

1 cease and desist letter?

2 MR. CLARK: Object to form.

3 A. I thought this was funny.

4 BY MS. PUZZUOLI:

5 Q. Okay. So when you say this, you attached the cease
6 and desist letter, what's funny about a cease and
7 desist letter?

8 A. I just thought it was funny.

9 Q. Okay.

10 A. I don't know what else to tell you.

11 Q. All right. Have you ever received cease and desist
12 letters before?

13 A. Oh, I'm sure I have.

14 Q. What's so funny about cease and desist letters?

15 A. This one was funny because of the circumstances
16 involved.

17 Q. And why is that?

18 A. Because this case is ridiculous.

19 Q. And why is that?

20 A. As I've testified before, I've never seen anything
21 like it in my entire career.

22 Q. When you say this case are you referring to the
23 criminal case, are you referring to the civil case;
24 what are you referring to?

25 A. I'm referring to the whole thing.

1 Q. And when you've been sued before have you laughed
2 about it, joked about it?

3 A. I probably have, yeah, because many lawsuits are
4 frivolous and they're sometimes amusing. You know how
5 you attorneys are.

6 Q. No, I don't. How are we?

7 A. I shouldn't have said that, I take it back.

8 Q. Are you characterizing all the attorneys as --

9 A. No, I take it back.

10 Q. -- being the same?

11 A. I take it back, I apologize.

12 Q. We're not individuals?

13 A. I apologize.

14 Q. Or is it --

15 A. I just apologized, okay? What more do you want out of
16 me?

17 Q. A cease and desist.

18 MR. CLARK: It's not happening.

19 BY MS. PUZZUOLI:

20 Q. A retraction. Okay. I just don't understand why you
21 thought it was funny still.

22 MR. CLARK: He's already told you, Gina,

23 I'm sorry.

24 BY MS. PUZZUOLI:

25 Q. So was there anything else that made you laugh about

1 it other -- or thought it was funny with the I'm
2 scared and laughing emojis other than what you told
3 us?

4 A. Nope.

5 MR. CLARK: It's been asked and answered.

6 A. Nope.

7 BY MS. PUZZUOLI:

8 Q. Did you do anything in response to receiving that
9 cease and desist letter?

10 A. I'm sure I sent it to corporation counsel.

11 Q. Anything else?

12 A. No, not that I recall.

13 Q. Okay. And the e-mail was sent on September 10th,
14 2020. Do you need to see it again?

15 A. Sure.

16 Q. Okay. Am I right on that date, did I get the right
17 date on that e-mail?

18 A. Yeah. I sent this to Brody Boucher, yes.

19 Q. Okay. On September 10th, 2020?

20 A. That's what it says.

21 Q. Okay. Was that before or after you were interviewed
22 by Heather Catallo for that piece that aired in
23 November of 2020?

24 A. I don't remember.

25 Q. How could we determine that date, do you have a

1 calendar that states the date you were interviewed?

2 A. No, you'd have to ask her. I don't think I wrote it
3 down.

4 Q. And my understanding is that you received then the
5 cease and desist letter, at least on September 10th,
6 2020 or before. The piece was aired in November by
7 Heather Catallo, the interview of you and Paul Walton.
8 Did you discuss anything with her concerning the fact
9 that you received a cease and desist letter?

10 A. No.

11 Q. I also have an e-mail of March 11th, 2020, the next
12 one in line, and it says check this out, but I don't
13 know what it's referring to so hold on just a minute,
14 let me give you some other e-mails here and maybe you
15 can explain. Okay. Pages 885 through 889, and
16 there's an e-mail from you to Quisenberry, Miller,
17 Wilson, Spencer on March 11th, 2020 stating, check
18 this out.

19 I want to know what you're referring to,
20 please?

21 A. It looks like I'm referring to Brody Boucher reaching
22 out to me for an interview.

23 Q. And why did you find it important to say check this
24 out to all those individuals?

25 A. I'm just letting them know that MSP's reached out to

1 me.

2 Q. And then at pages 890 through 892 you have copy of a
3 letter to a Colonel Gasper, G-A-S-P-E-R, from Alona
4 Sharon in your file. Why do you have this letter from
5 her in your file?

6 A. She sent me a copy.

7 MR. CLARK: Gina, it's supposed to be with
8 this e-mail that you left off, the page before that.

9 MS. PUZZUOLI: Okay. What page is that?

10 MR. CLARK: 889.

11 MS. PUZZUOLI: Okay, thank you. We're good
12 with that.

13 MR. CLARK: Okay.

14 MS. PUZZUOLI: No further questions.

15 MR. CLARK: You mean --

16 MS. PUZZUOLI: Yes, we can take a break
17 now.

18 MR. CLARK: Thank you.

19 (Recess taken at 1:23 p.m.)

20 (Back on the record at 1:36 p.m.)

21 BY MS. PUZZUOLI:

22 Q. Mr. McCabe, I have pages 898 and 898 here. I'm going
23 to give you page 898 of what's been produced, and if
24 you could identify if that's all in your own
25 handwriting too?

1 A. Yes.

2 Q. Okay. And it says 9:25 a.m. but I didn't get a date
3 on this.

4 A. You know, this is when I first talked to -- in the
5 beginning when I first talked to John Pallas.

6 Q. Okay. Do you --

7 A. I didn't put a date on it for some reason?

8 Q. Do you know the month approximately or not?

9 A. It would have been around the time the search warrant
10 was executed, shortly thereafter.

11 Q. Are these all things that you're saying John Pallas
12 said during this conversation you had with him?

13 A. Let me look at it.

14 Q. Sure.

15 A. Okay.

16 Q. Okay. Again, is that information that you wrote down
17 all what John Pallas said?

18 A. Yeah, the -- let me see here. So the first thing,
19 yeah, things happened that should not have, he told me
20 that. He says trooper came in, B, being Busacca,
21 unannounced. John was not happy. He would not accept
22 his file and what he collected he did not accept. I
23 got with Laura Moody, I'm not sure, I don't remember
24 what that means. This is the last he heard about the
25 case.

1 Brian Kolodziej, sex assault prosecutor
2 from Macomb, told John at some point in time prior to
3 that it might be moving forward but he never heard
4 anything after that. Nessel said we are not handling
5 or taking this. Friday before put the brakes on.
6 This is -- at some point in time Nessel stopped the
7 investigation, I remember him telling me that.
8 They --

9 Q. Okay. I'm confused there. On that statement, Nessel
10 said we are not handling/taking this Friday before
11 but --

12 A. Friday before --

13 Q. -- put the --

14 A. -- Busacca came in.

15 I -- I don't know, I'm not sure what that
16 means. I'd have to --

17 Q. Okay.

18 A. Let me rephrase that. I'm not sure when that was.

19 Q. All right.

20 A. Long discussion on taking other cases of PDs. He said
21 they had an internal discussion within the AG's Office
22 about looking at cases from other police departments.
23 Moody, Paul Walton, text followed. I'm not sure what
24 that means. Brian Kolodziej is supervised by John.
25 Danielle Clark hired from PAAM. She looked at it and

1 authorized the search warrant. The trooper went to
2 her, not to him. How did they get a search warrant,
3 I'm not sure what that means, I don't remember.
4 Meeting Nessel, he says, we'll be meeting Nessel on
5 Tuesday of this week.

