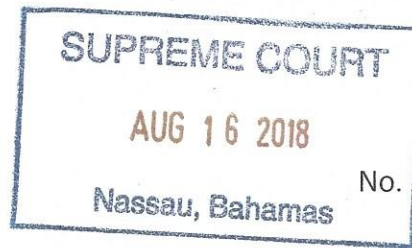


COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Criminal Division



No. 233/10/2017

IN THE MATTER OF Article 20(1), 20(2) (c) and 28 of the
Constitution of the Commonwealth of The Bahamas (hereinafter
"the Constitution")

BETWEEN

THE QUEEN

AND

DAVID SHANE GIBSON

Applicant/Defendant

AFFIDAVIT OF RYSZARD HUMES VOLUME 2

JONATHON ASH: Yeah

ASP THOMPSON: Amounting to over 250,000. That's your account

JONATHON ASH: That's my account. And just to make sure, see, just to make sure that (pause) because see, at first I wasn't sure if Mr. Gibson was getting this money. Right? Right? What I did was I got his number, right? Just to confirm it. I start giving him money. I, I think I have that in my statement too

ASP THOMPSON: Uh huh

JONATHON ASH: Right? Just to confirm

ASP THOMPSON: This was after the 250,000

JONATHON ASH: That was after that, that was after that. Going, weeks would go....weeks and days start going and phone calls start calling and you see what I saying and I say let me see if this guy actually...

ASP THOMPSON: So you initiated the call with him

JONATHON ASH: I call Gibson. I call him. He say man, when I call him....No, that was after, now we did done come from out the meeting... we done do this like about, almost a month. This going on about three weeks after that meeting

ASP THOMPSON: UH huh

JONATHON ASH: Then I say to myself, I say, "Let me see if this guy is actually take people money." Then he say, "Man, any shingles today?"

JONATHON ASH: And when he say, I say "Okay shingles, okay if any shingles today, meaning money." So I gone say, "Okay meet me here", and when I give him this money, I see he was actually really taking the money. I say what the word on the street is, that's the truth.

JONATHON ASH: Because I don't know, she telling me she giving him this money but I ain't really know so I went and discovered that yes it is what it is

ASP THOMPSON: And then each time you made a payment your check would be...

JONATHON ASH: Yes

ASP THOMPSON: Issued after that or before?

JONATHON ASH: After

ASP THOMPSON: After? Alright, Ms. Bastian, you heard Mr. Ash account.

DEBORAH BASTIAN: Yes, I did.

ASP THOMPSON: And there's still some obvious differences in y'all account

DEBORAH BASTIAN: Yes

ASP THOMPSON: I just want you, for the record, to explain so...

DEBORAH BASTIAN: Yes, I will. There are certain clarifications that I must clarify in relation to Mr. Ash statement. Now, when Mr. Ash talk (pause) Mr. Ash and I were, I should say, at this point, very good friends. Or so I thought. Alright? Um...

JONATHON ASH: So you thought

DEBORAH BASTIAN: Yeah. That's what I'm saying. We, we gelled. We had a very good friendship. Um, I met him like he said through Mr. Butler. Um, he had done some work, I think, for Urban Renewal. Mr. Butler had come and brought him. When Mr. Ash said something, he said like, "Well um, you know when you owe these church people...you know I had some church people working for me man so when you owe these church people, you know they is want be paid and I need to know

when I gon' get my money because I owe some church people so I really have to pay them."

DEBORAH BASTIAN: So I said, "No problem, I'm going to look into your payment." So that was it. I didn't see Mr. Ash because initially Mr. Ash was apart of the contractors for Centreville. I didn't see him for a while, for a while. Somehow I noticed that payments started coming, he, after a while he must have been put on the contractors list for Centreville. Um, and those were coming through the Ministry of Works. So, of course he would come to me and I guess because of the rapport that we built, we would talk all the time, you know, we would talk, we'd laugh, we'll do, you know, he'd give me, I'd give him, we'll...

