

16 Q. What was it that Mr. Davidian was
17 stating in the Putnam Pit web site with respect to you
18 and any relation to dead babies?

19 MR. HARRIS: I'm going to issue an objection
20 here on the best evidence rule, that the article speaks
21 for itself.

22 WITNESS: To me Mr. Davidian was implying
23 in that article or stating in that article that I was
24 responsible for dead babies in this area by virtue of my
25 job.

1 MR. DUFFY: Mr. Harris, would you agree that
2 Mr. Davidian had on his web site... I can't lay my hand
3 on it right now, but the question "How many dead babies
4 are in Bill Gibson's back yard?"?

5 MR. HARRIS: We'll stipulate that that's a
6 rough paraphrasing I think of what that article is. In
7 fact, I believe... I thought we had that exhibit out
8 earlier.

9 BY MR. DUFFY:

10 Q. Do you have any idea what Mr. Davidian
11 is referring to in that accusation in the Putnam Pit?

12 MR. HARRIS: I am going to object on the best
13 evidence rule and also foundation as to whether.., to
14 establish whether or not Mr. Davidian wrote that article.

15 MR. DUFFY: You will stipulate it was on its
16 web site, won't you?

17 MR. HARRIS: Yes.

18 MR. DUFFY: Okay.

19 BY MR. DUFFY:

20 Q. "How many dead babies in D. A. Gibson's
21 back yard, by C.D. Sunny Boy Norman". Do you have any
22 idea what this accusation is about babies, dead babies in
23 your back yard on the Putnam Pit web site?

24 A. As best I recall that article, it had
25 something to do with Methamphetamine.

1 MR. HARRIS: And before I had to sit back
2 down to get that, but objection to best evidence as to
3 the article speaks for itself.

4 WITNESS: The article, I mean, it
5 certainly says and implies that there's dead babies in my
6 back yard. And if you want to look deeper into it, that
7 I'm responsible for the death of babies in this area in
8 some way. And it was a very troubling article, a very
9 troublesome thing for me to read that.

10 Q. Is there any truth to that accusation
11 or innuendos therefrom?

12 A. No.

13 Q. All right. Now, going back to Circuit
14 Court Coomer, these jailer fees, were those fees that a
15 prisoner who was convicted of an offense and served jail
16 time, as a consequence thereof was to reimburse the
17 county for the expenses of, you know, holding him in
18 jail?

19 A. They were.

20 Q. And was a state statute passed that
21 enabled the circuit court clerks of the various counties
22 to seek reimbursement from the prisoners for those fees?

23 A. There was. The idea being to let the
24 inmates pay part of their own housing and not let the tax
25 payers bear the total cost.

1 Q. All right. Let me show you this
2 article that's also from the November 14, 1997 Pit and
3 ask you to read the headline on that. Do you have a copy
4 of the article, the full article? He'll read it.

5 MR. HARRIS: Okay. I'm not sure which
6 article. You didn't show that to me. I'm not sure which
7 article you're referring to.

8 MR. DUFFY: I will say this is from the
9 C. D., I believe. And it was one of those things where
10 if you clicked on it, it tried to take you to the
11 internet. So I don't have the full copy. Yeah, this one
12 here.

13 MR. HARRIS: I'm sorry. Which article? You
14 said... Oh, C. D. You mean the C. D. Rom and not C. D.
15 Norman?

16 MR. DUFFY: Right.

17 MR. HARRIS: The article by Susan Richards
18 and Geoff Davidian? Is that what you're referring to?

19 MR. DUFFY: Right.

20 BY MR. DUFFY:

21 Q. And unfortunately, I'm going to need to
22 ask you just to read that paragraph. Or I can read it or
23 something.

24 A. "T.B.I., D. A. Gibson won't investigate
25 illegal jailer's fee collection by Court Clerk Lewis

1 Coomer. By Susan Richards and Geoff Davidian of the
2 Putnam Pit Staff. While going hog wild to destroy
3 politically unpopular, seldom at work, faux-pas prone
4 County Assessor of Taxes Byron Looper, who is not accused
5 of any criminal activity, the Tennessee Bureau of
6 Investigation and the district attorney general will not
7 investigate illegal charging of jailer's fees by Circuit
8 Court Clerk Lewis Coomer. District Attorney General Bill
9 Gibson, clearly not the brightest man in the country,
10 refuses to receive the evidence, local judges refuse to
11 get involved and the state comptroller's division of
12 county audit has not addressed the possibility that the
13 money was diverted. Tennessee Bureau of Investigation's
14 number two man, Rob Reeves, became huffy, shouted 'gutter
15 journalism' and slammed down the phone when confronted
16 with the fact that the system does not address officials
17 taking money".

