

1 you --

2 A. It's an individual detective's decision as to what box

3 they check.

4 Q. Now, we know, of course, that Oakland County did not

5 issue charges against McMaster and Orr in 2016. Why

6 not?

7 A. Because the case wasn't there. I read Shareen Lynch's

8 e-mails and I read Sara Pope-Starnes' memo and it was

9 clearly not there.

10 Q. Okay. And what do you mean, it was clearly not there?

11 A. The case had all kinds of problems.

12 Q. What were those problems that you're claiming were in

13 the case and that's why Oakland County didn't charge

14 these two men?

15 MR. CLARK: Object to foundation.

16 You can answer.

17 A. CPS said the allegations were not credible.

18 BY MS. PUZZUOLI:

19 Q. And who from CPS said the allegations were not

20 credible?

21 A. I don't --

22 MR. CLARK: Foundation.

23 A. I don't know the names.

24 BY MS. PUZZUOLI:

25 Q. How many individuals from CPS stated that the

1 allegations were not credible?

2 A. I think there were two.

3 Q. And can you tell me either of those names?

4 A. Don't know.

5 Q. And how did you find this out that CPS -- or where did

6 you get this information from that CPS said the

7 allegations were not credible?

8 A. I was briefed on that.

9 Q. By whom?

10 A. Lieutenant Wilson at the time, Captain Quisenberry,

11 Major Smith, I don't recall.

12 Q. Did anybody ever brief you that CPS did, in fact, find

13 that disclosures were made by the child victim?

14 A. No.

15 Q. Did you do anything to determine whether the child

16 victim -- that it had been determined by anyone

17 whether disclosures were made by the child victim in

18 this case?

19 A. Say that again, please?

20 Q. Yes. Did you do anything yourself to determine

21 whether the child victim had made disclosures and it

22 was substantiated by someone from CPS?

23 A. Did I, no.

24 Q. So if you hadn't reviewed the investigation in 2016

25 I'm assuming you did not have a conversation with the

Oakland County Prosecutor's Office at that point regarding whether to bring charges or not --

A. I was not --

0. -- is that correct?

A. -- involved in the case in 2016, I didn't know about it.

Q. Did you ever discuss with the Oakland County prosecutor who looked at this case in 2016 why the prosecutor denied bringing the charges?

A. You mean Shareen Lynch?

Q. If that's the person, yes.

A. I never talked to her.

Q. How did you find out that a year or two after you closed the investigation at Oakland County Center Police Department had opened an investigation?

MR. CLARK: Object to form.

A. I don't recall.

BY MS. PUZZUOLI:

Q. You were aware of that, right?

A. Oh, yes.

Q. How did it make you feel when you found out that Center Line Police Department had started an investigation and --

A. I thought it was very --

Q. -- was looking --

1 A. My feelings were it's very odd, I've never seen
2 anything like it.

3 Q. Has any entity, municipality ever investigated a case
4 that Oakland County has investigated in the past?

5 A. Oh, sure, I'm sure it's occurred.

6 Q. Okay.

7 A. Not somebody that doesn't have jurisdiction though.
8 Center Line's in Macomb County, that's what's very
9 strange about this. I've never seen an entity that
10 has no jurisdiction investigate one of our cases, just
11 so it's clear.

12 Q. What about the Michigan State Police?

13 A. Well, they have jurisdiction statewide.

14 Q. So they would have jurisdiction to investigate,
15 correct, nothing odd about --

16 MR. CLARK: No, but your question was
17 insinuating.

18 BY MS. PUZZUOLI:

19 Q. Right, but I'm saying -- I meant Michigan State Police
20 would have jurisdiction to investigate this matter,
21 correct?

22 A. Yes.

23 Q. Nothing odd about that, correct?

24 A. Well, what's --

25 Q. In terms of jurisdiction?

1 A. In terms of jurisdiction, no.

2 Q. All right. So you thought it was very odd when you
3 heard that Center Line was investigating the case.
4 Were you angry?

5 A. Was I angry, no.

6 Q. Other than feeling it was very odd, any other feelings
7 concerning the fact that Center Line Police Department
8 wanted to investigate the allegations that this little
9 girl had been sexually assaulted?

10 A. Yeah, in my career I've never seen anything like that.
11 It was -- it was odd. It was highly unusual. I've
12 never seen anything like that in my entire career
13 where a department without jurisdiction is
14 investigating a crime that did not occur within their
15 jurisdiction, never seen it.

16 Q. Have you ever asked another department outside your
17 jurisdiction to maybe give you some assistance in
18 looking at something just to get your opinion?

19 A. Have I?

20 Q. Yeah.

21 A. Not that I can recall.

22 Q. Are you aware of anyone who's ever asked another
23 department, whether it be Michigan State Police, a
24 smaller department, another sheriff's department, to
25 look at something and offer assistance?

1 A. Look at what?

2 MR. CLARK: Object to relevance.

3 BY MS. PUZZUOLI:

4 Q. Look at a case.

5 A. One of our cases?

6 Q. Yeah.

7 A. Not that I can recall.

8 Q. So what did you do when you found out that Center Line
9 was looking into this matter for this little girl?

10 A. I called Paul Myszenski, the police chief or the
11 director there.

12 Q. And did you know him?

13 A. I knew him from when he was at Bloomfield Hills Public
14 Safety.

15 Q. And why did you call him?

16 A. I was curious as to why his detective was looking at
17 this case.

18 Q. And tell us about that conversation?

19 A. Well, I think you've got the recordings of the phone
20 calls I had with him, at least a couple of them, and
21 he told me he didn't know anything about it. He would
22 check into it and he'd get back to me. He said that
23 his detective was approached cold by Johanna McMaster.
24 She showed up at the office. She had banker boxes or
25 a banker box. He felt sorry for her, that he looked

1 at it, he organized the file for her, gave it back to
2 her and told her she needed to call the Sheriff's
3 Office or the Michigan State Police.

4 Q. All right. What other conversations did you have with
5 him?

6 A. I think there was another conversation after that that
7 when more facts came out about Brian Kolodziej and his
8 involvement in the case he looked further into it and
9 he got back to me a second time, as I recall, saying
10 that he had talked to Laura Moody at the Attorney
11 General's Office and that his detective didn't know
12 Kolodziej, didn't know Busacca, and what he had told
13 me before was all the information he had.

14 Q. All right. And you mentioned something about the fact
15 that the phone call with Myszenski was recorded,
16 correct?