ASP THOMPSON: What do you mean by that

DEBORAH BASTIAN: Okay, like, when I first met him I felt sort of, like, sorry for him because he was talking this talk, "Man, I gatta pay this, you know, pay all these people." So I say well, give him a couple of dollars. Ain't no big to do, you know, because I felt like, you know, he was in the church and I know how church people go. When they don't, you know, they could talk about you and all that so that wasn't no big to do. Um, then we develop, like I say, we develop a friendship. So, you know, always talk, will always do, um. Let me give you an example. An example was, one day he called me and it was after work and I think I had already left... I don't remember how far it was I was but then said, "Man, I have to go to church tonight and I need my clothes from the laundry, I really need you to go pick them up."

DEBORAH BASTIAN: I said, "Okay, no problem." I say, "Where?" and he told me how to get there, where to go and I picked up his clothes. I called him back, I said...now we were supposed to meet at Rubis. I say, "Look, you say you going to church and you going for this hour", I say, "Traffic coming here so heavy, you'll never get here in time." I say, "Let me meet you someplace else." I say, "Go by Esso On the Run and I will bring your clothes there."

DEBORAH BASTIAN: So I took his clothes, I paid for the clothes, I took his clothes there, fine. Um, and I'm just saying this to put it in the context of the kind of relationship we had and this was all before Gibson, aye?

One Sunday my daughter had an accident at her work and they had to take her to Doctor's Hospital. For some reason I was talking to Ash and he asked me where I was and I said I'm by Doctor's Hospital. He said, "What happened?" and I told him. He said, "I'm coming" and I said, "No man, you don't need to come." I say, "I, I'm gonna call you when I'm leaving." Well, about five minutes after that Ash called me back. He said, "Where are you?" I said "I'm in the cafeteria at Doctor's Hospital."

DEBORAH BASTIAN: When I look, who walks in? Ash. He sits there, me and him. In that cafeteria, he sat there with me for over three hours, just sitting there with me while my daughter was being treated. That's the kind of friendship that we had. When I was going away for the Christmas, I asked him, "What you want me to bring you back?" He told me, he told me the brand of the shirt. Every day, sometimes three and four times a day me and Ash would talk while I was away. One day I said to him, "Man, my phone ain't working too right. I said, "I believe its my bill ain't paid." He said, "I'm gonna go to BaTelCo and pay your bill so we could talk." So he called me back. He said, "Look, I done pay your bill, I pay your bill for you." I said, "Ok". I say, "Cool."

DEBORAH BASTIAN: I came back. I called him. I say, "Come for your shirts." I say, "I have something for you." He came by the office, he got them. When, um, one afternoon he called me. He said, "Look, I need, I wan go to the PLP rally man." He say, "Christie, they putting Christie on the stage tonight." He said, "And I need a yellow shirt." And I say, "Boy you crazy aye? You see what time you calling me? You see what hour it is?" I say, "You just calling me about this but anyway I going to look for it right now."

DEBORAH BASTIAN: I left my office. This was after 3, no this before 3. I left my office, went to K. S. Moses, found him two shirts, bought him two yellow shirts - one checkered and one just straight yellow gold shirt. I called him. I said, "Where are you?" He said, "To the bank." I said, "Okay, I'm coming there. I ga bring the shirt, I ga bring it for you." I went there. I said, "Where are you?" He said, "I'm in the bank with my daddy." I said, "Okay, well I'm outside." He came out after a while. I said, okay. He was parked over, almost by Kentucky. I said, "Okay, go over there. I ga bring the shirts for you." I brought the shirts, I gave it to him. He said, "Okay, I gone go to the rally tonight."

(Cell phone vibrating on table)

DEBORAH BASTIAN (inaudible) time that we had. So let me get back to Gibson now. What happened was that I think Ash came to me (cell phone vibrating) or before me, I can't remember (cell phone vibrating) And I say, "Boy look here, you know I send your payment to Gibson." I say, "You know you is have to send them to him for clearance." I say, "He ain't approve them." So he say, "Well man, wow I gone get my money?"

DEBORAH BASTIAN: I say, "Look here", I say, "I gone resubmit it to him and se if he'll do it." Ummm, I still didn't get it approved. Ash and I, and Ash said to me, "Man, I think Gibson ain't paying me because Gibson have a personal vibe with me."

DEBORAH BASTIAN: So I said, "What kind of vibe?"

