## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

KATERI LYNNE DAHL, Plaintiff,

\*

VS.

\* CASE NO. \* 2:22-CV-00072-KAC-CRW

CHIEF KARL TURNER, in his individual \* capacity only; OFFICER JOHN DOES 1-3, \* in their individual capacities only; \* and CITY OF JOHNSON CITY, \* Defendants. \*

\* \* \*

DEPOSITION OF

## KATERI LYNNE DAHL

(Taken June 20-21, 2023)

#### APPEARANCES:

COUNSEL FOR THE PLAINTIFF:

HUGH A. EASTWOOD

Attorney at Law

7911 Forsyth Blvd., Ste. 300 St. Louis, MO 63105-3825

ALEXIS I. TAHINCI TAHINCI LAW FIRM

105 Ford Avenue, Ste. 3 Kingsport, TN 37663

\*\*\*THIS STYLE PAGE CONTINUES\*\*\*

# COURT REPORTING AND VIDEO SERVICES

P. O. Box 7481 Kingsport, TN 37664 TELEPHONE: (423) 230-8000 REBECCA@COURTREP.NET

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1		communication between the formal sit-down meetings. I
2		believe I had communicated it in some way, but again, this
3		was three years ago.
4	Q.	I understand. Were you aware that SIS officers had
5		stopped sending cases
6	A.	No.
7	Q.	as indicated here at the bottom?
8	A.	No.
9	Q.	Did you talk to Legault about that?
10	A.	Extensively.
11	Q.	And what did Sergeant Legault tell you of why they had
12		stopped sending you cases?
13	A.	He didn't give me a reason other than, well, I know things
14		are slower due to COVID. But I when I got this E-mail,
15		I was alarmed, and I took steps to try and remediate to
16		remedy the situation, which included going to SIS
17		individually
18	Q.	Okay.
19	A.	and asking them about their concerns.
20	Q.	There's a reference in here, I just want to make sure I
21		understand it, that Wayne Taylor, your supervisor, is
22		suggesting to you that during the downtime of COVID that
23		it was an excellent time to be preparing pros memos. Tell
24		us what that means.
25	A.	Pros memos were the internal documents that we prepared.

- Also known as a prosecution memo? 1
- Correct. If you don't mind, I do have a little bit of a 2 Touhy concern with that if I could confer with my lawyer 3

real quick. 4

- MR. EASTWOOD: Leah, do you have any -- these are all, I 5 understand, Johnson City cases. Do you have any concerns 6 about her discussing these prosecution memos? 7
- MS. MCCLANAHAN: If a concern comes up, I'm happy to pose an 8 9 objection.
- MR. EASTWOOD: Okay, great. 10
- MS. MCCLANAHAN: So we don't have to take breaks for that type 11 12 of thing.
- MR. EASTWOOD: Thank you. 13
- I'm sorry, could you repeat the question? 14
- The pros memos is a prosecution memorandum... 15
- A. Correct. 16
- ...that you would submit to Wayne Taylor. 17
- Correct. 18 Α.
- And would he sign off on those before you would seek an 19 Q. indictment? 20
- A. Correct. 21
- And would he also make suggestions on those type of 22 23 memorandums...
- He would. 24 A.
- ...before the indictment? 25

KATERI LYNNE DAHL

- suppose, correct?
- 2 A. Correct.

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- Q. And that was on Page 109 of your May 19th recording if you want to take a look at that.
- 5 A. Okay.
- 6 Q. Have you seen these transcripts of your recordings?
- 7 A. Yes.
- 8 Q. And to clarify about these recordings, these were secret
  9 recordings, correct?
- 10 A. Yes. I did not inform the parties in the room that I was 11 recording.
  - Q. And here you are indicating on Page 109 of the May 19th, can generally say that conservatively speaking, it's a good bet I can get at least 30 minutes, if not an hour, for most grand juries. I would say -- then I could probably do three single count defendants in 30 minutes, and so I could do five or six of those in an hour. Do you recall that that's -- is that accurate information?
    - A. I was. However, this was me trying to explain the spectrum of the grand jury process.
  - Q. I'm just asking you, is that accurate information?
- 22 A. Yes.
  - Q. Okay. Were the Johnson City SIS officers or CID officers, did they contact in the U.S. Attorney's Office any other prosecutors if they had a case that they wanted prosecuted

KATERI LYNNE DAHL

down there?