18 Q. Now, what do you say to the jury with
19 respect to Mr. Davidian's reporting that the district
20 attorney general... Well, first off let me ask you was
21 there any "illegal jailer's fee" collection by Circuit
22 Court Clerk Lewis Coomer as you understood it?

23 A. No, my understanding was that
24 Mr. Coomer was collecting the fees under this new statute
25 and putting them through the proper channels in his

1 office. And Mr. Davidian's allegation was that he
2 started collecting, he jumped the gun or he started
3 collecting these fees before the effective date of the
4 statute or before the date when he should have started
5 collecting these fees.

6 And I've always said that, you know, if people paid
7 these fees before the law came into effect, they may have
8 a right to seek a refund. There's no implication that
9 Mr. Coomer stole any of the money or took any of the
10 money home.

11 It's just that he through inadvertence or whatever
12 started actually performing this duty before the
13 effective date that the law would have allowed him to.
14 We've never heard from any inmate who felt like he had
15 been taxed or paid the fees and should have a refund.

16 And in the context of Mr. Davidian, we felt like he
17 was just particularly on a vendetta pursuit of the
18 circuit court clerk.

19 Q. And were you ever.., do you remember
20 seeing the Putnam Pit article purporting to have an
21 exclusive interview from you with respect to the issue of
22 prosecution of Circuit Court Clerk Lewis Coomer?

23 A. I did see that article.

24 Q. Was there any... Stepping back to this
25 article, is there any truth to the statement that "the

1 district attorney general will not investigate illegal
2 charging of jailer fees by Circuit Court Clerk Lewis
3 Coomer"?

4 A. There is truth to the statement that we
5 refused to investigate that situation.

6 Q. Was there any illegal charge in the
7 jailer's fees to investigate?

8 A. There was not. According to his own
9 allegations, it would not have been a criminal matter had
10 Mr. Coomer started collecting these fees prior to the
11 effective date. As I said before, you know, if people
12 inappropriately paid those fees before the law took
13 effect, then they could have asked for a refund. But
14 there was not any suggestion of what would have amounted
15 to criminal behavior on Mr. Coomer's part had the
16 allegation been true.

17 Q. Is the circuit court clerk's office
18 audited by the State of Tennessee comptroller's office?

19 A. The circuit court clerk's, as all
20 county offices, are very closely audited. Their books
21 and their money transactions are closely audited.

22 Q. Were you ever presented with any
23 evidence or requests for a prosecution of Circuit Court
24 Clerk--it's hard to say fast--Coomer's office with
25 respect to these jailer's fees from the auditors?

1 A. No. There was never any suggestion
2 that the auditors found anything wrong there.

OFFICE OF CIRCUIT COURT CLERK:

- ◆ The office's accounting software had a data manipulation utility that allowed users to make changes to previously processed accounting information, but provided no audit trail of these changes.
-

OFFICE OF CLERK AND MASTER:

- ◆ The office did not report and pay to the state unclaimed funds held for over one year, as required by state statute.
-

OFFICE OF SHERIFF:

- ◆ The office did not charge sales tax on commissary food and supplies sold to inmates.
-

OTHER FINDINGS:

- ◆ Duties were not segregated adequately among officials and employees in the Offices of Highway Superintendent, Trustee, County Clerk, Circuit and General Sessions Courts Clerk, Register, and Sheriff.
- ◆ The county did not maintain adequate property records and had not established a self-balancing group of accounts for General Fixed Assets.
- ◆ County officials had not adopted a central system of accounting, budgeting, and purchasing covering all county departments.
- ◆ Because the county funded rural fire protection services through the General Fund, the property taxes of all county citizens, living both inside and outside Cookeville city limits, helped to fund this service. Consequently, citizens living within the City of Cookeville paid for a service already provided by the city.

