Deposition of Kumari Fulbright.

1 Q Was anyone ever arrested?

2 A Not that I'm aware of.

3 Q Any idea why it took you so long to file a  
4 police report?

5 A I -- ask the question again.

6 Q Why did it take you nine years to file this  
7 police report?

8 A I gained a level of certainty that I felt  
9 like the police could become involved.

10 Q It was your certainty that drove you to file  
11 this police report.

12 A Yes.

13 Q It wasn't that fact that a lawsuit had been  
14 initiated in the past two months?

15 A Nope.

16 Q When did you gain this level of certainty?

17 A When I filed the police report.

18 Q Nine years later.

19 A Yes.

20 Q So in 2008 you didn't have this level of  
21 certainty?

22 MR. LEECH: Object to the form.

23 THE WITNESS: I did based on his admission,  
24 but I guess you said that was not good certainty  
25 because it was coerced.

## Deposition of Kumari Fulbright.

1           Q     I didn't say anything. This is your  
2 testimony.

3           MR. LEECH: Object to the form, being  
4 argumentative.

5           MR. HORWITZ: Let's read back the question  
6 where she using the phrase "level of certainty".

7 (The question was read back by the reporter).

8 BY MR. HORWITZ:

9           Q     Did you have that level of certainty in 2016?

10          A     Not this level, no.

11          Q     2015?

12          A     Nope.

13          Q     2014?

14          A     Nope.

15          Q     2013?

16          A     No, sir.

17          Q     2012?

18          A     No.

19          Q     2011?

20          A     No.

21          Q     2010?

22          A     No.

23          Q     2009?

24          A     No.

25          Q     2008?

## Deposition of Kumari Fulbright.

1           A     No.

2           Q     2007?

3           A     No. I had the same level of certainty from  
4 the time that I suspected him up until the time I filed  
5 the police report.

6           Q     So if you had the same level of certainty in  
7 2016 that you had in 2007, my question again is why did  
8 it take you nine years to file this report?

9           A     No. I said my certainty increased at the  
10 time I filed the police report.

11          Q     Increased in May of 2016.

12          A     Uh-huh.

13          Q     What precipitated that increase?

14          A     (Respite). Feeling like I had the proof of  
15 his admission with different documents that were coming  
16 out.

17          Q     Which documents?

18          A     The phone records and Facebook accounts and  
19 things like that.

20          Q     Is it your testimony that you did not have  
21 phone records until May of 2016?

22          A     I did have them or they were pulled as a part  
23 of the case but I'm looking at the case in a different  
24 way now because at that time I was being accused of  
25 kidnapping so my lawyers were like, doesn't matter that



## Deposition of Kumari Fulbright.

1 he stole your stuff, you kidnapped him. We have to  
2 focus and fight on this charge.

3 Lot of my attorney communications and things  
4 that I was gathering at that time were ignored because  
5 that wasn't the issue at hand and I was so indignant  
6 that he stole my stuff, he's getting away with it, that  
7 that was my whole focus.

8 Those are the things that I was gathering.  
9 And now as I'm getting these different documents and  
10 stuff I'm able to now focus on what I wanted to focus  
11 on at that time which is proving that that --

12 Q You've always wanted to file this police  
13 report.

14 A Yeah, as evidenced by my calendar.

15 MR. LEECH: Object to the form.

16 THE WITNESS: I mean different things, yeah.  
17 Filing a police report was a thought but I didn't want  
18 Josh to go to jail or get in trouble. I just wanted my  
19 stuff back. That's it. I mean I was in love with him  
20 deeply. I didn't want any of this to have happened.

21 I just wanted him to give me my stuff back  
22 and I pled for him to do that through texts which we  
23 have once we sort this phone situation out, if you want  
24 to examine it or that kind of thing, but e-mails. It's  
25 just -- all I wanted was my stuff back.

## Deposition of Kumari Fulbright.

1           Q     If I'm understanding you correctly you were  
2 not certain that Mr. Conway stole your jewelry until  
3 May of 2016.

4           MR. LEECH: Object to the form.

5           THE WITNESS: No, I was certain then, I'm  
6 certain now. Yeah. I've always been certain. I guess  
7 you get more things to prove it.

8           Q     This is what I'm trying to flush out.

9           A     Okay.

10          Q     More things, right? You said phone records  
11 and you've had those phone records for ten years.

12                  What other things did you acquire that caused  
13 you to develop what you have described as a level of  
14 certainty?

15          A     Just being able to go through these files  
16 again and we're piecing things together. I mean I  
17 don't -- there's just things I've told him.

18                  I don't know about the element of surprise  
19 for a trial. I don't know what I can say, whether I've  
20 told him if it's privileged. I'm not really sure how  
21 to answer that.

22                  MR. LEECH: I think we can clear this up if I  
23 can have one break. I'm not going to be coach her. We  
24 can clear this up. Keep going.

25          Q     Let me ask one more question.

## Deposition of Kumari Fulbright.

1           A     Okay.

2           Q     Is it your testimony that this lawsuit had  
3 nothing to do with you filing a police report?

4           A     It's a yes and no answer and here's why: I  
5 would have never filed the police report or had  
6 anything to do with him, it was in the rearview mirror.

7                   He dredged this up which has me looking into  
8 things and now I felt like I have the grounds to file a  
9 police report. Like when you asked me if I filed a  
10 police report on the drugging. Do you go to the police  
11 station?

12                   I don't know if you know, sometimes when you  
13 need the police they're hard to get to and say well,  
14 that's between you and your husband, you know. Then  
15 when you don't need them they're right there booking  
16 you, Dano.

17                   So, it's like I didn't call the police when I  
18 thought I was drugged because what proof are they going  
19 to have? You could file a police report for the  
20 record, you can certainly always do that. If you think  
21 you're going to get anywhere, were you drugged? How  
22 many places were you? Well, okay, ma'am. Did you die?  
23 All right. Have a nice day.

24                   So, I think from my perspective I guess I  
25 overanalyzed when and why to file a police report. You

## Deposition of Kumari Fulbright.

1 think the police won't be able to do anything so I'm  
2 not going to bother. And I think that was my sentiment  
3 around this.

4 MR. HORWITZ: Will you read back my question,  
5 please?

6 (The question was read back by the reporter).

7 MR. HORWITZ: I'm going to repeat that  
8 question.

9 MR. LEECH: She asked and answered that.

10 BY MR. HORWITZ:

11 Q Is your police report related to this  
12 lawsuit?

13 A Related to it. I just never would have gone  
14 through these files, I wouldn't even be doing any of  
15 this. It's all related, everything I'm doing now is  
16 related to this, yeah.

17 So, to answer your question, yes.

18 Q This is, again, based on a newly acquired  
19 level of certainty; is that correct?

20 A It's just based on the investigation and  
21 review of materials and things that we've done in  
22 preparation for this lawsuit, yeah, the certainty has  
23 -- I'm able to focus on --

24 Q In May of 2016.

25 A In May of 2016 what?

## Deposition of Kumari Fulbright.

1 Q That's when your certainty developed.

2 A That's when I filed the lawsuit, yeah -- or,  
3 I mean the police report, excuse me.

4 Q Do you recall a few questions ago when I  
5 asked if you had had this certainty in '07 or '08, '9,  
6 '10, '11, '12, '13, '14, '15 and you said no but you  
7 developed it in '16?

8 Do you recall that?

9 A I said my certainty -- you know, I'm looking  
10 at this. Let me lay it out for you in this way: Prior  
11 to the kidnapping I had a level of certainty.

12 Josh admits during the kidnapping, that adds  
13 to the certainty. I speak to Josh and text Josh, he  
14 texts me after the kidnapping. That's certainty.

15 You review some files, golly, look at that.  
16 And so your certainty increases the more you study  
17 something. I mean --

18 Q It crystallized in May of 2016.

19 A Yes.

20 Q You did not have that level of certainty in  
21 July of 2015.

22 A I think I did in my heart of hearts but as  
23 I'm going through this stuff that I'm now doing in  
24 preparation for this lawsuit, I thought God, maybe I do  
25 have enough to do this police report.

## Deposition of Kumari Fulbright.

1 Q But you didn't think that in July, 2015?

2 A I didn't have any need to. It was in the  
3 past.

4 Q I'm asking about your level of certainty.

5 A Okay.

6 MR. LEECH: Object, asked and answered.  
7 She's answered about --

8 THE WITNESS: I don't know how many ways I  
9 can say or explain or give you examples but I'm telling  
10 you that my certainty increased based on preparation  
11 for this lawsuit.

12 MR. LEECH: We need to stop so I can use the  
13 restroom.

14 MR. HORWITZ: We can stop here.

15 (12:51 p.m., a luncheon recess was had until 1:50 p.m.)

16 BY MR. HORWITZ:

17 Q Were there any other individuals who had  
18 access to your house that might have been considered  
19 suspects?

20 A Can I look at something to answer that?

21 Q No.

22 A I don't believe so in the month of November  
23 but prior to November, yes.

24 Q Who were those individuals?

25 A That would have been an assistant that I had

## Deposition of Kumari Fulbright.

1 and a housekeeper that I had but the housekeeper didn't  
2 do anything during the month of November.

3 Q Have you ruled out those individuals as  
4 suspects?

5 A Yes.

6 Q How did you rule them out?

7 A Neither of them were -- they bothered -- I  
8 terminated their services during the month of November,  
9 around the time that it came up missing.

10 Q So things had gone missing; is that correct,  
11 and then you terminated them?

12 A No, after -- the termination came first and  
13 then things came up missing in the month of November,  
14 to the best of my recollection.

15 Q Why did you terminate them?

16 A The assistant was for cause. She wasn't  
17 meeting the needs of the job. And then the housekeeper  
18 was basically terminated because of the -- my arrest.

19 She didn't come in November once because I  
20 locked her out and she didn't have a key and the second  
21 time she was supposed to come she didn't show up and  
22 right after that came the crime so --

23 Q Is there any reason you would have  
24 characterized these individuals as suspects before  
25 things went missing?

## Deposition of Kumari Fulbright.

1           A     No.

2           Q     It would make sense to characterize them as  
3 suspects after things went missing though; is that  
4 correct?

5           A     Yeah, but they didn't have the access or the  
6 opportunity. So, we ruled them out.

7           Q     Okay. I'm handing you a transcript from  
8 Mr. Ergonis's trial. This is from day 7 of that trial  
9 and I'd like you to read from 126, line 22 until 127,  
10 line 7.

11          A     Okay. I'm starting with line 22. "Will you  
12 document on there I locked my housekeeper out. Yes,  
13 because I thought this stuff was relevant because of  
14 the other people with access to my home in addition to  
15 Josh Conway."

16                Then I'm questioned, "And then you say on" --  
17 Answer: "Who could have been suspect?" Question:  
18 August 20th. I'm sorry? "These are other suspects  
19 basically. The housekeeper had access to my home. I'm  
20 trying to prepare a police report."

21               MR. LEECH: Just so the record is clear, I'm  
22 looking over Kumari's shoulder, and starting at, "These  
23 are other suspects basically" is actually an answer but  
24 there's not an A there, just two blocks so it looked  
25 like it was an extension of the question.



## Deposition of Kumari Fulbright.

1           Q     Fair to say you characterized them as  
2 suspects in that response?

3           A     Could have been but as I'm preparing this  
4 calendar and doing that --

5           Q     You used the word "suspect", did you not?

6           A     I did.

7           Q     Do you recall being asked to say whether or  
8 not you disputed the existence of a phone call from Mr.  
9 Conway to you the day before three of the items were  
10 pawned?

11                   Do you recall being asked about that?

12           A     No.

13           Q     So the State had alleged that Mr. Conway made  
14 a phone call to you the day before he pawned the  
15 jewelry, some of the jewelry at issue here and that he  
16 was in the pawn shop when he made that phone call to  
17 you.

18                   Do you recall that?

19           A     Yes.

20           Q     Do you recall being shown copies of your  
21 phone records?

22           A     Yes.

23           Q     Do you recall whether or not you disputed the  
24 existence of the phone call they were asking you about?

25           A     I don't know if I disputed the existence of

## Deposition of Kumari Fulbright.

1 the phone call.

2 Q Would you, here today, dispute the existence  
3 of that phone call?

4 A Not the phone call that was placed, no. I  
5 saw the phone records so -- but from memory at that  
6 time, I couldn't say, you know.

7 Q So the phone records evidence the existence  
8 of that phone call.

9 A Yes.

10 Q I'm referring back to your supplemental and  
11 amended response to Plaintiff's second set of  
12 Interrogatories. So there's the same response noted to  
13 6, 7 and 8. You refer to --

14 A Pages 6, 7 and 8?

15 Q Questions 6, 7 and 8.

16 A Okay.

17 Q You refer to the parties to the case of State  
18 of Arizona versus Robert Ergonis.

19 Do you see that?

20 A Yes.

21 Q So the parties to that case were the State of  
22 Arizona, which is not a person, and Robert Ergonis, who  
23 did not testify.

24 Were you referring to their counsel in that  
25 --

## Deposition of Kumari Fulbright.

1           A     Show me where I should be looking.

2           Q     It begins, "Also the parties and witnesses"

3     --

4           A     Okay.

5           Q     Who are the parties there?

6           A     That might have been a typo using plural for  
7 parties when I guess Rob was the only party since the  
8 State is not a person.

9           Q     Did Mr. Ergonis give numerous statements to  
10 police and prosecutors?

11          A     I think that might be applied to the  
12 witnesses. Maybe a comma should go there.

13          Q     I guess what I'm asking is, do you mean the  
14 lawyers for the parties?

15          A     No. I'm going to think there was a typo and  
16 mistake on the parties. It should be singular, not  
17 plural and then witnesses refers to numerous  
18 statements.

19                 That's how I interpret the sentence without  
20 --

21          Q     You're saying the sentence should read, "The  
22 party to the case of State of Arizona vs. Robert  
23 Ergonis gave numerous statements" --

24                 MR. LEECH: Objection.

25                 THE WITNESS: I'm not trained as an editor.

## Deposition of Kumari Fulbright.

1 If I was to rewrite that sentence and create you  
2 another draft I would say also the party and the  
3 witnesses to the case of State v --

4 Q Which party gave numerous statements to  
5 police and prosecutors?

6 A I don't know what was meant by that sentence.  
7 I didn't draft it and it seems like maybe it should be  
8 two sentences or maybe parties needs to be omitted.

9 Q Do you see the same what you --

10 A Maybe when you say parties to the lawsuit or  
11 parties to the case, maybe it wasn't just reflective of  
12 who was on trial. I don't know what the intent of that  
13 was.