17 MR. CLARK: Object to form, that's not what

18 he said.

19 A. No, it was not recorded, it was a voice mail that he
20 had left me. I think there were two of them.

21 BY MS. PUZZUOLI:

22 Q. Any other conversation with the director of public
23 safety at the City of Center Line regarding this
24 matter?

25 A. I sent him a letter after he sent me a letter and I've

1 never spoken to him since then or had any
2 communication with him since then, which I know you
3 have.

4 Q. Did you accuse his detective of doing anything wrong?

5 A. Did I accuse him of doing anything wrong?

6 Q. Sure.

7 A. I didn't accuse him of anything. I wanted to know
8 what the heck was going on, why his detective would be
9 involved in this case. Again, I've never seen
10 anything like it in my career.

11 Q. So what did you do after having conversations with
12 Paul Myszenski concerning this matter?

13 A. What did I do?

14 Q. Yeah, what was --

15 MR. CLARK: Objection.

16 BY MS. PUZZUOLI:

17 Q. -- your next step regarding the McMaster/Orr case?

18 MR. CLARK: Form and foundation.

19 You can answer if you know.

20 A. I don't recall. Again, he cut off any contact with me
21 after that.

22 BY MS. PUZZUOLI:

23 Q. Well, you, in fact, sent him some questions you wanted
24 him to answer, correct?

25 A. Yes, I did.

1 Q. Okay.

2 A. I told you that.

3 Q. The city of Center Line's in Macomb County, correct?

4 A. Yes.

5 Q. What jurisdiction did you have in Macomb County to
6 start asking him questions?

7 A. I have --

8 MR. CLARK: Object to form.

9 A. I have every right to ask him questions about one of
10 our cases that he's investigating.

11 BY MS. PUZZUOLI:

12 Q. My question is what jurisdiction did you have over the
13 City of Center Line Police Department, any?

14 A. I don't have any jurisdiction over Center Line PD,
15 Public Safety.

16 Q. And we'll get to those questions in a little bit.

17 Okay. So who did you have contact with next
18 concerning the McMaster/Orr case?

19 A. I don't know, I don't recall.

20 Q. When did you go to the AG's Office?

21 MR. CLARK: Foundation.

22 A. I would have contacted the AG after Dana Nessel put
23 out a press release about Kolodziej asking anybody to
24 come forward that had information or concerns about
25 him. That would have been in September of that year.

1 BY MS. PUZZUOLI:

2 Q. After talking to the City of Center Line did you
3 contact other entities, municipalities?

4 A. Oh, I contacted the State Police.

5 Q. And why did you contact the Michigan State Police at
6 that time?

7 A. Again, concerns about this case and how we were never
8 contacted, nobody asked us for our file, again, highly
9 unusual with a case that another department, the State
10 Police would investigate without ever contacting us.

11 I've never seen that in my career.

12 Q. Okay. Anything else, any other reason you would
13 contact the Michigan State Police other than they
14 didn't contact you to discuss their investigation with
15 you?

16 A. I had major concerns about what I read in the
17 affidavit and I expressed that to Captain Deasy from
18 the Michigan State Police.

19 Q. Well, did you have that affidavit when you contacted
20 the Michigan State Police or did you not?

21 A. I'm not sure. I know John Pallas from the Attorney
22 General's Office gave me the affidavit and the search
23 warrant so I probably did have it, yes. I had contact
24 with John Pallas also. You asked who else I had
25 contact with.

1 Q. All right, thank you for that. So any other concerns
2 that you claim you had when you contacted Michigan
3 State Police other than they hadn't contacted you?

4 A. I had concerns about the case, absolutely.

5 Q. Okay. This is a case you never investigated, correct?

6 A. I never investigated, correct.

7 Q. This is a case you never had any investigative role
8 in --

9 A. Correct.

10 Q. -- correct?

11 Tell me what your concerns were at that
12 point then?

13 A. I had concerns that there were some things that
14 occurred that weren't revealed to the judge in the
15 initial search warrant. The fact that the State
16 Police had already looked at this case out of the
17 Lapeer post and said that they weren't going to touch
18 it. I had a lot of concerns about this case.

19 Q. And let's talk about that, the State Police post in
20 Lapeer. Who at the State Police post in Lapeer looked
21 at this case?

22 A. I believe his name was Trooper Perkins.

23 Q. And what did he do to look at the case?

24 A. I don't know. You'd have to ask somebody else about
25 that. I was just told he looked at it and he said

1 that there was nothing there, he wasn't going to touch
2 it.

3 Q. What do you mean, he looked at it, do you even know?

4 A. I believe -- Freiberg told me that he is pretty sure
5 he gave the file to that trooper.

6 Q. And you're saying Freiberg gave the file to that
7 trooper and that trooper reviewed that file?

8 A. That's what I was told.

9 Q. Who were you told that by?

10 A. Freiberg. I believe it was Freiberg or somebody that
11 supervises him.

12 Q. Do you know what Detective Freiberg's testimony was
13 concerning what he actually did in terms of talking to
14 the trooper, Perkins, at the Michigan State Police
15 post?

16 A. No, I don't.

17 Q. Do you know if Freiberg testified that he gave the
18 file to him?

19 A. I don't know.

20 Q. If Freiberg testified he did not give the file to him?

21 A. I believe Freiberg -- I actually talked to Freiberg
22 and I think he said he was pretty sure he gave a copy
23 of the file but he wasn't 100% certain.

24 Q. And if he didn't testify to that, then he wouldn't
25 have been telling the truth at the time of trial,

1 correct?

2 A. I don't know what he testified to or didn't testify
3 to.

4 Q. But if he didn't testify to that he wouldn't have been
5 telling the truth, is that correct, because he told
6 you he gave a copy of the file to Trooper Perkins,
7 correct?

8 A. He thought he may have, that's what he said.

9 Q. And if he didn't testify that he thought he may have
10 given the file to Trooper Perkins he wouldn't have
11 been telling the truth in that testimony, correct?

12 MR. CLARK: Form and foundation.

13 A. I have no idea what you're talking about.

14 BY MS. PUZZUOLI:

15 Q. Did you ever look at Freiberg's testimony to determine
16 if he was telling the truth?

17 A. I never looked at his testimony.

18 Q. So your understanding is that Detective Freiberg gave
19 the file to Trooper Perkins. Trooper Perkins reviewed
20 that file and decided not to file charges?

