

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.

1 BY MS. PUZZUOLI:

2 Q. It could involve or affect internally the individual's
3 position in a department, correct, you're aware of
4 that?

5 MR. CLARK: Form and foundation.

6 A. It could.

7 BY MS. PUZZUOLI:

8 Q. Okay. Being in a Sheriff's Department for how many
9 years?

10 A. Sheriff's Office.

11 Q. Sheriff's Office, for how many years?

12 A. It's not the Oakland County Prosecutor's Department.

13 Q. I understand. Over 40-some years, you're aware of
14 what can happen to an officer, right, if someone's
15 accused them of being untruthful?

16 MR. CLARK: Form and foundation.

17 A. Yes.

18 MR. CLARK: You mean just as an accusation,
19 that's it?

20 BY MS. PUZZUOLI:

21 Q. Have you ever had a search warrant analyzed before by
22 the Prosecutor's Office?

23 MR. CLARK: Object to form.

24 A. I'm not sure what you're asking.

25 BY MS. PUZZUOLI:

1 Q. Have you ever had a Prosecutor's Office or any
2 department review an officer's affidavit after it's
3 executed for a search warrant?

4 MR. CLARK: Foundation.

5 A. I probably -- we probably did in the Ferguson case.

6 BY MS. PUZZUOLI:

7 Q. Any other cases?

8 A. Not off the top of my head. I'm sure it's occurred.

9 MS. PUZZUOLI: All right. Let me just talk
10 to my clients, I might be done, except I do want to
11 see what he's reviewed before we break and --

12 MR. CLARK: It's probably a --

13 MS. PUZZUOLI: -- be as --

14 MR. CLARK: -- couple hundred pages.

15 MS. PUZZUOLI: Pardon me?

16 MR. CLARK: A couple hundred pages.

17 MS. PUZZUOLI: Okay. I'll just take a look
18 at them, maybe mark them, I don't know.

19 MR. CLARK: Okay. You can mark them. I
20 think there's a couple pages I can't produce because
21 of work product.

22 MS. PUZZUOLI: But he reviewed them in
23 preparation for the dep?

24 MR. CLARK: That's correct.

25 MS. PUZZUOLI: Well, then we have to make a

1 record of that --

2 MR. CLARK: You can make a record.

3 MS. PUZZUOLI: -- because I think --

4 MR. CLARK: I've asked -- the Prosecutor's
5 Office documents, I've asked for consent to waive work
6 product and I just don't have an answer on that,
7 but --

8 MS. PUZZUOLI: I get it. We'll just make a
9 record on that but let me --

10 MR. CLARK: Yeah, okay.

11 MS. PUZZUOLI: Let me talk to my clients.

12 This is --

13 MR. CLARK: Trust me, I want to produce
14 them so that --

15 MS. PUZZUOLI: Do you really?

16 MR. CLARK: -- probably should tell you
17 everything you need to know.

18 MS. PUZZUOLI: Oh, my God, and attorney
19 wants to produce documents.

20 MR. CLARK: That's right, work product.

21 MS. PUZZUOLI: I can't believe it.

22 These are marked Exhibit B.

23 MR. CLARK: I'm going to copy what he
24 reviewed.

25 MS. PUZZUOLI: Do you want to do that, the

1 200 pages then?

2 MR. CLARK: I'll give you his file.

3 MS. PUZZUOLI: No, I can take a look at it
4 first. All right, copy, Robby.

5 (Recess taken at 2:37 p.m.)

6 (Back on the record at 2:59 p.m.)

7 MS. PUZZUOLI: Let the record reflect that
8 defense counsel has just handed me a few hundred pages
9 of documents that Mr. McCabe apparently reviewed
10 before the deposition in preparation for the
11 deposition, so I'm going to have this marked as
12 Exhibit C. And I think Mr. Clark has an objection to
13 make?

14 MR. CLARK: Yes. The only thing that's
15 been withheld from that is I think four pages, three
16 or four pages that are titled Prosecutor's Disposition
17 Record, I believe. It's part of my amended privilege
18 log. It's also part of the prosecutor's file. I have
19 requested from the prosecutor's office a waiver of the
20 work product so I can produce those. As soon as I get
21 that clearance I will be producing those.

22 MS. PUZZUOLI: And I guess so the record is
23 clear, if those are produced by Mr. Clark or as a
24 result of order from the Court at some point I would
25 reserve my right to re-depose -- or depose Mr. McCabe

1 at least on those documents.

