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ANGELA M. KENNEDY□

\*INSERT ANGELA M. KENNEDY DEPOSITION HEAR 11F-G □

THESE PEOPLE SEEM TO VERIFY EXACTLY AN ERRONEOUS□  
STATEMENT IN PAIRS. FOR EXAMPLE, THE GUN COMING FROM MY□  
POCKET, MY ALLEGED PULLING THE GUN OUT. ME SWEARING□  
AND SAYING THINGS WHEN I AM NOT AND MY COMING INTO□  
THE BANK EXACTLY AT 3:21 PM. I CAME INTO THE BANK AT □  
3:10 PM. I ONLY KNOW THIS BECAUSE OF THE TIME ON THE□  
CAMERA VIDEO FRAMES. ON MY STATEMENT IT WAS WRITTEN□  
THAT I REPLIED THAT I ENTERED FROM THREE TO THREE □  
THIRTY PM. ANGELA SAYS I CAME IN A FEW WEEK AGO. I AM□  
SURPRISED THAT SHE DOSE NOT HAVE THE EXACT TIME AND□  
DATE AVAILABLE. PERHAPS THEY DO NOT KEEP RECORDS OF □  
OUR BANKING. IT IS ALL IN HELD IN THEIR MEMORY. CHECK□  
MY CHART OF THE DAYS THAT I WAS IN THE BANK. THE□  
EARLIEST DATE WAS TWO MONTHS PRIOR. SHE SAYS THAT SHE□  
WAS WEARING A LEOPARD SKIN BLOUSE. THIS SOME HOW MADE □  
ME WANT TO PET THE KITTY. SINCE LEOPARD SKIN, AT THAT □  
TIME, HAD BEEN ANNOUNCED AS BEING THE NEW FASHION□  
CRAZE. THIS MUST HAVE BEEN A VERY STRENUOUS TIME FOR□  
ME. RUNNING AROUND TOWN TRYING TO PET EVERY LEOPARD□  
COVERED GARMENT I SEE. SHE SAYS THAT I HELD MY RIGHT□  
HAND UP. HOLDING MY HAND UP IS NOT THE SAME AS REACHING□  
ACROSS THE COUNTER, AS SHE HAS STATED EARLIER AND YET□  
THE BANK, EVEN TO PROTECT THEMSELVES AGAINST A LIBEL□  
SUITE, DO NOT OFFER ANY VIDEO OF ME REACHING AT□  
HER. COULD IT BE THAT IT NEVER EXISTED. NOT THAT□  
IN MONTHS TIME THEY REUSE THE TAPE AND ERASE IT. KNOWING□  
THAT THIS VIDEO MAY BE DESTROYED, WHY DID NOT BARBER TRY□  
TO SECURE A COPY OF IT AND ALSO EXPLAIN THE PROBLEM WHICH□  
WAS DEVELOPING AT HER BRANCH INSTEAD OF WAITING. ANGELA□  
SAYS THAT THE OFFICE DOOR WAS LEFT OPEN. MY CURRENT □  
LAWYER, MR. MILLER. RECENTLY TOLD ME THAT HE READ IN THE□  
TRIAL TESTIMONY OF ERIC SIMM THAT THE OFFICE DOOR WAS□  
CLOSED. I KNOW IT WAS OPEN. WHEN BARBER WALKED INTO THE□  
OFFICE AHEAD OF ME SHE JUST SAT DOWN AT A DESK NOT TOUCHING□  
THE DOOR. AS I FOLLOWED HER IN I STOOD AT THE SIDE OF THE□  
DESK. THERE WAS NOT A CHAIR FOR ME TO SIT DOWN ON. I ALSO□  
DID NOT TOUCH THE DOOR. IT WAS LEFT OPEN. IF I WAS STANDING□  
OUTSIDE OF THE OFFICE WHEN SIMM CAME UP TO ME FROM THE □  
OTHER SIDE OF THE BANK WERE ANGELA REMAINED. THEN HOW COULD□  
THE DOOR BE CLOSED. I AM STILL TALKING TO BARBER. HOW WOULD□  
SIMM OR ANGELA EVER KNOW STANDING AT THE TELLERS WINDOW THAT□  
IT WAS, AT ANY TIME, OPEN OR CLOSED. IT IS CONVENIENT WEATHER□  
PLANED OR NOT TO HAVE WITNESSES RIGHT OUTSIDE THE OFFICE. THE□  
BANK WAS EMPTY AND THIS SEEMS LIKE A OUT OF THE WAY PLACE.□