DEBORAH BASTIAN: So Ash then explained to me. He said this guy that is ride around with Gibson, apparently used to be his business partner. They had a partnership in some cruise thing in Eleuthera where they used to provide the entertainment. The boat, whatever it was, I think its skis or something and what happened was he wasn't getting his money out of these guys. They were shorting him his money, um, every month his money would be short and he was only getting 3,000...and somehow he went to the bank and he got his initial investment out of these guys and so the guy had a vibe with him from then. And this particular guy...

ASP THOMPSON: The guy who is be with Gibson?

DEBORAH BASTIAN: Yeah, he said does ride with Gibson so he believed that that's, that may have been a part of why he wasn't getting his money. And I said, "No man," I said, "I don't think Gibson like that." I said, "But tell you what. I ga set up a meeting with Gibson so you could go and work it out." And he said, "Man, I'ne know, I'ne know bout that."

DEBORAH BASTIAN: So next week when he didn't get paid again, I said to him, I said, "See, I tell you let me set up the meeting with Gibson," I said, "Because you cannot get paid if Gibson don't approve it." I say, "I

need him to approve it for me to send it on," I said, "Ash, ain't nothing I can do for you at that point." I say, "Gibson have to approve it."

DEBORAH BASTIAN: So on couple occasions, maybe about three or four occasions, I said, "Okay now" just how he and I would always talk. That's how we talk. I say, "Okay now, come here." I say, "When you have time to come to my office, come to my office." He come. I say, "Okay now, sit in that chair." He sit. I said, "Now, this is what we ga do. " So we practiced what we was ga say. I say, "Now tell me what ga say when you get in Gibson office and how you ga say it?" I would coach him like that. I would say, "Boy, you can't say that like that or don't say it this way." So we did that, you know, we had the kind of rapport that I could say that. So that's how we would go backward and forward. And we did about three or four of those. I would tell him what to say and say what to do.

DEBORAH BASTIAN: So coming back to the day of the meeting. The day of the meeting, it was raining. I got to, Ash had asked me where the meeting was. I told him where the place was and everything. Um, when I got to the meeting, I think I would've signed in. I'm sure there would be records of this so Ash was not out there. I didn't see him. When I went upstairs... I was upstairs for a little while because they said Minister Gibson was in a meeting and I said, "Oh, y'all need to check because I think I'm supposed to be in that meeting." The secretary, she came for me. Ash and Minister Gibson were in the room, like a little conference room. The table was this way. Ash was sitting where you're sitting and Minister Gibson was sitting there. When I got into the meeting, when I opened the door and got into the meeting, Minister Gibson say, "Oh you late. You're just coming to the meeting. You're late" I mean in a, in a joking way. He say, "You late, you just coming to the meeting". He say, "The meeting over." I say, "No, the meeting can't be over," I say, "Because I just reach. The meeting just starting now." And so then I started to say to Ash, we started to talk. I said Minister Gibson, this is the guy, he is concerned about his money. But Ash already knew what I was going to say in the meeting. What, like I tell you, I think I said in my statement, what Ash didn't know what I was going to say is when I threw him for a loop and I say, "Oh, you is give Rahman money?" And he didn't want to, you know, he like smirked. I say, "Yeah and you is give Rahman money?" And he said "Yeah, yeah, yeah, I give him a little something, I give him something."

DEBORAH BASTIAN: You know, he said it like that. And its like he said, like I told you, I did it because I was waiting, trying to see what the reaction of Minister Gibson would've been. And like I said to y'all, and Ash said it, you know he just laughed and smiled. He didn't, he didn't say, "Well, you know, I'm gonna report him or I'm gonna do this or I'm gonna make sure that, I know he's gonna think I'm gonna do this..." None of that. So shortly after that, Minister Gibson got up and he went into his room. We were in his conference room and he said, "Well anyway, you and Ash, y'all work out what's to be done, y'all work out how this gone work." So I said to Ash, "Okay now, remember now what I told you. To get it to go through, " I said, "What we gone do, I ga tell him... Now his concern his about the amounts of the payments and without formal contract."

DEBORAH BASTIAN: I said, "I'm gonna tell him you are willing to forgo one of your payments in order to have this process, to have it go, you ga forgo one of your payments."