2 MR. CLARK: Okay.

3 MS. PUZZUOLI: All right, thank you. I'm
4 just going to take a moment to review these. We can
5 go off the record.

6 (Off the record at 3:01 p.m.)

7 MARKED FOR IDENTIFICATION:

8 DEPOSITION EXHIBIT C

9 3:03 p.m.

10 (Back on the record at 3:04 p.m.)

11 BY MS. PUZZUOLI:

12 Q. Okay. I see this, it's an LM, what is that?

13 MR. CLARK: LM.

14 MS. PUZZUOLI: LM? This is not an e-mail,
15 is it --

16 MR. CLARK: Yeah, it's an e-mail.

17 MS. PUZZUOLI: It is?

18 MR. CLARK: Uh-huh.

19 BY MS. PUZZUOLI:

20 Q. Okay. It says --

21 MR. CLARK: That was part of the file
22 that's already been produced to you.

23 MS. PUZZUOLI: I don't have it.

24 BY MS. PUZZUOLI:

25 Q. Anyway, McMaster, it's to Shane Freiberg from Shareen

1 Lynch, S-H-A-R-E-E-N, Lynch, L-Y-N-C-H. What's her
2 position?

3 A. She's head of the CSE unit, or was.

4 Q. Okay. And it's dated 3/31/2016. This item will
5 expire in four days. Hi, Shane, I heard you were off
6 on vacation but wanted you to know that I spent most
7 of my day on this case with McMaster, CR number
8 16-6166, and I am denying it.

9 Do you know if she spent most of the day on
10 this case with McMaster means she spent time with Sean
11 McMaster or don't you know?

12 MR. CLARK: Found --

13 A. I can only assume -- I'm sorry.

14 MR. CLARK: Foundation.

15 You can answer.

16 A. I can only assume she meant the file.

17 BY MS. PUZZUOLI:

18 Q. I cannot ascertain on any level if this is even
19 sexual. It very well could be taken out of context by
20 this young child. I know we are the same page based
21 on my earlier discussions with you, so just wanted to
22 tell you that it is officially denied.

23 Do you know what discussions Freiberg had
24 with Shareen Lynch when she refers to having earlier
25 discussions with him?

1 A. No, I don't.

2 MS. PUZZUOLI: All right. Off the record.

3 (Off the record at 3:05 p.m.)

4 (Back on the record at 3:06 p.m.)

5 BY MS. PUZZUOLI:

6 Q. I do have just a couple questions. Lauren Schipani
7 came to Oakland County to pick up the file from
8 Oakland County, correct, you were aware of that?

9 A. She picked up -- as I recall, it was somebody else
10 that picked up the file. She picked up recordings of
11 jail conversations, phone calls between McMaster and
12 his wife, that's what I recall.

13 Q. Okay. And so she was at Oakland County to pick those
14 up, is that --

15 A. To pick up recordings.

16 Q. -- your understanding?

17 A. Yes, jail calls, yes.

18 Q. Did anybody talk to her at that point about their
19 concerns regarding the investigation by the AG's
20 Office?

21 MR. CLARK: Foundation.

22 If you know.

23 A. Not that I'm aware of. I saw an e-mail from Detective
24 Sergeant Butan (phonetic), who was in SIU, saying that
25 she'd come in and picked up those recordings.

1 Q. Did you see any e-mails saying that anything was
2 discussed with her concerning these concerns that you
3 told us you had prior to when she came in in July of
4 2019?

5 A. If I recall, in the e-mail it was we thought -- he
6 thought Busacca was in charge of the case, and as I
7 recall, she told him oh, no, he's been pulled off
8 because he's in FTO now so I'm taking the case over.
9 That's what I recall. That's not verbatim.

10 MS. PUZZUOLI: Will you repeat my question,
11 I'm sorry? I don't think it was responsive. Maybe it
12 was.

13 (The following requested portion of the
14 record was repeated by the court reporter
15 at 3:08 p.m.:

16 Q. Did you see any e-mails saying that
17 anything was discussed with her concerning
18 these concerns that you told us you had
19 prior to when she came in in July of 2019?)

20 A. Nothing concerning the concerns. It was about Busacca
21 and why wasn't he on the case anymore. That's what I
22 recall.