14 Q This is your discovery responses, isn't it?

15 A Yeah.

16 Q You signed this response?

17 A I did. Let me read it again and see if we  
18 can teeth (sic) this out to your level of grammar.

19 MR. LEECH: I'll object to the form. This  
20 has been asked and answered.

21 MR. HORWITZ: We're still getting to the  
22 bottom --

23 MR. LEECH: Bottom of --

24 MR. HORWITZ: I want to know what this means.

25 THE WITNESS: I guess in legalese the only

## Deposition of Kumari Fulbright.

1 parties to the case would have been Robert but parties  
2 to the -- I think maybe that term was used colloquially  
3 and not legally.

4 That's how I interpret it, everyone who is a  
5 part of the lawsuit or --

6 Q Correct me if I'm wrong, it's the same  
7 response in number 6 and number 7 and number 8?

8 A Yeah. I mean I think maybe I was a party to  
9 the lawsuit because --

10 Q It's your testimony you don't understand what  
11 you meant here?

12 A I guess I don't understand what you're  
13 asking.

14 Q I'm asking who parties refer to.

15 A I think parties refers to anyone that was  
16 involved in the State v Robert Ergonis.

17 Q Those people are distinct from witnesses?

18 A They could be.

19 Q Which parties gave statements that differed  
20 from witnesses?

21 MR. LEECH: Object to the form.

22 THE WITNESS: Perhaps somebody gave a  
23 statement that didn't testify as a witness, if that  
24 makes a distinction. I don't know. Maybe they  
25 interviewed people --

## Deposition of Kumari Fulbright.

1           Q     You don't know what this means, do you?

2           MR. LEECH:   Object to the form.   Been asked  
3 and answered.

4           THE WITNESS:   I just don't understand what  
5 you're asking, I guess.   I'm trying to give you the  
6 clearest answer I can.

7           Q     Name the people that you meant to refer to as  
8 parties in this answer.

9           MR. LEECH:   Object again.   It's been asked  
10 and answered.

11          THE WITNESS:   I don't know.

12          Q     So you don't know what your own discovery  
13 response means.   Is that right?

14          MR. LEECH:   Objection, form --

15          THE WITNESS:   I don't know.

16          MR. LEECH:   -- and argumentative.

17          THE WITNESS:   I'm not a lawyer.   I don't know  
18 every little nuance.

19          Q     This is what I'm getting at:   Are these  
20 statements or are these your lawyer's statement?

21          MR. LEECH:   Object to the form,  
22 attorney/client privilege.   Don't answer that question.

23          Q     You refer to exhibits in these  
24 Interrogatories as well; is that correct?

25          A     Yes.

## Deposition of Kumari Fulbright.

1           Q     Any and all exhibits on file in the Pima  
2 County Superior Court. Is that what that says?

3           A     I just caught the word exhibit so I thought  
4 we were there but I'm not sure. It might be used more  
5 than once.

6           Q     What page are you on?

7           A     I'm on 5.

8           Q     Do you see the paragraph that begins with,  
9 "Additionally"?

10          A     Yeah.

11          Q     It says, "Additionally, Defendant points  
12 Plaintiff and Plaintiff's counsel to any and all  
13 exhibits on file with the Pima County Superior Court."

14          A     Okay.

15          Q     Is it your testimony that all of the exhibits  
16 on file with the Pima County Superior Court correspond  
17 to this question that's posed that Mr. Conway stole  
18 money from you?

19               MR. LEECH: Object to the form, calls for  
20 legal conclusion.

21               THE WITNESS: I think everything could be  
22 relevant and I think based on some of the other  
23 questions that you were asking that were like list  
24 everybody, give all information, so anything could  
25 relate.

## Deposition of Kumari Fulbright.

1 Q Everything from the trial?

2 MR. LEECH: Object to the form.

3 THE WITNESS: Could not be relevant, yeah.

4 Q Transcripts.

5 A Yeah.

6 Q So you reviewed the transcripts of the trial.

7 A Which transcripts?

8 Q The transcripts from the Ergonis trial, we've  
9 been through a couple of them.

10 A I haven't read every piece of paper that  
11 would be encompassed in that sentence, no.

12 Q But you relied on at least some of the  
13 transcripts. Is that fair?

14 A Yes.

15 Q Do you know who Aaron Ellertson is?

16 A I do.

17 Q Who is Aaron Ellertson?

18 A Aaron Ellertson was the owner or son of the  
19 owner of the pawn shop where Josh pawned some of the  
20 Items.

21 Q Have you ever met Mr. Ellertson?

22 A I have not.

23 Q Ever have some kind of negative experience  
24 with Mr. Ellertson or his family?

25 A I have never met him.



## Deposition of Kumari Fulbright.

1 Q Does he have anything against you?

2 A I've never met him.

3 Q Do you know of any reason why he would have  
4 something against you?

5 A No.

6 Q Are you familiar with Mr. Ellertson's  
7 testimony from Mr. Ergonis's trial?

8 A No. I mean I know that he testified but I  
9 couldn't speak to familiarity of that testimony.

10 Q Do you know the general substance of his  
11 testimony?

12 A I know a little bit but not really, no.

13 Q What do you recall that he said?

14 A That Josh came in and pawned the jewelry.

15 Q Do you know when he first said that, by  
16 chance?

17 A No.

18 Q Approximately?

19 A I don't even know when the trial was. I  
20 think it was in 2010.

21 MR. LEECH: Object to the form.

22 Q I guess prior to the trial do you know if Mr.  
23 Ellertson had ever made a statement to the police?

24 A No. Or, if I did know, I don't remember  
25 knowing now.

## Deposition of Kumari Fulbright.

1 Q This was introduced as an exhibit yesterday.

2 A Okay.

3 Q What is that document?

4 A "Incident/Investigation Supplement Report."

5 Q Would you just read the first three  
6 paragraphs of that report into the record?

7 A "ON NOVEMBER 21ST, 2007, JOSHUA CONWAY PAWNED  
8 A 'ROLEX' WATCH AND TWO DIAMOND RINGS AT EASY PICK N  
9 PAWNSHOP LOCATED AT 110 N. ALMA SCHOOL ROAD IN MESA FOR  
10 \$2,100.00. PER ARIZONA STATE LAW A RECORD OF THIS  
11 TRANSACTION WAS DOCUMENTED BY THE STAFF OF THE PAWN  
12 SHOP. JOSHUA CONWAY SHOWED AN ADDRESS OF 8851 E.  
13 27TH AVENUE IN TUCSON, ARIZONA. WHEN THE TRANSACTION  
14 WAS COMPLETED THE TRANSACTION FORM WAS TURNED OVER TO  
15 THE MESA POLICE RECOVERED PROPERTY UNIT.

16 "INVESTIGATOR GUYTON #7025 RECEIVED THE  
17 TRANSACTION REPORT. INVESTIGATOR GUYTON SAW THE ITEMS  
18 PAWNED, THE DOLLAR AMOUNT AND THAT THE PAWNER WAS FROM  
19 TUCSON. INVESTIGATOR GUYTON THOUGHT THAT THREE  
20 ELEMENTS MADE THE TRANSACTION SUSPICIOUS AND ASKED ME  
21 TO FURTHER RESEARCH THE TRANSACTION.

22 "I RESPONDED TO THE EASY-PICK-N PAWN SHOP AND  
23 VIEWED THE PAWNED ITEMS. I ALSO SPOKE WITH SHOP  
24 MANAGER AARON ELLERTSON. ELLERTSON TOLD ME HE  
25 REMEMBERED JOSHUA CONWAY BECAUSE CONWAY WAS WEARING

## Deposition of Kumari Fulbright.

1 NICE SHOES 'PRADAS' AND WAS DRIVING A 'BMW'. ELLERTSON  
2 TOLD ME AFTER HE COMPLETED THE TRANSACTION HE TOLD ONE  
3 OF HIS EMPLOYEES TO EXPECT A VISIT FROM DET. MILBURN IN  
4 REFERENCE TO THIS TRANSACTION. ELLERTSON SAID THAT HE  
5 THOUGHT CONWAY WAS TELLING HIM THE TRUTH WHEN HE SAID  
6 HE WAS SELLING THE ITEMS FOR HIS GIRLFRIEND. ELLERTSON  
7 SAID CONWAY EVEN MADE A CALL ON HIS CELL PHONE FROM THE  
8 PAWNSHOP ASKING IF THE PRICE HE WAS GETTING WAS  
9 ENOUGH."

10 Q Do you recall the conversation with Mr.  
11 Conway --

12 A No.

13 Q -- when he asked you if the price that he was  
14 getting at the pawn shop was enough?

15 A No.

16 Q Do you believe Mr. Ellertson made this up?

17 A I believe Josh staged a phone call because  
18 that conversation never took place between him and I at  
19 that time or any other.

20 Q What's the date on this report?

21 A January 9th, 2008.

22 Q Do you happen to know when the phone records  
23 were subpoenaed?

24 A No.

25 Q Would it surprise you to learn it was after

## Deposition of Kumari Fulbright.

1 this report?

2 A No.

3 Q So Mr. Ellertson said he thought Conway was  
4 telling him the truth when he said he was selling the  
5 items for his girlfriend.

6 This statement was made in January of 2008.

7 That's correct, right?

8 A Correct.

9 Q Then only after this were the phone records  
10 subpoenaed. Is that correct?

11 A Correct.

12 MR. LEECH: Object to the form.

13 Q So Mr. Ellertson did not know that the phone  
14 records would correspond to you.

15 MR. LEECH: Object to the form. Is there any  
16 reason why he would know that?

17 THE WITNESS: No.

18 Q Do you remember what you talked about during  
19 the phone call that is the subject of this report?

20 A No.

21 Q So if Mr. Conway says he talked to you about  
22 selling jewelry, that would be false.

23 A Yes.

24 Q And if Mr. Ellertson said he overheard  
25 statements from Mr. Conway to someone who sounded like

## Deposition of Kumari Fulbright.

1 his girlfriend, that would also be false.

2 A Yes.

3 MR. LEECH: Object to the form.

4 Q Are there any witnesses other than you and  
5 Mr. Conway and Mr. Ellertson who have direct knowledge  
6 of this phone call?

7 A I think I read something about there being  
8 another pawn shop employee there at the time so I don't  
9 know anything beyond that, no.

10 Q Do you know of any reason why Mr. Ellertson  
11 might lie?

12 A No, I don't --

13 MR. LEECH: Object to the form.

14 THE WITNESS: -- know of any reason.

15 Q I assume you received this report over the  
16 course of discovery in your criminal case; is that  
17 accurate?

18 A Yes. Well, my attorney, counsel did. I  
19 don't know that I got to see every single thing he saw.  
20 He communicated things to me.

21 Q Further to assume you found Mr. Ellertson was  
22 lying the moment you learned of this testimony?

23 A It's my belief that Josh staged the phone  
24 call so I think what Mr. Ellertson thought he heard, I  
25 don't think he lied about that but I don't know. He

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1     could have.  I don't know.

2           Q     Is this one of the statements by witnesses,  
3     by a witness?

4           MR. LEECH:  Object to the form, lack of  
5     foundation.  That's a police report.

6           Q     The statement in this report says, "ELLERTSON  
7     TOLD ME HE REMEMBERED JOSHUA CONWAY BECAUSE CONWAY WAS  
8     WEARING NICE SHOES 'PRADAS' AND WAS DRIVING A 'BMW'.  
9     ELLERTSON TOLD ME AFTER HE COMPLETED THE TRANSACTION HE  
10    TOLD ONE OF HIS EMPLOYEES TO EXPECT A VISIT FROM DET.  
11    MILBURN IN REFERENCE TO THIS TRANSACTION.  ELLERTSON  
12    SAID HE THOUGHT CONWAY WAS TELLING HIM THE TRUTH WHEN  
13    HE SAID HE WAS SELLING THE ITEMS FOR HIS GIRLFRIEND.  
14    ELLERTSON SAID CONWAY EVEN MADE A CALL ON HIS CELL  
15    PHONE FROM THE PAWN SHOP ASKING IF THE PRICE HE WAS  
16    GETTING WAS ENOUGH."

17           Fair to characterize that as a statement by  
18    Aaron Ellertson?

19           MR. LEECH:  Object to the form.  Calls for a  
20    legal conclusion.

21           Q     Does this say Ellertson said?

22           A     Yeah, that part sounds like --

23           Q     And is this statement that Ellertson said one  
24    of the statements that --

25           MR. LEECH:  Object to the form.

## Deposition of Kumari Fulbright.

1           Q     -- that you're referring to in your responses  
2 to Interrogatory 6, 7 and 8?

3           A     Yes.

4           Q     Does this statement support your theory that  
5 Mr. Conway stole your jewelry or does it tend to  
6 disprove it?

7                     MR. LEECH: Object to the form.

8                     THE WITNESS: I believe it supports it.

9           Q     Why is that?

10          A     Well, when the police asked Mr. Ellertson a  
11 question about this transaction that he accepted, of  
12 course he's going to say yeah, I believed him, I  
13 thought it was a legit transaction.

14                     Why would you say, well, no, I thought -- no,  
15 of course.

16          Q     So you think this statement tends to prove  
17 that Mr. Conway stole your jewelry?

18          A     Yes.

19                     MR. LEECH: I'm going to object to the form  
20 to the extent this question can infringe upon  
21 attorney/client communications and work product.

22                     MR. HORWITZ: We've asked for information --

23                     MR. LEECH: I just made the objection.  
24 You're asking her to interpret things with something  
25 she does with counsel.

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1           Q     You testified a moment ago that your attorney  
2 received this; is that correct?

3           A     Yes.

4           Q     What was the date on this again?

5           A     I don't know the date he received it. Is  
6 that what you're asking, or the date was created?

7           Q     I'm asking for the date on the report.

8           A     The date on the report is January 9th, 2008.

9           Q     Approximately when was your criminal case?

10          A     When was my arrest, because the case expanded  
11 over four years.

12          Q     Is it fair to assume that your attorney  
13 received it before your case concluded?

14          A     Yes.

15          Q     I'd like to go back to your "PLEA AGREEMENT".

16                 This is Exhibit 8 to this deposition.

17                 Do you recall whether you gave up the right  
18 to confront witnesses against you as a condition of  
19 your plea agreement?

20          A     Can you repeat the question?

21          Q     Did you give up the right to confront  
22 witnesses against you --

23                 MR. LEECH: Object to the form.

24          Q     -- as a condition of your plea agreement?

25          A     If it's in your hand and I signed it and it's



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1 probably the agreement, I agree.