6 They've been flooded with requests he says
7 we have not been involved in. She -- as I recall, she
8 said -- Nessel said something like well, you know, her
9 department's come to us, we're going to take a look at
10 it, and that's what I recall. And then he said,
11 quote, meaning Busacca, this is my passion is what he
12 told John Pallas.

13 Q. Okay. And you don't know what he was referring to
14 when he said Busacca said this is my caption, correct?

15 A. This case.

16 Q. Okay. You didn't write that. You just wrote this --

17 A. No, but I --

18 Q. -- is his passion?

19 A. -- remember it.

20 I didn't have to right it down, it was
21 something that sticks in your head.

22 Q. And do you know if that's because it involved a
23 four-year-old victim or why this case would have been
24 his passion if that was said?

25 A. I don't --

1 MR. CLARK: Object to form.

2 A. I don't know.

3 BY MS. PUZZUOLI:

4 Q. Okay. And then I have an e-mail at pages 903 through
5 905 -- or actually further, 910. Is this your
6 handwriting on the first page there?

7 A. Yes.

8 Q. Okay. What is that referring to?

9 A. I believe that's the day after the meeting with Dana
10 Nessel and I talked to Fadwa on her cellphone when she
11 was in her car.

12 Q. Okay. And what did you discuss with her?

13 A. I indicated to her that we did not bring up anything
14 about Lauren Schipani in that meeting because Lauren
15 Schipani was in the meeting and that we had concerns
16 about her testimony during the bond hearing.

17 Q. Okay. Are you saying when you had the meeting you had
18 concerns of her testimony but didn't say anything
19 because Lauren was in the meeting at that point, is
20 that what you're saying?

21 A. Yes.

22 Q. So then when you had the conversation with her after,
23 is that when you told her about Lauren Schipani's
24 testimony?

25 A. Yes.

1 Q. Okay. Any other time that you discussed Lauren
2 Schipani's testimony with anybody at the AG's office?

3 A. I think that's the last time I ever heard from the
4 AG's Office, and I don't know what this is --
5 voicemail transcript, did it have something to do with
6 this?

7 Q. I don't know, that's the way they were Bate stamped by
8 defense counsel, your attorney's office, so that's --

9 A. Well, again, this is the voice -- another voicemail
10 that Paul Myszenski left me on May 16th at 9:34 a.m.

11 Q. Right, and I realize there's many duplicates of things
12 in the file.

13 A. Yeah, this is back in May, this is in June.

14 Q. Okay. But as you see, the Bate stamped numbers match,
15 I think?

16 A. But this has nothing to do with this.

17 Q. I understand.

18 A. Okay.

19 Q. That's fine. Okay.

20 A. Yeah, this is -- I just made a note to myself that I
21 talked to her on her cellphone. If I remember
22 correctly she was in her car, that's all I recall.

23 Q. Okay.

24 A. She was going somewhere.

25 Q. All right. And that's when you would have talked

1 about Lauren Schipani and the statements --

2 A. The concerns we had, yes.

3 Q. Okay. So put that in the pile, please, and since we
4 talked about those we don't need to talk about those
5 again.

6 A. You don't need these?

7 Q. No, but I'm going to put them in the pile because they
8 were Bate stamped to follow.

9 A. Okay.

10 Q. And the same here, we talked about those. I then have
11 pages 921 through 922. Former Macomb assistant
12 prosecutor named to head State hate crime unit. Was
13 this in your file?

14 A. Yeah, I believe it was.

15 Q. Is there a reason that was in the McMaster file?

16 A. The article came out so I printed it out because
17 Brian's name is in it, Brian Kolodziej.

18 Q. All right. If you'll put that in the pile. The next
19 one, and we talked about this a little bit, it's when
20 Lieutenant Vida spoke to Sean McMaster, and there's an
21 e-mail from you to you forwarding transport from
22 Florida subject. And as I indicated earlier in one of
23 my questions, the e-mail states, Lieutenant Vida,
24 V-I-D-A --

25 A. It's Vida but some --

1 Q. Vida, I'm sorry.

2 A. -- some people -- they pronounce it --

3 Q. Vida, Vida --

4 A. -- differently, that's fine --

5 Q. -- tomato, tomato.

6 A. It's no big deal, right.

7 Q. Lieutenant Vida knew him from Detroit, or should I say
8 knew of him but didn't know him personally.

9 A. Yeah, I remember this e-mail. It's from Major
10 Smith --

11 Q. Right.

12 A. -- now retired.

13 Q. Okay. Then we have page 927 and --

14 A. Are we done with this?

15 Q. Yeah, we talked about it. Thank you. 927 is from you
16 to yourself again forwarding --

17 A. Well, I forward e-mails to myself --

18 Q. Right, I --

19 A. -- just so you know.

20 Q. -- got it.

21 This is dated September 16th, 2019, and
22 this says, Judge Kostin: I am going to call you when
23 convenient for you about this attachment. Just let me
24 know when. And it goes to page 933. So 927 to 933,
25 if you'd take a look at that, please.

1 A. Sure. I believe I forwarded to Judge Kostin the
2 affidavit and the search warrant.

3 Q. And that's contained there?

4 A. Yes, that's my understanding. That's what I believe
5 to be true, yes.

6 Q. And then you had a conversation with her after, we
7 talked about that?

8 A. Yes.

9 Q. Did you record the results of the conversation or what
10 was discussed anywhere, did you make notes?

11 A. If I did it would be in there. If not I'd probably
12 have a -- I have a recollection of it.

13 Q. Okay. And you told us what you discussed with her.
14 Anything else other than what you testified to
15 already?

16 A. Other than what I previously testified to, no.

17 Q. Okay. And then pages 934 through 939 is called time
18 line for Sean McMaster, and I don't know if you sent
19 it to someone. Who prepared this timeline?

20 A. Mark Wilson, Lieutenant Wilson. He forwarded it to
21 Smith, McCabe, Quisenberry, Freiberg and Zdravkovski.
22 Here, it says write here, Lieutenant Bart Wilson,
23 Sergeant Steve Zdravkovski about him.