*State of Tennessee
Comptroller of the Treasury
Department of Audit
Division of County Audit*

How many dead babies in D.A. Gibson's back yard?

by c.d. norman

The *Orange County Register* reports that a Long Beach, Calif., woman has been charged with killing her six-week-old baby. The murder weapon? Methamphetamine in the mother's breast milk.



The baby was found dead in its crib. Neighbors were told it was a case of Sudden Infant Death Syndrome (SIDS).

In a similar case, a Bakersfield, Calif., woman was convicted of child endangerment after her two-month-old son was fatally poisoned by crank-laced breast milk.

[California researchers report that the infants of substance abusing mothers have an eight to 10 times](#)

[greater chance of dying from SIDS.](#)

And common sense will tell you that methamphetamine and "good parenting skills" are rarely found in the same house.

The 13th Judicial District (William E. Gibson, District Attorney General) leads the state in the production of methamphetamine. As the methamphetamine epidemic spreads, residents should expect to see increased numbers of dead babies turning up in the county morgues.

Does that scare you? It should.

[other c.d. norman columns](#)

Justice, Putnam County style

TBI refuses to investigate unauthorized jailer's fee charges after deputy director talks with DA's office

But state comptroller's county auditors are on the job this week

By **SUSAN RICHARDS**
and **GEOFF DAVIDIAN**
of the *Putnam Pit* staff

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COOKEVILLE, Tenn. (Dec. 18, 1997) -- Within "a month or so" the Office of County Audit will make public its findings on whether Circuit Court Clerk Lewis Coomer illegally collected thousands of dollars from felons incarcerated in Putnam County Jail, Director of County Audit Richard Norment told *The Pit* on Wednesday. *The Pit* raised the issue in April when a records search discovered Coomer collected the money for several years before the legislature authorized clerks to collect per diem "jailer's fees." Coomer may still face a federal probe and scrutiny by the IRS. C.D. Norman's question of the week: Why has District Attorney General William E. Gibson authorized a Tennessee Bureau of Investigation probe of Putnam County Assessor of Property Byron Loooper for unspecified reasons, but refused to call for a criminal investigation into documented illegal collection of jailers' fees by Coomer? Asks Norman: 'Has the TBI become a tool with which to help friends and intimidate enemies? Has Dick Nixon risen from the grave?' One day after Deputy TBI Director Rob Reeves said he would look into *The Putnam Pit's* information that thousands of dollars in illegal charges were levied by Circuit Court Clerk Lewis Coomer against felony prisoners incarcerated in Putnam County jail, Reeves did an about face.

Reeves said that the illegal charges were not a criminal matter, but civil, and that he was reassured of that after speaking with District Attorney General Bill Gibson's office.

Coomer charged the fees at least four years before the 1995 legislature authorization that \$18 a day could be charged by counties to the prisoners themselves in addition to reimbursement from the state for the cost of housing them.

Asked to provide authorization, Coomer offered a photocopy of Tennessee statute 8-26-106, *Reimbursement of Jailer for Keeping State Prisoners*. That law makes it the duty of the county clerk to "promptly transmit to the judicial cost accountant a certified copy" of a resolution by the county legislative body fixing jailers' fees, but it does not authorize the clerk to collect the money from the prisoners

themselves. On the contrary, the law is meant to set the amount the state will pay to counties for housing state prisoners.

Coomer at first blamed Sheriff Jerry Abston for the charges, but Abston said he knows of no authorization prior to 1995 and that he never received any check from Coomer to pay for felony inmate housing.

The TBI needs the permission of [District Attorney General Gibson](#) to enter a full-blown investigation, but Gibson refused to meet with *Pit* Editor Geoff Davidian to receive evidence.

On Oct. 20, two *Putnam Pit* staffers went through more than 17 years of county records -- every law passed and minutes from every meeting -- and found no record of any action by the county authorizing such charges.