23 BY MS. PUZZUOLI:

24 Q. Okay. Did you ever talk to a David Duenow or a Mary
25 Duenow, D-U-E-N-O-W?

1 A. No.

2 Q. Did you -- and I'm going to show you some e-mails, one
3 from Dave Duenow to Sheriff Bouchard and cc'ed a
4 number of other people, regarding dear Mike, sorry,
5 your department (Fiberg), it says F-I-B-E-R-G, it's
6 spelled, has left his four -- has left this
7 four-year-old child and her mother out in the cold.

8 Dear Ms. Cooper, below it I believe your
9 department recently had to pay out a million dollars
10 in court for a similar failure to do your job. Are
11 you willing to do your job or does this have to go to
12 court.

13 Did you ever see that e-mail from Dave
14 Duenow?

15 A. I may have. It's not ringing a bell.

16 Q. Did you ever talk to the Duenows regarding their
17 concerns?

18 A. I did not, no.

19 MS. PUZZUOLI: Can we have this marked as
20 Exhibit D, please?

21 MARKED FOR IDENTIFICATION:

22 DEPOSITION EXHIBIT D

23 3:10 p.m.

24 BY MS. PUZZUOLI:

25 Q. And that's marked as -- at the bottom it's Bate

1 stamped OCPO 3504. And then there's also a June 17th,
2 2016, I don't know if this is an e-mail or letter, but
3 it is Bate stamped as being from the Oakland County
4 Prosecutor's Office as 4184, 4185. And this one
5 states, it's to Jessica Cooper, please investigate,
6 charge and prosecute sexual molester Sean McMaster.
7 Sean is a former Detroit and Miami, Florida police
8 officer who is trained in interrogation and has
9 trained himself in mastering polygraph examinations.
10 His sexual abuse of his daughter has been documented
11 by professionals provided by Oakland County as well as
12 local health professionals.

13 And it does, in fact, say that there's a
14 number of documents included, so I'm going to show you
15 this and see if you have ever seen this or did anybody
16 bring that to your attention?

17 A. From the wife of this guy that you just showed me?

18 Q. Correct --

19 A. No, I --

20 Q. -- the Duenows.

21 A. -- may have seen this.

22 It's not ringing a bell to me but I may
23 have seen it. I don't know, Prosecutor Jessica
24 Cooper, so I may have been given it, I may not, I
25 don't know.

1 Q. Okay.

2 A. I guess you'd have to ask Paul Walton that one.

3 Q. Okay, yep.

4 Let's have this marked as Exhibit Number E
5 then.

6 MARKED FOR IDENTIFICATION:

7 DEPOSITION EXHIBIT E

8 3:11 p.m.

9 MS. PUZZUOLI: I'd also like to have marked
10 I guess as Exhibit F a number of other documents
11 provided by the Oakland County Prosecutor's Office.
12 They are marked as 4185 through 4191.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT F

15 3:12 p.m.

16 BY MS. PUZZUOLI:

17 Q. And I'll show them to you, Mr. McCabe. If you would
18 review them and let us know if you ever saw those
19 documents?

20 A. It's not ringing a bell to me but I may have seen it
21 at some point at time but I don't have an independent
22 recollection.

23 Q. You said you don't know if you talked to the Duenows
24 about it. Did you --

25 A I never talked to the Duenows

1 Q. Okay. Did you ever talk -- or did you ever review the
2 Oakland County Prosecutor's Office's file or not?

3 A. No.

4 Q. Ever?

5 A. No. All set with this, put this down?

6 Q. Yeah, please put it down. I think it's been marked.

7 I'm going to have marked the Kent County
8 Prosecutor's Office report on this matter as Exhibit
9 G.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT G

12 3:03 p.m.

13 BY MS. PUZZUOLI:

14 Q. I'm going to hand you what's been marked as Exhibit G,
15 Mr. McCabe. If you'll take a look at that. Is that
16 the report -- or I'll let you finish.

17 A. I think this is the press release that he put out.
18 Yeah, I believe this is what the Kent County
19 prosecutor put out to the news media.

20 Q. And you had reviewed that previously?

21 A. I read it when it came out.

22 Q. Okay.

23 A. I haven't reviewed it since then.

24 Q. Okay. And did you call the Kent County Prosecutor's
25 Office to discuss it with him or talk to --

1 A. No.

2 Q. --- anyone else about it?

3 A. No.

4 Q. All right. If I may see that? You're aware that the
5 out county prosecutor who looked at this case stated,
6 quote, there is no basis for perjury charges here, end
7 of quotes. Is that your understanding?