24 Q. Okay. Did you direct him to do a timeline or did
25 someone direct him to do a timeline?

1 A. I don't remember doing that. Major Smith may have so
2 he could get things in chronological order, which
3 would make sense. There's another e-mail attached to
4 it so I don't think it has anything to do with this.

5 Q. Okay. It doesn't have anything -- okay.

6 When you say I've never seen this before to
7 Heather Catallo, I need to look at it closer but there
8 appear to be lies in this, what are you referring to?

9 A. It's the second affidavit for I believe the case in
10 Florida is what we speculated.

11 Q. Because nothing was attached?

12 A. Yeah.

13 Q. So what were you saying was inaccurate or not true
14 when you were telling Heather Catallo there were lies
15 in that?

16 A. I relied on the analysis from Sara Pope-Starnes about
17 disclosures, that there were no disclosures. There
18 was the fact that he did not include the previous
19 investigation or any mention of it in his affidavit.

20 Q. When you're saying his you're talk --

21 A. Busacca.

22 Q. So you're discussing with Heather Catallo that David
23 Busacca's affidavit appears to have lies in it, is
24 what you told her?

25 A. Yeah, in December of 2019, correct.

1 Q. Okay. And pages 940 through 942 appear to be
2 additional e-mails regarding Heather -- or to Heather
3 Catallo, correct?

4 MR. CLARK: I'll object to form on that.

5 A. Well, this is an e-mail from Heather Catallo, then
6 this is an e-mail from Paul Myszenski, so I don't know
7 what one has to do with the other. They're not
8 related as far as one's in December, one's in June --

9 BY MS. PUZZUOLI:

10 Q. Okay.

11 A. -- so I'm not -- does this have anything to do with
12 this?

13 Q. Well, this is the order I --

14 A. That's what -- you --

15 Q. -- got them in so --

16 A. -- handed it to me so I don't know.

17 Q. I'm asking you --

18 A. This appears unrelated to that.

19 Q. Okay. When you say this appears unrelated to that
20 you're talking about the Myszenski e-mail, correct?

21 A. Yes.

22 Q. Okay. And then I have a page 943, Center Line
23 questions dated August 14th, 2019, importance,
24 sensitivity, high, confidential. There's a number of
25 people that this is cc'ed to and it's from you, and

1 I'm wondering why you cc'ed all of these people on
2 this highly sensitive confidential memo?

3 A. Well, Major Smith, Captain Miller, Captain
4 Quisenberry, Lieutenant Patterson, Lieutenant Spencer,
5 Sergeant Lenz, Joe Brian, Sergeant Giolitti,
6 Zdravkovski, they were all at some point in time
7 involved in this case after the fact.

8 Q. Okay.

9 A. I'm sharing it with them.

10 Q. I guess for clarification then, how many individuals
11 in Oakland County approximately were working on this
12 McMaster/Orr -- or the investigation by the AG with
13 McMaster and Orr?

14 A. Well, these people weren't necessarily involved in the
15 investigation but Scott Patterson and Frank Lenz are
16 the supervisors of the substation and Detective
17 Freiberg and Giolitti and Brian are in SIU, as is
18 Zdravkovski. Spencer is the lieutenant under Captain
19 Miller and Quisenberry is the head of SIU.

20 Q. Okay. So I guess I'm still looking for an answer to
21 my question. How many people from Oakland County were
22 involved in the McMaster investigation that was taking
23 place by the AG's Office and --

24 A. I don't know --

25 Q. -- what your --

1 A. -- if I'm involved.

2 I'm keeping -- I'm letting them know what's
3 going on in this investigation by sending them this.

4 Q. Okay. So I'm just wondering approximately how many
5 people are you letting know what's involved?

6 A. I don't know, six, seven here.

7 Q. Okay. But there were other people involved as well,
8 correct, it's not only those, weren't there, or --

9 A. Well, the --

10 Q. -- is that it?

11 A. Well, the prosecutor's office.

12 Q. Okay. So more than six people, ten people that --

13 A. That were aware of it? Not necessarily involved but
14 aware. I like to keep my people underneath me aware
15 of what's going on.

16 Q. That's what I'm just wondering, how many people did
17 you make aware --

18 A. Probably --

19 Q. -- of this?

20 A. That's probably about it.

21 Q. Okay. And maybe this will help. The --

22 A. I mean, I didn't send it out to the entire department,
23 if that's what you're asking?

24 Q. No, I understand that, but the people identified in
25 the e-mails are the people that you had working on

1 this or with you or you were trying to get information
2 from --

3 A. No, that were aware of the case. Again, Freiberg was
4 the detective.

5 Q. Got it.

6 A. Lenz was the sergeant, Patterson his lieutenant.
7 Spencer was Patterson's executive lieutenant. Miller
8 was his captain. Quisenberry is the captain over
9 special investigations, which is Brian and Giolitti,
10 so at some point in time -- they're all aware of this
11 case.

12 Q. Okay. How many hours did Oakland County spend on --
13 from the time you learned about Center Line looking
14 into it until, you know, today's date, how many hours
15 has Oakland County -- or days or months or years,
16 Oakland County spent on this?

17 MR. CLARK: Foundation.

18 A. I have no --

19 MR. CLARK: If you know.

20 A. I have no idea.

21 BY MS. PUZZUOLI:

22 Q. Okay.

23 A. I didn't track it, I couldn't tell you.

24 Q. More than 100?

25 MR. CLARK: Only if --

1 A. Yeah.

2 MR. CLARK: Only if you know.

3 A. I'm sure it was more than 100, yeah, if we --

4 BY MS. PUZZUOLI:

5 Q. Okay.

6 A. -- when you count everybody.

7 Q. Okay, all right.

8 A. Are you done with this?

9 Q. I am, if you'll put that on. All right. Heather
10 Catallo, here's an e-mail from her, page 947 through
11 948, and she sends it directly to you, dear FOIA
12 coordinator. Are you a FOIA coordinator or were you
13 the FOIA coordinator for Oakland County?

14 A. No. I'd have to see what you're talking about.

15 Q. Sure.

16 A. She sent it to me. She may have copied me on what she
17 sent to the FOIA coordinator, I don't know. I
18 basically told her any time she wanted, and I says
19 you're going to have to get it through FOIA.

20 Q. Did she put you as a cc or send it directly to you?

21 A. It looks like she sent it directly to me and then
22 maybe I sent it to the FOIA coordinator, I don't know.
23 I get FOIAs all the time, people don't know that we
24 have a FOIA coordinator.

25 Q. Okay. Do you have any e-mails indicating that you

1 told her to get it through the FOIA coordinator?

2 A. Whatever's in there. I don't think so --

3 Q. I didn't see one --

4 A. -- but I don't know.

5 Q. -- that's why I'm just wondering if you e-mailed her,
6 called her?

7 A. I don't know. I may have just forwarded it to her, to
8 the FOIA officer, or I may have told Heather Catallo
9 you need to send it to the FOIA coordinator.