2 Q Would you please read Section D, Paragraph 1.

3 A "Defendant understands the following rights  
4 in that she gives up such rights by pleading guilty:  
5 Her right to a jury trial, her right to confront the  
6 witness against her and cross-examine them, her right  
7 to present evidence and call witnesses in her defense  
8 knowing that the State will compel witnesses to appear  
9 and testify, her right at trial to be represented by  
10 counsel appointed free of charge if she cannot afford  
11 to hire her own, her right to remain silent, to refuse  
12 to be a witness against herself and to be presumed to  
13 be innocent until proven guilty beyond a reasonable  
14 doubt."

15 Q Is it fair to say you gave up your right to  
16 cross-examine Mr. Ellertson?

17 A Yes.

18 MR. LEECH: Object to the form. That calls  
19 for a legal conclusion. I know where you're going.

20 Q Do you recall whether you had a sentencing  
21 hearing in this matter?

22 A I did.

23 Q Do you recall whether you had the right to  
24 call witnesses during that sentencing hearing?

25 A I don't.

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1           Q     Would it surprise you if you submitted  
2 letters in support of you during that hearing?

3           A     No, I did do that.

4           Q     Would you dispute that you could have called  
5 Mr. Ellertson as a witness during that hearing?

6           A     I didn't know that, no.

7                   MR. LEECH: Object to the form. Calling for  
8 a legal conclusion.

9                   MR. HORWITZ: I only have one copy. I'll  
10 make this the next exhibit.

11                                   (The above-referred to  
12 document was thereupon  
13 marked Fulbright Exhibit  
No. 13, and is attached  
hereto.)

14 BY MR. HORWITZ:

15           Q     Tell us how you connected with MTV.

16           A     They contacted me but I'm not quite sure what  
17 means the first method of contact was.

18           Q     They contacted you?

19           A     Yes.

20           Q     Approximately when was this?

21                   MR. LEECH: I'm going to have to object to  
22 this line of questioning kind of like you did about the  
23 HIPAA thing yesterday. You know she's under a contract  
24 with MTV. There's a 2.5 million liquidated damages  
25 clause if she exposed anything about how they produced

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1 videos or any of that kind of thing.

2 So I think this --

3 MR. HORWITZ: By chance is there a provision  
4 in that agreement that allows you to give them notice  
5 of this deposition and to object?

6 MR. LEECH: For them to object? I honestly  
7 don't know. There could be. I don't know that. I  
8 just know she can't do it, like you and your HIPAA.

9 MR. HORWITZ: Let's do the same thing. I'll  
10 adjourn this portion of it and if we have to come back  
11 to it later, we can come back to it later.

12 MR. LEECH: Okay.

13 BY MR. HORWITZ:

14 Q Do you have any intention of writing a book  
15 about this event?

16 A Yes.

17 Q Speeches?

18 A Yes.

19 Q Do you want to be famous?

20 A I think I've always wanted to be successful  
21 and be recognized for success all my life.

22 Q Does success mean monetary success?

23 A I think, yeah.

24 Q Do you want to make money off of this event?

25 MR. LEECH: Object to the form.

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1           THE WITNESS: You know, I don't think that's  
2 the case. When I did the MTV thing I wasn't paid very  
3 much. I did it because -- and I had a lot of other  
4 offers.

5           I did it because I liked the format and I  
6 thought it would be a great way to showcase my mistake  
7 as a cautionary tale to young women about some  
8 really -- now my idea of being successful and being  
9 famous and known as really round, getting my story out  
10 there and helping other people not make that mistake,  
11 but I'm not taking so much focus on money because I've  
12 been offered more for other things that I thought maybe  
13 glamorized what happened.

14         Q     What other offers have you received?

15         A     Different reality TV shows.

16         Q     Which ones?

17         A     The Bad Girls Club, Snapped, something called  
18 For My Man. I can't remember all of them. There's  
19 been a lot. Different talk shows that I thought were  
20 not going in the direction of the message I wanted to  
21 get out behind this.

22         Q     Do you have any intention on going on those  
23 programs still?

24         A     Not those ones, those are not --

25         Q     Any programs you would like to be on?

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1           A     No. I don't have anything in mind right now,  
2 no.

3           Q     Safe to say you're not looking to just never  
4 speak about this event and put it behind you?

5           A     Right.

6           Q     You'd like to be able to talk about this.

7           A     Yes.

8           Q     You mentioned wanting to educate other women  
9 about your bad decision.

10          A     Yes.

11          Q     Tell me what you mean by bad decision.

12          A     I mean the decision to break the law, the  
13 decision to date people that were law breakers, the  
14 decision to let my emotions get the best of me and,  
15 even though I take full responsibility for what  
16 happened, I think that a lot of it was being under  
17 stress, lack of sleep, pushing myself too hard and now  
18 I'm not thinking clearly and these are the results.

19                I made a terrible mistake and basically  
20 flushed all of my life's work down the toilet and I  
21 think my message and my brand would just be around  
22 decision-making and really just letting people know  
23 that after you do make a mistake you can rebuild and  
24 start over and repent.

25          Q     You said a moment ago you take responsibility

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1 for what happened; is that correct?

2 A Yes.

3 Q What exactly do you take responsibility for?

4 A I take responsibility for setting this into  
5 motion and calling Rob and getting him involved. I  
6 should have called the police. I should have done the  
7 right thing, you know, that a reasonable person would  
8 have done. You think someone steals your stuff and you  
9 call the police.

10 You don't take it into your own hands, you  
11 don't do vigilantly justice. In my mind at the time I  
12 was trying to spare Josh of getting in trouble and just  
13 get my stuff back, but that's not what you do.

14 Q You take responsibility for putting a knife  
15 in Mr. Conway's ear?

16 A I told you I didn't recall that specific  
17 thing happening. I had a knife. I would take  
18 responsibility for everything I did that I do and do  
19 not remember that night, everything that he endured by  
20 my own hands, my own direction and anyone else that was  
21 involved.

22 Q I'm asking for a specific here. Do you take  
23 responsibility for putting a knife in Mr. Conway's ear?

24 MR. LEECH: You've asked that question about  
25 the knife in the ear. Has been answered several times

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1 in this deposition.

2 THE WITNESS: I just don't have a memory of  
3 physically actually doing that.

4 Q You do have a memory of physically  
5 threatening to cut his balls off?

6 A Yes.

7 Q Do you take responsibility for that?

8 A Yes.

9 Q Did you assault Mr. Conway while he was tied  
10 up?

11 A Yes.

12 Q Do you take responsibility for that?

13 A I do.

14 Q Do you know if Mr. Ergonis assaulted Mr.  
15 Conway during this event?

16 A I didn't witness and I don't know the legal  
17 -- maybe I did witness it based on the legal version of  
18 assault, but I didn't see him strike him or anything  
19 physically.

20 Q Never saw a gun?

21 A Not pointed at him or used on him or anything  
22 like that, no.

23 Q Did a gun ever go off during this event?

24 A Yes.

25 Q Did the shot from that gun almost hit Mr.

## Deposition of Kumari Fulbright.

1 Conway?

2 A It almost hit both of us. We were in a  
3 physical struggle over that firearm and it would have  
4 been an accidental discharge.

5 No one pointed -- he didn't point it at me  
6 and shoot, I didn't point it at him and shoot. We were  
7 struggling over it and it went off.

8 To this day I couldn't say who pulled the  
9 trigger, if you would.

10 Q Equal responsibility over that for that, the  
11 gun going off?

12 A Responsibility, it's all my fault, but if you  
13 say responsibility in terms of who pushed the button, I  
14 don't know how to answer that. I'm sorry.

15 Q Do you think this event was traumatic for Mr.  
16 Conway?

17 A Yes, I do.

18 MR. LEECH: Object forgot form.

19 THE WITNESS: I do, yeah.

20 Q Do you take responsibility for that trauma?

21 MR. LEECH: Object to the form.

22 THE WITNESS: Yes.

23 Q If the show that you went on exacerbated that  
24 trauma, do you take responsibility for that trauma?

25 MR. LEECH: Object to the form.



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1 THE WITNESS: No.

2 Q Why is that?

3 A I can't articulate that but I don't feel  
4 responsible for that.

5 Q You were paid for this episode, were you not?

6 A I was.

7 Q During your portrayal of this episode, did  
8 you ever lie about any of the underlying events?

9 A No.

10 MR. LEECH: Object to the form. Don't think  
11 she portrayed anything. I think she spoke.

12 THE WITNESS: Yeah. I was not the person  
13 that did the reenactment.

14 Q Was the episode accurate?

15 A I think it was fairly accurate.

16 MR. LEECH: Object to the form.

17 THE WITNESS: There was some creative  
18 liberties taken. I don't think all the dialogue was  
19 perfect. I don't remember everything that was said,  
20 and it was a reenactment of writers and such.

21 Q Anything specific from the episode that jumps  
22 out to you as having been false?

23 A There was -- I think the way they did the  
24 proposal between me and Rob was not all that accurate  
25 but there were little things that they did I thought,

## Deposition of Kumari Fulbright.

1 oh. But most of the substantial things were accurate.

2 Q I just want to get back to the kidnapping.

3 A I haven't seen the episode in almost, you  
4 know, two years.

5 Q Were you drinking during the kidnapping?

6 A Yes.

7 Q Were you on drugs?

8 A Yes.

9 Q Which drugs?

10 A Marijuana.

11 Q Just marijuana?

12 A Yes.

13 Q Were you on any medication at the time?

14 A I don't recall.

15 Q Have you ever been on any medication that  
16 affects your memory?

17 A No.

18 Q During this event Mr. Conway was tied up,  
19 right?

20 A Yes.

21 Q And we've already been over the fact that you  
22 threatened to cutoff his balls.

23 A We have.

24 Q And you mentioned a couple of the reasons  
25 that might have led you to do that. One of them was

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1 lack of sleep; is that correct?

2 A Yeah. Well, not -- I wouldn't say that led  
3 me -- go ahead and ask your question. I'm sorry.

4 Q Would you consider yourself unstable during  
5 this kidnapping?

6 A I don't think I was thinking clearly. If you  
7 mean that, yes.

8 Q I'd like to move on to the calendar.

9 Do you recall showing the calendar to the  
10 Attorney General?

11 A No.

12 Q Do you recall if the Attorney General thought  
13 the calendar was reliable?

14 A No.

15 Q Do you recall being asked if the calendar had  
16 been created after the fact?

17 A No. After what fact?

18 Q That it was not created in realtime.

19 A Do you mean that each thing on the date  
20 wasn't written on that date?

21 Q Sure.

22 A Yeah, this was a retroactive calendar used  
23 for the purpose of making a police report. It wasn't  
24 like oh, I have an appointment tomorrow, let me write  
25 that down.

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1           It wasn't -- it was a purposely made calendar  
2 to take to the police when I was considering doing a  
3 police report.

4           Q     Do you recall if the State ever claimed the  
5 calendar was doctored?

6           A     No.

7           Q     Do you recall if you mentioned the calendar  
8 during your free talks?

9           A     You know what, I do because I read through my  
10 free talks. I did mention the calendar.

11           MR. LEECH: I'm going to object to the form  
12 of this line of questions, lack of foundation.

13           Q     Would you make the free talks you mentioned  
14 in this calendar a late filed exhibit?

15           A     You don't have it?

16           MR. LEECH: He's got the free talks. We're  
17 talking about 6/19, he's had those.

18           MR. HORWITZ: I have those. I'm asking about  
19 references to the calendar which do not appear in those  
20 talks.

21           THE WITNESS: I don't know the question.

22           MR. LEECH: Stop real quick. You're asking  
23 about -- got a little confused. You're asking a  
24 question about production of documents and something  
25 that I got, I gave what I was given to you.

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1           So, I think there were two free talks that we  
2 had, and we gave you what we have.

3           That's why I was objecting to the form, lack  
4 of foundation.

5           Q     Would you read lines 18 to 24?

6           MR. LEECH: Object, lack -- what is she  
7 reading? Utter lack of foundation.

8           Q     I have just handed her the trial transcript  
9 from day 7 of the Ergonis trial.

10          A     You want me to start 18? I'm sorry.

11          Q     Actually let's start at line 8 line 24.

12          A     "Question: I've got three issues with this  
13 calendar, okay? My first question was going to be we  
14 don't have a calendar page for October, September or  
15 August, and I was going to ask you why but your  
16 previous testimony was you prepared that for law  
17 enforcement." "Answer: Yes." "Question: You  
18 prepared that so you could file a police report."  
19 "Answer: Yes." "Question: Is that anywhere in your  
20 free talks, the interview, anywhere?" "Answer: You  
21 never asked me about this calendar. You never  
22 presented this calendar to me. You guys had your idea  
23 of what happened and you questioned me along that idea,  
24 never allowing me to even discuss these sorts of  
25 things."

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1           Carry on? And it's interesting, because I  
2 did read my free talk this week and I did mention the  
3 calendar. So, for what that's worth.

4           Q     Do you recall whether the Arizona Attorney  
5 General accused you of being a liar?

6           MR. LEECH: Object to the form.

7           THE WITNESS: I don't recall but it wouldn't  
8 surprise me.

9           Q     Do you recall whether she accused you of  
10 starting a chain of events --

11          MR. LEECH: Object to the form, lack of  
12 foundation.

13          Q     Do you recall that allegation?

14          A     You didn't finish.

15          Q     Would you dispute that the Arizona attorney  
16 General stated the following: "This is what the  
17 evidence is going to show you, it's going to show you  
18 that Kumari Fulbright started a chain of events with a  
19 lie, chain of events that spiraled out of control, a  
20 chain of events that this man took charge of with  
21 weapons and violence and resulted in Josh Conway being  
22 tied up and assaulted with a gun put in his head, a gun  
23 put in his mouth and tortured for 8 hours until he  
24 escaped. She told her ex-fiancee, she told him that  
25 Conway stole her jewelry. We're never going to know

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1 why and sometimes in life you just don't know.  
2 Sometimes juries -- sometimes jury trials don't give  
3 you all the answers. We're never going to know why  
4 Kumari did that but what you're going to know at the  
5 end of this trial is that she lied about it."

6 Do you have any reason to dispute that was  
7 the statement of the Attorney General?

8 A No.

9 Q Why do you think they thought that?

10 MR. LEECH: Object to the form.

11 THE WITNESS: Well, they had their theory of  
12 the case and that was it and it was based on Josh's lie  
13 that I asked him to pawn my jewelry, which I didn't  
14 ever and, you know, it was a very public case as you  
15 know and she was not a stereo type prosecutors but in  
16 this case she was very, very focused on getting a  
17 conviction of me and Rob, me because I was a  
18 disappointment to the legal community as a law student  
19 and Rob was a known criminal that they had been trying  
20 to arrest and put away for various things and he evaded  
21 the law and that, and so to go along and believe Josh's  
22 story and not investigate anything that I was saying  
23 and I had all these things to show made it easier for  
24 her to not have some dirty victim. You don't want to  
25 go to trial with Rob and say maybe he deserved it

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1 because that guy stole.