21 A. I was told by Freiberg that he thought he may have
22 given a copy to the trooper but he wasn't certain.

23 Q. Okay.

24 A. That's what I just said.

25 Q. All right. So --

1 A. I think that's the third time I said it.

2 Q. But you said that the State Police Lapeer had looked
3 into this matter so I'm trying to figure out what you
4 based your statement on. Did you base your statement
5 on the fact that Freiberg told you that he may have
6 given a copy of the file to Trooper Perkins or was
7 there something else you based that statement on?

8 A. No, that's what I based it on.

9 Q. Nothing else?

10 A. Correct.

11 Q. All right. I believe you also made statements that
12 the FBI maybe looked at this case?

13 A. That's what I was told.

14 Q. And how did they look at the case?

15 A. I believe Johanna McMaster went to them.

16 Q. All right. Did you --

17 A. At least that's --

18 Q. -- talk to anybody --

19 A. -- what I was told.

20 Q. -- at the FBI?

21 A. Did I, no. Major Smith did.

22 Q. All right. And what did Major Smith tell you that the
23 FBI did to look into this case, if anything?

24 A. I believe it was a female agent that looked at the
25 case, as I recall. Major Smith talked to -- oh, I

1 can't remember his name. He would have been the agent
2 in charge of the Troy office at the time and his name
3 escapes me at this point. Chris Hess, I believe,
4 H-E-S-S.

5 Q. Okay, thank you. And so Smith said he talked to an
6 agent in the Troy office, Chris Hess, so what did --

7 A. Chris Hess was the supervisor of the Troy office.

8 Q. So where did you get the information that the FBI
9 looked into this matter?

10 A. Somebody told me that, probably Major Smith.

11 Q. And do you know what the FBI did to, as you say, look
12 into this matter?

13 A. I was told that they said there was nothing there, or
14 words to that effect.

15 Q. Okay. Do you know if they ever reviewed any files?

16 A. Do I know personally?

17 Q. Yes.

18 A. Just what I was told, that they had.

19 Q. And that was Smith who told you that they had looked
20 at the files?

21 A. That's what I was told, yes.

22 Q. Any other agencies you claim looked into this matter
23 by reviewing files and decided not to bring charges?

24 A. Not that I recall. There might have been one other
25 but I don't recall.

1 Q. All right. So you contact the Michigan State Police.
2 Who do you talk to there?
3 A. Captain Deasy.
4 Q. Did you know him?
5 A. Yes.
6 Q. How did you know him?
7 A. He was the District 2 commander at the time.
8 Q. And what did you discuss with him?
9 A. My concerns about this case and what Busacca was
10 investigating.
11 Q. Okay. And what did you tell him your concerns about
12 the case were at that time?
13 A. The lack of information in the affidavit to the search
14 warrant, for the search warrant, and the fact that we
15 were never contacted. Nobody from the State Police
16 had ever talked to us, requested our case file. I'm
17 sure there were a number of things in addition to that
18 that I had major concerns about.
19 Q. Were you angry no one talked to you from the
20 Michigan --
21 A. I was not angry.
22 Q. -- State Police?
23 A. I was not angry, no. I was inquiring. I would say I
24 was shocked more than -- I was shocked.
25 Q. Okay. You were shocked that the Michigan State Police

1 didn't talk to you about your file then, is that what
2 you were shocked about?

3 A. I was shocked as to the entire investigation and the
4 fact that we were never contacted, nobody asked us for
5 our file, nobody asked the prosecutor's officer for
6 their file. I thought it was highly unusual that an
7 investigation of a case that we had closed out three
8 years prior was now being re-investigated and nobody
9 had reached out to us to ask for our file or talk to
10 us. I've never seen that in my career ever.

11 Q. Anything else?

12 A. That's pretty much it.

13 Q. Okay. Any other concerns you discussed with Captain
14 Deasy?

15 A. No, I just asked him to look into it.

16 Q. And what did he say?

17 A. He said he'd get back to me.

18 Q. Did you ever -- okay, strike that.

19 Who did you talk to next, anybody else at
20 the Michigan State Police, or did you go right to the
21 AG's Office after that?

22 MR. CLARK: Foundation.

23 A. I don't recall.

24 BY MS. PUZZUOLI:

25 Q. You did go to the AG's Office, correct?

1 A. Once Dana Nessel put out her press release about
2 Kolodziej, yes. Go to, I sent her a letter.

3 Q. So before that you hadn't reached out to the AG's
4 Office, before the press release --

5 A. Oh, I talked --

6 Q. -- is that correct?

7 A. -- to John Pallas.

8 Q. Okay. So you had reached out to the AG's Office
9 before this press release came out --

10 A. Oh, yeah --

11 Q. -- correct?

12 A. -- I made an inquiry from John Pallas about the case.

13 Q. Did you discuss it with anybody else at the AG's
14 Office?

15 A. I ultimately talked to Laura Moody also, the chief of
16 staff there.

17 Q. Before the press release?

18 A. Yes.

19 Q. Anyone else you talked to at the AG's Office before
20 the press release?

21 A. No.

22 Q. Okay. So what did you discuss with Laura Moody?

23 A. I had concerns about the case. She said call the
24 State Police, as I recall, it's their case. We're not
25 involved other than we're the prosecutor on the case.

1 I talked to her about the recording in Florida. She
2 said she was aware of that, which I felt was
3 exculpatory information. They basically blew us off.
4 Q. How was the recording exculpatory in nature in your --
5 A. Well, in my opinion she was trying to blackmail Sean
6 McMaster.
7 Q. But you don't know if that recording consisted --
8 recording that in Florida was a felony that Sean
9 McMaster had committed or not --
10 A. I had no --
11 Q. -- correct?
12 MR. CLARK: Object (inaudible).
13 A. -- no idea.
14 BY MS. PUZZUOLI:
15 Q. And it didn't matter to you then that -- if it would
16 have constituted a felony it wouldn't have mattered to
17 you, is that what you're telling us?
18 A. I don't know whether it was a felony or not. Alls I
19 now is what was on the tape and it was very concerning
20 that she was trying to blackmail him to get him to
21 sign off so the criminal charges would go away. His
22 get out of jail free card I think is what was said.
23 Q. Well, were there criminal charges filed at that time
24 when she went down to Florida?
25 A. Were there?