DEBORAH BASTIAN: Ash and I agreed that, because we had already talked about that before we got to this meeting with Minister Gibson. I went into, the door was open, um, I went into Minister Gibson's office and I said... Ash continued to sit right there. I went into the office and I said, "Ash and I have come to an agreement." So we put his payment through so I said, "But he is willing to forgo one of his payments." So Ash and I, we left. So when I went downstairs to Ash, Ash said, "Um, what happened?" He said, "How I gone get paid?" I said, "Ash, it alright." He was like, "But he didn't say..." I said "Ash, don't worry about it," I say, "You gone get paid."

DEBORAH BASTIAN: So Ash was trying to figure out how he was gonna get paid because this man really ain't say nothing, ain't had no commitment, but I had already determined that, look, I was gonna test him anyhow. He was gonna get paid because his initial reaction was not one of disgust or not one, so I knew. And then that very same day, I put the payment through and I sent it off. I sent it on to Minister Gibson and everybody else and nobody stopped it. So, I understood what was going on. It didn't have to be said but I knew that if there was objection it

would've come when I put the payment through and they would've stopped it right there and then.

DEBORAH BASTIAN: I think when Ash and I left...But going back. Ash said that, he said something that, I think, that needs a little clarification too. I don't remember if. I know that Ash and I talked about Gibson and him getting money. That was on several occasions. We talked about it.

ASP THOMPSON: When he was telling you about Dirty Thirty.

DEBORAH BASTIAN: Yeah, and I don't know...

ALICIA BOWE: Can I ask a question?

DEBORAH BASTIAN: Uh huh

ALICIA BOWE: What I wanna ask. It was last year. When you said that you and Ash agreed that or Ash agreed that he would forgo a payment. What would have been that particular payment about?

DEBORAH BASTIAN: I don't know. All of his payments were the same amount.

ALICIA BOWE: Like what?

JONATHON ASH: It was about 220, 250, 220.

DEBORAH BASTIAN: Yeah. But we're gonna come back to that.

JONATHON ASH: That was like five, that was like four payments that was owed for like the month.

DEBORAH BASTIAN: Yeah

ALICIA BOWE: So in forgoing his payment that was meant to mean what? Where was that, in forgoing that payment, what would have happened with that payment?

DEBORAH BASTIAN: Nothing

ALICIA BOWE: Even though an invoice was there...

ASP THOMPSON: What was the implication?

DEBORAH BASTIAN: Nothing. I'll come back to that. Nothing. Nothing because, at that point, it was perceived as the government having a concern with the amount of his payments. Now, I'll come back to that payment because when I said forgo, and I explained to Ash. I said, "You gone get pay for three weeks rather than four." He said, "Okay, cool."

DEBORAH BASTIAN: Later on that day Ash called me. He said, "Boy, look here I getting all my money." He say, "I talk to Simon and Simon tell me say tell you send all of my payments." I said, "Boy, boy what I just say? And me and you agree just before you leave that you was gonna forgo one of these payments?" So I say, "Okay then." I say, "Well I'm gonna send them all." I say, "So what you trying to tell me? You gone and tell Simon you don't know what forgo mean aye?" I said, "I explained it in simple words to you what forgo means." I said, "Did you go and tell him that?"

JONATHON ASH: But if I work for something why wouldn't I want to get paid for it?

DEBORAH BASTIAN: No, no, no but I'm just saying what we said and then you came back to me and you told me that's what Simon said. And when you said that I said, "Okay, no problem."

JONATHON ASH: Ms. Bastian, man, you know Mr. Gibson wanted that money, man. Lets don't, I'n come here to be all day with this. Okay?

DEBORAH BASTIAN: No, no, listen to me

JONATHON ASH: Yes

DEBORAH BASTIAN: I'm not saying that that wasn't the money that Minister Gibson...

JONATHON ASH: The man wanted the money

DEBORAH BASTIAN: Yeah, he wanted money

JONATHON ASH: You know he wanted the money

DEBORAH BASTIAN: But you and I both know he wanted money but that was not...forgoing a payment wasn't what the money was for. Forgoing a payment, because as far as I was concerned, you and I had already agreed what the amount was that you were going to give Gibson.