- A. I'm only aware of one incident, and that is where Chief
  Turner contacted Tom McCauley in response to an indictment
  or a case that I had turned down. And Chief Turner
  contacted Tom, because he had previously been in my
  position, to get a second opinion because he didn't like
  my first opinion.
- Q. But as a general proposition, one, you've indicated you can turn down a case, I assume with Wayne Taylor's approval or not?
- 11 A. I did seek...
- 12 Q. Okay.
- A. ...Wayne's approval when I turned down cases, but apparently my answer wasn't good enough.
  - Q. So is it fair enough to say that you were the gatekeeper for the SIS officers and CID officers if they wanted to prosecute a case? They couldn't just call another Tom McCauley, for example.
  - A. I wouldn't characterize it like that at all. They were, you know, certainly free to speak to whoever they could, and they also were free to speak to anyone within the DA's office.
  - Q. I understand that, but what I'm saying is you were the designated SAUSA...
- 25 A. Correct.

KATERI LYNNE DAHL

- MR. EASTWOOD: You did, you did. Thank you, Rebecca.
- 2 MR. GARLAND: Yeah, so this will be two. I'm sorry.
- MS. TAHINCI: Do you want her to keep the marked copy for now or do you want to give it back to the court reporter?
  - MR. EASTWOOD: Could we go off the record or stay on the record, do you want the witness, or you, or who is this marked copy for?
- 8 | COURT REPORTER: I'll hold onto it, if that's okay.
- 9 MR. EASTWOOD: Great, we prefer that.
- 10 Q. Yeah. She likes to hold onto them.
- 11 MR. EASTWOOD: Better her than me. Thank you.
- 12 Q. When Wayne Taylor would approve a prosecution memo that
  13 you had prepared, correct...
- 14 A. Correct.

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- Q. ...would that go into the U.S. Attorney's Office system
  where it would be known when he approved it?
- 17 A. It would go into, yes, the case file. I don't remember if
  18 the ones that are saved in the case filed were dated when
  19 they were approved without having looked at it.
  - Q. If he would have changes or suggestions for either the memorandum -- prosecution memorandum, or the indictment, or the complaint, would that be recorded in such a way that you would know if changes were needed?
  - A. I usually saved a final copy that included all changes, but I did not mark, say, in red what changes had been

KATERI LYNNE DAHL

1 made.

- So would that be in the server of the U.S. Attorney's 2 Office? 3
- I believe so. 4 Α.
- You have a -- you have provided us a recording of a 5 meeting that you had with Chief Turner on May the 19th, 6 2021. 7
- Correct. 8 Α.
- And Captain Peters was present for that as well, correct? 9 Ο.
- 10 Yes. A.

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- This was secretly recorded. 11
- This was recorded without their knowledge. 12 A.
- Where did you put your recording device? Was it a 13 14 telephone?
- It was just my cell phone in my purse, not anything 15 sophisticated. 16
- Government issued cell phone or your personal cell phone? 17
  - My personal -- my personal cell phone. Α.
- On that day, on May the 19th when you were meeting with 19 Chief Turner and Captain Peters, we have recorded here 20 they went over cases with you similar to the cases that 21 you saw that we looked at just in the last exhibit 22 forwarded to you on December 16th by Wayne Taylor, 23 24 correct?
- 25 A. Correct.

KATERI LYNNE DAHL

- And this was a copy of what Chief Turner and Captain Peters went over with you on this date of May 19th, 2021, right?
- Correct. Α.

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- MS. MCCLANAHAN: Can I interpose -- I don't know if this is an objection or what, but just as far as an overall agreement that I don't know as we sit here if these people were ultimately prosecuted or if the cases are public and unsealed, presumably if they're in custody, so you know if there's issues like that, Privacy Act concerns, we'll all agree to redact the transcript, correct?
- MR. GARLAND: Yes. 12
- 13 Q. We can.
- 14 MR. EASTWOOD: Sure.
- Okay. You see these -- you see these check marks beside 15 Q. these cases? 16
- 17 Yes. A.
- And are we in agreement that these are the cases that you 18 **Q**. told Chief Turner and Captain Peters that you would seek 19 indictments on at the June grand jury? 20
- I believe I told them that, yes, those were the ones that 21 22 I was looking at. As it so happens, I was supposed to be 23 in trial.
  - We'll come back to that.
- 25 Okay. Α.

