

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ERIC M. ALBRITTON,

*

*

Plaintiff,

*

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VS.

* C.A. NO. 6:08-CV-00089

*

CISCO SYSTEMS, INC., RICK

*

FRENKEL, MALLUN YEN &

*

JOHN NOH,

*

*

Defendants.

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ORAL DEPOSITION OF
ERIC M. ALBRITTON
OCTOBER 27TH, 2008

ORAL DEPOSITION OF ERIC ALBRITTON, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 27th of October, 2008, from 12:44 p.m. to 4:24 p.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of James A. Holmes, 605 South Main, Suite 203, Henderson, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 would refuse to hire you?

2 A. I have no idea. It's the nature of the beast.
3 People -- I don't know if they call you up and tell you,
4 George, I'm not hiring you for this reason.

5 MR. BABCOCK: Happens to him all the
6 time.

7 Q. (BY MR. MCWILLIAMS) You mentioned that you
8 spent all weekend working on a cert petition.

9 A. Yeah.

10 Q. In a death penalty case?

11 A. Uh-huh.

12 Q. Are you representing the defendant in that
13 case?

14 A. Last time I checked, you know, private lawyers
15 don't represent the government.

16 Q. Okay.

17 A. I mean, maybe you've got some other experience
18 there.

19 Q. Well, we may have some lay jurors listening to
20 this deposition. I would like for them to make sure
21 they know.

22 What is your client accused of?

23 A. He's accused of capital murder.

24 Q. Okay. And who did he murder?

25 A. He was convicted of murdering a policeman in

1 1978 when I was 8 years old.

2 Q. And how did you get hired to represent him?

3 A. I was appointed by a federal judge in Austin.

4 Q. Is that because you are on his list that we
5 were talking about?

6 A. No.

7 Q. How did you happen to receive that appointment
8 do you think?

9 A. Because people think I'm a pretty good lawyer,
10 I guess.

11 Q. Have you represented accused murderers before?

12 A. I have.

13 Q. Accused rapists?

14 A. I have.

15 Q. Accused child molesters?

16 A. Yep.

17 Q. Any of those people --

18 A. And lawyers.

19 Q. Well, now, I know the answer to this question.

20 A. Including today, I represent lawyers.

21 Q. Do you know whether or not any of those
22 murderers, rapists, child molesters, or even lawyers
23 were sorry no-good suckers?

24 A. I suspect that some -- you know, I don't know.
25 Probably.