JONATHON ASH: I never agreed with you on an amount. I told you they call him Dirty Thirty and I told you he want money. This the part with the whole situation, right? My boy, Chris Roker, who go to my church. We had a business deal in Abaco doing a cruise ship at the time. Some money get invested right? Gerard is the fella who own Mr. Pick Up on Gladstone Road. Him and Gibson cool. Me and him had a falling out because of our investment, not now, but six, seven years ago. We had this little courier.

ASP THOMPSON: You and who?

JONATHON ASH: Me and Gerard

ASP THOMPSON: You and Gerard. Okay.

JONATHON ASH: Him and Gibson is friends. Shane Gibson. I don't know Mr. Gibson. He know Mr. Gibson. So after Mr. Gibson wouldn't pay me, right, because he know I was working for them. He then, in turn, was telling my brethren, "Man Ash ain't getting pay. I ga make sure his payment get hold up or whatever right?"

ASP THOMPSON: Gibson was telling your...

JONATHON ASH: No, Gerard was telling someone that I know that I wouldn't be getting pay because he know Mr. Gibson, right? So I say, "Okay, no problem. Everything cool. Alright?" But I say, "I working I have to be paid." I say "Man if I gatta go to Perry Christie, if I gatta go to Simon Wilson" ... I never even meet Simon Wilson until all of this matter

where I wouldn't get paid and I start running to his office for my money because I start to get upset. That's why I told her that the boy who might be stopping my payments. I didn't have a problem with Mr. Gibson because I don't know Mr. Gibson. I had a problem with somebody...

ASP THOMPSON: Y'all saying the same thing. She's confirming that you gave her that account as to why you wasn't being paid...

JONATHON ASH: Because I was thinking it

ASP THOMPSON: You were thinking that Mr. Gibson was holding back on the payments because of what Gerard would've said to him.

JONATHON ASH: UH huh

ASP THOMPSON: And she told you that y'all need to meet with Mr. Gibson.

JONATHON ASH: Uh huh

ASP THOMPSON: Now, she is saying that y'all had a discussion.

JONATHON ASH; No, we ain't had no discussion about no money.

ASP THOMPSON: Y'all had no discussion...

ALICIA BOWE: Now, lets be fair though, uh, to what Ms. Bastian is saying as well. Based on what was said, right, from what I'm hearing, there was no discussion of money. You did say that y'all had a discussion with regards to what his response would be to the question in your back and forth. There was no discussion... I heard nothing about money coming up. I'm only gonna draw an inference as to money and what the amount of money was. That's why I asked the question of the deferring of a payment. Because even in that meeting where you would've had with Mr. Gibson, again, there was no discussion of money, only that a payment would be deferred. And the reason why I asked because he would not have known, I don't think, when you talk about deferring of payment. To my mind or my understanding of deferring of payment is to forgo... You forgo a payment, which means you won't get it at all. To

delay a payment is something different. And there was no discussion with regards to any money as it relates to a particular amount, which Mr. Ash is saying. There was no discussion. And which is what you said as well. And that's why I asked the question of what each one of the checks were because while he may not have known the exact amount, there was an amount that would be attributed to that one payment that was suggested to be forgone. And which Ash said would've been between. So you said exactly what he said, that there was no discussion about money. But in any event it boils down to the payment that was being proposed to be to forgo between 250 and 220 thousand.

DEBORAH BASTIAN; Yeah, but...

RAYMOND ROLLE: The question that, I think, needs to be asked is whether or not this one payment, which was 250 to 22,50 was supposed to go directly to Gibson. The question is whether they can say factually that the one payment would go to him. Was it ever expressed, was it ever discussed?

DEBORAH BASTIAN: Only after the meeting. After the meeting and after Ash and I went downstairs. That was the first time we talked about giving Minister Gibson any money. We didn't talk about that in the meeting with Minister Gibson. We never mentioned anything about money in Minister Gibson's presence or giving him money.

ALICIA BOWE: Did the money get to Minister Gibson?

DEBORAH BASTIAN: Some money got to Minister Gibson, yes. And like I told Ash, whenever Ash gave me money, Ash could tell you, when he gave me the money, I said "Okay." I would give...he could confirm or he could deny, when he would give me the money, I'd say "Okay, this is the balance that you have for Gibson."