8 A. That's what he wrote.

9 Q. The same with -- that was regarding Trooper Busacca.
10 The same with Lauren Schipani, we considered the
11 testimony of Agent Schipani. Once again there's no
12 way to show that the testimony was false or that she
13 knowingly made a false statement here.

14 A. That's what he wrote.

15 Q. Are you saying you don't agree with it?

16 A. I don't know whether she committed perjury or not.
17 I'm just -- that's what he wrote, that's his
18 statement.

19 Q. Well, when you say you don't know if she committed
20 perjury or not, she's never been convicted or charged
21 with perjury --

22 A. No, she --

23 Q. -- right?

24 A. That is correct.

25 Q. You did or you did not complain about Mike Gerald to

1 Paul Myszenski?

2 MR. CLARK: Asked and answered.

3 A. I called him up with my concerns. I don't recall a
4 complaint. I wanted to know what was going on.

5 BY MS. PUZZUOLI:

6 Q. He testified at the arbitration hearing when asked did
7 you also receive complaints from Undersheriff McCabe
8 about your staff, Mike Girard or Gerald. The answer,
9 that's fine, Gerald, yes, so we had several phone
10 conversations about it and e-mails.

11 A. Who's saying that, Gerald?

12 Q. Myszenski.

13 A. Okay.

14 Q. Did you ever review that testimony?

15 A. Never seen it.

16 Q. He was then asked about the questions you sent him at
17 the arbitration hearing of Lauren Schipani and the
18 discussion you had with him and the questions. It
19 says, okay, and without going into great detail what
20 was the gist of his response? Answer, he wanted
21 answers to these questions. I had talked -- looked at
22 some of these questions and I actually asked my
23 detective specific because I was getting information
24 from the undersheriff of one thing and I was hearing
25 something else so there was some confliction, so when

1 I went through this case, went through these
2 questions, I actually asked a couple of them about --
3 to my detective sergeant about the case.

4 Question, okay, but you didn't provide
5 answers that you got from -- answer, no, no. I asked
6 him just out of curiosity but as I read over this and
7 read it over several times it was -- there was no
8 interest in the welfare of this child. These were
9 attacks against how my detective did stuff. It had
10 nothing to do with what evidence we found, what
11 evidence we didn't find.

12 What is it? It appeared to be nothing more
13 than a headhunt, for lack of better terms, on who was
14 contacted, why they were contacted. Nothing relevant
15 with regards to this case and no consideration for the
16 safety of this four-year-old girl -- or four-year-old
17 child, and it is at this point I wrote a letter saying
18 that this conversation has to be over, we're not going
19 down this path anymore, and I wrote the letter.

20 Were you aware that Director Myszenski
21 testified to that at Lauren's arbitration proceeding?

22 MR. CLARK: Object to relevance.

23 Go ahead.

24 A. I've never seen that before.

25 BY MS. PUZZUOLI:

1 Q. Director Myszenski is saying there was no
2 consideration for the safety of this four-year-old
3 girl. What did you do to determine whether this
4 four-year-old girl was safe or not?

5 MR. CLARK: Asked and answered. He said
6 numerous times he reviewed the CPS report and he
7 reviewed Sara Pope-Starnes' --

8 MS. PUZZUOLI: You don't have to repeat his
9 question, Mr. Clark.

10 MR. CLARK: Then you don't have to repeat
11 your question.

12 MS. PUZZUOLI: Or repeat his answer.

13 MR. CLARK: You've repeated the --

14 A. I think I've --

15 MR. CLARK: -- question about --

16 A. -- answered that like --

17 MR. CLARK: -- (inaudible).

18 A. -- four times.

19 BY MS. PUZZUOLI:

20 Q. All right. Other than what you've testified here to
21 today, did you do anything to make sure this
22 four-year-old child was safe?

23 MR. CLARK: Asked and answered.

24 You can answer again.

25 A. I did nothing more than what I've testified to.

1 BY MS. PUZZUOLI:

2 Q. Then there's more testimony from Myszenski. So the
3 sheriff's department said -- could easily say we did
4 our best. This is nothing on us. If you got a
5 complaint take it up with the Prosecutor's Office, but
6 instead he came in to attack the merits of this case.
7 I mean, there was a question here that I specifically
8 asked Detective Sergeant Gerald.