10 Q. I then have an e-mail at page 954 from a
11 rudy.harper@wxyz.com to you regarding a request for
12 information regarding McMaster and Larry Orr, and I'll
13 show you that.

14 A. Is there a question?

15 Q. Yes. Did you respond to that?

16 A. Yeah, it says right here call MSP, their case. Thank
17 you, Mike, from Rudy Harper.

18 Q. Okay. All right. If you'll put that in there, as
19 well. Also produced was an e-mail from Kathy Barbour,
20 B-A-R-B-O-U-R, to Shane Freiberg, F-R-E-I-B-E-R-G.
21 And Kathy Barbour is stating and sending an e-mail to
22 Detective Freiberg letting him know that both Sean and
23 Larry were charged with a crime and asked if you have
24 any thoughts or advice please let me know, and I'll
25 show you, that's at 958 through 959. And Freiberg

1 says the case is closed basically at Oakland County,
2 right?

3 A. Closed our case and it's a current investigation with
4 the Michigan State Police and the Attorney General's
5 Office. It has nothing to do with the current
6 investigation, that's correct.

7 Q. And when was that sent, what's the date that Freiberg
8 responded and said --

9 A. May 13th, it looks like.

10 Q. Of 2019 saying the County has nothing to do with the
11 investigation, correct?

12 A. Correct.

13 Q. Okay. And wished her the best of luck?

14 A. That's what he says.

15 Q. Do you know if you had any other communications with
16 Kathy Barbour?

17 A. Do I know?

18 Q. Yes.

19 A. I don't know.

20 Q. Then I have an e-mail at pages 960 and pages 961 --

21 A. Done?

22 Q. Yes, thank you. 960 and 961, an e-mail from you to
23 Bart Wilson, cc Robert Smith, and it says, he's in the
24 Jacksonville Sheriff's Office Jail waiting to be
25 extradited to Michigan. He's not fighting the

1 extradition process nor has any local Florida charges.
2 The timeframe is within normal parameters for out of
3 state police agency to extradite and individual.

4 Why were you checking on this, tell me?

5 A. I guess I'm being updated by Bart Wilson. He sent me
6 the e-mail. Here, per your request I'm sending this
7 from the undersheriff's computer. There's an e-mail
8 in September to Fadwa, I don't know what this has to
9 do with this.

10 Q. I don't either but that's the way they're --

11 A. Okay.

12 Q. -- marked from --

13 A. Okay.

14 Q. -- from the defense, so --

15 MR. CLARK: Yeah, but Gina, there's -- it
16 doesn't mean they're altogether.

17 MS. PUZZUOLI: Oh, I didn't say they were.
18 I realize that, I understand.

19 MR. CLARK: But you're giving him two
20 different pages and acting like they're related.

21 MS. PUZZUOLI: I'm not --

22 THE WITNESS: Yeah, this has --

23 MS. PUZZUOLI: -- acting like --

24 THE WITNESS: -- nothing to do with that.

25 MS. PUZZUOLI: -- they're together.

1 MR. CLARK: Then why did you --

2 MS. PUZZUOLI: I didn't say --

3 MR. CLARK: -- give it to him?

4 THE WITNESS: Well, you handed it to me.

5 MS. PUZZUOLI: I wanted him to see the page
6 after, that we don't have anything else on that
7 e-mail.

8 BY MS. PUZZUOLI:

9 Q. So I'm wondering why you're being advised of that
10 information?

11 A. Keeping me up to date.

12 Q. Okay. I'm going to go to pages 962 through 965, which
13 is an order granting former husband's motion to
14 strike, former wife's motion to permit, etc. Why do
15 you have that in your file?

16 MR. CLARK: If you need to read the whole
17 thing read it.

18 BY MS. PUZZUOLI:

19 Q. I'm just wondering why you're keeping information
20 concerning the divorce and/or custody of the
21 McMaster's in your McMaster file?

22 A. Yeah, this, I remember this one because MSP lab
23 personnel testified there was no semen in this case
24 and it was presented that there was, so again not
25 true.

1 Q. Was there DNA found during the execution of the search
2 warrant? You say there was no semen. Was there DNA
3 found of --
4 A. The Court --
5 Q. -- the perpetrators?
6 A. -- finds this misrepresentation of facts is even more
7 reckless because former wife's counsel knew or should
8 have known the difference.
9 Q. That's not --
10 A. So you're asking --
11 Q. -- my question.
12 A. -- me why is this in my file, is --
13 Q. The first question, yes.
14 A. Okay. Why is it in my file, because it's pertinent to
15 this case.
16 Q. And how is it pertinent to --
17 A. Because you --
18 Q. -- this case?
19 A. -- have MSP lab -- sorry.
20 COURT REPORTER: Guys, please, it's getting
21 bad.
22 A. Yep, sorry. Finish your question, I'm sorry.
23 BY MS. PUZZUOLI:
24 Q. I did finish my question.
25 A. Okay.

1 Q. Why is it --

2 A. Okay, why is --

3 Q. -- pertinent to --

4 A. -- it pertinent, because you have MSP lab personnel
5 testifying in contradiction to what was in the
6 affidavit and search warrant.

7 Q. Was there DNA found of the accused perpetrators of the
8 criminal sexual conduct during the execution of the
9 search warrant?

10 MR. CLARK: Form and foundation.

11 A. No, I don't believe there was anything, no.

12 BY MS. PUZZUOLI:

13 Q. Was there seminal fluid found?

14 MR. CLARK: The same objection.

15 A. There were no confirmatory tests for seminal fluid.

16 BY MS. PUZZUOLI:

17 Q. What about -- you're reading out of an article,
18 correct?

19 A. Well, I'm reading what you handed me, correct. You
20 haven't --

21 MR. CLARK: Hang on, hang on --

22 A. -- asked me a question.

23 MR. CLARK: -- hang on.

24 It's not an article. It's a Court's
25 opinion.

1 MS. PUZZUOLI: Well, it's what you gave me
2 though, but okay.

3 MR. CLARK: It's not an article.

4 MS. PUZZUOLI: Well, if I misspoke, I
5 didn't --

6 MR. CLARK: You said --

7 MS. PUZZUOLI: -- mean to say --

8 MR. CLARK: You said you were reading an
9 article.

10 MS. PUZZUOLI: Okay. So the record's
11 clear, I'll agree, it's an order.

12 A. Yeah, this is from Judge Nilon who's saying all this
13 in Florida.

14 BY MS. PUZZUOLI:

15 Q. All right. Does he --

16 A. That, again, before --

17 Q. -- talk about the --

18 A. -- this there are no confirmatory tests for seminal
19 fluid.

20 Q. Okay. What about DNA evidence, does he discuss that,
21 whether the DNA -- there's DNA evidence of Larry Orr
22 and Sean McMaster at the house where the victim claims
23 she was sexually assaulted?