JONATHON ASH: I was saying about the balance

ASK ~~MALE VOICE~~: Yeah, no, what you saying is the truth. We didn't deny that. Yeah, we saying the same thing.

DEBORAH BASTIAN: No, no, no

ALICIA BOWE: What was the actual amount that was due to Mr. Gibson from your recollection?

DEBORAH BASTIAN: I don't recall but I kept hearing 250

JONATHON ASH: You think we give him over 250,000?

DEBORAH BASTIAN: No, I can't say that and I ga tell you why I can't say that and you could tell me in front of them whether what I'm saying is true or not. When you started to give me for Minister Gibson, every time you gave me, what I told you? I said, "Ash, this the balance. Now you owe him this amount, that amount"

ALICIA BOWE: Right there, Ms. Bastian. Hold on. The first time you gave her money, did she give you a balance?

JONATHON ASH: Not right then and there.

DEBORAH BASTIAN: No.

(Ash, Bastian and Bowe all talking at once)

JONATHON ASH: Probably later down. We had a relationship, you know. We was cool

DEBORAH BASTIAN: No, so when he would give...

ALICIA BOWE: Yeah, I understand. I'm only trying to say for example if he had given you five dollars, you would've said you have one hundred and nine dollars left.

DEBORAH BASTIAN: I don't remember if we said it at the first one.

ASP THOMPSON: So at what point did you discuss a figure?

ALICIA BOWE: That's what I'm trying to get.

ASP THOMPSON: Because from what I gather, she started to say after the meeting and they went downstairs.

DEBORAH BASTIAN: That's the first time we talked about money.

ASP THOMPSON: Who brought it up? You brought it up or he did?

DEBORAH BASTIAN: I don't remember who brought it up. I think I may have said to him, now, I may have said to him, "Now, you know..."

JONATHON ASH: And you know I was saying no.

DEBORAH BASTIAN: I don't know that you were saying no but anyway...

JONATHON ASH: Oh Lord

DEBORAH BASTIAN: Lets go through this. I don't know. Maybe you did say no. I don't know

JONATHON ASH: I say no couple times

DEBORAH BASTIAN: I don't know if you told me no but then I said to you, "Well you know now he looking for some money" and I don't know who said what the amount was. I believe and I'm going to say this but I can't prove it. I believe Ash suggested an amount and I'm almost certain that I said to him, "Boy you crazy aye?" He suggested an amount more than 250, I believe. Now, just hold on...So when we started to talk about this money, he said to me, he said, "Look, I want this man to know that I for real. I'm playing. He say, "So I ga give you something" and I don't remember if he gave it to me that day or the next day but "I ga make a payment."

DEBORAH BASTIAN: I'm not sure when he gave me the money. And every time Ash got his check, he would call me and say come. He say, "I don't want this man..." And it was agreed between Ash and I, I told me, he said "Okay look, I don't want no dealings with Gibson. I don't know him, I don't want no dealings so I've gone give it to him." That's why I was a bit surprised. When Ash give me the money, I would say, Okay Ash this is the balance left. That's why I was surprised when Ash said to me, I don't know if he call Gibson or if Gibson call him, and he started

giving Gibson the money. And I said to him when he did that, the very first time he did that, what I said to you? I said, "Well look here, I can't keep no balance for you because I can't say what you giving Gibson."

JONATHON ASH: (Mumbles) ... give him that 250,000 long time...

DEBORAH BASTIAN: Uh uh. I said I don't know what you giving Gibson so I ne keeping no balance for you because I don't know what you giving Gibson. I say, "How you get to give Gibson money?" He tell me, say Gibson, I don't know in his discussion with Gibson, when he was talking to Gibson one, Gibson ask him if he have any shingles. I say, "You see, that's the same reason why I didn't want you to get involved with Gibson."

DEBORAH BASTIAN: I say, "Because guess what? You would probably never stop paying him. When you had gotten to what we had agreed that we would pay him I would've said... because Gibson would've never gotten anything from him. He didn't know Ash, never spoke to Ash after that meeting nor before that meeting. I would have said that was the end of the story. That's what we had agreed to. That was it. I say "But now, here it is you gone making all kind of...

JONATHON ASH: I only give him money to see if he was actually getting it.