9 Are you aware of that testimony?

10 A. No. He told me he didn't investigate it. He told me
11 his detective organized the file and gave it back to
12 her. He never told me they investigated this, that's
13 news to me, so obviously he's not telling the truth.

14 Q. Did you know it was his testimony in your interactions
15 with the grievant, Lauren Schipani, did you ever
16 question her truthfulness or integrity? Answer, no.

19 Question --

20 A. Is that Myszenski?

21 Q. Yep. And how do you think Lauren's work reflected on
22 the Department of the Attorney General? Answer, it
23 reflected in a positive light. They worked very --
24 her and Trooper Busacca did an outstanding job of
25 working on this case.

Were you aware of that testimony?

MR. CLARK: Object to relevance.

A. No. He told me they didn't investigate this and had nothing to do with it other than organizing the file and giving it back to Mrs. McMaster, so that flies in the face of what he told me.

BY MS. PUZZUOLI:

Q. Then he talks about a conversation he had with Robyn Liddell, L-I-D-D-E-L-L, from the AG's Office. He said, the first conversation I had with her was specific to the case and I talked to her specific about the case. I said you've got the case now and I asked her how does this look, does this look good, and in which time she told me this was a good case, and I said okay, good, and that was it. And the second time was after Heather Catallo, she had contacted me.

Were you aware that the AG's Office, Robyn Liddell from the AG's Office, was saying this was a good case?

A. Who's Robyn Liddell?

Q. She's from the AG's Office.

A. I have no knowledge of her unless she's the one that took the case over after Kolodziej was dumped, I don't know.

Q. And in --

1 MR. CLARK: Hey, Gina, just so the record's
2 clear, is this from the arbitration hearing?

3 MS. PUZZUOLI: It is and I'll give -- did I
4 give the page numbers or not?

5 MR. CLARK: No, you haven't.

6 MS. PUZZUOLI: It's Myszenski's. I will,
7 I'll put it on the record.

8 MR. CLARK: Can you put the date of that
9 arbitration hearing on the record, as well?

10 MS. PUZZUOLI: I would love to if I have
11 the beginning of it. Oh, yeah, I do. August 20th,
12 2020. Volume II is where Director Myszenski from the
13 City of Center Line is giving his testimony, and I'll
14 give page numbers after.

15 BY MS. PUZZUOLI:

16 Q. Talking about -- further about Heather Catallo, and I
17 had told Robyn that Heather called me but she called
18 me, asked me all the questions that were on -- or
19 asking the questions specific to what you would call
20 your previous Exhibit 21. It's those 13 questions,
21 the ones you sent.

22 Did you send those 13 questions to Heather
23 Catallo?

24 A. Did I? I don't know, I may have.

25 Q. Or did she send you 13 questions that you --

1 A. No, those are my question. I testified earlier that
2 Major Smith and I did that.

3 Q. Why would you send Heather Catallo --

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

5 Q. -- those questions?

6 A. I don't know if I did.

7 Q. Well, how would she get them otherwise?

8 A. I don't know.

9 Q. Didn't you --

10 A. I may have sent them to her, I don't know.

11 Q. Didn't you mark those highly confidential when we
12 looked at them --

13 A. I don't believe --

14 Q. -- when you sent --

15 A. -- I sent those --

16 Q. -- them to --

17 A. -- to Heather Catallo.

18 Q. -- those six --

19 A. I know she did a bunch of FOIAs. She may have gotten
20 them through FOIA.

21 Q. Answer, it's those 13 questions. It was related to
22 those 13 questions specific on -- it would be 21 of
23 your -- I said she was asking these questions. She
24 was attacking me. She was demanding things. She
25 wants me to go on television, etc., etc.

Were you aware that she asked Myszenski to go on television?

A. Was I?

0. Yes.

A. No, I don't think so.

Q. Then we are going to testimony of Myszenski on page

281. Just like when this first case, when I was

getting this conflict of this information separate

from what undersheriff was telling me and what my

detective was telling me. I had some serious concerns

about what was happening so I contacted the Attorney

General's Office and spoke to Laura Moody, who was the

chief operations officer at the time, who you know.

She was hesitant because of all the

backlash, from what I understood, that she was getting

from the sheriff's department. And I specifically

asked her, I said Laura, before we get into this

conversation in any depth, because I can't --- I can

tell you're uneasy, I want you to know I only care

about one thing and one thing only and I have two

questions for you, and I said I want to set the record

straight.