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KATERI LYNNE DAHL

- 1 Q. I'm just asking you now about -- I want to make sure that
  2 I'm understanding that these check marks are the cases,
  3 and we've got a transcript here if we want to look at
  4 that, but these were the cases that you agreed to Chief
  5 Turner and Captain Peters that you would seek indictments
  6 on.
- 7 A. I believe -- I believe that is the case, but again, it's been three years.
  - Q. Okay. We better look at the transcript. I'll show the witness a transcript of Pages 102 and 103 of the May 19th secret recording.
- 12 A. Then yes, that is the case.
- 13 Q. Correct? Have you looked at it?
- 14 A. Correct.

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- Q. So this transcript Page 102 and 103 verifies that these cases right here are the ones that you said that you were looking to have indicted in the June grand jury.
- 18 A. Correct.
- 19 Q. Okay. Thank you. We can mark that as the next exhibit.
- 20 MR. GARLAND: I'll just give her a copy.
- 21 | COURT REPORTER: That's number three.
- 22 | EXHIBIT #3: Dahl recordings transcript, Pages 102-103.
- 23 MR. EASTWOOD: Are we not marking this?
- 24 MR. GARLAND: We should have.
- 25 Q. Not yet. We're getting back.

KATERI LYNNE DAHL

- 1 MR. EASTWOOD: Okay.
- 2 | COURT REPORTER: We haven't yet.
- 3 MR. GARLAND: Okay.
- Q. Now, let's let at these federal cases with the check marks on them.
- 6 A. Okay.

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- Q. So we're in agreement that the check marks reflect the cases that were discussed with you, and Peters, and Turner on the 19th.
- 10 A. Correct.
- 12 Now, let's look at the Exhibit 1 that we have previously
  12 reviewed. She may want to look at the original exhibit.
  13 This is a copy of it. I have written at the top December
- 14 | 15th list.
- 15 MR. GARLAND: That's -- the December 16 E-mail is Exhibit 1.
- 16 Q. Yeah, but it's got the cases with it.
- 17 MR. GARLAND: Yeah.
- 18 Q. Yeah. Do you want to -- you can verify if you wish. I'm

  19 just going to put that right there.
- 20 | A. Okay.
- Q. It may help you because I want to talk about these cases...
- 23 A. Okay.
- Q. ...that I have highlighted. I didn't have all of themhighlighted. Okay. The December 15th list that we are

KATERI LYNNE DAHL

- looking at, if you want to, Ms. Dahl, you can verify it, but this is the same thing as you looked at on Exhibit 1.
- 3 A. Okay.
- Q. You'll see from the case numbers, those are Johnson City case numbers, correct?
- 6 A. Correct.

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- Q. Okay. And you will see that the first one, W20007121 gun case 6/28 [sic] -- 6/18/2020 is the first case on the December 15th list, as well as on the one we're looking at now from the May 19th, 2021 list, right?
- 11 A. Uh-huh (Affirmative).
- 12 MR. GARLAND: Yes?
- 13 A. Yes. I'm sorry, yes.
- Q. And so that one is the first one on your May 19th, 2021
- 15 | list...
- 16 A. Okay.
- 17 Q. ...that has a check mark.
- 18 A. Okay.
- 19 Q. And this first case is marked ...., right?
- 20 A. Yes.
- 21 Q. was not indicted in June 2021, correct?
- 22 A. No, because I was supposed to be in trial.
- 23 Q. And that would have been the Chism case?
- 24 A. Correct.
- 25 Q. Is it your recollection that the Chism case pled out on

KATERI LYNNE DAHL

- June the 3rd, 2021?
- 2 A. Yes, it pled out, I think, five days before we were supposed to go to trial.
- Q. Is it your recollection though that the grand jury in June was June the 9th?
- 6 A. Correct.