DEBORAH BASTIAN: Yeah but ain't only give him money once. Because couple of times you told me you gave Gibson money. Sometimes you would call me and say, "Um, my boy call me you know, I going away, I gatta go get some parts for his boat," so like y'all had built that kind of thing up and when I look you 'd say, "Gibson send me to go do some work this place or Gibson send me to go do some work the next place or I going to do this for Gibson or I going to do that for Gibson.

DEBORAH BASTIAN: And one time I even tell you, what I said to you? I said, "Well guess what? You continue going to Gibson because Gibson is your friend now. You throw me out in the cold. I'n your friend no more. Gibson is your friend." So, that's the kind of rapport we had but like I say I stopped keeping count of what he was giving Gibson once he... and I told Ash that. I said, "Who told you to go and give Gibson money?"

ASP THOMPSON: How much, at that point, he had given you to give to Gibson?

DEBORAH BASTIAN: I really don't recall. I'll have to go...

JONATHON ASH: It was over 250,000.

DEBORAH BASTIAN: At that point? I don't think so.

JONATHON ASH: I telling you so the records right there, Ms. Deborah Bastian. And plus you talk about the meeting

RAYMOND ROLLE: The question is how much times have you given her money to give to Gibson.

JONATHON ASH: I can't recall. Plenty times.

RAYMOND ROLLE: What do you call plenty? Four, five, six, ten?

JONATHON ASH: More than four times. Man I used to see this woman just about every other day.

RAYMOND ROLLE: I understand all that. You started a point and we could work our way up.

ALICIA BOWE: How many times and during those times, what were the amounts, regularly?

JONATHON ASH: Anywhere between 20, 40, it all depends on what it is.

RAYMOND ROLLE: Okay, so we're starting from 20 to 40. Anywhere between 20 and 40.

JONATHON ASH: 50

ROLLE: Or 50

JONATHON ASH: Yeah, I mean that's the average right there.

RAYMOND ROLLE: Okay, so that's your starting block. How many times did you give Ms. Bastian money? You say four? Okay.

JONATHON ASH: Way more than four times. I give her money more than four times.

ROLLE: To give to Mr. Gibson

JONATHON ASH: Yeah.

ROLLE: More than four?

JONATHON ASH: Yeah, that total gatta be...

ROLLE: More than ten?

JONATHON ASH: Let me a calculator, I ga tell you right now

ROLLE: More than ten?

JONATHON ASH: I ga tell you right now. I gone come up with a figure right now. I gone divide that and I gone come up with a figure right now.

(Silence)

(Clears throat)

JONATHON ASH: This gone be almost right. This gone be almost right. It gone be more than that but

ALICIA BOWE: How did you land on that figure?

JONATHON ASH: I go like this and then I just do it by ten.

ALICIA BOWE: You gave him about \$36,000 on about ten occasions?

JONATHON ASH: If I do the maths, I just rounding up a summary. It could be 25. It could different numbers. I wasn't keeping no count like

...wasn't keeping no count to say every time write them down on particular day.

DEBORAH BASTIAN: But Ash, wouldn't I have given you, every time you gave me money to give to Gibson, I would tell you what the balance was. So you don't think if I ever got to 250, I wouldn't have put on the brakes and say no more? And you know I was telling you every step of the way...

DEBORAH BASTIAN: I think I would've written... and Ash know, every time he gave me money...and Ash ain't fool. Ash would then go back in his own head and start to count. If I say for example, let's say we got to 80.000 he would say "Okay, yeah, remember, I gave you that 20 or that 40?" So he would know himself. He wasn't only relying on me to tell him what it was even though he knew that I was telling him what it was. He wasn't only relying on me to tell him what it was. He has a memory and he know what it was.

JONATHON ASH: When it first start up, well of course I was trying to keep count.

DEBORAH BASTIAN: Uh huh.

JONATHON ASH: But I couldn't keep count after a while.

ASP THOMPSON: Is it agreed between the two of y'all that it was anywhere around 200 thousand that he would've given you in money?

DEBORAH BASTIAN: Yeah.

ASP THOMPSON: That you personally put in Mr. Gibson hand?