24 A. The DNA evidence shall not be used as corroborative
25 evidence in this case based on the testimony of the

1 lab workers involved in the above investigation and
2 will not be considered by the Court, so I would say
3 no.

4 Q. Well, he's discussing DNA evidence, correct, so there
5 was DNA evidence?

6 A. He's saying it's not corroborative.

7 Q. But there was DNA evidence, correct, that's --

8 MR. CLARK: Form and foundation.

9 BY MS. PUZZUOLI:

10 Q. -- his finding, correct?

11 MR. CLARK: Form and foundation.

12 A. I don't know what was in the judge's mind at that
13 particular moment.

14 BY MS. PUZZUOLI:

15 Q. All right. I then have an e-mail at page 1025, or an
16 SM message. It's from Sean McMaster. There's no
17 date. It says this item will expire in 14 days.
18 Detective Freiberg, I have additional lab medical
19 documents regarding Avery, and I am also obtaining
20 medical documents from Florida, which I will send to
21 you later next week. The medical documents for
22 Florida will directly show that Johanna was untruthful
23 regarding comments in the second CPS investigation.
24 The more interviews and questions he will ask the more
25 the story of the Sheltie (phonetic) family will

1 unravel. Thanks again for your professionalism.

2 This was in your file, as well. Do you
3 recall that?

4 MR. CLARK: Object to form that it was in
5 his file.

6 BY MS. PUZZUOLI:

7 Q. Well, was it in your file?

8 A. This doesn't ring a bell to me.

9 Q. Okay. Do you know why Sean McMaster is directly
10 talking to Detective Freiberg?

11 MR. CLARK: Foundation.

12 A. No.

13 BY MS. PUZZUOLI:

14 Q. Did Detective Freiberg ever tell you that Sean
15 McMaster was directly speaking with him or
16 communicating with him?

17 A. I never talked to Freiberg about it and I don't
18 know -- there's no date on this that I can see. Oh,
19 9/1 of 2016.

20 Q. So you were unaware of that?

21 A. It's not ringing a bell to me.

22 Q. Okay. All right. This is where I saw -- I'm going to
23 show you Detective Frieberg's report, it's at page
24 1226 through 1234, and it says, exceptional
25 circumstances (sic), 8/25/16, exceptional

1 circumstances, reason, 11/11, prosecution declined,
2 and it's -- you can't read it, it's where it's
3 darkened, do you see above there, and that's why --

4 A. Prosecution declined, yes.

5 Q. That's why I asked you what exceptional circumstances
6 means and why it is --

7 A. Well, when you --

8 Q. -- (inaudible) --

9 A. -- clear a case by exceptional circumstances per
10 the -- it's when a case is closed down either by an
11 arrest or it's closed down.

12 Q. So it means the case is resolved essentially?

13 A. The case is closed.

14 Q. Got it. All right, thank you. And then it appears
15 that the action requested was for a review only,
16 correct?

17 A. That's what it says.

18 Q. And you don't know why Freiberg --

19 A. I think there's --

20 Q. -- chose that --

21 A. Detectives -- when I was a detective many times you
22 checked review because you're not sure whether a
23 warrant would be issued or not. Ultimately it's up to
24 the Prosecutor's Office. It's really kind of
25 irrelevant whether it's a review or it's a request for

1 the warrant, the same thing occurs either way.

2 Q. We're done with that.

3 A. Excuse me. I've been fully vaccinated, just so you
4 know, not that that means anything.

5 Q. Are you boosted, is the question?

6 A. I'm boosted too, yeah. Well, that's what fully
7 vaccinated means now.

8 Q. Okay.

9 A. The rules change.

10 Q. Okay. And then I have a -- on January 24th, 2020 a
11 letter from Deborah Gordon via hand delivery to
12 Jessica Cooper, which I got in the file. It's page
13 4211 so it might be out of order, requesting
14 information on Sean McMaster and Larry Orr. Have you
15 ever seen that?

16 MR. CLARK: I'll just object because it's
17 from the Prosecutor's Office.

18 A. It doesn't ring a bell to me.

19 BY MS. PUZZUOLI:

20 Q. Okay. Were you ever told about that by anyone?

21 A. This does not ring a bell to me.

22 Q. Okay.

23 A. I have no idea what this is.

24 Q. All right. We'll put that in there. Then I have a
25 letter January 16th, 2016, it's page number 3567, and

1 it's from Wunderman & Wunderman, P.A. and it's
2 regarding Johanna, Sean and ~~Wunderman~~ McMaster, in which
3 it states, during family sessions with ~~Wunderman~~, Sean
4 McMaster appeared overall detached regarding his
5 daughter. However, he showed little concern or
6 interest in ~~Wunderman~~ both in terms of caring for her
7 physically as well as being a father emotionally to
8 her.

9 To both Sean and Johanna McMaster, I
10 expressed my concern that Sean was dealing with
11 significant sexual addiction issues that impaired his
12 judgement and required focused therapy.

13 Were you aware that Sean McMaster in
14 January of 2016, just months before the allegations
15 came in regarding the little girl being criminally
16 sexually assaulted by her father, was diagnosed as
17 having significant sexual addiction issues that
18 impaired his judgement and required focused therapy?

19 A. Was I aware?

20 Q. Yes.

21 A. No.

22 Q. Sean appeared and reported to be deeply preoccupied
23 and overwhelmed with his sexual impulses and behavior.
24 Were you aware that Terille Wunderman had that opinion
25 of Sean McMaster within months of the allegations

1 concerning ~~NUM~~?

2 A. I don't know who this person is and I've never seen
3 this before.

4 Q. Okay. It was in the file given to me by Oakland
5 County. It's marked page 3567.

6 MR. CLARK: Yeah, but it's also marked
7 OCPO, which would be Oakland County Prosecutor's
8 Office.

9 MS. PUZZUOLI: Okay. So that came from the
10 Prosecutor's Office versus the Sheriff's Office,
11 Robbie?

12 MR. CLARK: Anything that has OCPO is the
13 Prosecutor's Office.

14 MS. PUZZUOLI: Okay. I don't know that. I
15 knew there were two designations, I wasn't sure what
16 they meant.

17 MR. CLARK: That's what it is.

18 BY MS. PUZZUOLI:

19 Q. Okay. Do you know -- I'm just wondering, you didn't
20 have any idea when the Prosecutor's Office got that
21 then? I didn't --

22 A. I've never seen that before. I don't got --

23 Q. I didn't see --

24 A. -- a clue if that --

25 Q. -- a time stamp.

1 A. No clue.

2 Q. Oh, yeah, I don't see other than a day, okay. Is that
3 information you would like to have had before
4 submitting a case to a Prosecutor's Office or that is
5 important in investigating an individual for criminal
6 sexual conduct?