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- Q. Okay. Considering the Wayne Taylor suggestion to you as made in the December 16th, 2020 E-mail about preparing status and also memorandums and draft indictments during the downtime of COVID, do you recall that in Wayne Taylor your supervisor's memorandum?
- 12 A. Yes.
- Q. Prior to June 2021, had you prepared a prosecution memo on 14
  - A. I don't believe so, but I don't remember.
- 16 | Q. If not, why not?
- 17 A. Probably because I was prioritizing other cases, and writing pros memos, and indicting other cases.
- 20 case that we're looking at on both lists, had you prepared a draft indictment?
- 22 A. I don't remember. I'm not sure.
- 23 | Q. If not, why not?
- 24 | A. Again, probably because I was prioritizing other cases.
- 25 | Q. If you had done that, if you had prepared a draft memo, a

KATERI LYNNE DAHL

- prosecution memo, or a draft indictment, that would have 1 been sent to Wayne Taylor, correct? 2 3 A. Correct. And if you were busy with other cases, indictments, and 4 complaints, there was a grand jury that met in March, 5 April, May, and June. Is that correct? 6 Correct, and I believe I had other indictments. 7 A. Those will show up in the PACER system if we want to 8 determine what was -- who was indicted by you? 9 I believe so. 10 A. Q. Okay. The second check mark, you've got both of the --11 do you see the second case, W2007526 meth case? Over here 12 on the December list, the same case number, meth case that 13 we're going to look at. That is 14
- 15 A. Okay.
- 16 Q. ...according to the list -- the May 19th list that you had.
- 18 A. Yes.
- 19 Q. Was indicted on June the 21st of...
- 20 MR. GARLAND: June 9th.
- 21 Q. I'm sorry, June 9th, 2021...
- 22 A. I don't...
- 23 | Q. ...grand jury?
- 24 A. I don't believe so.
- 25 Q. If not, why not?

- A. Again, I was prioritizing other cases. Case priorities shift during the course of however many months and depending on what is going on.
  - Q. And we had discussed Wayne Taylor's E-mail to you on

    December 16th, 2020, five months earlier, he had suggested
    that you prepare prosecution memos and draft indictments
    during any downtime of COVID. You recall that, correct?
- A. I do, and that list is not an exhaustive one of cases that were brought to me.
- 10 Q. Okay. Prior to June 20 -- June 9th, 2021, had you prepared a prosecution memo for
- 12 A. I don't remember.
- 13 Q. If not, why not?
- 14 A. Again, probably because case priorities shift.
- 15 Q. Okay. On June the 9th, 2021 or prior to that, had you prepared a draft indictment for later than the state of the st
- 17 A. I don't believe so. I don't remember.
- 18 Q. If not, why not?
  - A. Again, case priorities shift.
- Q. All right. The third check mark, looking again at both of these what's marked federal cases for 2019 and 2020, the third checked case, again, you had provided some assurances to Chief Turner and Captain Peters, as we looked at in the recorded statement or recorded

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KATERI LYNNE DAHL

transcript.

- A. I would not say they were assurances. I would say that they were tentative plans.
  - Q. Well, maybe we need to look at that a little closer. Have we marked Page 102 yet?
- COURT REPORTER: Yes, that's number three.
- Q. Okay. This is it right here.

on the second page.

7 | A. Okay.

- A. Yes.
- Q. Okay. I'll show you Page 114 of the secret recording of the May 19th meeting. At the bottom of Page 114, Captain Peters says, so I'm not trying to cause you any more work or anything like that, but let's say this June indictment goes in. You say, uh-huh. Can you just send me an E-mail on who got indicted and then that way I can get in touch with the chief and we know where we stand on these cases and everything?

KATERI LYNNE DAHL

1 A. Yes.

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- Q. Do you recall that?
- 3 A. I do.
- 4 | Q. Did you send Captain Peters an E-mail?
- A. No, and that was my mistake, but I E-mailed Sergeant
  Legault instead. And I did that because of the
  instructions of Chief Turner and Captain Peters.
- Q. Okay. We're going to come back to that, but you say you
  sent an E-mail about the...
- 10 A. It was either an E-mail or a text.
- 11 Q. Okay. About the June 9th, 2021 grand jury?
- 12 | A. I did.

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- Q. But you did have a specific request from Captain Peters that you E-mail him. And so I think what you're telling me is that it was your mistake, or you forgot, or it didn't happen.
- A. It was my mistake because it had been previously communicated to me that -- excuse me -- that Sergeant Legault should be my pri' -- like, my main point of contact when it came to cases, and so I followed up in that manner.
- Q. Is it fairer to say that there was discussion of prioritizing cases after the June 9th, 2021 grand jury, but that here it was clear that you were to report to Captain Peters about these indictments, that's the reason

KATERI LYNNE DAHL

he wanted the E-mail?