1 Q. Yeah.

2 A. I don't think so but I'm not certain.

3 Q. Well, you testified that she tried to blackmail him to

4 get the criminal charges to go away, so --

5 A. To get the investigation to go away. I don't think

6 charges had been filed at that point in time.

7 Q. All right. So you concluded that Johanna McMaster was

8 blackmailing Sean McMaster?

9 A. That was my opinion, yes.

10 Q. Without knowing any circumstances of the recording and

11 whether it was legal or not?

12 A. I don't know whether it was legal or not. I've said

13 that about five times now.

14 Q. All right. So what else did you discuss with Laura

15 Moody, if anything?

16 A. I'd have to look at my notes again but, again, my

17 concern about the case, and she just said to call the

18 State Police, it's their case.

19 Q. Did you ask any of these entities to drop the case?

20 A. No.

21 Q. Did you ever ask anyone from any of the entities,

22 Michigan State Police or AG's Office, to drop the

23 case?

24 A. No.

25 Q. Did you direct anyone at the AG -- in your department

1 to ask the AG's Office or the Michigan State Police to
2 drop the case?

3 A. No.

4 Q. Are you aware of anyone in your office that asked the
5 AG's Office or the Michigan State Police to drop the
6 case?

7 A. No.

8 Q. Was it your desire to get the case dropped?

9 A. No, I just wanted justice served.

10 Q. All right. How many meetings did you have with the
11 AG's Office?

12 A. One.

13 Q. When was that?

14 A. September, I'm not sure of the exact date, maybe the
15 19th.

16 Q. And how many contacts did you have with the AG's
17 Office after that?

18 A. One. Besides Miller, one with Fadwa Hammoud the day
19 after that meeting.

20 Q. Any other contact with the AG's Office at all after
21 that?

22 A. Not that I recall. In fact, I never heard back from
23 them. They said they'd get back to us and we never
24 did hear back from them.

25 Q. All right. Tell us about the meeting you had at the

1 AG's Office, who did you go with?

2 A. It would have been myself, Major Smith, Captain
3 Quisenberry and Lieutenant Wilson.

4 Q. Why did you bring so many people with you to this
5 meeting at the AG's Office, what was the purpose of
6 that?

7 A. Well, they had all the knowledge, way more knowledge
8 than I did, about this case, especially Major Smith
9 Lieutenant Wilson and Captain Quisenberry. Again, I
10 was briefed on things but Major Smith was basically
11 the officer in charge of looking into this.

12 Q. And who did you meet with at the AG's Office?

13 A. Well, let's see. There would have been Dana Nessel.
14 I don't recall the woman sitting next to her. Lauren
15 Schipani was there. The new prosecutor or the new
16 assistant AG was sitting at the far end of the table
17 and was taking the case over, and there might have
18 been one more person there. It was either four or
19 five people there, I don't recall.

20 Q. And what did you discuss at this meeting?

21 A. I brought up our concerns about the case that were
22 laid out in my letter to her.

23 Q. And what did you tell her?

24 A. Well, basically I laid out who we were, what we were,
25 what our experiences were, what our -- who was at the

1 table, and then Major Smith took over from there and
2 laid out our concerns. He did the majority of the
3 talking, probably 90% of it.

4 Q. All right. Did you discuss Trooper Busacca at all at
5 that meeting?

6 A. Did I?

7 Q. Yes.

8 A. I dont recall.

9 Q. Did any of your staff --

10 A. I wish now we recorded it, I'll tell you that.

11 Q. Are you recording this right now?

12 A. No.

13 Q. Okay.

14 A. Well, I guess it's being recorded right here.

15 Q. Right. I'm just asking if you're recording it?

16 A. No, I'm not. Are you?

17 Q. Nope.

18 A. Okay.

19 Q. Just through the court reporter. Trooper Busacca, did
20 any of your -- the people you brought along with you
21 to the meeting discuss Trooper Busacca's role in any
22 way?

23 A. I'm sure that they did, yes.

24 Q. Okay. And what was discussed?

25 A. Concerns about the search warrant, the affidavit, the

1 entire investigation, about Kolodziej, a whole host of
2 things.

3 Q. Right now we're focusing on Trooper Busacca. What did
4 you discuss regarding your concerns or --

5 A. Again, I -- Major Smith did 90% of the talking.

6 Q. All right. What did Major Smith then say about
7 Trooper Busacca and the affidavit and the search
8 warrant?

9 A. I think he pointed out that we had major concerns
10 about the affidavit and the search warrant, the entire
11 investigation and the fact that we weren't contacted.
12 Nobody asked for our file, nobody communicated with
13 us, things of that nature.

14 Q. Okay. And who -- what was the response?

15 A. I remember specifically Dana Nessel apologized to us
16 four times. She gave me her cellphone number and said
17 if you have any further questions please call me. She
18 was very upset.

19 Q. All right. Did anybody else make any statements?

20 A. Captain Quisenberry would have spoken. Lieutenant
21 Wilson would have spoken. I basically introduced
22 everybody and turned it over to Smith from there.

23 Q. Did Lauren Schipani say anything?

24 A. Not that I recall.

25 Q. When is the first time you accused Lauren Schipani of

1 having an affair with the prosecutor?

2 A. I don't think I ever accused her of that.

3 Q. Did you ever have a discussion --

4 A. No.

5 Q. -- with anyone concerning Lauren supposedly having an
6 affair with the prosecutor?

7 A. After it came out in court I probably talked to
8 somebody about it in the office, I don't know.

9 Q. All right.

10 A. I just remember the assistant AG going into open court
11 and saying she had an inappropriate relationship. I
12 think it's all in the transcript, I remember reading
13 it.

14 Q. And when did you discuss Lauren supposedly having an
15 inappropriate relationship with anyone, after you're
16 saying?

17 A. After it came out I'm sure I made some -- we probably
18 talked about it. I don't recall specifically.

19 Q. Did you have any information that Lauren had ever had
20 an inappropriate relationship with the prosecutor?

21 A. Other than --

22 MR. CLARK: Asked and answered.

23 A. Other than what the AG said.

24 BY MS. PUZZUOLI:

25 Q. All right. So you have no personal knowledge of it,

1 correct?

2 A. Correct.

3 Q. Did you conduct any investigation to determine
4 whether, in fact, that was true or not?

5 A. No.

6 Q. And when you say you discussed it with people, at the
7 sheriff's department then?

8 A. Sheriff's Office.

9 Q. Sheriff's Office. Who would you have discussed it
10 with?

11 A. Probably Major Smith, Lieutenant Wilson, Captain
12 Quisenberry, I mean, we were sitting around having
13 coffee saying oh, can you believe this. I don't
14 recall specifically.