2 So to structure her theory of the case and  
3 believing his story -- which, of course, he's going to  
4 self-preserve. I mean most criminals do crimes and  
5 think, oh, I'm not going to get caught.

6 But your client is different. He had  
7 contingency plans in place for when he does get caught  
8 and that's what that phone call was. He knew exactly  
9 what he was going to say and do.

10 Q So my question was, why do you think they  
11 thought you were a liar?

12 MR. LEECH: Objection. Asked and answered.

13 THE WITNESS: I don't know. Because I was on  
14 the adversarial side and my story went against Josh's.  
15 They took his to be truth, then my story is a lie.

16 Q Why do you think they believed Josh and not  
17 you?

18 MR. LEECH: Object to the form.

19 THE WITNESS: I don't think that they did.

20 Q They took the position that you had lied  
21 about your jewelry being stolen, did they not?

22 A They did.

23 Q Is that in keeping with your story?

24 MR. LEECH: Object to the form, lack of  
25 foundation. You are -- you're questioning her about



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1 opening arguments by an Attorney General. I fail to  
2 see how this is relevant or admissible in any universe.

3 Q You can answer the question.

4 A Ask it again because something didn't click  
5 for me.

6 Q You said they believed Josh but not you. I  
7 asked why you thought that.

8 MR. LEECH: Objection, lack of foundation.

9 THE WITNESS: I don't think they did believe  
10 Josh.

11 Q So you think they believed you?

12 A Yeah.

13 Q They believed you that the jewelry was  
14 stolen?

15 A Oh, yeah.

16 MR. LEECH: Objection, lack of foundation.

17 Q So they believed you but pursued a different  
18 theory in Court?

19 A Yes.

20 MR. LEECH: Object. The same objection to  
21 this entire line of questioning. You're asking her to  
22 speculate what's in the mind of a District Attorney  
23 General after reading, again, opening arguments which  
24 any jury instruction the first thing a Judge says is  
25 statements made by counsel are not facts, they are

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1 argument.

2 MR. HORWITZ: Your objection is noted.

3 Q So it's your position that the State of  
4 Arizona pursued a theory that they knew was false?

5 MR. LEECH: Object to the form. Lack of  
6 foundation.

7 THE WITNESS: Yes.

8 Q You think they did a thorough investigation?

9 MR. LEECH: Object to form, lack of  
10 foundation.

11 THE WITNESS: No, they did not. They  
12 wouldn't even entertain investigating anything other  
13 than that theory.

14 Q Do you recall yesterday when you were sitting  
15 over there and you were scrolling through your phone,  
16 do you recall that?

17 A Uh-huh.

18 Q What were you looking for?

19 A I don't remember. An e-mail or something.

20 Q An e-mail between -- what was the subject of  
21 the e-mail?

22 A I don't remember what I was looking for. I  
23 don't remember. I'm sorry.

24 Q Could you have been looking for e-mails  
25 between you and Mr. Conway from approximately --

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1           A     Oh, yes.  Yes.  I was looking to see if you  
2 had been provided with a complete thread.

3           Q     Do you know if the e-mails that you were  
4 looking for had ever been produced in discovery?

5           A     In this portion?  I really didn't know I  
6 still had them until I find this box.

7           Q     So you hadn't looked for them.

8           A     I looked.

9                     MR. LEECH:  Object to form, lack of  
10 foundation.

11                    THE WITNESS:  Start the question again.

12          Q     When did you begin looking for these e-mails?

13          A     I don't remember.

14          Q     Would it have been recently?

15          A     Yeah.  I mean I've had the e-mails, I have  
16 them but I've revisit them here and there for different  
17 reasons.

18          Q     Do you recall when you received our first set  
19 of discovery responses, requests?

20          A     No.

21          Q     Could it have been with the Complaint in  
22 March, 2016?

23          A     It could have been.  You can just tell me and  
24 I'll agree.  I'm not --

25          Q     Did you do a thorough search of the records

## Deposition of Kumari Fulbright.

1 that you had in your possession with regard to this  
2 case --

3 MR. LEECH: Object to the form lack of  
4 foundation.

5 Q -- after receiving our first set of discovery  
6 responses?

7 A I think I have a lot of things. I don't know  
8 if everything is going to be used or if it's going to  
9 be part of the case or if it's relevant or important,  
10 you know. You don't think little love notes would have  
11 anything to do with this and then all of a sudden they  
12 do.

13 Q Do you have a Facebook page?

14 A I do.

15 Q How many?

16 A Two.

17 Q They both public?

18 A No. I think one is.

19 Q So one is public, one is private?

20 A (Witness nods head in the affirmative).

21 Q Has the private one always been private?

22 A No. I think I figured out how to adjust the  
23 settings and stuff.

24 Q Do you know approximately when you might have  
25 made that page private?

## Deposition of Kumari Fulbright.

1           A     No.

2           Q     Could it have been after you signed the  
3     discovery response saying your social media pages were  
4     public?

5           A     I don't know. It might have -- might have  
6     had been in connection with the boyfriend that I had in  
7     Tampa, and he was a little nutty.

8           Q     Have you seen the Fox 17 interview that was  
9     referenced yesterday?

10          A     Yes.

11          Q     You think the allegations presented in that  
12     interview were accurate?

13          A     No.

14          Q     Called you a liar, right?

15          A     Yeah.

16          Q     How does that make you feel?

17          A     Indignant. Just felt really unfair that he's  
18     going to keep perpetuating that he didn't do anything,  
19     like you got enough out of me. It's like I'm sorry, I  
20     did my time and you still want to keep presenting  
21     yourself as someone who didn't do anything and had --

22          Q     You feel like it affected your reputation?

23          A     Yes.

24          Q     Why didn't you sue Mr. Conway after that  
25     interview?

## Deposition of Kumari Fulbright.

1           A     I don't know if that's attorney-client  
2 privilege but we're working on that and the statute of  
3 limitations is not up.

4           MR. LEECH: It is but that is attorney/client  
5 privilege.

6           Q     Did you feel as though Mr. Conway had defamed  
7 you?

8           A     I think he continued the defamation.

9           Q     You didn't sue him though; is that correct?

10          A     No.

11          Q     Do you know why Mr. Conway is suing you here  
12 today?

13          A     For defamation.

14          MR. HORWITZ: Those are my questions.

15          MR. LEECH: I just have a couple of follow-up  
16 questions.

17

18                                 - - -

19

20         EXAMINATION BY MR. LEECH:

21           Q     Kumari, earlier in this deposition  
22 Mr. Horwitz was asking you about your level of  
23 certainty in May, 2016, and you said that you had been  
24 investigating things during that time.

25                         What did you actually discover in May of 2016

## Deposition of Kumari Fulbright.

1 that made you even more certain than you were before  
2 that Mr. Conway stole your jewelry?

3 A I had discovered a photo of his wife on  
4 Facebook wearing what appeared to be one of the rings  
5 that was stolen that was never recovered.

6 Q Okay. And you discovered that in May of  
7 2016.

8 A Around there.

9 Q The police report you filed in Detroit, what  
10 ring was alleging had been stolen?

11 A That ring.

12 Q Describe the ring, please.

13 A It's like a diamond ring with a yellow --

14 Q Had that ring ever been recovered?

15 A No.

16 Q Was that one of the rings that was missing  
17 from your apartment?

18 A Yes.

19 Q Mr. Horwitz has been inferring of we're  
20 intentionally not giving him documents.

21 What happened to your file around this case  
22 when you were incarcerated in December, 2009?

23 A It was, for starters, passed around to the  
24 five or six different attorneys I had. Then during my  
25 time on bail I was allowed to move to Texas.

## Deposition of Kumari Fulbright.

1 I met an acquaintance that allowed me to  
2 store some of my things in Arizona which I lost contact  
3 with, never got many of the things back. Some of the  
4 things got moved with me to Dallas and stored at my  
5 aunt's house.

6 After I left my aunt's house in preparation  
7 to take the plea, I -- I'm not sure if I was going to  
8 take it or not so I don't know if I'm going to spend  
9 two years in jail or 55 years in jail, I start staying  
10 with different family members to say my goodbyes and  
11 that was in Florida, Kansas City, Texas.

12 So, during that time files, things,  
13 computers, phones, everything is just kind of  
14 everywhere and I'm still kind of piecing that together.

15 Q And you brought a box with you before this  
16 deposition to me on Wednesday.

17 A Yeah.

18 Q Where did you find that box?

19 A My mom found it. They just sold their house  
20 and cleared some things out of the attic and my mom  
21 dropped some stuff off to my house and there was a  
22 massive file and there's still some other things that I  
23 haven't been able to go through but that was the thing  
24 in a legal file and I knew everything that was in there  
25 was related to the case but --



## Deposition of Kumari Fulbright.

1           Q     And have you made a search of your Gmail  
2 prior to this after I told you that we had discovery  
3 requests and what we needed?

4           A     Yes.

5           Q     Did you find what you thought was relevant at  
6 the time?

7           A     Yes.

8           Q     And safe to say Mr. Conway had had multiple  
9 communications while you were together.

10          A     Yes.

11          Q     Can I see the exhibit that's marked plea deal  
12 or "CHANGE OF PLEA", whichever one?

13               MR. HORWITZ: Here is the "CHANGE OF PLEA".

14          Q     This is Exhibit 6. Would you please read the  
15 style of the case including the case number?

16          A     State of Arizona Plaintiff versus Kumari  
17 Semone Fulbright, CR-2007 4823.

18          Q     And is that the same case number on the  
19 trial, State of Arizona versus Robert Ergonis?

20          A     I couldn't say.

21               MR. LEECH: Can we get a copy of the  
22 transcript?

23               MR. HORWITZ: Sure.

24          Q     Will you read the style of the case and the  
25 case number on this copy of transcript.?

## Deposition of Kumari Fulbright.

1           A     State the Arizona vs. Robert Arthur Ergonis,  
2 CR-2007 4823.

3           Q     And so it's safe to assume you were a party  
4 to this case.

5           A     Yes.

6           Q     If I represented to you that that was the  
7 same case number that Mr. Hammond -- he was a party to  
8 this case as well.

9           A     (Witness nods head in the affirmative).

10          Q     And when you did your plea deal, what did you  
11 plead guilty to?

12          A     Kidnapping and aggravated assault.

13          Q     Was anything about jewelry mentioned in your  
14 plea deal?

15          A     No.

16               MR. LEECH: That's all I have.

17  
18                               - - -

19

20       RE-EXAMINATION BY MR. HORWITZ:

21          Q     I just have a couple of follow-up questions.

22               I am looking at "DEFENDANT'S SUPPLEMENTAL AND  
23 AMENDED RESPONSE TO PLAINTIFF'S SECOND SET OF  
24 INTERROGATORIES AND REQUESTS FOR PRODUCTION".

25               Can you tell me what date that is signed?

## Deposition of Kumari Fulbright.

1           A     June 14th, 2017.

2           Q     A couple of days ago, right?

3           A     Yes.

4           Q     Will you read the question designated as  
5 Interrogatory No. 8?

6           A     >List all information relied upon that  
7 Defendant" -- "List all information relied upon by  
8 Defendant to support your allegations that Plaintiff  
9 stole jewelry from her."

10          Q     Will you point me to the place in your  
11 response where you mention Mr. Conway's wife wearing a  
12 ring that looks like your grandmother's ring?

13          A     It's not the one but I understand your  
14 question. It's not in there because I am still  
15 investigating it so I don't know that I'm fully relying  
16 on it.

17          Q     Did you just say a moment ago when Mr. Leech  
18 was examining you that in May of 2016 you became  
19 certain that Mr. Conway had stolen your jewelry --

20          A     My level of certainty increased further to  
21 point to file the police report, yes.

22          Q     Please read the question posed in  
23 Interrogatory No. 8 again.

24          A     >List all information relied upon by  
25 Defendant to support your allegations that Plaintiff

## Deposition of Kumari Fulbright.

1 stole jewelry from her."

2 Q And once more, for the record, there is no  
3 indication in your response that Mr. Conway's wife  
4 appeared to be wearing your grandmother's ring, is  
5 there?

6 A No, because it's not confirmed so it's not in  
7 there.

8 Q So as of two days ago --

9 MR. LEECH: This has been asked and answered.  
10 You're just haranguing her now.

11 Q I'm going to continue with my question.

12 As of two days ago, you didn't think that  
13 that fact was a relevant response to this question.

14 A Not at this stage in the investigation.

15 Q Tell me about this police report. Is only  
16 this ring alleged?

17 A I can't remember so I would have to check it  
18 out. I believe so but I can't say for sure because I  
19 may have given a statement to other items that -- I  
20 don't know what my full statement was at the moment.

21 Q Do you have a greater level of certainty  
22 regarding some items versus others?

23 A No. I lump it all into one situation.

24 Q But it's possible that this report only  
25 mentioned the ring?

## Deposition of Kumari Fulbright.

1           A     It's possible.

2           Q     Is that because you feel like you can only  
3 prove that the ring was stolen?

4                   MR. LEECH:  Objection, lack of foundation.

5           Q     Why would you only mention one, just the  
6 ring, and not the others?

7           A     I think I mentioned the other things, to be  
8 honest.  I can't be sure but it was mentioned because  
9 --

10          Q     If you didn't mention other things why would  
11 you have left them out?

12          A     I think I did not.

13          Q     We'll find out.

14          A     Yeah.

15          Q     Will you make the picture that was referenced  
16 a late filed exhibit, please?

17                   MR. LEECH:  Yes, we will.  I also like to  
18 give -- I'll wait.  I'm sorry.

19                                   (The above-referred to  
20                                   document to be furnished  
                                  as Late Filed Exhibit No.  
                                  14.)

21 BY MR. HORWITZ:

22          Q     If it were proven that the ring in this was  
23 not your grandmother's ring, would it reduce or  
24 increase your level of certainty that Mr. Conway stole  
25 your jewelry?