7 MR. CLARK: Form and foundation.

8 A. Again, I have no clue what that is. I've never seen
9 it before. I have no idea if it's in the file or not.

10 BY MS. PUZZUOLI:

11 Q. I understand, but someone who has significant sexual
12 addiction issues who's been diagnosed and an impaired
13 judgement who requires focused therapy and is
14 preoccupied and overwhelmed with sexual impulses and
15 behavior, is that information you'd like to have when
16 determining how far an investigation should go when
17 that person is accused of criminal sexual assault?

18 MR. CLARK: The same objection, form and
19 foundation.

20 A. I don't want it. That's information that I'm not
21 aware of and that's information that's obviously in
22 the file, so is it -- I have no idea what that -- who
23 that person is, what their qualifications are or how
24 they arrived at that conclusion.

25 BY MS. PUZZUOLI:

1 Q. Is that something --

2 A. I don't know if it's relevant or not.

3 Q. Okay. Is that something that should be investigated
4 further?

5 MR. CLARK: Form and foundation, it calls
6 for speculation.

7 A. I have no idea.

8 BY MS. PUZZUOLI:

9 Q. Okay. Page, and it's from the Prosecutor's Office
10 again, OCPO 3569. It's a Craig's List ad. We are a
11 young couple seeking another couple for full swap,
12 same room or different room. We are very open-minded
13 when it comes to sex. We both love sex and want to
14 play with others. She is very BI girl, loves to play
15 with other girls but also a good hard cock in her,
16 excuse my language, I'm quoting. She is 5'6" and 124
17 pounds, nice 34D tits. E-mail us for more -- oh, he
18 is a white male, European, 5'10 and 165 pounds, nice
19 seven and a half inch cock, excuse my language again
20 but that's a quote. E-mail us for more info. We have
21 pics to trade. We can host. We have a nice place by
22 the water.

23 This is a Craig's List ad placed by Sean
24 McMaster apparently. Did you ever see that before?

25 A. Nope.

1 Q. Is that information you'd like to have had during a
2 criminal sexual --

3 A. Again, I have no idea --

4 MR. CLARK: Form and --

5 BY MS. PUZZUOLI:

6 Q. -- assault investigation?

7 A. -- (inaudible) --

8 MR. CLARK: -- foundation.

9 COURT REPORTER: Guys, please.

10 A. I'm sorry. I have no idea as to where this came from,
11 the veracity, if it's from him, if it's from somebody
12 else. I haven't got a clue.

13 BY MS. PUZZUOLI:

14 Q. Well, it looks like it's from the Prosecutor's Office,
15 according to your defense counsel, correct?

16 MR. CLARK: Again, form --

17 A. That's what it says.

18 MR. CLARK: -- and foundation.

19 BY MS. PUZZUOLI:

20 Q. Okay. Is that important information to have when
21 you're investigating someone for criminal sexual
22 conduct, don't you think?

23 MR. CLARK: Form and foundation.

24 A. Well, the Prosecutor's Office has it so I don't know,
25 that's up to -- the prosecutor has to answer that.

1 BY MS. PUZZUOLI:

2 Q. But as an --

3 A. They obviously produced that.

4 Q. But as an investigator investigating criminal sexual
5 conduct cases, like you told me you had in the past,
6 would that be important information to know?

7 A. Sure you'd want --

8 MR. CLARK: Form and foundation.

9 BY MS. PUZZUOLI:

10 Q. Sure.

11 A. -- to know about it.

12 Sorry. You'd want to know about it.

13 BY MS. PUZZUOLI:

14 Q. Of course. Another Craig's List ad from Sean
15 McMaster. Subject, sexy couple for couple, Boynton
16 Beach. That's where he was living, right, Florida?

17 A. I don't know where he was living.

18 Q. Okay. We may be interested in playing with you both.
19 She is bi, he is straight. We are fun, hot, open,
20 STD/drama free. We will travel and can host.
21 Attached is a pic of us, hope you like, and there's a
22 picture attached.

23 Did you have information of this?

24 A. Never seen it until today.

25 Q. Okay. And again, it's stamped OCPO, so it's from the

1 Prosecutor's Office, 3570 and 3571. Another Craig's
2 List ad, young woman seeking fun couple. Looking for
3 a fun couple to spend some time with. Love -- love
4 role play, watching and sex. I'm adventurous and hope
5 you are too. Please be real, tired of the fakes.

6 Do you know if this was something posted by
7 Sean McMaster, as well?

8 MR. CLARK: Form and foundation.

9 A. No clue.

10 BY MS. PUZZUOLI:

11 Q. Okay. And these are just duplicates for some reason I
12 have in the file. Here's another one from Sean
13 McMaster it looks like to Joanne Schulte,
14 S-C-H-U-L-T-E, @yahoo.com that was found on the
15 computer. I am interested in playing. Here's a pic
16 and I'm very confident in the bedroom, and the picture
17 is Sean McMaster. OCPO 3575 and OCPO 3576.

18 Were you aware of that additional ad that
19 was posted?

20 A. No.

21 Q. Another ad on Craig's List by Sean McMaster, OCPO 3577
22 and OCPO 3578. Attractive married couple looking for
23 another guy to join. You don't have to be bi, not
24 looking for any MM contact. No one over 40 or out of
25 shape. Send face pic and holiday in the subject line

1 so I know you're real. We can host.

2 Were you aware of this e-mail -- or this
3 posting on Craig's List by McMaster?

4 A. No. If you have anymore of these I'm not aware of any
5 of them.

6 Q. Okay. Again, all important in a criminal sexual
7 conduct investigation, you'd want to know about them
8 as a detective, wouldn't you?

9 MR. CLARK: Form and foundation.

10 A. It could be.

11 BY MS. PUZZUOLI:

12 Q. All right. I'm now looking at OCPO 536 and there's a
13 lot of handwriting on it. I just want to know whose
14 handwriting is on that. Is that yours or someone
15 else?

16 A. It's not mine. I don't know whose handwriting it is.

17 Q. All right. And these are from the Oakland County
18 Prosecutor's Office, it appears. OCPO 4544 is an
19 e-mail from you to Paul Walton and it's in response to
20 an e-mail from Alona Sharon to you. Hello
21 Undersheriff, is it one word or two? Attached you
22 will find all the documents I received in response to
23 my FOIA request from MSP. I took a quick look at part
24 1 and here are some pages you are going to want to
25 look at, and she describes them. And then you send it

1 to Paul Walton apparently and say check this out.