All I care about is the safety of this

1 this child, that's all I care about.

2 He then asks Laura Moody in his testimony
3 at page 282, you reviewed the case. Do you feel that
4 you have a pretty good chance of having a successful
5 prosecution in the matter because you've seen all the
6 evidence, you have it all. I don't have all of it and
7 I'm getting conflictive stories on it. I'd like your
8 opinion exactly what you think, at which time she told
9 me that this was a good case, this was a very good
10 case and that it went all the way up to the attorney
11 general, signed off on it herself, that this is --
12 this will be -- they do have a strong case here, and I
13 said well, that's all I can ask for.

16 MR. CLARK: Object to relevance?

17 A. I'm not aware of any of his testimony.

18 BY MS. PUZZUOLI:

19 Q. Do you know what evidence the Attorney General's
20 Office had that would cause Robyn Liddell and Laura
21 Moody to talk about how good this case was against
22 Sean McMaster and Larry Orr?

23 MR. CLARK: Object to relevance.

24 A. It couldn't have been very good because they dismissed
25 the case.

1 BY MS. PUZZUOLI:

2 Q. Without prejudice, correct?

3 A. Yes.

4 Q. Testimony again. It says all right, I have to follow
5 up on something you said. This is the first I was
6 aware of it. You said you were contacted in an
7 interview by an investigator from the Department of
8 Attorney General related to Lauren Schipani? Yes.

20 Were you aware of that testimony?

21 A. No, I'm not aware of any of his testimony. I've
22 already said that three times.

23 Q. And then while that's going on all of a sudden I get
24 this phone call from Heather Catallo attacking me and
25 the sergeant. He was then asked about, going on

1 testimony to 285 to 286, so what do you recall of what
2 you were asked regarding Ms. Schipani? I'm going to
3 go down, his answer specific to it by the attorney
4 general investigator.

5 Answer, specific to it but there was
6 nothing with regards, of course, he asked questions
7 about her integrity and stuff like that and I said
8 there's no question about it, she didn't do anything
9 wrong. I was there. I listened to her testify. I
10 didn't see anything that would raise any flags
11 whatsoever. You know, then I talked to -- there
12 was -- I had two troopers, detectives, that came and
13 talked to us, one specific to Lauren doing the
14 criminal investigation on it, and then another one
15 specific to Trooper Busacca.

16 And I said, quote, this is kind of weird,
17 end of quote. I said, quote, does anybody -- has
18 anybody looked at the totality of this thing, end of
19 quote. I said obviously Kolodziej made his own bed.
20 I'm not sticking up for his inappropriateness. They
21 may try to make me look stupid. They obviously tried
22 to make the detective -- to screw him up. They make
23 an allegation, which I know is false, against Special
24 Agent Schipani and now Busacca.

25 I said, quote, if you guys can't see the

1 conspiracy here you guys are nuts, end of quotes. I
2 said, quote, you take Schipani and Busacca out of the
3 mix, screw up their integrity, the DNA evidence, and
4 yes, there's DNA evidence specific to both suspects'
5 semen in the room where the child said she was
6 molested.

7 Were you aware that he in his testimony
8 said the allegations he knew were false that were
9 being made by sheriff's department?

10 MR. CLARK: Object to relevance.

11 A. At least the fifth time, I am not aware of that.

12 Q. Did you know he thinks or his testimony was there's a
13 conspiracy here --

14 MR. CLARK: Object to relevance.

15 BY MS. PUZZUOLI:

16 Q. -- by Oakland County?

17 A. Again, for the sixth time, I'm not aware of that.

18 MS. PUZZUOLI: And I'm going to have his
19 testimony marked as an exhibit here. We'll have that
20 portion and that way we'll have the page numbers, and
21 that's Exhibit H.

22 MARKED FOR IDENTIFICATION:

23 DEPOSITION EXHIBIT H

24 3:31 p.m.

25 BY MS. PUZZUOLI:

1 Q. Were you aware of a letter sent by the Family
2 Assessment Clinic to Dana Nessel on March 18th, 2020
3 regarding the trauma that the victim in this case had
4 suffered and that they were not aware that the charges
5 had been dismissed in talking about the assessment
6 they made?