## Deposition of Kumari Fulbright.

1 MR. LEECH: Object, lack of foundation.

2 THE WITNESS: Neither. He stole my stuff  
3 regardless.

4 Q Doesn't really matter that you saw this  
5 picture. You knew already.

6 A Yeah. But I mean this is going to increase  
7 your certainty when you see it visual.

8 Q That's what I asked you. The picture  
9 increases your certainty.

10 A The picture increases my proof, maybe not my  
11 certainty.

12 Q If the ring is not, in fact, the ring you're  
13 talking about, your proof goes up or down?

14 MR. LEECH: Objection, speculation, lack of  
15 foundation.

16 THE WITNESS: I don't know.

17 Q Was this a false report?

18 MR. LEECH: Object to the form.

19 THE WITNESS: What was a false report?

20 Q The police report filed regarding the stolen  
21 jewelry.

22 A No.

23 MR. HORWITZ: Those were my questions.

24 MR. LEECH: I have one more.

25 - - -

## Deposition of Kumari Fulbright.

RE-EXAMINATION BY MR. LEECH:

Q Do you trust Mr. Conway?

A No.

Q Were you afraid that if he had found out about these pictures that he would have attempted, if it was the ring, that he would have attempted to somehow get rid of the ring?

A Yes.

Q And is the reason that you did not act on it earlier because it looks like it could be the ring but you don't know one hundred percent?

A No. It appears that he does have two similar rings that he could swap out to look similar and get out of this.

Q But in order to confirm this for you to actually know anything, to be able to file a lawsuit, would you not actually have to like physically look at the ring yourself?

A Yes.

Q Both rings in question?

A Yes.

Q Because they're Facebook pictures. Hard to tell. Is that fair?

A Yes.

MR. LEECH: That's all I the got.

## Deposition of Kumari Fulbright.

1 RE-EXAMINATION BY MR. HORWITZ:

2 Q Did you just say that you did not disclose  
3 this picture because you thought Mr. Conway would do  
4 something in response to it?

5 A (Witness nods head in the affirmative).

6 Q So you recognized that this picture was  
7 significant?

8 A I recognize that it has potential to have  
9 bearing on this case if it turns out to be that.

10 Q Will you read the oath that you signed,  
11 please?

12 A "I, Kumari Fulbright, on behalf of the  
13 undersigned, upon personal knowledge, certify I've read  
14 the foregoing answers to the Interrogatories and I  
15 hereby make oath that they are true, accurate and  
16 complete."

17 Q Wasn't your testimony a moment ago that these  
18 responses were not complete because you thought Mr.  
19 Conway might do something in response to them?

20 MR. LEECH: Object to the form, lack of  
21 foundation.

22 THE WITNESS: One of the reasons, but also  
23 because it's just something that may or may not be  
24 used. I mean it depends on how the investigation goes.

25 Q Fair to say that's not a complete response?



## Deposition of Kumari Fulbright.

1 MR. LEECH: Object to the form.

2 THE WITNESS: I don't know. I don't know the  
3 answer to that.

4 MR. HORWITZ: Those are my questions.

5 MR. LEECH: One more. Would you read back  
6 the last question Mr. Horwitz asked? I forgot what it  
7 is.

8 (The question was read back by the reporter).

9

10 - - -

11

12 RE-EXAMINATION BY MR. LEECH:

13 Q Ms. Fulbright, at the time that you executed  
14 this oath page, you did not know that that is actually  
15 the ring, you just suspected that it may be?

16 A Correct.

17 Q We wanted confirmation.

18 A Correct.

19 Q You just wanted to eyeball it to prove it?

20 A Correct.

21 MR. LEECH: That's all I got.

22 MR. HORWITZ: I got to keep going.

23

24 - - -

25

## Deposition of Kumari Fulbright.

1 RE-EXAMINATION BY MR. HORWITZ:

2 Q Do you think this picture supports your  
3 allegation that Mr. Conway stole your ring from you?

4 A It could.

5 MR. HORWITZ: That's my question.

6 MR. LEECH: Nothing further. I'm done.

7 (3:01 P.M.)

8 FURTHER THIS DEPONENT SAITH NOT:

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STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

I, James P. Beres, LCR #519, Court Reporter and Notary Public in and for the State of Tennessee at Large, do hereby certify that the foregoing proceedings were taken at the time and place set forth in the caption hereof; that the witness(s) were duly sworn on oath to testify the truth; that the proceedings were stenographically reported by me in machine shorthand, and that the foregoing proceedings constitute a true and correct transcript of said proceedings to the best of my knowledge, skills and ability.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel, nor do I have any financial interest in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal this 26th day of June, 2017, at Nashville, Davidson County, Tennessee.

---

JAMES P. BERES, Notary Public  
for the State of Tennessee, LCR#519

My Commission Expires: June 30, 2018

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\_\_\_\_\_  
KUMARI FULBRIGHT

Sworn to and subscribed before me, this \_\_\_\_\_ day

of \_\_\_\_\_, 2017.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**2017 FLORIDA PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# P12000011263

**Entity Name:** KUMARI FULBRIGHT, INC.

**Current Principal Place of Business:**

8350 SAVANNAH TRACE CIRCLE  
SUITE 1806  
TAMPA, FL 33615

**Current Mailing Address:**

8350 SAVANNAH TRACE CIRCLE  
SUITE 1806  
TAMPA, FL 33615 US

**FEI Number:** 45-4431895

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

FULBRIGHT, KUMARI  
8350 SAVANNAH TRACE CIRCLE  
SUITE 1806  
TAMPA, FL 33615 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:** \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**Officer/Director Detail :**

Title	P
Name	FULBRIGHT, KUMARI
Address	8350 SAVANNAH TRACE CIRCLE SUITE 1806
City-State-Zip:	TAMPA FL 33615



I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

**SIGNATURE:** KUMARI FULBRIGHT

**PRESIDENT**

**04/27/2017**

\_\_\_\_\_  
Electronic Signature of Signing Officer/Director Detail

\_\_\_\_\_  
Date

**2016 FLORIDA PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# P12000011263

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8350 SAVANNAH TRACE CIRCLE  
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TAMPA, FL 33615 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:** \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_ Date

**Officer/Director Detail :**

Title P  
Name FULBRIGHT, KUMARI  
Address 8350 SAVANNAH TRACE CIRCLE  
SUITE 1806  
City-State-Zip: TAMPA FL 33615



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**SIGNATURE:** KUMARI S FULBRIGHT

**PRESIDENT**

**03/29/2016**

\_\_\_\_\_ Electronic Signature of Signing Officer/Director Detail

\_\_\_\_\_ Date



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**JOSHUA CONWAY,**

**Plaintiff,**

**v.**

**KUMARI S. FULBRIGHT, AND  
KUMARI FULBRIGHT, INC.**

**Defendants.**

**Case No.:**

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. 1332  
DIVERSITY OF CITIZENSHIP**

---

**AFFIDAVIT OF KUMARI S. FULBRIGHT**

State of New York  
County of Manhattan

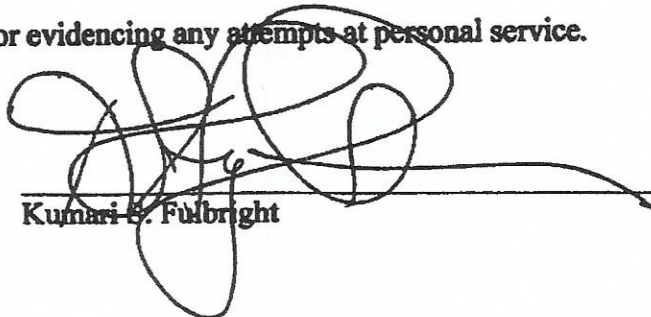
**DEPOSITION  
EXHIBIT**

*Fulbright #5  
6-14-17 2*

1. My name is Kumari S. Fulbright and I am over the age of 19 and otherwise competent to testify to the facts set out below.
2. I am the sole stockholder of Kumari Fulbright, Inc. which is a Florida Corporation.
3. I reside at 500 West 23<sup>rd</sup> Street, Apartment 11C, Manhattan, New York, New York 10011.
4. I left New York for business on February 2<sup>nd</sup>, 2016 and returned on April 8<sup>th</sup>, 2016 to my home in Manhattan.
5. I received notice of the instant lawsuit on April 9<sup>th</sup>, 2016 while going through my mail.
6. It appears that a doorman at my building signed for a piece of certified mail which contained the Summons and Complaint.

7. I have never given the doormen at my building permission to sign for any certified mail and would not have accepted service of process in that manner.

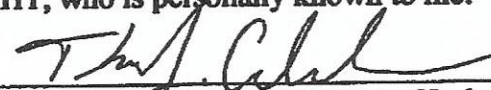
8. No cards were left at my door evidencing any attempts at personal service.



Kumari S. Fulbright

STATE OF NEW YORK  
COUNTY OF MANHATTAN

The foregoing instrument was sworn to and subscribed before me this 6<sup>th</sup> day of  
MAY, 2016, by KUMARI S. FULBRIGHT, who is personally known to me.



NOTARY PUBLIC, State of New York  
My commission expires: 02-21-18

Thomas J. Calabrese  
Notary Public, State Of New York  
Qualified In New York County  
No. 01CA6141338  
My Commission Expires 02-21-2018

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

**DEPOSITION  
EXHIBIT**  
*Fulbright #6  
6-10-22*

STATE OF ARIZONA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
KUMARI SEMONE FULBRIGHT, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CR-2007 4823

Tucson, Arizona

BEFORE: HONORABLE RICHARD D. NICHOLS

DECEMBER 8, 2009  
CHANGE OF PLEA/STATE'S MOTION FOR  
RECONSIDERATION RE ORDER TO ISSUE  
SUBPEONA DUCES TECUM FOR PHONE RECORDS

APPEARANCES:

KIMBERLY H. ORTIZ, Assistant Attorney General,  
on behalf of the State.

STEPHEN M. WEISS, Attorney at Law, on behalf of  
the Defendant.

Mary E. Bernal  
Certified Court Reporter  
Certification #50414  
Pima County, Arizona

PROSECUTION

PROCEEDINGS  
12-8-09

1

2

3

THE COURT: State versus Fulbright, 2007-4823.

4

MS. ORTIZ: Kim Ortiz for the State, Your

5

Honor.

6

MR. WEISS: Steve Weiss for Ms. Fulbright, she

7

is present.

8

THE COURT: Do you have a change of plea?

9

MR. WEISS: Yes, I have a signed copy, if you

10

wish.

11

THE COURT: Yes.

12

You are 45 minutes late for one thing. What

13

happened?

14

THE DEFENDANT: I thought that it was at the  
end of the docket, is what I was informed by my counsel.

15

16

MR. WEISS: That's correct, Your Honor, I told  
her that it would be at the end and I had checked with  
your JAA to place it that way.

17

18

19

THE COURT: Ms. Fulbright, have you read this  
agreement and talked about it with Mr. Weiss?

20

21

THE DEFENDANT: Yes, I read it.

22

THE COURT: Do you feel like you understand?

23

THE DEFENDANT: Yes, I read it.

24

THE COURT: Do you feel like you understand?

25

THE DEFENDANT: Yes, I understand.



1 THE COURT: Do you understand the general  
2 terms of the plea agreement?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you sign it?

5 THE DEFENDANT: Yes.

6 THE COURT: And do you think that taking this  
7 plea is in your best interest, under all of your  
8 circumstances?

9 THE DEFENDANT: Do I have to answer that?

10 THE COURT: Yes.

11 THE DEFENDANT: Then, yes.

12 THE COURT: It says that you are pleading  
13 guilty to conspiracy to commit kidnapping, a Class 2  
14 felony, and aggravated assault, a Class 3 felony. Are  
15 those the two offenses that you are pleading guilty to  
16 this morning?

17 THE DEFENDANT: Those are the two offenses that  
18 I am pleading guilty to this morning.

19 THE COURT: For the aggravated assault count  
20 the plea has a stipulated sentence of 2 years in the  
21 Department of Corrections.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: And that will be followed by a  
25 stipulated term of probation for the conspiracy to

1 commit kidnapping charge, and that term of probation can  
2 be as long as 7 years.

3 Do you understand that?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: As a condition of probation you  
6 could be required to pay a monthly fee that is normally  
7 \$65 a month. And you could serve up to a year in the  
8 county jail.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: As to the prison term, you will  
12 have to serve at least 85 percent of it in the  
13 Department of Corrections before being eligible for  
14 release. Then you have to serve 15 percent outside of  
15 prison under a community service program.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: The maximum possible fine for a  
19 felony is \$150,000, plus an 84-percent surcharge.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: You may have to pay restitution for  
23 any economic loss to Joshua Conway up to \$15,000, and  
24 you will have to provide truthful information in any and  
25 all interviews given to a representative of the State

1 and testify completely and truthfully at any time and  
2 place requested by the State, including a Grand Jury,  
3 preliminary hearing, bond hearing, pretrial hearing, or  
4 a trial or post-trial.

5 Do you understand that?

6 THE DEFENDANT: From here on out, I will be  
7 truthful if asked any questions, I will tell the truth.

8 THE COURT: All right.

9 Whenever the State requires you to?

10 THE DEFENDANT: Whenever they require the  
11 truth, I will let them know.

12 THE COURT: By taking this plea agreement you  
13 are giving up your right to have a trial, you could keep  
14 your plea of not guilty and have a trial by jury on the  
15 original charges that were filed against you at the  
16 trial. At the trial you and Mr. Weiss could confront  
17 and cross-examine any witnesses the State called to  
18 testify against you. You could present evidence on your  
19 own behalf and subpoena witnesses to testify for you.  
20 You would be presumed innocent throughout the trial and  
21 the State would have to prove that you are guilty beyond  
22 a reasonable doubt before you could be convicted. You  
23 could testify or not testify as you chose.

24 If the jury did find you guilty, you could  
25 require the State to prove to the jury beyond a



1 reasonable doubt any aggravating factors that they wish  
2 the Court to consider at sentencing, and you would have  
3 the right to a direct appeal to the Court of Appeals.

4 You understand that you have all of those  
5 rights?

6 THE DEFENDANT: I do.

7 THE COURT: And do up realize you are giving  
8 them up in exchange for this plea agreement?

9 THE DEFENDANT: Yep.

10 THE COURT: Anyone forcing you or threatening  
11 you or making any other promises to you to get you to  
12 take this plea agreement?

13 THE DEFENDANT: Can you repeat the statement?

14 THE COURT: Is anyone making any threats or  
15 using any coercion or making any other promises to you,  
16 other than that stipulated 2-year sentence and the  
17 stipulated following term of probation, to get you to  
18 take this plea agreement?

19 THE DEFENDANT: Nope.

20 THE COURT: Are you under the influence of any  
21 medications or drugs that would interfere with  
22 understanding the discussion that you and I have had  
23 about this case?

24 THE DEFENDANT: No, Judge.

25 THE COURT: On December 8th of 2007 did you



1     conspire with other people to kidnap Joshua Conway by  
2     knowingly restraining him with the intent to inflict a  
3     physical injury or aid in the commission of a felony?