- 2 A. I'm not sure what you're asking there.
  - Q. You're saying that during this May 19th, 2021 meeting you had with Chief Turner and Captain Peters that the decision was that you would be reporting indictments and priority cases with Sergeant Legault and not Peters or Turner?
  - A. Yes. I believe, and I don't remember at what point of the conversation it was, that there was an exchange where they were saying that Sergeant Legault should be the main point of contact when it came to case statuses.
- 11 Q. Or prioritizing cases.
  - A. Correct.

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- Q. And that was to start after this discussion in great detail of what you were going to indict in June?
- A. I did not take it as it was supposed to start after the indictment. There was no instruction of you are to communicate with Legault after the grand jury.
- Q. Though we do have Captain Peters asking you specifically to send him an E-mail, not Legault, send him an E-mail of what you accomplished at the grand jury in June.
- 21 A. Yes, and that was then my mistake. I communicated it to
  22 Legault as per the instructions.
  - Q. Now, you also received an E-mail from Captain Peters dated

    June the 8th, 2021, correct?
- 25 A. Yes.

KATERI LYNNE DAHL

- Q. And he was saying directly, can you send me information
  about the grand jury indictments so that I can update the
  chief, right?
  - A. Yes.

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- 5 Q. So did you ever respond to that E-mail of Captain Peters?
  - A. I don't remember. I thought I followed up in some fashion. I might have mistaken my following up to Sergeant Legault as sufficient, but I can't recall the exact order of events with that.
  - Q. So we've got a request here directly for Peters and Chief Turner, and again on the 8th reminding you about their interest in these cases that we're looking at with check marks, and you did not respond to Captain Peters in any way?
  - A. No. I followed up with the previous instructions.
- 16 Q. No, Captain Peters.
- 17 A. Correct.
- 18 Q. Did you respond directly to Captain Peters?
- 19 A. I don't remember.
- Q. All right. Check mark number three on these cases, let's see. As to not get confused, let's -- what did we look at, Page 109?
- 23 A. Okay.
- Q. No, sorry, 114 -- 114 and 115. Let's mark that as the next exhibit. That's the May 19th meeting with Captain

KATERI LYNNE DAHL

- 1 Wilson prior to June 2021?
- 2 A. I don't remember.
- 3 Q. If not, why not?
- 4 A. Again, case priorities shift and I was preparing for
- 5 trial.
- 6 Q. And that was the Chism trial, correct?
- 7 A. Correct.
- 8 Q. Were you the lead counsel in the Chism trial?
- 9 A. No, I was co-counsel.
- 10 | Q. And your role was to give the opening statement?
- 11 | A. Yes.
- 12 Q. We'll come back to that. Did you prepare a draft
- indictment prior to June for Dionnica Wilson?
- 14 A. I don't remember.
- 15 Q. And is that the same -- if not, then it's the same reason
- 16 that you were busy with other things?
- 17 A. Correct.
- 18 Q. Okay. Check mark number five is over on the next page,
- 19 Tommy Nelson, W20007578, gun case. I didn't highlight it
- 20 for you, but it's on the next page. Do you see that,
- 21 W20007578?
- 22 A. Yes.
- 23 Q. Okay. That's Tommy Nelson, correct?
- 24 A. Correct.
- 25 | Q. Okay. Tommy Nelson was not indicted on June 2021, was

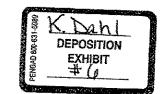
- indictments in June. We discussed that and I think you