7 MR. CLARK: Object to form, the victim.

8 A. Who are they?

9 BY MS. PUZZUOLI:

10 Q. FAC, Family Assessment Clinic.

11 MR. CLARK: Foundation.

12 A. Who are they, where are they, who are -- I have no
13 idea what you're talking about.

14 Q. Ann Arbor, Michigan?

15 A. No, I'm not aware of it.

16 Q. In their letter in part they state, based on the
17 extended assessment it is clear that -- I have
18 redacted the name of the young child, is displaying
19 symptoms consistent with sexual abuse and the trauma
20 of abuse. FAC holds the position that the safety,
21 security and well-being of the victim is at risk given
22 her disclosures and evidence in her mental health
23 decompensation.

24 FAC has received no formal indication that
25 the pursuit of charges once considered by the Michigan

1 Attorney General's Office or Michigan State Police
2 were dismissed despite the serious concerns raised at
3 the time FAC was contacted. FAC is asking that you
4 review this matter in order to keep this child safe
5 from potential harm. FAC firmly believes that the
6 victim deserves to have her voice heard.

7 Did anybody contact you from the Attorney
8 General's Office to let you know that this was sent on
9 behalf of the victim?

10 A. I testified earlier I've never seen that document.

11 MS. PUZZUOLI: We'll mark this as --

12 A. Nobody contacted me.

13 MS. PUZZUOLI: We'll mark this as Exhibit
14 I.

15 MARKED FOR IDENTIFICATION:

16 DEPOSITION EXHIBIT I

17 3:34 p.m.

18 BY MS. PUZZUOLI:

19 Q. Based on the exhibits you have now seen here,
20 including Craig's List advertisements, evidence of
21 FAC, Kent County Prosecutor's Office, everything that
22 we discussed earlier, anything we discussed, would you
23 have a problem if the AG's Office opened up the
24 investigation again --

25 MR. CLARK: Form and foundation.

1 BY MS. PUZZUOLI:

2 Q. -- on behalf of this little girl?

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

5 You can answer.

6 A. Well, I recall Dana Nessel said she was done with it
7 and if the Oakland County Prosecutor's Office wanted
8 to look at it, that was up to them, but that she was
9 done, that's what I recall she said.

10 BY MS. PUZZUOLI:

11 Q. And my question is would you have a problem with it
12 after --

13 A. The way I look at it, yeah, that's fine with me, I
14 have no problem with that.

15 Q. And would you have a problem if Oakland County opened
16 up the investigation again based on this information
17 when you look at it under the totality of the
18 circumstances around --

19 MR. CLARK: Form and foundation, it calls
20 for speculation.

21 If you can answer you can answer.

22 A. Our investigation is done and the Prosecutor's Office
23 reviewed it, include CSC, the child experts. I go
24 with them.

25 BY MS. PUZZUOLI:

1 Q. I understand but my question is would you have a
2 problem with them reopening it based on everything we
3 have here?

4 MR. CLARK: Form and foundation.

5 A. Who reopening it?

6 BY MS. PUZZUOLI:

7 Q. Oakland County Prosecutor's Office.

8 A. Well, they're a prosecutor. We're an investigative
9 agency so I don't know the Prosecutor's Office would
10 reopen something that --

11 Q. That's not my question.

12 A. I don't have a problem if anybody takes another look
13 at it, to answer your question. Go ahead, we're an
14 open book, okay? I said that in my story to Heather
15 Catallo.

16 Q. Well, you would admit here today that there was a lot
17 of things you weren't aware of that we discussed when
18 you -- and those are the things that you told me in
19 your testimony wasn't aware of that, never saw that,
20 correct?

21 A. There's lots of things. I was briefed. I was not the
22 go-to person. Major Smith was and SIU was and the
23 Prosecutor's Office was. I'm telling you I know what
24 I was briefed on.

25 MS. PUZZUOLI: And I understand that, I

1 understand that. I have no further questions. Thank
2 you for your time today.

3 MR. CLARK: We're all set.

4 (The deposition was concluded at 3:37 p.m.

5 Signature of the witness was not requested by
6 counsel for the respective parties hereto.)

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1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF OAKLAND)

5

6 I, ALAN STALBURG, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded electronically and
10 transcribed by me; that this is a true, full and
11 correct transcript of my recording so taken; and that
12 I am not related to, nor of counsel to, either party
13 nor interested in the event of this cause.

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22 ALAN STALBURG, CER-9106

23 Notary Public,

24 Oakland County, Michigan

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My Commission expires: October 6, 2022