4             MR. WEISS: If it pleases the Court, I can state  
5     a factual basis for you.

6             THE COURT: All right.

7             MR. WEISS: This actually will cover both  
8     counts. The evidence will show -- would show, that  
9     Mr. Conway was invited over to Ms. Kumari's house on  
10    Knox, on December 8th of 2007, and all events that I am  
11    describing took place on that date and in Pima County.

12            Mr. Ergonis was heard talking to someone on a  
13    cell phone and he indicated that he would call when he  
14    was ready for her to get in the shower and to make sure  
15    that a key was left under the mat. Our records would  
16    show that there were approximately 14 cell phone calls  
17    believed to be made on Mr. Ergonis's phone to  
18    Ms. Fulbright's phone on December 8th in the early  
19    morning hours and in the early afternoon hours on that  
20    date, and Mr. Conway then came over to Ms. Fulbright's  
21    residence, she then got into the shower.

22            Mr. Ergonis and Mr. Radde arrived at the Kumari  
23    Fulbright residence on Knox and they knocked down  
24    Mr. Conway, he is tied up, and taken at gunpoint to  
25    another residence located on Bryant Street. Then

1 Mr. Ergonis brings back Mr. Conway to Ms. Fulbright's  
2 residence on Knox. Mr. Hammond would testify that, as  
3 he enters the residence, the door is opened by  
4 Ms. Fulbright, and Mr. Conway is there and he is still  
5 bound, and Ms. Fulbright says, where have you been, it's  
6 about time.

7 And then, during the course of Mr. Conway's  
8 presence at Knox, at this point in time the evidence  
9 would show that Ms. Fulbright said, I have been waiting  
10 all week for this. Mr. Conway was kept at the Knox  
11 residence and was bound, and at some point in time the  
12 defendant held a knife or brandished a knife towards his  
13 ear and made threats to him about about cutting his  
14 ear.

15 I have no objection to you also considering the  
16 Grand Jury transcript.

17 THE COURT: Do you agree with what your  
18 attorney said, Ms. Fulbright?

19 THE DEFENDANT: Absolutely not. But, you  
20 know --

21 THE COURT: I can't allow you to plead guilty  
22 to something you didn't do. What part don't you agree  
23 with?

24 THE DEFENDANT: I just -- I agree that I am  
25 pleading guilty.

1 THE COURT: Like I said, I can't let you plead  
2 guilty to something you didn't do.

3 Was Joshua Conway over at your house December  
4 8th of that year?

5 THE DEFENDANT: Yes.

6 THE COURT: And were Mr. Radde and Mr. Ergonis  
7 there as well?

8 THE DEFENDANT: I can't say for sure.

9 THE COURT: Were you there?

10 THE DEFENDANT: Yes.

11 THE COURT: Why wouldn't you know if they were  
12 there or not?

13 THE DEFENDANT: I can't say that because -- I  
14 just want to do this, you know.

15 THE COURT: I need a factual basis for the  
16 change of plea.

17 (DEFENDANT AND HER COUNSEL CONFER OFF THE RECORD.)

18 THE DEFENDANT: I just want to take the plea so  
19 whatever that requires, I want to do that.

20 THE COURT: It requires you to admit to what  
21 actually happened to support a plea of guilty to the  
22 conspiracy to commit kidnapping and aggravated assault.

23 THE DEFENDANT: Okay. Then I agree to that.

24 THE COURT: Was Mr. Conway over at your house  
25 on December 8th, 2007?



1 THE DEFENDANT: Yes.

2 THE COURT: Was he tied up?

3 THE DEFENDANT: I am guilty.

4 THE COURT: Was he tied up?

5 THE DEFENDANT: I think that's -- that would be  
6 testified to by him, yes, the evidence shows that.

7 THE COURT: Ms. Fulbright, by pleading guilty  
8 you are admitting that you were involved in the crimes,  
9 not that you witnessed them, but you participated in  
10 these crimes, do you understand that? If You are just a  
11 witness to all of this, I cannot accept your plea of  
12 guilty.

13 Are you admitting that you were involved in  
14 this, do you understand?

15 THE DEFENDANT: Uh-huh.

16 THE COURT: Do you agree with what your  
17 attorney said happened?

18 THE DEFENDANT: Uh-huh.

19 THE COURT: Is that a yes?

20 THE DEFENDANT: Yes.

21 THE COURT: Does that include agreeing and  
22 conspiring with Mr. Radde and Ergonis to effectuate  
23 Mr. Conway being tied up?

24 (DEFENDANT AND HER COUNSEL CONFER OFF THE RECORD.)

25 THE DEFENDANT: Hold on.

1 I agree with or, or, or, it is an or, Judge.

2 THE COURT: Or Mr. Radde?

3 THE DEFENDANT: Or.

4 THE COURT: That Mr. Conway was tied up and  
5 threatened with a knife.

6 THE DEFENDANT: With the intent to, yes, that  
7 right there.

8 THE COURT: With the intent that he be  
9 threatened with a knife?

10 THE DEFENDANT: Would you repeat that again --  
11 I signed it so, I mean, I read and write and understand  
12 English and I signed it.

13 (DEFENDANT AND HER COUNSEL CONFER OFF THE RECORD.)

14 THE DEFENDANT: Reasonable apprehension of  
15 physical injury in nature.

16 THE COURT: Ms. Fulbright, there is more to  
17 taking a change of plea than just your reading and your  
18 signing it. I am trying to get you to admit, so far you  
19 have not done that. You need to admit guilt to the  
20 Court before the Court can accept your plea.

21 THE DEFENDANT: I am admitting guilt to the  
22 Court.

23 THE COURT: I need a factual basis, meaning you  
24 were involved with one or more persons in Mr. Conway  
25 being tied up; were you involved in that activity?

1 THE DEFENDANT: Yes.

2 THE COURT: Was the intent of that restraint to  
3 threaten him with a weapon and eventually get property  
4 from him?

5 THE DEFENDANT: Like premeditated, you mean?

6 THE COURT: Doesn't have to be premeditated but  
7 there has to be some goal involved besides just tying  
8 him up.

9 THE DEFENDANT: Okay, yes.

10 THE COURT: Did you use a knife in such a way  
11 that he was threatened by it?

12 THE DEFENDANT: Okay, yes.

13 THE COURT: Ms. Ortiz?

14 MS. ORTIZ: I would <sup>Supplement</sup> ~~supplant~~ what Mr. Weiss  
15 said. State's position would be that the phone calls  
16 that occurred between Ms. Fulbright and Ergonis prior to  
17 the actual kidnapping and assault constituted the  
18 agreement on the part of the conspiracy, and at least  
19 one overt act by Ms. Fulbright was to call Mr. Conway to  
20 make arrangements for him to come to her house on  
21 December 8th, 2007.

22 THE COURT: Did you call Conway and tell him to  
23 come over to your house?

24 THE DEFENDANT: No, I was planning to go over  
25 to his house, but he wanted to come over to mine, so --



1 THE COURT: Did you call him?

2 THE DEFENDANT: I am not sure.

3 THE COURT: Did you talk to him on the phone?

4 THE DEFENDANT: Yes.

5 THE COURT: As a result of that phone  
6 conversation, did he come over to your house?

7 THE DEFENDANT: Yes. Yes.

8 THE COURT: And what else?

9 MS. ORTIZ: I have nothing else to add.

10 THE COURT: Are you satisfied with the factual  
11 basis?

12 MS. ORTIZ: Yes.

13 THE COURT: The Court also will incorporate the  
14 Grand Jury transcript as well.

15 The Court finds there is a factual basis for  
16 Count 1, conspiracy to commit kidnapping, and Count 4,  
17 amended aggravated assault. The Court finds the  
18 defendant enters the plea knowingly, intelligently, and  
19 voluntarily. The Court accepts the plea and orders a  
20 presentence report.

21 Do you want a status conference or  
22 sentencing?

23 MS. ORTIZ: This one I would like to set a  
24 status conference.

25 THE COURT: Mr. Weiss?

1 MR. WEISS: I thought we set a sentencing date.

2 I don't know what we need a status conference for.

3 THE COURT: I will set a sentencing date.

4 What dates would the parties suggest?

5 MR. WEISS: Give me just a moment.

6 We will waive time if necessary, so --

7 MS. ORTIZ: She is required to testify.

8 Mr. Ergonis's trial is set February 17th so I would be  
9 asking for a March 1st sentencing date.

10 THE COURT: Mr. Weiss?

11 MR. WEISS: I would like it to be sooner than  
12 that, obviously that is the Court's call.

13 THE COURT: Monday, March 1st.

14 MR. WEISS: That's fine.

15 THE COURT: 9:00 o'clock.

16 The defendant's conditions of release are  
17 revoked. She is to be held without bond pending  
18 sentencing.

19 MS. ORTIZ: Your Honor, may we be excused?

20 THE COURT: Yes.

21 MR. WEISS: One other thing. I move to  
22 exonerate the bond at this point.

23 THE COURT: The bond is exonerated.

24

25 (PROCEEDINGS CONCLUDED.)



\* \* \*

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## REPORTER'S CERTIFICATE

STATE OF ARIZONA)  
                  : ss  
COUNTY OF PIMA )

I, Mary E. Bernal, do hereby certify that as an Official Court Reporter of Pima County, Arizona, I was present at the hearing of the foregoing entitled case; that while there I took down in shorthand all the oral testimony adduced and the proceedings had; that I have transcribed such shorthand into typewriting, and that the foregoing typewritten matter contains a full, true and correct transcript of my shorthand notes so taken by me as aforesaid.

---

Mary E. Bernal  
Certified Court Reporter  
Certification #50414

FILED IN COURT

12/8/09

PATRICIA A. NOLAND, Clerk

V. K. Herbold

Deputy

**TERRY GODDARD**

Attorney General

**KIMBERLY H. ORTIZ**

Assistant Attorney General

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Tucson, Arizona 85701

Telephone No.: (520) 628-6504

Pima County Computer No.: 65361

State Bar No.: 15102

T002-2008-000027

CRMTucson@azag.gov

**DEPOSITION  
EXHIBIT**

Fulbright #8

6-16-17

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF PIMA**

**STATE OF ARIZONA,**

**Plaintiff,**

**vs.**

**KUMARI SEMONE FULBRIGHT,**

**Defendant.**

**CR-2007-4823**

**PLEA AGREEMENT**

**[Judge Nichols – Div. 14]**

The State of Arizona and the Defendant agree to the following disposition of this case on the following terms and conditions:

**I. SPECIFIC TERMS:**

**A. THE PLEA:** The Defendant, **KUMARI SEMONE FULBRIGHT**, agrees to plead guilty to the charges of:

**COUNT ONE: CONSPIRACY TO COMMIT KIDNAPPING, A Class 2 Felony (Amended)**

On or about the 8<sup>th</sup> day of December, 2007, **KUMARI SEMONE FULBRIGHT**, with the intent to promote or aid the commission of an offense, to wit: Kidnapping (knowingly restraining **JOSHUA CONWAY** with the intent to inflict death and/or physical injury on him or to otherwise aid in the commission of a felony and/or to place him in reasonable apprehension of imminent

physical injury to him), agreed with **ROBERT ARTHUR ERGONIS** and/or **DAVID WAYNE RADDE** that at least one of them would engage in conduct constituting the offense, in violation of A.R.S. §§ 13-1003, 13-1304 (A)(3) and/or (4), 13-301, 13-302, 13-303, 13-603, 13-701, 13-702, 13-702.01, 13-801, 13-804 and 13-811.

**COUNT FOUR: AGGRAVATED ASSAULT, NON-DANGEROUS, A Class 3 Felony (Amended)**

On or about the 8<sup>th</sup> day of December, 2007, **KUMARI SEMONE FULBRIGHT**, knowingly assaulted **JOSHUA CONWAY** at 1227 E. Knox with a deadly weapon or dangerous instrument, to wit: a knife, in violation of A.R.S. §§ 13-1204 (A)(2) and (B), 13-1203, 13-301, 13-302, 13-303, 13-603, 13-701, 13-702, 13-702.01, 13-801, 13-804 and 13-811.

**B. THE SENTENCING RANGE:**

The following statutory sentencing ranges apply:	<b>Class 2 (probation stip)</b>	<b>Class 3 (prison only)</b>
1. Substantial Mitigated Sentence:	3 years	2 years (stip)
2. Minimum Sentence:	4 years	2.5 years (n/a)
3. Presumptive Sentence:	5 years	3.5 years (n/a)
4. Maximum Sentence:	10 years	7 years (n/a)
5. Substantial Aggravated Sentence:	12.5 years	8.75 years (n/a)

**C. RELEASE/PAROLE:** If sentenced to prison, the Defendant must serve approximately 85% of her sentence, before she is eligible for release on any basis. Upon completion of the prison sentence, the Defendant shall be placed on community supervision. The amount of community supervision shall be one day for every 7 days of the prison sentence imposed. Violation of community supervision could result in serving additional time in prison.

**D. PROBATION:** Prison sentence of two years is stipulated as to Amended Count 2. Probation is available as to Amended Count 1.



1           **E.     RESTITUTION:** Restitution to Joshua Conway is capped at \$15,000 and the  
2 defendant waives any right to a restitution hearing. The court will enter the amount, rate and  
3 schedule of all court ordered payments at the time of sentencing. If the Defendant is sentenced to  
4 a term with the Department of Corrections, restitution shall be paid as provided in A.R.S. §31-230.  
5 Any remaining balance shall be reduced to a criminal restitution order to be filed with the Clerk of  
6 Court upon the Defendant's discharge. The defendant agrees that if he/she becomes more than 90  
7 days delinquent in his/her court ordered payments, he/she agrees that the Court or The Clerk of the  
8 Pima County Superior Court shall issue a wage garnishment/assignment for the monthly amount  
9 of those payments. The garnishee/assignee will deduct the monthly amount of those payments  
10 from the wages of the defendant and forward that amount to The Clerk of the Pima County  
11 Superior Court. The garnishment/assignment may be revoked or terminated only with the consent  
12 and order of this Court.

13           **F.     FINES/ASSESSMENTS:** The Court may require the Defendant to pay a fine of  
14 One Hundred Fifty-Thousand Dollars (\$150,000) plus an 84% surcharge per felony. Any fine is  
15 payable to the Arizona Attorney General's Anti-Racketeering Fund, A.R.S. § 13-811(B). If the  
16 Defendant is unable to pay any fine or assessment in full on the day of sentencing, she shall pay a  
17 one time Twenty Dollar (\$20) time payment charge. While Defendant is in the Department of  
18 Corrections, restitution shall be paid as provided in A.R.S. §31-230. Any remaining balance shall  
19 be reduced to a criminal restitution order to be filed with the Clerk of Court upon the Defendant's  
20 discharge.