ANGELA IS SAYING THAT SIMM TRIED TO CALM THINGS DOWN AS□  
I WAS STILL IN THE OFFICE. WHERE WAS SIMM STANDING. SHE□  
CAN NOT RECALL EXACTLY SIMM WORDS BUT SHE KNOWS MINE WERE□

CUSS WORDS. COULD SIMM HAVE BEEN SWEARING AT ME AND SHE DOSE NOT WANT TO REMEMBER IT. SHE IS BEING VAGUE BECAUSE IT IS MADE UP DIALOG. ANGELA SAYS THAT I CAME OUT OF THE OFFICE. SHE IS AT THE OTHER SIDE OF THE BANK. AROUND THE CORNER BEHIND THE TELLERS COUNTER SOMEWHERE. YET SHE IS GIVING VISUAL ACCOUNTS AS IF SHE IS STANDING RIGHT OUTSIDE THE OFFICE DOOR. ANGELA SAYS AS I LEAVE THE OFFICE I HEAD TO MEGAN. THIS LEAVES OUT SIMMS ATTACKING ME. MY TELLING HIM TO GET OFF OF ME WHICH NO ONE HEARS AND OTHER POINTS THAT HAPPENED BEFORE I GOT TO MEGAN. BY NOW YOU SHOULD KNOW WHAT I WAS SAYING WHEN I WAS IN IN FRONT OF MEGAN. ANGELA WORDING OF COURSE WRONG BUT SURPRISINGLY CRISP AND CLEAR. ESPECIALLY SINCE THERE ARE NO SWEAR WORDS IN MY TALK. AS I WAS IN FRONT OF MEGAN BARBER WAS STARTING TO CALL 911 FURTHER DOWN THE COUNTER. SHE DID NOT ASK ME TO LEAVE. IF I CONTINUED TO DO ANYTHING IT WAS TO PUT MY MONEY AWAY IN MY WALLET. I HOPE YOUR FOLLOWING ALONG WITH ANGELAS EXPLANATION ON THE VIDEO. IT SHOULD SHOW YOU THAT SHE IS INCORRECT. I KNOW YOU CAN NOT HEAR THE CONVERSATION BUT YOU CAN SEE WHEN, WHERE AND WHO I AM TALKING TO. ANGELA, WHILE WAITING ON A CUSTOMER, COULD HEAR THIS FANTASY TALK THAT SHE SAID AND BARBER GASP. WHAT SHE COULD NOT HEAR WAS SIMM SAYING THAT I WAS PREVENTING HIS BANKING OR ME SAYING TO SIMM AS I THREW HIS HEAVY BLACK MANS BODY OFF ME. GET OFF ME. ALSO SHE DID NOT HERE THE THUD OF SIMM BEING THROWN UP AGAINST THE COUNTER. THEN YOU HAVE MR. GREEN, WHO IS UNDER THE MISAPPREHENSION THAT WHAT IS GOING ON, AT THE COUNTER, HAS TO DO WITH SIMM TRYING TO DO HIS VIOLENT BANKING OVER MY LIVING BODY. THIS WAS STATED IN GREENS TESTIMONY. THESE PEOPLE ARE STANDING RIGHT THERE AND EACH PERSONNEL TRUTH CONFLICTS EACH OTHER. ANGEL WAS AT THE DRIVE UP TELLER WINDOW WAITING ON A CUSTOMER WITH HER BACK TURNED TO THE INSIDE OF THE BANK. WAS SHE ALSO DOING THIS WHEN SHE HEARD AND SAYS SHE SAW WHAT WAS HAPPENING IN BARBERS OFFICE EARLIER. BARBER GASP. ANGELA TURNS AROUND AND JUST SEES ME HOLDING MY GUN. IT WAS STATED MORE OFTEN THEN NOT THAT THE GUN WAS HELD AT MY WAIST, I AM NOT PARTICULARLY TALL 5FT 7IN. I AM AN INCH SHORTER WITH MY CRUSHED BACK VERTEBRAE. I DO NOT BELIEVE THAT FROM WHERE ANGELA WAS STANDING BEHIND AND AWAY FROM THE COUNTER THAT SEE COULD HAVE SEEN MY GUN AT WAIST LEVEL. BESIDES SIMM WAS ACTUALLY STANDING RIGHT BETWEEN ANGELA AND ME. MOST EVERYONE ELSE IS CALLING IT A SILVER GUN WHEN THEY DESCRIBE SEEING IT. ANGELA REFERS TO IT AS A SILVER REVOLVER. SHE ACTUALLY KNOWS MORE SPECIFICALLY WHAT TYPE OF GUN IT IS. DID SOME ONE LATER FILL HER IN ON THE DETAILS. ANGELA IS TAKING THE LIBERTY TO USE THIS ADVERSE SITUATION TO PORTRAY HERSELF AS A HEROIN OF THE FIRST ORDER. SHE ACTUALLY IS SAYING THAT SHE TRIED TO CREATE A DISTRACTION TO ME BY YELLING AND THERE BY REDIRECTING MY ATTENTION TO HER. I SUPPOSE THIS BRAVE EFFORT WAS TO ALLOW EVERYONE ELSE TO TIP TOE OUT OF THE BANK WITH OUT ME NOTICING. UNFORTUNATELY DESPITE HER ALLEGED ACTION OF FEMALE BRAVADO. I DID NOT SEE OR HEAR