2 Did I characterize that correctly?

3 A. Yep, yes.

4 Q. Okay. And again, I received a lot of duplicates,
5 triplicates, everything, so I'm not going to go
6 through those again. I'm looking at OCPO 3787 through
7 03788, and this is the State -- or part of the report
8 concerning the DNA found. Did you review the report
9 regarding the DNA found at the execution of the search
10 warrant?

11 A. I don't know.

12 Q. Okay. I'll show it to you and see if you want to --
13 or you can refresh your recollection. I don't have
14 the whole report.

15 A. I've never seen this before.

16 Q. Okay. So you didn't review the lab report then
17 yourself from the Michigan State Police?

18 A. No, I've never seen the lab report.

19 Q. Okay. I'm going to also show you another document,
20 3662, the pages are through 3664. Is this your
21 handwriting, if you could please let me know?

22 A. No, it's not my handwriting. I don't know whose it
23 is. Put it down?

24 Q. Yes, please. Oh, I did print out a copy of Jane
25 Boudreau in the U.S. District Court vs. Michael

1 Bouchard, and it was an order denying cross motions.

2 I think that's one you mentioned before, correct?

3 A. That's back many years ago.

4 MR. CLARK: The case went to trial.

5 BY MS. PUZZUOLI:

6 Q. 2007?

7 Oh, it went to trial?

8 A. Oh, yeah. It was no cause for action.

9 MS. PUZZUOLI: Did you try it?

10 MR. CLARK: No.

11 BY MS. PUZZUOLI:

12 Q. Okay. That's not marked but these are. All right.

13 Let me see what else I have. Getting towards the end
14 here. I just have to go through my notes, see what I
15 want to ask or haven't asked.

16 I guess my test -- not my testimony.

17 According to what I'm hearing from you,
18 your activity was basically self-initiated, correct,
19 in terms of looking into this matter, going to Center
20 Line, going to State Police, going to the AG's Office?

21 A. It was all --

22 MR. CLARK: I object to form.

23 A. Sorry. It was all initiated based on the search
24 warrant and the phone call I received from the command
25 sergeant, that's how it all started.

1 BY MS. PUZZUOLI:

2 Q. I get it but no one said hey, can you look into this
3 from another entity. You took that step and looked
4 into everything yourself?

5 A. I had people look into it, yeah.

6 Q. Right, right.

7 A. Yes, I took the initiative, that's correct.

8 Q. All right. Did you provide Sheriff Bouchard with
9 regular updates regarding this matter?

10 A. Oh, I filled him in every once in a while, sure.

11 Q. And what conversations did you have with him?

12 A. I don't recall.

13 Q. Do you recall any of them?

14 A. No. I'm sure I filled him in periodically.

15 Q. Do you recall receiving a memo from Detective Freiberg
16 in the middle to late 2019 regarding being contacted
17 by McMaster following the MSP search warrant execution
18 of the Orr residence in Oxford?

19 A. I don't have an independent recollection unless you
20 got something there I could look at?

21 Q. I don't. I'm wondering if you have an independent
22 recollection of Detective Freiberg stating in the memo
23 that he reviewed Trooper Busacca's affidavit for a
24 search warrant and found everything contained inside
25 to be factual?

1 A. I don't recall that.

2 Q. Do you recall whether --

3 A. I may have --

4 Q. -- you gave him --

5 A. I may have --

6 Q. -- a response?

7 A. -- received it.

8 Pardon me?

9 Q. Do you recall whether you gave him a response?

10 A. If you got something to refresh my memory I'm happy to
11 look at it. That's very possible it occurred.

12 Q. Okay. Do you know how Detective Freiberg came about
13 to review Trooper Busacca's affidavit?

14 MR. CLARK: Object to form as to what
15 affidavit you're referring to.

16 BY MS. PUZZUOLI:

17 Q. To any affidavit of Trooper Busacca's?

18 MR. CLARK: Form and foundation.

19 A. I can only assume?

20 BY MS. PUZZUOLI:

21 Q. Okay.

22 A. Major Smith had him do it or the captain or his
23 lieutenant had him do it.

24 Q. You said you did not have anybody perform surveillance
25 on Lauren Schipani or Trooper Busacca, correct?

1 A. That's correct.

2 Q. Do you know of anybody who did?

3 A. No, I do not.

4 Q. Do you know which member of the Oakland County
5 Sheriff's Office requested A Schipani's personnel
6 file -- or SA Schipani's personnel file from Livonia,
7 was it you?

8 A. I don't recall requesting a personnel file.

9 Q. Does that mean you didn't do it or you just don't
10 know?

11 A. Well, I just -- I don't know why I would. I think I
12 referred the AG Miller for that. I'm not sure, it's
13 not ringing a bell to me. I had conversations with
14 Chief Caid about her stay at Livonia. That's the
15 extent of my memory.

16 Q. Do you recall in the TV interview when it was stated
17 therein that Trooper Busacca either had received a
18 deal or there was a possible deal from the Kent County
19 Prosecutor's Office?

20 MR. CLARK: Object to form. Ask him
21 whether he said that or not.

22 A. I never said that.

23 BY MS. PUZZUOLI:

24 Q. Did Paul Walton say that?

25 MR. CLARK: Foundation.

1 A. I don't know.

2 BY MS. PUZZUOLI:

3 Q. Are you sitting here today telling us you have no idea
4 what Paul Walton said in the interview that you and he
5 did with Heather Catallo?

6 MR. CLARK: Hang on.

7 It mischaracterizes the testimony, he
8 wasn't with Walton when he was interviewed.

9 BY MS. PUZZUOLI:

10 Q. I'm just asking you a question, do you have -- are you
11 sitting here today stating you don't know what Paul
12 Walton stated during the interview in which both you
13 and he were interviewed in the McMaster/Orr case?

14 A. We were interviewed separately on separate dates and I
15 don't recall exactly what he said. I'd have to watch
16 the video again.

17 Q. Do you recall anything he said?

18 A. Yeah, I recall he had major concerns about the case.

19 Q. What did he say that you recall?

20 A. I think he said that perjury may have occurred, but
21 again, the tape will speak for itself, the interview
22 will speak for itself.

23 Q. Do you know Eric Vandereyk, V-A-N-D-E-R-E-Y-K?

24 A. No clue who he is.

25 Q. Do you know Richard Vandereyk?

1 A. No clue who he is.

2 Q. Have you ever spoken to anyone in law enforcement or
3 non-law enforcement who spoke to the Vandereyks
4 regarding Sean McMaster?

5 MR. CLARK: Foundation.

6 A. I have no clue. The answer is no. How's that?
7 Sorry, I just have no clue who they are.

8 BY MS. PUZZUOLI:

9 Q. Is there a policy at Oakland County concerning
10 investigating a criminal sexual conduct case in which
11 one of the suspects or one of the accused was formally
12 convicted of criminal sexual conduct on a disabled
13 individual?

14 A. No, there's no policy.

15 Q. Is there a child abuse unit at Oakland County?

16 A. No.

17 Q. There was no child abuse unit in 2016?

18 A. No.

19 MR. CLARK: Are you talking about the
20 Sheriff's Office?

21 MS. PUZZUOLI: Yes.

22 A. I got it. The Sheriff's Office, correct. The
23 Prosecutor's Office had one.

24 BY MS. PUZZUOLI:

25 Q. Okay, the prosecutor's office had one. Do you know

1 why this case was not sent to that unit?

2 A. I believe it was. That's what Shareen Lynch does for
3 a living.

4 Q. So it was sent to that unit --

5 MR. CLARK: Foundation.

6 BY MS. PUZZUOLI:

7 Q. -- according to what you're saying --

8 MR. CLARK: Foundation.

9 BY MS. PUZZUOLI:

10 Q. -- correct?

11 A. That's my understanding.

12 Q. Okay.

13 A. It was reviewed by Shareen Lynch, and I don't know if
14 it's called child abuse. They have a special unit,
15 I'm not sure what the name of it is or was.

16 Q. Were you aware that once law enforcement contacted
17 Sean McMaster to request he come to the substation
18 that Sean refused to come back to Michigan as he
19 stated he would be arrested so he did not show up with
20 his appointment with Detective Freiberg on Saturday,
21 January 23rd, 2016?

22 MR. CLARK: Foundation.

23 A. I'm not aware of any of that.

24 BY MS. PUZZUOLI:

25 Q. Is the one officer that you stated you had some

1 contact with -- how do you pronounce it, i have
2 Z-D-R-A-V-K-O-V-S-K-I?

3 A. Detective Sergeant Zdravkovski.

4 Q. Zdravkos -- I'll never get it.

5 A. That's how you pronounce it. It took me a while.

6 Q. Yeah, I would have to practice. Did that detective
7 ever tell you that he, in fact, had been told that
8 Avery did make disclosures?

9 MR. CLARK: Form and foundation.

10 A. No.

11 BY MS. PUZZUOLI:

12 Q. Did he ever tell you that he had an interview or
13 interviewed Care House, Britney Bartkowiak,
14 B-A-R-T-K-O-V-I-A-C?

15 A. He may have.

16 Q. And that Britney read to -- how do you say that?

17 A. Zdravkovski.

18 Q. Zdravkovski, that Avery did make some disclosures?

19 MR. CLARK: What's your question?

20 BY MS. PUZZUOLI:

21 Q. Were you aware of that?

22 A. It doesn't ring a bell to me.

23 Q. Is that important information that you should have
24 known about if someone hadn't indicated that Avery
25 made disclosures to your detectives?

1 MR. CLARK: Form and foundation.

2 A. The important information is what the Prosecutor's
3 Office told me, that no disclosures were made in their
4 opinion and CPS said the same thing.

5 BY MS. PUZZUOLI:

6 Q. Well, that's important to know whether --

7 A. Sure.

8 Q. -- disclosures are made, so if someone did not tell
9 you disclosures were made after they had been advised
10 that disclosures were made, that's a problem, isn't
11 it?

12 A. I think those are --

13 MR. CLARK: Form and foundation.

14 A. I'm sorry. I think those are interpretations by
15 people.

16 BY MS. PUZZUOLI:

17 Q. Okay.

18 A. I'm just telling you that I was told by the
19 Prosecutor's Office and the CPS in their opinion that
20 no disclosures were made. I don't know what more --
21 I've answered that many times.

22 Q. Did you -- did you talk to anybody at Care House to
23 determine if that, in fact, was accurate?

24 A. No.

25 Q. Okay. Let me go through these notes again.

1 Did you ever accuse the young victim of not
2 being credible in this case, the little girl?

3 A. Accuse who?

4 Q. The little girl who was the victim of the alleged
5 criminal sexual conduct of not being credible?

6 MR. CLARK: Object to form.

7 A. I don't think I accused her of anything. I think I
8 said that there was no disclosures and that -- I may
9 have said she wasn't credible based on what I was told
10 by the investigators.

11 BY MS. PUZZUOLI:

12 Q. Okay. Do you know or do you not know whether you
13 called a four-year-old or a six-year-old child
14 credible --

15 MR. CLARK: Form and foundation.

16 BY MS. PUZZUOLI:

17 Q. -- in this case?

18 A. I don't know.

19 Q. Those would be statements that you wouldn't make
20 lightly would you, would you, calling -- would you
21 ever call a child and her disclosures or her
22 statements or accusations, or whatever she said, not
23 credible, have you done that before?

24 MR. CLARK: Form and foundation.

25 A. If they weren't credible I would.

1 BY MS. PUZZUOLI:

2 Q. So you have said that about children before?

3 A. I would say that about anybody if they're not
4 credible.

5 Q. I'm talking about -- specifically about young
6 children, say under six years old?

7 MR. CLARK: Form and foundation.

8 A. I don't know.

9 BY MS. PUZZUOLI:

10 Q. Had you ever accused any child of not being credible
11 with their allegations?

12 A. I don't recall.

13 Q. And in making such a statement you would agree with me
14 that that would affect a child's claims of sexual
15 abuse if you called the child not credible, correct?

16 MR. CLARK: Form and foundation. That's
17 got nothing to do with your clients' claims in this
18 case.

19 A. If I made any such statements it would have been after
20 the case was dismissed, if I made them.

21 BY MS. PUZZUOLI:

22 Q. Okay. After the case was dismissed without prejudice
23 though, correct?

24 A. Yeah. Correct, yes.

25 Q. So the statements of calling a child not credible

1 would, in fact, affect a child's claims of sexual
2 abuse then, correct?

3 MR. CLARK: Form and foundation, it calls
4 for speculation.

5 If you know, if you can --

6 A. I don't know.

7 BY MS. PUZZUOLI:

8 Q. You don't know, okay. Accusing an officer of
9 committing perjury, of not telling the truth, that
10 certainly would affect an officer's career, wouldn't
11 it?

12 A. I never --

13 MR. CLARK: Foundation.

14 A. I never accused anybody of committing perjury.

15 BY MS. PUZZUOLI:

16 Q. Accusing an officer of giving untruthful testimony
17 certainly would affect an officer's career, correct?

18 A. It certainly could.

19 Q. In fact, it would or could result in criminal
20 prosecution --

21 MR. CLARK: Form and foundation.

22 BY MS. PUZZUOLI:

23 Q. -- of that officer, correct?

24 MR. CLARK: Form and foundation.

25 A. It depends.