21           **G.     OTHER FORFEITURES:** Nothing in this agreement shall be construed to  
22 prevent the filing or affect the outcome of any forfeiture action connected with the facts of this  
23 case instituted by the State or Federal government or any State or Federal agency unless a statute  
24 expressly provides to the contrary. There has been no agreement concerning such a proceeding  
25 now pending, or which could be filed in the future.  
26  
27  
28

1 **II. SPECIAL TERMS:** (1) The parties stipulate to a two-year prison sentence on Amended  
2 Count Two; (2) the parties stipulate to a sentence of probation on Amended Count One that shall  
3 run consecutive to the prison sentence imposed by the court on Amended Count Two; (3) the plea  
4 is contingent on Defendant having no prior felony convictions; and (4) the Defendant shall  
5 provide truthful information in any and all interviews given to representatives of the State of  
6 Arizona and shall testify completely and truthfully at any time and at any place requested by the  
7 State of Arizona, including at any grand jury or preliminary hearing proceeding, forfeiture  
8 proceeding, bond hearing, pretrial hearing, civil and criminal trial, retrial or post-hearing. The  
9 Defendant further agrees to answer all questions on direct examination, cross-examination and  
10 redirect examination truthfully and completely.

11 **III. STANDARD TERMS:**

12 **A. DISMISSAL OF OTHER CHARGES:** All other charges and allegations in this  
13 case are dismissed. Unless rejected or withdrawn, this agreement amends the charges filed in this  
14 case, to the offense set forth above. The Defendant hereby waives any probable cause  
15 determination regarding the charge to which she is pleading guilty.

16 **B. REJECTION OR WITHDRAWAL OF THE PLEA:** This Plea Agreement is  
17 binding on both parties after the Defendant enters his/her plea and the plea is accepted by the  
18 Court. At all times prior to sentencing on this Plea Agreement, the Defendant agrees to conduct  
19 herself in a law-abiding manner. If the Defendant is charged with any felony prior to sentencing,  
20 or fails to appear for sentencing, the State may withdraw from this Plea Agreement.

21 The Defendant represents that **KUMARI SEMONE FULBRIGHT** is her true name.  
22 Defendant also represents that she has no prior felony convictions. Should the Defendant  
23 misrepresent her true name or any prior convictions, the Court may reject or the State may  
24 withdraw from this Plea Agreement.

25 If this Plea Agreement is not accepted by the Court, or either party withdraws from the  
26 Plea Agreement for any reason, the parties agree that the State may void this Plea Agreement by  
27  
28



1 filing a notice of withdrawal with the Superior Court. Upon filing such notice, the Plea Agreement  
2 is voided and the original charges in the indictment are automatically reinstated and any other  
3 appropriate charges may be filed, and the Defendant waives all claims of double jeopardy. The  
4 Defendant may raise any and all motions, defenses, or objections previously given up pursuant to  
5 this agreement.

6 **C. APPEALS, MOTIONS, DEFENSES:** The Defendant agrees that she may not  
7 appeal from the judgment entered or sentence imposed as a result of this plea agreement. See  
8 A.R.S. § 13-4033. Unless this agreement is rejected or withdrawn, the Defendant gives up any  
9 motions, defenses or other matters which she has asserted or could assert in this case. If the  
10 Defendant obtains a new trial, any pending charges dismissed as a result of this agreement shall be  
11 reinstated at the request of the State, and the State shall be free to file any additional charges not  
12 previously filed.

13 **D. WAIVER OF RIGHTS:**

14 (1) The Defendant understands the following rights and that she gives up such rights by  
15 pleading guilty: her right to a jury trial; her right to confront the witnesses against her and  
16 cross-examine them; her right to present evidence and call witnesses in her defense, knowing that  
17 the State will compel witnesses to appear and testify; her right at trial to be represented by counsel  
18 appointed free of charge, if she cannot afford to hire her own; her right to remain silent, to refuse  
19 to be a witness against herself, and to be presumed innocent until proven guilty beyond a  
20 reasonable doubt.

21 (2) She also waives any right to a jury trial on any aggravating factors for purposes of  
22 sentencing under this plea agreement, including any disposition following any subsequent  
23 probation revocation proceeding. She further waives any requirement that such aggravating  
24 factors be proven beyond a reasonable doubt. She also agrees that the Court, using a standard of  
25 proof of preponderance of the evidence, may find the existence of aggravating or mitigating  
26 factors which may impact her sentence or disposition. She further agrees that the rules of  
27  
28

1 evidence do not apply in the determination of aggravating and mitigating factors.

2 **E. AGREEMENT CONTAINS ALL TERMS:** This written agreement contains all  
3 the terms and conditions of this plea agreement. The Defendant understands that any promises  
4 made by anyone, including her lawyer, that are not contained within this written agreement, are  
5 null and void. Any prediction or promise as to what the possible sentence will be, except as  
6 agreed to by the parties above, is understood to be voided by this agreement.

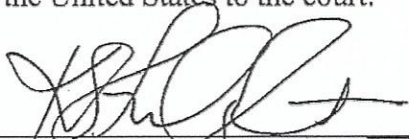
7 **ACKNOWLEDGMENT AND SIGNATURES:**

8 I agree to be bound by the terms and conditions of this plea agreement and acknowledge  
9 the following: I am not on or under the influence of any drug, medication, liquor, or other  
10 intoxicant. My plea is not the result of force, threats, assurances, or promises other than those  
11 which are contained in writing in this agreement. I have read this agreement with the assistance of  
12 counsel. I understand its terms and understand the rights I give up by pleading guilty. If I am  
13 granted probation by the Court, the terms and conditions of probation are subject to modification  
14 at any time during the period of probation in the event that I violate any written condition of my  
15 probation.

16 I understand that if I am not a citizen of the United States that my decision to go to trial or  
17 enter into a plea agreement may have immigration consequences. Specifically, I understand that  
18 pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may  
19 result in deportation even if the charge is later dismissed. My plea or admission of guilt could  
20 result in my deportation or removal, could prevent me from ever being able to get legal status in  
21 the United States, or could prevent me from becoming a United States citizen. I understand that I  
22 am not required to disclose my legal status in the United States to the court.

23  
24 Date

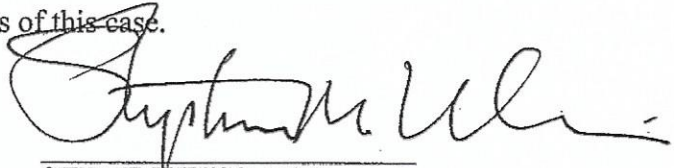
12/15/09

  
KUMARI SEMONE FULBRIGHT



1 I have discussed this case with my client in detail and advised her of her constitutional  
2 rights and all possible defenses. I believe my client understands this plea agreement, including the  
3 range of sentence she faces and the constitutional rights she gives up. I believe that the plea terms  
4 and conditions are justified under the facts of this case.

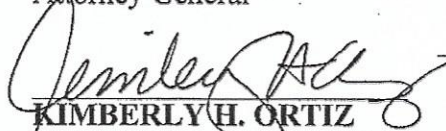
5  
6 Date 12/8/09

  
**STEVE WEISS, ESQ.**  
Attorney for Defendant

7  
8  
9 I have reviewed this agreement. I concur that the terms and conditions of the plea are  
10 appropriate and in the interests of justice. I affirm that reasonable efforts have been made to  
11 confer with the victims, where required. Reasonable efforts have been made to give the victims  
12 notice of this plea, the right to be present and an opportunity to be heard.

13  
14 Date 12-07-2009

15 **TERRY GODDARD**  
Attorney General

16  
17   
**KIMBERLY H. ORTIZ**  
Assistant Attorney General

1 THE COURT: Sir, if you could have a  
2 seat on the witness stand. You may proceed.

3

4 MICHAEL STORIE,  
5 having been first duly sworn, was examined and  
6 testified upon his oath as follows:

7

8 DIRECT EXAMINATION

9 BY MR. JETTE:

10 Q. Good morning, Mr. Storie.

11 A. Good morning.

12 Q. Can you real briefly introduce yourself  
13 to the jury?

14 A. Good morning. My name is Mike Storie.  
15 I'm an attorney here in Tucson.

16 Q. How long have you been an attorney in  
17 Tucson?

18 A. About 14 years.

19 Q. Are you a defense attorney?

20 A. I'm primarily a defense attorney, but I  
21 also represent all of the police officers on behalf  
22 of the union as cops so I do -- that's mostly the  
23 work.

24 Q. And do you understand your involvement  
25 in this case?

DEPOSITION  
EXHIBIT

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6-16-172

1           A.     Yes.

2           Q.     You've given a statement to police  
3 officers?

4           A.     Yes.

5           Q.     You've also been interviewed by Mr. Paul  
6 Gattone?

7           A.     Yes.

8           Q.     And if I was going to use a sticky by  
9 your involvement from like not involved to completely  
10 involved, where is your involvement in this case just  
11 so the jury knows?

12          A.     I'd say way down here, barely involved.

13          Q.     And why is that? What involvement did  
14 you have in this case?

15          A.     Because -- well, I was contacted by  
16 Kumari Fulbright who came to see me with an attorney  
17 that she knew from Michigan, and they were looking  
18 around to hire an attorney in Tucson.

19                   I think she had an attorney, and they  
20 were looking to retain another attorney to replace  
21 him.

22          Q.     I'm sorry. Do you recall when you were  
23 -- when you filed your notice of appearance for  
24 Kumari Fulbright?

25          A.     I think it was around January 2008.

1 Q. Could January 17th be around the time  
2 period?

3 A. Sounds -- sounds right.

4 Q. And you eventually filed for removal of  
5 your representation of Ms. Fulbright; correct?

6 A. Right.

7 Q. And that was how long afterwards? Do  
8 you recall?

9 A. Approximately a month later.

10 Q. So from January 17th to roughly the  
11 middle of February, you represented Ms. Kumari  
12 Fulbright?

13 A. Yes.

14 Q. And your involvement in this case deals  
15 with a gun?

16 A. Right.

17 Q. Did you ever see a gun in this case?

18 A. No.

19 Q. Did you ever possess a gun in this case?

20 A. No.

21 Q. Well, tell us -- tell the jury how  
22 you're ever involved with a gun in this case.

23 A. All right. Well, as I said, in January  
24 2008 I met with Kumari and this lawyer to talk about  
25 representation.



1                   I went through a process of do I want to  
2 take this case, so what I did was I contacted another  
3 lawyer who I thought had represented her prior to me  
4 named Tom Hartzell.

5                   I met with Tom to discuss kind of where  
6 the whole case was at. I really had very little  
7 familiarity with it.

8                   Several days later I'm driving in my  
9 car, and it's the morning. And I get a call from Tom  
10 Hartzell and he indicates to me -- he says, Mike, I  
11 have a gun in my office that's related to the case.

12                   And I said, okay. And he said, well,  
13 what do you want me to do with it? Do you want me to  
14 messenger it over to your office, or do you want to  
15 come pick it up?

16                   And I said, neither one of those is a  
17 very good option. I said, I'm not going near this  
18 gun. I said, in fact, I'm going to call the police  
19 as soon as we hang up.

20                   And so -- you know, so I said, you know,  
21 so are you going to be at the office, because I'm  
22 going to make arrangements that they pick up this  
23 gun. You know, I wanted nothing to do with it.

24                   So I called the police and called  
25 someone over there that I think would have been in a

1 unit that would have been, you know, involved in this  
2 stuff, and I just told him what I'd been told. I  
3 said, you guys make the arrangements. I have nothing  
4 to do with this. Go get the gun.

5 Q. And that concludes your involvement with  
6 this case; correct?

7 A. Yeah. You know, I got out of the case  
8 in February, and I was done.

9 Q. Do you know -- do you have any  
10 independent recollection of the events and what time  
11 frame the events of this case occurred?

12 A. Which events?

13 Q. The alleged kidnapping and assault.

14 A. Not really. I mean, I got involved in  
15 January 2008 which I believe was shortly after it  
16 began, you know, in court. And, you know, I was out  
17 pretty quick, so I can't really put it all in  
18 relation to that.

19 Q. And do you recall independently of when  
20 you received that phone call from Mr. Hartzell about  
21 I have a gun and in possession? Do you recall when  
22 you had that phone call?

23 A. Not really. It would have been, I  
24 think, just prior to my official appearance in court  
25 on the case, right around that time because it was

1 very early on in my representation.

2 Q. Somewhere around January 17th?

3 A. Probably, yeah.

4 MR. JETTE: That's all the questions I  
5 have. Thank you, Your Honor.

6 THE COURT: Cross-exam?

7 MR. GATTONE: No questions for this  
8 witness. Thank you, Your Honor.

9 THE COURT: Does the jury have any  
10 questions for this witness?

11 (No response.)

12 THE COURT: Thank you, sir. You may  
13 step down.

14 THE WITNESS: Thanks, Judge.

15 MR. JETTE: State calls Mr. Hartzell to  
16 the stand.

17 MS. ORTIZ: Your Honor, may Mr. Storie  
18 released --

19 THE COURT: Yes, he may be.

20 MS. ORTIZ: -- from the subpoena?

21 THE CLERK: Do you solemnly swear to  
22 speak the truth, the whole truth and nothing but the  
23 truth so help you God?

24 MR. HARTZELL: I do.

25 THE COURT: Sir, if you could come over



# Incident/Investigation Supplement Report

Page: 1

Agency: MDP

Case Number: 2007-3430484

Original Case Officer: (08904) KOLIBOSKI, R

Supplement Date	Supplement Type	Officer
01/09/2008 09:19:33	FOLLOW-UP CONTINUATION	(08904) MILBURN, R
Approving Officer	Date/Time	Approving Supervisor
(08904) MILBURN, R	01/09/2008 13:58:13	(10453) SALTZ, M
		Date/Time
		01/09/2008 16:12:40

## SUPPLEMENT NARRATIVE

ON 11-21-07 JOSHUA CONWAY PAWNED A "ROLEX" WATCH AND TWO DIAMOND RINGS AT THE EASY-PICK'N PAWNSHOP LOCATED AT 110 N. ALMA SCHOOL ROAD IN MESA FOR \$2,100.00. PER ARIZONA STATE LAW, A RECORD OF THE TRANSACTION WAS DOCUMENTED BY THE STAFF OF THE PAWNSHOP. JOSHUA CONWAY SHOWED AN ADDRESS OF 8851 E. 27TH AVE. IN TUCSON, AZ. WHEN THE TRANSACTION WAS COMPLETED THE TRANSACTION FORM WAS TURNED OVER TO THE MESA POLICE RECOVERED PROPERTY UNIT.