**Supporting Deposition**  
**General**

Livingston County Sheriff's Office  
Geneseo, New York

LCSO CR# 09-19646  
Deputy Bryan Mann

State of New York  
County of Livingston

People of the State of New York  
-vs-

Village Court Village of Caledonia

Stewart, Philip, L 05/26/1950  
Defendant

I, Tammie Jo Whiteman, residing at 5 Alpine Ln, Caledonia, NY 14423, born on 03/24/1973, phone numbers being (h) , (w) work #, (c) 585-315-6913, by this Supporting Deposition make the following allegations of fact in connection with an accusatory instrument filed, or to be filed, with this court against the above named defendant.

On 11/06/2009 at about 3:16pm, I was at the Caledonia branch of the Five Star Bank. I am an employee there as a teller. Michelle Barber, the branch manager, was in her office with a customer Mr. Simms. As directed I went into her office during their meeting to give her a note stating that Mr. Stewart was there. Mr. Stewart had been in before and asked one of our tellers if he could "pet the kitty" as he reached out towards her, as she was wearing a leopard print blouse. She excused herself from Mr. Simms who followed her out of the office and approached Mr. Stewart. Michelle and Mr. Stewart then both went into Michelle's office. They were not in the office for more than thirty seconds when things started to get loud. Mr. Stewart was getting very defensive about being questioned on his prior comments and stated, "I've never been sexually rude." And then he got more aggravated in his speech and stated things like "fuck you bitches and you can take that literally!" They were then walking out to the teller line and Michelle was asking him to leave. At that point Mr. Simms told Mr. Stewart that he was asked to leave and should do so. Mr. Stewart told him that it was none of his business, and he walked up to the teller line to deal with Megan. I tried to focus on my customer and I could see Michelle on the phone calling the police. Mr. Simms then told Mr. Stewart that he really needed to leave and that there was no need for this type of conversation. Mr. Stewart then got very angry and I saw him put his hands on Mr. Simms. As Mr. Stewart backed up I saw him finish pulling a handgun from a holster on his belt. He was fumbling with the gun and pointed it at Mr. Simms stating that he had the gun for twenty years and had never had to pull it until this point. Mr. Stewart backed up towards the door and then came closer to Mr. Simms at least two times which seemed to me like he was trying to intimidate Mr. Simms. My customer stood up and I told him as well as the employee I was mentoring to sit back down. Michelle told him that she wished he would just leave. Mr. Stewart then put his gun away and walked out the door. Michelle then yelled at me to get the keys to lock the door, as she was afraid he would come back in.

This statement is accurate and true.

*SHE WAS SITTING @ END OF BANK IN COURT ROOM*

VERIFICATION BY SUBSCRIPTION AND NOTICE UNDER PENAL LAW SECTION 210.45

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

\*Affirmed under penalty of perjury this 10<sup>th</sup> day of November, 2009

Signed: *Tammie Jo Whiteman*

AT THIS POINT I WAS 30' AWAY AN COMMENT COULD STILL BE HEARD?

TIME

11H  
AT LEAST 30' AWAY FROM OFFICE-SIMMS' YOUNG  
NO ONE TO REMOTE LEAVE  
THRU CURTAIN PARTITION?