15 Q. Did you ever tell anyone that she did not have an
16 inappropriate relationship with the prosecutor?

17 A. Did I, no.

18 Q. Yes. When's the first time you accused Lauren
19 Schipani of perjury?

20 A. I don't think I --

21 MR. CLARK: Form. Form, but you can
22 answer.

23 A. I don't think I ever accused her of perjury.

24 BY MS. PUZZUOLI:

25 Q. What do you mean, you don't think, do you know or --

1 A. I don't recall ever using the word perjury. I was
2 very careful not to accuse anybody of anything other
3 than I had major concerns about testimony that had
4 occurred at the bond hearing.

5 Q. Okay. Did you ever accuse her of being untruthful?

6 A. I think I said words to the effect that we had major
7 concerns about how she testified, that's what I told
8 Hammoud.

9 Q. Did you ever --

10 A. Obviously it never came up in the first meeting
11 because she was sitting there.

12 Q. Did you ever tell anyone that she was untruthful in
13 her testimony?

14 A. I don't know, I can't recall.

15 Q. When is the first time you accused Trooper Busacca of
16 committing perjury?

17 A. I never accused him of committing perjury.

18 Q. When did you accuse Trooper Busacca of being
19 untruthful?

20 A. I don't know I specifically ever accused him of being
21 untruthful. Again, I raised concerns with his command
22 and with the Attorney General's Office that there were
23 things that were said that may have been untruthful.

24 Q. So sitting here today under oath you're saying you
25 never accused Trooper Busacca of perjury?

1 A. I never used the word perjury.
2 Q. Are you saying that you never accused Trooper Busacca
3 of being untruthful?
4 A. Oh, I'm sure I used the words untruthful when I had
5 conversations with people. I don't recall it
6 specifically.

7 Q. And how many times did you relay that to anyone, that
8 Trooper Busacca was untruthful?

9 A. I don't know.

10 Q. More than five?

11 MR. CLARK: Foundation.

12 A. No.

13 BY MS. PUZZUOLI:

14 Q. What were the circumstances -- or strike that.

15 Who did you relay it to that Trooper
16 Busacca was untruthful?

17 A. I may have had conversations with Major Smith about it
18 or Lieutenant Wilson, I don't recall.

19 Q. Did you have any conversation with anybody at the
20 Michigan State Police in which you accused Trooper
21 Busacca of being untruthful?

22 A. I don't know if I used the words untruthful. I told
23 Captain Deasy that I had major concerns about what was
24 going on in this case and that there were things that
25 just didn't add up.

1 Q. Okay. But my question is did you ever have any
2 conversations with anyone at the Michigan State Police
3 in which you said Trooper Busacca was untruthful?

4 MR. CLARK: Asked and answered.

5 You can answer again.

6 A. I may have -- Brody Boucher I think, the internal
7 affairs lieutenant, I'm sure I said I had concerns
8 about his truthfulness.

9 BY MS. PUZZUOLI:

10 Q. Anyone else that you told that Trooper Busacca was
11 untruthful?

12 A. Not that I --

13 MR. CLARK: Foundation.

14 A. Not that I recall.

15 BY MS. PUZZUOLI:

16 Q. Okay. The same with Lauren Schipani, anyone else you
17 discussed with regarding her testimony and her, your
18 words, being untruthful?

19 A. Lieutenant Reemer (phonetic), I think's his name, and
20 a sergeant, who I don't recall, came in and
21 interviewed Major Smith and I about her because they
22 were doing an investigation on her. They told me that
23 they were investigating her for perjury. I never
24 accused her of that.

25 Q. And sitting here today neither one of them have been

1 charged or convicted of perjury, correct?

2 A. Correct.

3 Q. So anyone who said that they committed perjury would
4 be wrong, correct?

5 MR. CLARK: Object to form and foundation.

6 A. I don't know. Just because somebody isn't charged
7 doesn't mean they didn't do it. We all know that.

8 BY MS. PUZZUOLI:

9 Q. And that would apply to everyone, including Sean
10 McMaster, correct?

11 A. Sure, yes.

12 Q. But in terms of being charged and convicted of a
13 crime, Lauren Schipani and David Busacca were not
14 convicted or charged with perjury, correct?

15 A. That's my understanding, yes.

16 Q. And when did you gain that understanding?

17 A. When the Kent County prosecutor had his press
18 conference.

19 Q. And how did you find out that the Kent County
20 prosecutor who looked at this said that there was no
21 basis to charge Lauren Schipani or David Busacca with
22 perjury?

23 A. I think I read his statement that he put out.

24 Q. When would that have been?

25 A. Probably the same day it occurred when -- I'm not sure

1 when that was.

2 Q. Did you keep in contact with Heather Catallo
3 concerning this case?

4 A. She would call me occasionally.

5 Q. How many times did you speak to her regarding this
6 case?

7 MR. CLARK: Foundation.

8 A. Two or three.

9 BY MS. PUZZUOLI:

10 Q. When did you speak to her about doing an interview on
11 TV --

12 A. She called --

13 Q. -- concerning this case?

14 A. Sorry. She called me but I don't remember when it
15 was.

16 Q. Do you recall the month that she called you?

17 A. I believe it was -- let's see. I'm not sure when the
18 story aired, a couple months. She interviewed me I
19 think in September and the story ran in November, if I
20 remember correctly.

21 Q. And what did you do to prepare for that interview with
22 Heather Catallo?

23 A. I don't know that I did anything to prepare for it.

24 Q. What did you do to do any fact checking before you
25 appeared on that interview with Heather Catallo?

1 A. Well, at that point in time we had talked to -- we'd
2 met with the Attorney General's Office, I believe. We
3 had talked to the State Police. We talked to Laura
4 Moody.