  said that it was a mistake on your part or you thought you

  were confused, you were going to communicate to Legault,

  right?
- 5 A. Correct, I reached out to him.
- 6 Q. But you don't recall making any response whatsoever to Kevin Peters in response to this June 8th E-mail?
- 8 A. I don't remember if I did or not.
- 9 | Q. Okay. If not, why not?
- 10 A. Again, because I had communicated to Legault and if I
  11 didn't, then that was my mistake that I thought that
  12 communicating to Legault was sufficient.
- 13 Q. And Kevin Peters is Legault's supervisor, correct?
- 14 | A. Correct.
- 15 | Q. He's a captain and Legault is a sergeant, right?
- 16 A. Correct.
- 17 | Q. We'll make that the next numbered exhibit, please.
- 18 | COURT REPORTER: Number six.
- 19 EXHIBIT #6: E-mail from Kevin Peters to Ms. Dahl, dated
  20 6/8/21, Bates Stamp No. 0201.
- Q. Okay. Do we have this marked as an exhibit? This is the
  May 19th -- it's got handwriting and check marks on it.
- 23 MR. EASTWOOD: That's Bates 462?
- 24 | Q. Thank you, yes, Bates 0462.
- 25 MR. EASTWOOD: I don't believe we do.

- secret recording of a date in June, perhaps July.
- 2 | COURT REPORTER: That will be number nine.
- 3 EXHIBIT #9: Dahl recordings transcript, Page 153.
- 4 Q. Do you have it?
- 5 MR. GARLAND: Yeah, just one page.
- 6 Q. Here is a memo. Lead counsel in the Chism case was Emily
- 7 | Swecker. Is that correct?
- 8 A. Swecker, I believe.
- 9 Q. Swecker. And is that a memo or an E-mail from her to Matt
- 10 Gryder, Toma Sparks, others involved in the case telling
- them a plea agreement had been entered...
- 12 A. Yes.
- 13 Q. ...that they could stand down on June 3rd?
- 14 A. Correct.
- 15 MR. EASTWOOD: Did this come from DOJ, Erick?
- 16 | Q. I'm not sure.
- 17 A. It looks external to me. It's from Johnson City.
- 18 | Q. I can't -- I can't answer that.
- 19 MS. MCCLANAHAN: Do you want to go off the record?
- 20 MR. EASTWOOD: No. I've never seen it before.
- 21 MS. MCCLANAHAN: We haven't produced an E-mail.
- 22 MR. EASTWOOD: Okay.
- 23 MS. MCCLANAHAN: I think the deponent is correct. It's marked
- 24 external from DOJ to Johnson City.
- 25 MR. EASTWOOD: Okay, that's fine. That's all. I just wanted



From:

Peters, Kevin

Sent:

Tuesday, June 8, 2021 2:02 PM

To:

'Kat.dahl@usdoj.gov'

Subject:

Federal Grand Jury Cases

Kat.

Chief Turner wanted me to reach out to you and to see what Johnson City cases have been or will be presented to the Federal Grand Jury. If none have been presented, could you provide a date when they will be presented.

Thanks,

Kevin

## Captain Kevin Peters



Johnson City Police Department
Criminal Investigation Division Commander
City of Johnson City, Tennessee
423.434.6166 o./423.434.6119 d.// www.johnsoncitytn.org

## CERTIFICATE

I, Rebecca Overbey, Licensed Court Reporter in and for the State of Tennessee, do hereby certify that the foregoing deposition of KATERI LYNNE DAHL was taken at the time and place and for the purpose as stated in the Caption; that the witness was duly sworn by me before deposing; that the said deposition was recorded electronically and was later transcribed to typewriting, using computer technology; and that the foregoing is a true and accurate transcript of the proceedings to the best of my knowledge, ability and understanding.

WITNESS my hand and official seal at my office in Kingsport (Sullivan County) Tennessee on this the 7th day of July, 2023.

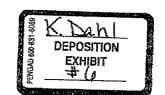
COURT ENDER

Rebecca Overbey
LICENSED COURT REPORTER
State of Tennessee
LCR #078

My License Expires:

June 30, 2024

\*\*\*CERTIFIED ONLY IF AFFIXED SEAL IS GREEN\*\*\*



From:

Peters, Kevin

Sent:

Tuesday, June 8, 2021 2:02 PM

To:

'Kat.dahl@usdoj.gov'

Subject:

Federal Grand Jury Cases

Kat.

Chief Turner wanted me to reach out to you and to see what Johnson City cases have been or will be presented to the Federal Grand Jury. If none have been presented, could you provide a date when they will be presented.

Thanks.

Kevin

## Captain Kevin Peters



Johnson City Police Department Criminal Investigation Division Commander City of Johnson City, Tennessee\_ 423.434.6166 o./423.434.6119 d./ www.johnsoncitytn.org