INVESTIGATOR GUYTON #7025 RECEIVED THE TRANSACTION REPORT. INVESTIGATOR GUYTON SAW THE ITEMS PAWNED, THE DOLLAR AMOUNT AND THAT THE PAWNER WAS FROM TUCSON. INVESTIGATOR GUYTON THOUGHT THE THREE ELEMENTS MADE THE TRANSACTION SUSPICIOUS AND ASKED ME TO FURTHER RESEARCH THE TRANSACTION.

I RESPONDED TO THE EASY-PICK'N PAWNSHOP AND VIEWED THE PAWNED ITEMS. I ALSO SPOKE WITH WITH SHOP MANAGER, AARON ELLERTSON. ELLERTSON TOLD ME HE REMEMBERED JOSHUA CONWAY BECAUSE CONWAY WAS WEARING NICE SHOES "PRADAS" AND WAS DRIVING A "BMW". ELLERTSON TOLD ME AFTER HE COMPLETED THE TRANSACTION HE TOLD ONE OF HIS EMPLOYEES TO EXPECT A VISIT FROM DET. MILBURN IN REFERENCE TO THIS TRANSACTION. ELLERTSON SAID HE THOUGHT CONWAY WAS TELLING HIM THE TRUTH WHEN HE SAID HE WAS SELLING THE ITEMS FOR HIS GIRLFRIEND. ELLERTSON SAID CONWAY EVEN MADE A CALL ON HIS CELL PHONE FROM THE PAWNSHOP ASKING IF THE PRICE HE WAS GETTING WAS ENOUGH.

WHILE I WAS AT THE PAWNSHOP I WAS NOT ABLE TO DETERMINE WHERE THE ITEMS HAD COME FROM. I CONFIRMED THE SERIAL NUMBER REPORTED FOR THE "ROLEX" WATCH WAS ACCURATE. I VIEWED THE DIAMONDS IN THE RINGS AND SAW THEY APPEARED TO BE VERY HIGH QUALITY. THE AMOUNT OF MONEY PAID FOR A SALE OF THE ITEMS WAS LOW COMPARED TO THEIR VALUE. I CONTACTED "ROLEX" AND TRIED TO RESEARCH THE SERIAL NUMBER TO SEE IF "ROLEX" HAD ANY CUSTOMER INFORMATION ATTACHED TO THIS PARTICULAR WATCH. NO INFORMATION WAS OBTAINED.

I CONTACTED TUCSON POLICE DETECTIVE J. CACCAVALE AND TOLD HIM ABOUT THE PAWN TRANSACTION. I GAVE THE TRANSACTION INFORMATION AND THE NAME OF THE PAWNER. I ASKED DET. CACCAVALE TO RESEARCH IF THE ITEMS OR THE SUBJECT MAY BE A PART OF AN INVESTIGATION IN TUCSON. WHEN I SPOKE WITH DET. CACCAVALE HE WASN'T AWARE OF ANYTHING BUT SAID HE WOULD FURTHER RESEARCH THE INFORMATION I PROVIDED.

ON 12-11-07 DET. GUYTON RECEIVED A RETURN CALL FROM TUCSON POLICE DETECTIVE HARN REQUESTING THE ITEMS PAWNED BY CONWAY BE SEIZED AND PLACED INTO POLICE EVIDENCE. DET. K. KOLIBOSKI #8900 RESPONDED TO THE EASY-PICK'N PAWNSHOP AND SEIZED THE ITEMS. THE ITEMS WERE PLACED INTO MESA POLICE EVIDENCE.

**DEPOSITION  
EXHIBIT**

Fulbright #13  
6-16-17 Z

FULBRIGHT ET AL  
001409





Police Department  
130 North Robson  
Mesa Arizona 85201-6697  
480.644.2211 Tel

DR# 2007-3450484

RECEIPT-SEIZED PROPERTY

Date: 12-11-07 Time: 1:30

The following property was seized from AARON ELLERTSON

a representative of EASY PICK'N PAWN

located at 118 N ALMA SCHOOL RD. MESA

Item (Description - Note any damage)

1. ROLEX LADIES DATE JUST WATCH - SILVER COLOR w/ yellow
2. RING ONE LARGE CLEAR STONE 20 SMALL CLEAR STONES
3. RING YELLOW COLOR WITH 7 CLEAR STONES
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_

The listed property is related to a Mesa Police Department investigation.

[Signature]  
Signature-Person Releasing Property

[Signature] #8900  
Signature-Person Seizing Property

INTERLEADER YES [Signature]

JAN 09 2008

MPO048 Rev 9/99  
FULBRIGHT ET AL  
001410





December 13, 2007

20073450487

[illegible]

Updated IIRAS Classroom Reports/PER Collection V. number #1-20

FULBRIGHT ET AL  
001412

**MESA POLICE DEPARTMENT**  
**EVIDENCE DISPOSITION ORDER**  
*This form is to be completed by the case agent.*

CASE NUMBER: 2007-3450484 DATE SENT BY EVIDENCE SECTION: \_\_\_\_\_

Indicate the status of EACH and EVERY ITEM involved in the case and return this request to the Evidence Section through the proper chain of command within 30 days.

<p><b>HOLD THE FOLLOWING ITEMS:</b></p> <p>Items to be held: _____</p> <p>Reason the items are being held:</p> <p>Active Case <input type="checkbox"/></p> <p>Warrant <input type="checkbox"/></p> <p>Other: _____</p> <p>Comments: _____</p>	<p><b>RELEASE THE FOLLOWING ITEMS:</b></p> <p>Items: <u>330161, 329414,</u> <u>329415, 329416</u></p> <p>Released to: <u>DETECTIVE UNIT</u> <u>TUCSON POLICE DEPT</u></p> <p>Address: <u>2701 STONE AVE</u></p> <p>City: <u>TUCSON</u> State: <u>AZ</u></p> <p>Zip code: <u>85701</u> Phone number: <u>520-791-4499</u> <u>X 1131</u></p> <p>Comments: <u>ACTIVE INVESTIGATION</u></p> <p><small>*A copy of a LRJIS must be attached to this form when authorizing the release of firearms.</small></p>
---	---

<p><b>DISPOSE OF THE FOLLOWING ITEMS AS AUTHORIZED BY LAW:</b></p> <p>The case agent shall select this category when the property is no longer needed as evidence or for investigation, and the case agent has made all reasonable efforts to locate the owner of the property with negative results. It is not the responsibility of Evidence Personnel to research case information and determine ownership of items. Disposal method will be determined by Evidence Section personnel.</p> <p>Items: _____</p> <p>Comments: _____</p>	<p style="text-align: center;">EVID 4374</p>
--	--

Case agents are responsible and accountable for performing adequate research in order to determine the proper case disposition. It is not the responsibility of Evidence Section personnel to perform case research or determine case disposition.

<u>Kanbaski</u> Case Officer or Detective Signature	<u>8900</u> Serial Number	<u>5-8-2008</u> Date
<u>[Signature]</u> Supervisor's Signature	<u>10453</u> Serial Number	<u>5/8/08</u> Date



Date: May 9, 2008

TO: TUCSON POLICE DEPARTMENT  
ATTN: DETECTIVE UNIT  
270 S. STONE AVE.  
TUCSON, AZ 85701

L

PROPERTY ID: 329414,329415,329416,330161

CASE NO: 2007-3450484

☐ Property  
☐ Vehicle  
☐ Bicycle

The Mesa Police Department Evidence Section has in its possession property that belongs to you, or was found by you. Please call the Mesa Police Department Evidence Section at 480-644-2334 to confirm the status of the items associated with the Case Number listed above. AN APPOINTMENT MAY BE NECESSARY.

FIREARMS AND VEHICLES WILL NOT BE RELEASED WITHOUT AN APPOINTMENT.

Property may be picked up at the Mesa Police Department Headquarters located at 130 N. Robson, Mesa, Arizona. The public entrance is located on the south side of the Police Headquarters building.

You MUST provide a GOVERNMENT-ISSUED PICTURE IDENTIFICATION AND THIS LETTER in order to claim the items. If you wish to have someone else pick up your property you must provide them with a NOTARIZED LETTER SIGNED BY YOU, indicating that you give them permission to claim the items associated with this case. Please retrieve the property within 30 days from the date of this letter (vehicles must be claimed within 14 days from the date of this letter) or the items may be disposed of as authorized by Law.

The Evidence Section is open the following hours:

Monday - CLOSED.

Tuesday through Friday - 8:30am through 4:30pm.

CLOSED WEEKENDS AND HOLIDAYS.

George Gascon  
Chief of Police

FULBRIGHT ET AL  
001414

User: P10904

Mesa Police Department

Printed on/at: 07/24/2008 10:56

Chain of Custody Signature Form

Transaction Date/Time: 07/24/2008 10:56

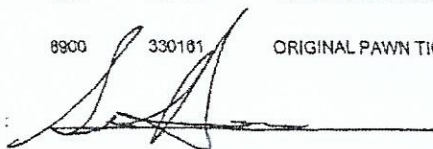
Transaction Reason: OTRO


From: (10904) TRAVES, D

To:

Notes:

Case ID:	Item #	Submitting Officer ID	Property ID #	Property Description	Storage Location
20073450484	1	8900	329414	LADIES WATCH	PROP/EVID   OTHER AGENCY
20073450484	2	8900	329415	LADIES RING	PROP/EVID   OTHER AGENCY
20073450484	3	8900	329416	LADIES RING YELLOW	PROP/EVID   OTHER AGENCY
20073450484	1	8900	330161	ORIGINAL PAWN TICKETS	PROP/EVID   OTHER AGENCY

Released To Signature: 

Released By Signature: 

FULBRIGHT ET AL  
001415

ChainOfCustodySignatureForm\_V2.rpt

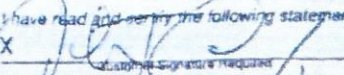
page 1

Fulbright 2nd Document Production

10



NAME OF CUSTOMER (PLEASE PRINT) <b>CARWAGY Joshua</b>				SERIAL NUMBER <b>NONE</b>	
LAST <b>COUNWAY</b> FIRST <b>JOSHUA</b> MIDDLE				ITEM <b>RING</b>	
ADDRESS OF CUSTOMER <b>8851 E. 27th St.</b>				TELEPHONE # <b>760-4610</b>	
CITY <b>TIA</b>				STATE <b>85710</b>	
ID TYPE & NO. (DRIVERS LIC. ETC.) <b>AZ-DL D03448809</b>				DATE OF BIRTH <b>9/26/83</b>	
SEX <b>M</b>	HEIGHT <b>6'3</b>	WEIGHT <b>225</b>	HAIR <b>BR</b>	EYES <b>Hazel</b>	RACE <b>W</b>
DEALER'S NAME/ADDRESS <b>EASY PICKN PAWN 118 N. ALMA SCHOOL RD</b>				DESIGN/MODEL/MAKE/CAL. SIZE <b>120 POINT Round/20 4 PT PRINCESS 6.2G W 14.00 KT setting white gold diamond</b>	
DEALER'S CLERK'S SIGNATURE <b>JAZ</b>				PAWN <b>1,400</b>	
TRANSACTION REPORT NO. <b>14102 1638830</b>				DEALER NO. <b>M-36-JAZ</b>	
BUY				DATE & TIME <b>4/26/07 12:32</b>	
CONSIGN					

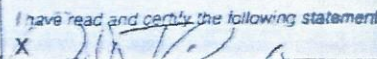
I have read and certify the following statement:  
X 

#### CERTIFICATION

All information in this report is complete and accurate. I am the owner of goods described in this report that I pledged, sold, or consigned or I am authorized to enter into this pawn, sale or consignment transaction on behalf of the owner of the goods described in this report. I understand that I will be guilty of a Class 1 Misdemeanor if the information in this report is not complete and accurate or I am not authorized to enter into the pawn, sale or consignment transaction on behalf of the owner of such goods.

Right Index Fingerprint

NAME OF CUSTOMER (PLEASE PRINT) <b>LAST FIRST MIDDLE</b>				SERIAL NUMBER <b>N 139113</b>	
ADDRESS OF CUSTOMER				ITEM <b>WATCH</b>	
CITY				STATE <b>ZIP</b>	
ID TYPE & NO. (DRIVERS LIC. ETC.)				DATE OF BIRTH	
SEX	HEIGHT	WEIGHT	HAIR	EYES	RACE
DEALER'S NAME/ADDRESS				DESIGN/MODEL/MAKE/CAL. SIZE <b>model: 69173 Stainless / yellow gold ladies Rolex 40 IPT diamonds/bezel 18 IPT diamonds / face</b>	
DEALER'S CLERK'S SIGNATURE				PAWN <b>450.00</b>	
TRANSACTION REPORT NO. <b>1638829</b>				DEALER NO.	
BUY				DATE & TIME <b>4/26/07 12:32</b>	
CONSIGN					

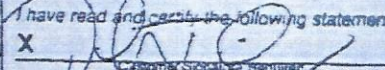
I have read and certify the following statement:  
X 

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Right Index Fingerprint

NAME OF CUSTOMER (PLEASE PRINT) <b>LAST FIRST MIDDLE</b>				SERIAL NUMBER <b>---</b>	
ADDRESS OF CUSTOMER				ITEM <b>RING</b>	
CITY				STATE <b>ZIP</b>	
ID TYPE & NO. (DRIVERS LIC. ETC.)				DATE OF BIRTH	
SEX	HEIGHT	WEIGHT	HAIR	EYES	RACE
DEALER'S NAME/ADDRESS				DESIGN/MODEL/MAKE/CAL. SIZE <b>25, 20, 19, 8, 6, 5, 4 Pave diamonds 4 14.00 1 KT 13.70 wavy gold ring</b>	
DEALER'S CLERK'S SIGNATURE				PAWN <b>250.00</b>	
TRANSACTION REPORT NO. <b>1638831</b>				DEALER NO.	
BUY				DATE & TIME <b>4/26/07 12:32</b>	
CONSIGN					

I have read and certify the following statement:  
X 

#### CERTIFICATION

All information in this report is complete and accurate. I am the owner of goods described in this report that I pledged, sold, or consigned or I am authorized to enter into this pawn, sale or consignment transaction on behalf of the owner of the goods described in this report. I understand that I will be guilty of a Class 1 Misdemeanor if the information in this report is not complete and accurate or I am not authorized to enter into the pawn, sale or consignment transaction on behalf of the owner of such goods.