5 Q. And in that TV interview David Busacca was accused of
6 committing perjury, correct?

7 A. Not by me.

8 Q. You were sitting right there, right?

9 A. I never said the word David Busacca.

10 Q. Okay. Perjury was used in that interview, correct,
11 the --

12 MR. CLARK: Object to form.

13 BY MS. PUZZUOLI:

14 Q. -- word perjury?

15 A. The interview with me or with Paul Walton?

16 Q. You were together during that interview, weren't you,
17 or were you not together; were you in separate rooms?

18 A. We were interviewed separately on separate dates.

19 Q. Did you ever question his truthfulness, Trooper
20 Busacca's truthfulness, in that TV interview?

21 A. I never used the word David Busacca in my interview,
22 the words, the name.

23 Q. Okay. That's not the question. The question is did
24 you ever accuse him of being untruthful?

25 A. I'd have to watch the interview again.

1 Q. When's the last time you saw it?

2 A. A long time ago.

3 Q. When it came out in November, had you contacted

4 Heather Catallo and told her to not run that

5 interview?

6 A. Did I, no.

7 Q. At that time were you aware that Trooper Busacca had

8 been cleared of all criminal charges?

9 A. No.

10 Q. Did you do anything to check if he had been cleared on

11 any criminal charges before going into that interview?

12 A. I'm not sure that he had, I don't recall.

13 Q. Did you and Paul Walton discuss this case then?

14 A. I'm sure we did.

15 Q. How many times?

16 A. Several.

17 Q. Why were you discussing it with Paul Walton?

18 A. Because they had denied the warrants on this case.

19 Q. You're talking about the warrants in 2016?

20 A. Correct.

21 Q. Okay. So did you discuss with him why they denied the

22 warrants in 2016?

23 A. Oh, I'm sure I did.

24 Q. All right. So do you recall anything he said as to

25 why?

1 A. He shared with me the write-up from Sara Pope-Starnes
2 and Shareen Lynch. I remember discussing that and him
3 providing me a copy of that.

4 Q. All right. And what fact checking did you do to
5 determine if what you were saying on TV was true or
6 not other than you said talking to Laura Moody, and we
7 discussed the conversation you had with her, and
8 talking to the Attorney General's Office?

9 A. Talking to the director of Public Safety at Center
10 Line P.D., talking to John Pallas, talking to Paul
11 Walton.

12 Q. Okay. But when you had a conversation with the
13 director at Center Line P.D. you didn't discuss
14 Busacca or did you?

15 A. I don't recall. I think it was mostly about his
16 detective and his involvement in the case.

17 Q. When you went on TV and did this interview and made
18 statements had you received a cease and desist letter
19 from Lauren Schipani and David Busacca at that time?

20 A. No. I don't think I'd even been sued at that point in
21 time.

22 Q. Have you ever received a cease and desist letter in
23 this case?

24 A. I think I did.

25 Q. When?

1 A. I dont recall.

2 Q. Once you received that cease and desist letter did you
3 do anything to retract any statements you made against
4 the character of Lauren Schipani and/or Dave Busacca?

5 A. No.

6 Q. Did you direct any of your deputies, officers to talk
7 to Sean McMaster after he was criminally charged?

8 A. No.

9 Q. Did you ever learn that any of your officers had
10 talked to Sean McMaster after he was charged?

11 A. Yes.

12 Q. What did you learn?

13 A. Lieutenant Vida spoke to him while he was in our jail.

14 Q. And what was the purpose of Lieutenant Vida speaking
15 to Sean McMaster once he had been criminally charged
16 by the AG's Office and in your jail?

17 A. He was checking on his welfare, as I recall.

18 Q. And why was Lieutenant Vida checking on Sean
19 McMaster's welfare after he'd been charged by the AG's
20 Office?

21 A. We had a police officer --

22 MR. CLARK: Foundation.

23 A. -- in our custody who was segregated from everybody
24 else so it would not -- it would be very routine to do
25 that.

1 BY MS. PUZZUOLI:

2 Q. And is it routine to report to you every time an
3 officer speaks with an inmate, an accused, who is a
4 police officer?

5 A. Is it routine? It would -- we've had police officers
6 lodged in our facility before and generally it's --
7 you know, we would check on them to see if there's
8 anything unusual going on.

9 Q. And when you say we would you be notified of that if
10 nothing unusual is going on?

11 A. Would I be notified of it?

12 Q. Yes.

13 A. Yeah, probably, yeah. Any time we have a police
14 officer in our facility it's of concern.

15 Q. And did Lieutenant Vida know Sean McMaster at all to
16 your understanding?

17 A. I remember reading an e-mail that he knew of him when
18 he was a Detroit police officer but he didn't know him
19 personally.

20 Q. And do you know what he meant when you said he knew of
21 him?

22 A. Don't know.

23 Q. We have a letter that you sent to the AG's Office. It
24 says this case came to our attention for several
25 reasons. What did you mean by that, several reasons

1 the case came to your attention?

2 A. The State Police never notified us they were there,
3 they never asked for our file, the affidavit and
4 search warrant, the omissions from there, information
5 was not included in that that the judge should have
6 been aware of, a whole host of things at that point in
7 time. That had gone on for several months and the
8 more that we learned the more concerned we became.

9 Q. Did you feel your toes had been stepped on by not
10 being --

11 A. No, I felt there was unprofessionalism,
12 unprofessional, very unprofessional. Again, in my
13 44-plus years I've never seen anything like that.
14 We've had multiple cases where the attorney general's
15 been involved where they've reached out to us or
16 they've had to execute search warrants or make
17 arrests. They've always called us and they've always
18 brought us along. In this case that did not happen.

19 Q. Did you feel left out?

20 A. I didn't feel left out. I thought what the heck is
21 going on, it's very strange, never seen anything like
22 it, like I said. It's common professional courtesy
23 that you notify the department where you're doing an
24 investigation where there may have been -- when you're
25 going into another area that's patrolled by another

1 entity that you call that entity and you tell them
2 what's going on. We've transported prisoners for the
3 Attorney General's Office. We've transported
4 prisoners for the State Police before.

5 Q. So when you said in a letter to the AG, this case came
6 to our attention for several reasons, that's what you
7 were referring to, correct?

8 A. Yeah.

9 Q. Anything else?

10 A. Yes. Not that I can think of right now.

11 MS. PUZZUOLI: Okay. We're going to take a
12 break. My next step is to go through the documents
13 and that's going to take some time.

14 MR. CLARK: Sounds good.

15 MS. PUZZUOLI: Off the record.

16 (Recess taken at 11:38 a.m.)

17 (Back on the record at 12:01 p.m.)

18 MS. PUZZUOLI: Back on the record.

19 BY MS. PUZZUOLI:

20 Q. I just have a couple more questions before we get to
21 the documents, Mr. McCabe. Did you have contact with
22 the chief of the Livonia Police Department regarding
23 this matter?