Abston said that if the money was collected it should be returned.

Nevertheless, Coomer insisted the County Commission passed a resolution in the early 1980s authorizing him to collect per diem fees from felony prisoners. Putnam County Commissioner Bill Rogers also told *The Pit* that he thought the county had passed a resolution in the early 1980s authorizing the circuit court clerk's office to assess the fee. Coomer claims he does not have a copy of the resolution on file because "it was such a long time ago."

There also is no record of where the money went. Coomer said the money was turned over to the County, but jailers' fees are not a separate budget item.

If Coomer is collecting money, he should have a certified authorization, County Clerk Ruth Ann Woolbright said. Coomer insisted there was authority, but he did not have a certified copy of the authorization.

Coomer promised to produce evidence that the collections were legitimate, but what he offered, TCA 8-26-106, offers no such authorization.

In 1995, the state passed an inmate reimbursement act allowing counties to collect money from convicted felons to cover "maintenance and support" of the person while that person was an inmate, and for certain other expenses. The law provides that the county executive may file a civil action to seek reimbursement. However, public records show that Coomer charged jail fees to state felony prisoners prior to 1995 -- as far back as 1990 -- and that he credited the fees and noted they were "paid" for those who complained. Coomer claims he was authorized to collect jail fees but people just would not pay, so he wrote them off as paid.

County Attorney Jeff Jones said that after reviewing state law Sec. 41-11-103, which was enacted in 1995, no county legislative authority is required for counties to seek reimbursement for costs incurred by persons housed in county jails after the statute was passed.

"It is my opinion that the authority to assess per diem fees comes from the State of Tennessee as opposed to the County," Jones said. That authority came in 1995.

The county did pass other ordinances regarding fees, such as one in 1984 authorizing misdemeanor prisoners to be charged \$10 per day, and authorizing the clerk of the court to collect the money. In 1989, the county passed a resolution fixing an amount of \$18 to be reimbursed by the state for each felony prisoner each day of incarceration in Putnam County jail, but does not allow collection from prisoners.

However, in 1992 Ronnie King was charged \$3,600 in jail fees. In April of 1996, after King allegedly complained, Coomer credited \$3,600 to clear King's outstanding balance.

In 1991, Grant Smithers was charged \$2,162 in jail fees. Sometime later, the exact date is unknown, Coomer credited Smithers' account \$1,080.

Asked why he forgave such a large debt, Coomer said, "They just didn't pay the jail fees so we credited them to basically write off the remaining debt. No one ever goes to jail for not paying jail fees, but there's nothing we can do about it."

However, according to Coomer's own records, Ronnie King made 13 payments totaling over \$1,900 toward his jail fees when he confronted Coomer and had the jailers' fee dropped, indicating King was paying his costs.

Grant Smithers made regular payments for 21 months, indicating Coomer's own records show the debt was not uncollectable.

In 1990, Craig Farris was charged \$4,888 in jail fees. To date, none of his money has been credited or refunded. In an interview Farris said, "If they owe me the money I want it, if they don't then they just don't. I don't know if they owe it to me or not."

Farris' attorney, Bill Cameron, said that if Farris contacted him and asked for the money back, he would raise the issue with Coomer.

Farris claims that at the time he was incarcerated, people at the jail indicated that they had never seen jail fees charged before. According to Farris, they said, "Heck Craig, you should have spent six more dollars and stayed at the Holiday Inn."

If there is no authorization, the county could owe money to all the felons who paid before 1995.

Although the charging of illegal fees to prisoners is a civil matter to Reeves and Gibson, they have nevertheless found cause to sic the state's investigative apparatus on Putnam County Assessor of Property Byron Looper, a politically unpopular Republican who is not accused of criminal activity.

Some wonder whether Gibson has the political strength and integrity to allow an investigation of a good ol' boy like Coomer this close to an election. Gibson, who is up for reelection next year, has chosen to not investigate several other criminal investigations, such as the Wayne Bandy case in which a police captain held a gun to another officer's head, while failing to get convictions on other high profile cases, such as the indictment of Cookeville Councilman Don Wagnon.