MISQUOTE

INCORRECT STAT FOR DIFFERENT ITEMS

HER DO OR SAY ANYTHING. IT WAS LIKE SHE WAS NOT EVEN IN THE ROOM. IF SHE SAID SHE TALKED TO CHRIS GREEN AT THIS POINT THEN MAYBE HE CAN VERIFY THE TRUTH OF HER COMMENTS. IT IS NICE TO HEAR THAT ANGELA IS NOT IGNORING THE RACIAL PROBLEMS IN THIS COUNTRY. ONLY SHE POINTS OUT THAT I MADE A DEROGATORY REMARK ABOUT BLACK PEOPLE. I DID NOT! BUT IF I DID, I AM QUITE SURE, IT WOULD HAVE BEEN IN REGARDS TO HOW THEY DO THEIR BANKING. I NEVER SAID THAT I NEVER MEANT FOR THIS TO HAPPEN. I DID NOT CAUSE ANY OF THIS. AGAIN I NEVER SAID ANY VARIATION AS TO WHY I CARRY A GUN. THAT IS NONE OF THEIR BUSINESS DESPITE THIS INCIDENT. SHE SAYS THEN I WALKED OUT OF THE BANK. AFTER ALL THE DAMAGE IS DONE TO ME LEGALLY, THEN I JUST WALK OUT OF THE BANK. SHE IS FORGETTING ANYTHING ELSE THAT WAS SAID OR HAPPENED BEFORE I LEFT THE BANK. MY TALK WITH THE MANAGER. SIMM STANDING BY THE VAULT WITH HIS FOREARM UP TO MY FACE. SHE LEAVES OUT THE WHOLE NINE YARDS. IF I, SO EASILY, COULD JUST WALK OUT OF THE BANK THEN WHY WAS IT NECESSARY FOR ME TO PULL MY GUN AND POINT IT AT ANY ONE FIRST BEFORE I LEFT. I DID HAVE A GUN FOR THIRTY YEARS. I NEVER PULLED THAT GUN OUT NO MATER WHAT HAPPENED. EVEN WHEN SIMM IN THIS CASE WAS WRENCHING MY NECK I JUST THREW HIM OFF OF ME. I DID NOT PULL OR SHOOT HIM. ANGELA DOSE NOT SEE OR HEAR OR GIVE ANY REASON FOR ME TO PULL OUT A GUN EXCEPT I WAS ASKED TO LEAVE THE BANK. WHAT MORE CAN BE SAID ABOUT THIS.

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TAMMIE JO WHITEMAN

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\*INSERT TAMMIE JO WHITEMAN DEPOSITION HEAR 11H

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THESE PEOPLE ARE GIVING HEAR SAY REPORTS OF ME REACHING OVER THE COUNTER. WHY IS THEIR NOT ANY BANK VIDEOS OF THIS. THEY ARE TRAINED TO KEEP RECORDS BUT THEY HAVE NOTHING BUT MEMORIES AS PROOF. THERE ARE THIRTEEN CAMERAS IN THAT BANK. BESIDES AS MUCH AS THEY TALK ABOUT THIS BEHAVIOR I WAS NOT CHARGED WITH ANY THING REGARDING THIS ACT. I AM ASSUMING THAT IS BECAUSE THEY WOULD HAVE PROVE THAT IT REALLY HAPPENED. OF COURSE IT DID NOT AND NO VIDEO EVER EXISTED OF IT. THIS IS JUST A DIRTY FABRICATED LYE TO DISCREDIT ME. JUST MORE MADE UP QUOTES. BARBER NEVER ASKED ME TO LEAVE THE BANK ANY WHERE ALONG THE TELLERS LINE. BUT THIS IS THE FIRST PLACE THAT THIS WITNESS SAYS SHE HEARD IT. NOT IN OR JUST OUTSIDE THE OFFICE LIKE THE OTHERS WERE SAYING. IT TAKES TWO BANK EMPLOYEES OVER TEN MINUTES TO OPEN A SIMPLE CHECKING ACCOUNT FOR TERBERG. SHE SAW ME PUT MY HANDS ON SIMM. I BACKED UP BEHIND THE PARTITION WHERE SHE SHOULD NOT BE ABLE TO SEE ME. SHE DID NOT SEE SIMM COME AFTER ME BUT SHE SAW ME PULL A GUN. HER QUOTES ARE WRONG AND THEY ARE GIVEN IN THE WRONG PLACE. THIS GIRL SAYS THE ONE TIME I WAS ASKED TO LEAVE BY BARBER I JUST LEFT.

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