24 A. Yes.

25 Q. Why?

1 A. I wanted to ask him about Lauren Schipani's background
2 because her claims during the bond hearing that she
3 was a detective.

4 Q. And you contacted him about Lauren Schipani's
5 background. Did you tell anybody you were contacting
6 him about her background?

7 A. Did I tell anybody?

8 Q. Yeah, did you like tell the AG's Office, did you
9 tell the --

10 A. No.

11 Q. -- Michigan State Police that you were going to
12 contact the Livonia Police Department?

13 A. No.

14 Q. And Livonia Police Department, is that in Wayne
15 County?

16 A. Yes, it is.

17 Q. Okay. So that's not in the jurisdiction of Oakland
18 County, correct?

19 A. Last time I checked that's correct.

20 Q. Okay. And you talked --

21 A. I heard they wanted to be annexed but...

22 Q. Okay. And you talked to the chief and you wanted to
23 ask about Lauren's background. Is that what you did?

24 A. Yes.

25 Q. And what did he tell you?

1 A. He ultimately got back to me and said that she had
2 been a patrol officer for about three and a half years
3 before she went to the Attorney General's Office and
4 she had never been a detective.

5 Q. And so you were investigating Lauren Schipani?

6 A. I wasn't investigating her, no.

7 Q. Okay.

8 A. I was gathering information.

9 Q. Did anybody ask you to gather that information?

10 A. No.

11 Q. And when I say anybody I'm talking about the AG's
12 Office, the Michigan State Police, anybody at all ask
13 you to gather information for them?

14 A. No.

15 Q. This was something you did on your own?

16 A. Yes.

17 Q. Okay. Did you also send somebody to pick up her
18 employment file?

19 A. Did I?

20 Q. Yes.

21 A. I don't think so, not that I recall.

22 Q. Did you give this information that you received from
23 the chief of the Livonia Police Department to anyone,
24 did you tell anyone this information that you had
25 gotten from the Livonia police chief that --

1 A. I don't recall.

2 Q. -- she had been a patrol officer for three and a half
3 years?

4 A. I don't recall. I mean, I would have shared it with
5 Major Smith, I'm sure.

6 Q. And did someone assign Major Smith to be the officer
7 in charge of the Sean McMaster case?

8 A. I assigned him to gather information and to put
9 everything together for our file.

10 Q. When did you do that?

11 A. Probably right in the beginning of the case after the
12 search warrant was executed, the original search
13 warrant.

14 Q. We talked a little bit about Heather Catallo and you
15 said she reached out to you. How did she gain
16 knowledge of this complaint in this case, do you know?

17 MR. CLARK: Foundation.

18 A. I don't know.

19 BY MS. PUZZUOLI:

20 Q. How did she gain knowledge of the affidavit --

21 MR. CLARK: Foundation.

22 BY MS. PUZZUOLI:

23 Q. -- and search warrant, do you know?

24 MR. CLARK: Foundation.

25 A. I don't know.

1 BY MS. PUZZUOLI:

2 Q. Who directed or asked the Oakland County Prosecutor's
3 Office to analyze the affidavit and search warrant of
4 Trooper David Busacca?

5 MR. CLARK: Foundation.

6 A. I don't know.

7 BY MS. PUZZUOLI:

8 Q. Did you?

9 A. I don't give direction to the Prosecutor's Office, no.

10 Q. Did you ever have a discussion with the Prosecutor's
11 Office in terms of doing that?

12 A. Not that I recall.

13 Q. Okay. We are going to move on to the documents now.

14 Okay. Were you aware on June 2nd, 2016 Brittany
15 Hescott testified in Florida that the forensic -- she
16 agreed -- I'll give you the question. Question, now,
17 however, the forensic interviewer, Yvonne Cameron, you
18 specifically state in your report that Ms. Cameron
19 told you that she intended to report the interview as
20 containing disclosures, referring to the interview
21 with .

22 A. No, I don't know what you're talking about.

23 Q. Were you aware that she testified and she agreed, let
24 me -- this is a question. Let me ask you some more
25 questions about that. The forensic interviewer in

1 this case specifically stated that she believed the
2 child had disclosed, correct? Answer, correct.

3 And to be clear for the record, forensic
4 interviewer indicated to you that she believed in her
5 professional opinion that the child had disclosed
6 sexual abuse by the father Sean McMaster, correct?

7 Correct.

8 A. I don't know what you're talking about there. What
9 are you referring to?

10 Q. I'm talking --

11 MR. CLARK: Gina, will you just say what it
12 is for the record --

13 MS. PUZZUOLI: Sure. It's the --

14 MR. CLARK: -- just so we know what
15 transcript?

16 MS. PUZZUOLI: -- testimony from the -- let
17 me get to it.

18 MR. CLARK: What's the case name?

19 MS. PUZZUOLI: It's in the marriage of
20 Johanna McMaster vs. Sean McMaster, deposition of
21 Brittany Hescott dated June 2nd, 2016, and I am going
22 to have this marked as **Exhibit A**.

23 MARKED FOR IDENTIFICATION:

24 DEPOSITION **EXHIBIT A**

25 12:07 p.m.

1 BY MS. PUZZUOLI:

2 Q. So you're telling us that you weren't aware of that
3 testimony on June 16th that the child had made
4 disclosures to the forensic interviewer --

5 MR. CLARK: Object --

6 BY MS. PUZZUOLI:

7 Q. -- regarding sexual abuse by Sean McMaster?

8 MR. CLARK: Object to form, it
9 mischaracterizes what the testimony was, and
10 foundation.

11 A. I have no clue what that is and I don't know what
12 you're talking about.

13 BY MS. PUZZUOLI:

14 Q. Okay. Did you ever ask anyone to check into the
15 testimony of any individuals who testified in the
16 divorce or the marriage of Johanna McMaster?

17 MR. CLARK: One second. I just want the
18 record to be clear. We're talking about a deposition
19 transcript from the State of Florida in the Circuit
20 Court of the Eighth Judicial Circuit for some county?