DEBORAH BASTIAN: Like I said. When I was keeping the count and he was giving me the money I was able to tell him exactly because it wasn't no blind check. It wasn't no 360 or 400. We had agreed to 250, when it would've gotten to 250, I would've said to Ash, you are now at 250. You don't owe Gibson nothing because you never gave Gibson nothing. But now it is, you start giving Gibson money.

JONATHON ASH: He ask me if I gat any shingles.

DEBORAH BASTIAN: But what I said to you? I said, "You gone start giving Gibson money. I can't keep no track of what you giving Gibson"

JONATHON ASH: I say I give him about 80,000 aye?

DEBORAH BASTIAN: But, that's hearsay.

ALICIA BOWE; Ms. Bastian, in your estimation, how much money you think you would've passed on to Mr. Gibson?

DEBORAH BASTIAN: It may have been 150 to 200,000 before Ash start giving Gibson money directly.

ASP THOMPSON: From what I'm gathering, it didn't reach the 250 mark.

ALICIA BOWE: Yeah, that's why I asked her that.

ASP THOMPSON: Because, if it had...

DEBORAH BASTIAN: At that point he would have never met, never had any interaction with Gibson.

ALICIA BOWE: So both of y'all can agree that you gave at least maybe a little over \$200,000 to Mr. Gibson? Cuz it didn't reach the 250

DEBORAH BASTIAN: No, it never reached the 250. I think it went over 250. I mean, to be quite frank with you. Not think, I knew it went over 250 but I couldn't say how much it really was because...

JONATHON ASH: I give him 80 grand.

DEBORAH BASTIAN: He got involved and he started giving him money directly. He started going to Gibson directly. He tell me Gibson ask him if he have any shingles. He started giving Gibson money directly.

ASP THOMPSON: Now, just for clarification again. On the day of the meeting you met Ash in the meeting with Mr. Gibson.

DEBORAH BASTIAN: Ash was sitting in the office. Their records would show, you know. He was sitting where this young lady was sitting and Minister Gibson was there.

JONATHON ASH: No, Sir. That can't be man.

ALICIA BOWE: But that's a small point.

ROLLE: He's saying Bastian walk him in. Bastian says she met him in the meeting, right?

JONATHON ASH: How I could go in a meeting with a stranger though? That don't make no sense.

ROLLE: What turns on that with respect is, the quintessential part of this matter is about money she paid Mr. Gibson. She escorted him in or she met him in. I don't know that anything turns on that.

ASP THOMPSON: One thing now. In the meeting he is saying that after Gibson walked out of the meeting and went in the office, she said to him, "Know what that mean, you gatta give him 250,000. That's his account.

ROLLE: That is what you're saying?

JONATHON ASH: That's my account.

ROLLE: In the meeting or after he walked out?

JONATHON ASH: No but Gibson wasn't in the room with us.

ASP THOMPSON: After Gibson walk out the room, she made the comment about him paying Rahman money. And Gibson laugh and walk out the room. Her account is Gibson says y'all two need to work it out. His account is she told him, "You know what that mean. You need to come up with 250,000.

ROLLE: He is saying she specifically said that figure to him.

ASP THOMPSON: She said that figure to him in the meeting. He also said at that point he went over on his phone to call his father. She said he couldn't be on his phone in the Minister's office.

JONATHON ASH: I call my father. I call my father. If my father would be honest, I call my father as I left the room.

DEBORAH BASTIAN: Wait, he couldn't use his phone?

ASP THOMPSON: You told him he couldn't use his phone in the Minister's office.

DEBORAH BASTIAN: No man, that ain't so. Ash, I never told you you couldn't use your phone.

ROLLE: I see something very clear here.

DEBORAH BASTIAN: Ash, I never told you you couldn't use your phone.

ROLLE: Mr. Ash obviously feels that the forgoing of that one payment was supposed to be a payment to Mr. Gibson. And in his mind that's 250. Basically \$250,000. Now, so...

ASP THOMPSON: So you confirming what she said about that, she told you to forgo one of the payments.

DEBORAH BASTIAN: No, if...

JONATHON ASH: To forgo, yes she did tell me she wanted me to forgo a payment. She did say she wanted me to forgo a payment, which is 250,000.

ROLLE: See, that is my point.

DEBORAH BASTIAN: No, But Ash...

JONATHON ASH: Oh Jesus, you go back to the record and you'll see where they pay me 250,000.