21 MS. PUZZUOLI: Yep.

22 MR. CLARK: All right.

23 MS. PUZZUOLI: You got it, Robby.

24 A. Repeat the question.

25 MR. CLARK: Well, you didn't indicate it,

1 Gina --

2 MS. PUZZUOLI: I'm sorry.

3 MR. CLARK: -- so it wasn't very clear.

4 MS. PUZZUOLI: Thank you for helping me
5 out.

6 Can you repeat the question, please?

7 (The following requested portion of the
8 record was repeated by the court reporter
9 at 12:09 p.m.:

10 Q. Did you ever ask anyone to check into
11 the testimony of any individuals who
12 testified in the divorce or the marriage of
13 Johanna McMaster?)

14 A. No.

15 BY MS. PUZZUOLI:

16 Q. Okay. At one point you I believe on the TV interview
17 said that the child's statements were not credible.
18 Do you recall saying that?

19 A. Yes.

20 Q. If you had that information would you have stated that
21 the child's information was not credible still?

22 A. I relied on that information from the Prosecutor's
23 Office write-up that it was not credible.

24 Q. Okay. My question is if you had that information of
25 testimony in June of 2016 that a forensic therapist

1 said that Avery had made disclosures that Sean
2 McMaster had assaulted her would you have still made
3 that statement?

4 MR. CLARK: One second. Object to form as
5 to forensic therapist because she's not a therapist.

6 BY MS. PUZZUOLI:

7 Q. Or interviewer, I should say. I'll correct that.

8 A. I would not change anything.

9 Q. I have an e-mail here on December 12, 2020 and it has
10 your e-mail address, and it says -- you wrote thanks,
11 interesting, he has been completely cleared? Not what
12 Lieutenant Boucher told me as of last week, which if
13 I'm correct is in the month of December. Is he lying
14 again? I'm going to show you this e-mail. If you'd
15 take a look at that, please.

16 A. Okay.

17 Q. Who are you referring to in that e-mail?

18 A. Who is this to?

19 Q. That's what you -- that was what you provided me with.

20 A. Where's the rest of the e-mail?

21 Q. It looks like there is --

22 MR. CLARK: Show him the next page.

23 BY MS. PUZZUOLI:

24 Q. Let me see what number that is? Okay. 118, 119.

25 I'll show you 120 -- all right.

1 We'll mark all of this as Exhibit B. We're
2 going to start with page 118 and we're going to go
3 through it, I'll mark it as one exhibit, to page 270.

4 MARKED FOR IDENTIFICATION:

5 DEPOSITION EXHIBIT B

6 12:12 p.m.

7 BY MS. PUZZUOLI:

8 Q. All right. I'm going to show you the first part of
9 Exhibit B, which is pages 118 through 121, if you'll
10 take a look at it and then I'll ask you some questions
11 about it.

12 A. Okay.

13 Q. All right. So does that tell you who it was to?

14 A. It looks like it was to Paul Walton from -- again,
15 these are kind of -- it's a series of e-mails that
16 originate with Anne Gabbert from the Prosecutor's
17 Office to Paul Walton. I'm not sure where the rest of
18 this one is.

19 Q. That's what you gave me -- or your counselor gave
20 me --

21 A. Okay.

22 Q. -- so that's --

23 A. Okay.

24 Q. -- what I got.

25 A. Okay. So this is a conversation between Barb

1 Morrison, Paul Walton and Gabbert. Paul Walton then
2 forwards to me this series of e-mails between him and
3 his staff, and I sent back to him, thanks,
4 interesting, he has been, quote, completely cleared,
5 unquote. Not what Lieutenant Boucher told me last
6 week, which, if I am correct, is the month of
7 December. Is he lying again?

8 Q. Okay. Who are you referring to when you say he has
9 been completely cleared?

10 A. I'm assuming I'm referring to Busacca.

11 Q. And who are you referring to when you state in that
12 e-mail is he lying again?

13 A. Who am I referring to?

14 Q. Yeah.

15 A. I'm probably referring to Busacca --

16 Q. Okay.

17 A. -- because it had to do with a case, it looks like,
18 where they were going to have to call him as a witness
19 in other case where the Prosecutor's Office had
20 Bradyed, Giglioed Boucher -- or Busacca.

21 Q. What do you mean, they had Giglioed and Bradyed
22 Busacca?

23 A. Paul Walton informed me that he was going to Brady and
24 Giglio Busacca whenever he was to testify in any cases
25 involving the Oakland County Prosecutor's Office.

1 Q. And that was broadcast to the TV audience in that
2 Channel 7 interview, correct?

3 MR. CLARK: Foundation.

4 A. I don't know.

5 BY MS. PUZZUOLI:

6 Q. You don't remember if that was said in that interview?

7 A. I didn't say that, no. Paul Walton might have said
8 it.

9 Q. Okay. Do you remember if Paul Walton said it?

10 A. I don't remember what he said. I know he did an
11 interview separate from mine.

12 Q. Do you know if Busacca was ever placed on a Brady list
13 or ever Giglioed?

14 A. Only what Paul Walton told me.

15 Q. Do you know how this matter got to Paul Walton, I may
16 have asked you this, the Sean McMaster?

17 A. Oh, I'm sure I reached out to him.

18 Q. It says here that -- an e-mail from Paul Walton to
19 Barb Morrison, that he was contacted by John Pallas.
20 In the series of communications I asked John if wanted
21 our file, which I believe included Brady material.
22 Never heard back from the AG on this issue. Were you
23 part of that conversation or communication or was that
24 ever discussed with you by Paul Walton?

25 A. I was not part of that conversation.

1 Q. It also says, at the hearing another trooper
2 apparently lied under oath and the AG dismissed the
3 charges. Had you had that discussion with Paul Walton
4 that another trooper apparently lied under oath and
5 the AG dismissed the charges?

6 A. I did not have any conversation with him about that?

7 Q. Do you know who he was referring to?

8 A. No clue.

9 MR. CLARK: Foundation.

10 A. Sorry. No clue.

11 BY MS. PUZZUOLI:

12 Q. In this e-mail it also states, I was contacted by the
13 media and shown a copy of an affidavit authored by
14 Trooper Busacca. The affidavit was not part of our
15 investigation. Did Paul Walton approach you and tell
16 you that he was contacted by the media ever?

17 A. I dont recall.

18 Q. And this was authored on December 11, 2020, by the
19 way, and it's the one from Paul Walton to Barb
20 Morrison. Do you know how the media got a copy of an
21 affidavit authored by Trooper Busacca?

22 A. Which affidavit? I think there were two or three.

23 Q. The one that Paul Walton's referring to in this case?

24 MR. CLARK: I object to foundation.

25 BY MS. PUZZUOLI: